

Adjustment of Status through Marriage:
State Strategies of Control and
The Power of Resistance in Immigrant Tactics

by

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ABSTRACT

The primary question driving this research regards how individuals in mixed-citizenship couples employ different strategies and/or tactics to access and maintain valid immigration status during processes of Adjustment of Status through marriage in the United States. A dominant narrative prevails in the US that immigration through marriage to a citizen confers immediate or an easy pathway to citizenship. For roughly two-hundred thousand immigrant spouses that currently navigate adjustment annually, however, this narrative falls short of and obscures the reality of adjustment processes. There is a lack of focused academic study to help contribute to more accurate public understandings of what these realities are. To combat this false narrative and help fill a gap in research, this work examines how such dominant ideology stems from historic legal inequality and hegemonic discourse, reified through Enlightenment-centric thinking and becoming tangled with state power through Foucault's conception of the body politic. The day-to-day actions, interactions, and transactions within the body politic and adjustment processes are then put into conversation with De Certeau's strategies and tactics, providing a means for accentuating how individuals, society, and the state enact specific practices to support or resist Foucauldian technologies of oppression and control. As an exploratory case-study, this work engages four individual partners from two mixed citizenship marriages in a series of three semi-structured, in-depth phenomenological interviews each. Reporting is centered on participant's histories and adjustment narratives, told through their own voices. Evidence supports that easy pathway public narratives are inaccurate, that adjustment processes assert state power on citizen petitioners and migrant spouses alike, but in different ways, and that they in turn enact complicated and intertwined strategies and tactics to achieve adjustment and resist the oppressive power of the state that is carried through adjustment processes.

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First and foremost, this work is dedicated to my participants (you know who you are). I obviously could not have done it without you, but more-so it would not have become what it is without your deep generosity of spirit and openness about your stories and lives. I am deeply grateful and sincerely hope that this work does justice to your own interpretations of your experience. Thank you so much! I also dedicate this work to my wife Sara for standing beside me and providing immeasurable support and insight, both generally speaking and particularly while I perused this research. You keep me grounded and reflexive. Thank you for listening and providing critical feedback while I littered our morning walks, afternoon breaks from at-home work, dinners, and weekend hikes (etc.) with my thoughts on a topic that you need no research to understand. I love you and could not have done this without you! To my parents, brothers, nieces, and nephews, and oddly (but wonderfully) extended supplementary parents: I am beyond blessed and privileged to call you family. You each raised me in your own unique ways to learn that surviving takes hard, persistent work and thriving requires kindness, humor, and honesty in every interaction with every person, all the time. You each gave me this gift long before I was a student and have keep me true to these ideals throughout the years. Finally, to my one-person pandemic cohort, Hadley Moio-Johnson: thank you for your constant support, love of deep-dive conversation, and for many long rambling kvetch-sessions about this arduous experience that is graduate school. We may be small, but we are mighty!

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INTRODUCTION

Immigration through marriage is commonly thought to be the “easiest” pathway to citizenship in the US. While there may be some truth to this, when compared to other immigration pathways, the realities of adjustment of status (AoS) and naturalization through marriage can be much more complicated. Dominant and common-sense misconceptions follow a logic that immigrants are automatically granted citizenship status upon marriage to a US citizen. However, partners in mixed-status marriages are beholden to a complex series of bureaucratic requirements and procedures that require them to confront and maneuver around individually disparate positions of power: each of them relative to the state, to society, and their partner. These positions are governed by interlocking and differently privileged hierarchies of status, conferred through citizenship as well as other positions of power along various intersections of identity (non-resident immigration statuses, gender, race, national origin, sexuality...). These interlocking identities are also subject to state practices of nation-building through normative control and disciplinary regimes. Dominant national and cultural narratives further underlie and drive these positions. Alongside historic state and social structures that define and manipulate how specific immigration pathways play out in the US, these disparities in positional power affect how individual partners within mixed-status marriages employ different understandings of and strategies or tactics toward achieving permanent residency and citizenship.

According to the Department of Homeland Security (DHS) Yearbook of Immigration Statistics for 2019 (the most recent data available), 217,646 immigrant spouses of US citizens were granted adjustment of status to permanent residency. This represents about 38 percent of the total adjustments to a green card (572,513) for that fiscal year (DHS, 2021, Table 6). DHS does not publish the number of denied

applications for adjustment to residency nor the number of naturalizations through marriage. That such a high rate of annual adjustments occur through spousal sponsorship merits the need to better understand the experiences of individuals as they apply for and navigate adjustment and the processes that govern their experiences. This exploratory case study seeks to fill a gap in research in this area. It begins by explaining some of the face-value legal procedures and precedents that underscore the intersections of citizenship, marriage, and immigration processes in the US. Situating these processes within their legal context permits a more nuanced analysis of how the legal parameters of immigration policy intertwine with multiple, interlocking identities that individuals within mixed status partnerships enact and live within their marital relationships, US society, and the national socio-political body. This view of situational power engages Crenshaw's theory of intersectionality with the added complications of social contract through the works of Carole Pateman (1988), Charles W. Mills (1997), and Audre Lorde (1989). Following is Gramscian analysis of how these structural positions of power may not only be subject to the hierarchical dispensation of public good and public harm through state practices of political domination, but also may be co-constructed through and reflective of hegemonic social processes and public discourse (Bishop, 2013; D'Attoma, 2011; Oliverio, 1998; Rayes, 2020). State power through hegemonic dialogue is then put into conversation with Foucault's conceptualization of the body politic in *Discipline and Punish* (1977), exhibiting how the exercise of state power has been fractionalized into the multitudinous and imperceptible actions of daily life. Michel de Certeau's (1984) *The Practice of Everyday Life* helps operationalize these macro-turned-micro level processes by allowing them to be connected to the daily practices of the mixed-citizenship couples that navigate them during adjustment process. Finally, De Certeau's tactics and strategies are put into conversation with parallel qualitative

research that explores these theoretical constructs (De Hart, 2015; Kristol & Dahinden, 2020; Longo, 2018; Turner, 2008) before the findings of this research are discussed.

LITERATURE REVIEW

The Legal ‘Face-Values’

The 14th Amendment to the US Constitution states that “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside” (Library of Congress, 2015). This is the basic outline of the two ways that one can become a citizen in the US. The first is the relatively straight forward notion of citizenship by virtue of being born within the national boundaries of the state, known as citizenship by residence or *jus soli* (Turner, 2008). The second offers the less clearly defined ‘citizenship through naturalization.’ Currently, naturalization is handled by the United States Citizenship and Immigration Services (USCIS), the formal political institution that oversees civil immigration processes in the US. On its Citizenship Resource Center website, intended as a guide for prospective immigrants, USCIS defines naturalization as the formal “process by which U.S. citizenship is granted to a lawful permanent resident after meeting the requirements established by Congress in the Immigration and Nationality Act (INA)” (“Citizenship,” 2020).¹ The INA was enacted in 1952 and has been revised multiple times since, progressively restructuring the nation’s immigration laws over time and gathering a multitude of scattered immigration policies into a single legal document, designed to convey the primary legal procedures that handle immigration (Immigration and Nationality Act [INA], 2020). To illustrate the complexity of the INA, as of November 17th, 2020, *Title III* of the document (one of the document’s five titles) contains 63 separate legal codes that define the various legal procedures surrounding unique circumstances of nationality and naturalization.

¹ Before citizenship, a spouse must first become a permanent resident, which will be discussed shortly.

According to USCIS, there are four primary ways to “obtain” citizenship through naturalization: birth to a US citizen, service in the US military, transition from lawful permanent residence (LPR, green card, or residence) of at least 5 years, and marriage to a US citizen (“Citizenship,” 2020). It is this last category that is of primary interest to this study. Prior to filing for naturalization through marriage, the spouse of a US citizen must meet several criteria. USCIS states that they must: a) be at least 18 years of age; b) maintain at least three years of continuous lawful permanent residence in the US, during which they are “living in marital union” with their citizen spouse; c) be physically present for at least 18 months of those three years; d) demonstrate knowledge about US history and government (civics) as well as the ability to read, write and speak English; e) take an oath of allegiance to the US; and f) “Be a person of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the United States during all relevant periods under the law” (“I Am Married,” 2020). The face value privileges that distinguish these legal criteria from non-marriage-based transition to residence are the expedited timeline (three years of LPR as opposed to five), less stringent labor-related qualifications, and a different set of paperwork for the application (“I am a Lawful,” 2020). These time- and labor-based distinctions could, in part, contribute to assumptions that citizenship through marriage is ‘easy’ or ‘simple.’ In reality, however, this is complicated by the formal procedures that immigrant spouses must first engage to obtain lawful permanent residence.

A documented migrant in the US can seek Lawful Permanent Residence from a wide array of previous immigration statuses.² These are organized by USCIS into eight categories of eligibility, ranging from employment-based adjustment to refugee-

² For those who do not hold legal status (ie a visa), this process is much more complicated, which will be discussed in the results of this research.

asylum-, registry-, immediate family-, and “special immigrant-” based adjustment, among others (“Green Card,” 2022). For a mixed-citizenship couple to be eligible to apply for LPR under the “immediate relatives” category, they must both individually and together meet certain criteria and engage specific legal procedures. According to the USCIS website, an immigrant spouse must: a) properly file application form I-485, along with a series of other documents, supporting evidence and records; b) pay all associated application fees; c) have been legally inspected and admitted or paroled into the US; d) be physically present in the US (consular processing offers a pathway for spouses who are abroad); e) be eligible for an immigrant visa at the time of filing; f) not be subject to applicable bars to immigration; g) currently be living in marital union with their citizen spouse; h) “merit the favorable exercise of USCIS’ discretion” (“Green Card,” 2022); i) attend a medical screening to ensure adequate mental and physical health as well as compliance with vaccination standards; j) and attend an appointment at one of USCIS’s Application Support Centers to provide biometric data and participate in a pre-application screening. The spouse, or citizenship-holding “sponsor,” must: provide evidence of their valid citizenship status; prove the “bona-fides” of marriage (documents proving joint ownership of property or rental lease, proof that the couple has combined financial resources, birth certificates of children born of the couple, sworn affidavits and identifying information of third parties “having personal knowledge” of the veracity of the marriage...); properly file Form I-130 Petition for Alien Relative along with supporting documentation; file Form I-130A, “Supplemental Information for Spouse Beneficiary;” currently maintain the relationship with their immigrant spouse; and pay associated filing fees (“I-130,” 2022). Finally, together, the couple must attend an interview with an USCIS official to verify the application’s accuracy and further vet the validity of the marriage, as well as respond to any requests for additional evidence before

a decision is given.

Even on face value, the legal procedures that govern adjustment of status through marriage are not simple, regular, or clearly defined. The experience of navigating these procedures is even more complicated. As of 2022, USCIS predicts that the average wait-time to process an adjustment through marriage to a US citizen is 10.3 months, which is down from 12.9 months the previous year (“Historical National,” 2022). This does not, of course include the amount of time it takes to gather supporting documents, complete the application, and submit it. Also according to USCIS, the cost for filing your application for adjustment to LPR is between \$1,750 and \$2745 (the higher total includes work and travel authorization documents) and to adjust from permanent resident status to citizenship totals \$725 (“Our Fees,” 2020). These figures do not include the cost of medical examinations and vaccines, translation services, or other associated costs such as the common need to hire legal assistance. As will be discussed in the results, these timelines and costs can vary wildly.

Legal (In)equality through Intersectional Analysis

The definition of citizenship offered by the 14th Amendment and a brief overview of USCIS guidelines for AoS and naturalization provide some insight into how citizenship through marriage is formally granted. However, this explanation lacks the depth and nuance of how the various relationships between citizens, immigrants, society, and the state might be structured. The Encyclopedia Britannica offers one avenue for expanding this conversation. It describes citizenship as a “relationship between an individual and a state, to which the individual owes allegiance and in turn is entitled to its protection” (n.d.). The entry goes on to enumerate the rights and responsibilities that citizens are expected to maintain within this relationship. Rights are listed as a status of state-granted freedom, the right to vote, and to hold public office; while responsibilities

include allegiance to the state, taxation, and military service. Additionally, citizens are distinguished from “aliens and other noncitizens residing in a country” (Britannica, n.d.). The entry continues to explore some potential historical origins of national citizenship, but its definition primarily hinges on the construction of a binary relationship between the state and two potential types of individuals: a rights and responsibility holding citizen on one hand and, on the other, an ‘alien’ non-citizen for whom these rights and responsibilities are significantly limited or completely withheld. Britannica’s definition is problematic in several ways, which will be discussed later. For now, it provides a sufficient entry-point into this discussion.

The notion of an individualized citizen and their duties and rights under a governing body is generally in line with the well-established political philosophy of social contract. Charles W. Mills (1997) explains that social contract centers on a notion of a philosophical agreement between rational individuals, meant to enforce agreed upon terms through a given set of rules.³ Social contract, however, has been met with vigorous criticism. Modern theories of justice based on contract theory, such as Carole Pateman’s (1988) *The Sexual Contract* and Mills’ (1997) *The Racial Contract* expose inherent contradictions in the idealized social contract as an equality-producing agreement. Both texts pick up on Rousseau’s notion of a deceitful contract, viewing instead the consolidation of power and wealth for a select few through the limitation of free-choice and exploitation of the many (Mills, 1997, 5; Pateman, 1988, p. 7). For Pateman, criticism lies in both the theories and historical applications of law that have endowed only men with the “attributes and capacities necessary to enter into contracts,”

³ The contract is shown to be at the historical root of Western conceptions of political governance. Throughout history, it has been used to explore both the potential origins of organized society and government as well as how a given society constructs and normalizes specific institutional structures of justice and injustice (Mills, 1997, 2-6).

effectively erasing women's role in civil society and consistently setting men into structural positions of power, a process she calls fraternal patriarchy (1988, pp. 3-6). Such gendered power has been imbued into the very root of US legal structure, as the introductory phrase of The Declaration of Independence itself asserts that only "all *men* [emphasis added] are created equal" (US, 1776). Similarly to Pateman, Mills extends the criticism of a just contract by highlighting the many ways in which "racism... is itself a political system, a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens, rights and duties" (Mills, 1997, p. 3). Both the Racial and Sexual contracts significantly complicate Britannica's construction of citizenship. To put these conceptions of social contract into the context of immigration processes, the Naturalization Act of 1790, rooted in the trans-Atlantic Slave Trade, designated only "free white person[s]... of good character" as eligible for citizenship ("Naturalization Act," 1790).

Dissecting basic legal precedents such as the Naturalization Act and Declaration of Independence under the notion of deceitful contract begins to outline how citizenship has been historically constructed through distinct hierarchies of power in the US. Still, a more complex and holistic understanding of identity is needed to understand how individuals are situated within these hierarchies. Kimberle Crenshaw's (1989) intersectionality permits deeper scrutiny into how specific institutional and social procedures operate along a complex set of multiple and interlocking avenues of individual or identity-group experiences. This approach dispenses with single-axis investigations of identity (race, gender, sexuality, immigration status, country of

origin...) and reaches beyond classic binary categorizations, such as citizen/non-citizen.⁴ Additionally, since procedural structures stem from a notion of social contract, intersectional analysis can help contextualize how individuals or groups are situated in regards to specific political institutions and entrenched social hierarchies, shedding light on interpersonal, social, and socio-political mechanisms of power within society. As Audre Lorde explains in *Age, Race, Class and Sex: Women Redefining Difference* (1984), failing to acknowledge identity along multiple axes perpetuates structural violence by erasing other difference-based distortions of justice, as they relate to the most privileged axis of power in a given society. This specific axis of power in the US, coined by Lorde as “the mythical norm,” is situated at the intersection of “white, thin, male, young, heterosexual, Christian, and financially secure” (1984, p. 2).

Intersectional legal (in)equality at the intersection of immigration policy and marriage has long been entrenched in the US legal structure. Until the 1920s, citizen women in the US who married foreign nationals were stripped of their citizenship status, while the same sanctions did not apply to men (Longo, 2018, p. 472). During this same timeframe, the US national quota system limited immigration specifically along national, ethnic, and racial lines, restricting legal access to citizenship for immigrants of Chinese, Arab, Italian, African, Eastern European, Jewish, and other Asian origins (Longo, 2018,

⁴ Kimberle Crenshaw aptly articulated such complexity in *Demarginalizing the Intersection of Race and Sex* (1989), examining how black women in the US have been oppressed simultaneously along the categorical axes of race and sex, by both liberal and conservative political aspects of society alike. Intersectionality, as an analytical framework, has been employed consistently throughout literature since being coined by Crenshaw, expanding the understanding of identity along a multitude of other axes to explore issues of identity, power, and justice. Collins & Bilge (2016) define intersectional analysis as when “social inequality, people’s lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division... but by many axes that work together and influence each other” (Collins & Bilge, 2016, p. 12). Implied is an investigation into social inequalities as they exist in hierarchical relationships between people as well as under an “organization of power,” operating in a specific time and place and viewed from the perspective of “dynamic, unfixed and interrelating avenues of difference” (Collins, pp. 12-14).

p. 473). Anti-miscegenation laws that barred marriage across racial, ethnic, and national boundaries remained on the books until they were deemed unconstitutional by the supreme court in *Loving v. Virginia*, 388 U.S. 1 (1967). The federal Immigration Act of 1917, barring “homosexuals and sex perverts” from entry and citizenship, remained in place until 1990, when these bars were finally removed by Congress. Furthermore, same-sex immigrant partners were excluded from family reunification rights until 2013, when the Defense of Marriage Act was finally struck down by congress (Bender, 2018, p. 57). As recently as February, 2020, the Public Charge Ground of Inadmissibility Final Rule enabled USCIS to determine the (in)admissibility of people pursuing adjustment into permanent residence based on the assumption that they might become a public charge. Public charge is defined as anyone who might be “likely to become dependent” upon the state’s social welfare benefits, including past use of public benefits such as Supplemental Security Income, Temporary Assistance for Needy Families, Medicaid, and state or local cash assistance, among others, as well as a vague determination of the individual’s future potential to rely on any “institutional assistance” (Public Charge, 2020).

These discrepancies in how the application of law in the US has been applied throughout US history suggests that naturalization and AoS operate along lines of political logic that link the formation of the family with the ongoing production of an ‘acceptable’ citizenry and become part of the process of creating and maintaining the boundaries of the nation-state (Longo, 2018; Turner, 2008, Kristol & Dahinden, 2020; De Hart 2015). To better understand how the policing of national boundaries is enmeshed with the generation of the family unit, however, the dominant national and cultural understandings of what is meant by an acceptable citizenry must first be understood.

Hegemonic Regimes of Power

Antonio Gramsci's hegemony offers a theoretical tool that can help understand how the state might assert social control through the careful manipulation of culture. Hegemony operates through the production of "common sense" knowledge: the widely and often unquestioned ways of knowing that are employed as the "coercive force" of the state (here termed "political society," consisting of the formal political sphere and government institutions such as USCIS) (Oliverio, 1998). Coercive force is received and proliferated through civil society (individual actors, mixed citizen marital couples) as a means to produce an acceptable and controllable body of citizenry (Lauderdale, 1998, p. 148). Contemporary Neo-Gramscian hegemonic theory expands on the notion of dominant ideology as it becomes an "expression of broadly based consent, manifested in the acceptance of ideas and supported by material resources and institutions," which are established by the dominant social group that occupies the "leading role within a state" (Bieler & Morton, 2004, p. 87). It is through hegemonic narratives or coercive force that this leading role of the state (located at Lorde's mythical norm) finds a "coherent fit between material power, the development of collective world images and the administration of an order through a set of institutions claiming universality," a process through which it becomes an "historical bloc" (D'Attoma, 2011, 7).

