



Beyond Borders Between Legal Limits

The role of liminal legality in shaping migration aspirations and capabilities of Latino immigrants in Southeast Florida.

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Abstract

The overarching goal of this research is to contribute to a better understanding of the role of liminal legality in shaping migration aspirations and capabilities of Latino immigrants in the United States. Since 1965, the ‘Latino threat narrative’ (Chavez, 2008) gave rise to an increasingly restrictive immigration policy and the militarization of the U.S.-Mexican border. However, such restrictive measures had the unintended consequence of keeping immigrants in rather than ‘keeping them out’ (Massey & Pren, 2012). Consequently, a large and growing number of Latino immigrants continued to live in the United States, often undocumented or in liminal legality.

The term liminal legality refers to those immigrants that find themselves in ‘legal limbo’; the gray area between being documented and undocumented. A precarious situation that creates anxiety (Menjívar, 2006; Cebulko, 2014). The paradox between the reduced out-migration of Latino immigrants, the hostile climate towards them, and the ensuing anxiety makes one wonder: why do they stay? The aspirations-capabilities framework (De Haas, 2021a) provided a useful theoretical framework to analyze this. The findings indicate that the prospect of liminal legality does not deter Latino immigrants to come to the United States nor does the experience of liminal legality encourage them to return to their country of origin or migrate onwards. The findings show that liminal legality reduces the (perceived) migration capabilities of Latino immigrants living in Southeast Florida as it increases external constraints (e.g. travel restrictions) and reduces internal enablers (human and economic capital). Additionally, the focus on dealing with liminal legality was found to impede migration capabilities: as aspirations and capabilities focus on legalizing, the ‘capacity to aspire’ return or onward migration is hampered. Thus, liminal legality can be expected to decrease return and (to a lesser extent) onward migration, contributing to the continued growth of the Latino population in the United States. Combined with my findings on the intersectionality of legal and socioeconomic status, this research warns of the creation of an immobile Latino underclass.

While researchers and politicians have focused attention on undocumented immigrants, those in liminal legality remain largely unseen. Therefore, this research contributes to narrowing the knowledge gap regarding immigrants in liminal legality. What is more, legal status crucially shapes immigrant assimilation (De Genova, 2002; Menjívar, 2006), highlighting the relevance of this study to academics and policy makers in the field of immigrant assimilation.

To address the legal violence imposed by liminal legality and improve migratory mobility of Latino immigrants in the United States, I advocate to reduce wait times in the immigration process and to create legal pathways that are accessible to those who are ineligible for current visas.

Keywords: Liminal legality – migration aspirations – migration capabilities – Latino threat narrative – civic stratification

Preface

In the summer of 2018, I worked in a restaurant in the United States. There I became friends with two Guatemalan co-workers. They came to the United States with a *coyote*, to care for their families in Guatemala. Their stories shocked me: the dangerous journey, being separated from their families, and working over seventy hours a week; and we were only around eighteen years old by that time.

Their experiences sparked my interest for irregular Latino immigration into the United States and a dedication to make a change in this area. Thus, the broad topic choice for this thesis was an easy one for me. I contacted these old friends again and a month later I was on my way to Florida. I stayed in Miami, which turned out to be fit place indeed. Every time I told somebody in Miami that I was conducting a research on Latino immigrants their immediate response was: “well, you came to the right place!”

This thesis research is the final project of my Master’s program Governance of Migration & Diversity, in the disciplinary track Public Administration. I am proud to present to you all the interesting stories I have heard these past four months in the form of this thesis.

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List of Abbreviations

DACA	Deferred Action for Childhood Arrivals
DED	Deferred Enforced Departure
DHS	Department of Homeland Security
EOIR	Executive Office for Immigration Review
EB-2	Employment-Based, Second Preference
EB-3	Employment-Based, Third Preference
ESTA	Electronic System for Travel Authorization
ICE	U.S. Immigration and Customs Enforcement
LPR	Lawful Permanent Resident
SES	Socioeconomic status
TPS	Temporary Protected Status
USCIS	United States Citizenship and Immigration Services

1. Introduction

Undocumented settlement in the United States has grown to unprecedented numbers, especially since pathways for legal entry were curtailed in 1965 (Abrego & Gonzales, 2010; Massey & Pren, 2012). As of 2017, an estimated 10.5 million undocumented immigrants were living in the United States, most of them (73%) were Hispanics (Gonzalez-Barrera, Krogstad, & Noe-Bustamante, 2020). The framing of undocumented migrants as ‘illegal aliens’ contributed to the ‘Latino threat narrative’ (Chavez, 2008; Massey & Pren, 2012; Cheyroux, 2019); a narrative that was later reinvigorated and exploited in the anti-immigrant rhetoric and policy proposals during the presidential campaign of Donald Trump in 2016 (Fleming et al., 2019). Since 1965, the Latino threat narrative gave rise to an increasingly restrictive immigration policy and the militarization of the U.S.-Mexican border. However, such restrictive measures had the unintended consequence of reducing out-migration rather than in-migration (Massey & Pren, 2012). Consequently, a large and growing number of Latino immigrants continued to live in the United States, often undocumented or in liminal legality.

The term liminal legality refers to the ‘in-between’ status that has characteristics of both a documented and undocumented status (Cebulko, 2014; Menjívar, 2006). This includes, for example, people with a Temporary Protected Status (TPS) or with a pending asylum claim. Such statuses place limitations on immigrants’ lives, such as travel restrictions and the inability to work legally. This liminal legal situation frequently applies to immigrants from Latin America living in the United States, since they are often neither categorized as economic migrants nor as political refugees (Menjívar, 2006). Liminal legality is often referred to as a ‘gray area’ or ‘legal limbo’ (Mountz, Wright, Miyares, & Bailey, 2002; Menjívar, 2006). This precarious situation bears with it feelings of anxiety (Menjívar, 2006). According to Massey & Pren (2012, p. 5), “[r]ising illegality is critical to understanding the disadvantaged status of Latinos today”; and even so critical is advancing our understanding of the experience and effects of liminal legality.

Studying immigrants’ experience of liminal legality is essential in the pursuit of equality as legal status has become an important axis of stratification (Morris, 2003; Menjivar, 2006 Cebulko, 2014). The expansion of liminal legal statuses for noncitizens has resulted in ‘civic stratification’. That is, a system of inequality in which certain rights are granted to some and denied to others, based on their legal status (Lockwood, 1996; Morris, 2003). Consequently, legal status crucially shapes immigrant assimilation (De Genova, 2002; Menjívar, 2006).¹ Following the segmented assimilation theory (Portes & Zhou, 1993), Menjívar argues that the multiple legal categories created by the law generate layered or fragmented forms of belonging. The role of legal status has been undertheorized in discussions on

¹ In the European context the term ‘integration’ is preferred, while in the American context ‘assimilation’ is more common. As this research is situated in the United States, I will use the term assimilation to refer to the process of adaptation of immigrants in their new country.

assimilation, highlighting the relevance of this study to academics and policy makers in the field of immigrant assimilation.

Academically, studying liminal legality is relevant in light of the debate on new forms of citizenship in a globalizing world. Following Bloemraad (2004, p. 421), I adopt the position that new forms of citizenship, including limited membership (that is, liminal legal statuses), underlines the enduring power of the nation-state. Brubaker (1989) noticed the absence of a theory of partial or limited (state) membership. The emerging concept of liminal legality (Menjívar, 2006) contributes to filling this theoretical void and deepens our understanding of the dynamic underpinning the positions of migrants in nation-states (Morris, 2003).

The paradox between the reduced out-migration of Latino immigrants, the hostile climate towards them, and the ensuing limitations and anxiety makes one wonder why these immigrants stay. The aspirations-capabilities framework (De Haas, 2021a) provides a useful theoretical framework to understand why people move or stay. In this framework migration is conceptualized as ‘a function of aspirations and capabilities to migrate within given sets of perceived geographical opportunity structures’ (De Haas, 2021a, p. 2). Migration aspirations reflect people’s preferences in life and their subjective perceptions about their life opportunities elsewhere. Migration capabilities can take many different forms, such as the absence of border barriers and visa regulations, but also (financial) resources, social connections, knowledge and physical ability (De Haas, 2021a). Understanding the different factors that influence migrants’ aspirations and capabilities can have explanatory and even some predictive power (Van Heelsun, 2016). Therefore, knowledge of the migration aspirations and capabilities of Latino immigrants with a liminal legal status can provide insight into whether (and why) the potential for this migration flow is increasing or decreasing.

To advance the understanding of liminal legality and its effects on migration aspirations and capabilities in the context of the Latino threat narrative, I set out to answer the following research question: *What is the role of liminal legality in shaping migration aspirations and capabilities of Latino immigrants living in Southeast Florida with a liminal legal status?*

I conducted qualitative interviews and ethnographic fieldwork in Southeast Florida, which is a hotspot for Latino immigrants. Florida is the state with the third-largest Latino population, comprised of 5.7 million Latinos (Krogstad, 2020).

This research report is structured as follows: Chapter 2 lays down the theoretical framework which explains and defines the key concepts of this research, namely the Latino threat narrative, liminal legality, and the aspirations-capabilities framework. Subsequently, Section 2.4 introduces three sub research questions and their accompanying expectations. Chapter 3 accounts for the methodology, specifically regarding the challenges and ethical considerations of researching immigrants with a liminal legal status. Chapter 4 provides some background information on the U.S. immigration system,

to contextualize liminal legality within the United States. Chapters 5, 6, and 7 present and analyze the research data; each answering one of the sub questions. Chapter 8 concludes by answering the main research question. Additionally, it discusses how this research contributes to the literature on liminal legality and migration aspirations and capabilities. Finally, Chapter 9 provides three policy recommendations to alleviate liminal legality and improve both social mobility and migratory mobility of Latino immigrants in the United States.

2. Theoretical Framework

To construct the theoretical framework, I will review the essential theories and define the key concepts of this research. I will set out by introducing the political context of Latino immigration to the United States, involving the rise of the Latino threat narrative (2.1). Subsequently, I will define liminal legality and connect it to the broader literature on citizenship and civic stratification, to highlight the power dimension of liminal legality (2.2). Then, I will present the aspirations-capabilities framework, which provides an analytical lens for interpreting the research data (2.3). Lastly, I will arrive at the research questions and formulate my expectations based on the literature (2.4).

2.1 The Rise of the Latino Threat Narrative

“Liminal legality varies in intensity based on political context and place.” (Burciaga & Malone, 2021, p. 1093). Therefore, I will discuss the political context in the United States. This context is marked by the rise of the ‘Latino threat narrative’ (Chavez, 2013), which is expected to influence the experience of liminal legality as well as the migration aspirations and capabilities of Latino immigrants in Southeast Florida.

In the early 1960s, the vast majority of the Latino population in the United States were native-born citizens or legal residents and especially many Mexicans were circular (male) migrant workers. This changed after 1965 when the U.S. government curtailed avenues for legal entry into the United States. Rather than reducing immigration, the government restrictions on legal migration increased unauthorized immigration to the United States (Massey & Pren, 2012). Between 1970 and 2010, approximately 9 million Latinos migrated irregularly to the United States (Massey & Pren, 2012).

During this period of mass migration, the Latino population diversified in terms of national origins: relatively more people came from Central and South America and fewer from Puerto Rico and Cuba. Mexicans remained the dominant group. This shift in national origins of Latino immigrants entwines with their legal status: whereas Cubans, Puerto Ricans, and Dominicans tend to be U.S. citizens or legal residents, Central and South Americans are more often undocumented or liminally legal. In 2010 the percentage of undocumented immigrants was estimated at 58% for Mexican immigrants, 57% for Salvadorans, and 77% for Hondurans (Hoefler, Rytina, and Baker, 2010).

The transition of largely documented to largely undocumented Latino immigration to the United States transformed ‘what had been a largely invisible circulation of innocuous legal immigrant guest workers into a yearly and highly visible violation of American sovereignty by undocumented migrants increasingly framed as alien invaders and threatening criminals’ (Massey & Pren, 2012, p. 10). This hostile framing is part of what Chavez (2008) has termed the ‘Latino threat narrative’. This narrative emerged in the 1920s, with the introduction of the term ‘illegal alien’, characterizing Latinos as undesirable immigrants because of their (alleged) ‘illegality’. The Latino threat narrative asserts that

Latinos are unwilling to integrate socially and culturally, and that Latinas give birth to ‘anchor babies’² to raise the demographics of Latinos in the United States to pave the way for the so-called *Reconquista* [reconquest] (Chavez, 2008; Cheyroux, 2019).

According to Massey & Pren (2012), American politicians and bureaucrats constructed the Latino threat narrative to gain political support and garner resources for border patrol. Since 1965, several restrictive policies have been introduced. This created a self-perpetuating cycle in which rising border apprehensions were manipulated to evoke a conservative reaction, which boosted resources devoted to immigration enforcement, which in turn generated more apprehensions (Massey & Pren, 2012). The main flaw sustaining this cycle, is that the number of apprehensions was used to represent irregular entries. However, it also reflects border enforcement efforts. Figure 1 illustrates how restrictive policies result in rising apprehensions. Such graphs were used by politicians and media to foster the Latino threat narrative.

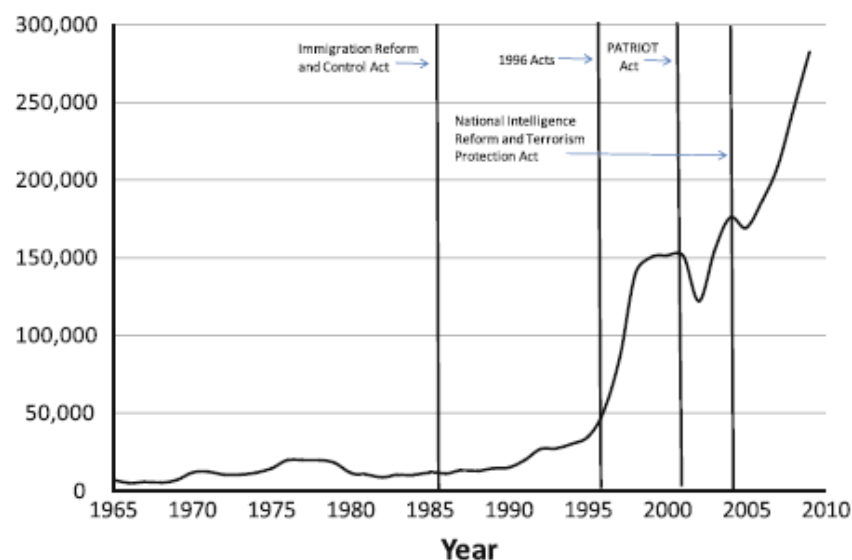


Figure 1: Number of Mexicans deported from the United States between 1970 and 2010 and the introduction of several restrictive policies (Massey & Pren, 2012).

The rising number of (apprehended) unauthorized immigrants after 1965 gave a new impetus to the Latino threat narrative. Massey and Sanchez (2010) found that, after 1965, Latin American immigration to the United States was increasingly framed as a threat by using martial and maritime metaphors, like ‘invasions’ and ‘floods’. The construction of the Latino threat narrative intertwined with policymaking in the area of immigration: each peak in the use of anti-immigrant metaphors in the media after 1970 coincided with the implementation of another anti-immigrant measure (Massey & Pren, 2012). This shows that “[i]n an era when publics in immigrant-receiving countries feel besieged and threatened by

² Generally regarded as a pejorative term, suggesting that immigrant parents use their kids to get a foothold in the United States and eventually become citizens themselves (Villarreal, 2021).

images linking immigrants with terrorists and drug smugglers (Kil and Menjivar, 2006), states will be less inclined to extend rights and protection to foreigners.” (Menjívar, 2006, p. 1006).

Massey and Pren (2012) claim that the growth of the undocumented Latino population in the United States is a (probably unintended) consequence of U.S. policies. Despite the increasingly hostile climate towards Latino immigrants, the undocumented migrants did not return to their countries of origin: return migration has fallen drastically (Massey, Durand & Pren, 2009; Massey, 2011). Massey and Pren explain this perverse effect of the restrictive immigration policies as follows: “As crossing the border without authorization became more difficult and costly, migrants responded by curtailing border crossing, not by staying home in sending communities but by hunkering down and remaining in the United States rather than facing even higher costs and risks of crossing at some future date.” (p. 6). Consequently, they conclude that Latino immigrants find themselves trapped between being cut off from their home country by a militarized border and being increasingly marginalized in the United States. This dynamic fosters the creation of a ‘new Latino underclass’, separated from American society with little hope for upward mobility (Massey & Pren, 2012). Socioeconomic indicators show that this process was already set in motion: Hispanic household wealth fell by 66% between 2005 and 2009 (Taylor, Richard, & Rakesh, 2011), levels of Hispanic residential isolation are rising (Massey et al., 2009), and Mexican wages have stagnated and fallen behind those of non-Hispanic whites and blacks (Massey and Gelatt, 2010).

2.2 Citizenship, Civic Stratification & Liminal Legality

By determining who may enter the territory, and under what conditions, nation-states’ immigration and citizenship laws produce categories of legal membership. Across these legal categories, political and social rights are unevenly distributed (Barbalet, 1988). This shows how citizenship (or the absence thereof) defines the power-relation between the state and an individual. Liminal legality (and especially being undocumented) makes one vulnerable to the arbitrary use of state power. Before zooming in on the definition and impacts of liminal legality, I will position liminal legality in the broader academic debate on whether or not national citizenship is in decline.

Citizenship is defined as ‘the legal relationship between the individual and the polity.’ (Sassen, 2002, p. 278). At present, the ‘polity’, the predominant political community, is the nation-state (Bosniak, 2000; Sassen, 2002). Therefore, the notion of citizenship equaled state membership for centuries. Himmelfarb (1996, p. 74) even claimed that the term citizenship has ‘little meaning except in the context of a state.’ However, globalization has cast doubt on the presumably inherent national character of citizenship. Several scholars coined terms describing new, denationalized forms of citizenship, such as ‘postnational citizenship’ (e.g. Sassen, 2002), ‘global citizenship’ (e.g. Tully, 2014), and ‘transnational citizenship’ (Bauböck, 1995). To illustrate, the European passport can be regarded as the most formalized form of such a denationalized form of citizenship (Sassen, 2002).

Whereas some argue that national citizenship is devaluating in a globalizing world (Schuck, 1989; Spiro, 1997; Sassen, 2002; Hansen, 2003), others argue that there has been an effort to reinvigorate the legal status of citizenship by making it count for more or by making it more difficult to obtain (Bosniak, 1998; Bloemraad, 2004). On the one hand, the extension of certain rights to noncitizens has been interpreted as a result of the development of an international human rights regime, challenging state sovereignty (Sassen, 2002). On the other hand, Bloemraad (2004) argues that new forms of citizenship act to build the nation-state rather than destroy it. I adopt the view of Bloemraad in my examination of liminal legality. The phenomenon of liminal legality underlines the enduring power of the nation-state, as citizenship remains a largely national enterprise (Bosniak, 1998; 2000). After all, labels as ‘legal’ and ‘undocumented’ (and, I would add, in-between categories) are only meaningful by reference to the rule of state territorial sovereignty and its limitations (Bosniak, 1991).

The militarization of the U.S.-Mexico border confirms the increasing efforts of the United States to fortify the borders, which shows the continued ‘power and centrality of the nation-state’ (Menjívar, 2006, p. 1006). Aleinikoff (2001) notes that the state’s physical boundaries (the border) and political and legal boundaries (membership) are closely related. While the United States was building up their border walls, it also constructed more and more immigration regulations and ‘in-between’ legal statuses, to exert control over who can become a U.S. citizen. Immigration laws determine who may enter and what rights immigrants have access to (Abrego, 2015). Coming back to the discussion on citizenship in a globalizing world, Menjívar (2006) argues that citizenship might be changing as a result of globalization, but that these changes are not necessarily directed toward more openness: “There may be more flexibility, but also more tightening and restrictions, as well as the creation of new barriers, legal categories, and obstacles particularly when migratory movements are linked to terrorism in the global arena.” (p. 1005).

While recognizing that there is some truth in both the perspective of devaluation and reinvigoration of national citizenship, Morris (2003, p. 74) criticizes that ‘neither offers an adequate basis for a full understanding of either the migrant experience or the political responses it has provoked.’ Instead, a focus on the tools deployed in the management of migration can deepen our understanding of the dynamic that underpins the positions of migrants in nation-states (Morris, 2003). In her empirical studies in Germany, Italy and the United Kingdom, Morris found that each of these regimes used a system of differentiated rights to manage immigration and the contradictory pressures associated with it; notably the balancing of welfare resources, labor market management and human rights obligations. In other words, they deploy ‘rights as governance’ as the selective (and conditional) granting or denial of rights becomes a tool for exercising control over noncitizens (Morris, 2003, p. 79). This process results in ‘civic stratification’ (Lockwood, 1996): ‘a system of inequality based on the relationship between different categories of individuals and the state, and the rights thereby granted or denied.’

(Morris, 2003, p. 79). Such a system of differentiated rights embodies ‘selection and surveillance (for state agents) and opportunity and constraint (for migrants)’ (Morris, 2003, p. 90).

Civic stratification has increased in the United States as increasingly restrictive immigration policies have sharpened distinctions between U.S. citizens and permanent legal residents (Coutin, 2000). The assumption used to be that temporary workers and undocumented immigrants eventually gain access to permanent residence (Zolberg, 2000), but this has become more uncertain and complex nowadays (Menjívar, 2006).

Research on social stratification through legal status has been marked by the undocumented/documented dichotomy³ (Cebulko, 2014). However, the differentiation of legal categories has produced an expanding gray area between documented and undocumented immigrants (Morris, 2003). Therefore, I agree with Cebulko (2014) that it is necessary - for researchers as well as policymakers - to reduce this dichotomy by being attentive to different degrees and forms of legality. The concept of ‘liminal legality’⁴ is concerned with the ‘gray area’ between being documented or undocumented (Menjívar, 2006, p. 1000); a ‘legal limbo’ (Mountz et al., 2002; Cebulko, 2014). The concept builds on Coutin’s (2003a; 2003b) work on ‘legal nonexistence’ and Turner’s (1967) concept of ‘liminality’. Liminality refers to the ambiguity of a transitional phase in the middle stage of a rite of passage.⁵ Cebulko (2014) states that ‘those in liminal legality have been granted work authorizations (...), but they continue to be denied access to most social services.’ However, I argue that this definition is too narrow as it does not cover the entire ‘gray area’. Therefore, I adopt a broader definition of a ‘liminal legal status’ as an in-between status that has characteristics of both a documented and an undocumented status (Cebulko, 2014; Menjívar, 2006). Appendix A provides an overview of the statuses that can be characterized as liminal legal in the immigration context of the United States. As this overview shows, there is a large variation between the rights and limitations associated with each of those statuses. Therefore, we can speak of ‘more’ or ‘less’ legality. Although, it is not a linear nor a unidirectional process (Menjívar, 2006). Liminal legality can last for an indefinite period and does not necessarily lead to permanent legal status (Cebulko, 2014).

Menjívar (2006) states that ‘immigrants’ legal status shapes who they are, how they relate to others, their participation in local communities, and their continued relationship with their homelands.’ (p. 1000). Research on the impact of an undocumented status on immigrants’ life finds that it influences both structural and sociocultural aspects. Structural aspects include health risks (Gutmacher, 1984), labor market opportunities (Simon & DeLey, 1984; Uriarte et al. 2003), and wages (Massey, Durand,

³ The terms irregular/regular, unauthorized/authorized, or illegal/legal are also used to describe this dichotomy.

⁴ Also referred to as ‘legal liminality’.

