
Legal Consciousness of Undocumented Latinos: Fear and Stigma as Barriers to Claims-Making for First- and 1.5-Generation Immigrants

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This article examines the legal consciousness and incorporation experiences of undocumented immigrants in the United States. Although this population may be disaggregated along several axes, one central distinction among them is their age at migration. Those who migrated as adults live out their daily lives in different social contexts than those who migrated as children. Therefore, although all undocumented immigrants are legally banned, their identities, sense of belonging, and interpretation of their status vary. Based on ethnographic observations and in-depth interviews of Latino undocumented immigrants from 2001 to 2010, I examine how illegality is experienced differently by social position. The findings suggest that the role of life-stage at migration and work-versus-school contexts importantly inform immigrants' legal consciousness. Fear predominates in the legal consciousness of first-generation undocumented immigrants, while the legal consciousness of the 1.5 generation is more heavily infused with stigma. Fear and stigma are both barriers to claims-making, but they may affect undocumented immigrants' potential for collective mobilization in different ways.

At a recent press conference in support of the DREAM Act,¹ undocumented college students openly shared details about their lives as they eagerly waited for the event to begin. Off to the side, an older woman carried a stack of banners and smiled shyly every

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¹ The Development, Relief, and Education for Alien Minors (DREAM) Act (S. 2075, H.R. 5131) is a bipartisan piece of legislation that would provide undocumented students who have grown up in the United States with a pathway to legal permanent residency. At the time of this writing, the DREAM Act was pending in the U.S. Congress.

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time our eyes met. I walked over to introduce myself, and after some chitchat she cautiously shared her story. Adela² is the mother of one of the students who helped organize the press conference. This was the first time she had participated in such a public act, and she was nervous about being so visible. She and her family arrived in the United States from Mexico more than 14 years ago, but she has only recently started to participate in a local immigrant rights organization. After much prodding from her children, she joined them in their volunteer efforts. She hopes that under President Barack Obama's administration she and her family may finally have a pathway to lawful permanent residence. Adela was the only parent in the group of about 30 people. She had invited several other women to the press conference who attended meetings at the organization, but all had declined because they were too afraid of becoming targets for deportation. Meanwhile, the students proudly held up banners that made claims and tied their struggle to mainstream ideals: "Our Dreams Can't Wait" and "My Dream, The American Dream."

The visible contrast between Adela's behavior and that of the students was striking. Adela, whose demographics more closely match those of the imagined undocumented immigrant, is clearly afraid to step out of the shadows. Her children and their peers, on the other hand, seem unafraid to speak out in favor of policies that will help them and their families move out of the margins. This event, like so many other collective mobilization activities in support of undocumented immigrants, illustrates the difference in perspective, legal consciousness, and claims-making behaviors between undocumented immigrant youth and adults. Undocumented youth, many of whom are growing up and coming of age in the United States, are actively demanding full inclusion into U.S. society (Abrego 2008:560; Bloemraad & Trost 2008; Seif 2004). Undocumented adults, on the other hand, have mostly remained in the shadows. In fact, journalistic coverage (Bazar 2009) and a prominent Internet presence of various undocumented youth groups around the country suggest the greater visibility and political claims-making of youth compared to their adult counterparts. Politically, their participation in collective claims-making is important because it may lead to greater inclusion through legalization.³ However, their stratified participation suggests a diversity of experiences in what is often presumed to be a monolithic undocumented immigrant community.

Drawing on the narratives of undocumented Latino immigrants who arrived in the United States as adults (first generation)

² The names of individual respondents, locations, and organizations have been disguised to preserve anonymity.

³ Protests and social movements have the potential to influence policy changes (Meyer & Reyes 2010).

and those who came as children (1.5 generation) (Rumbaut 2004), this article argues that the process of integration into U.S. society for different subgroups of undocumented immigrants is anything but monolithic. It examines how age at migration and socialization via different social institutions in the United States—particularly work and school (Gleeson & Gonzales n.d.)—variably affect immigrants' understanding of their legal statuses. Even though they are all legally banned from residing in the country, asymmetrical claims-making behaviors reveal an interplay between legal status, labor, and education laws, as well as experiences with migration and social institutions that differentially affect their sense of belonging and incorporation experiences.

Immigrant Incorporation Theories and the Role of Legal Status

Legal status, and undocumented status more specifically, have yet to be fully examined as central determinants of immigrants' life chances in the United States. Contemporary theories of immigrant incorporation, more explicitly than past theories, do try to account for the role of context of reception in contextualizing and shaping immigrants' lives in the host country (Portes & Rumbaut 2001; Portes & Zhou 1993; Reitz 1998). In particular, segmented assimilation—one of the most influential frameworks for the study of immigrant incorporation—identifies context of reception as one of a few key factors determining the various pathways through which immigrants and their children can incorporate into U.S. society (Portes & Rumbaut 2001; Portes & Zhou 1993). In this conceptualization, governmental policies are secondary to coethnic communities (considered the most important mode of incorporation) and societal reception (through the presence or absence of prejudice) in influencing immigrants' educational and occupational attainment (Portes & Zhou 1993:84, 86). Arguably, the framework underemphasizes the significance of legal status (Abrego 2006) in favor of examinations of the role of human, economic, and social capital, and it therefore misses the diversity of experiences among different subgroups of undocumented immigrants.⁴

Diverse experiences of illegality are similarly underemphasized in other contemporary studies of immigrant integration that rely on data sets with only few undocumented immigrant participants (see, for example, Alba & Nee 2003; Kasinitz et al. 2008). Unable to

⁴ To be fair, the Children of Immigrants Longitudinal Study (CILS)—the survey used to support and develop much of the work on segmented assimilation—did not measure immigration status (see Portes & Rumbaut 2001 for information on the first findings of the survey).

compare across statuses, these studies overlook the complex rewards and penalties for immigrants in the United States based, precisely, on legal status (Massey & Bartley 2005). When legal status is analyzed more centrally, its role in determining access to health care (Holmes 2007; Menjívar 2002), housing (McConnell & Marcelli 2007; Painter et al. 2001), higher education (Abrego & Gonzales 2010; Abrego 2006; 2008), and employment (Fortuny et al. 2007; Uriarte et al. 2003; Valenzuela Jr. 2002; Walter et al. 2004) becomes evident. In general, undocumented immigrants are more vulnerable; they earn less, work in more dangerous jobs, and have little access to financial and housing aid. Presumably, like all immigrants, undocumented immigrants' wages and living conditions should improve when they have resided in the United States for 10 or more years (Myers 2007).

Existing studies tend to consider the situation of undocumented immigrants or the role of legal status *in general* and therefore implicitly contribute to a notion that there is a monolithic undocumented immigrant experience. For example, although factors such as gender, national origin, race, order of migration, age at arrival, educational attainment, and daily social contexts have been shown to be important in shaping integration experiences of most immigrants (Chiswick & DebBurman 2004; Feliciano 2006; Hondagneu-Sotelo 2003; Rumbaut 2004; Schaafsma & Sweetman 2001), this kind of diversity has been underexplored among undocumented immigrants. This article begins to tease out some of this diversity by examining how illegality intersects with and is experienced differently across social positions. To this end, I extend the analysis of immigrant incorporation beyond educational and occupational outcomes to include immigrants' claims-making behavior. The extent to which groups make claims for inclusion in various sectors of society reveals not only their sense of belonging, but also what spaces and information are accessible to them (Polletta 2000). In the case of immigrants, aside from how much schooling and what kinds of jobs they are able to attain, their ability or inability to voice their concerns and demand rights speaks directly to their political incorporation, even when their activities are outside of the realm of traditional electoral politics (Bloemraad 2006; Jones-Correa 1998a). Arguably, such claims-making is a central aspect of immigrant incorporation.