Recall how the Naturalization Act of 1790 centered on racialized and 'good moral character' narratives to define citizenship and that one of the requirements for adjustment to permanent residency is to "be a person of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the United States during all relevant periods under the law" ("I Am Married," 2020). Other examples of "common sense" being employed as coercive force in the production of citizen and boundary making can be found in 'educational' publications emanating from the state. *Welcome to the United States: A Guide for New*

Immigrants, a book published by USCIS and the US Department of Education, heralds itself as the “comprehensive guide for new permanent residents” (Bishop, 2013, p. 156). Through in-depth rhetorical analysis, Bishop (2013) finds that this text operates as a discursive tool that simultaneously situates the government as a benevolent, but authoritative and infallible “helpmate,” ushering the ‘ignorant other’ into a forced process of assimilation (p. 164).⁵ Similarly, *A Promise of Freedom: An Introduction to U.S. History and Civics for Immigrants* is a video published online by USCIS with the stated intention of guiding prospective US citizens through the Adjustment of Status Process (Reyes, 2020). While its proposed intent is to introduce prospective US citizens to a larger package of study guides for adjustment, it is found that the video operates as an artifact of nationalist propaganda, constructing the US as a post-racist, post-feminism society (Reyes, 2020, p. 44).⁶

As institutional discourse, these narratives simultaneously construct overt, specific, and “acceptable” ways of knowing and being, while also artfully omitting the mythical norm’s role of domination and the ongoing struggle for equitable results (Reyes, 2020). The latter of these two narratives, however, suggests that the power of coercive force is not always made obvious. Instead, it is perpetuated through the erasure of narratives that might otherwise be used to critique persistent power structures. This can result in unintended, suppressed, or subconscious ways of knowing that serve to limit society’s ability to imagine alternatives to these structures, a process that Mills calls

⁵ This is achieved by again erasing the storied history of difference-based oppression and instead inserting a tightly controlled narrative about life in the US, deemed as ‘acceptable’ by the authority of the US government. The resulting rhetoric, disseminated by US political institutions, is that the US is the land of possibility and choice, but only for those who play by a narrowly defined set of rules (Bishop, 2013).

⁶ Through the lenses of semiotics and cultural studies, Reyes (2020) explains how language, narrative, and imagery are conveyed to construct the myth of a nation rooted in the constitutional norms of legal equality, freedom for all, American individualism, and the capitalist dream.

epistemological ignorance (Mills, 2007).

A re-reading of Britannica's entry on citizenship, as an hegemonic narrative, presents an opportunity to understand how coercive force can be perpetuated through civil institutions. After establishing an impression of social contract through nationality, Britannica conveys a brief overview of the history of citizenship as a concept. Here, the idea stems from Ancient Greece, moves through the expansion of the Roman empire, covers a lapse of citizenship into feudalism during the Middle Ages, and then "crystalizes modern citizenship" into the departure from monarchical rule during the American and French Revolutions. It concludes by referring to a "prevailing [social] principle" prior to WWI that seated women's and children's citizenship within the husband's status as head of household (Britannica, n.d.). Though this final phrasing vaguely hints at a history of legal inequality though gendered citizenship, it is quick to engage epistemological ignorance by crediting the women's suffrage movement with the establishment of a new system that has already addressed gendered inequality by "stress[ing] the woman's and child's freedom of choice" (Britannica, n.d.). With an appreciation of how identity-based legal equality is validated through relative proximity to the mythical norm, this narrative can be seen to have fully adopted a hegemonic impression of citizenship. The Encyclopedia Britannica, as a cultural institution charged with the production of historical truth, has advanced a definition of citizenship centered entirely within a white-, Euro-centric, and heavily masculinized narrative. Still, how is "common sense" ideology carried to and among civil society and what are the implications of this for the bounding of the US as a nation-state?

The Body Politic

Foucault (1977) presents a modern and unified realization of the nation-state, as articulated by his *body politic*: "a set of material elements and techniques that serve as

weapons, relays, communication routes, and supports for the power and knowledge relations that invest human bodies and subjugate them by turning them into objects of knowledge” (p. 28). This notion of the human body as knowledge, in keeping with Marxist and Neo-Gramscian hegemonic theory, is inextricably tangled with hierarchical structures of power and the distribution of material resources (pp. 24-25). Foucault departs from Gramscian hegemony, however, by highlighting the *reductive* strategies of power that situate the individual, the human body, as an “object of knowledge” to be codified into essentialized “truths” by judicial and scientific authority. The coercive force of the nation-state is asserted vis-a-vis the hegemonic discursive legacy of the Enlightenment Era, “not on *offenses*, but on *individuals* [emphasis added]; not only what they do, but on what they are, will be, may be” (Foucault, 1977, p. 18). In the public imagination, moments of time-bound *actions* that are migrants *might* carry out – such as crossing a border, overstaying a visa, or being financially dependent upon one’s spouse – become indistinguishable from migrant bodies themselves. Here, Migrants *become* ‘border jumpers,’ ‘illegal immigrants,’ and ‘public charges,’ respectively, instead of individuals contending with complex every-day social and political processes. The key point is in how Enlightenment-centric processes of knowledge generation fractionalize the state’s exercise of power, then reasserts it through the multitudinous and imperceptible actions, transactions, and interactions (aka technologies) of society (pp. 17-26). These are the ‘knowable’ states and categorizations of human ‘objects’ that are subject the state’s technology of control, deputizing and enfolding the (insider) public into the policing of (outsider) migrants through intersectional tropes of American-ness, capital accumulation, and criminality. Such tropes are underscored by discrepancies in expectation and outcome that are in direct contradiction to hegemonic norms of social equality and meritocracy (Patel, 2013, 289).

In keeping with Foucauldian fractionalization, there has been a documented historic convergence between the criminal and civil realms of US immigration control mechanisms. These trends accelerated through the War on Crime and War on Drugs eras (Stumpf, 2013; Hernandez, 2013) and became particularly aggressive through the era of the Global War on Terror.⁷ Such shifts in legal norms have resulted in what has come to be known as crimmigration, under which noncitizens' social positioning as "contributing members of society on the path to full political membership... [have regressively been collapsed into] criminal deviants and security risks... people to be feared, their risk assessed, and the threat that they pose managed" (Hernandez, 2013, p. 1459). Hernandez's (2013) conception of crimmigration resonates with Foucault's framework of the body politic, highlighting public and political ideologies that progressively conflate immigrant individuals with a posited scientific and judicial 'truth' of criminality.⁸

Critiquing how Foucauldian technology of discipline and control play out through the practices of institutional actors who enact discretionary power in immigration processes is more difficult, as it is well documented that USCIS cultivates an aura of ambiguity about the principles that guide its practices, such as how to 'merit the

⁷ Following the Sept. 11th attacks there was marked shift in public sentiment from unsanctioned border crossing to visa overstay, renewed public interest in shifting immigration policy toward national security, and an overhaul of the structure of Immigration and Nationality Services (INS) through the Homeland Security Act. The essential change here was the dissolution of the service and enforcement aspects of the INS into three agencies, all placed under the auspices of the Department of Homeland Security (DHS): Customs and Border Patrol (CBP) and Immigration and Customs Enforcement (ICE) handle immigration enforcement issues and USCIS is charged with meeting the "service needs" of immigrants (Magaña, 2014, 60).

⁸ There are an abundance of examples illustrating how crimmigration plays out in contemporary legal structures in the US. The Muslim ban, a direct descendant of the War on Terror, illustrates how public sentiment and crimmigration policy have worked in unison to restrict access to entry (or lawful presence) based on a constructed, reductive definition of specific migrants as a threat to the nation's security. The same can be said of the increased rate of removal proceedings that earned President Obama the informal title of "Deporter in Chief." The rhetoric of crimmigration was blatantly expressed in the anti-immigrant sentiments emanating from the Trump Administration, which characterized immigrants as "rapists and murderers..." and coincided with increased detention rates and family separation practices at the Southern Border (Rayes, 2020, 41).

favorable exercise of USCIS’s discretion,’ or constitute ‘valid and subsisting marriage’ (Longo, 2018, p. 469). To envision how these processes may play out, however, we can look to parallel research that examines how “street-level bureaucrats” affect or facilitate naturalization processes in a different context. Kristol and Dahinden (2020), operating on the premise that the state plays a dynamic role in policing national boundaries through the fractionalized control of “acceptable forms of family” and “the intimate context of... marriage,” find that Swiss immigration officials actively employ discursive decision-making logics that align with the ethnically and racially West-centric, classist, and distinctly patrilineal discourse of the state (Kristol & Dahinden, 2020, pp. 40-41).⁹ Their findings indicate these elements may also be at play in the practices of individuals and authorities situated within USCIS.

To carry Foucauldian disciplining and punishing processes to the site of individuals outside of institutional settings, Longo (2018) explores the ways in which citizen petitioners of immigrant spouses might carry Foucauldian disciplining processes into online forums purporting to help readers navigate US immigration processes.¹⁰ She finds that citizen forum members preempt USCIS’s formal decision-making processes by employing informal “discursive negotiations... [that] are consequential for re-imagining intersectionally gendered citizenship and the policing of national identities and borders” (Longo, 2018, p. 471). Forum members were found to inadvertently (through sometimes overtly) gauge the validity of mixed status marriages through dominant sexist, racist, and nationalist tropes. Longo concludes that the hegemonic notions of citizenship supplied

⁹ They conducted ethnographic observations of and interviews with the Swiss officials who oversee the naturalization interview process with applicant couples, developing a better understanding of how state logics are perpetuated in day-to-day interactions and discretionary exercises (Kristol & Dahinden, 2020).

¹⁰ Longo (2018) employs online ethnographic and textual analysis of forum posts on Immigration Pathways, identified as one of the “largest self-help immigration websites in the US” (p. 475)

by individuals in these forums extend legal inequality along intersectional lines so that “state interventions or explicit policies are [no longer] necessary to uphold and legitimize [intersectional] hierarchies” (Longo, 2018, p. 488).

Foucault (1987) argues that “one may analyze institutions from the standpoint of power relations, rather than vice versa, and the fundamental point of anchorage of the relationships, even if they are embodied and crystallized in an institution, is to be found outside the institution” (p. 79). The works of Longo (2018) and Kristol & Dahinden (2020) show us that this argument bears weight, locating and analyzing Foucauldian technologies of control and oppression as they play out through the relational power interactions between and within immigration control institutions and prospective mixed citizenship couples. It follows, then that they can also be found within individual ‘citizen sponsors’ and ‘migrant spouses’ themselves.

The Everyday Practices of Adjustment

What Foucault’s theory of the body politic does not do is suggest a way out of its technologies of control, which in itself becomes repressive and totalizing. Similarly to Foucault, de Certeau (1984) carefully and artfully constructs a theory of the state by examining multitudinous processes of socialization and power production. He charges Foucauldian biopolitical theory, however, with a failure to imagine how change and resistance might be able to (re)formulate the technologies of control. He asks, “how is it possible to foil here and now the social hierarchization which organizes scientific work on popular cultures and repeats itself in that work?” (p. 25). To answer this question, he places Foucauldian microphysics of power (ie the fractionalized social technology and interactions that are coerced into replicating the force of the state’s power) into conversation with Bourdieu’s theory of the *habitus*, which is interested less with the products of power and more with undergirding practices that support its “genesis” (de

Certeau, 1984, p. 58).

Bourdieu's habitus provides for de Certeau (1984) a critical shift away from reactive socio-political theory that is contented with carrying analysis only so far as examining how individuals are situated within and so perpetuate hierarchies of relational power (p. 41). He urges that we must "resist the effects of the fundamental but often exclusive and obsessive analysis that seeks [only] to describe institutions and the mechanisms of *repression*" (p. 41). He notes:

it is in any case impossible to reduce the functioning of a society to a dominant type of procedures... [society] is composed of certain foregrounded practices organizing its normative institutions [as well as] innumerable other practices that remain "minor," always there but not organizing discourses... It is in this multifarious and silent "reserve" of procedures that we should look for "consumer" practices [that are] able to organize both spaces and languages, whether on a minute or vast scale. (p. 48)

This passage posits individual "practices" as a means of escaping totalizing social theories that obsess over institutions and forces of repression. It artfully locates and extracts practices as a means of exploring "strategies" as the dominant, hegemonic microphysics of power that are civil society, as well as "tactics" that engender social change through the situational and resilient ability of the oppressed to turn the mechanisms of systemic social power on themselves (pp. 15-28).

De Certeau (1984) outlines three progressive aspects or "effects" of a strategic practice: a) it creates for the practitioner an "autonomous place" of power, from which they can enjoy a certain level of security against the "variability of circumstances;" b) this autonomous place in turn makes available to the practitioner the power of foresight, with which they are able to "predict, to run ahead of time by reading a space;" and finally c)

the power to delimit for themselves an autonomous place and enact foresight to give the practitioner access to recursive knowledge that reifies their position of power by distinguishing from itself an “exteriority” or other that “can be managed” (pp. xix, 36).¹¹

A tactic, on the other hand, is "a calculated action determined by the absence of a proper locus" (de Certeau, 1984, p. 37). In relation to a strategy, a practice of tactics: a) enjoys no bounded, autonomous location from which it might enact the benefit of security against unpredictability; b) without a “proper place,” the practitioner of a tactic circumvents lack of foresight by remaining constantly vigilant for the opportunities that time presents to enact instead “isolated actions” that “transform [opportunities] into a favorable situation;” and c) the “clever *utilization of time*,” which a tactic employs in the absence of power, takes advantage of “cracks... in the surveillance of the proprietary powers” as a means to silently “resist being reduced to... the mechanisms of discipline and conform to them only in order to evade them” (pp. xiv, 37-38).

To summarize, where a strategy is able “pin its hopes on the resistance that the *establishment of a place* offers to the erosion of time; tactics [rely] on a clever *utilization of time*, on the opportunities it presents and also of the play that it introduces into the foundations of power” (de Certeau, 1984, pp. 38-39). Study of everyday practices provides a means to expand analysis of relational power beyond the ways in which it is situated within the nation state, passed through legal structure or powerful institutions,

¹¹ It may be useful to place these three aspects of strategy into the context of this review. The autonomous place of power can be thought of as the secure location that the mythical norm (civil society as individuated and socially constructed intersectional positions of power) has carved out for themselves, through a historical precedence of legal inequality. This power of a secure legal position enables the mythical norm to enact foresight, which is necessary to produce and disseminate the hegemonic knowledge that is consolidated, through coercive force, into a Gramscian historic bloc (political society as government agencies, political institutions, the military, etc.). Finally, with a secure position of power over time and the political momentum that foresight generates for the historic bloc, a Foucauldian logic of biopolitical power is created.

or simply carried by hegemonic discourse or the technology of control, examining instead the ways in which it is reflected in (and subverted by) the everyday practices of individuals who come into contact with these structures. What is left then, is to place the practices of everyday life within the context of mixed citizenship marriage and provide an analytic structure that connects theory to the site.

METHODS

Introduction

This exploratory case study employs a semi structured, in-depth phenomenological interviewing and thematic analysis, aimed at helping to fill a gap in the under-researched topic of mixed citizenship partnership and Adjustment of Status through Marriage in the US. As an exploratory case study, the purpose of this project is not to test a hypothesis, but instead to provide an entry point to academic conversations about the site. To do so, it presents detailed narratives and meaning-making that mixed-citizenship status couples construct for themselves, before engaging thematic analysis to connect it to literature.

Personal Positioning [Locating ‘Self’]

When I entered the first fall semester of my master’s degree at ASU, my spouse (an Iranian National) and I were also navigating her application for adjustment of status (AoS) through marriage. We began by researching the process carefully, then attempted to fill out the massive application ourselves, so that we could avoid the expense of hiring a lawyer. We filled out countless forms, gathered together and organized the many documents that the US government requires to prove that our marriage was ‘valid and subsisting,’ and saved money for application fees. Completing this application was a huge, complicated, and daunting task. Readers who have had to confront the legal processes that govern legal immigration change are familiar with such. For those who have not, perhaps you may remember what it was like to file taxes before the advent of the internet. Filing the application is somewhat similar to that: many pages of complicated, cross- and self-referential questions, all presented in legalese. Slowly, over a matter of months, we finished the application and double- then triple-checked every page for accuracy and consistency. By the time we were done, our application package

totaled over 170 pages. We were ready to submit!

Then, on January 3rd 2020, Qasem Soleamani, commander of the foreign Quds Force (the foreign military operation wing of the US-sanctioned Islamic Revolutionary Guard Corps) was assassinated by U.S. forces in Iraq. We watched the news as international relations between the US and Iran became increasingly tense, worried that the attack might spark a larger conflict. We were also afraid about what such a conflict meant for my wife's family in Iran and what it could potentially mean for her adjustment application. The hunt for legal assistance began. We made many calls to different immigration law offices around greater Phoenix and the US, consistently finding that services were either unaffordable or unreliable. After a few weeks of searching, we were discouraged to find that almost all of the firms that we contacted would either not accept or not make use of the long careful hours that we spent preparing our application. Initial consultations at several firms left us feeling unheard and under supported. Finally, we landed on a local lawyer whom we trusted and who treated us with humanity. Luckily, they also recognized the work that we had done by offering a discount on their services. With their help, we polished the application and rushed to submit so we could beat application fee hikes that were enacted in February of 2020. With everything complete, we prepared ourselves to wait. Our lawyer told us that it would take 14-21 months.

Throughout this entire experience, but particularly during the weeks and months of waiting, silence followed, and I began to realize that there were significant differences in my partner's and my experiences. Initially, I felt confident that I was sensitive to her position in the process. Given my academic background, I thought I knew well that formal pathways of immigration to the US are complicated, that the legal structures controlling these pathways are not applied equally to all individuals, and that such inequality hinges on one's intersectional proximity to the dominant social characteristics

of society. I had rehearsed these theories well. I was also able to connect my academic training to some of the experiences that I had before re-entering the academy. During the first years of our relationship – and in many ways today still – my partner’s single-entry student visa dictated that she would remain separate from family, while work restrictions halted her ability to develop a career. International sanctions continue to limit her from being able to provide the support to her mom and two sisters in Iran, which was one of the primary reasons she emigrated in the first place.

Then, one day, during the early months of the pandemic and US shutdown (about half-way through our adjustment process) we were both working from home when the mail arrived. When my partner stood up to retrieve the mail, I offered the same running partial joke that I had adopted as a reaction to the deep global uncertainty about Covid. I said, “don’t touch that, it’s Covid mail.” She turned and replied, without humor, that “I’m waiting for a notification about my green card. I’m not going to wait to check our mail.”

On the surface, this interaction seems like a small thing, but it suggests deep rifts in how we understand and approach her adjustment. Ultimately, despite mindfulness and an education focused on such issues, I was ill-equipped to match my partner’s sense of urgency and sustained attention to her situation. So, I began to confront the painful realization that I was being less than completely supportive of her through the process. After many discussions with my partner, lots of personal reflection on how my position affected my ability to relate to and support my spouse), and finally consultation with trusted department faculty, I decided to hinge my master’s thesis on this very topic.

As a white, male, heterosexual, middle-class, US citizen-settler, and spouse of an Iranian National who is perusing adjustment of status today, I inhabit complicated insider and outsider positions, relative to this research. Without reservation, I have set out to peruse this work so that I can better understand my own experience, as well as my

wife's. I do not, however, intend to use this work *only* to expand or deepen my personal learning and position of social and institutional privilege. Over the past two years, I have learned a great deal about how difficult and limiting AoS can be for couples trying to embark on a new life together. Mine is a position that holds troubling potential for me to wield my privilege over my partner to devastating consequences. While I have no intention of exercising that power, I have found myself woefully ill-equipped to fully understand the full implications of what AoS means for my wife, regardless of how mindful and careful I try to be. My partner and I have found that the best remedy for understanding one-another during this time has been to engage in active and consistent dialogue, in the spirit of openness and care. As of the writing of this thesis, I'm happy to report that my partner has received her marriage-conditional green card.

In about a year, she will (foreseeably) have a green card that is no longer contingent on her marriage to me. Then she will be eligible to apply for citizenship, should she decide to proceed with the process. My experience with my wife has in no small part contributed to my interest in trying to envision research that can help me – and hopefully others – better understand the complicated processes that surround Adjustment of Status through marriage. I will not contend that adjustment through marriage is the pathway to citizenship marked most severely by marginality or precarity, even within the realm of 'legal' immigration pathways. My intent is simply this: to debunk the rampant popular narrative that immigration through marriage is 'easy;' to uncover some small portion of the lived realities of other people who are contending with the complicated and fraught top-down power structure that prevails in adjustment processes; and to pull at the loose threads of what may very well be one of the *more* privileged pathways to citizenship. My hope is that pulling those threads will unravel the general inhumanity that inhabits immigration control practices in the US along the many

less privileged pathways to citizenship. As Nira Yuval-Davis (2006) so eloquently notes, understanding “such social divisions [is] crucial and rendering them visible needs to be an important political project, as this is a case in which recognition of social power axes... is of crucial emancipatory importance” (p. 201).