⁵ A ceremonial event that marks the transition from one social or religious status to the next (Van Gennep, 1909). For example, a graduation ceremony, commonly marking the transition from student to ‘working adult’. The phase between handing in a final thesis and receiving a diploma, could be seen as a period of liminality.

& Malone, 2002). Sociocultural aspects include, for example, identities (Rodrigues & Hagan, 2004) and family relationships (Menjívar, 2006). My research looks both at the structural and sociocultural dimensions of the experience of liminal legality. Additionally, I will look at the temporal dimension of liminal legality, which concerns the impact of temporariness, deadlines, and wait times (Robertson, 2019). For example, Menjívar (2006) found that immigrants in a liminal legal status experience anxiety as a result of the deadlines for expiration or renewal of their permits. Thereby, I aim to contribute to diminishing the knowledge gap on ‘how multiple categories of legal membership [liminal legal statuses] affect life chances and nonmaterial aspects of their [immigrants’] lives’ (Cebulko, 2014, p. 144).

2.3 The Aspirations-Capabilities Framework

Two-step approaches have been emerging in migration research: analytical approaches that break up migration into ‘the evaluation of migration as a potential course of action and the realization of actual mobility or immobility at a given moment.’ (Carling & Schewel, 2018). Notably, Carling (2002) introduced the aspiration/ability model to explain ‘involuntary immobility’, referring to people who aspire to migrate but are unable to do so. In this research, I will follow the most recent and advanced variant of such a two step-approach, namely the (expanded) aspirations-capabilities framework (De Haas, 2021a). A difference from its predecessor is that the ‘capability’ to migrate is considered equally relevant to all, because of the freedom of being capable to migrate, whereas the aspiration/ability model considers ‘ability’ only among people who aspire to migrate (Carling & Schewel, 2018; De Haas, 2021a). Since the aspiration to stay in the United States is equally relevant for this research, the aspirations-capabilities framework fits best.

Figure 2 presents the aspirations-capabilities framework as recently expanded by De Haas (2021a). In the aspirations-capabilities framework ‘moving’ and ‘staying’ are both considered manifestations of migratory agency. This conceptualization is based on Sen’s (1999) capabilities framework, in which the capability to move is perceived as a form of freedom. In the aspirations-capabilities framework migration is conceptualized as ‘a function of aspirations and capabilities to migrate within given sets of perceived geographical opportunity structures’ (De Haas, 2021a, p. 2). This surpasses the neoclassical conceptualization of migration as the outcome of individuals’ rational response to push and pull factors (e.g. Lee, 1966), by taking into account both structure (i.e. geographical opportunity structures) and agency (i.e. a person’s aspirations and capabilities to migrate, and the notion of ‘perceived’ geographical opportunity structures).

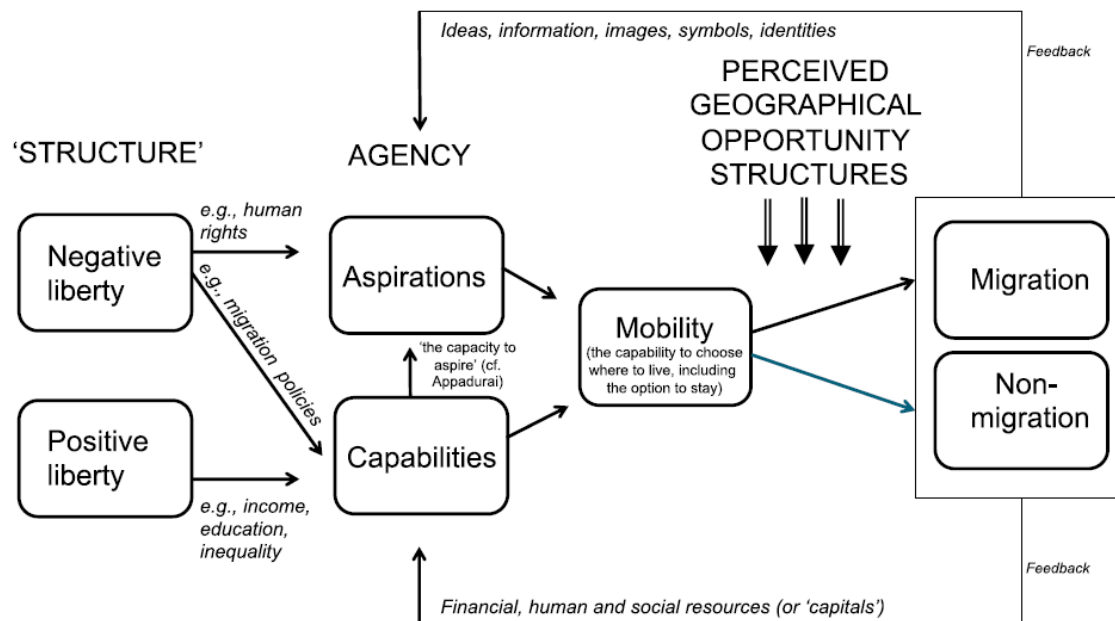


Figure 2: Expanded aspirations-capabilities framework for conceptualizing migratory agency (De Haas, 2021a).

Migration aspirations are defined as 'a desire to move to a new location' (Suckall, Fraser & Forster, 2017, p. 300). For the purpose of this research, I adapt this definition as 'a desire to move to a new location *in another country*'. Whilst recognizing the emerging focus on intranational mobility, migration aspirations in this research relate to international migration because liminal legality is inherently connected to people entering a new nation-state. In line with recent developments in migration theory, I recognize 'staying as an expression of agency, not merely as a passive counterpart to migrating' (Carling, 2019, p. 17). That is, studying migration aspirations in this research includes an inquiry of aspirations to stay (compare to 'non-migration' in Figure 2).

According to the aspirations-capabilities framework, migration aspirations arise as 'a function of people's general life aspirations and perceived geographical opportunity structures.' (De Haas, 2021a, p. 17). Thus, migration aspirations reflect people's aspirations in life and their subjective perceptions about their life opportunities elsewhere. Culture, education, personal disposition, identification, information, and images to which people are exposed are all factors that affect people's migration aspirations (De Haas, 2021a). De Haas distinguishes two types of migration aspirations: intrinsic and instrumental aspirations. If the capability to migrate directly contributes to the person's wellbeing, the migration aspiration can be characterized as intrinsic. This concerns for example aspirations related to a sense of freedom, adventure, or leaving one's parental home. If someone has instrumental migration aspirations they desire to migrate as a means to an end, such as increased income, safety, or education. Migration capabilities are contingent on positive and negative liberties. Negative liberty refers to the absence of constraints (Berlin, 1969). In the context of migration, this includes amongst other things

border barriers and visa regulations (De Haas, 2021a). Positive liberty refers to the ability to take control of your life and to realize your fundamental purposes (Berlin, 1969). In the context of migration, positive liberties include resources in the form of money (economic capital), social connections (social capital), and knowledge (human capital) (Sen, 1999; De Haas, 2021a; De Haas, 2021b). De Haas (2021a) argues that ‘the absence of external constraint (negative liberty) is not a sufficient condition for people to exert migratory agency, because they need a certain degree of ‘positive liberty’ that will enable them to enjoy genuine mobility freedom’ (p. 24). Therefore, I distinguish *external constraints* and *internal enablers* to examine migration capabilities. This may reveal paradoxical migration patterns. As an example of such a paradoxical pattern, De Haas (2021) notes that the liberalization of migration regimes (less external constraint) may decrease long-term, permanent emigrations as it may take away people’s obsession with ‘getting out’. Therefore we may expect that the increasingly restrictive migration regime at the US-Mexican border (more external constraints) may increase long-term, permanent emigrations to the United States.

It is important to note that migration aspirations also depend on migration capabilities (see Figure 2). For example, education and access to media may simultaneously increase the capability and aspiration to migrate. Through education and media, people get to know different material and cultural lifestyles around the world fostering their migration aspirations (Appadurai, 1996; 2003; De Haas, 2021a; De Haas, 2021b). Appadurai (2003) termed people’s ability to imagine alternative lives (and consider them within their reach) the ‘capacity to aspire’.

The aspirations-capabilities framework is a helpful analytical approach to ‘understand the complex and often counter-intuitive ways in which processes of social transformation and ‘development’ shape patterns of migration’ (De Haas, 2021a, p. 1). By using the aspirations-capabilities framework, I aim to contribute to a more integrated scholarship on migratory mobility within one meta-conceptual framework, as envisioned by De Haas (2021a).

2.4 Research Questions & Expectations

This research explores the relationship between the concepts of liminal legality, migration capabilities, and migration aspirations by answering the following research questions:

Main research question: What is the role of liminal legality in shaping migration aspirations and capabilities of Latino immigrants living in Southeast Florida with a liminal legal status?

Research question 1: How do Latino immigrants living in Southeast Florida with a liminal legal status experience liminal legality?

It can be expected that the experiences of migrants in a liminal legal situation differ from fully undocumented and fully documented migrants. Based on research on undocumented immigrants, it can be expected that a liminal legal status also impacts both structural and sociocultural aspects of

immigrants' lives, but less severely. Due to the inherent ambiguity of liminal legality, it is expected that a sense of anxiety and suspension is prominent in the lives of Latino immigrants in liminal legality (Menjívar, 2006; Torres & Wicks-Asburn, 2014; Robertson, 2019).

Research question 2: What role does liminal legality play in shaping the (perceived) migration capabilities of Latino immigrants living in Southeast Florida with a liminal legal status?

Combining the literature on migration capabilities, the insights of the research on liminal legality, and the findings of Massey & Pren (2014) on the 'new Latino underclass' it can be expected that migration capabilities will be reduced by liminal legality. The Latino threat narrative signals the increase of external constraints (see 2.3) as a result of restrictive immigration measures targeted at undocumented and liminal legal Latino immigrants. Meanwhile, the limitations associated with liminal legal statuses (see Appendix A), such as not having a work permit, are likely to reduce migrants' internal enablers (see 2.3) necessary for migration.

Research question 3: What role does liminal legality play in shaping the migration aspirations of Latino immigrants living in Southeast Florida with a liminal legal status?

- a. Past: what were their migration aspirations when moving to the USA and to what extent did the prospect of liminal legality play a role in their migration decision?*

Based on the Pew Research Center national survey among Latino adults, I expect that liminal legal Latino immigrants in Southeast Florida, like other Latino immigrants, moved to the United States for better opportunities to get ahead, better conditions for raising kids, access to health care and treatment of the poor (Lopez & Moslimani, 2022). The literature does not provide any clarifications on whether or not prospective migrants are aware of the liminal legal situation that awaits them and whether it impacts their decision. However, 78% of noncitizen and non-LPR Latino immigrants say that, if they had to choose again, they would still migrate to the United States (Lopez & Moslimani, 2022). Therefore, I expect that the prospect of liminal legality did not play an important role in the migrants' decisions.

- b. Present: what are presently their migration aspirations and to what extent does their experience of liminal legality play a role in shaping their migration aspirations?*

One might expect that the unpleasant experience of liminal legality, including uncertainty, economic barriers, and fewer rights than citizens, may foster migrants' aspiration to go 'home'. The pervasive Latino threat narrative may add to this as it creates an unwelcoming environment for Latino immigrants (Massey & Pren, 2014). On the other hand, aspirations for return migration may also decrease as Latino immigrants are creating ties to the United States and losing ties to their origin countries. This could be a logical consequence of the fact that Latino immigrants remain for a prolonged (and often indefinite) period in liminal legality as it has become harder and harder to gain permanent residence (e.g. Zolberg,

2000). Following the reasoning of Massey & Pren (2012), it can be expected that the experience of liminal legality reduces the aspirations for return migration among Latino immigrants in the United States, as migrants do not want to risk even higher costs of re-entering the United States in the future nor want to completely dismiss the possibility of migrating to the United States either.

I expect that the experience of liminal legality reduces aspirations for onward migration, as immigrants may be deterred by the thought of living in such a precarious situation again.

Returning to the main research question, I expect that liminal legality plays an important role in shaping migration aspirations and capabilities of Latino immigrants living in Southeast Florida with a liminal legal status; although mostly indirectly. I expect that liminal legality does not deter Latino immigrants to come to the United States (research question 3a). Once in the United States, their migration capabilities, especially their economic capabilities, are likely to be reduced as a result of the structural limitations associated with liminal legality (research question 2). At the same time, a prolonged (and often indefinite) period of time in liminal legality may reduce aspirations for return migrations and onward migration (research question 3b). Aspirations for return migrations may be further decreased by the U.S. restrictive migration regime.⁶ All in all, this reasoning explains the increasing Latino population of Florida (Krogstad, 2020) and resonates with the alarming rise of a ‘new Latino underclass’ (Massey & Pren, 2012).

The constructed theoretical framework is schematically represented in Figure 3, positioning the key concepts of liminal legality, migration capabilities, and aspirations, within the context of the Latino threat narrative and a restrictive migration regime. Based on the literature, it can be expected that these concepts are interrelated. However, how their interaction unfolds is yet to be studied in this research.

⁶ Although the Biden Administration has announced some liberalizations, the migration regime can still be characterized as restrictive and participants’ experiences of liminal legality were largely during the Trump era.

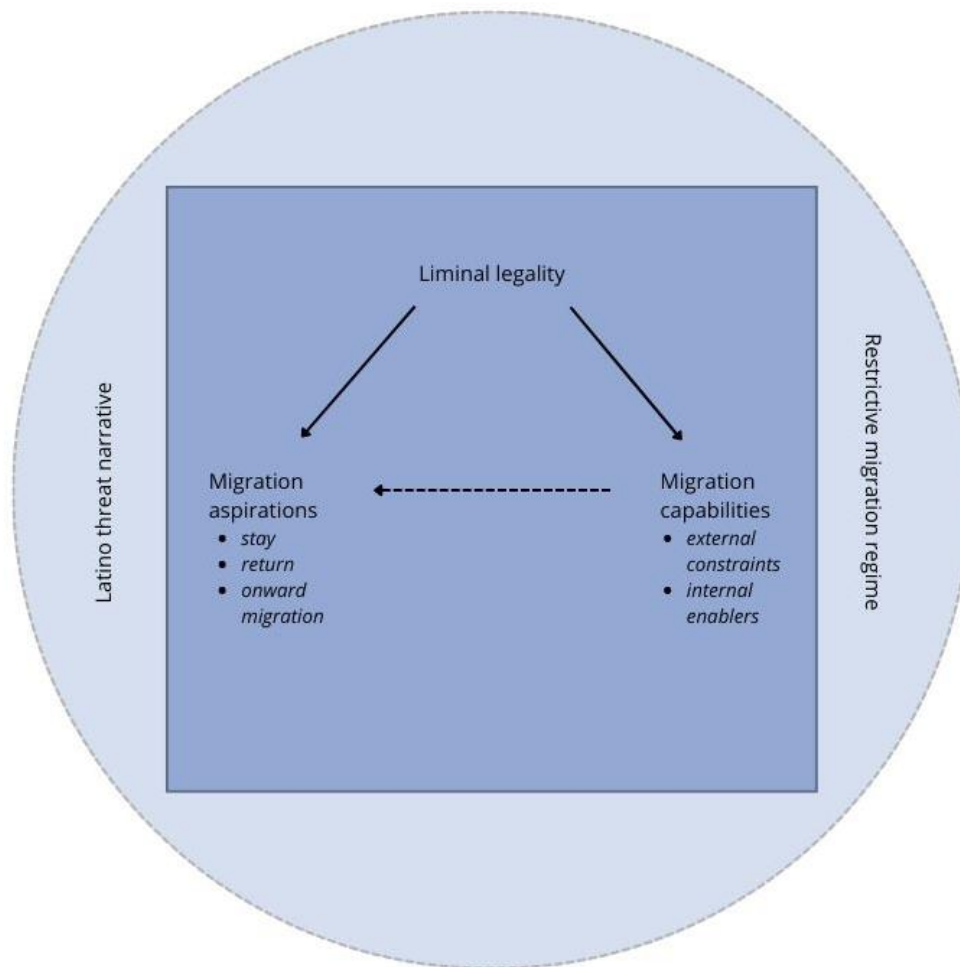


Figure 3: Schematic representation of the theoretical framework: liminal legality, migration capabilities, and aspirations, within the context of the Latino threat narrative and its associated restrictive migration regime.

3. Methodology

In this chapter, I will account for the methodological choices I have made in this research. First, I will outline the research design (3.1). Secondly, I will explain why I conducted this research in Southeast Florida (3.2). Section 3.3 explains the criteria that were followed to select participants. Section 3.4 presents the operationalization of the key concepts. Subsequently, I will describe how I collected and analyzed the data (3.5; 3.6). Furthermore, I will discuss the (potential) limitations of the chosen research methods (3.7). The chapter ends with an ethical statement (3.8).

3.1 Research Design

I have taken a qualitative research approach with data being mainly collected through semi-structured interviews. Additionally, I conducted ethnographic fieldwork for a period of two months in Southeast Florida, including informal interviews and participant observations. Combining these different methods mitigates the risk of biased data (Jauhiainen & Tedeschi, 2021). A qualitative approach also suits the research goal of understanding the subjective experiences of liminal legality as it invites participants to share their personal stories and allows the researcher to ask follow up questions tailored to participants' individual situation.⁷ Carling (2019) acknowledges the value of ethnographic research for understanding migration aspirations. Moreover, the ethnographic approach helps to establish trust, which is an important precondition for interviews with migrants in a liminal legal position (Luna-Lucero, 2019; Jauhiainen & Tedeschi, 2021).

This research can be characterized as a cross-sectional study with case study elements (Bryman, 2016). A cross-sectional design fits the research goal because it allows for researching variation within the population of Latino immigrants with a liminal legal status in Southeast Florida. Paying attention to the specific local contexts in which this research was situated was important, hence the case study elements. Namely, in the United States legislation on immigrants can vary significantly at the local level. Moreover, the experiences of liminal legality, migration aspirations and capabilities of the immigrants are rooted in the social, economic, political and cultural contexts in which they live their everyday lives.

3.2 Case Selection

Southeast Florida was a suited location for conducting this research since it is a hotspot for Latino immigrants. Florida is the state with the third-largest Latino population, comprised of 5.7 million Latinos (Krogstad, 2020). 16% of the Florida population was born in Latin America (U.S. Census Bureau, 2019a; U.S. Census Bureau, 2019b). Many of them (43.9%) are noncitizens (U.S. Census

⁷ Participants include interviewees and immigrants spoken to informally during the ethnographic fieldwork.

Caribbean (Kittleson, n.d.). Because of the focus on liminal legality, people from the Caribbean were excluded as their legal pathways are typically easier than those of other Latinos and they tend to be LPRs or U.S. citizens (Massey & Pren, 2012).

The criteria *living in Southeast Florida* was determined based on whether they were living in Southeast Florida for at least one year.

As elaborated upon earlier, I define a *liminal legal status* as an ‘in-between’ status that has characteristics of both a documented and an undocumented status (Cebulko, 2014; Menjívar, 2006). Appendix A provides an overview of the statuses that can be characterized as liminally legal in the immigration context of the United States. The interviewees were selected based on their diverse liminal legal statuses, to get insight into the full spectrum of liminal legality. The literature is inconclusive on whether LPR should be characterized as liminal legal status, as this status has few structural limitations. Guided by the literature on civic stratification (see 2.2), I decided to include LPRs, to explore to what extent they experience liminal legality.

Furthermore, I selected people that were diverse in many aspects, such as their migration journey, educational background, gender, age and number of years in the United States (see Appendix B.2). This diversity within the sample allowed me to explore the diversity within the gray area of liminal legality.

3.4 Operationalization

The key concepts of this research are operationalized as presented in Table 1. This plays an important role in the data collection by informing the topic list and in the data analysis by guiding the interpretation of the data.

Key concept	Definition	Dimensions	Indicators
Liminal legality	An ‘in-between’ status that has characteristics of both a documented and an undocumented status (based on Cebulko, 2014; Menjívar, 2006)	1. Structural; dimension 2. Sociocultural dimension; 3. Temporal dimension.	1. Participants experience limitations (inability or more difficulty) due to their (liminal) legal status regarding work, housing, bank accounts, traveling, accessing health care, etc. 2. Participants experience difficulties due to their (liminal) legal status regarding social life, sense of belonging, identification, emotional wellbeing, etc. 3. Participants experience limitations or hardships due to the temporariness, deadlines, wait times, etc. associated with their (liminal) legal status.

Migration aspirations	A desire to move to a new location (Suckall, Fraser & Forster, 2017). Migration aspirations reflect people's 'general life preferences' and their 'perceptions about opportunities and life elsewhere' (De Haas, 2021, p. 17). I distinguish aspirations to stay in one's present country of residence, the aspiration to return to one's country of origin or previous residence and aspirations for onward migration.	1. Intrinsic; 2. Instrumental (De Haas, 2021).	1. Participants' capability to migrate directly contribute to the person's wellbeing; e.g. adventure, sense of freedom to move, separation from (the parental) home. 2. Participants aspire to migrate as a means to an end; e.g. increased income, education, living standards, safety (De Haas, 2021).
Migration capabilities	'The combination of assets that enables a person to move to a new location' (Suckall, Fraser & Forster, 2017).	1. Absence of external constraints; 2. Internal enablers (Berlin, 1969; De Haas, 2021).	1. Participants perceive themselves (un)capable to migrate because of external constraints, such as border patrol or visa regulations. 2. Participants perceive themselves as (un)capable to migrate because of their possession or lack of: a. economic capital: money, assets, income; b. social capital: social connections that can help them to migrate (e.g. friends or family in a country to which they potentially want to migrate; c. Human & cultural capital: knowledge on how to migrate, educational degrees or work experience providing visa opportunities. (Sen, 1999; Suckall, Fraser & Forster, 2017; De Haas, 2021a; De Haas, 2021b).

Table 1: Operationalization of the key concepts.

3.5 Data Collection

The data collection started off with one week focused on orientation: getting acquainted with the context, meeting potential participants and building trust. In Port Saint Lucie, Alex became my main informant and gatekeeper. He took me to several social gatherings with Latino immigrants. Appendix B includes an overview of the data collection. After participant observations and conversations, I reflected with Alex on what I had noticed. This could be characterized as 'peer debriefing', which can benefit the validity of the research (Boeije, 2014, p. 158). Although Alex is not a researcher, discussing my observations with him was very insightful because of his knowledge of the context. He would often give a cultural explanation for my observations or relate it to his own experience or to stories of people he knew.

Apart from two weeks in Port Saint Lucie, I lived in Miami. Here I managed to get in touch with many Latino immigrants by engaging in social activities and talking to the construction workers in my apartment. To pin down observations and conversations that were relevant to my research, I kept jotted notes on my phone while I was in the field and wrote these out in journal-style fieldnotes at home.

I conducted eleven semi-structured interviews of approximately one hour and 45 minutes each.¹⁰ Appendix B.2 shows an overview of the interviews with some demographics of the interviewees. I used ‘snowball sampling’ to collect a large pool of potential participants (Bryman, 2016, p. 415). In the orientation phase, I ‘snowballed’ starting from Alex and several people I met in Miami. Accordingly, I used ‘stratified purposive sampling’ to ensure that the data included cases from different subgroups based on legal status, nationality, gender, age and number of years in the United States (Given, 2008; Bryman, 2016, p. 409). I had to select people based on their legal status, which was a challenge from both a practical and ethical point of view. Researchers are deemed to “[a]void direct immigrant status questioning’ (Luna-Lucero, 2019). However, knowledge of participants status is central to this study, therefore I chose the following strategy to inquire about their legal status indirectly. For the people I met through Alex, I largely relied on his knowledge about their legal situation and verified during the interview whether they indeed met the selection criteria. Regarding the people I met in Miami I took my time to get to know them and asked them more broadly about how they moved to the United States. Usually, they told me openly about their legal situation. Moreover, as I told people that I was writing a thesis about immigrants in liminal legality, several people replied that they were in that situation or knew people in such a situation.

