Legal status fluidity: theorizing legal status transitions and how Filipino immigrants navigate immigration pathways

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ABSTRACT

Scholars need to explore legal status and the movement in between legal statuses as a separate phenomenon from citizenship. I develop the “legal status fluidity” framework to investigate how immigrants navigate the U.S. immigration system. I draw my analysis from 54 in-depth interviews and 100 hours of multi-sited participant observation with Filipino and Filipino Americans immigrants from the Greater New York metropolitan area. To access these pathways, immigrants need to a) acquire social and financial capital pre- and post-migration b) access to varied pathways through family and employment and c) utilize their historical relationship with the receiving country. Legal statuses are mutable rather than static aspects of immigrants’ lives.
ACKNOWLEDGMENTS

This dissertation is only possible because of the generosity and vulnerability of my respondents. Their stories push me to continue advocating for comprehensive immigration reform.

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# Legal Status Fluidity: Theorizing Legal Status Transitions and How Filipino Immigrants Navigate Immigration Pathways

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CHAPTER 1: INTRODUCTION

Diego\(^1\) was waiting at his usual bus stop when a car stopped in front of him. “Are you Diego?”, a person in the car asked. When he responded yes, he was pushed into the car. His community suspect that someone reported Diego’s undocumented status to ICE\(^2\). He has been in the detention center for five months on a closed drug offense for possession. Diego’s three-hour immigration court hearing was over video and “I couldn’t move or do anything.” I joked that he couldn’t pick his nose and he quipped that he couldn’t fart for the same reason—we laughed heartily.

He was seeking asylum because if he moved back to the Philippines, his drug history would likely get him killed in Duterte’s war against drugs\(^3\). Another lawyer\(^4\) during the hearing argued that “there was no increase in human rights violations in the Philippines…Luckily the judge knew that wasn’t true and said, “Hasn’t there been an increase though?” Diego was terrified during the hearing: “I couldn’t even look at the judge. I was just praying…but I didn’t even know the decision had been made already! I didn’t even hear [the gavel sound] like in TV.” With that, he was granted asylum. He would be detained for another 4 to 6 weeks due to his case processing. He asked his visitors what the weather outside was like: “It’s warm today, it’s in the 50’s,” one of us replies. “Man, I’ve never been outside of this [place] before. I never knew what is beyond there”, Diego muses.

Gabriel was speaking so fast that I could barely keep up translating for the immigration lawyer. He received a J-1 visa to work at a hotel. When he arrived, his salary was much less than

\(^1\) All names used in this dissertation are pseudonyms.
\(^2\) Immigration, Customs, and Enforcement
\(^4\) Diego does not understand who the lawyer is representing but it is not his lawyer.
what his contract stated. After six months, he and his co-workers were let go one by one. He was “really upset because I only worked for six months. [My wife and I] are thinking of leaving the US because of Trump but we need to provide for our three kids [in the Philippines].” The lawyer asked for employer names and immigration dates, but Gabriel’s nervousness made him forget. “I have a co-worker who has his [T-visa] approved and told [me] I could do the same.” The lawyer explained that Gabriel’s co-worker needed to submit a statement to find out how he applied for the visa and what his lawyer did to get their approval. Gabriel called his co-worker to ask about the statement. The lawyer then asked Gabriel for specifics on his case. Gabriel’s sweaty palms and constant nervous laughter gave away his discomfort of talking about his exploitative and abusive work experiences. The lawyer promised to call Gabriel to see if he had a case or not. Gabriel mentions that he and his wife are now working as caregivers in a live-in situation.

Marisol received a ten-year tourist visa and visited the U.S. several times. She commented how her husband “was very romantic and courted me” while showing me her marriage certificate. Marisol asked her husband to petition her so that she can bring her five kids to the U.S. They went to an immigration lawyer but her husband refused to bring the necessary documents to sponsor her: “I kept asking him [to sponsor us] and every time I did, he would get mad at me and yell at me…He doesn’t want to sponsor me because I might run away from him.” Two weeks into their marriage and moving in together, her husband declared that he wanted to live alone. Her husband was recently hospitalized due to health issues, but she wants a divorce because “I want to clear my name.”

Gina invited me to her house for the interview. When I arrived, she offered me a can of

5 Victims of Trafficking in Persons (T) nonimmigrant visa
coke and a pack of muffins to eat. I thanked her and she replied with “of course, we’re Filipino.” I took out my interview materials and put them on the table; Gina saw me looking around the house. Without being prompted, she explained that she had been dating her husband for four years before they got married. She urged me to get up and showed me their multiple wedding photos on their bookshelf. They married three times—twice in the U.S., once in the Philippines—and each photo showed different wedding locations and outfits. She met her husband who was in the Navy through a cousin. Her legal permanent residency had been approved but “my green card was stolen in the mail. We had to pay another $600 [to replace the card]. It’s not even our fault…” Gina, a nurse, was having issues with her hospital employer because “they were asking for my green card and it’s still not here; you know? Luckily the management is really nice there.”

Diego, Gabriel, Marisol, and Gina’s stories illustrate how legal status affects Filipinos distinctly. What determines if an immigrant can adjust their status? What factors affect access to legal status pathways and changing their status? How do immigrants strategize to remain in-status or (re)gain status in this heightened anti-immigrant climate? In this project, I examine how the U.S. colonial relationship with the Philippines affords certain Filipino immigrants’ pathways to legal status and bars others. Compared to other immigrant groups without a colonial history, this relationship defines the various legal statuses Filipino immigrants can acquire. I develop the legal status fluidity theory to conceptualize the movement in between legal statuses and how immigrants navigate the U.S. immigration system.

In this introduction, I situate the transnational and historical factors that determine immigrants’ legal statuses. In the US and globally, legal status has stratified noncitizens through partial and full societal inclusion and exclusion (Goldring and Landolt 2013; Jacobs 2019; Lai
2020; Rodriguez 2016). Broadly speaking, the less privileged immigrants have less access to legal status while the more privileged have multiple options. How immigrants access legal status pathways is thus crucial in the context of their rights, well-being, and post-migration privileges. In this work, I view legal status outside of the documented-undocumented bifurcation, analyze the nuances within the legal status processes, and how immigrants traverse these processes. Next, I briefly outline a statement of the problem, introduce an overview of the project’s sociological importance and describe my methodology. I then summarize the dissertation and introduce its theoretical and empirical contributions to the immigration literature.

In the last thirty years, the literature on undocumented immigration illustrates the importance of legal status in accessing rights and privileges for mixed-status families who have at least one undocumented immigrant, in addition to citizens and documented noncitizens. Undocumented immigrants are marginalized at various societal institutions due to their legal status (Abrego and Gonzales 2010; Chavez, Soriano, and Oliverez 2007; García 2019; Gonzales 2011; Menjívar 2006) and their experiences of illegality spillover to their mixed-status families (Abrego 2019; Bonjour and de Hart 2021; Enriquez 2015; Hamilton, Patler, and Hale 2019; Rodríguez 2016; Romero 2008). Non-citizenship increasingly has meant experiencing partial societal exclusion. For example, while the law regards legal permanent residents as equal to citizens, legal permanent residents are deported for minor drug charges thanks to the retroactive nature6 of the 1996 Illegal Immigration and Immigrant Responsibility Act (IIRIRA) (Barillas 2014). Although citizenship is equated with safety from deportation, even naturalized citizens today can get stripped of their status as a counterterrorism response (Pillai and Williams 2017). A close analysis on the role of legal status pathways—how immigrants obtain or lose legal status

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6 IIRIRA renders immigrants deportable for crimes committed at any point prior to the change in law, including non-deportable offenses at the time of their commission.
over the life course—is thus crucial to our understanding of the changing experiences with legality. The impact of the receiving and sending countries histories, such as an imperial and neocolonial relationship, is also integral to this understanding.

**Legality and Legal Status Pathways**

Experiences with legality are highly stratified based on multiple factors. Race, sex, gender, class, socioeconomic status, educational attainment, and country of origin intersectionally determine immigrants’ encounters with the U.S. immigration system (Rodriguez 2016; Rosas 2020; Wyss 2019). In general, the noncitizens who have the least number of institutionalized protections and face the greatest risk are undocumented immigrants, followed by temporary migrants, and finally immigrants with family-based petitions. Contemporary research on documented immigrants however illustrates how heightened anti-immigrant policies meant to target undocumented immigrants are also exposing the vulnerabilities of other noncitizens (Goldring and Landolt 2013). Additionally, a majority of undocumented immigrants initially have legal status. In 2014, an estimated 4.5 million immigrants (42%) of the undocumented population were visa overstayers (Warren and Kerwin 2017). In 2017, 62% of the newly undocumented overstayed their visa and another 38 percent had crossed the border (Warren 2019). The same report found that since 2010, undocumented Mexicans have declined by 1.3 million and constituted less than one half of the total undocumented population in 2017. Studying immigrants with various legal statuses and migration histories is therefore integral to our understanding of current US and global migration processes.

Outside of native-born citizens, all immigrants are subject to the immigration system. In 2019, nearly 1 million immigrants became lawful permanent residents with 49 percent
accounting for immediate relatives of U.S. citizens, 20 percent of family-related immigrants, and 10 percent adjusted from refugee or asylee status (Batalova, Hanna, and Levesque 2019). Another 14 percent are either sponsored by their employers or self-petitioned, 4 percent were diversity lottery winners, and approximately 4 percent were diversity lottery winners. Despite the richness of the literature, there is a dearth of research conducted on how certain immigrants over the life course transition between various legal/documented immigration statuses while others fall out-of-status. What mechanisms allow immigrants to remain in-status? How do immigrants lose their initial legal status? How do immigrants increase the likelihood of adjusting or regularizing their legal status? By examining how immigrants navigate the U.S. immigration system, I seek a deeper understanding of legality’s transient nature and how immigration policies after the 1980s continue to affect legal status pathways.

Why Filipinos / Filipino Americans?

Filipinos have a unique relationship with U.S. immigration law due to their neocolonial history. As the United States attempted to colonize the Philippines from 1899 to 1913, Filipinos began to migrate as “U.S. nationals” (Aguilar 2010). The status awarded Filipinos the right to live and work indefinitely in the U.S. but prevented Filipinos from naturalizing. Filipinos initially immigrated by enlisting as sailors in the U.S. Navy, pensionados, and laborers. The passage of the 1924 Immigration Act excluded all “aliens ineligible to citizenship” from immigrating, specifically barring all other Asian groups except for Filipinos. Philippine independence in 1946 finally decreased Philippine immigration. Researchers highlight these

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7 Filipino students.
8 This is not to say that Filipinos did not undergo racial and ethnic exclusion in their early migration. The 1930 Watsonville riots led Congress to reduce Filipino immigration to the U.S. to just 50 people per year.
contradictions in both Philippine and US citiizenships and argue how Filipinos’ history as US
nationals ultimately led to their exclusion from US citizenship (Aguilar 2010).

Countries with imperial and neocolonial histories award Filipinos and other immigrants
with distinct legal status pathways. For example, while the Luce-Celler Act of 1946 set
immigration quotas to 100 persons a year, there was no quota on how many Filipinos could enlist
in the U.S. navy and Filipino immigrants were finally allowed to naturalize (Mabalon 2017).
American occupation introduced American English and culture into the national Philippine
education system in a way that continues today (Bernando 2008). Recruited specifically for their
English language abilities (Dumanig, David, and Symaco 2012: 108), both high- and low-skilled
Filipino workers were recruited and petitioned for their families to immigrate too (Kelly and
Lusis 2006).

Today, roughly 4 percent of the 44 million immigrants—around 2 million immigrants—
who arrive in the United States hail from the Philippines (Zong and Batalova 2018). Unlike other
immigrant groups, Filipinos are ineligible for diversity visas due to their high rates of emigration
of more than 50,0009 per year. Filipinos in general have low rates of seeking asylum in other
countries and come to the United States primarily on familial ties. Fifty-seven percent of legal
permanent residents come as immediate relatives of U.S. citizens while 28 percent come through
family-sponsored preferences (Zong and Batalova 2018). As a result, most immigrate with visas
to the United States. Filipinos have high naturalization rates compared to the total foreign-born
population (70% to 49%). In 2016, 45,305 Filipinos received their legal permanent residency
(LPR) through their immediate relatives with U.S. citizenship or other family members (Zong
and Batalova 2018). In the same year, roughly 7,500 Filipinos received their LPR through their

9 According to USCIS, 50,000 immigrants includes only family-based or employment-based immigrant categories.
https://www.uscis.gov/greencard/diversity-visa
employer. While a majority of Filipino immigrants have an immigration status, the Migration Policy Institute estimates that 188,000 Filipinos were undocumented from 2010 - 2014 (Zong and Batalova 2018). Undocumented Asians face deep stigma within their own immigrant community (Chan 2010; Cho 2017). In 2017, an estimated 18,000 undocumented Filipino immigrants were eligible for Deferred Action for Childhood Arrivals (DACA) program but only 3,800 applied (compared to 683,000 unauthorized youth that participated) (Zong and Batalova 2018; Zong, Ruiz Soto, Batalova, Gelatt, and Capps 2017). The colonial history and variations in legal statuses with Filipino immigrants provide pathways between legal statuses. I turn to the immigration of contemporary Filipina/os in the Greater New York metropolitan area as a site of analysis to understand how legal status pathways are shaped and accessed. Unlike the binary constructions of legality, undocumented and documented, I illustrate how legality shifts constantly throughout the life course and the ways in which immigrants exercise agency in determining their legal status transitions.

I selected participant observation and in-depth interviews to collect data on Filipina/os in the Greater New York metropolitan area. The lack of disaggregated Asian American data and longitudinal studies that measure legal statuses over the life course led to my methodology choice. I draw my analysis from 100 hours of participant observation in Filipino ethnic spaces, events, and social gatherings and 54 interviews with Filipina/os of different legal statuses: U.S. citizens, legal permanent residents, non-immigrant visa-holders, and undocumented. I utilized snowball sampling starting with both my personal and professional networks as well as referrals from interviewed respondents. I chose not to recruit from a specific Filipina/o organization or

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10 I refer to my respondents as Filipina/os while I maintain the use of “Filipino” when referring to the overall Filipino community.
group to collect a diverse and non-activist sample and collected data for over three years. I also applied my Tagalog and Bisaya language ability to recruit respondents from different Philippine regions. I organized my data into interview transcripts, interview memos, and participant observation notes and coded the data according to thematic analysis (Lieberson 1991; Small 2009).

By exploring Filipino immigrants’ experiences with legal status, I investigate how pre- and post-migration contexts determine immigrants’ access to legal status fluidity. I define legal status fluidity as “the ability of immigrants to maintain their current legal status and to transition between another immigration status” and conceptualize legal status/immigrant pathways. I argue that accessing these pathways requires pre- and post-migration contexts having immense investments in financial, social, and cultural capital; those who are blocked from such access fall out of legal status and become undocumented. Through my data, I examine: a) how the historical relationship between the sending and receiving countries affect legal status pathways; b) the role of the Philippine state in marketing and supplying the global demand for Filipino workers and the cost for emigrants; c) the role of human capital in determining access to legal status in Western countries; and d) how anti-immigrant policies meant to eliminate undocumented immigration has devastating effects for both documented and undocumented immigrants.

In this dissertation, I compare the experiences of Filipina/os with different legal statuses and migration histories. I divide my work into two sections. Following this chapter, I review the literature on US immigration laws and racialized illegality as well as the growing importance of legal status. I then outline the neocolonial history of the Philippine-American bond, domestic factors for outmigration, and how U.S. colonialism affords Filipinos unique pathways through

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11 As a result, most of my respondents identified themselves as “Filipino” or by their Philippine region, but not “Filipinx”.
education, labor, and family-based pathways. In Chapter 3, I provide my rationale for selecting the New York-New Jersey metropolitan area as a recruitment site, my recruitment strategy, my analysis plan, and detail how I empirically define and measure legal status fluidity. I also describe the basic demographic data on each legal status group—U.S. citizens, legal permanent residents, non-immigrant visa holders, and undocumented—and trace their legal status transitions during their migration histories. I then highlight challenges in my data collection specifically relating to my positionality and the sensitive topic of my research. In the theoretical chapter (Chapter 4), I point out the inadequacies of the legality/illegality conceptualization and lay out the theoretical foundations of legal status fluidity.

In the next set of chapters, I call attention to my empirical findings. In Chapter 5, I discuss the most legally fluid of my respondents. Their access to pre- and post-migration financial, social, and cultural capital translated into opportunities in the educational and highly skilled labor market. This gave them the fluidity and thus the option to remain in the US. In contrast, the respondents in Chapter 6 primarily utilized their pre-migration social capital through their non-spousal families and spouses. Respondents who immigrate through their non-spousal family members paid for their access to legal status fluidity through long-term, extended family separation. In comparison, the experiences of those who immigrated through their spouses were highly gendered. The Filipino men framed their family reunification primarily as economic while the Filipina women faced institutional and community accusations about the authenticity of their feelings towards their white US citizen partners.

In Chapter 7, I describe how Filipino American respondents accessed U.S. citizenship through their parents’ successful legal status fluidity. While the native-born citizens were protected from extended family separation, their older siblings and parents were not.
Additionally, their citizenship privilege came at the cost of their sense of belonging within the Filipino community. The final empirical chapter showcases how the undocumented respondents—the TNTs\textsuperscript{12}—were ill-equipped to obtain legal status fluidity due to their pre- and post-migration contexts. Even when undocumented respondents gained post-migration social capital through their marriages and U.S. citizen children, policies meant to deter undocumented immigration prevented them from adjusting their legal statuses. Throughout this dissertation, I critically analyze the theoretical, empirical, and policy implications in Filipina/os navigating the U.S. immigration system.

\textsuperscript{12} Translates to “hiding and hiding”; refers to undocumented Filipinos
CHAPTER 2: LITERATURE REVIEW

Since the 1980s, U.S. immigration policy has focused on strongly enforcing its borders and discouraging the growth of undocumented immigration (Massey and Pren 2012). The introduction of the Deferred Action for Childhood Arrivals (DACA) in 2012 and the subsequent legal disputes on its legality—whether DACA is constitutional or not—has put the topic of legal status at the forefront of political debates (Gonzales, Terriquez, and Ruszczyk 2014).

Undocumented youth are portrayed as unwilling migrants who, as a result of their parents’ choices, have become integrated into American society. This paints the youth in a strikingly positive light, with 74% of the American public willing to grant them permanent residency (Krogstad 2020). The debates about the legality of DACA encapsulate the varying and transient meanings and definition of citizenship and how legality is socially constructed and reconstructed. Undocumented youth organizations utilize this sympathy in their anti-deportation campaigns, claiming their American identities despite their lack of citizenship and legal status (Carrasco and Seif 2014; Patler 2018).

The focus on DACA and its effects on undocumented immigrant youth however ignores the larger problems of U.S. immigration policy. While the stated goal of U.S. immigration policies is family reunification, the reality is that detention and deportation are common practices since the 1990s. The arbitrary caps on family reunification actually prolong family separation, sometimes lasting decades (Dreby 2015; Hagan, Eschbach, Rodriguez 2008; Zayas and Bradlee 2014). The increased scrutiny on mixed-status marriages has also led to more unequal marriages and in some cases, domestic abuse. Finally, even those with legal visas have to wait decades in order to exercise their full rights and eventual U.S. citizens. The discussion on immigration, specifically legal status, should go beyond the black-and-white portrayal of documented and
undocumented. The social constructions of legality, race, gender, and citizenship shape the creation and implementation of contemporary immigration law. The previous literature on this topic can be divided into three categories: US Immigration Laws and Racialized Illegality, Outcome-Based Research on Legal Status, and Citizenship Research.

**US Immigration Laws and Racialized Illegality**

Legality and illegality cannot be separated from the racist undertones of U.S. immigration laws. Ngai (2003:7) notes that

Just as restriction and deportation "made" illegal aliens, administrative discretion "unmade" illegal aliens…That process had an important racial dimension because the application and reform of deportation policy had disparate effects on Europeans and Canadians, on the one hand, and Mexicans, on the other hand. But the disparity was not simply the result of existing racism. Rather, the processes of territorial redefinition and administrative enforcement informed divergent paths of immigrant racialization. Europeans and Canadians tended to be disassociated from the real and imagined category of illegal alien, which facilitated their national and racial assimilation as white American citizens. In contrast, Mexicans emerged as iconic illegal aliens. Illegal status became constitutive of a racialized Mexican identity and of Mexicans' exclusion from the national community and polity.

Contemporary research on legality continues to highlight the racialized “illegality” of Latinos regardless of their immigration status (Armenta 2017; De Genova 2002, 2004; Gonzales and Chavez 2012). Golash-Boza and Hondagneu-Sotelo (2013: 286) point out how the racialization of Latino men and the “deportation crisis deprives Latino families of face-to-face fatherhood…The United States removes fathers back to their countries of origin while their spouses and children remain here.” The hostile nature of contemporary immigration policy negatively affects all immigrants, regardless of legal status (Enriquez 2015; Glick 2010). With deportation and detention at an all-time high (Golash-Boza 2011), immigrant families, through their connections to their relatives and communities, also experience the negative consequences

While the image of undocumented immigrants today has a “Latino” face, the U.S. government for a greater part of the nineteenth century paid no mind to Mexican immigrants. It was not until 1919 that Mexicans had to enter through designated ports of entry (Ngai 2003:6). Prior to the creation of the “illegal Mexican” identity, undocumented immigrants “entered the United States across both borders. Belgian, Dutch, Swiss, Russian, Bulgarian, Italian, and Polish immigrants enlisted in agricultural labor programs in the Canadian west, only to arrive in Canada and immediately attempt entry into the United States, at points from Ontario to Manitoba” (Ngai 2003:6). Undocumented Europeans were allowed different pathways to regularize their status, such as first residing to Canada for five years, moving to the US and naturalizing, and then bringing their families over (Ngai 2003:7). By 1929, Congress acknowledged that undocumented status for Europeans was a transient status that could be regularized through family ties:

In 1929 Congress passed the Registry Act, which legalized the status of "honest law-abiding alien[s] who may be in the country under some merely technical irregularity." The law allowed immigrants to register as permanent residents for a fee of twenty dollars if they could show that they had resided in the country continuously since 1921 and were of good moral character. The law did not formally favor Europeans over Mexicans. But, of the 115,000 immigrants who registered their prior entries into the country between 1930 and 1940, eighty percent were European or Canadian. According to Berkeley economist Paul S. Taylor, many Mexicans qualified for an adjustment of status under the Registry Act, but few knew about it, understood it, or could afford the fee. (Ngai 2003:13).

Other laws passed after 1929 suggest similar understandings. The 1952 Immigration and Nationality Act ("INA") allowed immigrants to adjust their status to lawful permanent residence on the basis of family unity (Mercer 2007). In 1994, Congress added the section 245(i), which
allowed “all unauthorized immigrants who were physically present in the United States and eligible for an immigrant visa could file for adjustment of status to obtain permanent residence" (Mercer 2007:298). In sum, there was an understanding of the temporality of undocumented status that could be changed primarily through familial ties. Immigration scholars agree that domestic policies in the U.S. created and exacerbated the problem of undocumented immigration.

The entry of the United States into World War II abruptly led to agricultural labor shortages (Calavita 2010). From 1942 to 1964, the United States enacted the Bracero Program, which facilitated the migration of Mexican guest workers and became the chief source of foreign farm labor in the country (Massey, Durand, and Malone 2003). The braceros were favored as agricultural workers and were an “integral component of agricultural production in some states and for some crops. During 1945, for example, California growers employed 63% of the total bracero work force, and in the off-season months from January to April, 90% of the braceros went to California” (Calavita 2010, Ch. 2). By 1964, nearly five million braceros provided growers and ranchers in thirty states a source of cheap labor (Mize and Swords 2010). The temporary migration started a culture of labor migration between the United States and Mexico. Massey and Liang (1989:217-221) highlight the transference of social capital between Mexican families:

Because migrants are embedded within larger networks of friends and relatives, every act of migration by a guest worker creates a valuable form of social capital that others can use to gain access to foreign labor markets and the material gains these markets can provide. Migrants, therefore, are quite likely to introduce other family members into the migration process and are especially likely to pass migratory behavior on to sons and daughters.

When the Bracero program ended, it formalized the labor market relationship between the United States and Mexico (Meissner 2004). American growers continued to rely on Mexican
labor to meet their needs, which incentivized workers to enter illegally through the U.S.-Mexico border (Mize and Swords 2010). The program’s end also signaled the era of restrictive immigration enforcement. The passage of the Hart-Celler Act of 1965 (also known as the Immigration and Nationality Act) abolished nationality quotas, prioritized family reunification over labor migration, and terminated temporary entry for workers (Massey, Durand, and Malone 2003). The act also restricted Mexican migration for the first time in U.S. history to 20,000 annually (Bean, Brown, Leach, Bachmeier, and Van Hook 2013). Despite the need for low-skilled labor, Mexican workers were left with few options and many chose to settle in California. Bean et al (2013:9) highlight other economic and demographic factors that contributed to the growth of the undocumented population:

Specifically, 1) U.S. economic growth often disproportionately has often exceeded the population growth, generating “excess” jobs; 2) gains in education have reduced the numbers of less-skilled natives; 3) fertility rates among the native-born have declined, also lowering the relative number of younger natives; and 4) Baby Boomers have been “aging-out” of younger cohorts (e.g., 25-44 year olds). The result: over time fewer less-skilled younger native workers have been available.

The shift to an hourglass economy, gains in educational attainment, lowered nativity fertility rates, and the aging of the Baby Boomers increased the overall demands for low-skilled labor. To summarize, the end of the Bracero program and the Hart-Celler Act created a spike in Mexican migration, both documented and undocumented. Family ties continue to be a major engine in how immigrants migrate to the United States. While the Immigration Act of 1990 made it easier for families to migrate, consecutive immigration policies became more restrictive.

The 1980s prioritized finding the solution to the issue of undocumented immigration. The Immigration Reform and Control Act of 1986 (IRCA) increased immigrant enforcement, provided sanctions to employers who hired undocumented immigrants, and legalized a portion of the undocumented population in the United States (Donato, Durand, and Massey 1992). IRCA
legalized almost 3 million undocumented immigrants from 1989 through 1996 but heightened employer discrimination and increased the use of temporary employment firms (Chishti and Kamasaki 2016; Lowell, Teachman, and Jing 1995). While IRCA targeted undocumented Mexican immigrants, the bill along with the later passages of the Anti-terrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1996 have made the lives of all immigrant families more difficult (Abrego 2006, 2011, 2014; Dreby 2010, 2012; Gonzales 2011, 2015; Menjivar and Abrego 2012). In addition to the passage of more restrictive policies, the U.S. government has made it more difficult for mixed-status families to regularize their immigration status.

The basis of family unity and obtaining status through spouses created a heightened and irrational fear of marital fraud (Anderson 1993). Passed at the same time as IRCA, the 1986 Immigration Marriage Fraud Amendments (IMFA) gave the Immigration Naturalization Service authority to discern real international marriages from fraudulent ones. Immigrants who have been married less than two years receive conditional permanent resident status with the expectation that the marriage should be intact for at least two years. Should the marriage not last, the immigrant spouse loses their status and is eligible for deportation (Anderson 1993: 1404).

The definition of immigration fraud is “the absence of any desire for citizenship and the presence of bonafide love, both fictions of immigrant marriage contracts that already provide the opportunity for legal status and the presence of one noncitizen and one citizen spouse” (Wang 2013:1245).

The unfortunate wording and interpretation of the law has made it easier for abusers to trap their spouses in their marriages, using detention and deportation as tools of control (Anderson 1993; De Armas 2007; Jones 1997; Wang 2013). For example, Dominican-born Maria
married a U.S. citizen who “began to brutalize her physically. “One time I had eight stitches in my head and a gash on the other side of my head, and he broke my ribs.... He would bash my head against the wall while we had sex. He kept threatening to kill me if I told the doctor what happened” (Anderson 1993:1401). Fearing deportation, she remained married to her spouse despite his abuse. While amendments in 1988 were passed to curb domestic abuse cases, proving domestic violence occurred is difficult and, in some cases, nearly impossible. Immigrant women may also not be aware of their access to protections such as the Violence Against Women Act and U-visas (Raj and Silverman 2002; Tjaden and Thoennes 2000). The high rates of domestic violence in immigrant populations (Modi, Palmer, and Armstrong 2014) and the stigma of discussing domestic abuse outside immigrant families (Ahmad et al 2009) are also hard to overcome. The United States Citizenship and Immigration Services (USCIS) has also increased scrutiny by asking for the more-recent applicants’ social media accounts and including new questions such as “Why aren’t you listed as ‘In a relationship’ on Facebook?” (Chetrit 2011: 710). In the same way the state defines who is worthy of legal status, the state also decides on the authenticity of international marriages. The focus on decreasing undocumented immigration has further repercussions on mixed-status families.

In 1996, President Bill Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act into law (López 2017). It barred undocumented immigrants, even those married to US citizens, from re-entry for up to ten years. IIRIRA required immigrants who did not enter through a port of entry to adjust their status back in their home country. This effectively meant that “they must return to their country of origin to receive their visa, but upon leaving they are automatically banned from legally returning to the United States—even as a temporary visitor—for up to ten years” (López 2017:97). This effectively punishes undocumented
immigrants for their status despite being eligible to regularize their status. IIRIRA also allow
consular officers to exclude immigrants who are deemed likely to be “public charges”. Using
age, health, family status, financial resources, education and skills, consular officers:

frequently rely on this exclusion to deny immigrant and non-immigrant visas to persons
seeking to come to the United States. For fiscal year 1992, the public charge exclusion was
the basis for the refusal of roughly one-half of the substantive denials of immigrant and
nonimmigrant visas. The public charge exclusion also has been applied recently to elderly
Asian lawful permanent residents returning to the United States from visits to their native
countries, who previously had received benefits for which they were eligible under
programs for the elderly and disabled (Johnson 1995: 1521-1522).

Unsurprisingly, the public charge clause in IIRIRA discourages legal immigrants from seeking
public assistance programs that they are eligible for.

In sum, the greater focus on immigrant enforcement punishes immigrants who attempt to
adjust their status through family ties. Mixed-status couples are subject to proving the validity of
their marriages and leaving immigrant women vulnerable to domestic violence. Finally, the
public charge clause in IIRIRA discourages legal immigrants from participating in public
assistance programs and allows consular officers to deny immigrant and nonimmigrant visas at
will.

**Outcome-Based Research on Legal Status**

Over the past twenty years, immigration scholars have dutifully explored the varied ways
legal status affects immigrants. Legal status affects income (Abrego and Gonzales 2010; Chavez
1998; Rivera-Batiz 1999), wage protections (Ray 2006), educational attainment (Abrego 2006,
2011; Flores 2010; Greenman and Hall 2013), access to healthcare (Goldma, Smith, and Sood
2005; Sullivan and Rehm 2005; Yoshikawa 2011), physical and mental health (Castañeda and
Melo 2014; Gonzales, Suárez-Orosco, and Dedios-Sanguineti 2013) and home ownership
(McConnell and Marcelli 2007). Most of this research focuses on measuring immigrants’
traditional markers of assimilation, such as income, home ownership, and English ability
(Phillips and Massey 1999; Rivera-Batiz 1999). Legal status also impacts mixed-status families
and family reunification (Fix and Zimmerman 2001), integration into American society
(Gonzales and Chavez 2012), transition to adulthood (Gonzales 2011, 2015), dating and
marriage (Pila 2016; Schueths 2012, 2015), childrearing (Yoshikawa 2011), and domestic
violence (Menjívar 2002).

Many scholarly works highlight how draconian immigration enforcement hurts mixed-
status immigrant families (Castañeda 2019; Dreby 2010, 2012, 2015, 2015a; Enriquez 2015;
immigrants to present themselves as “legal” and to detach themselves from their immigrant
backgrounds while accommodating cities provide a sense of stability. Other studies only explore
the outcomes of immigrant groups through the lens of one legal status, such as refugees or work
visa holders. While Deferred Action (DACA) does not lead to a permanent status, some scholars
also compare the experiences of DACA and non-DACA recipients at educational institutions
(Flores 2010; Gonzales, Terriquez, and Ruszczyk 2014). Questioning the conceptualization of
illegality moves the discussion away from outcome-based research and into the role of states and
institutions in creating the “problem” of undocumented immigration. Research on undocumented
immigrants shows their sense of belonging in the US and that they are citizens in all but in
papers. Conversations about legal status and the lack thereof cannot be removed from
discussions on citizenship.

Citizenship Research: Legal Status Is More than Papers
Legal status cannot be separated from citizenship. Scholars have shown that citizenship changes feelings of belonging and identity (Coutin 2007; Jones-Correa 2001), home ownership (McConnell and Marcelli 2007), and voting patterns (Pantoja, Ramirez and Segura 2001; Ramakrishnan and Espenshade 2001). While there are lively discussions on meanings behind “citizenship” (Bosniak 2000; Coutin 2000; Martiniello 1997; Rubio-Marín 2000), many scholars agree that the ideals of citizenship are no longer rooted in nationality and passport privileges. Bloemraad (2000:10) argues that citizenship consists of both “the individual” and the “sociopolitical community” and is conceptualized through legal status, rights, identity, and participation.

Just as immigrating is a life-changing milestone, changing from a temporary visa to a non-immigrant visa (such as a tourist or student visas) can have drastic and long-lasting effects on immigrants. Research on immigration and citizenship also explores the distinct meanings behind “citizenship” (Bosniak 2000; Coutin 2000; Martiniello 1997; Rubio-Marín 2000). Other studies show the effects of changing from one immigration status to another, such as naturalization (Bloemraad 2006; Jones-Correa 2001). Recent research has shown that restrictive immigration policies targeting undocumented immigrants deeply affect how U.S. citizens perceive their citizenship.

The focus on eliminating undocumented immigration has deleterious effects on mixed-status families regardless of citizenship. The increased scrutiny on undocumented immigrants impact their non-citizen and citizen-spouses as well (Dreby 2015a; Schueths 2012, 2015). Challenging the myth that an undocumented immigrant merely needs to marry a citizen in order to regularize their status, Schueths (2012:106) shows how “restrictive immigration policies create a second-class citizenship for U.S. citizen spouses”. White U.S. citizen wives married to
undocumented Latino immigrant men experience the racial profiling with their spouses and the stress from immigration enforcement (Schueths 2019). Married mixed-status couples navigate the gendered and racially charged standards of legitimacy under the immigration system to avoid being flagged for marriage fraud (Longo 2018).

The stress moves beyond the immigrants’ spouses. Families who live in close proximity to the U.S.-Mexico border associate increased risk of deportation by merely participating in their jobs, education, and communities (Valdivia 2019). U.S. citizen children understand and utilize their citizenship privilege based on the inequalities of their mixed-status families (Abrego 2019; Hamilton, Palter, and Hale 2019; Rodriguez 2019). Young children fear for the detention and deportation of their parents (Dreby 2012; Brabeck and Xu 2010). Some suggest that children end up in foster care, but the exact estimates are unknown (Capps, Hooker, Koball, Pedroza, Campetella and Perreira 2015). Mixed-status sibling (e.g. a U.S. citizen and an undocumented sibling) relationships are strained due to the inequalities of their citizenship privileges (Abrego 2016; Castañeda 2019; Romero Morales and Consoli 2019). Even when only one family member lacks legal status, mixed-status families have to overcome multiple sites of institutional discrimination (Castañeda 2019). As the studies above illustrate, U.S. citizens through their familial ties are negatively affected by increased immigration enforcement. It is difficult to feel a sense of belonging in one’s own country when a loved one fears deportation. Undocumented activists ironically use the same narratives of belonging in order to stay in the United States.

Undocumented activists utilize citizenship narratives to lobby for pathways of regularization and stay of deportation. They claim their American identities, pointing out their similar upbringing and values to native-born peers, to advocate for pathways to legal status and eventual citizenship (Carrasco and Seif 2014; Hinton 2015; Negrón-Gonzales 2015; Nicholls
Asbun 2014). For example, openly undocumented Filipino journalist Jose Antonio Vargas titled his memoir as “Dear America: Notes from an Undocumented Citizen” (Vargas 2018). Isin (2009:383) explains the changing meaning of citizenship:

Citizenship understood as political subjectivity shifts our attention from fixed categories by which we have come to understand or inherit citizenship to the struggles through which these categories themselves have become stakes. It also shifts our attention from already defined actors to the acts that constitute them. Rather than asking ‘who is the citizen?’ the question becomes ‘what makes the citizen?’

In this way, the undocumented activists’ sense of belonging and acts of civil disobedience are a powerful tool in the political realm. Since 2001, eighteen states allow in-state tuition rates for undocumented students and another six states allow undocumented students to receive state financial aid (National Conference of State Legislatures 2021). In 2010, the Development, Relief and Education for Alien Minors (DREAM) Act passed the House but failed to receive the five Senate votes it needed to pass. Twelve states and the District of Columbia allow undocumented students to obtain driver’s licenses (Mendoza and Polkey 2019). Despite receiving intense pushback from Republicans, New York State is the most recent addition to the list (Hansen 2019).

The American public also sympathizes with this population. In 2018, 75% of Americans supported granting permanent legal status to immigrants brought to the U.S. illegally when they were children (Tyson 2018). 92% of Democrats and Democratic-leaning independents and 50% of Republicans and Republican leaning also favor this approach (Tyson 2018). The focus on undocumented youth has challenged the narratives of sense of belonging and citizenship but it overlooks the other problems of the immigration system.

Putting the spotlight on undocumented youth is problematic in many ways. The racialization of undocumented immigration as a “Latino” issue ignores the diversity of the
undocumented population (Abrego 2011; Armenta 2017; Buenavista 2018; Cho 2017; Enriquez, Vera, and Ramakrishnan 2019; Gonzales and Chavez 2012). Within the last 15 years, the Asian undocumented population has more than tripled: to contrast, the Mexican unauthorized population grew only by 21% in 2015. In 2015, nearly one in every seven Asian immigrants was undocumented (Asian Americans Advancing Justice 2018). The deservingness narrative of undocumented youth also criminalizes their parents who brought them into the country in the first place (Flores and Schachter 2018; Schwiertz 2016). Even if undocumented youth are granted legal status, the future of their families still remains bleak. In reality, their migration is not tied to individual choice but is the result of transnational processes and institutions at work. The U.S. “systematically recreate[d] “illegality” in ways that have more thoroughly constrained and circumscribed the social predicaments of undocumented migrants” (De Genova 2002: 434). The end of the Bracero program, the passage of the Hart-Celler Act, and the demographic and economic shifts in the U.S. created and exacerbated the “illegality” of undocumented immigrants. These are all integral reasons to focus on the problems of the immigration system as a whole. The movement between statuses is important in our understanding of migration.

The citizenship literature fails to address the following questions: What post-migration strategies do immigrants undertake to transition between immigration statuses? What financial and non-financial assets prior to immigration allow for smoother transitions? How does the prior relationship between the host and receiving country affect transitions between immigration statuses? To what extent does the initial immigration status have on future immigration statuses? How do gender expectations and stereotypes affect legal status transitions? Historically, undocumented status was treated as a transitory status and amenable through familial ties. As post-1980 immigration policies and enforcement have become more restrictive and exclusionary,
both undocumented and legal immigrants face many difficulties in adjusting their legal statuses. Social scientists need to reconceptualize immigration status as a variable that constantly changes through an immigrant’s life course. In addition, scholars need to broaden how the same restrictive mechanisms that target Latinos immigrants also affect non-Latino immigrants and their families.