The Site

For the purpose of this study, a mixed-citizenship couple is defined as two people engaged in consensual marriage: one a natural-born US citizen and the other a first-generation immigrant, both living in the US. Couples who were currently or had recently navigated the process of adjustment of status (either to permanent residency or citizenship) were favored for selection, so that their experiences with the process of adjustment was fresh. Because the overall population that undergoes AoS through marriage is very large and deeply diverse, finding a cohort that represents the complexity of this issue was impossible. With this in mind, I sought to connect with a small cohort of participants that represented a diversity of standpoints, identities, backgrounds, and relative experiences with the AoS process.

Identifying and Recruiting Participants

Participants were recruited through small-scale snowball sampling. Initially, potential participants were identified from the researchers’ personal network of contacts, friends, and colleagues. Through initial contacts, more potential participants were identified and permission to contact them was gained through a mutual connection. Once permission was secured, an email was sent to prospective participants that introduced the topic of research, outlined the details and timeline of interviews, and invited them to ask any questions or express concerns. If both partners agreed to participate, a time for an initial pre-meeting over Zoom was set and informed consent documents were sent for signatures. At this pre-meeting, the three of us met together for

introductions, began building rapport and a working relationship with one another, and an opportunity was provided for participants to ask any further questions or express concerns about the research. Seven couples were contacted and two were enrolled, resulting in four individual participants.

In-depth Phenomenological Interviewing

For this work, I sought a methodology that would allow me to center the participant's voice and experience in the research. Irvine Seidman's (2013) *Interviewing as Qualitative Research: A Guide for Researchers in Education and the Social Sciences* provided such a framework. Seidman outlines a rigorous qualitative research process using "in-depth, phenomenologically based interviewing," which draws primarily on Beartaux's "life-history interviewing" and Alfred Schutz' approach to phenomenology (p. 15). Following these guidelines, narratives were collected from each participant through three in-depth semi-structured interviews, during which I employed open-ended questions to prompt the participant to "reconstruct... their concrete experience" and place it within the context of their lived experience (pp. 15-16).

The three-phase interview structure was also bookended by two group meetings: a 'contact meeting' prior to and 'follow-up' meeting after conducting interviews. The contact meeting helped build a working relationship with study participants and provided an opportunity to clarify the research process itself. The follow-up meeting allowed me to share my final research product with participants and give them a chance to give feedback, clarification, or request revisions. Each of these meetings lasted approximately 15-20 minutes. Each interview lasted between one and one-and-a-half hours. During the first interview (phase 1), I asked participants a series of questions regarding their life history and personal background, leading up to their (or their spouse's) Adjustment of Status experience. I began this interview phase with a broad,

open-ended question about their personal background, then used the abbreviated overview of the participant's response to continue to probe them through a more in-depth reconstruction of their personal history (Seidman, 2013, 17). Phase one interviews engendered discussion about the participant's family history, school, work, travel or migration experiences, and the story of meeting and marrying their spouse. For the second interview (phase 2) I asked the participants to give me a focused recounting their experience with the adjustment of status process itself. During phase 2, participants were invited "to reconstruct the myriad details of the participant's experiences in the area under study" (Seidman, 2013, p. 18). These experiences (or practices) included how they learned about the process; if, how, and when they found assistance and the nature of that assistance; challenges and barriers to the application; and any activities directly related to AoS (going to court, filing paperwork, interviews, etcetera). Finally, the third interview (phase 3) sought to create space for participants to discuss how their personal history and experiences with AoS might interrelate, what this experience means in the greater context of their lives, and how their partner's experience related to their own. During this final phase we also explored the participants' thoughts what their adjustment of status experiences might mean for the broader social and political context of the US (Seidman, 2013, pp. 18-19).

Study Participants

A total of two couples (four individuals) were engaged in this research. The first participants that were recruited and interviewed opted for me to choose their pseudonyms. They will be called Luka and Sean. A second set of participants preferred to be called Lara and Jax. A brief introduction to each couple with a quick overview of their basic biographical backgrounding and their current place in the AoS process is provided as an introduction to their individual profiles and AoS narratives.

Seidman (2013) proposes that presenting results through individual participant “profiles or vignettes... is an effective way of sharing interview data and opening up one’s interview material to analysis and interpretation” (p. 119). He suggests that these be transcribed as faithfully as possible from the interview transcripts, then minimally edited and reorganized to be conveyed in chronological order. This is one of the “research products” that Seidman finds most practically aligned with interviewing and provides a way to effectively address critical methodological, ethical, analytical, and reporting concerns of qualitative research. Profiles help “find and display coherence in the events of an informant’s experience... and link the individual’s experience to the social and organizational context within which [they] operate” (pp. 119-120). Seidman (2013) heavily emphasizes the importance of constructing these profiles directly from the interview transcripts, maintaining the first-person viewpoint of the participants’ narratives. He argues that reporting in first-person creates intimacy between the reader and participant as well as checks the researcher’s “temptation to expropriate and use inappropriately their participants’ experience for their own purposes” (p. 121). These linkages between personal experience and structural/organizational contexts captures the AoS process beautifully. As their experiences become tangled with social, political, and procedural mechanisms of society, clarity and cohesion can be found in their own retelling of their stories. Furthermore, these methods align well with the reflexive and ethical praxis that guides my research.

Any revisions to participant profiles, beyond omitting idiosyncratic characteristics of speech, were marked either with ellipses for omitted/reordered material, or with brackets when my own language was added for the sake of clarity or transitional flow (Seidman, 2013, pp. 121-122). Unmarked omissions include speech patterns such as “uhm,” “like,” or “you know,” as well as repeated phrasing that

participants used to fill conversational space while they were thinking. Select moments of these idiosyncrasies were preserved to help characterize the participant's manner of speaking or when they were used for emphasis. Finally, any potentially identifying names or locations were changed to maintain the participant privacy.

Trustworthiness

Cho and Trent (2006) write eloquently on the shortcomings of recent validity-seeking trends in qualitative research. They outline five validity-seeking processes that prevail in qualitative research today: truth seeking, thick description, developmental, personal essay, and praxis/social validity (pp. 326-332). They then forward their own "holistic view of validity" that becomes interwoven throughout the entire research process, making validity practices "ever present and recursive as opposed to either a 'step' in a linear sequence or an over-reliance on subjectivity" (p. 327). I found this holistic conception to fit well with my own interests in coming to this research, as well as the ethical and social-change driven ideals that I hope to honor through it. Aligning these goals with their approach, I sought a praxis that actively engages validity and reflexivity across several avenues: keeping developmental research memos, centering the voice and expertise of my participants in the first-person narratives ("thick description"), practicing regular peer debriefings; a consistent and time-bound practice of member-checking, and signaling my intent and position through the personal essay (pp. 333-335).

By following the advice of Cho and Trent (2006), I sought to cover the traditional validity approaches of credibility (member checking and peer review), transferability (thick description), dependability (heavily and clearly documented research process), and credibility (first person participant profiles, member checking). Opening this work with a personal position statement places my "intentional subjectivity front and center... as a public appeal of my personal opinion, [and to] help the reader come to a new way of

understanding” (pp. 330-331). Likewise, pre- and post-meetings were intended so that participants fully understood the research, my interest in it, and to provide running opportunities for consent and revision. As I completed each successive piece of writing (profiles, AoS narratives, and the complete research document), it was shared it with participants, not only to elicit feedback and ensure accuracy, but also to invite them to revise and join the writing process before publication. These practices of member sharing were meant to respect my participants’ agency over their own narrative, something that fit well with the first-person profiles set forth by the phenomenological interviewing framework that undergirds my methods (Siedman, 2013). Peer debriefings included running conversations with my committee, colleagues, and spouse (who provided gracious and sharp feedback on my work, rooted in her own experience with AoS).

Coding Methods

Analysis began with coding, and coding began during the initial interview process. Throughout interviews and group meetings, I gathered fieldnotes and wrote post-interview and meeting memos. I also fully read, highlighted, and marked each interview transcript before progressing to the next interview phase with a participant. This process of cycling between writing and conducting the research helped ensure that I was maintaining a reflexive praxis in light of my own biases about the site and proved deeply valuable when the time came to review literature and re-analyze (Cho & Trent, 2006). This also helped me assure that tools and measures (i.e., interview questions) were consistent across cases and were reactive to individual participants’ experiences.

Coding processes were aided and performed with help from MAXQDA (VERBI Software, 2021). Once all interviews were complete, Saldaña’s (2016) coding manual was immensely helpful for gaining a sense of which coding approaches might best fit my

methods and the research. My initial round of coding took on three distinct strategies: in-vivo, process, and attribute coding. I used attribute coding to begin to organize each participant's and couple's biographical backgrounds, setting the data up for the eventual building of participant profiles and adjustment narratives (Saldaña, 2016, pp. 83-85). Process Coding fit as an approach that might best help me describe the "routines and rituals" contained in participants' narrative experiences by employing gerund codes ("-ing" codes) that targeted the direct actions employed toward each individual's specific goals (Saldaña, 2016, pp. 110-115). Selecting passages that reflected participants direct actions as they sought to overcome or understand adjustment processes also agreed with de Certeau's conception of strategies and tactics. Finally, in-vivo coding was employed for two purposes: to help myself (as a beginning qualitative researcher) learn the coding process, while also "prioritizing and honoring the participant's voice" (Saldaña, 2016, p. 106). While I did not employ a grounded theory approach to this research, coding through the direct use of participant's voices did help develop a more accurate and sensitive language for speaking about the site.

The first coding run produced a huge and deeply disorganized code structure, which might best be described as "eclectic coding," a method fitting of exploratory studies because it allows the researcher to move from a variety of coding methods in the 1st pass to a codebook structure that can capture a "variety of phenomena" (Saldaña, 2016, pp. 213-214). This first run was helpful for beginning to sketch the outlines of emergent or divergent themes and categories. The enormous set of codes that emerged, however, seemed antithetical to the purpose of understanding the data, organizing it, and making it fit for analysis. After completing the first round of coding across all participants, I returned to Saldaña's manual to reassess my approach. For phase 2 interviews, I shifted to a dramaturgical coding structure. Dramaturgical coding "is

appropriate for exploring intrapersonal and interpersonal participant experiences and actions in case studies [that use] narrative presentational forms... [as a way to] deepen understanding of power relationships and processes of human agency” (Seidman, 2016, pp. 146). It quickly became clear that this method of coding offered a close fit for the particular personal, academic, and political aims targeted by this work.

Coding was not at all a linear process and required a lot of ‘two steps forward, one step back’ before the code structure finally began to suggest actionable themes. After adopting a Dramaturgical Coding structure that felt natural to the logical (organizational, code reduction), analytical (narrative building and theme generation), and stylistic (telling a compelling story) concerns of the work, recoding began. I started by moving, combining, splitting, and dropping existing codes until a new and more appropriate structure emerged. When meaningful changes were made, I noted them directly into the code structure through MAXQDA’s memo tool. Once most of the codes were set into the new structure (and those that didn’t fit and were set aside), each interview was read and recoded once again to ensure that the transcript was receiving the new method in a way that made sense. After completing a recode of each transcript, my reflexive journal was updated to capture my thoughts and impressions about both the transcript itself and the emerging code structure.

Eventually, I arrived at a code structure that allowed me to break down each transcript into shorter, more cohesive “Objective-based” vignettes that could then function as “self-standing episodes or stories within the data record” (Saldaña, 2016, p. 146). Once these were delineated, they allowed me to code excerpts that described the specific obstacles, practices, emotions, and impressions that participants carried into each specific objective-based narrative (Saldaña, 2016, pp. 147-150). At several points during analysis, I attempted to quantify coded segments to examine how code

frequencies compared across participants. I quickly found this task to be at best uninformative and at worst misleading. There are simply too many complicating factors that affect how many instances of a single code each transcript receives. These include but are not limited to small discrepancies in how I chose to apply a code across participants or select phrases, differences in how each participant speaks and packages information, varying types or levels of rapport with my participants, etcetera. Eventually, I recalled that Saldaña (2016) cautioned against quantification and urged budding researchers to carefully consider their reasons of doing so (pp. 25-27). In place of reporting on code frequencies, I elected to lean on the *thick description* methods of reporting that are outlined above, relying on my participants to speak for themselves and trusting my readers to decide for themselves if my analysis fits their narrative.

RESULTS

Luka and Sean

Luka's Profile

I was born in 1979 and raised in Costa Rica. I have five siblings: four from my mom and one from my dad. I grew up with my mom and my stepfather and my other four siblings... My mom, when I was six, used to work at the clinic, like an urgent care. But then my [step] dad became a pastor, so he asked her to be a stay home mom... and she just took care of us... When I was growing up, I was in four different schools and then three different high schools, [because] when [my stepdad's] mission was done we [would] move. It was hard as a kid because you start from zero and start meeting people, but at the same time it wasn't hard, because we had the church, and everybody knew who we were. I think that kind of helped me a little bit when I came over here [to the US]. So, for me to move here, it was a big deal, but it wasn't a big deal because I was used to moving around, meeting new people and all that stuff.

Then when I was 19, I was kind of forced to move out of the house. I started working at McDonald's six days a week, one day off. For my stepdad, Sundays were the biggest days, and you have to go to church in the morning and the afternoon... and he didn't like that I started working, making my own money, and that I didn't go to church seven times a week... Then basketball, for him.... was a male sport. I was training and going to games... so he gave me an ultimatum and told me I have three months to change my life or I need to leave. And for me it was like, "Jesus I'm a good kid: I'm playing these sports, I am working!" The only one is that I wasn't studying... and then I talked to one of my aunts and... she let me stay with her. So... I packed my stuff. It was just one box; I didn't have too much stuff. I wasn't gonna say anything, but I guess my mom saw the box and she started crying and she said, "please talk to your dad and... ask him for

forgiveness” and then “just do what he's telling you” [chuckles] and I was like, just no. I was a little rebellious. I was like, “No, I'm sorry. I'm leaving.” So that broke my mom’s heart, but... I was 19 already. I was an adult. So, I left!

Then one of my good friends that I used to play basketball [with], she moved here [to the US] as an au pair, a nanny. And she told me: “Oh, you should come over here!” ... I was really afraid [because] I didn't speak any English. I didn't know anything, just the basics that they teach you at school. I remember talking to my older sister and she says, “You should go! You're not in a relationship, you don't have kids... that could be a good experience... just go!” And I was like, “Well, I guess I’m going!” [Then], when I went in, they gave me the visa for three months. And I thought, “this is not enough time. Three months is... it's nothing!” So, I knew that I was going to overstay my visa. Um... And you know, that was a really hard decision because I was gonna leave everything behind. And I thought I would go for two, three years and come back. I'll work, I'll learn the language and make money, and then I come back... So, my friend helped me pay [for] the ticket and then I moved.

I was 23 when I came to the US. I came with \$70 in my pocket, that was it. I had my credit card, but my credit card at that time it was... just like \$500. Then, when I got here the family that was going to hire me backed down and my friend never told me. So, I was like, “Dude! This is really important! What am I going to do?! I quit my job!” and it was... it was a little scary actually... but she’s like “don't worry, my boss has other friends. We'll find you something.” ... So, she found some families and I was working with them. But it was really hard because I didn't speak the language. I was struggling a little bit, taking care of kids and I can't talk to them. So, I was studying by myself, reading some books, watching TV... and then after four months the family that was going to hire me in the beginning, [My friend] was connected to [them] and they were [saying] wonderful

things about me and they really needed me. Apparently, the nanny that they had at that moment was diagnosed with cancer and she was gonna die... so I ended up moving in with my original family, and that made me stable.

I lived with them for like two years. I was working for them, so they paid me, they gave me a room, food... they gave me a cell phone. The only thing that I had to do was to buy a car myself. And then they paid for classes in a community college, two classes a year. So, I started going to school and [the family] would help me do homework. I started learning more and I was able to communicate a little better. But then they got divorced and it screwed things up and the baby started daycare... they didn't need me anymore. So, I went and worked for another family, but they didn't need a live-in nanny and told me, "you can stay with us. We'll help you find someone." Awesome people!

I worked two years and a half with them. [At the time], I had a boyfriend. We were madly in love. I thought I was going to marry that guy, [but] things ended up really bad. I [was] really heartbroken. And... um [long pause] and so I started being depressed and struggling and thinking, "what am I doing here? Why am I here? I'm unhappy, I am alone... so screw this, I need to go back." And the thing is, when I was struggling, I met this other guy at the gym and I thought he was my friend. Something that I... I never wanted to do was have a fake marriage, just to get papers. I had the opportunity several times. That was something that I never wanted to do. So, I met this guy and he seemed genuine, really nice. And I told him everything... I told him, "I'm thinking of going back home..." and he was like: "Oh I'll just marry you. Just to help you out." And um... [heavy sigh] so I was like, "Okay, well, I guess... maybe... maybe I can do that." And then I did. I got married to that guy. But I told him, "You're cool, right? That doesn't mean that we're gonna be like... I appreciate you as a friend!" And he's like, "No, no, no. I'm just doing this to help you out," but that wasn't what he had in mind. Then I had to move in with

him because we were married and he started being really weird. That's when I decided, "No. I'm going back home," being all heartbroken. Plus, I thought that someone was really trying to help me stay here for good. I wasn't in my right mind... I know that I shouldn't have done that, but I was really, really depressed. I lost a lot of weight. I was really, really skinny, and actually I became bulimic from the whole breakup. Then that's when I [decided] its time for me to go back home.

I talked to my older sister and she told me "be prepared... because it's going to be a culture shock again." So, I was trying to prepare myself mentally... it was going to be hard. I [had] bought a house with my sister while I was working here, so I had a place to stay. And then when I went back... I was happy. But then... I'm here, right? What am I gonna do?! And then I just started looking for jobs and now I knew English, [so] I can work in tourism. So, I started working in tourism... I was making \$500 a month, [but] it was really hard! I was making two, three times more when I was here. I worked for a little bit there [and] I got a second job as a bartender. But it was hard for me to survive because I was on my own... and everybody tells me, "Just work in a call center. You are going to make more money." So, I quit and I started working in a call Center. And that helped me because I was making \$300 more.

Then I was struggling to... [long pause] to adjust to Costa Rica again. It was like I am too open minded, and I just feel like people there were really closed minded. At that moment, I got laid off from the company that I worked with because they were moving [the] call Center to El Salvador. This made me think, "you know what? I'm just gonna try to see... I know that I was illegally here. Probably, I'm going to go and they're gonna deny my visa." And my older sister... she was like, "just be prepared that you might get that door shut and you [will] have to stay here." But then the worst thing that can happen then is they're going to say no. There's another possibility that they can say yes! So [long

pause, laughs] ... I went to the appointment. I married a guy here, right? I have all the papers. So, when I went, I told them: "I was there and married this guy... I need to divorce him." And they gave me the visa. My sister couldn't believe it. Me either, but this time I needed to be smart about it. I go: "the first time I overstayed because it was just three months. This time I'm going to do it right. This time I'm going to stay for six months, work, and then I'll come back. I'll find a family, I'll work for that family, then I'll go back to Costa Rica." I did the back and forth from 2009 until 2011.

Then, instead of going to Costa Rica... I have a cousin that lives in Germany. So, this time I'm going to backpack Europe. So, I worked for six months to go to Europe. And that was when I met Sean. I met Sean in 2011... two months before going to Europe. I told him, "This is my story: I was here illegally, I had my heart broken, [and] I'm really messed up right now. I married this guy and I've been working to divorce him. And in two months I'm going to Europe, then I'm going back to Costa Rica." Just to be up front. I've always been like that. So, he told me "well, just go to Europe and when you get back, just move in with me." [long pause] So for me that was really scary! I've known this guy for less than two months... He wanted me to live with him [and] I'm not going to have a job. Me, I never like to depend on anyone. The way that my step-mom and my step-dad and my mom [were], I promised myself I'm going to be as independent as I can. I don't want to depend on any guy. So, for me it was really hard to agree.

But then I said, "you know what? I like him. He's a really good guy. So, I guess, we can try. If it works, good. If not, I'm just gonna go do my own thing." So, when I came back to the US and moved in with him it felt right. I don't know how to explain it. It wasn't weird and I just felt like I fit in. In the beginning I hated it because I couldn't work. I didn't have a job... I was here all day long. I was cleaning the house, because doing nothing will drive me nuts! He [would] give me money so I can buy

groceries and keep myself entertained, but then I was going nuts. And then, finally, I found a job. And... then we made it. We made it work!