Claims-Making, Legal Consciousness, and Undocumented Immigrants

Claims-making requires an awareness of existing or possible rights (Minow 1987; Polletta 2000). Informed by their legal

consciousness—commonsense understandings of the law (Merry 1990)—people develop stratified levels of rights awareness, pursue various conflict-resolution strategies (Emerson 2008; Hoffmann 2003), and generally interpret their lives in different ways. In their important study on the ways people understand and apply the law in everyday life, Ewick and Silbey (1998) identify predominant types of legal consciousness, each associated with a set of actions. Among these, the authors find that individuals who are “with the law” find it to be accessible, utilize it as a resource, and perceive it as a game (1998:48). These individuals are aware of their rights and are likely to make claims for redress or inclusion. On the other hand, those who are “against the law” are trapped by its pervasive authority and are not likely to make claims (1998:48–9). Based on this framework, the authors predict that members of disenfranchised groups will generally be against the law—distrusting and suspicious of the law and its capricious implementation. Although these categories are loosely correlated with social status, orientations toward law are shifting and contingent (1998:235). Because legal consciousness is socially constructed and leaves room for shifting interpretations and applications of law, Ewick and Silbey’s prediction accurately explains the experiences of some marginalized groups (Bumiller 1988; Nielsen 2000) but captures less of the complexity of others (Abrego 2008; Hernandez 2010).

Undocumented immigrants are all banned from residing in the United States. As such, they constitute a vulnerable group, and their legal consciousness should presumably place them unvaryingly “against the law” within national boundaries. This is in line with Calavita’s insightful assertion (1998:560) that “despite the rhetoric of control and integration, immigration laws and policies have one conspicuous effect: Instead of controlling immigration, they control the immigrant.” She argues that the exclusivist nature of many immigration policies often leads to intense fear of deportation and a life of permanent anxiety for undocumented immigrants. Her findings suggest that undocumented immigrants’ legal consciousness is uniformly “against the law.” Along these lines, in a recent national survey (Pew Hispanic Center 2007), just over half of Latino adults in the United States expressed worry that one of their close friends or relatives could be deported. Indeed, this sizeable undocumented Latino population is vulnerable and increasingly targeted for detention and deportation (Human Rights Watch 2007; Lovato 2008).

Given their precarious legal situation, undocumented and otherwise liminally legal (Menjívar 2006b) Latino immigrants must look toward the law to understand their place in U.S. society—what rights and services are available to them and what is off limits. However, there is reason to believe that not all immigrants with ten-

uous legal status fare equally. For example, while many undocumented adult immigrants are silenced about their work and living conditions (Camayd-Freixas 2008; Holmes 2007; Walter et al. 2004), some undocumented college students organize around and access educational opportunities (Abrego 2008; Seif 2004). These types of highly visible collective actions to demand full and legal inclusion in the United States suggest that members of the 1.5 undocumented immigrant generation are informed by a legal consciousness that is driven by less fear than that of their adult counterparts in the first generation. In the next section, I review some of the policies and public discourses that contextualize the incorporation experiences of these subgroups of undocumented immigrants.

The Social Construction of First and 1.5 Generation Undocumented Immigrants

Federal, state, and local laws along with media representations powerfully produce the category of undocumented immigrants. Like all laws, immigration laws are socially constructed, and the people deemed “illegal” are only produced as such through immigration laws (De Genova 2005; Ngai 2007). Immigration laws restrict the movement of some individuals but allow the admission of others, thereby making and unmaking documented, undocumented (Calavita 1998; Ngai 2004), and quasi-documented immigrants (Menjívar 2006b). These practices establish a social hierarchy based on legal status (Menjívar & Abrego n.d.) and legal categories that grant immigrants access to goods, benefits, and rights in society (Massey & Bartley 2005). In the current historical moment, the estimated 11.9 million undocumented immigrants who reside in the United States (Passel & Cohn 2008) are heavily criminalized (Stumpf 2006). Mostly punitive immigration policies at the federal, state, and local levels fundamentally and commandingly shape immigrants’ lived experiences, creating systematic patterns of disadvantage (Menjívar & Abrego n.d.). However, not all undocumented immigrants are equally criminalized.

Although historically undocumented immigrants consisted mainly of adult males, changes in immigration laws and an increase in neoliberal policies drive larger numbers of Latino immigrants and their families to settle in the United States (Hondagneu-Sotelo 1994; Massey et al. 2002). The steep militarization of the southern border and a lack of available pathways to lawful permanent residency force immigrants to leave loved ones behind for extended periods of time (Abrego 2009; Menjívar & Abrego 2009) or settle in the United States to raise their families (Hondagneu-Sotelo 1994). Therefore, although media representations continue to focus largely on adult

workers (Chavez 2001, 2008), undocumented immigrants include members of families with various social locations. In fact, undocumented youth under the age of 18 make up 16 percent of undocumented immigrants in the United States (Fortuny et al. 2007:10), and it is likely that their experiences of incorporation vary greatly from those of their first-generation counterparts.

Presumably, all undocumented immigrants' lives are contextualized by immigration laws and ordinances, but deportation rates and media coverage suggest stratified application of the law. For example, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), one of the harshest federal immigration laws in U.S. history (Stumpf 2006), set the stage for the deportation of more than 650,000 immigrants—most of whom were adults.⁵ Among other things, it expanded the range of crimes that make noncitizens deportable, increased border control efforts, and made it more difficult for undocumented immigrants to obtain legal permanent residence. One of the most damaging mechanisms created through IIRIRA is the 287(g) program, which allows local police to enter into an agreement with Immigration and Customs Enforcement (ICE) to target and detain “criminal illegal aliens.” Prominently broadcast in the media, ICE raids have become more frequent and visible, garnering much public attention. Although the public emphasis has been on the deportation of “criminal aliens,” 287(g) has had its largest impact on law-abiding immigrants, such as day laborers, street vendors, and drivers with broken tail-lights (Armenta 2009; Shahani & Greene 2009). In this process, ICE agents have targeted first-generation undocumented immigrant workers while undocumented youth have been largely spared from detention or deportation (Preston 2009).

Despite sharing the legal context created by immigration laws with undocumented adults, undocumented youth have important legal protections not available to their first-generation counterparts (Abrego & Gonzales 2010). Specifically, undocumented youth's lives are also broadly contextualized by education laws. Since 1982, a Supreme Court ruling, *Plyler v. Doe*, has barred public schools from excluding undocumented children, thereby granting them legal access to public education through high school. Their status as students protects members of the undocumented 1.5 generation in various ways. Importantly, it provides them with safe spaces in educational institutions that are not likely to be targets for ICE raids. Moreover, because they occupy a socially acceptable status as students, when they have been apprehended (usually away from educational settings) they have received an outpouring of support

⁵ See Department of Homeland Security 2009: Table 38, “Aliens Removed by Criminal Status and Region and Country of Nationality: Fiscal Years 2000 to 2009.”

from allies nationwide (Preston 2009). Prompted by online organizations, supporters have signed petitions, e-mailed letters, and made phone calls en masse to urge lawmakers to stop the deportation of these youth (Preston 2009). Often, deportations have been at least temporarily halted. Most recently, State Senators Dick Durbin and Richard Lugar, supporters of the DREAM Act, have written to the Obama administration requesting a general halt on the deportation of potential beneficiaries of the DREAM Act.⁶ Such public support is rare for undocumented workers.