**Legality and Immigrant Pathways of Filipinos**

I turn to Filipino immigrants to observe how Asian immigrants navigate pathways of legal status and citizenship. Latino immigrants heavily dominate discussions on legal status in the literature, but this ignores how legal status affects non-Latinos and reinforces the stereotype that “undocumented immigrants” equates to “Latino”. Cho (2017) argues that Asian undocumented immigrants run against the stereotype of “model minority” and find themselves barred from resources for their undocumented Latino peers. Unlike Latinos, Asians are not racialized as automatic “illegals” and generally have to confront a distinct set of challenges, such as model minority myth (Cho 2017; Chan 2010). Model minority myth posits that all Asians, regardless of legal status, are hardworking immigrants who have achieved high socioeconomic success and high integration in society. While Asian immigrants overall tend to have high educational attainment, lack of legal status can impede their and their children’s’ educational trajectories (Buenavista 2010).

Unlike the Latino activists in the undocumented youth movement, coming out as Philippine-born, German-born, or Brazilian-born as Jose Antonio Vargas, Tam Tran, and Tereza

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13 I utilize “Filipino” as an all-inclusive term to refer to immigrants and children of immigrants with ties to Filipino ethnicity and identity. These include Filipino, Filipina, Filipino-American, Filipin*, Filipinx, Pinoy, and Pinays.
Lee, respectively, have done remains a rarity (Buenavista and Tran 2010; Guevarra 2016). Given
that many Asian cultures are collectivistic and prioritize “saving face” (Chung 2016), coming out
as undocumented carries the dual stigma of being undocumented and being Asian. For both
undocumented immigrants and the American public, the “illegal” does not have an Asian face.
While undocumented Asian Americans develop strategies to protect themselves from detainment
and deportation, they also reinforce white supremacist perceptions of illegality (Buenavista
2018). Additionally, the neocolonial history of the Philippines and the United States provides a
vantage point in how migration pathways are shaped by colonialism, neocolonialism, and U.S.
militarization. Undocumented Filipinos are willing to join the U.S. military in order to gain
permanent residency despite how the “United States has often used the military to make
promises related to citizenship and benefits to immigrants that it has at times failed to keep”
(Buenavista and Gonzales 2010: 33). This is particularly relevant to Filipinos: The Rescission
Act of 1946 prevented over 200,000 Filipino veterans from receiving any veteran status and
military benefits (Buenavista and Gonzales 2010). Notably, Filipinos were the only soldiers from
the sixty-six Allied countries that were stripped of their benefits.

In the next section, I provide an overview of the longstanding relationship between the
United States and the Philippines dating back to 1898. The cultural, socioeconomic, and
historical connections between the two nations continue to affect the legality of Filipino
immigrants today.

Neocolonialism: The Inescapable Philippine-American Bond

“The Filipino . . . sets foot on the U.S. continent—she, her body, and sensibility—has been prepared by the thoroughly Americanized culture of the homeland” (San Juan
Spanish Captain Pedro de Umamuno documented the first Filipinos who set foot in North America. On October 18, 1587, the captain in his writings describes how the galleon ship *Nuestra Señora de Espranza* brought the “Luzon Indians” to Morro Bay, which is today San Luis Obispo (Borah 1995). Given the Philippines’ long history with the United States, it is not surprising that Filipinos in the United States are one of the largest Asian immigrant groups today. The migration pattern of Filipinos in the United States can be divided into three distinct waves and one period of stagnation.

*First Wave of Migration, 1901–1934: The Philippines’ Colonial Legacies and American Ties*

On December 10, 1898, the Treaty of Paris ended the Spanish-American War between Spain and the United States and simultaneously transferred the control of the Philippines to the United States. As a direct result of the United States failing to recognize the Philippines’ fledging revolutionary government, the Philippine-American War erupted in 1899. During this time, the United States framed the conflict as a “race war” to justify the conflict (Kramer 2006). Filipinos were framed as a savage uncivilized people who could only be reached through violence. The 1898 Treaty of Paris colonized the way Filipinos understood their racial and ethnic identities both in the United States and in the Philippines. The colonial history is integral to the “precarious political and racial status of Filipinos made the enforcement of racial boundaries a complex issue that was contested by both whites and Filipinos and eventually led to a prohibition on Filipino immigration to the United States in the 1930s” (Baldoz 2004:969). The government argued that the guerrilla tactics of the Philippine revolutionaries, compared to the U.S. tactics, were the markers of their uncivilized nature. Oscar Campomanes (1995: 152-153) points out that the United States had not denied national self-determination because no nation then existed. Despite the numerous armed resistances across the islands, the United States officially declared peace in
1903 and established civil government in most of the provinces.

For the next twenty years, American officials developed the country’s executive, legislative, and judicial offices, ultimately rebuilding the Philippines government infrastructure from the village to the federal level (Melendy 2010). The American government also assisted in creating other parts of the Philippine infrastructure. Prior to the onset of the Philippines-American war, the Philippines lacked a centralized education system. With the assistance of the American government, primary schools and high schools were set up in most communities and provinces (Kramer 2006). Vocational schools and teacher colleges were also created; notably, the University of the Philippines in Manila in 1908 evolved as the flagship for the islands’ education program. For the first time, the Catholic Church stopped receiving government support and religious freedom was guaranteed. Because of the American influence in developing the education system, English was adopted as an official language (Karnow 1989). To this day, most Filipino language speakers use a combination or mixture of Filipino-and-English often called code-switching (Thompson 2003). The United States’ victory in the Philippines-American war forever changed the direction of the islands by intermixing their histories.

During the 1920s, the U.S. Congress ruled that the Philippines, Puerto Rico, and Cuba were “incorporated territories” and its citizens named “U.S. nationals”. This status did not entitle Filipinos to American constitutional rights or protections but did notably allow them unlimited access to travel and to work in the United States. In the U.S. racial discourse and practices, "Americans" means "whites" (Lipsitz 1998). This system of domination, reminiscent of the American colonial days, subjugates Filipinos to “become simply a mimicry of the White American” (San Juan 1991:123) and can be traced through the exclusion from naturalized citizenship as well as their access to labor markets and civil society (Baldoz 2004:984). While
Filipinos were allowed such freedoms, migration was still fairly uncommon (Liu, Ong, and Rosenstein 1991). The first groups that entered settled in California and Hawaii and were students, workers, and members of the U.S. Armed forces. The 100 Filipino students, known as *pensionados*, who entered the United States in 1903 are arguably the first migrants from the Philippines (Espiritu 1996). Despite being ineligible for naturalized citizenship, more than 14,000 Filipino students entered between 1910 and 1938 while thousands of Filipino laborers were temporarily recruited to work in Hawaii on sugar plantations (McNamara and Batalova 2015). The U.S. Navy also recruited Filipino seamen starting in 1903: by the 1920s, Filipinos constituted 5% of the U.S. Navy manpower (Espiritu 1996). Prior to the mid-1930s, Filipino immigration was unregulated and Filipinos as U.S. nationals traveled to and from the United States freely.

*Immigration Standstill, 1934 – 1945: Limited Migration and Filipino Repatriation*

The explicit desire to exclude Filipinos from the United States brought Filipino migration to a standstill between 1934 to 1945. Increasing concerns about competition from the Philippines began in the 1920s and fully culminated in anti-Philippine sentiment by the late 1920s (Melendy 1974, 1977; Schirmer and Shalom 1999; Hyung-Chan Kim 1996). Dairy organizations, domestic sugar producers, cordage manufacturers, and general farm groups lobbied to Congress and succeeded in passing the Hare-Hawes-Cutting Act in 1932. The bill called for a ten-year transnational period of free trade, limited importation of Philippine products, restricted the entry of Filipinos to 50 persons a year, and guaranteed the permanent presence of American military bases in the Philippines. The 50 persons a year restriction is noteworthy, as it is even less than the 100 per year allotted to China and Japan (Baldoz 2004: 983). Since the Philippine legislature
had to vote on the agreement, the act was slightly amended to erase the permanent military bases (replaced by naval stations) and approved as the Tydings-McDuffie Act. The passage of this bill in 1934 effectively halted Filipino immigration. Recognizing the sovereignty of the Philippine state meant Filipinos lost their “privileged” status as colonials wards of the US [and] would no longer be exempt from the ‘Asiatic barred zone’ that prohibited other Asian immigrants from entering the country” (Baldoz 2004: 983). Philippine independence changed Filipinos status from “nationals” to “aliens” and were now subject to nationality-based immigration restrictions in the United States like other immigrant groups.

Even with Filipino immigration essentially at a standstill, labor groups still pressured Congress to remove the Filipinos residing in the United States. In 1935 Congress passed the Filipino Repatriation Act, which provided a one-way ticket to Filipinos who were willing to return back to their homeland. The Immigration and Naturalization Service (INS) touted the benefits of the bill and estimated that ten to fifteen thousand Filipinos might “avail themselves of the privilege of returning to Manila” (Ngai 2002; USINS 1935). Filipinos were doubtful of this privilege, living in fear of not finding work in the Philippines and being perceived as a failure (Coloma 1974: 47-48). In the end, the repatriation failed to come close to its estimates. From 1936 to 1941, only 2,063 returned to the Philippines (Lasker 1931; Ngai 2002; Mangiafico 1988; USINS 1940).

Second Wave of Immigration, 1946 – 1964: Open Migration of Agricultural workers, Military Personnel and War Brides

The onset of World War II deepened the relationship between the United States and the Philippines. At this time, the commonwealth status of the islands was evolving into independence. The newly established Philippine government passed its first Act, called the
National Defense Act, to establish the Philippine Army (Cabotaje 1999). Congress also authorized $269 million to train and equip the Philippine Army while giving General MacArthur authority to allocate the expenditures—the U.S. was essentially responsible for training and mobilizing the Philippine Army. Soon after Japan bombed Pearl Harbor, Hawaii on December 7, 1941, the Japanese also targeted military installations, airfields, and railways in the Philippines. The American air and naval stations, crucial to defend against Japanese forces, suffered heavy damage and by December 12 were wiped out (Cabotaje 1999). President Franklin D. Roosevelt promised U.S. citizenship and full veterans benefits to Filipinos who fought against the Japanese (Espiritu 1995: 17). 130,000 Filipino soldiers served in the United States Army Forces in the Far East under General MacArthur while another 30,000 Filipino Americans served in American troops (Cabotaje 1999). Their involvement was crucial to the United States’ victory in the war against the Japanese forces.

The second wave of Filipino migration to the United States came at the end of World War II. Changes in legislation allowed more Filipinos to migrate. From 1941 to 1946, the U.S. government streamlined the citizenship process for Filipino military recruits despite their status as U.S. nationals (Espiritu 1995: 17). The war also forced the United States to reopen their gates to Filipino immigrants. In 1946, Congress passed the Lucer-Celler Bill that permitted the entry of 100 Filipino immigrants annually and granted Filipinos the right to naturalize (Espiritu 1995: 18). The 1948 passage of the Education Exchange Act also allowed Filipino nurses to spend two years in the United States to work and gain professional experience (Choy 2003).

By the early 1960s, the erosion of the welfare state regime in the United States greatly decreased government expenditures for social services. This led to the decreased training of highly skilled professionals, such as nurses and doctors (Seki 2015). A labor shortage for
physicians and nurses appeared while the demand for unskilled manufacturing labor simultaneously decreased. Coupled with the increasing demand for nurses, many Filipino nurses migrated permanently after their training. The U.S government also pursued “neoliberal multiculturalism”, which intended to attract international investors, global talent, and hi-tech industries to invest in the country (Seki 2015). Between 1950 and 1964, 16,000 Filipino women immigrated to the United States as wives of U.S. servicemen, which reduced the ratio of Filipino men to women to 3.5 to 1 (Agbayani-Siewert and Revilla 1995; Asis 2006). By 1979, more than 73,000 Filipino women immigrated with their American husbands between 1950 and 1979 (Agbayani-Siewert and Revilla 1995). Filipino immigrants to the United States during this period were more diverse compared to the first wave of migration. Through these changes, the faces of Filipino migrants have evolved from students, agricultural workers, and navy men, to professionals, factory workers, military wives, and domestic workers (Asis 2006; Ngai 2002; O’Neil 2004). The next era of Filipino migration added other groups of immigrants to the mix.

Third Wave of Immigration, 1965-present: Open migration through family reunification

For a better part of the nineteenth and twentieth century, most immigration laws were enforced under the premise of racial exclusion (Ngai 1999). The Chinese Exclusion Act of 1882, the Gentlemen’s Agreement of 1907, the Immigration Act of 1924, and the repatriations of Mexican and Filipino immigrants show how non-Western European immigrants were not welcome in the United States. The passage of the Immigration and Nationality Act of 1952, also known as the McCarran-Walter Act, brought in a new era in immigration history (Chin 1996). For the first time, racial distinctions were omitted from immigration preferences. While most of the quotas went to Western European immigrants from Ireland, the United Kingdom, and
Germany, the Act paved the way for nation-based migration.

The Immigration and Nationality Act of 1965 was a landmark immigration bill because it abolished the national-origin quotas. In addition, U.S. citizen immigrants were allowed to sponsor their immediate family members without limitations, eliciting a “chain immigration” path for their relatives (Asis 2006; McNamara and Batalova 2015). Since 1965, more than 75 percent of immigrants have been from Asia, Africa, or Central or South America (U.S. Department of Justice 1992; U.S. Department of Commerce 1976). Coupled with the two countries’ long-established history, the Act dramatically increased and diversified the Filipino immigration to the United States. In 1960, 105,000 Filipinos, or 1.1% of all immigrants, resided in the United States; by 1980, Filipinos constituted 3.6% or 501,000 of all immigrants (Gibson and Lennon 1999).

Unlike the Chinese and Japanese, Filipinos as U.S. nationals could freely travel and work within the United States prior to the 1930s. Fears of competition from anti-nativist and labor groups urged the eventual acknowledgement of Philippine sovereignty and imposing restrictions on Filipino migration. After the passage of the 1934 Tydings-McDuffie Act, Filipinos for the first time were subject to the ‘Asiatic barred zone’ which severely limited their migration. As a result, two distinct groups of migrants defined the Filipino immigration to the United States. The first group is linked to Filipinos who migrated prior to 1965 while the other is from the flow of highly trained professionals who immigrated after 1965 (Liu, Ong, and Rosenstein 1991).

Today, family and labor migration define the migratory patterns of Filipino immigrants. The pursuit of neoliberal policies in Mexico and in the Philippines shaped the contemporary exportation of labor of both countries. Similar to the Bracero program in the 1940s, the Philippines’ neoliberal policies in the 1970s solidified its status as a labor-exporting country.
There are however key differences between the two. While the Bracero program focused on the exportation of Mexican agricultural workers, the Philippines government facilitated overseas contracts for contract labor directly to foreign employers, governments, and agencies. The latter program also focused on the exportation of labor between Mexico and the United States. In contrast, Filipino laborers primarily went to employers in the Middle East and Southeast Asia while later expanding to North America. Lastly, while Filipino men were the initial targets for labor exportation, a majority of Filipina women now engage in the structures of global care as state-sponsored temporary labor migrants (Parreñas 2001, 2008, 2016). President Ferdinand Marcos started the pursuit of neoliberal policies and continues to shape the migration pathways of overseas Filipino workers.

**Domestic Factors for Outmigration: The Dictatorship of Ferdinand Marcos and Overseas Labor Contracts**

“Ferdinand Marcos became President of the Philippines in 1965 at a time when his country was viewed as one of the great models of Third World political and economic success. His presidency coincided with a great Pacific Asian economic boom, the broadest-based rapid economic takeoff world history has yet seen, and with a similarly broad-based political consolidation throughout the region except for Indochina. Marcos himself was widely acknowledged as one of the most brilliant lawyers and political leaders among a generation of great Asian leaders. When he proclaimed martial law in 1972, he pledged to implement the lessons of development learned by successful neighboring countries. Yet the confluence of all these auspicious circumstances was followed by national tragedy.” - William Overholt, 1986: 1-2

Under the guise of improving the Philippine infrastructure, President Ferdinand Marcos instituted martial law in 1972 and assumed dictatorship powers (Rosenberg 1979). Given the “limited degree of centralization and a weak state apparatus”, the Philippine state was ripe for the taking (Wolters 1990). Marcos revamped the constitution, silenced his media critics, and violently oppressed any political opposition (Overholt 1986). He declared himself an anti-
communist and received support from the U.S., which was occupied by the middle of the Cold War and the Vietnam conflict. For the next twenty-one years, Marcos’s neoliberal policies and corruption plundered millions of dollars from the Philippines, transforming it from a thriving “Asian tiger” and into economic devastation (Overholt 1986: Wolters 1996). During his term, the Philippine national debt exploded from $2 billion to almost $30 billion (Gillespie 2013). Wedeman (1997:472) estimates that Marcos stole between $3 billion and $6 billion, including another US $550 million deposited in Swiss Bank accounts, $250 million in various Hong Kong banks, and the several hundred million salted away in gold or in offshore banks. The continued trends of emigration with the Filipino people are the traces of his legacy.

The 1973 oil crisis devastated the global economy. The Organization of Arab Petroleum Exporting Countries, angered by the United States’ support of Israel, increased the price of oil from $3 per barrel to almost $12 internationally overnight (United States 2013). To fight the massive unemployment, President Marcos in 1974 pursued a “manpower export program” in the name of economic growth (Basch, Glick Schiller, and Szanton Blanc 1994). To address this crisis, the Philippine government first set up the Philippine Overseas Employment Administration (POEA) to help Filipinos find overseas work. The Marcos administration then aggressively pursued temporary labor contracts for employers in the Gulf countries and later on, in East and Southeast Asia. In 2004 alone, nearly one million overseas foreign workers (OFW’s) left the country, while a total of 8.1 million Filipinos (nearly 10% of the country) were working or residing in about 200 countries and territories (Asis 2006). Since many countries were industrializing at a rapid pace and in desperate need of unskilled laborers, this government strategy was a success.

Marcos also targeted the Filipinos in North America during his reign. He implemented
Operation Homecoming or *Balikbayan*, which invited overseas Filipinos to come home for the holidays between 1973 to 1974 (Blanc 1996: 180). Initially starting with US$300,000, the program attempted “to clear the image of Martial Law and show that the country was not in disarray…[It] provided the original *balikbayans* with ID cards that allowed easy processing through customs, discount rates in stores, convenient privileges in facilitating inter-island reservations and safe traveling permit during curfew hours” (Philippine News 1989: 12). He also recognized their contributions to the national economy and named them the “country’s national heroes” (Gibson, Law, and McKay 2001). To include the overseas contract workers, the administration also popularized the idea of Filipino migrant workers as the “country’s new national heroes”, which espoused that working abroad and sending remittances were acts of nationalism (Rodriguez 2002). Now, this practice is now mostly privatized, and the outmigration of workers has become culturally and economically important (O’Neil 2004). Over 9% of the GDP is from remittances (Burgess and Haksar 2005). Global remittance flows increased from $131 billion in 2000 to $440 billion in 2010 (World Bank 2011). While the initial hope from this policy was for increased economic growth, economic growth in the Philippines has instead declined in addition to the commodification and many sacrifices of the migrant workers (Rodriguez 2002). Filipino women in particular are vulnerable because of their concentration in domestic service and entertainment (Asis 2002).

In present-day Philippines, the American influence also extended its impact on Filipino cuisine. Hamburgers, hotdogs, and apple pie, all foods of American origin, have integrated themselves into Filipino food in the Philippines (Manalansan IV 2013). American soldiers brought spam as a non-perishable source of meat during World War II: even today, spam and rice are the quintessential Filipino breakfast meal (Orquiza Jr. 2013). Filipinos who moved to
Alaska to work at the salmon canneries incorporated seal *adobo*, bear *nilaga*, and salmon head *sinigang* (Mabalon 2013). The imperial history with the United States also means that the Philippine elite engaged, and later venerated, American culture (Go 2008). These parallels make the United States a popular destination for Filipino immigrants. This complex and long-standing history and cultural exchanges were shaped by colonialism, neocolonialism, and the Philippine government’s support of temporary labor migration. Unlike many countries, the Philippine state uniquely continues to facilitate the global exportation of its citizens’ labor.

Scholars critique the connection between the two countries as inherently neocolonialism and ultimately disadvantageous to the Philippines. Rodriguez (2010:xvii) argues that “[i]n a neocolonial, neoliberal state like the Philippines, labor brokerage functions to address the failures of so-called “development.”…The Philippine state remains committed to drawing direct investments from foreign capital through neoliberal economic reforms; however, it also heavily draws on “investments” from its very own citizens.” E. San Juan Jr. (2011) reaffirms this notion and highlights that the globalization of Philippine workers “is primarily due to economic coercion and disenfranchisement under the retrogressive regime of comprador-bureaucratic (not-welfare-state) capitalism.” President Ferdinand Marcos popularized the *balikbayan* (repatriate) term to celebrate the economic contributions of overseas Filipinos (Blanc 1996: 180; Gibson, Law, and McKay 2001). Coupled with the consistent stream of Filipino emigrants, this strategy assured overseas employers an affordable and temporary labor supply while the Philippine government generates a profit through the remittances of the OFW’s (Rodriguez 2010). Marcos’s legacy is in the continued high rate of emigration: nearly ten percent of Filipinos working outside of the Philippines and the $8 billion remittances it brings annually supports this notion (Banko Sentral ng Pilipinas 2012).
Legal Status Fluidity: The Continuing Legacy of U.S. Colonialism

The Philippines’ colonial racial history is important for Filipinos’ legal status fluidity. Baldoz (2004:969) points out that colonial history is integral to the “precarious political and racial status of Filipinos [which] made the enforcement of racial boundaries a complex issue that was contested by both whites and Filipinos and eventually led to a prohibition on Filipino immigration to the United States in the 1930s.” The racist system that defines white American middle-class culture is prominent for Filipinos in both the United States and in the Philippines (Mura 1988:137). In U.S. racial discourse and practices, "Americans” means "whites" (Lipsitz 1998). This system of domination, reminiscent of the American colonial days, subjugates and encourages Filipinos to “become simply a mimicry of the White American” (San Juan 1991:123). It can be traced through their exclusion from naturalized citizenship as well as their access to labor markets and civil society (Baldoz 2004:984). Zuberi (2001:133) points out how “racial statistics have primarily been used for the justification of racial stratification” and are not reflective of people’s identities. Early Filipino immigrants, astute to this, challenged their subordinate ascribed racial category of “Malay race” in the court system in the 1920s and 1930s (Baldoz 2004:975). These racial constructions are malleable and are constantly reconstructed both in the public and private sphere. This places Filipinos and Filipino Americans in a unique position where scholars can observe the transnational racial processes as it permeates in legal status changes.

The neocolonial history between the two countries also allowed different pathways for Filipinos to migrate regardless of class, leading to diverse and varied immigrant group. Filipinos were declared “U.S. nationals” in the 1920s, which prohibited them from constitutional rights or
protections but did allow them unlimited access to travel and to work in the United States. Filipinos immigrated to the US through employment visas as both low-skilled agricultural laborers (Espiritu 1996), navy stewards (Espiritu 2002) and domestic care workers (Asis 2002), and highly skilled workers like doctors and nurses (Choy 2003; Espiritu 2003) and teachers (Guevarra 2009). In addition to the different pathways afforded to Filipinos through employment, Filipinos also have access to legal status fluidity through their families and spouses (Espiritu 1996). The post-1965 immigration policies allowed immigrants to sponsor their families’ immigration to the US. While Filipinos can gain permanent residency status through their non-spousal familial ties, most have to wait decades to be reunited. The Immigration Act of 1990 limited the definition of family to only the nuclear immediate family and set caps for other family relationships such as unmarried children over age 21 and their siblings (U.S. Department of State 2019). As of August 2019, the children of Filipino U.S. citizens have had to wait between 12 to 24 years to receive their permanent residency while their siblings and married children of U.S. citizens need to wait 24 and 22 years respectively (U.S. Department of State 2019a). These long waits are not new for the Filipino community: for example, Filipino nurses prior to 1965 could not bring their families with them to the United States, separating them from their families sometimes for decades (Choy 2003). Foreign-born Asian women also have unique access to legal status due to the history of U.S. colonialism over the continent.

For a greater part of the twentieth century, the U.S. military loomed all over Asia. As Min (2005: 46) notes, “[t]he large military U.S. presence in the Philippines until 1991 led to the immigration of many Filipino wives of U.S. citizens…[T]he Philippines sent more immigrants through the preference of wives of U.S. servicemen than any other Asian country.” Between 1950 and 1979, more than 73,000 Filipino women immigrated to the United States as wives of
U.S. citizens (Agbayani-Siewert and Revilla 1995). On the labor end, many scholars have pointed out that how the Philippine state became a labor broker to export Filipino women worldwide (Espiritu 2003; Juan Jr. 2011; Parreñas 2008; Rodriguez 2010; Tyner 2003). Additionally, Asian American women in the United States, regardless of their citizenship, are exoticized as “forever foreigners.” They confront racialized notions of subordination and docility thanks to representations in media (Paek and Shah 2003). These stereotypes are partly fueled by their high rates of interracial marriage to white men, accounting for 11% of all intermarried couples (Livingston and Brown 2017). Lauser (2008:103) argues that:

The importance of the role of states and (im)migration/citizenship policies on [Filipino] women’s choices cannot be underestimated...Through marriage to a local citizen – for whichever reason – migrants become potential long-term settlers and citizens. In the context of rigid immigration and visa policies, this means at least legal security. But marriage does not pose an immediate remedy to formal (legal matters such as residential, political and labour rights) and substantive citizenship rights (covering social aspects such as discrimination). In most countries, international couples have to be married for a certain number of years before the foreign spouse gains full residential rights independent from the local marriage partner. If the foreign woman seeks divorce before the end of this period, she risks deportation to her country of origin. This, however, still leaves the issue of substantive citizenship, and there is evidence for discrimination and stigmatisation of immigrants in general and Asian women specifically (Mix and Piper 2003).

International marriages to white men provided Filipino women legal security. The passage of IIRIRA and IMFA unfortunately also meant that the women only hold conditional rights and were financially dependent on their citizen-spouses. Additionally, Filipino marriage migrants are vulnerable to deportation should the marriage go awry. The administration’s policy priority change from family reunification to immigration enforcement also means that undocumented women are especially susceptible to domestic abuse and violence (Anderson 1993; Raj and Silverman 2002). In sum, the U.S.’s military history, global exportation of Filipina labor, and the racialized notions of Asian American women link Filipino women’s access to legal status fluidity.
This literature review provides an overview of how the constructions of citizenship, legality/illegality, race, family, and gender shaped the immigrant pathways of Filipino immigrants. Domestic policies in the Philippines, particularly President Marcos’ implementation of neoliberal policies, solidified the global structures that allow for and sustain the exportation of Filipinos as cheap migrant labor. Through the history of U.S. colonialism and imperialism in Asia, Filipinos as U.S. nationals were not subject to the same restrictions imposed on other Asian groups (e.g. the Chinese and Japanese). This foreshadows their sociopolitical position of continually navigating the line between alien and citizen. While discussions on legal status are inseparable from citizenship, I argue that the two are theoretically distinct. That is, immigration scholars need to explore legal status and the movement in between legal statuses as a separate phenomenon from citizenship. Categorizing immigrants as “documented” and “undocumented” ignores the power of the state in creating “illegality” (De Genova 2004) and the reality that for many immigrants, legal status is transient and constantly evolving. My contribution to the field is to theorize legal status and how immigrants navigate and create immigrant pathways.

In the next section, I discuss the research design of my study and provide an overview of the Filipino respondents.
CHAPTER 3: METHODS

Interview Design

To assess how Filipinos navigate transitions between legal statuses, I conducted interviews and did participant observation with Filipinos and Filipino Americans in the New York-New Jersey area from 2015 to 2018. Hailing from diverse backgrounds, careers, and ages, I recruited and interviewed fifty-four participants who were at least 21 years old. The interviews ran between two and three hours and were conducted in the preferred language of the respondent: English, Tagalog, and Bisaya\textsuperscript{14}. I asked broad questions about their background, immigration history, their perceptions of the “Filipino” community, their family’s migration story, their Filipino identity, and their political views. I also collected 25 multi-sited participant observations in public spaces for racial and ethnic identity totaling 103 hours. These spaces included community events, social gatherings, churches, ethnic organizations, and professional development groups. Since I am interested in how legal status transitions occur, I specifically collected respondents from four different legal status groups: U.S. citizens, Legal Permanent Residents (LPR’s), visa holders (i.e. international students, work visa holders), and the undocumented\textsuperscript{15}. Out of the twenty U.S. citizens, there are twelve women and nine men. Seven of the legal permanent residents are women while five are men. Four of the visa holders are women and another ten are men. Of the undocumented, five are women and two are men.

The recruitment site for this study was the Greater New York-New Jersey area. This is an ideal site for this research for three reasons. First, this metropolitan area has one of the largest concentrations of Filipinos outside of the West Coast (Hoeffel, Rastogi, Kim, and Shahid 2012).

\textsuperscript{14} Interview questions are in the Appendix.

\textsuperscript{15} To protect the identities of my respondents, I exclude basic demographic breakdowns and potential identifying information of each group.
For example, 61% of New York State’s Filipino residents live in New York City (Asian American Federation 2013). According to the same report, Filipinos rank as the fourth largest Asian group in the city, accounting for 7% of the Asian population in the city with almost 70% of the population identifying as foreign-born. The Queens borough by far holds the most Filipinos with 56% of the New York City population residing in the borough. Meanwhile, the Filipino population in New Jersey has increased by 30% between 2000 and 2010, accounting for 15.2% or 110,650 of the state’s Asian population in 2010 (Wu 2012). About half of the population reside in Hudson, Bergen, and Middlesex Counties. At the municipal level, Jersey City has the largest Filipino population at 16,213 (Wu 2012). I targeted the counties and cities where Filipinos are highly concentrated.

Second, recruiting from the metropolitan area rather than one single city allowed for a greater variety of distinct immigrant pathways. For example, Filipinos in New Jersey tend to be more educated with higher socioeconomic statuses while Filipinos in New York are more economically diverse (Asian American Federation 2013; U.S. Census 2013). Filipino immigrants on the West Coast consist of laborers, post-1965 professionals, and students; in comparison, most Filipino Americans who immigrated to the East Coast are professionals (Nadal 2011). While 43% of Filipino Americans in the United States obtain a bachelor’s degree, Filipino Americans in New York are twice as likely to obtain a degree at 84% (Reeves and Bennett 2004). Finally, much of the literature on Filipino immigrants is primarily concentrated on the West Coast (Rumbaut 2004; Stoney and Batalova 2013). While an overwhelming 45% of Filipinos reside in California and Hawaii, the Filipino populations in the Northeast are also increasing (Asian American Federation 2013; U.S. Census 2013). The differences in region, immigrant histories, and racial history may account for different experiences of the respondents.
and different paths towards legalization. Additionally, regional and local support services for legalization and the treatment of immigrants vary greatly across the United States (Berg 2009; Chavez and Provine 2009; Flores 2010).

**Recruitment strategy**

To gain the trust and support of the Filipino community, I attended public Filipino events, rallies, volunteered with Filipino-oriented organizations, and spent time in public areas such as restaurants and businesses. I purposely recruited non-activists and avoided high-profile Filipinos or representatives of ethnic non-profits to allow my findings to represent the diverse Filipino immigrant community. I wanted to obtain a picture of how immigration status affects the “average” immigrant. I utilized social media to recruit by joining Facebook groups and organizations aimed towards Filipinos and Filipino Americans. I attended Filipino parties and dinners, often singing karaoke with guests. Given the sensitive topic of my research, I found it difficult to recruit Filipinos who were willing to talk about immigration. For further exposure, I wrote an op-ed in *The FilAm*, a New York-based Filipino American online newspaper, which was later re-printed in *the Philippine Daily Inquirer*. I also created three YouTube recruitment videos in English, Tagalog, and Bisaya to appeal to native Filipino speakers\(^\text{16}\). Finally, I utilized my personal and professional networks for participants.

When potential participants contacted me, I emailed them the details of the study and the consent form. I then asked if they needed any clarification or had questions about the study. We coordinated a meeting place and time that was convenient for them. During the interview, I

\(^{16}\) Whenever respondents met with me, they assumed that I only spoke English. Once I disclosed that I spoke their language(s), they were immediately delighted and were more comfortable sharing about their immigrant experiences. I decided to use YouTube to increase my ethnic capital and convince reluctant potential recruits.
asked for their oral consent to audio record the interviews for my analysis: none of my respondents refused. Discussing legal status within the Filipino community is a sensitive and often taboo topic, so oral consent was used instead of written consent. After the interview, I provided my contact information for the respondents to give to other eligible Filipino immigrants: I then snowball sampled through these networks. University at Albany’s institutional review board approved all of the steps. The respondents often chose coffee shops and cafes to meet in. To thank my respondents for their time, I paid for their food and drinks, and gave them a small gift of gratitude worth around $10-15 (ex. lotions, lip balm, or chocolates). If applicable, I also offered to give them rides to their next destination.

Analysis Plan

Due to the enormous amount of information I collected, I organized my data into several sections. I broke down the data into three parts: the interview transcripts, interview memos, and the participant observation notes. The field notes were written not more than 24 hours after the interview to maintain an accurate record of the interview. If an interview was conducted in Tagalog or Bisaya, the interview was first transcribed in their respective language and then translated in English. I also maintain a sheet where respondents received a pseudonym along with their background information such as age, sex, and educational attainment. All identifying information in this study has been removed to protect the respondents’ identities.

I coded and analyzed the salient themes, patterns, category, and themes from my interviews. Saldana (2014:11) defines coding as “synthesiz[ing] vast amounts of information into symbolic summary”, patterns as “noticing repetition and formulating regularity through cognitive schemata and scripts”, categories as “clustering similar things together through
comparison”, and themes as “proverb like narrative memories”. Lieberson (1991) and Small (2009) guided my thematic analysis, noting a theme salient if it appeared repeatedly in the data. I used NVivo to code the interviews and the participation observations. I broadly organized the themes in these categories: friends and family, gender, childhood experiences, identity, immigrant Filipino experiences, immigration policy/politics, life in the Philippines and in the U.S., politics, and race and ethnicity.

Characteristics of the Respondents

17 U.S. CITIZENS: There are nine men and eleven women in my study for a total of twenty-one U.S. citizens. My respondents’ ages ranged from 21 to 32 years old, with the average age at 26 years old. Their occupations are diverse, ranging from music teacher, subway safety officer, freelance graphic designer, college administrator, nurse, accountant, and book designer. Eighteen of the interviewees were conducted in New York while three were in New Jersey. Twelve of the respondents are born and raised in New York and New Jersey. Five respondents arrived as permanent residents and naturalized. Seventeen of my participants identified as straight while four identified as LGBTQ+. Nine identified as single, another eight were in relationships, and four were married. Eighteen were currently or have been in an interracial relationship. One of the interviewees has a Salvadoran parent and a Filipino parent while another has a Chamorro parent and Filipino parent—the rest have two Filipino parents. One respondent has children. Fourteen of the interviews were in English while seven were conducted in Tagalog. Seventeen of the twenty participants self-identified as Filipino American. Eight of the respondents live with their families and six currently have non-nuclear family members living in their household.

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17 All of the names used are pseudonyms and details have been changed to guarantee anonymity.
PERMANENT RESIDENTS: I interviewed six men and seven women for a total of thirteen permanent residents. The respondents’ ages ranged from 21 to 36 years old with the average age at 29 years old. Their occupations are diverse, ranging from business owner, software developer, accountant, sales personnel, nurse trainee, project manager, recruiter, paralegal, caregiver, programmer, construction manager, video editor, and data scientist. Twelve of the interviewees were conducted in New York while one was in New Jersey. All but one arrived with legal permanent residency through a family member: one respondent came on a student visa and then self-sponsored themselves. All of my participants identified as straight. Four identified as single, another three stated being in a relationship, and six were married. Four were in an interracial relationship with a white partner, four were dating other Filipino or Filipino Americans, and two were with Asian partners. Only one of the respondents has children. All but one of the interviews were conducted in Tagalog.¹ Eighteen of the thirteen participants self-identified as Asian and Filipino while one participant identified as Asian, Asian American, Filipino, Filipino American, and American. Two participants live with their families and the rest live on their own.

VISA HOLDERS: Ten of these respondents are women while four are men, a larger gender split than for the other two groups. The immigrants moved to the United States at an average of 26 years old. The respondents’ ages ranged from 21 to 36 years old with an average age of 28 years old and have spent between two to three years in the New York-New Jersey area. One respondent conducted her interview in English, eleven preferred Tagalog, and two respondents chose Bisaya. The educational attainment of this group is varied: two had some college, seven were college-educated, while five had master’s degrees. Seven of the respondents

¹ Adam’s family moved to the U.S. when he was one so while he understands Tagalog, he does not speak it.
were single, four were in relationships, while three were married. Five are currently on employer-sponsored visas and another five attend American universities as international students. One respondent immigrated through his U.S. citizen spouse. The students are enrolled in graduate school, English learning institutions, and certificate programs. One respondent immigrated through his U.S. citizen spouse, two obtained their immigration status through the Violence Against Women Act (VAWA), and one respondent obtained a diplomat visa through her parent. All but two respondents identified as straight: one self-identified as “queer” and the other respondent as “gay.”

Seven of the fourteen non-immigrant visa holders in my study have held more than one legal status in their stay in the United States. Many of the non-immigrant visa holders are successfully transitioning from temporary visa holders to permanent residency. Eight will eventually receive permanent residency through their employment or marriage to U.S. citizens and only six out of thirteen are ineligible for permanent residency.

UNDOCUMENTED: Five of the respondents in this sample are women while two are men. Undocumented men were a hard group to recruit for the study. This group has the most age disparities. The youngest age that a respondent immigrated was four years old while the oldest arrived at forty-five years old, with an average age of twenty-one years old. The respondents’ ages ranged from twenty-one to sixty with an average age of 36 years old. They have spent an average of 14.4 years in the New York-New Jersey area. Four have some college education while three obtained college degrees. Five respondents were single, one was in a relationship, while one was engaged. Prior to losing their immigration status, three interviewees received visas through their work, three were on tourist visas, and one obtained her H4 visa from her mother’s employer. All respondents self-identified as straight.
Measuring Legal Status Fluidity

In the following chapters, I highlight the three distinct pathways where my respondents achieved legal status fluidity. A majority of my respondents utilized their pathway through their families, specifically non-spousal relatives and their U.S. citizen spouses. The second pathway is through non-family means such as employment or international student routes. The third pathway paved the way for the citizenship of the second-generation Filipino Americans. Through their parents’ achieving legal status fluidity, these respondents were born and raised in the U.S. The privilege came at a steep cost to their parents and ultimately their relationships with their children. The final chapter outlines what happens to those who fall out of status due to the lack of legal status fluidity. These respondents perceived two options for themselves: one is to remain in the United States while the other is leaving the country altogether.

Legal Status Fluidity Groups: Family and Non-Family Access

For my analysis, I divided my sample based on how they attained legal status fluidity. Out of the 16 U.S.-born citizens, 11 identified as female and 5 identified as men. One of the U.S. citizens was born in the Philippines but received citizenship through his father. Five women accessed legal status fluidity through their employment and studies. Of those who received legal status fluidity through their non-spousal family ties, four were men and five were women. Eight respondents who married U.S. citizens were women while another three were men. Finally, those with no legal status fluidity were split between eight women and five men.

Sixteen respondents are born and raised in the United States and are non-naturalized U.S. citizens. Five respondents obtained legal status fluidity through their employment or their
studies. Of the five, two are legally fluid due to their diplomatic connections and employer. Nine Filipinos had access to a non-spousal family member to become legally fluid. This generally meant receiving the immigration petition of an aunt, a parent, or a grandparent and migrating as permanent residents. Eleven respondents adjusted their immigration status through marriages to their U.S.-citizen spouses. Respondents either arrived as conditional permanent residents or met and married their spouses in the U.S. Thirteen of the respondents were not legally fluid. Of the thirteen, five do not have access to employment or family ties and are unable to transition into a different status while another eight became undocumented.