Then my six months were going to expire in December [so] I thought “well, let's go to Costa Rica so you can meet my family.” I was really excited! And then he proposed in November... took me by surprise, to be honest... I was not ready to get married at the moment! And I told him I wasn't ready. It was too soon. We need to save money and I need more time with this guy. We were like just... like six months [in], and he has a daughter. And it's like... and I said yes. I said yes... we had to rush for me to get married before my six months expired. So, we got married in December and here we are right now... 11 years [later], with a six-year-old and my stepdaughter, a dog and two cats and a... Parrot. [laughs].

Sean's Profile

I grew up in South Bend Indiana. Most of my life, till about 18 or 19 I was there. [My] family was more working class. My parents are still married. My dad grew up on a farm, my mom was a stay home mom. She never really worked. She was basically the accountant: she kept track of all the bills and everything. My dad just worked. I didn't see it as “her place in the house,” it just seemed like this is where she'd choose to be because it is where she can do the most for the family. My dad can do the most by working. My dad was in the navy before, so a farmer, then in the navy, and then got out and got married to my mom. My mom just lived at home, got married, then moved in with my dad. My parents were kind-of sheltered or naïve. [They] grew up in a very small-town world. The typical 50's type household stuff. So, I really didn't learn a lot of things till I got older and learned them on my own.

I have one sister. [She] and I are the first 2 among cousins to graduate college. When we were kids would go to the farm and help bale hay and get chicken eggs and

just... farm stuff. The farmer part, where they figure out how to make anything work, no matter what you have? I definitely got that from that side of the family. My mom's grandfather was an engineer at X Company for years. My school was about 60% black, 40% white and like... two Mexican people and I think one Asian guy and one guy from India. I was the token white guy. It didn't bother me because it seemed normal. It was just my neighborhood. The city was about a 50/50 mix, so to me it made sense. [But] I always noticed that the exchange students would... react differently to things going on in classrooms like... kids goofing off, not listening to the teacher... and to them, it was like, "that's kind of disrespectful. Why would you do that? They're teaching you." [That when I realized] these guys have it totally different.

All my friends in high school were exchange students. One was from Colombia, one from Germany, one from Thailand. I always liked asking "what's it like living there? What do you do? What are things like there?" So I always had an interest in it [and] I started wanting to see different things. I was always different in that way. I didn't want the Midwest tradition of buying the House down the street from your grandparents and you take your two-week vacation or whatever you're lucky enough to get. And you go to Daytona Beach Florida or somewhere 'different' like Key West [chuckle, sarcastic tone]. That's pretty much the Midwestern life. It's like I... [hesitates] I don't want that. It just didn't interest me. So, I lived in Georgia for about a year after [high school]. Then I went back and finished my degree and the day I graduated I moved to Tucson, because I did not want to live in Indiana. So, I went to Tucson. I was there for like five years and I just got tired of the small town and moved to Phoenix... better opportunities, better careers, paths.

I've held a passport for most of my life. I've only really been to like eight countries. I would like to go to more, but it's kind of expensive to get into that! I've been

a few times to Rocky Point which technically is Mexico, but it's not. I don't consider it like a 'real spot,' right? You're not going somewhere where you can't run two miles and cross the border. My first trip [out of the country was with] this girl I was dating who worked for [a commercial airline]. She had a companion ticket, so I got to go to Australia. That was my first [time] out of the country. It was so different! Everything was! And people were very different, things were organized differently. It wasn't as much a culture of "Look what I've got" like it is here. Here it's very much, "who can pull up in the bigger SUV? Who's got the bigger house? Who's got the better clothes? Who's got the bigger ring on their finger?" And in these other countries that wasn't that big of a deal... They seem to enjoy life more, for life, versus things they can show off. The way they teach you in grade school is like, pretty much everything built here is the best thing you'll ever see. Anything in any other country is going to be sketchy. And then you go to these other places, and you start seeing things and you start seeing... there's more than one way to do something. There are several ways to engineer things. And [in school], they do not embrace that. I couldn't follow that logic.

So, after I finished the MBA, I wanted to go to Peru or Costa Rica for Peace Corps, which had spots for business development. I was waiting to find a spot so I could try and save up some money to go do that and the girl I was dating [had] told me she couldn't get pregnant. Now, that's the 15-year-old that I took to the dance Saturday night [chuckles]. So that ended my chance to do business development in Peru or Costa Rica. My 15-year-old daughter's mother was a recovering alcoholic. At this point in my life, she's not in the recovery part yet so I have my kid as much as possible. We weren't married, we knew this was my child, but if anything happened to her mother the state gets my child and I have to petition the state to get her back. [So], I had to take her to court [to declare] her my child, but it was kind of an agreed-on thing. I was going through that, so I wasn't dating

much. I would go to work, come home, take care of the kid.

That's when I started working at the Bank and just tried to do the career thing. I moved around to testify in court for years on different cases that would come through the Bank. I'd have to fly out and be the core witness, memorize all the documents and answer questions. And then, from there that's how I got into risk and controls, because I interviewed for the spot and the lady could not believe how well I knew the auto world. It was like, "we will teach you how to do the write ups and the testing stuff, you know how to figure out the stuff that's missing." That's how I wound up there... and I'm still there and still enjoy it. It made my life pretty stable, so it was good while the kids are growing up.

So, I was out for a bit on a court case [and when] I got back, there was a volleyball tournament, a little fun tournament you sign up for. And it's right by the house, so I decided just to drive over and see if they needed a sub. That was the first time I saw [Luka] and started to talk to her. I didn't really have much of a chance to converse with her, but I was like, "okay, she's playing in these tournaments... in a couple weeks there's another one." The next one was down in Rocky Point. They set up all these nets on the beach and play ball all Saturday. So I signed up for that, and then I saw her again... we chatted the rest of the day and hung out for the rest of the evening and met up after that a few times and [then] started dating.

We dated for probably three months and she told me she had to go back because her visa expired in six months. So [she tells me], "I have to leave. I have to stay out for at least 30 days, then I can come back." But the family she was staying with, the kids were getting a little older, so they didn't really need the nanny much anymore. She wasn't sure if she'd keep that. And at that point [she was] like, "I don't want to watch kids anymore. I want to do something different." So, I asked her if she wanted to come back here and she

could stay with me. I just got this house. That was me and, part time, my child. It's a three-bedroom house, I've got room, right? So, she agreed to come in. She went to visit her cousin in Germany for 30 days and she came back and brought all her stuff here... which wasn't much. And we stayed here and then we knew her visa would expire again in six months, and she [would have] to leave again. So that's when I asked her if she wanted to get married and she said "yes." Which was weird, because we pretty much just dated each other for three months... and then in six months we got engaged.

So, we went down to the courthouse and got married... [we] got married at the courthouse so we would have the legal documents to start the process. We were thinking of going to Costa Rica and getting married there for a ceremony with family and stuff, but we couldn't, so we just had it here in February. Three months after our legal marriage... we got friends and family together and had the ceremony, but it was just the ceremony. There was no formal preacher or anything. We [still] wanted to have a small ceremony for family down there, but we never were able to. And after five years and a kid, it doesn't work anymore. It was hard on her... She's got no family, no nothing... me, she hadn't known very long. It was weird marrying someone who I dated for only a few months.

Sean and Luka's AoS narrative

Sean proposed to Luka in November of 2011 and they were married in December. Luka described the difficulties that she faced during the first few months that they lived together. She told me, "In the beginning I hated it because I couldn't work. I couldn't have a job, [and] for me, I cannot ask for money from this guy to go buy a shirt or something! I was here all day long, so I was cleaning the house because doing nothing will drive me nuts!" She also found things to do outside of the house: "I was biking... You know, he would give me money so I can buy groceries or so I could go and keep myself

entertained, but then I was going nuts.” Sean’s memory fit Luka’s experience. He told me that at the time he “could make enough to cover things while we were there, but it was really tight because if she gets caught working, she risked being deported. So, it's not worth it, but she was going crazy sitting at home.”

Even with Luka’s experience applying for visas, neither of them were sure what the AoS process was like or how long it might take. Luka was excited, because she thought that “usually, you get your green card and social security within four to six months. I had friends who also got married and they got all that information. Finally, I wanted to work!” So, she went out, applied for a job, and got an interview. At the interview she explained that she was just waiting for her work authorization. They told her “No problem! Just as soon as you get it, we can start the process of hiring you.”

Sean also told me that at that time he “didn’t know how you do any immigration stuff, [but some of their friends] knew someone that used to be a prosecuting attorney for immigration and had changed over to doing immigration law *for* immigrants.” Those friends were a family that Luka was working with at the time and they urged the two of them to go talk with her. Luka told me, “I was glad that I took the advice, because when we went... our lawyer said, ‘you cannot leave the country. If you leave, then you will not be able to come back.’ So, I guess our trip to Costa Rica to meet my family was cancelled. We couldn't leave. Well... *I couldn't.*”

Filing the Application.

So, with help from their lawyer, they gathered evidence and began filling out the application packet for Luka’s adjustment to Permanent Residency. Sean thought that it was odd that there were certain questions in the paperwork, which asked “were you ever in a militia” or “did you ever try to overthrow your government.” He thought that these questions “put [people] in a situation that can't win” and asked, “who's gonna answer yes

to those questions?! Someone that doesn't understand the system, right? Anyone that does... how [is the government] going to find out? There's not a lot of records kept in some of these countries. You [need to] answer no. It was difficult for the two to afford the “couple-thousand dollars in fees” associated with filing. Then, submitted their application to USCIS and waited for an interview.

Attending the Interview.

Eventually, an interview was scheduled. Sean and Luka both told me about how they collected the paperwork and supporting evidence for their application and presented it to the USCIS interviewer to “prove that [they were] a real couple.” Evidence consisted of their marriage certificate, pictures from their wedding and life together, joint bank accounts, documents proving that they live in the same house and “other stuff.” Luka specifically recalled that they asked her questions about “how and when [she] got here, including all of her entries [to the U.S.]. Then, the lady was like, ‘we approve of your marriage, but we’re going to deny your Green Card.’ I was like, *What?!*”

Naturally, both Sean and Luka were confused and upset by the decision. Sean highlighted what he saw as a basic, legal inconsistency in the logic behind the decision: “you’re acknowledging that it’s not a fake marriage for the purpose of getting someone residency. Why would you decline the residency?! That, to me, made absolutely no sense!” Luka pointed out deeper inconsistencies in how this related to her background:

If I would have stayed [in the US] the whole time illegally, they would have given me the papers right away. I could’ve been here 20 years illegally and then it wouldn’t be a problem. The problem was because I left. There was a law in 1996 [that says] when you are here illegally and then go back home, you’re penalized for 10 years. And then I said [to the lady], “well, yeah! But then I got my visa, and *you* gave it to me!” [Luka chuckles] and she said: “yeah, sorry but no. We’re going to deny it.” And she grabbed my passport and stamped “void” on my visa.

Appealing the Decision.

On advice from their lawyer, they sought to appeal the decision. Their lawyer told

them that “what you could do is write a hardship letter from your husband and your families... and then petition why you should stay. If not, you have to go back and in a stay in Costa Rica for 10 years.” Sean explained the situation further: “what we had to do was apply for Adjustment of Status and that meant you had to basically be put in a deportation hearing. At the hearing you can request to waive that 10-year period.”

Along with their family and friends, they wrote letters to apply for Undue Hardship. Luka recalled that Sean’s letter essentially said “Luka is my wife [and] I cannot move with her, because I have a daughter (at the time she was six). I cannot leave her, [because] her mom is an alcoholic.” They both expected that USCIS would read it and say, “okay. We forgive you.” But that didn't happen. Sean tried using his legal experience to understand the decision:

There is no true definition of what undue hardship is, [but] it seems inherent: if you're married and you can't live with your significant other, that is inherently an undue hardship. You basically have lost a relationship... but apparently that's not good enough! [The 10-year ban was] part of Clinton’s immigration bill in ‘96. It states that you're not allowed to apply for citizenship for 10 years unless there's extenuating circumstances. Of course, that is totally subjective.

So, Luka told me, the two prepared “for a legal battle of five years [and to] pay lots of money.”

Waiting.

Five more years of waiting would pass before Sean and Luka would get another hearing. For Luka, these five years were difficult. She told me, “I couldn't get a job, so I was babysitting. I wasn't getting paid that much and it wasn't many hours... I love kids and all, but I didn't want to be a nanny the rest of my life. It was also hard because Sean wasn't making much money.” Sean similarly remembers the experience, telling me how frustrated he was that “they don't respond. They send you these letters [saying] ‘they're getting to it... they're getting to it...’ and you're months and months in. It's hard, because she's wanting to do something different with her life: get a job, a career... maybe have a

kid!”

Eventually, they got a bit of relief. In 2014, Luka received her work authorization. Her first job “didn’t have benefits, but that was also the time when Sean and I we were trying to have a baby, so we didn’t care. We decided, ‘if you get pregnant, you probably will stay at home and watch the baby, then start looking for a job after we have our little one.’” During these five years, Sean continued to write more letters to USCIS, asking “What can we do to move this forward?” He “certified everything [and kept his] letters professional, just quoting things [about their case].” He told me he would ask them, “according to this, this was supposed to happen at this date. I haven’t received anything. what’s happening with this?” Sean’s hopes were that the letters would “force their hand.”

Forcing action.

Later that year, without any confirmation for a hearing date, Sean and Luka asked their lawyer about how they might speed up the process. Their lawyer responded, “I can’t tell you to do things that are illegal, but if you get close to a [border] checkpoint and you don’t have your papers, they can arrest you.” She told them that Luka might be detained, and that “maybe they’ll keep you a few days, maybe they won’t... but you’ll speed up the hearing.” Their lawyer also informed them that if Luka were to be detained, they could pay a bail to have her released. The state “might set the bail at 100 bucks and they might set it at 10,000.”

So, Luka and Sean discussed the possibility. Sean recalls that Luka “was so frustrated with [the process] that she just wanted to do anything she could do to get it get it to go forward. Luka said, ‘I’m fine with that. It gets it over with, right?! It just forces someone to make a decision.’” So, in 2016 they got in their car, drove toward the US border with Mexico, and entered a roadside checkpoint. The first time they drove through, Sean told me, Luka “hands them the frickin’ expired ID, we sit there [while] he’s

looking at it, [and then] he comes back and waves us through! [Luka] was crying [because] they couldn't figure it out! So, we turn around, wait about a half hour, go through again.” Luka recounted that they drove through again without being stopped. Then, on the third attempt border patrol agents stopped them and said “you guys have been [here already]... what's going on?!” The following conversation ensued:

they stop and are looking at us and he realizes [Luka's paperwork is] expired. The other guy's like, “you just came through here a little bit ago.” We're like “yeah.” He's like “why would you come through... you're trying to get me to arrest you so you can get your hearing setup?” ... [Sean, mimicking a mock shameful tone]: “Yeah.” The agents were on to what was going on. They're like “Okay...” So, they called in and then they tell us, “Oh, they actually issued a hearing date, they just haven't sent you the notification yet.”

After Luka told me about this experience, she laughed and said, “well, at least he was nice about it!” Sean viewed the timing as ironic: “if we had waited another couple days, it probably would have been in the mail!”

Attending Court.

Several more months passed before their first hearing. Going into court, Luka remembers thinking, “Jesus Christ, they better not say no! I'm already expecting a kid! We have been married for so long!” Sean recounted that at their first appearance in court,

the judge asked “what happened?” Luka replied, “Well, I came here, I left these days and...” [Then the judge asked], “Well, when did you enter the country illegally?” Luka replied “Never! I flew into the airport.” And the judge said “Oh... well they got the charges wrong. You overstayed a visa.” So, they wrote it up as if she was deported for illegal entry, [but] she left on her own. She wasn't deported [and] they couldn't figure out why they had issued her a new visa... [So both] sides were like, “No. it's overstay.” The judge set a new trial date and we had to start all over again.

At the time, Sean remembered, there were only “three judges in Arizona that did immigration, so you have to wait for an opening on their calendar. So finally, after almost another year, we get into that hearing.” Luka remembers “waiting for months until the next hearing... by the last appointment, I already gave birth to my daughter.

Just because someone messed up!”

Finally, however, their court date arrived. Both Sean and Luka’s recounting of the hearing was short and sweet. Luka simply said that “we went to our last hearing and the judge was really nice... and then he approved it!” Sean reflected that it was “basically summary judgment because the prosecution was not putting up a new defense.” He also pointed out that, even though the prosecution didn’t object to “waiving the 10 year [ban, it was] ironic because in eight months the stupid thing expired anyway!”

“Even after we were done,” Sean told me, “It took several months to get the resident card. After she's got that, [she can] finally work, leave the country... do all those things.” Luka said that she felt “really lucky, because they gave [it to her] for 10 years... [otherwise], when you have your Green Card, you have to renew it once in a while.” She told me that having it “did open doors, just to start getting something like a real job. You know, something where you get benefits, because I [still] didn't have any benefits. I was really excited! That’s when I started working at the bank.” To celebrate, Luka went to Costa Rica for three months, just to see family she hadn't seen in years, and to take the baby.

Filing their application.

Both Sean and Luka were ready for Luka’s adjustment to citizenship, so they got straight to it. Luka told me that they started “looking into how long it would take to apply. If you are just getting your Green Card and you’re a foreigner, you have to wait for five years. If you married a citizen, it takes three.” So, they started gathering paperwork. Luka told me that adjustment to citizenship took them a little bit longer, because the “changing of presidency happened [and] they were going to put that on standby. And Covid hit, so it was like two hits at once. It was 2019 when I applied.”

Waiting.

After they filed their application, they would occasionally check for updates, but they “knew it was going to take some time.” Eventually, they got a letter in the mail notifying them that Luka was scheduled for an interview. The timing of this notification was inconvenient, much like their previous experiences. Luka told me, “When I got the letter for my appointment – we [were] so ‘lucky’ [sarcastically] – I was in Costa Rica! They sent a letter two days before I left the country... So when I got back, I was freaking out because in the fine print says “you cannot miss that [appointment]!” When she called USCIS, she was told that she needed to “send all the information [about] why you weren’t here in a letter [to] prove why you missed the appointment. Um... so I did all that and they sent me another date.” When the second letter was sent, Luka was again planning to go to Costa Rica to attend her cousin's wedding. She decided, “you know what? I'm just going to stay. I'm not going to go to that wedding. And I'm glad that I didn't... I don't know if the second time, they would be so nice.”

Gaining Legal Status.

With help from Sean and her stepdaughter, Luka studied to prepare for the citizenship exam. “Some stuff,” she said, “I knew just by being here.” There were other things that she didn’t know, and she told me she “started to worry... I have anxiety with tests or speaking in public... I get really bad anxiety and I just shut down. That was really stressful!” The next day, she woke up and went to the USCIS office. She told me,

I got there and the lady was really nice. I was surprised! She started asking me those general questions: “if I am a Communist, if I was a prostitute.” For me it was like, “come on! Really?! Why would you ask those questions?!” Then she says “okay, now I'm going to ask you these questions.” She started, and then she did like six questions. Then, you know, she was done! And then I was like: “just keep going!” [Laughs] I wanted to tell her that: “just keep going! Like, bring it!” but then I just kept it cool. I get a little sarcastic or when I'm really nervous... After I passed, she told me, “There's gonna be a ceremony in an hour. You can stay or you can come [back] later.” I was like “What?! I didn't know I was going to get be a citizen just right away!” It was kind of weird though, I don't know if it's because of Covid or... or what, but it would be kind of cool to bring family or friends or whatever. Then they gave you a certificate like when you're born: So here you are!

You're a US citizen! Yay! Then they took my Green Card and said, "Well now you need to get a passport because you cannot leave the country without that." So, I already got my passport! I got it within a week and I'm going to use it in two days! so... um you know, I'm a US citizen now! *And* Costa Rican! I get to keep both so... that's the best thing!

Lara and Jax

Lara's Profile

I was born in Lyon, in France in 1990. My family is very usual, middle-class French people: a mother, a father, and a brother. I am of full 100% of French origin. My dad was a lawyer. [He read legal documents for a company and processed them]. Now he's retired... My dad's parents decided to break the cycle of being a small farmer, because it was really hard. They never said they were poor, because I guess in France, poor means you don't have anything to eat... My mom, she was in Madagascar for 10 years. My grandparents went there because they were asking for teachers. Then, after independence, they were asked to go back to France. They were not welcome...