Media portrayals also vary considerably between 1.5- and first-generation undocumented immigrants. In stark contrast to coverage of undocumented immigrant workers, media coverage of these students' experiences has been relatively positive, highlighting their achievements and contributions (see, for example, Jordan 2008; Preston 2009; Sacchetti 2001; Sanchez 2001). On the other hand, mainstream mass media has mostly reproduced and maintained unambiguously negative portrayals of undocumented adults (Chavez 2008). News media outlets and public officials' discourse on immigration gratuitously highlight the legal status of immigrant workers with negative connotations (see Chavez 2001, 2008; Kil 2006; Menjívar & Kil 2002). Rarely revealing the human side of these stories, the media repeatedly covers immigration raids at work sites in a manner that portrays immigrants as criminals. Right-wing talk show hosts and anti-immigrant groups pejoratively refer to undocumented immigrants as "illegal aliens." Cumulatively, the images and discourse create a social imaginary of undocumented immigrants as a homogeneous group of workers without families or established ties to U.S. communities, arguably making it easier to criminalize and dehumanize them.

It is notably more difficult for the mainstream media to negatively portray undocumented students. Because many arrived in the United States as young children, they are not easy to discern from their documented peers. Undocumented youth are legitimated in educational settings and are able to learn the language, absorb the customs, and make the culture their own in ways that are not available to those who migrate as adults (Abrego 2006; Fernández-Kelly & Curran 2001). For example, whereas working-class adults may signal to others through their clothing and language practices that they are outsiders, undocumented students dress and speak English in ways that typically make them indistinguishable from their U.S.-born peers (Chavez 1998; Olivas

⁶ For a copy of the senators' April 21, 2010, letter to then-Attorney General Janet Napolitano, see http://amvoice.3cdn.net/73f55f1afefcefadf6_1zm6bx6rb.pdf (accessed 25 April 2010).

1995).⁷ Thus, unlike undocumented first-generation immigrants, undocumented youth can manipulate social assumptions to avoid questions about their legal status (Abrego 2006; Gonzales 2008). When they do share information about their unauthorized status, reporters are often willing to also share information that humanizes these youth.

Ultimately, most undocumented immigrants targeted for detention and deportation are adults. ICE raids take place most visibly at work sites, and anti-immigrant rhetoric is infused with references to unwanted workers. Being so visible and vulnerable, undocumented adults are likely to stand against the law and in fear of legal repercussions. But their experiences are categorically different from those of undocumented youth, for whom protective education policies and safe institutional spaces protect them in various ways. Furthermore, the educational system is central to the development of identity and understanding of social norms (Lopez 2003)—forces that, along with the law, powerfully determine legal consciousness (Abrego 2008). Under current law, however, many immigrants who are undocumented have no pathway to regularize their status, regardless of their age.⁸ These different contexts and life experiences are likely to inform the legal consciousness of subgroups of undocumented immigrants in very different ways, thereby shaping how they make claims and incorporate into U.S. society.

Methods

The data on which this article is based come from two studies. From 2001 to 2006, I carried out a longitudinal study that focused on access to higher education for Guatemalan, Mexican, and Salvadoran undocumented high school and college students in Los Angeles.⁹ I located 27 respondents for this study through participant-observation at community-based organizations and various schools and colleges. I initially interviewed 12 undocumented youth. I went on to interview eight of them two more times over the five-year period. The first round of interviews took place in

⁷ Because undocumented youth share the same neighborhoods and schools, their socialization processes are almost identical to those of other children of immigrants. The most significant difference between the two groups is that legal protections for undocumented youth end when they leave school (Abrego 2006; Abrego & Gonzales 2010).

⁸ Family reunification and employment-based categories are the only pathways to legalization. Undocumented immigrants must have an employer or a close relative who is documented, and preferably a U.S. citizen, to petition for them. Moreover, immigrants can file for legalization through these avenues and still have to wait for many years, sometimes more than a decade, before the bureaucratic system grants them legal permanent residence.

⁹ Together, immigrants from these three national-origin groups account for roughly 80 percent of the undocumented population (Passel 2005).

2001, the second round in 2002–2003, and the third round in 2005–2006. For the purposes of corroborating some of my observations with the smaller original sample, in the third round I also conducted interviews with 15 more undocumented students who were enrolled at various colleges and universities throughout California. Although many of the students were high-achieving, some of them were performing poorly in school and were unlikely to graduate from high school. With the exception of one student who came to the United States when she was 14, most of the youth migrated between their infancy and age eight. Their ages at the time of the interviews ranged from 17 to 24. All interviews with members of the 1.5 generation were conducted in English. I tape-recorded and transcribed the interviews.

Between June 2004 and September 2006, as part of a larger study, I also conducted 28 in-depth interviews with Salvadoran immigrants who were undocumented or recently formerly undocumented. At the time of the interview, five had only recently been granted legal permanent residency, 14 were undocumented, and 9 had only Temporary Protected Status (TPS).¹⁰ Their average age at migration was 29. They were between ages 25–55 at the time of the interview. I located these respondents by approaching them individually at businesses, day labor sites, and public parks, or by making presentations in churches, union halls, and community-based organizations. I conducted all interviews with members of the first generation in Spanish.¹¹ I tape-recorded most interviews and had them professionally transcribed.¹²

The interview data are heavily supplemented with participant-observation conducted on a weekly or biweekly basis over the course of several years at community organizations, meetings, and events. From 2006 to 2010, I continued to participate in and observe mobilization efforts of undocumented immigrants. In this process, I have gained access to strikingly similar stories of many more students and adult immigrants in various locations throughout Los Angeles.

The data collection and analytical process for this article were different for each set of interviews. The study of 1.5-generation students was designed to explore the effects of immigration and education laws on their educational trajectories. I asked participants direct questions about their legal status and the role it played in their daily activities. In turn, the analytical process presumed the

¹⁰ TPS grants beneficiaries the legal right to remain in the United States and to work during a designated period (typically 18 months), but it does not lead to permanent resident status.

¹¹ Excerpts included in the article are my translations from the originals in Spanish.

¹² For information about my own positionality relative to the first-generation immigrant participants in the study, see Abrego (2009).

significance of legal status and sought out the specific ways in which it mattered. On the other hand, my interviews with first-generation immigrants were part of a larger project on transnational families' well-being. In this set of interviews, I did not ask participants to reveal their legal status. It turned out, however, that legal status was so central in determining transnational families' well-being that even without my prodding, they divulged their status and its implications in their lives. For example, my question about how they made the decision to migrate and leave children behind usually prompted responses that included details about the dangers of unauthorized travel across borders. And when I asked about their work experiences in the United States, first generation immigrants also often shared the challenges associated with undocumented legal status for obtaining stable jobs and avoiding exploitation. The larger project from which I drew these interviews also included interviews with documented migrants. Comparisons across immigrants' legal status served to further highlight the uniqueness and prevalence of legal status in shaping undocumented immigrants' lives. In this sense, the analysis for this set of interviews was much more inductive, as the narratives led me to the relevance of legal status.