I created a topic list based on the literature on liminal legality and migration aspirations and capabilities, which was outlined in the theoretical framework. The topic list can be found in Appendix C. A topic list is a useful instrument to structure the interviews while leaving enough flexibility to tailor the interview to the specific interviewee and leave space for their own input (Boeije, 2014).

Most interviews were conducted in English. In three interviews Alex acted as an interpreter. Using an interpreter poses potential threats to validity at three points in the interview (Kapborg & Berterö, 2002): when asking the question to the interpreter, during the translation, and when the interpreter translates the interviewee’s response. Furthermore, Alex is not a trained translator nor trained in the research field. However, he has (life)experience in the research field, which mediates the threat. The threat is also mitigated by the fact that I understand some Spanish and Portuguese. I chose to conduct interviews with an interpreter because the benefits outweighed the pitfalls. Namely, it overcomes a large selection bias of only selecting people who speak English, as being able to speak English can be expected to lead to a

¹⁰ For the duration per interview see Appendix B.2.

different experience of immigrating to the United States. Also proficiency in English is often paired with other characteristics such as a higher educational level and social economic status.

3.6 Data Analysis

The data was analyzed using qualitative content analysis (Bryman, 2016). The audio of the interviews was recorded on my password protected iPhone. The recordings were stored in a secure digital environment of the Erasmus University and will be deleted after the assessment of the thesis, on September 1st, 2022. The interviews were transcribed manually. Thereafter, the interviews and fieldnotes were coded using the qualitative data analysis software ATLAS.ti. I used both deductive (or: closed) coding and inductive (or: open) coding (Skjott Linneberg & Korsgaard, 2019; Boeije, 2014). This allowed me to be ‘systematic and analytic but not rigid’ (Altheide & Scheider, 2013, p. 26). I have repeated this process of coding and interpretation by moving ‘back and forth between data and theory iteratively’ (Timmermans & Tavory, 2012). This can be characterized as an abductive approach, aimed at theory construction (Timmermans & Tavory, 2012; Boeije, 2014). The coding scheme can be found in Appendix D.

3.7 Limitations

The language barrier was a foreseeable limitation in this research, since my command of Spanish is limited and immigrants from Latin America are not always fluent in English. To mitigate this limitation, Alex was present during interviews with participants who were not fluent in English to provide clarifications if necessary. During the ethnographic fieldwork, the language barrier may have caused a selection bias because I had longer conversations with people who spoke English.

The fact that I could only interview people who have time for an interview has likely created a selection bias towards people with better jobs and thus a higher social economic status. The difficulty I had with making an appointment with two Guatemalan acquaintances made me aware of this selection bias. They always had to work and their schedule changed a lot. Also, Alex felt too bothered to ask the employees of a friend for an interview because he knew that they work over seventy hours per week.

Another limitation was the ‘inherently elusive’ nature of migration aspirations (Carling & Schewel, 2017, p. 948). Asking people whether they wish to migrate in the future requires them to think about an imaginary situation and their wishes may depend on many conditions. Looking back on their past migration aspirations for moving to the United States relies on their memories. Memories are not objective and frequently incomplete. To deal with these limitations, I have been transparent in reporting the level of uncertainty that is entangled with the memories and dreams participants shared with me.

From the outset I was aware that trust would be an important precondition for talking with migrants in liminal legal positions, as immigrants may be wary to speak with unfamiliar people about their status. To deal with this issue I took time to build rapport with the Latino immigrants, including potential

interviewees. Speaking some Spanish proved to be an important tool for establishing trust as introducing myself in Spanish evoked enthusiastic and surprised reactions. Most importantly, being introduced to participants by Alex, someone they know and trust, helped to overcome issues around trust. Furthermore, guaranteeing anonymity was an important precondition.

3.8 Ethical Considerations

An ethically responsible research goes beyond the absence of harm. Diener & Crandall (1978) distinguish four main principles that should be respected: informed consent, privacy, no deception, and no harm to participants.

To ensure informed consent, all participants were briefed about the purpose and the process of the research, both verbally and through an information sheet, and asked for their consent. They had the option to give their consent through either a signature or on audio tape. Research with vulnerable migrant groups requires researchers to ‘consider the cultural, contextual, and social translation of their study materials’ (Luna-Lucero, 2019). Therefore, I carefully translated the information sheet and consent form to Spanish in collaboration with Alex as he has more knowledge of the context and Spanish. For the Brazilian participant, Alex translated the information sheet and consent form verbally in Portuguese prior to the interview. The information sheet and consent form can be found in Appendix E.

To respect the privacy principle, anonymity of the participants was guaranteed. All names in this research report are pseudonyms. I ensured that participants are not indirectly identifiable either by refraining from detailed descriptions of personal characteristics or other information that may reveal one’s identity.

Bryman (2016) warns that ‘[d]eception occurs when researchers represent their work as something other than what it is’ (p. 133). Therefore, I gave a transparent explanation of what the content and purpose of this research is. This was especially relevant during the ethnographic fieldwork, as the role of the researcher is less apparent (Bryman, 2016, p. 425). Thereby, it was important to emphasize that I could not help participants with personal situations regarding their legal status.

Regarding the ‘doing no harm’ principle, the greatest concern was re-traumatization. For many of the Latino immigrants circumstances in their country of origin, the migration journey and experiences upon arrival in the United States have included traumatic experiences. Therefore, it was very important in this research to be sensitive when speaking about topics relating to possible traumas or otherwise painful subjects. To address this issue, I have stated at the beginning of each interview that the participant could always dismiss a question and stop the interview at any point.

4. Context

This chapter explains what liminal legality means from a legal perspective within the U.S. immigration system. This context may help the reader better understand the findings which will be presented in the following chapters. Firstly, I will provide a brief overview of the structure of the U.S. immigration system (4.1). Subsequently, I will zoom in on the statuses that can be characterized as liminally legal (4.2).

4.1 The U.S. Immigration System

The immigration system of the United States distinguishes four different immigration status categories: citizens, conditional and permanent residents, non-immigrants and undocumented immigrants (Law Offices of Cheng, Cho & Yee, 2020). Citizens are persons who are either born in the United States or became naturalized after (legally) living in the United States for a period of five years (and in some cases after three years). Lawful Permanent Residents (LPRs) are immigrants holding a so-called green card showing their status as a permanent resident. LPRs are permitted to live and work in the United States permanently. Conditional residents are immigrants who obtain their green card before completing the two years of marriage normally required for the green card or immigrants who obtain their visa through entrepreneurship (EB-5 program) (USCIS, n.d.). Non-immigrants are individuals who are admitted to the United States on a temporary basis. This includes amongst others students on an F-1 visa and business visitors on B1 or B2 visas. Typically, non-immigrants do not intend to become permanent residents of the United States. Overstay of a visa, violation of the visa terms or obtaining a visa through fraudulent ways can result in an undocumented status. Undocumented immigrants are individuals who live in the US without permission. They cannot work in the US legally and do not have access to services that are available to U.S. residents, such as driver's licenses and health insurance. Besides visa violations, individuals can be holding an undocumented status when they have crossed a U.S. border illegally (Law Offices of Cheng, Cho & Yee, 2020).

The U.S. immigration law is based on four principles: reunification of families, admitting immigrants with skills that are valuable to the U.S. economy (employment-based immigration), providing humanitarian relief, and promoting diversity (American Immigration Council, 2021). Each of these principles represents an avenue towards legal immigration, and potentially citizenship, in the United States.

4.2 Liminal Legal Statuses within the U.S. Immigration System

Immigrants permitted through family reunion, permanent employment-based visas and the diversity visa program, immediately receive a Green Card and have the opportunity to become a citizen after five years. These immigrants are likely to experience little liminal legality. By contrast, temporary employment-based immigrants must leave the United States after a certain period or if their employment

is terminated. For certain persons who do not fall under the narrow definition of a refugee, but are still in need of humanitarian protection, the U.S. immigration system offers Temporary Protected Status (TPS), Deferred Enforced Departure (DED), Deferred Action for Childhood Arrivals (DACA) and humanitarian parole. TPS and DED provide protection for persons whose countries of origin are considered unsafe. It can be granted to a country for six, twelve, or eighteen months and can be extended in case the country remains unsafe (American Immigration Council, 2021). This situation frequently applies to immigrants from Latin America living in the United States, since they are often neither categorized as economic migrants nor as political refugees (Menjívar, 2006). This can be traced back, partially, to the fact that the United States played a key role in the political conflicts in the sending countries, such as El Salvador and Venezuela. Consequently, immigrants from Latin America could apply for different dispensations and are occasionally granted temporary relief from deportation with multiple deadlines for applications and renewals of permits (Menjívar, 2006, p. 1000). These statuses are considered liminally legal due to their temporary character and structural limitations. Additionally, people with a pending status – that is, waiting for a decision on their visa or asylum request – also find themselves in a situation of liminal legality.

Appendix A contains an overview of the various legal statuses within the U.S. immigration system that can be characterized as liminally legal. It presents the eligibility criteria, rights and limitations associated with each of these statuses. This might be a helpful tool to understand the statuses held by the participants, when reading the research findings in the following chapters (Chapter 5, 6, & 7).

5. The Experience of Liminal Legality

This chapter analyses how participants experience liminal legality. Firstly, I will discuss how the temporal, structural, and sociocultural dimensions of liminal legality affect their lives (5.1, 5.2, 5.3). The influence of the Latino threat narrative on the experience of liminal legality will be discussed as part of the sociocultural dimension. Then, I will zoom in on the legal process itself: how and to what extent are immigrants in liminal legality trying to ‘legalize’ (5.4)? Finally, I will reflect on the significance of these findings for the understanding of liminal legality (5.5).

5.1 Temporal Dimension: ‘Limbo’

“Right now it is basically like a no status, it is like a limbo. Because that is my status, it is 'applicant of asylum'. But I am not a resident, I am not a citizen, I am not an asylee. I am just an 'applicant'.” (Leo)

As this statement indicates, the sense of being in ‘limbo’ was central to participants’ experiences of liminal legality. Participants expressed being ‘in the process’ (Raul) and ‘in-between’ (Alex; Leo).

Uncertainty

This limbo goes hand in hand with uncertainty about one’s legal situation. For Jorge, this insecurity is caused by the inherent temporariness of his status (TPS). His legal stay in the United States depends on whether or not the U.S. government decides to extend TPS for El Salvador. He has lived under TPS for 21 years now, assigning him to a state of ‘permanent temporariness’ (Bailey, Wright, Mountz, & Miyares, 2002; Tize, 2021).

“I feel secure because I have an ID because I have TPS, I am under the law I am kind of legally here. But if they cancel the TPS today, they will remove my license, so I am illegal again. That is why I feel a bit... I mean it is secure, but at the same time it is insecure too.”¹¹ (Jorge)

For participants with pending asylum or visa requests, the insecurity is caused by not knowing whether their request will be approved nor how long they have to wait for an answer.

“You’re in the limbo because you don’t know, you’re not secure of anything. (...) You don’t know what’s going on with you because you don’t want to go to your country again because you run risk. But at the same time you don’t know if they will accept you here because you are like in a process that they need to give you the chance of an interview and you can explain what’s going on exactly. But right now we don’t have any like date for an interview. We’re just waiting for them to call us (...) What would they decide?” (Valentina)

¹¹ Translated.

This quote also highlights the control ‘they’ have over Valentina’s life. This points at the amount of control the nation-state exerts over the lives of liminally legal immigrants.

Wait-and-see

Leo was impacted by the whims of politics as the Trump administration decided to change the order of priority in which affirmative asylum interviews are scheduled (USCIS, 2022a): since January 29, 2018, USCIS starts with the newest filings, putting Leo all the way back at the end of the line.¹² This illustrates that liminal legality indeed ‘varies in intensity based on political context’ (Burciaga & Malone, 2021, p. 1903). The wait times for immigration processes have increased during the Trump era, intensifying the experience of liminal legality. The wait times were further aggravated by the COVID-19 pandemic (Donoso & Partners, 2021). Mono’s friend only had to wait three months for his EB-2-visa, but times have changed:

“For me in the moment [the legal process] no is good experience because... sorry [cries] When I start the process my expectation is three months and receive any news; ‘yes’, ‘no’, something! But I have 325 days and no receive any answer.” (Mono)

Waiting is a central feature of the experience of liminal legality. Typically, the participants did not know how long they would still have to wait and sometimes not even what they were waiting for exactly. Their accounts of just having to ‘wait-and-see’ reveal a sense of powerlessness in face of the state. For example, for three years, Raul has been ‘waiting for like what they are gonna tell me like... What else can I do?’. While Raul says he is ‘really chilling about it’ because he just has to wait, for others the indefinite waiting is a source of suffering:

“It's horrible this feeling that you don't know what's going on. You know, that your life depends, your future depends on other people and they're delaying. They have three, four, five, ten years, and you are waiting for the process.” (Valentina)

“The reality is that I always was worried about what is going to happen, are we going to be approved or not? When are we going to the next step?”¹³ (Camila)

The indefinite wait times created by the U.S. immigration system constitute a form of ‘legal violence’, as the participant’s accounts show that it causes suffering and harm for immigrants and in most cases there is little prospect for alleviating their hardships (Cervantes & Menjívar, 2020). Legal violence emerges from the convergence of immigration and criminal law (Menjívar & Abrego, 2012); a phenomenon known as ‘crimmigration’ (Aliverti & Cheliotis, 2020). To illustrate, USCIS falls under

¹² The aim of this policy is to deter immigrants from using asylum backlogs to obtain work permits by filing false cases.

¹³ Translated.

DHS and possesses extraordinary discretionary powers compared to other state agencies (Cheliotis, 2020).

The participants perceive the long and uncertain wait times as the most bothersome feature of their liminal legal situation. Accordingly, when asked what they would do to improve the situation for Latinos in liminal legal situations, many of them answered that they would speed up the process. Leo argued:

“Something that I would do as well is have another processing center. For just Florida, or just Texas, something like that, because right now it is a lot. That leaves people like me in a limbo, waiting seven years for status. Building their life on something that doesn't guarantee anything.”

5.2 Structural Dimension: less Opportunities, but Able to Grow

Driver's license

A driver's license is a very important step towards more legality and feeling secure in the U.S.; especially since not driving is hardly an option in the car-based United States. Joel has lived undocumented for a long time and having a driver's license made the biggest difference for him between being undocumented and liminally legal:

“If you are illegal you are always scared. you know, you cannot have a license... You know if you are driving, you are scared, that they will pull you over... You think they are gonna send you back to Mexico” (Joel)

Thanks to a recent policy change Dominic was able to obtain a driver's license with his administrative closure. Besides feeling safe when driving, the license also gives access to other opportunities (e.g. education) and a sense of legality: “Some new doors open as well so you can apply to more stuff with a license, because you become like a quote-on-quote ‘legal resident’ so you kinda have the right to be here.”

Work

In their first period in the United States, the structural limitations that hindered participants the most were related to work. Most participants who have acquired a work permit (Employment Authorization Document) experienced this as a great step forward. However, as long as they do not have LPR status, work permits need to be renewed. The fees for renewal are high and the uncertainty of whether and when it will be granted causes stress. Leo also highlighted that there are ‘gaps’ between expiration and renewal, in which he is forced to get paid ‘under the table’ again. These gaps have been increasingly long due to the delay caused by the COVID-19 pandemic. Leo filed his request for renewal in May 2021 as his permit expired in August 2021, currently (a year later) he still hasn't received the renewal.

For most participants finding a job without a work permit was easy. Some even started working the day after their arrival in the United States. By contrast, Valentina stated: “Nothing, nothing, nothing. Nobody wants to give you, the chance if you don't have documents.”

In the absence of a work permit immigrants are vulnerable for exploitation. However, the experiences of exploitation were diverse. Surprisingly, Joel did not experience exploitation while he worked as a day laborer for five years, living at a trailer park. Several people mentioned underpayment and dire labor conditions. Valentina tells about her work as a waitress:

“It was very distressing. I got sick because they didn't give you like time to eat. (...) I lost weight like, maybe twenty pounds. Yes, it was really bad. And they asked me to work also Sundays. So I was working six days of the seven days of the week. And sometimes I work more than ten hours. (...) You can't tell anything because, I mean, you don't have documents. You need to feel grateful you know, grateful because they're giving you the chance.” (Valentina)

All participants worked in low skilled jobs in the first period after they arrived in the United States. Participants who went to university could not find any unreported employment in the area of their expertise. Andres had a transportation company with his family in Colombia and found it hard to have to accept any kind of job when he came to the United States:

“In Colombia we had a couple semi-trucks, we were the boss. And when we came here we started putting tiles, painting houses, do pressure clean, work in the landscaping, you know, everything is totally different than everything we have been doing in our lives in Colombia. (...) It was hard, we were the boss in there you know. (...) When we came here, we started from zero again.” (Andres)

Presently, Andres and his family have a transportation company in the United States and they have been able to improve their economic positions. Also Alex, Jorge, Lisette, Matheus and Joel have their own company. To start a company in the United States a work permit is not required, which was also a reason for them to start their own business.

Education

With most liminal legal statuses it is possible to study. However, it is often more expensive because non-LPRs often have to pay tuition as an ‘out-of-state’ student or an international student, and are often inadmissible for scholarships. As most immigrants in liminal legal positions do not have a high income, validating the degrees from one’s country of origin or going to college is often inaccessible to immigrants like Dominic:

“I thought that US was all about going to college, be someone and have a career. But then, once you realize that just because of one requirement, one document that you don't have, it messes up everything. It is kind of like heartbreaking, because you pretty much already see your whole

career on the future and then you see your whole career crumble. And now you have to start thinking of other ways to make a life. Then actually after I lost all my scholarships, I couldn't go to college. I just went back, work with my dad. That is how pretty much everybody thinks that everybody who comes from another country, that is what they come and do, just work. And of course I didn't want my life just to be... I didn't want to work cutting grass, or being a construction worker, none of that.” (Dominic)

Getting his driver's license (through a recent policy change) enables him to finally start nursing school this year, after he has worked in unauthorized jobs for the past three years.

Travel

Most participants were bothered by the limitation to travel internationally, primarily because of the inability to visit their family. For example, Matheus has not seen his children in eight years, as it would be 'a one way ticket' to Brazil. Besides family reasons, Leo missed out on an opportunity to work on a cruise ship and he had to stay home, when his band performed in Mexico.

Political participation

Even though political participation does not seem to be one of the participant's priorities, most of them would like to vote, especially as this seems to be only fair when they are paying taxes; no taxation without representation. Dominic explains that political participation would also contribute their sense of belonging:

“I would love to you know just making sure they choose a leader that can give more opportunities for us, open new doors for us, so we can help even more. Because giving us more benefits, is gonna benefit them more. Because we are gonna feel more welcome, we want to be working more for this country, (...) They still treat us like immigrants and they restrict us a bunch of benefits we can take from them, but they are still willing to charge our taxes like every single citizen, so that is kind of like... well if you want to charge taxes from us, at least open up some doors, so we feel more welcome or have more benefits for us.” (Dominic)

To put the findings on structural limitations into perspective, it is important to note that these limitations seem to be minor compared to the improvement that they have been able to make in their lives since their move to the United States. Leo states: “At the end of the day, living here I have freedom and a million of possibilities.”

This calls to mind the idea of a *jaula de oro* [a golden cell]; an expression DACA recipients used to describe their liminal legal experience as 'their opportunities have expanded yet important limitations remain', especially the persistent uncertainty (Burciaga & Malone, 2021, p. 1093).

5.3 Sociocultural Dimension: Feeling (Un)welcome

Social life

Although several participants felt lonely in the beginning, they did not perceive their liminal legal status as an obstacle in social life. During my fieldwork, I noticed that most participants socialized almost exclusively with other Latinos. Dominic explains his desire to connect after having left his social network behind. However, this was difficult for him in a class without any other Latinos:

“Man... you feel that you are completely alone. Your parents are not there to support you. Nobody is there to explain you. (...) when you see another Hispanic, you start getting along, because you are like "oh you are Hispanic?" "I am Hispanic too!" so you start talking to each other. But I was just by myself, so I was like man... what do I do now.” (Dominic)

Difficulties in social life were caused mainly by the language barrier, and not by legal status itself. However some limitations from the liminal legal status can obstruct learning the language. For example, participants mentioned that they are “just working” all week (usually in jobs with mostly Spanish speakers) and therefore don’t have time to learn English.

Legal status was not regarded as a taboo, but rather a topic to talk about with (Latino) friends. Leo explained: “I don't feel like it is taboo or anything. For me those are things, it is best to talk about it, not to keep it a secret, unless you are an immigration agent.” This was reflected during my fieldwork in Miami: I introduced two Argentinians to one another and five minutes later I heard them talking about ‘papeles’ [documents].

Sense of Belonging

The following quote from Valentina shows how the experience of liminal legality can negatively impact one’s sense of belonging:

“Because we are expecting [waiting] for something, we're expecting for our documents, our papers, so we don't have any future like in Honduras. (...) in your country, it is your country, you were born there, you feel like... you belong to this. In here we're just visitors. (...) maybe if we have something, you know, the residence [permit], maybe we will feel like ok, we belong here, yeah? But for now, that we are like as I said, in a limbo. We're not from here. We're not from there, we're not from... we're just from us.” (Valentina)

Naturally, it takes some time before an immigrant may feel like they belong to their new country of residence. However, what is interesting about this quote is that she also specifically states that getting a more secure legal status, and accordingly being able to plan their future here, may help them to feel like they belong to the United States.

Latino Threat Narrative & a Narrative of Deservingness

The literature describes a hostile climate towards Latino immigrants fostered by the Latino threat narrative, especially during the Trump administration. While some participants were hardly bothered, others experienced increased hostility and fear concerning their immigration status. Jorge explains:

“The whole period that he [Trump] was president... all his speeches and tweets were about 'if you are a Latino or you are illegal, we are gonna catch you'. I felt like the police, they were always looking for you. And they had the right by that moment to catch you and send you back. So I felt afraid about it. (...) The people that were already a kind of racist, he was encouraging them to bring more hate and more racism.”¹⁴ (Jorge)

Most participants experienced some discrimination. However, they mostly downplayed this, like Andres: “Sometimes you find bad people, but eh... I don't care, they can say whatever they want. I know I am doing the right things in here.”

At first glance the impact of the Latino narrative on the experience of liminal legality seemed to be modest, as most of the participants still report to feel welcome in the United States, Trump's speeches had little effect on most immigrants and discrimination was taken up lightly. However, I noticed the internalization of the Latino threat narrative. This was for example manifest in the use of the ‘illegality’ discourse:

“I am an illegal American.”¹⁵ (Jorge)

“I tell myself I did not come here illegally, I came legally, what I did wrong is I failed to go back.”¹⁶ (Matheus)

Accordingly, they seem to feel the urge to distinguish themselves from the ‘illegals’ and immigrants that only want to take advantage of the American system by highlighting that they are ‘people who just want to work’:

“It is a different kind of person in here: the person who came here just to live from the country, asking for money, asking for rent, all that stuff. Or the kind of person we are, who came here to work hard, to do everything right.” (Andres)

It seems like Latino immigrants seek to counter the Latino threat narrative by constructing a counternarrative of deservingness. In this narrative, they portray themselves as migrants deserving to stay based on their contribution to the United States; as opposed to the ‘illegals’ targeted by the Latino threat narrative. What is more, nearly all participants advocated for the idea of a merit-based immigration system, in which people can earn their legal status:

“There are a lot of [illegal] people in here that have a clear background, are doing well, work, pay taxes, do everything correctly... These people they should have an opportunity to have like a permit. I would promote a law that would give them like a probatory permit. If they can keep five years more of a clean record and paying taxes, then after five years that probatory permit

¹⁴ Translated.