Mom stopped working before I was born to take care of my older brother and me... [She was] a beautician. She did that for a few years and had her own little perfume shop in Leon. She was her own boss [and] she was happy about it. Then she saw a new store Sephora, so she sold her perfume shop. Very smart, because now [Sephora's] this multinational, crazy empire. Then she went to work in a store that would be the equivalent of Bloomingdale's [before] she had my brother. She was 33. And that's when she realized that she didn't have left over [salary] after she paid the nanny. That's how my parents decided that she would stay home. I mean, she decided, my dad didn't ask her to do that.

My first interest [in the US was] when I was a little girl, because my dad and my grandpa were passionate about Native American history. Just through books and movies, because they never traveled. They were amazed by the Pioneer lifestyle... So, I knew I

wanted to go to the West someday. I am still fascinated by the US and the American people, the way they came here. The new Americans like me, people who came a generation ago, and even the people who've been here since the beginning... Native people. I was sad about a lot of the history that I could understand once I was an adult, but still... I think it's a fascinating country.

[As a child], I really loved learning. I loved school. I had great grades. I knew I was smart, and I was really proud of it. Compared to other kids I never really had fun, as a child has fun. I was really serious, and I wished to be taken seriously as an adult. I really enjoyed my teenage years because that's when I looked like an adult and people started to treat me like an adult... Naturally, I knew that I wanted to choose a school where I could travel during my studies. So, I did four years of school, then one year of my master's degree was an internship. I studied [English] at 11, like every other French kid. English was the hardest subject for me, [chuckles] weirdly. I did not hear English outside of English class. So... I'm still surprised I got the internship. I spoke enough [English] for the interview and enough to show that I would improve after, and I could write and read English. That's when I went to [a major US hospital] and I joined a lab, researching image processing. I'm super happy about that [because] I kind of feel I achieved the thing that I wanted to do as a kid. It's one of the top American hospitals... the 14 years-old me would be proud.

That was the first time I took a plane so far, in July of 2012. I was alone, so that was a test. But my parents were so supportive. I wasn't scared because I thought, "worst comes to worst, I go back home." There was not really money involved for that internship, because I was paid, so I knew that I could support myself and did not need my parents to spend money on me. I didn't want them to have to sacrifice anything for me. So, when I came here... I really liked it! I was interested to see how Americans

work... [With] French people, there is this Joie de Vivre and enjoying life, and I love this about my culture, but what I didn't like is that at work, its only people complaining. I learned to stop doing it being in America. I thought it created a sad work environment. I always thought, "Can't you also be happy during those hours that you're at work?!" Also... in French culture, I'll show you the cliché: people talk about personal life and sexuality more openly. When it happens in the workspace and you're one of the only women on a team, it is extremely uncomfortable... And that doesn't exist in the US. You don't talk about that in the US. [In France], it's not frowned upon to say like, "Ooh, I love your shirt," which is fine, but I don't want a guy saying "ooh, I love your skirt." This happens naturally in France, and it's not frowned upon, but it still makes women uncomfortable... I do not want to hear any comments about my appearance and in France, it's constant.

[That internship] confirmed that I really liked America and not just the idea I had of America... so I started to investigate. For one year, I went back to France to finish my master's degree. I spent a lot of my free time reading the USCIS website to understand visas and the protocol. During my internship, I was lucky to work with many international people. Even my boss was Canadian. He is the one who explained to me the visa he had and encouraged me to look more into visa programs. Then, every single friend I had at [the hospital] had some sort of visa, so I developed my knowledge about visas and understood where and how to look for information. It was really self-taught because my family? No help. They didn't know anything ... and they also didn't speak English, [but] they were very supportive. My mom was with me, discovering the process and helping. And, because the words were complicated, we translated into French on Google Translate. But it would still not help because it was a legal word that I didn't know. But my dad, being a lawyer, could help a little bit.

Then, I found out about the h-1 visas, which was the category I would be within, because of my Master of Science degree. I learned about the timeline of application, which I didn't think about because the only visa I had before was J-1: you apply, you have it, you go when you go. So, I thought, "okay, we're working within a timeframe that's strict... How can I find someone to trust me enough to sponsor me for an H-1b?" Then I looked at all the other categories, and I saw that you could still have a J-1 visa if you were less than 12 months graduated. I was gonna get my degree in my hands in December, [so] that was the plan. I would explain that [to] people and they would be like, "Oh, we don't really know how we would get you here." And I would be like, "This is how you're going to get me here: I apply for the J-1, then you're gonna apply for the H1-B. And then I work for you. Worst comes to worst, you... can extend [the J-1], if you want one more year. Then we can try the H1-B a second year. So, you have me for two years minimum. If I get the H1-b, I can stay longer." That was the package deal... and it was actually fairly easy because developers were in high demand. It went very quickly... I did three technical interviews, then I did the paperwork for the J-1 and by January 2015, one and a half years after coming back from my internship, I was back in New York for work.

So, I worked for nine months a very small company in New York making websites for any type of ecommerce websites or platforms. We were a small team of devs [and] I joined as a junior. What I asked worked... almost. I got the J1, [but] I paid for it. They were supposed to reimburse me, but that never happened. And then I was not supposed to pay for the H1-b, but they changed their mind about paying for it. I was already in New York... [That] was the one time I asked my parents for some money, because I clearly did not have a few thousand. It was something like maybe \$2,500 and my boss was very surprised I didn't have that. I had no money... I didn't work, I was a student. That was the first hiccup of the immigration processes.

I clearly got taken advantage of by that by that company... so many bad things happened! I was applying with my Master of Science because that's my highest degree... and the guy in my company who made the paperwork did not believe that I could possibly have a Master of Science degree. He was telling me, "Yeah, but that must not be worth a Master's of science in America." I knew it was [and] I had the transcription! [Still], he applied for my h-1B just with my bachelor's degree, which... it's so amazing that I got the H1-b the first time, because I had less chance. Then, they kept my paperwork: the part that you're supposed to give to the person to travel... they kept it! Also, they didn't give me the salary we signed for. They gave me 10k less. They were supposed to give me the minimum salary for an H1-b, so I told them, "Oh, maybe there was an issue with the salary transfer, because it's not what we agreed on." And then I was told, "Oh. Yeah, that's too much. Actually, we think we're just gonna give you that much."

All this time, I was thinking "this is my one experience in the US." I thought I would be here for just a few years; I didn't plan on becoming an American or immigrating or anything... So I was looking to my parents, and they were telling me, "Well, now you're there. You just found an apartment, you have roommates, are starting to make friends. So far, it hasn't cost us any money. So, let's pay for this visa. You try to get it and if you get it, because it's an H1-b, you can change companies." So that became the plan. Then I found another job, transferred my H1-b and I quit. That was July 2016. It didn't go well at all! I never confronted my boss about all those forbidden things that they did, on the advice of my dad. He was like, "There is the money they owe you. And then there is your mental and emotional health. And that might be more important right now." So... I never went after them. When I quit, the main thing that [my boss] said was, "after all the money we invested in you with all your visas?" And I said, "Well, that's not

true. The first check of 2000 euros was made by my mom. And the second is made by me. And I have proof of that.” I also said you never give me the salary you agreed to, so you should not talk like this. And then he just told me to leave and never come back... I sent my [resignation] email at 2pm and at 2:30 I was walking out the door. I didn't plan on leaving that day, I thought I would do my two weeks.

When you have an h-1b, you're always scared of losing your job. Because you have one month to find another job [and] going through all the rounds of interviews in one month is a little short! So, until I got my green card, I was completely scared of losing my job. I would have never opened my mouth about anything in the company because I couldn't be laid off. Also, my boyfriend was American. I had a family here. My first year, I didn't really care. I was here for the fun of the New York experience. But once I started to be in a serious relationship, moving in with my boyfriend, having a dog... all of a sudden, I had a lot of things to lose. I think some companies know that about their employees, [but] I always thought, “How could that happen to me? My dad watched over my shoulder when I signed my contract.” He wanted to make sure that I was reading every single line [and would] never sign something that I don't understand. My family, they're very strict about that. It's their whole career! I could not believe that even if you do that, even if you are sure of what you're signing, you can still be taken advantage of. Realizing that was the biggest shock. It's a bad thing that happened to me at a good moment of my life, so it was okay, but if it would have been a year later or a year earlier, maybe it would have completely broken my dream to come here.

I met [my husband] during my interview, before I was in The States... He was the technical services manager who was in charge of recruiting me. We worked in the same team. He wasn't my manager, [but] he would be the one who gives me my day-to-day work... I thought he was way older, because of his title, [but] when I found out that he

was my age and he had friends my age, I thought, let's be friends! And so we became friends. Then we became more than friends. I told him on our second date, "just so you know, I do not plan on becoming American. I will never be American. I will never feel American. I might want to go back to France... if you want to have a wife who's gonna have kids and a minivan and go to a baseball game on the weekend, that's not me." And he laughed and he said like, "Yeah, that's fine" [Chuckles]. I tried to be very clear at the beginning. I told him about the one-year visa. I explained to him what I was doing, trying to get the h-1b. I wanted to be super clear about the reality of the process and how it's done. Because... we were serious. If something happened with my visa, I wanted him to understand what it meant to be with a foreigner. Because he's American, and he doesn't have any other any friends who did this type of process, I don't think he realized the shit it was until later, seeing me doing the paperwork.

We got engaged in July 2018, while I was working for my second company. I always knew about the green card through marriage, which I was against for a long time, because I wanted my immigration to The States to be mine. Then, when I saw that I needed my previous employer to help me with the green card, I realized that it would never work. I was thinking, "I'm going to enter this crazy war of things. Plus, it's expensive. It takes a long time..." [Jax and I] talked about it and he told me, "Ultimately, you do whatever you want to do. And you and I'll help you with whatever process you choose." So basically, I gave up the idea of doing it through work... after a lot of consideration and a lot of conversation with myself. The biggest thing was that I had to pay like \$8,000. That was really expensive for me. Then, my final choice was in thinking, "What would I do if I break up with my husband?" And when I realized that the answer would most likely be [that] I would move back to France, I agreed to do it through the marriage. It seemed obvious to everyone [else]: if you're getting married anyway, just do

it through marriage. [long pause] But you know, if I had a normal previous employer, I would have definitely done it through my employer. It would have been me, myself, and I. My school, my degree, and my journey. Not depending on someone and not having to put someone else in this administrative loop. So we got married in March 2019, seven years after my first J1 visa for the internship, and started the application.

Jax's Profile

I was born in Princeton, New Jersey. We had a small house, and I have an older sister. My dad was working full time, my mom was a teacher. She taught Home Ec., so cooking and sewing were the two main subjects that she taught. Then when my sister was born, she stopped working... she would be going to school at like 6:30 or something, and I don't think that you could drop a kid off that early. And historically teachers don't make a whole lot of money, so she decided, or they decided, I don't actually know, [that] she would stop working. [Then], she started working again when I started high school. So she took like, 15 years off. My dad runs an auto parts store. My grandpa and my grandma started that. And my dad worked there with them for a long time and eventually took over. And then we moved out to Western New Jersey... [My parents] were looking for better schools and I think more space. I was young enough that really most of my childhood was in the second house that we lived in, [where] we could bike around the neighborhood and not be worried about getting hit by a car and this type of stuff... And that's where I lived with my family until college.

In high school and middle school, I had a little camera and I liked making little films of my friends. Like, documentary style: skiing, paintball, whatever. We would just make little movies. And in high school, we had a video editing film class. You would make shorts or whatever you wanted, so I took some of those where we learned more about video editing and professional grade editing software, and we had access to better

cameras. And there was also a little TV studio [where] they would do the morning announcements... So, you learn the basics of the switches and stuff like that, which is cool. And then I always like to create... I like to work on my jeep and motorcycles. Part of that's from childhood, my dad having the auto parts store. Cars were always the thing... That's one thing that, in everything I've done in my life, [is the] constant theme, is I like to create stuff or work on things... And that's the same for all the disciplines.

[Then] I went to college in upstate New York, originally for film. Part of the reason I went to the school I went to was because it had other options: there's a good art school, but also an engineering school and other things. It was largely a technical school. There was very minimal sharing of general education requirements between the colleges within the school... So I decided to go for film, [but] something I always found to be impossible is like... early acceptance for schools usually is in the fall of senior year. You apply to schools your junior year, so you're 16 or 17 and you're supposed to decide what you want to do. You're making a pretty large commitment! I felt that at the time... So, I decided to go for film and then after two quarters decided that it wasn't for me, as a career. I decided to switch and ended up in a digital media publishing major. It was the only technical degree inside the art school, so my degree is a Bachelor of Science, not a Bachelor of Arts... I kind of viewed it [as] approaching art in a technical sense.

What I learned in school is things like digital asset management, media law, intellectual property, and these types of things. So, I have a basic understanding. And that is how I ended up with my first job and ended up moving to New York City after college, which is where I am now... I'd just turned 22 when I moved here, and I moved in with two other men from school that I knew. They were both moving to New York City and had a place they were looking to rent that had a third room. The person they were going to rent it with fell through, so they asked me. It was perfect, because I had

committed to the job, but I didn't have a place. So, it kind of worked out and it was super fun! They're great friends of mine still, even though we don't live together anymore. I think that helped make me enjoy the city, versus going home to some random roommates because I couldn't afford to live by myself.

I was pretty skeptical when I first moved here because Rochester was around 100,000 people. It's pretty small. Before that I didn't really live in a city at all and New York City is massive, so a big change! And I wasn't sure if I was gonna like it. Just because I like to do a lot of outdoor things. In a city that's small, you drive 10 minutes, and you're out of the city. In New York, that's not the case. You have to drive like an hour and there's a lot of traffic, so you're way more limited in terms of being able to ski and hike and do things that I like to do. But that was where the job was. And it was a good job for the industry. And it was well paid. [Now], it's fine to just fly [somewhere] and do a week trip. My job enables me to have that sort of life, I can afford to fly tomorrow for a week. I get it if you can't do that, that might suck. You might want to live somewhere where you can ski if that's what your passion is. Luckily for me, I'm able to do both. I think it's pretty lucky in some regard because I kind of just fell into doing this work. I love writing software, I love computer stuff, and it just happens to be a great, high paying job.

So, I met my wife at that previous job, two jobs ago... She was hired as a developer/software engineer at the company, to build websites and I worked on a technical services team, which did consulting for companies. She was hired there on an h-1b visa. Oh, actually, I think she came over on a J-1 and then they applied for an h-1b... So really, what I saw was when they were applying for the h-1b visa. I didn't really know anything about the visa process in the US or anywhere before this. At my dad's store that he owns, he had previously sponsored someone, so I knew that it was a process and

paperwork, and that you needed a sponsor... but I didn't really know much else besides that. And so, through her H-1b application process, I've learned a lot about how it works. The oddities of it. For the first round, it is a lottery, which seemed to me a strange way to do it... [Also], I think she had to do more than she was supposed to have to do. I think the company is supposed to deal with a lot of the stuff that she had to deal with, in terms of filling out the actual application. She had to do a lot of the actual paperwork. I don't know what the norm is, and I think after that first application the lawyers did a lot. But those were bigger companies, so maybe that's why... Subsequent processes after that, renewals for different companies, seemed like significantly less work because she already had the paperwork. Also, I think renewal is a little different because they already approved you.

So, we worked at that company for a little bit and we started to hang out. Then we started to date while we worked there... and we moved in together. Then we both subsequently left that company and moved on to other work. I proposed... four years ago on a trip that we took in Alaska. And then we got married a year after that in Hawaii. And it was just the two of us. We decided to do that mostly because of our situation: she has friends in New York City, but her childhood friends and her family live in France; my family and friends live throughout the US... If we had the wedding in France, [we] would be asking everyone to travel to France from my side. And if we had the wedding in the US, we'd be asking everyone from France to travel to the US. And we thought that was a lot to ask.

I've only been to Europe once before that. I went to Amsterdam when my sister studied abroad there. Since then, I've been to Europe a bunch with [my wife] to different places: Italy, Spain, France. So that's been great, [being] exposed to a different culture. [It] really helps you think about things differently. I mean, you can try to do that

yourself, but I think it's more in your face, obviously, when it's your significant other's culture and their friends and their family. You end up being exposed to it more than if you're just looking at it yourself. You have to be open minded about the world. You can go and you can read, but it's not the same as having direct exposure. You try to understand, but it doesn't mean you necessarily will. If you're just reading something – that's why we read and study in school textbooks and all this good stuff – but it doesn't necessarily replace first-hand experience.

Jax and Lara's pathway through AoS

Preparing for Adjustment.

Lara and Jax were married in March of 2019. Jax expanded on the logic that they followed when deciding to have their wedding in Hawaii: “If we had gotten married outside the US, we would have had to take the marriage certificate from whatever country issued it and transfer it to the US. We immediately were like, ‘Absolutely not!’ We knew we were gonna have to do the green card process.” Together, they decided that it would be “easier if the US government knows about it, [then] there's no transferring. It's just a one less thing to deal with.” Even with this logic in place, Lara remembers that “it took forever to get the paper from Hawaii.”

On advice from Lara's coworkers, Jax and Lara had already engaged legal assistance before they married. Most of Lara's team were also immigrants and they urged her to “have a lawyer from the start. Even if you can do the paperwork alone, it would be easier.” Jax reflected that “really, you can apply as soon after you're married as you want. You can prepare all the paperwork in advance. We engaged... our lawyer before getting married to learn about the process and what we would need, [then] started some of the paperwork beforehand.” The lawyer they found was a “friend of a friend,” who, Lara told me, worked for an immigration law firm that was “crazy expensive. [Luckily], we could

just hire her as a paralegal, just to review and get us through the process. That was way cheaper, so we chose that option!”

Filing the Application.

In preparing for the application, Lara also told me that she felt “confident understanding the paperwork... I’d done it [through] all [my] other visas. If it was my first time, I think I would have paid for the full package [for legal assistance].” Even so, she prepared herself to “go through administrative hell.” At the same time, her lawyer invited her to readdress a difficult decision. She “warned” Lara that:

“you still need to make sure you don't want to do it through work, because it's really hard on the couple.” And I was surprised! To me it was more boring, annoying, and tedious than hard or complicated. And she told me it's hard on the American person because they have to disclose so much information and, depending on the person, you should let [them] know that it's going to be that way. So, I let him know. I told him, [laughing] “I guess if you went to prison and I don't know, I guess I will know... there won't be any secrets after that. And he laughs and says, “Yeah, okay. I don't really care.” So, what my lawyer was saying is it's a lot of work and it's tedious, and they don't realize that before, if they've never done it. I wasn't too worried because my husband saw me: every single year, I went back to France to stamp my visa again and he knew I was so stressed. He knew that if I didn't get the stamp, I could not reenter the US. He knew all the stuff about the borders and all that. So, I wasn't too stressed for that.

Jax also expressed this kind of confidence during our interviews. He knew that the process would require “patience and the willingness to sit down and do the things that need to be done.” He acknowledged, however, that “some people might be frustrated with the amount of stuff that they might be expected to do, [If] they don't realize how involved it is.”

So, they continued to work on their application. To learn more about the process, they again drew on the knowledge of friends. Lara had a “friend that she was close with in New York who applied for a green card through marriage and was two years into it. They had already [gone] through their initial interview, [had] their green card, and [Lara] was able to talk to them to learn about the process.” Jax recalled that they also

read online forums to learn more about the process. He didn't find this particularly helpful, however: "You only get a very small snippet of what's happening and there's no way to know if it's accurate, no way to know if you can extrapolate what people are saying... I guess it's better to be prepared, but if you look online, it can freak you out a little."

Lara told me that she and Jax did "the paperwork together, but because I've done it before, I was the lead on it." Jax remembered it the same way, telling me that she "already had experience dealing with the government and paperwork... so she felt more comfortable than if that wasn't the case." But even with Lara's prior experience, she was "surprised at the number of documents where [they] had to repeat the same thing. I wasn't expecting USCIS to have the best processes in the world, it's an old thing... but I was still surprised!" This repetition was something Jax noted as well: "It was mostly filling out my address a million times. For whatever reason, you have to keep putting it down, which was something that was baffling to me. I [thought] it was ridiculous!" He likened the experience to filing taxes long-hand, with "different forms [that] have different IDs and you have to report all the information on every unique form. They don't carry it over anywhere."