**Legal Status Transitions**

In order to understand legal status fluidity, I took note of how many legal status transitions my respondents encountered. Fifteen men and twenty-three women had no legal status transitions. Another two men and seven women had at least one status transition. Only one female had two transitions. Of the three respondents with three legal status changes, five were women and one was a man. Table A – D in the Appendix details these specific status changes.

Of the fifty-four respondents, thirty-eight respondents have had no legal status transitions. This includes U.S.-born citizens, respondents who have not changed their current status, and those who became undocumented. Nine respondents have had one legal status change. This group consists of permanent residents who became naturalized U.S. citizens, respondents who extended their visas through their work and educational institutions, and conditional permanent residents who changed to permanent residents. One respondent had two legal status transitions. The last six respondents underwent through three legal status transitions. They entered the country on non-immigrant visas, obtained a different visa during their stay, and obtained
conditional residency through their U.S-citizen spouses or permanent residency through their employment.

**Positionality**

Through my own migration experience, similar ethnic background, and language abilities, I built rapport with my respondents. I drew heavily on my experiences coming from a mixed-status family, moving to the United States at a young age and undergoing three immigration status changes myself. My story of family separation also came up frequently. Prior to our move in 2003, U.S. immigration policy declared my newly turned twenty-one-year-old sister as an independent adult. This made her ineligible to migrate with us and we were separated from her for the next ten years. The decade-long separation from my sister profoundly affected my family. We could not visit her because the immigration lawyer had discouraged us from leaving the country while our permanent residency application was processing. My parents spent thousands of dollars applying for her visitor visa and student visa to no avail. As a young unmarried single mother, my sister was constantly denied the chance to migrate and visit us. Prior to the advent of Skype and the free transnational messaging apps such as Viber, the only exchanges with her were through emails and short international phone calls during the holidays. Holidays, graduations, and birthdays were especially difficult, as my parents without fail lamented the incompleteness of our family. My legal status not only affected my feelings of belonging in the U.S., but it has also affected my decisions in my education and career.

I used my studies as a way to stay in the country. Prior to turning twenty-one and aging out of my parent’s petition, I switched from a work visa dependent visa to an international student visa. After I received my Associates degree, I transferred to a four-year college and later
on attended graduate school. Through my international student visa, I extended my stay in the country for another six years. Like many of my respondents, I felt my legal status defined the trajectory of my life. I was limited in the careers and jobs I could pursue, and I could not work off-campus. I could not receive federal aid for college and apply for most scholarships. I was denied a driver’s license, separated from my family in the Philippines, and barred from travel internationally for almost fourteen years. Given my legal limitations, I continuously felt like I was going to self-deport. Had I not met my spouse, I have no doubt I would have. I became a conditional permanent resident after I married my U.S.-citizen husband. Aside from my immigration experiences, other sections of my identity connected with my participants.

I utilized my Filipino American experiences to build rapport with my respondents. I was a sophomore in high school before I left the Philippines, so I understood the Philippine educational rigor and culture. Like most foreign-born Filipinos, I attended church regularly, was active in a church community, and celebrated Catholic holidays. Both my parents worked abroad at different times which left my maternal grandmother as my primary caregiver. I openly shared my numerous immigration transitions and challenges and my mixed-status families’ hardships. While I have lived in the U.S. for more than half of my life, I also highlighted my non-native New Yorker status. During the interview, I brought up the fast pace of New York City and my periods of adjustment. I also pointed out my minor language difficulties, such as how I continue to confuse my gender pronouns in English and my grammar. My language abilities were especially helpful in my data collection. Since I speak two Filipino languages, the respondents could choose which language to be interviewed in. These experiences made it easy to connect

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19 A majority of my respondents were non-native New Yorkers as well.
20 Filipino languages are gender-neutral so gender pronouns do not exist in Filipino languages
21 Prior to the interview, I would ask the respondents which language they preferred to be interviewed in. They were relieved after my clarification, fearing that they would be “forced” to be interviewed in English.
to my recently immigrated respondents.

My identity as a Filipina woman came into play many times during the interviews. A majority of my interactions with respondents were positive by virtue of my ethnicity. U.S.-born Filipino Americans felt relieved not having to explain cultural nuances, such as what *Tito* (generic term for men close to their father’s age) meant or that Filipinos ate with forks and spoons. Since I attended high school, college, and graduate school in the U.S., some respondents felt that I understood their struggles of having immigrant parents who never attended American schools. Many of the Filipino Americans I interviewed had never shared with anyone their family issues, sexual orientation, and microaggressions they encountered as racial and ethnic minorities. Many became emotional and cried during our encounter. This connection was also evident with the immigrant Filipinos.

The Philippine-born Filipinos told me they were comforted that I spoke both Tagalog and Bisaya, had lived in the Philippines, and had an understanding of Filipino culture. Many were especially proud that I was doing research on Filipinos and cited it as their main reason of why they were willing to be interviewed. Since I look Filipino Chinese,22 the Filipino Chinese respondents were comfortable with me. About half of my respondents were new to the New York-New Jersey metropolitan area and were relieved to hear that I was new to the area as well. Due to my many legal status changes—work visa dependent, international student, and conditional permanent resident—the respondents and I exchanged anecdotes of our mutual struggles with dealing with the immigration system. Like Espiritu (1995: x), I “did not wish to be detached and often shared with them my own struggles becoming an Asian American in the United States. In addition to minimizing the inequalities inherent in a researcher-subject

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22 When asked, I clarified that I was not Filipino Chinese but the Filipino Chinese respondents would respond with their “blood was still in me.”
relationship, my self-revelations often triggered long-forgotten memories and thus prompted more storytelling." When respondents asked for help, such as referrals and immigration advice, I attempted to help whenever I could. My researcher status gave me high social capital to my respondents, so I made sure to relate to them through our similar immigrant backgrounds.

During the interviews, I delved into topics such as the limitations of being a noncitizen and the high costs of being an international student. Respondents told me intimate details such as their remittances, salaries, properties and assets in both countries, and their platonic and romantic relationships. Since a majority of my respondents were women, we had long discussions on gender norms and expectations both in the Philippines and in the United States. They were also surprisingly open about the financial situations, often giving me exact numbers related to their immigration story such as the cost of hiring an employment agency, their debts, and current income. Since I received my conditional permanent residency through my U.S. citizen-spouse, the married women in my study openly shared their marriage journey and problems as well. My marriage to a Jewish man also brought intimate conversations about interracial, interethnic, and interfaith marriages. Since the use of formal and informal Filipino is determined by age and status, I consciously utilized my closeness in age with a majority of my respondents to my advantage to build rapport. While my ethnicity helped me immensely in my data collection, I still encountered many challenges during data collection.

**Challenges in Data Collection**

As a 1.5-generation immigrant, I can easily transcend the boundaries between immigrant and non-immigrant, Filipino and American. There were many moments however that I found

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23 One respondent spoke very respectfully to me in Tagalog and called me Ate (Big sister). While I reassured her that it was fine to speak with me informally, she chose to speak with me in this manner during the interview.
myself in between the two cultures and unsure of how to respond. During the interviews with U.S.-born Filipinos, I had to work harder to empathize with their struggles with their immigrant parents. They were resentful about not being read to as children, being banned from sleepovers, and being pressured into going into lucrative careers such as nursing or medicine. While I encountered the same pressures, my experience of growing up in the Philippines gave me an understanding of where our parents were coming from. To me, these struggles were minute compared to trials that children in the Philippines face. Growing up with no access to toilet paper, hot water, and basic infrastructure gave me an appreciation for the choices and sacrifices that immigrant parents made. While some of the U.S.-born respondents had visited the Philippines, many had only stayed for a short period of time or stayed in resorts and lacked the same insight. After internalizing this, I worked on appearing neutral and more empathic during these moments with U.S.-born Filipinos. Similar experiences happened with the Filipino immigrants in my study.

I am better informed about the American education system than the Philippine system. Most of my respondents had attended college or were college educated in the Philippines. During our conversations, they spoke to me as if the two systems were the same. Particularly during the early stages of my data collection, I had to ask respondents to clarify their use of Filipino university colloquialisms. Respondents would use only acronyms to describe colleges (“UP”, “USTE”) or college processes (“UPCAT”, “CAT”). These clarifications interrupted the flow of the interview, made it clear that my understanding of the Philippine education system was lacking, and undoubtedly lowered my rapport with respondents. To remedy this, I gathered more information about Philippine colleges from my personal contacts and I also followed up with some Filipino respondents. Similar to these struggles, I also had to learn new colloquiums in the
Filipino languages.

While I speak mostly in Tagalog with my family and in Bisaya with my grandmother, English has always been my strongest language. Speaking in beki (Filipino gay lingo) has become mainstream in Manila. Respondents would insert beki (“Charot!”, “keri lang”, “chos”) in the interview, leaving me confused about their meanings. Certain sociological concepts, like transgender and gender equality, have no translation in the Filipino languages, which forced me to use their English counterparts. For example, tomboy translates to lesbian in Tagalog, but can also mean a masculine way of dressing for a woman. Gender identity, orientation, and expression are conflated into one inadequate word. Growing up in my hometown Davao also means that my Tagalog is intermixed with Bisaya. I left the Philippines when I was fourteen, so the Bisaya I know is limited to that time period. Respondents used words I never learned like burot (pregnant) and agalon (female boss or landlady). My weaker command of Bisaya made the initial Bisaya interviews challenging: my first interview started so poorly that the respondent switched to English so we could understand one another. My language skills improved over time and my interviews in both languages became much stronger as a result. The older participants, especially those with children who were close to my age, would sometimes perceive me as their children’s peer and spoke to me as such. During the interview, one undocumented respondent referred to me with terms of endearments such as darling and anak (child): the reversal in the power dynamic was uncomfortable. My last struggles as an interviewer stemmed from my status as a Filipino woman in an interracial and interfaith marriage.

Some of the U.S.-born Filipino men in my study negatively viewed my interracial marriage and responded as such. In discussions about interracial relationships and marriage, my own interracial marriage to a Jewish man felt like the elephant in the room: the respondents were
visibly more guarded with their answers. Despite knowing my husband’s race, another male respondent asked me point-blank “why Filipina women tended to marry white men...It’s like Filipino men are below them or something.” Momentarily caught-off guard, I composed myself and responded with sociological research on predictors of marriage such as educational attainment and how Asian women marry co-ethnics more often than white men. Interestingly, I did not encounter these tensions with Philippine-born men, which perhaps speaks to the race relations between U.S.-born Filipinos and white men.

All of the men in my study were also less likely to refer me to their networks, which made it difficult to recruit them. My master status as a woman naturally made my rapport stronger with women than with men. Whenever I raised intimate questions about family and relationships, the male respondents replied with short and generic answers. While they were less likely to give me exact numbers on their finances, they had no issues explaining which specific bills they paid for in both countries and any properties they owned. The Philippine-born men were more responsive to me compared to the U.S.-born due to our shared immigrant experience.

My religious identity also came up with my respondents. While I was born and raised Catholic and am married to a Jewish man, I am secular and do not identify with either religion. Since the Philippines is 80% Catholic, Catholicism for many of these recent immigrants is central to their identities as Filipinos. For example, many of my female respondents continue to attend church after immigrating, finding refuge in their Filipino church communities. While I drew heavily on my Catholic upbringing during the interviews, I had to carefully navigate their questions about my current religious identity especially as it was difficult to ascertain a person’s level of religiosity. A few respondents tried to recruit me to their churches and encouraged me to collect respondents there. During these moments, I gently
deflected their invitations by pointing out the hardship of commuting or how I wanted to respect my husband’s religion. During these minimally awkward situations, I took their questions as curiosity and concern rather than as aggressive and malicious, and responded as such. The last point of contention came from my regional background.

I am from Mindanao, which as a region greatly supports President Rodrigo Duterte. I am also from Davao City where the President was the mayor for thirty years. The 2016 Philippine presidential election fiercely divided the country into pro- (Visayas and Mindanao) and anti-Duterte (Luzon). Duterte supporters are well-known for their almost-religious fervor towards the president, regardless of his numerous misogynistic comments and human rights violations. Once I mention my hometown, respondents from Luzon became nervous to discuss their true political opinions. To address this, I purposely mentioned my hometown at the end of the interview rather than in the beginning. If a respondent spoke Bisaya or were from Mindanao, there was no need to do this. This is a testament to the long reach of home country politics.

In the next chapter, I explain the theoretical framework “legal status fluidity”. This framework shows how Filipino immigrants compared to other immigrant groups are well-equipped to navigate the transition between different immigration statuses.

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CHAPTER 4: THEORETICAL FRAMEWORK

I build on the current empirical work on legality/illegality to synthesize a theory that fully conceptualizes *movement between immigration statuses through the life course*. While scholars acknowledge that legal transitions exist and that immigrants can fall out of immigration status, most research on immigration implies that legal status in immigrants’ lives does not change. For example, there is much research on the meanings of “citizenship” (Bosniak 2000; Coutin 2000; Martiniello 1997; Rubio-Marín 2000) and naturalization and why immigrants choose to do so (Bloemraad 2006; Jones-Correa 2001). Yet, there is little research on how immigrants on different visas navigate their paths to permanent residency or how they fall out of status. As Kreisberg (2019:1) points out:

Legal status is a growing dimension of inequality among immigrants in the U.S. Scholars have suggested that the legal status with which immigrants enter the country stratifies their short- and long-term opportunities for labor market integration. However, much quantitative immigration scholarship modeling the relationship between legal status and labor market integration treats legal status as static. In reality, immigrants change statuses dynamically throughout their lives.

Liminal legality, precarious status and other current immigration theories do not capture how immigrants’ transition from having a tourist visa to an international student visa or how undocumented immigrants obtain legal permanent residency through VAWA. Kreisberg (2019:5) breaks down distinct legal status starting points: employment, diversity, family, refugee, and undocumented. She posits that “most quantitative immigration scholarship models legal status statically, which overlooks the important reality that even immigrants who share one legal status may have reached that status from an unequal starting point” (Kreisberg 2019:24). The Salvadoran case provides an example of how legal status pathways can easily change based on immigration laws.

Immigration scholars have noted how the law’s importance in defining the available legal
pathways for immigrants (Coutin 2005; Dauvergne 2009; Johnson 1997; Ngai 1999). Central Americans have a particularly multi-faceted experience with their legality. Coutin’s 2003 *Legalizing Moves* expertly examines how immigration law has shifted the legal status of Salvadorans within the span of fifteen years, from the 1980s to the mid-1990s. The passage of the 1990 Immigration Act, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), and the 1997 Nicaraguan Adjustment and Central American Relief Act (NACARA) changed their available pathways. The community transitioned from refugees, asylum seekers, immigrants, temporary protected status holders, and for some Salvadorans, to amnesty holders (Coutin 2003:1-5). Coutin (2003:10) further argues that:

> Immigration and immigration law are almost inseparable, as law defines the legitimacy and nature of movements and persons. Law delimits the borders of national territories, establishes criteria for passage, creates categories of sojourners, defines the nature of citizenship, legitimizes states, and criminalizes unauthorized entry. Without law, the movements that are deemed immigration might be perceived and characterized differently…. [H]ow law produces citizens, illegal aliens, legal permanent residents, legal immigration, illicit travel, and even territories and the state (see Foucault 1977, 1980).

The discussions on undocumented immigration rarely discuss the interconnectedness of legality and available legal status pathways. In short, there is a gap in how immigration scholars conceptualize legal status. What is missing from the discussion is a theory that ties together how immigrants fall in and out of status and how some manage to legalize while others remain undocumented.

> Scholars have noted the lack of longitudinal research that measure the different legal statuses immigrants have throughout their life course. Clark, Glick, and Bures (2009: 867) point out that:

> Data limitations often impede research on immigrants and immigrant families. In the United States, one such limitation is the lack of data on legal status and mode of entry (i.e., visa type or refugee status). Information on legal status and mode of entry can have important consequences for understanding family patterns. For example, the [Current
Population Survey] measures nativity and citizenship but does not capture naturalization because citizenship is a control card item, collected only once, instead of a regular item on the March Supplement…Perhaps the biggest data constraint for the study of immigrant families is the lack of longitudinal data, the gold standard for empirical studies of social and family processes. Few national-level longitudinal data sets contain sufficient samples of immigrants, and those that do have other limitations: The [Survey of Income and Program Participation] is short term only; the [New Immigrant Survey] sample includes only legal immigrants.

The initial legal statuses that immigrants arrive with are typically not highlighted in research.

When exploring immigrants from a life course perspective, immigration status is rarely static and distinct immigrant pathways are available to certain persons.

**Inadequacies of the Legality/Illegality Conceptualization**

Scholars have pointed out how the current constructions of legality/illegality need further development (Bloch, Sigona, and Zetter 2011; Koser 2009; Koser 2009; Schuster 2005).

Goldring, Berinstein, and Bernhard (2009) utilized the Canadian immigration and refugee policy to point out the mechanisms of how immigrants fall in and out of immigration status. The authors highlight the inadequacy of the binary conceptions of migration status (legal/illegal) and suggest the utilization of “precarious status” to explain the multi-faceted dimensions of irregular status and illegality. For example, immigrant workers who entered Canada with precarious legal statuses and shifted to secure status continued to work in precarious industries (Goldring and Landolt 2011). This was in contrast to immigrants who entered with and maintained a secure status. The authors further argue that a work-citizenship matrix captures the connection between legal status and new economy work and its reliance on the precariousness of legal status.

McLlawine (2015:494) observed that despite the more restrictive immigration enforcement of the British state, Latin Americans in London:

> subvert these in diverse ways that are akin to webs both in terms of entry and subsequent
settlement. Therefore, the conceptualization of webs captures the dynamism of migrant irregularity over time, space and scale as well as a degree of migrant agency. In turn, these webs play out through various practices that include entry, regularization as well as spatial, economic, and social invisibility. The case of Latin Americans in the UK context who comprise such a range of nationalities and concomitant immigration statuses and histories also highlights how migrants negotiate irregularity within their ‘community’.

Similarly, the theory of liminal legality highlights the gray area in between documented and undocumented status. Menjívar (2006:1008) uses liminal legality to “show a condition of uncertain legality shapes social and cultural aspects of immigrants’ lives and the meaning that a suspended legality or a “legal limbo” (not only nonexistence) has for them.” The framework expands on the simplified definitions of documented and undocumented and highlights the gray areas in between legality. As Menjívar (2006:1008) points out:

This “liminal legality” is characterized by its ambiguity, as it is neither an undocumented status nor a documented one, but may have the characteristics of both. Importantly, a situation of “liminal legality” is neither unidirectional nor a linear process, or even a phase from undocumented to documented status, for those who find themselves in it can return to an undocumented status when their temporary statuses end. When Central Americans are granted temporary legality, they are conferred the right to work and reside in the United States without access to social services. In some cases, they are later given the opportunity to renew their permits. However, when the renewed permits expire, these immigrants slip back into the realm of nonlegality.

Menjívar acknowledges the complexity from the temporary legal statuses of Central Americans and pioneered the concept of “liminal legality”. Liminally legal immigrants however are not the only ones who undergo legal limbo and not all documented immigrants have a path to permanent residency. The bureaucratic delays in transitioning between pathways make immigrants endure similar feelings of uncertainty and legal limitations that transfer into their quotidian lives.

**Theoretical Framework: Legal Status Fluidity**

I define legal status fluidity as the ability of immigrants to maintain their current legal status and to transition between another immigration status. I conceptualize legal status changes
(e.g. tourist visa to international student visa) as “pathways” or “immigrant pathways”. To access these pathways, immigrants need to acquire a) immense amounts of social and financial capital necessary to change immigration statuses pre- and post-migration b) access to varied immigrant pathways through family and employment and c) utilize their historical relationship with a receiving country. I argue that legal statuses are mutable rather than static aspects of immigrants’ lives. It is through this fluidity that immigrants fall out of status or remain in status, and how certain undocumented immigrants can regularize their immigration status despite the heightened immigration enforcement. Despite news media perceptions that undocumented immigrants cross the border, most undocumented immigrants fall out of status (Warren 2019). In the next section, I illustrate how Filipino immigrants utilize three means to successfully transition between legal statuses which I call “legal status fluidity”.

**Theorizing Legal Status Through Legal Status Fluidity**

While pre-migration contexts such as socioeconomic status and educational attainment are important for the *ability to migrate* (Feliciano 2005; Liang 2007; Massey, Arango, Graeme, Kouaouci, Pellegrino, and Taylor 1993; Zolberg 1989), immigrants utilize both pre-migration contexts and post-migration contexts to access distinct pathways (e.g. non-immigrant visa to an immigrant visa). For conceptual help, I built on the theoretical foundations of the new economics of migration and social capital theory. The most important means to change between legal statuses, among the three options, is arguably access to financial capital.

1) *Pre-Migration Context: Financial Capital*

Scholars have noted how immigrants require a certain amount of financial and social
capital from their home countries in order to immigrate in the first place (Liang 2007; Massey et al 1993; Zolberg 1989). Feliciano (2005:147) compared the educational attainment of immigrants and non-immigrants from 32 countries and found that the distance from the United States determined the average educational attainment of incoming immigrants. Her findings suggest that there is a negative correlation between the countries that are further away geographically and the level of education immigrants had. In short, save for refugees and asylum seekers, the most disenfranchised, uneducated, and poorest citizens of a country are rarely the ones who first immigrate. Migration is a path more attainable for those with class resources: rather than being a “fair” system, migration is staked to benefit the privileged. As Massey et al. (1994: 1492-1493) explains, in reference to the first Mexican immigrants to the United States:

The earliest migrants from a community were almost always males of working age, usually married family heads from some identifiable niche in the socioeconomic structure. Typically they came from the middle of the local hierarchy—not so poor that they could not afford the costs and risks of migration, but not so affluent that migration was unattractive…Over time, the proportion of people with U.S. experience tended to increase within the community…Migration became progressively less class selective and more representative of the whole community.

Over time, access to migration includes more members of the immigrant community. Those who lack these privileges but desire to immigrate resorted to agencies, banks, and loan sharks (Liang 2007). In this way, migration is understood as a means to temporarily increase their potential earnings. Contemporary research views migration as a household decision as opposed to an individual decision free from external factors.

The new economics of migration allows us to explore how households understand and react to immigration. The theory was born as a direct critique of neoclassic economic theory (Massey 1999; Stark and Bloom 1985). The new economics of migration views labor migration as a household decision rather than an individual decision, where the goal is to “diversify their
sources of income by allocating different family workers to different labor markets…In the event that economic conditions at home deteriorate and productive activities there fail to generate sufficient income, the household can rely on migrant remittances for support” (Massey 1999:36). Under this framing, the immigrant (the “rational actor”) migrates temporarily and uses remittances as a cushion for potential failures in the local labor market, creditors, insurance, and others. It is important to highlight the pre-migration financial capital immigrants have because it is a solid predictor of post-migration capital. For example, Pong and Landale (2012:1555) posit that “[p]ast research has not fully considered how these pre-migration resources shape the outcomes of children in the next generation…First, pre-migration SES contributes significantly to post-migration SES, albeit in different directions for different indicators.” The first means to legal status fluidity is financial capital.

The dearth of job opportunities and economic opportunity in developing countries makes migration an excellent option. Even though the first migration costs are prohibitive, the new economics theory of migration predicts that the household benefits from the initial migration through remittances. Remittances can then translate into more diversification in the household and allows family members in the home country to have a higher quality of life. For certain immigrant pathways, financial capital is more important in achieving legal status fluidity. For example, an international student applicant typically needs to show their university a full year’s tuition and room and board in their bank account. Without this, the applicant is unable to obtain a student visa. For work visa applicants, not all employers will cover the cost of the legal fees incurred from sponsoring an employee. This means that the job applicant will incur the additional costs of migration, which can easily total thousands of dollars. Financial capital is important but having access to the right social networks and capital also is valuable in achieving
2) Pre-Migration and Post-Migration Contexts: Social Capital

Scholars have disputed the definition and application of “social capital” in the immigration literature (Bankston III 2004; Portes 2000). Pierre Bourdieu and Loïc Wacquant (1992:119) pioneered the concept and define it as:

the sum of the resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalized relationships of mutual acquaintance and recognition.

Individuals gain access to social capital through membership in networks and social institutions, which then converts to other forms of capital that improve their life outcomes (Bourdieu 1986; Coleman 1990). In this way, social capital is theoretically distinct from financial capital. While there are mixed conclusions of the pros and cons of harnessing social capital (Portes and Sensenbrenner 1993), most scholars agree that social capital is a positive asset. Social capital is integral to an immigrants’ success in their new host country, as Massey (1999: 43-44) highlights:

Migrant networks are sets of interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas. They increase the likelihood of international movement because they lower the costs and risks of movement and increase the expected net returns of migration. Network connections constitute a form of social capital that people can draw on to gain access to various kinds of financial capital: foreign employment, high wages, and the possibility of accumulating savings and sending remittances.

Social capital draws on migrant networks to lower the cost of migration as well increase the returns of migration. These networks can also directly and indirectly increase wages in the receiving country (Aguilera and Massey 2003). Households and extended families therefore are incentivized to support the migration of their relatives through not only financial means but also through their social capital. While there is pre-migration social capital, post-migration social capital can be acquired through building community and relationships with friends, co-workers,
and romantic relationships. Immigrants interact with others in schools, work, and public spaces without regard to their legal status. Following this reasoning, immigrants utilize their pre-migration and post-migration social capital to increase the income gains of their household and achieve legal status fluidity.

Having access to social networks and social capital increases the likelihood of opening different pathways. Social capital translates to tangible benefits as well, such as access to cheaper housing, job opportunities, and an available community. Additionally, once an immigrant gains legal permanent residency, they gain many rights and privileges such as the right to work and to stay indefinitely. Filipino domestic mothers utilized tertiary migration from Taiwan to Canada and sponsored their children’s migration to Canada (Ogaya 2015). Having language and cultural competency are also another method to accessing legal status fluidity.

3) Pre-Migration Contexts: Cultural Competency, English language fluency and Cultural Capital

Cultural competency, language fluency, and cultural capital influence the choice to immigrate, the selected receiving country, and the immigrants’ career. While there is risk involved in sending a relative abroad, outside of the large sunk costs of migration, households are still willing to endure them for the promise of future savings. Immigrants lose significant cultural capital from their home country after they immigrate. The new economics of migration argues that households “send one or more workers abroad to accumulate savings or send them home in the form of remittances. Although most migrant savings and remittances go toward consumption, some of the funds are inevitably also channeled into productive investment” (Massey 1999:36). Immigrating to a country with the least risk, meaning a country with some form of cultural capital and cultural understanding, is a rational and the safest action to make. It
is advantageous for households if workers migrate to countries where they are familiar with the culture and the language.

Cultural capital is built by engaging in activities that generate our knowledge, skills, and education (Nohl, Schittenhelm, Schmidtke, and Weiss 2014). English-language ability is not crucial to the job tenure of all immigrants, but research suggests its long-term importance for non-citizens. For formerly undocumented Mexican immigrants, English fluency was irrelevant to their positions because the occupations they worked in do not directly deal with an English-speaking public (Aguilera 2003). For undocumented immigrants, inadequate English proficiency impedes entrance into the white-collar labor market (Liebert 2020). In contrast, Filipinos are the “least likely of the Asian groups to be self-employed…their English-language education and familiarity with American culture enables Filipinos to enter directly into wage employment, rather than to seek to create economic opportunities through self-employment” (Bankston 2005: 191). It is also important to note that for the Philippine case, English fluency is crucial to enter the U.S. through labor pathways: the Philippine state specifically markets its workers as English-speaking laborers in both high- and low-skilled industries. In this way, the United States is a strong option for emigrating Filipinos.

The neocolonial relationship between the Philippines and the United States benefits Filipinos post-migration in terms of legal status fluidity. Despite growing up outside of the U.S., Filipinos through their educational institutions, media, and workspaces become familiar with American culture and language. English is the language of instruction and business in the Philippines, which then translates into access into English-speaking labor markets. Unlike non-English speaking immigrants, privileged English-speaking immigrants can also facilitate their
own immigration pathways without relying on *notarios*\(^\text{26}\) or immigration lawyers. Filipino doctors with their English fluency are able to deskill and become nurses to remain in the white-collar market and gain legal status fluidity (Vapor and Xu 2011). While the lack of English language fluency does not bar immigrants from participating in society, leadership roles in mainstream organizations often require not only fluency but also understandings of American customs and mores (Ramakrishnan and Viramontes 2006). Finally, the neocolonial relationship provides pathways for Filipino immigrants through military and navy pathways and labor pathways through healthcare workers, teachers, and domestic care workers. The military presence in Asia allowed a pathway for Filipina women through marriage to their American military spouses.

While there are multiple paths available to Filipinos, it is important to note that certain immigrants do not have access to legal status fluidity due to heightened immigration enforcement and the emphasis on eliminating undocumented immigration.

**Limitations of Legal Status Fluidity: Who is not legally fluid?**

While legal status fluidity addresses how some immigrants can change their immigration pathways, not all immigrants have access to these pathways. In short, legal status fluidity exists for certain immigrants but not for others. Migrant domestic workers legality is reliant on their employer’s sponsorship, making them vulnerable to exploitation and abuse. Parreñas (2015) highlights how migrant domestic workers, by virtue of their employment, sustain a “partial

\(^{26}\) The American Bar Association defines notaries as “Individuals who represent themselves as qualified to offer legal advice or services concerning immigration or other matters of law, who have no such qualification, routinely victimize members of immigration communities.”

https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/fight-notario-fraud/about_notario_fraud/
citizenship”. However, countries greatly vary in how they allow domestic migrant workers to transition out of their employer visa to permanent residency or to perpetually remain in their temporary visas (Parreñas 2015). Globally, unskilled domestic care workers are often barred from obtaining legalization and citizenship in the receiving country (Lee and Kofman 2012). Other temporary migrant workers are not eligible for fluidity because they are stuck in the labor market. Similarly, many immigration statuses do not lead to a path to permanent residency and provide only temporary legal stability. Immigrants with DACA, withholding27, and Temporary Protected Status (TPS) are just some of the statuses that fall under this category. The last group that are generally not legally fluid are unaccompanied minors28. The types of relief that are available to unaccompanied minors are asylum, special immigrant juvenile status, U visas, and T visas. All require documentation of discrimination, prejudice, torture and abuse, which are difficult if not impossible to acquire as a minor.

In the section below, I operationalize legal status fluidity and how it applies to Filipino immigrants.

**Legal Status Fluidity: Operationalization**

I operationalize legal status fluidity through three means. While there are cases where immigrants achieve all three means simultaneously, I argue that immigrants only need to fulfill one of the means to count as “legally fluid”. First, an immigrant is legally fluid if they have ever

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27 According to Immigration Equality, withholding of removal provides no path to permanent residency or to U.S. citizenship and immigrants pay a yearly renewal fee to maintain their legal right to work. [https://www.immigrationequality.org/get-legal-help/our-legal-resources/asylum/withholding-of-removal-and-cat/#.XTjO5ZNKiCg](https://www.immigrationequality.org/get-legal-help/our-legal-resources/asylum/withholding-of-removal-and-cat/#.XTjO5ZNKiCg)

28 Unaccompanied minors are defined as children who are below 18 years old, arrived in the United States without parents or legal guardians, and have no immigration status. [https://www.americanimmigrationcouncil.org/research/guide-children-arriving-border-laws-policies-and-responses](https://www.americanimmigrationcouncil.org/research/guide-children-arriving-border-laws-policies-and-responses)
transitioned into a different immigration status from their original visa. For example, many of my respondents arrived on a tourist visa and switched to a work visa: they are legally fluid as they were able to stay in the country while maintaining an immigration status. This includes liminally legal statuses such as Temporary Protected Status (TPS) and Deferred Action for Childhood Arrivals (DACA). Immigrants are also legally fluid if they can extend or change their current immigration status at will. This can mean obtaining a different visa to remain in-status, utilizing their social capital to access different legal statuses, or maintaining a visa with unlimited renewals. I measure this fluidity by whether they have the option to begin with. For example, two respondents (Anna and Aileen) are both on non-immigrant visas but have the ability to easily switch to a different legal status and extend their current visas indefinitely. Finally, an immigrant is legally fluid if they can obtain a legal status and immigrate to another country. Notably, this cannot be their country of origin. Fluidity is not bound to a single country: in this globalized and interconnected world, transnational migration and spaces allow immigrants access to legal status fluidity. In this way, staying in the United States is *optional* and they have global legal status fluidity.\(^29\)

Below I illustrate how immigrants shift pathways within the immigration system:

\(^{29}\)For the purposes of this dissertation, I only discuss fluidity in the United States context.
For some immigrants, legal transitions are possible based on their initial and subsequent legal statuses. It is also conceivable for documented immigrants to “fall out of status” despite entering on a legal status and for undocumented immigrants to “obtain” a legal status. Conceptualizing legal status as a mutable, fluid condition that is subject to several circumstances is key to legal status fluidity.

I apply legal status fluidity to the case of Filipino immigrants. The colonial relationship between the two countries has had lasting effects on the trajectories of Filipinos lives today. As Espiritu (1996:43) argues:

Unlike European or other Asian immigrants, Filipinos come from a homeland that was once a US colony. The cultural, economic and political relationships between the Philippines and the United States, imposed and maintained for more than ninety years of colonial and post-colonial rule, have provided and continue to provide the context within which Filipino immigrants and have thus indirectly affected their process of group formation and differentiation in the United States…The US colonial policies, recruitment practices and labor conditions have [affected] the regional and class composition of Filipinos in the United States.”

The political instability of the country, the lack of economic opportunity, and the government’s
pursuit of neoliberal policies also shape the constant flow of emigrants into the United States. The two countries’ relationship means that Filipinos through their educational institutions, media, and workspaces are attuned with American culture and language. While the Philippine constitution explicitly states that the protection of the Filipino language in its educational institutions, the Filipino languages’ “subordinate status when compared to the English language is apparent” (Dumanig, David, and Symaco 2012:107-108). This is a purposeful move by the Philippine government that understands that the “demand for the English language is supported by various stakeholders given that its acquisition would mean better opportunities for job securement, both locally and overseas” (Dumanig et al 2012: 108). Access to financial capital, social capital and networks, and cultural competency allows certain Filipino immigrants to achieve legal status fluidity. The initial immigration statuses of Filipinos and the available immigrant pathways are crucial to shaping the lives of emigrant Filipinos. In the section below, I highlight the Philippines’ colonial past and how the history of U.S. militarization of Asia solidified their current immigration pathways.

Continuing Legacy of U.S. Colonialism: Legally Fluid Filipino, Immigration Law, and the U.S. Military in Asia

The racist system that defines white American middle-class culture is prominent to Filipinos in both the United States and in the Philippines (Mura 1988:137). Zuberi (2001:133) points out how “racial statistics have primarily been used for the justification of racial stratification” and are not reflective of people’s identities. Early Filipino immigrants, astute to this, challenged their subordinate ascribed racial categories of “Malay race” (Baldoz 2004:975) and “Mongolians” (Volpp 2000) in the U.S. court system in the 1920s and 1930s. These racial constructions are malleable and are constantly reconstructed both in the public and private
sphere. This places Filipinos and Filipino Americans in a unique position where scholars can observe the transnational racial processes as it permeates in legal status changes. The neocolonial history between the two countries also allowed different pathways for Filipinos to migrate regardless of class, leading to immigrant pathways.

After the 1960’s, Filipinos were specifically recruited through diverse employment visas as both low-skilled agricultural laborers (Espiritu 1996), navy stewards (Espiritu 2002) and domestic care workers (Asis 2005), and highly skilled workers like doctors and nurses (Choy 2003; Espiritu 2003) and teachers (Guevarra 2009). In addition to the different pathways afforded to Filipinos through employment, Filipinos also have access to legal status fluidity through their families and spouses (Espiritu 1996). The post-1965 immigration policies allowed immigrants to sponsor their families’ immigration to the US. While Filipinos can gain permanent residency status through their non-spousal familial ties, most are subject to years of backlog (See Chapter 2, Legal Status Fluidity: The Continuing Legacy of U.S. Colonialism).

In addition to non-spousal immigration pathways, Asian women also have unique access to legal status due to their gender through the U.S. imperialism and military presence. Filipina women are subject to stereotypes of being submissive and docile wives (Livingston and Brown 2017). The global stereotype that foreign-born women marry white men solely for legal status stability is well-documented by mass media (Angeles and Sunanta 2007; Balaji and Worawongs 2010; Zare and Mendoza 2011). Immigration scholars dispute these stereotypes and instead point to the complexity of marriage migration as not only a personal choice, but one facilitated by familial, local, and global institutions (Constable 2003; Lauser 2008). Filipino women “do not only marry in order to migrate, but they also migrate in order to marry, as marriage is seen as an important aspect of social fulfillment” (Lauser 2008: 85). In addition, these stereotypes do not
take into account Asian American women who are US citizens themselves or those have access to legal status fluidity outside of marriage such as employment and diversity visas. Nevertheless, marriage migrants are vulnerable to deportation should the marriage go astray. U.S. immigration policies’ shift from family reunification to immigration enforcement also mean that undocumented women are especially susceptible to domestic abuse and violence (Anderson 1993; Raj and Silverman 2002). In sum, the U.S.’s military history, exportation of Filipina labor, and the racialized notions of Asian American women link Filipino women’s access to legal status fluidity.

Coupled with the overseas labor demands and the commercialization of Filipino labor, these factors translate into access into labor markets in the U.S. and many English-speaking countries. For example, an estimated 85% of employed Filipino nurses work internationally because “Filipino nurses are in great demand because they are primarily educated in college-degree programs and communicate well in English, and because governments have deemed the Philippines to be an ethical source of nurses” (Aiken, Buchan, Sochalski, Nichols and Powell 2004). Their language abilities also have additional benefits, such as allowing them greater agency in navigating the U.S. immigration system as opposed to a non-English speaking immigrant. The important takeaway is that the neocolonial relationship between the Philippines and the United States (Rodriguez 2010; San Juan Jr. 2011) prepares Filipinos for emigration and benefits Filipinos after migration through legal status fluidity. As I show in the following empirical chapters, this legal status stratification also intensifies the inequality among the Filipino community. Choosing to stay or to leave is determined not only by individual choice but also by their legal status fluidity.
CHAPTER 5: LEGAL STATUS FLUIDITY THROUGH EDUCATION AND EMPLOYMENT

When I first met thirty-two-year-old Charissa, she had just returned from her Hawaii vacation. Her adjustment of status from EB-1 visa to permanent residency was already approved so she “wanted to get as far as I could from New York without actually leaving the US.” While she had not “received [her] physical green card yet”, her career as a prestigious journalist had paved the way for her fluidity. In this chapter, I turn to Charissa and four other women who gained their legal status fluidity through their education and employment. While this is a small subset of my data, highly skilled labor was and continues to be a major pathway for Filipina migration to the United States (Choy 2003; Espiritu 2005; Guevarra 2009). Legally fluid immigrants can extend their legality by drawing on their pre-migration contexts and post-migration contexts. In the next section, I illustrate the pre-migration contexts that facilitated their legal status fluidity.

Pre-Migration Context: Financial Capital

Unlike other immigrants who gained legal status fluidity through their family ties (Chapter 6), the respondents accessed legal status fluidity through educational and labor pathways. These respondents are the first in their immediate families to immigrate. Their self-selectivity meant that they and their relatives possess high educational attainment and high socioeconomic status in their home country (Feliciano 2005). Their access to pre-migration financial capital not only allowed them to migrate (Nee and Sanders 2001) but also to transition between immigration statuses easily. The respondents in the interviews illustrated their access to high financial capital through their upbringing. For example, Crystal attended a private international school in Manila for her entire K-12 education and studied abroad in London for
two years. She had the option of studying in London where her brothers resided but she “always felt like at least being Filipino here is [easier]…People tend to know more Filipinos because there are more Filipinos [in New York].” Her parents, a lawyer and a banker, paid an estimated $50,000 per year for Crystal’s private college tuition and room and board for four years. Unlike immigrants with lower financial capital (Paul 2015), Crystal’s freedom in choosing which country to attend college suggested her family’s high financial capital. Her parent’s financial support gave her an entry point into the U.S. immigration system.