¹⁵ Translated.

¹⁶ Translated.

could be transposed into a permanent residence permit. Why not? Because these are people who deserve it.”¹⁷ (Jorge)

5.4 Legal Process: the Quest for a Green Card

Marriage

The easiest way to become a LPR – that is, to ‘get a Green Card’ – is marrying a U.S. citizen; either a lover, a friend, or someone who agrees to partake for payment. During my fieldwork I found that this is very well-known within the Latino community in Southwest Florida.

Fieldnote

Miami,

06/10/2022

Before his performance on a rooftop bar, I talk to the musician. Despite growing up in Buenos Aires, the musician has a Spanish passport because of his father’s Spanish nationality. This enabled him to come to the United States with an ESTA. However, his ESTA expired several weeks ago. He doesn’t know what to do yet. He doesn’t want to go back to Argentina, but also doesn’t want to stay illegally in the United States. He hopes to be able to get a visa as an artist or obtain a Green Card through marriage. He talks about the marriage for papers in a very casual, practical way. Actually, he thinks he has a good chance of making a ‘deal’ with someone who wants a European passport. He already knows that Kay, his Cuban-American friend is interested in a European passport. Kay taps on my shoulder to ask if I want to take a polaroid picture of them. He smiles: “For our wedding album”.

Andres, who had a student status at the time, proposed to his American girlfriend on their third date:

“You always want to be a resident you know. During the student status, you cannot work legally here in the United States. That one [marriage] is the easy way to get your papers, and the fastest way to get your papers to be legally working here. It opens up a big door for all your dreams in here. (...) I think every immigrant in this country is looking for any status, to be legal, to work hard.” (Andres)

This highlights the pervasiveness of constantly trying to obtain a legal status. Accordingly, marriage is seen as the easy way out.

No citizen, no certainty?

Joel gained conditional residence status and later LPR status after he married an American: “I was fine you know... When I was married I had everything, I pay my tax, I go to Mexico a few times on the plane and everything, and come back without any problems.” Four years ago, he drove his family to Mexico to celebrate his daughter’s *quinceañera* [fifteenth birthday party]. On his way back, he was checked

¹⁷ Translated.

and fingerprinted at the border. The border patrol found out that he had two cases: one case related to his marriages, and one when he was apprehended and deported at his first attempt to come to the United States with the help of a *coyote* [human smuggler]. Apparently, he was not checked properly if he had any charges when he got his residence card, as he had used his other last name. They took his residence permit away. Joel has hired lawyers to get it back, but until today his efforts – and 26,000 dollars – were in vain.

Indeed, ‘a situation of “liminal legality” is neither unidirectional nor a linear process, or even a phase from undocumented to documented status’ (Menjívar, 2006, p. 1008). Menjívar substantiates this claim with the fact that immigrants with a temporary status can return to an undocumented status when their temporary statuses end. Joel’s story shows that one can even fall back into being undocumented from a status that is supposedly ‘permanent’. This uncertainty is also felt by Andres, Alex and Antonio. They are currently LPRs but are in the process of applying for citizenship to be more safe.

Fieldnote

May 2nd, 2022

Antonio is a permanent resident. Does he want to become a citizen? “Yes of course! I can do it this year!” he replies with a smile. Finally. He explains why it is so important to him: “in the U.S. the laws change every four years. There is a lot of opportunities here, but they can take it away from you. As a citizen they can’t take it away from you.”

“I mean, as a resident, you are a resident. When you mess it up with something, they can kick your ass from here, you know. (...) they can cancel your residence. If you get involved in something stupid, they can cancel it.” (Alex)

The data suggests that citizenship is still the ultimate goal in migrants’ quest for legalization as citizenship grants the right to vote, more security and symbolic value. Therefore, I agree with Morris (2003) that permanent residence status does not supersede citizenship, as some argue (e.g. Soysal, 1994).

While the literature is inconclusive on whether LPR should be considered a liminal legal status (Cebulko, 2014; Menjívar, 2006), my findings show that LPRs experience some liminal legality.

5.5 Conceptualizing Liminal Legality

The findings show that the experiences of immigrants with a liminal legal status indeed ‘share uncertainties and face barriers similar to those that undocumented immigrants also encounter’ (Menjívar, 2017), while they also differ from the experiences of both fully undocumented and fully documented immigrants (Cebulko 2014; Menjívar 2006). From the findings above we can conclude that immigrants with a liminal legal status experience structural and sociocultural limitations in varying degrees, depending on their legal situation. Whether or not a status enables one to have a driver’s license

and work permit are crucial factors influencing how much difficulties immigrants experience in their everyday lives. The temporal dimension is characteristic for the experience of liminal legality. As was expected based on the literature (Menjívar, 2006; Torres & Wicks-Asburn, 2014; Robertson, 2019), the participants experienced indeed a sense of anxiety and suspension. Thus, a liminal legal status ‘confers partial inclusion while simultaneously affirming that this status is temporary and partial’ (Waters and Gerstein Pineau, 2016, p. 140).

The pervasiveness of trying to obtain a legal status is also a typical feature of the experience of liminal legality. This may be distinct from the experiences of undocumented migrants. Undocumented migrants are not in a process and may have less prospects of changing their status. Therefore, they may not have the ‘capacity to aspire’ (Appadurai, 2004, p. 19) legalization, as it is too far out of reach. This seems to be the case for Matheus, who is undocumented since the overstay of his tourist visa: “At the moment my mind is not really concentrated on getting a residence permit or becoming a citizen, I just want to be able to buy a house.”¹⁸

The literature on liminal legality is largely based on research among migrants with TPS (e.g. Mountz et al., 2002; Menjívar, 2006; Menjívar et al., 2020). My research, on the contrary, involves a wide range of liminal legal statuses. Therefore, it is interesting that my findings broadly reflect the findings on research among immigrants with TPS. This suggests that immigrants with a liminal legal status are a useful category for migration scholars and policy makers, as the experiences of this category can be distinguished from the traditional categories of documented and undocumented migrants.

However, my findings also suggest that we should be cautious with generalizations on immigrants with a liminal legal status as this is a very diverse group. For example, TPS provides better socioeconomic opportunities than an administrative closure, but an administrative closure provides more permanence (and thus security). This leads to a conceptualization presented in Figure 5 of liminal legality as a spectrum with two dimensions: socioeconomic inclusion and permanence.

¹⁸ Translated.

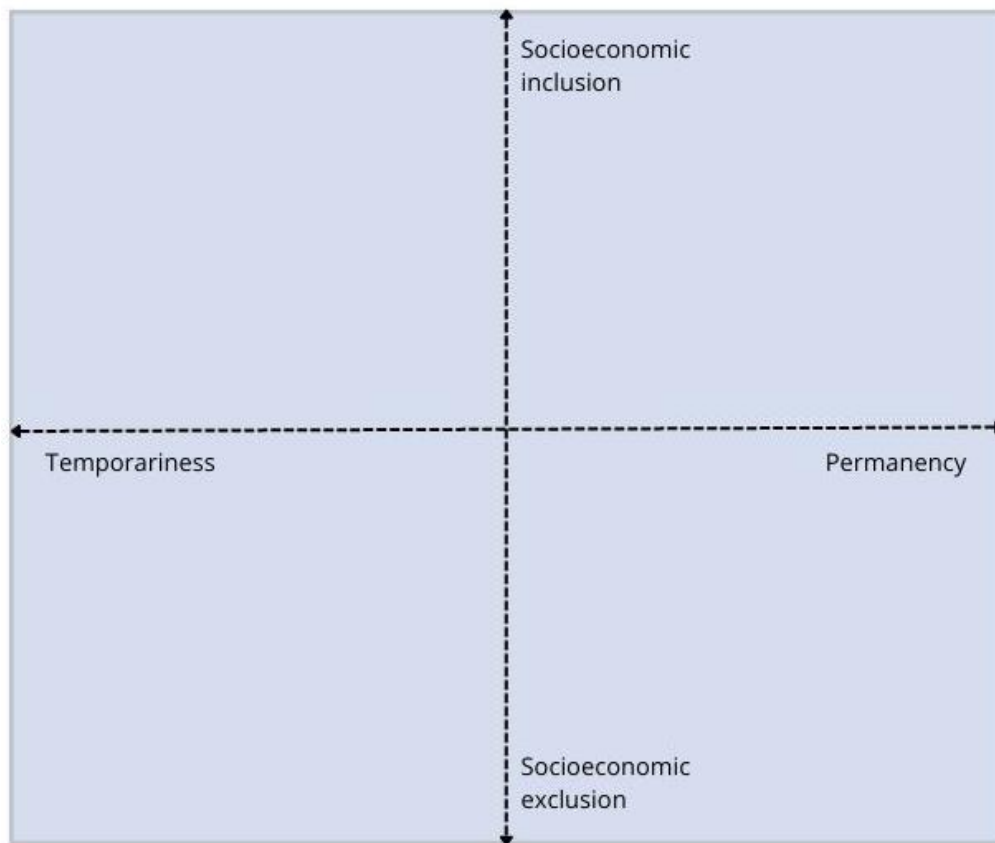


Figure 5: Liminal legality as a bidimensional spectrum.

6. Liminal Legality & Migration Capabilities

This chapter analyzes the role of liminal legality in shaping the (perceived) migration capabilities of Latino immigrants in Southeast Florida with a liminal legal status. Firstly, I will look at the interplay between liminal legality and, respectively, external constraints (6.1) and internal enablers (6.2). To conclude, I will discuss the intersectionality of legal status and socioeconomic status, which perpetuates inequality between migrants, both in terms of socioeconomic position and migration capability (6.3).

6.1 External Constraints: Cause and Consequence of Liminal Legality

Cause

Between 2009 and 2013, Dominic's mother applied three times for a tourist visa for the United States. All three got denied, even though she actually had the intention of just visiting her husband and then returning to Honduras. With each visa request the family lost a lot of money. Therefore, they decided to 'just invest the money in a coyote and actually immigrate to the US.':

"What I thought [was] to just keep visiting, I never actually had the thought of staying here. Because of course I didn't want to, because you are leaving everything behind. Of course that never crossed my mind, actually staying in the US. So I think if we had the visa, no, I wouldn't live in the US. No way." (Dominic)

This example shows how external constraints – in this case restrictive visa regulations - virtually push people into 'illegality' or liminal legality as legal pathways are inaccessible. This is problematic for migrants, who are often faced with many dangers during such clandestine migration journeys and subsequently have to deal with the limitations of a liminal legal status. This finding reveals the perverse effects of restrictive visa regulations of the U.S. government: adding to liminal legal situations and fostering the exploitative migration industry.

Consequence

External constraints can also be a direct consequence of liminal legality, as some liminal legal statuses have travel restrictions (see Appendix A). For example, Leo would love to live and work abroad for a few years, but he cannot leave the country due to his pending asylum request. Vice versa, the capability to travel legally (absence of external constraints) may increase return migration and onward migration. For example, Jorge, who was fully undocumented for two years, felt incapable to migrate as he would have to make the dangerous and expensive clandestine journey across the border again. As soon as the TPS for El Salvador was approved, his migration capability increased:

"So when I got that permit [TPS] I thought let's go back to El Salvador and let's see. I was there, I was looking for opportunities, but it was the same thing. I had some money that I was able to

save. So I thought let's start over again in my country. But it was impossible. Everything was the same or worse.”¹⁹ (Jorge).

Migrants tend to ‘hunker down and remain in the United States rather than facing even higher costs and risks of crossing at some future date’ as crossing the U.S.-Mexico border became more difficult (Massey & Pren, 2012, p. 6). Even though Jorge did not stay in El Salvador, as soon as he got his travel permit he tried to migrate back. Also, short term visits may lead to long term migration (Carling & Schewel, 2018). Thus, lifting external constraints may increase the potential for return migration.

Figure 6 illustrates that external constraints can be both cause and consequence of liminal legality, reducing people’s capability to move out of the United States.

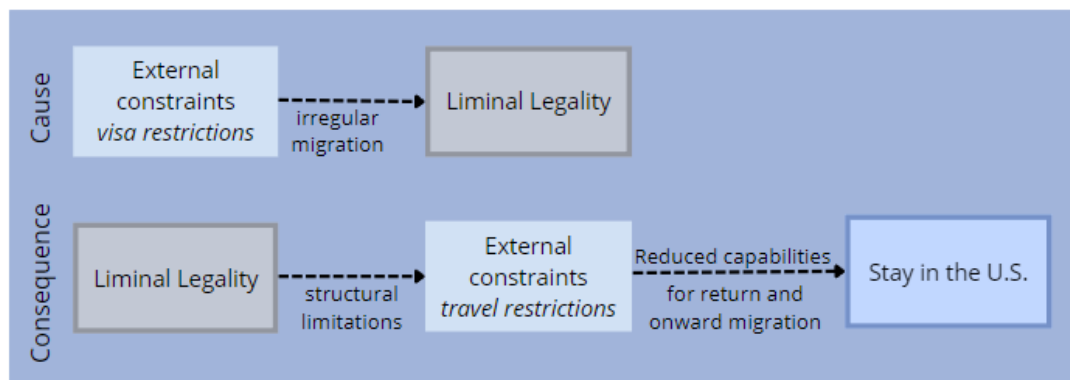


Figure 6: External constraints as a cause and consequence of liminal legality.

6.2 Internal Enablers: Human, Economic and ‘Diverted’ Capital

The data indicates that internal enablers (human and economic capital) shape migration routes: legal routes are accessible to the rich and well-educated, while the coyotes cater to the poor. Thus, my findings reaffirm that ‘poorer migrants today frequently end up as undocumented citizens’ (Appadurai, 2003, p. 20), leading to the intersectional vulnerability of undocumented immigrants with a low socioeconomic status.

Human Capital

Jorge explains that a visa was inaccessible to him:

“It was clear that I had to do it with a coyote. It is very hard in El Salvador to get a visa. You have to be a professional or something like that. For me, as I was working for Coca Cola, they assume that if they give me a visa to go to America that I would stay.”²⁰ (Jorge)

Notably, participants who studied at university already had a tourist visa before they planned to move to the United States, while participants without higher education did not. Matheus and Andres were able

¹⁹ Translated.

²⁰ Translated.

to obtain a tourist visa despite their low educational level. This might be explained by the fact that they both had middle income jobs. Still, Andres had to apply three times before his visa was approved and Matheus paid a legal counsellor to prepare for the interview. This illustrates how human capital increases (legal) migration capabilities.

Economic Capital

Migration to the United States is expensive, whether you have to pay for a visa or for a coyote. Matheus spent 26,000 reals (approximately 7800 dollars) on the process to get his tourist visa. Besides the fees, visas often require proof of one's economic capital (e.g. bank statements). Jorge paid 7500 dollars for his trip with a coyote, but now the same trip would cost around 12,000 dollars. He further explains that this was not even a 'secure trip', in which they give you three chances to cross the border. A secure trip from El Salvador to the United States costs 16,000 to 18,000 dollars, according to Jorge. Participants who crossed the border irregularly explained that they had to use all their savings and borrow money from friends and family to be able to pay the coyote. On top of that, they were often deprived of their possessions, such as their phones, during the journey. This further decreases their socioeconomic position upon arrival in the United States.

The findings on both economic and human capital as migration capabilities highlight the entanglement of external constraints and internal enablers: economic and human capital help to overcome external constraints.

'Diverted' Capital

Jorge has been sending money to El Salvador to build a house there - increasing his capability for return migration - to cope with the uncertainty of his liminal legal status: "Basically, I am here illegal, so I don't know, in case I have bad luck, and for some reason they catch me and deport me, at least I have a house over there."²¹

The resources (money, time, attention) spent on his house in El Salvador are diverted from other goals.

Likewise, Joel has already spent 26,000 dollars on (unhelpful) lawyers after his Green Card was revoked, which bears witness to his dedication to legalize: "Because I just want to be legal, finally, here." The resources he spends on his legal process impede his migration capabilities for any onward or return migration. His aspirations and capabilities now focus on legalizing, hampering his 'capacity to aspire' (Appadurai, 2004, p. 19) onward or return migration. Thus, the focus on dealing with liminal legal statuses seems to lead to the suspension of other plans.

²¹ Translated.

6.3 Intersectionality of Legal Status and Socioeconomic Status

Immigrants like Dominic, Jorge and Joel are particularly vulnerable in their position as liminal legal immigrants with a low socioeconomic status (SES). This resonates with Crenshaw's (1989) theory of intersectionality which points at the way in which social categories like gender, race, and class can overlap or intersect. The cumulative effect of discrimination or disadvantages associated with certain groups put the people at the intersections of multiple vulnerable identities in particularly vulnerable positions. Looking through an intersectional lens at civic stratification (Morris, 2003), I noticed that the intersection of legal status and socioeconomic status perpetuates social inequality between Latino immigrants: a lower socioeconomic status makes legal entry into the United States more difficult and irregular entry impairs social mobility once in the United States, because of the structural limitations associated with undocumented and liminal legal statuses (see 5.2). This dynamic is represented in Figure 7. As the findings above show, a higher socioeconomic status creates more opportunities for regular migration, which provides access to rights such as a work permit and social security number. Accordingly, documented migrants have more opportunities to increase their socioeconomic status through better jobs, education, social network and housing. This, in turn increases their migration capabilities.

The intersectional effects of legal and socioeconomic status can be intergenerational. For example, Camila is worried whether her daughter can go to college as she would have to apply as an international or out-of-state student and pay much higher tuition. As Figure 7 shows, this can cause segmented assimilation (Portes & Zhou, 1993) as undocumented migrants and their families – following the red assimilation trajectory – end up in lower socioeconomic statuses than documented migrants. Indeed, the effects of legal status 'intersect with other social cleavages to produce heterogeneous experiences within the immigrant population' (Menjívar et al., 2020). My findings show that segmented assimilation as the result of the intersectionality of legal and socioeconomic status may foster the creation of an immobile Latino underclass.²²

The gray area of liminal legality, depicted in Figure 7, marks that there is some room for upward mobility. For example, Dominic couldn't afford to go to college until a recent policy change granted immigrants with an administrative closure a driver's license and thereby the possibility to pay in-state tuition (see 5.2). However, we may speak of 'volatility' rather than 'social mobility' due to the inherent uncertainty and temporariness of a liminal legal status; one may fall down the social ladder as soon as their liminal legal status expires. If migrants find themselves trapped in this cycle of socioeconomic disadvantage, they may see marrying a U.S. citizen as the only way out (see also 5.4).

²² Based on the term 'new Latino underclass' (Massey & Pren, 2012).

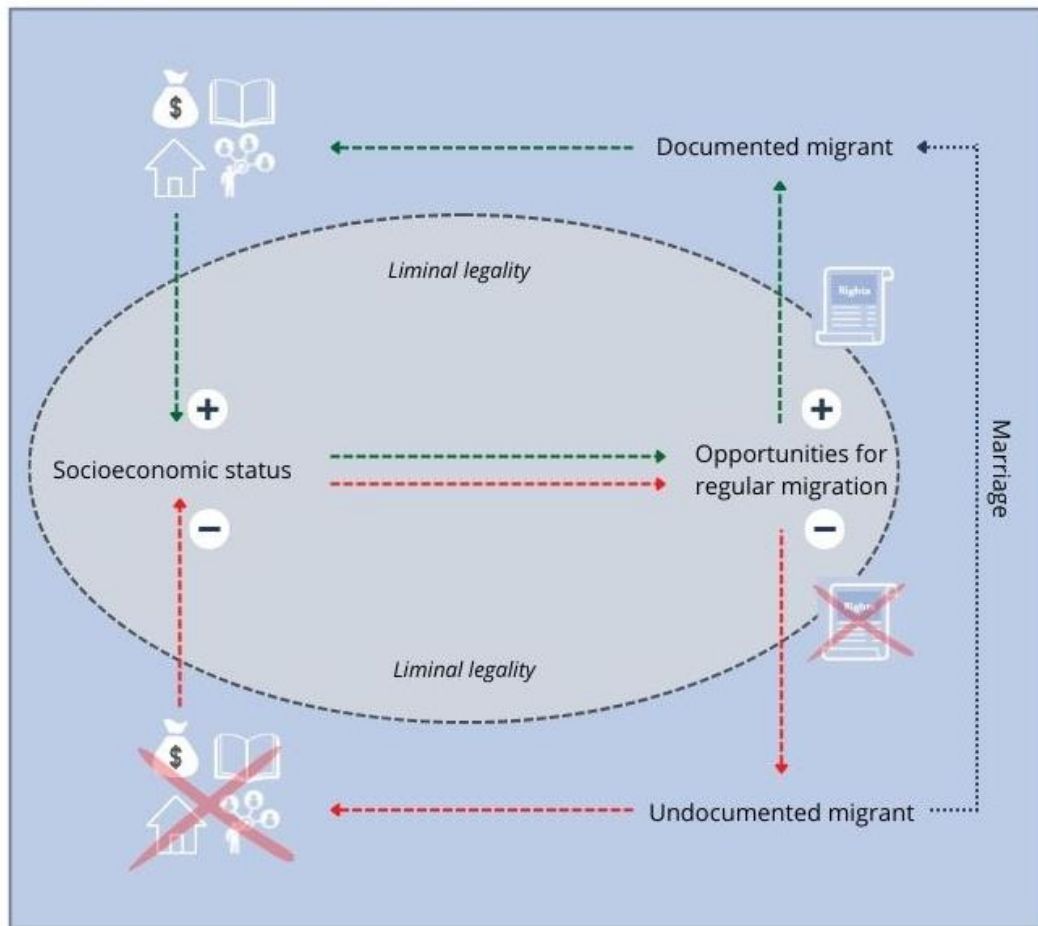


Figure 7: Social immobility resulting from the intersectionality of legal status and socioeconomic status.

7. Liminal Legality & Migration Aspirations

In response to the third research question, I will analyze the role of liminal legality in shaping migration aspirations. Firstly, I will discuss participants' aspirations to move to the United States and analyze what role the prospect of liminal legality played in their migration decision (7.1). Secondly, I will present participants current migration aspirations and discuss how their aspirations were impacted by the experience of liminal legality (7.2).

7.1 Past Migration Aspirations

Instrumental Migration Aspirations

The migration aspirations of the participants were predominantly instrumental (De Haas, 2021a): improving their economic situation and living in more secure circumstances. Nearly all participants used the term 'opportunities' to describe their migration aspiration, which seemed synonymous for economic opportunities:

“I was expecting that I was going to be better in here, that I have more opportunities. So I can be something in life, you know, I can make money and I can make, basically, just work. (...), so I can support my family over there and pay, you know...” (Joel)

Jorge, Joel, and Matheus mentioned only economic reasons, while Valentina and Leo mentioned only safety reasons. Camila, Mono, and Andres were primarily economically motivated, but the insecurity in their country of origin, Colombia, also played a role. Dominic and Raul were still kids when they made their journey to the United States. Their main reason was uniting with their families. Raul explains that he did not necessarily want to go to the United States, but that the circumstances pushed him after his father died: “I had no one in Honduras anymore.”