They were both concerned about making "a dumb mistake" that could "really delay the process." This was exacerbated by the difficulty the two had with understanding precisely what the various forms were asking for. Lara brought this up multiple times throughout the interview, telling me:

I believe my husband speaks very well... like, a different degree of complicated English. I think I speak well also. I'm from a family where [where we were] reading contracts, even when I was very young. Still, it was so fucking hard for Jax to make sure I wasn't making a mistake... There were some phrases where we would have to read it ten times. I would understand one thing, he would understand the contrary, and we could not be sure.

When such difficulties occurred, the two of them would consult their lawyer. Having

legal consultation was helpful, but the back-and-forth dialogue with their lawyer extended their overall timeline. Jax recalled that “it was a bit of a lengthy process. We would fill out [the paperwork], send it to our lawyer, they would review it... then they would fill out some stuff and we would review it. If there were mistakes, we would like mark it up and send it back.”

Along with their application for adjustment of status, Jax and Lara filed additional paperwork that was needed for Lara to be able to maintain the same lifestyle she had before they were married. Jax explained that it was part of their initial application:

The idea here, is that you send in your application for your green card, and you also send in a separate application for Advanced Parole and work authorization. It's a separate thing, which gives you the right to travel and work while they're processing your application. They process [these], I'll say this in quotes: '*immediately.*' Or they're supposed to... One is for traveling. Before, she was on an h-1B visa, so she was allowed to leave the country and come back through her visa, unrelated to me. [Without it], you have no legal right to come back. You can come as a tourist, but you're not really supposed to do that. I guess [immigration lawyers] don't suggest you do that.

It was August 2019 before they were able to complete the paperwork, five months after they were married. “In retrospect,” Jax reflected, “it probably would have been easier for us to just fill the document out entirely ourselves. There were a lot of rounds of revisions with the lawyer... and it would have been easier for us to just do it, then have her review it.” Lara agreed that it took “a lot longer to submit the application than we would have wanted. There was a lot of back and forth with the lawyer. A lot of typos and stuff like that. But we weren't seeing her a lot, so I guess she was doing things pretty quickly.” At the same time, she was careful to recognize that the experience could have been more difficult. She told me that “when we were doing the paperwork, I was thinking: we didn't have a crazy schedule, we

don't have kids and responsibilities... we have plenty of free time to read those documents 20 times and sign them... now I'm impressed by all those people who don't!"

Waiting.

After their application was submitted to USCIS, Jax told me, "They basically just tell you you're waiting to be scheduled for an interview, with no other information. We waited for like a year and a few months [before we heard anything]." This waiting period was particularly difficult for Lara. She told me that her "biggest fear was during the beginning of COVID." Due to border restrictions, she was unable travel. "So that was really heavy. If anything happened to my parents [I would have] to choose between [them and] my husband... I wouldn't be able to come back until I have the green card, adding that on top the fact that that's the first time I lived through a pandemic."

Jax described the experience of waiting for notification from USCIS during the pandemic as being "locked up in our apartment." They were unable to leave New York for "anything like vacation." This was not solely due to the pandemic. He told me, "We knew that we had an interview, but we didn't know when it was. [So] we were scared to leave New York the entire time we were waiting for an interview to be scheduled." While they were waiting, they would also access the USCIS website to look for any updates. Jax pointed out that the portal was largely unhelpful: "they don't actually tell you any information on that portal... we couldn't actually see the date that [was] scheduled for [the interview]." Still, Lara would check for updates "every day. It was my routine. Every day, I would open my mail, my emails, [and] open the USCIS login to check if there is any news. In the meantime, really trying hard not to lose my h-1 visa."

Eventually, Lara was granted her Advance Parole and work authorization. She related this moment back to the difficulties she experienced on h-1b work status: "when I got my pink card, I was thinking, 'Yes! I can work! I can lose my job!' and then I got the

paperwork about being able to travel, but because of COVID, it didn't work.” Jax was also relieved that “she wouldn’t need to deal with the H-1b thing anymore... they mailed [us] a card [that] looks similar to a green card. It's a little ID like your driver's license that says your Advance Parole is just for travel and on it there's an endorsement that says you can work.”

Attending a Medical Exam.

The next step was for Lara to get a medical exam at a USCIS approved doctor’s office. She told me that it was to “show that we don't have tuberculosis (TB), which is funny. Every time I came to the US, I had to show that I didn't have TB. In Europe, we are vaccinated... [so] the skin test looks like I got TB, because I have antibodies.” This was usual practice for her, however, because she had already done it twice during visa applications. Unfortunately, she explained,

this wasn't covered by any health insurance, or at least not mine. So, good thing I have a network of immigrant people in NYC! They sent me to a doctor in Chinatown who used to do that. It was a whole experience in itself. I love that experience! Everyone is there for the same reason, and they know exactly what to do. It was much cheaper than going to my regular doctor. at my regular the doctor it was \$480... at the doctor in Chinatown it was \$180. So I did that. It felt like a travel experience. [Then], this expired because my paperwork took too long. So I had to go back last year, but I didn't go to Chinatown because it was during the height of the pandemic. I went into my neighborhood, which is Polish. It was the same thing. Everyone was there for the same reason.

Ultimately, Lara would have to go back for her fourth medical exam. The paperwork she gathered from her visit to Chinatown expired, so she again accessed her “network of immigrants” to find another doctor.

In January 2021, Jax and Lara “decided to step away from the pandemic,” so they “booked a house in Vermont for five weeks [where they] could work remotely.” It was during that trip, Lara told me, that she logged into “the website, as every day, and I saw that the thing has been processed, and [they were] gonna get an interview invite in the mail.” Before leaving, they had joked about the possibility that they would get the notice

while out of town. Jax laughed: “sure enough, that is indeed what happened!” Along with their mutual joke, they also prepared for this possibility. Lara told me that they had a friend “check their mails once a week while [they were] away.”

So, Jax told me that they packed up a week early and headed back home to prepare “the information [that they] were required to bring to the interview.” He explained that “although we knew generally what we needed, they don't give you a definitive list until your interview is scheduled. We actually ended up bringing way more than we needed. It wasn't clear if... they had a copy, so we brought a copy of everything we submitted.” They spent the next few weeks preparing, then the day before, Lara’s lawyer asked her, “Do you have any more questions?” She also told them that “some of her clients... have very detailed questions, like, ‘what is the color of their toothbrush’ to see if they’re living together.” Jax added that they did “mock interviews in advance to prepare. They can ask you personal questions about really anything: family, favorite food, colors... anything that they could use to determine if they think you're a real, legitimate couple and not just trying to get someone a green card and citizenship through a sham marriage.”

Interviewing.

It was February of 2021 when they entered the USCIS office in Brooklyn. Lara observed that there were “a lot of other people in the waiting room who seemed to be in the same type of situation. They have all their paperwork, and then they're in and out in like five minutes.” When their time came, they stepped into an office and sat on the other side of a plexiglass barrier from their interviewer. Lara thought “the guy was super nice. A younger New Yorker. I think he was Latino, so it made me comfortable.” She also reflected that “if not him, someone around him must have done this process.” The interview itself, by both accounts, was short. Lara said the interviewer “looked through

the photos and took a few... then he asked a few questions about how we met, my family, my parents' names, or something like that. I could have said that about pretty much anyone in my life." Jax also remembered him asking, "What was the date of your marriage? What was the location of your marriage? Just to confirm that know the location of the marriage, which is on a marriage certificate, but also on the paperwork you fill out... it was really pretty quick and straightforward."

Gaining Legal Status.

After the interview, they "didn't know how long it [would be] until [they] would find out the outcome of the interview. Technically," Jax recalled, "they can deny you. That's the point of the interview. I think they said a few weeks to a few months. They give you some sort of really open-ended timeline for when they're going to make a decision," but it didn't take weeks. Lara was "surprised [by] how quick it was after the interview. That was actually the fastest moment! I thought I was gonna have to wait like another six months... then, two weeks later I had the card!" They received their green card in February, about 18 months after their application was filed and one month short of two years after they were married.

Lara leaves her green card at home, locked in a safe. She told me "That's the first thing you do. You put it safe in your home and you do not take it with you anywhere." She keeps it at home even though, she said, "I'm scared that don't have my green card with me. I'm always thinking: [some] day I'm gonna have to go to the police station because I don't have my green card with me. And I'm gonna have to call my husband so he can bring it to show that I'm here legally."

At the time of our interview, Lara was looking toward the next steps in her adjustment pathways:

Now, I'm waiting for whenever I can apply for the passport. For citizenship. I'm saying passport because I see it as a movement freedom thing, not as 'I will be

American.' The passport will grant me the right to move again. You know, like I used to. Like you can in your own country. Until I have that I cannot consider America my full country. Oh, and then I actually used [my green card] immediately because I started my [new job] like a week after having it. I think that was the best part: being able to travel and also the ease that I left my previous employer... the fact I did not have to do any paperwork. I just had to send an email to whoever, the HR person in my company, with my passport photo and the green card. No lawyer involved, no administrative [work]. And that was a that was great!

ANALYSIS

The Dramaturgical Code Structure

My initial code structure contained seven parent codes: a) *Biographical Backgrounds*, which received initial attribute codes, was used to select and organize the interviews into a timeline of major events; b) *Objectives* captured the desires, motives, and goals of participants as they sought Adjustment, and partitioned the transcripts into individual objective-based vignettes;¹² c) *Conflicts* were defined as the obstacles, challenges, or difficulties that arose as individuals attempted to achieve a given Objective;¹³ d) *Practices* highlighted the actions and logics that participants employed to overcome Conflicts; e) *Subtexts* involved the thoughts, impressions, and meaning that participants made of the adjustment process, their experience, or themselves; e) *Attitudes* were reserved and separated from Subtexts to exclusively capture reporting of dominant public narratives or dialogue; and finally f) *Emotions* were coded as participants experienced them in any way associated with the above experiences.

As mentioned, I fully engaged Seidman's methods to create individual participant profiles, crafting a full (re)telling each participant's life history in first-person perspective and their own voice. For the most part this was a straight-forward, fluid process. Biographical and Objectives codes allowed me to target, review, and pull narrative passages from each interview, then paste them into a new document in chronological order. These quickly shaped a cohesive narrative within in the document. Each transcript was then read again in its entirety to find any additional relevant context, which was

¹² Objectives initially coalesced around the two primary objectives of Gaining the Benefits of Status and Understanding

¹³ Conflict Codes were divided into the subcodes of Institutional Discretion, Limited Mobility, Time-bound Constraint, Family Separation, Financial Insecurity, Restricted Work, Lack of Security, Language Translation, and Relational Conflict. Institutional Discretion was further broken down into the subcodes of Procedural Inefficiency, Lack of Transparency, Surveillance, Indifference, and Discrimination. Please see table 1 for a breakdown of this structure.

inserted into the budding profiles at intervals that made sense chronologically and/or in a way that maintained the participant's narrative structure. These profiles have been left in-tact to present the uninterrupted story of each individual's life history, up to the moment of marrying their spouse and beginning the adjustment process.

There was, however, a unique challenge to writing participants' narratives about adjustment of status. Adjustment processes involve both individual narratives about each participant's personal experience and intersected, multiple-perspective narratives from each partner about experiences of AoS that were shared. As such, constructing separate narratives for each participant seemed inappropriate and inefficient. Reporting in this way was long, repetitive, and insufficiently communicated the shared nature of participants' experiences. My solution to this problem was to meticulously write a shared accounting of each couple's AoS experience into a single narrative. I employed the same cut-and-paste method as described above but in place of a single word document, I created a three-column table. The left column of the table noted major events, landmarks, and objectives that the couple experienced throughout the AoS process (preparing documents, hiring legal help, filing an application, interviewing, being granted adjustment status, etcetera). The other two columns received separate copy-and-pasted segments of text from each individual's recounting of that specific part of the process.

Using these tables to draft AoS narratives was the most tedious and difficult part of reporting results. It required delicate care and attention so that both individual and shared narratives were 'fairly' balanced. The reward for this process was an additional opportunity to review and explore the idiosyncrasies of each partner's individual approach to adjustment. It also improved readability, flow, and transition into analysis. While crafting them, however, I found myself tending to over-rely on the non-citizen

partner's narrative. This is further reflected in the various lengths of the individual profiles. Perhaps this tendency was a way to me to compensate for my position – as a 'citizen petitioner' – relative to the site and this research. To compensate for this, once a quoted excerpt was copied out the AoS narrative tables, I highlighted those excerpts in black. Doing so gave me a quick visual reference to gauge how much I had relied on each partner's narrative and allowed me to try and adjust accordingly. To further ensure that my own voice and biases were not overly present in these narratives, they were shared with participants for vetting before publication.

Once I began writing analysis, I struggled immensely to find a structure that allowed me to convey the complexity of participants' experiences, suggest the passage of time, and address the interconnected nature of the codes within my codebook. My initial logic was to analyze each Conflict Code in turn, because these stemmed from the primary objectives and also were the targets of the tactics and strategies that participants carried into the site. I spent an inordinate amount of time trying squeeze each of the conflict sub-codes into thematic sections before I realized that they were not isolated from one-another, nor were they static within the timeline or location of adjustment experiences. They resisted logical categorization. Returning to the spreadsheets that I used to create AoS narratives made me realize that I had already divided the Gaining Benefits of Status code into a narrative-based set of subcodes that I had just not yet labelled, so I returned to my codebook.

Returning to the narratives helped me reorganize my Objective code into the following ten sub-codes, which came to represent the Primary Objectives that participants set out for themselves during their AoS experience, in chronological order: a) Prepare for Application, b) File an Application, c) Appeal a Decision, d) Wait, e) Attend Court, f) Attend Interview, g) Gain Legal Status, h) Force a Decision, and i)

Understand. Each of these Primary Objectives were then able to contain the specific *Conflicts* that arose at each narrative-based juncture of AoS as well as the Practices that individuals or couples employed to overcome those conflicts (along with the Subtexts, Attitudes, and Emotions that they experienced at those times). Conflict Subcodes were divided into the following: Limited Mobility, Time-bound Restraint, Family Separation, Financial Constraint, Work Restrictions, Precarity, Linguistic Barriers, and Relational Power Conflict. This new code structure helped me work with the dynamic, unfixed nature of Conflicts and Practices, then analyze them as they were situated within participants' narrative experiences. Objective codes are used as the titles of each couple's adjustment of status narrative and are also used as section titles for selected themes in analysis. To help the reader better understand and track how conflict and practice codes are applied through analysis, all instances of code usage are italicized. Tables for this code structure can be found in Appendix F.

To understand the practices that mixed citizenship status couples use to achieve adjustment of status, I examined strategies or tactics as being engaged by three different actors: the state, individual actors, or newly married couples who are working together to navigate adjustment. Institutional Strategies are understood as comprising the practices of lawmakers (through the legal practices that they legislate) and the government agencies that carry the power of citizenship-making and nation building (in this case USCIS, CBP, and ICE). Individual Practices include the actions or logics of individuals within the mixed-citizenship marital relationship itself, as well as individuals situated within the social or political realms that surround AoS (ground-level officials within USCIS/CBP, lawyers, people within the couple's social network...). Finally, there are a few instances in which strategies and tactics are understood as a joint effort of both individuals within a mixed status relationship.

The Practices of Adjustment

Before getting into analysis of the strategies and tactics employed through adjustment of status, I would like to take a moment to address the claim made in the beginning of this work: that there exists dominant narrative about immigration through marriage being an ‘easy’ pathway to citizenship. This claim is substantiated across all four participants in this study. Even though they each came to the process of adjustment from significantly different backgrounds and levels of experience with migration processes (either formally or informally), they each explicitly stated that immigration through marriage was more complicated than they initially thought.

Luka expected that the process would take “four to six months,” drawing on the experience of her friends who had already received marriage-based green cards. Lara thought that “if you get married... it [would not be] automatic, but just [need] time for processing. I thought you would [just] become a citizen until I actually moved to New York and met people who got married here.” They carried these notions into adjustment despite the extensive difficulties that they both had already faced in their own migration history. Likewise, Sean and Jax both mentioned that they had little to no knowledge about what the process entailed as they prepared to apply. Their lack of experience in dealing with immigration processes in the past was likely part of the reason for this. Jax said, “I just didn't have an understanding prior. It's kind of hard to have that understanding without direct exposure.” He gained some of that exposure while dating Lara, as she managed work visas. Still, he reflected further that “I don't think if you're an American living with only Americans, you would ever know how it works.”

These experiences imply not only an existence of the ‘easy’ dominant narrative, but also at how it might be perpetuated through epistemologies of ignorance. The participants’ narratives alone demonstrate how the ‘easy pathway’ narrative falls far

short of reality. I leave the argument of how basic ‘face-value’ legal structures of adjustment are complicated to the participants’ voices, as they are supported through the review of literature. As an example, however, the timelines of adjustment for both of these couples far exceeded the 10.3-month estimate provided on the USCIS website: Jax and Lara’s adjustment took 18 months, without the extenuating circumstances that stretched Luka and Sean’s residency adjustment to about 5 years.

Preparing for the Process

Both couples engaged in tactics before they were even married by altering their wedding plans in ways that they hoped would ease the conflicts they expected to experience through adjustment. Sean and Luka decided to hold their ‘official’ wedding at the courthouse to improve the odds that their marriage would be recognized as ‘valid and subsisting.’ This could be understood as a tactical maneuver of *Not Taking Chances*, by preempting the state’s power to enact *Institutional Discretion* through its opaque ‘valid and subsisting’ criteria. After their courthouse wedding, they went on to celebrate their marriage with friends and planned for a third wedding with Luka’s family in Costa Rica. The third wedding, which never happened, was a sharp entry point in Luka’s running experiences with *Family Separation*.

Lara and Jax’s tactics were likewise a response to state power and the conflict of *Family Separation*, though their approach differed slightly. They attempted to balance the fact that one of the two of them would inevitably face *Family Separation*, regardless of where they decided to marry, by having a destination wedding at a location where neither of their families could attend. As opposed to circumventing the state’s discretionary power, however, they were attempting to avoid *Procedural Inefficiency* by holding their wedding in a US state as opposed to a non-US territory. They hoped that avoiding this conflict would ease the flow of paperwork between states as they prepared

for adjustment. These differences across couples and individuals begins to demonstrate how entering adjustment from different intersectional standpoints (such as class, national origin, and prior access to legal status) can result in subtle, but impactful differences in how adjustment narratives ultimately play out.

As Sean and Luka prepared to apply, Sean was fortunately making enough money from his job to cover their shared expenses at the time, a resource-based strategic maneuver. This presumably covered application fees, lawyer's fees, and the cost of living for the two of them while Luka was "stuck at home," unable to work. This period of time must have been particularly difficult for Luka. Recall that during our first interview together, when discussing her move-in with Sean, she told me, "I never like to depend on anyone. The way that my stepmom and my stepdad and my mom [were], I promised myself I'm going to be as independent as I can. I don't want to depend on any guy."

When I asked her about this during our third interview, she told me:

Where I grew up, with my stepdad [and] Christianity... it was really fermented that you obey the male, right? And I didn't like that. I didn't like the fact that I [would] go and ask my mom to do something, and then she'd [say] "go and ask your dad..." So, I didn't want a guy to tell me what to do, ever... Then when I came here, the way that people were, it was a little bit different... the way the guys were living with their family and the guy was cooking and cleaning and doing this stuff... I liked this, you know?! It was like 50/50. This was the kind of stuff that it drew me to [the US].

By indicating the dynamics of gendered work division within household as a pull toward the US, Luka's experience resonates with Lara's tactics of seeking a job in the US as a means to avoid a culture of work in France that permitted men to make casual sexual advances at her. Both of them were firm in clarifying that this was not why they left their country of origin, but instead was what brought them to the US. Lara and Luka's gendered work experiences diverge, however, at the intersection of class and access to legal status. Where Lara was able to find her way into a more equitable work setting almost immediately, Luka's lack of work authorization and risk of deportation if she were

to violate them limited her to informal jobs as a nanny and being the primary caretaker for her family.

