

Some immigrants perceive legal status as a pathway to deportation

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Sociologist Asad L. Asad studied how documented and undocumented immigrants living in Dallas, Texas, perceive and respond to threats of deportation. Credit: Harrison Truong

For some Latin American immigrants living in Dallas, Texas, holding a legal status—like a green card—does not stop them from fearing deportation. If anything, it can make some more fearful of deportation

because they are now known to immigration authorities who could easily deport them, Stanford sociologist Asad L. Asad has found.

These are just some of the findings to emerge from Asad's research that recently published in the *Law & Society Review*.

Asad, an assistant professor of sociology in the School of Humanities & Sciences, conducted multiple, in-depth interviews with 50 undocumented and documented immigrants living in the Dallas metropolitan area between 2013 and 2015. In that time, he learned about their [everyday lives](#) and the decisions they made as they navigated their life in the United States.

For some of the undocumented migrants that Asad interviewed, those decisions sometimes included remaining undocumented, even when eligible to legalize. They felt that remaining undetectable to U.S. immigration authorities was advantageous to their long-term presence in the United States, Asad found.

For example, Asad interviewed Josefina, an undocumented mother of two from Mexico. While she was eligible for the Deferred Action for Childhood Arrivals (DACA) program that would grant her work authorization and temporary reprieve from deportation, she chose not to apply because it would make her known to authorities.

"Why would I let La Migra [[immigration officials](#)] find me?" she told Asad.

Instead, she preferred to live in the United States "off the radar." By remaining unknown—and undocumented—Josefina felt safe. When Asad asked her if she feared deportation, she said, "Why should I have to worry about that?" She added, "I don't know La Migra and La Migra doesn't know me."

For Josefina and others in Asad's study, the formal records associated with legal status were perceived as risky—a view Asad found applied to the documented immigrants as well.

Another one of Asad's research subjects was Marina, who entered the United States from Mexico illegally and remained undocumented until she received a permit through DACA.

Asad expected Marina to feel relatively safe from deportation because of her legal status. Instead, she felt more vulnerable. She feared that even the most minor infraction, such a traffic violation, could get her deported.

"You have to live cautiously," Marina told Asad. "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."

Legal status is perceived as a double-edged sword, Asad said.

"Documentation is hardly a shield from deportation fears," Asad said. "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."

Asad also found that the documented migrants in his study were just as fearful of deportation as migrants who had previously been deported. Now easily identifiable, they feared they could be expelled at any time—whether they violated the law or not.

As Marina presciently told Asad in 2015, well before the election of President Donald Trump and his administration's eventual withdrawal of DACA protections, "This is something temporary. You never know, they

may take it back."

Implications of punitive policies

According to Asad, deportation fears stem from decades-long immigration reform that placed deportation at the center of its policy.

Since the mid-1980s, conditions to deport immigrants have dramatically expanded. For example, in 1988 the Immigration and Nationality Act mandated deportation of any noncitizen convicted of an "aggravated felony." 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 also include any convicted misdemeanors with a sentence of at least one year in prison.

As a result of policy changes like these and others, deportation has significantly increased over the past four decades. About 79 percent of the 7.4 million deportations recorded between 1892 and 2015 have occurred since 1986, Asad noted in the paper.

If immigration policy is perceived as punitive and unpredictable, it may lead to more migrants remaining undocumented, Asad cautioned.

"Some undocumented migrants may be chilled out of legalization opportunities in an attempt to maintain a sense of invisibility to a system they view as primarily punitive," Asad said. "If fears of [deportation](#) lead [immigrants](#) to pass up rare opportunities for [legal status](#) in their search for invisibility from a system they view as unforgiving, they and their U.S.-citizen children may face restricted opportunities for promoting their long-term well-being in this country."

More information: Asad L. Asad. On the Radar: System Embeddedness and Latin American Immigrants' Perceived Risk of

Deportation, *Law & Society Review* (2020). [DOI: 10.1111/lasr.12460](https://doi.org/10.1111/lasr.12460)

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