While not as affluent as Crystal’s family, other respondents shared similar socioeconomic backgrounds and lifestyles. Charissa hinted at her upper-middle class lifestyle from her childhood:

[Growing up], I had a nanny, I had a driver. We travel every year… My family likes traveling a lot. It’s very important to my parents that we travel at an early age… I have had a US [tourist] visa for most my life just to travel and they always had tourist visas as well. [When I graduated college], I wanted to be the whole Europe kids, so I lived in Germany for a while. I was trying to study there. I had a lot of fun doing that so it’s like, “Oh, I’m gonna live in Europe…My mom is not good at money at all, partly because she didn’t work.

Like Crystal, Charissa held upper class privileges such as having a maid and a driver (Arnado 2003). When Charissa received only a partial scholarship for her master’s program, her father, a high-end real estate agent, paid for the remaining cost and her living expenses. Her access to financial capital allowed her to transition from a tourist visa holder to an international student visa holder. As scholars have pointed out (Jacobs 2019; Kreisberg 2019), the initial legal status created a smoother transition to the next immigration status.

As an example, thirty-one-year-old Anna had previously entered the US on tourist visas to attend her relatives’ weddings. Her politically powerful clan “has an island [on the Hundred Islands]. So the Mayor, the Congressman, are my relatives. My cousin is the Mayor.” Anna
traveled internationally to compete with her collegial debate team where “most of the time, I asked [for the] money from my parents." Her parents also assisted Anna financially in her master’s program:

I got into [Masters] programs here in New York, [and two] programs in the UK. All of the programs were almost the same price. Even though the tuition was almost the same price, my cost of living here is cheaper. I chose [my school] because it was affordable instead of [upstate New York schools] where there would be no connections to where the jobs actually are.

Anna above illustrates her freedom in pursuing higher education abroad. For Crystal and Anna, having access to funds for their initial visas and subsequent visas gave them access to further immigrant pathways. Crystal, Charissa, and Anna’s financial capital via their families facilitated their legal fluidity in New York.

Respondents who had access to financial capital through their employer also became legally fluid. Immigrants who lacked direct financial capital utilize other means to leave their home countries (Nee and Sanders 2001). Unlike the previous women, thirty-five-year-old Aileen came from a less affluent household. Both of her parents are retired: her father was a life-long seaman while her mother worked in sales in a bookstore. After graduating from a top Philippine university, she worked for a multinational corporation for the last ten years in different administrative roles. She “really had no plans of moving abroad. Then my company said that there was a [job] opportunity in New York. [They asked me] “Are you interested?” Of course, it’s New York, you know? Who would turn that down?” Her immigration process was smooth due to her company’s support:

[Applying] for the tourist visa wasn’t hard… I was still nervous though because everyone says that its [hard to get]. Or maybe it wasn’t hard [for me] because I had the company’s backing. [I just needed the] certificate of employment, documents like that. [The tourist visa] was to see what my role [in New York] would be. And then I just returned to the Philippines to fix my [work visa]. Four months later, I returned [to New York]. The [process] was a formality, really. The company already accepted my [visa] and I accepted
the position. We just had to fix the [L-1] visa.

The role of corporations in the global movement of people (Portes 2001; Saxenian, Motoyama, and Quan 2002) is well-illustrated in Aileen’s case. Aileen became legally fluid from her employer’s financial capital.

Financial capital is extremely important to enabling those who migrate on student and employments visas. However, it is not the sole determinant of legal status fluidity. The next section discusses the role of pre-migration social and cultural capital in legal status fluidity.

**Pre-Migration Context: Social Capital**

While immigrants draw from their social networks in multiple ways (Aguilera and Massey 2003; Gonzales 2010; Valdez, Padilla, and Valentine 2013), legally fluid immigrants utilize their social capital to navigate the U.S. immigration system. This access opened alternative immigrant pathways for the respondents. For example, Charissa was a head journalist in the Philippines. She was taking journalism seminars in Germany when her instructor said, “Your education in the Philippines is great, but I think it would benefit you to get your master’s abroad.” With his guidance, she applied for her master’s in journalism program in New York. She reached out to a Filipino American professor for advice on her application and how to obtain a scholarship. Compared to migrants who immigrate through familial ties (Lu, He, and Brooks-Gunn 2020), Charissa needed to draw from her social capital as a journalist and her ethnic community to learn the process of acquiring her first immigration status. Social capital benefited immigrants in indirect ways as well.

The pre-migration social ties in the respondents’ immigrant communities decreased the burden of migration such as lack of community support and increased financial needs. Much
research has been conducted on the importance of established immigrant communities for newly arrived immigrants (Gonzales, Brant, and Roth 2020; Perreira, Chapman, and Stein 2006; Zhou and Lee 2013). The first assistance respondents received was through assistance housing. Patricia’s high pre-migration social capital was beneficial during the H1-B application process. Her employer was open to sponsoring her visa but refused to pay for its costs. To save money for the fees\(^{30}\), she lived with her aunts rent-free for two years: “I’m like their kid. I’m embarrassed but I’ve been able to save money.” Similarly, Anna stayed with a family friend to save money on rent while she was attending graduate school. When Charissa applied for her adjustment of status, she received a “presyong kaibigan\(^{31}\)” rate from her lawyer friend: “[My friend] said, “I’ll do your Green Card for $4,000, and usually for EB1-[applications], they go from $8,000, at least $10,000. I think for some clients, they charge $15,000.” She admitted without the steep discount, she would have passed on the opportunity.

For others, membership in their established ethnic communities fostered a sense of community and prestige (Zhou 2005). Aileen’s company gave her access to a relocation counselor, which “recommended that I should join [Filipino organizations]… I joined [this Filipino social organization]. I feel the most safe with the Pinoy\(^{32}\) atmosphere.” Anna suspected that her acceptance to a top Philippine university indirectly assisted with her initial point of entry: “The last time I applied as a tourist, I was eighteen. I had just gotten into [my college] and I was with my mom. The [immigration] guy said “Congratulations, you got into [my college].” It was like proof that we would go back [to the Philippines] because I got into [my school]… I think it also helped when I was applying for my F1.” For Anna and others like her, a history of

\(^{30}\) Immigration lawyer fees are $2,000-$3,000 while filing fees cost an estimated $3,000.

\(^{31}\) Price for a friend.

\(^{32}\) Another way to say Filipino.
previous U.S. visits eased the transition into other legal statuses.

Pre-migration social capital were integral to achieving legal status fluidity. While these forms of capital benefit immigrants in health (Pollack and von dem Knesebeck 2004), education (Gonzales 2010), and employment (Li 2004), social capital is also useful in accessing alternative immigrant pathways. For some respondents, high social and cultural capital assisted in their initial entry in the U.S. For others, the membership in their communities indirectly benefited them in housing assistance and other services. The last determinant of an immigrant’s fluidity is their pre-migration cultural competence and exposure to American culture.

**Pre-Migration Context: Cultural Competency and Exposure to American Culture**

Among those who had employment or education status fluidity, pre-migration cultural competency and exposure to American culture eased transitions to life in the United States by preventing difficulties with language barriers and culture shock. Compared to the benefits of financial, social, and cultural capital, the advantages of cultural competency are more subtle but nonetheless important. Below, I first establish the respondents’ English language fluency within the context of the historical context of neocolonialism.

*English Language Prioritization in Philippine Schools: Remnants of Neocolonialism*

Unlike other Asian countries, the neocolonial relationship between the U.S. and the Philippines forced the latter to prioritize the English fluency of its citizens (Dumanig, David, and Symaco 2012). Fluency in both Tagalog and English (*Taglish*) is expected from the middle-class (Bautista 2004) and is emulated by the general public (Metila 2009). In 2015, 82% of the Filipino population in the U.S. were English proficient: of those, 97% were U.S.-born and 70%
were foreign born\textsuperscript{33} (Pew Research Center 2017). The colonial history of the U.S. and the Philippines means that English proficiency is used as a “social tool that enables economic advancement and the feature of English-competent society where political-economic elites usually emerge” (Dumanig, David, and Symaco 2012: 108). As a result, the respondents’ high social status in Philippine society defined their English fluency. Prior to immigrating, all five respondents are bilingual in Filipino languages and American English. The respondents brought up the importance of their schools and universities in cultivating their fluency in the interviews. Crystal attended an international school with “a totally American curriculum” and admitted that she “didn’t grow up speaking Tagalog. I know if I tried for like a year to learn it, I’d be able to learn… I’ve already heard enough of it.” Anna brought up her “very pro-American childhood”:

According to [my mother], it is a wonder that [they] raised a daughter that despite going to a school where the main medium of instruction is Filipino, spoke with a valley girl vocabulary. [I think it is because of my] many hours of TV watching, so I think-- and yes, it’s true my accent mostly is from watching TV. So, I knew there wasn't going to be a culture shock [if I migrated].

As the neocolonial remnant of the Philippine education system, Anna and the other respondents spoke English with no discernible accents.

The respondents’ English fluency smoothly transitioned them into American workspaces and schools. The respondents benefited from the neocolonial influence in Philippine colleges by being fluent in the language of the receiving country (Nawyn, Gjokaj, Agbényiga, and Grace 2012). Anna, a member of her college debate team member, was used to debating in English. In graduate school, Anna “was very vocal in class. Like I always raise my hand, I always give my opinion, I always critique other people’s work. I think they were surprised like “tiny Asian girl” because like all the other Asians in class were also kind of vocal but not as vocal as me.” This

\textsuperscript{33} This is comparatively high compared to all Asians, who were 70% English proficient.
was also beneficial for the respondents at work. Charissa’s European co-workers would be surprised to realize she had only been in the U.S. for a year: “I think my grasp in English is a lot stronger than theirs… They always just that I was in the Philippines for a short while and then immediately moved to the US.” The demand for the English language for both highly skilled and unskilled labor facilitated the massive outmigration of Philippine workers (Dumanig, David, and Symaco 2012: 108; Kelly and Lusis 2006). This demand also assisted the respondents in their cultural adjustment. During the interviews, the respondents rarely brought up anecdotes of language barriers and culture shock. Aileen joked that she “was culture shocked by the [American] prices. Every time [I use money], I convert it [into Philippine pesos]. That’s probably my largest adjustment, the cost of living [here].” At work, Anna’s co-workers often forgot that she was an immigrant:

I think though my English-speaking accent, number one, which is completely Americanized, I only do that here. I only do that, so I don’t have to repeat things. If I was saying them in my normal accent when [I’m] speaking in English in the Philippines… I wouldn’t say media, I’d say media here… I like to soften my R’s just because I hate repeating myself. Although [sometimes] what happens there if I do put on the [Philippine] accent, somebody would find out I wasn't born here, they are like "Oh, you're English is so good." Well, fuck you. Go away. How come you don't know that you colonized us for 50 years and therefore we'd all speak good English. So, when people remember that I'm not from here and then they'll be like "Oh." because they forgot. They just assume I'm just any other Asian-American girl.

Like Anna, the respondents complained about the lack of annunciation and minute language differences in American English compared to Philippine English (Borlongan and Dita 2015). Respondents who were not confident in their English abilities still spoke English fluently. Filipino-Chinese Patricia complained how “my school focused more on teaching us math and Chinese… I didn’t really develop my English like other people”, her customers at her part-time job would “speak to me in English…I’m thankful that I can practice my English even if it’s different. [In the Philippines], we pronounce every syllable, and everything has to come out
clearly.” As such, their migration difficulties did not center on cultural misunderstandings (Constantine, Kindaichi, Okazaki, Gainor, and Baden 2005) and language difficulties (Monzó and Rueda 2009). The respondents’ cultural competency was not only prevalent in their English language fluency but also to their sense of belonging.

*Cultural Competency and Sense of Belonging*

The respondents felt connected to the United States from their transnational ties and communities of prior immigrants vis-à-vis their overseas relatives (Guevarra 2009; Parreñas 2001). The Philippine government’s neocolonial ties and exportation of migrant labor actively and intentionally foster this familiarity (Rodriguez 2016). Visits from relatives abroad gave the respondents raised awareness for American culture and institutions. Growing up, Patricia’s overseas aunt would visit: “I remember when I was a kid, [my aunt] would always bring us *pasalubong*[^34] that you couldn’t find in Davao. I really wanted to go to the U.S. because of what they gave us. They also had a lot of stories [about the US] too.” Her childhood experiences affirmed that “New York is like one of the best cities in the world.” For others, their previous visits to America inspired them to immigrate. In her youth, Anna had previously visited the country twice on a tourist visa to see her relatives: “my aunt used to live in Virginia. Their old house had a formal living room and they have a grand casual living room.” For Charissa’s family, “go[ing] to the US for vacation for a month and stay[ing] with a relative” was normal. Prior to migrating, Aileen visited New York on a tourist visa and chose to move based on her decision. These previous trips, both as children and as adults, made migration less intimidating for these first-time migrants (Paul 2015). Their ties to U.S.-based relatives also gave the

[^34]: A Filipino tradition of travelers bringing gifts to their families back home. Similar to the Japanese *omiyage.*
respondents comfort, community, and a sense of security.

Having Filipino relatives nearby solidified the respondents’ migration decisions. The long history of Filipino immigration to the US provided the respondents a built-in support system (Rodriguez 2016) Anna’s parents “felt safer that I was in the US because I had a lot of family here. I have family in the tri-state and if ever, I had an aunt in San Diego who could help me. My nearest relative in the UK was in Rome.” After moving to New York, Patricia lived with her two aunts who “had been telling me for a long time to visit them. For them, they don’t have children, so they don’t have anyone to spend their money on. When they have time, they go all out [with me]. We keep traveling like that.” Even though Charissa’s family is spread throughout the West Coast, she tried to visit her family annually: “my extended family [and I] have a fairly close relationship. We keep in touch with each other online. I see photos of my cousins in tuxes so that’s cute.” Living in an American city in lieu of other countries was an important goal.

Pre-migration cultural capital also opened immigration pathways for highly skilled workers compared to unskilled workers (Nohl, Schittenhelm, Schmidtke, and Weiss 2014). Aileen worked with her multinational company for nearly a decade prior to her receiving the work visa. Both Charissa and Anna had worked in journalism for years prior to applying to their respective master’s programs. Without their previous job experience, their legally fluid pathways as international students would be blocked. For certain respondents, their pre-migration social capital may directly lead to a legal status transition. After finishing her MBA program, twenty-eight-year-old Patricia and her sister visited the U.S. on tourist visas. Within a month of their stay, Patricia found an employer through her pre-migration social networks:

[My friend] told me “You should come work here, maybe you can get [the green card].” She didn’t say “Of course you’re going to get it”, just “maybe.” So, I wasn’t hoping that I would [get sponsored]. I could at least go to my MBA program and I’d have work there…[After a month of working,] I asked for permission from my boss to work undertime
since I need to take [MBA] classes. And then on my birthday, my boss talked to me after work. He asked if I was just going to school to get a degree or was I studying so that I could stay here longer. I said, “Kind of both” and he said, “I’ll sponsor you.” I said, “Are you serious??” He said, “We do that here, you know that, right?”…I didn’t tell him that my friend told me [before]. So that’s how they offered me the [sponsorship]. They told me “Ok, but you have to pay for the [visa]” and I said “Okay, might as well take the chance, right?”

Like in many fields (Wei, Levin, and Sabik 2012), referrals are important in finding employment. For Patricia, a referral opened her path to fluidity through her employer. In this way, the pre-migration cultural capital facilitated access to post-migration cultural capital. For these respondents, access to post-migration financial capital was important only if they had weak social capital and cultural competency.

The respondents’ high legal status fluidity meant that they have the freedom to immigrate to other developed countries. Their pre-migration cultural capital, fostered by Philippines’ neocolonial history and demand for immigrant labor, shaped their choice of country.

**Legal Status Fluidity and Freedom of Choice: Cultural Capital and Migration**

**Choosing the US over Other Countries**

Cultural familiarity to American culture and the American education system ultimately made the respondents select the US over other countries. For example, Crystal had studied abroad in England for two years in high school and could have opted to continue her education there. While her brothers lived in London, she “knew [British people] like soccer and all of these stuff and Harry Potter. [I knew] a lot more American culture.” Her closeness to American culture compelled her to study in New York. Anna chose to attend graduate school in New York because of her familiarity with the U.S. education system:

The culture shock I think would've been if I'd gone to the UK for school. Even their system of schooling is so different. We used the same books in school [in the US and in the Philippines]. My college used the same grading system, so I was very familiar with it
[here], the whole A, A+ situation. In the UK, [their grading system] has the revision. Basically, it’s a review class…. I don't understand that. I don't understand the whole point of it. I like the system that’s the same in the Philippines, same in the US where you have lessons, you have papers, you have projects, then you have an assessment or an exam in the middle of it, and then you have a final exam. You review on your own time. You pass or you fail on your own level of ability or work ethic.

Since the Philippines’ curriculum most closely resembles American models of education, Anna brought up the difficulties of learning a different education system. During her decision-making process, her mother “said “I think your personality is more American than European.”

Charissa noted how her sense of belonging developed over time:

[My grad program] gave me an 80% scholarship. That was really my main reason for moving here and I really like New York…[Now] I think I fit in better [her than] elsewhere and it’s not pretentious like, “Ooh, I wanna be in America. I wanna be in New York.” It’s just that you could be who you want with that feeling that you needed to adjust into people… I mean, again, I’ve only been here six years. I feel that the person who I was when I first moved here is barely different from who I am now and I’m much happier with who I am now.

In the end, Charissa’s ties to American culture sealed her New York fate. Their neocolonial upbringing cultivated an American sense of belonging prior to migration. The neocolonial ties between the Philippines and the United States prepared the respondents to migrate in a plethora of ways. First, the Philippine education system’s focus on English fluency allowed the respondents a smooth transition into American workplaces and schools. This parlayed potential language issues and cultural misunderstandings. Second, the transnational ties and communities of previous immigrants provided the Filipinos a safety net post-migration. This also fostered a connection to American culture. Even when the respondents had the freedom to choose other countries, they chose the US due to their cultural familiarity.

The respondents’ pre-migration cultural competency allowed them to easily build social ties with non-co-ethnics. This in turn opened post-migration legal status pathways and varied forms of capital and their legal status fluidity. In the next section, I illustrate how their English
fluency and cultural competency provides Filipinos access to highly skilled labor markets and non-co-ethnic employment.

**Language Fluency and Access to Highly Skilled Labor Markets**

Given that family and employment are the two pathways that U.S. immigrants utilize to immigrate (Kreisberg 2019), migrants with no pre-migration social capital resort to labor market pathways. Since English speaking highly skilled workers are favored and given legal status under contemporary U.S. immigration policy (Akresh 2006), the respondents took advantage of their language fluency to access legal status fluidity. Charissa started doing cover stories in college and “was a writer and an editor for English publications for years. …[At work in New York, my co-workers] would never comprehend the experience. If anything, I got a lot of people saying “Wow, you know, you could write… Your English is so good”, because I was in a [non-writing role].” Unlike non-citizens and undocumented immigrants forced to rely on employment in co-ethnic and informal labor market (Pfeffer and Parra 2009; Cho 2017), Charissa’s fluency allowed her to navigate the highly-skilled labor markets providing immigrant visas. Charissa as a journalist employed her language abilities to access her H1-B visa from an international student visa. Other respondents also used their language abilities to enter distinct immigrant pathways.

The respondents’ language fluency served as a springboard to immigrant pathways independent of the informal labor market. They were cognizant of how U.S. immigration policy provided fluidity in certain sectors such as STEM fields. Like many migrants, they made migration decisions based on U.S. immigration policy and strategized to obtain employment in industries that extended their legality (Jacobs 2019). While less privileged immigrants have to learn English to access higher-paying sectors (McConnell and Leclere 2002), the respondents’
English fluency gave them time and resources to focus on the job search. Crystal chose to major in computer science because it was “more practical”, “secure”, and she “really needed to do something lucrative.” While “[t]here was a moment when I didn't have my H1-B [visa] and I'm still not sure if I would get it”, her college degree in STEM improved her odds of extending her legal status fluidity. Other respondents abandoned their preferred opportunities to move forward with their fluidity. While Patricia worked for her H1-B employer, a friend referred her to a position at an intergovernmental organization. Patricia passed the interview and was offered a position but no H-1B visa. She could not accept the offer because “I’m still stuck…I want to get my green card [first] so that I can leave [my current job] and it’s safe.” Patricia lamented that lacking her green card meant “I have to plan to take on whatever job. [Saying no] was a waste because the opportunity was right there.” In contrast to other newly arrived immigrants (Connors 2017), the respondents never raised language barriers as an obstacle to finding work in their respective sectors. In this way, U.S. immigration policy and access to legal status fluidity determined their chosen careers.

Coupled with pre-migration exposure to American culture, the Filipinos’ pre-migration language fluency benefited their legal status fluidity. Both gave access to the highly skilled labor markets. Highly skilled Filipinos in this section also have strong competency in American culture as the Philippines is uniquely situated among the Southeast Asian countries as a former American colony (David, Sharma, and Petalio 2017). This advantaged the respondents through English language fluency and cultural understanding (Espiritu 1996) and allowed them to easily form social ties within and outside of their ethnic networks post-migration. Much research has been conducted on how immigrants access cultural capital through co-ethnic ties (Aguilera and Massey 2003; Li 2004), but these are often stratified by legal status, gender, and prior migration
experiences (Sanders, Nee, and Sernau 2002). While previous research argued that co-ethnic ties were beneficial to immigrant workers, these same ties can limit or even disadvantage immigrants in the long term in the form of decreased pay, cultural expectations, and worker exploitation (Liebert 2020; Pfeffer and Parra 2009). Having the ability to connect with non-co-ethnics translates to additional social capital outside of their pre-determined networks.

The next section discusses how this pre-migration advantage plays out in their non-co-ethnic social networks. Their competency made them less reliant on co-ethnic employment opportunities and, in turn, opened up alternative immigrant pathways.

(Naturally) Building Post-Migration Social Capital Through Mixed-Status Relationships

Immigrants obtain post-migration legal status fluidity through familial ties or through their employment. Outside of labor immigrant pathways (Jacobs 2019), immigrants access fluidity by building post-migration social capital. Since both citizens and noncitizens interact at work, schools, and their personal lives (Pila 2016), immigrants naturally gain social capital post-migration. Patricia met her friends through her multiple part-time jobs and MBA program while Aileen became close to her acquaintances. Charissa met her boyfriend from her former job and Anna met her previous boyfriend through Bumble, an online dating app. For those with no access to employment pathways, the path to legal status fluidity can be accessed through family ties. Since U.S. immigration policy defines “family” through the traditional heteronormative nuclear family lens (Bushell 2012; Longo 2018), marriage to a U.S. citizen is an option to maintain legal status. All the respondents acknowledged that marriage is an alternative way to extend legal status fluidity. Patricia explained that before she moved to the US “when I heard about people getting married because of the green card, I was like “huh, why??” Now that I’m here, I
understand [why].” Anna’s work visa expires in five years and she will “see what I’ll do. I mean it’s possible [that] I end up staying here forever and marrying an American citizen.” Charissa felt “lucky that it took me no time get my green card… I wasn't in line with the family petition or anything like that.” The “marriage myth”—that marriage to a U.S. citizen quickly and automatically transfers legal status and thus citizenship—was prevalent throughout the respondents’ interviews (Mercer 2008; Schueths 2012). As I explore in the subsequent empirical chapters, marriage as a pathway to prolong their fluidity and those who lack post-migration social capital have little alternatives to remaining in-status.

As immigrants who experience legal status fluidity, the respondents have many alternative immigrant pathways outside of marriage to a U.S. citizen. The respondents draw from their pre-migration contexts and post-migration contexts to access legal status fluidity. While Patricia was enrolled in an MBA program, she “didn’t put in the effort [in applying for an F1 visa] because I directly applied for the green card [through the H1-B visa].” Even if Patricia lost her job and subsequently her H1-B visa, she has the option of applying for an F-1 visa to remain in status. The respondents highlighted instances where their fluidity was at risk but were ultimately protected by their pre- and post-migration contexts. While Anna was fired from her job as an international student, she quickly found an employer to sponsor her L-1 work visa. After graduating, Crystal worked as a software developer for two years under the STEM OPT extension: “Thankfully being [a] STEM [graduate], I had a lot more time than a lot of other students [to find a job]. So, my main back-up plan was just to use all of that time.” Crystal’s STEM major extended the duration of her immigration status. Aileen complained that while the requirements to receive a green card through her company was tedious, “if you really want [it],

35 The Trump administration has delayed these adjustments of statuses.
36 International students with STEM degrees are offered up to two years of OPT to search for employment.
you can apply on your own for a green card.” As legally fluid immigrants, these respondents were well-suited to navigate distinct immigrant pathways. Mixed-status relationships also provided similar privileges.

Respondents obtained post-migration capital through their mixed-status relationships. While they are not marriage migrants\(^{37}\), their U.S.-based relationships provided a sense of safety and security. Mixed-status marriages provide some legal safety nets (Enriquez 2015; Schueths 2012, 2015), but the respondents naturally gained access to legal status fluidity through their romantic relationships. Charissa met her boyfriend of two years from her previous job. She had already applied for her permanent residency through her EB-1 visa when she became unemployed:

I lost my job from a month ago… Even before my unemployment, before my technical employment ran out, I already filed [for] my green card, but it was stressful. For a couple of weeks, I was just like living in fear. I mean, I was never out of status and I knew that I was like [okay] and my [American] boyfriend was always like, “We can get married.” I never felt that I was gonna get kicked out. But it is deeply unsettling feeling trapped from the country. I kinda want to explore my options but I can’t.

[I had] like extreme privilege that, first of all, I have savings to live on and that I didn’t have to work under the table to make money; that I had a boyfriend that was like, “Yeah, [we can get married].” And I already had my paperwork for my green card and it kind of works for me.

Above, Charissa illustrates how her relationship with her U.S.-born boyfriend gave her legality a potential safety net even if she had no need for it. As employment and familial ties define immigrant pathways (Akresh 2006; Kreisberg 2019), those without high legal status fluidity are left little choice outside of marriage.

The respondents shared anecdotes of immigrant friends and family who could not pursue labor immigrant pathways and remained in-status through marriage. Charissa explained that her

\(^{37}\) Refer to Chapter 6.
Filipino friend, a naturalized U.S. citizen, married her Canadian boyfriend because “he’s been in the US for 10 years and border agents were like, “Oh, you’ve overextended your visa.” Her boyfriend’s brother “married to his [Indian] girlfriend because she needed a green card.” Because of the negative connotations with mixed-status marriages (Enriquez 2015; Pila 2016), “[my boyfriend’s brother and his wife] didn’t tell their families for a year and a half. His mom did not like that, obviously. She was always very suspicious. She was like, “Oh, [my son is] marrying her for the green card.” This motivated Charissa to acquire permanent residency through her own terms:

I didn’t want [my green card] to be a thing like, “Oh, here’s your second son who is now also marrying someone because she needed a green card.” They’re a very liberal family, but that’s the last thing that I need that your second green card marriage especially since they had such a negative reaction to the first one.

Studies on mixed-status marriages acknowledge that without legal status fluidity through family ties and labor pathways, separation from their loved ones is inevitable (Enriquez 2015; Schueths 2019). Anna’s company accepted a merger, which resulted in the firing most of her European co-workers. Her co-worker “has to go back to London and [her boyfriend is] left here. They lived together…[My co-workers] are being deported and had to leave [the country]”. While other respondents shared similar stories of separation, there was no need to rely on marriage pathways due to their legal status fluidity.

While having access legal status fluidity affords them more protection and privilege compared to their counterparts, some respondents highlight how fluidity does not automatically translate to resettlement.

**Pursuing Permanent Residency: Extending Legal Status Fluidity**
Unlike those who immigrated because of their non-spousal and spousal ties\textsuperscript{38}, the motivations of the respondents in this section evolved over time. Initially, most longed to experience living in America for a short time before returning to the Philippines. Their legal fluidity allows them to have the \textit{option of pursuing permanent residency} through labor pathways. Of the five women, two intended to return while three were in the process of obtaining permanent residency. The legally fluid immigrants explored multiple factors prior to resettling in the United States permanently.

\textit{A) Context of Reception: New York}

New York’s reputation as a global city pushed some immigrants to migrate (Foner 2008) but it also motivated legally fluid immigrants to stay. While most Filipinos live on the West Coast (Zong and Batalova 2018), New York’s context of reception, ethnic and cultural diversity, and vibrancy (Kasinitz, Mollenkopf, and Waters 2004) compelled the respondents to resettle. Compared to London, Crystal “always felt like at least being Filipino here is [easier]…People tend to know more Filipinos because there are more Filipinos here.” While Charissa cites Manila as her hometown, New York holds a special place in her heart:

I consider myself more of a New Yorker than an American…And I think it would also be more socially acceptable for me to say [that]. Like when you identify with the city you speak rather than identify with the country because I’m not an American citizen. But I’ve been in New York long enough that I feel like this is home.

Like many immigrants (Song 2010), Charissa felt attached to New York after living in the city for the last four years. Prior to moving to New York, she “didn’t like the US so much is because [my family and I] were always in the West Coast and I thought it was so pretty artificial.”

Without the surveillance of their communities (Espiritu and Wolf 2001), the women felt that they

\textsuperscript{38} \textit{Ibid.}
can fully own their independence. Anna was proud when her “cousin [told me] “Wow, [You’re such a] New Yorker” and reported that when she is out late in Manila, “my parents would rather they pick me up...God knows how they are surviving with me here and they don’t know where I am [at all times].” Patricia welcomed the differences between her hometown and New York: “[Moving to New York] was a big step because in Davao, it was very laid back and everyone knows each other, and the community is very small. When I got here, I was really happy because no one knew who I was…When I got here, [everything] was okay.” In contrast, Aileen has no plans to pursue permanent residency because she “just wanted to try [living in New York]. My visa is extendable for five years [but] I don’t see myself here in the long term.” Their positive and negative perceptions of New York influenced their length of stay.

B) Strong Network of Friends and Family

Post-migration social capital determined whether immigrants extended their legality. Immigrants make decisions on migration not only with economic reasons (Hook and Glick 2020) but also based on their social networks. Most of the respondents have built close ties in their respective communities. For the last six years, Crystal has built a support system: “I met all of my Filipino friends in [college] through a Filipino organization… I still keep in touch with some of them, but [now] I definitely spend like most of my time with my boyfriend and my roommates.” Charissa’s support system of friends, co-workers, roommates, and boyfriend helped her adjust to New York and feel at home. Their ethnic and co-ethnic ties (Wampler, Chávez and Pedraza 2009) in New York also strengthen their determination to settle permanently. Patricia gradually increased her friendships from her multiple jobs, church, and in her graduate program. She explained that while she’s closer to Filipinos, “there are Thai, Japanese, and Korean people
at my other job. My [third] job has a lot of Asians too. In my grad school, it’s more diverse. I’m getting close to [people] there too because lately, we go home together.” At her church, “there are a lot of Filipinos, probably around 30 percent [of the congregants]. So, it feels like you’re at church in the Philippines.” Anna visited her extended family in New Jersey for *Flores de Mayo* and housewarming parties. While a majority of her friends are Filipino and Filipino Americans, she gained British friends from work, and had dated a white man previously. Respondents with relatives nearby had a higher propensity to resettle.

Those with weaker social ties in New York held little reason to stay. For Aileen, building community was more challenging. When asked about her friends, Aileen struggled to answer:

**Interviewer:** When you think about your friends here, what’s their racial breakdown?
**Aileen:** Friends here in the US?
**Interviewer:** Yes, in the US.
**Aileen:** Usually I know white people…You mean my friends who are foreigners and Filipino, right?
**Interviewer:** Yes, like that.
**Aileen:** Ah, that’s really hard [to answer]. Outside of my work, I only know Filipinos. But with my officemates, it’s more mixed and not necessarily all Americans either. They’re from everywhere, really.
**Interviewer:** How did you meet other Filipinos? I mean, do you have relatives here?
**Aileen:** I don’t have any [relatives here]. It’s just me… Everyone I know [who’s Filipino] is a friend of a friend. My company’s relocation counselor recommended that I join Filipino organizations. That’s why I joined [an org] because sometimes, those friends aren’t here. I feel the most safe [there], like if the atmosphere is more *Pinoy*. I felt that meeting with other *Pinoys* was the safest compared to meeting people from other races.

Unlike the other respondents, Aileen lacked a support system in the New York-New Jersey area, Filipino or otherwise. She rarely spent time with coworkers, neighbors, or romantic partner and her social life primarily consisted of virtual interactions with her family in the Philippines.

Thanks to online communication (Cabalquinto 2018; Uy-Tioco and Cabalquinto 2020), she spoke regularly with her parents once a week and her three siblings nearly every day. During the

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39 A month-long festival held in the month of May in honor of the Blessed Virgin Mary.
40 Another way to say “Filipino.”
interview, she repeatedly cited her closeness to her parents and her siblings. For those who are closer to their families abroad, returning to the Philippines was a higher priority.

C) Planning for the Future: Children and Family

The respondents’ ideals of marriage and family shaped their decision to stay or leave the Greater New York metropolitan area. The interdependent nature of Filipino families and the expectation of obedience of adult children to their parents (Alampay 2013) also meant that parents’ preferences were taken into consideration. While Patricia enjoys living in New York “my mom was really mad at me [and] she wants me to go home…She said, “Just because you went to New York, you don’t want to go home anymore?” So, all of last year, we just kept fighting.” Anna brought up her tight-knit family several times during the interview and connect with them through Facebook Messenger or Viber. Natural disasters back home, such as Typhoon Haiyan, also worried Anna: “My feeling is what OFWs feel: you understand logically that [the disasters] are far, but you’re still worried about it affecting [your family].” The respondents’ families overseas have no intention of immigrating due to their upper-middle class status. Their families’ high social status and established careers leave them little incentive to migrate (Feliciano 2005). As a result, Anna constantly feels the pressure to return to the Philippines:

[My parents] want me to go home. In fact, when my mom found a job at [a multimedia company] that just came out. She wants me to go home already. I mean I can say no, but definitely if she would get me to stay [and if] she finds a way, she will do it. She doesn’t like that I’m here… When a friend asked her “Hey, is Anna [staying] in New York?”, my mom said “No, she’s going home.” I have no voice in that situation.

Respondents who received pressure to return from their families found it difficult to justify staying.

41 Overseas Filipino Workers
Despite being legally fluid, other respondents felt compelled to return due to their child-rearing plans. The multiple-generation household arrangement and close proximity of relatives (Root 2005: 320) means that Filipino children are raised with a large extended family with no separation between kinship ties (e.g. first cousin versus second cousin). Crystal is unsure if she will stay long-term in the US due to her reluctance to raise children outside of the Philippines:

One of the big things too is I just can't imagine having a family here and having American children. [It’s] still very far away for me but I would find that really weird…Thankfully, I'm not feeling any pressure but it's just the idea, like. I don't know…It's like that upbringing and that closeness to your [Filipino] family is very, it's not shared here. I grew up with like twenty of my cousins like it's a huge family…It's only at twenty because all of my other cousins were too old already. We had like two generations cousins of my family.

Crystal’s fond childhood memories with her extended family dissuades her from moving permanently to the United States. Filipinos also rely on their extended kin for childcare assistance (Root 2005; Alampay 2013). Like Crystal, Anna also wants to raise her future children in Manila. She disagrees with the constant standardized testing in American schools and “you have to be dependent on strangers\textsuperscript{42} to take care of your children [in the US]…I don’t want them to grow up separate from my family.” Anna and Crystal’s ideas of childrearing and close family ties in the Philippines discourage them from pursuing permanent residency.

\textit{D) Managing Financial Freedom VS Responsibilities}

Financial freedom and responsibilities determined whether respondents stayed or returned to the Philippines. Specifically, the remittance behavior of overseas highly skilled Filipino workers and the economic needs of their families (Gutierrez 2018; Siar 2011) affected decisions on their legality. All five respondents have legal status fluidity to transition into permanent residency, but their pre-migration contexts determined their fluidity. Aileen as the

\textsuperscript{42} Philippine upper middle-class families hire live-in nannies or \textit{yayas} to raise the children.
breadwinner in her family constantly considers her family’s well-being in her decision-making:

We talk about what happens on the news and what they want me to buy for them. I’m going home for Thanksgiving until January 1. I don’t send them regular [remittances]. I save up [what is left of my salary]. I left my ATM [card] with them, so all of their spending is there, and they also have a credit card. I’m the one who pays it from here. They use [the money] for expenses with the house, electricity, groceries, things like that…

Her financial responsibilities forced her to prioritize her family’s economic stability over all else: the high cost and bureaucratic difficulty of extending her legality highly discouraged Aileen. To be sponsored for a green card in her company, “You have to be a high level and our [company] president has to sponsor you. It has to be a special case if you really want it or you can apply on your own for a green card.” Unlike Charissa who received a significant discount from her lawyer friend, Aileen would have to pay a flat fee of $8,000 to $10,000 to apply for permanent residency. Since she moved to the U.S. through her employer, Aileen lacked the pre-migration social capital to other opportunities for fluidity. After assessing the potential opportunity costs, her position as the family breadwinner incentivized her to either “move back home” or move to a closer country (“Thailand or Hong Kong”) at the end of her five-year work contract.

In contrast, the other respondents were free of the financial responsibilities and thus had the freedom to pursue their careers. Their pre-migration contexts were key in their decision-making. Financial responsibilities with family were rarely brought up by the respondents. While Charissa’s roommates “send money back home because they wanted to support their siblings”, her parents “are always going to another country [and] they always tell me to join them.” Patricia discussed her frequent travels with her childless aunts who “were [both] nurses and had big salaries.” Her undocumented friends “send [remittances]. That’s the most important thing, to at least send their sibling to school” but “for me, I’m just earning [money]. I’m enjoying life. I can buy these shoes and this bag.” Their families’ upper-middle class positions also freed them from
current and future childcare and elderly responsibilities (Parreñas 2002; Varona, Saito, Takahashi, and Kai 2007). Anna explained that rather than extending her work visa, it was “my responsibility to take what I’ve learned [in the US] and bring it home and apply it there… If there’s work [there], I’ll go back home.” While the respondents had agency in extending their fluidities, their pre-migration contexts were an important determinant to their pursuits.

5) Perceived Discrimination by US Immigration System

The respondents’ post-migration experiences in the U.S. immigration system shaped their decisions with their legality. That is, those who felt restricted by their current legal status were discouraged from extending their stay. The bureaucracy of the U.S. immigration system meant the respondents encountered separations from their families abroad despite their documented status (Dreby 2015). Their legality did not protect them from experiencing the same family separation that undocumented immigrants undergo (Gubernskaya and Dreby 2017). Anna’s legal precarity as a work visa holder prevented her from visiting her relatives:

My student visa expired [after two years] and though even if I was on OPT, I couldn’t return to [the US before I got a work visa]. My parents were like “Don’t risk it, you should stay there.” That was hard especially because within that time, [my nephew] was born. So, I really wanted to go home. But my parents were like “You can’t, you can’t afford [the risk].” My parents were really worried because if I went home, I wouldn’t get my new F1 [visa]. You know how you can renew it, right? They were really scared that if I go home then “What if you don’t get [the new one]? What are you going to do? Your work is there, your life is there.” I was like “Okay, I won’t go home, fine. Please call me every day. Show me the kid.”

Anna missed the birth of her nephew due to her fear of not being able to return to the US. The overt racial overtones in U.S. immigration policy are inextricable from the respondent’s perceptions of their legality. Charissa explained that while she’s an immigrant, “I don't have the same privileges as, let’s say, a British immigrant because I can’t change my skin tone, I can’t
change how I look…If I’m from Syria, then obviously my life wouldn’t be as privileged as it is now.” The racialization of documented legal status (Gowayed 2020) gave them the perception of legal instability and precarity despite their fluidity (Goldring, Berinstein, and Bernhard 2009; Goldring and Landolt 2011).