Filing Applications

Before filling out the paperwork for application, both couples employed the tactical approaches of *Not Taking Chances* and *Accessing Informal Networks*, alongside a resource-based strategy of *Accessing Legal Assistance*. There are several instances of this dual *Tactics with Strategy* approach, under which participants work through the flexibility of the immigrant partner's tactical practices while also harnessing the place-based strategic resources of the citizen partner. For Sean and Luka, accessing legal help through Luka's informal network proved to be an important choice, as it was through that lawyer that they discovered Luka's inability to leave the country. As their process dragged on from months to years and become more complicated, legal assistance became increasingly more valuable. For Jax and Lara, hiring legal assistance likewise entailed tactically *Accessing their Informal Network* to find a lawyer, then to gain access to the less expensive "paralegal" option. Their sense of security in not needing full representation additionally hinged on the strategy resources of the couple's *Cultural Fluency* (or social capital) with US immigration control processes and Lara's *Access to Legal Status*. Given the ten-year bar that was imposed on Luka, partial representation would likely not been of great use for she and Sean.

Luka did not talk much about her direct experience with filing their applications for adjustment, except to say that she "just hate(s) filing papers. I'm sure that you have read a lawyer's [writing]... its so fancy and it's just like... say it normal!" Luka speaks English fluently and conveyed her experiences with grace and ease during her interviews. This is made evident by her participant profile and, when viewed in light of Luka's creative tactical approach to learning English through the resources of the family for

whom she was a live-in nanny, proves her ability to quickly adapt and learn language. Her frustration with technical legal language can then be understood as constituting (at least) two *Linguistic Barriers*: one between Spanish and English and the other between 'lay' English and the language that is used by highly educated legal experts. To accentuate how difficult it is to surmount this second barrier, recall that Lara (who started learning English in school at age 11, whose father was a lawyer, and who holds an advanced technical degree) reported not just her own struggle understanding the application, but also Jax's (a native English speaker who also holds an advanced technical degree).

Jax's frustration with the application process stemmed largely from the lack of efficiency and transparency in how the government handles the process. At several points he lamented that communication from USCIS comes solely through US mail, that the online portal is not helpful, and that the forms for application repeatedly ask for the same biographical information. He saw this as one of the major reasons "why people go to lawyers to help figure out [the application], so they don't accidentally forget a form or make a mistake." When I first created the *Procedural Inefficiency* code, I placed the code under the *Conflict* parent code, initially thinking of it as a static and momentary conflictual experience. Then, during our third interview, Jax helped me realize that the code could be better understood as an *Institutional Strategy*. While talking about how he thought the process would be much more efficient if it embraced modern internet and information technology, he realized that the inefficiency might not be due simply to an outdated system or an 'accident' of bureaucracy. He did so by linking it to how the DMV in New York responded to the Coronavirus pandemic by updating its procedures:

Now, you can register a vehicle on "my register." They can transfer a vehicle title from one person to another online, through a guided form. It tells you: "you need this document and this document, you need this, and you need to upload this form." And then they make you mail them hard copies. [During the pandemic] I

bought a motorcycle, and I could do the transfer and register it online... That was an example of something you used to have to go to the DMV to do. So, it is possible to streamline these things and to do it securely. That's something they didn't do before and then all sudden, they started opening all this up pretty quickly. It means they're capable of doing it. So, I don't see why this would be any different... it seems there is no reason they couldn't have done it online before, they just weren't incentivized to do it.

By emphasizing the capability for similarly situated institutional processes to be updated, when sufficient “incentives” exist, Jax effectively locates *Institutional Inefficiency* as an active choice on the part of the USCIS as a state actor. This subtle shift from *Procedural Inefficiency* as an institutional *conflict* to an institutional *strategy* of control enables analysis to move from a more ‘static’ examination of historic structural inequality to a more dynamic examination of how the power of the state is fractionalized and reasserted through the multitudinous and imperceptible actions, transactions, and interactions within and between individuals and institutions (Foucault, 1984, pp. 17-26).

Waiting

Like Jax, Sean was also frustrated with USCIS’s strategy of *Procedural Inefficiency* and tied this frustration to active *Discrimination* on the part of the state. While reflecting on his overall experience with the application process, he spoke about his discomfort with the application questions that asked about any history of militia involvement or attempts to overthrow a government on the part of the intending immigrant. In this case, the conflicts of Institutional *Indifference* and *Discrimination* become practiced *strategies* of control and exclusion on the part of the state. This observation points directly toward the regressive securitization of national borders through Foucauldian crimmigration logic and identifies intersectional legal inequalities based on an individual’s nationality and relative levels of cultural fluency. Furthermore, USCIS’s decision to determine that their marriage was ‘valid and subsisting,’ while denying the application for Luka’s adjustment is an excellent example of how the face-

value legal requirements for AoS are complicated. This exercise of *Institutional Discretion*, premised on Luka's complicated history of crossing the border, confused and angered them both. It held deep *Family Separation* implications for them moving forward, in terms of their ability to functionally maintain a 'normal' marriage as well as extending Luka's *Limited Mobility*.

The *Wait Objective* was by far the most highly coded theme across all individuals. This makes sense, as waiting dominated most of the timeline of adjustment for both couples. Sean summarized this point succinctly, telling me that "there's only a few days we did something. The rest of the time was waiting years." The conflicts that participants reported during the waiting phase are broad and tightly interwoven with each other, but cluster heavily around *Time-bound Constraint* and *Limited Mobility*. There is also significant overlap with the *Work Restrictions*, *Family Separation*, and *Precarity* codes.

As Sean and Luka waited to be notified for their hearing gendered, classed, and race-based intersections of inequality forced Luka to fall back on under-the-table work as a nanny until she received work authorization and could start pursuing her desire to begin a career. At the same time, Sean and Luka faced struggles with their *Financial Constraints*, finding it difficult to support their family as a single income household with Sean "not making much money" at the time. This must have been particularly difficult, considering they were planning to have another child. Sean's practice of writing letters to USCIS during this time was something that he told me carried over from his work experiences attending court for the bank. He applied a Strategy Logic of *Cultural Fluency* to no avail, however, telling me later that the reason he continued to write letters was that "if they're going to make my life miserable, [laughing] I'm going to make their life miserable!" Willfully enacting this strategy logic against known *Institutional Indifference* shows how the strategic practices that Sean once felt secure in became

more akin to tactics than strategy. This was also the beginning of my understanding of how participants might arrive at a *Strategy Logic Breakdown*, wherein a learned strategic approach to dealing with conflict no longer enjoys the security of place and resources that it once did, being now subjected to the context of AoS. Seeing how strategies and tactics shift along a ‘spectrum’ and respond accordingly to different situations illustrates why practices must be understood as dynamic processes, as opposed to essentialized categories of privilege or oppression.

As time dragged on for both couples, conflicts mounted and became more pronounced. Sean told me that he and Luka’s plan to grow their family became “harder and harder. [If] you're a woman, you get older there's a set limit to when you can have a child, right? And for the immigration people [meaning USCIS], it doesn't seem to faze them!” This observation serves as another example of how the conflicts that Sean and Luka were facing (in this case *Time-bound Constraint*) are entangled with strategic practices of the state (framed here as the *Institutional Indifference*). Furthermore, Sean abstractly locating their conflict within “immigration people” suggests that he is struggling to locate the fractionalized power of the state.

After Lara and Jax submitted their paperwork, they became increasingly frustrated by the lack of updates about their application. Jax told me that USCIS “basically just tells you you're waiting to be scheduled for an interview with no other information... they tell you nothing about how long you're gonna wait. There's not even a window... We waited for a year and a few months until we finally got an update saying we were scheduled.” To manage this institutional strategy of *Controlling Information*, Lara engaged the same subtle tactic as I described my partner enacting in my personal statement. She *Adjusted her Every-day Practice* to include checking her mail, email, and the online USCIS portal for any updates about their application.

Like other

practices, the *Adjusting Daily Practices* tactic is not used in isolation. In addition to daily checks for updates, Lara also talked about a moment-to-moment heightened sense of vigilance against anything that could potentially jeopardize her status. When coupled with state strategies of immigration control through *Crimmigration Logic*, *Adjusting Daily Practices* becomes intimately intertwined with the tactic of *Not Taking Chances*.

As Lara explained:

so many people break laws on a daily basis: like running a red light on a on a bike... Drinking in the streets in France is also forbidden, but it's accepted... if you're quiet and nobody's fighting, it's accepted, you know? All the stuff that I used to do in France, I would never do that here. I would never smoke a joint in a state where it's not fully legal. Like I would never do that. Not even in a closet, in an apartment. What if they do like a test two weeks later? That's what I always think! There is a rule in my apartment that you do not bring in any illegal stuff. Not in my apartment! And when I see people being very relaxed in the city about some drugs, people I know, they get a good lesson! If you go someplace and there is an immigrant or someone on a visa, you might jeopardize their stay here... You do not do that with those people! It's not even about them doing it, it's about them being around it. You never know how it can go wrong.

While there may be a certain need to secure and maintain national boundaries and extend legal structures to non-immigrant and future resident or citizen statuses, Lara's quote points out not only that *Crimmigration Logic* exists under a fractionalized Foucauldian power structure, but also that the US criminal legal codes hold a different and much more severe penalty for migrant populations. While inadmissibility grounds, based on severe, felony crimes may make a kind of legal sense, holding migrants to a stricter standard of criminality is ethically and productively questionable. Extending definitions under criminal law ("moral turpitude") to create some of the most serious penalties (exclusion/banishment, as Lara points out) for minor offenses does not parallel the proposed social intent of our criminal code, particularly when considering the sort of 'double jeopardy' that seems to occur when certain actions begin to cross multiple

boundaries of inadmissibility (i.e. document fraud/false claim/moral turpitude/multiple conviction) (Johnson, pp. 330-344).

Forcing Action

Sean and Luka finally dealt with *Waiting* by deciding to drive to border check point to trigger an apprehension. This is a particularly terrifying, complex, and elegant example of how tactics can reveal the situational and resilient ability of the oppressed to turn the mechanisms of systemic power on themselves (de Certeau, 1984, pp. 15-28). Sean and Luka sought to leverage Luka's *Limited Mobility* directly against the state's strategy of *Crimmigration Logic* that Lara describes above, as well as its power of Institutional Discretion. This *tactics with Strategy* approach, leaning on Sean's resources as a citizen to be able to 'afford' the risk of Luka's potential detention. The resources involved here include, but are not limited to: Sean's citizenship status as a shield from being detained himself; the subsequent ability for him to remain free and continue working, earning, and supporting their growing family; the support of their legal representation; and finally the security that these resources helped provide so the two of them might be able to navigate and afford the potential of Luka's bail (remember that their lawyer told them that bail could range from \$100 to \$10,000).

This instance of a *High-Risk Response* to force the state's *Discretion* punctuates the severity of the difficulties (*Family Separation, Restricted Work, Financial Constraint...*) that Luka and Sean faced while waiting for a court date and how their struggles were compounded through an extended adjustment process. Luckily, their *High-risk Response* did not end up with Luka in detention, but still resulted in them receiving an update about their application. That their hearing had already been scheduled, but they had just not yet been informed, serves as significant (and dangerously ironic) evidence in favor of less opaque state strategies of *Controlling*

Information.

Attending Court

The first time that Sean and Luka attended court, a few months after their trip to the border checkpoint, was to prove their undue hardship and protest the ten-year ban that had been placed on Luka for her visa overstay (even though they would learn that the state was pressing charges for illegal entry). The extreme way in which the 10-year ban *Limited Mobility* for Luka serves as a poignant example of how the state's strategies of immigration control through *Crimmigration Logic* can create a kind of 'zero-win' conflict for mixed-citizenship couples. While the onus of the burden was imposed on Luka, both of them faced *Family Separation*, regardless of how they proceeded with the process: if Luka stayed with Sean, she would remain isolated from her family in Costa Rica over an extended period of years (and she did); if she were to return alone, they would be separated from each other; if Sean were to go with her, he would either have to be separated from his six-year-old daughter (which he noted was not an option) or his daughter would be separated from her mother.

In my third interview with Sean, I learned that the many years that the two of them spent struggling, fighting, and waiting through their application process was a legal tactic that was suggested by their lawyer. As they were discussing the 10-year bar that had been placed on Luka, she told them,

you have one way in and here's the best way to do it. What you have to get is a waiver of the 10-year [ban]... the good news is, as you keep fighting it, it keeps delaying court dates. They can't kick her out. [If you do] it long enough, the 10 years will expire and they [can't] hold it against her anyway.

This legal tactic of *Delaying a Decision* attempts to convert the state's strategy of *Procedural Inefficiency* but turning it into an opportunity to secure legal residence. This situation reveals a deep level of nuance in the legal calculus that was behind the logic of Luka and Sean's lawyer when she suggested that they would be secure enough to travel

to the border checkpoint and risk detention to speed up their court date.

Conclusions

Something that I entered this research expecting to find, as explained in my personal essay, was if and how the process of adjustment of status through marriage instilled subtle, but impactful disparities of relational power into mixed-citizenship couples' relationships. This exploratory study affirms that these power imbalances exist and are built into the very structure of adjustment of status through marriage. I expected that, under the theory of the body politic, relational power structures would not just enter, but would also be reinforced through the relationship itself. This is supported by my initial review of literature, under which the day-to-day experiences of transnational migrants and the border-crossing social networks that buffet them become more and more synonymous with biopolitical technology of *Crimmigration Logic*. The couples in this study, however, defy a totalizing conception of Foucault's body politic. Instead, they demonstrate how they were able to come together and employ dual *Tactics with Strategy Approaches* against the various strategies of power and control that the state asserts on mixed citizenship couples in the name of immigration control. Furthermore, each of the participants in this study specifically mentioned that coming together against the difficulties of AoS strengthened their relationship.

Some Words on Privilege

Selecting these specific couples for this research illustrates how the process might be experienced at two extreme ends of what many consider to be the 'easiest' pathway to citizenship. Clearly, adjustment pathways can vary wildly, according to how applicants are positioned relative to the process, US society, and the state. The individuals interviewed here were keenly aware of this. Toward the end of our third interview, Lara told me that

I was annoyed at the process for all the other people who were not in an easy situation, because I still consider our situation was easy. I come from a peaceful country and have never been scared to have to go back. I have work. I can leave autonomously. Even though the US is ignoring [my privileges], I think they should be careful about this.

At various times the other three participants (including Luka and Sean) echoed Lara's recognition that their experience with adjustment carried some kind of privilege. Sean, however, was careful to point out that just because there are pathways that are shorter or less complicated than what he and Luka experienced, they still do not equate with the dominant narrative about adjustment being 'easy.' He described his attempts to explain this to other people who ask him, "Why didn't you do it the legal way?" He replies, "We did! It took [us] almost six years!" Still, he told me, they sometimes retort with, "well, no, it doesn't work like that," and he has to press them even harder. He later confided in me that when people challenge him like this, he has "trouble even standing around [them]," but he still endeavors to "explain to people [who] think that if you do it the legal way, it's [easy]. That's not the case. It's just as hard for a difficult case as it is for an easy one."

Now that Lara has her permanent residency, she and Jax are intensely focused on her adjustment to citizenship. For Lara, as she describes at the end of her adjustment narrative, this desire to hold citizenship is deeply rooted in her need to access a US passport and so shake the *Limited Mobility* that had been forced on her throughout her visa and adjustment experiences. While having her Green Card is an important milestone in her fight to regain mobility, the process of adjustment has also made her realize that permanent residency is not sufficient enough to protect her and her family from precarity. For both she and Jax, citizenship represents the security of being able to build their family without constantly worrying about *Family Separation*. In our third interview, she told me that "as a green card holder, you can always leave and come back, [but] this could just disappear... I am not a citizen. My green card could be revoked

tomorrow. If the government wants to do that, they can do that. There's no protection for you until you're a citizen." Jax and Luka were in lockstep with this observation. Jax told me that, "for the whole family, if you want to ensure that you're able to be together forever, that's the only thing that can secure your right to be in the same place together." Luka observed the same, explaining how having finally received her citizenship relieved her from the uncertainties of permanent residency: "even though you have your Green Card and are married, they can [still] be like, 'Well you know what? We don't want you here. Bye!' Now, I don't think that's going to happen."

Reflecting on the experience: The institutional strategy breakdown

Just as each participant carried relative positions of privilege and understanding into USCIS's power of institutional discretion, they carried specific impressions of its dominant narrative out of their experience. Participants' observations about the precarity of permanent residency deflate the dominant narratives that are presented in USCIS publications about adjustment and citizenship. As a reminder, these narratives position the US as a champion of the constitutional norms of legal equality, freedom for all, American individualism, and the capitalist dream (Reyes, 2020), while at the same time positioning USCIS (as an extension of the state) as a benevolent, but authoritative and infallible "helpmate" (Bishop, 2013, p. 164). According to participant experiences, the 'ultimate help mate' argument falls short of the mark and, as Lara cautioned, USCIS should "be careful" about how these narratives might be received.

While Jax was unwavering in engaging government discretion to sponsor Lara, he began to question the authority of the US government to police citizen's individual freedom of choice in marriage, wondering "whether they even have the right to do what they're doing." Like Jax, Sean started to "lose faith in our systems here." He reflected on the outcome of AoS as well as the purpose and intent of state strategies of *Inefficiency*

and *Indifference*, questioning how the state can cause a “married couple [to be] separated by a border and it doesn't matter if there's children involved or anything... How is this beneficial for society?!” Ultimately, he concluded that he was “100% sure these laws are a way to get people to just quit and give up, so they don't have to address the problem.” Lara reiterated this growing sense of alienation and abuse eloquently:

There is a sense, I think, of wanting to please the country somehow. Even if you're annoyed at everything, it's kind of like you're a puppy that [has been] beat up, you know? They still want you to like them. It's kind-of the same. They're mean, you feel not welcome, and you want to please them even more by showing how great you are. It's a toxic relationship.

On the USCIS *Office of Citizenship* Website, there are three bullet points to outline the primary focus of the agency. These are listed as: a) “Providing immigrants with opportunities and tools to become vested citizens;” b) “Building community capacity to prepare immigrants for citizenship;” and c) “Promoting dialogue and collaboration on civic integration and raising awareness of its importance to society” (“Office of Citizenship,” 2021). But are the Foucauldian strategies of discipline and punishment that Lara notes providing immigrants with workable opportunities and tools? Do they create vested citizens and build community integration? What kind of dialogue and civic integration are they promoting? For Luka, “moving to a completely new place that has a different culture, a different language, and leaving behind everything you know, [only to be rejected] like you're nothing” made her feel alienated from her newly gained citizenship and the US overall. For she and Sean, gaining citizenship offered the security and access that they had been fighting for across a decade. The excitement that they expressed at finally completing adjustment was palpable. But when I congratulated Luka for receiving her first US passport and finally being able to lean into the security that citizenship offered, she replied “Yeah, I don't know for how long, but sure!” I asked what she meant, and she soberly declared that “it

is good, don't get me wrong. The US gave me a lot of stuff. You know, like I learned a lot and I'm grateful. But part of me is like [long pause] um... after all these troubles, sometimes I just want to leave. Isn't that sad?!”

DISCUSSION

The experiences that participants graciously shared for this research provide a unique opportunity to explore some of the ways that individuals and couples engage tactics and strategies toward the purpose of gaining and maintaining adjustment of status in the US is situated within intersectional historical (in)equality, hegemonic discourse, and theories of the state outlined above. More importantly however, placing these narratives within the context of each individual's life history creates space for the reader to follow participants' steps as they navigate adjustment of status through marriage: how they intuit, feel, act, react and manage an unpredictable series of conflicts throughout the adjustment process. While the pathways, timelines, and specific conflicts that these two couples experienced diverge significantly, some of the ways that adjustment impacted them were strikingly similar. The immense amount of data generated from the twelve interviews in this study far exceeds the scope of a master's thesis. As such, accompanying analysis is in no way complete, even under the specific theoretical grounding provided here. To compensate for this lack of analytical depth of reach, I have tried to provide as much raw data as possible, as an attempt to make further work available to future research. Below are a few suggestions for how this work might be built upon moving forward.

The time, resources, knowledge, patience, and care that was required for these couples to navigate one of the 'more privileged' pathways to citizenship deeply affected their level general security, comfort, and growth as a family, as well as their ability to maintain connections to family, plan their future and life together, find secure and reasonable employment, move, and otherwise exercise the same freedoms that dual citizen couples enjoy.

