



Why Laws Targeting Non-Citizen Immigrants Affect Citizen Family Members and Associates, Too

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Most politicians and journalists discuss immigration laws and reforms – everything from comprehensive immigration reform to border fences – in ways that imply only individual immigrants are affected. But immigration laws that claim to target individuals in certain statuses – such as undocumented individuals – regularly have broader social consequences for families, neighborhoods, and work groups where, of course, immigrants and citizens are intertwined in daily life. This intermingling of citizens and immigrants is visible in all corners of American life, from university campuses to fast food restaurants and neighborhood parks. Immigration laws, especially punitive laws, affect those settings when co-workers and neighbors are deported or withdraw from social life in an attempt to avoid detection.

Nowhere are the reverberations of punitive immigration laws and policies more strongly felt than in family homes with immigrant parents, spouses, or children. Because families so often include people of different legal statuses, mixed-citizenship families provide a unique lens through which to study the true reach of laws regulating both citizenship and non-citizenship. Through these families' experiences, we see the spectrum of immigration laws' effects on families and communities. My research on mixed-citizenship couples allows me to explore the full range of direct and indirect effects of laws that appear to target only non-citizen immigrants but actually affect many citizens at the same time.

The Reality of Family-Level Citizenship

Citizenship is treated both officially and colloquially as an individual-level status. Nation-states grant citizenship on a person-by-person basis, and citizen and national identities are presumed to be individually possessed and expressed. But U.S. immigration laws have also long recognized that the right to belong to a country should be a right exercised along with family members. This foundational principle has inspired family reunification laws that allow U.S. citizens to sponsor their non-citizen relatives for legal permanent residency and citizenship. Family reunification principles have been key elements of U.S. immigration laws for more than a century, and family-sponsored immigrants now compose nearly two-thirds of all newcomers granted lawful permanent residency in the United States each year.

However, even though U.S. immigration laws enable many people to extend the benefits and rights of citizenship to family members, legal limitations on access and punishments imposed upon non-citizens also, in practice, extend to family members who are citizens. By default, the status of mixed-citizenship families descends toward the “lowest common denominator.” For example, if one parent is a legal permanent resident while the other parent is an undocumented immigrant, the family as a whole may function as if it were an “undocumented family” – and this can happen even if citizen children are present.

Citizens are not legally subject to deportation, but legal deportation of a parent or sibling often leads to the unwilling departure of other family members, including citizens, who must leave the United States to keep the family together.

Even simple restrictions such as limitations on the ability of undocumented people to travel freely across borders or limits on their ability to get home or car loans without documented credit histories can hurt life chances for all members of a mixed-status family.

In short, citizen members of mixed-citizenship families share the most punitive and legally precarious sides of the immigrant experience; and in some cases, the citizens may end up suffering parallel punishments and restrictions.

Why Family-Level Experiences Matter

My interviews with mixed-citizenship couples reveal an important divide between families, depending on the treatment of family members under U.S. immigration law.

Many citizens who had successfully sponsored their immigrant spouses for lawful permanent residency and, later, citizenship expressed increased pride in the United States as their country. They spoke with clear appreciation of the rights and benefits extended to U.S. citizens, attributable in key ways to sharing those rights and benefits with family members. Not just as individuals but as families, they were politically engaged and demonstrated a clear sense of belonging to the United States. Helping citizens extend citizenship to other immigrant family members made better Americans of both spouses.

But citizens whose spouses did not qualify for citizenship or had been denied legal status were often forced to live “under the radar” or move abroad. They felt overlooked, abandoned, and rejected by their country. Deportations of spouses or visa denials to spouses had forced many of these citizens to leave the United States, rendering their citizenship meaningless in their eyes. Other citizens stayed in the country with their targeted spouses, living with the never-ending fear that their families could, at any time, be detected, rejected, and uprooted by immigration authorities. Such citizens tied to undocumented family members felt less integrated and less welcome in American society, and were often alienated and isolated from their communities and the country as a whole.

What Policymakers Can Do to Help Mixed-Citizen Families

Laws that facilitate the extension of legal rights to citizens’ immigrant family members help enhance all family members’ commitment to their communities and loyalty to the United States. Policymakers can do more to help mixed-citizenship families secure legal residency for every member. And when punitive measures are devised, immigration authorities should consider the implications beyond non-citizens to families, communities, and all of American society. Ensuring that immigration and citizenship laws are designed to help families stay together, flourish, and become responsible contributors to society can only help the United States now and for generations to come.

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Read more in Jane Lilly López **“Impossible Families’: Mixed-Citizenship Status Couples and the Law.”**

***Law & Policy* 37, no. 1-2 (2015): 93-118; and Jane Lilly López, “Til Deportation Do Us Part’: The Effect of**

U.S. Immigration Law on Mixed-Status Couples’ Experience of Citizenship,” in *Within and Beyond*

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***Citizenship*, edited by Nando Sigona and Roberto Gonzales (forthcoming).**