The neocolonial relationship connection between the two countries also failed to protect non-U.S.-citizen Filipinos from their legal precarity (Baldoz 2011). The subordinate relationship between the Philippines and the US places Filipinos in an unequal relationship in terms of legal status. As a Philippine citizen, she has “a hard time getting a visa [and] have a hard time traveling to and from the US…I can't enter the green card lottery. There's so many things going against me.” As a result, she rationalizes the temporality of her stay because she “had never harbored any ideas of moving away from [the Philippines]. I wanted to go and study and I don’t want to permanently settle.” Filipinos without permanent residency are advised by their community and lawyers to forego important events such as funerals and celebrations in their home country (Fresnoza-Flot 2018). Prior to receiving her green card approval, Charissa was invited to a friend’s wedding in Cancun but “my lawyer [was] like “Don’t leave the country…I have so many Filipino friends and everybody’s just like, “Yeah, I cancelled this trip [because of my legal status].” And even if they have US citizenship, they still bring all the documents.” The respondents’ brought up their legal status limitations (Hwang and Parreñas 2010) in relation to other immigrants. Patricia was surprised at how her Japanese co-worker was not afraid to return to their home countries. For Filipinos, “we always have to be very careful. But it’s like for them, it’s not a big deal, it’s okay to go home. [My coworker] said that his grandfather was sick and there was a long break. So even without a green card, [they went home]. But for us, “Huh, are you sure you’re gonna go home?” Patricia compared her experience and “[i]t feels like for
Japanese, Koreans, they get their papers really quickly. Like for me, my Korean coworker already got their [green card]. I got my finger printing and my EAD card first. They were one or two months after me.” Their impression of the treatment of Filipinos informed their fluidity pursuits. Aileen pointed out that unlike other nationalities, Filipinos “need[s] a lot of requirements or something… It sounds so complicated.” While Aileen brought her sister to her previous relocations, she plans to “just go back to the Philippines.” Respondents with negative experiences within the U.S. immigration system concluded that leaving the country and giving up fluidity were the better option in the long run.

Charissa’s case is the epitome of legal status fluidity. She successfully transitioned her legal status from international student to work visa holder to permanent residency. Charissa was “lucky that it took me no time get my Green Card… For me, it doesn’t matter if it’s just gathering evidence and I wasn't in line with the family petition or anything like that.” I argue above that Charissa and the other respondents became legally fluid not through luck but through their pre- and post-migration contexts. This chapter explored Filipinos who gained legal status fluidity through labor market and educational immigrant pathways. A number of factors advantaged the respondents in their fluidity. First, their pre-migration financial capital gave them access to their first point of entry and extended their fluidity. Pre-migration social and cultural capital lessened the burden of immigration through direct (i.e. housing) and indirect (i.e. easier access to future visas) ways. Finally, the neocolonial history between the two countries provided the respondents a smooth transition into American workplaces and schools. Their familiarity with the American education system influenced their country of choice over other countries. Their post-migration social and cultural capital gave them access into highly skilled labor markets where English fluency was integral. This also translated to employment opportunities
outside of their ethnic communities and provided legal status fluidity. Respondents were highly legally fluid based on their pre- and post-migration contexts and had no need to rely on marriage immigrant pathways. Instead, their pursuits to permanent residency were shaped by a multitude of factors: their context of reception in New York, their social ties, ideas about family and child-rearing, financial responsibilities and freedom, and perceived discrimination by the U.S. immigration system.
CHAPTER 6: LEGAL STATUS FLUIDITY THROUGH NON-SPOUSAL FAMILY AND SPOUSES

Nicole’s maternal grandfather served in the U.S. military during World War II and immigrated through the Immigration Act of 1990\textsuperscript{43} (Gonzalves 1995). Thanks to her grandfather’s service, Nicole and her mother arrived in New York as permanent residents after waiting for twenty years. By this time, her older siblings aged out of their petition and were unable to migrate. In contrast, Mark immigrated through Jaime, his U.S.-citizen wife. They applied for his fiancé visa in the Philippines and after a year, they moved to New York. Mark, a conditional permanent resident, was still waiting for his work authorization when he arrived. In this chapter, I turn to two groups of Filipino respondents who gained their legal status fluidity through their families. I argue that there are two types of family-based fluidity: spousal and non-spousal\textsuperscript{44}. On the surface, there is little difference between the two types. Both are entitled to similar rights and privileges as permanent residents and conditional permanent residents. U.S. immigration policies’ definition of “family” however shaped their experiences with legality distinctly. In the next section, I highlight the similarities and differences between the two groups’ pre-migration contexts in social capital and highlight how the consequences of spousal-fluidity vary from non-spousal fluidity.

Similarities of non-spousal and spousal fluidity

Since the respondents gained legal status fluidity through their pre-migration social capital, their fluidity was detached from their pre-migration financial capital. Unlike immigrants utilizing labor or educational migration pathways (Kreisberg 2019), the respondents’ access to

\textsuperscript{43} The Act introduced a clause for the 250,000 Filipino World War II veterans to receive the right to acquire US citizenship

\textsuperscript{44} Nine respondents became legally fluid through their non-spousal relatives such as an aunt, a grandparent, or a parent. Another eleven gained their legal status fluidity through their spouses.
pre-migration financial capital was mixed. They hailed from different socioeconomic statuses and varied educational attainment levels. Their pre-migration occupations and careers were independent to the highly skilled labor market. The U.S. prioritizes the labor of highly skilled workers (Nohl, Schittenhelm, Schmidtke, and Weiss 2014) as opposed to low-skilled workers and awards legal status fluidity as such. Since their fluidity was through their families, these alternative pathways were non-essential. While most respondents were college graduates, their access to pre-migration social capital superseded this requirement with regards to their legal status fluidity.

Similar to the respondents’ pre-migration financial capital, their legal status fluidity was autonomous from their pre-migration cultural competency. The respondents had little need to rely on other pathways such as labor and education (Kreisberg 2019; Nohl, Schittenhelm, Schmidtke, and Weiss 2014), so their exposure to American culture varied greatly. Their English language fluency was not a determinant of their legal status fluidity. While English language fluency can open certain immigrant pathways (Akresh 2006), there was little connection between their English fluency and their fluidity. For this group, access to social capital, not financial capital, was key to maintaining legal status fluidity. The familial relationship—non-spousal versus spousal—sharply defined their experiences with legal status fluidity.

**Pre-Migration Social Capital: Non-Spousal Family Petitions and Permanent Residency**

Respondents who received their permanent residency from their families abroad arrived as legal permanent residents. This provided a distinct migration experience to those who arrived with legally precarious statuses (Goldring, Berinstein, and Bernhard 2009; Goldring and Landolt 2011). While permanent residents as non-citizens are still deportable (Morewetz 2000) and have steadily lost rights to public benefits thanks to PROWORA (Dinan 2005), they still maintain the
right to work and remain in the United States for an indefinite period of time. Outside of a few restrictions in employment, travel, and voting (U.S. Department of Homeland and Security 2016), permanent residents and native-born citizens share similar rights and privileges. As a result, the respondents rarely brought up issues related to their legal status. When Mika, 25, reunited with her parents, she “didn’t do anything but Netflix, eat, baking for four months…It took me four months to get [a job in New York].” Since Mika arrived as a permanent resident, her right to stay was not deterred by her unemployment. International students in contrast cannot stay in the US without full-time study (U.S. Department of State 2020a). While other migrants experienced downward mobility with their careers after they immigrated (Gans 2009), the respondents’ migration led to improved work prospects. Both Louisa and Nicole found work shortly after arrival. In contrast to DACAmented youth (Gonzales, Terriquez, and Ruszczyk 2014) and other precariously legal immigrants (Goldring and Landolt 2011; Wyss 2019), the respondents’ pre-migration social capital made for a smooth transition into American society in other ways as well.

Arriving as permanent residents and having no experiences of prior legal statuses shielded the respondents from negative experiences with the U.S. immigration system. While the Trump administration has increased restrictions on admittance and travel bans (Pierce and Selee 2017), the respondents’ pre-migration social capital allowed them to bypass these issues. Rommel recounted his first few weeks in New Jersey of casually “waiting for my ID’s, my [social security] numbers.” He explained his naturalization process as “only taking one year.” Adam’s naturalization took “seven to eight months [but naturalizing usually] takes six months or so.” In contrast to others whose lives are stalled due to immigration bureaucracy (Benson 2002), the respondents’ professional and personal lives post-migration were uninterrupted during their
fluidity. Most worked or enrolled in schools soon after their arrival. Nicole noted that “compared to others, I'm really lucky [that my immigration experience] was easy.” Louisa also explained that “everyone is trying to find a way [to stay], even to become TNT’s⁴⁵, they chose to do that. For me, my mom gave me [my legal status].” Arriving as permanent residents provided a distinct immigration experience compared to their documented and undocumented counterparts.

Indirect Benefits of Pre-migration Social Capital

Respondents with high pre-migration social capital gained access to social support and free housing through their community ties. Newly arrived immigrants historically rely on community support during the early stages of their migration (Guevarra 2009; Parreñas 2001). Jose and his sister lived in a condo their father bought for them. Both Nicole and Mika lived rent-free with relatives for a year. Louisa lived with her mother for two years and moved to her aunt’s house in Queens at a deeply discounted rate. The respondents also directly benefited from their high social capital in their labor market pursuits. Relatives who migrated prior gained insights and access to American labor market opportunities (Paul 2013; Rodriguez 2016). For some, this meant receiving referrals and direct employment. Thirty-year old Geraldine gained her legal status fluidity through her father and immigrated as a fresh college graduate. Her first job was with her uncle’s environmental company where she “analyze[d] the business’s water standard compliance” for two years. Jose, a US citizen through his father, moved to New Jersey from Manila to follow his sister. He started his first job because “my sister’s workplace had an opening. They gave [her] a promotion and then they hired me.” For others, pre-migration social capital meant receiving tips to enter the unknown labor market (Paul 2013). When Rommel

⁴⁵ Term for undocumented Filipinos
moved to New Jersey, his father advised him to “you need to make money [so you] need local experience. That’s important here… He told me, “Don’t be picky” and get any kind of jobs. So, I applied for everything and I got approved [to work at] Sam’s Club.” The respondents benefited from their relatives’ social capital.

The respondents’ experiences with legality above seem to suggest a seamless transition into American society. Their fluidity and their experiences however came with a high price-tag in the form of family separation and dysfunction.

**The Price of Pre-Migration Social Capital: Non-Spousal Family**

1) *Prolonged Family Separation Through Family-Based Petitions*

Access to pre-migration social capital meant extended family separation for the respondents due to immigration caps (Gubernskaya and Dreby 2018). While immediate relatives (defined as spouse, unmarried children under 21 years old, and parents of the sponsor) are exempt from the restriction, the Immigration Act of 1990 set the numbers of visas available for non-immediate relatives to 480,000. Each country is limited to only 26,000 visas without regard for the population of each country (Chishti and Yale-Loehr 2016). For example, the Philippines, a country with 104 million people, has the same cap as Malta which has a population of 460,000. As a result, the non-nuclear family petition processing for Filipinos can take anywhere from 15 (e.g. unmarried children of U.S. citizens) to 24 years (e.g. siblings of U.S. citizens). For the nine respondents, the average length of separation between the sponsor and their families was 8.3 years with a range of zero to twenty-three years of separation. The length of separation was dependent on the familial ties of the relatives, nuclear versus non-nuclear, as determined by U.S. Citizenship and Immigration Services (US Citizenship and Immigration Services 2018). For
example, it took twenty-three years for Mika’s aunt to sponsor Mika and her parents (non-nuclear ties). In contrast, Medel received his permanent residency through his mother and was not separated from her during the process (nuclear ties). Enchautegui and Menjívar (2015:8) further explained that “the priority assigned to them that immigration law foments the idea of the nuclear family as the compass to structure family-based immigration, which could differ from how immigrants see their family units”. Some parent-and-children were separated due to their initial lack of legal status fluidity. Rommel’s father became undocumented. By the time he regularized his status through his U.S.-born daughter and finally returned home, nearly two decades of separation had passed. In general, outside of the annual visits, the respondents’ and their sponsoring relatives were separated.

Several factors contributed to these separations. Tourist visas are a potential solution to the long-term separation, but it is difficult for petitioned immigrants to receive an additional visa. Since U.S. tourist visa applicants must establish that they do not have an “immigrant intent” of relocation (Walfish 2003), immigrants under family petitions (“intend to immigrate”) cannot apply for temporary visas. Immigrant petitioners are advised to stay in the U.S. by family and their legal counsel and to limit overseas trips as it may affect the decisions of their petitions (Ezer 2006; Menjívar and Lakhani 2016). The high financial cost of immigrant petitions also holds back many from visiting their relatives abroad (Cohen 2000). An estimated 25% of tourist visa applications from the Philippines are rejected annually. The sponsoring relatives generally do not only remit their earnings to their families but also pay for their own living costs in the U.S. (Hatch 2007). Additional expenses such as international calls, family emergencies, and job loss exacerbate immigrant families’ financial precarity. Family reunification after migration

46 https://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/refusalratelanguage%20.pdf
(“separation of parents and children”) is delayed by “legal and economic constraints…either by limiting parental return visits to the origin household or by limiting children’s ability to join parents in the destination” (Van Hook and Glick 2020: 234). Bianca’s father had to bring his family separately due to these financial costs:

So, my dad came to America when we were all very young and then I think when I was seven, he took my brother with him. I think he was able to take all of us, but he wasn't ready yet. He wanted to save up more [money] so he just took my older brother. And then finally, when I was I think 10, he took my mom...And then a year later, [my two brothers and I] all came here.

To save money, Bianca’s father initially only took his son to the US. As a result, Bianca was separated from both her older brother and father for seven years:

It kind of felt like I grew up without a dad 'cause by the time we were together [when I was eleven], I didn't really see him as much because he was working all the time. And then I was already becoming a teenager, so I was already in my own head [nervous laughter].

The financial precarity continued the separation post-migration. Despite immigrants’ access to legal status fluidity, these institutional and structural barriers extended family separation for non-spousal family-based petitions. Relatives ineligible for petitions also experienced prolonged family separation.

2) Prolonged Fluidity Through Aging Out

Mixed-status families were separated from their immediate family members through “aging out.” Children under petition age out when a) they turn twenty-one years old or b) when they marry: both circumstances make them ineligible for immediate family sponsorship under American immigration law (Hwang and Parreñas 2010; Pryor 2012). They are syphoned into a different immigration category, “adult children of legal permanent residents”, and experience more years of backlog (Hatch 2012). In contrast to Latino immigrants, the increase in border
enforcement in the 1990s and early 2000s and subsequent increases in detention and deportations (Dreby 2010, 2015; Hamilton and Hale 2016) did not lead to family separation for non-Latinos. Instead, U.S. family reunification policies drive the separation of Filipino families. For example, Mika’s aunt immigrated to the United States and sponsored Mika’s mother and her family. Mika and her parents obtained their legal status fluidity after twenty-three years, but her two older siblings aged out and were moved to a different immigration category. While the siblings have access to legal status fluidity via through their parents, aging out meant enduring family separation for an uncertain period of time.

In instances where aged-out children were eligible for petitions, bureaucratic delays and financial barriers extended separation. Aged out relatives, particularly adult children, were left behind in the Philippines (Pryor 2012). Mika summarized her parents’ difficulties of sponsoring their two adult children:

My brother is five years older and my sister is ten years older. So, it’s not clear [if they can be sponsored]. But I think [my parents] are fighting for their case using the Child Protection Act, something like that. I think you have to spend a lot of money.47 I think my brother can still [be sponsored] because he’s not married yet. But my sister is already married with a family. I think it’s harder [for her]… [My parents are] petitioning my brother since you can only petition when you’re a green card [holder] and you’re not married. But my sister has to wait until [my parents are] citizens, which is in two years.

Provided that Mika’s thirty-year old brother avoids marriage, he will receive his permanent residency48 after an estimated twelve years. In comparison, Mika’s thirty-five-year-old married sister is ineligible for sponsorship due to her marital status. The prohibitive cost of the petitions begins at $1,200 due to several governments fees in filing, affidavit of support, and medical examinations without legal counsel (U.S. Department of State 2020). Ironically, naturalizing as

47 Estimated cost to petition an aged out child?
US citizens would further delay the process (Collins 2017). Naturalizing would allow her parents to sponsor both of their aged-out children but as of April 2019, their family would have to wait an additional twenty-three years. Mika does not exaggerate when she counts herself as “lucky” to be included in her aunt’s petition. Louisa’s mother “could only petition my older brother and me and my twin because we were under 21” so her five other siblings aged out of the petition. These bureaucratic delays for mixed-status families also do not take into account individual circumstances.

U.S. immigration policy applied the delays in family reunification uniformly regardless of each individual family’s case. Nicole’s two siblings aged out while Nicole and her mother obtained their permanent residency. Unable to immigrate to the U.S., Nicole’s sister works in Singapore. Nicole’s brother meanwhile suffers from cerebral palsy, which is especially taxing on their transnational family:

My mom [takes care of my brother] which is why she’s mostly in the Philippines. And then we have like a dedicated nurse [for him]...He can’t walk, you have to really stick to him and remain focused on him. He[’s been in] school for special children for a long time. I think it’s considered like grade school.

By law, Nicole’s mother’s permanent residency limits her overseas visits to six months (Kerwin 2000). Even if Nicole’s brother has legal status fluidity through his mother, his age (older than 21 years old) meant that it will still take a minimum ten years before he can immigrate. While the US continues to follow a family-based immigration policy compared to other immigrant-receiving countries (Akbari and MacDonald 2014), the respondents’ narratives of family reunification illustrated continued family separation (Hwang and Parreñas 2010). The other byproduct of extended family separation was the cultivation of feelings of abandonment and resentment.

3) Unresolved childhood feelings of abandonment and resentment

For many of the respondents, the extended family separation shaped the perception of their relatives’ care and affection. Both the petitioner and the sponsored relative have to navigate the “interaction between the rifts created by migration, traumatization and prolonged separation” (Rousseau, Rufagari, Bagilishya, and Measahm 2004: 1106). While family separation is commonplace in the Philippines due to its history of migration and overseas work (Rodriguez 2010), the respondents perceived this separation as their absent parent’s choice. Since the immigrant parents’ legal status fluidity is determined by factors outside of their individual control, family reunification did not resolve the childhood feelings of abandonment and resentment (Abrego 2014; De Leon 2009; Hatch 2007; Phoenix 2010). Rommel knew his father only by his monthly calls and pictures: “’Cause my dad just called me [once a month when I was in the Philippines]…Back then, there's no wifi, there's no internet, there's no Skype. The only memory I have that I see him is when, my dad and my mom were fighting.” After nearly twenty-years of separation, Rommel and his sister moved to New Jersey through their father’s petition. Rommel was filled with apprehension and anxiety reuniting with his father and the introduction of his father’s new stepfamily:

When I moved here…Yeah it's a mixed emotion, [I was] excited and nervous. I was nervous because I haven't spent time with my dad, or spent time with my stepsister, and my stepmom. So that, I don't know them. [I’m] excited because I'm in a different county and also, it's an opportunity for me to spend time with my dad. So, I give myself a chance to experience having a dad…That's what I felt. 'Cause my dad was always abroad, like in Asia and Middle East, and then we moved here, that's the first time we lived together. I was like, "Who's this guy? Why is he telling me to wash the dishes?"

After years of feeling fatherless, Rommel was conflicted by his father’s parenting attempts.

When immigrant parents attempted to recreate traditional parent-child dynamics post-migration
(Bragg and Wong 2015; Fresnoza-Flot 2015), the adult children responded with hostility.

Rommel’s sister “was older when [our father] left. She has a memory of our father [and] she got affected emotionally when we moved here.” When Rommel’s sister was caught smoking a few months later, their father told her to stop or to “get out of my house.” She bought a ticket to California to live with their grandparents and “until now, [my father and my sister] don’t talk. [They’re still] fighting.” These long family separations permeated into the family’s contemporary way of living (De Leon 2009; Enchautegui and Menjivar 2015; Phoenix 2010).

Louisa saw her mother once a year and communicated on Skype constantly but her mother “wasn’t there [and we] leaned on our older sisters [growing up].” When Louisa migrated, she argued constantly with her mother:

> When I arrived here, I kept fighting with and talking back to her because I was angry. Like, “it’s not my choice [to immigrate].” I kept fighting with and talking back to her because I was angry. [My mom] didn’t want me to go out because of course, I was still new [to the country] and I was also a woman. I was like “I have my own life…I’m already old enough, why are you stopping me from going out?”

> I kept reminding myself that everything she did…It was a huge sacrifice for her to [be away from our] family and she’s tried to recover her relationship with me and my twin. I was used to not having her in my life. That’s why I really had to adjust when I moved here. But she also had to adjust with me, I think. She realized “Uy, my child is already an adult.” She needed to learn.

Even though Louisa intellectually understood that her mother chose to migrate for her benefit, it was still difficult to erase her childhood resentment. The years of separation between them created tension and conflict well into her adulthood. Louisa’s legal status fluidity came at the price of her childhood with her mother. Financial needs after reunification also exacerbated these issues.

> Family reunification increased the financial burdens on immigrant families. The increased costs of raising a family post-reunification often surprised immigrant parents. These can come in the form of relocation costs, clothing, school supplies, after-school programs, social
events, healthcare, and many more (Sime and Fox 2015). While a single income would have sufficed prior, these added financial responsibilities often forced less-affluent families to work more hours. Many respondents looked forward to getting to know their long-separated relative only to be met by their relatives’ extended work. After moving to Chicago, Bianca has few memories of spending time with her family:

My dad worked during the day and then my mom had night shifts so there was always someone at home. I mean we spend time together, but I don't think we were really close, like I could tell them what was bothering me or something…I kind of wish that I was more open with them before [when I was younger] 'cause now it's getting a little hard like-- It's hard to start now. I wish they knew more about that or they knew more of what I [was] actually like.

Both of Bianca’s parents worked multiple jobs out of financial necessity after family reunification (Bacallao and Smokowski 2007; Bernhard, Landolt, and Goldring 2009; Fresnoza-Flot 2015). Even though the migration benefited Bianca’s overall wellbeing, it came at the cost of intimacy and closeness with her family. She lamented the difficulty of disclosing her feelings and hardships as an adult. Adam, 31, described one of his few memories of spending time with his father and siblings: “My dad would drive [us to school] so we would wake up early, at like six or something. I would sleep [in the car].” After school, their father would pick them up and they slept on the way home. While parent-child disputes are inevitable, the long family separation created fissures from the respondents’ childhood and failed to heal in adulthood.

The narratives above showcase how legal status fluidity through pre-migration social capital came with a high price. Much like how immigration policies created illegality (De Genova 2002), immigration policies also facilitated family separation through bureaucratic delays and relatives who aged out of family petitions. Financial precarity and instability further exacerbated these separations both in the Philippines and in the United States. These extended family separations set the stage for years’ worth of resentment, isolation, hostility, and
dysfunction in immigrant families. Despite having access to legal status fluidity, respondents paid a toll in the form of their relationships and familial closeness. Family reunification did not mend the decades of separation.

The next section turns to respondents who gained legal status fluidity through their spouses. Unlike the respondents from the previous section, the following respondents were exempted from the immigration caps. Since spouses count as immediate relatives under the Immigration Act of 1990, marriage migrants’ petitions were generally processed from one to three years (Leiden and Neal 1990). While they still faced the bureaucracy of proving the authenticity of their marriage, the respondents did not endure extended family separation from their U.S.-citizen spouses. In contrast, they encountered legal status issues rooted in their conditional status, lack of a green card, and financial instability in unemployment. Later, I explore how their legal status fluidity pathways provided separate hardships and issues in their interracial and international marriages.

Pre-Migration Social Capital, Spousal Family: Bureaucratic Delays and Employment issues for Conditional Permanent Residents

In contrast to the previous section, these respondents arrived as conditional permanent residents. Prior to 1986, both immigrant spouses to U.S.-citizens and non-spousal family were awarded permanent residency after their petition approval (Anderson 1993). Heightened fears on marriage fraud lead to the 1986 Immigration Marriage Fraud Amendments, which changed the formers’ statuses to “conditional permanent residency” and increased restrictions on immigrant spouses and financial burden on their native-born spouses (Chetrit 2011) While there is little legal difference between conditional permanent residents and permanent residents (U.S. Citizenship and Immigration Services 2018a), those with the former must apply to have their “conditions” removed after two years of marriage. The respondents gained legal status fluidity
but faced legal status issues upon arrival due to the conditionality of their status. Twenty-six-year-old Gina moved to New Jersey with her husband and wanted to continue her nursing training at a local hospital. Her employer accepted her work authorization card but kept requesting for her green card\(^50\): “Until now, they haven’t delivered my green card yet. I got approved [six months ago] but until now, they haven’t delivered it yet because it got stolen in the mail.” Similarly, other respondents faced bureaucratic delays that affected their employment. Even though conditional permanent residents are legally allowed to work with only an employment authorization card, heightened immigrant enforcement (Aranda, Menjívar, and Donato 2014) pushed their employers to request for additional documentation. Thirty-year old Sharon received a job offer but the employers’ rescinded their offer “once they saw my EAD card. It was illegal but they told me that once I got my green card, they could hire me.” Most of the respondents highlighted their financial precarity because they lacked a “green card” to show to employers. These documentation requests also affected the employment of highly skilled respondents.

In theory, spouses with highly specialized skills should have better access to the labor market. Since highly skilled immigrant spouses are ineligible to take labor immigrant pathways (Hwang and Parreñas 2010), they have to endure the year-long waits for their paperwork after migration. Thirty-year old Rhacel adjusted her conditional permanent residency and “for a year, I couldn’t find work [in] IT… I could only find work after I got my EAD\(^51\).” She lamented that hiring managers assumed that “if you don’t have a green card, you don’t have papers.” Desiree found it difficult to find work soon after her arrival:

When I was in the Philippines, I was proud to say I graduated from [a highly ranked Philippine university]. Since I was in HR, the top companies and multi-national companies

\(^{50}\) Colloquial term for “permanent residency”

\(^{51}\) Employment Authorization Document
preferred graduates [from my university]. Other people would be surprised when I told them [my alma mater]. “Wow you graduated from [her university]”, like that. But when I moved here, it all went away. “Oh, what’s [your university]?"

Like many highly skilled immigrants, Desiree experienced downward mobility from her migration (Gans 2009) but her conditional status elongated her instability. Mark, 27, received his work permit after four months from his arrival. He was unable to find work without his green card: “I arrived here [eight months ago] and [my wife and I] both wanted me to work because it’s expensive here and [we have] lots of expenses.” Despite having years of experience as a programmer, his lack of a green card made employers reluctant to interview him. As a result of these employment issues, the respondents experienced mental health issues, guilt and shame for being unable to financially contribute to their marriages.

The respondents connected their mental health struggles to their unemployment. Immigrants have higher rates of stress, depression, and anxiety when in legally precarious statuses (Gonzales, Suárez-Orozco, and Dedios-Sanguineti 2013) but more so the case for the married respondents. Unable to work, Sharon took care of her newborn at home with no social support, rarely leaving their apartment. She received her conditional permanent residency after a year, but she was “extremely depressed because I haven’t worked in how many months. I wasn’t doing anything [at home].” Rather than highlighting the institutional roots of their unemployment (Gentsch and Massey 2011), some respondents blamed themselves for their financial instability. Prior to her marriage, April was on a student visa and wanted to move out of her current housing situation with her verbally abusive roommates. While she had a graduate student stipend, it was not enough to cover any additional moving costs or “to pay for a flight back to [home].” The continued verbal abuse decreased her mental health. Mark had his work permit and employment authorization documents but could not find an employer willing to hire him. Visibly stressed and ashamed, he “wanted to work because we’re not financially stable so I
need to work.” Their legal status pathway also affected their movement.

The lack of a green card and financial insecurity meant travel difficulties for the respondents. While they did not fear domestic travel (Chacko and Price 2020), international travel was a different story. While the respondents should be able to travel internationally as conditional permanent residents, immigrant enforcement targeting undocumented immigrants (Satzewich 2014) discouraged travel for them as well. The respondents avoided international travel to prevent dealing with immigration authorities at ports of entry. Rhacel was a conditional permanent resident while her son and her husband were both U.S. citizens. When Trump was elected President, she worried that if she and her family returned to the Philippines, “I could be detained there…But [my son and my husband] could leave and I’d be left behind. What kind of life could I live there?” Implied was the fear of being denied entry into American soil by gatekeepers despite their documented status (Aranda, Menjívar, and Donato 2014; Manns 2006).

The prohibitive cost of flights also discouraged many respondents from visiting. Sharon, 30, has postponed traveling internationally: “I haven’t been back home [in three years]. In the beginning, it was because I didn’t have employment authorization and I didn’t have any travel documents. After [I got my conditional permanent residency], it was too expensive.” Many expressed their resentment about being unable to visit their families and missing family events and emergencies. Justine, 24, had to wait for her parents’ annual visit to New York while she adjusted her status. Rod Allen has not seen his family for the last three years. He defeatedly admitted that “sometimes, I want to go back home.” The stress from dealing with immigration authorities and financial strain of the flights dually contributed to the respondents’ limited international travel.

While both men and women experienced the issues above, their narratives differed in how they perceived their legal status pathway. Below, I cite key differences in how men and
women made sense of their marriage migration. The themes of family, power, and career were prevalent in conversations with the men while the women discussed their interracial marriages and resisting the marriage myth.

Spousal Fluidity: Gendered Framing of Migration and Interracial Marriages

1) Married Men: Economic Migration vs Family Reunification

Twenty-eight-year-old Anton moved to New Jersey to live with his Filipino American wife. During the interview, he rarely brought up his marriage and instead focused on his financial responsibilities to his family abroad. While the men obtained legal status fluidity through their spouses, they did not perceive themselves as marriage migrants. Like Anton, the male respondents perceived their migration as an economic one rather than for family reunification. Key in these interviews were how the men assumed their roles as providers and bread winners both pre- and post-migration (McKay 2015). Throughout the interviews, the men emphasized the economic opportunity in their migration (Semyonov and Gorodzeisky 2005) rather than focusing on family reunification (e.g. living with their wives). In fact, none of the three men explicitly stated that the move was to reunite with their spouses.

The respondents centered on their experiences on their remittance behavior and career development rather than on their marriages. They rarely brought up issues when their spouses petitioned for their legal status (Dreby 2015). Mark described his migration process: “[My wife] visited me in the Philippines and I handled my fiancé visa… Then my visa was approved and then I moved here.” Rod Allen nonchalantly explained how he adjusted his undocumented status through his marriage: “we got married [in April 2016] and then my status was okay…She’s the one that petitioned me and made my status okay.” Their identities were strongly tied to their positions as providers and breadwinners, so they openly discussed their financial contributions
and career objectives in their migration narrative (McKay and Lucero-Prisno III 2012). Twenty-eight-year-old Anton pays for “everything [for his family]. You name it… I do everything for my family.” This included his brother’s college, his parents’ living expenses, and for relatives’ funerals. After his marriage, Anton’s family expected his continued financial support despite his resentment:

[My relationship with my parents] is okay. It’s just sometimes…Like one time, I sent my dad some Sketcher shoes. He said, “Buy me other pairs in different colors”, so that it wouldn’t get dirty quickly. When they want me to buy them a lot of stuff, I don’t reply [to their messages].

Anton highlighted his many financial contributions to his family but never raised immigrating to be with his wife. Rod Allen shared his hourly rate working as a caregiver while Anton listed his work struggles and his career goals. Twenty-seven-year-old Mark explained that despite his unemployment, he and his wife continued to support his family financially. He sent remittances because he “felt so guilty that I left. So, I thought I don’t want to make them feel that I quickly deserted them, and I wanted to still provide for them in a way.” For a group who immigrated through their social networks (Oleinikova 2020), the men’s narratives on marriage migration and the racial and ethnic identities of their wives were surprisingly absent. Their gender identities as cis-gendered, heterosexual men (Kristol and Dahinden 2020) and their intraracial marriages (Schueths 2014, 2015) meant little scrutiny from their communities and by immigration authorities. While the men did not emphasize their legal status pathways in their narratives, conflict and disagreements arose in their marriages from the unequal power imbalance in legal status.

Despite the lack of centrality on their legal status pathway (i.e. their marriages), the men

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52 All three men were married to Filipino American women.
experienced power disputes as a result of their marriage migration. The men’s strong provider roles increased conflict with their spouses. While much research explores the power dynamics in mixed-status marriages affect immigrant women (Van Hook and Glick 2020), less is known about immigrant men. The men perceived their spouses had implicit power in their relationships because of their U.S. citizenship. The power imbalance was apparent in three ways. First, there were disagreements in family planning due to the men’s remittance behaviors. Anton’s wife wanted children while he wanted to focus on his career. Since he was using much of his six-figure income to support his family back in the Philippines, he “neglected [my wife’s] needs and she found someone else.” These conflicts were also evident for the men’s career paths. Rod Allen wanted to join the navy instead of working as a caregiver: “I told [my wife] that I wanted to do it. She didn’t want me to…Of course I will follow what she says. Her word is law.” By admitting that his wife’s word is “law”, Rod Allen underlined his subordinate status to his wife. This also relayed a power dynamic to mixed-status relationships (Del Real 2018), particularly for low-income couples (Chauvin, Robledo, Koren and Illidge 2019). Lastly, the men’s conditional immigration statuses made them financially dependent on their spouses. Since they encountered employers who wanted further documentation outside of their current legal status (see previous section), the men’s financial instability was tied to their legal status. Mark had to wait for his conditional permanent residency card “[b]ut the problem was waiting for my employment authorization document.” Notably, these clashes caused Anton and Rod Allen’s marriages into divorce. Despite their legal precarity, both were unperturbed by their divorces and its effects on their legal status.

As conditional permanent residents, Anton and Rod Allen’s divorces had trickle-down effects on their legal status. Legal termination of their relationship in turn terminated their
legality (Mercer 2008). While the men were aware of these facts, both showed little signs of nervousness as they shared their ongoing divorce proceedings. While there is a rich literature on immigrant women’s vulnerability in mixed-status marriages (Chetrit 2011; Schueths 2015), the same vulnerability was not apparent in both men’s recollection. Rod Allen “already consulted with an immigration lawyer but they said I have to wait for the divorce. When I have my divorce, I will file to remove the conditions on my green card.” He recounted these steps calmly and matter-of-factly and, unlike Latino mixed-status couples (Schueths 2015), never raised possible detention and deportation from his divorce. Similarly, Anton gave a detailed account of his strategy for removing the conditions post-divorce:

So now on the [removal of conditions] interview, [immigration officials are] going to, you know, just ask you what happened. And then [I have to give] a list of all of the documents like bills, bank accounts to prove...So I’m gathering all of the evidences and then give it to them on the [immigration] interview...I have a lawyer but they’re not going to join me at the interview and everything. So [they] told me to just ask [my ex for] an affidavit that we didn’t break up because [I tried to get a green card]. And then you know, as long as you got your medicals, your bank account and everything, there should be no problem. As long as you give all of the documents that they ask for. So that’s it.

Anton was confident that his conditions would be removed despite his divorce. True to his prediction, he became a permanent resident without issues\(^{53}\). The stereotypes of immigrant women marrying for legal status (Cianciarulo 2014; Fresnoza-Flot and Ricordeau 2017) were not applied to the two men. Their gender identities were an integral component of their composed attitudes to their precarious legality. The men’s perspectives on their migration motivations and views on their legal status fluidity sharply contrasted the discussions with Filipina migrants. Below, the women framed their migration in relation to the marriage myth and their mixed-status interracial relationships.

\(^{53}\) A follow-up revealed this fact.
2) “You Filipino women are just after the visa”: Racial and Gendered Stereotypes of Filipina women in Interracial Marriages

When I first entered Gina’s home, she immediately showed me the framed pictures of her Hawaii wedding. Without my prompting, she explained that she and her husband had “dated for four years before we got married.” Later in the interview, Gina revealed that her friends doubted the authenticity of their marriage: “Ah, maybe you just have a relationship with [your white husband] because he has money.” So, I would always [tell them] that just because he’s white doesn’t mean he’s wealthy. And of course not, the reason why we’re in a relationship is because we love each other.”” Meanwhile, twenty-eight-year-old April immigrated as an international student through her PhD program. A white roommate told her that “he’d never met a Filipina that wasn’t chasing a US visa or [a] green card… [He told me] “You came here in the United States to marry me. I doubt all of you Filipino women. I don’t trust you, you’re deceitful, you’re liars, your Filipino women are just after the visa.” Even though April entered the U.S. on an international student visa, her white housemates “impl[ied] that I got my place in my university because I had sex with… Like I sold my body [or something]. While both Gina and April are married to U.S.-citizen men, they both underlined how their racial and ethnic identities as immigrant Filipina women were inextricable from their relationships. Unlike the men, the women extensively brought up issues of gender, race, citizenship, and class in their marriages, particularly the ways in which they fought against the “marrying for legal status” myth (Mercer 2008). While they also financially contributed to their families54 pre- and post-migration, their narratives centered on their positions as partners and wives in their mixed-status and interracial55 relationships.

54 Four out of the eight married female respondents sent regular remittances.
55 Five of the women married white men, two married Filipino and Filipino American men, while one married a Vietnamese American man.
The women explicitly mentioned immigrating to be with their spouses but at the cost of leaving their families behind (Fresnoza-Flot and Ricordeau 2017). Thirty-year old Desiree expressed her initial reluctance to migrate: “I am super close to my family, to my sibling. Even when I was working or in school in Manila, I would go home without fail every weekend. I can’t be apart from them… So [my husband] waited one year before I really moved here.” Hope moved to New York because of her husband’s job offer. Gina, 28, was the breadwinner in her family and immigrated to be with her husband when she “didn’t have any [more financial] responsibilit[ies] and I was ready to settle down.” The women framed their migration through the lens of marriage but also their own agency.

In contrast to the married men who rarely brought up their spouse’s race and ethnicity, the women detailed how they navigated their interracial relationships. The “marriage myth” (Mercer 2008)—using marriage to gain legal status and eventual citizenship—remained constant in their narratives. Gina, like the other women, emphasized the authenticity of her feelings (Enriquez 2017, 2020; Pila 2016) towards her husband in indirect and direct ways. Throughout the interview, she continually brought up the four years of her relationship and their multiple international visits to one another without being prompted. Both she and Desiree discussed their civil ceremonies and weddings in detail. Contrary to the stereotype that Asian women look for “American spouses” (Rosario 2005), other women cited the unexpected race and nationality of their eventual spouses. Sharon “never expected to get married to an American because I really hate America. I really don’t like America but [my marriage is] what happened. I also don’t like [being married to an American] because people will think of you as a gold digger. It’s always like that.” Gina highlighted her white husband’s race and her reluctance to initially enter her relationship because she “didn’t want [to date] a different race before.” Before migrating as an
international student, April told an American friend, “I don’t want to marry an American.”

Justine expressed surprise at falling in love with her white husband:

I never thought that I would like a white boyfriend or whatever. That’s just not me. I know a lot of people that are like that, that they really want [a partner] who’s from another country. For me…[When I told] my best friend in the Philippines, she was really shocked because I never said anything like that [before]. I don’t know. It just happened. Sometimes the person who has the same values as you isn’t from the same [race], right?

Implied in these qualifiers was the interconnection of their mixed-status marriages and their racial and ethnic identities. The women emphasized that they did not subscribe to the “marriage myth” (Mercer 2008) and highlighted that their partners knew about their legal statuses early in their relationships. Justine’s then-boyfriend “knew about my [immigration] status from the start, yeah. We ended up talking about it after [two months]. That’s when he found out that I was an international student.” She, like the other respondents, clarified her relationship with her future spouse was not intended to gain legal status. The respondents’ communities and governmental interactions however strongly suggested that their marriages were only for legal status.

