UNDOCUMENTED LIVES:
EXCLUSION AS MORAL INJURY
IN EVERYDAY LIFE

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List of abbreviations

AB 60  (California) Assembly Bill 60
ACA   Affordable Care Act
ACLU  American Civil Liberties Union
ACLUNC ACLU North California
ACS   American Community Survey
AILA  American Immigration Lawyers Association
CBP   US Customs and Border Patrol
CDMV  California Department of Motor Vehicles
CFD   Certificate for Driving
CMS   The Center for Migration Studies of New York
CPD   The Center for Popular Democracy
DAC   Driver Authorization Card
DACA  Deferred Action for Childhood Arrivals
DAPA  Deferred Action for Parents of Americans
DHS   US Department of Homeland Security
DMV   Department of Motor Vehicles
DPC   Driving Privilege Card
EITC  Earned Income Tax Credit
FAIR  Federation for American Immigration Reform
FEMA  Federal Emergency Management Agency
FOIA  Freedom of Information Act
ICE   US Immigration and Customs Enforcement
ICE HIS US Immigration and Customs Enforcement and Homeland Security Investigations
IDNYC ID New York City
IIRIRA Illegal Immigration Reform & Immigrant Responsibility Act
INS   US Immigration and Naturalization Service
INA   Immigration and Nationality Act
IRS   Internal Revenue Service
ITIN  Individual Taxpayer Identification Number
LPR   Legal Permanent Resident
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<td>MPI</td>
<td>Migration Policy Institute</td>
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<td>MVD</td>
<td>Motor Vehicle Department</td>
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<td>NCH</td>
<td>National Coalition for Homelessness</td>
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<tr>
<td>NCSL</td>
<td>National Conference of State Legislatures</td>
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<tr>
<td>NILC</td>
<td>National Immigration Law Center</td>
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<tr>
<td>NLCHP</td>
<td>National Law Center on Homelessness and Poverty</td>
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<tr>
<td>OCACT</td>
<td>Office of the Chief Actuary</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
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<tr>
<td>OIS</td>
<td>Office of Immigration Statistics</td>
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<tr>
<td>PCT</td>
<td>Pew Charitable Trusts</td>
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<td>PHS</td>
<td>Pew Hispanic Center</td>
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<td>RN</td>
<td>Registered Nurse</td>
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<td>SNAP</td>
<td>Supplemental Nutrition Assistance Program</td>
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<td>SPLC</td>
<td>Southern Poverty Law Center</td>
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<td>SSI</td>
<td>Supplemental Security Income</td>
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<td>TANF</td>
<td>Temporary Assistance for Needy Families</td>
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<td>TVDL</td>
<td>Temporary Visitor Driver’s License</td>
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<td>UI</td>
<td>Unemployment Insurance</td>
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<td>UN DESA</td>
<td>United Nations Department of Economic and Social Affairs</td>
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<td>USCIS</td>
<td>US Citizenship and Immigration Services</td>
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<td>WDOL</td>
<td>Washington State Department of Licensing</td>
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Abstract

The general exclusion of undocumented migrants—in the form of constraints of access to goods and resources, lacks in entitlements and in legal and social protections, and so on—impacts their lives in different ways. As being afforded equal respect and dignity is a prerequisite to social, economic, and political integration, impediments in these domains can also lead to a lack of participation in matters they regard to be of consequence in their lives. Accordingly, such experiences are given meaning and responded to by the individuals who live through them, and thus, their subjective perceptions, moral understandings, judgments, and dispositions ultimately matter and need due consideration.

This thesis is a qualitative enquiry into the structural and moral dimensions of the exclusionary experiences endured by undocumented migrants. Drawn from fifty-five in-depth qualitative interviews conducted in the US, the study examines issues of (1) civic membership (through ID cards and identification), (2) intimate relationships and relationship formation, and (3) labour and employment to account for how the subjects’ experiences of exclusion are evaluated and are also influenced by their moral sentiments, behaviours, and practices. The research is informed by a moral economy perspective (Thompson, 1971; Scott, 1976) which builds on ideas from notions of lay morality (Sayer, 2011) and moral injury (Honneth, 1995). This hybrid approach helps identify the material and non-material dimensions of exclusion and the corresponding moral charge of the subjects’ struggles and responses against these harms.

Building on the emergent literature centring on the moral and ethical dimensions of the exclusionary harms against undocumented migrants, the thesis contributes both theoretical and empirical grounding for explaining how various forms of exclusion can be morally injurious: they violate the legitimate and normative expectations of individuals. The study also shows how certain practices and strategies of action can be explained by people’s desire to prevent, respond, or remedy their experiences of moral injury. Emphasising a context-sensitive approach to exclusion, the study further identifies the moral repertoires (both universal and local) that underscore the migrants’ varied capacities to ignore, anticipate, manage, channel, defy, or recover from the impacts of exclusion in their everyday lives.
Declaration

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Dedication

To Michelle and Simone—the brightest stars in my universe.

My greatest debt and love are owed to you.
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It is said it takes a village to raise a PhD; no more is this true than this project and the community that helped nurture and sustain it. My deep gratitude goes to my supervisors, Professor Nick Crossley and Dr Kevin Gillan, whose advice, support, and critical guidance have been indispensable throughout every stage of this thesis. My last few months in Manchester were particularly stressful but I always came out of our meetings (and many unannounced drop-ins) with new and refreshing insights as well as reassurance. I wish to thank my internal reviewers Prof Bridget Byrne and Prof Alice Bloch for providing vital critiques and encouragement during my annual reviews. I also appreciate Ann Cronley’s spot-on help with administrative issues over the years.

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Chapter 1: Introduction

The phenomenon of illegal migration arises from the interaction between factors of individual mobility and regulatory systems which define particular forms of migration as “illegal” (Ambrosini, 2013, p. 4; cf. Cvajner and Sciortino, 2010a; Anderson, 2013). However, migrant illegality “does not function as an absolute marker of illegitimacy, but rather as a handicap within a continuum of probationary citizenship” (Chauvin & Garcés-Mascareñas, 2012). As Bloch and Chimienti (2012) rightly contend, illegality (or irregularity) works in ways which reflect the contingencies of particular contexts. They argue that irregularity can result from changes in institutional and state policies as well as along individual choices and opportunities. This legal position not only impacts people’s migratory decisions but also how those so categorised live within the spectrum of their opportunities and marginalisations in the host countries. Legal categorisations legitimise the differences in which material goods and services are made accessible to specific groups or individuals, and in explicit and subtle ways, how they are viewed and treated by others. Citizenship status is a marker of legal and social entitlement/belonging that it becomes “a major axis of advantage and disadvantage within and across the borders of nations states” (Shutes, 2016, p. 264). Thus, people’s position in the citizenship hierarchy can shape their experience of exclusion and marginalisation in everyday life. Such experiences, nonetheless, are also mediated by personal, subjective, cultural, and significantly, moral understandings, which can move individuals to action—about what they ought to be or do in response to their exclusions.

This chapter begins with a specification of exclusion which underscores how the phenomena is understood throughout this thesis. After spelling out these objective and subjective considerations, a discussion of undocumented life follows wherein the realities and prospects of being deported or removed from US life can be seen to affect individual behaviour and practice. The next section covers how different contexts and conditions inform how situational vulnerabilities and the extent to which specific forms of exclusion are experienced. The chapter also includes a brief discussion of the
research questions that drive this analysis and ends with a definition of terms and a brief outline of the thesis.

1.1. Multidimensional exclusion

The multidimensional exclusion of undocumented migrants, occasioned by their legal and social position, has been a feature of recent scholarship that addresses how immigration law and enforcement and the increasing involvement of state and local regimes, impact migrant lives in different ways (Menjívar and Lakhani, 2016; Dreby, 2015; Donato and Armenta, 2011; Shapiro, 2018). Such exclusions may include the lack of access to material goods (Amuedo-Dorantes and Antman, 2016) and resources, including social (Marietta, 2006), health services (Ortega et al, 2007; Vargas Bustamante et al, 2012; Zuckerman, Waidmann and Lawton, 2011), in the general lack of entitlements and the full set of rights afforded legal residents and citizens (Flores, 2003) as well as to social, civic, and legal protections (Meeker and Dombrink, 1988; Gleeson, 2009). Furthermore, as being recognised and afforded equal respect and dignity is a prerequisite to integration in economic, social, and political life, constraints in these areas can also lead to a general lack of participation in the decisions that matter or are of consequence in their lives. These impediments to individual agency may lead to debilitating feelings of inferiority, alienation, social isolation, and psychological distress (UN DESA, 2016; Stewart et al, 2009; Honneth, 1992). Along with this vein, Sen (2010) further observes that limitations in participation “in the life of the community can directly impoverish a person’s life. It is a loss on its own, in addition to whatever further deprivation it may indirectly generate” (p. 13).

Traditional risk markers of vulnerability to exclusion such as race and ethnicity (Loury, 2000), age (Lambrini, 2016; Löckenhoff et al, 2013), gender (Jackson, 1999), and disability (O’grady et al, 2004) can be further exacerbated and compounded by immigration status. As such, one’s position within the aforesaid continuum of probationary citizenship can result in potential hardship or contribute to inequality and experiences of “deep exclusion”, that is, being in a position of
multidimensional disadvantage. Undocumented migrants are uniquely vulnerable to this level of exclusion in that their “illegalised” status (cf. Bauder, 2014) imputes upon them a certain categorical quality that, both actively and potentially, limits their access to resources and gainful participation in social and economic life. Butler’s (2006) description of “precarious lives” consisting of “socially constituted bodies, attached to others, at risk of losing those attachments, exposed to others, at risk of violence by virtue of that exposure” (p. 20) aptly captures the grief and insecurity related with being in this excludeable or excluded position.

Such exclusions and marginalisation however, are also given meaning and responded to by the individuals who experience them, and hence, it is also essential to consider the subjective perceptions, understandings, and judgments, of those at risk or impacted by it (UN DESA, 2016). To this end in the broader exclusion literature (see Levitas et al, 2007), significant attention is being given to the frame of reference of affected individuals, for example, in terms of subjectivities and self-perceptions (Margalit, 2010; Bellani and D’Ambrosio, 2011), capability deprivation (Sen, 2000), dissatisfaction or unease (Estivill, 2003), anxiety (Baumeister and Tice, 1990), feelings of rejection (Baumeister, Twenge and Ciarocco, 2014), experiences of physical and social pain (MacDonald and Leary, 2005), or feelings of being ostracized (Ouwerkerk et al, 2005).

The role of moral frameworks has also been noted in people’s subjective experiences such as viewing exclusion in terms of obstacles in social relationships (Killen and Rutland, 2011), harms to social solidarity (Silver, 1994), practices of misrecognition in the form of insult and humiliation (Herrmann, 2011), and in encounters with general social exclusion (Levitas, 2005; Byrne, 2005). It is evident in these understandings that a fuller notion of exclusion entails a subjective content grounded on material (e.g., economic) and non-material (e.g., social cultural, ethical, spiritual, symbolic) facts (See Estivill, 2003; Silver, 1994). But importantly, the subjective and personal dimension can be tempered by the moral meanings, understandings, and values within which these objective facts of exclusion are interpreted and evaluated by affected individuals.
To be sure, studies on the personal and subjective dimension of these exclusionary conditions are a critical feature of the scholarship on undocumented migration—in the US experience (Abrego, 2011; Caminero-Santangelo, 2012; Chauvin and Garcés-Mascareñas, 2014; Ehrkamp and Nagel, 2014;) and other contexts (Bloch and McKay, 2016; Back and Sinha, 2015; Bloch, Sigona and Zetter, 2014; Chimienti and Achermann, 2007). The perspectives and understandings of undocumented migrants, which inform the evaluations of their experiences, also have a moral component and are increasingly being given attention to in the literature. In some of these studies, individual beliefs and judgments are described to include normative understandings that are collectively shared by those with whom considerations of legal status and its consequences have personal significance (e.g., Ryo, 2013; Sigona, 2012; Enriquez, 2017; Waite and Lewis, 2017). Attention to specific moralities and shared values that shape particular aspects of undocumented migrants’ lives, whether pre and post-migration, have also been identified explicitly in the literature (e.g., Menjívar and Lakhani, 2016; Chauvin and Garcés-Mascareñas, 2012; Fassin, 2005; Horton, 2015; Hiah and Staring, 2016). As patterns of marginalisation and disadvantage permeate the lives of undocumented migrants who in their legal, social, and economic existence are chronically “excludable”, there is a continuing need to explore the different ways they are impacted by and respond to these conditions.

To this end, this thesis follows a qualitative enquiry agenda that delves into the moral experiences of undocumented migrants specifically in relation to their everyday struggles with various forms of exclusion within the civic, social, and economic spheres. The following research questions are addressed:

- How can we account for undocumented migrants’ multi-dimensional experiences of exclusion and marginalisation that emerge from both material and non-material conditions of social life?

- And if these experiences are to be taken as a matter of consequence in the lives of undocumented migrants, how do they evaluate and respond to these experiences given the range of their individual, social, and moral contexts and characteristics?
The first research question further deals with how explicit social and economic deprivations are linked to immigration status, being centrally or indirectly instrumental to specific forms of exclusion. Accordingly, a discussion of the pertinent laws, policies, and other context-specific constructs are necessary elements to uncover these. The second query involves an examination of how certain behaviours and practices, both emanating and relating to immigration status, as is the case with issues that people find to be of significance in their lives, involve personal and moral evaluations. This further involves enquiring how, if at all, these evaluative appraisals and resulting action are also impacted by these exclusionary systems. As these considerations undoubtedly bear ethical significance, I argue that understanding how people articulate and embody their concerns given their understandings, culture, social relationships, and legal and moral consciousness, are also relevant to the discussion.

To address these issues this thesis empirically explores three particular domains: (1) civic membership (through ID cards and identification), (2) intimate relationships and relationship formation, and (3) labour and employment—through interviews with fifty-five respondents composed of mostly undocumented migrants as well as community organisers and leaders residing in Kern County (California), Las Vegas (Nevada), and Queens (New York). These domains were identified to be of particular significance during the interviews and analysis.

Civic engagement involves the material practices of contributing to and partaking in the common good (Peterson, 2011) and may affect subjective aspects of identification and sense of belonging to a local or broader community (Flanagan and Levine, 2010; Back, 2009; Obst and White, 2006). The cultivation and maintenance of personal relationships are also a primary concern for many undocumented migrants. For one, people’s social standing is predicated on the strength and value of their personal and social relationships (Honneth, 1992) or social capital (Bourdieu, 1986). For another, their prospects for regularisation can hinge on the formation and preservation of pre-approved types of familial or intimate relations. Legal barriers and opportunities, issues of labour segmentation and exploitation, and other contextual effects (e.g., of human and social capital, employer discrimination and preferences) variously factor in the labour force participation of migrants, which represent the
primary means for their economic incorporation. Focus on these three domains provides a good vantage point and structural backdrop wherein the everyday experiences of undocumented migrants, covering the civic, social, and economic spheres, can be explored.

I employ a moral economy framework (Thompson, 1971; Scott, 1976) which builds on ideas from the theoretical notions of lay morality (Sayer, 2005) and moral injury (Honneth, 1995) to bring focus to the shared normative meanings and sentiments that predicate specific social behaviour in various domains of life. As a heuristic and analytical tool, this approach helps identify the structural and moral dimension of the barriers, exclusions, and violations against the well-being of undocumented migrants, and also the corresponding moral charge of their emotional and behavioural responses to these harms. This theoretical framework facilitates an understanding of the dynamics of moral behaviour, not only as it pertains to how it is affected by systemic conditions, but how these structures are evaluated and responded to by individuals with moral and normative perspectives.

In conceptualising the framework used in this study, a more extensive range of moral considerations that regulate the practical action of individuals and groups will be addressed. This approach entails both the universal and context-based moralities which can be composed of formal justice evaluations that people employ in everyday life, but also their imprecise, informal, practical, and context-sensitive moral repertoires. This broader approach attends to the tractable limitations of focusing on narrow or specific systems of moral valuation. As I argue in this thesis, people’s everyday moralities and practices are not always consistently held, cognitively understood, or are even consistent or compatible with one another. Despite this concession, the thesis can provide an adequate way of allowing for analysis of the broader domains of undocumented life addressed in the succeeding chapters.

This study goes beyond a narrow homo economicus framework of understanding human behaviour. I argue that where rational self-interest and economic utility is considered as a fundamental, if not the most important, driving force and motivation for human action, social analysis can become problematic. Reducing people’s motives and responses to their social position or discounting their
rationales or normative dispositions to social conventions or features of discourse (Sayer, 2004, p. 94), ignores how people can think of themselves as “moral beings” who want to do what is right as they perceive it (Ryo, 2013, p. 99). The social and economic orientations, motivations, and actions of individuals are often influenced and effected by, for better or worse, existing and incipient moral imperatives, values, normative dispositions. A moral economy perspective substitutes a homo moralis which not only sees how everyday judgments and actions can be shaped and constrained by normative and moral concerns but also how structural and systemic conditions can also impact people’s normative and moral principles.

1.2. Situating undocumented life

1.2.1. Removability as a fact of undocumented life

Following the EU-funded CLANDESTINO project’s (see Triandafyllidou, 2009) description of all forms of irregular migration, this thesis refers to undocumented migrants as those residents without legal resident status whose unlawful presence in the country, if discovered by authorities, would subject them to an order to leave or be removed (Düvell, Triandafyllidou, and Vollmer, 2008). Under US immigration policy, those who have failed to maintain their non-immigrant status (e.g. overstayers) or who would have been inadmissible at the time of entry (e.g. unauthorised border entrants) are considered “removable” or deportable (INA 237; see also Koh, 2013). Most removable migrants do not qualify to regularise as the already limited pathways (some of which I briefly cover in Chapter 5) apply only to specific types of status violations and where certain legal conditions are in place. While historically immigration enforcement has prioritised the removal of certain individuals, for instance, those who have committed serious criminal offenses, more recently, there has been a “shift away from enforcement priorities and into blind enforcement” (ACI, 2018). President Trump’s Executive Order (25 January 2017) identifies as targets among others those who have “committed acts that constitute a chargeable criminal offense” (emphasis mine) (ACI, 2018), effectively “prioritising” for removal most if not all undocumented migrants. This doctrinal swing extends the
migrants’ general vulnerability before the law that produces their illegality (cf. De Genova, 2002) and also increasingly criminalises their status (Strumpf, 2006). Nevertheless, individual prospects for removal are complex (Ryo, 2013) and may depend on a host of other factors including variations in individual contexts, different consequences of encounters with various state agents and enforcers, prosecutorial discretion, or even the subjective elements in the adjudication process (Motomura, 2014; Benson, 2017). Seen from these situational exigencies, the likelihood of the migrants’ removal is not absolute or inevitable. However, there is little evidence that this “unsettled” (Koh, 2013) aspect of migrant removability mitigates the fears of being identified and discovered, which may actually instead serve to heighten it. In actuality, the unpredictable and temporal nature of immigration law, policy, and enforcement practices further contribute to migrants’ anxiety and often do little to ease their legal insecurity (cf. Aranda and Vaquera, 2015).

If being removed or deported can be seen as a fundamental mode of exclusion that can result in the migrant’s spatial exclusion from US life (see also Bloch and Schuster, 2005), the prospects of removal and ensuing uncertainty before institutional and other social encounters can also engender exclusions within various domains of everyday life. For instance, as I explore in this thesis, the fear of discovery can hamper vital contact with health and social services and the securing of other essential goods such as driver’s licences and to a lesser extent, municipal IDs, even when they are legally available. Individuals may modify their behaviours and action in their dealings with others or they may also limit their participation in certain types of social activity resulting in adverse consequences to their overall quality of life. Other actors such as employers or co-workers, for instance, can also exploit the migrants’ fears for their own benefit (see Chapter 7). In this sense, the “deportability” of undocumented migrants, a concept which notes the putative goals of immigration enforcement entailing both their physical removal and the rendering of their labour power as both disposable and temporary (De Genova, 2002), can also be extended to the migrants’ “excludability”. This positional notion relates to the various disciplinary practices that result in controlled and pliant migrant bodies and behaviours (cf. Inda, 2006; Coutin, 2000) which exacerbate the exclusionary conditions of their everyday lives beyond the economic sphere (Hing, 2006).
1.2.2. Bordering effects

The political border, far from being simple markers of geographic territoriarity and state sovereignty (Boggs, 1940), is a rife socio-political space where exclusion can take place. It figures in the transboundary flows of people, goods, practices, and information; but also along with it the multi-dimensional and dynamic encounters that intersect issues of identity, embodiment, privacy, gender, security, policing, citizenship mobility, and so on (Kolossov, 2005; Dzenovska, 2014; Mezzadra and Neilson, 2012; Minghi, 1963; Martinez, 1994).

It is likewise at the political boundaries where categories of citizenship are most unsparing (see also Goldstein and Alonso-Bejerano, 2017; Vallet, 2014; Sabo et al, 2014). Anderson (2013) speaks of borders as producing status rather than simply reflecting the specific relations individuals have with the state and state actors. Immigration status and patterns of difference are constructed by a legal taxonomy that identifies and classifies crossers according to categories of legality (Murià & Chávez, 2010). In the US, these distinctions are further enforced by the expanding militarisation and border advancement in the southern ends of California, Texas, and Arizona, which share the 3,145 km (1,954 mi) border with Mexico (FAIR, 2012; Chinni, 2013). Furthermore, the US considers 100 miles from its external boundaries as part of its border zone. Thus, two-thirds of the population (about 200 million people) are potentially subject to investigatory detention and warrantless searches by Customs and Border Patrol (CBP) agents (ACLU, 2014a). Within 25 miles of any physical border, the CBP can enter private property without a warrant (except dwellings); in the interior of the 100-mile zone, its agents can claim “certain extra-constitutional powers” in their stop, search, and detention enforcement practices (ACLU, 2014a). Dorsey’s and Díaz-Barriga’s (2015) notion of a “state of carclement” can apply in this situation where migrant residents exist in a state of legal exception in everyday life, reproducing the penal logic where search and seizure are invariably classified as “reasonable” as it would be within the prison context.

Although apprehensions for unauthorised cross-border flows in 2017 have been at its lowest since 1971, arrests within 100 miles of the border increased by 25 percent compared to the previous year (Burnett, 2017; DHS, 2017b). More recently in
2018, the CBP have boarded buses and trains in Florida, New York, and Washington State to question riders about their immigration status, in conjunction with the increasing rates of enforcement of various checkpoints, warrantless monitoring, and surveillance activities conducted in numerous locations within the recognised interior border zone (Nixon, 2018). Two of my interview locations, namely Bakersfield in California and Queens in New York, are situated within the 100-mile border zone, in the western and eastern sides of the US border, respectively.

1.2.3. Interior and internal control

Migrants can also become targets of a deportation regime which actively seeks the “physical expulsion of noncitizens” (De Genova and Peutz, 2010) through an expanding surveillance and technological apparatus and various methods of social control. As mentioned above, at least in principle, a differentiated ordering prioritised the removability of certain types of migrants in the past (e.g., those with criminal records), as has been the case during the Obama administration. Current immigration enforcement policy however, no longer distinguishes between different classes or categories of “removable aliens” who are “no longer exempted from potential enforcement” (DHS, 2017a; Zamora, 2017; see also Shapiro [2018] for alarming trends). As a result, migrants who bear arbitrary marks of “undocumentedness” (e.g. inability to produce an identification when demanded, being foreign-looking, presence in certain labour sectors, residency in ethnic enclaves) can become vulnerable to being discovered and arrested, as well, of course, removed or deported.

The targeting of undocumented migrants can lead to the intensification of restrictions to their inclusion and integration in various dimensions of civic and social life (Inda, 2005; Chauvin and Garcés-Mascareñas, 2012). Just as surveillance within proximity to the borders have been “democratised” through the enlistment of anti-immigrant vigilantes and organisations to provide additional watching, monitoring, and policing (Walsh 2010), internal modes of surveillance can also be diversified, “delocalised”, and “remote-controlled” to enlist not just official state agents but other entities such as local businesses, service providers, citizens, and so on (Bloch and Chimienti, 2013). Within the context of this “local politicization of immigration”
(Donato and Armenta, 2011), demands for specific types of IDs, civilian reporting of suspected undocumented migrants, or migrant-bashing through mass media to cite just a few examples, lead to negative outcomes, particularly affecting and influencing the behaviour and everyday practices of non-citizens. Following Coleman and Stuesse (2014), “the looming threat of territorial banishment as a result of traffic enforcement and other social reproduction-specific policing, in conjunction with the specter of lethal geopolitical infrastructures like the United States-Mexico border” may be enough “to regulate the ways in which resident undocumented migrant communities learn to socially reproduce as well as work” (cited in Goldstein and Alonso-Bejerano, 2017, p. 2).

Collaborations between various state and local agencies play a hand in further increasing these forms of exterior border and interior social control, which comprise the federal government’s dual approach to irregular migration (Hagan et al, 2013; Kanstroom, 2010; Amuedo-Dorantes and Pozo, 2014). This twofold agenda reflects “the assertion, development and refinement of centralized well-focused and often quite harsh government power subject to minimal judicial oversight” (Kanstroom, 2007, p. x). Indeed, immigration policies and enforcement along with the participation of various social actors can contribute to a state of “permanent anxiety” (Orner, 2015) where targets are “habituated to their status of the excluded” (Engberson, 2001, p. 242). This legal and social environment result, directly or indirectly, in various forms of social discipline and behavioural subordination (De Genova and Peutz, 2010). Thus, in many ways, immigration laws control the lives of migrants instead of controlling immigration (Calavita, 1998).

Various social practices can be considered as a form of interior control as they attempt to both “reform” the behaviour of undocumented migrants (cf. Inda, 2006) and keep them “in their place” out of public space through both formal and informal surveillance, policing, and other enforcement tactics (McDowell and Wonders, 2009) without their actual physical removal. These enforcement practices can drive individuals to self-regulation to lessen the risks of apprehension in the short or long term as well as engage in certain types of moral behaviour. By this I refer to various practical forms of self-discipline and “virtuing”, which I define here as the production or prioritisation of certain values and virtues—such as crafting “deserving” identities
(Coutin, 2003), reinforcing certain positive attitudes (Ellis and Chen, 2013), building networks of trust, cooperation, mutual support, and reciprocity (Menjívar, 2006b; Wilson and Donnan, 1998), or generally undertaking transformative and lasting behavioural changes in their lives (Menjívar and Lakhani, 2016)—in line with their level of awareness of their tenuous standing before the law.

1.2.4. Attrition through enforcement

The spectre of forced removal also makes the doctrine of “attrition through enforcement” possible. This political approach and strategy seek to curtail undocumented migration by making migrants’ everyday lives as miserable and as hard as possible (Abrego 2014a, p. 191). By extension, this also entails regulating their behaviour and normalising their feelings of fear and anxiety before institutional encounters. The policies are often internal and include “a wide array of policy measures such as employer sanctions, exclusion from public services, surveillance by the police, incarceration, and expulsion” (Broaders and Engbersen, 2007, p. 1593). Thus, state agents (local governments as well as anti-migrant groups) can continue to play a role in the further suffering and social exclusion of undocumented migrants (cf. Macdonald and Leary, 2005; Waslin, 2012; See Gonzales, 2014). In these situations, the social and economic conditions are to be made so intolerable it makes “self-deportation” a reasonable option (Kobach, 2007). Policies of attrition also attempt to discourage “unwanted” new or potential migrants and further a hostile environment to deter others considering undocumented migration (Balch, 2016). The looming cloud of removability (or excludability) and the interiorisation of the border mark the use of attrition as a way to further the suffering and exclusion of undocumented migrants. Individuals and groups are objectively excluded or made excludable from multiple domains of social life (e.g., distributional and relational dimensions of exclusion) in ways “external to and beyond” (Peace and Lewis, 2002, p. 108) their capabilities to control.

While migrants’ illegalised conditions place them increasingly at equal risk, such exclusionary elements do not affect or impact them uniformly. As Byrne (2005) notes, what is also at issue here is the “character of the social system” and its
“implications for agency”. Thus, analysis of the exclusions of undocumented migrants also requires consideration of their situational vulnerabilities that contribute to the likelihood of their further marginalisation. This understanding also helps forward the notion of deportability and the legal condition of removability, which while capturing the chronic vulnerability of undocumented migrants to exclusion as inherent in their illegalised status, fails to capture the social ontologies, ethical evaluations, and moral repertoires of undocumented migrants in their responses to it.

1.3. Situational vulnerabilities

Variable contexts and conditions can aggravate, compound, or mitigate people’s vulnerabilities and the extent to which they experience certain forms of exclusion. Peace (2001) refers to such factors as “intensifiers”, or those that “contribute to, or accentuate, the conditions of exclusion in which people live” (p. 23). This understanding patently rejects the view that regards undocumented migrants as a moral underclass, which presupposes that social and economic destitution are the products of individual moralities, culture, or behaviours of people who can only blame themselves for their experiences (see Levitas, 2005; Cook, 2009). However, there are various circumstances wherein situational factors—such as social attributes, stage in the life course, human and social capital, dynamics of inter-relations, as well as the universal and socially variable moralities at play in various settings—can diversely impact the forms and severity of the experience of exclusion in everyday life.

1.3.1. Exclusion and social attributes

Specific exclusions attached to social identities such as those involving age, race, gender, or ethnicity, can disadvantage those with these attributes for as long as they are associated with them (Yan, 2010). Associations with immutable attributes, whether at the individual or aggregate level, can contribute to the perpetuation of material and non-material exclusions and low socio-economic status. Some of the research done on race and gender illustrate how these attributes compound the marginality of undocumented migrants. For example, Golash-Boza and Hondagneu-
Sotelo (2013) highlight the deportation regime in the US that disproportionately targets Latino working-class men. Describing it as a state-initiated gendered racial removal programme, they highlight how such deportations result in adverse economic, social, and psychological consequences on the deportees’ families and their communities. Abrego (2014b) addresses the notion of “illegality”, which although tied to the legal status and deportability of undocumented migrants, are nonetheless also experienced differently in terms of gender. She notes how gendered illegality varies across different social spaces and identifies the context-specific vulnerabilities of women from sexual advances and community control, exclusions from male-dominated networks, or insecurity in their work spaces, among others.

Because vulnerability to exclusion is often considered attributively, that is, as a quality possessed by certain individuals or groups due to structural and institutional causes (UN DESA, 2016; Jehoel-Gijbers and Vrooman, 2007), this understanding is best complemented by the various ways in which individual contexts, environments, or individual agency, impact people’s susceptibility to social disadvantage. Immigration status, for instance, is a broad social marker of (dis)advantage, and hence, migrants or non-citizens may be subject to structural inequities in the labour market such as bias or prejudice in hiring, wage determination, promotion, or career advancement (Dietz et al, 2015; McKay et al, 2009; Goldring and Landolt, 2011; Alboim, Finnie and Meng, 2005). However, the possession of social capital, such as in the form of connections some workers can bring into the labour market, may mitigate their susceptibility and vulnerability to the same processes (Aguilera, 2003; Bloch and McKay, 2015). And certainly, individual characteristics, will, and dispositions will also have a bearing on people’s behaviours, practices, and outcomes in various work sectors (cf. Wang and Jing, 2018; Akkaymak, 2017). The consideration of this assortment of factors suggests that not all members who fit the criteria of membership to a group, given certain situational conditions, are tractable to the same types and levels of disadvantage as all the other members of the group (Sigona, 2012). Bloch and colleagues (2014) demonstrate this idea, for instance, in highlighting the growing number of female migrations in every region of the world and addressing the necessity of interrogating the migration experiences of undocumented women who face the “old barriers” in labour conditions, participation, and varied relationships in
the workplace. They conclude that “undocumented migrant women are not passive dependents of male figures but are independent, self-motivated global migrants who are most often resilient in the face of their difficult and precarious circumstances” (p. 353). Thus, as I argue in this thesis, analysis of experiences of exclusion would do well to consider not only its structural and institutional sources which are important in their own right, but also the social situation of the excluded, for instance, in terms of their individual characteristics and biographies, their moral and ethical dispositions, and so on.

This understanding of vulnerability in people’s lived experiences suggests that excludability is not just a quality individuals or groups possess, but it is also situational and better seen from the “bottom-up” perspective. Exploring the individual and personal dimension, as evoked in the interviews, provides a way for uncovering some grounds of migrant vulnerability which can be seen as a process which “has a beginning and an end and passes through different stages” (Estivill, 2003, p. 37). As Estivill (2003) further notes, “it is necessary not only to focus on its dynamics and to infer that it is linear, but also to go back to the causes and roots of the phenomenon. In so doing, personal case histories become fundamental to an understanding of why an individual, family, group or space is affected by exclusion” (p. 37-38).

1.3.2. Age and life stages

Exclusion can be experienced in different ways through various stages of life, encompassing childhood, youth, working-age adulthood, and later life (Levitas et al, 2007), as well as through its varied events, transitions, and passages (Dewilde, 2003). Accordingly, immigration status may become more resonant during significant moments or phases in the life course. For example, as experiences (openings and obstacles) vary across the life stages, one’s age can determine the extent status can impact both general and domain-specific aspects of life. Gonzales (2011) notes that “undocumented children move from protected to unprotected, from inclusion to exclusion, from de facto legal to illegal” (p. 62) in their transition to adulthood. Estivill (2003) can lend support to this view who sees how “the marginalized are at an
intermediate and to a certain extent transient stage between integration and longer-term exclusion” (p. 11). Undocumented youths start a chain of exclusionary events as they age into civic, social, and economic barriers, contending first with being blocked or limited from driver’s licences, college loans and scholarships, employment, opening bank accounts and applying for credit cards, or general limitations in the taking on of adult responsibilities. Many of these young people may not experience the same sense of community membership, privilege, and responsibility as their peers during this social transition, and instead, learn to be “illegal” through the “retooling of daily routines, survival skills, aspirations, and social patterns” (Gonzales, 2011, p. 62). Once they become elderly, they may also find themselves with declining mobility unable to continue with their labour productivity, experience age discrimination in wages, find it harder to find flexible or age-appropriate jobs, or even effectively consider prospects for retirement (Aguilera, 2004). Shifts in perceptions of paternalistic responsibilities and loyalties (Treás and Mazumdar, 2004) or in the interpretations of certain ethical standards (Serwinek, 1992) may also likely underscore many of the choices and decisions made during this period. The transitional domains of labour and employment as well as civic and family life, feature interactions with different social institutions and actors across time and space which also intersects with people’s life-stages. Immigration status can also change within the life course, such as from regular to irregular or irregular to regular. Understandably, these changes and transitions can have consequences for individuals and families in terms of experiences of exclusion (cf. Dewilde, 2003).

The illegalised status is not also an all-encompassing condition. Rather, it manifests and is experienced as a concern depending on the context. In practical terms, its effects can range from “smaller everyday inconveniences as well as major barriers” (Donato and Armenta, 2011, p. 537). Following Cvajner and Sciortino (2010a), a feature of undocumented life can entail “being fully excluded from the political system and still being able to carry on a great deal of social interactions” (p. 398). In many instances, undocumented migrants can become legally “non-existent” (for example, during the job hunt or in routine ID encounters) but may also be undistinguishable from legal residents in everyday situations where such nominal distinctions are obscured or inessential (Coutin, 2000; De Genova, 2002). Thus,
certain sites and locations, interactions, or activities may be considered to engender social exclusion and moral injury more or less so than others.

1.4. Defining terms, figures, and other remarks

Before I proceed with outlining the structure of this study, a clarification of terminology is necessary. I employ the term “undocumented” migrant with an acknowledgement of its imprecision, as not all who fall under the definition I noted earlier, lack legal or immigration documents. Furthermore, it is not a neutral term, as it also discloses certain presuppositions and intentions. Terminologies, in this case, to identify a broad group of people with a variety of legal situations and remedial conditions, also entail a way of framing an issue that may indicate one’s particular position within the moral spectrum of regard to the group’s identity or activity being described (See also Ommundsen et al, 2014; Haynes, Merolla and Ramakrishnan, 2016; Lakoff and Ferguson, 2006). Thus, for instance, the terms “illegal alien” or “illegal immigrant” are widely used in the US and often interchangeably in both legal and general public contexts. However, these carry prejudicial and negative moral connotations, or even moral judgment (Chavez, 2008; Back and Sinha, 2018). For this reason, alternative prefixes such as “irregular” (Bloch and Chimienti, 2012; Düvell, Triandafyllidou, and Vollmer, 2008; Ambrosini, 2013), “unauthorised” (Passel, 2004; Levinson, 2005), or “illegalised” (Bauder, 2014), are often preferred in the scientific literature in that they generally describe the form of migration that is “not regular” or “unlawful” in its breach of immigration laws (see Triandafyllidou, 2016; Düvell, Triandafyllidou, and Vollmer, 2008). These terms implicitly argue that illegality inheres in the status and not the person itself—the opposite of what “illegal alien” and “illegal immigrant” may unreservedly suggest.

Some of my Filipino interviewees have indicated their preference to self-identify as “out-of-status” immigrants to highlight their migration to the country “with documents”. Although I honoured their preference during the interviews, my use of “undocumented” in this study also follows a general convention of usage that has increasingly gained traction among proponents and supporters of migrants’ rights.
in the US and in many parts of the world (Ommundsen et al, 2014; Bloch, Sigona and Zetter, 2014; Bloch and McKay, 2016).

While estimates vary, the undocumented population in the US has been recently placed at 11 million in 2017 (Passel and Cohn, 2017). About one third to half of this population are estimated to be visa overstayers (Rosenblum and Hipsman, 2016). The first and most recent report by the Department of Homeland Security (DHS) on overstaying estimate that about two percent of visa-based arrivals the year before have overstayed (DHS, 2016b).

I also note that my interviews were conducted in the summer of 2016, before the election of Donald Trump in January of 2017. The subsequent unfolding of immigration rhetoric, policy, and enforcement initiated in the wake of his presidency in many ways reflect a new era in US immigration which certainly have both broad and particular impact on both the objective conditions and people’s subjective experiences of exclusion. Although I note some relevant policy changes that have come about since then, analysis and full incorporation of these developments go beyond the initial intention, design, and practical limits of this thesis.

1.5. Outline

A discussion of the general theoretical framework follows this current chapter that outlines a hybrid conception of moral economy as utilised in the works of E.P. Thompson (1971; 1993) and James C. Scott (1976) and subsequently in other cognate social analyses, which broadly examines the interactions between structural conditions and the moral and normative dispositions of individuals and groups. This is followed by consideration of the notions of lay morality (Sayer, 2011; 2005) and moral injury (Honneth, 1995; 2007) to explain the context-sensitive ways for identifying the moral and normative perspectives, beliefs, and longings of actors in matters they find essential for their subjective and objective well-being.

The third chapter presents the methodological underpinnings of the thesis and provides the intellectual rationale for the data gathering, analytical strategies, and
research methods I employ throughout the study. Ethical considerations consistent with the accepted norms of research among hidden, marginalised, and vulnerable groups are also given ample discussion.

The succeeding four chapters comprise the main analytical body of the thesis. By way of general format, each chapter will provide a brief historical, legal, and policy backdrop to provide the context within which I ground some of the systemic and moral implications of my analysis. Chapter four examines the identification systems that permeate the everyday civic lives of undocumented migrants. For better or worse, government-issued identification cards (e.g., state driver’s licences, municipal IDs, and foreign IDs) both facilitate and constrain engagement in the civic and political spheres in that it involves the identification, categorisation, and the labelling of members of the state according to hierarchies of membership and access to needed resources. Consequently, these systems can foster powerful feelings of belonging and inclusion, but also that of stigma and discrimination. I present how and why certain identification systems become problematic for this reason, even when available. As will be further argued in the chapter, while these ID cards provide its bearers with a form of recognition and legitimation, these are also implicated in people’s experiences of moral injury. The chapter further explores the varied moral meanings social actors ascribe to these identification systems along with how undocumented migrants negotiate rooms for themselves to manoeuvre outside of their formal civic memberships.

Chapter five begins with the notion of marriage as a legal pathway to regularisation and how this impacts the relationship formation and management of undocumented migrants. The chapter explains how the intersection of legal status and personal and social ethical values, having potential and practical implications in the shaping of intimate bonds, impacts how undocumented migrants view themselves in the context of navigating their social relationships. This general thrust is developed in the ensuing discussion on how moral concerns over immigration status and regularisation processes broadly and specifically hold sway over marital decision-making and its potential to undermine the well-being of mixed-status families. I follow this with the phenomena of what US immigration law describes as “marriage fraud”, which reflect the high-stake intersection of immigration policy and incipient
moral frameworks wherein moral enterprisers and the desperate take advantage of the narrow spaces provided by law for regularisation. Ethical issues over disclosing one’s status to significant others as well as the strains brought about by status differences within intimate relationships cap the chapter.

Chapters six and seven explore exclusions in the domains of labour and employment. These twin chapters cover the realities of labour exploitation and the consequent moral injuries endured by undocumented workers within the periods and configurations of their employment. I first explore both the formal and informal labour sectors to provide a backdrop for understanding the forms and types as well as introduce some constraints in undocumented employment. This will be followed by a discussion of the impact of positive and negative social capital to the well-being chances of the workers. An examination of the ways in which workers’ various social and moral interdependencies figure in these challenging labour contexts will then be given emphasis, as these provide possibilities for both social insurance or enfeeblement within the workplace as a moral environment.

The penultimate chapter addresses both the broad and particular realities of labour exploitation in relation to its everyday practical and moral consequences in the workers’ lives. Perennial issues of substandard wages, demanding labour, poor working conditions, and lack of non-wage benefits, as well as infrequently discussed problems with employment sponsorships and worker mismatch will be examined as these represent the many ways in which economic exclusion and marginalisation harm the normative expectations of individuals. The final section on voluntary tax payment presents one of the novel ways wherein the moral agency of undocumented migrants can reflect universal and local normative dispositions and how their given struggles with exclusion compound their decisions in this matter of civic responsibility.

As these chapters will make clear, exclusionary challenges impact people’s lives in many ways, and thus, their actions regarding what they find as essential for their subjective and objective well-being can be driven by their moral understandings, expectations, and dispositions. This research thrust builds on the emergent literature on the moral and ethical dimensions of the exclusionary experiences of
undocumented migrants and contributes to providing both theoretical and empirical grounding for explaining how various forms of exclusion are morally injurious, and thus, also show how experiences of injustice and other moral harms can inform and influence people’s subsequent behaviour and action.
Chapter 2: Theoretical framework

2.1. Introduction

This chapter details the theoretical underpinnings for examining the moral and ethical dimensions of the lived experiences of undocumented migrants in relation to their exclusions in the civic, social, and economic domains that will be covered in Chapters 4 through 7. My analytical approach begins with the relevant legal context and policies which undergird the interviewees’ experiences and the moral aspects of their corresponding responses. This includes the identification of moral repertoires that underscore their varied capacities to ignore, anticipate, manage, channel, defy, or recover from the impacts of exclusion in their everyday lives. To this end, I draw from three cognate theoretical ideas: moral economy approach espoused by E. P. Thompson (1971, 1993) and James C. Scott (1976), the notion of lay morality by Andrew Sayer (2011, 2005), and the concept of moral injury by Axel Honneth (1997, 2005).

The overarching framework used in this study is that of the moral economy, which briefly and broadly, facilitates the analysis of how institutional organisation and practice and the moral and normative dispositions of individuals, interact in social life. For this purpose, I account for the broader forms of economic and social arrangements which play a role in the everyday lives of undocumented migrants. The moral economy framework is a mode of inquiry or a way of “looking at things” and is not inherently equipped with tools to identify the sources and processes at work in this interaction. I aptly turn to the notions of lay morality and moral injury to supplement it. Lay morality helps identify the moral and ethical within the subjective, social, and cultural activities of the people being studied, that is, how their broad and specific moral concerns are “lived” and experienced. It provides a way to identify the moral sources of people’s evaluations and judgments, and the practical rationales underpinning their ethical behaviour in everyday life. Moral injury, on the other hand, sees how everyday struggles with various forms of social exclusion can entail a
“wounding” in the moral sphere of life that is inter-subjectively oriented (Schweiger, 2013) and expected in human interaction and practices (Kauppinen, 2002). This theorising, in turn, helps explain the moral motivations for people’s subsequent social action regarding preventing or overcoming their injuries.

While the moral economy approach provides a “bird’s-eye view” analysis of the various structural conditions and the intersubjective moralities, norms and values operating within particular social contexts, lay morality and moral injury facilitate a vantage point “from below”, that is, a way of identifying the moral and normative perspectives, beliefs, and longings of particular social actors. Taken together, these theories help capture the dynamics of individual moral behaviour, not only as it pertains to how it is affected by structural conditions (e.g., laws, policies, institutions), but also how structure, its nature, effects, and consequences are evaluated and responded to by individuals with moral and normative concerns and grievances about their general wellbeing.

This chapter is divided into three parts, each addressing the main theoretical ideas governing this study. The section on moral economy will briefly discuss the works of E. P. Thompson (1971, 1993) and James C. Scott (1976), who are early proponents and provide coherent frameworks that explain how moral and ethical concerns permeate the everyday struggles of particular social actors. This section will be followed by a discussion of Sayer’s (2011, 2005) notion of lay morality. I subsequently draw on the concept of moral injury as formulated in the recognition theory of Axel Honneth (2007, 1995) wherein forms of social disrespect to peoples’ autonomy, moral accountability, and capability can be linked to people’s intersubjective interactions in the primary, legal, and social spheres of everyday life. Conclusions and a broader framework will be drawn to help advance the empirical and qualitative analysis in the succeeding chapters.

2.2. Moral economy

The modern literature on the moral economy framework often draws from the works of E. P. Thompson (1971) and James C. Scott (1976). Set in specific historical
settings, both scholars ground their analyses within the normative dispositions of actors and argue how the latter serve as a basis and legitimation for their social and economic behaviour. Thompson’s study centred on a series of food riots in pre-modern England and advanced the novel argument that traditional notions of rights and paternal patronage fuelled the crowd’s sense of justified outrage towards their market exploiters. Not directly drawing from Thompson’s work, Scott’s anthropological addressed the normative roots of the poor’s everyday responses to issues of subsistence plaguing their rural lives. Within both authors’ understandings, people’s actions and behaviours are not just borne out of self-interest or economic calculation, but by norms and values of mutual reciprocity, obligation, and communal responsibility (cf. Svalfors, 2006) which are set within particular configurations of certain social relationships.

Similar to Thompson’s view, Scott (1976) starts with the premise of a shared moral universe through which peasants have access to: “a fund of moral values, a set of concrete social relationships, a pattern of expectations about the behaviour of others, and a sense of how those in his culture have proceeded to similar goals in the past” (p. 166-7). However, Scott (1976) further argues, and rightly so, that there is certainly a danger that one can potentially overlook an individual’s “existential needs” and not account for their “own durable standards of equity and exploitation” (1976, p. 160). This approach seems cognisant of Thompson’s limitations as Scott (1976) identifies the “values of real actors” and the “feelings of the exploited” (p. 32) as the starting point of his analysis, unlike Thompson whose analysis centred on the poor as a proto-class.

I briefly go over some of their key arguments below and follow this with a brief discussion: firstly, of what both Thompson and Scott identify as the structural and normative bases of the poor’s social action and the configurations of their social relations wherein these are embedded; and secondly, of the possibility of ascertaining individual subjectivities and moralities within a moral economy framework.
2.2.1. E.P. Thompson and expectations of the common good

The modern notion of moral economy is attributed to Thompson’s 1971 seminal article “The Moral Economy of the English Crowd in the Eighteenth Century”, although the term and some of its ideas can be traced back to the eighteenth century and even earlier (for an overview, see Götz, 2015). Thompson’s landmark study is set in pre-modern England and centre on the food riots (a “clumsy” term Thompson contends to describe the collective behaviour) which prior to his analysis were considered as “spasmodic” events ascribed to the crowd’s self-serving interests and nothing more than “rebellions of the belly” (1971, p.77). What would then become a common starting point in subsequent applications of the moral economy concept follows Thompson’s (1977) contention that such views erred of “economic reductionism” in discounting the complexities of the human individual (e.g., motive, behaviour, function) particularly that of the crowd’s behaviour and the causes of their contention (p.78).

Thompson’s novel proposal argued that rather than economic stimuli, it was traditional notions of rights and paternal patronage that fuelled the crowd’s sense of justified outrage towards their market exploiters and profiteers. This “notion of right” was a complex set of attitudes and informal understandings of traditional norms and obligations (1971, p. 78) which was ingrained in the community mentalité. Comprising of norms, traditions, and rituals variously codified in the older laws dating back hundreds of years, this mentalité was relived in the public imagination through the community’s cultural and religious life (Thompson, 1993, pp. 260f).

Because the crowd derived an objective sense of legitimation (“legitimising notion”) from these ideals, Thompson saw the protest actions not as involuntary spasms at occasional moments but as deliberate moves supported by a community joined in an ethical bond through its customs and traditions and shared experience of scarcity. The actions of the crowd agitated for authorities along with those who had access to market resources to be “reasonable” in their economic dealings with the poor. The collective action sought to remind those in positions of economic advantage of their task and responsibility of guaranteeing the public good, or at a minimum, operating the closed market to ensure its minimal functioning (Genovese, 1973)—which the
poor can bind them to uphold at the threat of revolt. This sense of traditional entitlement and solidarity with one another also prevailed over their “motives of fear or deference” despite their social standing. Thus, according to Thompson (1971) the “highly complex form[s] of direct popular action” which were “disciplined and with clear objectives,” (p. 78), were not necessarily meant for pilferage or immediate gratification, but to punish the erring profiteers and return to earlier conditions which entailed “reasonable” price adjustment as well as prevent further abuse.