Although the data are based on two different studies, they are comparable. Perhaps this is most clear in the cases in which I asked the same questions of both sets of participants. For example, I asked both youth and adults why they or their family migrated. In other cases, the data are comparable because I asked parallel questions of respondents. For example, I asked adult immigrants to tell me about their work experiences in the United States and asked youth to tell me about their school experiences in the United States. Finally, even in cases where I did not ask the same or parallel questions of participants in the two studies, the prevalence of common narratives among both sets of interviewees speaks powerfully to the role of legal status in their lives. For example, although I only asked the 1.5-generation participants directly about their legal status, the fact that the topic was so prevalent in the narratives of the first-generation participants serves to accentuate the centrality of legal status in their lives.

Differences Between First- and 1.5-Generation Undocumented Immigrants

The findings shed light on the diversity of experiences among undocumented immigrants by underscoring that although both subgroups are undocumented, they develop different types of legal consciousness as a result of migrating at different life-stages and interacting with different social institutions in the United States.

Therefore, members of the undocumented first generation internalize the law most prominently as fear while members of the undocumented 1.5 generation internalize the law most notably as a source of stigma. Although both forms of legal consciousness are likely to limit their claims-making, the fact that they participate in collective political action in different ways suggests a heightened significance of legal consciousness in immigrants' integration processes.

Life-Stage at Arrival: Decision to Migrate

Not surprisingly, individuals' life-stage at arrival centrally informed the legal consciousness of undocumented immigrants. Memories of the migration decision making process were prominent in the narratives of undocumented first-generation immigrants but mostly absent in the narratives of 1.5-generation undocumented immigrants. In response to questions about why they had migrated to the United States, most first-generation undocumented immigrants provided concrete responses. Several went on to describe the economic situation they lived in, how much they earned, how many other people shared their household, how many responsibilities they could not fulfill, how they tried to get other jobs, and who helped them. Members of the 1.5 generation, on the other hand, only had vague notions about why they and their families migrated. Most cited "economic" reasons but rarely recalled specific details about their own and their family's situation prior to migration.

In turn, people who migrated as adults took greater ownership over their decision to migrate. Although many expressed that they felt they had no other option—suggesting that they were not entirely in control—they could vividly recall what led them to migrate and the moments when they actively opted (often hesitantly) to leave their homes. Members of the 1.5 generation, on the other hand, shared very different narratives about migration decision making. Except for one young Mexican woman who migrated in search of her mother (and without her mother's consent) at age 14, none of the other youth took responsibility for their migration. They cited their young ages as evidence that they could not have been in a position to decide to migrate.

It matters whether immigrants feel that they actively participated in making the decision to migrate because this informs their sense of responsibility and willingness to deal with the effects of immigration law in their lives. For example, Marta, who was 32 years old at the time of the interview, recalled her migration from El Salvador at age 21. In response to a question about whether she was afraid of the journey by land, she responded:

Well, yes, because they tell you, you hear how difficult it is to cross [borders and territories] and how dangerous the trip is. But

you're filled with desperation when there is nothing more to do, and you don't know where the next meal is going to come from, so then you're forced to hit the road. You know what awaits you, but there's no other way.

As an undocumented immigrant, Marta's work and living experiences in the United States have been difficult. Not only have various employers exploited her, but she also continues to earn minimal wages despite working six days per week. When I asked her how this made her feel, her response was simply:

Well, one knows, right? You know why you come, which is to work. Everything else, you know that maybe they will look at you as being inferior because you don't have papers, but you just have to keep working. The problem is if they catch [detain/deport] you. But everything else doesn't matter.

In effect, those who arrived as adults considered that they did so mostly according to their own will, so they were more likely to take some responsibility for the legal consequences of exclusion and humiliation based on their undocumented status. Marta, however, also minimized the effect of social exclusion when she suggested that it is not as important or consequential as detention or deportation.

Several youth, on the other hand, expressed that because they had not participated in the decision making process, they should not be considered responsible for their unauthorized status. Evelyn, a Mexican immigrant whose narrative was similar to those of other 1.5-generation undocumented youth in the study, described her frustration with being undocumented and socially excluded:

I hate it because on a daily basis I'm reminded that I'm sort of cheating the system and I don't want it to be that way. I don't think I am. I was little, I've lived all my life here, I didn't choose to come here . . . Every time I go to [community college] I think about it. . . . Because I didn't have the chance to go [to college] where I wanted to go and have financial aid. . . . And that's when I realize that because I'm not welcomed here I don't have those privileges. I think about it almost all the time.

Like many other undocumented 1.5-generation immigrants, Evelyn felt that she does not deserve the exclusion and humiliation associated with her legal status. Not having made the decision to migrate, she considered her current situation unfair. In her case, consequences included not having access to financial aid for college and instead having to attend the more affordable but less academically challenging community college. Unlike first-generation undocumented immigrants whose narratives focused on deportation, her frustration was most evident when she described the sense of feeling unwelcome in the society where she has lived most

of her life. Legal consciousness for undocumented youth, then, seems to be shaped less by a concrete fear of deportation and more by a sense of stigma from recognizing that there are rights and privileges that are unavailable to them due to their status.

Life-Stage at Arrival: Memories of the Migration Journey

Deportation is a concrete fear for all first-generation undocumented immigrants in this study. Those who traveled by land to cross the border into the United States vividly recall the journey and do not wish to relive it in another attempt to get back into the United States. The dangers associated with this journey are arguably a form of legal violence (Menjívar & Abrego n.d.). That is, these dangers are created largely as a result of U.S. immigration policies that have militarized the border and increased the risks from getting into the United States without authorization. Immigrants begin to understand their social marginalization in the United States through the experience of crossing territories and borders without authorization. In this process, immigration law powerfully begins to form their legal consciousness.

Although not all undocumented immigrants in the study crossed the border by land, those who did vividly recall their horrendous experiences, even years after crossing. Unprompted to describe their journey, they usually took advantage of the interview setting to share some of what they had survived. Mauricio, a Salvadoran man who was deported from Mexico twice before making it to the United States on his third attempt, still gets emotional when recalling his journeys. Three years after entering the United States, he was still visibly upset and his voice faltered as he recounted some of the torturous experiences he endured and witnessed:

There were 87 of us and they packed us up into a trailer truck for 16 hours. And for all of us to fit, we had to be so close to each other, and I couldn't take it anymore, I needed to move. . . . And then we started to walk across the desert. All you desire is water and food. We used our shirts to drain some muddy rain water that remained in a plastic bag that was stuck to a tree. That's how thirsty we were! . . . And at one point, we all had to run in different directions, and once the [border patrolmen] were gone, we went back to look for the Guatemalan man who was with us. He was already really tired and we didn't find him. The smuggler wanted to keep going, and who knows what happened to that poor man because we still had to walk many hours and it was so cold that night. I don't know if he survived. He probably didn't.

Similarly, Lydia, a Salvadoran woman, walked so much that she bled between her legs. When six masked men robbed her at gunpoint and forced her onto the floor, it was only the sight of

blood that disturbed the men enough to stop them from raping her. Tales like these are not uncommon among migrants crossing international borders to arrive in the United States (see, for example, Behrens 2009; Coutin 2007; Menjívar 2000). These types of experiences forcefully communicate to these migrants that they are unwelcome in the United States. Understandably, their legal consciousness is strongly shaped by their memories of the journey and a concrete fear of ever having to live through that dreadful experience again should they be deported.