The women’s communities questioned their intentions in their relationships. Their interracial marriages were inseparable from their spouses’ citizenship and race (Qian and Lichter 2011; Schueths 2015). Their communities also critiqued the “fast” timeline of their marriages. Justine’s church group “judged me for marrying too quickly [after dating for two years]. To think, ‘Aren’t you [guys] Christian and aren’t you guys supposed [to] get married quickly, like that?” Women who met through their spouses through dating sites were viewed as the contemporary version of “mail-order” bride (Angeles and Sunanta 2007). Hope was embarrassed to explain how she met her husband on an online Christian website a decade ago. April’s roommates asked her if she met her white husband “in a dating site. Is it usual for [people] to
think that American men will only marry Filipino women through [a] dating site?” When Sharon informed her parents that she was marrying her husband, they “asked me if I truly loved him, like that.” The historical exotification of Asian women (Fresnoza-Flot and Ricordeau 2017) remained prevalent in conversations with their friends and families. Gina pointed out the normalcy of these accusations with humor:

My classmates in the Philippines were joking: “How did you catch him?” Like that, “Wow, he grew to like you??”…There were people saying “Ah, maybe you just have a relationship with him because he has money.” So, I would always [tell them] that just because he’s white doesn’t mean he’s wealthy. And of course not, the reason why we’re in a relationship is because we love each other. When you’re from the Philippines, [its] like that…“You’re an exotic beauty. That’s why the white guy likes you, because you’re an exotic beauty.” (Laughs) I said “[I’m] not an exotic beauty, [I’m an] endangered species!”

Despite a nearly five-year long relationship, Gina’s community doubted the sincerity of their feelings and her motivations. Her social circle accused Gina of marrying her husband for his race, and by proxy his wealth, and her husband of fetishizing his wife (Chong 2013).

For some, the accusations were explicit. The perpetuation of the marriage myth portrayed in mainstream media (Leonard 2020) was clear in the messages the respondents received. Community members pointed out their partners’ “race” and marriages as a way of gaining access to legal status (Enriquez 2017; Leon 2017; Pila 2016), and therefore eventual U.S. citizenship. The notion that two people could fall in love outside of their racial and ethnic communities due to a globalized world was largely ignored. In this way, the deservingness narrative of legal status (Huber 2015; Lauby 2016) was applied to the women who were deemed undeserving. Desiree met her husband’s family in Australia and his sister concluded that “[Desiree] is just with [her brother] for citizenship.” Women’s bodies were pointed out repeatedly as currency for legal status fluidity (Medina 2013). Similarly, their home country and their new home country also scrutinized the nature of their relationships.
The respondents received similar accusations to their legal status pathways from both Philippine and US government officials. Like with detention and deportation (Golash-Boza 2011), mixed-status marriages allowed the state to police and to enter into the most intimate parts of family life (Dreby 2015; Schueths 2012, 2015). En route to their flight to New York, Rhacel’s Filipino immigration officer did not accept her marriage contract at the airport as proof of her marriage. Gina’s white immigration officer “looked at [her] poorly” during her marriage interview. When the post office lost her conditional permanent resident card, she had little choice but to contact the officer:

He said what a coincidence that he’s the one who approved [my case] so I don’t have any right to complain about losing my green card. [He said] this in person, “You’re so dramatic, you’re already here.” I was like “What?!?” Now, I’m having problems [at work] in the hospital because they were asking for my green card and I still don’t have it now.

Interactions with government officials reminded the respondents of their subordinate and dependent legal status to their U.S.-citizen spouses (Del Real 2018; Schueths 2015). Bureaucratic mistakes and denials delivered similar messages to the women. When the post office mailed Gina’s conditional permanent residency card to her old address, she had to “pay $600 for a replacement card. It’s not even our fault that our green card got lost in the mail.” The Philippine immigration officer’s refusal to accept Desiree’s marriage contract made her and her family miss their initial flight and an additional $1,300 to book new flights. Even when they have rights as conditional permanent residents and permanent residents, these same rights were limited by interactions with immigration officials (Abrego and Menjívar 2011). Hope has been married to her husband for a decade and was a permanent resident at the time of our interview. She wanted to apply for her mother’s tourist visa but worried that USCIS will deny her application because “I’m the her only kid and she doesn’t have any [Philippine] property under her name. So, there’s no reasonable reason [for her] to go back [after she visits].” In this sense,
immigration law “influenced” the organization, composition, and structure of [Hope’s] family” (Enchautegui and Menjívar 2015) and deemed Hope’s mother “undeserving” of a tourist visa.

While their communities and governments questioned their relationships, the women found ways to counter the racist and sexist notions.

The women actively resisted the marriage myth stereotypes. While non-citizen immigrants illustrate their agency in education (Abrego and Gonzales 2010), politics (Nicholls 2013), and belonging (Coutin 2003), the respondents actively addressed the sexism from their marriages and legal status pathways. Some like April took extreme measures to fight against the stereotypes:

We got married before God, but we don’t have [a marriage certificate]. [We got married] in front of a minister and people. That’s it. We didn’t file [at] City hall. I told [my husband] “I’ll prove to you that I’m not chasing citizenship even if you like me. I’ll prove to you that that’s not what I’m after. I didn’t file a marriage [certificate] so that even if you leave me later on, I can’t chase you for anything.

To counter the marriage myth, April abstained from filing for a marriage certificate altogether. While the decision left her in a more-precarious international student visa, she felt “so strong that I don’t want to file [for] our marriage certificate.” The women equated these acts of resistance against the immigration stereotypes with strength and self-advocacy (Menjívar and Lakhani 2016). Twenty-eight-year-old Christine self-petitioned for permanent residency under the Violence Against Women Act (VAWA) and was waiting for her adjustment of status. Her girlfriend proposed marriage to help her obtain legal status faster:

I mean I want to [get married to my girlfriend]. I just, I can’t right now. Maybe I want to with her but I’m struggling with rent. I’m trying to fix myself and papers. So maybe… I don’t want her to think that I’m after her because of [the green card], you know. If I’m like self-petitioning, at least I can tell, you know myself and my parents that I did it… I mean right now like [I’m] self-petition[ing] and [I’m a] domestic violence victim. I can’t have anything, like on top of my [head].

Like Christine, the respondents challenged the dominant narrative of the “marriage myth”
(Enriquez 2020) and advocated for other ways to obtain legal status fluidity. This was especially evident in respondents who met their spouses after migration. Justine initially arrived on a tourist visa. Soon afterwards, she decided to stay. She was “asking people how [to stay] in short of getting married [and that getting an] international student visa was the easiest way.” Justine was cognizant that while marriage was an easier way to maintain her legal status fluidity, she instead chose to use most of her salary on her student visa and English language school tuition. Despite the scrutiny from both their communities and government officials, the women found ways to utilize their agency in their marriages outside of immigration policies.

After being separated for three years, Justine’s mother obtained a tourist visa to visit her daughter. The separation had raised the tension between mother-and-daughter. Justin painfully recounted their reunion: “[My mother told me] “Why does your hair look bad? Why do your clothes look ugly? Why now, when you already have a husband? Maybe people will think you married him to get your papers. You have to look beautiful since your [white] husband is handsome… [My mom really] bought me oil and clothes—which is thank you, but [what does it mean that] I’m not beautiful enough for my husband?” In comparison, Rod Allen’s parents “never meddled with what I [and my siblings] want to do…They say Bahala ka56.” He fixated on how “[life] is really difficult in the Philippines. Even though 1,000 [Philippine] pesos is a lot of money there, you can’t buy a lot with that.” Juxtaposing the narratives of the married men, the married women highlighted the themes of race, class, and nationality in their mixed-status marriages. Despite obtaining legal status fluidity through their spouses, the male respondents framed their migration as primarily an economic one. They focused on their career and identified strongly as breadwinners, repeatedly explaining their financial obligations back home. However,

56 “Its up to you.”
their spouses’ citizenship led to an unequal power imbalance in their relationship and increased conflict, which eventually led to Rod Allen and Anton’s divorces. In contrast, the authenticity and the motivation for the female respondents’ marriages were doubted by their communities and governmental institutions. At the root of these indirect and direct accusations was the marriage myth and the stereotype that immigrant women marry solely to gain access to legal status. Notably absent from the respondents’ narratives was how the definitions of family under U.S. immigration policy, nuclear and otherwise, powerfully shaped the trajectories of their legal status fluidity and pathways. In this respect, the men’s gender identities protected them from the same stereotypes.
CHAPTER 7: CONSEQUENCES OF LEGAL STATUS FLUIDITY - US CITIZENS BY BIRTH

Thirty-two-year-old Toby was born and raised in New Jersey. An only child, he commuted to all-white schools in New York with his nanny. His mother and father, a diplomat and a business owner respectively, owned their house. He received a degree in accounting and his MBA degree from a private New York college. While he was part of a Filipino club in college, most of his interactions at school were with whites. Twenty-four-year-old Alvin has never lived outside of New York. Both of his parents work in the medical field: his mother is a head nurse in her hospital and his father is a doctor practicing in Maryland. Like Toby, Alvin grew up with a nanny who drove him to and from school until he was twelve years old. After high school, he took a gap year to apply to medical school and joined an urban dance company to compete across the East Coast. As a current medical student, he reminisced on his year of no obligations, freedom to travel, and “going whenever I want[ed] to.” In contrast to their noncitizen peers and relatives, these U.S. citizens have no need to be legally fluid due to their place of birth. In this chapter, I discuss how the citizenship status of native-born Filipino Americans affected their relationship to immigration law and their multifaceted identities.

The respondents’ U.S. citizenship is the consequence of previous generations’ legal status fluidity. Their parents’ legal status fluidity helped them settle in the new country and passed on success to their children in the form of their citizenship. The now-adult children’s citizenship status protects them from actively utilizing their pre-migration and post-migration contexts to remain in-status. Much like the Filipinos from the previous chapter, the respondents benefited from their families’ pre-migration social capital for their current legal status. This directly contrasts the experiences of Filipinos reliant on labor, cultural competency, educational, and financial migration pathways (Chapter 5). The respondents’ pre-migration occupations and
careers were also independent from highly skilled labor markets that could provide visa sponsorships. On the surface, these respondents’ citizenship embody the “American dream” that their parents strived to achieve. Their citizenship however did not come without consequences for their families. This chapter summarizes how like legal status fluidity, their legal status—U.S. citizenship—came with a high price.

U.S. citizenship does not always protect children of immigrants from feeling the impacts of anti-immigrant policies. Literature focusing on Latinx populations illustrate how children raised in mixed status families—where members have a range of legal statuses—are negatively impacted by immigration laws focus on deterring undocumented immigration (Castañeda 2019; Enriquez 2015; Rodriguez 2016). Despite their citizenship, American-born immigrant children can be denied government assistance (Yoshikawa 2011), access to higher education (Rodriguez 2019), and fear the detention and deportation of their families (Abrego 2019). Recent research on undocumented Koreans also illustrate how race and ethnicity differentiate the experiences of immigrant groups (Cho 2017, 2021). Specific to Filipino Americans, laws that explicitly restrict the immigration and citizenship of Filipinos and their employment by requiring U.S. citizenship reflect the “foreigner discrimination” the community has faced (Ancheta 2006: 90). Respondents in this chapter did not face long-term family separations but their older siblings and parents did. Additionally, due to the respondents’ citizenship, the parents prioritized assimilation into American society.

The respondents’ families engaged in behaviors that actively diminished children’s ties to their ethnic identity. Since their parents reside in white-majority areas and send remittances back to the Philippines, they also spent more time working and less time with their children in their childhood. This is not unusual for immigrant families particularly with Latinx families (Delgado
2009) and the reliance on maternal kin for childcare arrangements (Radey and Brewster 2007). However, in contrast to Latinx families where first-generation immigrants continue to speak in Spanish to the children in the home, Filipino parents and their non-parental childcare counterparts speak the children solely in English (Shin 2010; Wu, Lee, and Leung 2014).

Parents were unable to pass down cultural teachings to their children. The respondents were resentful on the choices their parents made to encourage assimilation. As adults, respondents reported disassociated feelings towards the Filipino community and culture despite evidence of community engagement in the interviews. Paradoxically, they were also expected to uphold Filipino values, gender norms, and beliefs in their day-to-day lives.

Privileged Backgrounds of Second-Generation Filipino Americans

Similar to the demographic trend of East Coast Filipinos (Asian American Federation 2013; Nadal 2011; U.S. Census 2013), a majority of the respondents’ families came from upper-middle class backgrounds prior and post-migration. Their parents’ occupations ranged from doctor, diplomat, nurse, radiologist technician, insurance writer, and piano teacher. Their college-educated and English-speaking families immigrated in the 1970s and 1980s through family-based petitions and highly skilled immigrant pathways. Notably, thirteen out of the seventeen families immigrated through the mother’s legal status with six mothers immigrating as nurses. Only two of the mothers are noncitizens: Toby’s mother works as a diplomat and Jose’s mother is a Philippine business owner who chose not to adjust her status. In addition, their parents’ legal status fluidity allows them to participate fully in American society and to obtain high socioeconomic status. Alvin’s parents own a house in New York and his father is planning to purchase another property. Fernando’s father is a doctor while his mother is a psychologist...
working for the federal government. Many shared their experiences of growing up in white-majority neighborhoods. Toby and Alvin both grew up with full-time nannies. Twenty-two-year-old Jose received a fully paid condo from his father after he moved to New Jersey. Notably, few of the respondents’ families send remittances, indicating their families’ relatively high class in the Philippines and contrasting the noncitizen respondents’ remittance behaviors. Their experiences with family separation diverge from those of noncitizen Filipinos and other liminally legal immigrants (Abrego 2019; Rodriguez 2019).

Citizenship Privilege: Short Term Family Separation with Parents

A majority of the respondents faced no separation from their parents due to U.S. immigration policies and to the well-situated pre-migration and post-migration contexts of their families. Unlike the non-citizen respondents, their families had gained legal status fluidity through their pre-migration social capital through family-based pathways (Chapter 6) or through labor pathways (Chapter 5). Rather than experiencing family separation themselves, their older siblings and parents faced long separations due to legal status fluidity. Out of the eighteen native-born Filipino Americans, twenty-five-year-old Alicia is the only respondent who was separated from a parent due to immigration reasons. Her mother’s work as a nurse gave her a path to immigrate in the 1980s and to sponsor her husband: [My dad] was coming back and forth in the 1990s. I don’t know exactly how it works but he lost his privilege to come [visit].” As a child, she “didn’t understand [what had happened]. [I told him] “Why can’t you just come here. You’re a doctor.” In my head, [I thought doctors] make more money here anyway, why can’t you just come here?” The long distance dissolved her parents’ marriage—her last childhood memory of her father was when she was seven. She visited her father in the Philippines two years ago:
Speaking with him is definitely weird… I guess I was conditioned to be mad at him [for not being able to move here]. So, for a lot of the years, I was just mad at him. Over time, my mom was like, "Oh, why don't you speak with your dad?" I would just be like, "No. I don't want to. I don't want to." [My dad’s] a smart guy but he's definitely quiet. I don't know what to talk to him about, so we ran out of things to talk about. Then when I was in the Philippines, I was there for three weeks so it's like, "Yeah, what are we gonna talk about?"

Similar to her noncitizen peers, Alicia held childhood resentment and feelings of abandonment from her father’s separation (Chapter 5). While she can sponsor her father’s legal status, the deterioration of her parents’ marriage and travel ban makes this unlikely.

Marriage dissolution was also another reason for the respondents’ separation from their parents. Teresa’s mother came to the U.S. to study piano and met Teresa’s father. After getting married, he started to physically abuse her, which led to their divorce and fighting for custody of Teresa and her two siblings. Like many immigrant women in abusive relationships (Menjívar and Salcido 2002), her mother “was afraid that [my dad] was gonna try to get full custody of me too. So, she saw [the custody battle] as like a compromise.” Teresa’s last childhood memory of her father was when she was 7 years old. Economic necessity due to marital dissolution was a final reason for family separation between the US citizen children and their parents. Compared to other immigrant families, these separations were often short and occurred in early childhood. Regina’s mother and father divorced when she was three years old. In order to save money to move to New York, Regina’s mother sent Regina to live with her maternal relatives in the Philippines for a year. While most of the respondents themselves did not experience family separation from immigration policies, it was common to hear how their parents and older siblings were separated due to the formers’ efforts to be legally fluid. These separations continue to negatively shape their family dynamic years after the fact similar to respondents who were separated from their parents in Chapter 6.
While the respondents’ place of birth and birth order protected them from family separation, they highlighted their older siblings’ separations from their parents. Out of the seventeen respondents, six encountered family separation between parents and their children. Unsurprisingly, a majority of the migrations were female-headed and utilized labor migration pathways (Parreñas 2001, 2007). To achieve legal status fluidity, the women were separated from their spouses and older children. Outside of annual visits, the mothers rarely saw their children: economic, legal, and social barriers discouraged them from visiting more regularly (Cohen 2000; Hatch 2007; Van Hook and Glick 2020).

The long visa waits meant that these separations were long lasting (Enchautegui and Menjívar 2015). Abby’s mother was separated from her three oldest children for fourteen years while she saved money and endured the visa backlog to sponsor her children. May’s mother, a nurse, was apart from her son and husband for seven years. May’s brother still suffers from the separation:

Even to this day [my brother] doesn’t have the greatest relationship with my mom. You can tell that was how they used branching out from like him not being with my mom or not developing the relationship you’d expect…[My family and I] talk about immigration stories. Whenever there is a conflict between my brother and my mom, ‘cause like that stems a lot from like being them separated.

Above, twenty-two-year-old May is perceptive about how the separation continues to affect her family. While the mothers immigrated for a better future for their family, the separations negatively shaped the futures with their older children (De Leon 2009; Parreñas 2015). Abby, 25, realizes mid-interview that she missed how her older siblings “were separated from my parents for a good chunk [of time]. My sister [was separated from our mom] until I was in middle school [since] she came here in high school… Like 14 years or something.” In some
cases, the separation leads to the rejection of their migrant parent (Asis 2006; Lam and Yeoh 2019). Teresa’s father received custody of her brother, Teresa’s mother gained Teresa, while her middle sister was sent to live in the Philippines for eight years with their maternal relatives. Teresa’s sister has “a lot of resentment there because [our relatives] were telling her that “your mother has a new kid, me, and [that] she doesn’t love you anymore.” Just things like that… I think she had it the hardest maybe out of all of us…” When Alicia’s father lost the right to visit the U.S., he was also separated from his other daughter. Notably, the respondents rarely raised their older siblings separations without being prompted, suggesting a general lack of awareness of how deeply immigration affects family dynamics (Rodriguez 2019).

While the family pathway respondents in Chapter 6 were well-aware of the cost and consequences of their legal status (i.e. family separation and financial commitments), the U.S.-born respondents only heard about these hardships secondhand or even thirdhand in some cases. This lack of awareness stems from their privilege of bypassing the U.S. immigration system and hearing the immigration hardships secondhand.


The respondents’ citizen privilege means that they lack the personal understanding of how immigrants undergo the immigration system. The immigration discourse argues that the legality of immigrants is determined by a fair and equal system and undocumented immigrants are criminals for breaking the rule of law (Quinsaat 2014). These ideas were prevalent in the interviews. For example, Abby’s family is a “mixture of everything [legal status-wise]…A couple of my cousins like are undocumented, aunts and uncles undocumented, um – and some of them are here on visa.” She explains how her mixed-status relatives found themselves in their
[Waiting for a legal status] is definitely still a process and that it takes a really long time, which is why a good chunk of my family is undocumented because they couldn’t wait…That’s why some of them decided to come here undocumented because they had [been] waiting for 10 years, 8 years and like, a lot of them have divided families. So, they’re here, but their kids are back home, or vice versa. And so, they decide to come to the US so they can be with their families.

Abby simultaneously acknowledges the long waiting periods for family reunification (“really long time”) while pointing out the advocacy on her relatives’ choices (“they decided to come”). Like Abby, many of the respondents fail to contextualize the institutional factors that led to their relatives’ undocumented statuses and instead place the blame on personal choice (Barsky 2015). Toby’s childhood nanny was undocumented, but Toby was “sad to say I don’t fully know [the details of how he got here]. I know he has a girlfriend now [but that’s all I know now].” Alvin had never asked his nanny about her legal status but thought her legal status “was legit.” Alicia, remembering how her father received a travel ban, remarked how “it was kind of sad for my mom, because [getting sponsored is] definitely not something easy to get”. While Alicia does not know what circumstances led to her father’s travel ban, she nonetheless implies that it is his mistake for receiving the ban in the first place. Jeffrey’s aunt “overstayed her visa, so obviously it’s a little bit more difficult for her to [fix her status].” The narrative of personal responsibility when it came to their relatives’ undocumented statuses was pervasive in the interviews (Strauss 2012). Native-born Latinos have more awareness of their US citizenship affects their mixed-status families due to legal status inclusion and exclusion and blocked access to legal status fluidity (Abrego 2019; Enriquez 2015; Romero 2008). In contrast, since Filipinos have more access to legal status fluidity, native-born Filipinos are often unaware of their parents’ migration stories and legal status hardships. As a result, the depth of these initial legal status challenges is lost on the native-born respondents and they consequently blame undocumented Filipinos for
their “choice” of becoming undocumented.

A few of the respondents were unclear on how their own parents passed through the immigration system. Given the trauma, psychological, financial, and emotional costs of immigration, it is understandable that parents want to shield their children from these experiences (Rodriguez 2019). What is noteworthy is that these parents are implied to have been undocumented or have encountered legal status difficulties. Jamie’s mother immigrated to the US through her brother’s petition in the 1970s. When asked about her father’s legal status history, Jamie lacked clarity on the specifics:

Interviewer: But how did [your dad] come [to the US]?
Jamie: I think, [he] just to [got] a visa just to visit.
Interviewer: Oh, okay.
Jamie: Because I remember… My dad doesn’t talk about it that much, but my uncle told me that he just came to decide if he liked [living in the US]. And then, if he didn’t, he’ll just go back. [My dad] ended up liking it.
Interviewer: Okay, so [your dad] was on a tourist visa, and then he married your mom, so he got the residency that way.
Jamie: I guess so.
Interviewer: Like you don’t know.
Jamie: I’m not sure. I assume.

When asked about her mother’s immigration history, Jamie illustrates a clear understanding of the timeline. Her father’s motivation for migrating and what visa he entered the country with is ambiguous. It is also noteworthy how her uncle, not her father, informs her limited knowledge on the matter. Fernando is unsure how his mother immigrated while Teresa does not state her father’s previous legal status. The racial, ethnic, and gender dynamics of disclosure play a role in disclosing one’s legal status (Cho 2021; Patler 2018; Pila 2016). First-generation undocumented immigrants have a harder time disclosing their legal status in public due to fear and limited participation and incorporation into U.S. society (Abrego 2011). In comparison, formerly undocumented Filipino parents do not talk about their legal status histories
both in public and private spheres, specifically to their own children. This is also partly due to the *hiya*\(^{57}\) associated with undocumented status and the importance of “saving face” and non-disclosure of sensitive topics to non-family members in Filipino culture (David, Sharma, and Petalio 2017; Wolf 1997). For example, gay Filipino men use undocumented status as a “demeaning condition….for bitchy slurs or threats” (Manalansan IV 2003: 59).

It is also possible that since the respondents’ parents were undocumented in a less hostile immigrant era, they have adjusted their legal status through family-based petitions. Even if the parents were undocumented for a time, their nuclear family ties provide them paths to legalization which afford them the option of relaying an ambiguous story to their U.S. born children. U.S. citizen child-to-parent petitions generally process within a year of applying and bypasses the years of backlog (Hatch 2012). Since most of the parents immigrated in the 1970s and 1980s, there were also less anti-immigrant policies in place to prevent and delay their adjustment of statuses (Rosenblum and Brick 2011). Regina’s mother married her husband in the Northern Mariana Islands\(^{58}\) and gave birth to Regina. They divorced after three years due to his gambling and infidelity. Despite being prompted, Regina did not explain what her mother’s current legal status was and if her father sponsored his wife’s permanent residency. Regina recalled growing up with many undocumented Filipinos in her apartment building and how “all of them would just throw a lot of parties and [my mom and I] would always just go. They always invite us.” Her mother also moved constantly when Regina was a child, implying an unstable financial situation. Later in the interview, I asked Regina if she knew permanent residents and non-immigrant visa holders:

> Not a lot [of those]. Not a lot. Definitely a lot more undocumented. So, the only ones I

\(^{57}\) Shame

\(^{58}\) Like other American territories, people born in the Northern Mariana Islands are eligible for U.S. citizenship.
know would probably be my mom (corrects herself), probably the people mom works [with] in the hospital… Especially in [our] building, a lot of them are undocumented and haven't seen their family for years… Another one's in the-- I just know a lot of them definitely.

It was at this point that I suspected that she had accidentally outed her mother’s legal status. While their Filipino parents have paths available to legalize, it does not guarantee their legal status fluidity. Regina is twenty-two years old and can now sponsor her mother’s adjustment of status. However, she would have to meet the financial requirements of sponsorship of proving an income level at or above 125 percent of the federal poverty level (US Citizenship and Immigration Services 2019). Since Regina is currently a college student, she is unlikely to meet the requirement to sponsor her mother. Given the harsher contemporary immigrant era, it is also doubtful that Regina can easily transition her mother’s legal status without facing a ten-year bar and other repercussions.

“Filipinos are Treated Better in the US Immigration System”: Labor and Family-Based Migration

In addition to their limited understanding of immigration, the US citizens saw Philippine nationality an asset for those wanting to immigrate due to the neocolonial history between the two countries. Respondents pointed to the neocolonial history of the Philippines and stated that this relationship was beneficial for Filipinos who want to immigrate. When asked about how Filipinos are treated in the U.S. immigration system, Abby articulated that Filipinos benefited from the history of the two countries:

[The US immigration system] treat[s Filipinos] really well. I think, being a Filipino is an advantage in terms of immigration, and – that’s just kind of what I was told growing up. Especially with like the relationship between like being a nurse and getting a work visa here. I remember even when I was at school in the Philippines, a lot of my cousins were like “oh, we’re a shoo-in like because we’re doing nursing, [the U.S.] need[s] nurses and we’ll get in.” And it’s true. They’re all here [now]. So, I’d like to think from my family, [being Filipino is] an advantage.
Above, Abby perceives the neocolonial relationship as advantageous to Filipinos seeking employment abroad. This is counter to the arguments of critical Filipino Studies scholars who frame the neocolonial Philippine state as a labor brokerage state and encourage the continued exploitation of recently arrived migrants (Rodriguez 2016). As U.S. immigration policy becomes more restrictive and the family backlog continues, Filipinos have less avenues to seek employment and provide legal status pathways (Rodriguez 2010). This is particularly true for Abby’s family as their mother were separated from her children for fourteen years as she waited to be eligible to sponsor her children. Other respondents downplayed the role of the U.S. immigration system in separating families and explained the long waiting times as an inevitable and impartial product of immigrant life. While Fernando doesn’t have “too much experience in [US immigration],” he rationalizes that Filipinos have long waits in immigration because “[the US is] probably like “We got enough Filipinos.” In reality, the family backlog is due to the inadequacy of the generic 480,000 slots per country regardless of the country’s population (Gubernskaya and Dreby 2018). While countries with smaller populations will have their immigration applications processed faster, the highest immigrant-sending countries, such as the Philippines, are hit with years of backlog. Even legal permanent residents “face years of separation from their spouses and children as they wait for the years-long backlog of oversubscribed, family-sponsored visas to clear so that they can be reunite” (Lee 2015: 544).

While a majority of the U.S. citizen respondents claim that Filipinos are treated well under the current immigration system, the narratives of noncitizen respondents (Chapter 5 and 6) suggest otherwise. Respondents also point to the benefits of American efforts to recruit highly skilled workers from the Philippines.

The US citizens suggest that the desirability of Filipino workers is due to the cultures’
emphasize on high educational attainment and specialized training. This is partly due to the high-class status of the respondents as Filipino laborers are also globally recruited in low-skilled industries (Lindio-McGovern 2003). Regina explained that “[U.S. immigration is] more accepting of [Filipinos since] we really do value education and a lot of [Filipinos] graduate with nursing [degrees].” She also highlights how English-based instruction in the Philippines, another neocolonial legacy (Maca 2017), allows Filipino teachers to be “hired straight from the Philippines to go teach [in the US]... So, I think [the US is] more accepting of Filipinos because of the skills they have.” This is despite the rampant human and labor rights exploitation faced by foreign Filipino teachers (Guevarra 2006). Foreign labor migrants become vulnerable to private labor recruiters, trafficked into low-wage work and ultimately become undocumented (Rodriguez 2016). This labor exploitation was in the media as recently as 2019. The Philippine state actively cultivates the desirability of their labor supply through cultural expectations and stereotypes. Regina points to the US employers’ preference of recruiting Filipino workers:

[The US] wan[ts to] take them and have them work for them, especially knowing that Filipinos, we're nice people. We treat people well. We're very loving, I guess. I've heard employers say that so that's why I'm gonna put that out there. I've got employers say, "Oh, do you know anymore Filipinos because I love Filipino workers" da da da da. So that's why I'm gonna put that out there because I think they value that. So, I think they are more accepting in comparison to other races in the cities.

Regina specifies how employers specifically prefer to hire Filipinos because “[Filipinos] treat people well” and are “nice people”. The ebb and flow of migrant labor articulates the (re)production of class, gender, class, race, and nationality in the global labor force (Lindio-McGovern 2003). That is, the Philippine state uses these cultural traits to market their labor

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59 In 2019, 70 foreign-born Filipino teachers were recruited in Dallas Texas and were promised jobs and green cards. Shortly after arriving in the US, they realized the jobs were non-existent. The district’s former human resource director was convinced of visa fraud and sentenced to two years in federal prison. https://balitangamerica.tv/fil-am-congressmen-lead-joint-house-efforts-to-raise-federal-minimum-wage/
supply (Polanco 2017). In 2009, Philippine Labor Secretary Marianito Roque stated that foreign employers favor overseas Filipino workers (OFWs) “because of their willingness to do any kind of work even for the smallest pay…Foreign employers prefer OFWs mainly because of their positive attributes such as their facility with the English language, their industry, flexibility, ability to learn easily, and their happy disposition” (Ubalde 2009). Foreign employers agree and perpetuate the supply and demand of Filipino workers (Rodriguez 2010; Tigno 2014). While the respondents view Filipino workers as desirable and highly employable, the reality is that the Philippine state and foreign employers produce and reproduce this desirability through labor exploitation and cultural stereotypes.

Another lack of awareness was particularly prevalent in how undocumented immigrants “fixed” their status. Few of the US citizens understood the true difficulty of legalizing ones’ undocumented status. Since their relatives had immigrated pre-IIRIRA⁶⁰, they lacked an understanding of immigration processes and hardships. Jose is unique in this sample in that he is a dual Philippine and U.S. citizen. His father naturalized in the 1990s and returned to the Philippines afterwards to raise a family. While Jose was a U.S. citizen from birth through his father, he moved to New Jersey only after college. He shared his aunt’s immigration story from the 1980s:

When [my aunt] moved here, she was undocumented. She used her grandmother’s social security number. Of course, her jobs were whatever she could find, like service jobs, like that. What happened to her was she was working at [a multinational company] and she confessed to her boss that she was TNT⁶¹. After her boss thought about it, they sponsored her after a while. She was so lucky… I don’t know the specifics. But now, she’s a citizen but it took a long time.

Jose’s aunt was undocumented but was eventually sponsored for legal status by her

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⁶⁰ The Illegal Immigration Reform and Immigrant Responsibility Act of 1996
⁶¹ Undocumented
employer. In contrast to today’s undocumented immigrants, his aunt adjusted her undocumented status in an era with less immigration enforcement (Macías-Rojas 2016). Unlike the other respondents in this chapter, his experiences of growing in the Philippines give him insight on the difficult process of applying for a visa:

> But now, it’s like you have to *dumadaan sa suyod sa karayom*⁶², right?… I know people who applied in the Philippines, some people borrowed money and then put it in their bank account to make it look like they had a lot of money… It’s like now, [Filipinos are] forced to be *TNT*…I don’t know, I can’t say for sure that [the system] is unfair [to Filipinos] or if it’s just really the system. It’s still vague for me.

Jose likens the non-U.S. citizen immigrant experience as *dumadaan sa sayud sa karayom* (passing through the eye of the needle). He points to the class privilege necessary to acquire temporary visas (Feliciano 2005). Immigrants have to illustrate the unlikelihood of needing government financial assistance in their visa applications, such as showing “show money” in their bank accounts (Nee and Sanders 2001). While some immigrants are able to immigrate, others are “forced to be *TNT* (undocumented)” due to increased immigration regulations and the difficulty of adjusting their legal status.

**Mixed Messages to Be Both American and Filipino: Paradoxical Ethnic Identity**

The respondents’ understanding of the U.S. immigration system and their citizenship led to a paradoxical situation. On one hand, their legal status allow them access into American rights and privileges that is not accessible for their foreign-born parents and siblings. Their parents thus consciously chose to diminish their children’s ethnic ties to Filipino culture. On the other hand, Filipino values, gender norms, and expectations were also thrust upon the second-generation Filipinos.

The respondents’ parents consciously fostered a strong sense of American identity with

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⁶² Passing through the eye of the needle
their US citizen children. Unlike other Asian ethnic groups, there are no heritage learning centers
for young Filipino American children to learn about Filipino culture and languages (Shin 2010; Wu, Lee, and Leung 2014). In 2015, 70% of foreign-born Filipinos and 79% of Filipino adults speak English proficiently, compared to 70% of all Asians (Pew Research Center 2017). Since 43% of Filipino immigrants reside in California, those in the Greater New York metropolitan area have fewer places to engage with Filipinos outside of their families (Gallardo and Batalova 2020). Finally, some of the respondents’ parents relatively high socioeconomic status meant living in the suburbs, which tended to be white-majority neighborhoods. Notably, the respondents noted instances of community connection when prompted. Misty for example grew up in a predominantly Filipino neighborhood and has vivid memories of attending religious and cultural events with her Filipino community. But when asked about their ties to Filipino culture and identity, the respondents claimed that they and other Filipino Americans were disconnected from their ethnic identity.

A) Moving away from Neighborhoods with Filipinos

Given their high socioeconomic status, a majority of the respondents’ families opted to live in white majority suburbs which meant attending schools with few Filipinos (Min 2006). As immigrants’ incomes increase, they tend to live in majority white neighborhoods (Clark and Blue 2004). While respondents intermittently saw their Filipino relatives in family gatherings, they had few interactions with non-relative Filipinos in their schools and neighborhoods. As a result, most of the respondents grew up with few Filipino friends. Fernando’s mother, an avid churchgoer, would initially “get really close with other Filipino families after a mass on

63 The respondents differentiated their family from the Filipino community.
Sunday…and then all of a sudden we just stopped doing that.” Even when Fernando had access to the Filipino community as an adult, he felt uncomfortable engaging with other Filipinos. In college, Fernando’s Indonesian roommate was the “vice president of the Filipino [on-campus organization] so the Filipinos were always hanging out at our dorm. But I never got really associated with [them]. [Now], I only know someone who is half Filipino…My social network of Filipinos is very small.” While Fernando’s statement implies that Filipinos did commune together (“the Filipinos were always hanging out at our dorm”), he himself did not engage with the community. Anthony’s family moved away from the Filipino neighborhood in that area so he “didn’t grow up with a lot of Filipino people” during his childhood. He lamented that “[If] you didn’t grow up with [Filipinos], even if you are Filipino, they are not [friendly to you]. So, I felt outcasted from them.” As a result, most of his friends were black. But contrary to his disassociation, he talks about wanting to “make a [Filipino] cookbook with [my dad] because that’s the only way we talk, about recipes” and being a part of Filipino organizations. Alvin’s mother was initially attending Filipino parties but “she doesn’t really make super close buds, like “oh lets meet each other again”…She’s not part of the Filipino community as strongly as she used to be and I am not, as a result.” Jamie’s aunt took care of Jamie during most of her childhood:

So, my house was in [this county], so it’s a white neighborhood. It was really super white. And so, I remember my dad telling me that I was Filipino, but then like, I didn’t really understand what that was. But then, my elementary school, they were… some of us were Filipino, so that’s how aware I was. I don’t think as a kid, you really think about what that means, but it was weird going from a white neighborhood to a quite immigrant neighborhood back and forth. My aunt’s house was where a bunch of immigrants were [but] my [neighborhood] was mostly white.

Since Jamie shuffled in between her aunt and her family’s neighborhood, she realized the stark contrast in racial composition between the two neighborhoods. Growing up, Jamie rarely spent time with Filipinos in her aunt’s community. Some respondents lived in more Filipino-
dense areas not by choice, but due to lacking the socioeconomic status needed to live in white
suburbs—respondents raised by single parents lived in diverse neighborhoods (Landale, Thomas,
and Van Hook 2011). Regina grew up with many Filipinos in her apartment building but in
school, “everyone’s Black or Hispanic. So, a majority of my friends were Black and Hispanics.”
Now a college student, Regina has “some Filipino friends but then again, not really. The ones
that I talk to a lot that I stay really close with, they're Hispanic and Black.” Like Regina, Alicia
grew up with Filipinos but “when I went to college, it was just lots of White people.” These
feelings of disconnect from Filipino culture and evidence of community ties were prominent in
the respondents’ narratives.

The lack of strong childhood bonds with other Filipinos made the adult respondents feel
disengaged with Filipino culture. Research on ethnic identity formation during adolescence
predict the formation of an adult’s ethnic identity, attitude, and behaviors (Nesteruk, Helmstetter,
Gramescu, Siyam, and Price 2015). The respondents felt their detachment from a Filipino
community at a young age impacted their distant emotions towards their ethnic identity as adults
developing despite evidence of community engagement. Alvin is “not even active in my Filipino community
that much… I don’t think like my [Filipino] peers because mainly my parents have been a little
more choosy [in the past]. I really know more of the parents of the [Filipino] kids because of the
parties.” Fernando explains how his lack of interaction with Filipino culture and community
affected his current identity:

My co-worker is Filipino, and I think he grew up in the States too. He does all the same
typical Filipino activities that you would expect right? Like watch the Pacquiao64 [boxing
matches], karaoke[s], goes to dinner with all his Filipino family and friends. Like he'll show
me pictures of his weekend. That's them playing basketball, then hanging out, but they're
all Filipino. Mostly exclusively. I mean he's married to a Filipina and he has their daughter,
and his immediate family, grandparents, cousins. They're all in Jersey... Like they're all
there.

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64 Manny Pacquiao, a famous Filipino boxer
So, what it means to be a Filipino for myself is immediate family. But for other Filipinos, it's directly related to Filipino pop culture and that kind of stuff. And I always feel like [my Filipino identity] disconnects and turns out to that because my parents were not concerned about [my Filipino identity] so much. And even when we went to other Filipino homes, you could always see The Filipino Channel always on... But my family, we never even have [Filipino] cable. So, the idea of it-- There are certain things that my parents decided that they were going to have to struggle and give up on in order for us to have a better future.

Above, Fernando distinguishes his ethnic identity compared to other Filipinos. Due to his sparse exposure to a Filipino community, he as an adult lament not having strong bonds with Filipinos outside of his family. He also suggests that he will be ostracized from the community due to this second-generation status and lack of childhood cultural engagement. Like Fernando, Regina was “not involved [in the Filipino college club]. I’ve thought about it but then, I don’t know. I don’t want to…I feel like it was unnecessary for me for some reason.” Toby is more immersed with Filipinos compared to the other respondents. He is close friends with “five to six [other] couples and most of them are Filipino” but he continues to share Fernando’s sentiments with the Filipino community:

I think about the [Filipino] community, I don’t know. I don’t know anymore. To be honest, I’m really not as in tune with the Filipino community anymore. It’s like acquaintances, the people I know, family friends, like my parents’ family friends, that’s the closest I’ll understand of the Filipino community... Their get-togethers, sitting around with a bottle of whisky, that’s the closest thing that I get to now to the Filipino community...When I think of Filipino community I think of like my parents hanging out. That’s the Filipino community...