‘Necessity to Leave’ and ‘Aspiration to Go’

Inductively, a distinction emerged between migrants who moved primarily out of a ‘necessity to leave’ their country of origin, while others had the ‘aspiration to go’ as they felt drawn to the United States. This distinction provided explanatory power with regards to the influence of the prospect of liminal legality, as I will argue below. This overlaps with instrumental and intrinsic migration aspirations, but it adds an element of urgency. Of course, this distinction is not black-and-white, but rather a spectrum. On the one end we find Leo, who fled the regime in Venezuela after being imprisoned, and subsequently continued to be threatened, for partaking in a protest:

“I didn't have a plan, my plan was just to escape. That was it. I don't want to be here. I didn't think like what was I gonna do next... just escaping. And if I wasn't able to stay here, I was going to go somewhere else, but just leaving the country. That was my plan.” (Leo)

On the other end we find Alex, as he envisioned ‘more’ for himself in the United States:

“I could stay in El Salvador, in my parents’ house, chilling, working, getting some money. But I didn’t want it. I wanted to have more. I wanted to have a house. I wanted to have a family, I always dreamed with a big yard, where my kids can play. (...) I had to grow, so I had to be away and start to look for my independence.” (Alex)

Prospect of Liminal Legality

The distinction between a ‘necessity to leave’ and an ‘aspiration to go’ is useful for understanding the influence of the prospect of liminal legality on migration aspirations. Participants with an urgent ‘necessity to leave’ were hardly influenced by the prospect of liminal legality as they are preoccupied with their safety and sometimes have to leave all of a sudden.

People with an ‘aspiration to go’ are more likely to take the (perceived) prospect of their legal status in the United States into account. This was apparent in the fact that Alex let his migration decision depend on his prospective legal status. For Alex, being able to fly abroad was a precondition for his move to the United States. That is why he applied for a student visa in El Salvador:

“If my father had another heart attack, if my mom needs something and I would be attached to the United States just because I am a student... I said ‘no, if I don’t have the visa, I have no chance to come back, I will not take it.’” (Alex)

Camila and her husband had some necessity to leave due to the deteriorating economic and security situation in Colombia, but their decision was not very acute. They did take the prospect of liminal legality into account in their migration consideration, but family reunion and economic opportunities outweighed the prospect of a liminal legal status:

“At this moment, for Colombian people, we don’t need anything to go to Spain. We can just go with our IDs. We don’t need a visa or something. [We came here] for the family, and we analyzed the economic opportunities here and in Spain and found that the economic opportunities are better here.”²³ (Camila)

In fact, Colombians need a visa to live and work in Spain, but not for tourist visits (SpainVisa, n.d.). However, what matters here is that Camila perceived legal migration to Spain to be possible, but preferred moving to the United States, without legal certainty.

Evidently, if potential migrants are not aware of the liminal legal situation and its associated limitations, the prospect of liminal legality has little impact. My findings showed that this was largely the case as participants often acquired little information prior to their migration decision and relied largely on the (mis)information of a few social contacts. For example, Mono based his migration decision on the story

²³ Translated.

of a friend who got an EB-2 visa in approximately three months. This created a falsely optimistic expectation of the liminal legality Mono was about to face:

“Basically what encouraged us to take this decision [to apply for the EB-2 Visa], was that the time of the visa was so fast. So we said 'okay, why not?' (...) Because I thought, three months and see my wife, okay, is good. But not one year and a half.... if I knew it would take such a long time this process, I don't start. (...) It is a hard life, to be that long away from my family. [phone rings, the screen shows ‘Amor’. Mono briefly talks to his wife and puts down the phone with a tear rolling down his cheek] Sorry, today no is easy day.” (Mono)

Thus, the prospect of liminal legality played a minor role in shaping participants’ migration aspirations, as it was not an important element of their ‘perceived opportunity structures’ in the United States due to the (mis)information shaping their migration decision. Moreover, all participants stated they would have made the same migration decision in hindsight. This indicates that even if they were aware about their prospect of liminal legality, it would not alter their migration aspiration to move to the United States. This corresponds with the findings of Lopez & Moslimani (2022): 78% of Latino immigrants who are not citizens nor LPR would still migrate to the United States, if they had to choose again.

7.2 Present Migration Aspirations

Stay in the United States

Most participants aspire to stay in the United States; some only under the condition that they can stay legally:²⁴ “But not stay illegally, because that is hard, is like you are worse than a dog here.” (Valentina)

For all participants with children, better opportunities for their children – some of them U.S. citizens – are an important reason to stay. If safety is (one of) the reason(s) to leave, return is not desired:²⁵

“Even if money does not play a role, I think I would not go back to Colombia, because the insecurity in Colombia.... It is a fact that I wouldn't want to go back there. It is not just the money you can win in here, it is about the peace you win in here.”²⁶ (Camila)

Participants who expressed only economic reasons for moving to the United States, initially planned to return once they had earned enough money. However, their plans changed over time:

“The first few years I just want to work and say I want to go back to Mexico and do my life over there. But after I got married, and my kids and all that.... So, yeah I changed my mind” (Joel)

²⁴ What participants consider ‘legal’ is debatable and may differ per person. Here, Valentina means that she will not stay if her asylum application is denied.

²⁵ In case asylum is granted, return is not possible.

²⁶ Translated.

Changing migration aspirations can be partly caused by liminal legality. Firstly, because people continue to build their lives (e.g. marry and have kids) in the United States during the long wait times for their legal process. Secondly, structural limitations of liminal legality (see 5.2) make it hard to ‘quickly earn some money and go back’ (Mono). This, again, highlights the interaction between aspirations and capabilities.

Importantly, the experience of liminal legality creates ‘sunk costs’ (Arkes & Blumer, 1985) triggering migrants to stay in the United States, as they have already invested so much time, money, and effort.²⁷ Mono initially planned ‘to do something quick, make some money and go back.’ He changed his plan and requested an EB-2 visa. Now that he has been waiting 325 days for any progress, he feels that if he returns now, it was all for nothing: “If in this moment I go to Colombia, I lose all the money,²⁸ I lose all the time, I lose all my tears.”

Return Migration

None of the participants currently has a plan of returning to their country any time soon. Reuniting with family members in the country of origin was the main factor determining return migration aspirations. As a result of chain migration (e.g. Fink, 2012), many participants have family members in the United States and do therefore not aspire to return. Some participants aspire to return once they retire. However, this aspiration is conditional on whether they have earned enough money to do so. Additionally, return migration aspirations depend on whether the (perceived) opportunities in the country of origin improved: “There is no reason to go back if everything is still the same or worse.”²⁹ (Camila)

Thus, it is still rather uncertain how many participants - if any - will eventually move back. This finding is in line with the trend of declining return migration from the United States to Latin America (Massey, 2011). My findings confirmed that liminal legality affects the relationship with immigrants’ country of origin (Menjívar, 2006). Not being able to travel commonly weakens ties with the country of origin so much that the migrant does no longer aspire to return.

Onward Migration

Some participants expressed aspirations for migration to another country than the United States or their country of origin. Although, for now, those were mainly dreams for the future.

In contrast to past migration aspirations (see 7.1), aspirations for onward migration, including temporary migration, were mostly intrinsic. For example, Valentina would like ‘to see different cultures’, and

²⁷ The sunk cost fallacy entails a psychological tendency to continue an undertaking once an investment in money, effort, or time has been made.

²⁸ Mono has paid 20,000 dollars for his legal process thus far, excluding the fees for the application forms.

²⁹ Translated.

Camila explains: “We like Spain. We already thought about that. Maybe in the future, when the kids are grown up, we think about migrating to Spain.”³⁰

For some participants, their experience in liminal legality impedes their aspiration for onward migration: Mono would not migrate again if that would mean that he has to be separated from his family again and Dominic explains: “I can't really imagine myself starting a new life again.” For others, liminal legality fosters migration aspirations for onward migration as a contingency plan, in case one's status expires or a visa or asylum request is not granted. Valentina wants to avoid repeating her experience of liminal legality by giving priority to a country where the legal process is easier:

“If they rejected, We're not going back to Honduras, because it is not making sense and there we run a risk. But we're not staying here illegally. Probably we're going to another place, another country, maybe Costa Rica. Another place that is good, but where they can accept you, that you don't have to make this longer process for stay and work. (...) At this point, when you were in my shoes, you need to have a plan A, plan B, and plan C.” (Valentina)

The experience of liminal legality has not been easy on Leo either, but he courageously states:

“If I am not able to stay in this country, I will just leave to another country. I am just not going back to Venezuela. (...) it wouldn't be easy. But as they say here 'I will face the music'.” (Leo)

Figure 8 displays how different aspects of liminal legality, via corresponding mediators, influence Latino immigrants' aspirations to stay, return, or migrate onwards. It shows that liminal legality is most likely to increase aspirations to stay in the United States; albeit for some only if they can stay legally.

³⁰ Translated.

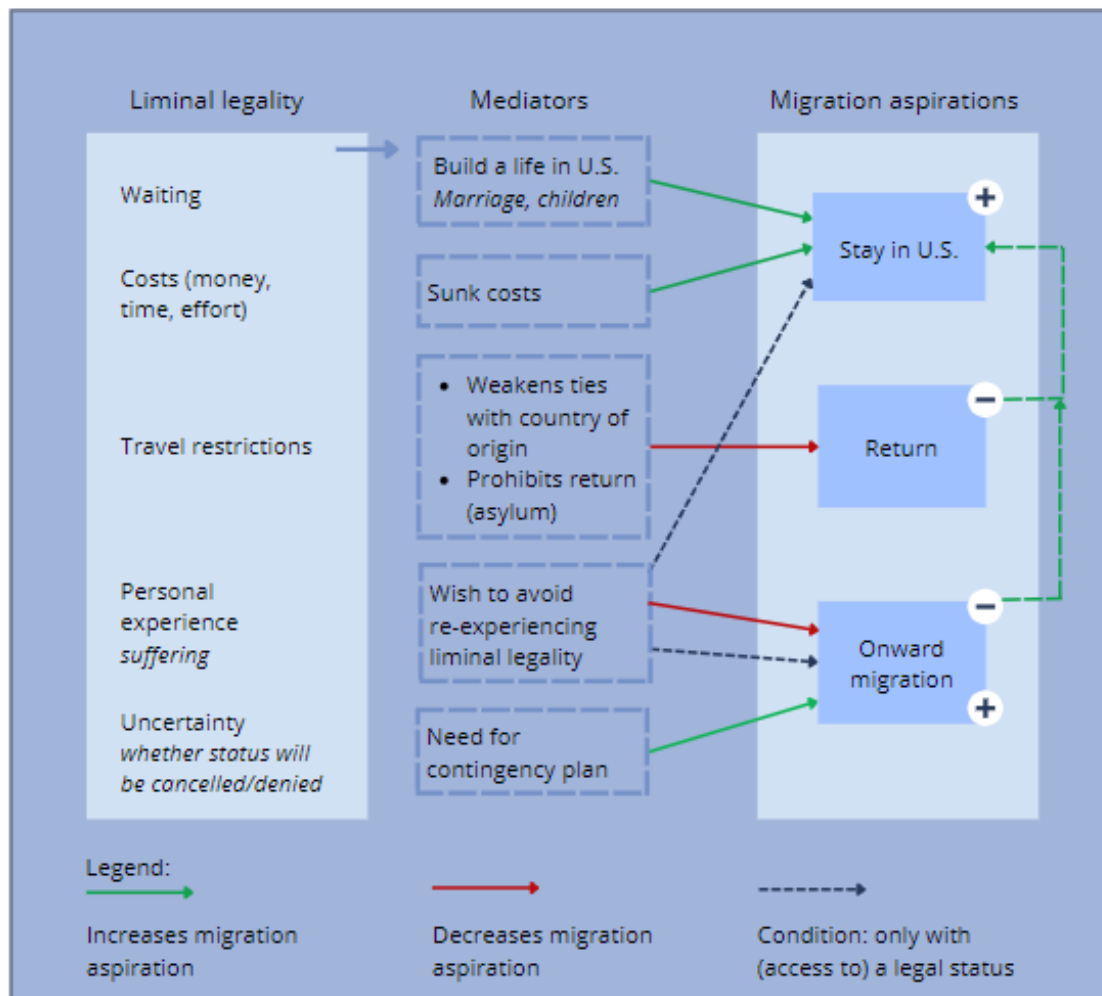


Figure 8: The influence of experiencing liminal legality on migration aspirations.

8. Conclusion

In this research, I studied the role of liminal legality in shaping the migration aspirations of Latino immigrants living in Southeast Florida with a liminal legal status. In this chapter, I will first answer research questions 1, 2, and 3, building up to the answer to the main research question (8.1). Subsequently, I will reflect on the theoretical contributions and limitations of this research (8.2).

8.1 Conclusions

Research question 1: How do Latino immigrants living in Southeast Florida with a liminal legal status experience liminal legality?

In accordance with my expectations, I found that Latino immigrants living in Southeast Florida with a liminal legal status experience structural and sociocultural limitations in varying degrees, depending on their legal situation. The temporal dimension characterizes the experience of liminal legality. It involves the sense of being ‘in limbo’, uncertainty about one’s legal status, and having to wait and see. The immigrants’ accounts of their experience of liminal legality revealed a sense of powerlessness in face of the state. This confirms the position of Bloemraad (2004) that new forms of citizenship, including liminal legal statuses, underline the enduring power of the nation-state. All in all, the Latino immigrants experience hardships due to liminal legality, although they perceive their limitations to be minor compared to the improvements that they have been able to make in their lives since their move to the United States.

The pervasiveness of the constant quest for legal status was found to be a typical feature of the experience of liminal legality. This may be distinct from the experiences of undocumented migrants who may not have the ‘capacity to aspire’ legalization, as it seems unattainable. Therefore, I recommend a comparative study between the experiences of migrants in a liminal legal situation and a fully undocumented situation regarding their aspirations and endeavors for legalization.

Research question 2: What role does liminal legality play in shaping the (perceived) migration capabilities of Latino immigrants living in Southeast Florida with a liminal legal status?

My research shows that liminal legality reduces the (perceived) migration capabilities of Latino immigrants living in Southeast Florida as it increases external constraints and reduces internal enablers. Additionally, the focus on dealing with liminal legality was found to impede migration capabilities: as aspirations and capabilities focus on legalizing, the ‘capacity to aspire’ return or onward migration is hampered. Internal enablers (human and economic capital) were found to mitigate external constraints. That is, legal migration pathways (i.e. visas) are easier accessible to people with a higher socioeconomic status. Thus, my findings reaffirm that ‘poorer migrants today frequently end up as undocumented citizens’ (Appadurai, 2003, p. 20). Accordingly, the intersectionality of legal and socioeconomic status perpetuates social inequality between Latino immigrants: a lower socioeconomic status makes legal

entry into the United States more difficult and irregular entry impairs social mobility once in the United States (see Figure 7). Meanwhile, a low social economic status and a liminal legal status impede the acquisition of social, economic and human capital (internal enablers). Ultimately, segmented assimilation as the result of the intersectionality of socioeconomic and legal status may foster the creation of an ‘immobile Latino underclass’.

Research question 3: What role does liminal legality play in shaping the migration aspirations of Latino immigrants living in Southeast Florida with a liminal legal status?

Consistent with the expectation, the prospect of liminal legality played a minor role in shaping migration aspirations. First of all, it was not an important element of Latino immigrants’ perceived geographical opportunity structures in the United States due to the (mis)information shaping their migration decision. Secondly, participants with an urgent ‘necessity to leave’ were hardly influenced by the prospect of liminal legality as they were preoccupied with their safety and sometimes had to leave all of a sudden. People with an ‘aspiration to go’ are more likely to take the (perceived) prospect of their legal status in the United States into account. Moreover, all participants stated they would have made the same migration decision in hindsight.

Concerning immigrants’ present migration aspirations, I found that the experience of liminal legality mostly fosters the aspiration to stay in the United States (see Figure 8). Contrary to the expectation, the experience of liminal legality and the hostile climate fostered by the Latino threat narrative do not seem to evoke the aspiration to go ‘home’. Instead, liminal legality creates ‘sunk costs’ triggering migrants to stay in the United States. As expected, aspirations for return migration decline because prolonged periods of liminal legality - often accompanied by travel restrictions – weaken ties with immigrants’ country of origin.

The expectation regarding onward migration was partially confirmed. Indeed, some participants’ were deterred by the thought of living in the precarious situation of liminal legality and starting all over again. Others considered onward migration as a contingency plan, in case their status would be denied. In the case of onward migration aspirations, the experience of liminal legality led migrants to take the legal prospect into account for their next migration move.

Main research question: What is the role of liminal legality in shaping migration aspirations and capabilities of Latino immigrants living in Southeast Florida with a liminal legal status?

This research found that liminal legality plays an important role in shaping migration aspirations and capabilities of Latino immigrants living in Southeast Florida with a liminal legal status, which confirms the expectations regarding the main research question. As depicted in Figure 9, the experience of liminal legality reduces both migration aspiration and capabilities for return migration and (to a lesser extent)

onward migration. Moreover, Figure 9 illustrates how migration aspirations depend on migration capabilities (De Haas, 2021a). Travel restrictions simultaneously decrease the aspiration and capability for return migration. Also, the focus on legalizing may hamper the ‘capacity to aspire’ return or onward migration. Thus, liminal legality can be expected to decrease return and (to a lesser extent) onward migration, contributing to the continued growth of the Latino population in the United States. This finding corresponds with the decline in return migration from the United States to Latin America (Massey, 2011). A turbulent decennium later, the finding of Massey and Pren (2012) is still accurate: the U.S.’s restrictive migration regime has the perverse effect of keeping immigrants in rather than keeping them out (Massey & Pren, 2012). My findings not only resonate with the alarming rise of a ‘new Latino underclass’ (Massey & Pren, 2012), but also warn that that segmented assimilation as the result of the intersectionality of legal and socioeconomic status may foster the creation of an immobile Latino underclass.

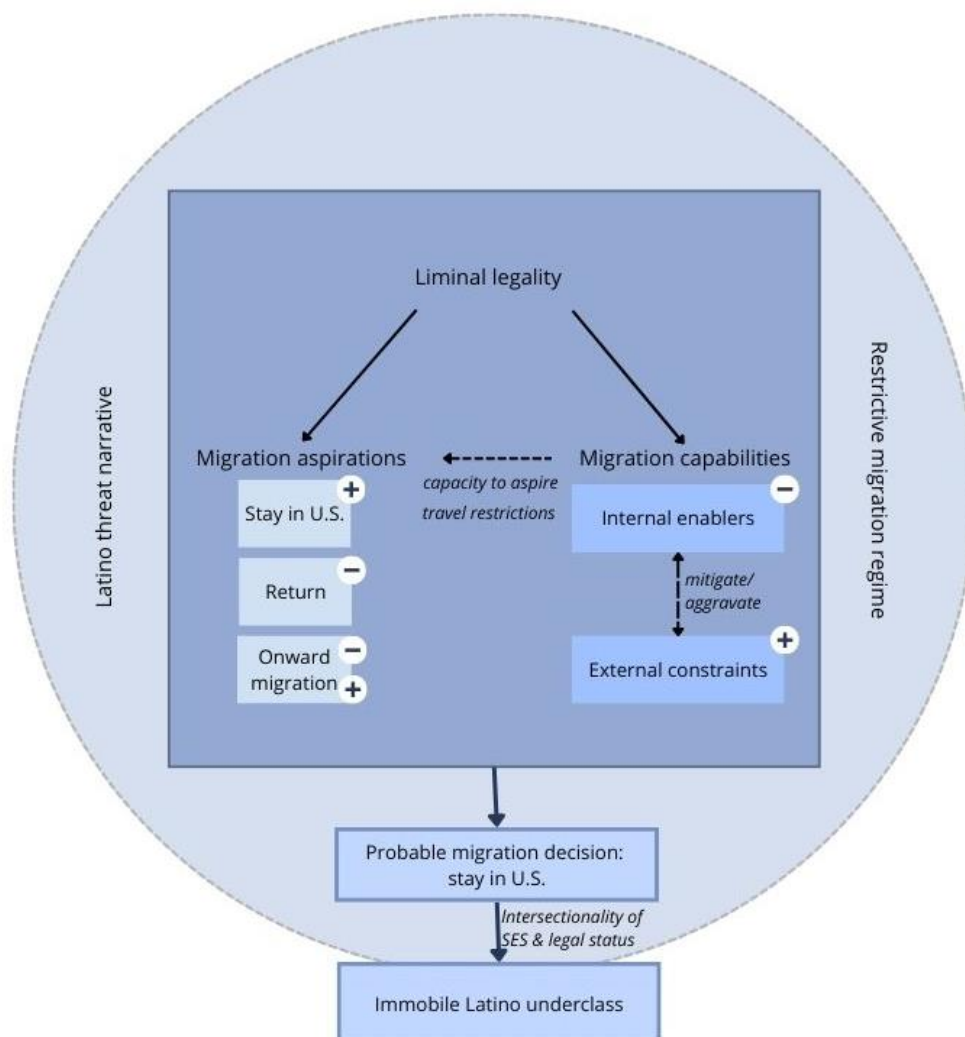


Figure 9: The role of liminal legality in shaping migration aspirations and capabilities.

This research further suggests that scholars and policymakers should be cautious with generalizations on immigrants with a liminal legal status as this is a very diverse group. This led to the conceptualization of liminal legality as a spectrum with two dimensions: socioeconomic inclusion and permanence (see Figure 5). Combining the findings on research question 1 and 2 (Chapter 5 & 6), we see that capabilities in terms of economic and human capital largely determine a migrant's position on the spectrum of liminal legality as legal migration pathways (i.e. visas) are more accessible to people with a higher SES. Accordingly, the migrant's legal position determines their potential for upward social mobility; and thus, whether one is prone to be trapped in the 'immobile Latino underclass'.

8.2 Discussion: Contributions & Limitations

This research reaffirmed that the experiences of migrants in liminal legality differ from fully undocumented and fully documented migrants. This suggests that migrants with a liminal legal status are a useful category for migration scholars and policy makers, as the experiences of this category can be distinguished from the traditional categories of documented and undocumented migrants.

My research involved a wide range of liminal legal statuses, distinguishing it from the dominant literature on liminal legality in the United States, which is primarily based on research among migrants with TPS. This variety within the research sample was a blessing and a curse. On the one hand, it was hard to make any general statements about the experience of liminal legality and its effects due to the disparate experiences of participants, depending on their position on the spectrum of liminal legality. Therefore, I recommend further research that studies the impact of specific liminal legal statuses (e.g. pending asylee status) on migration aspirations and capabilities.

On the other hand, the diversity within liminal legality is an important finding in itself, as the experience of liminal legality was found to differ significantly, depending on migrant's position on the bidimensional spectrum of liminal legality. The conceptualization of liminal legality as a bidimensional spectrum of socioeconomic inclusion and permanence contributes to the conceptualization of liminal legality, which is still in its infancy. Arranging liminal legal statuses on this bidimensional spectrum provides an analytical tool to gain insight into the diversity within liminal legality. There may be more dimensions that should be taken into account when categorizing liminal legal statuses, such as the potential for legalization. Therefore, I recommend further research into different dimensions of liminal legality.

By including LPRs in my research, I was able to find that the uncertainty associated with LPR status suggests that it should be considered a liminal legal status. This contributes to the academic debate on new forms of citizenship, as it reaffirms that permanent residence status does not supersede citizenship (Morris, 2003), as some have argued (e.g. Soysal, 1994).

Finding that liminal legality shapes migration aspirations, capabilities and their interplay (see Figure 9) suggests that migration aspirations and capabilities should indeed be studied jointly to explain and (to

a limited extent) predict migratory (im)mobility (Van Heelsum, 2016; Carling & Schewel, 2018; De Haas, 2021a). This reaffirms the usefulness of De Haas' aspirations-capabilities model.

The findings of this research cannot be generalized to other contexts, especially not outside the United States, because the experience of liminal legality is highly dependent on the national (and sometimes local) context, as the stratification of legal statuses differs per country. Additionally, the temporal dimension of the experience of liminal legality is highly dependent on the immigration bureaucracy in a given time and place (e.g. enforcement, wait times). Indeed, the political context intensifies the experience of liminal legality (Burciaga & Malone, 2021). Thus, research on liminal legality needs to pay attention to the context in which it is situated.