Immigrants who arrived as children, on the other hand, remembered little to nothing about their migration journeys. Miguel, who migrated from Guatemala at age 7, recalled:

I do remember that we had to hide in like the grass, this area that was like a big field and they would tell me to stay quiet. And I kind of like remember a house that a lot of us stayed in. But that's all I remember from that. Oh, and I remember falling asleep, and then I woke up at a McDonald's where my dad was waiting for us.

Similarly, 19-year-old Evelyn recalled:

I was 3 years old, and about to be 4. Then I remember, well, I hardly remember, we were passing through the *frontera* [border]. . . . And then we made it through. I didn't know what I was doing. Yeah, when you're small, you don't know what you're doing. You know, I guess, I've been here all my life.

Unable to recall much of the experience, undocumented 1.5-generation immigrants not only claim no responsibility in choosing to come to the United States without authorization, but they also do not comprehend the dangers of unauthorized travel as concretely as their adult counterparts. Consequently, it is less common for undocumented 1.5-generation immigrants to develop a legal consciousness that is rooted in fear.

Central Social Institutions: Work Versus School

Once they arrive and begin to settle in the United States, undocumented immigrants at different life-stages interact with different social institutions on a daily basis. Adults, most of whom migrated in search of better wages, join the labor force, and their main contact in the United States is therefore with the social institution of work (Gleeson & Gonzales n.d.). To access work, most have to use false documents or other measures to hide their unauthorized status. This means that their legal status contextualizes their daily experiences in very concrete ways. Members of the undocumented 1.5 generation, on the other hand, are often young enough to enter public schools in grades K–12. Because *Plyler v. Doe* (1982) grants them legal access to public schools during those

years, effectively protecting them legally and legitimating their presence in the most important social institution during this life-stage, their legal status does not explicitly contextualize their daily experiences during their tenure as students.

First-generation undocumented immigrants in the study expressed that they are constantly aware of their unlawful and unwelcome presence at work. Indeed, laws powerfully shape immigrants' work experiences. It is widely known that immigrants earn low wages in back-breaking jobs with no benefits (Milkman et al. 2010). To make matters worse, the current surge in ICE raids increases scrutiny and suspicion of undocumented workers by criminalizing them and facilitating additional forms of exploitation and dehumanization in the work place. Reminders of their status are frequent. For example, Mauricio explained:

You see that without papers it is very difficult to be hired just anywhere. My brother-in-law found me a job . . . where the trailer trucks come and you pack them and unpack them. That is hard work because they don't care if one is tired, if one needs to rest, or if [the weather is] too hot or too cold. And so, since they didn't even let us rest, I messed up my back and when I told them, they pretended not to hear me, they didn't do anything. I kept complaining and in the end they told me that if I couldn't do the work anymore, I should look for another job because they needed someone who could stay on schedule. And after that I still had to fight with them to get my last paycheck because they were saying that I worked too slowly. Up until now I still can't carry anything too heavy, so I haven't been able to find a steady job.

Because of his undocumented status, Mauricio was afraid to apply for worker's compensation or to denounce the employer who fired him when he complained of back pain. Stories like these are not uncommon among my study participants and among undocumented workers more generally (Holmes 2007; Milkman et al. 2010; Walter et al. 2004). Undocumented immigrants are limited with respect to the kinds of jobs and working conditions they can access. Their unauthorized status makes them vulnerable to unscrupulous employers who pay them low wages and withhold health benefits and other basic legally mandated provisions, such as bathroom breaks, safety training, and protective gear, when necessary for the job (Milkman et al. 2010). Workers in this study mentioned injuries, wage theft, and humiliation as part of their daily work environment, but, fearful of interacting with officials who may inquire about their legal status and possibly report them to ICE agents, few reported the abuse they suffered. Lacking legal recourse, many undocumented immigrants fall prey to similarly dishonest employers and are therefore targeted for rampant labor exploitations (Walter et al. 2004).

Media coverage of highly visible ICE raids at work sites throughout the United States make members of the undocumented first generation even more wary at work. As Maricela, a Salvadoran immigrant in Los Angeles, summed it up:

You watch the news and you learn. Nobody is safe. They take people from work. . . . For these people [officials], it doesn't matter that we've lived here for 15 years, that we've been raising children who are good people, that we are buying houses. All they see is that we are "illegal." That's the only thing they see. Since we're "illegal," they don't care if our children are well. They will deport you and then what happens to the children?

In the current legal context, the legal consciousness of undocumented first-generation immigrants is heavily infused with fear. Not only are they aware of the horrendous journey they would have to make in order to re-enter the country after a deportation, but they also live in a historical moment in which mass media and vocal anti-immigrant groups make it resoundingly clear that they are unwelcome by reducing them to a label that conjures up images of dangerous criminals. Their tenuous legal status, rather than being recognized as a policy-created category, brands them as outlaws and nullifies their contributions to society. In effect, their well-being and stability are perennially threatened because, as they are constantly reminded, there may be an ICE raid at their place of employment at any time. Given the centrality of the social institution of work in their lives and their willingness to take responsibility for their undocumented status, the legal consciousness of these first-generation immigrants is largely rooted in the fear of detention and deportation.

Members of the undocumented 1.5 generation, on the other hand, do not face the daily threat of raids at school—the central social institution in their lives. On the contrary, several students I interviewed only learned of their unauthorized status in high school when they had to fill out applications for internships, summer jobs, or college admission. Unable to provide a Social Security number for the applications, their parents were forced to explain the situation to them for the first time. Prior to that, most undocumented youth in this study had not had to think about the role of legal status in their lives. As Alex, a Salvadoran junior in high school, described it, "I used to leave my house to go to school every day and I didn't know anything. I didn't know I was undocumented . . . I just went to class, hung out with my friends, you know, whatever normal things." In his worldview, as in the worldview of many other undocumented youth, undocumented status is not part of what is considered "normal" at this stage in their lives. As a result, stigma and embarrassment predominate in their legal consciousness.

Schools are mostly, but not entirely, safe spaces for undocumented youth. Once they learn that they are undocumented, many develop an acute awareness of the negative connotations associated with their illegality. Astrid, an undocumented Salvadoran high school student, recalled feeling uncomfortable at school when the classroom topic turned to immigration: “I hate how they call us ‘illegal aliens.’ I feel like telling them that I don’t have antennae, I’m not a weirdo like they think.” Concerned with the potential repercussions, however, she never shared these feelings with her peers. Similarly, Brenda, an undocumented Guatemalan high school student, said, “They call us ‘illegals’ and they think we’re committing crimes all the time and we’re not.” The undocumented label weighs heavily on these youth who, like any other U.S. teenager, often want nothing more than to fit in.