2.2.2. James C. Scott and the subsistence ethic

Scott’s anthropological study in 1976 entitled “The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia” started similarly with the poor’s insecurities and anger over subsistence issues but took it further to explore the “normative roots of peasant politics” and develop a “phenomenological theory of exploitation” set within a colonial context. The focus of Scott’s analysis was the peasant uprisings in Saya San (1930-31) in Burma and Nghe Tinh (1930) in Vietnam both of which were set within the threshold of colonial era transformation in Southeast Asia. However, Scott did not intend to dwell on the causes of the revolts but explain the social conditions that made it possible (Fassin, 2009). His analytical approach was two pronged: examine the “fear, values, and habits” (Scott, 1976, p. 2) that guided the peasants and explain its consequences in the unravelling of their individual and collective action. According to Scott (1976), peasants in the villages (and in most pre-capitalist peasant societies) were repeatedly at the brink of subsistence crises which marked the “major existential problems” of their peasant lives (p. 19). This vulnerability increased under colonial transformation and effectively undermined the local support systems of the traditional state it superseded. Structural changes in the colonial economy not only narrowed the subsistence margins of many peasants but also exposed them to new and greater risks, including market-based instabilities, erosion of social and class relationships, loss of labour and livelihood opportunities, rent increases, and new state mechanisms for tax extraction. Identification of these structural changes was crucial for Scott’s analysis as perennial
scarcity and systematic exploitation brought the peasants exceedingly close to their economic limits.

Going further than Thompson who argued that the legitimation of the poor’s revolt was sourced from the community mentalité and shared ethical bond, the primary component of Scott’s diagnosis of the peasant condition involved identifying what he refers to as the “subsistence ethic” that peasants adhered to in times of need. Similar to Thompson’s moral economy, this ethic, for Scott (1976) assumed “all members of a community had a presumptive right to a living so far as local resources will allow” (p. 176). However, Scott additionally identifies an intersubjective dimension that includes both the poor’s sense of “social right” and survival “strategy”. This involves a sense of duty and obligation between the community members which bound them to mutual aid but also importantly, enables some form of expectation of “just” economics and risk sharing in light of the looming threat of subsistence crises permeating their lives. Hence, for example, left with limited choices, labourers, tenants, farmers and the like, would turn to the immediate and practical to minimise their risks and prioritise their “safety” or “right” over long-term strategies and other economic considerations. For Scott (1976), the approach underlines not only how exploitation is experienced and defined by individuals but also reflects their shared preferences and techniques at subsistence security. He identifies those durable values rooted in the existential needs of actors — “to the extent that they are resistant to efforts at “reeducation,” to the extent that they continue to define the situation for him, it is they… which serve as reliable guides to his sentiments and behavior” (1976, p. 160). Thus, Scott’s (1976) “moral economy of the peasant” is comprised of the moral dimensions of these patterns of social activity (“shared moral universe” [p. 167]; “moral vision” [p. 192]). This notion entails the dual ideas that the elite must not encroach upon the subsistence reserves of the poor and that the same has certain responsibilities to their welfare subjects in times of scarcity. Since the peasant ordinarily lived only to secure a reliable subsistence standard, a threat to the peasant’s “right to subsistence” affords them with the “moral indignation” that would fuel their rebellion (1976, p. 162). The criterion for the peasant was less likely to be “how much was taken?” but rather “how much was left?” (Herzog II, 1994). Hence, the claims of landlord, moneylender, or the state would be judged unjust and invalid whenever they
required peasants to exhaust their reserves to meet their economic obligations—because the right to survive was a moral claim that transcended the needs of elites for exploitation (Scott, 1976, p. 32-3; Herzog II, 1994).

2.2.3. Structural and normative bases of human action

What is evident from the moral economy frameworks shown above are the moral and normative bases of the actions of concerned people in light of the structural and relational dimensions that pervade specific moments in their everyday lives. The poor suffered forms of economic exclusion and inequalities—and in crucial respects, analysis of their suffering necessarily required consideration of the specific historical and structural conditions that contributed to bringing it about. But also, importantly, the examinations included the identification of the communal norms and group notions of justice and of right behaviour that guided the poor’s evaluation and response to these conditions. Implicit in both these ideas is a critique of a purely economic rationale to explain economic action beginning with the identification of a local fund of norms, values, and moralities that underpin the activities of the poor in social life. Both analyses also identified the emergence of market economies which can lead to social unrest in the aftermath of traditional economies that rely on communal norms and values (Mau, 2015; Thompson, 1993). These struggles happen because in the midst of structural change, there remains a fund of public values that contains the normative expectations of the “right” kind of practical conduct necessary to address both individual and community need. Deviations from these values are judged and responded to in accordance with its own mechanisms for community discipline. It is in this sense that people’s behaviours and responses can be said to be shaped by their social environment and the patterns of social relationships (i.e., with others and with institutions of redistribution and exploitation) in which these obligations and opportunities for action are entrenched. These relationships, undoubtedly, can be marked by power asymmetries (Bolton and Laaser, 2013) as well as differences in relational expectations that are roughly established. However, both can be subject to active negotiation in relation to people’s “needs and wants, capacities, and vulnerabilities” (Sayer, 2011, p., 176). As I argued in the introductory chapter, people’s
social and economic behaviour often hinge on these contextual factors and the character of each community (cf. Portes and Sensenbrenner, 1993). Hence, variations in people’s behaviour can be accounted for by the practical inconsistencies between their present material conditions and aspects of the norms and values (e.g., their subsistence ethic or ideals of the common good) (Little, 2008) and the objective differences in their social relations.

2.2.4. Multiple moral economies?

Thompson’s crowd, following their customs, demanded the right functioning of various sectors that make up the community, which meant their anger was directed at local authorities, traders, and marketeers who in their moral reckoning reneged on the moral contract that was established through tradition. On the other hand, it is also not especially difficult to posit a moral economy of the elite which corresponded to their own motivations for preserving the social order when it benefited them. In Scott’s agrarian setting, the peasants’ “desire for security” (Fassin, 2009) was the basis for their economic strategies amidst an assortment of claims from various social actors (in the form of the colonial state and other agents) and the natural hazards that infringe upon their livelihood. Scott situates the peasant’s moral economy within their various reciprocal relationships with fellow villagers ranging from local practices of social exchange to patron-client ties with a landowner, petty official, or trader, as well as to their “hardly reliable” economic relationship with the colonial state (1976, p. 27-8). Thus, these “standards of moral judgment” (1976, p. 41) apply “as strongly to relationships between unequals as between equals” (1976, p. 168).

While the peasant’s subsistence ethic ties the moral dimension of these forms of social insurance together, Scott also showed how a range of actors, networks and institutions can weave in and out of resignation to these norms or even hold their own standards and notions of justice altogether. Scott allows this, for instance, by acknowledging that individuals can have their own moral economies, a point Thompson explicitly avoids, and hence why, Thompson focuses on an agentic “crowd” and only on behaviour funded by the community mentalité.
As shown here, while both moral economists centre on the normative consciousness maintained by the specified objects of their study, such analyses, can be enriched further by a consideration of the ways multiple cognitive and moral frameworks—in the case above, Scott more so than Thompson—intersect with respect to different agents or institutions (for examples in the migration literature, see Willen, 2015; Chauvin and Garcés-Mascareñas, 2012; Anderson, 2013).

2.2.5. Broadening the moral economy

Subsequent applications of the moral economy often move beyond the premodern, historical, and class-oriented perimeters established by Thompson and Scott, although features from both analyses inform later examinations. An important aspect of these types of studies involves a particular understanding of the relationship between economic activities and the normative and moral concerns that infuse the behaviour of individual actors. There are three relevant research orientations that follow this analytical trajectory.

The first focuses on the links between the economic and the moral in terms of a contending duality, and thus, explore specific normative beliefs that counter rationalities in conventional economic exchanges. Along with this vein, Tripp (2006), for example, highlights the existential challenges brought about by capitalistic practices in Islamic communities. The various responses of the actors in his study are drawn from a repertoire of idioms, normative concerns, and different religious ideals. Other examples in the literature may also highlight the actions of individuals who push against the commodification of their social relations on the grounds of particular norm-based principles (Nguyen, 2010; cf. Horton, 2015) or how people may defend their moral commitments and obligations against what they regard to be the erosive effects of specific economic processes (Bolton and Laaser, 2013).

The second theoretical orientation underlines a set of practices that straddle between what is accepted as an interdependent but distinct relation between existing moral and political economies. For example, Busch (2000) identifies a moral economy behind the creation and enforcement of grades and standards used for organising and regulating local and international markets in a bid to lower business costs. He argues
that this moral economy of standards not only accepts the legitimacy of the contemporary capitalist market but also that moral economies are a way of ordering the political economy along particular normative ideals.

The third approach, most useful here, encompasses an understanding of economic activities as socially and politically “embedded” systems which are influenced and structured by the moral dispositions and norms of their communities (Sayer, 2004; Booth, 1994; Bolton et al, 2012). In this view, contrary to Polanyi (2001), all economies are moral economies in that they are embedded within the ethical framework of the community (Booth, 1994). Moral economists under this conceptual lineage often anchor their inquiry on the relationship between the system of (capitalist) values rooted in traditional economic practice and alternative rationalities and practices that are grounded in coherent normative meanings and sentiments. Orlando (2010) for instance, employs this particular framework to interpret the work of a local group of consumers, fair-traders, and farmers who are committed to ethical consumption by negotiating the dialectic relation between values of fair-trade retail and organic farming.

These general approaches which consider the relationship between moral dimensions of everyday life and explicit economic behaviour—either in terms of polar duality, interdependence, or embeddedness—underscore the broad idea that what is often considered in terms of “economic activity” cannot be readily disentangled from the moral character of the decisions, behaviours and actions of the people affected. One may reconstruct the meanings traditionally inscribed in economic utility, such as maximisation or rationality, to reveal altruistic or moral meanings, transforming the value of the activity altogether (cf. Götz, 2015). The above approaches can be viewed to constitute social analyses that “remoralise” (Banks, 2006) or even identify what is intrinsically moral in certain forms of economic activity. As these studies show however, there are various ways in which norms and moralities infuse an assortment of economic undertakings.
2.2.6. Normative and moral dimensions of everyday life

Reconciling Thompson and Scott, a moral economy approach involves the identification of a fund of values that undergirds people's normative and moral expectations and activities in social life. Furthermore, people's responses to their social conditions can also be related to their social environment and the patterns of social relationships within which their opportunities for action can be said to be rooted. However, this thesis goes further by broadening the moral economy framework in order to highlight the various resources of moral and ethical meanings and sentiments that predicate or correspond to specific forms of behaviour. This is necessary to incorporate not just the day-to-day market transactions or material issues of production and distribution of goods and services in the traditional sense, but also the wider field of evaluation and action regulated by these normative understandings, which involves the economy, but also especially other types of social activity (Fassin, 2009). Thus, the approach utilised in this thesis shifts the focus from the noun (economy) to the adjective (moral)—that is, it is more in tune with the “economy of morals” over “moral economies” (Palomera and Vetta, 2016).

This approach includes both broad and specific moral and normative dispositions on what institutions and people consider being “right/wrong” or “good/bad” which carry personal and social significance. To illustrate from the wider literature, this trajectory may cover a range of collectively shared evaluations concerning the mundane, such as the use of social networking technologies by tourists (Germann Molz, 2013), to more pervading ones as in the sense that Kleinman (1997) describes “everything that really matters” in people’s lives. Within the migration literature, although not explicitly identifying it as a moral economy, Anderson’s (2013) notion of “community of value” describes how modern states represent themselves as “composed of people who share common ideals and (exemplary) patterns of behaviour expressed through ethnicity, religion, culture, or language—that is, its members have shared values” (p. 2). This understanding translates to a moral judgment of migrants in terms of how they stack up to these values and virtues, and thus, who are considered “good” or “bad”, or “deserving” or “undeserving”—with clear implications as to how migrants would need to act morally to position
themselves within the privileged spectrum of the community’s principles. More explicitly, Chauvin and Garcés-Mascaréñas (2014) highlight how the partial integration of undocumented migrants into important formal institutions within their places of residence entail moral and political dynamics and processes. For instance, they describe a moral economy of “deservingness” where regimes convey standards of “good illegality” which undocumented migrants are encouraged to strive for. This results in practices of accumulation of various residence documents and other emblems of ethical conduct to foster civic deservingness in view of future legalisation. A narrower usage of the concept can also involve moral economies that underpin, for example, the moral rationale for identity-sharing among family members to circumvent legal restrictions in employment (Horton, 2015). Morally significant issues evidently abound in the well-being chances of unauthorised migrants and their increasingly tumultuous relationships with their host states (e.g., Willen, 2015; Varsanyi, 2006) or possibly more so in the trauma and coping strategies that asylees, refugees, or forced migrants experience before, during, or after their arrival in the receiving countries (e.g., Nickerson et al, 2015; Fassin, 2009; Sigona, 2014). There is thus an inherent “seriousness” (Sayer 2004, p. 94) to personal claims of morality. Although some may not articulate clear or robust principles of moral judgement, individuals “generally see themselves as moral beings who want to do the right thing as they perceive it” (Robinson and Darley, 1997; cited in Ryo, 2013, p. 577) and carry their evaluations, behaviour, and social practices on the back of the seriousness of their concerns (cf. Sayer, 2004, p. 99).

When speaking of moralities in individual terms, following Hitlin and Vaisey (2010), I point to the moral commitments and standards individuals personally adhere to, which in some ways may differ from others, but are nevertheless situational and socially embedded. Kleinman (1999) notes that “moral experience is about the local processes (collective, interpersonal, subjective) that realize (enact) values in ordinary living” (p. 71). Furthermore, he suggests that an individual who is part of a network of relations, experience actual situations by “connecting affect and cognition with cultural meanings, moral norms and collective identity with sense of self” (p. 72). Thus, morality can be individual in the sense that it reflects a person’s “standpoint in the social world… and the ways these standpoints are implicated in particular
situations”; however, these are also socially located and “exist within the context of recurrent situations, identities, and relationships one has developed” (Hitlin and Vaisey, 2010, p. 11).

2.3. Lay morality

As suggested earlier in this chapter, the analysis of the moral dimensions of undocumented life, while accounting for its social and structural aspects through the moral economy approach, must also essentially involve the subjective standpoint of actors. This involves, as Jasper (2010) notes in another context, getting inside “people’s heads and hearts”—or into the “moods, reflex emotions, affective commitments, decision-making heuristics, identity formation, memories, feelings of efficacy and control...demonizations, escalations, and so on” (p. 967). However, it is also necessary to explore how these components are influenced by moral and normative considerations.

Sayer’s (2005) notion of “lay morality” centres on people’s moral and ethical evaluations of how they ought to treat others and be treated by them in ways that are conducive to their subjective and objective well-being. As inherently local and context-specific, lay moralities can take the form of various understandings of justice on what individuals may consider as “fair” or “right” or what should be morally valued in a given situation. Thus, lay morality identifies those various everyday experiences and circumstances that matter to people because they affect their well-being and capacities to flourish or suffer. For undocumented migrants, such moral concerns may cover those significant decisions regarding leaving one’s family to work in another country, deliberating one’s options for staying in the new country after legal options have been exhausted, or even private decisions involving forming new relationships or breaking off existing ones. These moral experiences also include even those momentary or fleeting choices such as those people make during casual conversations with others, about participating at social gatherings, taking public transportation, and so on, particularly as these can entail serious repercussions where such decisions can lead to being discovered or apprehended.
In this sense, it is not just about describing people’s adherence to communal norms or how they evaluate or protest against deviations from it, but the quality of the ethical sensibilities that accompany each evaluation (cf. Sayer, 2011, p. 8). It is important to note that individuals are embedded in specific social and political environments. As such these different contexts play a role in people’s various behaviours, struggles, strategies, and so on. This understanding helps address the limitations of traditional moral economy approaches by accounting for and explaining how moral behaviour can be similar, or distinct and differentiated among individuals.

2.3.1. Six elements of lay morality

Sayer identifies six different but interacting social and cultural components that underpin lay morality (moral sentiments, fellow-feeling, dispositions, norms, discourses, and moral reasoning) which I briefly discuss below.

(1) Moral sentiments and moral emotions. Emotions and moral sentiments factor in people’s moral evaluations and decision-making (Hegtvedt and Scheuerman, 2010). Within the perspective of lay morality, moral sentiments, and emotions (such as anger, embarrassment, compassion, benevolence, gratitude, guilt, shame, and sense of justice, and injustice) are sources of moral reasoning in the sense that, although fallible, these can feature intelligent and judicial responses to situations that matter or are of concern to people (Sayer, 2010). The feeling of guilt, for instance, can indicate to the individual that another person has been harmed, or a rule has been breached, which may trigger a negative feeling and desire to act to mitigate the experience (cf. Sayer, 2010).

Emotions can thus be seen to carry cognitive, affective, and motivating properties (Oatley and Johnson-laird, 1987; George and Dane, 2016; Gutnik et al, 2006), and following Nussbaum is “part and parcel of the system of ethical reasoning” (Nussbaum, 2001, p. 1; cited in Sayer, 2005, p. 44). Moral emotions are not just indeterminate feelings but may also bear cognitive content in that they may “indicate a specific violation of the normative regard or treatment that one has good reason to expect as one’s due” (Zurn, 2015, p. 39). The notion of moral injury which I discuss
later in this chapter shows how emotions, particularly those associated with personal
experiences of suffering, point to specific violations of normative ideas of justice and
how these correspond with particular forms of social action that people take.

Moral emotions may not contain an intelligent evaluation of the experience at the
onset; it may even be a “gut-level” response to the event (Honneth, 1992). As
research on moral emotions has shown, emotions of anger, frustration, disgust,
shame, guilt, or embarrassment, may come before a cognitive justice evaluation
(Haidt, 2003). Similarly, Hegtveldt and Schuermann (2010) note that justice violations
can evoke moral concerns and produce instantaneous emotions, further suggesting
that “experiencing moral emotions precedes evaluations” (p. 354).

(2) Fellow-feeling is the capacity to understand others in light of one’s own
moral experiences or situation (good or bad) that may, broadly or specifically, relate
to others’ social condition. Hence, feeling for others is important for social interaction
and can be a basis for moral action (Sanghera, 2016). Through fellow-feeling,
individuals are also able to gain insight and evaluate their own and others’ struggles or
situations.

Fellow-feeling can operate on different levels of moral concerns. For example,
an undocumented worker may sympathise in the situation or concerns of a fellow
worker through various measures of shared experiences with workplace hazards and
precarity (micro), general similarities in legal condition (meso), or in terms of shared
dignity and status of personhood (universal). Fellow-feeling can also be formally
linked to solidarity with others which can impact behaviour and social action. While
shared meaning can be seen as an impetus for group solidarity (Hitlin and Vaisey,
2010), it is the prior position of sympathy or affinity with others that can help
individuals see these meanings as something one can care about because others value
them as well. In many occasions it is fellow-feeling that initially draws individuals in
the creation or sharing of personally held values and meanings.

Another aspect of fellow-feeling takes the form of the appreciation for others’
traits and abilities as some see these as significant and necessary for shared practice
towards a common good (Honneth, 1992). The esteem given to others’ ability
(regardless of immigration status) is a moral position initiated by a recognition of
what is unique about the other person and how the attribute can contribute to a
shared goal.

(3) Ethical dispositions are the particular ways in which people behave that are
primarily learned or acquired through habit or repeated behaviour (Sayer, 2010;
Bourdieu, 1986). The actions of individuals may reflect the internalised dispositions of
their original socialisation experiences (Swartz, 2002, p. 635) and the virtues or vices
ingrained or learned as part of their upbringing (Sayer, 2004). These patterns of action
are important for understanding people’s lay morality as they can point to the moral
dimension of the behaviours shared by a group that is taken for granted but have an
otherwise moral basis within the habitus. For example, in a study of the moral
standards of “working-class men” Lamont (2000) describes her subjects as following
norms of solidarity and generosity to not only help define and distinguish themselves
from other workers but are also reflective of their consciousness and yearnings of
being “hard” or “responsible” workers.

Dispositions can also involve the adaptive activities individuals pursue—which
can later turn into habits (cf. Bourdieu, 1986). In these cases, individuals upon
evaluation and differentiating between right/good or wrong/bad may often decide to
pursue a type of action until the act becomes a part of their dispositions. For instance,
individuals can commit to acts of kindness until they become “kind” themselves,
which is similar to how one can train a skill (Sayer, 2005b). Alternatively, certain acts
that are deemed wrong such as lying about one’s immigration status may affect the
“conscience” of the individual in the beginning, but the feeling may be backgrounded
or readily dismissed once the activity has been routinised or repeated long enough or
when the behaviour becomes expected within one’s field of reference.

(4) Moral norms. Sayer (2011a) distinguishes moral norms from social norms,
with the latter he refers to regarding being “non-moral normative matters” (p.155).
Mackie and colleagues (2015) describe social norms as any set of collective beliefs that
are maintained by social expectations and influence of relevant others within a
particular group and define moral norms as internally held convictions of right and
wrong irrespective of what others think or do. A similar distinction between social
and moral norms is given by Southwood (2011) who frames the former to be practice-
dependent, that is, grounded in and justified in part through presumed social practices, while the latter involves convictions independent of proximal social practices, or as according to Bicchieri (2016), they demand at least in principle an unconditional commitment independent of others’ expectations.

I focus on moral norms that can comprise the shared beliefs about standards of right and wrong that people follow and feel that they ought to follow (Harms and Skyrms, 2008) which importantly, have “serious implications for well-being” (Sayer, 2011, p. 155). Within the same vein, Sayer (2005) notes of varying moral beliefs and standards that people hold and assume to hold as universally binding. He refers to his notion of “lay normativity” to cover the range of normative orientations of individuals that are also attuned to and influenced by their social positions and interactions. In this sense, adherence to these moral ideals are not static but are subject to ongoing negotiations and contestations.

While social norms are enforced through informal rewards and sanctions by others (Fehr and Rockenbach, 2003; Mackie et al, 2015), moral norms are grounded on internalised ideals and are only personally binding in so far as individuals allow them to be, although they may choose to adhere to the moral prescriptions of particular institutions (e.g., church) or worldviews (Gregg, 2012).

(5) Discourses are the various sources of moral ideas such as moral stories, symbols, exemplary individuals, and to which I add, different cultural products that people draw from to inform their ethical evaluations. These varied materials can constrain and structure how people think about significant issues, but they can also be interpreted and used in various ways and are thus subject to “endless innovation and deformation” and may likewise be inconsistent with other materials (Sayer, 2005b, p. 7).

On a broader scale, culture bears consequence on how social realities are experienced and evaluated by individuals, even as it also helps facilitate or constrain certain behaviours (see Vaisey, 2009). Individuals may take from available cultural repertoires to develop lives they consider meaningful (Lamont, 2010). Shared meanings can draw individuals together in ways that can lead to different forms of moral behaviour and social action (Hitlin and Vaisey, 2010). Within a moral economy
framework, this can involve normative cultural values such as respect for others, empathy with one’s fellows, devotion to one’s family, and so on. The analysis in these areas can reveal what people value and lead to particular understandings of the good life and the various practical ways to achieve it (see, for example, Cleveland and Horner, 2012). Furthermore, as Swidler (1986) notes, individuals can use cultural symbols, stories, rituals, and world-views to construct strategies of action. This cultural toolkit can help explain how migrants, for instance, can rely on their cultural capacities (by maintaining or refining them) to adapt their behaviour to new circumstances (see, for example, Van Hook and Bean, 2009; Nagata, 1969).

(6) Reflexivity and moral reasoning involve the conscious deliberations concerning ethical decisions that people make which can range from the mundane to the momentous in everyday life. Sayer (2010), following Murdoch (2001), speaks of the “work of attention” wherein individuals continually note (sometimes unconsciously) the condition of people and things that they care about and value. Reflective reasoning can also involve “internal conversations” (Archer, 2003) which produce moral orientations concerning important matters for the individual. This process can involve those range of mental activities of mulling over, planning, imagining, deciding, rehearsing, reliving, prioritising, having imaginary conversations, budgeting, and clarifying (Archer 2003, p. 161)—which individuals use to shape their decisions particularly through “concentrated reflections on particular problems” (Sayer, 2005b, p. 29). As primarily an interior “dialogue” within the self, it does not include intersubjective exchanges with others, and thus only make use of cognitive and moral materials already existing; however, it can also generate new ideas concerning present and future action. In the same way, moral reflections of experiences of the past also help address recurring moral mistakes or lead better moral lives going forward (Ransome, 2009).

Legal consciousness can also be characterised by moral awareness and reasoning. Legal cognition typically reflects how people view their standing before the law as they “engage, avoid, or resist the law and legal meanings” (Silbey, 2008). It also involves the feelings and reasoning that arises when people are confronted with the law and its consequences in specific moments. This thought process can involve how people view themselves and their actions “before the law”, “with the law” or “against
the law” (Ewick and Silbey, 1998). In these situations, claim-making, grievances, or social action can emerge from within these understandings and a framework of rules about “what is the normal or moral way to act, what kind of wrongs warrant action, and what kinds of remedies are acceptable and appropriate” when evaluating their legal experience (Silbey, 2005, p. 339).

2.4. Moral injury

As noted in the introductory chapter of this thesis, undocumented migrants experience exclusion in various domains of social life. They are vulnerable to deep exclusion and concomitant suffering, which in some ways can be understood to be a unique social condition which results from their illegalised status. Although suffering can proceed from particular forms of political and social organisation, an “adequate account of the moral dimension of social life needs an understanding of the nature of the subjective experience of it” (Sayer, 2007, p. 3). Lay morality helps us understand the local sources of people’s moral leanings and persuasions, but it does not assign or evaluate the normative legitimation of these beliefs. For instance, certain lay moralities can perpetuate the exclusion, discrimination, or disadvantage of other people, just as some forms can seek to promote their well-being. Thus, lay moralities can be inconsistent or worse, reinforce unjustified inequalities (Sayer, 2005, p. 4).

The concept of moral injury presents a helpful way of underlining the moral and normative aspects of the experiences and evaluations of social exclusion and suffering. Briefly, the notion of moral injury explains how various forms of exclusion—in that they violate the legitimate and normative expectations of individuals—can be morally damaging. As such, certain practices and strategies of action can be explained to embody people’s desire to respond to or remediate their experiences of moral injury or even prevent it from occurring. This theorising provides a sociological starting point for identifying experiences of personal suffering (and constraints in the pursuit of the good life) as well as recognising the moral energy that infuses the behaviour and social action of the individuals who experience it.
2.4.1. Moral injury in the wider literature

The emerging empirical and ethnographic literature on the effects and consequences of moral injury to people’s health and well-being is primarily and extensively documented in the field of mental health in the military sector (see Thompson, 2015; Koenig, 2018; Drescher et al., 2011; Shay, 1995). Thus, although the idea of grave moral wounding wrought by experiences of malfeasance, misdeed, or betrayal is a recurring theme in the literary canon and in historical experience (see, for instance, Fassin and Reichtman, 2009; Shay, 1991), the formal concept of moral trauma or injury is typically associated with the struggles of active soldiers and veterans. As construed more narrowly in military settings, moral injury often refers to the struggles and associated suffering experienced by individuals resulting from violations of deeply held moral beliefs. Seen in this sense, human pathos in and by itself does not necessarily equate to moral injury. Instead, the clinical concept of moral injury can be understood as the experiences of violations against personal standards of what is right—and particularly in the clinical literature, the extent of the injury is often evaluated in terms of the way the cognitive and moral dissonance is identified, managed, and resolved.

When hardships and affliction occur within the moral landscape that people inhabit, suffering carries a moral charge, and thus, the ensuing psycho-social damage has a normative and moral dimension. It is clear here that this idea is useful in establishing empirically the concreteness of personal suffering that results from moral violations and its pathological consequences to the general well-being of the victims (and their families). However, the broader clinical usage is inadequate for the purposes laid out in this thesis in that it does not account for the legitimacy of the actual claims, particularly for instance, in relation to normative standards of justice or even the individual psychopathology of the claim-maker. As may be expected, while the subject’s psychological state of mind can be correctly diagnosed in the clinical or therapeutic setting, the moral injury “diagnosis” by and of itself does not take these legitimising notions into account.
2.4.2. Moral injury and recognition

Within the perspective of recognition theory (Honneth, 1995; Taylor, 1992) the experience of injustice, whether intersubjective or institutional, inform and influence the motivations of the affected individuals. Sufferings for example, wrought by civic exclusion, constraints in relationship formation, or labour exploitation, can be understood to constitute as a moral offence when it is identified how these negative experiences violate the legitimate normative expectations embedded in specific social practices, meanings, and institutions (Zurn, 2015), and implicitly in all human interaction and practices (Kaupppinen, 2002).

Honneth’s theory of recognition is a plural conception of justice that is particularly helpful in analysing both the personal and social dimension of experiences of injustice in everyday social life. The theory aids in this task however, not through the specification of an ideal state of being or the “good” within which what falls short is judged as unjust. Instead, its point of departure is the experience of “social suffering and individual pain” (Deranty, 2004) which invariably reveals the constraints in recognition that can be taken as normatively legitimate (Honneth, 2004).

According to Honneth (1995), full self-realisation, which he identifies as what enables individuals to live a good life, emerges from one’s capacity to relate with others through basic forms of recognition in various social spheres of interaction, that is, love (primary relationships), respect (law), and esteem (society). These three, each different but equal in importance, bear upon the cumulative development of three modes of self-relations that make full self-realisation possible: self-confidence, self-respect, and self-esteem.

Love, primarily experienced in the sphere of relationships with significant others, enables individuals to see their own physical needs and desires as uniquely valuable. This embodied knowledge is foundational to building the self-confidence that is essential in facing the natural and social worlds (cf. Deranty, 2004). Subsequently, when an individual receives equal treatment and is ascribed moral accountability as others do in the legal sphere, it engenders a type of certainty about the value of their own judgment and a “sense of security in expressing one’s own needs and feelings”
(Honneth, 1992, p. 193), or in Honneth’s reckoning, *self-respect*. Finally, as an individual’s capabilities are affirmed as having value to a concrete community, they experience a feeling of worth and accomplishment that translates into a sense of *self-esteem*. Hence, Honneth’s (1992; 1995) moral point of view covers the above range of three independent modes of recognition (practical relations-to-self) primarily around the patterns of attitudes that are socially and inter-subjectively situated and expected.

According to Honneth, self-realisation is dependent on specific forms of recognition, and thus, achieving recognition in the various spheres is “a vital part of human well-being, a central component of the good life for humans” (Zurn, 2015, p. 50). Attaining these idealised patterns of social recognition constitute an abstract notion of the good life and human flourishing; while violations of these, in cases for instance, of indifference, abuse, neglect, denial of rights, rejection, discrimination, or exclusion, give rise to concrete experiences of injustice (Petherbridge, 2011; Honneth, 1995). The experience of not getting what individuals believe is the recognition they are due, provoke myriad feelings of shame, outrage, and indignation (Honneth, 1997). For Honneth, it is when these negative emotions and feelings occur, in the context of having claims to recognition disregarded, that injustice is revealed, and thus, the experience of “disrespect” or “humiliation” becomes the motivation and justification for social struggle—whether in the domains of the local and interpersonal or society-wide and group-based (Zurn, 2015).

### 2.4.3. Critical perspectives on Honneth

Due to limitations of space and to focus on only what is relevant to the theme of this thesis, I only address three critical points, namely, Honneth’s categorisation of the good, the promise of recognition, and the problem of unwarranted claims. The first critical issue centres on Honneth’s notion of the “good” and how it is established within the framework of intersubjective relationships. Without going into the range of universal-teleological framings of justice—for example, as exemplified by Kantian/Rawlsian and Hegelian approaches—objections have been raised with regards to what is often perceived as the substantive content of Honneth’s theory of justice and the good. For instance, Kompridis (2004) takes issue with Honneth’s
specification of “self-realisation” as the “good” which centres on what he believes is Honneth’s premature assumption of “a very particular conception of the good, and, indeed, of ‘well-being’ and psychological ‘health’” (p. 334). Kompridis argues that ideas of the good carry an inexhaustible normative surplus of meaning whether in terms of a single interpretation of the good or in attempts to state the necessary conditions to achieve it. Similarly, Fraser (2004) and Sayer (2005) in their critiques of Honneth, underline the multiple ways in which the “good” and what constitutes as “the good life”, may be defined along different “social fields” (Lovell, 2007). Fraser (2004) in relation to her debate with Honneth framed “over how best to understand the relation of redistribution to recognition” (Fraser & Honneth 2004, p. 2), makes the effort of distancing her own brand of recognition from Honneth’s ethical and psychological dependence. Fraser attempts to strengthen her own theory’s normative force as she grounds it in deontological and universally applicable notions of the right as against what she claims is Honneth’s teleological, sectarian, and particularist conceptions of the good. Sayer (2005) in his account, notes of varying moral beliefs and standards that people hold and assume to hold as universally binding. Sayer refers to his notion of “lay normativity” which encompasses the normative orientations of individuals that are attuned to and influenced by their social positions and interactions.

Ironically, Honneth’s hesitance in providing substantive specifications of the “good” may be a suitable starting point to address the above criticisms. Honneth presents self-realisation as a precondition for attaining personal well-being however individuals may define or pursue it. It is not, therefore, a particular definition of the “good” but rather a formal idealisation of the moral infrastructure of societies and the patterns of intersubjective attitudes that need to be in place in order for individuals to achieve self-realisation. As Deranty (2009) notes, what is at stake in these situations is the condition of subjectivity itself. This means that for Honneth, recognition is the condition of normative life itself, the state in which the subject can socially exist at all, and thus, from within which one can begin to address issues of justice. Stated differently, recognition is not simply on the same level as a “primary good”—rather, it identifies the conditions of life in which attaining primary goods might be possible (Deranty, 2009, p. 434). In this sense, any sufficient vision of human flourishing (e.g.,
self-fulfilment, good life, participatory parity, happiness, subjective well-being), even those described by migrants’ themselves (e.g., “good job”, “being respected”, “becoming legal”, “earning enough to provide for my family”, “no more hiding”) will already involve aspects of Honneth’s notion of mutual recognition.

Another criticism points to the underlying difficulties within the idea and possibility of the act of recognition itself. For instance, arguing from the inherent limitations of subjective agency, Markell (2003) believes the task of mutual recognition to be impossible or even incoherent. Markell contends that this vulnerability constrains individuals from fulfilling the requirements of mutual recognition as Honneth envisions them. Furthermore, following an Arendtian position, he notes that the practical limits imposed by the “openness and unpredictability of the future” may prevail in the misrecognition of one’s own or another’s identity, and more fundamentally, in the misrecognition of one’s own fundamental situation or circumstance (Markell, 2003, p. 5). As an alternative, Markell suggests that we offer “acknowledgement” instead of recognition, which is a gesture that is grounded in what he deems as a humble acceptance of people’s finitude. For Markell, although and because one cannot always be sure about the normative claims of others, an attitude of openness to possibilities of action and interaction should remain and be maintained (cf. Lemons, 2008; Iser, 2013).

The final criticism I address relates to this point in conjunction with the doubts about the possibility of achieving the claims of recognition. Ohlstrom’s (2011) main critique is that as Honneth starts from the experience of disrespect, Honneth accepts the subjects’ experiences at face value without differentiating warranted from unwarranted claims. In response to this, in contrast to other forms of personal harms, moral injury is primarily experienced within the context of the denials of the normative expectations and intersubjective claims of recognition. Thus, Honneth already identifies the sort of claims that can be “warranted”—those that emerge from social interactions of mutual recognition. Markell’s stance on the human condition has some merit considering our own experiences and struggles with misrecognition despite the best of intentions. However, people also encounter in whole or in part, the range of “of particular forms of self-realisation” (Honneth, 1995) that are fundamentally attainable in our social interactions or in the social life-worlds that we
may already inhabit. Furthermore, misrecognition does not simply entail the absence of personal acknowledgement in the traditional ways in which individuals understand their socialisations and civic participation. It is a strong sense of moral indignation that “that one has been denied what is one’s due, whether that is respect, honour, dignity, or justice” out of which one can ascertain the primary motivations of “subjects who are socially excluded, subordinated, marginalised, or stigmatised” (Sinnerbrink, 2007, p. 287).

2.4.4. Three types of moral injury

According to Honneth (1992), the perspective of the affected subject is where categorical acknowledgements of the moral sphere can be explored, as the seriousness of the moral injury directly relates to the type of self-relation it encroaches upon, constrains, or destroys. In the following, I present a spectrum of moral injuries affecting the various self-relations (self-confidence, self-respect, self-esteem). Each corresponds to a distinct type of injustice and characterises how the subject is disregarded or not recognised.

(1) Moral injury against physical integrity: a problem for identity formation.

Physical integrity is a primary component for developing the first expression of self-relation. Self-confidence is acquired (albeit in degrees) when individuals’ concrete physical existence and unique needs are acknowledged. For Honneth (1992), violent injuries against the integrity of the body, irrespective of the intention, such as abuse, rape, or torture (which Honneth identify as primary examples) are not just tragic because of the physical pain they cause but on account of its involvement in the loss of autonomous control over one’s own body. These are considered by Honneth (1992) to be brutal forms of disrespect as it involves forcible control or merciless imposition of selfish needs over the defenceless other “to the point of being deprived of all sense of reality” (p. 190).

Identity formation is a complex and multi-dimensional process (Cote and Levine, 2014) and emerges from an ongoing “negotiation of personal given conditions, social context, and relationships, and institutional frameworks” (La Barbera, 2015, p. 1) wherein the body plays a central role as simultaneously object and
agent (Featherstone, Hepworth and Turner, 1991). Studies note how identity formation is also negotiated along self-perceived and externally attributed meanings concerning the body. Examples of these include body appearance and image, internalisation of body ideals, embodied non-linguistic practices such as movements and gestures, and along contested notions of gender, ethnic and racial identities (Wangqvist and Frisen, 2013, McClintock, 2011; Kasperová, 2014; Inda, 2000). Within recognition theory, identity formation occurs in the processes of social interaction between individuals that are regulated by moral norms “in a manner that secures the minimum necessary conditions for physical integrity and individual autonomy” (Bernstein, 2009, p. 44). In this understanding, bodily integrity and vulnerability are tied to the body’s susceptibility to the preventable injuries it may incur in social interaction. But in the same way that victims of pathology or abuse experience psychic injuries in the body, alternatively, preventable injuries to the body incurred in social interaction may be experienced as injuries to the self. According to Bernstein (2009), the notion of “personal identity” is tied up with the “network of legitimately regulated relations of mutual recognition” that “allows for the maintaining of physical integrity” and hence, “the presumption about one who is […] is directly parallel with that same being’s bodily integrity” (p. 43). It is in this sense that moral injuries lead the person to a state of what Bernstein (2009) refers to as “organic incompleteness.” For Bernstein (2009), “failures of recognition not only bring about a state of affairs that is like the deterioration of the body, since the body is only itself ‘complete’ through recognition, misrecognition ‘dis-incorporates’ the self, ruining physical and moral integrity at once” (p. 44).

Although the body and the self may be conceptually differentiated, the distinction is not as clear cut for identity formation. Waskul and van der Riet (2002) explain that “a person does not ‘inhabit’ a static object body but is subjectively embodied in a fluid emergent, and negotiated process of being” (p. 488). Put more succinctly, “we are our bodies and that everything we are and do assumes an embodied form” (Crossley, 2001, p. 140). Viewed in this light, embodiment is the experience and expression of the body in sociality and is therefore central to ongoing processes of identity formation. Highlighting this understanding presents an important insight to how a Cartesian mind and body dichotomy, which,
unfortunately, still inhabit certain social, political, and economic thought and practice (Turner, 1984; Crossley, 2001, 2006) can lead to moral injury to physical integrity. Within a rigid duality perspective for instance, a migrant worker can be easily reduced to corporeality, a material body from which political and economic goods and cheap labour can be instrumentally extracted to suit capital. As migrant bodies are de-personalised and commodified, they can then be easily managed, controlled, and made expendable and portable, “in the same way as raw materials—governed by specific rules of trade, unfettered by human right standards” (Boucher and Gest, 2015). This is an example of a social pathology that Honneth (2005) identifies in terms of reification, where an individual is treated not in accordance with their characteristics as a human being but as a life-less “thing” or “commodity”.

Moral injury against the physical well-being of individuals is considered a fundamental injury (“personal degradation”) as it destroys the victim’s confidence in the value of their own personal needs in the perspective of others. This further results to a sense of social shame in terms of “loss of self-confidence and trust in the world” affecting all practical interaction with others “even at a physical level” (Honneth, 1992, p. 190). In comparison to other forms of disrespect, this type of injury has a more profoundly destructive impact on the individual’s practical relation-to-self (Honneth, 1992, p. 190) as it also undermines the healthy development of the other self-relations, namely self-respect and self-esteem.

(2) Moral injury against moral accountability: the problem of invisibilisation.
Whereas self-confidence allows individuals to trust in the value of their own needs, self-respect enables them to make claims of personal significance as full members of society who have “a status under a given legal system” (Zurn, 2015, p. 34). Modern societies, according to Honneth (2007), are founded on the assumption of the moral accountability of its members which entails a vision of recognition that first, affords universal, equal treatment for all, and second, follows a (Kantian) categorical obligation of “moral respect” towards the accountability of all persons (Honneth, 2007, p. 139). In these settings, “morally responsible” agents are recognised as “legal persons,” that is, autonomous beings with equal rights who equally bear their justice concerns and potentials for self-legislation as well as contribute to deliberations that are of consequence in their lives. As Sayer (2005) notes, although self-respect can be a
deeply private conviction regarding the value of one’s way of life and activities, it is impossible to maintain in the absence of others who acknowledge it. Self-respect emerges then as a moral prerequisite and motivation for personal assertions in the public sphere. Hence, situations of social or structural exclusion, inter alia where individuals are socially discriminated or deprived of certain rights to full participation in society, are considered a moral denigration of their social status and integrity as persons. This exclusion, according to Honneth (1995), is a form of moral injury, as it deprives one “of the cognitive regard for the status of moral responsibility that had to be so painstakingly acquired in the interactive process of socialization” (p. 134). The moral harm is of being denied the cognitive respect as a subject whose judgement is valued by others, which individuals can legitimately expect society, as constitutive members, to fulfil.

Honneth also speaks of the social pathology of “invisibilisation” which involves a double step of cognitive acknowledgement on an elementary level followed by an active disregard or “look[ing] through… as if [the other is] not in the room” (Honneth and Margalit, 2001, p. 115). This form of moral injury can be identified in those situations where a subject takes cognisance of another’s presence and then turn to refuse or deny them the respect they deserve as morally accountable peers (Zurn, 2015). For Honneth, this can be observed in cases of group-specific discrimination or social ostracism where an acknowledgment of a group takes place but does not advance to a respectful appraisal of their other characteristics or even a recognition of their equal status. Building on Honneth’s use of the metaphor of being in a room with another person, being ignored after eye contact has been made is more disrespectful than not being noticed at all, as the former involves a background assumption and conscious devaluation of the person as an equal interaction partner. In the case of migrants, refugees, and other marginalised peoples, invisibilisation takes places when they are acknowledged, but as a problem that exists, and are thus fitted to be relocated, resettled, segregated, displaced, or removed to render them invisible from others (Sigona, 2005). Within the context of institutional settings, policies, laws, and logics of enforcement that are grounded on pre-existing prejudice and assumptions about particular groups, particularly in the case of undocumented migrants who are
deemed “illegal”, “bad”, or “undeserving” that do not progress to recognition of their equal moral accountability, can perpetuate an inequitable social system.

(3) Moral injury to personal autonomy: the problem of stigma. As individuals earn basic confidence and self-respect through these intersubjective processes of mutual recognition, they in time, experience a feeling of worth and accomplishment that translates into a sense of “self-esteem.” Consistent with Honneth’s previous points, esteem is both internal and socially attributive. Affective relationships with others, gained through ties of emotion and legal recognition, allow people to see themselves as valuable and what they have as worthwhile to contribute to society. It is in this context that one experiences a sense of what makes oneself a unique, special, and particularly, “individual.” Such reflections however, are socially situated, as estimations of value and utility hinge on a range of social and cultural factors. This suggests that it is not just in the economic realm that one finds esteem, but also in other social and cultural areas that contribute to the common good. Thus, the type of moral injury or social disrespect in this area centres on the individual’s feeling of being socially significant within their community in terms of their own contributions (e.g., traits and abilities) or in seeing themselves as being valued by others (i.e., “social value of individual or groups”, Honneth [1992, p. 191]).

For Honneth, it is in social “solidarity” that self-esteem is possible as this represents the human capacity to esteem the abilities of the self and the other, that is, within the sphere of a community that acknowledges, encourages, and nurtures these valuations. “Being in solidarity with someone” is not just about feelings of sympathy or passive tolerance, but felt concern for what is unique (individual and particular) about that person. It is only when such care is extended for the other, can shared goals be realised. Indeed “to the extent to which every member of a society is in a position to esteem himself or herself, one can speak of a state of societal solidarity” (Honneth, 1992, p. 129).

Solidarity can be qualified in terms of symmetry and equality. As Pensky (2011) clarifies, relations of symmetrical solidarity do not imply equal solidarity (in the legal respect). Symmetrical solidarity does not mean esteem is applied to all to the same degree as opposed to the respect that must be equally applied to all. Rather, as
Honneth (1995) explains, “to esteem one another symmetrically means to view one another in light of values that allow the abilities and traits of the other to appear significant for shared praxis” (p. 129). This upholds the view that “every subject is free from being collectively denigrated, so that one is given the chance to experience oneself to be recognized, in light of one’s own accomplishments and abilities, as valuable for society” (Honneth, 1995, p. 130).

Hence, stigmatisation, for instance, can lead to experiences of alienation in that it hinders self-realisation as well as the identity that individuals derive intersubjectively in experiences of solidarity (Deranty and Renault, 2007). If certain practices or hierarchies of societal values downgrade “individual forms of living and convictions” as inferior and deficient, then it “robs the subjects in question of every opportunity to accord their abilities social value” (Honneth, 1992, p. 191). Furthermore, victims of stigma can internalise the discriminating assumptions of others and may either believe or apply these to themselves, leading to lower levels of self-esteem and other negative symptoms (Drapalski et al, 2013; Corrigan, Watson and Barr, 2006).

2.4.5. Social disrespect as morally injurious

Social disrespect, in the form of abuse, insult, prejudice, or social discrimination, become problematic to both individual and the larger community, as it robs individuals of the faculty to regard themselves as morally autonomous agents (love), attribute social value to their ability (rights), or relate their mode of life as something of positive significance within their community (esteem) (Honneth, 1995, p. 134; Zurn, 2015). The underlying idea behind this understanding is that the experience of social disrespect is based on “the normative expectations of individuals, which must be construed as moral claims” and not simply setbacks to expectations within socio-economic interests (Deranty and Renault, 2007, p. 92). Honneth (1992, 1995) further posits that categorical differences exist between deprivation of basic human rights, subtle humiliation in public settings, and personal failings of people (1992, p. 190; 1995, p. 132). Within these settings, injured individuals assign a dominant role to categories that are related to forms of disrespect in their self-
Moral injury is primarily a denial of recognition. Recognition is not merely a specification of what is good but rather a formal understanding of the conditions of life that is necessary to pursue or achieve the good as individuals understand it. In recognition terms, love, respect, and esteem are the underlying network of attitudes that are formed in and sustain human relationships that lead to particular forms of self-realisation. If indeed recognition is the precondition of the good life, then one may say that justice is the allocation of the possibilities of recognition. Hence, moral injury is not just another way of looking at injustice, but it is foundational to understanding injustice because of the threat that it poses to the individual’s positive relation-to-self (Hill, 2010).

The notion of moral injury is borne within the inter-subjectivity of human relationships. Humans are vulnerable in their conduct with one another. The construction and maintenance of a positive relation-to-self are only possible if significant others agree or affirm these. Experiences of disrespect must be understood in its effect on the three patterns of recognition that it injures. These experiences are anchored in the affective life of individuals (Honneth, 1995, p. 132). This explains why specific actions and utterances by other people can morally injure. Because human relationships expect recognition, for Honneth, the denial of recognition demands results to a mental shock insofar as it is a subjective expectation that individual identity formation and capacity for action relies upon. Honneth’s notion of moral injury also places its focus on the individual experience and reflexivity. Occurrences of injustice are accompanied by a consciousness of the moral dimension of the harm in the person’s self-understanding, and thus, recognition plays a role in how individuals discern between damage, mere ill luck, or constraint (Honneth, 1997).
2.5. Summary

As outlined above, the moral economy framework employed in this study extends beyond material issues of production and distribution of goods and involve various domains of life that are governed by moral and normative understandings. The social analysis this facilitates reflects the social context and the broader structural milieu where social actors and their corresponding moral actions are situated. Discussions of moral concerns must be done within the context of an understanding of this social milieu to avoid it being regarded as arbitrary, irrational, or even moralistic (Sayer, 2011).

Individuals contend with the moral implications of their decision-making—in matters of “what is most at stake” (Yang et al, 2007)—in light of their continuously evolving awareness, understanding, and application of various moral norms and personal moral values. The analysis in this area requires looking into the multiple ways in which individuals evaluate, enact, and embody their concerns about the world, their well-being, and the things that they have reason to value. For these critical tasks, lay morality provides a way to explore the moral standpoint of actors and how these are produced by moral sentiments, fellow-feeling, dispositions, moral norms, discourses, and moral reasoning.

The experience of disrespect, as shown through the lens of moral injury, can be indicative of the impairments to the social conditions that people need which prevents them from achieving standards of well-being. Thus, moral injury needs to be seriously considered to explain how experiences of social exclusion, stigma, discrimination and so on are violations of the normative expectations of individuals and are not simple or even deserved impediments to attaining certain forms of socio-economic or legal benefit.
Chapter 3: Research methodology

This chapter details the methodological framework and analytical processes employed in the thesis. Organised into four sections, I first present my rationale for adopting a qualitative approach and how I situate my position in the researcher-participant relationship. The succeeding section covers the methods involved in the choice of my research sites and of selecting and recruiting my participants. I include a demographic table listing the participants as well as some background on the various locations where the interviews were conducted. This section is followed by a short discussion of critical ethical considerations as well as my commitments towards ethical sensitivity and the protection of the anonymity and confidentiality of my subjects. The final section covers the method of data management and data analysis used in this study. I describe my interview questions and data collection, transcription and translation of the interviews herein as well as the processes employed in the organisation, coding, and analysis of my data.