Concerning the findings on the prospect of liminal legality, an important limitation was that I only interviewed people that have migrated to the United States. This creates a severe bias as the people who are deterred by the prospect of liminal legality are likely to remain in their country of origin. Therefore, I recommend follow up research among Latinos who have not migrated (yet) on the role of the prospect of liminal legality in shaping migration aspirations.

9. Recommendations

“Perhaps the saddest fact of all is not the decline in the fortunes of Hispanics per se, but that the drop in status was almost entirely an artifact of misplaced U.S. immigration policies.” (Massey & Pren, 2012, p. 15)

This research warns of the creation of an immobile Latino underclass, trapped in the United States between a militarized border and social marginalization. As this vicious dynamic was, in part, generated by U.S. immigration policies (Massey & Pren, 2012), it is the responsibility of the U.S. government to turn the tide. Based on the findings of this research, I will present two policy recommendations to address the legal violence imposed by liminal legality and improve migratory mobility of Latino immigrants in the United States. These recommendations are designed to benefit Latino immigrants as well as the American society as a whole.

In line with the motto ‘nothing about us without us’ (Global Refugee-led Network, 2019), participants’ perspectives on immigration policies have been incorporated in the following recommendations.

Recommendation 1: Reduce wait time

This research argued that indefinite waiting in uncertainty of one’s legal status constitutes a form of legal violence (Cervantes & Menjívar, 2020, p. 308). The participants perceived the long and uncertain wait times as the most bothersome feature of liminal legality. Accordingly, many of them pointed out that reducing wait times in the legal process (including permit renewals) should be a priority. Even in the case of bad news, they would rather get it quickly.

The problem is urgent. Between 2017 and 2021, there has been an average increase in processing times of 1-2 months (Boundless, 2022). These delays have two main causes: (1) the COVID-19 pandemic impacted the efficiency of USCIS and (2) the Trump Administration delayed processing of visa petitions to curtail the number of immigrants (Donoso & Partners, 2021). The delays are most severe in the asylum process (Boundless, 2022). A decision on an asylum application should be made within 180 days after filing the application unless there are exceptional circumstances (USCIS, 2022). However, 41% of Immigration Court cases in which asylum applications have been filed since October 2,000 are still pending. In 2021, the average wait times for cases in the asylum backlog is 4.5 years (TRAC Immigration, 2021).

Therefore, I recommend to allocate significantly more resources to USCIS and EOIR to hire and train more employees, specifically asylum officers. Additionally, I advocate to give more priority to pending asylees who have been waiting the longest when scheduling affirmative asylum interviews. That is, to overturn the reformed interview scheduling approach implemented January 29, 2018, which schedules interviews starting with newer filings and working back towards older filings (USCIS, 2022). The

current approach causes legal violence, to people like Leo, who has spent over a quarter of his life waiting in uncertainty (see 5.1).

Reducing wait times is also beneficial from a more conservative perspective. Namely, this research found that people who are waiting in liminal legality for a long time are more likely to stay in the United States due to declining capabilities and aspirations for return and onward migration. More specifically, the aspect of waiting in uncertainty increases sunk cost and the longer the process takes, the more people establish their life in the United States, reducing their aspirations for return migration. Therefore, denying asylum and visa requests after years in liminal legality, can be expected to exacerbate non-return. This leads to a growing undocumented population, which is hard to govern.

Recommendation 2: Be cautious of marriage as ‘the easy way out’.

This research highlighted that many Latino immigrants in liminal legality consider marriage as the easy or only way to break out of the cycle of lower economic and legal status. Especially, as there are few pathways to a Green Card for Latinos who have entered the United States irregularly or overstayed their tourist visa, especially if they cannot demonstrate ‘exceptional skills’, a high educational level or a business to access an Employment-Based visa. This is problematic because it gives rise to the irregular migration industry in marriage partners and causes unhappy and rushed marriages. It also impacts U.S. citizens, which was apparent in my conversation with Sam (see Appendix B.1), as it puts pressure on relationships between U.S. citizens and undocumented or liminal legal immigrants. Indeed, the ‘remarkable rise in illegality among Latinos has implications that extend far beyond the undocumented themselves’ (Massey & Pren, 2012, p. 2).

Therefore, I recommend the creation of legal pathways that are accessible to those who are ineligible for current visas and provide a viable alternative to marrying for status. Hence, I encourage increasing the visa opportunities for ‘unskilled’ labor migrants. This could be done by liberalizing the eligibility criteria and increasing the numerical limit (currently 10,000) of the subcategory Unskilled Workers within the EB-3 visa category (Knapp, n.d.; USCIS, 2020). What is more, this would benefit the U.S. economy, as it currently suffers from a low-skilled labor shortage (Campbell, 2019; WSJ, 2021). The mismatch between labor supply and demand was especially pressing in construction (WSJ, 2021), which is typically a sector with many undocumented Latino immigrants. Thus, this recommendation fits the immigration principle of admitting immigrants with skills that are valuable to the U.S. economy (American Immigration Council, 2021).

References

- Abrego, L. (2015). Immigration Law and Immigrants Lived Experiences. In A. Sarat & P. Ewick (Eds.), *The Handbook of Law and Society* (1st ed., pp. 258–275). Wiley-Blackwell.
- Aleinikoff, A. T. (2001). Policing Boundaries: Migration, Citizenship, and the State. In G. Gerstle & J. Mollenkopf (Eds.), *E Pluribus Unum? Contemporary and historical Perspectives on Immigrant Political Incorporation* (pp. 267–291). New York: Russell Sage Foundation.
- Aliverti, A., & Cheliotis, L. (2020). *Crimmigrant Nations* (1st ed.). Amsterdam University Press.
- Altheide, D. L., & Schneider, C. J. (2013). *Qualitative Media Analysis (Qualitative Research Methods)* (2nd ed.). SAGE Publications, Inc.
- American Immigration Council. (2020, August 6). *Immigrants in Florida*. Americanimmigrationcouncil.Org. Retrieved June 20, 2022, from <https://www.americanimmigrationcouncil.org/research/immigrants-florida>
- American Immigration Council. (2021, September). *How the United States Immigration System Works*.
- Andreas, P. (2000). *Border Games*. Amsterdam University Press.
- Appadurai, A. (1996). *Modernity At Large*. Amsterdam University Press.
- Appadurai, A. (2003). Archive and Aspiration. In J. Brouwer, A. Mulder, & S. Charlton (Eds.), *Information is Alive* (pp. 14–25). Macmillan Publishers.
- Arkes, H. R., & Blumer, C. (1985). The psychology of sunk cost. *Organizational Behavior and Human Decision Processes*, 35(1), 124–140. [https://doi.org/10.1016/0749-5978\(85\)90049-4](https://doi.org/10.1016/0749-5978(85)90049-4)
- Bailey, A. J., Wright, R. A., Mountz, A., & Miyares, I. M. (2002). (Re)producing Salvadoran Transnational Geographies. *Annals of the Association of American Geographers*, 92(1), 125–144. <https://doi.org/10.1111/1467-8306.00283>
- Barbalet, J. M. (1988). *Citizenship: Rights, Struggle and Class Inequality*. Open University Press.
- Bauböck, R. (1995). *Transnational Citizenship: Membership and Rights in International Migration*. Edward Elgar Pub.

- Benenson, L. (2020, October 16). *Fact Sheet: Deferred Action for Childhood Arrivals (DACA)*. National Immigration Forum. Retrieved June 4, 2022, from <https://immigrationforum.org/article/fact-sheet-on-deferred-action-for-childhood-arrivals-daca/>
- Bloemraad, I. (2004). Who Claims Dual Citizenship? The Limits of Postnationalism, the Possibilities of Transnationalism, and the Persistence of Traditional Citizenship. *International Migration Review*, 38(2), 389–426. <https://doi.org/10.1111/j.1747-7379.2004.tb00203.x>
- Boeije, H. (2014). *Analyseren in kwalitatief onderzoek: denken en doen* (2nd ed.). Den Haag: Boom Lemma.
- Bosniak, L. (1991). Human Rights, State Sovereignty and the Protection of Undocumented Migrants under the International Migrant Workers Convention. *International Migration Review*, 25(4), 737–770. <https://doi.org/10.2307/2546843>
- Bosniak, L. (1998). The Citizenship of Aliens. *Social Text*, 56, 29–35. <https://doi.org/10.2307/466764>
- Bosniak, L. S. (2000). Citizenship Denationalized. *Indiana Journal of Global Legal Studies*, 7(2), 447–509. <https://doi.org/10.2139/ssrn.232082>
- Boundless. (2021, September 27). *Biden Administration Announces New Rule to Preserve DACA*. Retrieved June 2, 2022, from <https://www.boundless.com/blog/proposed-rule-preserve-daca/>
- Boundless. (2022a, March 31). *DHS Releases Overhaul of Fast-Track Asylum System*. Retrieved August 6, 2022, from <https://www.boundless.com/blog/dhs-overhaul-fast-track-asylum-system/>
- Boundless. (2022b, July 17). *The Latest USCIS Processing Times*. Retrieved August 1, 2022, from <https://www.boundless.com/immigration-resources/uscis-processing-times/>
- Brubaker, R. (1989). *Citizenship and Nationhood in France and Germany* (New edition). University Press of America.
- Bryman, A. (2016). *Social Research Methods* (5th ed.). Oxford University Press.
- Burciaga, E. M., & Malone, A. (2021). Intensified Liminal Legality: The Impact of the DACA Rescission for Undocumented Young Adults in Colorado. *Law & Social Inquiry*, 46(4), 1092–1114. <https://doi.org/10.1017/lsi.2021.8>

- Carling, J. (2002). Migration in the age of involuntary immobility: Theoretical reflections and Cape Verdean experiences. *Journal of Ethnic and Migration Studies*, 28(1), 5–42.
<https://doi.org/10.1080/13691830120103912>
- Carling, J. (2019, August). *Measuring migration aspirations and related concepts*. MIGNEX Background Paper.
- Carling, J., & Schewel, K. (2017). Revisiting aspiration and ability in international migration. *Journal of Ethnic and Migration Studies*, 44(6), 945–963.
<https://doi.org/10.1080/1369183x.2017.1384146>
- Cebulko, K. (2014). Documented, Undocumented, and Liminality Legal: Legal Status During the Transition to Adulthood for 1.5-Generation Brazilian Immigrants. *The Sociological Quarterly*, 55(1), 143–167. <https://doi.org/10.1111/tsq.12045>
- Cervantes, A. G., & Menjívar, C. (2020). Legal Violence, Health, and Access to Care: Latina Immigrants in Rural and Urban Kansas. *Journal of Health and Social Behavior*, 61(3), 307–323. <https://doi.org/10.1177/0022146520945048>
- Chavez, L. (2013). *The Latino Threat: Constructing Immigrants, Citizens, and the Nation, Second Edition* (2nd ed.). Stanford University Press.
- Chavez, L. R. (2001). *Covering Immigration: Population images and the politics of the nation* (illustrated edition). Berkeley: University of California Press.
- Cheyroux, E. (2019). Immigrant Rights Documentaries and Engagement. *InMedia*.
<https://doi.org/10.4000/inmedia.1718>
- CitizenPath. (n.d.). *Form I-130 Processing Time for Immigrant Petition*. Retrieved June 3, 2022, from <https://citizenpath.com/form-i-130-processing-time/>
- Congressional Research Service. (2022, April). *Temporary Protected Status and Deferred Enforced Departure* (No. RS20844). <https://crsreports.congress.gov>
- Coutin, S. B. (2000). Denationalization, Inclusion, and Exclusion: Negotiating the Boundaries of Belonging. *Indiana Journal of Global Legal Studies*, 7, 585–591.

- Coutin, S. B. (2003a). Illegality, borderlands, and the space of Nonexistence. In R. W. Perry & B. Maurer (Eds.), *Globalization under Construction: Governmentality, Law, and Identity* (First edition, p. 171). University Of Minnesota Press.
- Coutin, S. B. (2003b). *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency*. Amsterdam University Press.
- Crenshaw, K. (1989). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum*, 8(1), 139–167.
- de Genova, N. P. (2002). Migrant “Illegality” and Deportability in Everyday Life. *Annual Review of Anthropology*, 31(1), 419–447. <https://doi.org/10.1146/annurev.anthro.31.040402.085432>
- de Haas, H. (2021a). A theory of migration: the aspirations-capabilities framework. *Comparative Migration Studies*, 9(1). <https://doi.org/10.1186/s40878-020-00210-4>
- de Haas, H. (2021b). Paradoxes of migration and development. In T. Bastia & R. Skeldon (Eds.), *Routledge Handbook of Migration and Development* (pp. 17–31). Taylor & Francis.
- Delgado, J. (2022, March 23). *Can a non-immigrant get a driver's license in Florida?* Delgado Law Group. Retrieved June 2, 2022, from <https://www.immigrationpalmbeach.com/can-a-non-immigrant-get-a-drivers-license-in-florida>
- DHS. (n.d.). *Maintaining Status*. Department of Homeland Security. Retrieved June 3, 2022, from <https://studyinthestates.dhs.gov/students/maintaining-status>
- DHS. (2020, October 28). *Table 16. Individuals Granted Asylum Affirmatively or Defensively: Fiscal Years 1990 to 2019 | Homeland Security*. Wwww.Dhs.Gov. Retrieved June 3, 2022, from <https://www.dhs.gov/immigration-statistics/yearbook/2019/table16>
- Diener, E., & Crandall, R. (1979). *Ethics in Social and Behavioral Research*. University of Chicago Press.
- Donoso & Partners. (2021, May 6). *USCIS Processing Times Likely to Drop in 2021–2022*. Donoso & Partners, LLC. Retrieved August 1, 2022, from <https://www.donosolaw.com/uscis-processing-times-likely-to-drop-in-2021-2022/>

Economic Development Council of St. Lucie County, Inc. (n.d.). *St. Lucie County*.

<https://Youredc.Com/>. Retrieved July 7, 2022, from <https://youredc.com/about/contact>

Fink, L. (2012). Irresistible forces: Latin American migration to the United States and its effects on the South. *Journal of Southern History*, 78(2), 49–0565. <https://doi.org/10.5860/choice.49-0565>

Fleming, P. J., Lopez, W. D., Mesa, H., Rion, R., Rabinowitz, E., Bryce, R., & Doshi, M. (2019). A qualitative study on the impact of the 2016 US election on the health of immigrant families in Southeast Michigan. *BMC Public Health*, 19(1). <https://doi.org/10.1186/s12889-019-7290-3>

Gelatt, J., & Pierce, S. (2018, January). *The Trump Immigration Plan: A Lopsided Proposal*.

Migration Policy Institute. Retrieved June 4, 2022, from

<https://www.migrationpolicy.org/news/trump-immigration-plan-lopsided-proposal>

Given, L. M. (2008). *The SAGE Encyclopedia of Qualitative Research Methods* (1st ed.). SAGE Publications, Inc.

Global Refugee-led Network. (2019). *Meaningful Refugee Participation as Transformative Leadership: Guidelines for Concrete Action*.

Gogol, F. (2022, April 27). *Can Green Card Holders Vote?* STILT. Retrieved June 1, 2022, from <https://www.stilt.com/blog/2020/04/can-green-card-holders-vote/>

Hansen, R. (2003). Citizenship and Integration in Europe. In C. Joppke & E. Morawska (Eds.), *Toward Assimilation and Citizenship: Immigrants in Liberal Nation-States. Migration, Minorities and Citizenship* (p. 87). Palgrave Macmillan.

Hoefer, M., Rytina, N., & Baker, B. C. (2010). *Estimates of the unauthorized immigrant population residing in the United States*. Washington, DC: Office of Immigration Statistics, U.S. Department of Homeland Security.

ICE. (2021, January 7). *I-901 SEVIS Fee*. Retrieved June 3, 2022, from <https://www.ice.gov/sevis/i901>

ICE. (2022, April 7). *Prosecutorial Discretion and the ICE Office of the Principal Legal Advisor*. Retrieved June 12, 2022, from <https://www.ice.gov/about-ice/opla/prosecutorial-discretion>

Immigration Policy Center. (2012, June). *Prosecutorial Discretion: A Statistical Assessment*.

<https://www.americanimmigrationcouncil.org/research/prosecutorial-discretion-statistical-analysis>

Jauhiainen, J. S., & Tedeschi, M. (2021). Conducting Research About Undocumented Migrants. In *Undocumented Migrants and their Everyday Lives: Vol. IMISCOE Research Series* (p.).

Springer Publishing. https://doi.org/10.1007/978-3-030-68414-3_2

Kapborg, I., & Berterö, C. (2002). Using an interpreter in qualitative interviews: does it threaten validity? *Nursing Inquiry*, 9(1), 52–56. <https://doi.org/10.1046/j.1440-1800.2002.00127.x>

Kittleson, R. A. (n.d.). *history of Latin America | Meaning, Countries, Map, & Facts*. Encyclopedia Britannica. Retrieved June 25, 2022, from <https://www.britannica.com/place/Latin-America>

Kochhar, R., Fry, R., & Taylor, P. (2011, July). *Wealth gaps rise to record highs between whites, blacks, hispanics twenty-to-one* (Pew Hispanic Center Research Report 145). Washington, D.C.: Pew Hispanic Center. <http://pewhispanic.org/reports/report.php?ReportID=145>

Krogstad, J. M. (2020, July 10). *Hispanics have accounted for more than half of total U.S. population growth since 2010*. Pew Research Center. Retrieved June 25, 2022, from <https://www.pewresearch.org/fact-tank/2020/07/10/hispanics-have-accounted-for-more-than-half-of-total-u-s-population-growth-since-2010/>

Leimer, R. (2021, July 5). *I'm a refugee/asylee. Can I travel back to my home country?* CitizenPath. Retrieved June 2, 2022, from <https://citizenpath.com/faq/refugee-asylee-travel-back-home-country/>

Lockwood, D. (1996). Civic Integration and Class Formation. *The British Journal of Sociology*, 47(3), 531. <https://doi.org/10.2307/591369>

Lopez, M. H., & Moslimani, M. (2022, January 20). *Latinos See U.S. as Better Than Place of Family's Ancestry for Opportunity, Raising Kids, Health Care Access*. Pew Research Center Race & Ethnicity. Retrieved July 25, 2022, from <https://www.pewresearch.org/race-ethnicity/2022/01/20/latinos-see-u-s-as-better-than-place-of-familys-ancestry-for-opportunity-raising-kids-health-care-access/>

- Luna-Lucero, M. (2019, April 13). *Reflections on Research with Undocumented Immigrants*. Ampersand. Retrieved May 24, 2022, from <https://blog.primr.org/research-with-undocumented-immigrants/?msclkid=a2b09942d04511eca68a11585d9b0101>
- Martinez, R., Jr., & Valenzuela, J. A., Jr. (2006). Chapter 8 The “War on the Border” Criminalizing Immigrants and Militarizing the U.S.-Mexico Border. In *Immigration and Crime* (pp. 164–188). New York University Press.
- Massey, D. S. (2011). Epilogue: The past and future of Mexico-U.S. In M. Overmeyer-Valázquez (Ed.), *Beyond la Frontera: The history of Mexico-U.S. migration* (pp. 241–265). New York: Oxford University Press.
- Massey, D. S., Durand, J., & Pren, K. A. (2009). New scenarios of Mexico–United States migration; the consequences of the anti–immigrant war. *Papeles de Poblacio*, 15(61).
- Massey, D. S., & Gelatt, J. (2010). What happened to the wages of Mexican immigrants? Trends and interpretations. *Latino Studies*, 8(3), 328–354. <https://doi.org/10.1057/lst.2010.29>
- Massey, D. S., & Pren, K. A. (2012). Origins of the New Latino Underclass. *Race and Social Problems*, 4(1), 5–17. <https://doi.org/10.1007/s12552-012-9066-6>
- Massey, D. S., Rothwell, J., & Domina, T. (2009). The Changing Bases of Segregation in the United States. *The ANNALS of the American Academy of Political and Social Science*, 626(1), 74–90. <https://doi.org/10.1177/0002716209343558>
- Massey, D. S., & Sanchez, M. F. (2010). *Brokered Boundaries: Creating Immigrant Identity in Anti-Immigrant Times*. Russell Sage Foundation Publications.
- Menjívar, C. (2006). Liminal Legality: Salvadoran and Guatemalan Immigrants’ Lives in the United States. *American Journal of Sociology*, 111(4), 999–1037. <https://doi.org/10.1086/499509>
- Menjívar, C. (2017). *Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants*. Center for Migration Research, The University of Kansas.
- Menjívar, C., & Abrego, L. J. (2012). Legal Violence: Immigration Law and the Lives of Central American Immigrants. *American Journal of Sociology*, 117(5), 1380–1421. <https://doi.org/10.1086/663575>

- Menjívar, C., Agadjanian, V., & Oh, B. (2020). The Contradictions of Liminal Legality: Economic Attainment and Civic Engagement of Central American Immigrants on Temporary Protected Status. *Social Problems*. <https://doi.org/10.1093/socpro/spaa052>
- Morris, L. (2003). Managing Contradiction: Civic Stratification and Migrants' Rights. *International Migration Review*, 37(1), 74–100. <https://doi.org/10.1111/j.1747-7379.2003.tb00130.x>
- Mountz, A., Wright, R., Miyares, I., & Bailey, A. J. (2002). Lives in limbo: Temporary Protected Status and immigrant identities. *Global Networks*, 2(4), 335–356. <https://doi.org/10.1111/1471-0374.00044>
- National Immigration Forum. (2018, August 21). *Fact Sheet: Immigrants and Public Benefits*. Retrieved July 28, 2022, from <https://immigrationforum.org/article/fact-sheet-immigrants-and-public-benefits/>
- Noe-Bustamante, L. (2019, September 16). *Key facts about U.S. Hispanics and their diverse heritage*. Pew Research Center. Retrieved June 25, 2022, from <https://www.pewresearch.org/fact-tank/2019/09/16/key-facts-about-u-s-hispanics/>
- Noe-Bustamante, L., & Lopez, M. H. (2019, January 25). *Latin America, Caribbean no longer world's fastest growing source of international migrants*. Pew Research Center. Retrieved June 25, 2022, from <https://www.pewresearch.org/fact-tank/2019/01/25/latin-america-caribbean-no-longer-worlds-fastest-growing-source-of-international-migrants/>
- Noe-Bustamante, L., Mora, L., & Lopez, M. H. (2020, August 11). *About One-in-Four U.S. Hispanics Have Heard of Latinx, but Just 3% Use It*. Pew Research Center. Retrieved June 25, 2022, from <https://www.pewresearch.org/hispanic/2020/08/11/about-one-in-four-u-s-hispanics-have-heard-of-latinx-but-just-3-use-it/>
- Nussbaum, M. C., & Cohen, J. (Eds.). (1996). *For Love of Country: Debating the Limits of Patriotism*. Beacon Pr.
- Palacio, D. (2019, December 16). *How to Find an SEVP Approved School*. LASC Language Scholastic. Retrieved June 12, 2022, from <https://lascusa.com/how-to-find-an-sevp-approved-school/>