While Toby engages with his Filipino friends, he is hard-pressed to include himself within the Filipino community. For Jose, his Filipino community is “his aunt’s friends...Maybe it’s just me, but I can’t find [other Filipinos]. I was looking for an organized community of Filipinos. All I know are advocacy groups or whatever, but I haven’t found any that I liked.”

Abby lives in Queens, a neighborhood with a large Filipino population. Despite being exposed to

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65 The Filipino Channel, commonly known as TFC, is global Philippine subscription television network.
the daily sights and sounds of Filipino businesses and sounds in her community, she “feels more aware of the Filipino community, but in terms of connected, not so much…I’m constantly seeing [Filipinos], and it confirms my Filipino identity, but connected? I don’t have that strong connection with anyone there.” As adults, their lack of connection to Filipino culture is important in the context of the American racial and ethnic landscape.

While they are U.S. citizens in legal status, the respondents are racialized and othered as non-white passing minorities (Nadal, Escobar, Prado, David, and Haynes 2012). For example, Alicia’s white classmate asked if Alicia was born in the U.S. and complimented her on her “really good English…I was like “Oh, no shit, I speak really good English. I was born here, you know.” Their inability to see themselves as a part of the New York-New Jersey Filipino community contributes to their disconnected sense of belonging and feelings of isolation. This disconnect affects their mental health: Filipino Americans report higher rates of depression, anxiety, and feelings of isolation compared to both Filipinos and Asian Americans (David 2010; Nadal 2020; Sanchez and Gaw 2007). In addition to being unable to claim their American identity, their lack of cultural education also makes them unable to claim their Filipino identity, particularly with Filipino languages.

B) Filipino Americans and Inability to Speak Filipino Languages

Respondents faced double-standards as second-generation Filipinos with U.S. citizenship. Their parents raised them to assimilate seamlessly into American society because of their legal status. Due to the neocolonial history between the U.S. and the Philippines, a majority of the respondents’ parents are fluent in English (Bernando 2008). Their parents preferred to speak to their children in English while speaking to one another in Filipino. Out of the seventeen
respondents, only two\textsuperscript{66} spoke fluently in a Filipino language during the interviews; the others could understand their families’ native languages but were unable or unwilling to speak. Unlike other Asian Americans who set-up heritage learning centers for their children to learn their native language, culture, and history, the Filipino community never followed suit (Shin 2010; Wu, Lee, and Leung 2014). The lack of institutional support for cultural learning and the respondents’ weak ties to Filipino community meant that parents were the defacto teachers of Filipino language. Since their parents did not prioritize language learning, a majority of the respondents are unable to speak in their families’ native languages. This is partly due to the multilingual nature of Philippine households.

While there are eight major languages in the Philippines, the Filipino language is comprised of 120 to 160 languages (McFarland 2008). Tagalog, the most widely spoken and most understood language, was not recommended as the basis of the Philippine national language until 1937, thirty-nine years after independence from colonial Spain (McFarland 2008:16). In addition, regional differences in language in the 7,641 islands and the lack of standardization in non-Tagalog languages make it difficult to implement a single national language (Manarpaac 2008). Alvin did not speak until he was two years old because he “was surrounded by too many languages. My sister spoke English, my dad spoke Tagalog, my mom spoke Cebuano, and then my babysitter spoke Ilocano. So [there were] four languages and I couldn’t pick-up on one and they just stuck with English.” May’s family use a mix of “Ilonggo, Bisaya, and Tagalog. I kind of mix it in because I know [the languages]. I’m pretty familiar with [two of them], but I can’t differentiate which one is which until I hear the Ilonggo version and then the Tagalog version.” Jamie’s father grew up in Manila while her mother grew up in Bicol:

\textsuperscript{66} Jose, a dual Philippine-U.S. citizen, grew up in the Philippines. Bella studied for her nursing degree in the Philippines and learned how to speak Tagalog during her training.
“they met as pen pals and so they spoke to English to each other. So, all their letters are in English…Even if [my parents tried] to teach us, there was no way we could learn one of them.” Jeffrey does not speak Tagalog conversationally but he “understands it very well… I know it when I hear it.” Regina, who spent a year in the Philippines when she was three years old, remembers “speaking Tagalog and then I came to the states, [so] that just diminished.” Jeffrey’s mom “didn’t want to confuse me, so…I am one of those Filipino Americans that don’t know Tagalog.” For other respondents, their parents were rarely home and were unable to teach them the languages.

As first-generation immigrants, the respondents’ parents worked to support both their nuclear families and extended families in the Philippines. Sending remittances is a non-negotiable expense for the respondents’ parents (Semyonov and Gorodzeisky 2005). This financial help came at the price of spending less time with their children and, indirectly, from teaching them Filipino languages. Barbara’s mother commute to her NYC job was two hours one-way. Jamie’s parents were always working overtime so “I was always in my aunt’s house.” Misty’s parents worked in the same hospital, so her grandparents raised her. Regina’s single mother “had to do everything by herself. She would always pick me up from school… [I]n elementary school, I also had to attend daycare in elementary or whatever because she would also work for a long work nights and whatever…[When I was in middle school], she didn’t pick me up, that was now me going home.” From the outside, the fluency in Filipino languages seems arbitrary given the English fluency of most Filipino immigrants. However, the respondents noted how their inability to speak in their parents’ native languages deeply affected their connections to their families and other Filipinos.

Research on ethnic identity development suggests that compared to fluent bilinguals,
limited bilinguals report weaker connections to their heritage culture (Nesteruk et al 2015). In addition, fluency in the heritage language also affected the second generations’ ethnic group identification (Tse 2000). Anthony explained how he wants to learn Tagalog because his lack of fluency “is sad… I know [its common among Filipino Americans] but it’s really important.” Toby notes how his lack of fluency affected his sense of belonging in his American and Filipino community:

I think [my Filipino American identity] came to mind the fact that I look different from a majority of Americans, but that’s clearly from a cultural standpoint what I know. So, I think there needs to be something that signifies what I look like and also how I’m raised, that sort of dual sort of…it’s the only way I can really feel like it’s normal. Because I can’t call myself American across the world. If I were to go around the world in different countries and say I’m American, 7 out of 10 people would have a huge question mark like “What do you mean?” At the same time, I can’t go to the Philippines and say I’m Filipino because they would just smell it off me, or hear it in like the way I pronounce one syllable, as in my best Tagalog. I think my Tagalog is decent, it’s not like I can tell the difference between how I speak Tagalog and a local. And I don’t think it’s that bad, I’m not gonna butcher some of the weird approximate vowels, that is so unappealing…But I can’t go [to the Philippines] and also say I’m Filipino. Because not to say I wouldn’t be accepted, but there’s a very limited portion of the world that would truly understand what my background is.

Above, U.S. citizen Toby does not feel entitled to call himself American due to his non-whiteness. Simultaneously, he is unable to claim his Filipino identity despite speaking basic Tagalog. Toby’s feelings of in-between is the general sentiment of the respondents when it came to their identities. Elena, native of New Jersey, highlighted the racial and ethnic complications of being a Filipino American:

Yeah, because I remember my mom would say Americans, but she would mean white. And my sister would call her out like “We’re Americans.” Like “What are you saying?” And she was very young when she said that, [like in] elementary school. So, it’s like she was very conscious of how different we are. Filipino’s know they’re different, but they’re comfortable enough [in their culture]. We, however, are not comfortable at all. We’re very caught in between that—caught in between like we’re not really Filipino, we’re not really American, we’re in this weird mixture, hybrid thing that we don’t think we connect to.

So, we’re trying to get [our Filipino history and culture] back, but it’s hard to learn. I think it’s really hard to learn our culture if you’re not in the Philippines, and you’re not totally
immersed in it. You have to go to conferences or to classes, you know. Like take Tagalog classes, or be part of [Filipino organization] meetings. Like you could only go to so many meetings, conferences, so many locations to find something, but you won’t find it completely. You have to be in the Philippines, and be totally immersed around people like you in order to—but even then, it’s their brand of culture, not your culture.

The lack of cultural learning heavily weighs on Elena’s sense of belonging in the Filipino community. Unlike immigrant Filipinos, U.S.-born Elena understands little of Filipino history and culture. Without putting in extra effort and privilege of taking Filipino classes and attending conferences, the Filipino Americans find it difficult to feel connected to their parents’ homeland. Learning Filipino languages is also time-consuming, and for Filipino Americans, have a source of shame (Nadal 2020: 69). These barriers—English fluency of their parents, lack of cultural learning centers, pressure to assimilate—made the respondents feel a deep sense of shame for not being connected to their culture. In addition to lacking the cultural learning, the respondents were pressured to assimilate further by forming friendships and romantic relationships with whites.

C) Internalized Racism with Filipinos: Whites as Ideal Friendships and Romantic Partners

As U.S. citizens, the respondents’ families expected them to form relationships with whites. Forming friendships with non-co-ethnics can increase access to resources and social capital (Fieldhouse and Cutts 2010). These relationships with whites also affirm to immigrant parents that their children have fully assimilated into American society (Qian and Lichter 2001). Toby’s parents would “always push me to not hang out with as many Filipino people… They were just always against me hanging out with Filipinos in New Jersey.” The internal racism and colorism first generation Filipinos have permeated in the respondents’ narratives, specifically the preference for light-skinned individuals over dark-skinned persons (David 2013).

Notions of antiblackness in Filipinos are distinct from other Asian immigrant groups
because “Filipino Americans are the only Asian American ethnic group to have experienced direct U.S. colonization” (David and Ozaki 2006:5). The American-based nationwide public-school system in the Philippines taught Filipino students in the English language and also imbued them with “American values” and U.S. racial dynamics (Pido 1997: 24). Unlike Eastern Asia colorism, the Philippines evolved from a Western racism to a contemporary version of Eastern colorism (Dixon and Telles 2017). Simultaneously, Filipino immigrants are excluded in the U.S. rooted in limitations in citizenship and the rights and privileges it imbues (Ancheta 2006). These factors make displays of antiblackness complex for the Filipino community.

The respondents challenged the negative connotations their parents associated with Blacks. Misty as a child remembers how her parents were “always talking bad about black people. They’re always like “It’s them causing a crime.” I’m like “Oh my gosh, what about all the white people who cause crime? Come on, it’s not just them.” Anthony remembers “arguing with my mom. She was not racist, but you know [how] Filipinos don’t like black people… My mom would always tell me about black people like it was a bad thing…I remember I told my mom “Why? We’re not white. We’re on the same team [as black people].” While Jeffrey’s mother “didn’t care” about his primarily black and Puerto Rican friends, “every Filipino from the Philippines has their internal racism and stuff.” Regina shared an anecdote when she visited her brother in the Philippines:

[Filipinos] don’t like dark-skinned people, right? If you’re like lighter—[Filipinos] only like you if you’re white… My brother was really racist, omg. The way he would describe girls would be like, “Oh, she’s so pretty” da da da da and then there was another girl. “She was really cute too”, “Oh, she’s so ugly.” I’m like “Why would you say that?” He’s like, “Oh, because she’s black.” [I was like] Why would you say that? He was like, “Oh, because I hate them.” I’m like, “Why do you hate them?” He was like, “Because they’re black.” So, he was a very good example of racism. He was very open about it.

Regina’s brother was overt about his preference to light-skinned women, his distaste for
black women, and showcasing his antiblackness and colonial mentality (David 2013). For some of the respondents’ families, negative experiences with blacks reinforced these stereotypes.

Given the internalized oppression of racial minorities in mainstream America, oppressed Filipinos may highly value the dominant culture—white—and simultaneously “devalue their own, perceive their racial identity as a stigma or a curse, and hold anti-Black sentiments” (David and Okazaki 2006). May’s parents were landlords whose black tenants “had issues with them over the years and then that became their perception of black people together.” Abby’s mother worked in public transit as a salesclerk and a black man was trying to get help fixing his broken transit card: “He said some really racial slurs, and so my mom was like “Oh my gosh, black people are so mean”. Because the only interaction she’s ever had with white [customers], because it was so limited, it was really pleasant. I remember back in the day, [my parents] were like “oh my God, like black people will treat you terribly because they said some terrible things to her.” The preference for whites also applied to romantic relationships.

The respondents’ families encouraged them to enter romantic relationships with whites to compensate for the status inferiority of Asians in the U.S. Their Filipino relatives abided to the notions that White partners and spouses gave their Asian American partners more status, power, and privilege (Chow 2000). Abby’s mother who now has “lot[s] of her best friends are black, but when they first moved to the US, if my sister dated a black guy, that would have been crazy.” The colonial mentality of favoring light-skin is also prominent (David 2013). Fernando explains that Filipinos are subtle about “their biases when it comes to skin color. [They’ll be] like “Oh, dark. Too dark.” That’s always something that comes up… I was volunteering on campus and we were outside the whole time… The first thing, I come off the bus and [my mom] was just like “You are so dark.”” The expectation of dating and marrying whites was more prominent on the
women respondents’ than the men.

Women have to overcome patriarchal constraints within their class, gender, race, and legal status, and the hypersexualization of Black men (Brooks 2010; Hondagneu-Sotelo 1992). Jamie’s aunt is “married to a white guy, and that’s like a thing of pride. You know what I mean?” Teresa’s family exhibited these expectations clearly. Teresa’s mother was dating a Black man, who took care of Teresa while she was teaching piano to her students. Teresa fondly remembers the man who was “a very good influence in our lives…I remember when I was very young, when we would go out in public, he would have to walk like 3 feet ahead of us, or behind us so nobody knew that my mom was dating somebody who was black…He couldn’t be like seen by her students, ‘cause again she didn’t [want them to know]. So that was kind of rough.” Meanwhile, her father “idealized white people” and had an affair with a married white woman. Her sister “usually dated black guys and my dad was really mad about that…And I know my brother tended to date white women.” Jamie’s relatives encouraged her to date men based on their skin color: “Filipinos would push me to date a white guy, just because he’s white…They would encourage it or they would say “Oh I know this guy. Oh, he’s mestizo.” Elena recounts when she was heading out to a date with a black man:

I didn’t tell my parents that he was— I was going to date him. I did tell them about him. My dad dropped me off the party. And he didn’t want me to go and I was like “Why?” “Because he’s black. And all the guys [in the party] are black.” And he was like “He could rape you.” I’m like [sighs.] I was like “What the fuck.” And I was bawling at that point…Oh my god. My dad’s a racist and my mom called him a racist too. Eventually he did drop me off and I’m pretty sure—yeah, I told— Chris was wondering what the holdup was to meeting [up], I was like “Oh, I guess my dad didn’t want me to see you.” And he said, “Because I’m black?” I’m like “Yeah.” [He said] “Your dad’s a racist.” [My mom] wasn’t against it, I know. But I think they both prefer me to marry and date a Filipino because it will be easier for them to assimilate, easier for the whole family.

Elena’s father attempted to stop Elena from meeting her Black date, insinuating that Elena’s chastity was at risk. These negative associations were not only limited to Black men but
also to darker-skinned Filipinos. The Philippines is well-known for their obsession with light skin and using skin-whitening products: one in two Filipino women have utilized these products at one point in their lives (Mendoza 2014). Twenty-nine-year-old Jamie met Mark in Malaysia and they fell in love. When she introduced her boyfriend to her family, they were unhappy that he was from “Mindanao. He’s dark. He’s not at all like mestizo looking like my family is, and he’s been able to backpack to Europe and everything. He did that on his own. And so, they’re like, “The only way he could afford it was because he’s either making drug money, or he is part of some like terrorist organization.” Lightly put, her family did not approve of their relationship. After Jamie and Mark got married, her family disowned her: “I’ve been on my own for a long time without my family’s consent to anything. And so, they all suddenly felt entitled to, why I chose to marry? It’s a weird thing.” While Jamie’s case is the most extreme, the respondents understood that their families’ preferences for their future spouses were Whites or light-skinned Filipinos.

The respondents’ obtained U.S. citizenship as a consequence of their parents’ legal status fluidity. This protected them from experiencing legal status hardships and undergoing the U.S. immigration system, but this protection did not apply to their parents and older siblings who experienced family separation. The respondents’ parents also opted to hide their migration histories particularly for those who were formerly undocumented due to the pain and hiya associated with undocumented status. The price of their citizenship privilege was in the form of their ethnic identity and community. As a result of their children’s citizenship, the parents emphasized their assimilation and neglected to pass down cultural teachings during childhood.

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67 Muslim separatist groups in the region of Mindanao have been in warfare with the Philippine government since the 1970s. As a result, even non-Muslims Filipinos from Mindanao are associated with terrorism.  
68 Shame
While the respondents’ narratives showcased multiple instances of ethnic community and ties, they nonetheless claimed a disconnect to their ethnic identity. Finally, the respondents were expected to navigate life with Filipino culture and values, particularly to the internalized racism and antiblackness in the Filipino community in their friendships and romantic partners.
CHAPTER 8: BLOCKED LEGAL STATUS FLUIDITY

Twenty-one-year-old Susy refrains from bringing up her undocumented status with her family because “Mama just don't want us to worry about it. [If I brought it up,] that [conversation] may lead with argument with Papa.” Susy’s mother was recruited to the U.S. as a foreign teacher. After four years on the job, she joined a teacher’s strike. Susy was in seventh grade at the time but remembers that because of the strike, their “paper was cancelled” even though it was “on the way to process.” Her mother found another teaching job but their “paperwork was delayed by HR.” They were the first to file for their adjustment of status, but other teachers were receiving their permanent residency earlier. In the end, while her parents are currently on a work visa, their children remain undocumented. I discuss in this chapter how undocumented Filipinos lose their legal status. While the media portrays undocumented immigrants as border crossers, I argue that a majority of immigrants like Susy fall into undocumented status from their pre- and post-migration contexts. That is, they are unable to transition into another legal status due to a lack of financial capital, social capital, and cultural competency before and after migration. Even when Filipinos access post-migration social capital through family-based pathways, immigration policies meant to deter undocumented immigration make it nearly impossible for undocumented immigrants to adjust their status.

Unlike the Filipino immigrants in previous chapters, the undocumented respondents in this section were unable to access legal status fluidity fully during their legal status journey. The respondents in this section both utilized immigrant and non-immigrant (e.g. tourist visas and temporary labor visas) pathways to enter the country. While the previous chapters focused on individuals who were self-selected through their high pre-migration educational attainment and high socioeconomic status, the former generally migrated out of economic necessity. In short, the
main difference between the two groups is that the latter were able to adjust their legal status and to remain “in-status”.

**Methodological Note: Difficulty in Access and Demographic Overview**

The seven respondents in this section are all undocumented Filipinos. I received access to this population after three years of data collection through referrals from other respondents who were trusted friends and family. The small sample reflects how reluctant undocumented Filipinos were to talk about their legal status and the *hiya*\(^{69}\) associated with undocumented status (David, Sharma, and Petalio 2017; Manalansan 2003; Wolf 1997). I attempted to gain additional referrals from the respondents, but they were hesitant to identify their undocumented friends and relatives. Even in instances where the Filipinos legal statuses were outing (typically during a social gathering with their community) and I recruited them to participate in my study, undocumented Filipinos were highly resistant, and sometimes outright hostile, to sharing their immigrant experiences. For example, I had volunteered in Filipino activist groups in the New York – New Jersey area for three years. At one particular protest outside of the Philippine consulate, one member spoke into a megaphone about their\(^{70}\) experiences as an undocumented immigrant to rally for increased protections for undocumented Filipinos. I reached out to our mutual friend and asked if the undocumented person would be open to being interviewed. “They’re sensitive about [their legal status],” our friend replied and discouraged me from recruiting said person. This also suggests the difficulty of accessing non-Latinx undocumented populations (Cho 2021; Patler 2018).

Unlike the other respondents in previous chapters, the undocumented respondents were

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\(^{69}\) Shame

\(^{70}\) Gender is omitted for anonymity.
more homogenous. They were likely to grow up in impoverished households with their parents’ occupations generally in blue-collar and seasonal agricultural work. Three graduated from college, two were college students, and two had some college. Their age of migration varied greatly from 4 years old to 45 years old with an average age of 21 years old and their ages ranged from 21 to 60 years old. Years of being undocumented varied from 6 years to 37 years with a median of 18 years. The older respondents’ motivation to migrate was to work and save money for a few years before ultimately returning to the Philippines. For those who were younger, they either migrated with their families or migrated ahead of their parents. Their initial visas varied: One respondent entered with an immigrant visa, four entered on tourist visas, and two had temporary labor visas. In general, most were fluent in English71. Three respondents had highly-skilled work skills—Angelica was trained as an accountant, Alex was accepted into a PhD program, and Perla had graduated with a nursing degree. Despite this, a majority of the respondents were engaged in domestic and service work.

In this chapter, I illustrate how respondents’ pre-migration contexts determined their post-migration contexts, which in turn shaped their access to legal status fluidity. Three different people illustrate the significance of financial capital (Opal), social capital (Daniel), and cultural competency or cultural capital (Angelica). I begin with Opal’s immigration history.

A. Pre-Migration Context: Lack of Financial Capital

Case #1: Opal

Thirty-seven-year-old Opal had little direct access to financial capital. She grew up in the countryside of Laguna where her parents owned a bakery and “raised all of the animals—

71 Two could speak some English but preferred to speak in Filipino.
hamsters, birds, pigs, ducks—and worked on irrigating [the fields].” Their educational attainment was also low. Neither of Opal’s parents attended college: Opal attended three different colleges but never obtained a degree. Opal’s parents spurred her migration. When Opal was eighteen, she started dating her boyfriend, who was married and separated from his wife for two years. Since the Philippine government does not allow divorce due to the strong influence of the Catholic church and annulment is only available to wealthy Filipinos (Gloria 2008), Opal and her boyfriend continued their relationship despite her family’s objections. Her parents made her stay in Davao during spring break for a month in an attempt to break up the relationship:

[After I returned from Davao, my parents] thought that there would be no communication [between my married boyfriend and I]. When I returned to study again, we never stopped talking so we still had our relationship… My parents got mad at us because it’s like I lost respect [for myself], like that. They were so angry. You know how it is in [the Philippines], if [someone] has a family it’s like…and then you’re a dalaga72… [They were like] you still have plenty of chances to find someone, you know?… We had no future together. It was then that they decided to make me [migrate to the U.S.]… During our time, it wasn’t hard [to get a visa]. The employment agency handled [all of our paperwork], my parents just paid, they paid all of it. It was two hundred thousand pesos.73 [The agency will] just tell you when you’re leaving, like that…

Opal’s lack of access to pre-migration financial capital is clearly laid out in the anecdote above. Her parents forced her to immigrate to separate her and her married boyfriend. Due to their lack of social capital and cultural capital, they had no means to migration pathways through highly skilled labor and educational opportunities (Chapter 5). To compensate for their inadequate financial capital, Opal’s parents borrowed a large sum from an employment agency to obtain her non-immigrant visa and to arrange for her initial employment (Liang 2007; Nee and Sanders 2001). Since a strong predictor of future statuses is the initial visa at entry, Opal is immediately disadvantaged in gaining legal status fluidity as temporary visas provide few

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72 Unmarried woman; maiden; virgin
73 $4,113 in 2021 USD
opportunities to transition between legal status (Papademetriou, Meissner, Rosenblum, and Sumption 2009).

Like many economic migrants, Opal had no intention of resettling permanently in the United States prior to migration (McKay 2007). Opal wanted to stay only for “five years, I was talking to [my boyfriend] that I’d only stay five year or 10 years and I’d come right back. I had a quota to meet to save [money and pay off my debt] and then I’d come home to the Philippines to be with [him]. [Migrating here] was really just to save money and to secure our future.” While Opal’s family trusted the employment agency to help her navigate the U.S. labor market, she never heard back about her promised job. Like Opal, others who sought alternative immigrant pathways outside of family and highly skilled labor are left in vulnerable situations when the agencies fail their end of the bargain (Guevarra 2006, 2009, 2016). Unfortunately for Opal, her limited pre-migration financial capital also defined her post-migration financial capital.

A.1. Post-Migration Context: Lack of Financial Capital

Several factors prevented Opal from gaining financial capital after migrating. Newly arrived in New York, she stayed with relatives and had few social network resources to draw from (Chapter 6). While Opal was completely dependent on the generosity of her relatives, they also had little financial capital to support her: Opal’s aunt was a live-in domestic care worker while her cousin made sushi in a Japanese restaurant. To make ends meet, they rented out two of the three bedrooms in their apartment while Opal slept in the living room. While other immigrants can rely on their relatives to gain post-migration financial capital (Chapter 5), Opal did not have access to additional sources of support. She was unable to find full-time employment outside of her aunt’s work:
When I did get the [job from my aunt], it was only one time and one week only. Then [two months passed] and I said “it looks like [this job from the agency] is not happening. And then I found out I was pregnant. I didn’t know when I was on my way [to the US], I only found out when I didn’t have [my period] and I was vomiting every night. I couldn’t tell my aunt...My cousin got [cancer] and I didn’t want to add to my aunt’s problems. So, I kept hiding my stomach. They didn’t know I was pregnant.

My co-worker told me that she can introduce me to a doctor who does [abortions] because I have to think of my future, because I wasn’t ready [to be a mother]...My parents wanted me to abort the child...My parents wanted me to [abort] too because it was going to be so hard for me. I was really going to struggle and more so because I was here, and I didn’t have [childcare help]. How could I work? How could I [make money]?...I decided that I would keep the baby.

Soon after arriving, she found out she was pregnant. Her cousin was also diagnosed with cancer, which led Opal’s aunt to ultimately decide to “take me out of work and to concentrate on my sick cousin. I took care of him and went with him to his hospital visits...He couldn’t do anything, so I did all of the laundry [and chores] while my aunt took care of everyone financially.” Reminiscent of Opal’s parents forcing her to migrate, her New York-based relatives forced her to take on a caregiver role rather than allowing her to find economic opportunities (Ezquerra 2007). Since Opal was living rent-free with her relatives, she felt obligated to follow her aunt’s order. Another factor that prevented Opal from accessing post-migration financial capital was her single motherhood.

While single mothers face many barriers to financial stability, undocumented single mothers deal with a unique set of challenges (Abrego and Menjívar 2011; Luibhéid, Andrade, and Stevens 2018). Their legal status precarity means that they are often relegated to low-paying and unskilled domestic and service jobs that do not provide pathways to adjust their status (Chacko and Price 2020). Opal’s new role as a single mother also deterred her attempts to gain post-migration financial capital: her days were spent in her part-time job, taking care of her sickly cousin, and raising her child. Her meager earnings were barely enough to feed her child, let alone for savings: “I couldn’t ask my aunt for diapers, for formula. Luckily [my daughter] got
[WIC74] from the government and that’s how we survived.” She also brought her child to her cleaning jobs in lieu of seeking childcare. After two years, her cousin’s health improved, and Opal eventually found a full-time employer. Her boss, upon hearing that she was studying computer science, gave her a computer. Opal’s motivation to study computer science was to enter the highly skilled labor market to potentially gain visa sponsorship (Guevarra 2009). While this was the right direction, her relatives intervened in her adjustment of status again.

Opal’s cousin fully ascribed to the “marriage myth” and that marriage to a U.S. citizen would amend Opal’s status (Mercer 2008). Her cousin also used the computer, albeit for a different reason: “[He] knew how to chat online so he started looking for Filipinos on AOL, like that. He was looking for a husband for me so that my papers could be fixed…” Like many undocumented women, Opal was reluctant to utilize marriage as a path to legalize their status (Enriquez 2017; Pila 2016). Opal and her new US-based boyfriend, a then legal permanent resident, had her second daughter and dated for four years. When her boyfriend proposed marriage, “I couldn’t answer because I wasn’t ready to get married to him… I wanted to get married to a person because I loved them, and I wanted to be with them. I didn’t want to say, “I’ll just fix [my status].” I really wanted a spouse for my lifetime, that I would only get married once.” Since Opal lacked access to post-migration financial capital, the reality is that post-migration social capital vis-à-vis her marriage is one of the few available paths to regularize her status (Qian and Lichter 2011; Schueths 2015). A year later, they decided to get married: “When we got married, that was when I pushed him to become a [U.S.-]citizen so we could take care of [my situation].” Marriage alone is inadequate to allow Opal to adjust her status. Per immigration law, the U.S. citizen sponsor must demonstrate income at 125 percent or higher of the federal

74 Special Supplemental Nutrition Program for Women, Infants, and Children
poverty guidelines (Van Hook and Glick 2020). Even though she gained post-migration social capital, financial capital is still important in her adjustment of status. Opal’s husband worked inconsistently and was also financially irresponsible: “I’m the one who provides [for the family], my income is bigger than [my husband’s]…I hide my money so we can save it for emergencies…After a month, [my husband] used all of [our savings]! Sometimes we get a [tax] refund of six thousand, seven thousand. In one month, he’ll ask me for money, to pay for this and that.” The last barrier was her visa of entry:

When I entered [the country], the [employment agency] used a different name. I tried to get the documents, but they just took away all of the documents. There are no pictures or xerox copies of the name that they used for me. My [immigration] lawyer said that there’s nothing they can do. What they advised me to do, if I really want, is to make a hardship waiver, go back to the Philippines, and get a visa there. Eh, it’s a very risky plan. What if I can’t get a visa and I’ll be banned for 10 years?

Using the employment agency for her initial visa cost Opal’s chance to adjust her status through family-based pathways. The agency did not disclose that she entered the country under a false name and refused to provide any documentation of her entry. While this essentially makes her a victim of human trafficking, the current immigration system leaves undocumented victims few alternatives to legalize (Logan, Walker, and Hunt 2009). The ten-year ban Opal would face from the 1952 Immigration and Nationality Act (INA) also discourages her from applying for a hardship waiver and returning to the Philippines to obtain a visa (Mercer 2008). The agency’s deceit also means that Opal’s two U.S. citizen children are also unable to sponsor her once they become 21 years old. While Opal’s fate is still unclear, her lack of access to pre-migration financial capital defined her blocked legal status fluidity. Seeking an alternative path

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75 Opal may be eligible for a T Nonimmigrant Status but USCIS defines labor trafficking victims as “When someone recruits, harbors, transports, provides, or obtains a person for labor or services through the use of force, fraud, or coercion for the purpose of involuntary servitude, peonage, debt bondage, or slavery” (USCIS 2018). Opal’s lawyer never raised this as a pathway for her, so presumably she is ineligible.
to pre-migration financial capital limited her access to post-migration financial capital (i.e. her future employment) and negated access to her post-migration social capital (i.e. her marriage). In the next section, I illustrate how the lack of pre-migration social capital similarly prevents respondents from becoming legally fluid.

**B. Pre-Migration Context: Lack of Social Capital**

In Chapter 6, legally fluid respondents utilized pre-migration social capital for the opportunity to migrate and to decrease the burden of migration through their pre-migration community networks. In contrast, the respondents in this section lacked pre- and post-migration social capital which resulted in blocked fluidity. I illustrate these processes with Daniel’s case below.

*Case #2: Daniel*

Twenty-one-year-old Daniel, a native of Cotabato, had initial access to pre-migration social capital through his maternal grandfather. His grandfather obtained U.S. citizenship through his military service during World War II (Buenavista and Gonzales 2010) and resided in the U.S. Besides his grandfather, Daniel had no other access to family pathways: while his grandmother was a U.S. permanent resident, she died when Daniel was three years old. Since Filipino veterans were barred from sponsoring more than one nuclear relative at a time (Buenavista and Gonzales 2011), Daniel’s grandfather was unable to petition Daniel’s mother. Until Daniel was in elementary school, he relied on tourist visas to see his family in New York: “My first trip [to the US] was when I was four or five… I think I spent my nursery and my kindergarten here. I can’t really remember, but [it was] like two or three years in America, in New York back then. Then, I went back to the Philippines [when I was six or seven].” The
Filipino World War II Veterans Parole Program limited family-based petitions only to a veteran’s spouse, children, and siblings, but not to their grandchildren (Valiente-Neighbours 2016). To circumvent this, Daniel’s grandfather had adopted one of his grandchildren and planned to do the same for Daniel. Daniel’s mother “had to take me away. There was some tension when I was born between my mom and grandpa and grandma [because] they wanted to [adopt me]. My mom was furious and wanted to keep me, so instead of following her sister [who] just left her child to the grandparents, [my mom] took [me] and brought me [up] alone.” Daniel and his mother moved to Manila to prevent Daniel’s adoption and losing her parental rights. While her protectiveness is understandable, this decision would ultimately cost Daniel’s legal status fluidity.

Their well-intended move to Manila prevented Daniel from gaining pre-migration contexts that would ease his adjustment of status. First, the move proved financially difficult for Daniel and his single mother. They were unable to receive child support from his Daniel’s absent father and his grandfather due to the adoption issue. Neither Daniel nor his mother had a college education and were forced to seek blue-collar work:

[Moving there] was actually one of the worse things [to happen] because on top of [the adoption issue], my mom was like never there, she never came [home]. She worked part-time in the tindahan77, a sari-sari78 store…You know those little carts with the fan and everything? That’s where I worked [and sold] barbecue and stuff, with the banana with caramel on it… I helped with that kind of stuff.

In addition to balancing school and working in Manila, Daniel supported their large family: “[My mom and I] would sometimes help them. We would go to Nueva Ecija, give them

76 While single mothers have the legal right to file for child support, the domestic process is often complicated, expensive, and time-consuming. Furthermore, single mothers in the Philippines are often faced with their childrens’ fathers working abroad, adding another set of complexity to seeking child support. In general, the amount and frequency of child support is up to the discretion of the non-residing parent and are rarely regulated.
77 Loosely translates to “a small marketplace” or a bodega where Filipinos can purchase groceries.
78 A convenience store selling a variety of goods.
food or money. It would take more than one week to help [at] the ranch and whatever [they needed] and then I [would] go back to Manila and study again.” Daniel was admitted into an expensive and prestigious school which could gain him entry into good universities in the Philippines (Durban and Catalan 2012). Unfortunately, the school “got more and more expensive over the years. At some point, my mom was like “I can’t afford this anymore”… Eventually they reduced my fees because I was able to get this scholarship through school.” Even with the scholarship, the prohibitive cost forced him to leave midway in his junior year. Daniel was fifteen when he spoke to his grandfather’s adopted son:

I wanted you to go to [these top Philippine universities] or something like that [but] I can’t make it [to school here] without a money, and then my cousin was like “[I]f you come to New York, the schools are pretty public [and free].” I was like “Ok, I’ll just go [there].” I mean, I’ve been to the US before, I really liked it and I feel kind of more at home there than I was in the Philippines… I enjoyed the [American] education system [when I was there], and I don’t remember my mom struggling for [my education costs]. [T]hat’s the biggest factor for me, [that] my mom doesn’t have to struggle, and I don’t have to like make her go through all of this. I don’t know [how] far I’ll succeed on my own, and I don’t want her efforts to go to waste, so I just wanted to follow [what my cousin said]…I guess it’s ignorance and lack of preparation, but we didn’t know [about visas. My cousin was like] “Oh, you can study [here] via tourist visa” so I was like “okay, I’ll just go.” So, I saved up, got my plane ticket, and went to America.

Daniel’s cousin encouraged Daniel to migrate to take advantage of the free K-12 education system. This appealed to him for a variety of reasons. His previous migratory experiences in New York were positive and his educational experiences had shaped his sense of belonging (Murphy and Zirkel 2015). The accessibility of a K-12 education without the financial burden was also attractive. However, his cousin misinformed Daniel by saying that tourist visa holders could study indefinitely in the U.S. While Daniel had access to social capital about the American education system through his cousin, it came at the cost of incorrect information (Goldring and Landolt 2013). With his tourist visa, fifteen-year-old Daniel saved up for the flight and moved to New York; his mother reluctantly joined him a few months later.

While most immigrants gain social capital after migration, Daniel encountered circumstances that prevented him from doing so. After his cousin enrolled him to the closest public high school, Daniel found his “English was kind of somewhat broken already… so I had to go back to ESL.” The language decreased his ability to make strong bonds with his classmates (White and Kaufman 1997). His legal status also meant “I didn't really want to talk to people because one, I was undocumented…I mean I'm kind of new to [my school] and I don't know much about it…In high school I just didn't feel like letting people know about [my legal status].”

During the interview, he hardly brings up friends and relatives outside of his immediate family, implying a small social circle. His home life was also troubled:

I was living with my cousin [and his mom] before my mom and my grandfather [were] here. There [were] times where [my aunt] was like mean and wouldn’t let me to go school. [She would force me to] wash the dishes or wash the bathroom… And I mentioned there was one time where my aunt started throwing dishes at me, and my cousin got super mad and they had a big fight… My cousin always protect[ed] me, [he would] tell me to go into the store and I just closed the door, and they [would] start shouting at each other…My cousin was just like he went through to that kind of stuff [with her] too. That’s why he went to the military, to get away from his mom…

Even when Grandpa and Mom came, that’s where it got even worse. There [were] just so much fights because there’s so much hardship in the past and they blame one another whenever [it comes up]…My grandfather’s mental health was slowly deteriorating [from dementia]. There was this time in high school [where] he would wake up at 2am and go to my room with a knife in his hand. He’s like “Oh, wake up, wake up. The Japanese are here”… He even had a fist fight with my cousin on the street because my grandfather wanted to leave the house, but my cousin was like “its 3am.” My grandfather just lashed out [at] my cousin…

Daniel stayed with his aunt who verbally and physically abused him. The fighting escalated when his grandfather and mother moved in. His grandfather, suffering from dementia, began to be violent towards his grandchildren. After a few months, “we sent [my grandfather] back [to the Philippines] and after two months, he just passed away.” With his grandfather’s
death, Daniel lost his only access to a migration pathway through family-based petitions. While both his aunt and his cousin are U.S. citizens and consider him family, they are unable to sponsor Daniel’s petition due to how U.S. immigration defines nuclear families (Enchautegui and Menjívar 2015; Hwang and Parreñas 2010).

Immigrants naturally gain post-migration social capital through relationships in their communities. Daniel’s legal status however made it difficult for him to establish strong bonds outside of his family networks due to his college expenses. Undocumented college students often have to pay out-of-state tuition and are ineligible for federal and state financial aid79 (Conger and Chellman 2013). Simultaneously, undocumented families generally have low family socioeconomic status (Gonzales 2011). Like many of his peers, Daniel had to face the difficulties of being an undocumented college student:

[My school] is not as bad as some other college[s], but I kind of regret [going here] in the beginning because “Man, I should have gone to community [college]. It’s much cheaper.” While I was doing my first semester, I worked on another scholarship. I also worked on the summer, interned on the summer, and all that kind of stuff. I was looking for whatever money I can find and then save that money and then go to school again, but I think after my 2nd semester I had to take breaks for one semester and work. I mean after next semester, enroll, study, then rinse and repeat. I think that's the cycle that I'll be doing unless I can just keep pushing scholarships…[The tuition] is just [a ton of] money so I have to save up a lot. I have to work and go get the money, go pay for [school]. You just study and slowly by slowly…I don't want to rush things because if I rush the semester, If I fail a class then I have to take it again. That's even more money.”

To afford his college tuition, Daniel was forced to take breaks between semesters and delay his education. His responsibilities to finance his schooling and attend to his schoolwork means that he has little time to engage in extracurricular and community activities. While research suggests that first- and second-generation immigrant adolescents are overall less

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79 At the time of the interview, the 2019 New York Assembly bill A00782 which provides the state’s undocumented students with access to state financial aid, had not passed.
engaged in friendships than third-generation White counterparts (Cherng, Turney, and Kao 2014), participation in school extracurricular activities provide immigrant youth with a social network of peers, adult mentors, and with the larger community (Fredricks and Eccles 2008; Guest and Schneider 2003). Due to his financial responsibilities, Daniel is unable to form relationships where post-migration social capital can naturally occur. His lack of a social network also impacted his college choice.