3.1. Using a qualitative approach

The reasons for selecting my methodological approach are practical and aligned with the general objectives of the research. Due to the subjective and exploratory nature of this social enquiry, I employed a qualitative approach to gain an understanding of “a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting” (Cresswell, 1994, p. 1). Furthermore, qualitative studies do not merely aim to provide a general description of the phenomenon under investigation. As Yin (2011) elaborates: they seek to examine the social meaning of participants’ lives, represent their views and perspectives, enquire into the various contextual conditions of their everyday lives, provide insights into existing or emerging concepts to help explain social behaviour, and supply multiple sources of evidence in support of the identified research objectives.
To “net the most useful information” (Cresswell, 2012, p. 164), the methodological tool I adopted was the semi-structured and open-ended interview to draw “rich, nuanced and detailed” (Mason, 2002, p. 3) data from individuals who are considered “experts” in the topic, that is, undocumented migrants who are living first-hand through the exclusions, marginalisation, and disadvantages generated by their lack of legal status. The semi-structured interview format involves a set of prepared questions within a broad range of themes around the research topic. This style also allows for a degree of fluidity and flexibility for participants to actively shape the exchange of dialogue (King, 2004; Louise Barriball and While, 1994). Although the interview questions centre on particular themes and topics, the open-ended nature of some questions also permits new or unexpected themes to emerge and develop from the interview interaction (Mason, 2002).

3.2. Researcher positionality

As a Filipino immigrant to the US, my ethnic and cultural association with Filipino participants allowed for some insider insight into their lives that would not have been readily accessible otherwise (see Ganga and Scott, 2006). Shared characteristics such as language and knowledge of cultural cues and demeanour not only helped ease the conversation process but also facilitated the crossing of the so-called researcher-participant divide in order to “learn about the[] research subjects’ lifestyles, beliefs and values and to communicate in ways that the individuals understand” (Düvell et al, 2008, p. 11). I concur with Wacquant’s (2002) proposal that the researcher can quite possibly maintain a position of sympathy with participants, which carry practical benefits for the purposes of analysis. My insider status contributed to my palpable sensitivity to the respondents’ experiences, informed the selection of the research questions as well as my approach to the interview process which was borne out of personal respect and sympathy. Overall however, I strived to pursue my final analysis independent of this sympathy.

For better or worse however, I was also an outsider—in Ganga’s and Scott’s (2006) sense of “diversity in proximity”. I am aware that ordinary ties that bind can
exist alongside social fissures that divide. Thus, I understand that my position as a researcher may have been perceived in conjunction with intersecting attributes of my perceived immigration status (i.e. as someone whom the interviewees may have presumed to have legal status), being a doctoral researcher from the UK, being from the middle class, my regional upbringing (being originally from Metro Manila), language fluency (English, Tagalog, and some Cebuano and Ilonggo), and so on. These characteristics in whole or in part imbued me with insider status among some participants but may have also represented social divisions with others. It is in this sense that I surmise that although some of my Mexican participants may find my visible attribute of being an ethnic minority in the US, like them, make me more relatable, issues of language, cultural understanding, and social class position may have either supported or confounded our social connections as well. I considered it important then that mutual respect and trust were established before and maintained during the interviews. As Düvell and colleagues (2008) further suggest, “researchers must make a special effort to understand the participants’ basic assumptions about their experiences and the context within which these take place. For instance, the needs and fears of the participants, including their views, norms and values need to be understood and responded to in a constructive manner” (p. XX).

3.3. Research sites

Owing to their legal situation, undocumented migrants are “hidden” or socially invisible (Watters and Bienacki, 1989). Thus, this presents some logistical difficulty for researchers who not only need to locate them but also persuade them to share their stories for research purposes. With this in mind, I decided on multiple locations in New York, Las Vegas, and Kern County in California on the weight of several interrelated considerations: (1) size of the undocumented migrant population to allow for diverse and broader recruitment pool; (2) my own familiarity with the locations; (3) and access and level of support by potential critical informants for participant recruitment.
The state of New York has an estimated undocumented migrant population of about 867,000, of which about 500,000 are residing in New York City. Nevada, on the other hand, has the most substantial proportion of undocumented migrant population nationally, at 7.6 percent of its total population. There are about 138,000 undocumented migrants in the state, of which about 113,000 are estimated to reside in Clark County. Las Vegas is the most populous city in both Clark County and the state and is known as a major tourist and resort city. In comparison, California has the largest undocumented population of any state in the country at 3.03 million. Kern County is in Central California and is one the main hubs for agricultural production in the US. Undocumented migrants comprise eight percent of the total population of Kern County of about 800,000. The practicality of geographical sites with known sizeable undocumented populations can increase the likelihood of finding participants with a broader range of demographic characteristics, potentially yielding richer (and possibly, comparative) material pertinent to the study (cf. Goodwin and Goodwin, 1996).

Secondly, I chose locations that I had a degree of familiarity with, notably the city of Bakersfield in Kern County, and Las Vegas to a lesser extent, to take advantage of my local knowledge and existing social networks. My connections to these social milieus were made possible by my years of residence in Bakersfield, which allowed me to establish personal and professional ties with several local organisations and migrant communities. Las Vegas is home to several family members and a small personal network of friends in the Filipino-American community. In choosing these familiar sites, I anticipated a reduction in the time and effort required for information gathering and logistical planning. My decision proved to be a sensible one as the time saved allowed me to spend more time in recruitment and follow up as well as it gave more time for interviews and rapport building with my participants. Certainly, as Bhattacherjee (2012) notes, qualitative analysis is aided by “personal knowledge of the social context where the data is collected”.

Finally, I was aware of the inherent difficulties of conducting research on “hard-to-reach” populations without crucial interpersonal routes of access (Atkinson and Flint, 2001). The support of key informants who are knowledgeable and trusted by the target population is an essential component of successful participant outreach.
I was fortunate to secure assurances from several key individuals from within my networks in New York, Kern County, and Las Vegas during the preparatory stages of my fieldwork. Although I was not geographically familiar with New York prior to my fieldwork, my primary contact’s enthusiasm and promise of support were enough to persuade me to include this location as a research site despite my lack of local knowledge of the area. I also received firm replies from several key people in Kern County who were likewise eager to assist in my research project. Finally, I received a positive response from one of my contacts in Las Vegas, although it was not until I arrived in the US and met with several potential participants in the city, that it prevailed on me to include Las Vegas as my third fieldwork site.

### 3.4. Participant recruitment

My primary research participants are those categorised according to current US immigration law as “visa overstayers” (or those lawfully admitted into the US but overstayed their lawful admission period) and those who entered the country “without inspection” (EWI). I also recruited those that were in the process of regularising their immigration status at the time of the interview. I classified this “in-transition” category into DACA (Deferred Action for Childhood Arrivals) and Non-DACA pathways. The latter include those avenues available to undocumented migrants to obtain legal status, such as through marriage to US citizens. I did not specify other eligibility criteria (e.g., age, gender, race/ethnicity, nation of origin, marital status, length of unauthorised stay).

Given the goals of the research and nature of my research questions, I decided on a purposive selection method (cf. Yin, 2013) to identify potential participants who both fit my stated criteria and have either residential or employment ties to the research locations. This purposive or “judgment” form of sampling follows the common strategy within the qualitative tradition where “information-rich”, knowledgeable, or experienced participants are specially chosen and recruited (Patton, 2002, 2015). This sampling method allowed me to quickly identify and recruit key informants and potential gatekeepers from my personal network. My initial contacts
were comprised of activists, community organisers, academics, and religious ministers, as well as several undocumented migrants. Part of my preliminary preparations before my fieldwork entailed communicating with several of my known contacts over several weeks.

My key informant in New York connected me to several undocumented migrant workers upon my arrival in the city. A known academic and political activist based in Bakersfield also supported my research project by sending an introductory email containing a brief description of my research along with my contact information to his professional network composed of fellow activists and academics, community organisers, faith-based groups, and university students. This tacit endorsement proved valuable as I received multiple positive replies from several undocumented migrants, community organisers, and individuals seeking further information about my research. Additionally, it gave me access to the local activist networks, who then invited me to take part in several group meetings and consciousness-raising activities. My efforts in reaching out to my contact in Las Vegas, likewise, yielded promising results as this enabled me to connect with several community leaders in the city who helped locate individuals I could interview.

In addition to email correspondences I also initiated ethnographic outreaches at different locations and activities organised by migrant and faith-based groups in part to sensitise myself to the importance of these community resources, and in part, to recruit potential participants. I reached out and often recurrently to different community-based organisations such as Kern Coalition for Citizenship (Bakersfield), Faith in Action (Bakersfield), Kern Welcoming and Extending Solidarity for Immigrants (Bakersfield), and Damayan Migrant Workers Association (New York). This also included various inter-denominational, but mostly Filipino-American congregations in New York, Bakersfield, and Las Vegas.

Along with this recruitment strategy, I also asked my initial interviewees to introduce me to other migrants who fit my recruitment criteria. This snowball recruitment method is an oft-used sampling strategy when the sought-after population is considered hidden or elusive, or where a degree of trust is needed to initiate contact (Atkinson and Flint, 2001). It is understood to partially solve these
problems of access as the initial participants themselves are asked to recruit new and additional participants (Shaghaghi, Bhopal and Sheikh, 2011). Although identified as a non-probability method—as it cannot aim to sample the whole population (Lewis, 2016; Watters and Biernacki, 1989)—its use may be justified given the near impossibility of producing a “strict randomised sample on a large clandestine population” (Kamal and Kilian, 2015). To wit, the method has been frequently and successfully deployed in numerous empirical studies allowing researchers to access previously hidden populations as well as produce in-depth results relatively quickly (Atkinson and Flint, 2015).

I realised that the snowball strategy would only work if it is premised on a prior relationship of trust or at least when my initial contacts become comfortable in recruiting participants from their own networks to participate in the study. I was also aware that my subjects might decide to “mask” or protect their friends or family members from legitimate concerns in regard to their anonymity or the general nature of the study (cf. Shaghaghi, Bhopal and Sheikh, 2011). Hence, I did not press my recruitment requests strongly or unreasonably; however, I sought to build on the foundations of trust and rapport that I established during our interviews to help mitigate these concerns. I recruited a good number of participants through this method.

3.5. Research participants

Table 3.1 below provides a brief overview of the research participants in the study. The undocumented migrants were male and female, between the ages of 18 and 71, with a median age of 44 years old. Of the fifty total individual interviews I conducted, thirty-six had undocumented status (nineteen from New York, thirteen from Kern County, and four from Las Vegas), five were DACA recipients, and nine interviewees were in the process of transitioning to legal status. Forty-one of the interviewees were from the Philippines, and nine were from Mexico. I also met with several community resource persons and key informants from various organisations although their details have not been included in the tables below.
3.5.1. Summary of undocumented research participants

Table 3.1. Participant Summary

<table>
<thead>
<tr>
<th>STATUS</th>
<th>LOCATION OF INTERVIEW</th>
<th>SEX</th>
<th>COUNTRY OF ORIGIN</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>KERN COUNTY</td>
<td>LAS VEGAS</td>
<td>NEW YORK</td>
<td>MALE</td>
</tr>
<tr>
<td>Undocumented</td>
<td>13</td>
<td>3</td>
<td>20</td>
<td>19</td>
</tr>
<tr>
<td>DACA</td>
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<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>In-transition</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>TOTAL</td>
<td>22</td>
<td>5</td>
<td>23</td>
<td>27</td>
</tr>
</tbody>
</table>

The table below contains an individual breakdown of the participants, which includes their pseudonyms, gender, age, nation of origin, and their immigration status background, as detailed by their modes of entry and the number of years they have been undocumented in the US. I deliberately left out the interview locations in this table as an additional measure to protect the anonymity of the participants.

Thirty-two of the interviewees entered the country with tourist visas, while only three individuals were holders of employment-related permits/visas, and six people were family dependents of work visa holders. All interviewees who overstayed their status/visas, and the nine individuals in the process of transitioning to legal status through a family-based petition, are Filipinos; while nine participants who entered the country without inspection are all Mexicans. Among this latter group of migrants, six individuals are eligible for DACA, but only five individuals have been granted deferred status at the time of the interview.
Table 3.2. List of interviewees

<table>
<thead>
<tr>
<th>PSEUDONYM</th>
<th>SEX</th>
<th>AGE</th>
<th>COUNTRY OF ORIGIN</th>
<th>MODE OF ENTRY*</th>
<th>YEARS UNDOC.</th>
<th>STATUS</th>
</tr>
</thead>
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<td>Age</td>
<td>Country of Origin</td>
<td>Mode of Entry*</td>
<td>Years Undoc.</td>
<td>Status</td>
</tr>
<tr>
<td>-----------</td>
<td>-----</td>
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</tr>
</tbody>
</table>

* D1: Crewman/transit visa; EWI: Entered Without Inspection; H1-B: Specialty occupation visa; H4-B: Dependent of H1-B visa holder; R1: Religious worker visa; R2: Dependent of R1 visa holder.

### 3.5.2. Gender and country of origin

The numerical imbalance in the gender, and more notably, country of origin of my participants may need to be briefly addressed. Although I strived to reach a measure of balance and proportion in the selection of my participants, I was primarily restricted by issues of access and the nature of the participant recruitment process. Majority of my participants were introduced to me by my primary contacts and gatekeepers, followed by a smaller number of participants from my personal networks as well as those that I recruited through my ethnographic outreaches and participants’ snowball recommendations. In spite of these limitations, a decided advantage of my relative “cultural insider” status was my access to contacts and networks of predominantly Filipino migrants and migrant workers. This practical benefit accounts for why most of my participants were Filipinos, given the constraints in time and available resources.

Although I believe I could have reached out to more potential participants if I stayed in the field for an extended period, I feel that I have recruited enough interviewees during my three-month fieldwork period to reach an adequate saturation level—having reached the point “where no additional data are being found” (Glaser and Strauss, 2009, p. 61). Within the qualitative framework, “the sample size is more of a function of available resources, time constraints and objectives of a researcher’s study” (Oppong, 2013, p. 203). Although the debate concerning sample size and saturation is ongoing (Mason, 2010; Guest, 2006), my final sample size of fifty
participants falls comfortably above my original target of thirty and Creswell’s (2013) suggestion of between twenty to thirty.

3.5.3. Interview locations and settings

On all occasions, arranging for the interview location involved considerations for the safety and comfort of my participants. Thus, I would always ask participants to choose a place of their convenience, although I would also, at times, suggest neutral public spaces such as cafes, parks, or local libraries. Individuals I met through my gatekeepers from local churches would often opt to be interviewed in their church facilities. In these instances, it also helped that my gatekeepers have given me prior permission for the use of a private space to conduct my interviews over a designated period. Similarly, some of my interviewees from other local community-based organisations chose to be interviewed in their offices or at an external location where the group meets typically.

Several interviews were also conducted in participants’ homes which allowed for a more open and relaxed conversation dynamic. In some of these cases, the interviewees were my friends, and thus, arranging for an interview location did not yield logistical or personal complications. I was also invited on two separate occasions by new contacts that I met through my key informants, to conduct the interviews in their own homes. In both these instances however, I made sure to offer the option of holding the interview elsewhere, making clear that they were under no obligation to open their homes for the interviews. I surmise that the participants have also taken to trust me based during our initial encounter and pre-interview conversations as well as, and possibly more importantly, on the strength of my gatekeepers’ recommendations. At any rate, most of these participants considered their homes to be convenient for a personal interview, considering that many of them work for most of the day (and night) and are disinterested to meet anywhere else after their shifts.

Outside of these private spaces, many of my interviewees opted to have the interviews conducted in common communal places, such as in local cafes or parks close to where they live or work. Some came alone, others brought along friends or family members. They would often introduce their companions to me who would
then sit at a distant table; I would assume, to give us privacy. Although, of course, it is possible that they are also there for moral support or as a contingency if an unforeseen problem arises.

On one occasion, a participant arranged to meet me by the parking lot near her home and then later requested that we interview while I drive her to her place of work, which was about a thirty-minute drive away. She explained that she had become busy both at home caring for her elderly husband and as a full-time caregiver, and thus, could not carve out a time for a formal interview. I took this as a form of “talking whilst (driving)” (Anderson, 2004), an opportunity for a creative conversation that would incorporate a participant’s route to work. I agreed to conduct an informal interview which she also consented to be audio recorded.

3.6. Ethical considerations

The ethical responsibility regarding the vulnerability of undocumented migrants from a range of potential harms is an important consideration that needs to be addressed throughout the research process (Düvell et al, 2008; McLaughlin and Alfaro-Velcamp, 2015; Birman, 2005; Cooper et al, 2004). This unique vulnerability, as might be expected, stems from the group’s lack of immigration status and the related conditions and constraints that result in their marginalisation and stigmatisation in wider society. Thus, issues spanning researcher practices—from the time of conducting fieldwork through the stages of data processing and analysis as well as the public dissemination of the research—must involve careful ethical deliberation (Düvell et al, 2008). To conduct this “difficult and hopeful ethics of research” (Gillan and Pickerill, 2012) with diligence, I made sure to address concerns involving ethical sensitivity, the confidentiality, anonymity, and the informed consent of my research participants.
3.6.1. Ethical sensitivity

“Research in irregular migration can be hugely invasive” (Düvell et al, 2008, p. 11) and carry the potential to cause offence or have a negative emotional impact on research participants. Some of these harms, for instance, may spring from conversation topics that touch on personal and intimate aspects of participants’ lives. Individuals may be asked or feel obligated to share, not only their personal information but also to draw upon difficult experiences, and intense emotions and sentiments. Some topics, to a greater or lesser extent, presuppose a breach of migration laws or participation in other unlawful activities. Responses to these enquiries may often involve an admission of guilt, and thus, may elicit emotional distress, or even unwanted or unexplored feelings of moral culpability. Unfortunately, there are no guarantees that all, or any of these risks, can be prevented when researching the undocumented migrant experience. However, to mitigate some of these concerns, I endeavoured a frame of questioning and demeanour that were neither intrusive, forceful, nor interrogatory (Düvell et al, 2008). Furthermore, during the interviews, I looked out for signs of emotional distress and was prepared to either offer moments of pause or as ask participants if they would wish to continue. Although as the researcher I exercised a degree of control over the direction of the interview, it was also crucial that participants understood that they had autonomy, through the informed consent process (Corbin and Morse, 2003; Cooper et al, 2004), over the extent of their participation (I discuss this process more fully in a later section). I likewise knew that the personal and emotional impact of the interviews might occur after the meetings have taken place. I informed the participants that they could contact me if they had any issues with the interview process.

On the other hand, interviews can also have “therapeutical meaning” (Düvell et al, 2008) and benefit, as it can provide participants with an opportunity to share their personal stories and experiences. Interviewees may often find themselves willing to speak to someone they share a common interest with or provide them with a platform to talk about matters that concern them (Kvale, 1984). This point is exemplified in the following email excerpt from an undocumented migrant who learned about my study from one of my key informants:
I would really like to be part of your project. Although now there are more voices supporting us, often times undocumented people/students tend to hide their stories. Thank you for taking time to dedicate your doctorate dissertation for these stories.

3.6.2. Confidentiality and anonymity

Another concern is the risk of inadvertently exposing the identities of my undocumented research participants. As a matter of ethical responsibility, I am committed to safeguard my participants’ anonymity as well as ensure the confidentiality of their personal information. Thus, I took concrete measures from the time of recruitment through the transcription and analysis phases to prevent any potential breaches of my participants’ private information.

I took due diligence to ensure that “surplus information” (Düvell et al, 2008), such as mobile numbers and actual addresses, were not solicited from participants unnecessarily. I also agreed to meet in homes only as a last resort and made sure to remove any written record of home addresses from my field notes. Actual names were not preserved in any of the interview materials, and I used initials and codes in my field notes and assigned pseudonyms in the transcripts.

Prior to the interviews, I informed my participants that any personal or potentially identifiable information, such as names, locations, schools, organisations, and so on, were non-essential, and therefore, need not be shared during the interview. If extraneous information were purposely or unwittingly conveyed during the interviews, these were removed or modified during the transcription.

It is further worth noting that some readers may still be able to identify a participant by way of “deductive disclosure” (Kaiser, 2009) or through the contextual identifiers that are left even after personal identifiers have been taken out. Thus, aside from using pseudonyms and removing personal information, I refrained from specifying actual interview locations in those instances where I felt it inessential to the analysis and importantly, if the information could make it more likely for some readers to deduce the identity of the participant in question. Although I expect the likelihood of finding other identifiable clues in my data to be very minimal, I took the precaution of changing other non-essential information in a very few cases (i.e.
occupation, age) to make identification less likely. My overall goal was to change just enough to safeguard my participants’ anonymity but not “too much” to report a different story altogether. Although there are no “hard and fast rules” or standardised practices delineating how this can be done (Kaiser, 2009), I tried to follow a general convention where the work of anonymising the text should be large enough to prevent readers from guessing the identity of the participants but small enough for the participants to be able to identify themselves.

A few of the participants who were DACA recipients expressed little concern for hiding their real names and identities. Two of these participants spoke of having “come out” to friends and families, and so they did not mind me revealing their identities, which Chauvin and Garcés-Mascareñas (2014) notes, has become a trend in the migrant youth movement in the US. Although I expressed my respect for their courage in “owning their stories” (Patton, 2002), I asked the interviewees if they would allow me to maintain my anonymity and confidentiality protocols. Thus, the names of DACA recipients used in the research are pseudonyms.

3.6.3. Securing audio and data files

To further maintain the confidentiality of the participants’ personal information, all computer files were stored on a password-protected computer and secured with full-disk encryption (FDE). The audio data from the portable audio digital recorder (TASCAM DR-05 Linear PCM) were transferred to the same computer no later than the end of the interview day, after which, the file was deleted from the recorder. Backups of all data related to the interviews (i.e., audio and transcriptions) are stored online using a file hosting service that uses industry-standard encryption and authorisation protocols. Filenames and metadata for the MP3 files do not have identifiable information that can be linked back to the interviewees. The audio-recorded data was deleted after it was transcribed, translated, and reviewed for accuracy.
3.6.4. Informed consent process

The informed consent process is an essential component of assuring the ethical conduct of my research (Cowles, 1988; Cooper et al, 2004). In line with this objective, a detailed description of the research and interview process in the form of the Participant Information Sheet was handed to research participants prior to the interviews. The instrument contained the rationale for the research, nature of participation and procedure of the interview, potential and anticipated risks and benefits, how anonymity and confidentiality will be maintained, and institutional and researcher contact information. The document also included an informed consent component providing information regarding the extent of their participation as well as their rights to withdraw from the interview, at any time and at-will without any penalty. These provisions were necessary to ensure that their decisions to participate were voluntary and premised on a reasonable knowledge of the consequences of their involvement in the study. Although the information sheet was in English, the interviewees (both Filipino and Mexican) who received the document did not express any difficulties in understanding its contents. I also made it clear that I would not be offering a monetary reward for their participation. I explained that the primary goal of the research is towards the completion of my doctoral thesis and that parts of the study may also be published in academic journals or in book form, which may not afford them any direct material benefit. I handed each of the participants the document before the start of each interview. Exceptions were for the interviews conducted over the phone and for the two interviews that were conducted in a detention centre. In these cases, the contents of the document and the informed consent process were explained to the participants before I started the interviews.

Because of the inherent risks associated with a formal, signed record of consent, the participants were only asked to assent to their participation before the interview could begin. Additionally, I also asked participants for their consent during and at the end of each of the interviews. This iterative consent process involved an ongoing communication during the interview and served to support the participants’ autonomy over their informed consent (cf. Sudore et al, 2006; Lewis, 2016).
3.6.5. Institutional and Ethical Review

To proceed with my research “involving human participants” and overseas fieldwork, it was essential that I secure authorisation and ethics approval from the university’s ethical review board. To begin the process, I developed a research description that delineated among other points, the rationale and goals of the study, proposed fieldwork sites, time frame, expected number of participants, and my proposed method of data collection. I also completed the standard accompanying paperwork which included the General Risk Assessment Form, an interview schedule, and the Participant Information Sheet (with informed consent component). I then presented the documents and discussed the details of my fieldwork plans to my supervisors along with my concerns about securing a formal signed record of consent from my participants (cf. Düvell et al, 2008). My supervisors agreed that a verbal consent process, which was also supported by the department’s ethics template on Informed Consent (6.2.ii), was workable given the issues I raised. I also received feedback and suggestions from my programme’s Director of Postgraduate Studies about developing a more extensive risk assessment that would cover my verbal informed consent instrument and identify a broader range of fieldwork activities along with more detailed measures to control its associated risks.

After updating the relevant documents, I then presented the completed application to my supervisors who subsequently gave me the approval to submit my application. Having completed this process, I applied for the programme’s fieldwork bursary funding. Both applications were approved in due time and I was able to secure institutional authorisation to commence my funded overseas fieldwork.

3.7. Interview and data collection

The interviews were conducted in English for Mexican interviewees and in Filipino (Tagalog) for Filipino interviewees. The length of the interviews ranged from forty-five minutes to about one hour and thirty minutes. Most of the meetings (conducted face-to-face or by phone) were audio recorded using a digital recording
device. For face-to-face interviews, a portable recorder (TASCAM DR-05 Linear PCM) was used as the primary recording device, and a mobile phone was made available as a backup recorder. Whenever face-to-face interviews were not possible, phone interviews were arranged and conducted via Skype (for UK to US calls) or mobile (US to US), which were also mostly audio recorded.

There were several instances where participants expressed hesitation or refused to be recorded. In these cases I was able to take notes during the interviews. Specific locations such as interviews conducted in a detention centre, precluded the use of a physical recorder or any notation device. Thus, the textual data from these conversations are from the notes that I wrote down immediately, within an hour after I left the facility. I wrote down important quotes reproducing the words and phrasing used to the best of my ability including important biographical and narrative points that I could recall from the interviews.

The interview questions were composed of a combination of demographic, open-ended questions, and a resource-generator questionnaire, to facilitate the conversation. I developed an interview programme that had three sections designed to capture both informational and qualitative data around the primary research questions. The first section of my interview schedule included demographic questions—covering age, educational level, current occupation, and details regarding their current immigration status, including their mode of entry and the number of years in the US. This line of questioning functioned as the preface and an icebreaker to the in-depth questions that followed.

The second section was composed of multiple questions revolving around each of my primary research objectives. Most of my questions were deliberately open-ended and designed for participants to share their specific experiences as well as explore their understandings, reasonings, and judgments of their social realities (cf. Mason, 2002, p. 63ff). A few of the questions involved “yes/no” and “rate your…” type components which were followed up with “floating prompts” (McCracken, 1988), such as “why?” or “how?” to encourage participants to talk through or clarify their answers. The precise ordering of the questions in this section was not always consistent throughout the interviews as I was keen on keeping a fluid and flexible
conversation dynamic, and often encouraged the interviewees to talk openly and at length about themselves and their experiences.

The final section used a standard format resource generator, adapted from Van Der Gaag and Snijders (2005), to facilitate a conversation on the participants’ social capital—particularly about the volume and structure of their network resources. Depending on the setting of the interview (i.e., face to face or over the phone), the resource generator document was either handed to the participants to answer or read to them and their answers noted by myself on the document. After my participants have completed the questionnaire, I would often engage them in a conversation about their responses in the document. I included this interview instrument not as a quantitative measurement tool but primarily as probes and directed prompts to engender a more wide-ranging discussion of the participants’ social networks as well as their primary resources and supports. The instrument required the participants to make a note of people they “know” in their personal networks that either fit specific criteria (e.g., social workers, medical professionals) or that they could access for specified necessities (e.g., jobs, loans, legal advice). Social capital is not merely the presence of a strong network of relationships, but more importantly the capacity to mobilise the said network resource for one’s benefit (cf. Portes, 1995). Thus, the goal was to encourage the subjects to reflect on their appropriation of scarce resources for purposive ways.

Resource generators are culture and context-dependent (Webber and Huxley, 2007). Thus, for example, “knowing someone” might cover different ranges of semantic and cultural undertones for Filipino and Mexican respondents. Participants were asked to only note of people whom they have an established means of contact, such as a phone number or social media connection (e.g., Facebook), and that they can reach out to within a week. The generator also asked the participants to identify these contacts as either “family/friend/acquaintance”, although they were free to decide how they would define the categories.
3.7.1. Transcription and translation

Hoping to saving time at the beginning of the data analysis process, I enlisted a paid interview transcription provider who then produced transcriptions of several interviews. While this proved to be a time-efficient way of generating textual data, I discontinued the service as it had become cost-prohibitive and I felt transcribing my own data would better allow me to “stay immersed in the data” (Markle, West and Rich, 2011). Thus, I transcribed the bulk of the remaining interviews using a commercially available transcription software, also taking care to include “features of talk such as emphasis, speed, tone of voice, timing and pauses”, (Bailey, 2008, p. 128) more particularly, in those segments which I found to be important for its “analytic utility” (Ashmore and Reed, 2000). My aim was to produce a verbatim record that accurately represented what was said along with the “features of talk” behind the conversations. To ensure accuracy, I compared all transcriptions (including the ones supplied by the paid service) to the audio data with at least two passes and corrected the texts where appropriate. I spent about two to three hours in transcription work for every hour of interview.

Coupled with the transcription process is the translation work necessary for the interviews that were conducted in Filipino (Tagalog). Translations are products of theoretical, methodological, and pragmatic frameworks in qualitative research. Without rehearsing the literature surrounding these issues (see, for instance, Roth, 2013; Temple and Young, 2004; Squires, 2008), it may suffice to state my translation process briefly: Firstly, I attempted to produce a “literal” translation of the transcripts into English. For those instances where Filipino words, concepts, or cultural meanings do not have a formal equivalence in English, I translated these with substitute words or concepts that approximate the sense of what I believe the informant was trying to convey during the interview. Secondly, I attempted to “smoothen” the translations, inserting necessary punctuations for ease in readability, and rephrasing where a literal word-for-word translation would render the text harder to understand (although carefully, so as not to alter the meaning of the data; see Poland, 2012). Finally, where there are no precise English equivalents or when literal translations could be a challenge, I kept certain words or turns of phrases in Filipino untranslated. In these
instances, where the untranslated words ended up being used in my analysis chapters, I proceeded to explain its meaning in the analysis. After completing the process, I then reviewed the translations for accuracy.

### 3.7.2. Data coding and analysis

After the transcriptions were uniformly formatted, the data was imported directly to NVivo, a Computer Assisted Qualitative Data Analysis (CAQDAS) software to facilitate “thematic content analysis, simplifying the coding, analysis and display of data” (Zapata-Sepúlveda et al, 2012). The coding and analysis process went through five phases.

During the first phase of the analysis process, I coded the interview data with the participants’ demographic information and in connection with the actual question answered. After this was done, I coded with an eye for the primary research questions and keywords and themes that would repeat or have general prominence in the data. Thus, for example, this stage not only generated codes about “experiences” (as it broadly related to my first research question) but general themes that I anticipated at the beginning of the research process such as “relationships” and “work”, and also along unexpected themes and concerns shared by the participants, as well as those that have become prominent in some sections of the thesis such as “municipal IDs” and “paying taxes”. The codes generated at this stage allowed for a general sense of the total content of the interview data and as a starting point for looking out for emergent patterns (Goldstein, 1999) within each of the broader themes across the entire data set.

The second phase involved multiple readings and coding of each of the interviews with an eye for identifying details of an event (experience) itself, how this was interpreted (evaluation), and the resulting behaviour, response, or action (enactment). For example, I started coding the values, beliefs, attitudes, and emotions associated with specific experiences. “ID cards” for instance, depending on the card type and the context of its use, can be associated with feelings of “pride” or “embarrassment”. “Status” would generate feelings of shame, anger, or resignation. I also coded the data according to broad and specific analytic units. Under “migration”
and “reasons for migration”, for instance, I coded about fourteen discreet items which included “better opportunities”, “disillusionment with local politics”, “escape domestic issues”, “better quality of life”, “religious calling”, and so on. This process also involved attending to what may be recurring or similar ideas, distinct or outlier experiences, contradictory or conflicting experiences, understandings and interpretations of events. This active reading and coding process eventually generated over four hundred individual nodes which referenced more than three-and-a-half thousand data extracts from the interviews. Towards the end of this stage, the nodes were copied into a separate file for sorting and categorisation.

The third phase began with examining the list of codes for emergent patterns and themes. Among the multiple methods I used involved sorting the nodes by the frequency of occurrence to identify common themes and ideas, evaluating the nodes in terms of their analytical content, identifying relationships between the nodes, and grouping the nodes according to different conceptual themes and categories. Analytical questions that were raised and new ideas that emerged during this and the earlier phases were also outlined and summarised for further consideration. I also occasionally returned to NVivo to conduct word and linguistic searches to help identify and review critical themes in the data.

The next stage included the creation of various iterations of mind maps to help formulate, organise, and visualise the core ideas. The resulting diagrams were then analysed within the framework of my original research questions and evaluated for coherence and conduciveness to narratival and theoretical unity. It was after I was confident that my initial analysis was grounded in my own data that I began to explore both immigration policies and other findings in the empirical literature. This late engagement with the broader literature, following Braun’s and Clarke’s (2006) suggestion, helped avoid the tendency of narrowing my “analytic field of vision” which could have led me to “focus on some aspects of the data at the expense of other potential crucial aspects” (p. 16). A review of the literature at this later stage of my analysis also gave me a good idea of where my results could be located within the existing corpus. The four chapters that follow discuss the three domains of exclusion that I have identified in my review of the relevant literature and analysis of my interview data.
Chapter 4: Identification systems and civic life

4.1. Introduction

There are three main types of government-issued identity cards that are relevant for most of the everyday transactions in the US. The driver’s licence is the most ubiquitous, followed by state identification cards and the municipal ID card, which is available only in a handful of cities in the country. This chapter covers how the various types of government-issued identity cards and the openings and barriers of access significantly impact the civic realities of the everyday lives of undocumented migrants in the US and how these experiences, in turn, are evaluated and also shape their social action.

Each section provides a brief historical and legal backdrop to provide the context within which I ground some of the systemic and moral implications of identification that I address in the chapter. I begin by situating the discussion within the broader context of the REAL ID Act of 2005, a federal law that came on the heels of the 9/11 tragedy which set in motion the federal encroachment and restrictive trend that governs the acquiring of license and identification cards within the individual states. This will be followed with the various contexts of the state-level driving privileges for undocumented migrants, municipality-level identity cards, and the asymmetrical acceptance of alternative forms of ID, such as the Mexican Consular ID cards in various city localities. I turn to the meanings that undocumented migrants ascribe to these ID cards, and finally, how differential access and institutional patterns of social disrespect lead many undocumented migrants to suffer through moral injuries in their everyday lives. As described earlier, while the lack of legal status contributes to the exclusionary experiences of undocumented migrants, the ID can represent a web of entanglement across many dimensions of disadvantage that can result in negative consequences for the migrants’ quality of life.
4.2. Background: The Real ID Act of 2005

Establishing standardised procedures for securing driver’s licences and a National ID card have been a feature of debates on immigration and national security for some time (Regan and Deering, 2009). However, as driver’s licences fall under the purview of the states (including Washington, D.C. except for Hawaii and Kentucky, which are administered by local counties), these sub-federal governments have traditionally stood in the forefront of local law and policy-level initiatives related to driver’s licences and immigration. Furthermore, there is currently no official National ID system in the US, in part, due to ongoing concerns about privacy and potential infringements on civil liberties (Ngo, 2007; Sobel, 2002; see also EPIC, 2014).

In the years before the attacks in 2001, many states had provisions that made it possible for undocumented migrants to apply for driver’s licences and identification cards (Csere, 2013; Sarabia, 2012). Nearly a decade before in 1993, for instance, saw the state of Washington enact a law that effectively permitted the use of other documents—e.g., utility bills or Individual Tax Identification numbers (ITIN) issued by the Internal Revenue Service—as proofs of residence and not explicitly require applicants to prove their legal immigration status (NCSL, 2015; Csere, 2013). Some states also allowed alternative sources for proof of identity documents such as the “matricula consular” (Mexican consular ID) and the ITIN (López, 2004, p. 95-96). Although other states did not stipulate specific provisions for the use of alternative documents, their liberal procedures made it easier for undocumented residents to obtain driver’s licences or state IDs. Despite these trends however, legislations explicitly restricting licences for undocumented migrants were also introduced in various states, for instance, California in 1993, Colorado in 1995, and Arizona in 1996 (Waslin, 2013, p. 20).

The events of September 11 transformed the national political climate and placed the issue of IDs and identification in a renewed and magnified light (see also Gonzales, 2014, pp. 21-47). The 9/11 Commission reported that the nineteen terrorists obtained as much as thirty state-issued IDs (including seventeen DLs) through exploiting loopholes in the ID issuing processes (Edwards & Coney, 2012).
Buoyed by national security anxieties and heightened anti-immigration sentiment, various federal- and state-level politicians and officials sought ways to bolster the securitisation of obtaining licences and state identification cards. In the period between 2003 and 2010, seven states that previously allowed undocumented migrants to get driver’s licences and state IDs reversed their policies; although in 2013 Maryland and Oregon have opened their licence programmes again to undocumented drivers (Csere, 2013).

In December 2005, the 109th US Congress passed the REAL ID Act which prescribed minimum “standards for the issuance… of sources of identification such as driver’s licences” for any “official” federal purpose. Although there had been no indication that the changes could have prevented the terrorist attacks, the law mandated that driver’s licences or identification documents comply with federal legislation. This meant that the issuing state must guarantee, at a minimum, that only those who provide verified documentary evidence of lawful immigration status are eligible to obtain them. However, as state participation in the programme is voluntary, states would continue to maintain authority to issue and regulate the use of driver’s licences (and state identification cards) for their residents (cf. Manuel and Garcia, 2014). To compel adherence to federal law, the federal government bars non-compliant driver’s licences and state-issued identification documents from being used to access federal facilities (such as federal courthouses), nuclear power plants, and federally regulated commercial aircraft (DHS, 2016a, 2016b; see also Chomsky, 2014, pp. 95-98). Non-complying states could still issue licences and IDs but they would have to follow the new standards if their cards were to be used for “federal identification purposes”. Thus, within the throes of the REAL ID Act, undocumented migrants have been fully excluded from access to federally-compliant licence and identification cards, making it more difficult for them to drive a private vehicle legally or provide official documents that uniformly satisfy the requirements of various individuals and institutions. It is in this light that several states offer second-tier licences although jurisdictional and other concerns at times undercut their actual and perceived benefits. I return to this in a later section (see 4.5). Decidedly, now more than ever, the lack of a valid ID opens up various possibilities of incurring social stigma or discrimination, or worst, being identified, arrested, and deported—
particularly for “immigrant-looking” or “undocumented-looking” (Rodriguez, 2014) residents.

4.3. Subjective and moral considerations

An essential component of residential integration is being recognised as residents (whether formal or informal) and along with it being given the means to identify oneself to others and access the goods and resources that go along with the attendant identification (and categorisation). In this sense, owning valid forms of identification documents is critical to material integration in the local setting as it is often an essential requirement for civil and economic participation and social acceptance (Chauvin and Garcés-Mascareñas, 2014; Cook, 2013; Waters and Pineau, 2015).

Integration outcomes however, involve a subjective component which consists of the thoughts, experiences, practices, and strategies of each social actor (see also Simonsen, 2017; Goodman and Wright, 2015; Lester, 2005). As others have noted, licences and other official ID documents being formal markers of community membership and inclusion, are tied to notions of belonging, identity, and well-being in the self-understandings of undocumented migrants (CPD, 2013, 2015; Craig, 2014; Tawil-Souri, 2011; Ansley, 2010), inasmuch as they are also required for participation in major social institutions and social acceptance by others (Waters and Pineau, 2015).

Within the urban citizenship literature (e.g., Bauböck, 2003; Isin, 2009), acts of citizenship are defined as such through claims and enactments of membership and residence that is “detached from the scale of the nation-state and which is legitimized at the scale of the urban” (Varsanyi, 2006, p. 233). In this sense, the social action of undocumented migrants can be interpreted according to “norms, practices, meanings, and identities” (Isin and Turner, 2002, p. 4) within the context of the “cities where the very meaning, context and extent of citizenship are made and re-made’ (Isin, 1999, p. 7). Moreover, for many undocumented migrants, navigating through the demands for official documentation in various contexts involves not only an implicit
understanding of their social milieu but also the ability to work creatively within or around the constraints of their illegality as it is understood in these local settings (Simonsen, 2017). In practical terms, this suggests that undocumented migrants are involved in practices of discerning where their legal identification might be required and by who—which may also involve some awareness of their tenuous standing before the law, the nature of the ID transaction, and the social and moral relations between the transaction participants. Furthermore, it entails various methods and strategies, possibly involving the purposeful use of known contacts and kinship networks as well as access to other types of resources at one’s disposal.

The consciousness of illegality is not constant but becomes salient depending on the context (Coutin, 2010; cf. Abrego, 2015). Indeed, immigration “[s]tatus matters more in places where documents are checked or required” (Bloch and McKay, 2016, p. 155), or in effect, around an ID transaction or in anticipation of it. Loren (38y, Filipino) for example, talked about how certain situations can jolt her away from her otherwise “normal” life. Her experience also illustrates how ID transactions can intersect with subjective feelings of belonging and sense of community, as she herself says:

On any other day, on a daily basis, you feel normal. You feel like a citizen, like you’re part of [country], like this is your home. You have good friends here, co-workers, church friends. You take care of each other […] So, the fear comes out, or you become conscious of [being undocumented] when people ask for your ID, when people talk about their [immigration] statuses at work, or when somebody goes through your employment documents at work, those things […] you get a feeling you’re not even supposed to be here.

The routine ID transaction is one where mundane community life (e.g., buying groceries and medicine, cashing checks, opening a bank account, sending money for remittance, and so on) often converges. Thus, not only can it bring illegality to the fore of one’s consciousness but also, in general terms, it evokes feelings of rejection in one’s subjective claims of membership with the community, or as Loren describes it, akin to being told “you’re not even supposed to be here”.

Loren often spoke about her feelings of attachment to the US as her “home” during the interview. She partly credits this to her gainful employment and ability to
support herself and her husband who is also undocumented. But another component of Loren’s sense of belonging is her identification with a larger community and a moral investment with the people in it, effecting in her a feeling of having a right to belong. This sense of being part of a community, as McMillan and Chavis (1996) note, entails “a feeling that members matter to one another and to the group, and a shared faith that members’ needs will be met through their commitment to be together” (p. 9). Thus, given Loren’s social and moral commitments, she can assert a substantive claim to citizenship. As Perry (2006) suggests, claims to citizenship relate not only to geographical residency and intuition of membership, but also an acceptance of certain moral obligations to the community, e.g., “taking care of each other”. Loren’s experience illustrates that citizenship claims-making does not only revolve around one’s legal position or objective status, but it can also be social and deeply personal, inhering in subjective experiences of belonging, or a “sense of mattering” (McMillan and Chavis, 1986) and shared moral responsibility.

In the case of another interviewee, a routine transaction at a state motor vehicle office similarly evoked a consciousness of illegality in the face of exclusion. Katia (25y, Mexican), who crossed the border with a family member when she was six, spoke about an experience she had in her late teens seeing another young person applying for a driver’s licence:

I remember going out with my dad because he needed to renew his driver’s licence. Next to us at the DMV there was like a younger girl with her dad, she was getting her licence too. And I remember thinking, “that will never be me”. Right? That will never be me!

The two youths’ experiences at the motor vehicle office is a contrast between feelings of what may be probable excitement on the one hand, and profound disappointment on the other. Katia spoke of her memory of this experience as one of the earliest of her seeing legal status as “a barrier”, which she explains, “you don’t really know what it means until you start seeing how it interferes with other parts of your life”. Katia knew early on, during middle school (i.e. Year 7-9), that she was undocumented and the “basics of it”, she describes, included not being able to get a driver’s licence. Applying for a driver’s licence, which is a common rite of passage for many teenagers who become eligible when they turn sixteen, is a social ritual that can
encompass aspects of adolescent identity formation, social recognition, sense of belonging, and a marker of emerging responsibilities (cf. Quinn, Newfield and Protinsky, 1985). Thus, having witnessed another young person undergo the social ritual she is legally blocked from experiencing, Katia admitted to feeling “disappointed” and “sad”, as she further reflected on her own disadvantages, fears, and aspirations as a young undocumented woman.

As legal outsiders, both Loren and Katia are unable to lay formal claim to social spaces where an ID or a Driver’s Licence is demanded or expected. In these instances, exclusion from the licencing and ID system emerges as a matter of moral concern as not only does it foregrounds the consciousness of one’s lack of status, but that the struggle for access and recognition in these spaces may also evoke a form of moral insecurity that manifests in feelings of non-belonging or hopelessness. In these circumstances, the ID becomes a moral signifier which degrades the moral value of one’s claims to membership and belonging.

4.4. “Show me your ID” and racial profiling

The precariousness of everyday life borne by undocumented migrants is increased when “fitting a profile” is compounded by the lack of a valid ID during routine encounters with police authorities. Racial profiling is the institutional use of racial, ethnic, or national-origin stereotypes and discriminatory practices in the context of policing and law enforcement (Miller, 2014; Birzer, 2013). In these contexts, targets of profiling activities are predicted to likely engage in unlawful behaviour and are therefore subjected to increased scrutiny or more direct police engagement (Feder, 2012). As non-citizens are required by federal law to carry documents that establish their identity and immigration status, failure to present an ID when demanded by a law enforcement officer can engender doubts about their lawful status, particularly for those who appear foreign-born (Weinberg, 2016). Because citizenship status and notions of foreignness are often associated with skin colour (particularly dark complexion) and appearance, racial profiling is commonly
used as a tool in immigration enforcement to identify undocumented migrants (Johnson, 2010).

The adverse emotional and psychological effects of such enforcement practices on targeted minorities have been well-documented (Romero, 2006; Ashar, 2002; Johnson, 2010; Vidales, Day & Powe, 2009). The consequences of these practices however, have profound moral significance. Two participants shared their experiences which help illustrate how racial profiling and the lack of a government-issued ID can be interwoven in the everyday experiences of moral injury endured by many undocumented migrants.

Gabriela (45y, Filipino) has heard stories about immigration officers conducting investigative visits at people’s places of work. And so, as is true for most undocumented migrant workers, Gabriela was in constant fear of a surprise visit (cf. Hacker et al, 2012). She was at work one day when agents from the Department of Homeland Security (DHS) entered her workplace seeking Anita, Gabriela’s former colleague, who they believed was still employed there. After the agents were told that Anita quit her job months before, the Agents started asking around about Anita’s current whereabouts. Gabriela knew well enough to walk away from the group but was careful so as not to draw attention. Anita is also Filipino, and so Gabriela was petrified that the agents would make the racial connection. No one had any information about Anita, but one of her co-workers directed the agents toward Gabriela’s direction. Her fears were confirmed when in her words:

[They] looked at me and pointed at me. You know, you’re of a different race, they know you are Filipino. My colleagues were mostly black and Hispanic […] then [the agent] called for me. I told them, “uh, no, I don’t know that woman”. Then [the agent] told me, “show me your ID”. At that time, I no longer had my papers. I couldn’t show them an ID. So, he said, “Oh you don’t have an ID?” I replied, “yes”. Then he said, “come with us” […] “I’m dead!”, I said to myself.

Since the agents did not come for Gabriela personally, one could argue that the request for her ID was a matter of protocol and routine identity verification. It was Gabriela’s failure to produce an ID card which raised red flags and confirmed the agents’ suspicions. Gabriela believes however, that her race was a factor in the officers’
demand for an ID, as the person they were looking for, Anita, was also Filipino. Furthermore, Gabriela was sure her other colleagues had not been asked for their IDs. Gabriela felt the agents singled her out because of her racial characteristics.

Individuals conceptualise their identities through their embodied engagement with the stock of meanings available to them. A way of approaching personal identity formation is looking at the lived processes in which interests, values, meanings, and expectations derived from one’s experiences constitute self-conceptions (Basilio, 2011). Hence, identity is not necessarily “stable”, but rather “ad-hoc and positional” (Brown, 2015, p. 23). These cognitive and affective processes also form a core mode of understanding how personal experiences of injustice can impact people’s self-conceptions. Identification checks triggered by race, skin colour, appearance, culture, accents or language skills, or forms of employment, can affect how personal identities are given meaning, and to a higher degree when any of these aspects of self-identity becomes the cause of moral injury.

For Gabriela, her “Filipino identity” has always been a source of personal pride. For instance, when Gabriela spoke about how her boss praised her for being a “good and hard worker”, she not only thought of that as a credit to her own work ethic but also associated it within the “ideals… and the attitudes, beliefs, and behaviours manifested towards [her own] cultural group” (Schwartz, Montgomery and Briones, 2011, p. 6). “Filipinos are great workers!”, she would later explain. However, the immigration agents were interested only in her racial proximity to Anita. It was that Gabriela was Filipino that presented the officers with a reason to doubt her immigration status who then asked for proof of identity (and by implication, legal status).

Individualised specifics also did not matter at that inopportune moment. According to Gabriela, the agents were not concerned about her life circumstances, the family that relies on her financially back home, her struggles that pushed her to test her fate in the US, or her lapse of judgement that made her overlook the importance of renewing her work permit before it expired. Hence, as what most first-generation undocumented migrants fear, “standing out” led to Gabriela’s undoing (see Abrego, 2011). That chance encounter with the enforcement arm of federal US
immigration policy was the start of a costly and at the time of the interview, on-going three-year legal process that places Gabriela at the brink of deportation, which as she puts it, was because: “it just so happened [that] I was there, and I am Filipino.”