By the time they learned that they were undocumented, many members of the 1.5 generation whom I interviewed had been mostly socialized in the United States, where, having had legal access to schools, they were able to develop a much stronger sense of belonging than their first-generation counterparts. Isabel, whose family migrated from Mexico when she was only one month old, described her sense of belonging: “I guess I always felt confident that I belonged here, but they always just have that advantage where they can use that ‘undocumented’ word to address me and that would be my scar.” Like other 1.5-generation undocumented youth, Isabel had a strong sense of belonging in the United States that came from being a legitimized member of such an important social institution as school. Like her, 1.5-generation undocumented immigrants do not take responsibility for migrating to the United States, remember little about the migration journey, and have not had to take responsibility for their status. Unlike their first-generation counterparts, they do not feel constantly threatened. Rather, having been socialized in U.S. schools, their legal consciousness is often rooted in stigma associated with the “abnormality” of their legal status, one that Isabel likened to a shameful “scar.”

Internalizing the Law through Legal Consciousness: Fear and Stigma as Barriers to Claims-Making

When fear and stigma centrally inform the legal consciousness of undocumented immigrants, both sentiments can stand as barriers to claims-making. However, it is likely that each force differently informs how undocumented immigrants participate in society and practice or avoid making claims. For undocumented first-generation immigrants whose daily lives are filled with stories about workplace raids and family separations, their fear of deportation can powerfully restrict them from making claims at work or anywhere they feel

threatened. Undocumented 1.5-generation youth, however, develop a legal consciousness based in stigma that is certainly a setback but can be overcome to make way for greater claims-making.

First-Generation Undocumented Immigrants Limited by Fear

With constant reminders of their criminalized presence, it is understandable that undocumented immigrants begin to internalize the effects of their immigration status. The internalization of the law is particularly evident in the words of a Guatemalan detainee in a 2008 Postville, Iowa raid (Preston 2008). Even though the employers had recruited workers and provided them with false documents, it was the workers who were punished through abrupt separations from their families and community, even after residing in the United States for a decade or longer in some cases. Although a U.S. citizen observing the raid later said that the workers were treated inhumanely, the undocumented first-generation immigrants did little to defend themselves against the charges. Instead, according to the interpreter, they believed that they had no rights. The interpreter described, “No matter how many times his attorney explained it, he kept saying, ‘I’m illegal, I have no rights. I’m nobody in this country. Just do whatever you want with me’” (Preston 2008: n.p.). In this man’s legal consciousness, he had internalized the most egregious effects of the law by accepting and confirming his own dehumanization (Menjívar & Abrego n.d.). Identifying himself entirely by his “illegal” status, he willingly and uncritically conformed to the false notion that legally he had “no rights.”

First-generation undocumented immigrants in this study similarly expressed their legal consciousness. At community meetings, for example, individuals shared stories of common crime and violence that went untold in their neighborhoods because people were worried about the police questioning their legal status. Several people at these meetings made comments to the effect of, “Oh well, there’s nothing we can do,” while those around them merely shrugged their shoulders, nodding in defeat and agreement. And although parents typically consider schools to be safe spaces (Rogers et al. 2008), after ICE raids in the community, fearful parents may not take their children, including U.S.-born children, to school.¹³ Afraid of being apprehended and separated, entire families avoid interacting with officials in various agencies, even when this means denying children the social, medical, and educational services they need (Menjívar 2006a). As Norma, a Mexican

¹³ See, for example, the story “Immigration Raids Shake California Schools” covered on National Public Radio; <http://www.npr.org/templates/story/story.php?storyId=90379927> (accessed on 10 June 2010).

undocumented immigrant, summed it up, “We are here and we know this is not our country. They don’t want us here, so you have to be careful. Always be careful.” As these excerpts suggest, many undocumented first-generation immigrants feel helpless in the face of the law. Society has made it clear that they are unwelcome and targeted for expulsion. Understanding the many signs, undocumented immigrants who arrived as adults have developed a legal consciousness based mostly in fear, and this shapes and limits their participation and incorporation into U.S. society.

Legal status powerfully informs how people see themselves and their rights in the United States. Many begin to internalize the notion that they have no rights. In the following excerpt, Mauricio eloquently described what being undocumented meant to him:

One comes here thinking that life will be better . . . but without papers, one’s life is not worth much. Look at me; I have always been a hard worker . . . but I messed up my back working, carrying heavy things without any protection . . . and I can’t do anything about it. What doctor is going to help me if I can’t pay? And the worst part is, who’s going to hire me now? How will I support my family?

Mauricio, who later shared that he is too afraid to apply for worker’s compensation, suffered the consequences of not being able to make claims in the United States. Unable to fulfill his role as a father and provider for his family, Mauricio’s undocumented status translated into a personal devaluation when he proclaimed that his life was “not worth much.” Trying to remind himself that he only came to the United States in search of economic opportunities, he eloquently described the sense of being less-than-a-person that accompanied his legal status and now pervaded him. Despite his positive qualities—that he was a hard worker who only sought to improve his life—being “without papers” meant being “without any protection,” feeling helpless, and being perceived as worthless.

Rooted in fear, the legal consciousness of undocumented first-generation immigrants is notably and understandably a barrier to claims-making. Out of fear, immigrants like Adela, whose experience I highlighted in the opening vignette, never or only rarely participate in collective claims-making. This is problematic because protests, marches, and other nontraditional electoral politics are some of the only outlets undocumented immigrants have to make claims and possibly improve their lives in the United States (Bloemraad & Trost 2008; Meyer & Reyes 2010). Although it is possible to mobilize these immigrants—as evident in the massive May Day marches of 2006 (Cordero-Guzmán et al. 2008)—it is necessary first to target and minimize their fear. Given the ongoing

ICE raids at workplaces and homes throughout the country, minimizing immigrants' fears is likely to entail much work over an extended period of time (Cordero-Guzmán et al. 2008). And as long as these immigrants are driven by fear of deportation, they are unlikely to mobilize collectively, make claims, or participate fully in U.S. society.

Undocumented 1.5-Generation Immigrants and the Complexity of Stigma

Although stigma is different than fear, it can also stand in the way of immigrants' incorporation and claims-making practices in the host society. Undocumented youth must interact and share their status with gatekeepers and school officials to transition to higher education. Among other things, they have to request letters of recommendation and proof of school attendance to apply to college. Many students expressed difficulty in overcoming the shame involved in revealing their status to school officials. As Isabel described:

Well, I feel ashamed. I debated so many times whether to tell my counselor. Because you're just scared to tell somebody because you don't know what they're going to think. And you're just so scared of that reaction. Because you do feel inferior to somebody because you don't have the same rights as they do. . . . You feel inferior because you know they have more rights than you. And even though I know I've worked as hard as my friends, they're the ones who are going to get to go to [four-year colleges].

In this case, Isabel noted that her shame, rooted in her undocumented status, was enough to create great stress and hesitation when she had to seek the assistance of her college counselor. Moreover, she was frustrated about her limited rights and especially about the unfairness of not being able to enjoy the fruits of her labor. Unlike first-generation undocumented immigrants who more often take responsibility for their status and limited rights, 1.5-generation undocumented immigrants understand their legal limitations as unfair and, rather than focus on a fear of deportation, experience it as a source of social stigma.

Social stigma can be a considerable barrier for undocumented youth, especially given their life stage. It can be consequential in various daily interactions and in the long term, both in and out of school. In the following excerpt, 18-year-old Mexican immigrant Arturo described the stressful process he went through every time someone asked him where he was from:

Psychologically, you get damaged, because you know, any time they ask you where you're from, it's such a pain. I mean, your mind goes like, "Whoa, whoa, what do I say? What do I say? What

do I say?’ I mean, so it’s a lot, I mean a lot. You torture yourself, you get depressed. Anything starts going down.