- Passel, J. S. (2019, July 12). *Measuring illegal immigration: How Pew Research Center counts unauthorized immigrants in the U.S.* Pew Research Center. Retrieved July 12, 2022, from <https://www.pewresearch.org/fact-tank/2019/07/12/how-pew-research-center-counts-unauthorized-immigrants-in-us/>
- Portes, A., & Zhou, M. (1993). The New Second Generation: Segmented Assimilation and its Variants. *The Annals of the American Academy of Political and Social Science*, 530(1), 74–96. <https://doi.org/10.1177/0002716293530001006>
- Robertson, S. (2019). Migrant, interrupted: The temporalities of ‘staggered’ migration from Asia to Australia. *Current Sociology*, 67(2), 169–185. <https://doi.org/10.1177/0011392118792920>
- Sassen, S. (2002). Towards Post-National and Denationalized Citizenship. In E. F. Isin & B. S. Turner (Eds.), *Handbook of Citizenship Studies* (pp. 277–291). London: Sage.
- Schuck, P. H. (1989). Membership in the liberal polity: the devaluation of American citizenship. *Georgetown Immigration Law Journal*, 3(1), 1–18.
- Sen, A. (1999). *Development As Freedom* (1st ed.). New York: Anchor Books.
- Skjott Linneberg, M., & Korsgaard, S. (2019). Coding qualitative data: a synthesis guiding the novice. *Qualitative Research Journal*, 19(3), 259–270. <https://doi.org/10.1108/qjrj-12-2018-0012>
- Social Security Administration. (2021, September). *Social Security Numbers for Noncitizens*. Retrieved June 1, 2022, from <https://www.ssa.gov/pubs/EN-05-10096.pdf>
- Soysal, Y. N. (1994). *Limits of Citizenship*. University of Chicago Press.
- Spain Visas. (n.d.). *Spanish Embassy and Consulates in Colombia / Spain Visa for Colombians*. Retrieved July 3, 2022, from <https://www.spainvisa.eu/embassies/colombia/>
- Spiro, P. J. (1997). Dual Nationality and the Meaning of Citizenship. *Immigration and Nationality Law Review*, 18, 491–566.
- Taylor, P., Kochhar, R., Fry, R., Velasco, G., & Motel, S. (2011, June). *Wealth gaps rise to record highs between whites, blacks, hispanics* (No. 145). Pew Hispanic Center. <https://www.pewresearch.org/social-trends/2011/07/26/wealth-gaps-rise-to-record-highs-between-whites-blacks-hispanics/>

- Timmermans, S., & Tavory, I. (2012). Theory Construction in Qualitative Research. *Sociological Theory*, 30(3), 167–186. <https://doi.org/10.1177/0735275112457914>
- Tize, C. (2020). Living in Permanent Temporariness: The Multigenerational Ordeal of Living under Germany’s Toleration Status. *Journal of Refugee Studies*, 34(3), 3024–3043. <https://doi.org/10.1093/jrs/fez119>
- Torres, R. M., & Wicks-Asbun, M. (2014). Undocumented Students’ Narratives of Liminal Citizenship: High Aspirations, Exclusion, and “In-Between” Identities. *The Professional Geographer*, 66(2), 195–204. <https://doi.org/10.1080/00330124.2012.735936>
- TRAC. (2020, September). *The Life and Death of Administrative Closure*. TRAC Reports, Inc. <https://trac.syr.edu/immigration/reports/623/#f1>
- TRAC Immigration. (2021, December 22). *A Mounting Asylum Backlog and Growing Wait Times*. TRAC. Retrieved August 6, 2022, from <https://trac.syr.edu/immigration/reports/672/>
- Tully, J. (2014). *On Global Citizenship*. Van Haren Publishing.
- Turner, V. (1967). *Forest Of Symbols: Aspects of Ndembu Ritual* (1st ed.). Ithaca, N.Y.: Cornell University Press.
- U.S. Bureau of Labor Statistics. (2021, October 6). *Hispanics or Latinos made up over one-fourth of the labor force in six states in 2020*. Retrieved June 25, 2022, from <https://www.bls.gov/opub/ted/2021/hispanics-or-latinos-made-up-over-one-fourth-of-the-labor-force-in-six-states-in-2020.htm>
- U.S. Census Bureau. (2019a). *Selected Characteristics of the Foreign-Born Population by Region of Birth: Latin America* [Dataset]. 2019: American Community Survey 1-Year Estimates. <https://data.census.gov/cedsci/table?q=immigrants%20florida&t=Foreign%20Born&y=2019&d=ACS%201-Year%20Estimates%20Subject%20Tables&tid=ACST1Y2019.S0506>
- U.S. Census Bureau. (2019b). *Selected Characteristics of the Native and Foreign-Born Populations* [Dataset]. 2019: American Community Survey 1-Year Estimates.
- U.S. Department of State. (n.d.-a). *Student Visa*. Travel.State.Gov. Retrieved June 12, 2022, from <https://travel.state.gov/content/travel/en/us-visas/study/student-visa.html>

U.S. Department of State. (n.d.-b). *Temporary Worker Visas*. Travel.State.Gov. Retrieved June 12, 2022, from <https://travel.state.gov/content/travel/en/us-visas/employment/temporary-worker-visas.html>

USAHello. (n.d.-a). *How to Apply for Asylum in the US*. Retrieved June 12, 2022, from <https://usahello.org/immigration/asylum-refugees/apply-for-asylum/>

USAHello. (n.d.-b). *Temporary protected status (TPS) and DED updates*. Retrieved June 12, 2022, from <https://usahello.org/immigration/temporary-protected-status/>

USCIS. (n.d.). *EB-5 Immigrant Investor Program*. Retrieved June 1, 2022, from [https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program#:~:text=Under%20this%20program%2C%20investors%20\(and,jobs%20for%20qualified%20U.S.%20workers.](https://www.uscis.gov/working-in-the-united-states/permanent-workers/eb-5-immigrant-investor-program#:~:text=Under%20this%20program%2C%20investors%20(and,jobs%20for%20qualified%20U.S.%20workers.)

USCIS. (2020a, March). *Approximate Active DACA Recipients*.

USCIS. (2020b, September 17). *Removing Conditions on Permanent Residence Based on Marriage*. Retrieved June 1, 2022, from <https://www.uscis.gov/green-card/after-we-grant-your-green-card/conditional-permanent-residence/removing-conditions-on-permanent-residence-based-on-marriage>

USCIS. (2020c, October 23). *Conditional Permanent Residence*. Retrieved June 12, 2022, from <https://www.uscis.gov/green-card/after-we-grant-your-green-card/conditional-permanent-residence>

USCIS. (2020d, December 2). *Employment-Based Immigration: Third Preference EB-3*. Retrieved August 6, 2022, from <https://www.uscis.gov/working-in-the-united-states/permanent-workers/employment-based-immigration-third-preference-eb-3>

USCIS. (2021, March 9). *Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure*. <https://www.federalregister.gov/documents/2021/03/09/2021-04951/designation-of-venezuela-for-temporary-protected-status-and-implementation-of-employment>. Retrieved June 22, 2022, from

- <https://www.federalregister.gov/documents/2021/03/09/2021-04951/designation-of-venezuela-for-temporary-protected-status-and-implementation-of-employment>
- USCIS. (2022a, May 31). *Affirmative Asylum Interview Scheduling*. Retrieved August 1, 2022, from <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-interview-scheduling>
- USCIS. (2022b, May 31). *Questions and Answers: Affirmative Asylum Eligibility and Applications*. Retrieved August 6, 2022, from <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-frequently-asked-questions/questions-and-answers-affirmative-asylum-eligibility-and-applications>
- Valverde, H. (2020, January 6). *Welcome Policy Change from USCIS for Conditional Permanent Residents*. Valverde Law PLLC. Retrieved June 1, 2022, from <https://www.valverdelaw.com/welcome-policy-change-from-uscis-for-conditional-permanent-residents>
- van Gennep, A. (1909). *Les Rites de Passage*. Paris: Émile Nourry.
- Villarreal, A. (2021, January 7). “Anchor babies”: the “ludicrous” immigration myth that treats people as pawns. *The Guardian*. Retrieved June 10, 2022, from <https://www.theguardian.com/us-news/2020/mar/16/anchor-babies-the-ludicrous-immigration-myth-that-treats-people-as-pawns>
- Waters, M., & Gernstein Pineau, M. (Eds.). (2016). *The Integration of Immigrants into American Society*. Washington, DC: National Academies of Science, Engineering and Medicine.
- WSJ. (2021, June 9). *The Great American Labor Shortage*. Retrieved August 6, 2022, from <https://www.wsj.com/articles/the-great-american-labor-shortage-11623191784>
- Yializis, C. (n.d.). *How to Prove Intent to Return Home After Studying in the U.S.* Wwww.Nolo.Com. Retrieved June 5, 2022, from <https://www.nolo.com/legal-encyclopedia/how-prove-intent-return-home-after-studying-the-us.html>
- Zolberg, A. R. (2000). The Dawn of Cosmopolitan Denizenship. *Indiana Journal of Global Legal Studies*, 7(2).

Appendix A: Overview of Liminal Legal Statuses within the U.S. Immigration System

Liminal legal statuses

The table below provides an overview of the various legal statuses for noncitizens residing in the United States. This overview is not all-encompassing, however, it includes the most common statuses, including the statuses held by participants in this research. The table is applicable to the state of Florida and in general to most other states, however there may be some local deviations in various states. I have attempted to arrange them from ‘most legality’ (LPR) to ‘least legality’ (Administrative Closure), although some statuses may provide more rights in one dimension, and less in another.

Status	Eligibility ³¹	Rights	Limits/Duties	Comments
Lawful Permanent Residence (Green Card)	When a person obtains an immigrant visa and comes to the United States, they obtain LPR status. In some cases, noncitizens already in the United States can obtain LPR status via the process of “adjustment of status” (American Immigration Council, 2021).	<ul style="list-style-type: none"> - Social security number; - eligible for driver’s license or state identification card; - eligible to apply for nearly all jobs (in some exceptional cases jobs can be restricted to U.S. citizens) (American Immigration Council, 2021); - travel in and out of the United States (STILT, 2022); - reside permanently in the United States, even if unemployed; - eligible for U.S. citizenship after residing in the United 	- generally not allowed to vote in the United States. Some states allow LPRs to vote in state and local elections (Gogol, 2022).	The literature is inconclusive on whether or not LPR status should be considered a liminal legal status.

³¹ Added to the specified eligibility criteria, the Immigration and Nationality Act (INA) states multiple grounds for inadmissibility, for example due to health, criminal reasons and the likelihood of becoming a public charge (8 U.S.C. §1182).

		States for five years (in some cases three years) (American Immigration Council, 2021);		
Conditional Permanent Residence (CPR)	<ul style="list-style-type: none"> - Green Card based on marriage: permanent residence status is conditional when it is based on a marriage with a U.S. citizen or lawful permanent resident which is less than two years old (Valverde, 2020); - Green Card for entrepreneurs (investors) (EB-5 Visa): permanent residence status is conditional if it is based on investment and job creation in a commercial enterprise in the United States (USCIS, n.d.-a).³² 	Similar to the rights of a LPR (see above), but temporary. After two years one can apply for LPR status.	To maintain LPR status, a CPR status holder must petition and provide proof of the marriage/investments ninety days before the status is set to expire (Valverde, 2020; USCIS, 2020c). If the conditions are not removed or the immigrant forgets to file the petition, the immigrant will lose permanent resident status and become deportable (USCIS, 2020c).	<ul style="list-style-type: none"> - The conditionality of this status is designed to prevent the use of marriage as a way to circumvent the U.S. immigration laws (USCIS, 2020b). - The period lived under CPR status does not count toward the time required for obtaining U.S. citizenship (Valverde, 2020). However, as a spouse of a U.S. citizen, one can apply for citizenship in three instead of five years (Boundless, n.d.).
Asylee	<ul style="list-style-type: none"> - meet the definition of a refugee;³³ - physically present in the United States or present at a port of entry; 	<ul style="list-style-type: none"> - Social security number; - eligible for driver's license or state identification card; - work without having to apply for a work permit; - eligible for a travel permit; 	- travel permit is only valid for one year and travelling to the country from which one has fled could jeopardize asylee status;	<p>While request is pending:</p> <ul style="list-style-type: none"> - asylum seeker can apply for a work permit after 365 days;³⁴ - work permits need to be renewed every

³² The immigrant must create or preserve ten permanent full-time jobs for qualified U.S. workers.

³³ Persons with an inability or unwillingness to return to their country "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" (8 U.S.C. §§1101 et seq. P.L. 96-212, March 17, 1980).

³⁴ Regulation for those who applied after August 25, 2020. Those who applied earlier have to wait 150 days (USAHello, n.d.-a).

	<ul style="list-style-type: none"> - arrived in the United States less than one year ago (American Immigration Council, 2021; USAHello, n.d.-a). 	<ul style="list-style-type: none"> - ask for family reunification; - eligible to become an LPR one year after receiving asylum (USAHello, n.d.-a). 	<ul style="list-style-type: none"> - asylum may be terminated in case of a fundamental change in circumstances or if you benefitted of the protection of the country of your nationality (CitizenPath, 2021). 	<ul style="list-style-type: none"> - not allowed to travel outside the United States (USAHello, n.d.-a).
Student visa (F or M visa)	<ul style="list-style-type: none"> - proof of acceptance (Form I-20) from a school approved by the Student Exchange Visitor Program (SEVP);³⁵ - pay the fee of \$350 Student and Exchange Visitor Information System (SEVIS) I-901 fee (ICE, 2021); - interview at the U.S. Embassy or Consulate in the country of residence (U.S. Department of State, n.d.); - proof of financial ability to pay for tuition and living expenses (DHS, n.d.). - demonstrate your intent to return to home country after studying in the United States (Yializis, n.d.) 	<ul style="list-style-type: none"> - eligible for a driver's license (Delgado, 2022); - mostly able to travel during time of study (DHS, n.d.). 	<ul style="list-style-type: none"> - obligation to attend and pass all classes to maintain student status; - very limited work opportunities (DHS, n.d.); - only noncitizens who are authorized to work in the United States are eligible for a Social Security Number, so most students not (Social Security Administration, 2021). 	I have met multiple people during my fieldwork who have used a student visa as a way to legally reside in the United States. They all studied English, but the main reason for their student visa was entering the United States rather than learning English.

³⁵ This means that the school has been certified and authorized by the Department of Homeland Security (DHS) to take in and enrol F visa international students. Immigration and Customs Enforcement (ICE) reviews and investigates whether a school can be approved for the SEVP (Palacio, 2019).

Temporary Employment-based visa	<ul style="list-style-type: none"> - Within this category there are over twenty types of visas, all with their own criteria mostly related to specific skills (American Immigration Council, 2021); - demonstrate your intent to return to home country temporarily working in the United States (U.S. Department of State, n.d.-b). 	<ul style="list-style-type: none"> - Temporarily work and reside in the United States (American Immigration Council, 2021). - eligible for a driver's license (Delgado, 2022). 	<ul style="list-style-type: none"> - Limited ability to change jobs. - Various visa classifications for temporary employment vary in terms of duration and whether or not workers are allowed to bring dependents (American Immigration Council, 2021). 	Examples: , e.g. religious workers (R-1 visas), diplomatic employees (A visas) and both highly skilled and lesser-skilled workers (H visas) (American Immigration Council, 2021)
Temporary Protected Status (TPS)	<ul style="list-style-type: none"> - nationals³⁶ of countries designated for TPS; - arrived (and continued to live) in the USA before the date specified per country; - requires an application. 	<ul style="list-style-type: none"> - reside legally in the USA; - eligible for a work permit; - eligible for a document to travel outside the USA (USAHello, n.d.-b) 	<ul style="list-style-type: none"> - TPS is granted for six, twelve or eighteen months and can be extended. As soon as it expires, one will have the same immigration status as before getting the TPS, which often amounts to being undocumented (USAHello, n.d.-b); - Does not lead to LPR (American Immigration Council, 2021). 	<p>Authorized by statute, in contrast to DED.</p> <p>Latin American countries currently designated for TPS:³⁷</p> <ul style="list-style-type: none"> - El Salvador, Honduras, Nicaragua (extended to December 31, 2022; not accepting new applicants) - Venezuela (extended to September 9, 2022, accepting new applicants) (USAHello, n.d.-b)
Deferred Action for Childhood Arrivals (DACA)	<ul style="list-style-type: none"> - arrived in the U.S. under the age of 16; 	<ul style="list-style-type: none"> - temporary protection from deportation; 	<ul style="list-style-type: none"> - needs to be renewed every two years; - renewal fee is \$495; 	The Trump administration announced in 2017 that it would end DACA (Benenson, 2020). In July 2021, after a

³⁶ Or a person without nationality who lived in the designated country for a long time before arriving to the USA.

³⁷ For an overview of countries for which TPS and/or DED is available see: www.usahello.org/immigration/temporary-protected-status/.

	<ul style="list-style-type: none"> - resided in the U.S. continuously since June 15, 2007; - present in the U.S. on June 15, 2012; - under the age of 31 on June 15, 2012; - currently in school, graduated, obtained a General Educational Development (GED) certificate, or honorably discharged from the military; - not convicted of a felony, significant misdemeanor, or three or more misdemeanors, and do not otherwise pose a threat to national security or public safety (Benenson, 2020) 	<ul style="list-style-type: none"> - work authorization for at least two years (Benenson, 2020; American Immigration Council, 2021). 	<ul style="list-style-type: none"> - can be revoked by DHS (Benenson, 2020; American Immigration Council, 2021). 	<p>federal judge ruled that DACA was unlawful, the government did not accept new DACA applications but allowed continuation for those already enrolled in the program. In September, 2021, the Biden administration announced it would take new steps to save DACA (Boundless, 2021).</p>
Deferred Enforced Departure (DED)	<ul style="list-style-type: none"> - nationals³⁸ of countries designated for DED; - arrived (and continued to live) in the USA before the date specified per country; - does not require an application (in contrast to TPS) (American Immigration Council, 2021). 	<ul style="list-style-type: none"> - reside legally in the USA; - eligible for a work permit; - eligible for a driver's license (Delgado, 2022); - eligible for a document to travel outside the USA (USAHello, n.d.-b). 	<ul style="list-style-type: none"> - If DED is not renewed, one will have the same immigration status as before getting DED, which often amounts to being undocumented (USAHello, n.d.-b); - Does not lead to LPR (American Immigration Council, 2021). 	<p>DED is granted at the discretion of the executive branch of the government, in contrast to TPS.</p> <p>Latin American countries currently designated for DED:</p> <ul style="list-style-type: none"> - Venezuela (effective through July 20, 2022) (USAHello, n.d.-b).

³⁸ Or a person without nationality who lived in the designated country for a long time before arriving to the USA.

Administrative Closure	<ul style="list-style-type: none"> - Administrative Closure is a case management tool used by Immigration Judges to temporarily close cases and take them off their active docket either because they wish to focus limited resources on higher priority removal cases or because jurisdictional issues are prolonging the case (TRAC, 2020); - only possible for immigrants who are in removal proceedings but have not yet received a final order of removal (Immigration Policy Center, 2012); 	<ul style="list-style-type: none"> - temporary relief from deportation (American Immigration Council, 2020); - Florida driver's license (personal communication, May 21, 2022). 	<ul style="list-style-type: none"> - does not provide permanent relief from deportation; - does not provide any lawful status; - the case can be reopened ("recalendered") at any time, either on request of the immigrant or the DHS trial attorney (TRAC, 2020). 	Administrative closure is a form of prosecutorial discretion. That is, "authority, exercised by immigration officers, on a case-by-case basis, and does not create a right or entitlement for any noncitizen (ICE, 2022).
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Appendix B: Overview of Data Collection

1. Participant Observation & Informal Interviews

The table below includes the most important episodes of the ethnographic fieldwork. There were many more informal interactions which have informed this research indirectly.

No.	Date	Participants	Description
1.	04/20/2022	Alex + Immigrant from Venezuela	Informal conversation on a terrace, i.a. about their ways of coming to the US and their difficulties during their first months in the U.S.
2.	04/21/2022	Immigrants from Venezuela	‘Papa Leo’s’ birthday party with approximately 15 people. The birthday party was a cosy get together of family and friends All of them were originally from Venezuela, except for some of the children who were born in the US, and Alex and me. People were sitting around a table or standing in the kitchen, while the kids were playing in another room. On the table stood ingredients to create your own ‘Venezuelan burger’, including eggs and caramelized onions, followed by a traditional Venezuelan ‘très leches’ dessert. After I explain my research, some people share their own stories and stories that they know from other Latino immigrants.
3.	04/22/2022	Colombian priest Immigrants from Colombia	A priest from Bogota was on his annual visit to his lifelong friend, who migrated to Florida with his family. The priest held a mass in the living room of one of the family members. The priest stands in front of everyone in his full costume behind a large table with a white table cloth. After about an hour everybody shakes hands or gives hugs to wish each other “la paz”, may peace be with you. Then the atmosphere becomes informal and the table and chairs are put back in their place. We sit around them to have pizza and some wine. There is a great atmosphere with a lot of laughter and music, even karaoke.
4.	04/23/2022	Many Honduran immigrants, including Valentina, Dominic, Raul	Alex and I were invited to celebrate the first birthday of the daughter of an immigrant from Honduras and his Chilean-American wife. In the garden we find a big party tent, many tables, a pop-up taqueria, a buffet and a bouncy castle. It is a big party, with around sixty people, most of them are immigrants from Honduras. I talk to many of them about how they came to the US and what their life in the US currently looks like.
5.	04/20/2022 – 04/26/2022	Alex	I have had many informal conversations with Alex in this period where I stayed at his house. Our conversations concerned many topics, such as his motivation to come to the US, his hardships during the first months in the US (especially loneliness), how he was able to grow

			economically and establish his own profitable business in the US. Furthermore, we talked a lot about the circumstances in El Salvador and Latino culture, which contributed to a broader understanding of the research context and a culturally sensitive collection and interpretation of the data.
6.	05/02/2022	Antonio	Antonio is a construction worker in the apartment where I am staying in Miami. We have had many short conversations, in which he often tells me something about his home country Nicaragua, often in comparison to the United States. One day during lunch break, I started asking him about how and why he migrated to the US. He tells me his entire history. We discuss his legal process in detail: a journey across the border with a coyote, false papers, a work permit granted through a special regulation for Nicaraguans, a residence permit 5 years later, and soon he will apply for citizenship.
7.	05/05/2022	Sam	On 'Cinco de Mayo', a Mexican celebration day, I go out for some taco's and drinks with Sam. He is born and raised in Florida himself. He is personally interested in my research as he works with many undocumented Latino immigrants. Besides that, he has had a girlfriend from Argentina, who came to the US on a tourist visa and was looking for ways to stay. In this relationship, Sam saw the huge impact that legal status had on her life, and indirectly on his life as well. The girl was about to marry a US citizen to obtain a legal residence permit, when she fell in love with Sam. Therefore, she did not want to continue the 'fake' marriage. Her wish for legal residence and the approaching expiration date of her visa put pressure on their relationship. Moreover, according to Sam her legal situation also impacted her self-esteem and her career opportunities. When Sam ended the relationship, she told him she was pregnant and sent him pictures of papers from the hospital. On the day she returned to Argentina, she told Sam she had a miscarriage. Although he will never be fully sure, Sam thinks she lied and faked the hospital papers to pressure him to get married.
8.	04/23/2022 & 05/14/2022	Immigrants from various Latin American countries	Alex plays beach tennis on the weekends. There seems to be a large community of beach tennis players from Latin American descent. I played beach tennis and talked with some of the people. However, again, most of them did not speak English very well. A young Brazilian tells me that her life has been 'on hold' for three years.
9.	05/15/2022	Guatemalan immigrant	I knew Adelmo from a trip to the US in 2018. After four years, we met again. We caught up on the last four years and I was happy to see that Adelmo's circumstances in the US improved significantly: his brother came to the US, he rents an apartment for his brother and himself (instead of sharing a room with two other immigrants), his English fluency

			improved a lot, he is content with his job in the kitchen of a rehab centre (especially because of the more consistent working schedule) and, proudly, owns a car. This summer he will go to New York, to get his driver's license (a trick that many undocumented Latino immigrants use, according to Alex). The one thing that did not change was his legal status.
10.	05/26/2022	Javier	Javier migrated to the United States around 15 years ago. His first idea for his immigration process was getting married to a U.S. citizen, just for papers. However, later he heard that he had a good chance for obtaining asylee status. Namely, as a gay person he is a member of 'a particular social group', which is one of the five protected grounds for persecution on the basis of which one can be granted asylum. At first he had not thought about this option at all, because he thought it was only for "important people".
11.	06/02/2022	Venezuelan guitarist	The 26-year-old Venezuelan guitarist arrived to Miami seven years ago through a family reunification Visa. His father left Venezuela when he (the guitarist) was only five years old.
12.	06/05/2022	Young (16) Venezuelan surfer	Family requested TPS as soon as it became available for Venezuelans in March 2021. However they still did not receive it, while the expiration date currently is September 9th. Maybe it will get extended, but maybe it will not... So again a lot of uncertainty. His mom currently has a student visa and learns English in the US. However the main reason to become an English student, was that it would enable her to get a student visa and bring her family with her. However, a student visa does not provide work authorization. When applying for TPS, one can apply for work and travel authorization (advanced parole) at the same time. But since the TPS was still not granted Juan and his family have not been able to work legally and to travel outside of the US for the past 1,5 year and there is not clear prospect of when they would be able to do so. Juan explains to me that they could travel to Hawaii or Costa Rica, but that 'there is always the risk of them not wanting to let you in again'. Even though, formally, this should not be a risk, because they are authorized to do so. This seems to me an illustration of how the power of 'them', the state, is felt by those in a liminal legal situation. There seems to be an ever present undertone of uncertainty.
13.	06/10/2022	Argentinian waitress	I spoke to a 21-year old Argentinian