The case of Hector (46y, Mexican) gives us another example. He first slipped through the border, fleeing Mexico in 1983, out of fear of the drug cartels whom he claims murdered his father years before. Hector has lived in the US more than half of his life. Hector is currently under removal proceedings and is held in an ICE detention facility in California. Hector shared some of his thoughts about his arrest and the circumstances that led to his incarceration. He narrated how he was standing under the foot of a bridge in a city in northern California when patrolling police officers approached him and asked for his ID. He explained what happened soon after:

The officers didn’t believe me when I tried to explain who I was and what I was doing there. I didn’t have an ID, so they searched my bag and found the prescription medicine that I take for pain. I told them it was prescribed to me and gave them my name, and I had my doctor’s prescription to prove it. They didn’t believe me. They said I was standing there because I was selling the medicine. They found twenty-seven dollars in my pocket. They said it was evidence that I was selling. (from author’s field notes)

Hector was subsequently arrested, and at the time of our interview, had been held and moved between various jails and detention centres for twenty-seven months. Hector believes that he was singled out and arrested because he was Mexican, a conclusion he supports with his telling of how during his arraignment he heard a prosecutor tell a colleague: “look at this guy’s face, this is the face of a criminal”. Hector shared how the remark left him deeply hurt and disrespected but for reasons of self-preservation, he decided to keep his silence. The moral sentiment Hector recalled, brought him to ponder, asking me, touching his face in the process, “do Mexicans look like criminals to you?” He then returns to the issue he believed started his ordeal and wondered out loud whether things might have turned out differently if he had an ID. Hector further surmises that the police should not have had any reason to search him in the first place, as he was simply “standing, minding [his] own business”. Hector may have a point.
Local “stop and identify” statutes authorise police to demand identification if they have reasonable suspicion to believe that criminal activity has taken place. For cases of loitering, the law may not be as straightforward. Local loitering ordinances are often “vague and overbroad status-based legislation[s]” (Kelling and Coles, 1997). Police often exercise their judgement in what are deemed “low priority” cases, that is, those situations where either a warning or citation suffices, or when an arrest is necessary. Hence, loitering laws are often enforced arbitrarily (Misra, 2015; Packebusch, 2006; NCH and NLCHP, 2006). Perhaps not surprisingly, these enforcement practices have further contributed to the criminalisation and direct surveillance of men of colour and minorities in the streets (Golash-boza and Hondagneu-sotelo, 2013).

It is estimated that about 75 percent of day labourers are undocumented migrants who often congregate in known areas within the city (usually near street corners, under bridges, or parking lots of known home improvement stores) (Valenzuela Jr. et al, 2006)—a limited number of places where prospective employers know where to find menial or day labourers. While Hector awaits his fate from a detention centre in California, countless other day labourers struggle with identity and racial profiling in public spots throughout the country. For these people, the moral injury that can result from always being considered one of the “usual suspects” (Wortley and Owusu-Bempah, 2011) is ever present.

This institutional practice is also evident in what is probably the most common reason for an individual in the US to have contact with law enforcement: the traffic stop (Allen and Monk-Turner, 2010; Durose and Eith, 2011). Immigration checks are common during traffic stops nationwide (Gabbidon and Greene, 2012), even as police officers routinely use vagrancy and loitering laws as a pretext to curtail undocumented migration (Misra, 2015). Given that Mexicans account for 56% of the total undocumented population of about 11 million (MPI, 2014), some would undoubtedly find that considering race in traffic stops or anti-loitering enforcements to be a logical strategy. Romero (2001) points out that the practice is often rationalised to “to ferret out undocumented migrants, many of whom are of Mexican appearance” (p. 199).
Hispanic-looking people are prone to racial profiling and arbitrary “show me your ID” police stops, giving rise to unfortunate expressions such as “driving while brown” (ACLU, 2008) or “driving while Mexican” (Aguirre, 2004; Romero, 2001)—a word play on the legal offence usually referred to as D.W.I. or “driving while intoxicated”. Hence, while undocumented migrants continue to be racialised as Mexicans, with physical appearance, class, cultural, and linguistic differences (particularly accents) contributing to the discrimination, at the other end, “state and local police have been implicated in serious deprivations of civil rights of Mexican immigrants” (Johnson, 2004, p. 226).

Razack (2002) notes of surveillance practices, such as police stopping black men on the streets, as producing two kinds of bodies: “the normal and the abnormal, the former belonging to a homogenous social body, the latter exiled and spatially segregated” (p. 11). Similarly, the surveillance of migrants through biopolitical tools of enforcement (as in Hector’s case) de-individualise, sort, and categorise migrant bodies, not just for spatial segregation, but also to shape both the consciousness and bodily praxis of their targets. By understanding the body and the mind as intertwined in the socially embodied experience of individuals, structural exploitation of the “body” through harmful meaning-making and categorisation, forced movements, and displacements, may also be seen to undermine the integrity of the self, and thus, also the trust that is necessary to engage with both one’s self and the social world.

This, of course, can be further expanded to show how bodies can be criminalised and illegalised regarding existing racial hierarchies and boundaries (Sawyer and Paschel, 2007; Glenn, 2009). For instance, Stumpf’s (2006) perspective on the convergence of immigration policies and criminal law, which she refers to in terms of a “crimmigration crisis”, results in the exclusion, persecution, incarceration, and eventually, deportation of migrant bodies of colour, by virtue of “aliens becom[ing] synonymous with criminals” (p. 419). Following Honneth’s (2004) insight, these institutional practices indicate specific violations of the normative treatment that societal members have good reason to expect that they are due. Migrants have a legitimate expectation to be treated with respect and dignity as equal legal subjects (see also, Zurn, 2015, p. 38-39)
4.5. Means of identification and participation: Driver’s licence, Consular, and Municipal ID

4.5.1. (Lack of) access to driver’s licences

The importance of the driver’s licence cannot be understated. For most people living in the US, driving an automobile is their primary mode of transportation, making the ability to apply for a driver’s licence a critical concern for many people. Furthermore, because the US does not have a national identification card system, the driver’s licence has increasingly functioned as the de facto proof of identity document. Hence, as already mentioned, barriers of access present unique challenges for specific vulnerable groups, notably undocumented migrants, whose personal autonomy, freedom of movement, and social participation, are preconditioned on driving a private vehicle or carrying the right form of ID document.

Sixty one percent of Americans report having “never” used public transit systems (Faris, 2015), while only about 11 percent of US adults take public transportation on a regular basis (Anderson, 2016). While not unique in comparison with other countries, these figures nonetheless are partially explained by location-specific limitations in public infrastructure and suburbanisation. Public transportation is often only conveniently accessible and more extensive in a handful of major metropolitan areas and gateway cities (Drever & Blue, 2011; see also Singer, Hardwick and Brettell, 2008). Moreover, the phenomenon of urban sprawl, where housing development moves outwards from the city centre away from access to public transportation, also contributes to automobile dependency (Squires, 2002). In Bakersfield, for instance, which has an increasing rate of suburbanisation over the years (cf. Covington, Freeman and Stoll, 2011; Frey, 2011), only about one percent of workers use public transportation to commute to work, while ninety-four percent use private vehicles. There are more people who walk to work than take public transportation in the city. By comparison, New York City has the majority (57 percent) of its workers commuting using public transit, and only twenty-two percent drive alone, while about five percent carpool (ACS, 2015; US Census Bureau).
Undocumented migrants tend to settle closer to metropolitan areas (i.e., twenty major metropolitan cities, particularly within New York, Los Angeles, Chicago, and Houston, where their population is the largest) (Passel and Cohn, 2017). This is mostly due to their attraction to job and network opportunities and better access to public transportation. Migrants in general often rely on public transit during their early settlement periods but are inclined to move towards the use of automobiles as they stay longer (Hendricks, 2014). Around this later period, they also tend to transfer farther away from large metro areas towards suburban communities following the settlement patterns of the larger population (Wilson and Svajlenka, 2014). Although the cost of living in the suburbs is generally lower than in the city, job locations and transportation options are also important considerations for settlement decisions. Central business districts in major cities are often accessible by public transit, and so workers living within the vicinity or transit coverage areas may be more likely to commute publicly; those in construction, agriculture, and domestic household jobs however, would typically need to drive or carpool (Misra, 2017).

Structural conditions carry social, economic, and moral repercussions, not the least of which involve how personal routines, projects, and activities of everyday life are determined, maintained, or configured. And certainly, the well-being of most of the residents of auto-oriented cities can be tethered to vehicle mobility (see also Cass, Shove and Uhry, 2005). Considerations of commute time, flexibility, availability, and punctuality of bus routes are common determining factors in people’s opportunities for employment, socialisation, and engagement with other personal activities (cf. Lovejoy and Handy, 2008). Those living in geographically restrictive areas can encounter limitations to jobs, access social institutions such as health centres, hospitals, and so on, which are only accessible by public transportation. Some undocumented migrants may also become vulnerable to crime, as bus stops and routes to bus stops are often targeted by criminals, particularly during paydays (Drever & Blue, 2011), thus the workers would need to arrange their commutes accordingly.
4.5.2. Carpooling

To cope with the lack of a driver’s licence or car-lessness, most undocumented migrants use a range of alternative solutions to get around (cf. Lovejoy and Handy, 2008). Some may develop or foster dependencies with other people to take part in activities or access public resources reachable only by a private vehicle (see also Hendricks, 2014). One conventional method is through carpooling, a sharing strategy often associated with those with limited access to private automobiles, who are mostly from lower income groups and larger families, and more often by immigrants than native-born adults (Blumenberg and Smart, 2010; Liu and Painter, 2010). Several interviewees shared that they rely on family (internal) as well as colleagues and friends (external) for the occasional or even regular ride-sharing.

Riders not only have to consider utility and expedience when planning their commute (such as time availability and travel time) but also the strength of their positive relationships and mutual expectations (Blumenberg and Smart, 2014; Handy et al, 2008; Lovejoy and Handy, 2008). Some interviewees spoke of needing to cultivate emotional connections and feelings of trust, for example, explicitly fostering friendships with people or co-workers they are able to share rides with. In these instances, as the respondents shared, ridesharing arrangements may begin or eventually end up with the sharing of personal stories about oneself (for example, where they’re originally from) or offer the reasons one does not have a car to begin with. Although some ridesharing opportunities are unplanned, presenting oneself with personal attributes such as being “pleasant” or “trustworthy” are important to be offered a ride when the need presents. Some drivers may also offer rides out of goodwill or other personal reasons. In many of these circumstances, it is also important that share-riders actively present themselves as deserving persons in need (i.e., not “freeloaders”) and cultivate positive associations with other people. As a gesture of reciprocity, in most cases, mainly if the ridesharing is arranged on a regular basis, the interviewees can suggest splitting the cost of petrol, help with groceries, run errands, or on occasions, offer small compensation in return for the ride. Failure in these reciprocal obligations may result in isolation, refusal of future requests, or in the depletion of their social capital (cf. Bloch and McKay, 2016).
Several interviewees also spoke about how being part of a care community can be a valuable resource in times of need. According to one respondent, in his case, being involved with a “good church” means having “brothers and sisters who would be willing to help you, like drive for you or share a ride with you when you need it”. In return, he attends and participates in church activities and makes himself available to the other church members. In another case, one interviewee spoke of the benefits of having family and close friends nearby to help with occasional or even routine rides. Within these relationships of care, ride sharing may be understood within the context of the values and allegiances shared between the members, and that expectations and obligations of care, and mutual support are seen as expressions of these.

Sometimes cultural considerations can factor in, as outside of family relationships, ethnic ties tend to be the more common source of contacts for ride sharing (Tal and Handy, 2005). In the case of some Filipino ride sharers, cultural norms of reciprocity can impose a strong sense of “utang na loob” or moral indebtedness. In many instances, an exchange expectation can go beyond what was given or received in the initial transaction, perpetuating a cultural norm and socially determined disposition. During these times, practical considerations involve not just getting from point A to B, but also in tending to one’s place in the patterns of unquantifiable obligations and mutual aid that is embedded in the everyday transaction of the Filipino commute.

4.5.3. Driving without a licence

When public transportation and ride-share options are unavailable or deemed impractical, driving a private vehicle without a driver’s licence may become a tenable alternative—despite inherent risks of traffic stops, getting involved in accidents, or sobriety checkpoints that may serve as a pretext for identifying, criminalising, and taxing undocumented migrants (Abrego, 2018; Carpio et al, 2011). Christopher (44y, male) who resides in Bakersfield, does not carry a driver’s licence and shares that he understands these risks. He sometimes even receives text messages from friends to warn him of current and upcoming police checkpoints. Christopher also talked about his decision to drive by first explaining that he has limited options for public transit in
Christopher’s lack of a driver’s licence makes even the routine task of driving his daughter to school fraught with uncertainties. As may also be expected from those in a similar predicament, Christopher is keen on a strategy of, in his words, “driving very carefully and defensively” to minimise the chance of a police encounter. Concerns such as getting in a road accident or getting stopped at a checkpoint convince him it’s “a bit like gambling my family’s future whenever I drive”. Thus, his fears also prevent him from exploring other job opportunities on the back of his already limited personal and social activities.

Although there are variations in context, Christopher’s situation highlights how access to driver’s licences can become entwined to people’s quality of life. However, driving to go to work, taking one’s children to school, buying groceries, and so on, are not simply a matter of maximising the utility of an available resource. As Christopher would later explain in the interview, the necessity of driving without a licence is also a moral choice that is bound to his vision of a better life for his daughter:

“I have thought about how driving [without a licence] is against the law, but I’m doing this for my daughter. She doesn’t understand yet why I can’t drive at times, these things that I’m doing to make her life as normal as possible, but she’ll eventually understand.”

For Christopher, forging a life of normalcy for his daughter, that is, establishing everyday routines amidst the “abnormality” of undocumented life—which Coutin (2010) rightly describes as “mind-boggling and experientially wrenching”—takes centre priority. Because driving is essential to gain a semblance of
a “normal” life, Christopher takes risks not just because he thinks it is more convenient. On the contrary, he speaks of a moral imperative to shield his daughter from the everyday penalties of undocumented life. This again for him necessitates circumventing legal barriers to provide her with a safe and fast route to school, opportunities to participate in socialisation events, occasional dinner outs, and so on. Such forms of chance-taking underscore the morality of risk that is undertaken out of a deep sense of moral obligation despite one’s situation (cf. Núñez and Heyman, 2007).

While Christopher’s perspective may not be representative of all of those who drive without a licence, his concerns reflect the lived reality of those whose exclusion from an essential resource necessitate finding creative ways to cope and challenge the law in order to live a reasonable life. Christopher’s situation further illustrates the enduring inner conflict many undocumented migrants face: that of following legal norms to abide by the law and the moral norm to provide for one’s family. It could be that in some cases, the more salient norm will prevail, as aided by norms of risk aversion. However, it may also be possible that the lay morality of “taking care of one’s own”, in view of perceived costs, as Christopher explained, is the reasonable and right thing to do.

As discussed above, the impact of barriers to access of driver’s licences can vary depending on geographical context. For many undocumented migrants in residential and occupational problem areas, exclusion from licences can bring about adverse effects on many aspects of their quality of life, including their safety, social well-being, and economic participation. Coping practices can involve tapping into their network and cultural resources through ride-sharing or taking (calculated) risks in driving. Both require ongoing rational and ethical deliberations to carry out in the struggle against the adverse effects the lack of a driver’s licence posts on undocumented migrants.
4.6. Driver’s licences for undocumented migrants

As some states and municipalities have recognised the struggles undocumented residents encounter in their jurisdictions, several direct legislative actions have been undertaken by sub-federal administrations with the goal of improving the lives of their undocumented constituents and other residents. I focus on three main ID programmes: multi-tiered driver licence, municipal ID, and the acceptance of alternative identity documents such as consular IDs issued by foreign governments.

Thirteen states (and one US territory) currently allow undocumented migrants to secure driver’s licences (see Table 4.1 below). Twelve of these jurisdictions have enacted multi-tiered licence programmes that consists of a first-class licence, to comply with the minimum requirements of the REAL ID Act, and a second-tier licence, which provides undocumented migrants with Certificates for Driving (CFD), Driving Privilege Cards (DPC), or Driver Authorization Cards (DAC) (cf. Manuel and Garcia, 2014). The latter types of cards have visible colouring and notations on its face indicating that the cards are not allowed to be used for federal identification. Two of the thirteen states, namely Washington and New Mexico, do not issue second-tier licences. To provide REAL ID-compliant cards to its resident citizens, Washington issues a separate and opt-in “enhanced” ID card that complies with federal requirements, and thus, is usable for federal identification (WDOL, 2017). These cards require proofs of identity and US citizenship to obtain as they can be used instead of a passport or other identification documents for travel to Canada, Mexico, and the Caribbean (DHS, 2016c, 2013). Four other states issue these types of cards, namely, New York, Vermont, Michigan, Minnesota. In 2016, the Governor of New Mexico signed a law that would bring the state into compliance with REAL ID. As a result, state residents have been given an extension to use their current licences for federal identification until 2020 (MVD, 2016). Undocumented migrants who are granted deferred status through DACA are eligible to apply for first class licences (cf. Ramakrishnan and Colbern, 2015; NILC, 2015). The driver’s licences issued are of the
same type available to citizens or legal residents and remain valid within the duration of the licence holder’s deferred status.

“Real” driver licences (see Figure 4.1 below) are distinguished from the driving privilege cards through visible markings stipulated by the formatting requirements of the Real ID Act (“a unique design or color indicator to alert Federal agency and other law enforcement personnel”). This, of course, has raised concerns from both sides. Proponents argue that the markings must be distinguishable from first class licences in line with security purposes, while opponents cite its potential for stigmatisation and discrimination (McGreevy, 2014). In California for instance, initial proposals for the AB 60 licence would have the cards indicate “Driver’s Privilege” instead of “Driver License,” and contain an alert that state, “Does not establish eligibility for employment or public benefit”. However, pushback from several migrant and civil rights groups convinced state law makers to consider changing the display to a less conspicuous visible format (White, 2014). In its current form, the ID card now only displays the phrase “federal limits apply” in small font on the face and “… not acceptable for official federal purposes…” at the back (see Figure 4.1 below). The markings on other second tier licences, for example in Nevada and Illinois are more conspicuous. Nevada (see Figure 4.2 below) contains the indication “Driver Authorization Card” with a federal notation on the front side, and Illinois uses a distinctive purple band along with federal notations (TVDL) on the face of the card which draws attention (see Figure 4.3 below).
Table 4.1: States and Territories that allow driver’s licences for undocumented migrants

<table>
<thead>
<tr>
<th>STATE/TERRITORY*</th>
<th>BILL</th>
<th>DATE ENACTED</th>
<th>DATE EFFECTIVE</th>
<th>NON-DRIVER ID AVAILABLE FOR UNDOCUMENTED MIGRANTS</th>
<th>NOTATION(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CALIFORNIA</td>
<td>A.B. 60</td>
<td>3/10/2013</td>
<td>1/1/2015</td>
<td>NO</td>
<td>“FEDERAL LIMITS APPLY” (FRONT); “NOT VALID FOR OFFICIAL FEDERAL PURPOSES” (BACK)</td>
</tr>
<tr>
<td>COLORADO</td>
<td>S.B. 251</td>
<td>5/6/2013</td>
<td>1/8/2014</td>
<td>IDENTIFICATION CARD</td>
<td>“NOT VALID FOR FEDERAL IDENTIFICATION, VOTING, OR PUBLIC BENEFIT PURPOSES”</td>
</tr>
<tr>
<td>CONNECTICUT</td>
<td>H.B. 6495</td>
<td>6/6/2013</td>
<td>1/1/2015</td>
<td>NO</td>
<td>“NOT FOR FEDERAL IDENTIFICATION”</td>
</tr>
<tr>
<td>DELAWARE</td>
<td>S.B. 59</td>
<td>30/6/2015</td>
<td>27/12/2015</td>
<td>NO</td>
<td>“NOT FOR FEDERAL PURPOSES”</td>
</tr>
<tr>
<td>DISTRICT OF COLUMBIA</td>
<td>B 275</td>
<td>18/11/2013</td>
<td>1/5/2014</td>
<td>IDENTIFICATION CARD</td>
<td>“NOT VALID FOR OFFICIAL FEDERAL PURPOSES”</td>
</tr>
<tr>
<td>HAWAIKI</td>
<td>H.B. 1007</td>
<td>2/7/2015</td>
<td>1/1/2016</td>
<td>NO</td>
<td>“LIMITED PURPOSE DRIVER LICENSE” “NOT ACCEPTABLE FOR OFFICIAL FEDERAL PURPOSES”</td>
</tr>
<tr>
<td>ILLINOIS</td>
<td>S.B. 957</td>
<td>27/1/2013</td>
<td>28/11/2013</td>
<td>NO</td>
<td>“NOT VALID FOR IDENTIFICATION” [NB: DISTINCT PURPLE STRIPE]</td>
</tr>
<tr>
<td>MARYLAND</td>
<td>S.B. 715</td>
<td>2/5/2013</td>
<td>1/12/2014</td>
<td>IDENTIFICATION CARD</td>
<td>“NOT ACCEPTABLE FOR FEDERAL PURPOSES”</td>
</tr>
<tr>
<td>NEVADA</td>
<td>S.B. 303</td>
<td>31/5/2013</td>
<td>1/1/2014</td>
<td>“DRIVER AUTHORIZATION CARD”</td>
<td>“NOT VALID FOR IDENTIFICATION”</td>
</tr>
<tr>
<td>NEW MEXICO</td>
<td>H.B. 173</td>
<td>18/3/2003</td>
<td>2003</td>
<td>NO</td>
<td>NONE**</td>
</tr>
<tr>
<td>PUERTO RICO*</td>
<td>P. C0900</td>
<td>7/8/2013</td>
<td>7/8/2014</td>
<td>NO</td>
<td>“NOT ACCEPTABLE FOR FEDERAL PURPOSES” [N.B. DISTINCT DESIGN OR COLOR]</td>
</tr>
<tr>
<td>VERMONT***</td>
<td>S.B. 38</td>
<td>5/6/2013</td>
<td>1/1/2014</td>
<td>IDENTIFICATION CARD</td>
<td>“NOT FOR FEDERAL IDENTIFICATION”</td>
</tr>
<tr>
<td>WASHINGTON</td>
<td>H.B. 1444</td>
<td>17/5/1993</td>
<td>25/7/1993</td>
<td>“IDENTICARD”</td>
<td>NONE</td>
</tr>
</tbody>
</table>

** REAL ID compliance began on 14 Nov 2016; current DLs and IDs are under an extension period until October 2020.

*** State residents of Vermont can also apply for a separate Enhanced ID or Driver’s Licence
The images on the left column below show the front and back of the Driver’s Licence. The photos on the right column are of the AB60 Driver Licence. The text on the back of the AB60 licence states: “This card is not acceptable for official federal purposes. This license is issued only to drive a motor vehicle. It does not establish eligibility for employment, voter registration, or public benefits”.

http://driveca.org/cms/assets/uploads/2014/06/ab_licenses_samples.jpg; http://eltecolote.org/content/wp-content/uploads/2015/01/AB60License.png
Figure 4.2. Nevada Driver Licence (top) and Driver Authorization Card (bottom).²

² http://immigrantservices.uscmediacurator.com/the-license-gallery-see-the-ids/
Figure 4.3. Illinois Driver’s licence.

The image on the top shows the first-class driver’s licence, while the one on the bottom with the distinctive purple band, is issued to undocumented migrants. Instead of “Driver’s License” it states TVDL (Temporary Visitor Driver’s License).³

³ http://immigrantservices.uscmediacurator.com/the-license-gallery-see-the-ids/
4.7. Living with two-tiered driver’s licences

Majority of undocumented migrants are excluded from access to a licence or state identification card as only about thirty-five percent of undocumented migrants live in jurisdictions that issue multi-tier driver licences (cf. Mendoza, 2016; Leiseca, 2015). However, the programmes have been successful for the states where they are available. For example, twenty two percent of 2.45 million undocumented migrants in California are eligible for driver’s licences, which is the largest of any state (Sanchez, 2016). Within a year of its approval, a little over 600,000 undocumented migrants have applied for the second-tier licences (CDMV, 2015; NILC, 2016a); and 250,000 more were issued in 2017 (Sanchez, 2017). In Nevada, about 20,000 driving cards were issued in the first six months of its programme (Villareal, 2014). Furthermore, studies bring light to its positive impact on public and traffic safety (Lueders, Hainmueller and Lawrence, 2017), economic benefits gained through additional revenue from the fees (PCT, 2015), and the increased social and economic participation of the new licenced carriers and their families (Hendricks, 2014).

Perhaps surprisingly however, many who are qualified for the driver’s licence do not apply for a variety of reasons (Mass, 2015). One of the significant burdens borne by undocumented migrants is the fear of discovery, apprehension, and deportation (López, 2004). Thus, as one may expect, some qualified applicants are fearful and apprehensive to provide any state agency with their personal information (Greenwald, 2017). Others may also show concern about protecting their moral right to privacy (cf. Sobel, 2002) and the ethical and practical implications of potential breaches.

Migrant advocates warn potential applicants with felony convictions, “serious” misdemeanours (e.g., driving under the influence) and other crimes to exercise caution and analyse both benefits and risks, as their records will be accessible by federal agents, or they may even be reported to US Immigration and Customs Enforcement (ICE) by state motor vehicle agency employees (NILC, 2016b). Some states also have expressed fears as to how ICE’s use of their database might also deter immigrants from applying which in turn may undermine the programme and its
stated intentions of promoting public safety (NILC, 2017). Recently, the ACLU warned that under the Trump administration, “driving without a license now poses a greater risk than before since ‘committ[ing] acts that constitute a chargeable criminal offense’ can make someone an enforcement priority. While any undocumented migrant is potentially at risk, those who have had prior contact with law enforcement are at greater risk” (ACLUNC, 2017).

Two interviewees in Bakersfield have not applied for driver’s licences despite their eligibility. Although confidentiality and anti-discrimination safeguards are in place through existing state laws (ACLU, no date), both respondents expressed fears concerning potential unwarranted access by federal agents of their personal information. One respondent was worried that “now that they know your name and where you live, who’s going to stop them from finding you?” The other respondent talked about an unnerving feeling of knowing his current whereabouts exist in a “computer, somewhere” and could be accessed by an agent with sufficient motivation, “then you keep asking yourself, ‘when are they coming?’”

The participants’ concerns are not without merit. According to the ACLU (2017), personal records kept in the Department of Motor Vehicles (DMV) database is accessible by ICE “when it is looking for a particular person” although they “must enter a specific query and cannot freely scroll through the database”. While this may be the case in general, some undocumented migrants understandably find it easy to imagine how federal authorities can use state motor vehicle data for investigative purposes or other pursuits. This was true at least for some respondents who shared stories they have heard about others who were identified and tracked through their driver’s licence photo and information.

Narratives of arrests and deportations often circulate among immigrant and ethnic communities which provide the groups instructional and cautionary value (see Manderson and Allotey, 2003). Stories such as the ones the respondents shared however, also seem plausible given the circumstances. Indeed, these seem consistent with accounts of lawsuits filed on behalf of migrants against immigration agencies to seek documents pertaining to the sharing of information between ICE and state motor vehicle agencies (NILC, 2016b). Some of these legal proceedings are based on actual
reports of migrants, albeit with prior deportation orders, who were found and arrested through their driver’s licence photo and vehicle information (Huang, 2014; Taxin, 2014). ICE has been known to obtain access to some states’ civil database. For instance, the state of Connecticut shares with ICE its “state DMV data, court data, probation information, protective orders, boating certifications, hunting and fishing licenses, and other data” (NILC, 2017, p. 6).

Certainly, a logic of enforcement such as investigatory convenience and opportunity may also underlie this disconnect between stated policy and the behaviour of federal agents. Worst still if recent political events are an indication, immigrants’ privacy rights are increasingly eroding in the name of “enhanc[ing] public safety” (Vasquez, 2017). For instance, a line from a memo from the Department of Homeland Security dated 20 February 2017 states: “The Department will no longer afford Privacy Act rights and protections to persons who are neither US citizens nor lawful permanent residents” (Kelly, 2017). The logic that underlies the political justifications of institutional practices of racial profiling as a tool for immigration enforcement is similar to that of the use of government data (that is already technically available) to identify and prosecute undocumented migrants.

The uncertain risk of being identified with the possibility of arrest is not lost to Norman (38y, Filipino), a Bakersfield resident who keeps a California’s AB 60 driver’s licence. Despite being grateful for being given the opportunity to drive legally for his daily commute to work, Norman shared that he only uses his licence “only if he has to”. He further explains that while his “AB 60” puts him in a “better position” than before, he still finds a reason to “feel insecure and paranoid, sometimes.” The feeling is familiar for many undocumented migrants who experience segmented recognition by the state outside of full resident entitlement despite their social and economic contributions.

Norman is acquainted with the state law that prohibits local traffic police “to consider an individual’s citizenship or immigration status as a basis for investigation, arrest, citation or detention” (CA Vehicle Code, Section 12801.9). Norman’s common-sensical understanding of the law has led him to remain fearful of potential situations where the visible markings on the AB 60 licence could become a problem.
such as in a routine traffic stop. As might be expected, an ACLU factsheet warns undocumented migrants: “When talking to or in front of law enforcement, anything you say can be used against you—don’t talk about your immigration status, citizenship, when or you came to the US, or where you’re from” (Greenwald, 2017).

The perpetual uncertainty many undocumented migrants experience in anticipation of institutional encounters may be mitigated by the temporary solution an AB 60 licence provides. But as is clear in Norman’s case, such concerns do not fully recede until undocumented migrants themselves can obtain legal status. This suggests that material and non-material markers of exclusion carry the predictable effect of unsettling any or all legal stopgaps external to the legal status of the individual such as what is offered by the licence. Furthermore, Norman’s difficulty in trusting aspects of the law and some of its enforcers suggests that he has become vulnerable to moral injury. This is a predictable consequence of the absence of the necessary respect and esteem that follows an individual who is not able to experience being recognised as an equal and morally accountable partner who can bear a sense of solidarity with other fellow residents of the state.

Although driver’s licences are accepted throughout the country, policies concerning immigration, migrants, and its local enforcement may vary by state. Coutin (2010) speaks of geographical territories becoming “zones of confinement” for undocumented migrants as their movement across borders becomes difficult and problematic. This idea can be extended to note, firstly, that undocumented migrants are only granted limited privileges as bearers of second-tier licences in their states of residence. And secondly, they can be confined to these jurisdictions, although in principle, any state-issued driver’s licence is valid throughout the country. For example, the AB 60 licence offers California’s undocumented residents some legal protections as it forbids its state officials from using the licence to question the bearer’s citizenship or immigration status. However, law enforcement officers in the nearby state of Arizona, for instance, are not required to honour this California provision under their own state’s laws. Arizona police have been known to conduct traffic stops that target minorities as pretexts for checking people’s immigration status (ACLU, 2014b; also, ACLU, 2008).
Given Arizona’s stance on racial profiling and immigration enforcement, an interviewee from Bakersfield (California) who carries an AB 60 licence, voiced a hypothetical concern: “what if I end up in Arizona? If you get pulled over, the cop will know you’re undocumented just by looking at your licence”. The terrifying idea of finding oneself crossing another “border within the border” and getting pulled over by a law enforcement officer in another state, concretizes not only undocumented migrants’ limitation of movement but also how visible markers of exclusion reveal existing institutional structures of discrimination of status. As it stands, the possibility of getting arrested and subsequently deported because of Arizona’s identified hierarchical and discriminatory practices bring to light the struggles for recognition, profound disrespect, and status subordination that many undocumented migrants endure on the face of such “institutionalised recognition interpretations” (Zurn, 2015, p. 136).

Furthermore, one can see the moral consequence of the disruptions of the ideal relationships of respect and mutual consent that must exist between states and its constituents in a “decent society” (Margalit, 1996). Moreover, as a moral harm that is wrought through documentation by way of real or threat of misuse of trust by federal authorities as the quotes from my interviewees illustrate, undocumented migrants are not able to fully participate or pursue a course of action that is promised by the documentation. Thus, in a way, the ID card can reproduce the “very same structures it seeks to subvert” (Germann Molz, 2013). The material and institutional circumstances of the identification documents carry the potential effect of limiting the personal autonomy of undocumented migrants and prevent them from receiving the esteem that is due them as recognised members of the state. Thus, the refusal of the interviewees to apply for the driver licences can be explained initially in relation to their fears of being discovered, but also through the lens of moral injury and the resulting harms related to their self-confidence and self-esteem.
4.8. The Consular Identification Card

The Consular Identification Card has also become useful for those with barriers of access to second-tier driver’s licences and other valid forms of photo identification. The Matrícula Consular de Alta Seguridad are identification cards issued by the Mexican government for their citizens residing abroad. Other countries likewise issue consular identification cards for their nationals, such as Argentina, Brazil, Colombia, El Salvador, Ecuador, Guatemala, Guinea, Mali, Poland, and Senegal. Some are exploring offering similar ID programmes, such as the Dominican Republic, Honduras, Nigeria, Pakistan, and Peru (Mathema, 2015; Varsanyi, 2007). Increasingly in the US, many cities and local institutions have come to recognise consular IDs as valid forms of identification. The first official agency to accept the card was the Austin Texas police department in 2002 (Varsanyi, 2006), and as of 2013, over 371 counties, 1,036 police agencies, and 356 financial institutions have accepted Consular cards as a valid proof of identity document (Mathema, 2015).

Despite the growing popularity of the consular card, overall acceptance remains mixed, uneven, and contingent on local laws, institutions, and enforcement involved. Part of the reason is due to lingering concerns about security, as some believe the cards are not tamper-proof and the verification process for identity and citizenship can be easily falsified (O’Neil, 2003). For these stated reasons for example, states such as North Carolina have enacted laws prohibiting the use of alternative forms of identification for official government purposes. Many state-level governments also ban the use of alternative identity cards in the absence of legal immigration documentation, such as in Arizona, Alabama, and Indiana, to name recent examples (see also Manuel and Garcia, 2014, pp. 21-23). More recently, Texas specifically barred the use of Consular IDs for issuing birth certificates for children who are born in the US of Mexican-national parents (Mathema, 2015). According to some of my interviewees, some financial, business and private establishments also refuse to accept alternative non-US issued photo identification. Proponents of Consular IDs, on the other hand, argue that the cards protect undocumented migrants and their families by providing them with an identity document that they
can use for banking and remittance transactions, foster confidence with interactions with law enforcement (such as in crime reporting), as well as provide at least minimum access to private and public services and institutions that require identification (O’Neil, 2003; Bruno and Storrs, 2005). Studies note how the increasing use and acceptance of Consular IDs contribute to the economic mobility and participation of Latino immigrant residents, and overall public safety (O’Neil, 2003).

Seldom mentioned in the literature is how the treatment of Consular IDs can also contribute to personal experiences of moral injury in the form of stigma and discrimination. For example, reflecting on how the use of the cards intersects with an individual’s racial or ethnic identity, one interviewee spoke of how his consular ID confers upon him a Mexican identity, regardless of how he self-identifies or presents himself in public. According to Antonio (36y, Mexican), who has been residing in Bakersfield for eighteen years, “it’s automatic […] once you take out your matriculas, you’re Mexican […] regardless of whether you’ve been here for most of your life, you’re not an American, you’re Mexican”. Antonio shares that he is “proud of his Mexican heritage”, but he can’t help but notice the “knowing looks” and sometimes even “downright discrimination” notably from salespersons, which he figures are due to either their lack of familiarity with the card or stereotypical presumptions. He further explains:

I get it, you know. People make assumptions, and that’s fine. It’s not really a big issue, in fact, I’m glad I have an ID that I can use. But sometimes, in some situations, you just want them to stop focusing on my ID and look at me.

Antonio’s position is similar to other interviewees who consider access to an acceptable ID as an advantage and a significant contributor to their well-being. On the other hand, Antonio explains how even mundane activities that demand an ID can become a cause for concern, particularly when the card interferes with his self-presentation. His actions in this area cover the range of appropriate conduct which has become for him almost second nature and which he finds necessary to protect his status when in public. These include those behavioural dispositions that he has acquired through the years which have enabled him to successfully mask his legal status without necessarily being conscious of doing it all the time. The ID muddles
this process, as immigration status, which is in principle invisible, now becomes formally visible and readable, overtly subjecting the ID holder to the values, beliefs, and ideologies of the one demanding it. Thus, for Antonio, the ID card becomes a marker of a spoiled identity (Jones, 1984). This bears on Antonio’s belief that because perceptions of his identity can be premised on the information on his consular ID card, he is now potentially stigmatised as an outsider. Antonio shares further in the interview that this makes him feel that he does not get as much “respect” as an equal member of society despite having lived in America for most of his life and identify as an “American in many ways”. This moral injury that Antonio describes coincides with Abrego’s (2011) study of 1.5-generation undocumented migrants whom she characterises to experience their legal limitations as a source of social stigma.

According to Yan and colleagues (2017) stigma has the potential to lose or weaken what is most at stake for its sufferers. In the case of Antonio, stigma undermines the lived value of his desire to be respected by others as an “American”.

Two other DACA recipients spoke of similar apprehensions stemming from how their use of their consular IDs before DACA engendered doubts about their immigration status. Tourists, non-immigrant workers, students, and many other non-citizen residents may be expected to use foreign ID cards and so do not often need to contend with perceptions of foreignness. However, the use of non-US cards can be problematic for the youths as it can make them “stand out” and associated with foreignness or perceptions of illegality. Understandably, such visibility poses a problem when one’s personal well-being is contingent on one’s ability to remain in the shadows.

Amanda (25y, Mexican), who was brought to the US when she was five years old, shared that she rarely used her Consular ID because of this concern:

It was kind of embarrassing before, when you go out, and they ask you for your ID, and you show them your matricula. Sometimes, people will look at you, and they will be like, “oh, she’s illegal […] there it is” [laughs]. So that was the embarrassing part.

Another interviewee was brought to the US when he was two years old and is a native English speaker. Eric (25y, Mexican) recalls that before receiving DACA
approval, his primary document for identification was his “matricular”. He admits however that he would rarely use the consular ID, even “not at all, if possible”. Eric explains that because he speaks with an American accent, he believes people can make an “easy” and logical guess he was undocumented:

If you speak without an accent, then that means you probably grew up here. If you did, then why are you using a Mexican ID? Well, there are possible explanations for that. But you’re not gonna want to stay and have to explain all that. You just want to get out.

Raised in the US and having internalised the norms and culture of the country, undocumented youths make use of their socialisation to fit in and practice different strategies to distance themselves from “negative connotations of illegality” (Abrego, 2011, p. 358). However, like Amanda, Antonio, Eric, and along with others, their lack of access to US-based identification documents constrains them to use their Consular ID, which they describe to function as negative markers in some social contexts (cf. Jones et al, 1984) by pre-empting their self-presentation and accentuating their difference from their peers. The interviewees’ narratives also appear to agree with a study that Ditlmann and Lagunes (2013) conducted which found how perceived ethnicity and the presentation of certain identification documents (i.e., municipal ID or an unofficial ID) can influence perceptions of the presenter’s legitimacy and perpetual foreignness.

4.9. Municipal ID programmes

On the level of the local city administration, municipal ID programmes run by several jurisdictions have provided a way for its constituents with barriers of access to driver’s licences or state IDs to be able to obtain local government-issued proof of identity cards. The cards are available not just to undocumented migrants, but the homeless, young people in foster care, low-income elderly and those with disabilities, LGBTQ communities, victims of domestic violence, and formerly incarcerated individuals (CPD, 2014; de Graauw, 2014; Varsanyi, 2007). Proponents argue that the service is essential as people without valid identification documents often encounter
access issues to basic utilities, get locked out of city services such as welfare (e.g., SNAP, food stamps) and housing (Section 8) assistance, or hindered and discouraged from engaging with law enforcement agencies (CPD, 2015; CMS, 2014; Torres, 2017).

According to 2016 US Census data, out of 19,510 incorporated cities in the US, only a few local jurisdictions provide ID programmes that are accessible to their members considered to be “at risk”. As of February 2018, only 14 municipal schemes exist in the country and are often administered by so-called “sanctuary” cities (Villazor, 2008) located in seven states (including Washington, DC): California (San Francisco, Richmond, Los Angeles, Oakland), Connecticut (New Haven 2007), Illinois (Chicago), Michigan (Detroit), New Jersey (Asbury Park, Mercer County, Plainfield, Roselle, Union City), New York (New York City) and Washington, D.C..

Figure 4.4. Municipal IDs from different jurisdictions:
New York City⁴; Oakland, California⁵; Detroit, Michigan⁶; and San Francisco, California⁷.

⁴http://assets.nydailynews.com/polopoly_fs/1.2756361.1471535720!/img/httpImage/image.jpg_gen/derivatives/article_750/cards19n-3-web.jpg
⁵https://chicagotonight.wttw.com/2017/05/04/city-clerk-valencia-says-municipal-ids-will-benefit-all-chicagoans
⁷https://cdn-images-1.medium.com/max/2000/1*e1iX95Iuy3xiMkd_XYSI7Q.png
In the cities in which the programmes have been enforced, local government entities, business and financial establishments, and other civil society institutions have gradually come to accept the integration of undocumented migrants into city affairs. However, some business establishments have also gone on record to announce their refusal to honour the card for various reasons (Hogan, 2015), while some accept other forms of identification more than they would municipal IDs (Lagunes et al, 2011). It also remains to be seen as to how sanctuary policies and by extension, municipal ID programmes, would be vulnerable to changing political landscapes as the recent assaults against such cities under the Trump administration make clear (Torres, 2017). Despite these problems however, the city has increasingly been seen as an alternative locus of citizenship and membership claims-making, and the municipal ID has been in the forefront of these trajectories (cf. Varsanyi, 2006; de Graauw, 2014). The cards have also taken on symbolic importance as a sign of membership in the community as “cities that offer ID to their residents regardless of immigration status are making a powerful statement of welcome and inclusion” (CPD, 2013). As local municipalities that implement the programme become spaces where residents can perform their everyday tasks with reduced burden, they are also empowered to claim for themselves elements of citizenship in the process (Torres, 2017).

The municipal ID cards may become associated with undocumented migrants who more than other vulnerable groups comprise the bulk of its beneficiaries (cf. Bonnano, 2009). This association can understandably present problems for undocumented cardholders themselves and even discourage broader civil participation. However, to prevent the cards from becoming “scarlet letter” and “stigma” badges, cities push for broader public participation in the programmes. Their efforts often involve tacking on additional privileges for the use of the cards, such as providing free memberships to cultural institutions (e.g., zoos, museums, concert halls), making the cards function as library cards, and discount cards for prescriptions, entertainment facilities, health and fitness facilities, and participating supermarkets, along with many others (CPD, 2013; de Graauw, 2014). Some cities have also considered partnering with financial institutions to include additional functions such as having pre-paid debit (Gardiner, 2015).
A now familiar concern, undocumented migrants may also find a reason to fear how their private information may be used or sought by outside agencies and entities to identify, prosecute, and eventually get them deported. For instance, in 2016 the city of New Haven rejected a *Freedom of Information Act* (FOIA) request from anti-immigrant activists for the city to provide them with a list of the ID applicants (Matos, 2016). Likewise, New York City, in anticipation of receiving a similar request from opponents of the programme, proposed that the city “not retain originals or copies of records” and to protect the confidentiality of their ID application information “to the maximum extent allowed by applicable federal or state law” (CMS, 2014; Robbins, 2017). The city eventually destroyed personal documents associated with the ID programme in December 2016 (Robbins, 2017) to pre-empt the use of their database as a “deportation directory” (Runyeon, 2017).

Of the three field sites selected for this study, only New York City offers a city identification card programme available for undocumented migrants. IDNYC—and as do other local ID programmes—require their applicants to only provide documents proving their identity and residency. For individuals who are not able to provide proofs of address, IDNYC allows “care of” letters issued by non-profit organisations, hospitals, or religious institutions or the use of a state-run Post Office Box address that keeps their location private (Daley et al, 2016). Less than a year after IDNYC’s debut in January 2015, about 730,000 have already signed up for the card (Strawbridge, 2016)—about 10 percent of eligible New Yorkers. By April 2017, over one million residents have applied (Robbins, 2017). Most of my study participants residing in New York have acquired IDNYC cards at the time of our interview (in June 2015), while the rest were in the process or expressed their interest in applying.

The fears and concerns that some of my interviewees expressed over applying for AB 60 licences in California were mostly absent from my New York respondents who applied for the city-issued IDs. For one, the respondents were pleased that the cards did not bear visible markers that revealed their country of origin nor their immigrations status. Having an identification card they could use to identify themselves without fear of stigma or discrimination was considered a significant benefit by itself, which mitigates the typical worries that come with presenting their IDs when demanded. This inclusive measure also enabled some respondents to feel
that they were finally officially recognised as “residents” of New York. In these instances, identity cards can be seen to contribute to undocumented migrants’ ongoing identity work and play a role in galvanising positive self-presentation. One interviewee who has lived in New York for more than a decade noted how he already felt and identified as a “New Yorker” before he applied for the ID, but that the city’s gesture to provide an identification document, was a much-needed external validation. “Now”, he said, “after all these years, I’m officially a New Yorker, and have an ID to show for it”.

None of my interviewees also expressed great concern concerning potential privacy breaches or having their private data accessed by federal immigration agencies. One reason the interviewees gave was that the city purposely does not ask for applicants’ immigration status. None of my respondents also knew that New York also planned to destroy the personal data documents they submitted. However, knowledge of this information did not seem necessary, given some of my interviewees’ general perceptions of New York as “open […] and protective of undocumented migrants”, as one interviewee described it. The ready availability and potential for widespread public use also lent to my interviewees’ support and acceptance of the programme. These multi-pronged mechanisms of inclusion go a long way, some further believe, in trusting that the cards not only will not “expose” them but also help facilitate their ongoing recognition as participating members of civil society at the local level. This latter point also emerged as a key issue in the interviews. Although the interviewees have spoken at length about how they have always managed to “get-by” performing their everyday tasks hiding in plain sight, they are now experiencing a “stronger” although in some ways, unfamiliar sense of being formally and legally included in aspects of citizenship related to their civic participation, political expression, and integration in formal institutions in their localities of residence.

Since the programme had only been recently implemented at the time of my interviews, most of the respondents could not fully account for tangible changes if at all, in their day-to-day experiences after receiving their IDs. During this period, their knowledge of the card’s benefits was limited to what they have been told by friends, fellow church members, and community organisers, along with some snippets of information some have seen in brochures, online news sites and multi-media
advertisements. This pooled information was sufficient for many to consider using their cards at the earliest opportunity and in various settings. Some also felt it was a fitting time to renew and re-imagine their ideals, aspirations, and moral visions about what it means to belong and be recognised as formal members of civic society into actual and concrete practice (cf. Torres, 2017). As one interviewee described it: “I’ve always hoped I could experience how it feels like, I can finally get to feel how it’s like to not worry when they ask for my ID”. On the other hand, one interviewee felt the need to be cautious in his optimism and consider waiting for others to use their cards first and give him feedback before he would use it himself. This “wait and see” attitude seem inconsistent with his initial excitement after the IDs were first announced. This may not be surprising on two levels. There is a sense that undocumented migrants have acclimated to the risks and perils of interacting with various social institutions and have developed context-sensitive defensive practices in dealing with multiple identification demands. Civic incorporation involves integration in multiple institutional fields which often has its own rules, actors, and dispositions. Undocumented migrants usually know or soon learns how to adapt to each circumstance. Secondly, following Dorf’s and Sabel’s (1998) notion of democratic experimentalism, the sharing of knowledge among those facing similar problems can fill informational gaps and encourage civic participation in matters that affect them. Furthermore, undocumented migrants can also recognise the precarity of their social position within the city’s and other city residents’ long-established hierarchies of concern (e.g., national security, economic mobility, job security). Many understand that undocumented migrants, if ever, are often the last to be offered a piece of the proverbial pie of resources and even in most other instances the first to be denied their fair share. While their access to essential municipal services may have formally expanded, they have yet to see how other individuals, communities, businesses, and other local institutions will respond to the new challenges brought about by this integrative expansion.

Amid these concerns most of those who could obtain municipal ID expressed various positive evaluations in terms of “appreciation” and “being grateful” for the ID, which one interviewee referred to as a “privilege” that needs to be protected. What this meant for him was that the cards signified a level of trust on the part of the city
that must be responded to “in kind” by its resident beneficiaries. This moral economy of reciprocity was also expressed by others through examples of ethical imperatives of striving to “do good” or “helping the city and its residents” as some of the ways how those given a measure of civic inclusion should respond. However, as a testament to lingering fears related to the general precarity of their status, a few also spoke of this reciprocal relationship as a fragile one that “should not be taken for granted”, because just as it arrived at one opportune political moment, it could also be easily taken away during another.

4.10. Conclusion

Identification is one of the key components in the governance of citizenship in the modern world (cf. Harbitz and Arcos Axt, 2011; Lyon, 2009). Systems of identification (e.g., driver’s licences, state IDs) play a primary role not only in the identification of the various members of a society but also in their categorisation. ID cards work similarly to how we know others—through types and categories (Lyon, 2009); as such they are tied to conceptual and ideological frameworks that spell the difference between who is accepted as “one of us” or rejected as the “other.” The institutionalisation and codification of these categories not only encompass the creation of who or what is a “citizen” (Torpey 2000, p. 13), but also determine, and hence, make vulnerable, the lives of those who fail to meet its various criteria for membership. Systems of social disrespect, through institutional prejudice or social discrimination, rob individuals of the full opportunity to attribute social value to their abilities or link their shared culture or individuated differences to something of positive significance in their communities. Following Honneth (1995), it is self-respect that enables an individual to make positive assertions and claims of personal import and value as full members of society. The innate capacity of individuals for self-respect and self-esteem is hindered when their civic presence is preconditioned on discriminatory racial profiles and presumption of guilt, or something as mundane as lacking a government-issued photo ID. Thus, aside from the aforementioned
limitations and exclusions, the tiered cards make manifest the lack of participation parity of undocumented migrants.