As a first-generation college student, Daniel had little guidance when he was in high school: “The reason why I go to my college is because my mom told me to go to the nearest one, that’s the closest one [to our apartment].” His small social network meant that he was unable to consult with peers and adult mentors on his decision. While he did get accepted to his dream college, “it’s too far, it’s too expensive, and it’s out of my league.” If Daniel had trusted mentors outside of his family, they may have advised him to seek the financial assistance from his dream university. This assistance would require disclosing his undocumented status to school personnel but his inability to form relationships with mentors led to his financially precarious college of choice (Gonzales 2011). While he has slowly shared his undocumented story on campus, “I never told my story in front of the big rallies because I was afraid. Because there are really big people there. I did it in [this campus event], because I was talking to people who are my age and people kind of created a safe space to do so. I don't feel safe doing it at rallies or places like Albany in front of lawmakers and that.” Building ties with activist and community organizations as an undocumented person is a privilege not many can afford (Davis III and Morgan 2019). The limited social ties also applies to his romantic relationships.

Daniel’s reluctance to enter the dating realm prevents him from gaining post-migration social capital. Daniel displayed little motivation to date. When asked about his dating life, Daniel
was more focused on “do[ing] well [in school] and then after semester is done, back to work.
That's the cycle right now. Unless I get lucky and I get a scholarship to pay for it, but even then I
still have to focus on my studies.” His reluctance to negotiate his illegality and dating life reflects
the gendered expectations of dating (Enriquez 2017; Pila 2016). His undocumented status and
dysfunctional family also make him reluctant to start dating: “In the future, let's say if I met
somebody I want to be in a relationship with, I don't want to tell them [about my legal status].
Eventually you have to be honest with all those [things] with your background, but I feel like I
shouldn't be proud saying, "Oh, I came through these hardships and this is the family I have to go
through." [That’s] something that I'm actually more embarrassed to say about.” While other
respondents accessed legal status fluidity through their romantic relationships (Chapter 6), his
hesitation to enter romantic relationships blocks his post-migration social capital.

Outside of romantic relationships, Daniel has attempted with difficulty to connect with
two specific communities of interest. He longs to connect with the Filipino American community
due to his immigrant background:

There's parts of me that want to be in touch with a Filipino group, have Filipino friends but
I find it kind of difficult. I don't know, I just feel like I just don't get them. When I went to
high school, it's like they're different [from me]. They're interested in different things, but
they do seem very Filipino. They play basketball and all that kind of stuff. They do the
Filipino family thing, camp parties in the back, Filipino karaoke, and all that kind of stuff. In
college, they have their own Filipino group…[T]hey do the show with singing and
dancing whatever, cultural presentations and stuff like that and I think that's pretty cool…
I went there, I was like, "Can I join?" and it's like, "Oh, you can sign-up right there, your
name." I was like, "Okay." He was like, "Are you Filipino?" I'm like, "Yes, I'm Filipino." and
the person that was asking me if I was Filipino wasn't even Filipino. I want to join but
they didn't even welcome me as a Filipino… I want to get in touch with that kind of Filipino
roots but [I was] never into it, I guess.

Daniel feels out-of-place in the Filipino community due to his lack of engagement in
social activities. The Filipino community places great importance in social interactions and
activities to build bonds (Espiritu 2003). Daniel does not have the financial resources to join their
bonding trips nor the time to invest in these activities. Additionally, his experience of being racialized as a non-Filipino was particularly painful and discouraged him from deepening his community ties. Daniel also attempted to reach out to the undocumented immigrant community. A local organization working with undocumented Asian immigrants hired him as an intern and he “was a member of [a support] group at the very beginning. I guess I could say I was the first member... We slowly created the group and it [was] a little rough because membership is tough.” Despite being a founding member of the support group, his financial and school obligations keep him from being more involved: “It's like the first time I disappeared [from meetings was] for work and my school is always— the meetings are always on [this week night and] my classes are always [the same nights]... It's not like I purposely make my class [that way, but that’s how it works out].” While some undocumented immigrants are able to balance their academics and community organizing, Daniel like many undocumented immigrants are unable to fully engage in civic and political organizing (Davis III and Morgan 2019). Finally, his interactions with his few friends diminish his experiences with illegality:

Some of them forget [about my legal status]. Let's say I've told them already, "Okay, I'm undocumented." They'll [ask], "Hey Daniel, did you get your financial aid?" I'm like, "Dude I'm undocumented. I can't get it." But these are people I trust to say that and then there's friends [that are] like, "Oh, what about your driver's license?" and I'm like, "Bro, I am undocumented." It's not their fault. They don't, you know? They kind of forget. They are going to have their driver's license and I'm going to be going without one and they're fine with that. They don't care if I'm undocumented. They just don't care. They just care of me as a friend, their high school friend, the stuff that we went through, our experiences. To them I'm not an undocumented immigrant. To them I'm just Daniel, you know?

Daniel shared his undocumented status with his friends but divulging his secret did not bring them closer. Disclosure typically strengthens community ties and relationships and addresses the inequalities undocumented immigrants face (Patler 2018). As an undocumented non-Latinx immigrant, disclosure further isolated Daniel from his connections (Cho 2017, 2021).
The seemingly innocuous questions about his driver’s license and financial aid were a constant reminder of the exclusion he endured due to his legal status (Torres and Wicks-Asbun 2014). Daniel’s community networks were weak, but he gained some social capital from his relatives’ networks.

Daniel’s immediate relatives were crucial in connecting Daniel to work opportunities. In low-resource immigrant communities such as undocumented families, social capital is key to economic advancement, social integration and political engagement (Hagan, Leal, and Rodriguez 2015). Daniel’s mother and cousin consistently assisted Daniel with finding short-term work opportunities that fit his sporadic schedule (e.g. medical billing and filing clerk work). At the time of the interview, he was the social media manager of a doctor’s practice because “[the doctor] have an employee that was Filipina [and] my mom met her. They’re very accustomed to Filipinos. [White people] love us, actually.” Daniel also utilizes his status as a “desirable” minority worker in white-dominated spaces (Rodriguez 2010; Tigno 2014). These jobs afford him the flexibility to work with his school schedule and the finances to fund his schooling. However, he is constantly in the cycle of looking for short-term work: “Right now, for the next semester [and] upcoming future, I have to find another job [that’s] something else.” These opportunities rarely assist Daniel’s long-term career goals and provide little social capital to use for legal status fluidity. Daniel’s lack of access to pre-migration social capital in turn determined his scarce post-migration social capital. His inability to form strong community bonds came at the cost of his educational choice and his short-term employment. I explore in the next section how the lack of pre- and post- migration cultural competency makes immigrants lose their ability to adjust their status.
C. Pre-Migration Context: Lack of Cultural Competency and Cultural Capital

The legally fluid Filipinos in Chapter 5 adjusted their legal statuses due to their highly skilled work abilities, understanding of the American labor market, and exposure to American culture. The undocumented respondents were unable to capitalize on the highly skilled labor market where they could be sponsored for work visas pre- and post-migration. I explore Angelica’s history with legal status fluidity to highlight blocked fluidity through lack of cultural competency and capital.

Case #3: Angelica

Pasay City native Angelica had initial access to cultural competency. Unlike most of the undocumented respondents, the sixty-year-old came from a privileged background. Her father was a lawyer and her mother worked as an office worker while taking care of their ten children. Her parents bought two encyclopedia sets for the family “and encouraged us, [they said] “You have to read, read, read, like that!” She graduated college with an accounting degree and spoke English with no discernible accent. After graduating, she worked as a bank teller and as a hotel accountant. She then worked as the accounts manager in a European shipping company for more than a decade. Compared to other Filipinos working in the shipping industry (Bloor 2011), Angelica worked in an administrative role. “I held all of the money [in the ship]. We’re talking real money, like a million, million”, she explained proudly. Since she was “upper management, I had established trust with [my employer]…My ticket back and forth to the Philippines was paid for by the company.” Her siblings took care of her son in the Philippines when her work took her to Europe, the Caribbean, Africa, and through her sister ships, the United States and Canada. Due

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80 This suggests that Angelica is from an upper-middle class background in the Philippines.
to her high rank in the company, “[my son’s] ship accommodation and food would have been taken care of. I had that privilege to bring family [with me]....” Instead, she went to visit her U.S.-based siblings.

Angelica’s access to pre-migration cultural capital gave her a pathway to enter the country. Before their first U.S. trip, she took her son to Hong Kong because “of course, you have to show in your passport that you travel [internationally].” In her forties at the time, she understood intimately the hidden etiquette of applying for international visas (Bloch, Sigona, and Zetter 2011). Due to her work’s transnational nature, she traveled to many countries through her work in preparation for her and her son Michael’s migration.

C1. Post-Migration Context: Lack of Cultural Competency and Cultural Capital

On one of her U.S. visits, her access to cultural competency gave her an H1-B visa offer as an accountant. She decided to take the offer and hired an employment agency to handle the paperwork. Unbeknownst to Angelica, her I-94 expired before her H1-B visa had processed. The I-94 is issued to nonimmigrants “that states the status under which the alien entered the U.S. and when that status expires. After the expiration date listed on the I-94, if the alien is still residing in the U.S., unlawful presence begins to accrue” (Farnam 2005:35). Even if Angelica was eligible for an H1-B visa, an expired I-94 meant that she had inadvertently overstayed her previous tourist visa:

My [I-94] on my tourist visa expired [when I got my H1-B visa] The agency told me that I can’t extend [my I-94] for another six months. [They said my H1-B visa] would probably come out in [six months], but it didn’t come [then]. They filed it in [four months after my I-94 expired] and it came out [after 9 months]…[My work visa] went over 180 days so [my I-94] was already expired by then… [When] the I-94 expired, I should have exited the

81 To protect Angelica’s identity, I have purposefully omitted details of her journey to the U.S.
82 Ibid.
83 The only exception to this rule are international students as their cards do not have a specific expiration date.
country by then, you know? And then I asked the employment agency to file [a new I-94] for me and they were the ones who were chastising me… I said [to them] “No, when I came here to you guys [for help], but at the time, I just didn’t argue.” That’s probably one of the reasons[s] why they were rushing [to process] my papers and why it took a while for the H1-B to get out.

The employment agency knowingly processed Angelica’s H1-B visa with an expired I-94. When Angelica requested the agency to extend her I-94, they also failed to share that she needed to exit the country for a new I-94. This defining moment illustrates the importance of pre-migration cultural competency and capital. Save for large multinational corporations and academic institutions, immigrant employees are left to figure out the immigration system without the assistance of their visa-sponsoring employer (Bah and Werner 2013). Angelica sought help from an agency who misinformed her and processed her paperwork incorrectly. Further, when she realized there was an issue, she “just didn’t argue” with the agency due to her inexperience with the U.S. immigration system. Immigrants with cultural capital would have hired private immigration lawyers to amend the mistake (Levin 2009). While her immigration issues are not due to language difficulties (Arbona et al 2010), the language utilized in immigration law is complex and confusing even for native English speakers. Finally, the lack of biometric exit matching, tracking plan, and the lack of immigration enforcement on expired visa holders means that immigrants fall out of status without them knowing (Lopez 2016). Angelica’s lack of access to detailed cultural competency (understanding of complex immigration laws) and capital (English proficiency in immigration legalese) prevented her from adjusting her status without issue.

The agency error’s shaped Angelica’s future immigrant pathways. Left with the choice of leaving the U.S. and waiting years to amend her legal status, Angelica like many undocumented immigrants chose to stay (Wampler, Chávez, and Pedraza 2009). Since her closest siblings had immigrated to the U.S. and Canada, “[Michael and I] had nothing to go back to the Philippines
and there was no guarantee that we could come back [to the US] because [our I-94] had expired.”

After Angelica became undocumented, she actively sought other avenues to “fix” her legal status. While she is theoretically eligible for family-based pathways through her siblings, sibling petitions in the U.S. would take a minimum twenty-five years to be processed (Hwang and Parreñas 2010; US Citizenship and Immigration Services 2018). Her father was a World War II veteran who served in the United States Army Forces in the Far East. He was entitled to U.S. citizenship through his service but was excluded from all GI bill benefits after the 1946 Rescission Act (Rivera 2010). Like most Filipino veterans, “[my father] fought in the war as a front liner and they didn’t quickly--[they were] promised citizenship and they didn’t even get it…[The Filipino veterans got] nothing, [they] were tricked.” Her father also passed away before receiving his benefits. Her husband had remarried and moved to Canada with his new family and was estranged from his initial family. Since Angelica’s social capital was limited, she relied on her pre-migration cultural competency and capital to open immigrant pathways. Her domestic and international work experiences gave her confidence in American workplaces:

My nature from my hotel job and the ship mean that I am [upfront about talking about my issues], [My co-workers] said that that I’m arrogant but that’s not it. I’m sure a lot of people say that [about me], that’s their opinion. I’m just really opinionated and I’m not really mataray.\(^84\) If I don’t need to be mataray [at work], then I’m not mataray… That’s probably why one of the people who joined me in training told me “You know Ate,\(^85\) it’s not obvious that you don’t have any papers because you’re so confident.” I told [her] that it’s just the nature of my [upper management] jobs at the ship… I also had to speak English at work so that’s probably also why [other undocumented Filipinos] don’t practice and they’re shy to speak English or something.

Angelica’s experiences advantaged her in two specific ways. Angelica’s upper-management experience made her comfortable working in Western-style settings (Jacobs 2019; 84 A woman who answers back bluntly or brusquely and is associated with pretentiousness and bitchiness. 85 Reference to an older female relative or respected friend and means “sister”.

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Nohl, Schittenhelm, Schmidtke, and Weiss 2014). It also allowed her to speak in English in the workplace (Akresh 2006). While these skill sets would normally allow her to adjust her legal status, her expired I-94 negated their positive effects on her legal status fluidity.

Several factors contributed to her blocked access to cultural capital. Angelica immigrated in her mid-40s. Migrants, particularly those who are visible minorities in the receiving country, face significant earnings disparity with higher age of migration (Pendakur and Pedakur 2016). Angelica drew on her cultural capital through work to seek out alternate legal status pathways. While immigrant communities utilize cultural capital to overcome exclusion in academic institutions and access to healthcare (Madden 2015; Rios-Ellis, Rascón, Galvez, Inzunza-Franco, Bellamy, and Torres 2015), Angelica’s undocumented status limited her access to post-migration cultural capital. She left the initial employer who sponsored her H1-B because “So I didn’t continue [working there]…[They] were screaming at me [at work]. It’s like you’re not there to be yelled at. I told them “just disregard my [visa] sponsorship.” It was such a waste.” Her expired I-94 left her unable to pursue jobs that could provide visa-sponsorships.

She relied on her previous work experiences to locate job opportunities, but her legal status prevented her from entering a career-oriented field. Working as an administrative assistant, she was frustrated that “[my boss] wouldn’t let me do any accounting work because I don’t have any papers. Even when the Filipino bookkeeper goes on vacation, [my boss] won’t let me take over [her duties].” Angelica was used to blue-collar work practices, but her new undocumented status meant having to deskill and take on low-wage jobs in the informal economy86 (Boyd and Pikkov 2005; Liebert 2020). An undocumented status also means lower returns in human capital (Hall, Greenman and Farkas 2010). Her status made her vulnerable to exploitation: “My salary

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86 Hall, Greenman, and Farkas (2010) estimated a 17 percent wage disparity between undocumented and legal Mexican migrants in the U.S.
was really small. We had enough to get by to pay rent, to pay for [what we need], we’re not hungry, like that. But just to survive, I [accepted this job] and I’m putting up with the cheap employer...[They] pay on time but the increase in pay is really slow.” When she moved to New York, she found it difficult to find work “and that’s why I did a bunch of nanny training.” The deskilling of migrant women is common (Cuban 2013), but for Angelica, deskilling also affects her ability to seek work that would allow her to regularize her status and access to immigration lawyers.

Angelica’s low access to cultural capital through low-wage jobs limits her legal course of action. She consulted an immigration lawyer about her case:

I heard just getting a lawyer to represent you is a lot of money. But apparently you can [hire them] and they can twist it so that’s why its [an option for] wealthy people...I asked a lawyer [about my case] and they told me that I’d need a lot of money. I didn’t ask for the specific amount, but it must be really big because I asked others who spent $70,000. That’s what I heard at least...I heard for those who got married, I heard its $20,000, $30,000 depending on [your case]. There’s always a catch and it’s really hard if you get scammed.

Angelica points out how hiring an immigration lawyer is reserved for those with access and available income. The constant changes and complex nature of immigration law coupled with its administrative challenges means immigration lawyers are highly specialized in their field (Levin 2009). Even for undocumented immigrants who adjust their legal status through marriage require legal help and financial resources well outside of their income bracket (Schueths and Lawston 2015). Her previous experience with working with an employment agency also makes her wary of seeking legal assistance. This blocked access to cultural competency and capital also shaped her son Michael’s immigrant pathways.

Angelica’s limited cultural capital affected Michael’s access to post-migration cultural capital. Michael was 14 when he moved to the US with Angelica. While his age of migration gave him advantage over Angelica (Pendakur and Pedakur 2016), he ended up dropping out of
high school and getting a GED instead. Michael searched for work to assist his mother. Like Daniel, Michael had little work experience to draw from: “He ended up working in the same company where I worked. My employer took him because they liked him. [Michael] worked under me as my assistant.” While this improved their financial situation, this limited his access to cultural capital such as attending college. By remaining in similar jobs as his parent, Michael is unable to take advantage of the “multiplier effect.” The effect argues that the diversification of accumulating cultural and social capital explains the steep upward mobility of children of immigrants and increase their chances of success (Crul, Schneider, Keskiner, and Lelie 2017). Angelica’s lack of cultural capital also prevented Michael from alternative statuses. When Michael’s H4-visa\(^{87}\) was denied, “the law office [I hired] denied Michael’s application [for the H4-visa], so I pulled out his applications. It was free to get copies of his paperwork. Then [the office] just kept writing and writing to me because there was another option\(^{88}\) [for him], but I didn’t bother because I didn’t want to fight them anymore and maybe later on, who knows what they would do to me… What a waste, we could have just kept renewing and renewing [his H-4 visa].” During the interview, Angelica never brought up her son’s DACA\(^{89}\) eligibility, which was also an opportunity to increase his cultural capital. With DACA, Michael could seek career-building work opportunities and open potential doors to adjust his legal status in the future (Gonzales, Terriquez, and Ruszczyk 2014).

Unlike other respondents who obtained legal status fluidity (Chapter 4 – 7), the undocumented respondents in this chapter lacked pre- and post-migration contexts to navigate the U.S. immigration system successfully. I highlight three cases to illustrate the importance of

\(^{87}\) H1-B holders are allowed to have dependents under an H4-visa.

\(^{88}\) Angelica’s lawyer never specified what the option was for Michael, but it could potentially be an F-1 visa for international students.

\(^{89}\) Deferred Action for Childhood Arrivals
pre- and post-migration financial capital, social capital, and cultural competency in becoming legally fluid. Opal’s family lacked pre-migration financial capital and relied on a dubious employment agency to gain a temporary visa. This ultimately cost Opal’s ability to adjust her status despite having access to post-migration social capital through her U.S.-citizen children and husband. The importance of financial capital was also shown in the need to meet minimal income requirements for family-based petitions. Daniel’s veteran grandfather was Daniel’s only access to pre-migration social capital. His passing and immigrations’ definitions of nuclear family mean that despite having U.S.-citizen relatives, Daniel is unable to transition his legal status. Daniel’s difficulty in establishing strong romantic and community bonds also comes at the cost of losing post-migration social capital. Lastly, Angelica’s initial access to pre-migration cultural competency allowed her to enter the country but lacked enough cultural capital to successfully acquire another visa. Her inability to be legally fluid deskillled her to low-wage jobs and prevented access to employment-based sponsorships and immigration lawyers. Notably, these effects also passed down to her son Michael due to a lack of diversification of access to social and cultural capital.
CHAPTER 9: CONCLUSION

Ilene offers to walk me to my car since she lives close by. During our walk, she asks me where I am from and I say I am from Davao. “You’re actually from Davao!!!”, she excitedly screams, “How come you didn’t tell me?? I was struggling to speak Tagalog [with the other Filipinos]!” She explains that there were other people who spoke Bisaya from our gathering, but most of the attendees were Tagalog-speaking. She hugs me in relief and says “Ahh, it’s so nice to know someone who is Binisaya" Ilene is from Cagayan de Oro and moved to the US three years ago. She lives with her two sisters and a brother-in-law. She was together with her seaman fiancé for thirteen years and was engaged for four years. She had the opportunity to work in the US, but her boyfriend said “no, we’ll get married if you don’t leave.” She ended up staying in the Philippines, but her boyfriend failed to follow up on his promise, so she broke up with him.

During our conversation, Ilene never reveals her legal status. She came as an international student but then asked “how much did your school cost? Was there a difference between online schools and “real” schools?” I asked her to elaborate on her international student status: “[I go to] a school on how to learn English.” She then says that she is on a work visa as a nurse, but is in the middle of switching jobs. She also mentions that she wants a “real family” and asks me if I knew anyone who was looking. I ask if I can interview her next week but with her changing jobs, she does not know her schedule. We exchange phone numbers and I promise to contact her next week. I give her a hug and head back home. In the end, Ilene never had the interview: I suspect her reluctance is because she fell out-of-status and became undocumented. In this dissertation, I proposed an analysis of the pre- and post-migration contexts that situate immigrants’ abilities to navigate the US immigration system. Some immigrants like Ilene

Someone speaks Bisaya, but also refers to the Filipinos who are from the Visayas and Mindanao region.
encounter blocked access to legal status transitions. Ilene’s subtle rejection of being interviewed suggests that this is a surreptitious and growing issue for Filipino and other non-Latinx communities.

Main Findings and Implications

Using my legal status fluidity theoretical framework, I argue that immigrants require access to financial, social, and cultural capital prior to and after migration to adjust their legal statuses. In this concluding chapter, I provide an overview of the main findings and their implications within the relevant policies and literature. I also discuss the limitations of the study and areas for future research.

In this study, I illustrate that access to legal status fluidity begins pre-migration. The neocolonial history gives them access to multiple immigration pathways (Aguilar 2010). For some, this means having high educational attainment, socioeconomic status, English language fluency, and having compatible skills for the highly skilled labor market (Dumanig, David, and Symaco 2012; Feliciano 2005; Nohl et al 2014). For others, having nuclear family members with U.S. citizenship or legal permanent residency allow them to become legally fluid (Enchautegui and Menjívar 2015). These processes were also highly gendered, particularly for Filipina women who historically are exported globally by the Philippine state (Choy 2003; Espiritu 2005; Guevarra 2009). I also illustrate that access to legal status fluidity continues post-migration. The organic social capital that comes from building community with friends, colleagues, and romantic relationships assist immigrants in building legal status pathways.

I also find that, except for a few legally fluid immigrants (Chapter 5), access to legal status fluidity comes with a steep price for immigrants and their families. Non-spousal family
pathways meant long-standing extended separation for the immigrant petitioner and their families: reunification rarely resolved years of feelings of abandonment and resentment (Chapter 6). For spousal family pathways, extended family separation was replaced with bureaucratic delays and employment issues despite having the legal right to work (Chapter 6). Native-born US citizens received their citizenship as a consequence of their parents’ legal status fluidity at the expense of their ethnic identity and sense of belonging in the Filipino community (Chapter 7). Undocumented respondents initially had access to legal status fluidity which allowed them to migrate, but encountered barriers to further adjust their status (Chapter 8). Both documented and undocumented respondents were subject to an unforgiving immigration system where they fear falling out-of-status without the chance to appeal for their circumstances on a case-by-case basis.

Notably, the Filipina/os I interviewed and observed practiced their agency and adopted strategies to increase their access to legal status fluidity. These strategies varied from positioning themselves into highly skilled markets, pursuing higher education to transition into said-labor markets, marketing their English language fluency, and understanding American culture mores (Chapter 5). Furthermore, Filipina women actively challenge the racial and gendered framing of their interracial and mixed-status marriages (Chapter 6). They counter the marriage myth (Mercer 2008; Schueths 2014) through acts of resistance and through independence and self-advocacy. Simultaneously, their agency is also limited by immigration law and factors often outside of their control, such as their legal status at entry and pre-migration contexts. I find that access to legal status fluidity shapes immigrants’ sense of belonging, careers, family life, and identities.

In addition to contributing to the empirical research on Filipina/os, these findings also expand our understanding of how legal status is accessed or blocked over the life course through
educational tracts, highly skilled employment and family-based pathways. As immigration policy becomes more restrictive and a bipartisan comprehensive immigration reform nearly impossible, the future of immigrants’ legal precarity and noncitizenship seems bleak. While pre-1980s immigrant cohorts were able to regularize their status (Haas, Natter, and Vezzoli 2018), contemporary immigrants face institutional, political, and societal barriers to do likewise. It is increasingly clear that the need to apply legal status fluidity to other immigrant groups and to critically assess the factors that allow and block legal status adjustments is vital. I also show that, despite having documentation, documented immigrants face exclusion as a direct result of immigration policies directed towards undocumented immigrants.

**Theoretical & Policy Discussions**

*Legal Status Pursuits During the Global Enforcement Era*

The global rise of the radical right has deepened the division between undocumented and documented immigrants (Varsanyi 2008). In a study of 45 countries’ immigration policies, scholars noted how family reunification policies have added more barriers, such as adding language and culture examinations, and increasing the age and income thresholds (Haas, Natter, and Vezzoli 2018:25). Meanwhile policies for undocumented immigrants have become more restrictive, thus increasing the need for regularizations in Europe and Latin American countries. The struggles around legal status and citizenship “do not begin and end with legislation but rather involve continuous on-the-ground negotiation and subject-making through labor processes, civil society mobilization, and the drawing of moral boundaries” (Choo 2016: 166). In this enforcement climate, “immigrants of every legal status feel insecure about being noncitizens in America. They feel insecure whether legally admitted or undocumented and whether they possess criminal backgrounds or college degrees. This citizenship insecurity shapes the
trajectories of immigrants as they make choices about their present lives and future investments in America” (Chen 2020: 3-4).

The institutional framing of migrant labor and families is also particularly relevant to Filipino immigrants. León (2020: 191, 200) calls mixed-status marriages “the uncomfortable convergence of “marriage for love and papers” because “the reality that marriage can lead to benefits outside of uninterested love and companionship does not fit within the mainstream narrative on marriage.” In South Korea, while Filipina factory workers are considered workers, Filipina migrant hostesses and migrant wives are constructed as women who “relied on their statuses as mothers of South Korean children to support their inclusion in South Korean society as moral and political equals...and migrant hostesses had access to neither the dignity of workers nor that of mothers, leading to their exclusion form the making of migrant subjects in South Korea” (Choo 2016: 168). The refusal of governments to acknowledge that labor migration involves immigrants who have families and that its citizens will interact with said immigrants is to the detrimental treatment of all noncitizens.

The experiences of noncitizens center on these feelings of legal status insecurity regardless of their place in the citizenship spectrum. Chen (2020:7) uses the term “semi-citizens” to refer to documented immigrants who are on their pathways to full citizenship. I, like the author, argue that “citizenship equality means society will need to extend institutional support to its newest members” (Chen 2020:12). I further argue that given the impossibility of separating mixed-status families from their undocumented counterparts and community members and given the ways in which legal status fluidity can be accessed through nuclear families, there is a need to reframe undocumented immigrants as potential documented noncitizens. While Garcia (2020: 200) calls to “further increase political and community involvement, such as including
immigrants on city and state boards and commissions and allowing people to vote in locally controlled elections, regardless of immigration status”, I push for changes at the federal level, such as allocating immigration caps by the receiving country’s population size (rather than the arbitrary 26,000 per country cap for non-immediate relatives), eliminating conditional permanent residency status for mixed-status couples, and introducing a maximum of a three-year wait for family-based pathways\textsuperscript{91}. The current US immigration system is inhumane to mixed-status families regardless of legal status.

Undocumented Asians and the Racialization of Undocumented Immigration

The racialization of undocumented immigration as primarily “Latino” has hurt the Asian community. The fear of detention, deportation, and forced separation from their families bring immense health issues to all noncitizens (Arbona et al 2010; García 2018), especially under the Trump administration (Valdivia 2020). While undocumented Mexicans and Central Americans compromise the majority of the deportee population, Asian legal permanent residents or refugees also “have served their sentences in the criminal justice system and then have been deported...from the United States where they have spent many of their formative years” (Hing 2005: xii).

Studies on undocumented Asians have also shown how their ethnoracial background differentiates their experiences from their Mexican and Central American counterparts. Undocumented young adult Koreans face the stigma of disclosure from both within and outside of their community and engage in “selective status disclosure” to reduce their experiences with

\textsuperscript{91} I chose the three years maximum based off the Canadian family sponsorship, which specifically aims to “reduce wait times, avoid application backlog, and increase fiscal sustainability.”
illegality (Cho 2021). Unlike Filipinos who benefit from neocolonial immigrant pathways, restrictive immigration policies exclude most Chinese immigrants from legal entry into the U.S. (Hsin and Aptekar 2021). Undocumented Chinese are subject to “legal violence” by being forced to rely on debt collectors, undergo dangerous migration routes, family separation, and seeking asylum as their only way to access legal status pathways. While asylum is generally viewed as a humanitarian option, the authors argue that the asylum system “creates hierarchies of humanity by determining who qualifies as refugee, citizen, or native, and how individuals are disciplined once they acquire asylum” (Hsin and Aptekar 2021: 4). The need to address undocumented immigration outside of racial constructs and ending the bifurcation of documented-undocumented immigrants will lead us closer to establishing long-term solutions.

Limitations and Areas for Future Research

The limitations of this study include the potential uniqueness of the Filipino immigration case. Given the neocolonial history between the Philippines and the United States, it is unclear if the theory applies to other immigrant groups. Yet, the literature illustrates how other countries besides the Philippines purposely implemented neoliberal policies to promote out migration-flow and to benefit from remittances (Delgado Wise and Covarrubias 2008; Hernandez and Coutin 2006; Misra, Woodring, and Merz 2006). Varsanyi (2008:892) argues that “[a]s the rescaling of membership creates ever-increasing walls between “us” and “them,” “citizens” and “aliens,” we must confront the implications of a seemingly permanent expansion of second-class membership and a working class increasingly composed of nonpersons (at least in the eyes of the law) for social, political, and economic justice.” While this study's sampling is not nationally representative, the methodology allowed for a diverse and varied immigrant experience. English
language fluency and exposure to American culture are arguably unnecessary to transition between legal statuses. Language fluency however determines access to jobs, social capital and, in some cases, naturalization. For example, while Mexicans are the largest group of permanent resident holders, their low rates of naturalization are due to language barriers (Gonzalez-Barrera 2017).

Finally, the Trump administration increased long-term restrictions for immigrants overall. Even if immigrants practice individual agency and strategize to access legal status fluidity, immigrant pathways are still determined by the receiving country’s government. The Supreme Court’s recent decision on public charges (Luthi 2020), the Muslim ban (Collingwood, Lajevardi, and Oskoii 2018) and the ban on pregnant women (Simon 2020) suggest that potential future immigrant pathways will be blocked. While President Biden’s presidency has led to more optimism for more humane and less restrictive immigration policies, such as ordering ICE to the terms “illegal alien” and “assimilation” and replacing it with “undocumented noncitizen” and “integration” (Rose 2021). Despite early campaign promises of reversing the Trump administration’s racist immigration policies on refugees and immigrants, President Biden has illustrated reluctance in doing so (Shear and Kanno-Youngs 2021).

Future research should address the lack of longitudinal studies of immigrants that track legal status transitions. This gap is an impediment to studying legal status fluidity within immigrant groups. More studies should also explore how formerly undocumented immigrants, despite regularizing their status, continue to feel the effects of their illegality (Bazo Vienrich 2020). Comparative work between the U.S. and other western countries can illustrate how immigrants navigate legal status transitions. Most importantly, there is a great need for nationally

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representative longitudinal research on naturalizing immigrants which follow their initial legal status and the changes they encounter.

This study illustrates how immigrants navigate available pathways via the U.S. immigration system. The rise of anti-immigrant policies and heightened immigrant enforcement has made the issue of legality paramount and the attacks on undocumented immigrants deeply impact their mixed-status families. The legal precarity of documented noncitizens and how immigrants lose their legal status need to be highlighted in the literature. Despite the narrative of prioritizing family reunification, future immigration policies must acknowledge and address the continued deterioration and separation of immigrant families.
## APPENDIX

### Table A. Legal Status Fluidity Through Non-Family Means, Labor and Education (n = 5)

<table>
<thead>
<tr>
<th>Non-immigrant visa &gt; Immigrant visa &gt; Legal permanent resident</th>
<th>Non-immigrant visa &gt; Non-immigrant visa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charissa</td>
<td>Anna</td>
</tr>
<tr>
<td>Crystal</td>
<td>Aileen</td>
</tr>
<tr>
<td>Patricia</td>
<td></td>
</tr>
</tbody>
</table>

### Table B. Legal Status Fluidity Through Family, Spouses (n = 11)

<table>
<thead>
<tr>
<th>Non-immigrant visa &gt; Immigrant visa &gt; Conditional permanent resident</th>
<th>Non-Immigrant Visa &gt; Non-immigrant visa &gt; Conditional permanent resident</th>
<th>Condition al permanent resident &gt; Legal permanent resident</th>
<th>Non-immigrant visa &gt; Undocumented &gt; Conditional permanent resident</th>
<th>Immigrant visa &gt; Undo &gt; Legal permanent resident</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justine</td>
<td>April</td>
<td>Anton</td>
<td>Desiree</td>
<td>Rod Allen</td>
</tr>
<tr>
<td>Gina</td>
<td></td>
<td>Mark</td>
<td>Rhacel</td>
<td>Christine</td>
</tr>
<tr>
<td>Mark</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rhacel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sharon</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table C. Legal Status Fluidity Through Family, Non-Spouses (n = 9)

<table>
<thead>
<tr>
<th>Legal permanent resident</th>
<th>Legal permanent resident &gt; US citizen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adam</td>
<td>Bianca</td>
</tr>
<tr>
<td>Louisa</td>
<td>Geraldine</td>
</tr>
<tr>
<td>Mika</td>
<td>Jose</td>
</tr>
<tr>
<td>Nicole</td>
<td>Medel</td>
</tr>
<tr>
<td>Rommel</td>
<td></td>
</tr>
</tbody>
</table>

### Table D. No Legal Status Fluidity: Staying vs Leaving (n = 13)

<table>
<thead>
<tr>
<th>Non-immigrant visa holder</th>
<th>Non-immigrant visa holder &gt; return to country of origin</th>
<th>Non-immigrant visa &gt; undocumented</th>
<th>Immigrant visa &gt; Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agnes</td>
<td>Marcus</td>
<td>Alex</td>
<td>Angelica</td>
</tr>
<tr>
<td>Bea</td>
<td>Daniel</td>
<td>Irma</td>
<td>Susy</td>
</tr>
<tr>
<td>Erwin</td>
<td>Imlma</td>
<td>Joy</td>
<td></td>
</tr>
<tr>
<td>Harvey</td>
<td>Opal</td>
<td>Perla</td>
<td></td>
</tr>
</tbody>
</table>
Table E. US citizens (n = 16)

<table>
<thead>
<tr>
<th>Native-born US citizen</th>
<th>Foreign-born US citizen (naturalized)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abby</td>
<td>Jose</td>
</tr>
<tr>
<td>Alicia</td>
<td></td>
</tr>
<tr>
<td>Alvin</td>
<td></td>
</tr>
<tr>
<td>Anthony</td>
<td></td>
</tr>
<tr>
<td>Barbara</td>
<td></td>
</tr>
<tr>
<td>Bella</td>
<td></td>
</tr>
<tr>
<td>Elena</td>
<td></td>
</tr>
<tr>
<td>Fernando</td>
<td></td>
</tr>
<tr>
<td>Jamie</td>
<td></td>
</tr>
<tr>
<td>Javier</td>
<td></td>
</tr>
<tr>
<td>Jeffrey</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td></td>
</tr>
<tr>
<td>Misty</td>
<td></td>
</tr>
<tr>
<td>Regina</td>
<td></td>
</tr>
<tr>
<td>Teresa</td>
<td></td>
</tr>
<tr>
<td>Toby</td>
<td></td>
</tr>
</tbody>
</table>
INTERVIEW QUESTIONS

1. Background

2. Immigration History
   a. Who was the first in your family to immigrate to the US? How did they migrate?
   b. Why did they come to the US?
   c. Have you heard your parents talking about life in the Philippines? What was it like for them?
   d. How often do you keep in touch with relatives and friends in the Philippines? Skype/Viber/Whatsapp/Phone calls? Visits?
   e. How about sending money or gifts to the Philippines? How often and what do they send?
   f. What language do you speak with parents and siblings?

3. Education & Aspirations
   a. Where did you go for elementary, high school, college, grad school?
   b. OPT: Marriage and Child-Raising

4. Dating & Peers
   a. Are you dating anyone? (Prefer to date Filipinos?)
   b. What is the race breakdown of your friends? (percentages)
      i. Of your friends, how many are Filipino?
      ii. If Filipino friends, what language do you speak in?
   c. How often does race or immigration come up in conversation with your friends?

5. Filipino Identity and Culture
   a. Labels
      i. Racial/Ethnic categories
      ii. Filipino activities
      iii. Growing up, how did you feel about your identity?
         1. Did you participate in any Filipino orgs/activities when you were young? Beauty pageants? Sports? Dance?
         2. What comes to mind when I say “Filipino activities/habits”?
      iv. Did you participate in any Filipino orgs/activities in college? Now?
         1. How would you describe your identity now as an adult?
         2. What does being Filipino mean to you?
         3. How would you describe your religious identity?
         4. How do you feel about the Catholic church?
         5. What holidays do you celebrate with your family (religious & non)
      v. When I say “family”, who do you consider in that label? Why?
         1. Differences in Filipino fam vs non-Filipino fam?
      vi. How was life different for Filipino boys vs girls?
   b. Filipino and Filipino American Community
      i. When I say “Filipino community”, who comes to mind?
ii. Any role models/heroes who are Filipino? Singers? Performers?

iii. How do you think Filipino Americans are different from Filipinos?

c. Asian community
   i. When you are asked, which racial category do you pick? Why?
   ii. How do you feel when someone doesn’t identify you as Filipino?
   iii. How do you feel when someone identifies you as “Asian”? “Latino”?
   iv. When you see someone visibly “Asian”, do you feel solidarity with them? Why or why not? “Latino”?
   v. How are you racially identified at work? At school? In public spaces (i.e. grocery store)
   vi. Have you had any violent encounters because of race/ethnicity?

d. American community
   i. Have you ever been bullied or teased because of your race/ethnicity?
   ii. Have you ever been accused of being “too American”? Tell me about it.
   iii. When I say “American”, what kind of person comes to mind? How do Americans act?
   iv. How often do others identify you as “American”? When does it happen the most?

6. Family
   a. How is your relationship with parents now compared to when you were younger? How’s your relationship with your siblings?
      i. Do your parents treat you and your siblings the same? Ex’s..
      ii. What do your parents’ expect of you as a Filipino?
   b. What would you change with your relationship with your parents?
   c. Does your family talk about racial instances that happen to them?

7. Political Views
   a. How do you think the US immigration system treats Filipinos?
      i. Have you ever considered getting Philippine citizenship? Why/Why not?
   b. How many permanent residents do you know? Non-immigrant visa holders?
      Undocumented/TNT?
      i. Do they talk about their experiences with the US immigration system?
   c. Do you know anyone whose family was separated by the US immigration system? What did they tell you?
   d. What do you think about undocumented Filipinos/TNTs?
   e. What do you think about the state of Philippine politics? US politics?

8. Anything else you want to add in my study? Or anything else?
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