Not wanting to disclose his status, he had to think quickly about ways to represent himself to others. The stigma clearly weighs heavily on youth and may limit them from making claims.

Relative to members of the undocumented first generation, however, undocumented youth have the advantage that they have been raised and socialized in the United States. Along with the sense of stigma, they have internalized many U.S. social norms and can use their socialization to fit in. This is most evident in the stories that several 1.5-generation participants in the study shared about times when they participated in activities that their parents considered too risky. Evelyn (from El Salvador) and Gabriela (from Mexico), for example, had traveled internationally as children because, back when the border patrol was perceived as being relatively lenient, they felt confident that their unaccented English would not expose them during border crossings back into the United States. Indeed, when border officials did stop to chat with them, they were easily able to answer questions about where they lived and what school they attended. Similarly, Mario, a Guatemalan immigrant, drove on the streets of Los Angeles much more confidently than his parents, both of whom were undocumented. After 9/11, when ICE agents started to apprehend people at bus stations and airports, Mario willingly volunteered to pick up his relatives arriving at the airport from Guatemala because his parents were too afraid. In these examples, and many others, undocumented members of the 1.5 generation demonstrate that, unlike their first-generation counterparts, their legal consciousness is less centrally informed by fear of deportation.

Because their legal consciousness is more powerfully infused by stigma, undocumented youth have more possibilities than undocumented workers of overcoming barriers to make claims in the United States. For example, undocumented youth try to justify their presence in the country by distancing themselves from negative connotations of illegality. In doing so, they underscore that their liminal status differs from the marginalized and criminalized status of their first-generation counterparts. Most notably, they defend themselves by emphasizing that they did not actively choose to come to the United States. Jovani, a Guatemalan student who was in danger of failing most of his classes in his second attempt at junior year in high school when I interviewed him, expressed great disappointment and resentment at the fact that he could not obtain a driver’s license or work legally:

When I want to get a job, I can’t. I want to drive, but I can’t. . . .
So, most of the time, I just don’t think about it, but I mean,

there's sometimes when it crosses your mind, you know, you gotta get a job, you want to work, you want to have money. . . . So yeah, it's kind of hard for me . . . I get mad because my parents brought me. I didn't tell them to bring me, but I get punished for it, for not having the papers.

Like Jovani, high-achieving students also distance themselves from undocumented first-generation immigrants, but they also use their student status to further distinguish themselves. Isabel's statement summed this strategy up neatly: "The fact that we're students gives us credibility and, in their [anti-immigrant activists'] eyes, that's better." Similarly, Rosaura, a Mexican undocumented college student, pleaded that undocumented students' cases are different from those of first-generation undocumented immigrants:

I can understand the point of view of natives who are against immigration. But when it comes to education, that's different. All students want is an opportunity to have a career, to have a better life. . . . The fact that we are in high school and college, that says a lot about a person, that we are going to contribute to this country when we get a degree. We are going to contribute to the economy, to the society. And there is nothing wrong about that. We have worked three times as hard as any other student.

Drawing on a meritocratic worldview that is central to U.S. social values (Abrego 2008), members of the undocumented 1.5 generation minimize their stigma, elevate their social standing, and achieve a greater sense of belonging by distancing themselves from undocumented first-generation immigrants. Indeed, in a society that values education and individual effort, an emphasis on the student status will give subjects legitimacy and more opportunities to make claims for greater inclusion (Olivas 2009). This strategy is unavailable to the more marginalized and publicly targeted undocumented workers.

On a more collective level—because their legal consciousness is infused most fundamentally with stigma rather than with fear—it is possible to mobilize undocumented youth by targeting and minimizing their stigma. This is likely why they have been able to make claims as students in school settings and beyond. In effect, undocumented high school and college students who stood to benefit from the DREAM Act were particularly active in 2010. Starting January 1, four students began the widely publicized Trail of Dreams—a 1,500-mile walk from Miami, FL, to Washington, DC, to draw attention to their plight for legalization. Motivated by their courage, and now in a context that glorifies these students' achievements and struggles for justice, 1.5-generation undocumented youth nationwide organized campaigns of collective claims-

making actions that were equally public. In cities like Chicago, Seattle, and Los Angeles, students participated in the Coming out of the Shadows Week campaign by sharing their stories and their undocumented status in front of supportive crowds and media representatives (Associated Press 2010; Preston 2011). By allowing them to publicly highlight their achievements and contributions to society, such acts of collective claims-making help minimize undocumented youth's stigma.

Having created some momentum and a less stigmatizing context, undocumented members of the 1.5 generation throughout the country have put themselves on the line by carrying out various acts of civil disobedience. For example, five undocumented students risked deportation when they sat, refused to be moved from, and were eventually arrested in Senator John McCain's office in Arizona. Similarly, nine U.S. citizen allies of these students were arrested in Los Angeles when they marched on and closed down Wilshire Boulevard—one of the larger thoroughfares in the city—during rush hour. Throughout the country, in cities like Chicago, San Francisco, New York, and Seattle, students are demanding the passage of the DREAM Act as their path to legalization and full inclusion in this society.¹⁴ In each of these cases, undocumented members of the 1.5 generation have managed to collectively make claims for full inclusion in U.S. society through legalization. They shift their legal consciousness to being with the law when they reframe their social location vis-à-vis the law by drawing on different sources to minimize their stigma. By overcoming the barrier of stigma, they can participate in greater claims-making activities.

The Shifting Nature of Legal Consciousness

Legal consciousness is fluid and contextual (Ewick & Silbey 1998; Hernandez 2010), as is legal status. Members of disadvantaged communities may move from being against the law to being with the law and vice versa. It is imperative, therefore, not to be too celebratory about the claims-making behavior of 1.5-generation undocumented immigrants. Undocumented youth eventually have to transition out of educational institutions where their protections as students end (Abrego & Gonzales 2010). The exponential increase in ICE raids and deportations, along with the passage of draconian immigration laws like Arizona's SB 1070, increases fear and insecurity among all undocumented immigrants nationwide. Although the 1982 Supreme Court ruling in *Plyler v. Doe* bars public schools from excluding undocumented children in grades

¹⁴ For more information, see the following useful Web sites: <http://www.dreamactivist.org/>; <http://www.thedreamiscoming.com/>; http://www.change.org/ideas/view/the_dream_act_for_america_in_2010 (all accessed on 10 June 2010).

K–12, these students are not protected from deportation outside of school grounds. Like their adult counterparts, undocumented youth may be targeted, detained, and deported for minor infractions, such as driving without a license (Jordan 2008). As more police departments nationwide work in conjunction with ICE through the 287(g) program, members of the undocumented 1.5 generation increasingly fear the possibility of being deported for minor offenses. And although they are protected in school, the fear of deportation is likely to become more prominent in their lives as they transition out of high school into less protected spaces (see, for example, Abrego & Gonzales 2010).

Undocumented immigrants, whether they arrived as children or as adults, are also interacting with one another as members of families and communities. Inevitably, they hear each other's stories and experiences, rely on similar media sources, and share the same goals of legalization. In these interactions, they inform each other's legal consciousness. Marta, a Salvadoran college student, shared a telling example of this:

I was in the waiting room at the clinic last week, sitting next to this girl who was like my age. We were talking about where our parents are from and how we haven't been back, when she gets a call on her cell phone. Somebody was calling to tell her that her mother had just been [detained and was going to be] deported! . . . Now, every day I leave the house and I don't know if me or my parents will be back. It could be any of us, any of these days, and it's so scary.