On the one hand, undocumented migrants who are in a state of invisibility, that is, socially and legally misrecognised, are given a way to become visible and recognised—along with the attendant measures of accountability and economic as well as personal and public benefit that come with it (such as automotive insurability and recourse for indemnity for accidents). This signifies the removal of specific barriers to their lack of parity of participation and social integration. On the other hand, this is not full participatory parity, as Nancy Fraser (2010) would phrase it. For while the second-tiered cards grant a form of recognition and legitimation, it is co-implicated in the bearer’s misrecognition. Both institutions and social actors play a role in causing the migrant’s moral injury. Despite these exclusionary categorisations however, undocumented migrants are able to carve out spaces of belonging, identity, and well-being outside of their formal memberships (Coutin, 2010; CPD, 2013, 2015; Craig, 2014; Tawil-Souri, 2011; Lyon, 2009).
Chapter 5: Relationship formations

5.1. Introduction

This chapter continues with the subject of exclusion precipitated by the lack of legal recourse many undocumented migrants struggle to overcome in everyday life, locating them within the sphere of personal and intimate relationships. Immigration policies have far-reaching social, behavioural, and emotional repercussions in personal life, and undergird much of every part of the migrant lifecourse. It factors heavily on both self and relationship formations as well, weaving in and out of their decision-making and everyday practices. For undocumented migrants, this is evident in how immigration policy and law can affect the formation of new relationships, particularly regarding marital choice and relationship maintenance and dissolution. Owing to the extent undocumented migrants are bound to the constraints of the law and their illegalised status, personal and intimate decisions such as selecting a potential spouse or dissolving a marriage are often tied to an immigration regime due to its very nature, enforcement, and demands on social life.

The so-called “marriage pathway” presents certain undocumented migrants with a lifeline to legalise their status through marriage with US citizens or in some cases, Legal Permanent Residents (LPRs or “green card” holders). First, I briefly outline its basis in the “family reunification” principle which underpins family immigration under federal law and other relevant immigration policies which predetermine the options available to undocumented migrants. In line with the general argument I forward in this thesis, I note that such policies create and sustain social hierarchies and modes of exclusion engendered by the contradictory aims of immigration law regarding the social and political integration of undocumented migrants in US society. Next, through a discussion of how these legal and statutory immigration policies bear upon the participants’ personal experiences, decisions concerning marriage, and relational struggles, I look intently at how they understand and position themselves within a particular social, moral, and legal order. Within this
context, I also examine the nature of status disclosure and psychosocial stress in mixed-status relationships and the phenomenon of “sham” marriages.

Out of the 50 migrant participants, less than half (n=20) were married at the time of our interview. Twenty-four participants expressed varying viewpoints regarding the spousal project, ranging from the dislike of conflating marriage prospects with personal goals of attaining citizenship, to a deliberate and strategic marital pursuit by any means possible, while the remaining four participants were already in relationships which could potentially lead to marriage. All unmarried participants past the age of 55 years, except one, expressed disinterest in pursuing marital relations.

5.2. Institutional policies and its impact

It is well established that laws and institutional policies can have far-reaching influence in personal life (see, for instance, Bloch and Chimienti, 2013; Ball, 2004). Migrants encounter a legal regime at virtually every stage of their migratory and settlement experiences that influence their everyday judgments and most of their social and economic activities. The empirical literature has also shown how marriage-related attitudes and decisions can be connected to broader social, moral, economic, or political considerations (e.g., Grossbard-Shechtman, 2003; Stewart, 2008; Sherkat et al, 2011; Becker, 1974; Bredbenner, 1998). During the Vietnam War era, Hanson (2013) notes how a marriage deferment law contributed to an increase in the probability of marriage by 15 percent for potential draftees. Another work, which examined the effects of the absence of a large number of young men in the marriage market during the same period, suggested that the disruptions in the sex ratio made women less likely to marry or delay their marriage plans and childbearing (Bitler and Schmidt, 2011).

Institutional structures such as taxation and welfare provision can also shape the decision-making processes in many marriages. For example, several studies note how differential tax rates affect the rate and timing of marriage (Sjoquist and Walker, 1995; Alm and Whittington, 1996; Whittington and Alm, 2003) and how the marriage
penalty tax discourages marital unions, cause instability, or contribute to the increase of poverty for certain low-income households (Carpenter, Lassila and Smith, 2013). In a study on welfare and social security provision, Grogger and Bronars (2001) report how anticipating the potential loss of benefits had the effect of forestalling the nuptial plans of some unwed mothers. A related study showed how expectations of economic losses could also influence widows’ decisions to remarry (Brien, Dickert-Conlin and Weaver, 2004).

Immigration policies also have broad consequences for decision-making within marriage (Schueths, 2015; Grillo, 2008; Kelly, 2010). The landmark Immigration and Nationality Act of 1965 (also known as the Hart-Celler Act) signalled the shift from nation-of-origin numerical caps to family- and employment-preferences, which resulted in a substantial increase in spousal applications with trends that continue until the present time (Chin, 1996; Ngai, 2004). Other policy changes also influence marital decisions at both national and local levels. Kelly & Dalmia (2011) examined how the intersection of two laws—the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, which introduced the three- and ten- year re-entry bars for extended unlawful presence, and an immigration policy amendment, Section 245(i), which allowed eligible undocumented migrants to remain in the country to complete their regularisation process—had an effect on both marital decisions and the overall stock of undocumented migrants. The study noted a decline of about thirty percent in marriages over the four years when IIRIRA alone was in effect. Similarly, the LIFE Act of 2000 gave certain undocumented migrants a four-month period (21 December 2000 - 30 April 2001) to work on their immigration papers without having to return to their home countries. Kelly (2010) examined marriage decisions before, during, and after the specified cut-off dates and concluded that the change in the law influenced some couples to shift the timing of their weddings to coincide with the application window. She further noted an increase in the marriage rates in the counties she examined within the same period.

Specific immigration policy considerations can also have enduring consequences on unstable or unhealthy marriages, or how marriages are ended. As divorce typically terminates the derivative status of spousal applicants, immigration
considerations can have both direct and indirect effects on divorce rates and post-relational decisions. For instance, as is true of decisions before marriage, couples or individuals may plan their divorce to fit within specific immigration time frames. In these instances, a divorce may be timed to prevent a beleaguered spouse from securing a “Green Card” or delayed until after a spouse has received the desired immigration benefits. Kelkar (2011) in her study on South Asian immigrants in the US, notes how this aspect of immigration law has provided certain men with effective tools for physical and emotional abuse towards their wives, knowing the latter’s immigration status is dependent on the husbands’ willingness to sponsor them. Abraham (2000) similarly notes of cases among husbands who commit marital violence against their wives by exploiting norms of coverture and gender inequality through their “immense power and control” over the women’s legal status (p. 56). From these examples, we can see that the vulnerability of migrant women to domestic violence is further exacerbated by their helplessness in the face of immigration policy that locks them to dependency on their abusive husbands for their legal status. One can thus argue that the economics of marriage formation and breakup broadly construed (see, for instance, Becker, 1974), cannot be easily disentangled from the ethical and moral implications of the decisions that people make in these areas.

5.3. Family reunification

The principle of “family reunification” is a cornerstone of US law and immigration policy (see Kandel, 2016; Hatch, 2010). Under this rubric, citizens and legal permanent residents (LPRs) can petition family members to gain resident status in the country. Of the total 1,748,932 legal permanent residency approvals in 2016, 61.6 percent were for family-related settlements; of these numbers, 44.2 percent were for spouses of US citizens; and 11.9 percent for spouses and children of permanent residents (OIS, 2017). There are four main pathways for legal residency status in the United States: family sponsorship, employment-based, diversity-based (visa lottery), and humanitarian (asylees and refugees) immigration. Family-based immigration accounts for the most substantial intake. Family sponsorships fall into two categories.
The first group which are exempted from numerical quotas, are the immediate relatives of citizens: spouses, unmarried minor children, and parents of adult citizens; the second group, family-preference immigrants, are subject to yearly numerical caps and are ranked by preference in the following order: unmarried children of citizens, and their minor children, if any; spouses, minor children, and unmarried adult children of legal permanent residents; married children of citizens, their spouses and minor children; and siblings of US citizens, their spouses and minor children (8 USC § 1153).

At the core of the family reunification principle is what the Supreme Court recognises as “the most important relation in life” (quoted in Ball, 2004, p. 41). The Senate’s Subcommitteee on Immigration & Refugee Policy concurs, suggesting that there “can be no more important reunification than spouses, husband and wife” (quoted in Virga, 2014, p. 1140). In practice however, immigration policy produces a statutory class system which specifies which types of spousal reunifications are given priority.

To illustrate this effect, visas are always available for overseas spousal applicants of citizens as they are not subject to numerical caps. Similarly, applicants from within the United States can apply to “adjust their status” without annual limits or long wait periods. Spouses of LPRs however, endure lengthy waiting periods. The line is even longer for applicants from oversubscribed countries (e.g., China, India, Mexico, and the Philippines). According to the US Department of Consular Affairs’ Visa Bulletin for June 2018, spousal applications processed that month were from those filed before May 2016. The backlogs take an emotional and economic toll on family members who will have to contend with the long wait times (Menjívar and Salcido, 2013).

The policies also favour higher income migrants and workers over their lower income counterparts. For instance, within the US, Hwang and Parreñas (2010) note how some low-income Filipino domestic workers under the US Labor Certification Program can typically wait for about ten years before their residency applications are approved. If one is to add the minimum five years of permanent residency required for citizenship eligibility, this will entail a lower limit of fifteen years before a spousal petition or family-based petition of one’s children can only begin. The incongruence between principle and actual praxis have clear consequences for the migration
projects of existing families and even particularly in the deliberations regarding new family formations, some of which will be explored in succeeding sections.

5.4. The so-called “marriage pathway”

Regularisation is a salient concern for undocumented migrants as integration into broader social, civic, political, and economic life requires lawful immigration status. However, although individual circumstances vary, most, if not all, find their path towards legalisation either blocked or limited. There are currently three main pathways for a limited number of undocumented migrants to obtain legal status, these are through: asylum status; U-Visa for victims of crime (and their immediate family members); and marriage to a US citizen or an LPR (see also, CitizenPath, 2015). Nevertheless, eligibility requirements narrow aspirants by a variety of specific criteria based on age, gender, marital status, mode of entry, relation to a crime, country-specific and migration-related and other circumstances, effectively disqualifying many undocumented migrants. Enforcement of immigration regulations punishes all but a very few, with very limited options for legal remedy.

While the “marriage pathway” is an expedient path for migrants to attain legal residence status (compared to other visa and status categories), it is also likely the only legal recourse available for certain qualified undocumented migrants. Barring disqualifying issues (such as having a communicable disease with public health consequences, criminal convictions or nonviolent offences, extended unlawful presence, or a history of deportation), undocumented migrants who are married to US citizens or LPRs can become eligible to apply to become legal residents (Schueths, 2015). Undocumented migrants who arrived with a valid visa can normally apply to “adjust their status” and never have to leave the country during the regularisation process. Those who have unlawfully entered without inspection (i.e., unauthorised entrants) would be forced to return to their country of origin for consular processing and interview. However, and importantly, the law penalises those who have been unlawfully present between 180 days to one year with a re-entry ban of three years, and if the unlawful presence is over one year, the ban is increased to ten years.
Individuals who are permitted to remain during their “adjustment” (visa overstayers, primarily) are shielded from this ban, but those required to leave (almost exclusively unauthorised entrants) are at risk of not being able to return to the US. Understandably, many find this ban to be a disproportionately punitive measure that reinforces the hierarchy between citizens and permanent residents. It creates new inequalities between overstayers and unauthorised entrants, and between short- and long-timers in the country. Ironically, those who have stayed in the country longer and have put in roots and contributed to the economy, receive stiffer penalties due to the length of their unauthorised stays. Furthermore, it criminalises unauthorised entrants who are otherwise already eligible due to their marriage to US citizens or LPRs (Gomberg-Muñoz, 2015). Thus, this practice of differential exclusion threatens the legalisation and incorporation outcomes of the many who are applying.

5.5. Family separation

Applicants who decide to return to their country of origin to satisfy the law that requires consular processing come face-to-face with an immigration regime that in certain ways, is designed to keep the “presumed-guilty-until-proven-innocent” immigrant out. Those who are applying must pass through strenuous criteria and processing and wait for an indeterminate period. Aside from filing and attorney fees, individuals are sifted through stringent “grounds of inadmissibility” (formerly “exclusion”) and public-chargeability standards, health- and criminal-related tests as well as good moral character documentations and hardship waiver petitions in order to allowed to re-enter (Weissbrodt and Danielson, 2004; Gomberg-Muñoz, 2015). Although the process is designed to weed out “undesirable” migrants it also places the plight of the applicant as a matter of consequence only in so much that it can be established to have an extraordinary bearing on the life/lives of US citizens or LPRs. This is evident, for instance, in the hardship waiver (Form I-601) that needs to be prepared to show how a refusal of admission would result in “extreme hardship” to the US citizen or permanent resident spouse or parent (INA 212(a)(9)(B)(v); Cervantes, Mejia and Guerrero Mena, 2010). The meaning of “extreme hardship”
however, is vague and thus, open to interpretation: it is “not a definable term of fixed and inflexible content or meaning” but “necessarily depends upon the facts and circumstances peculiar to each case”; that is, of “a degree… beyond that typically associated with deportation or removal” or what “most aliens… suffer” (USCIS, 1998). As often noted in the literature (e.g., Motumura, 2014; Legomsky, 2010), adjudications on immigration applications can follow bureaucratic or discriminatory discretion—reflecting the officials’ “domination” of the process that is “created by migrants’ lack of legal, political, and social status” (Sager, 2017, p. 6).

In 2013 the law was changed to permit certain qualified applicants (e.g., spouses of US citizens) to file the waiver before they leave the country enabling them and their families to know beforehand if the bar will be waived. Applications for this waiver (Form I-601A), two years later, more than doubled (by 177 percent) the number of applications received using the traditional waivers the year it was first implemented (AILA, 2015). However, as Gomberg-Muñoz (2015) notes, while this “dramatically reduce[s] the uncertainty and prolonged separation of consular processing for those who qualify… it leaves all of its various components intact, including the need to leave the USA and avoid grounds of inadmissibility during a medical exam, biometrics check, and interview at a US consulate abroad” (p. 2248). Because many undocumented migrants face temporary to (possibly) permanent separation from their families, some would-be applicants choose to stay in the country and continue to live in the shadows even though they are eligible for legalisation through the marriage pathway. Thus, the legalisation process creates a “new ground of exclusion” (Benson, 2002) that serves to persecute further those who wish to legalise their status, with the effect of incentivising undocumented migrants to remain in the shadows for fear of being separated from their loved ones.

Having discussed some legal pathways and impediments to regularisation, it becomes apparent that the law—in so far as it confers immigration status—can seep into everyday life affecting people’s ethical behaviour and activities. As the spousal relationship is a viable pathway for regularisation, it may become a potential concern or aspiration for those who qualify to take this legal route. As is true for many forms of personal relationships, the range of decisions involved in the initiation or dissolution of intimate partnerships, for instance, can show the individual’s
standpoint in the social world and also reflect the moral concerns that he or she bears in these decisions. I explore some of these issues in the following sections.

5.6. Marriage decision-making and ethical dispositions

Various literature on the spousal selections of immigrants point to the influence of a number of individual factors such as personal characteristics, socio-cultural pressures and expectations, preferences of race or ethnicity, religious and political beliefs, geographical considerations, educational backgrounds, and other economic considerations (e.g., Lundberg, 2012; Knox and Schacht, 2015; Wong, 2016; Yahya and Boag, 2014; Alford et al, 2011; Kulczycki and Lobo, 2002; Kalmijn, 1998; Roscoe, Diana and Brooks, 1987; see also Blau and Schwartz, 1984). Broader structural and group—level factors affecting marriage choices among immigrants have also been explored elsewhere (e.g., Kalmijn and Van Tubergen, 2010; Anderson and Saenz, 1994; Hwang, Saenz and Aguirre, 1997; Kalmijn, 1993).

Whether marriage choices are analysed using personal or structural categories or both, such decisions although often private and intensely intimate, reflect the social context in which they are embedded (Brown, 1999). However, actors are not merely differently socialised but are also affected in diverse ways depending on the impact of the aforementioned social properties (Sayer, 2007). Some of these intimate decisions may also reflect people’s moral reasoning, which may not be deliberate or transparent, but are driven by intuition, feelings of sympathy, ethical dispositions, and so on, “whose contents are not easily accessible to overt reasoning” (Vaisey, 2009, p. 1698).

As “immigrants’ legal status shape who they are and how they relate to others” (Menjívar, 2006a, p. 1000), it impacts their personal lives and relationship decisions in many ways (see also Brettel, 2006; Abrego, 2014a; Cruz, 2010). Various empirical literature supports this assessment. Bloch, Sigona, and Zetter (2014; also, 2009) have shown how the illegalised and criminalised identities of young undocumented migrants in the UK have severely limited their relational opportunities with peers and their socialisation in general. In the US context, Aranda and Vaquera (2015) touched on how chronic feelings of fear and anxiety brought about by the unpredictability of
immigration enforcement can cause emotional trauma among young undocumented adults which negatively affects their self-esteem and self-worth, spilling over many aspects of their lives, including their relationships. Menjívar and Lakhani (2016) underscored the behavioural transformations that immigrants undergo within the context of their experiences with the legal process of regularisation. They showed how new behaviours and novel practices acquired during the legalisation process such as fostering attitudes and acts of “deservingness” or being “good neoliberal citizens” or migrants with “good moral character”, can lead to transformations that are substantial and enduring—with long-standing implications on intimate decision-making involving marital unions and family life, even after the application process has ended.

Although empirical studies on the role of immigration status in the selection of potential spousal partners by undocumented migrants have been under-researched, my findings validate several of these issues, in particular, the ethical concerns, challenges, and difficulties that many encounter in new relationships and family formation (see also Abrego, 2014a; Cruz, 2010; Enriquez, 2017). As may be expected, participants in this study similarly articulated the various ways in which they have been able to constitute themselves as active agents in relationship formation and imagine possibilities of formal citizenship in selecting their prospective spousal partners.

One area where this plays out is in how some undocumented migrants view the “marriage pathway” in terms of a deliberate choice or even as a strategy to attain regularisation. As shown in the previous chapter, most undocumented migrants endure systematic patterns of social and political exclusion, and the possibility of mitigating or blunting its effects through legalisation via marriage makes this course of action a compelling one to take. There are however, various ways in which this legal understanding unfolds in the lives of undocumented migrants particularly in how it intersects with each individual’s moral dispositions.

5.6.1. Intimate relationships as free from the influence of status

The marriage pathway is not necessarily the default option even for those who would legally benefit from it. As will be discussed below, some undocumented
migrants express a strong unwillingness to conflate marriage considerations with their immigration status or prospects for citizenship. One interviewee spoke about being familiar with the “marrying-to-get-papers” strategy and gave her perspective on the idea. Amanda (25y, Mexican) was a young child when she crossed the US-Mexico border with her mother and lives with family members in Bakersfield. Being in a romantic relationship with an American citizen at the time of the interview, Amanda was keen to point out that her partner’s citizenship “had nothing to do with why [she] like[s] him”. Amanda strongly identifies as an “out-and-proud” undocumented immigrant and shudders at the thought of people second-guessing her motivations in her romantic relationships:

You know I just don’t want them to think that I’m just with them because I want the papers. A lot of my friends, like literally, they got married just to get papers. My best friend, she’s from here, but she got married just to get the guy his papers. That’s not what I want. Her wedding was like a one-week-planned thing. That’s not the kind of wedding I want. I don’t care if I don’t get the papers. If I’m with the person I truly love, I don’t care. I don’t want something like, “Oh, let’s get married so I can get the papers”. Uh-uh.

As apparent in Amanda’s case, motives in the selection of potential spousal partners are not necessarily anchored to prospects of status regularisation. Amanda was also quick to distance herself from her friend’s nuptial motivations through a form of moral boundary making, drawing a sharp line between affectual and status incentives. Amanda’s understanding of marriage, which she describes as a traditional ideal primarily tethered to standards of “love and nothing else”, is similar to the moral perspectives some of the other interviewees voiced: one professed that it did “not matter whether the person is legal or not” (Marlon, 22y, Filipino); another “did not care about things like that” (Antonio, 25y, Mexican); as did another: “can’t imagine I would marry a person because of [her] papers” (Philip, 20y, Mexican).

When asked to specify their reasons, Amanda along with other interviewees approached the issue from an ethical stance that finds it “unfair” to procure marriage based on external influences, that is, “use [their partners] to get papers”. The “fairness” they envision involves an introspective assessment of their own motivations to ensure that their partners would not be misled or “used” for the sake of citizenship
status. Marlon (22y, Filipino) muses further that although the regularisation process can be tough on all those involved, he believes it unfair to expose one’s partner to “something that they may not have asked or are prepared for or because you want to be legal”, thus follows his sense of obligation to shield his potential partner from what he deems as an inequitable arrangement. Aspiring for regularisation, in this case, can be seen as a form of moral hazard, where a risk is taken on account that another will take or share in the consequences, and should thus, be avoided.

Some also identified their personal standpoint of marriage being a “sacred” or “spiritual” bond that should not be entered into lightly. This view, of course, presumes marriage as an ethical practice that is formally sanctioned by consecrated vows and is intertwined with the normative expectations of a (religious) community. These responses suggest that adherence to moral and normative beliefs about marriage can overcome the perceived negative consequences of status. It is also not necessarily a romanticised view of marriage, but can be viewed as a moralised regard for marriage that resonates with notions of justice and traditional marital ideals based primarily on the affective bond as the “right” kind of justification for marriage.

The young migrants I interviewed also spoke of having reliable networks of close-knit kin and friends, along with accessible church and community support. This “highly developed and specialised migratory infrastructure” (Cvajner and Sciortino, 2010b, p. 220) provides a measure of stability and can act as buffers against certain threats and penalties of status. The subjects in Pila’s (2016) study of the dating lives of undocumented young adults reveal similar ethical dispositions. Some young people she interviewed, likewise, “were resistant to the idea of relying on a partner for [legalisation], believing marrying for citizenship [should be an] option only at the risk of deportation and a last resort” (p. 146). For Pila’s respondents however, the marriage-for-citizenship route, while viewed negatively by the participants, is never dismissed in absolute or permanent terms in light of an imminent threat of arrest or removal.

My unmarried and older participants (55 years old and over) appear to have a similar disregard for the marriage strategy, although their outlook may be considered in light of other pressing constraints in their life courses and migration projects (see
Cvajner and Sciortino, 2010b). For some women in this group, my questions about forging new relationships to regularise their status reflected their sentiments about their age and seeming indifference to ideas of marriage: “I’m too old for that” (Laura, 64y, Filipino) or “I don’t care about that anymore” (Amaliay, 55, Filipino).

Their answers nonetheless invite further reflection. The women reside in New York, earn a stable income, and expressed feelings of being “fine”, “safe”, or “secure” living in the sanctuary city. Having migrated to the US in mid to late-life, they perceive their stay in the US in temporary terms although they wish to remain in the country longer to continue supporting their families back home. Some plan to leave the US “in a few more years” or hope to be ready to leave if forced by other circumstances, albeit only after having saved “enough” to retire securely and comfortably in the Philippines. Thus, outside of a government amnesty, they do not have reasonable expectations of attaining regularisation within the short term. As marriage presents to be the only option available to secure status legalisation for the women, it becomes conflated with other pressing considerations. Seeking marriage takes time, effort, and resources that my interviewees explain they would rather expend on their transnational links and projects (see Parreñas, 2015). For those with children in their home countries to support, some may also contend with the blame and the guilt of not being with their children and families back home (Shih, 2016) which can exacerbate gender and role expectations. Transnational motherhood, being “here... but there” (Hondagneu-Sotelo and Avila, 1997) and bearing roles as providers and nurturers (Parreñas, 2005), can have the effect of pushing possibilities of intimate or romantic interests to the periphery of transnational family life. In some cases, prospecting for marriage/legalisation in the short term can be seen as a distraction to what they perceive as more beneficial to their families who remain economically dependent back home. For the sample of the women I interviewed, individual moral projects of being “good at work”, presenting oneself as a “reliable”, “hard”, or “trustworthy” worker, fostering the right kind of “reputation”, and building personal networks for occupational mobility, are more valued and prioritised over projects of regularisation.

From the above examples, although immigration status can dominate migrants’ lives (Abrego, 2011), as moral agents, migrants can act outside the
constraints of their legal situation in selecting potential partners. As these individual cases illustrate, status considerations can lose salience at particular morally significant moments or stages in the migrants’ life course.

5.6.2. Status as an incentive for moral negotiation

While many of my study participants are inclined to agree with some traditional understandings of marriage as noted in the previous section, others however, are also quick to point out that marital decisions and prospects for citizenship need not be mutually exclusive. The general argument taken here is that marriage can be characterised by multiple need-fulfilment which can go beyond the minimal expectations of the affective bonds. Hence, as shared by the interviewees, the attributes they deem important for long term commitments can include combinations of “emotional and physical compatibility”, “cultural understanding”, “shared religious beliefs”, and of course, citizenship status. These sentiments can be illustrated in the following interview snippets from two participants who were contemplating about their own marriage considerations:

Of course, there has to be love, but it would be good to love someone who is a citizen as well. (Rosario, 39y, Filipino)

This person will be with you for the rest of your life, so it’s important that you are compatible in many ways. There are so many things to think about. But if you ask me, yes, I hope for these things, but surely there are citizens who can be a good match, right? (Reynaldo, 52y, Filipino)

Unlike Amanda and the other interviewees in the previous section, Rosario’s and Reynaldo’s general outlook reveals personal regularisation aspirations that allow for a measure of moral complexity, which in their case, grounds marriage in traditional norms but are not constrained by them. To distance themselves from some of the ethical concerns that Amanda and others expressed, it was important for Rosario and Reynaldo to frame their marriage prospects as initiated “out of love” and other measures of relational compatibility first and foremost. Thus, citizenship status is viewed as an enhancement, ranked along with other desirable attributes only after
the primary components (such as love) have been firmly established. For Rosario and Reynaldo, these ethical steps are necessary in order to retain their personal integrity in light of what may be interpreted as essentially a form of moral compromise (see Willigenburg, 2000).

5.6.2.1. Personal and reference networks in decision-making

Some study participants’ supportive networks can share this moral perspective. Brian (20y, Filipino) who lives with both his parents in New York who are likewise undocumented, disclosed that his parents had encouraged him to date a girl from their church “because she is a Christian and a citizen”. Similarly, Karen (26y, Filipino) who considers herself to be “at about the right age to get married”, also shared how both her mother and grandmother, who are both US citizens, would admonish her to “take [her] time in finding a good guy… but be practical”. Karen understands this to mean that while her family cares for her “happiness” and well-being, she should be smart (or rational) enough to consider marrying a US citizen. As illustrated in these cases, family practices regarding marriage can often include preferences oriented along traditional cultural or acquired values which may influence the dating practices of its young members (Raffaelli, 2005). As with Brian and Karen, the negative conditions of undocumented life can draw concerned family members into the spousal consideration process, if not into the decision-making activity itself. It is understandable that such deliberations are not taken lightly as the immigration status of one member can have both long- and short-term consequences for the entire family unit (see Dreby, 2015). Mixed-status families often share in the risks, limitations, and the penalties of a member’s undocumented status (Enriquez, 2015; Fix and Zimmerman, 2001). Thus, while citizenship status is not the only relevant criteria championed by both my interviewees’ support networks, it is nevertheless highlighted as one to be pragmatically considered alongside other relevant personal attributes. For both Brian’s and Karen’s families, moral values of “goodness”, “happiness”, or even personal religious beliefs, intersect with the legal condition of status in the quest for legalisation, which in turn predicate the personal decisions that will be made in this area.
A similar perspective can also be observed from other people in the immigrants’ reference networks (Bicchieri et al, 2014), comprised particularly of people whose opinions matter and are valued by the subjects for significant decisions or moral support. For example, Pio (23y, Filipino) and Paul (45y, Filipino) spoke about their encounters with an immigration lawyer and a court judge respectively, whose views about marriage reflect their factual, “non-normative” beliefs (Bicchieri et al, 2014) about the value of marriage as primarily a tool for legalisation. Pio heard about the marriage pathway for the first time from his immigration lawyer who suggested that he “consider marrying a citizen if [he] want[s] to fix [his] status” after which he should then “return to [him] after finding one”. Paul, similarly recalls the not-so-veiled advice from a judge in traffic court soon after he was pulled over by a police officer for a traffic violation and driving without a licence. When the judge asked Paul to present his driver’s licence, he responded by stating that he “couldn’t get one”. Discerning what Paul meant by his statement, the judge retorted, “you’re good looking enough, why don’t you just marry a citizen?” In both these cases, the significance of marriage as a solution to one’s lack of status is not only recognised but also actively encouraged. Understood to be an expedient legal fix, marriage presents as the rational choice eligible individuals would do well to take advantage of. Within this point of view, a potential partner’s citizenship is considered as the primary relationship criterion amidst other relevant attributes as it is most conducive to the undocumented migrants’ self-interest and self-preservation.

However, although this perspective may often appear to be a judicious one, problems can also arise once dominant religious or moral concerns come in conflict with the legal sphere. An example is a dilemma shared by Jessica (42y, Filipino), who juggles her full-time work as a caregiver and a single mother to two young children from a previous marriage. While open to prospects of starting a new relationship and remarriage to regularise her status, Jessica is conflicted by the counsel she gets from people she considers as her spiritual leaders:

I have fears, of course as a divorced mom […] It’s not like when I was single. I have children. Some people say that you should only get married once. You shouldn’t remarry, because it’s in the Bible. One pastor told me once that if you’ve been married already, you shouldn’t remarry because it’s a sin and you will go to hell. But there are pastors
who perform weddings of people even though their previous spouses are still alive. [They say] it’s not a sin because the person who cheated was not you, it was your spouse. So, who should I listen to? If I want to remarry, some pastors would say I can’t. But some pastors say I can. And then there are divorced pastors who have remarried too, even though their previous wives are still alive. So, my question here is this. What is the truth?

The search for the “truth” amidst conflicting church teachings carries for Jessica and many others both spiritual and legal implications. Jessica shares that being a single mother compounds her fears about her status and the well-being of her children, but she also understands that marrying a US citizen can be a solution to both of her pressing problems. However, because prospects for marriage and judicious decision-making can be embedded within particular religious systems and patterns of beliefs, latent problems can emerge which can constrain the agency of concerned actors concerning their regularisation. As is evident in this instance, certain religious norms can come in conflict with commonsensical implications of the law, transforming what others may find to be a rational or logical choice, into a difficult moral predicament. In some ways, Jessica’s hesitation can be seen as a form of auto-exclusion where a means to regularisation is voluntarily dismissed, in this instance, because of doctrinal views.

These examples illustrate how undocumented migrants also rely on an often-limited personal network to help them morally navigate through their social marginality and legal vulnerability (Howell, 2014; Marsiglia and Holleran, 1999). Such systems of support where they exist, are crucial and can help facilitate and develop particular strategies for regularisation. For instance, family members, friends, and close acquaintances may offer assistance with the dating process by identifying and introducing them to potential dates or help with needed resources such as money or transportation (see also Pila, 2016). Networks can also function as sources and enforcers of normative beliefs, particularly on what undocumented migrants value or believe what they should do (See Fang, 2017). The values and moral principles shared within one’s network of support can exert due influence on immigrants’ decisions. While the decision involving marriage is often one which the individual alone has to
make, the moral deliberation can involve, in whole or in part, for better or worse, “decided together” (Moreno, 1995) within the network.

5.6.3. Marriage by choice, chance, or resignation

The material value that society ascribes to a legal immigration status can contribute to a person’s “attractiveness” (Wray 2006, p. 304), and may influence some undocumented migrants to see their own immigration identity as inferior. Some interviewees believe that even if they were to choose whom to marry, picking a “non-citizen” or possibly more disadvantageously, “a fellow undocumented,” would be tantamount to acting against their own citizenship goals and general well-being. Such self-negation underscores the importance individuals impute on the “right kind” of immigration status to achieve their personal goals.

The social pressure to value or prioritise citizenship over other relationship concerns reflects the ethical burden that many undocumented migrants bear in this area of personal decision-making. This also brings to light the lack of agency that befalls some undocumented migrants in the choosing of a marriage partner. Schueths (2015) speaks of how status considerations “ma[k]e it difficult for citizens to love and marry the person of their choosing” (p. 804) as serious legal and immigration policies impose social and legal barriers that burden even those with legal status. Conversely, for undocumented migrants in my study, this burden is reflected in how some speak of partner-selection not in terms of “freedom” in choosing but more as choosing “by chance” or even out of resignation:

I don’t have a choice. If I want to become a citizen, I have to marry a citizen. But how do I find one? (Ynez, 51y, Filipino)

I dunno… the only way for me to fix my status is to marry a [US] citizen. (Christopher, 44y, Filipino)

It’s hard to find a citizen, either I wait for amnesty or go for a ‘fixed’ [sham] marriage. (Tristan, 45y, Filipino)

An interviewee’s thoughts about dating add some nuance to the dilemma. Kim (31y, Filipino) believes legalisation, in her words, will “fix so many things that are
wrong in my life… from work to family issues”. Having exhausted all legal means to regain her legal status ever since her father passed away in the middle of an immigration petition, Kim wonders about her remaining legal options every so often. The choice, Kim admitted with a hint of embarrassment, is limited to either “paying somebody to marry for papers” or starting “a real relationship with a citizen”. Kim finds the former option to be “risky and even expensive”, but the alternative is “not easy either”. Kim also expressed her worries about expanding her limited social network as she tends to be self-conscious of her immigration status when meeting new people. She shares what normally goes through her mind at such initial encounters:

Sometimes when I meet somebody, and he asks for my number… and when I see that he might be, like, a gardener… sometimes I think to myself, “should I entertain him?” But what if we’re in the same [undocumented] situation, and we end up shocking each other in the end? We were both expecting that the other would be the answer to help us make our lives better, but that won’t be the case.

In the absence of relevant information, Kim resorts to an ethnic stereotype she has picked up from her many years of living in the US, assuming first, that the gardener might be a Mexican, and hence, who might also be an undocumented worker. Although Kim was quick to explain that she has no problems dating either a “Mexicano” or a “hardinero”, her primary goal to obtain legal status necessitates her to be cautious in romantic socialisations. Second, Kim predicts that the other person’s motives in the potential relationship might be similarly connected to immigration purposes, being an undocumented migrant herself. Kim is not quick to judge such motives however as she empathises in the plight the initial encounter can represent—that undocumented people “desire to have a better life”. Although this realisation, in turn, arouses occasional feelings of helplessness and desperation, Kim surmises that she need not discount the possibility of “finding love” in her quest for legalisation, whilst she finds this ethical ideal to be a luxury that an undocumented migrant like her would be more than lucky to have.
5.7. Prohibitive legal process

Even as undocumented migrants become eligible for legalisation through their marriage to US citizens, many encounter certain aspects of immigration policy that still make it difficult to regularise. This process is especially true for the scores of unauthorised entrants whose lives are disrupted by having to leave their spouses, children, friends, and employment in the US, to undergo consular processing in their home countries. An ethnographic study by Gomberg-Muñoz (2015) highlighted the extraordinary impact of the 3- and 10-year bans (dubbed “el castigo” or “the punishment” by his participants) and consular adjudication on undocumented migrants and their families. The apparent uncertainties, the burden of prolonged separation, high costs, even the arduous three-step consular process (medical exams, biometrics, and interview) are of such magnitude that many delay the process or even forgo it altogether (Benson, 2002; Gomberg-Muñoz, 2015).

I found this to be relevant for some undocumented migrants and community workers I interviewed. For example, a religious minister who works among undocumented migrants and mixed-status families in Queens (New York), shared how some undocumented migrants would instead take the chance to “wait for amnesty here in the US […] rather than risk everything and be separated from their families”. In his view, marriage to a citizen may bring the hope of legalisation to many, but there are others who see the risks of permanent separation to outweigh that of living in the shadows in a sanctuary city such as New York.

One similar case is that of Sylvia (32y, Mexican), a stay-at-home mother to two young children and is married to a US Citizen. Despite being married for four years, Sylvia is reluctant to go through the regularisation process as it involves requiring her to leave the country to undergo consular processing. As she explains it:

The process is not easy, and the steps are very difficult. First, you have to send your documents to immigration. They charge you a lot, and you’ll also need to hire yourself a lawyer. It’s a lot of money, and nobody knows what’s gonna happen. You just can’t say, “Oh I want to fix my papers.” No. You need to get really educated and know the process. It’s not as easy as people think. It’s gonna take a long time. These are not easy steps. For me, I will have to go to Juarez [in
Mexico]. So, when I go to Juarez, it’s probably gonna be a year and a half. I’m gonna have to provide like a documentary of my activities. And I have to step out; I have to be out of the country. And I have two young kids that I will have to leave behind. That’s not an option! And there’s no guarantee. People don’t understand, “Oh, you just have to go.” No, it’s many miles away. “Oh, think of it like it’s a vacation”. But it’s not a vacation! It’s so dangerous. It’s not safe. There are always crossfires with NARCs [narcotics officers] and other entities. And you have to spend money there; my husband has to leave his work, it’s not as easy as people say. It’s very difficult planning.

Sylvia’s account touches on several aspects of the onerous and complicated legal process. The financial cost alone is staggering at the outset: the average total costs that can be incurred for consular processing ranges from $5,000 reaching upwards of $10,000. The amount covers filing and attorney fees, travel expenses, but does not include the months or years of lost income (Gomberg-Muñoz, 2015)—very well outside the reach of many mixed-status families who “are more likely to be poor than other families” (Fix and Zimmerman, 2001, p. 401). In contrast, those adjusting their status inside the US, as some of my contacts estimate, typically reach $3,000 even up to $4,000 in some cases. While not as economically prohibitive compared to the consular alternative, the financial cost can still be problematic for struggling families who may end up delaying their application.

One example that illustrates this problem is that of Paul (45y, Filipino) who has not applied to adjust his status despite being married to a US citizen for four years. Paul is unemployed and stays at home to help care for their young children while his wife works as a caregiver in Las Vegas. After years of scrimping to save enough money for his legal fees, a death in his wife’s family in the Philippines wiped out their savings as they had to send money back home for the funeral expenses. Many undocumented migrants have families they support financially mostly through economic remittances, binding their social and economic activities to that of their families in their country of origin (Amuedo-Dorantes and Pozo, 2006; Taylor, 1999). Paul and his wife have since started setting money aside again for the fees, but Paul fears they may end up dipping into their savings once more should another family emergency arises.
Similar to Paul’s concerns, Sylvia shared that although her husband has a stable job and income, it would take the family “quite some time” to save up for the large sum of money required to start her consular application. Furthering her anxiety is the necessary trip to Ciudad Juarez in Mexico where she will have to wait for the consular interview. On top of the expected and unforeseen expenses, the typical wait time is around nine months—but Sylvia states she has friends who have waited longer than that. Sylvia and her husband have both considered uprooting their small family in Bakersfield and relocate nearer to the Mexican border so that the family can be closer together. Ciudad Juarez is home to one of 10 US consulates in Mexico and is near the US-Mexican border on the southern side of El Paso, Texas. Sylvia stresses about how her husband would be able to handle the care of their two young children on a single-income household, and find ways for herself to be safe and earn a living while waiting in Juarez (the “murder capital of the world”, as another interviewee phrased it).

Sylvia worries that the chronic anxiety and insecurity she endured growing up and working to overcome has resurfaced and is threatening to destabilise her life again. Having only recently attained financial and emotional stability in her marriage and family life, the prospect of leaving her family is morally unsettling for Sylvia. The psychological and emotional distress of being removed from her family, potentially long term or even permanently, does not seem to be a risk she is willing to take: “getting a Green Card is important”, Sylvia notes, but not at the risk of “losing myself or my family”. So, she asks the obvious questions: “what will happen to me over there?”; “how will my family and I survive?”; and acutely more disconcerting for her, “what if I’m not able to return?”

Sylvia risks being banned for ten years from re-entering the country she has spent most of her life. Although not technically being removed, Sylvia likens her situation to that of being “forcibly” separated from her family, a predicament overlapping with some experiences of “forced separations” endured by migrant families by way of government-sponsored ICE raids, arrests, and deportations (see Pulido, 2009). For Sylvia, the decision to leave her family is hardly a choice worth taking, but it would seem to be already “made for [her]” as it effectively locks her into a narrow range of morally difficult choices as she bears the (mis)fortune of desiring to
be legalised and actually having the opportunity to pursue it. For Sylvia and many who are trapped in a similar dilemma, deciding to remain “undocumented” involves not only evaluating the means, constraints, or enablement to secure legalisation, but also the ends, commitments, and moral concerns that underpin their decisions in this area (cf. Sayer, 2004; Archer, 2003)

5.8. “Fraudulent” marriages

Another migration phenomenon that can be linked to the enduring effects of immigration law in intimate life can be described as fraudulent marriages—or “fixed” marriages, as my Filipino research participants often refer to it. According to US immigration law, a fraudulent marriage is one where “[a]ny individual… knowingly enters into a marriage for the purpose of evading any provision of the immigration laws” (8 USC §1325(c)). The US Immigration and Customs Enforcement (ICE) identifies four common types of marriage frauds: those where a US citizen is paid or asked to perform a favour to marry a foreign national; mail-order marriage where either the US citizen or alien knows it is a fraud; visa lottery fraudulent marriages; and when a foreign national defrauds a citizen who believes the marriage is legitimate (ICE HSI, 2014). While the act of being undocumented in itself is not a crime (ACLU, 2010), marriage fraud is a felony under US law. Enforcement of the law calls for “aggressive criminal prosecution” (Virga, 2014, p. 1144) for all offenders and provides punishments of imprisonment for not more than 5 years, or a fine of not more than $250,000, or both (8 USC §1325[c]).

Courts are split on how the law is interpreted when individuals are prosecuted under the statute. Virga (2014) identifies two main strands of statutory interpretations. The “build a life” principle penalises only those entering marriage for “the sole purpose of evading immigration laws” [emphasis mine] and further recognises that individuals do enter marriages with immigration benefits as an additional motivating factor. The Ninth Circuit ruled, for instance, that the “intent to obtain something other than or in addition to love and companionship from that life does not make a marriage a sham. Rather, the sham arises from the intent not ‘to
establish a life together” (Virga, 2014, p. 1145-1147). This principle has been noted to guide the following district courts in their decisions: First: Boston; Eighth: St. Louis; and the Ninth Circuit: San Francisco. The other approach, the “evade the law” principle, penalises those with any “intent to evade the laws… regardless of any other motivations” (Virga, 2014, p. 1145-1147). This stricter interpretation is the guiding principle used by the following district courts: Fourth: Richmond; Fifth: New Orleans; Sixth: Cincinnati; Seventh: Chicago; and the Tenth Circuits: Denver. Some experts support this later view, such as Virga (2014) who argues that the stricter interpretation is “less susceptible to ameliorative pretexts of marital legitimacy and the marriage fraud syndicates who would promote them” (p.1161).

Although marriage fraud is often framed in public discourse in terms of “illegality” and “lawlessness”, it can also be beneficial to explore the issue within the larger social and moral milieu within which they are experienced by many people, undocumented migrants in particular. As is true for many broad policies targeting many migrant “illegalities”, such “moral gate-keeping” has “broader exclusionary impact” (Wray, 2006), not just towards undocumented migrants, but even citizens and legal residents. For instance, investigations and scrutiny of marriages also affect genuine marriages (Hart, 2006). The anticipation of government probing can interfere in the “highly personal” routines and behaviour with the marriage life course (Harvard Law Review, 1986; see Bark vs INS). Marriages across borders are scrutinised throughout the application process to determine whether or not the marriage is genuine (Eggebø, 2013). Furthermore, the imposition of specific marital norms, such as the legal requirement of “building a life together” can also frustrate the inclinations of couples who would prefer to cohabit (cf. Brown, Van Hook and Glick, 2008; Bumpass and Lu, 2000; Smock, 2000) or choose to “live apart together” (cf. Levin, 2004; Duncan and Phillips, 2011). Immigration officials may also subscribe to certain stereotypes regarding how some marriages in certain cultures ought to operate, which may not necessarily apply to the couples they are scrutinising (cf. Keung, 2016). Even in examining motives for marriage, the possibility of having a mixture of motivations for marriage, cannot be easily disentangled from one another and thus, problematises the prevailing binary that separates motives for securing a Green Card from other considerations (Charsley and Benson, 2012, p. 16).
point, as Benson and Charsley (2015) argue, the “binary distinction between genuine
and fake marriages […] are largely mythical, presuming that there are clear criteria by
which genuine marriages may be assessed. Similarly, it becomes clear that these
judgments rely additionally on normative understandings of how marriage is
constituted” (p. 39). Along this line of thought, one can ask if marriage sought solely
for obtaining papers can be understood as morally wrong in or by itself or in terms of
violations of certain norms of marriage. Would it be morally suspect to foster or
cultivate the generation of emotional bonds for the purposes of legal remedy? Is this
comparable to marrying for other non-romantic reasons such as for economic
stability, class mobility, and so on?

These examples do not cover the growing literature wherein the “marriage
pathway” intersects with the law and legality (e.g., Menjívar and Salcido, 2013; Cruz,
2010; Virga, 2014; Abrams, 2012) as well as other social and moral considerations
(e.g., Charsley and Benson, 2012; Benson and Charsley, 2015; Wray, 2006, 2015). My
intention however, is to open possibilities in which the phenomenon of marriage
fraud can be understood in a more sympathetic light, in view of the disincentivising
structural barriers (e.g., quotas, long wait time, bans, possibility of non-return) and
the exclusionary and socially debilitating impact of status irregularity in the everyday
and intimate decisions people discussed within the broader thrust of this chapter.

When the respondents were asked about their thoughts on “fraudulent”
marriages, many responded unfavourably, either in juridical (e.g., “illegal”, “against
the law”) or ethical-moralistic terms (e.g., “wrong”, “sinful”, “against God’s laws”). It
may be worth noting however, that a number of them qualified their positions with
expressions of empathy: “they have to do it because they don’t have a choice” or “they
no longer have any chance of getting papers… I feel bad for them”. Although “sham”
marriages were considered legally or morally problematic by many of the
interviewees, a sense of fellow-feeling and shared commonality with their
undocumented peers made it possible for them to approach the issue with receptivity
and understanding (see Agosta, 2014). This propensity for sympathy and their own
experience with the legal barriers associated with undocumented life enable them to
decouple the apparent illegality of the practice from its traditional or narrower moral
significance.
Perhaps surprisingly, even those who have undergone the process view the act in a similarly negative light, although most were eager to share their justifications for their decisions. Four of my interviewees bravely shared their stories and admitted to having conspired with other individuals to commit marriage fraud, a decision they did not take lightly and was a culmination of a long process of moral reflection and “internal conversations” (Archer, 2003). The lack of an alternative path towards legalisation was a common feature of their stories, suggesting that if provided a legal means, the respondents would not have resorted to their unlawful strategy.

According to the stories, the interviewees on average took about six months to a year to make their decisions, with one person sharing that he considered the option for several years but only gave it serious thought about a year before making his final decision. Several elements comprised their deliberation and decision-making process: understanding of the law and the resulting sense of desperation, a period of information gathering, considerations of risks and costs, and moral and ethical reflections. It is worth noting however, along with the words shared by one community worker, “you normally don’t plan for something like this nor see yourself doing this until you find yourself undocumented in America”.

All four respondents and several other people who have considered pursuing this avenue further note that the consideration for the unlawful strategy came at the heels of their realisation that there was nothing they can legally do to remedy their status. All have sought the advice of a lawyer (often more than one) or other knowledgeable professionals, and in most cases, had a reasonable level of understanding of their legal situation and the laws that disqualify them from regularisation. Another common characteristic was the strong sense of hopelessness and desperation that precipitated their decision. Some of these feelings were associated with a sense of being a failure regarding their goals before migration. For instance, one spoke of years of struggling with low-paying jobs to support her family in the Philippines, while another interviewee, who has spent about a decade living away from his family, longed to finally “petition [his] children to be able to come…and the only way to do it is by fixed marriage”. Others spoke particularly about accepting that “there really is no other way to fix [their] papers” and abandoning hopes of a government “amnesty” or immigration reform as unlikely. Seen from the
perspective of my respondents’ migration projects, “sham” marriages benefit not just the person making the marital decision but their families as well. In many instances, news of the marriage was met with guarded hope and expectation by those family members in the know, as this could mean among other things that the undocumented migrant would soon be able to a secure good job, visit home after many years of inability to do so, or petition immediate family members to come to the US.

Most of my interviewees have heard of “fixed” marriages from their reference networks and other various sources comprised of friends, acquaintances, family members, immigration lawyers, and from news and social media. Some spoke of taking specific steps to augment their knowledge through researching on the internet, and when available, reading weekly Filipino news bulletins that often feature immigration-related information. Others “asked around” but were careful to hide their true intentions by pretending only to be generally curious; alternatively, some consulted “anybody and everybody”: lawyers, pastors, friends, even their parents.