14.	06/10/2022	Argentinian/Spanish musician	<p>Despite growing up in Buenos Aires, the musician has a Spanish passport because of his father's Spanish nationality. This enabled him to come to the United States with an ESTA, the visa waiver program of the United States. However, his ESTA expired several weeks ago. He doesn't know what to do yet. He doesn't want to go back to Argentina, but also doesn't want to stay illegally in the United States. He hopes to be able to get a visa as an artist or obtain a Green Card through marriage. He talks about the marriage for papers in a very casual, practical way. Actually, he thinks he has a good chance of making a 'deal' with someone who wants a European passport. He already knows that Kay, his Cuban-American friend is interested in a European passport. Kay taps on my shoulder to ask if I want to take a polaroid picture of them. He smiles: "For our wedding album".</p>
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2. Interviews

No.	Date	Duration	Pseudonym	Country of origin	Years in US*	Age category	Interpreter?
1.	05/13/2022	2:40	Matheus	Brazil	8	45-49	Yes
2.	05/14/2022	1:00	Camila	Colombia	8	35-39	Yes
3.	05/16/2022	1:40	Jorge	El Salvador	18	35-39	Yes
4.	05/17/2022	2:20	Valentina	Honduras	3	25-29	No
5.	05/18/2022	1:20	Andres	Colombia	9	35-39	No
6.	05/19/2022	1:25	Joel	Mexico	25	45-49	No
7.	05/19/2022	1:30	Mono	Colombia	1,5	40-44	No
8.	05/20/2022	1:45	Dominic	Honduras	9	20-24	No
9.	05/20/2022	1:45	Raul	Honduras	3	15-19	No
10.	05/21/2022	2:10	Alex	El Salvador	8	35-39	No
11.	06/01/2022	1:55	Leo	Venezuela	7	25-29	No

*Consecutive years, in some cases intermitted with some visits to their country of origin with a maximum of two months.

Appendix C: Topic List

Name	
Pseudonym	
Age	
Country of origin	
Number of years in the United States: <i>Intermittent or constant residence in the US?</i>	
Current legal status	
Level of education Years in education	<ul style="list-style-type: none"> ○ primary education ○ secondary education ○ vocational training ○ higher tertiary education ○ university
Occupation	

Topic	Subtopic	Questions
Country of origin		<p>Can you tell me a little bit about your life in the country where you are from?</p> <p>Where did you grow up? (city, country side?)</p>
Migration aspirations <i>Plans, hopes, perceptions of opportunities, goals and aims in relation to emigration, immigration, and immigration to the U.S./ Florida specifically.</i>	Past	Could you tell me about the moment that you made the decision to move to the US?
	Considerations	<p>Why did you move to the US?</p> <p>Why the US, did you consider other countries?</p> <p><i>(Expected) circumstances in the US</i></p> <p>How did you feel about the prospect that you would live here without documents/with [xxx] legal status ?</p>
		To what extent did other play a role in the decision to move to the US?
	Expectations	<p>What were your expectations (if any) of the US?</p> <p>Has it been like you expected?</p> <p><i>Where did these expectations come from? Heard from people who had been there? Media? Trip to the US?</i></p>
	Present	Did your aspirations (your plan/dreams) change since you arrived to the United States?
	Future <i>Planning/Intention</i>	Where do you want to be in 10 years?
		(How long) do you want to stay in the US?
	Preference	<p>If you could choose, would you like to move permanently to another country, or would you prefer to continue living in the US? (OECD 2015)</p> <p>If you could choose, would you like to live and work abroad for a few years or would you prefer staying in the US? (adapted from Carling, 2013) (country of origin or other country)</p>

		<p>Are you planning to move to [preferred destination country] in the next 5 years?</p> <p>Do you want to go back to [country of origin] at some point?</p> <p>What would be the conditions for you to go back?</p>
Journey		<p>Can you tell me about how you migrated to the United States?</p> <p><i>When? With whom? Visa, coyote or another way? Other attempts?</i></p>
		<p>Did you also consider other ways of coming to the United States? Why did you choose this way?</p>
Migration capabilities (past) <i>How does experience of liminal legal status influence these capabilities</i>	Inhibitors: (negative liberties)	<p>What barriers did you encounter while migrating to the United States?</p> <p><i>migration policies</i></p> <p><i>visa/current legal status</i></p>
	Enablers (positive liberties):	What enabled you to migrate to the United States?
	<ul style="list-style-type: none"> Financial resources 	<p>Could you tell me a little bit about the financial aspects of migrating to the US?</p>
	<ul style="list-style-type: none"> Social connections 	<p>Did other people help you to come to the United States?</p> <p>Did you know anyone in the US before coming here?</p>
	<ul style="list-style-type: none"> Knowledge 	<p>How did you inform yourself about migrating to the United States?</p>
Life in the US	Past	<p>Can you tell me something about your life in the period when you just arrived in the US?</p> <p><i>Was it what you expected?</i></p> <p><i>Difficulties</i></p>
	Present	<p>What does your life in the US currently look like?</p> <p>How do you feel about your life in the US right now?</p>
	Future	<p><i>(also discussed under aspirations, but I could fit those questions in here as well specifically on how they envision life in the US)</i></p>
Liminal legality <i>effect of their status as (documented/undocumented) immigrants on everyday life. Legal liminality is both formal and experienced</i>	Legal status	<p>What role does your legal status play in your life?</p> <p>Can you tell me about the process you have been through regarding your legal status?</p> <p>How do you get your information on the legal process?</p> <p>How does the process itself make you feel?</p> <p>Do you want to become a US citizen?</p>
	General <i>what limits are on top of mind?</i>	<p>(In what ways) does your immigration status hinder you? (in daily life/in your planning for the future?)</p>
	Structural limits	<p>Is there anything you wanted to do, but were unable (or more difficult) to do, because of your legal status?</p> <p><i>Healthcare</i></p> <p><i>Bank accounts/loans</i></p> <p><i>Phones</i></p>

		<i>Housing</i> <i>Political participation/voting</i> <i>Traveling (domestically, origin country, other countries)</i> Was finding a job/education more difficult to you because of your legal status? <i>How did you find your job?</i>
	Sociocultural limits	Does your legal status limit/has limited you in your social life? (meeting new people, making friends, joining (sports)clubs) How is it for you to talk about your legal status? (difficult or inconvenient) <i>Opening up about yourself to people outside your usual circle of friends?</i> Do you often feel scared because of your legal situation? <i>In your daily life, are you afraid of deportation?</i>
	<ul style="list-style-type: none"> • Sense of belonging 	Do you feel at home in the United States? Do you miss [country] a lot? Do you feel American?
	<ul style="list-style-type: none"> • Latino threat narrative 	Do you feel welcome in the United States/Florida? (be sensitive to time, may be difference between people who arrived here longer ago) Have you experienced any form of discrimination ? (elaborate...) <i>Why (on what ground) do you think you were discriminated against? Legal status or being Latino?</i> <i>Can you tell me about a moment when you experienced that?</i> How did politics affect you as an immigrant in the US? How did you experience living in the US after the election of Donald Trump? Did that change something for you specifically? How did you experience living in the US after the election of Joe Biden?
Migration capabilities <i>How does experience of liminal legal status influence these capabilities</i>	Present/Future	Do you feel capable to migrate to another country? Where would you go? Why?
	External constraints (negative liberties)	Do you think you would encounter any barriers when migrating to another country? <i>migration policies</i> <i>visa/current legal status</i>
	Enablers (positive liberties)	
	<ul style="list-style-type: none"> • Financial resources 	Does money play an important role in whether or not you will stay in the United States?
	<ul style="list-style-type: none"> • Transnational ties 	Do you have investments in [country of origin]? Do you send a large share of your income to [country of origin]?

	<ul style="list-style-type: none"> • Social connections 	<p>Do you still have a lot of contact with people in [country of origin]?</p> <p>Did you already know people in the United States when you came here?</p> <p>Do you have a lot of social contact in the United States? What does your social network look like/where do you know them from?</p>
	<ul style="list-style-type: none"> • Knowledge 	<p>Do you feel like you have enough information to move to another country?</p> <p><i>If plans for onward migration:</i> (How) did you get your information?</p> <p><i>Role of education?</i></p>
	<ul style="list-style-type: none"> • Language 	<p>How important is/was it for you to learn English?</p> <p>To what extent do you experience a language barrier?</p> <p>How did you learn/are you learning English?</p> <p>(possible obstacle no access to education due to status)</p>
Migration decision		<p>In hindsight, now you know what immigrating to the US is like, would you have made the same decision?</p> <p>-yes/no; same way?</p>
Perspective on policy/hope		<p>Imagine you were the president for one day, what would you change to make the situation better for Latino immigrants in the US?</p>

Appendix D: Coding Scheme

This coding scheme contains all codes used to code the data in Atlas.ti. I have used both inductive and deductive coding. Some inductive codes are ‘in vivo’ codes; those can be recognized by the quotation marks. Some codes belong to multiple (sub)themes. Those codes are written in blue.

Theme	Sub theme	Code	Description
Liminal legality	Structural dimension	Housing	
		Work <ul style="list-style-type: none"> ▪ Finding a job ▪ Work permit 	
		Education	
		Health care	
		Financial matters	
		Political participation	
		Travel	
		Driver's license	
		Social security number	
		Exploitation	
		Visa conditions	Obligation to comply with the visa conditions; e.g. certain number of hours in school for student visa.
	Sociocultural limitations	Social life	meeting new people, making friends, joining (sports)clubs
		Family <ul style="list-style-type: none"> ▪ Leaving friends and family behind 	Not being able to visit family because of travel restrictions of liminal legal status; impact of leaving loved ones behind.
		Loneliness	
		Hope	
		Fear/anxiety	
		Religion	
		Uncertainty/ “don't know what is going to happen”	
		Discrimination	
		Talking about status	Inconvenient? Taboo?
		Belonging <ul style="list-style-type: none"> ▪ Feeling American ▪ Feeling at home ▪ Missing country of origin 	

		▪ Feeling (un)welcome	
		‘illegality’	Reflections of production of ‘migrant illegality’ in immigrants’ personal experiences. “I am an illegal American”.
		“do everything right”	Feeling that one has to act correctly all the time, because a misstep could impact the status (and even lead to deportation)
		“given a chance” / “you have to be grateful”	Reflecting humble/subordinate position; immigrants feel they have to be thankful, because they get favours rather than rights.
		Subject to arbitrary use of state power ▪ “do everything correctly” ▪ Have to be grateful	
	Temporal dimension	Deadlines	How the 'deadlines' and temporal requirements of the government shape migrants lives
		Waiting	
		Temporariness	Impact/experience of the temporariness of their liminal legal status
		Building your life	Building a life in a new country while one is not certain whether or not (and for how long) they can stay.
		“limbo”	
		Subject to arbitrary use of state power	
	Process	Legal status(es)	what is their current legal status? Which statuses have they held?
		Journey to U.S.	Including legal aspect of their journey (e.g. visa attempts?)
		Experience of the legal process	
		Information on legal process	
		Prospect for legal status	
		Citizenship	How important and attainable is acquiring citizenship?
		Uncertainty/ “don’t know what is going to happen”	

Migration aspirations		Instrumental aspiration	
		Intrinsic aspiration	
	Factors affecting migration aspirations	Culture	
		Education	
		Better future for children	
		Political situation	
		Information	
		Family	
		Security	
		Economic situation	
		Freedom	
		Ties with country of origin	
		Social network	
		“opportunities”	
		“I just want to work”	
	Past (move to U.S.)	Migration decision	
		Considerations	
		Expectations	<p>“I was very excited, I am gonna go, I am gonna study, I am gonna know a lot of girls, I will have a lot of fun” (Alex)</p> <p>Based on images and stories. Because of electronic media ‘the archive of possible lives is now richer and more available to ordinary people than ever before’ (Appadurai, 2003).</p>
		Influence of others	To what extent did others influence the decision? E.g. was it a household decision?
		Hindsight	In hindsight, would you have done the same?
		Why USA	
	Present	Return	
		Stay in US	
		Onward migration	
		Temporary migration	
		Future life aspirations	

		Conditionality of migration aspirations	
	Changing aspirations		Has their initial plan/aspiration changed?
Migration capabilities	Absence of external constraints (negative liberty)	Visa requirements	
		Migration policies	
		(im)possibility to travel	
	Internal enablers (positive liberty)	Financial resources	
		Social network	
		Knowledge	
		Physical ability	
		Education	
		Ties with country of origin ▪ Remittances ▪ Investments	Enabler in case of return migration.
	Capacity to aspire		
Latino threat narrative	Latino threat narrative	Discrimination	
		Feeling (un)welcome	
		Trump	
		Politics	
		‘Illegality’	
	Narrative of deservingness	Deservingness	
		Paying taxes	
		Perspective on policy	
Life in the US	Past	Beginning	How was the first period after moving to the U.S.? Also indirectly about liminal legality, in their stories of how they were able/unable to grow I can understand how liminal legality shaped their lives in the U.S.
		Always working	
		Finding a job	
	Present	Achieving goals	
		Current life	
	General	Culture	
		Housing	
		Language barrier	
		Difficulties	

Perspective on policy		General	If you were the president of the United States, what would you do to make life better for Latino immigrants in the U.S.?
		Deservingness	
Background information of participants		Journey to the United States	
		Rural/urban	
		Educational level	
		Life in country of origin	
		Social economic status	
		Occupation	

Appendix E: Information Sheet & Consent Form

1. Information Sheet (English)

Information sheet

Introduction

Hi! My name is Anouk Jorna. I am a student from the Erasmus University Rotterdam in the Netherlands. Currently, I am conducting research for my Master's Thesis. This is the final project for my studies in Governance of Migration & Diversity. The goal of this research is to better understand the experiences of immigrants from Latin America, who are currently living in Southeast Florida. This knowledge is relevant for the creation of policies that benefit immigrant communities and American society at large.³⁹

Data collection

To gather information, I will conduct interviews with people who have immigrated to the United States from Latin America. These interviews will be recorded on my iPhone through the Voice Memo feature and/or on my laptop through Microsoft Teams. Only the audio (not the video) will be recorded for the purpose of transcription. The interviews will be transcribed. Additionally, I keep a journal with observations and information from informal conversations.

Confidentiality & data protection

The information will be anonymized. All participants are given a pseudonym, a fake name. Moreover, I will make sure that participants will not be indirectly identifiable. That is, I will stay away from detailed descriptions of personal characteristics or other information that may reveal one's identity. The collected data will be used for an aggregated analysis and no confidential information or personal data will be included in the research outcome. The data is stored in a secured online environment of the Erasmus University Rotterdam and will be kept for a maximum of five (5) months. The interview recordings and transcripts will be deleted after twelve (12) months. The final thesis will be published online in the Erasmus University Thesis Repository.

Potential inconvenience & risks

There are no physical, legal or economic risks associated with your participation in this study. It is not mandatory to answer all questions. Your participation is voluntary and you can stop at any time. Please, let me know if you feel uncomfortable at any time.

Reimbursement

There is no reimbursement for participation in this research.

Voluntary participation & individual rights

Your participation is voluntary and you can stop at any time. When you participate in the research, you have the rights to request more information about the data collection, analysis or withdraw the consent and ask data erasure before the dataset is anonymized or manuscript submitted for publishing. You can exercise your rights by contacting Anouk Jorna.

If you have any complaints regarding the processing of personal data in this research, please contact Anouk Jorna. Don't hesitate to contact me if you have any questions or would like to receive more information about this research:

Email: anoukrj@gmail.com

Phone number: 9173537368 (calling and texting in the US) / +31 6 27358084 (WhatsApp)

³⁹ This research will not be used in a direct way to influence policymaking in the United States. However, it will be published online, where policymakers, activists and researchers can find it to inform their actions.

2. Consent Form (English)

Consent form

Latino immigrants in Florida: between and beyond legal limits

Upon signing of this consent form, I confirm that:

- I've been informed about the purpose of the research, data collection and storage as explained in the information sheet;
- I've read the information sheet, or it has been read to me;
- I've had an opportunity to ask questions about the study; the questions have been answered sufficiently;
- I voluntarily agree to participate in this research;
- I understand that the information will be treated confidentially;
- I understand that I can stop participation any time or refuse to answer any questions without any consequences;
- I understand that I can withdraw my consent for the use of my data within five days after the interview.

Additionally, I give permission to:

	Yes	No
I give permission to audio record the interview		
I give permission to use quotes from my interview		

Name of research participant: _____

Date: _____

I would like to give my consent for participation in this research through:

☐ Audio recording

☐ Signature: _____

Would you like to share your contact information with the researcher?

This contact information will be used by the researcher to ask questions for clarification and will not be shared with anybody else.

☐ Yes

☐ No

E-mail: _____

Phone number: _____

Would you like to receive a copy of the final research report via e-mail?

☐ Yes

☐ No

3. Information Sheet (Spanish)

Hoja de información

Introducción

Hola! Mi nombre es Anouk Jorna. Soy una estudiante de la Erasmus University Rotterdam en Holanda. Actualmente, estoy haciendo una investigación para mi Tesis. Este es el proyecto final para mis estudios en Gobernación de Migración & Diversidad. El objetivo de esta investigación es tener un mejor entendimiento de las experiencias de los inmigrantes de América Latina, viviendo en el Sur-Este de Florida. Esta información es importante para la creación de normas y leyes que beneficien las comunidades de inmigrantes y las sociedad Americana.⁴⁰

Colección de información

Para coleccionar información, estoy haciendo entrevistas con personas que han inmigrado hacia los Estados Unidos desde América Latina. Estas entrevistas van hacer grabadas en mi iPhone a través un aplicativo llamado Voice Memo y/o en mi laptop. Solamente el audio (no video) va hacer grabado. Las entrevistas van hacer transcritas literalmente.

Confidencialidad & protección de la información

La información será anónima. Todos los participantes recibirán un seudónimo (nombre ficticio). Además, me aseguraré que los participantes no sean identificados indirectamente. Esto quiere decir que evitaré hacer referencias detalladas de características personales u otra información que pueda revelar una identidad. La información va hacer usada para un análisis agregado y ninguna información confidencial o personal será incluida en la reporte final. Las grabaciones se mantendrán en mi iPhone y laptop, aseguradas con una contraseña por un máximo de cinco semanas. Por consiguiente, la información (grabaciones y transcripciones) se guardaran en un ambiente digital seguro de la universidad (Erasmus University Rotterdam) y van hacer guardadas por un máximo de doce meses. Las grabaciones y las transcripciones de las entrevistas serán borradas después la aprobación de mi tesis, en Septiembre 1, 2022. El reporte va hacer publicado online en el portal de universidad (Erasmus University Thesis Repository).

Inconvenientes posibles & riesgos

No hay riesgos físicos, legales o económicos asociados con tu participación en esta investigación. Sin embargo, tu participación en esta investigación puede recordarte tus dificultades y/o frustraciones en esos momentos de tu vida. No tienes obligación de responder todas las preguntas. Tu participación es voluntaria y puedes parar cualquier momento. Por favor, dime si te sientes incomodo en cualquier momento.

Reembolso

No hay ningún tipo de reembolso por participar en esta investigación.

Participación voluntaria & derechos individuales

Tu participación es voluntaria y puedes parar la entrevista en cualquier momento. Puedes retirar tu consentimiento para usar tu información hasta cinco días después de entrevista. Cuando tu participas

⁴⁰ Esta investigación no va hacer usada directamente para influenciar la creación de normas y leyes en las Estados Unidos. Sin embargo, esta va ser publicada online, donde los creadores de normas y leyes, investigadores y activistas pueden encontrarla para informar sus acciones.

en esta investigación, tienes el derecho para solicitar más información acerca la colección y el análisis de datos y solicitar sacar u eliminar la información colectada hasta cinco días después de la entrevista.

Si tu tienes alguna queja relacionada con procesamiento de tu información personal, por favor, contacta Anouk Jorna. No dudes en contactarme si tienes alguna pregunta o quieres recibir más información acerca de esta investigación:

Email: **anoukrj@gmail.com**

Phone number: **+1 917 3537368** (calling and texting in the US) / +31 6 27358084 (WhatsApp)

4. Consent Form (Spanish)

Forma de consentimiento

Las experiencias de los inmigrantes Latinos en Florida

Participante

Si firmo esta forma de consentimiento, confirmo que:

- Tengo la información acerca del propósito de esta investigación, recolección y la hoja de protección de datos;
- Yo he leído la hoja de información o ha sido leída para mí;
- Yo he tenido la oportunidad de preguntar acerca de esta investigación y he recibido las respuestas;
- Voluntariamente acepte participar en esta investigación;
- Comprendo que la información será tratada confidencialmente;
- Comprendo que puedo detener mi participación en cualquier momento o rehusarme a responder las preguntas sin alguna consecuencia;
- Comprendo que puedo citar mi consentimiento para usar mi información hasta cinco días después la entrevista;
- Yo recibí una copia de esta forma, firmada por la investigadora también.

Nombre de participante: _____

Fecha: _____

Autorizo mi participación en esta investigación a través:

☐ Grabación de audio

☐ Firma: _____

Adicionalmente, autorizo:

	Si	No
Autorizo grabación de audio en la entrevista		
Autorizo usar frases de mi entrevista (sin usar mi nombre)		

Investigadora

Proporcione el participante con la hoja de información y explique el proceso y el propósito de mi investigación. Voy a tratar la información obtenida confidencialmente, como se explica en la hoja de información.

Nombre de investigadora: _____

Firma: _____

Contactos

Quisieras compartir tu información de contacto con la investigadora?

Este contacto va hacer usado por la investigadora para aclarar algunas preguntas y no será compartida con nadie.

☐ Sí

☐ No

Email:

Número de teléfono:

Quisieras una copia digital del reporte final en tu correo electrónico?

Si, si, por favor, escribe tu correo electrónico arriba.

☐ Sí

☐ No