Like Marta, undocumented youth who learn of a recent raid or deportation in the community come to fear that they or their relatives may also be deported.

The older that undocumented 1.5-generation immigrants get and the more frequent these experiences become, it is likely that their legal consciousness will include greater fear along with stigma. Similarly, first-generation undocumented immigrants whose legal consciousness is most heavily informed by fear can also feel pain and frustration for the stigma that their children are made to feel in this society. As Adela, a mother of teenagers, expressed, "I came here and I brought them for a better life. . . . But then I would see them, they were ashamed and they couldn't do what they wanted for their future and it pains me to see that, to see them like that." Therefore, although the legal consciousness of first-generation undocumented immigrants is often based mostly in fear and that of undocumented 1.5-generation youth is mostly informed by stigma, it is possible and likely that fear and stigma intertwine, along with other sentiments, to inform undocumented immigrants' legal consciousness. The mixed legal consciousness

can, in many cases, keep them from participating more fully in social and political life in the United States. Other times, however, they become so indignant and fired up that they are moved to work collectively and make claims for greater inclusion in this society that is already their home.

Implications and Conclusion

Contemporary immigrant incorporation theories suggest that governmental context of reception is significant but secondary to coethnic and societal contexts of reception in shaping integration experiences (Portes & Rumbaut 2001; Portes & Zhou 1993). For undocumented immigrants, however, governmental context of reception—through immigration laws and the statuses they confer upon individuals—is central to their paths of incorporation. Most notably, their unlawful presence in the country precludes them from full membership. But not all undocumented immigrants share the same experiences, and legal status intersects with other factors to shape their opportunities, interpretations, and behaviors. Just like immigrants at large whose incorporation paths differ based on several factors and characteristics (Jones-Correa 1998b; Kasinitz et al. 2008; Portes & Rumbaut 2001; Portes & Zhou 1993), particularly across generations (Rumbaut 2004), the undocumented immigrant population is also diverse. The diversity among undocumented immigrants merits greater examination to understand how various other factors, including gender, national origin, race, order of migration, and educational attainment differentially affect their integration experiences. In this article, I begin to tease out some of that diversity by examining the generational differences in the integration experiences of first- and 1.5-generation undocumented immigrants.

I draw on the legal consciousness framework to begin to examine how illegality intersects with and is experienced differently across social positions and how this plays out in their integration experiences. Although all undocumented immigrants are equally banned by law from residing in the United States, labor and educational laws, migration experiences, and social institutions play influential roles in developing their legal consciousness. This, in turn, informs how different subgroups participate in and integrate into U.S. society. I find that although immigration laws often “control the immigrant” (Calavita 1998:560), undocumented immigrants’ legal consciousness is infused with at least two separate forces that create distinct barriers to mobilization and claims-making. Undocumented first-generation immigrants experience their legal status as a source of fear, while their 1.5-generation counter-

parts experience it as a source of stigma. Fear and stigma are both barriers to claims-making, but they may require different strategies for mobilization.

Because they made the decision to migrate and often forged documents to enter the labor force, many undocumented immigrants who arrived as adults feel responsible for their situation and are willing to accept their marginalized status in this country. Moreover, as exploited workers who see themselves being caricatured and demonized through mass media, they view the possibility of being apprehended and deported as a concrete reality that contextualizes their day-to-day life and powerfully prevents their claims-making. Mobilizing them into collective claims-making activities such as protests, marches, and other public and visible actions is likely to require massive organizing campaigns that guarantee anonymity and safety from deportation.¹⁵

Undocumented members of the 1.5 generation, on the other hand, were often too young to participate in the decision to migrate, do not recall details of the migration journey, and occupy legitimized spaces in the United States as students in educational settings where they are safe from ICE raids and deportation. Many undocumented youth, therefore, are unwilling to see themselves as marginal members of this society. For them, being undocumented is a source of stigma, more so than of fear. While stigma can certainly be a barrier to claims-making, the threshold to overcome it is relatively lower. Educational policies and meritocratic worldviews contextualize undocumented youths' daily lives and give them legitimacy as students to counterbalance their stigma (Abrego 2008). Having overcome the stigma, many undocumented youth, particularly when they are academic high-achievers, will be moved to make collective claims and demand full inclusion in U.S. society.¹⁶

It is worth reiterating that legal context of reception is shifting as different laws, legal interpretations, and enforcement practices vary across administrations and geographical locations. In turn, legal consciousness is also shifting and contingent. Moreover, because legal consciousness also intersects with and is mutually constitutive of several other social forces—including norms and

¹⁵ Using Arizona's SB 1070 (2010) as an example, in the months leading up to and directly following Governor Jan Brewer's signing of this bill into law, it seems that first-generation undocumented immigrants are leaving the state or relying on allies and supporters to protest. Fear of deportation is intensely heightened, making it less likely that they will make collective claims.

¹⁶ This seems to be happening in the aftermath of the signing of SB 1070 into law in Arizona. Despite the severe anti-immigrant context during this historical moment, undocumented youth have publicly protested, organized, and participated in civil disobedience acts, even risking arrest and deportation in some cases.

institutional settings—it is historically contingent. In the current historical moment, the vast changes and increasing instability in immigration policies at the federal, state, and local levels matter a great deal in determining the spaces and practices of immigrant incorporation. For example, although undocumented youth have been spared the brunt of nativist anti-immigrant hostility to date, their increasingly visible advocacy efforts will likely make them greater targets.¹⁷ Legal context of reception, therefore, merits a closer, more detailed examination as a factor that powerfully determines immigrants' incorporation experiences. Legal consciousness is a useful framework for measuring the claims-making practices of immigrants that speak to their ability to participate and integrate fully into U.S. society.

This empirical study has implications beyond the claims-making practices of undocumented immigrants. It is also useful for understanding the importance of legal consciousness in mobilizing marginalized groups in general. Although current frameworks predict that marginalized groups typically stand against the law (Ewick & Silbey 1998), the collective mobilization of some undocumented immigrants (Abrego 2008; Cordero-Guzmán et al. 2008; Coutin 2000; Seif 2004) suggests that legal consciousness, as informed by several other sources, can be targeted and influenced to shift to be with the law, even among members of deeply marginalized and vulnerable groups. Indeed, asserting the right to inclusion through legalization is a powerful claim to rights when expressed by persons who are legally banned by the state. This study makes evident that legal consciousness may be rooted in and create different kinds of barriers to mobilization. Efforts to mobilize disenfranchised groups, therefore, may benefit from nuanced organizing tactics that first identify important subgroups, learn what sources centrally inform subjects' legal consciousness, and strategize to mitigate and minimize specific barriers, such as fear or stigma. Such targeted approaches are likely to be more efficient and effective than more general calls to action in the mobilization and empowerment of disenfranchised communities.

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¹⁷ See, for example, the comments at the end of a brief report in *The Chronicle of Higher Education* about the fact that most U.S. colleges knowingly admit undocumented immigrants. The animosity in these posts is especially noteworthy because it presumably comes from educators whose job it is to assist students (http://chronicle.com/news/index.php?id=6139&utm_source=pm&utm_medium=en; accessed 17 March 2009).

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