According to my informants, the typical going rate for “fixed” marriages is about $15,000 to upwards of $20,000. One informant spoke of personally knowing somebody who claimed to have paid close to $40,000. The informal fee is often paid in cash or by bank cheques on rare occasions. It is not typically paid in full but in instalments, over about two years or longer, coinciding with the time immigration papers are processed. The staggering cost is what often delays the decision process or frustrate the plans of many. Saving enough money, even the $3,000 to $5,000 individuals need to pay for a down-payment takes time, especially for those with precarious job conditions and families to support in their home countries. Others resort to taking out loans from trusted friends and family members. For many undocumented migrants, it is unusual to take out large loans outside of their immediate supportive networks, although borrowing money from predatory payday lenders (Houren, 2008) or loan sharks (Filkins, 2001; Lantigua, 2001) can also be possible. In some situations, the families living abroad are told of a “big expense that is underway”, and so the regular remittance may be reduced or even halted temporarily. Alternatively, funds can also be sent from back home, as trusted family members can be drawn into the plan to share the responsibility of raising money for what would be considered a family investment strategy. In many of these situations, the considerable
expense compels the entire family to make the necessary economic sacrifice for one member to pursue legalisation.

There are ancillary expenses as well. The legalisation process takes about two years. When the immigration application is approved, the spouse is given conditional permanent resident status and the couple is then subjected to possible random checks and a compulsory interview at the end of the second year to prove the marriage was done in “good faith”. Only when this requirement is satisfied is the conditional status of the spouse’s legal residency removed. Within these two years, the couple must create, gather, and collect evidence of their marriage, which will satisfy the immigration officer during the interview (or random investigations in the interim). My respondents spoke of preparing proofs of joint ownership of bank accounts and other assets, evidence of a conjugal home, joint utility bills, “honeymoon” and travel receipts, pictures, email, and social media exchanges documenting their courtship and marital relationship, all of which incur financial costs and involve careful planning and strategising.

As these marriages are a two- or sometimes a multi-party affair, finding a “spouse” is an essential consideration for individuals. Marriage fraud schemes have risen because of the demand (Virga, 2014; Merali, Bajwa and Yousaf, 2015), and a conventional type is where enterprisers recruit and pay citizens to marry people seeking legal residency (see, for instance, Taxin, 2015). None of my study participants has enlisted any of these professional intermediaries, relying instead, mostly on friends and trusted contacts for help in finding potential spouses.

I should note at this juncture that certain marriage arrangements are not always entirely “fixed” or “fraudulent”. Sometimes citizens volunteer to marry undocumented migrants out of compassion, altruism, or other personal reasons; and no monetary exchange or compensation takes place (see also Engberson, 2001). This appears to be the case for two female participants who received marriage proposals to help them legalise their status. Both offers were politely turned down by the women. Ynez (51y, Filipino), who works as a caregiver for the elderly, shared that a former employer considered her a “good employee and a hard worker” and wanted to “save” her from her status troubles and also build a home and run the business together:
He said he would buy another group home and let me manage it just to show that he really loved me. I gave it serious thought, but I didn’t have any feelings for him. So, I gave myself a few weeks, then I quit my job. I really wasn’t…I didn’t…I wasn’t ready to be in a relationship.

Karen (26y, Filipino) shared about several of the offers that she received:

I don’t want to regret getting married in the end. Like, “why did I marry this guy? [My life] was OK without papers!” [laughs]. It’s like you’re giving yourself a headache. [Marriage] is not the answer, even if there are guys who have offered to marry me. I don’t want it.

Both women also explained that their lack of “attraction” to the men transcended their immediate concerns about their immigration status. In Karen’s case, several of the proposals begin as an offer to help get her papers in order. She fears however, that accepting the gestures would result to her owing “utang na loob”—a potentially inexhaustible debt—that in due course, she believes, will constrain her to reciprocate the affection or even consummate the marriage. Karen also further anticipates the possibility of being stigmatised as an ingrate or even a “user” if she accepts the proposal and eventually decides to sever the relationship, which she fears can make the rounds of the gossip network and subject her to social ostracism. Thus, Karen believes the moral costs of such a marriage outweigh the exchange value of a legal immigration status. Understandably, Karen expressed to being open with the prospect of marriage when the “right” person comes along.

On a different note, it may also be helpful to bring attention to a female resource interviewee who has since successfully transitioned from undocumented status to US citizenship. She shared that she received an offer of marriage from a friend who only wanted to “help” her out, which she readily accepted. The couple’s original plan was to get a divorce after she gets her Green Card and go their separate ways. But things “got real” and [they] fell in love” in the interim. They have been married for more than ten years at the time of our interview.

Whether “fixed” or not, choosing the “right” partner is important for other reasons. Linda (44y, New York) met Charlie, a fellow Filipino, through a mutual friend. She wasn’t sure about him at first and felt “really anxious” because of the
stories she has heard of people “eventually demanding more, like physical intimacy or extra money” and “threats to report you if you don’t give in”. Linda wanted to be certain she was going to be safe with Charlie and that he would “finish what he started”. Linda secretly vetted Charlie with the help of her friends and a trusted colleague at work. At the time of our interview, Linda has just submitted her papers to adjust her status. While it remains to be seen if Linda would eventually get her Green Card, others have not been fortunate. Dolores (35y, Filipino, New York) met Ramil through an acquaintance. She paid Ramil $2,500 when they first agreed to the marriage, then another $2,500 on the day of the wedding. About a month past the wedding date, Dolores sought him for his documents and his signature on the spousal petition forms. But Ramil disappeared, and Dolores never saw him again. Dolores shared she felt “devastated and broken” by Ramil’s betrayal, even more so as she knows there is no “court of justice” that she can turn to. Within these settings, fraudsters are aware of their victims’ unequal status before the law, and thus, take advantage of not just their incapacities for judgment or lack of understanding of the immigration legal process, but their illegalised standing as well. Furthermore, the case is not simply an intersubjective transaction between individuals but also highlights the social and structural imbalances wherein the deal is embedded. Thus, it is not just premised upon opportunistic lack of regard or respect for Dolores’ capacity for discernment, but also follow certain patterns of victimisation along uneven relationships of power and other social variables (Cisneros, 2000; Collins, 2007).

Reflecting on the experience, Dolores castigates herself for not being more “careful” and that it was “partly [her] fault for being too trusting”. Towards the end of the interview, Dolores happily reported that she is currently in a “true and real relationship” with a US citizen and finds a modicum of hope of finally obtaining her papers after her terrible ordeal years before. Dolores reflects on her previous experience:

It might have been for the good he disappeared. When you get married, you are on probation for two years. So that can mean being under bondage to a terrible person for two years. So, you have to be very sure. You have to make sure that you can handle the risk and potential consequences.
As Dolores rightly surmised, the risks involved in the marriage undertaking do not just entail navigating the complex legal terrain of the legalisation process, but also dealing with various social actors that exploit or prey on the undocumented’s vulnerability regarding the law.

The strains of status and the ensuing feeling of desperation many undocumented migrants bear can be partially explained by the extent to which many would endure finding relief through regularisation. Within this context, literature abounds on the experiences of domestic abuse and “legal violence” suffered and endured by many spouses, particularly that of immigrant women (Menjívar and Abrego, 2012; Abraham, 2000; Abrego and Lakhani 2015; Salcido and Adelman, 2004; Menjívar and Salcido, 2002). In the case of “sham” marriages, many are swindled out of their money by unscrupulous individuals who they know are afraid to fight back or seek legal help. Others can also be easily exploited, abused, and threatened with being reported—a phenomenon made possible by the absence of a way to legalise their status.

Furthermore, as demonstrated in the previous sections, motivations for marriage among undocumented migrants cannot be decoupled from the larger societal and political context in which these relationships are embedded. In most of the contexts wherein such decisions are made, the law, the state and its agents, and other social actors create and sustain exclusionary conditions that constrain the behaviour and activities of many. In view of this, the phenomenon of “fixed” marriages could be understood as a consequence of the conflation of moral and economic motivations with the political and social institutions that make it possible. On the one hand, since the marriage pathway is the only legal way to obtain legal status for many undocumented migrants, the incentives are high for certain individuals to work creatively to circumvent the system. People who feel trapped may take severe risks to defy immigration laws by gaming the system to gain a significant legal benefit. Others may modify their behaviours and attitudes concerning partner selection in relation to the law. In these various situations, many will pit visions of legalisation against the realities of living in the shadows or the threat of removability.
5.9. Psychosocial stress in relationships

5.9.1. Disclosing one’s status

Mixed-status relationships, or those between a citizen and an undocumented migrant, also experience emotional and psychological distress from other relational issues in the context of a partner’s undocumented status (Fix and Zimmerman, 2001; Schueths, 2012). There’s limited data on mixed-citizenship status couples—the most recent (though still notably dated) estimates of mixed-citizenship families with one citizen parent, and one undocumented parent puts the number at about 375,000 to 1.1 million families (López, 2015).

One problematic area which has become evident in my interviews is in the matter of status disclosure, or those relational issues that emanate from how and when one’s undocumented status is made known to the partner. Self-disclosure in the relational context can be seen as a process and is associated with individual and relationship factors and contribute to relationship maintenance (Derlaga and Berg, 2013; Phillips, Rothbard and Dumas, 2009). Although in some accounts mutual self-disclosure is vital to generating and preserving intimacy (Giddens, 1993), revealing one’s status is irreversible and can create or unveil vulnerabilities and power imbalances in relationships that are otherwise not present or are dormant prior to the disclosure. In other aspects of life, consequences associated with negative self-disclosure include feelings of rejection, isolation, anxiety and stress, as well as lead to discrimination, stigma, and a breakdown in the relationship (Sprecher and Henrick, 2004). Negotiating the ways in which status information is revealed can be a cause of concern for many undocumented migrants, as immigration status carries both personal and socio-legal consequence, not just for themselves, but also their spouses and families (cf. Schueths, 2015; Bloch and McKay, 2016).

It may be argued that because of the burden and pressures that immigration status brings into personal relationships (Schueths, 2015, 2012; Enriquez, 2015), the responsibility for disclosure lies on the one with undocumented status. However, it is understandable that some would be less than forthcoming with the information. Pio
(23y, Filipino) withheld disclosing his status to his then-girlfriend, Jasmin, a US citizen, until he felt “a bit confident that it was not going to be an issue.” There were times when he engaged in boundary work in their dating and personal lives, concealing the real reason he doesn’t have an ID, drive, or hangout in bars, or why he didn’t go to college. His experiences, no doubt, are similar to those in other mixed-status relationships (see, for example, Enriquez, 2017). Pio admitted to feeling anxious about his secret, explaining that he wasn’t sure how Jasmin would react—whether “she was going to reject me or be angry because I didn’t tell her”. He further felt that the issue might impede their otherwise normal relationship.

As months passed, Pio shared that he became confident they “were really in love”, but also felt a “guilty” about not disclosing his status at an earlier stage of their relationship. For Pio, his being undocumented has become part of his self-concept, and so reasoned that if Jasmin were to reject his status, this would also mean a rejection of a part of “who I am”. The prospect of disclosure troubled Pio as it could either bring their relationship together or tear them apart. Jasmin’s acceptance after Pio’s eventual revelation, for Pio, “made me love her even more […] and gave me confidence in myself and the relationship.” Personal similarities between couples, no doubt, can engender greater relationship satisfaction and closeness to one another, but it was also Jasmin’s willingness to bridge their status distance (see Blau, 1977) that brought them closer together.

Amanda (25, Mexican), on the other hand, approaches status disclosure differently. When asked if her boyfriend knew of her status, Amanda appeared to have been surprised by the question. She admitted to not even “think[ing] that I’m undocumented” in the context of their relationship and explained that “my status has nothing to do with our relationship at all”. Moreover, while Amanda believes her status to be part of her identity (i.e., “who I am right now”), she also notes that it is her prerogative to reveal this aspect of herself on her own terms: “it’s a private thing, and nobody should force me to talk about it if I don’t want to!” However, as we continued to talk about her impending marital plans, she eventually concedes: “wait… yes, I do. I think I do need to tell him. Thank you for making me realise that!”
To make their mixed-status relationship work, both Pio and Amanda employ a sense of “imagined sameness”, to borrow Gullestad’s (2002) phrase, where “commonalities are emphasised, while differences are played down” (p. 47). In these situations, differences between the couples’ legal and status identities are set aside to focus on the personal similitudes that can strengthen the relationship. While status disclosure can be seen as both a responsibility and a prerogative within one’s “control” (cf. Stets and Burke, 2005), it is a site where self and relational formation is negotiated and renegotiated, and hence can promote well-being in the relationship; however, it can also precipitate relational distress or disintegration.

### 5.9.2. Relational strains and marital violence

Some relationships can also be strained when one spouse, usually the one with legal status, begins to question the other’s motivations and intentions concerning the marriage. Victor (43, Filipino, Las Vegas) spoke of this issue when explaining how his first marriage ended in divorce:

> Our relationship failed […] I tried to stay with this woman, but she would say something, like, getting papers was the only reason I was staying with her. That hit me hard personally […] I was growing as a person, and it hurt me that my ex-wife would make me feel as if I’m only in the relationship [because of the papers] […] So, I told her, “Didn’t I tell you that I will grow old with you? Don’t make me feel that this is how you see me” […] “Is this how little you think of me? You hardly know me then.” And then I said, “You know what? Forget it; this relationship is not gonna grow anymore”. That’s one of the reasons why our relationship failed. It was because of my status, which I kinda understand now, and I don’t blame her.

The challenges wrought by the difficult conditions of undocumented life can lead to the strengthening of mixed-status marriages, but as the interviews reveal, it can also make it increasingly fragile and result to its deterioration (cf. Umaña-Taylor and Alfaro, 2005; see also Moen and Wethington, 1992). As immigration-related concerns become a central source of contention in such relationships, marriages that are not able to adapt can break apart under the sheer weight of chronic instability driven by
emotional disintegration, job precarity, fears of separation, lack, or limited access to services, and even doubts about the virtues of the relationship.

Some individuals can also trapped in problematic relationships (see, for instance, Bloch and McKay, 2015, p. 142ff). This can be true in abusive relationships where the risk of losing out on the prospects for legalisation compel spouses to weather domestic abuse and violence. Other victims may experience marital violence and escape it, only to fall into illegality as a result, as the choice to be made was as one between their lives or their status (Franco, 1996).

Victims of marital violence are able to apply for the “U-Visa” which provides immigration relief by preserving the “immediate relative” status of battered spouses (e.g., victims of domestic abuse, sexual crimes, or a range of other criminal activities) even after they escape their abusers (see Hart and Hart, 2010; Orloff, Angel and Robinson, 2013). However, some spousal abuse and mistreatment may not meet the eligibility thresholds of the visa, and so in those instances, those who are not battered “enough” to meet the standards, may elect to stay with their abusive partners for fear of jeopardising their immigration petition. Such domestic tribulations and abuse—usually among migrant women specifically, can be further exacerbated by language communication issues, cultural and social isolation from family and community, and lack of access to dignified work, among others (Menjívar and Salcido, 2002).

5.10. Conclusion

The nature of immigration law and enforcement force many to chronic insecurity and precarity in their everyday lives. Hence, legalising one’s immigration status remains a salient concern for many undocumented migrants. For certain individuals, the “marriage pathway” is a viable and potent way to obtain legal status. However, this particular solution to the immigration status problem impacts people and their families in many ways, indeed hardly a legal and social panacea as some might believe. First, even as cases and circumstances vary among individual undocumented migrants, the steps to legalise one’s status and the rates of successes are different, say for instance, between spouses of citizens and legal permanent
residents or those between overstayers and unauthorised entrants. Such fundamental differences can have considerable and enormous negative consequences to applicants and their families’ lived experiences. Second, the anticipation of these various legal, economic, and psycho-social consequences affects people’s attitudes, behaviour, and decisions in how they approach the legalisation process. For many undocumented migrants, these become a central means of how their lives are organised and how their legal, social, economic, and filial needs and obligations are prioritised. Within this context, for those who are eligible and proactive, solutions are sought which precipitate the legalisation of the undocumented spouse, namely, lawful mixed-status or even fraudulent marriages. Third, mixed-status relationships are in a peculiar position to experience issues concerning status disclosure, identity control, marital strains, and the considerable burdens that immigration status brings into personal relationships. Following López (2015), approaching citizenship issues as an individual-centred concept, both legally and theoretically, can overlook some ways in which “immigrants and citizens are intimately intertwined, despite the legal distinctions between them” (p. 97). Laws “directed toward immigrants often affect citizens, too” (López, 2015, p. 99) and the reach of these laws go beyond the individual, and thus undocumented-ness can become a “couple-level” or a “family-level” immigrant status (López, 2015). It is in these relational and intimate moments where individuals and families experience and endure harms and moral injuries. Relationships that are resilient and able to adapt can succeed, while those that do not, can deteriorate.
Chapter 6: Undocumented labour and employment

6.1. Introduction

Following the preceding discussion on identification and relational formation, this chapter focuses on the central role employment and other labour arrangements play in the everyday lives of undocumented migrants. I highlight the moral and normative concerns and orientations of the workers as they navigate through the legal, social, and economic conditions that bear upon their chances at gainful employment, economic integration, and well-being in US society. I begin with a brief background on the nature of undocumented labour in the formal and informal sectors to provide a contextual backdrop for understanding some of the existing employment opportunities available for many workers. This is followed by a discussion of the web of social and moral interdependencies and networks that are crucial for many undocumented workers who encounter migratory and occupational challenges from the time of arrival and settlement as well as their efforts in their search for jobs and job-keep. The final section covers the strategies used both for becoming “visible” and “invisible” at the place of employment.

6.2. List of occupations

Presented in the table below is a list summarising the pseudonyms and occupations of the workers interviewed (excluding resource and expert interviewees and detained participants). Among this list of 45 workers, 16 are currently employed in the formal sector, while 24 are in the informal sector. Although five of my respondents were unemployed at the time of the interview, all have had experiences in shadow work and accounts of their tenures were included in the analysis of the study.
Table 6.1. Table of occupations

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Sex</th>
<th>Age</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amalia</td>
<td>F</td>
<td>55</td>
<td>Housekeeper</td>
</tr>
<tr>
<td>Amanda</td>
<td>F</td>
<td>25</td>
<td>Teacher</td>
</tr>
<tr>
<td>Angela</td>
<td>F</td>
<td>61</td>
<td>Personal assistant</td>
</tr>
<tr>
<td>Antonio</td>
<td>M</td>
<td>36</td>
<td>Labourer</td>
</tr>
<tr>
<td>Beth</td>
<td>F</td>
<td>60</td>
<td>House cleaner</td>
</tr>
<tr>
<td>Brian</td>
<td>M</td>
<td>20</td>
<td>Health care worker</td>
</tr>
<tr>
<td>Christopher</td>
<td>M</td>
<td>44</td>
<td>Currently unemployed</td>
</tr>
<tr>
<td>Dolores</td>
<td>F</td>
<td>35</td>
<td>Office staff</td>
</tr>
<tr>
<td>Elias</td>
<td>M</td>
<td>50</td>
<td>Janitor</td>
</tr>
<tr>
<td>Eric</td>
<td>M</td>
<td>25</td>
<td>Labourer</td>
</tr>
<tr>
<td>Ernesto</td>
<td>M</td>
<td>62</td>
<td>Unemployed</td>
</tr>
<tr>
<td>Felix</td>
<td>M</td>
<td>54</td>
<td>Security guard</td>
</tr>
<tr>
<td>Francisca</td>
<td>F</td>
<td>53</td>
<td>Caregiver</td>
</tr>
<tr>
<td>Gabriela</td>
<td>F</td>
<td>46</td>
<td>Teacher</td>
</tr>
<tr>
<td>Hector</td>
<td>M</td>
<td>46</td>
<td>Detainee</td>
</tr>
<tr>
<td>Homer</td>
<td>M</td>
<td>52</td>
<td>Minister</td>
</tr>
<tr>
<td>Jack</td>
<td>M</td>
<td>59</td>
<td>Janitor</td>
</tr>
<tr>
<td>Jane</td>
<td>F</td>
<td>62</td>
<td>Housekeeper</td>
</tr>
<tr>
<td>Jesse</td>
<td>M</td>
<td>42</td>
<td>Office staff</td>
</tr>
<tr>
<td>Jessica</td>
<td>F</td>
<td>42</td>
<td>Housekeeper</td>
</tr>
<tr>
<td>Julie</td>
<td>F</td>
<td>44</td>
<td>Housekeeper</td>
</tr>
<tr>
<td>Julius</td>
<td>M</td>
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<td>Labourer</td>
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<tr>
<td>Karen</td>
<td>F</td>
<td>26</td>
<td>Caregiver</td>
</tr>
<tr>
<td>Katia</td>
<td>F</td>
<td>25</td>
<td>Community worker</td>
</tr>
<tr>
<td>Kim</td>
<td>F</td>
<td>31</td>
<td>Baby sitter/ driving instructor</td>
</tr>
<tr>
<td>Laura</td>
<td>F</td>
<td>64</td>
<td>Baby sitter</td>
</tr>
<tr>
<td>Linda</td>
<td>F</td>
<td>44</td>
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</tr>
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<td>Loren</td>
<td>M</td>
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</tr>
<tr>
<td>Maria</td>
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<td>22</td>
<td>Cashier</td>
</tr>
<tr>
<td>Melchora</td>
<td>F</td>
<td>71</td>
<td>Cook/housekeeper</td>
</tr>
<tr>
<td>Mercedes</td>
<td>F</td>
<td>69</td>
<td>Housekeeper</td>
</tr>
<tr>
<td>Oliver</td>
<td>M</td>
<td>62</td>
<td>Pastor</td>
</tr>
<tr>
<td>Omar</td>
<td>M</td>
<td>41</td>
<td>Labourer</td>
</tr>
<tr>
<td>Paul</td>
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<td>45</td>
<td>Unemployed</td>
</tr>
<tr>
<td>Pepe</td>
<td>M</td>
<td>47</td>
<td>Construction labourer</td>
</tr>
<tr>
<td>Philip</td>
<td>M</td>
<td>20</td>
<td>Unemployed</td>
</tr>
<tr>
<td>Pio</td>
<td>M</td>
<td>23</td>
<td>Unemployed</td>
</tr>
<tr>
<td>Reynaldo</td>
<td>M</td>
<td>52</td>
<td>Office staff</td>
</tr>
<tr>
<td>Roman</td>
<td>M</td>
<td>47</td>
<td>Sports coach</td>
</tr>
<tr>
<td>Romulo</td>
<td>M</td>
<td>46</td>
<td>Labourer</td>
</tr>
<tr>
<td>Rosario</td>
<td>F</td>
<td>39</td>
<td>Office staff</td>
</tr>
<tr>
<td>Ruby</td>
<td>F</td>
<td>18</td>
<td>Unemployed</td>
</tr>
<tr>
<td>Pseudonym</td>
<td>Sex</td>
<td>Age</td>
<td>Occupation</td>
</tr>
<tr>
<td>-----------</td>
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<td>------------------</td>
</tr>
<tr>
<td>Sylvia</td>
<td>F</td>
<td>32</td>
<td>Unemployed</td>
</tr>
<tr>
<td>Tristan</td>
<td>M</td>
<td>45</td>
<td>Labourer</td>
</tr>
<tr>
<td>Victor</td>
<td>M</td>
<td>43</td>
<td>Health worker</td>
</tr>
<tr>
<td>Virgilio</td>
<td>M</td>
<td>42</td>
<td>Detainee</td>
</tr>
<tr>
<td>Ynez</td>
<td>F</td>
<td>51</td>
<td>Caregiver</td>
</tr>
</tbody>
</table>

6.3. Undocumented labour in the formal and informal sectors

The Migration Policy Institute estimates that 64 percent of about 10.1 million undocumented migrants aged 16 and older are employed; 7 percent are unemployed, and 29 percent are not in the labour force. Unlike immigrants in general who are found in a broad range of occupations, undocumented workers are clustered in low-skilled and wage subsets of each major industry (see also Trevalyan et al, 2016; Grieco, 2004). Passel and Cohn (2015a) estimate undocumented migrants’ number to about a quarter of the labourers in both the landscaping industries and private household services. About 19-20 percent are in clothing manufacturing, crop production, dry cleaning and laundry industry, and in building maintenance. Specific job sectors such as in the professional, business and other services, followed by leisure and hospitality, construction, and manufacturing, are estimated to account for more than half of employment destinations of undocumented migrants (Passel and Cohn, 2015a). These estimations however, do not differentiate between formal and informal labour participation. The general view is that barriers of access to the formal economy lead many workers to informal economic activities that are unregulated in ways in which similar activities are regulated (Portes et al, 1989, p. 12) or are off the books and so taxes are not collected or paid (Light and Gold, 2000, p. 40). As I discuss in the next chapter, the unregulated and unreported nature of the jobs in the informal sectors subject and make vulnerable many undocumented workers to exploitation in the form of substandard wages, poor working conditions, and lack of non-wage benefits.

In general, individuals can work in full-time shadow economy jobs or become self-employed without reporting their income and paying their taxes (Schneider and Williams, 2013); they can also work across both informal and formal sectors. Workers
may take risks weaving in and out of informal work (or maintain both activities over a period) to avoid taxes or supplement their income (Schneider and Enste, 2002); or to maintain low reported incomes to keep welfare benefits (cf. Edin and Lein, 1997). Others may resort to shadow work during episodes of unemployment or as a last resort (Schneider, 2002). Non-citizen workers are more likely to be found in the informal and secondary sectors which often feature contingent or temporary employment (cf. Hall and Greenman, 2015; Hudson, 2007).

It is also worth mentioning that a range of labour conditions and activities may also be understood in terms of “semi-formality”, where a “grey area” or a degree of formality may be present in certain informal employment contexts, and vice versa (Cobb, King and Rodriguez, 2009). Ruhs and Anderson (2010) note of certain types of work performed by “semi-compliant” workers who are legally resident but work in violation of certain terms of their immigration visas or residence status. Alternatively, undocumented workers can also make use or borrow other people’s identities or certain identification documents from friends or relatives to allow them to “legally” work, pay taxes, and contribute to social security, in formal compliance with employment, labour, and taxation laws (see Horton, 2015).

Due to the nature of the phenomenon, there is thus some difficulty in measuring the percentage of workers that go to the informal sector (see Portes and Haller, 2005, p. 418-9; also, Breusch [2005] for a discussion of some of the methods). However, some associate the growth of the informal sector in developed countries with the rise of its undocumented population (Bosh and Farré, 2010). It is held that the low-wage labour market, both formal and informal, comprises many undocumented workers (Bean et al 2012) who are concentrated in certain subsets of each major industry (Passel and Cohn, 2015a). The lack of regulation and reporting in the informal sector makes it almost by default, a primary employment destination of many undocumented migrants as they are largely blocked from access to the formal sector. The web of social relationships that can both facilitate or impede worker participation in both sectors of the labour market is the subject of the next section.
6.4. Social capital, resettlement, and employment

Social networks and social capital play a critical role in the employment enterprise—this is generally true for native (Montgomery, 1991) as well as immigrant workers (Livingston, 2006). According to Massey (1988), migrant networks are the “sets of interpersonal ties that link migrants, former migrants and non-migrants in origin and destination areas through the bonds of kinship, friendship, and shared community origin” (p. 396). Network connections provide information, coordination, and facilitation typical of social relationships. Thus, networks can become important resources for both migratory decision-making and settlement as well as the job-hunting exercise. As undocumented migrations are often primarily about labour (De Genova, 2002), the role of viable social connections in the social and economic well-being of undocumented workers cannot be overstated. Furthermore, social connections play an important role in creating the conditions for interaction and behaviour in economic settings which can bear moral content such as values or expectations of care, trust, fairness, loyalty, altruism, reciprocity, and so on (Gössling, 2004; Wahlbeck, 2007; Anthias and Cederberg, 2009; Lancee and Dronkers, 2011). Moral behaviour can also be influenced and shaped by the composition, quality, and structure of the networks (Lancee and Dronkers, 2011), network leaders (Duignan and Bhindi, 1997; Schütze, 2017), social norms and values within networks (Putnam, 2001; Portes, 1995), or how informal rules and sanctions are enforced (Portes and Sensenbrenner, 1993).

6.4.1. Negotiating labour destinations and settlement

For many undocumented workers, the choice of labour destination is often considered with personal networks in mind. For example, labour migrations are frequently routed to areas where family and friends, sometimes from the same country of origin, are already established (Munshi, 2014). Many of my Filipino respondents chose their original destination cities in the US because of promised or expected support from situated family members or friends. Similarly, among my Mexican-origin interviewees, most already had family members in the US who helped
in their migration journeys or provided them with necessary personal support upon their arrival. Quotes from some of my interviewees illustrate this point:

So, we had a border pass. We don’t have issues coming in and out. We came here since [my mother] had family here who helped us out. [My sisters and I] didn’t know till we got here that we found out that we’re not going back. (Maria, 33y, Mexican)

I decided to come here [New York] because I knew people who could help me find a job and teach me because I wasn’t familiar with how things are done here. (Tristan, 45y, Filipino)

We had family friends from the Philippines who lived in Arizona and here in Bakersfield. We decided on Bakersfield. I can’t imagine going to a new place without knowing anybody. They helped us settle and find a place. (Christopher, 44y, Filipino)

For these migrants, both the decision to migrate and where to migrate where enabled in part by expectations of care that were honoured by members of their networks in the destination country. In these circumstances, norms of hospitality and conviviality associated with social roles such as that between family members or family friends act to dispel doubts and uncertainties about the migration process. Of course, there is no guarantee that one party will adhere to prevailing norms in the relationship, but this incertitude suggests that while economic incentives such as labour demand and prospective employment may influence migratory behaviour, migration is also a social product, which Boyd (1989) describes, is one wherein its direction or persistence is conditioned and channelled through existing social relationships.

6.4.1.1. Critical role of kinship networks

This dynamic is also apparent among my interviewees from the Philippines and Mexico who recognised how their connections served as social and economic buffers during their transition period, notably at the time of their lack of effective employment. The empirical literature on Filipino (Tsujimoto, 2016; Paul, 2013; Asis, 2006) and Mexican (Curran and Rivero-Fuentes, 2003) labour networks, likewise, note of the critical role kinship networks play in the immediate settlement of labour
migrants. Immigrants often rely on their networks to connect them to social and economic essentials such as housing, access to basic city and social services, and new personal and institutional contacts (Massey, 1990). Thus, when entry and resettlement become more difficult, social networks become more indispensable as they alleviate the associated costs and risks of moving, or even other uncertainties (Arango, 2000).

Personal connections can further link the new arrivals to formal and informal employment prospects in both regular and “ethnic economies”, or those businesses that consist of co-ethnic self-employed and employers and their co-ethnic employees (Light and Gold, 2000). For instance, it was through migration chain contacts that some of my interviewees found jobs in small businesses run by co-ethnic employers as full-time or contingent workers in restaurants, home care facilities, or staffing agencies. Curiously, some immigrants may also deliberately exclude places where kin already reside. Somerville (2015) notes of some Indian labour immigrants to Canada who hope to become “migrant pioneers” as a strategy to expand their family’s social network. His study finds the legal migration of high-skilled labour may not find family networks in the new location as essential in the short term. Not surprisingly, none of my undocumented respondents, a majority of whom are overstayers, shared similar intentions of distancing themselves from known family or friends for the sake of network expansion. On the contrary, this same group asserts that proximity to personal networks in the early stage of their migration journeys has been critical in their initial settlement and occupational chances. Many however, have ventured away from their original settlement destinations in search of employment.

6.4.1.2. The appeal of immigrant communities

Some migrant workers also opt to leave their places of settlement in search of better economic opportunities. In these instances, the presence of a large community of fellow migrants or co-ethnics can attract undocumented workers to a geographical area. When asked about their destination choices and general perceptions of prospective cities, some respondents mentioned the profusion of co-ethnic populations and businesses in the geographical vicinity as an attraction: “I liked that there’s a lot of Asian groceries and restaurants nearby”; “you won’t get homesick too
much, and if you do, you just walk along [street]”; “oh, I like it here, there’s a lot of Pinoys (Filipinos)”; “you get to know a lot more contacts which helps you find a job”.

For this respondent sample, communities with large immigrant populations, such as Las Vegas and New York, can serve several purposes. For one, immigrant communities ease the transition to new cities by blunting the effects of homesickness particularly for those without strong network support. It can also foster temporal experiences of belonging or “feeling like home” (May, 2016), which as Ynez (51y, Filipino), who has been in the country for seven years shared,

it’s hard being alone. You sometimes feel you are losing your mind. Sometimes it makes me want to go home. That’s why I would just watch a lot of [Filipino show] on YouTube or go to Island Pacific [Filipino supermarket] when I get really lonely.

The above sentiment also coincides with Vinogradova’s (2016) observation that notes how those living without proper documentation tend to exhibit strong signs of homesickness, which could impact their sense of feeling unwelcome in the new place, and affect their deliberations on the appeal and timing of their return home (see also Sobieszczyk, 2000; Niedomysl and Amcoff, 2011). Networks help in the process by assisting them to overcome this migratory “bereavement” (Phillimore, Humphris and Khan, 2018) through their social presence.

6.4.1.3. Network-based strategies

Other migrants can also find that being in migrant or transnational diaspora-based communities can enhance their networking opportunities, which can increase the chances of getting job-related information, contacts, and job referrals, which are valuable commodities for undocumented workers (Kindler, Ratcheva and Piechowska, 2015). It is also important however, that individuals make use of their status as cultural insiders to bridge them to resources for employment. One of the workers spoke about how he would often go to popular Filipino meeting places in town (e.g., bus stops, supermarkets, churches, and neighbourhood parks) with a strategy to “istambay” (to standby, hang around or loiter within the vicinity) in the hopes of meeting co-ethnics who could connect him to job prospects. Doing
“istambay” is associated with inactivity and laziness and can also be considered as a negative social identity in Filipino culture. But as this example illustrates, there are difficulties with this perception (see also Batan, 2010). In the absence of social safety nets that are otherwise available to out-of-work but authorised migrants, undocumented individuals contend with the potential stigma of being perceived as loiterers in the “land of opportunity”, but their efforts carry the potential to also transform the spoiled identity of being “idlers” into a resource instrument to expand their network prospects.

Another common practice involves participation in activities hosted by ethnic associations, which also provides one of the few avenues for undocumented migrants to experience a sense of local community inclusion. These organisations would often advertise their meetings at ethnic supermarkets, grocery stores, and local community centres. Engaging in these activities was cited by some as a good way to augment their informal resources, such as getting job-related information and meeting co-ethnics and local community leaders who could help provide them with assistance. These simple strategies are also often seen as simple but necessary ways to gain new contacts as these rely on existing competencies in language, knowledge of cultural scripts, and other skills of socialisation, although success in any one of these approaches is not always guaranteed.

### 6.4.2. Expanding social connections

As part of the decision-making process on prospective labour destinations, migrant workers may also either tap into their contact networks in different localities or be referred to new contacts by people within their local networks. In either case, these relocation practices are often made possible by the expansion of one’s web of social interconnections with situated immigrant contacts in potential target destinations. Through bonding with others within a “radius of trust” (Fukuyama, 1996), undocumented workers can tap into moral sentiments of in-group solidarity or elicit feelings of sympathy from others who share similar moral concerns. One case in my interviews is that of Paul (45y, Filipino) who has been an undocumented worker for about twenty years. Paul worked as part of the kitchen crew of an international
cruise liner when he jumped shipped during a routine dock in Chicago. Speaking about his job hunt across the country, he shared:

I didn’t like my situation in Chicago. I knew somebody on the cruise ship who had an uncle in Maryland. So, from Chicago, I travelled by train and went to Maryland. But that didn’t work out because there weren’t any jobs there. There was another person I knew who lived in Georgia, whom I called. So, I took the bus and went to Georgia. But when I got there, there weren’t any jobs available. But he knew somebody in Florida who might be able to help, so that’s how I ended up staying in Florida. I liked the place because it’s a rural area and I found a job right away.

Paul’s uncertain and often misinformed wayfaring through about seven thousand kilometres of unfamiliar land over the course of a few months recalls the experiences of many migrant workers. Literally and figuratively, many migrants wander across the country in search of prospective employment, often relying only on their personal social networks for informational routes. Information about potential destinations and settlement supports are also social products that are diffused through existing social relations (Boyd, 1989). In line with the literature, Paul obtained and exchanged new information by bridging with other actors and networks (Granovetter, 1995; Putnam, 2001; Füzér, 2016; see also Menjívar, 2000). However, as Paul further notes, although he feels fortunate and grateful to some of his new contacts for extending him cultural courtesies of hospitality, he recalls that not all the informational “tips” were actually helpful. As can be observed in Paul’s experience, informational narratives that circulate among migrant communities can be inaccurate which can lead to miscommunication flows within the migrant networks and yield unproductive results (Sommerville, 2015). Although relational bonds are a form of social capital, such ties often have differential value. These connections can only be considered “resources” if they are mobilisable (Anthias, 2007) or convertible to other forms of capital. In Paul’s case, his “good” resources are the trusted contacts who provide him with useful information which can then extend his advantages in the labour market.
6.4.2.1. Getting (insider) information

Personal networks are also essential sources of private information not readily available in more formal networks (see Uzzi, 1999). Thus, workers with limited networks are put at a disadvantage as they may not have access to relevant information on local hiring customs and practices (Fernández-Kelley, 1995). Some of my respondents admitted to trying personal (non-network) methods in their job-hunting projects such as targeted searches, perusing community bulletins and newspapers, scouting co-ethnic or minority-owned businesses, and cold calling—to varied but generally unproductive results. Thus, it is understandable that many undocumented migrants with limited networks spend a long time in the job market. As many of the respondents acknowledge, having the right connections expedite the process and increase one’s chances of finding a job as employers who resort to hiring undocumented workers will likely use more insular and informal hiring methods (Bloch and McKay, 2015).

Strong ties composed of friends, family, and other trusted contacts can augment the workers’ often numerous job search activities. As two workers shared:

If you don’t know anyone, it’s almost impossible, I think. I found my job through my sister’s friend who was also a caregiver. I introduced myself and told her about my situation. She gave me tips and eventually recommended me to the owner of the board and care. (Reynaldo, 52y, Filipino)

My aunt helped find a job for me. I wouldn’t have had the courage to go “knocking on doors”, you know, because of my status. She knew people and sort of put in a good word for me and also told my boss about my status. So, when I showed up for my interview, I didn’t have to explain the whole thing. Without her, I probably wouldn’t have a decent, full-time job. I’d still be painting houses, cleaning gardens, doing odd jobs for people. (Abraham, 42y, Filipino)

Even as both Reynaldo and Abraham benefitted from their networks in terms of informational resource, the relative value of the support they received, following Livingston (2006), depended on the size, the relevance (of the information) and the willingness (to help) of the network members. Reynaldo thought it profitable to expand his social connections due in part to her sister’s limited personal knowledge of
“under-the-table” employment opportunities, an effort which eventually earned him a new contact. Reynaldo’s story coincides with Lin’s (2002) observation that individuals often invest in social relations with expectations of returns in the labour marketplace. The new friend, who was also undocumented, decided to help Reynaldo by providing him insider information about typical wages, hours, and local hiring practices. However, it took some time before she would introduce and recommend Reynaldo to her employer, and only after, Reynaldo muses further on in the interview, that he had shared stories about his life and in turn, she had come to trust and believe him to be an honest and reliable worker. This observation seems to support Menjívar’s (2000) findings on how friends and acquaintances often freely share job information within their migrant networks but are more cautious when providing job referrals or recommendations. But more importantly, Reynaldo’s experience can also suggest that although capacities for fellow-feeling may be sufficient to explain motivations to sympathise and render specific forms of assistance to others, the extent of one’s willingness as well as the types of support, in this case, to offer a job recommendation, further depends on the presence other desirable attributes or moral imperatives. In Abraham’s case, for instance, it was due to a bond of obligation from an already strong kinship connection that facilitated the multi-step hiring process spanning the job search, referral, and initial interview, certainly beyond what Abraham himself believes he could have accomplished on his own given his lack of opportunities and loss of motivation because of his immigration status.

6.4.2.2. Hiring through (informal) networks

It is important to note further that undocumented workers are not often hired on the strength of their individual capital alone. They can be taken into employment with particular weight placed on their social capital into the bargain that is often linked to existing ties of kinship and other social connections. Due in part to the legal gamble inherent in hiring undocumented workers, many employers seek to mitigate their risks by putting more weight on informal hiring processes such as personal vetting and recommendations from employees and other trusted contacts within the applicants’ existing networks (Bloch and McKay, 2015). Research by Helliwell and colleagues (2014) also note that people can be more likely to trust others who have
lived longer in their communities, and thus, have established social connections in the area. Accordingly, those with limited or less helpful social connections can be at a distinct disadvantage in specific labour markets.

This outlook can also be observed in how some local hiring practices may tap into the same pool of workers organised around specific social categories such as nativity, ethnicity, or country of origin which can then reproduce customarily (Waldinger and Lichter, 2003; cited in Bloch and McKay, 2015, p. 40). Similarly, Catanzarite (2000) offers the observation that the hiring of a particular ethnic group into an occupation increases the likelihood of co-ethnics being hired in the future—in which an “ethnic/immigrant niche” can develop. She further argues that these could then influence the aspirations and occupational choices of future job seekers within the ethnic group as well as actively keep others out of “their” jobs. It is in this light, as shared by some of my interviewees, that caregiving work has come to be known in some labour markets in Los Angeles and Las Vegas, as well as housekeeping jobs in the case of New York, as “default” job destinations for Filipino undocumented workers, which the workers themselves sometimes perpetuate to their perceived advantage. However, as others have also noted, ethnic niches “may restrict access to opportunities and confine [workers] to low-paid employment, thus undermining prospects for socio-economic mobility” (Kindler, Ratcheva and Piechowska, 2015).

6.5. Negative social capital

Social capital is a double-edged sword and its associated effects are not always positive (cf. Livingston, 2006; Fernandez-Kelly, 1995; Menjívar 2000). Migrant workers, for lack of better alternative, often gravitate towards traditional low-paying occupations known to accept undocumented labour. However, the dearth in better job opportunities is not just the direct result of the more substantial constraints imposed by their immigration status, but also because the lower end sectors are often the only economic fields accessible through their social capital.

Personal networks are composed of various kinds of social relationships, and family ties and friendships tend to dominate the associations of many immigrants
(Schweizer, Schnegg, and Bersborn, 1998). Those with strong ties may anchor their employment pursuits on personal tactics and the local know-how of their networks. With some of my respondents, their introduction and guidance in the job market were facilitated by friends who were likewise undocumented and had worked in the same low-pay and low-prestige sectors. However, some personal networks may also become exploitative as social ties to family and friends become avenues of recruitment to employment that facilitate many forms of labour exploitation (Cranford, 2005). In one study, Livingston (2006) found that among Mexican immigrants, women who use their networks for job searches tend to end up working in the informal labour sector and receive low wage pay and even lower non-wage benefits as compared to those who do not. Thus, although ethnic and other homogenous social networks can enhance the general well-being of undocumented workers as suggested earlier, such ties can also constrain labour opportunities and significantly contribute to their low occupational attainment (see also Ahmad, 2014). Furthermore, new arrivals also tend to be exploited for their cheap labour (Hernández-León and Zuñiga, 2000; Parrado and Kandel, 2008) and congruously, many undocumented workers typically take the first job offers which are often at the bottom of the pay scale (Tapinos, 1999). Indeed, many of my interviewees’ experiences with the circumstances of their first job offers are a familiar occurrence to undocumented migrants in general.

6.5.1. Lack of social ties

Another detrimental factor is that undocumented migrants, generally, do not have enough casual contacts nor develop enough weak ties with other networks who are willing to share new information and opportunities to support their occupational mobility (See also Ryan, 2011; Cvajner and Sciortino, 2010b). Weak social ties typically help link more people to appropriate support by acting as bridges to connect two different social networks together which would not have been possible with more insular networks (Granovetter, 1985). Legal constraints not only narrow the pool of job opportunities but also the types of social connections that can be made. Thus, those workers with already insufficient weak contacts may veer towards established but low-paying occupations, such as those instances among some of my respondents.
who only had just enough information to search for housekeeping or construction jobs in New York and caregiving work in Las Vegas and Los Angeles. Successful job seekers in many cases can be confined to these occupations in which the chances for mobility can be restricted (cf. Ahmad, 2014; Massey, Durand and Malone, 2002). It is possible for some workers to transfer from one employer to the next in search of better treatment, wages, benefits, or hours when an opportunity presents. However, these prospects can often be along the same types of jobs for many years, with limited chance for real occupational or wage mobility. For example, when I asked Amaya (69y, Filipino)—who has been employed as a house cleaner for 8 years by the time of the interview—if she had considered looking for other types of jobs, she remarked with seeming exasperation: “I don’t know of any other job that I can do. I don’t have other contacts and being a housekeeper is the only job that is available here”.

### 6.5.2. In-group competition

As local enterprises seek to benefit from undocumented workers through cheap labour (cf. Drever and Blue 2011; Parrado and Kandel, 2008), these businesses can also get inundated with a concentration of migrant workers which could lead to in-group competition among the workers (Takei, Saenz and Li, 2009). Many of my respondents also confirm that this can often lead to decreased wages and job insecurity. The race-to-the-bottom situations can also be encouraged by employers themselves who are eager to exploit in-group rivalries. As a result of these issues, one interviewee shared that it had become difficult to trust other people in the competitive job markets. Not only does he find it hard to find jobs with good wages, but also, as he protested,

You can’t tell people how much you earn, because if you say, ‘I get paid $15 per hour’, they can then go to your employer and say, ‘I can do it for $12’. Or like in the case of my wife, say, she gets paid $20 per hour as a house cleaner. What if somebody comes in and is willing to be paid for $15? If you are the boss, if you’re paying for seven hours of work, you would have saved $35 already. You’d probably do the same to save on wages, right? The other person will just say, “hire me, I’m good too!” (Jack, 59y, Filipino)
Because of the high concentrations of migrant workers in their localities, some of my respondents have been wary of telling people in their networks where they work for fear of getting their jobs “snatched away” from them. One interviewee confided:

> When people ask where I work, I sometimes give them vague answers, like ‘over there’ or ‘it’s an hour away from here’. You don’t tell them exactly [how much] because you don’t want to risk them stealing your job. (Felix, 54y, Filipino)

Some sectors (such as in housekeeping and hospitality) do not provide leave benefits. In these situations, workers can tap members from their networks to fill-in for them at their place of work, allowing them to take absences which would ordinarily be disallowed or that could cost them their jobs. Migrant networks can become helpful in such situations by helping spread the associated costs for both employers and employees (cf. Cobb and others, 2009). The practice is not without risks however. As one research participant shared,

> I had to be away from my caregiving job for three days because of an emergency, so I asked an acquaintance to fill in for me […] But when I came back, my boss didn’t want to take me back. The guy said bad things about me and my boss believed him.

On the other hand, some interviewees spoke of having established good relationships with their employers over time and so remain confident in the security of their jobs amidst the competition. As Ambrosini (2013) notes among certain labour sectors such as in domestic work, employers can be keen on building “genuine emotional involvement on the part of the persons who, by living and working with them, are embedded in the fabric of everyday family life” (p. 63). Such relationships can understandably thrive on reciprocities beyond that of cold transactional and economic exchange. This ethical and sympathetic affinity between employers and workers, of course, is not readily found across all domestic employment relationships. As Jack (59y, Filipino) who is a caregiver noted, genuine relationships are actually generally hard to come by and may take some time and effort for both parties to develop. From Jack’s experience, work arrangements are often “two way, and so even
though you do your best for your boss, it also depends on how they treat you, or how much they want to save money”.

To prevent breaches of trust, workers spoke of the importance of discerning which types of information can be shared or withheld within their networks. It also becomes necessary, according to Felix (54y, Filipino), that “you know whom you can trust” and that job-related information is a valuable commodity and should be treated as such. While social networks can foster relationships of solidarity and reciprocity, it can also contain “multiple layers of mistrust” (Hynes, 2003; cited in Lewis, 2016). Following Horton (2015), both the legal and economic challenges facing undocumented workers create conditions where “social relations in marginalized communities often balance on an unstable fulcrum between reciprocity and betrayal” (p. 57). Thus, as may be true among the general population, undocumented workers may often engage in evaluations of the moral “goodness” of individuals in their networks, particularly those with perceived stakes in their well-being. The results of these appraisals help determine how they would react or respond to others—in terms of treating them, for instance, as either “personal” friends or confidants or “mere” employers or colleagues.

In Bourdieu’s (2000) words in another context, “people can find that their expectations and ways of living are suddenly out of step with the new social position they find themselves in” (p. 19), and thus, limited opportunities and corresponding stressors can quickly alter the praxis of mutual reciprocity and ethnic solidarity. As seen in the examples above, constraints in employment and the competitive informal job market caused by the oversupply of workers, inter alia, can foster feelings of desperation. Personal conflict can emerge within ethnic networks which may undermine the well-being of the workers (Kindler, Ratcheva, Piechowska, 2015). It is often in these contexts that some of my interviewees speak of their “difficulties” and experiences of being “betrayed” by their fellows. Because of their often-precarious working conditions and arrangements, it becomes challenging for workers in certain ethnic communities to build trusting social relationships. It may also take them longer to develop the social capital that is crucial in getting job information, contacts, referrals, and so on.
Violations of trust and norms of reciprocity after an exchange of information or show of support can become a social burden for perpetrators who often need their networks to help improve their conditions. Although large and dense networks can be useful in enforcing norm-based expectations and obligations (Portes, 1995), in the case of migrants who belong to smaller sized or multiple networks, violations may incur lesser costs or penalties, making trust expectations less enforceable (Portes and Sensenbrenner, 1993). Hence, although larger networks can shun opportunistic behaviour and culprits can jeopardise losing their in-group status in the process, this would-be deterrence might have lesser bearing for those who belong to smaller or multiple non-intersecting groups. Furthermore, some workers may find economic need to be more severe than in-group penalties and norms of deterrence.

One interviewee shared an alternative take on the issue as he tried to make sense of the negative behaviour that he would occasionally encounter throughout many years of living in the US. Using a Filipino idiom, Elias (50y, Filipino) quipped, “ang taong nagigipit sa patalim man ay kumakapit” (“the desperate will cling to the edge of a blade”), noting that mounting desperation and forlorn hopelessness can push individuals to unethical conduct they would not normally resort to in more favourable circumstances. Although he was quick to evaluate such behaviour as morally “wrong”, he tempered his judgment with a measure of sympathy, stating he partly understood how economic need could drive individuals to desperate or unbecoming behaviour. Such social expressions of empathy can begin with seeing oneself in others (Villero et al, 2014) or feelings of having something in common with others. Following Sayer’s (2005) point, these types of ethical evaluations can be seen to emerge from the interviewee’s own experiences of the good and the bad in undocumented employment and the ability to understand others considering the similarity of social positions. On the other hand, such situations may also speak of the difficulty to “stick to one’s morals”, particularly when one can be habituated into the logic of self-interest and utility maximisation embedded within some employment configurations. However, it is also worth noting that individuals need not be bound to these dispositions because as reflexive agents capable of deliberation and moral reflection, they can question, reform, or work towards improving their social and cultural conditions.
6.6. Workplace dynamics: Hiding in plain sight

The ramping up of regulations requiring employers to employment documentation and eligibility verifications has made it increasingly difficult for undocumented migrants to be employed in the formal sector. At a minimum, federal and immigration laws and regulations require employers to verify their employees’ immigration status and eligibility to work by having them produce acceptable forms of documentary evidence within three days of the start of their employment. The I-9 form provides a checklist of the only acceptable documents for this purpose (e.g., passport, driver’s licence, green card, social security card). It is illegal to knowingly hire workers without work authorisation (Horton, 2015). However, employers are not legally liable for accepting fake documents which they have reason to believe are genuine. Although presented documents can be verified through the Social Security Administration or E-Verify (an accessible online database provided by the US Department of Homeland Security), both services are opt-in and non-mandatory (USCIS, 2016). Still, the experiences of undocumented workers at the start of their formal employment will often depend on the employer’s needs and contingencies, standards of regulatory compliance, employee management processes, and record keeping. In general, informal and non-standard employment sectors may have more room to work around immigration as well as labour and wage regulations (see Fleming, Roman, and Farrell, 2000). Thus, depending on the nature and conditions of the employment, workers can engage in a variety of ways that creatively circumvent requirements of the law or even take part in various forms of “lay practices of documentation” (Horton, 2015).

6.6.1. Becoming “documented” at work

For many informal jobs which are “off-the-books”, employers typically do not require any identification documents. In these situations, workers can get away with providing only minimum personal information as necessary (such as one’s first name or a pseudonym, or a phone number). An example would include day labourers who are typically hired on the spot and paid in cash after their work is completed (Bhimji,
Many of my interviewees who worked as babysitters, house cleaners, and the occasional handyman jobs were often not required to provide any identifying documentation and got paid either in cash or cheques made out to cash. These transactions often rely on personal trust between the worker and the employer or brokered through trusted contacts within a shared network. As finding and keeping jobs in these sectors frequently depend on word-of-mouth and personal recommendations, bridging networks are essential, but also building reputations of trustworthiness and reliability, or being known as “good” workers. For many of the workers I interviewed, their reputations have become the “documents” necessary to secure contingent employment. Although in most other situations “status inheres in papers, not persons” (Coutin, 2003, p. 55; cited in Horton, 2015, p. 56), within these environments, the workers are able to reposition their work identities to where personal integrity, self-respect, and work ethic become their primary qualifications, not their immigration status—enabling them to “do and be those things that promote productivity and economic security” (Hill, 2010, p. 117).

Workers seeking employment in businesses that require official documents have also been known to submit identity documents in the form of fraudulent driver licences, identification and social security cards purchased from a paper market that caters to copied documents (Vasta, 2011; Horton, 2015). These constructed documents can provide the workers, who may feel that they have no choice or other viable option, access to certain parts of the formal market on a regular, seasonal, or contingent basis (Bloch and McKay, 2016). Migrants can also present borrowed identity documents of a legal worker (such as the name or social security number), in most cases, of a family member or a friend, to satisfy the employers’ requirements. Several of my respondents reported appropriating identity documents from people in their personal networks for use in their employment. Such arrangements were known or even encouraged by their employers who were eager to hire them but were nevertheless unwilling to pay them “under the table”—addressing a need that benefits both parties, although not often equitably. Additionally, the terms can be advantageous to document lenders as they can likewise help in the form of social security deductions and other wage benefits that go directly into the account associated with the document (Horton, 2015). A small fee can be requested by the
document lender or even offered by the worker, which need not be seen as unfair by either party, as the transaction can be understood within an ethic of mutual reciprocity and risk distribution.

These employment arrangements however, may also become sites for furthering the exploitation of undocumented workers. For one, employers can continue to hire and perpetuate the perceived pliability, flexibility, or disposability of the workers, as they are only allowed to take part in the employment enterprise but are not fully recognised as legal and equal economic partners. Employment participation is thus, not equal to mutual recognition (Honneth, 1995). Furthermore, as Horton (2015), in her study on the phenomenon of migrant document exchange has shown, opportunistic document lenders can also profit off of the transaction by imposing “taxes” or rent on the documents or reneging on arrangements by holding on to or pocketing some of the worker’s wages, which transforms workers’ “illegality” into a source of exploitable value. Although document “taxes” are not automatically viewed in a negative light, perceptions of opportunism or unscrupulousness can quickly change this. For example, Karen (26y, Filipino) who works as a caregiver, spoke of how she wouldn’t get her wages for days at a time, as her pay cheques are written out to a colleague’s name at the behest of their employer. She surmises that her colleague, whom she calls a “manloloko” or a trickster, uses her money first before turning it over. She is not able to break the arrangement as she depends on the borrowed document to maintain her employment.

Another way for undocumented workers to circumvent the typical documentary prerequisites of most businesses is through connecting with a staffing or employment agency as temporary workers. In most cases, a staffing agency is considered the workers’ primary employer. As such it is responsible for managing the disbursement of wages, benefits, tax compliance, and particularly, the employment records of the workers assigned to their client companies (Aquent, 2009). Some agencies also produce and sell fake identifications to their workers, making them attractive to undocumented workers (Scott, 2004; see also Franklin, 2007). These reasons can make the hiring of workers through agencies attractive to employers as they feel they can work around the laws that require them to check their workers’ immigration status (see Leber, 2013).
In some of these types of labour arrangements, the sense of security in the employment environment that workers may attribute to the relaxing of documentary requirements may contribute to workplace productivity and overall well-being. Felix (54y, Filipino) who was hired through a staffing agency shared how showing up for work without having to worry about being questioned about his status gives him the feeling of being “just a regular worker”. He further shared that compared to his previous jobs, he is now able to perform better at work and build good working relationships with his colleagues. It is important to note however, that some employment agencies (particularly in the agriculture and construction sector) thrive on the underpayment and exploitation of undocumented and migrant workers for indentured, insecure, and hyperflexible labour (SPLC, 2013). Thus, staffing agencies represent another continuum of valuable service and exploitation.

### 6.6.2. Becoming (in)visible at work

The workplace also often involves numerous possibilities of being identified, outed, reported by one’s co-workers and being the subject of an immigration inspection. Many workers engage in necessary strategies to make themselves “visible enough” without becoming “too” visible” (Chauvin and Garcés-Mascareñas, 2012, p. 252). Efforts to neutralise or prevent these threats may involve attempts at negotiating within perceived risks and opportunities as well as moral obligations in the workplace. To mitigate the chances of being discovered in the workplace, many of my interviewees speak of employing any number of behavioural and practical activities of “getting through the day” or coping with the environmental stressors associated with their status. Understandably, individual traits and characteristics as well as different workplace contexts determine which type of behaviour or activity is necessary for each situation.

Furthermore, workers’ legal consciousness can be dominated by fear (Abrego, 2011) which, although not ever-present, can surface during routine activities of the employment tenure. As a case in example, Loren (38, Filipino):

> At work, for example, somebody shows up at our facilities to check our documents. I would be really nervous. There are times where my
bosses would not let me come to work, like, they would be, “they’re here, step out for a minute”. So sometimes you wallow in self-pity, “is this how it really is if you’re illegal?” So, the consciousness that I have committed something wrong comes up especially in situations like that where they ask you to leave your place of work because they might find out you’re undocumented. Or like during that case at work where I received a subpoena to testify in court. I was thinking, “because I am illegal, they would be able to dig through everything. My employer might get in trouble for hiring an undocumented worker”. I was lucky they ended up not needing my testimony.

Some of my interviewees spoke of being in a state mindfulness—or a way of “paying attention in a particular way: on purpose, in the present moment” (Kabat-Zinn, 2004, p. 4). This can involve environmental considerations that mindfully and routinely appraises the workplace context or larger community to help mitigate risks in events of an immigration raid. For instance, workplace raids, although typically unannounced, may target certain businesses within the same area over an unspecified period, and so some workers may sometimes come to rely on ample warning from friends within the community when such occur. The workers can then decide whether it is worth the risk to show up for work or become extra vigilant in their work environments during the period.

Social relationships within the workplace can also be cultivated by building rapport or fictive kinships to prevent snitching or reporting. According to an online survey conducted by YouGov in 2011, 49% of American respondents would inform a manager if they were to learn a co-worker was an undocumented migrant; and 28% would inform the police or immigration authorities (YouGov, 2011). In some cases, immigration agents may rely on “snitches, stings, and leaks” that may involve not just workers or members of the public but employers themselves (Corporate Watch, 2016). As is true in other work-related contexts, the workers’ discoverability impacts their attitudes towards others which can foster feelings of mistrust, fear, and workplace alienation. Thus, it is unsurprising that some workers may experience a sense of disconnection and estrangement in the workplace.
6.6.2.1. Credential downgrading

Highly educated workers may also engage in “credential downgrading” where they deliberately hide aspects of their skills and qualifications so as not to appear being “too overqualified”. Among the “mismatched workers” (Kalleberg, 2007) I interviewed are those whose qualifications and overall skills do not correspond to their current jobs and relative power in the labour market. This phenomenon is evident among several of my respondents comprised of three medical doctors who worked for years as caregivers and janitors in California. I also interviewed two New York residents: a dentist who works as a day labourer and a law graduate who is employed as a housekeeper. There are also teachers, accountants, nurses, and church ministers, who similarly survive on a range of informal employment in laundromats, gasoline stations, and care homes, in both interview sites.

Pepe (47y, Filipino), a former dentist I interviewed, spoke of unwittingly disclosing to a co-worker his previous job in the Philippines which aroused suspicions about his immigration status. “If you’re a dentist”, his colleague asked, “what are you doing in construction work? Do you have papers?” Although over-qualification is a common phenomenon in many work environments (see discussion in Chapter 7; also, Hersch, 1995; Chen, Smith and Mustard, 2010), large disparities between qualifications and actual occupations (particularly in common low-wage destinations for undocumented workers, such as in domestic, hospitality, or construction sectors) may be enough to trigger doubts about a worker’s legal status. As another overqualified worker surmised, “if people find out that you are a medical doctor and you are doing [caregiving] work, what do you think would they think?” Preventing these suspicions is what drives some workers to monitor their casual conversations such as what was shared by Loren (38y, Filipino) who reflected on her concerns about keeping her immigration status secret at her workplace:

As far as my co-workers, only a select few know I don’t have papers. My immediate supervisors know; those who interviewed me for the job, know. The owner of the facility knows as well. But everyone who knows, are mum about it. What some people know is that I am being petitioned by the company, so there are times when we get asked about our papers. I simply say, “it’s OK, it’s being processed”. Sometimes when people talk about their status, I say I have a green card to end
further questions. It sometimes gets too tiring to explain, to hide it, or lie about it, so I just say, “it’s all fixed”, to end the conversation.

The worker’s strategy may follow what Baier (2010) refers to as a form of “purposeful” talk, a type of “strategic deceit” which he limits to constituting neither “perjury, treachery, malice, nor breach of professional responsibility”. This form of deliberate self-monitoring (see Fang and Shaw, 2009) is made possible by a situational understanding and responsiveness to the workplace context (Snyder, 1974), which entails not just the identification and selection of the substance of shareable information, but also the regulation of behaviour that includes aspects of self-presentation and impression-management (Goffman, 1963).

6.7. Conclusion

In this chapter (and continued in the succeeding chapter) I discussed the employment and other labour arrangements of undocumented migrants through an analytical orientation that is grounded in the moral and normative concerns that permeate their economic lives. Differentiated access to both formal and informal job markets more or less pave the way to their legal and illegal exploitation, constraining them to the peripheries of low-wage, low-skill, and often impermanent employment arrangements. These organisational and structural conditions also facilitate various forms of supportive and opportunistic behaviour from various social agents, which would require workers to expend certain types of resources and social practices to remedy which I briefly rehearse in the following:

First, the critical role of personal and social networks as resources for information and occupational connections cannot be understated. Within the labour migration processes of selecting potential destinations, the job hunt, and eventual settlement, undocumented workers rely on their capacities to acquire, nurture, and make use of their networks of interdependencies to improve their economic chances. The differentiated reliance of migrant workers to their networks highlight the number of ways where the presence of social connections and relationships as well as the moral economy of values and attitudes that governs this, can contribute positively to
their migration projects. The workers however, can also become exposed to the hazards of negative social capital as victims or victimisers or both. Navigating this moral terrain involves engaging with various actors along heightened tensions of trust and betrayal, self-interest, moral obligations to others, and altruistic and opportunistic behaviour. The general precariousness of some of these social relationships can also lead migrants into a form of “competition among victims” which can severely undermine their well-being which the employers can also exploit for their benefit.

Second, solidarity networks between co-ethnics and those generated by status sympathies can be a form of social insurance, as they can involve capacities for fellow-feeling, moral obligations, and expectations of mutual reciprocity that provide protections against uncertainties and safeguards against economic need. Bonds of camaraderie can provide needed support through various forms (e.g., job recommendations, document lending) which are dependent on perceived needs and existing capacities that are socially-situated (Fafchamps, 1992). Limitations in these areas can be set for people who disregard moral norms of fairness and cooperation in exchange for economic advantage. Thus, moral boundaries can be drawn within expectations of status solidarity.

Third, the work place can be considered a moral environment, not only in terms of where lived experience of work follows a shared ethical and moral code (Bolton and Laaser, 2013), but that it also creates and fosters conditions for specific moral behaviour to be evaluated along values and principles that can be explained by the exigencies of these social contexts. In these circumstances, the ambivalence of the work environment creates tensions between moral risks and self-preservation including the ethical orientations of the practices and strategies used for becoming both “visible” and “invisible” in the place of employment. On the other hand, as I’ve shown in this section, such acts may also be understood as discursive and performative forms of high-stakes claim-making within structures of marginalisation and lack of parity of participation.

Fourth, and closely connected to the previous point, moral violations can be evaluated beyond these situational ethical systems as they speak of deep injuries
pertaining to moral expectations that are embedded in cognitive human interactions. This theme will be more fully explored in the following chapter.

Chapter 7: Exploitative labour as sites of (moral) injury

Building on the theme from the preceding chapter, I continue to address the problematic everyday realities and consequent moral injuries suffered by undocumented migrants during various periods and configurations of their employment experiences. Critical issues surrounding overqualification, low wages, lack of non-wage benefits, unsafe working conditions, and work sponsorships, are perennial problems discussed in the literature, which I explore, first, in the light of the relevant structural and institutional considerations around these domains, and second, to consider its enduring practical effects and moral implications in the workers' everyday lives as these emerged in my interviews. I then raise the topic of the voluntary payment of taxes, which represent one of the concrete and novel ways in which undocumented migrants act deliberately within the framework of their normative dispositions as both moral and legal agents in the context of undocumented employment.

7.1. The undocumented and mismatched labour force

It is commonplace to recognise that individual human capital—such as skill or educational attainment, among other worker characteristics—increases the economic chances of migrant workers (see, for instance, Aguilera, 2003; Chiswick and Miller, 1998). However, human capital that is acquired by workers in their home countries does not transfer to the new country perfectly (Massey et al, 1993). Some of these qualities very often over-qualify undocumented migrants who typically only have access to low-skilled jobs. For instance, workers with higher educational backgrounds may compete and end up in occupations requiring only a minimum education. In
such cases, educational attainment, which can be advantageous to certain migrants (see Ellis and Wright, 1999) may not provide comparable benefit to undocumented workers. Having limited access to the job market, undocumented workers are often blocked from benefitting from occupations that match their educational level, which often exceeds the maximum qualification requirement (Altoraji, 2013). Furthermore, the lack of occupational opportunities for undocumented workers can contribute to an increase in the likelihood of a skills mismatch where available jobs do not correspond or fully make use of workers’ “excess supply of skills” (Felstead et al, 2007). Such discrepancies between worker competencies and corresponding employment requirements are prevalent in many industrialised countries (Ortiz, 2010; Groot and Maassen van den Brink, 2000; Quintini, 2011; Kalleberg, 2007).

Some estimates show that about one-quarter of the population of workers are overqualified for their jobs (Fine and Nevo, 2008). Among OECD countries, the youth and immigrant workers are more likely to be overqualified than their older and native counterparts respectively (Quintini, 2011). Within the US labour force, males, non-whites, and younger workers tend to be three or more times more educated than the educational requirements of their jobs (Kalleberg, 2008). Asians, among other immigrant groups, are the likeliest to work in jobs where they are overqualified, while Mexicans are the least likely to be overqualified (Zhou, 2003). In terms of educational attainment, three-quarters of the Mexican labour force had not completed high school while about 68% of Indians and Filipinos had at least some college education (Zhou, 2003). Overstayers (primarily from Asia) which comprise about half of the undocumented population (PHC, 2006) are more likely to be more educated than the migrant workers (predominantly from Mexico and Central America) who crossed the border without inspection (Rivera-Batiz, 1999). Factors that lead to over-qualification however, may vary for different immigrant groups (Altoraji, 2013).

Studies indicate that worker over-qualification can be a temporary predicament which most workers can overcome through various reasons, such as changes in the labour market (Ordine & Rose, 2009), occupational mobility (Sicherman, 1991), or that it can gradually improve over time and age (Alba-Ramírez, 1993). However, occupational mobility and wage increase among the undocumented workforce is infrequent and protracted, suggesting that many overqualified workers
will remain confined to a range of low-pay and -skill jobs over an extended period. Empirical evidence further shows that employment opportunities stagnate as undocumented workers get older particularly in the low-skill labour market (Abrego, 2014a; SPLC, 2008). Legal barriers and increasing immigration enforcement in the workplace may further show that worker mismatch will remain a problem for undocumented workers in the long term. Indeed, most of the respondents in the study who perceive themselves to be overqualified for their current jobs expect legalisation as, more than likely, the only way for them to improve their future occupational placements.

Undocumented workers gravitate towards jobs with low wage ceilings such as in the agricultural, construction, manufacturing, and service sectors (cf. Passel and Cohn, 2015a, 2015b). For example, the majority of interviewees employed in some of these sectors reported receiving minimum wages or less than the prevailing wages at the start of their employment, regardless of their educational qualifications. For the same interviewees, formal qualifications, in general, were often less useful for getting hired or negotiating their initial wages than their other characteristics, such as relevant job experience, ability to perform job-specific tasks, and flexibility to the working conditions. Many interviewees shared comparable experiences of employers focusing more on their ability to “do the job well” or “handle the hours” or whether they were “reliable” or “trustworthy”. Curiously however, a few of the interviewees whose job prospects corresponded to their formal educational qualifications felt that they had better chances of getting hired and given more responsibilities than their peers with lesser qualifications, although they report that their wages did not reflect the difference. For example, one employee who worked as a medical doctor prior to migration shared that although his first job experience was as a supervisor in a healthcare facility in Los Angeles, he was paid the minimum wage and believes he received a lower rate than some of the caregivers he was supervising.

Although the wages of informal caregivers are mostly unregulated, interviewees spoke of their wages in terms of a “bigayan” or an informal pay differentiation arrangement within ethnic niches that is segmented according to workers’ job experience and legal status. According to my sources, undocumented migrants working as “24-hour live-in” caregivers “without experience” can expect to
be paid between $60 and $100 per day, while those “with experience” can get around $90 to upwards of $140 per day. One interviewee shared that employers decide what can be considered relevant educational qualifications. As another worker surmised, “it does not matter whether you are a doctor or a nurse or whatever [degree] you have”.

Caregivers with legal status can typically expect a pay bump of $30 to $50 to their daily wages, with or without experience. However, according to some of my interviewees, care home employers tend to be disinclined to hire legal workers for this reason and also partly because of the overhead costs associated with existing wage laws and tax reporting. One caregiver shared how most of the care home facilities she has worked for typically hire only one worker with a work permit for the purpose of satisfying health inspectors during random visits. Employers would recruit additional undocumented workers to cover the rest of workload. Thus, interestingly, it may seem that caregiving may be one of the few domestic labour sectors where workers with legal status have relative disadvantages over undocumented workers in the hiring process.

The literature notes that in-firm and occupational mobility correlates to an increase in the wages of “over-educated” young workers (Sicherman, 1991) and legal immigrants (Zorlu, 2016). However, such opportunities are constrained for undocumented workers, partly because of the nature of clandestine employment, an informal wage ceiling, and oversupply of workers in some occupational sectors. For example, as one overqualified worker in New York lamented, “the most you can get out of being a housekeeper is $10 to $15 an hour. You start from $10, and after years of experience, you can probably ask for $12 or $15 if you’re lucky”. This seems to support Mehta and colleagues’ (2002) findings, in a study of undocumented Latin Americans, which note that educational attainment does not have significant positive wage effects and that attaining additional levels of education, among other factors, do not neutralise the negative wage effect of working without legal authorisation.

7.1.1. Self-perceived over-qualification

Perceived over-qualification “refers to the degree to which individuals perceive themselves (or others) to possess more than the required job qualifications” and may
further include self-perceived conditions of being “unfairly disadvantaged employment conditions or unmet job expectations” (Fine and Nevo, 2008, pp. 346-7).

The lack of fit—as perceived by the workers themselves—between the individual’s skills, education, needs, and preferences, with the corresponding requirements of the job, can generate negative experiences which can contribute to feelings of low self-worth and esteem. Johnson and Johnson (1996) note that a “significant, positive relationship between perceived overqualification and psychological well-being” exists, suggesting that “the greater the perceived overqualification, the greater the psychological distress” (p. 435). These subjective perceptions not only correlate well with job dissatisfaction (Fine and Nevo, 2008; Bowling, Eschleman and Wang, 2010) but also lead to various forms of occupational stress (Liu and Wang, 2012), depressive symptoms (Ford and Jin, 2015), and even poor health outcomes (Johnson and Johnson, 1996). There is a vast literature on the effects of self-perceived overqualification on workers in general (Lobene and Mead, 2010). However, the empirical literature on the subjective experiences of undocumented workers with self-perceived over-qualification, to the best of my knowledge, is non-existent. As I argue here, the phenomenon of the overqualified and undocumented workforce should not be removed from the wider structural and institutional contexts that prevent the workers from getting the “right kind of jobs”. However, it is also important to consider the workers’ perceptions of their own over-qualification. In another context, Liu and Wang (2012) observe that the objective lack of “match between the person and the job” often involve a personal “sense of unfairness (in terms of adequate opportunity to perform)” and as the previous discussion on moral injury suggest, these negative experiences impact not just the economic lives of the undocumented workers.

Although the empirical literature specifically on the experiences of overqualified undocumented workers is scarce, it is reasonable to posit, first, that barriers of access and the demand for low-skill and low-pay labour in the labour market produce a broad swath of mismatched undocumented workforce. Educational attainment, which can be advantageous for certain migrants (cf. Ellis and Wright 1999) do not often equally benefit their undocumented counterparts. One possible reason for this is that the latter workers’ limited access to the job market prevents them from benefitting from occupations that match their educational level, limiting
their wage potentials and occupational mobility. This further likely applies to workers with high skills vying for low-skill jobs, or those with higher educational backgrounds competing for occupations that only require minimum education. Second, the lack of fit can generate negative experiences for workers. When asked about their perceptions about their current jobs, most respondents voiced feelings of “inadequacy” as well as “dissatisfaction” and “self-doubt” about their “failure” to live up to their potentials as economically-viable workers.

7.1.1.2. Rationalisations and adaptations

As the mismatched workers’ occupations in their home countries can tend to be more “socially and intellectually fulfilling, though less financially rewarding” (Parreñas, 2015, p. 135), some can still view their current employment conditions more favourably than others. Although most of my interviewees speak of their wages, work conditions, or the social perceptions of their jobs as being less than ideal given their backgrounds or educational qualifications, some rationalise their employment predicament as a “means to an end”, which allow them to tolerate low-paying and mismatched occupations. As one interviewee puts it, “it doesn’t matter, as long as I’m able to provide for my family”. One of the workers also spoke of contending with stigma back home, sometimes of the “doctor-who-became-a-caregiver” gossip variety, which as Rey (52y, Filipino) shared, he can easily dismiss by comparing incomes: “my whole month’s salary there as a doctor, I can earn in about two weeks here or less”.

Some workers may also find their reduced social status such as experiencing “inuutos-utosan” or being at the beck and call of their employers or supervisors or being made to do the “dirty” work (e.g., clean toilets and soiled sheets), to hurt their self-esteem—but that they can similarly rationalise this form of transnational stigma as necessary “features of the game”. This pragmatic stance also shapes the view of some workers who may eventually leverage their newly gained skills and experiences on the job to negotiate for better pay and work conditions or look for better jobs elsewhere. As one mismatched worker explained, because the on-the-job experience is essential in many work settings (e.g., caregiving, housekeeping) some workers will endure their non-ideal work situations to improve their informal qualifications.
Workers whose previous work experiences were primarily in white-collar professions may also soon find that their foray into low-skill employment would require them to learn new skills and job-related training. Amalia (55y, Filipino) who has a law degree and no previous experience in blue-collar work prior to her arrival in the US, narrated her experience with her first job as a house cleaner in New York:

“I didn’t do a good job during my first week and almost got fired because I didn’t know how to do a proper cleaning. I had to ask my boss to give me a chance. I then asked my friends to teach me how to do it […] It’s not easy work, there’s a proper way to do things, even house cleaning”.

Despite its perceived stigma, low-skilled work requires a diverse set of skills and appropriate workplace behaviour that many workers need to succeed (Maxwell, 2006) and so many invest in on-the-job learning to “work on oneself” (Bourdieu, 1986, p. 5).

Enterprising workers can also use their skills and education to improve the various conditions of their work environments. This form adaptation can be especially true where there are overlaps between workers’ educational status and their current work situation. Those with professional medical backgrounds, for instance, speak of how they see themselves as valuable to their employers and co-workers who can come to them for general health information or advice for themselves or their elderly patients. They also share how some patients may also show appreciation for having (over)qualified/educated caregivers.

Workers may also consciously attempt to detach their actual skills and education from their work. This form of “skill bracketing” entails various ways of controlling one’s behavioural and physical activities to meet but not necessarily exceed the demands of the workplace environment. One example is that of a Filipino medical doctor, Reynaldo (52y), who worked as a caregiver in Los Angeles.

Sometimes, you have to remind yourself that you are a caregiver, not a doctor. So, you have to call the RN [Registered Nurse] or your supervisor if you encounter medical problems. Even if you can fix or do it yourself.
According to Reynaldo, adopting a mindset which involves seeing himself in a limited role to perform a specific task, is for him, a personal disposition that consists of bracketing his identity as a doctor and focusing only on a particular task at hand that requires a specific set of skills to perform. For Reynaldo, this practice can also function as an “affirmation of identity” (Valenta, 2008) as it forestalls feelings of self-pity and low self-esteem for “being a doctor, in a caregiver’s job”. It enables him to compartmentalise—or think of himself as a doctor doing minor tasks.

Overqualification can also contribute to dampening workplace cohesion. Speaking on the other side of the issue is Ynez (51y, Filipino) who is an experienced caregiver. She shares her wariness with overqualified workers:

They think because they are smarter, or they have degrees, because they’re doctors or nurses [in the Philippines] they [think they] can boss you around or are better than you. Hey, we both don’t have papers!

Ynez further opines that workers need to "know [their] place, and the limitations of [their] job". On the surface, Ynez’ complaint highlights the stratification embedded in the caregiving profession as well as her appeal for overqualified workers to recognise formal and informal workplace expectations to lessen potential disputes and grievances between workers. Her sentiment is revealing in terms of how the lack of papers not only disregards certain forms of cultural capital but also in some ways equalise the various pre-existing (and transnational) social statuses of the workers.

Although the research literature shows that employers tend to hire qualified job applicants to those who are under- or over-qualified (see Fine and Nevo, 2008), sometimes it is precisely the workers’ credentials, experience, and skills that attract employers who may see the applicants as more able or require less training (see Quintini, 2011). For instance, Jesse (42y, Filipino) shared that it had been easier for him to get hired in the health sector because his employers would often see his medical background as an “asset to the business”. Jesse’s first job experience was as a supervisor in a health facility in Los Angeles, where he got paid minimum wage, which was lower than the prevailing rate for his position. Although his responsibilities grew as the months passed with minimal pay increments, Jesse ignored his exploitation by “swallow[ing] his pride [because he] wanted to survive”. Building on
his credentials and job experience over eight years since he first arrived in the country, Jesse now works for a health agency and is among the highest paid in the office. When asked to reflect on his occupational trajectory, he credits his work attitude as a crucial factor:

> Whatever I can apply from what I know as a doctor, I apply at work. I share my knowledge to improve, and my employer to make good business. Whether I do caregiving or office work, I will do it to the best of my knowledge and ability. I feel that if I limit myself, if I don’t share the knowledge that I have, I will not improve as a person. If you want to go up, you have to show [your boss] your full potential.

Jesse’s story by no means reflects a common trajectory among undocumented workers a majority of whom remain trapped in precarious employment for a more extended period. As Saunders (1990) rightly notes, “wages may rise and workers may consider themselves quite well off, but this does nothing to change the facts of class exploitation and oppression which are grounded in the system of ownership” (p. 10). From a moral vantage point, it would also appear that aspects of workers’ qualifications are actively disregarded or “looked through” (Zurn, 2015, p. 45), perhaps not necessarily to humiliate the workers directly but rather to put them “in their place” (Zurn, 2015, p. 100). They exist as workers whose qualifications can be conveniently overlooked for the purposes of wage determination but also whose various skills and aptitudes can be taken advantaged of in the workplace context.

On the other hand, perceptions of racial and ethnic strengths among Mexican workers dubbed “superior workers” by both employers and workers themselves (Gomberg-Munoz, 2009; De Genova, 2000; Waldinger and Lichter, 2003) or even Filipinos and other Asians who are routinely overqualified and underemployed (McDonald and Valenzuela, 2017), may earn them some advantages and find themselves more accepting of their predicament in certain labour markets. However, as Zurn (2012) astutely observes in another context, people can be “induced to willingly accept and even welcome their subordinate position in a social hierarchy—and to take on the disproportionate burdens associated with that position—all through the use of noncoercive and relatively costless mechanisms: positive
The issue of low wages is a complex problem that shapes and reflects the underlying social structures of gender, class, race, and increasingly, immigration status, in US society. Traditionally, the US labour market is hierarchically stratified, where a disproportionate number of racial and ethnic minorities are represented in the lower tiers, while white workers are over-represented in the upper tiers of the labour market (Arce and Segura, 2015; Kessler-Harris, 2006; see also Mutari, Figart and Power, 2001).

A variety of factors contribute to the segmentation of wages by race and ethnicity. For example, studies show physical resemblance to white workers, specifically in terms of phenotype or skin shade, factor in negative wage differentiation. After accounting for skills and productivity outputs, immigrants with darker skin colour tend to receive lower wages than their lighter-skinned counterparts (Hersch, 2008). Drawing on findings from other empirical literature, Massey (2007) notes how black Hispanics face greater discrimination in the labour sector than white Hispanics while darker skinned Hispanics may receive lower wages than their lighter-skinned co-ethnics. In a similar vein, one study found a significant wage difference (about 16 percent) between white workers and medium or dark-skinned blacks, while white workers earn about 7.5 percent more per hour than their light black peers (Goldsmith, Hamilton and Darity, Jr., 2007). As one might expect, acculturation with white racial identity has been shown to factor in increased wages. Mason’s (2004) study of light-skinned Hispanic Americans shows that those who adapt and self-identify as non-Hispanic whites can increase their annual income and hourly wages.

Labour market segmentation also reveals some patterns of disadvantage for many women workers who are vulnerable to negative wage equity compared to men with similar skills, attributes, or productive outputs in the formal sector (Blau and Kahn, 2000; Garcia, Hernández and Lopez-Nicolas, 2001; Beaudry and Lewis, 2012;
see also Bacolod, 2009, 2016; Krug and Nisic, 2011; Black, Kolesnikova and Taylor, 2014). For example, a report from the Economic Roundtable on the informal economy in Los Angeles notes of the wage disparities of women as compared to men across most industries (Flaming et al, 2007). According to the study, women workers receive less than half of the difference percentage of what men get paid in electronics manufacturing jobs (54%), beauty salons (52%), apparel manufacturing (50%). Restaurants on average pay women 48% less than the men and groceries pay women 36% less.

National origin and citizenship status have also been understood to increasingly factor in the wage outcomes and occupational destinations of individuals in the labour market (Portes and Rumbaut, 2014; Gleeson and Gonzales, 2012). For example, the wage disparity between immigrants and native workers has been broadly documented in the literature (Lessem and Sanders, 2012; Rosso, 2013; Duleep and Dowhan, 2008). According to the US Census Bureau, the median annual income of first-generation immigrants in 2012 were $35,954 compared to $45,481 and $45,456 for second and third-and-higher-generation workers respectively (Trevalyan et al, 2016). Sevak and Schmidt (2014) note that differences between native and immigrant earnings can be accounted for by the variances in the workers’ countries of origin, particularly those from economically developed countries faring better than others (see also Borjas, 1987, Duleep and Dowhan, 2008; Abramitzky, Boustan and Eriksson, 2012). Furthermore, even when the native-immigrant wage gap may decrease the longer immigrants stay in the labour market, wage mobility for low-skilled immigrants may be slower as they are likely to start in low-paying jobs (Lessem and Sanders, 2012). Along these lines, Weiss and colleagues’ (2013) study on highly skilled Russian immigrants to Israel after the collapse of the USSR argue that lifetime earnings of immigrants can be significantly lower (by 57% less) than their native counterparts.

The lack of legal status along with the discriminatory effects of race, ethnicity, gender, and national origin lead to significant wage disadvantages (Mehta et al, 2002) which compound the marginalisation of undocumented migrants. For instance, comparisons of earnings between legal and undocumented Mexican workers in the US, show legal immigrants earning significantly higher than undocumented workers
who are men by 41.8% and women by 40.8% (Rivera-Batiz, 1999). Even after controlling for length of work experience, education, English proficiency, and occupation, another study notes that undocumented Latin-Americans continue to experience significant wage penalties: twenty-two percent for men and thirty-six percent for women (Mehta et al, 2002). Although studies show that legalisation produces a notable positive increase on undocumented migrants’ wages (Rivera-Batiz, 1999), other economic effects such as a fall in employment and rise in unemployment have been observed for newly legalised workers (Amuedo-Dorantes and Bansak, 2011).

Undocumented migrants often work within low wage occupations and receive lower wages than their labour counterparts (Massey and Gentsch, 2014; Rivera-Batiz, 1999). Moreover, wage theft, which includes violations relating to minimum wage, overtime, pay stub and illegal deductions, are severe and widespread in the low-wage sectors (Bernhardt et al, 2009). Actual wages can also deviate from anticipated or advertised wages in furtive ways. For example, some industries adjust their wages to undercut the actual wages that workers receive severely. As a case in point, the US Department of Agriculture reported that on average, farm workers have received increased wages (by 5% more in 2015, to $12 an hour) with some employers paying up to $15 an hour, which is higher than California’s $10 minimum (Blanco, 2016). However, as the labour group Farmworker Justice reveals, wage exploitation among undocumented farmers continue to be a problem as many are paid less than the agreed or at subsistence-level wages. Martin (2009) documents how industry practices such as paying piece-rate wages and “task rates”. The practice drastically reduces the actual income of overworked farmers who often toil over 10 to 12 hours a day to earn even less than the minimum or prevailing wages. Undocumented farmers have nearly no legal remedy or recourse against these violations. These examples reinforce the narrative that some employers prefer hiring desperate minority and subordinate groups than native workers as they can tolerate low pays and other wage violations (see, for instance, Catanzarite, 2000, 1990).

Wages can also be subject to economic cycles, seasonal shifts, and changes in the labour supply. Also, some types of work, such as in the domestic sector, can often be devalued, which makes it possible for instance, for single female workers to take on
additional responsibilities and receive meagre pay (Abrego, 2014a). Furthermore, in general, the types of jobs available for undocumented work also seem to favour men who also tend to earn more than women (Abrego, 2014a). These gendered disparities not just have effects on wages, but also as Livingston (2006) notes, even “exacerbate overall sex differences in economic well-being” (p. 45). Abrego (2014a) notes how undocumented workers can also become prone to age discrimination, particularly against older workers (particularly as their eyesight worsens) and because of the piecemeal nature of certain types of work, it is structurally challenging to secure fair, liveable wages. The Southern Poverty Law Centre reports some farm work recruiters openly declare not hiring workers over the age of 40 or refuse to hire women for field work (SPLC, 2008).

7.2.1. Experiences with wage exploitation

Recounting their foray into the informal labour market, many research participants raised several issues concerning their substandard wages. A common observation I heard from seasoned workers reflected on unscrupulous employers that often take advantage of new workers who do not know better or are not likely to complain. One example is that of Ynez (53y, Filipino) who has worked for five years as a live-in “24-hour” care provider at various residential care homes in Las Vegas. She shared:

When I started working as a caregiver, and of course, I didn’t have any experience back then, I was only being paid $35 per day. I was told caregivers would get paid around $60 per day, but I was just starting out so I didn’t know anything […] at that time, I didn’t know better, so it was OK for me.

Ynez' recollection of her first job experience reveals how employers can get away with paying a mere pittance for the burdens and difficulties of caregiving work (cf. Stacey, 2005; Choy, 2003; Grant and Kinman, 2014). Because Ynez “didn’t know better”, she accepted the first offer that paid at the bottom of the pay scale as many undocumented workers are inclined to do (cf. Tapinos, 1999). Other examples among my interviewees were Kim (31y, Filipino) and her mother who initially survived on
$2.50/hour by babysitting and taking on intermittent cleaning jobs for $50/night, as well as Pepe (47y, Filipino) who struggled to support his family with his pay of $50 for eight to nine hours of work as a construction labourer. As these examples show, new workers are often comparatively easier to exploit for cheap labour than seasoned workers as employers can often take advantage of workers’ lack of information and experience with occupational norms (see also Hernández-León and Zuñiga, 2000; Parrado and Kandel, 2008). Although the interviewees’ wages may not be typical across these occupations, it is illustrative of the low thresholds of income some of these sectors subject undocumented workers (see, for instance, Bhimji, 2010; Abrego, 2014a; Flaming et al, 2005).

Sometimes workers themselves may rationalise their own exploitation by attributing its cause to personal aspects of themselves or their legal condition. As shown in the quote above, Ynez felt she had no choice but to continue her employment, even justifying her exploitation as due to her own “lack of experience”. Further into our conversation, she also took it as “how things are” that undocumented workers who are new to the country can only be paid subsistence wages, or unless they have the “luck” or fortune of having a “generous boss” who would be willing to pay more. Thus, for Ynez, being paid a decent wage is the exception and definitely not the norm for people in a similar status predicament. Another interviewee shared a similar understanding of her lack of autonomy in the employment relationship, stating that because she had no papers, she believed her employer granted her a “big favour” by hiring her and so, she concludes, she owes her employer an “utang na loob” (debt of gratitude). In both cases, the willingness to accept and welcome their subordinate position, according to Zurn (2015), is one of the ways exploited workers are incorporated and kept within exploitative structures. Parreñas (2015) notes of domestic workers who develop attitudes of deference to their employers as a result of problems emerging from the socially-perceived views of employers’ superiority and the inherent inequalities within the employer-employee capitalist relationship. In these instances, workers can find their meagre income as acceptable or even satisfactory as their wages are evaluated not in relation to actual productive outputs or to industry standards of what is fair compensation, but often through intangible notions such as the employer’s benevolence or superiority, the workers’ attitudes of
deservingness, or their eagerness to show themselves as good or loyal workers. The lack of legal status can thus confine workers into a form of patronage and subservience that can shape their subordinate position in the employment arrangement.

Another case is worth noting. Amalia (55y, Filipino), who has worked for many years as a house cleaner in New York, shared that although her employers pay her a “decent” rate of $10 per hour, they make her do “extra work” inside and outside the house without extra compensation. Amalia was convinced at first that since she gets paid by the hour, it was only fair that her employers can demand any type of work from her within that period. A conversation with another domestic worker about her wages however, made Amalia realise that she was being unfairly compensated:

She asked me, “why did you agree to the pay? They make you clean other houses too? [Your pay] is too low. You also have to walk the dog!? Walking one dog should pay you $25 extra. What’s wrong with you!?" She scolded me. I just laughed it off. But you know, what she said is true.

Amalia realised that she was hired “cheap” as a “house cleaner” and was unfairly made to do more work for the same pay. She further intimated feeling a bit envious and angry upon hearing of her friend’s higher rate, but she also came to admit that their “lots in life” are different as she concedes “she has papers and I don’t”. The social practice of comparing oneself with others can be both informative and evaluative, as it is a way for people to identify inequalities and get a sense of what is fair and acceptable in one’s dealings with other individuals (Sayer, 2011).

Several other house cleaners in New York also spoke of similar experiences of being asked to do extra work or put in extra hours without fair compensation. One interviewee shared about her employer’s habit of “loaning” her out to clean and run errands for other people often without paying for the extra work. She finds it hard to complain out of fear for losing her job and worries that her employer may refuse her a job reference, which she understands potential employers sometimes require before hiring house cleaners. In a survey of domestic workers in the US, 60 percent of responders stated that they would not contest their meagre wages and substandard work conditions for fear of not getting a reference for future job opportunities.
(Burnham and Theodore, 2012). One housekeeper said that she had to beg her previous employer for days to give her a reference letter because they parted on bad terms after she complained about her pay and applied for work with another household. Job referrals and recommendations from previous employers, particularly in the domestic work sectors, function as a lifeline for undocumented migrants, and thus, it can become a way for exploitative employers to exercise some form of influence over the worker during their time of employment or well after the worker’s departure.

It may be noted at this point that some of the other interviewees tolerate (or even express satisfaction with) their wages because they deem it “better than nothing” given their lack of legal status and constrained opportunities. This expression of resignation suggests that practical barriers from securing employment elsewhere reduce people’s capacities to voice out against their subpar conditions or exit them (Hirschman, 1970). However, this may also be reflective of the “absence of an alternative model or vision of what work can be, a void which leaves workers with no basis for comparison that would make clear how paltry are the satisfactions for which they have settled” (Leidner, 1993, p. 5). In the first instance, some view their low wages as better than what they were earning back home, which helps explain their lack of motivation to aspire for higher wages in the short term. And for others, an alternative job, as one worker phrased it, “could be worse”. Several respondents who were target wage-earners during the early days of their employment tenures in the US spoke of feeling “excited” or “happy” about the prospects of earning more in a day what they would earn in about a week back home. Because they were comparing their wages in the US to their previous incomes, they felt they had little reason to complain so long as they had enough to live on. In the case of one worker, it was after she felt more “settled” in the country and the desire to return home became a more distant alternative that she started imagining a more just and fairer wage situation for herself at the earliest opportunity. This change of heart partly explains why some workers, armed with their new social and cultural capital, move on to other occupational opportunities, opening up the lowest wage labour market for newcomers to come in.
7.2.2. Poor working conditions

Undocumented workers are also susceptible to poorer working environments, which regularly require combinations of strenuous physical labour and problematic working hours and are further exposed to other forms of occupational hazards. Undocumented workers are more vulnerable to unhealthy or unsafe jobs and receive lesser compensation for the dangerous or riskier work environments than their native counterparts (Hall and Greenman, 2015). Furthermore, because undocumented workers have lower bargaining standing relative to their employers they are less likely to report or fix the workplace hazards (Hall and Greenman, 2015).

Other studies note that non-native workers tend to work in occupations that feature comparably high injury and fatality levels, particularly for immigrants who are disproportionately employed in the agricultural and construction sectors (Orrenius and Zavodny, 2009). Many already point to the strenuous physical demands, exposure to environmental elements, and lack of non-wage benefits in farm work that turn off many native workers. For example, the dearth in regulatory oversight in agricultural farms, unlike some other major industries, result in violations of workers’ rights and lack of workers’ protections which result in poor health and quality of life outcomes for many farmworkers (Reeves and Schafer, 2003). The same can be said in the construction sectors, where enforcement of labour regulations and monitoring of construction sites are uneven, creating unsafe labour conditions which can lead to construction accidents and even fatalities (Fletcher et al, 2006; Chan, 2006). Other jobs such as in cleaning and food preparation are found to be in less safe work environments than typical white-collar jobs (Passel, 2006). The meat and poultry industries, home to “most dangerous factory jobs” in the country, are also increasingly employing workers from Mexico and Central America many of whom are undocumented (Compa and Fellner, 2005). Orrenius and Zavodny (2009) speculate that risk perceptions and preferences associated with the occupational choices of undocumented migrants can be brought about by several factors (such as lower levels of education, English language ability, social capital, income, and relative health) although the workers may also take on riskier and hazardous jobs for lack of alternatives.
7.2.3. The demands of manual labour

Some respondents spoke of experiencing difficulties with the demands and strains of the manual labour that was expected of them. Jack (59y) hails from a small agricultural town in the Philippines and in his own words is “no stranger to hard work”. He recalled during our interview that his first job as a construction labourer was “the hardest thing [he] had to do in [his] life” and that the job “made [him] cry […] and want to give up on the first day”. Similarly, Felipe (52y, Filipino) spoke of his experience working as a janitor for a private complex in New York after his employers “cancelled their contracts with their gardener, cancelled their lawnmower guy, cancelled their snow cleaning guy and even the handyman” soon after hiring him. He continued:

I would climb pine trees to trim them, tear down walls, get buried in snow shovelling; I did everything. I didn’t have benefits, medical or dental, nothing. I couldn’t complain. It was a take it or leave it deal. I needed it to survive, and there was no other place for me to find work. I was thinking I was doing it for my family. I was crying my first, second, third day at work.

While both Jack and Felipe had reasonable expectations about their respective jobs at the beginning of their employment, both acknowledged that they were ill-prepared for the physical demands of the work they were hired to do. It was also apparent for both workers that their employers had easily taken advantage of their immigration status by making them perform work that would not have been typically required of native workers. Felipe shared that his experience made him feel disrespected and objectified, stating “if you showed any respect to your employee, you would not treat him as a robot or squeeze as much work from him as you can”. One may even make a case that Felipe’s employers had explicitly created a job for him, which his employment created a demand for and would not have existed without him. As Arango (2000) theorises, “immigrants constitute a supply of labour that creates its own demand, that is, jobs that would not exist without their previous presence” (p. 290); and in some cases, the demand it creates is tethered to the workers’ desperation and a general inability to bargain for better working conditions.
Unable to bear the physical demands of the work, Jack took the risk of quitting his job after a week and became jobless for about a month until he found employment as a live-in caregiver for the elderly at a home care facility in New York. Jack noted that while his new job has its share of occupational demands, it immerses him in a duty of care that requires his emotional involvement, respect, and concern for his wards—attributes he feels he receives in return in the form of esteem from the people he cares and works with. Felipe on the other hand, realising that “there was no other place” for himself, resolved to bite the bullet and plodded on with his janitorial and custodial work for two more years. He says he eventually “got used and got better with the work”, although he also admits to having occasionally enlisted the help of his wife and children to lighten up his workload. Felipe’s strategy is one that is used by some undocumented families to support the working conditions of a parent(s) who is often the primary worker but is the only one who receives payment for the shared undertaking.

7.2.4. Lack of other non-wage benefits

Undocumented workers’ general concentration in high-risk jobs make them highly vulnerable to a variety of health risks, medical disorders and workplace injuries (cf. Reich, 1990; Hall and Greenman, 2005; Orrenius and Zavodny, 2009). However, faced with these problematic working environments, undocumented workers ordinarily do not have access to company-provided health insurance and other employment benefits (such as worker's compensation and unemployment insurance, paid vacation and holidays) in the formal labour sector (e.g., Ong et al, 2002; Bean et al, 2013; Burnham and Theodore, 2012). These problems are more significant in the informal labour sector which often engages in non-standard employment practices (e.g., Bhimji, 2010). Even full-time workers in both sectors rarely receive such benefits, and less so, for part-time, temporary, outsourced, and independently contracted workers. Undocumented workers are often employed in industries, such as in construction, that have low rates of health insurance, which as a result, cause them to have the higher rates of non-insurance (51%) than other workers such as green card holders (34%) (Wallace et al, 2013).
For undocumented workers without access to federal and other company-related benefits, showing up to work in less-than-ideal or unsafe working conditions can become an exercise in precarious employment. Workers with health issues or those who may fall sick or get injured at work may continue reporting for work for fear of losing income or being terminated. Some may also experience higher rates of illness due to their lack of health insurance coverage which prevents them from seeking care for smaller health concerns (Kamal and Killian, 2015). Lack of access to healthcare can further exacerbate these conditions, putting the workers’ lives and well-being at risks as well as their co-workers.

One case that captures the multidimensional nature of how the lack of employment benefits impact the lives of undocumented migrants is from a story told by one of my respondents. Juan (no age given, Mexican) has worked as a handyman for the same Bakersfield company for twenty years. The interview excerpt is told by his son, Philip (20y, unemployed) who is also undocumented, and revolves around the aftermath of his father’s workplace injury. Juan was working on the roof of a building when a misstep brought him down to a fall of about 20 feet. Phillip’s story about his father’s workplace injury demonstrates the extent many undocumented workers’ lack of formal access to non-wage benefits such as health and workers’ compensation insurance affect not just the workers themselves but their families as well:

[My father] had a big bump in his arm and couldn’t walk straight. We don’t have health insurance or anything, so we went to a doctor on the outskirts of town who works out of his garage who has also agreed to see us for $90. That was our healthcare. My dad did that, and he ended up being misdiagnosed; and for two weeks he was getting massages on two broken bones. He had broken his radius and his ulna and didn’t know for two weeks until he just couldn’t bear the pain anymore of just getting it massaged. Turned out, he fractured another rib as well.

We finally convinced him to go to the doctor, a real doctor, and they put a cast on him and told him to have this cast on for a minimum of a month and a half. So, he tried out the cast for a while, and realised he couldn’t work with it.

One day we were coming home with my family, it was my mom and my other two siblings and myself, and my dad was in the garage. So, we catch my dad in the garage. After about three weeks of having this cast on, he was sawing it off. Himself! And my mom was freaking off. “Oh
my god, what are you doing? Why are you sawing off your cast? The
doctor said you still have three weeks left!” She was freaking out. And
my dad was just like, “I can’t afford to not work, and this doesn’t let me
work.” They just hugged each other, and she was like, “I know, you’re
right, we need to work.” So, she proceeded to help him saw it off.

Juan’s loss of income and livelihood after the injury had placed the family in
dire financial straits. The family felt helpless as they expected the financial burdens
associated with receiving uninsured medical care. Although hospitals are provided by
law to render emergency care regardless of immigration status or insurance coverage,
undocumented migrants are significantly less likely than citizens to seek critical
medical services (Wallace et al, 2012). They also have limited access to private health
insurance and will pay a high premium for whatever plan is available to them. Under
the Affordable Care Act (ACA), they are excluded from purchasing insurance from
government exchanges even at full price (Torres and Waldinger, 2015). In 2016, of the
27 million people who do not have insurance coverage in the US, about 5.4 million are
undocumented migrants (Garfield et al, 2018). Community-level health centres and
clinics can often accept individuals without insurance and typically adjust their rates
based on income (see Wasem, 2014), but the fear of out-of-pocket costs can prevent
undocumented migrants from seeking help until the last minute (Wallace et al, 2013).
Access to care may also vary by geographical area, and some clinics can refuse care to
undocumented patients during economic downturns (Fernández and Rodriguez,
2017). Furthermore, many undocumented migrants may withdraw from formal
health care programmes despite its availability or their eligibility because of moral
fears of their ineligibility or internalised feelings of undeservingness (Viladrich, 2012)
or being discovered during institutional encounters (Pourat et al, 2014).

As is the case for many immigrants, Juan’s family relied on an underground
health care system that often operates below “the radar screen of law enforcement,
advertising mostly by word of mouth or through subtle marketing in the language of
their intended customers” (Steinhauer, 2000). Philip lamented about how a company
who has employed his father for twenty years would not have the compassion to help
in his expenses and recovery—a company, according to Philip, his father helped build
and establish as an undocumented worker. Because of his lack of papers and thus legal
entitlement to any non-wage benefits, Juan was made invisible, denied the respect he deserves as a partner and morally accountable peer. The family’s experience of disrespect, following Honneth’s metaphor of being ignored after eye contact has been made, involved a conscious devaluation of Juan as an equal partner.

During a separate interview, Philip’s brother, Mario (23y), spoke about the same event but the story takes on an explicit moral character as he shares about the “demand that people are put under”:

It didn’t matter to the system, didn’t matter to the doctor, or to anyone that was involved in that process. [My father] worked hard for the last twenty years, nights, days, weekends, the time that he didn’t get to spend with his family, the shit that we endured, what mattered was their bottom line.

And perhaps the “bottom line” of profit maximisation is at the heart of the low wages, demands of strenuous labour and hours, and unsafe working conditions that threaten to victimise not just undocumented workers but also the families that may depend on them. Indeed, Mario’s appeal to normative conceptions of mutual reciprocity—expectations of what employers and institutions may claim and of what it must, in turn, provide in times of necessity (Edelman, 2005; Svallfors, 2006) exposes this exploitation.

7.2.5. The moral injury in employment sponsorships

The US admits five general temporary worker visa categories (in order of preference: priority workers; professionals with advanced degrees or aliens of exceptional ability; skilled workers, professionals, and unskilled workers; certain special immigrants; investors) which cover multiple occupations in the fields of the arts, sciences, information technology, sports, medicine and healthcare, agriculture, and many others. Each visa category is subject to annual caps, provides for different conditions of employment, requirements, and periods of authorised stay (USCIS, 2016).

In 2016, employment-based visas accounted for about 2 percent (3,896,674) of the country’s total new non-immigrant admissions of about 178.7 million; and only
about 21 percent (251,533) of the total recipients (1,183,505) of LPR status did so through an employment-based category (OIS, 2017). To fill in seasonal and temporary needs in the agriculture and other non-agricultural sectors (e.g., restaurants, domestic services), the US also runs a guest worker programme that allows employers to hire agricultural (H2A) and other non-agricultural (H2B) workers for a predetermined length of time. The jobs are typically suitable for workers with no more than a high school education and have limited work experience (see Maxwell, 2006). H2A workers are not subject to annual caps while H2B workers are limited to 66,000 admissions per fiscal year. Certain legal protections give H2 workers a prevailing wage and other non-wage benefits, which on paper, make their income comparable to other immigrants’ monthly earnings (Apgar, 2015).

Work permit sponsorships through one of these categories are one way to obtain or preserve legal status. Employers and companies who are both willing and eligible to sponsor workers are not easy to come across however, and so competition for jobs that provide immigration sponsorships is understandably high. Furthermore, annual caps often get filled within months sometimes within weeks of the application periods, and so both the timing and the availability of funds and resources must coincide with these application windows. Generally, larger and more legally adept companies will have more streamlined sponsorship programmes compared to other business establishments and would be able to provide better stability in the application process. However, this is often no substitute for the workers themselves to scout, consult, and even hire their own attorneys to help in the process. It is not unusual to hear of unscrupulous immigration “consultants” who prey on the workers with promises of legalisation, expedited legal processing, or other legal immigration services (Cisneros, 2000). For instance, three of my interviewees were victims of such scammers, paying thousands of dollars (one interviewee paid a total of $17,000 in monthly instalments over a period of about a year) to bogus “lawyers”.

Even though one needs the right credentials to qualify for one of the work visa categories, preparing the necessary documents often take time. Those who planned on applying for a work visa in the US before they left their countries of origin, would have prepared most of the necessary documents and would be ready to apply once they find a suitable and willing sponsor. For others, this may involve numerous
transborder transactions between the worker and various institutions or family members back home. An essential requirement for applying for work sponsorships is the maintenance of lawful status at the time of the application. Unauthorised entrants or those with lapsed permits are not able to regularise through work sponsorships. Thus, it becomes imperative for individuals—who often enter the country through a temporary visitor category, as tourists, for instance—to secure a work sponsorship before their legal immigration status ends.

Because work sponsorships are often the only legal recourse for some workers to maintain their legal status, unscrupulous employers can take advantage of workers either by promising sponsorships or threatening to cancel an existing status petition as a retaliatory tactic. Temporary work permits are non-portable to other employments and so sponsored workers will often have to endure unfavourable or exploitative working conditions to maintain their status. Sponsored workers may be reluctant to air grievances or voice workplace-situated resistance in fear of retaliation, one of the worsts of which may lead to employment termination which then puts their legal permission to work and remain in the country at serious risk. Indeed, as the USCIS warns, when the foreign worker’s employment ends, “the individual is no longer in a lawful non-immigrant status and may be subject to removal proceedings” (USCIS, 2010). Thus, those given a notice of termination may try their luck to search for a qualified employer for a new sponsorship. It is not uncommon for some unsuccessful workers to return to their home countries and begin the search process from outside the US, although some workers may decide to (over)stay even after the search for sponsorship is unsuccessful.

Several interviewees spoke of pursuing work sponsorships before the expiration of their tourist status. A friend introduced Paul (45y, Filipino) to an owner of a care home facility who was willing to employ him and sponsor his work permit. Because Paul did not have prior work experience and a work permit, the employer would only pay him a daily rate of $50 as a 24-hour live-in caregiver. Paul happily accepted the offer, reasoning to himself that although the pay offer was low, his employer at least “knew what to do about [his] work petition”. He surmised that he could look for better-paying jobs once his legal status was in order. After about a year of working as a caregiver, Paul realised that his employer would renege on their
arrangement. He also later found out from a lawyer he consulted that his legal status had long expired and that this meant it would now be virtually impossible to get a work sponsorship anywhere. Paul mused that he endured his measly wages because he believed it was the price that he had to pay for getting his papers in order. Paul also felt particularly angry and disrespected that his employer sought to exploit his vulnerability in order to extract cheap labour. Although he acknowledged his share of the blame for not knowing the regulations concerning work petitions, Paul also felt betrayed by his employer’s failure to keep her promise which has now deprived him of his chance of getting legal status.

Another interviewee, Melchora (71y, Filipino) who was employed as a housekeeper by the same family for more than a decade was in a similar situation. Her employers promised Melchora at the start of her employment with a work permit sponsorship. She was later told that her papers were “with the lawyers” and that she shouldn’t worry about her work status any longer. Believing her employers, she worked “diligently and faithfully” for the family. She would occasionally ask about her papers over the years, but she was always told not to worry about them. Many years later, contemplating her retirement, Melchora asked again. It was then that she found out that her papers were never filed:

My previous employer cheated me and lied to me about processing my papers […] So I confronted them: “how could you do this to me?! I devoted my life to your family. This is my life that you disregarded. What am I going to do now?!” […] I was really upset. But instead of apologising, they even got angry. We had a big argument over the whole thing. They ended up firing me.

In hindsight, both Paul and Melchora believe their employers never intended to sponsor them in the first place and only wanted to use the promise of a work permit to take advantage of their loyalty and labour. For Paul, this meant hard work that would often require him to stay in the facility “24/7”, sometimes for weeks at a time, without off-days. Paul’s vulnerability and desperation for achieving legal status were taken advantaged by an exploitative employer. In Melchora’s case, she confessed she trusted her employers because, in her words, “they were nice to me, actually. I
wouldn’t have stayed with them for many years if they weren’t. But I think in return for having ‘nice’ employers, I have become undocumented here in America”.

7.3. The tax morale and the moral economy of tax compliance

A persistent theme in the popular discourse regarding undocumented migrants paint them as a drain in the economy who push welfare strains to its limits at the expense of citizens and legal residents (cf. Becerra et al, 2012). Although many of these ideas spring from odd mixtures of nativism, racism, and norms of fairness, it may also result from a misunderstanding or lack of information regarding the migrants’ (non)payment of taxes. However, despite these widespread beliefs, there is evidence to the contrary—undocumented workers actually contribute more in taxes than they cost in social services (Lipman, 2006).

Undocumented migrants are effectively blocked from a host of government means-tested benefits programmes such as Supplemental Nutrition Assistance Program (previously food stamps), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), and federal housing programmes; from work-related benefits such as Unemployment Insurance (UI), Earned Income Tax Credit (EITC) and Social Security; as well as healthcare cost coverages such as Medicare and Medicaid; and only have access to emergency medical care (e.g., Medicaid for emergency medical care or Federal Emergency Management Agency [FEMA] during disasters), and elementary and secondary public education (Wasem, 2012; Lipman, 2006). Many also will not make use of the few other vital services available for fear of being discovered (Lipman, 2006). However, despite these barriers, state and local taxes are extracted from undocumented migrants in their purchases of goods and services and property taxes (i.e., as homeowners or as renters), and many pay state and federal income taxes as well (see Gardner, Johnson and Wiehe, 2015). Sometimes, they contribute to the employee share of retirement benefits (such as Social Security and Medicare) but are ineligible for the programmes they pay into (Williams and Cassidy, 2016).
For the 2009-2010 fiscal period, the Office of the Chief Actuary reports that of the estimated 8.3 million undocumented workers in the country, about 3.1 million individuals paid their taxes, contributing to about $12 billion in tax revenue. About 42 percent (1.3 million) of these workers had valid social security numbers (SSN) but did not have current authorisations to work, while the rest of the 1.8 million had names that did not match the SSNs in the official records (Goss et al, 2013). In the same year, about 3 million people are estimated to have paid approximately $870 million in income taxes using an ITIN issued by the Internal Revenue Service (IRS) (Campbell, 2016). Individuals can secure an ITIN without having to provide proof of lawful immigration status and use it in lieu of a social security number to file federal and state tax returns. According to the IRS, ITIN filers (which include many undocumented migrants) pay $9 billion in payroll taxes annually (Campbell, 2016). Recent estimates by The Institute on Taxation & Economic Policy in 2016, similarly affirm the positive tax contributions of undocumented workers, who in their appraisal, collectively pay $11.64 billion a year ($6.9 billion in sales and excise taxes, $3.6 billion in property taxes, and about $1.1 billion in personal income taxes). The undocumented workers, per the same report, on average, pay about 8 percent of their incomes in state and local taxes (Gee, Gardner and Wiehe, 2016). These contributions are mostly hidden from public view and consciousness, while the workers continue to serve as a source of surplus value who have no access to their contributions because of their lack of legal status (Horton, 2015; also, Lipman, 2006).

Ten undocumented workers among the study respondents, pay taxes on their income: three are employed in the formal sector; seven individuals pay income taxes, filing as self-employed workers. Respondents working in the formal sectors pay their federal and state taxes as “legal” employees: two pay using borrowed identities and one individual pays his income tax through his self-registered small business. For these individuals, the extent of their compliance is shaped by the system of taxation in their places of employment, such as automatic payroll deductions and other internal arrangements. For instance, one office worker was told by his manager that they did not want to pay his wages “off the books”. He then borrowed a family member’s name and social security number for wages and tax purposes—a common strategy employed by undocumented migrants who see work documents as “family assets”
which can be shared, borrowed, lent to kin for this purpose (Horton, 2015). The remaining seven self-employed workers voluntarily pay their federal and state tax returns using their ITINs. The motivations for voluntary tax compliance of this group of workers, who otherwise have opportunities for non-payment, is the focus of the discussion that follows.

7.3.1. Tax morale

Tax morale, or simply the intrinsic motivation to pay taxes (Torgler and Schneider, 2009), can be prompted by several factors. Within the broader literature, Torgler and Schaffner (2007) note that tax morale can be influenced by attitudes towards tax systems and authority, tax awareness, perceptions of compliance, trust in officials and others, and the willingness to obey the law. Additionally, perceived social norms, particularly for those who identify strongly with their respective groups, influence tax compliance and taxpaying behaviour (Wenzel, 2005). However, literature on the tax morale of individuals rarely if at all factor the role of immigration status, and hence the empirical research on the personal motivations of undocumented migrants with tax compliance has been scant although regularisation is often noted to account for the tax morale of undocumented migrants (see, for instance, Wallace et al, 2013).

Tax compliance is a required component in most adjustment of status applications, and for many undocumented migrants, a bona fide tax history is often seen as a first step towards “documenting” their aspirations for regularisation. Tax morale can also coincide with the workers’ migratory decisions over their tenure as workers in the US. Understandably, for those wishing to remain in the country over an indefinite period, there is a higher incentive to pay taxes if it is believed to support regularisation. For example, one interviewee shared that he started the practice of paying taxes with this hope in mind: “the government promised that they are working on getting us legalised. I know [being undocumented is] wrong, but they promised us, so we’re just waiting, and that’s why I’m paying taxes too”. Correspondingly, all seven of the self-employed workers provided this factor as an important motivation in fulfilling their tax duties.
Moral sensibilities can also factor in undocumented migrants’ commitments concerning the payment of taxes as suggested in the interviews. McKerchar and colleagues (2013) note that “moral rules and norms that delineate what is acceptable behavior… with a measure of religiosity” can readily influence how individuals make their decisions regarding tax compliance, avoidance, or evasion. Within this vein, some workers shared how they hope their tax compliance will be recognised as evidence of doing the prototypical good or represent the actions of “good” people. Indeed, several spoke about themselves as being “law-abiding” and that through the paying of taxes, in their own ways, they are showing their desire to make things “right”. As one taxpayer puts it: “immigration laws are the only ones I broke, I try my best to follow all the other laws”. To distance themselves from or even justify their breaking of immigration laws, several interviewees engage in a form of moral boundary-making by explaining their current legal status as largely due to circumstances beyond their control, and consistent with this reckoning, they maintain that they are “moral” people, nonetheless. Some describe their jobs as “difficult” and “challenging” because of their status and go on to explain that their employments are essential to support themselves and their families. Referring to themselves as toiling in jobs with “honour” and “dignity”, some interviewees also spoke of how acceptance of their tax obligations support these self-ascriptions.

Moral convictions based on notions of the fairness and equity of existing tax systems and institutions are also often cited as strong compliance indicators within the broader literature (Osberg, 1993; Pryce, Johnson & Maguire, 2016; Hofmann, Hoelzl and Kirchler, 2008). Amalia (55y, Filipino) who works as a house cleaner in New York, spoke of a strong compulsion to pay her taxes, not just in relation to prospects of legalisation, but because she believes “it is just fair to pay your taxes after benefitting from this country”. When asked about how she felt about the legal barriers that constrain her income and lack of access to welfare benefits, she intimated that the situation was “understandable but unfair”. This seeming cognitive dissonance suggests that Amalia’s tax behaviour may also be due to a sense of moral obligation based on her adherence to certain social norms of reciprocity (Fehr and Schmidt, 2006) or even one of personal honesty (Porcano, 1988). Amalia went on to clarify, that for her, it was just right that she pays her taxes to “pay the government back” as other
immigrants and workers are doing, although she believed that it was unfair that undocumented workers such as herself are not given full access to the “fruits of what they have contributed” in return. This expectation of reciprocity and fairness is also what partially motivates Jack (59y, Filipino) who makes voluntary social security contributions in anticipation of getting a modest pension when he retires. It may break his heart once he realises that as the law currently stands, he will not get a single penny from his contributions.

Another normative prompt that can orient people’s attitudes towards compliance is religious belief (Torgler, 2006; Grasmick, Bursik and Cochran, 1991; Stack and Kposowa, 2006). Several interviewees who strongly identify with their Christian faith shared their common experiences of feeling a sense of inner conflict between working “illegally” and living “rightly” in accordance with the teachings of the Bible. One case illustrates this point. Jessica (42y, Filipino) is an active churchgoer and confides with a church minister for most of her personal and legal concerns. During the interview, Jessica shared the advice she received during a conversation with her pastor that motivated her to start paying her taxes:

I’m a Christian, so I think it is wrong to work without papers, but I must work to survive. I asked my pastor for advice, and he said if I want to make it right, one thing I can do is pay my taxes and wait for an (immigration) amnesty. So, that’s what I’m doing.

Jessica was conflicted about her perception of the moral undesirability of her status and desperate financial need as a single mother to two young children. But instead of giving moralising counsel to self-deport (a piece of advice another interviewee heard a pastor give a parishioner at a different occasion), Jessica’s pastor admonished her on the civic obligation of tax compliance to “make it right”. According to Jessica, her pastor further spoke about paying taxes both as a biblical duty, that is, as a way of “rendering unto Caesar the things that are Caesar’s” (Matthew 22.21; Mark 12.17) and as a form of civic duty to the “laws of the land”. Christopher (44y, Filipino) phrased his situation as “wrong but that it can’t be helped” given his responsibilities to provide for his family. However, among other obligations associated with his “Christian duty”, he sees tax compliance as one of the ways to assuage his moral guilt of “breaking” immigration law. Moreover, particularly as tax
payment, in his case, is voluntary, he sees it as a clear “testimony” to his respect towards the “rest of the laws” that he does not wish to break if it can be avoided.

Norm conformity, whereby individuals follow frequently observed forms of behaviour, can also be noted to affect tax compliance (Wenzel, 2005). Using Bowles and Gintis (1998) line of argument in another context, traits (and activities) employed to measured success by others and who may, thereby, become models of success, may result in individuals seeking to acquire or replicate these behaviours. This type of modelling was the case for some interviewees who patterned their labour activities, including their attitudes toward paying taxes, after fellow undocumented migrants whom they consider to be “successful”, and thus, worthy of emulation. In such cases, norms of tax payment, are not necessarily engendered by specific knowledge of tax and immigration laws or measured in terms of the risks and costs associated with non-payment. Instead, tax attitudes are differentially replicated in light of normative understandings of what thriving undocumented migrants who function as “cultural models” (Bowles and Gintis, 1998) are doing. Jack (59y, Filipino), for instance, pays his taxes on his income voluntarily although he could not explain how he believes the practice would benefit him in the long term. He admits that he was simply following what he heard from trusted friends as a “good thing” for undocumented workers to do. As is true in other contexts, the lack of information can be supplemented by social norms that may offer the individual a range of choices that can be legitimated by her or his social peers (Seabrooke, 2010).

It is necessary to point out that some interviewees have taken a more pragmatic “wait and see” attitude and forgo their tax compliance until it is “necessary” and “inevitable”. A few interviewees spoke about their intention to pay their taxes despite its practical difficulties given their often low-wage and subsistence-level incomes, cost of living, and other financial responsibilities. More than a few of the interviewees in similar economic predicaments were unaware that it was possible to pay their income taxes. For both these groups however, Lipman’s (2006) observation applies rightly, that “at income levels at or below poverty, individuals should not pay any taxes because they do not have the ability to pay. At poverty income levels, all cash flow is required for the necessities of life” (p. 49). Indeed, several low-income interviewees point out that they would consider paying their taxes if their economic
circumstances improve. Within the broader literature, research indicates that workers who experience an improvement in their economic situations are likely to accept existing tax systems as fair and would be willing to comply more (McKerchar, Bloomquist and Pope, 2013).

7.4. Conclusion

To borrow Standing's (2014) pithy description of the labour of the precariat class, the work of undocumented migrants is all too often, “instrumental (to live), opportunistic (taking what comes) and precarious (insecure)” (p. 23). These conditions result from the legal standing of undocumented migrants and the unequal power relationship between the employer and the employee. As shown in this chapter, the employment of undocumented workers is an “employer’s privilege” and “the advantages of illegal migration tend mostly to be on the side of the employer” (Tapinos, 1999). However, undocumented labour should also be understood within the moral economy of undocumented life which places focus on evaluations and action governed by certain normative understandings. Herein, the workers evaluate, state, and justify their formal and informal practices, loop holing, dissent, subversion, and so on, through moralising discourses framed in various normative (and contested) ideas such as trust, fairness, reciprocity, or group solidarity.

Exclusionary experiences are also revelatory in this regard, as the lack of parity in the economic domain is not just materially problematic as traditional metrics often emphasise. The discussion around low wages, lack of non-wage benefits, unsafe working conditions, and work sponsorships, highlighted these detrimental conditions and experiences as also deeply felt and undermine people's self and relational capacities for achieving well-being, and are thus, importantly, morally injurious. This assessment begs consideration of the moral legitimacy of employment arrangements that contribute to these experiences and situations. It is also important to point out however, that some interviewees, despite these challenges, have been able to secure a measure of stability and well-being in their employment situations. As discussed, any of the interviewees negotiate their economic activities, with varying degrees of
effectivity, within the confines of the illegalisation of their employment and status. The labour trajectories and activities of the interview respondents, indeed many migrant workers, often swing within multiple ranges of possibilities depending on prevailing circumstances and context (cf. Skrivánková, 2010; Anderson, 2010).

The discussion of the tax payment and tax morale of undocumented workers, which has often been primarily connected to motives of regularisation and situational employment arrangements in the literature, also highlights one of the enduring ways in which many undocumented workers, following their own moral and normative commitments, engage in practices of civic membership and belonging. One of the arguments of this thesis presents the undocumented migrant as not constantly driven by economic concerns or even motives of self-interest. Through this discussion, the data confirms that some undocumented migrants, and perhaps many of those who pay their taxes, engage in their civic duties not just for fear of being penalised or in preparation for legalisation, but because they believe it is the right thing to do.
Chapter 8: Conclusion

This thesis examined the structural and personal dimensions of the exclusionary experiences endured by undocumented migrants and how these are evaluated by and also influence their moral sentiments, behaviours, and practices. In this final chapter I underline the conclusions that I draw from the preceding discussions, revisiting the moral significance and ethical implications of those aspects that the interviewees identify as affecting their lives.

The analysis in this study was undergirded with an understanding of the exclusion of undocumented migrants as dynamic and multi-dimensional, encompassing several domains of life. Exclusion is also situational however, as the exigencies of particular contexts also impact peoples’ vulnerabilities to disadvantage. This take on social exclusion is based on two connected strands of thought that were demonstrated in this thesis. The first views the illegalised status of undocumented migrants as a principal cause of their exclusion in both formal and informal aspects of civic and social life. Exclusion in this sense is seen as independent of their other social characteristics. The second point recognises the need for context-based analysis to look at various situations in which undocumented migrants may become further vulnerable to exclusion. As noted in the introductory chapter, undocumented migrants are not a moral underclass but nor are they passive victims devoid of agency whose everyday lives are overdetermined by structural conditions (cf. Levitas, 2007; Sigona, 2012). Instead, the findings show the presence of shared normative repertoires and moral characteristics that underscore the respondents’ capacities to anticipate, ignore, manage, absorb, resist, and recover from (cf. Perchinig, 2017) the impacts of exclusion in their everyday lives.

8.1. Exclusion and marginalisation

The structures and institutions that broadly determine the conditions for participation in or exclusion from the goods that people have reason to value not only
stratify society according to age, gender, race, or ethnicity but immigration status as well. As shown in this thesis, multi-dimensional exclusion is inseparable from issues of immigration status in that the migrants’ acute legal position compounds, if not originates, many of the barriers of access linked to their other characteristics.

Chapters 4 through 7 outlined how immigration status functions as a primary and formal cause of the migrants’ experience of social disadvantage. Chapter 4 discussed the limitations and barriers of access to government-issued identification cards and driver licences. The lack of a valid identification or licence card pushes individuals along a trajectory of constrained access to community resources, all but ensuring their practical need to circumvent these limitations in their daily lives, which can carry personal moral and ethical implications. Yet as argued in the chapter, IDs also become problematic even when available as the identification pledged by these documents create possibilities of stigmatisation and (racial) discrimination not to mention discovery and arrest in certain situations. Chapter 5 highlighted how the marriage pathway, representing one of the limited numbers of ways for achieving regularisation for certain individuals, unavoidably links kinship relations to legalisation. It incorporates the legitimisation of specific types of relationships, potentially interfering in the private and intimate bonds, and thus impacting the formation, maintenance, and dissolution of these personal relationships. Chapters 6 and 7 centred on exclusions in the economic sphere as mediated by labour and employment issues involving various actors and institutions. While strong network support and general resilience can allay some of the exclusions in the labour sector, the migrants’ economic precarity is exacerbated by their legal disenfranchisement, making them inherently exploitable by unscrupulous employers, co-workers, and other agents.

As argued in the preceding chapters, other forms of marginalisation also involve aspects that undermine the interpersonal conditions necessary for social participation. What constitutes the “social” in this reckoning refers to the recognitive expectations of individuals and groups that facilitate the achievement of standards of good and well-being (cf. Herrmann, 2011). In practical terms these cover acute disenfranchisement over a range of activities that touch upon people’s social memberships and activities, political and civic engagements, perceptions of belonging
and community inclusion, and interpersonal relationships with other social actors. From the perspective of recognition theory (Honneth, 1992), mutual recognition (between various social actors and institutions) creates the conditions that make self-realisation possible through the development of healthy self-confidence, self-respect, and self-esteem. Social pathologies in the form of institutional prejudice, discrimination, instrumentalisation, or objectivisation, directed against undocumented migrants (who may also be conveniently targeted due to race/ethnicity, gender, age, and other attributes), not only will delay, hinder, or prevent their social inclusion and participation, but also cause moral injury, which as this thesis has demonstrated, are not just primarily socio-economic deprivations (Deranty and Renault, 2007).

On the structural level, immigration regimes’ “institutionalised recognition interpretations” (Zurn, 2015) disrupt the recognitive relationships between the state and its residents, subordinating the latter and increasing their vulnerability to exclusion. This is evident in the values embedded in the immigration laws, policies, and the use of bureaucratic discretion and enforcement from the federal down to the local community level. Certain societal practices and hierarchies of values label the attributes associated with undocumented migrants (whether by race, ethnicity, class, gender or status) as excludable, inferior, or deficient, and in so doing lead to their experiences of alienation across multiple domains. On the personal level, these injuries impede a healthy sense-of-self, which as this thesis has shown empirically, is a precondition for achieving the participatory goals that matter in the interviewees’ lives. As the interviews show, these harms to people’s identities in some ways can be derived from negative sociality, or the absence of solidarity with others. This is problematic as it is self-respect (derived from the respect given by others) that enables individuals to make positive assertions and claims of personal import and value as full members of society. Thus, people’s capacity for self-respect, which they gain from recognitive relationships, is hindered when their civic presence is preconditioned on discriminatory profiles based on immigration status, race, gender, or other attributes.

A consequence of exclusion as the interviews reveal includes the undermining of undocumented migrants’ self-formation and along with it their self-capacities for achieving the good life. It is likewise in this sense I employ the term “deep exclusion”
(cf. Coutin, 2000) to describe the marginalisation of undocumented migrants, as their acute legal position constitutes to material and non-material disadvantage, which can threaten if not weaken whatever potential positive gains they can secure for themselves and their families. In these instances, victims may suffer in their personal integrity: “in the combination with the feeling of not enjoying the status of a full-fledged partner to interaction, equally endowed with moral rights” (Honneth, 1995, p. 133).

8.2. Ambiguities and inconsistencies

Experiences of exclusion however, are not total or absolute. Within federal or local law, polity, or practice, inclusive mechanisms (Chauvin and Garcés-Mascareñas, 2012; Chimienti, 2011; Varsanyi, 2006) and spaces for asserting legal claims and rights (Motomura, 2010) provide undocumented migrants with the conditions to achieve aspects of integration, social inclusion, and participation (Bosniak, 2006, 1988). These modes of “bureaucratic incorporation” (Chauvin and Garcés-Mascareñas, 2012) on the national, local, and institutional levels provide a continuum of social, economic, and legal benefits and also even prospects of political and social membership. As a result, individuals living at the “boundary of the national membership community” (Bosniak, 1988) may experience a sense of belonging and community inclusion and engagement in the assertion of their state-delimited rights in various intersecting spheres of social life.

However, these inclusions can remain ambiguous in certain ways (cf. De Genova, 2017; Mezzadra and Neilson, 2006; Cvajner and Sciortino, 2010; Chauvin and Garcés-Mascareñas, 2012). For one, the incorporation of undocumented migrants is not easily decoupled from the realities of their exclusion. For instance, specific inclusionary programmes catering to undocumented migrants carry connotations of informal membership, which may result in stigma or discrimination similarly accorded against those who are not recognised as full-fledged members of the group (either on the national or local levels). Thus, depending on jurisdictional or social context, the undocumented individual can be incorporated in certain spheres and
excluded in others (Kim, 2013). Furthermore, the distinction between social inclusion and exclusion is often blurred in praxis as each experience and encounter with various institutions and other social actors can represent concomitant levels of inclusion and exclusion (Chauvin and Garcés-Mascareñas, 2012). Undocumented migrants may find these ambiguities challenging to parse, with each situation requiring accommodative and adaptive practices and strategies (Cook, 2013). Everyday undocumented life can involve weaving in and out of legality and illegality in different aspects of encounter with the law (which sometimes work for them and in most instances against them).

I have also shown how certain inconsistencies in immigration laws, policies, and enforcement practices may allow for various forms of claim-making and pursuit of the goods that people have reason to value. These spaces however can often be indeterminate as the social and moral cleavages change within the passage of time and socio-political conditions. This temporal understanding of the law assumes its evolution regarding its “sources, principles, politics, or society” (Nobles and Schiff, 2007, p. 505) as well as the variety of characteristics and the values held by actors and agents tasked to enforce it. In the US, prospects for immigration reform, amnesty, legalisation with or without a path to citizenship, or deferred status (DACA/DAPA), wax or wane often in conjunction with the political climate and the whims of public pressure, and as my interview data indicates, along with it the realistic or imagined aspirations of undocumented migrants for regularisation. Furthermore, aspects of incorporation brought about by inclusionary mechanisms such as of identification systems (Chapter 4) or even the principle of family reunification (Chapter 5) which guide the policies for family-based petitions and adjustments of status, or work permit sponsorships (Chapter 6 and 7), can change or evolve and even enforced by state agents following prosecutorial discretion that can be “unpredictable, inconsistent, and sometimes discriminatory” (Motomura, 2014, p. 52).

As indicated in the interviews, systems that provide relief or escape from exclusion are not always consistent or homogenously accessible (see also Yang, 2010; Sigona, 2012). For one, the form and practical consequences of status illegality were different pre-9/11, as they were during the passages of the IIRIRA in 1996, IRCA in 1986, the Hart-Cellar Act of 1965, and so on. It is difficult to predict the form it will
take in the coming years if the Trump policies can be any indication. Not only do these changes earmark the potential narrowing or closing of existing pathways for regularisation, such landmark legislative modifications and the passage of minor adjustments, often require specific legal expertise or know-how to monitor, decipher, and interpret. Those without the human capital, social connections, or access to essential resources can compound their legal vulnerability, leading to the loss of legal status or prospects for regularisation. The interviews show the importance undocumented migrants attribute to their reference networks (e.g., community workers, lawyers, notaries, employers) for this reason; but as my data and the literature likewise report (e.g., Cisneros, 2000), the latter can prey on their vulnerabilities as well.

Some participatory behaviours and activities in the civic sphere can also function to support the regularisation of those who fit the legal criteria such as having good moral character, the securing of documents to establish local residency, and even the payment of taxes. Although having documentation of one’s residence and tax compliance assume that illicit activity (e.g., unlawful presence, unauthorised labour) has taken place, it is these very "credentials" that can support their regularisation. This ambiguity in some ways legitimises the activity (Coutin, 2000) for the migrants themselves who may find the pursuit of these legal demands to be inclusionary. Ironically, the process is embedded within the same mechanisms that undermine their well-being.

8.3. Social identities

Social identities can also lead to disadvantages. This idea applies to the sample of undocumented migrants in this study who experience overlapping systems of marginalisation, particularly social discrimination and prejudice in their encounters with various state agents, actors, and institutions by being, for instance, women, Mexicans, or Filipinos. As legal status can be racialised or gendered, this can also compound the migrants’ identity-based vulnerabilities. Undocumented migrants associated with these social characteristics will encounter difficulties in overcoming
their disadvantages and disempowerments within deeply-embedded systems of social differentiation and stratification. Thus, association with any or all of these immutable attributes can contribute to the perpetuation of their material exclusion and low socio-economic status (Yan, 2010). Other identity-based characteristics such as those that coordinate with age may only be transitory. As such, exclusion can be sequential or predictable following the stages and categories of the life course, and thus, they can be anticipated and prepared for, but are problematic nonetheless.

Those able to adjust their status or regularise, through marriage (Chapter 5) or employment sponsorships (Chapter 7) for example, may also achieve legal inclusion and socio-economic mobility which can help them overcome some of these barriers. They may, however, also continue to contend with the exclusions that segment society along with their other more enduring or permanent attributes. Many of the excluded (or excludable) can preserve their forms of self-identification as Estivill (2003) notes, but manifestations of exclusion can be characterised by strong oppression, discrimination, and stigmatisation it becomes challenging for people to escape their social and economic vulnerabilities.

8.3.1. (Un)documented residents

Undocumented migrants are and can identify as residents of their communities, being grounded in the cities of their residence (Varsanyi, 2006). The possession of valid forms of identification documents is crucial to the material integration of noncitizens (Chauvin and García-Mascareñas, 2014; Cook, 2013). Access to acceptable forms of identification depends on one’s geographical location, as for instance, the majority of undocumented migrants live in jurisdictions that exclude them from access to a licence or state identification card. Similarly, the rate of acceptance of Consular IDs varies across locations and institutions, and only several municipalities and cities in the US have municipal ID programmes. It is plausible as the interviews appear to indicate, that the extent individuals experience the moral impacts of access to identification coincide with location-specific limitations. New York residents, according to my interviewees, can often do without driver’s licences because of available public transportation, compared to residents of Bakersfield in
California, which is more suburbanised and do not have adequate public systems of transportation. New Yorkers may also fare better in experiencing a sense of belonging to the local community as engendered by their access to municipal ID cards that do not discriminate them from other formal residents of the city.

As further shown in the interviews, exclusion from the licencing and ID system is a moral concern for undocumented migrants. I argued that the struggle for access and recognition in these spaces evoke a form of moral insecurity which manifests in feelings of non-belonging or hopelessness. This happens because the ID functions as a moral signifier to one’s claims to membership and belonging. As the routine ID transaction arouses a consciousness of one’s illegality, the absence of a card may also evoke feelings of rejection and inability to make claims of membership with one's community.

The ID also functions as a tool for enforcing immigration control. Thus, it can be used for spatial segregation within cities to restrain movement and shape social practices. For example, the demand for an ID can invariably follow routine checks of people who fit a profile at certain areas in the city. On the state level, second-tier driver’s licences can prove problematic if demanded by immigration enforcers or if used in another state which is less hospitable to undocumented migrants. Barriers of access to driver’s licences also present challenges as driving a private vehicle or carrying the right form of ID document is critical to personal autonomy, freedom of movement, and social participation. Thus, it is tied to the quality of (residential, city) life.

However, not all identification systems are created equal. As I argued in this thesis, moral harm can be wrought through documentation. Those that voluntarily surrender their personal information typically do so out of trust that their data will only be used for the purposes in which it was required. Authorities, by way of actual or the threat of misuse of the information, can undermine this conviction. ID programmes can assuage lingering fears of information abuse in so far as local bureaucracies and institutions can offer reasonable and realistic guarantees to protect their residents’ information. As the data suggests, it is plausible that to the extent that
the local agencies can provide this assurance, the higher the likelihood of broader participation and trust.

As the interview data further indicates, the ID card can reproduce the same structures it aims to subvert (cf. Germann Molz, 2013). This happens when the identification documents serve to limit the undocumented migrants’ autonomy and prevent them from receiving their due esteem as recognised residents and members of the state. Thus, as was made clear in the interviews, some interviewees’ refusal to apply for the driver licences even when it is available to them directly relates to their fears of being discovered, but also in that it leads to experiences of stigma and discrimination, and thus, it is seen as moral injurious to their self-confidence and self-esteem.

Acts of citizenship can also be defined in terms of the normative claims and enactments of membership and residence on the local level (Varsanyi, 2006, p. 233). Thus, within this localised view of membership (Varsanyi, 2006; Isin, 1999), the purpose behind certain acts of deception—for instance, in the use of constructed or borrowed documents, participation in shadow work, or getting married to secure immigration benefits, among others, which are seen as fraudulent within the discursive frame of reference of immigration and criminal law—may be sympathetically and analytically located not just in terms of sites for broader normative claims-making, but also within the contexts and circumstances of people’s local struggles with how their experiences with legal marginalisation and broader demands for equal status and parity before the law are lived out on the local level.

8.3.2. (Un)documented intimacies

This thesis argues that immigration policy and law also encroach upon the relationship outlooks of certain undocumented migrants, particularly with regards to marital choice, relationship maintenance, or relational dissolution. The so-called “marriage pathway” presents as a way for regularisation. However, it does so by sustaining social hierarchies and creating new modes of exclusion. For one, it prioritises marriages involving citizens over other status categories (i.e., LPR) as well as favour higher income migrants over those in the lower economic threshold.
Second, it potentially locks people (women, in general) into patterns of marital abuse and exploitation. It can trap partners—who fear the risk of losing their status or prospects for legalisation—in exploitative relationships compelling them to endure domestic abuse and violence. Third, it assumes a clear moral distinction between genuine and fake marriages through presumptions concerning people’s motives and specific norms of marriage. It accredits only those relationships that comply with certain forms it deems to be legitimate or are of the quality that can weather intrusive institutional scrutiny. Finally, it creates new inequalities between overstayers and unauthorised entrants, as well as between short- and long-timers in the country penalising the latter group and those who have stayed in the country longer with multiple-year bars. The fear of being unable to return may serve to provoke many undocumented migrants to remain in the shadows.

Relationship formation can also be linked to citizenship particularly in the selection of spousal partners. This observation applies first to those able to enter into relationships with those who have the “right” kind of immigration or citizenship status, second, get married, and finally, have the time and capital to apply for regularisation through a resource-consuming legal process. However, despite these restrictive and exclusionary conditions, love, compassion, or values of altruism can also emerge, which empowers some citizens to offer marriage to undocumented friends, associates, or network connections. Some may also decide that “faking” their way into legalisation to be the best option given their circumstances, experience, and understanding of personal or structural barriers. For these people, mitigating the exclusionary and socially debilitating impact of status irregularity appears to be sufficient incentive to pursue the illegalised and thus, risky, path.

The relationships of undocumented youths are also impacted by status concerns. It is within this stage through early adulthood that individuals begin planning for their future and appraise the values “they live by and the kind of world they want to be part of” and around which time, “moral and political issues become salient concerns” (Flanagan and Levine, 2010, p. 160). Thus, this period is replete with the various ways in which norms, morals, and values can inform and shape behaviour and action in the context of encounters with other individuals and social institutions. As they get older, individuals may enter romantic relationships and contend with the
legal and ethical implications of their status when deciding their commitments with significant others in both the short and long term. For some individuals, love can trump status in as much as status concerns can also dominate the lives of many. For others, prospecting for legalisation through marriage can pose as an unnecessary distraction to other more practical pursuits. Indeed, while status can cast a looming shadow over immigrants’ everyday lives, as argued in this thesis, undocumented migrants are moral agents who can act outside the constraints of their legal situation in relationship formation. For better or worse, as my data indicates, status considerations can lose its salience at particular morally significant moments in the migrants’ lifecourse.

8.3.3. (Un)documented workers

The unregulated and unreported nature of undocumented employment contributes to workers’ vulnerability to exploitation in the form of low wages, poor working conditions, and lack of non-wage benefits. Ironically, it is often the absence of regulations in these sectors that make them a primary target destination for many undocumented migrants who are blocked from other more regulated sectors.

The web of social relationships of undocumented migrants, which in many ways are confined by status, can also constrain their integration in the labour market. The eagerness to work and the lack, or the existence of negative social capital, insider and host-cultural knowledge, as well as the general absence of institutional and legal support mechanisms, make it relatively easy to exploit them for their expendable and flexible labour.

The phenomenon of mismatched employment is another form of indirect exclusion that affects many migrants, particularly undocumented workers who enter the country with educational and skill backgrounds earned in their country of origin that may over-qualify them for the lower-skilled sectors of the job market in the host country. The interview data indicate that self-perceived overqualified undocumented migrants may contend with feelings of job dissatisfaction, occupational stress, and possibly, even self-doubt. I also hypothesised the existence of a form of transnational stigma which may negatively influence the migratory decisions and migration careers
of overqualified workers who perform low-skilled or low-status jobs in the host countries.

The traditional stratification of the US labour market segments racial and ethnic minorities in the lower tiers. Segmentation can also be observed in women who are vulnerable to wage inequity in the formal sector. The wage and occupational outcomes are also impacted by workers’ national origin and citizenship status. There are limited options available for workers to protest their wage exploitation in most sectors where their voices and opportunities for wage and occupational mobility are circumscribed.

8.4. Removability

Finally, the legal condition of removability—generally exclusive to migrants and other non-citizens who are deportable to their countries of origin—is another important consideration for understanding the exclusion of undocumented migrants. This predicament underscores a fundamental mode of exclusion that can result in spatial exclusion from US life in the form of deportation. However, as shown in this thesis and established in the literature, the possibility of being discovered and subjected to a determination of removability, also leads to a form of exclusion that engenders legal and social insecurity for undocumented migrants. Uncertainty before institutional encounters resulting from their legal consciousness and pernicious legal position give rise to exclusions within and throughout various domains of everyday life. As a result, undocumented migrants may deliberately choose or unwittingly exclude themselves from the resources, relationships, and rights they are entitled to as residents of their communities or the state. Also, finally, since situations are often defined by environments and actors which can change and unfold "in the moment", subjective experiences within these contexts can vary. Thus, exclusions and other tangential experiences can occur even in those instances where inclusionary mechanisms are in place.
8.5. Evaluating experiences of exclusion

The objective dimensions of exclusion, which in some parts can be difficult to quantify (Estivill, 2003), may also be analysed from a personal point of view which can bring to light the varied meanings and practices that people employ when dealing with the concreteness of their suffering. As also argued in the introductory chapter, the analysis of exclusion necessitates the consideration of people’s subjective judgments and perceptions.

In line with the findings of this thesis, immigration status has moral and ethical implications in everyday life in two broad senses. The first is how immigration status can be seen as directly linked to the experiences of social and economic deprivation of undocumented migrants. In this understanding, status is seen as an instrumental cause of specific forms of exclusion. Moral evaluations of the barriers or constraints in participation, for better or worse, are conducted in light of people’s moral and legal consciousness. As such, assessments may depend on how individuals position themselves in relation to the law, either as “law-breaking” or “law-abiding” undocumented migrants, or somewhere in between. They may also come to justify or rationalise their experiences, viewing them sometimes as “expected”, “fair” or even “deserved” in light of these understandings.

However, the precise determination of instrumentality, that is, whether the immigration status is the sole cause of the experience of exclusion or only a compounding factor, may not be part of the individual’s appraisal of the situation. For example, barriers to driving (in most states) can be seen as a direct result of federal and state laws which prohibit undocumented migrants from getting driver’s licences. The same is true for the legal obstacles migrants without papers encounter in the job market. However, other exclusions experienced in social life such as those that constrain community integration or the formation and maintenance of personal relationships (such as what is involved in partner selection that often hinge on other factors, such as emotional, social, or economic ones; see Chapter 5), can be less direct or central to issues of status but undocumented migrants may experience deprivations in these areas nonetheless. Although outside the scope of this thesis, I venture to
surmise that undocumented migrants do not generally engage in causal probing, or to the extent that they are aware of the primary source of their exclusion, in most cases, the concrete effects of exclusionary processes (e.g., poverty) and its concomitant suffering is palpable regardless of the perceived cause. Connected to this point, it is plausible as my findings indicate, that individuals morally accede to abstract forms of exclusion they think as reasonable in consideration of their legal position. However, individuals can see their actual sufferings as a moral offence when they can identify these negative experiences as violations or distortions of legitimate normative expectations that are embedded in ethical human interaction and practices. To the extent that people experience this, the findings show undocumented migrants find moral justification in decrying their suffering as well as engage in activities that they believe prevents or mitigates the moral injury.

The second point involves how specific behaviours and practices relating to one’s immigration status, comparable to other high-stakes and life-determinative matters, involve moral evaluations and how its consequences bear ethical significance as well. When the penalties of being discovered can result in being identified, reported, detained, or eventually deported, the range of behaviour or activities that increases one’s risk in these areas, acquire greater relevance for the individuals concerned. As the literature on migrant experiences of inequalities and exclusions point out (Sigona, 2012; Bloch, Sigona and Zetter, 2014; Bloch and Chimienti, 2013; Coutin, 2003, 2000; Menjívar, 2006; Cvajner and Sciortino, 2009; Abrego, 2011), it is often in these exclusionary contexts where status concerns dominate and take over many aspects of undocumented migrants’ lives. These can often involve the mundane and quotidian activities that citizens and other legal residents of the state may take for granted.

On the other hand, undocumented migrants can perform acts of moral purification where activities can be framed or re-moralised along moral principles, but often in light of what is perceived to be “at stake”. Individuals can frame their violations of the law, from driving without a licence to marrying for papers, to be of lesser moral significance than the moral values of self-preservation or taking care of one’s family. Those who are disrespected or humiliated will also likely behave and act to stop, get away, or prevent the moral injury from happening again. However, some
forms of moral justifications can also lead some individuals to tolerate exploitation, either as victims or victimisers or both.

This thesis also covered several key aspects of the social relationships that are vital to the well-being of undocumented migrants, which importantly, bear moral content that are shaped by cultural, personal and normative expectations. The interviews identified a number of ethical values and expectations of care, trust, fairness, loyalty, altruism, and norms of reciprocity that permeate the relationships of migrants. According to the respondents, these expectancies—variously informed by their culture of origin, socially determined dispositions, and local context—shape their migratory decision-making, settlement, and migration careers. Undocumented migrants also often need to evaluate others. Knowing whom to trust, who is fair, who is loyal, or who and what to care about is subject to ongoing negotiation, as this is important for their survival.

In times of need, either by chance, tactic, or strategy, undocumented migrants form social relationships in whole or in part, to gain advantages in the legal and economic spheres. In some cases, this entails reducing some of their social connections and affiliations into economic ones. Social relationships and fictive kinships can be cultivated for one’s benefit in the short term, but they may also serve as a form of social insurance. However, as the data shows, barriers associated with the illegal status can alter the praxis of mutual reciprocity and solidarity. Thus, it can become challenging for individuals in certain contexts (e.g., workplace) to build trusting social relationships. However, other associations, forged during the processes of settlement and along the different paths of their migration careers can also be personally-valued and are enduring, and thus, are not necessarily opportunistic. These ethical bonds can be made possible by the sharing of moral concerns and feelings of solidarity.

Finally, rational or economic concerns are not the sole bases for people evaluating, deciding upon, and embodying their affairs in these domains. A moral economy framework (that incorporates the notions of lay morality and moral injury) accounts for the structural conditions that impact people’s lives as well as their moral standpoints from which experiences engendered by these conditions are evaluated.
Identifying the embodied form that comprises how people understand and act upon the matters they find essential for their subjective and objective well-being (Sanghera, 2016), the study examined the moral sentiments, capacities for fellow-feeling, ethical dispositions, moral norms, cultural discourses, and moral reasoning, that may often be set aside in the descriptions and explanations of the meaning-making and behavioural activities of undocumented migrants.
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