Limitations

First and foremost, this study needs to be conducted across a much larger and more diverse sample of people who have or are experiencing adjustment of status through marriage. While these two couples provide a sufficient entry point into the conversation, exhibiting a wide range of possibilities, they hardly scratch the surface of intersectional vantage points, relative to the site. As much as gendered dynamics were raised in these narratives, nothing in them can be understood alongside the context of AoS processes in which a citizen woman is petitioning her male partner, much less same-sex or non-binary relations in the site. In the same vein, these four participants pointed out expected racial, ethnic, and national origin axes of power that should have a narrative voice in this conversation. Different migrant backgrounds and histories, couples who's applications for adjustment have been rejected, and individuals who's experience with adjustment did not result in the same kind of solid marriages as these participants would also contribute vitally to the nuance and complexity of potential pathways through adjustment. Of course, this list is not exhaustive. Suffice it to say that many more narratives should be added to this conversation before this research can be anything more than exploratory.

Another significant shortcoming of this work is that it should necessarily be conducted *by* a more diverse group of researchers. First and foremost, it would be significantly improved by the voice of a researcher who has experienced trans-national migration as well as adjustment of status processes. Engaging researchers from different backgrounds and positions would likewise open the work to a wider, more complete and nuanced range of analyses. This is certainly not the *only* intersection upon which my insider/outsider position complicates my relationship to the research, but it is perhaps the most central. Another benefit of approaching this work from a diversity of backgrounds could be including analysis from different academic foci, connecting

research to the site at more of the many interstices that it presents (transborder studies, sociology, psychology, gender studies, global policy, social work... the list of valuable potential contributions is long).

Reflecting solely on my own approach to producing this work, there are several ways that this research could be improved. As a first time researcher, much of the process was about learning as I researched. I can look back on my process and identify a few points (research questions, outreach methods, etc) that could, in retrospect, be improved. There are also many possible thematic ‘rabbit holes’ that arose through these transcripts, but did not find adequate space in this work. Coupled with a larger and more diverse sample size, help from additional researchers, and intentionally leaning into other disciplines, this research could make this work adequate for a PhD program and/or a publishing a book for the broader public. Introducing the voices of participants to more widely distributed publications, across society, might be the best forum for combating the dominant narrative that otherwise keeps these voices oppressed.

Implications for Future Research

At the very least, I hope that this work sparks further conversation and investigation into the site. Perhaps it might foster in readers a better understanding of how oversimplified narratives about and overcomplicated pathways to citizenship through marriage are, regardless of how connected/disconnected to or aware/unaware of adjustment processes readers might be. At most I hope that this work can function as a tactical maneuver for positive change, rooted in my position of strategic privilege in the academy, but poised against the systemic inhumanity of what may be *one of* the more privileged pathways to citizenship. It certainly points to the need for more robust informal (and formal) networks of support and ways of publicly discussing the disjunctions between dominant ideologies about the realities of immigration processes.

It certainly suggests a dire need to update policy. Not just the legal body of policies corralled under the INA, but also the institutional strategies that USCIS employs to control immigration through AoS.

There are many avenues of analysis which I initially set out to address here but was not able to because of the limited scope of a master's thesis. The different lenses that might be used to understand the phenomena are potentially endless. Of course, this work is not an attempt of any kind at producing a comprehensive theory at the nexus of social justice and mixed-status marriage. There are certainly gaps, oversights, misconceptions, under- and/or overstatements. There are also other theories and fields that would be useful for exploring these issues. A deeper dive into Foucault's panopticism could be a valuable contribution for understanding how mixed status couples live in a persistent state of surveillance, under the threat of stripped status and removal. Additionally, Jasbir Puar's work has much to offer, particularly in her theories of debilitation, interpolation and how mixed status couples might be made to comply with assimilation regimes or live in a state of perpetual slow death. A more in-depth work would also necessarily consider de- and anti-colonial theoretical and methodological frameworks to engage a wider range of voices that tie Foucauldian, Gramscian, and Marxist theories with the nation-state's project of settler colonialism and the colonial project of land ownership. Leigh Patel, Wayne K. Yang, Linda Tuhiwai Smith, and Eve Tuck would all provide excellent guidance in such an endeavor.

As it stands, this work serves as an entry-point to a conversation. I sincerely hope that other scholars pick this work up and carry it forward and invite them to do so. It would absolutely benefit from perspectives that have a varying vantage points of its many facets. I should certainly not be the last voice heard in this conversation! Still, I have talked much over the past several weeks about how (after an adequate break) I

would like to continue with this work. I've thought of publishing in journals as well as, after a more robust engagement with further research and finding less academically centered platforms, such as an open-source book, speaking tour, or political lobbying efforts. While the academy has provided me with an invaluable opportunity and toolkit to understand how to best pick this conversation up, I would very much like to carry it to larger audiences, including the many audiences that are traditionally excluded from academia. In my personal opinion, the results section of this thesis, seated most intimately in the experience of those who have been through adjustment, stands as the most impactful and powerful aspect of the work. I am confident that this is the voice that is best suited for carrying the conversation forward toward positive change. If or when I choose to write such book, I fully intent to engage other authors, contributors, and disciplines, as outlined above.

Implications for Public Policy

First and foremost, USCIS should be divested from Department of Homeland Security, where it has been housed since the onset of the Global War on Terror. This would represent a critical change of direction away from the decades-long progressive of collapsing of civil and criminal law in immigration policy (ie crimmigration logic). Divestment from DHS (or a complete abolishment of DHS altogether, which has been called for in various public and political forums) should be coupled with a concerted effort to marry Adjustment policies with USCIS's stated purpose of facilitating *civil* immigration processes. With this, the outcomes of adjustment through marriage could be brought more in line with the notion of civil union and open policy structures to an overhaul of their outdated procedures, as Jax noted is so sorely needed.

As stated in the concluding lines of my Personal Position statement, a major goal in writing this work is to pull at the loose threads of what may very well be one of the

more privileged pathways to citizenship. Just as dominant public dialogues such as the ‘easy pathway’ narrative can serve to invisibly reify the strategic power of the state, a tactical insertion of counterposed narratives, such as those of the participants in this study, can fortify public resistance against it. I have found that my unique insider-outsider perspective and secure social embeddedness, along with my wife’s generosity with her own story, have been our most useful practices in combating misconceptions about AoS and global migration within our immediate communities. For many of my friends and family, my partner’s experience is their most immediate or often only connection to an alternative narrative about these lived realities. My hopes are that connecting this research to the public might help pull at the loose threads of the conception of this privileged pathway and further unravel other misconceptions (“get in line” “do it the legal way” etc) at any of the many less privileged intersections of US immigration policy.

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APPENDIX A
CALL FOR PARTICIPANTS

CALLS FOR PARTICIPANTS

Phone:

Hi, my name is Daniel Furnish. I am a graduate student under the direction of Dr. Arzubiaga and Dr. Broberg in the Justice Studies Department of The College of Liberal Arts and Sciences; and Dr. Francisco Lara in the School of Transborder Studies at Arizona State University. I am conducting a research study about immigration status change events such as Adjustment of Status through marriage. I'm specifically interested in how individuals within mixed-citizenship couples are involved in the processes related to status change.

I am recruiting individuals to participate in a series of meetings and interviews. The entire research process will last about three to four weeks, during which time I expect individuals will spend 3.5 to 5 total hours participating in the proposed activities. These hours will be split across three 1-to-1.5-hour, one-on-one interviews between you and myself. Additionally, two brief group meetings (about 15-20 minutes) will be arranged before and after interviews to include you, your partner, and myself.

Your participation in this study is voluntary, you will be given an opportunity to cancel your participation at any time, and your identity will be kept private. If you have any questions concerning the project, please call or text me at (480) 757-8142 or email at drfurnis@mainex1.asu.edu.

Thank you for your time and I hope to hear from you soon!

E-mail:

I'm a graduate student at ASU. I'm working under the direction of Dr. Arzubiaga and Dr. Broberg in the Justice Studies Department of The College of Liberal Arts and Sciences; and Dr. Francisco Lara in the School of Transborder Studies. My study is about immigration status change events such as Adjustment of Status through marriage. Specifically, I'm interested in how individuals within mixed-citizenship couples are involved in the many processes related to status change.

I contacted you because I am looking for individuals who would be willing to participate in a series of meetings and interviews. The entire research process will last about three to four weeks, during which time I expect individuals will spend 3.5 to 5 total hours participating in the proposed activities. These hours will be split across three 1-to-1.5-hour, one-on-one interviews between you and myself. I would also repeat these three interviews with your partner. Additionally, two brief group meetings (about 15-20 minutes) will be arranged before and after interviews to include you, your partner, and myself. We can conduct these meetings in a place of your choosing, wherever you feel comfortable. We can also meet remotely via Zoom if that works better for you. Of course, your participation would be completely voluntary! You can cancel your participation at any time, and your identity will be kept private.

The next steps, if you are interested, would be to share this information with your partner to see if they are willing to participate as well. If they are willing to participate, we can schedule some time for our first meeting together (the three of us) where we can talk a little bit more about the study, I can share some more information with you, and answer any questions to get you both ready for interviews!

If you have any questions concerning the project, please call or text me at (480) 757-8142 or email at drfurnis@mainex1.asu.edu.

APPENDIX B

CONSENT FORM: SOCIAL BEHAVIORAL RESEARCH

Consent Form: Social Behavioral

Title of research study: Mixed Citizenship Marriage: complicating state, societal, and interpersonal positions of power in the U.S.

Investigators: Dr. Angela Arzubiaga, Dr. Francisco Lara-Valencia, Dr. Gregory Broberg, and Daniel Furnish

Why am I being invited to take part in a research study?

We invite you to take part in a research study because you and/or your spouse are currently or have recently changed your immigration status through the process of Adjustment of Status through marriage. You must be 18 years or older to participate in this study.

Why is this research being done?

This research is being conducted as part of Daniel Furnish's Master's of Justice Studies graduate thesis. The research study focuses on immigration status change events such as Adjustment of Status through marriage. Specifically, I'm interested in how individuals within a couple are involved in the processes that relate to immigration status change and how those processes may be associated with resiliency and vulnerability such as financial strain.

How long will the research last?

The entire research process will last about three to four weeks, during which time I expect individuals will spend 3.5 to 5 total hours participating in the proposed activities. These hours will be split across three 1-to-1.5-hour, one-on-one interviews between you and myself. Additionally, two brief group meetings (about 15-20 minutes) will be arranged before and after interviews to include you, your spouse, and myself.

How many people will be studied?

I expect four to six couples (eight to twelve people) will participate in this research study.

What happens if I say yes, I want to be in this research?

If you say yes, you will be invited to participate in the interviews and group meetings described above. Before the interviews begin, I will ask you and your spouse to meet with me together so I can reintroduce the study and provide an opportunity for you and your spouse to ask any questions about the research.

After our first meeting, one-on-one interviews will begin. During the first interview I will ask a series of questions about your life history and personal background leading up to your (or your spouse's) Adjustment of Status process. For the second interview we will discuss your experiences with the Adjustment of Status process itself. For our third interview we will have a conversation about our first two interviews, and I will invite you to talk with me about how your personal history and experiences with AoS relate and what they mean to you. During this phase we will also explore your thoughts on how your partner's experience might compare to your own.

After one-to-one interviews, another group meeting will be conducted so that you and your spouse may ask any clarifying questions about the research process, present any concerns, and learn more about how the data is intended to be used.

You are free to decide whether you wish to participate in this study and how you wish to be interviewed. Interviews and meetings can be conducted in-person in a private space or in my personal Zoom room, according to which option is most convenient and safest for you and your spouse.

What happens if I say yes, but I change my mind later?

You can leave the research at any time, and it will not be held against you. You will retain any compensation that is offered at the time of signing this agreement.

Is there any way being in this study could be bad for me?

This research poses no direct physical or psychological harm to you. However, it is possible that you may feel discomfort, during the interviews and meetings, as you may be asked to discuss sensitive topics regarding your personal history, experience with status change, and relationship to your partner. You are welcome to pause or stop the interview or decline to answer any question at any time. Before publication of the research, you will also be invited to review the writing and express any questions or concerns before it is made public.

Will being in this study help me in any way?

I cannot promise any benefits to you or others from your taking part in this research. However, your contribution may help create a better understanding of the of the processes and implications of Adjustment of Status. The results of this research may someday help inform policy to improve these processes.

What happens to the information collected for the research?

The results of this study may be used in reports, presentations, or publications but your name and personal identifying information will not be used.

During each of our interviews, an audio recording will be collected. These recordings will then be transcribed, and any use of your name will be systematically removed from the transcript. During our group meetings, I will take notes, but no recordings will be collected. You will be invited during the first meeting to choose a pseudonym, if you prefer, or will otherwise be randomly assigned one. All documents and recordings will then be anonymously labelled with a code number for each participant. This data will be stored in a secure, password protected remote drive housed by Arizona State University. Access to the data will be limited to the investigator and their faculty committee at ASU (Dr. Angela Arzubiaga, Dr. Francisco Lara-Valencia, and Dr. Gregory Broberg).

Once the recordings are transcribed, checked for accuracy, and annotated by the investigator, the accompanying audio recording will be permanently erased. All transcripts will be erased at the conclusion of the research, after the investigator has completed the defense of their master's degree. Informed consent documents will be retained by the Internal Review Board of ASU for three years. While the study is being conducted, we will retain a list containing your contact information (name, phone number, email address). This list will be kept separate from recordings, transcripts, and your pseudonym to protect your privacy and will be destroyed once we have concluded the final follow-up meeting. Please feel welcome to contact us after that time if you have any further questions or concerns.

Confidentiality is limited under certain, legal circumstances. For example, if during the research process you disclose any instances of child abuse, elder abuse, or intent to harm

yourself, I may be required to report this information to the appropriate authorities. I am also required to release your name and other identifying information to the appropriate officials if you disclose that you have a reportable communicable disease that State or Federal Law requires us to report, such as tuberculosis, HIV infection or syphilis.

Finally, research information is not privileged, and is therefore open to subpoena by the courts. While such circumstances are unlikely, please keep this in mind if you choose to disclose anything during our interviews that may jeopardize your application process or status. **In such cases I will do everything in my power to protect your wellbeing and dignity**, such as retracting portions of recordings and transcripts from our interviews or possibly terminating our interview contract entirely, and immediately erasing all recordings and transcripts.

Who can I talk to?

If you have questions, concerns, or complaints, please feel free to contact Dr. Angela Arzubiaga at Angela.Arzubiaga@asu.edu or (480) 965-1882; or Daniel Furnish at drfurnis@asu.edu, or (480) 757-8142.

This research has been reviewed and approved by the Social Behavioral IRB. You may talk to them at (480) 965-6788 or by email at research.integrity@asu.edu if:

- Your questions, concerns, or complaints are not being answered by the research team.
- You cannot reach the research team.
- You want to talk to someone besides the research team.
- You have questions about your rights as a research participant.

Your signature here documents your permission to take part in this research.

_____	_____
Signature of participant	Date

Printed name of participant	
_____	_____
Signature of person obtaining consent	Date

Printed name of person obtaining consent	

Your signature here documents your permission for researchers to use the recorded digital audio in the ways that are described above. (no images will be recorded).

Signature of participant

Date

Printed name of participant

Signature of person obtaining consent

Date

Printed name of person obtaining consent

APPENDIX C
INTERVIEW GUIDE

Interview Guide

Pre-interview Contact Meeting: Participants _____ and _____

- Before we begin, I'd like to see if either of you have any questions to start?
- Would you like to choose a name that we will use to maintain your privacy?
- What interested you about this study and encouraged you to participate?
- How are you feeling as we get ready to interview?
- Part of the reason that I want to do this research is because I've also been through AoS with my spouse and realized during the process that...
- I would like to ask that the two of you not share any of the details from your experiences with the interviews until we've all completed the three interviews. This will help us ensure that both of you have a chance to tell your story completely, personally, and with privacy. There will be a meeting at the end of this process during which I will happily invite you both to talk about this experience together. Is that okay with you both?
- Is there anything that you'd like to share as a group before we begin the interviews?
- Do you have any questions or concerns about this process?

Interview Phase 1: Participant _____

- *Ask if participant has any questions before we begin*
- **SECURE VERBAL CONSENT**
- *Ask participant if they are ready to begin... then **PRESS RECORD***
- *This is Study 14542, with Participant <_____> on Date <MM/DD/YYYY> at <TIME>*
- What How do you prefer to be addressed? How do you personally identify (name, gender, nationality, race/ethnicity, religion, gender...)?
 - Can you please generally describe your personal history (where you were born, your family life, and major life events such as moves, prior education, job or career...)?
- Sample Probes
 - How did you meet your current partner?
 - How long have you been together?
 - Tell me about your wedding...
 - Have you met your partner's family? Tell me about them.
 - How far back can you trace your family's immigration history?
 - How did you or your family arrive in the US? How was the decision to immigrate made?
 - What do you value most in your life? Tell me about it...
 - When did you first immigrate to the US? Tell me about what that experience was like?
 - What made you decide to immigrate?
 - What kind of Visa did you travel on?
 - Did you have any friends or family in the US before you immigrated?

- Can you share with me what your relationship to your spouse's family is like?
 - How about your spouse's relationship to your family?
- What does an average day in your life look like?
 - Examples: Work, Interactions with Family, Interactions with spouse's family, home life, recreation...

Phase 2: Participant _____

- *Ask if participant has any questions before we begin*
- **SECURE VERBAL CONSENT**
- *Ask participant if they are ready to begin... then **PRESS RECORD***
- *This is Study I4542, with Participant <_____> on Date <MM/DD/YYYY> at <TIME>*
 - What is your current immigration/citizenship status? How did you receive this status?
 - What do you think about this status?
 - Does your status affect your partner? How so?
 - Does it affect your family (parents, children, siblings...)? In what ways?
 - Tell me about your experience with filing the application for Adjustment of Status:
 - How much did you know about the application process before it began?
 - Where did you go to learn more about it?
 - How and when did you/your spouse start the application?
 - How long did it take to complete?
 - Did you/your spouse have any help with the application (lawyers, friends...)?
 - How was this help contacted?
 - Were they helpful? In what ways?
 - Tell me about your interview with USCIS...
 - What was the date of your interview?
 - What were your thoughts prior to/during the interview? Why?
 - Did you prepare in advance? How?
 - How often do you think about you/your spouses' immigration status?
 - What thoughts do you have?
 - How often do you have them?
 - What prompts these thoughts?
 - Have you shared these thoughts with your partner or anyone else?
 - Tell me about the wait time between filing the AoS application and receiving a decision from USCIS...
 - How long did it take?
 - What was waiting like for you?

Phase 3: Participant _____

- *Ask if participant has any questions before we begin*

- **SECURE VERBAL CONSENT**
- Ask participant if they are ready to begin... then **PRESS RECORD**
- This is Study 14542, with Participant <_____> on Date <MM/DD/YYYY> at <TIME>

Because this portion of the research timeline is so heavily contingent on interpretation of findings from the initial two interview phases, the questions for this portion will continue to be developed as the study progresses. Interview questions will not only attempt to help the participant connect their life's history (gathered from Interview Phase 1) to their experience with AoS (gathered from Interview Phase 2), but also encourage them to reflect on how their experiences and meaning may be similar to or differ from their partner's. The details and materials for this phase will be submitted via a modification when ready.

Example Touring Question:

- You mentioned during our first interview that you were not very familiar/often exposed to a larger immigrant community while growing up. How do you think this affected your understanding of or your strategy/tactics while perusing AoS? Do you think that your partner's experience was different? Why?

APPENDIX D

INSTITUTIONAL REVIEW BOARD - SOCIAL BEHAVIORAL APPLICATION

PREPARED BY:
IRB Staff

APPROVED BY: Heather Clark

DOCUMENT TITLE:
HRP 503 A Social Behavioral Protocol

DEPARTMENT:
Office of Research Integrity and Assurance (ORIA)

EFFECTIVE DATE:
[3/26/2020]

<p>INSTRUCTIONS</p> <p>Complete each section of the application. Based on the nature of the research being proposed some sections may not apply. Those sections can be marked as N/A. Remember that the IRB is concerned with risks and benefits to the research participant and your responses should clearly reflect these issues. You (the PI) need to retain the most recent protocol document for future revisions. Questions can be addressed to research.integrity@asu.edu. PIs are strongly encouraged to complete this application with words and terms used to describe the protocol is geared towards someone not specialized in the PI's area of expertise.</p>	
<p>IRB: 1. Protocol Title: Mixed Citizenship Marriage: complicating state, societal, and interpersonal positions of power in the U.S.</p>	
<p>IRB: 2. Background and Objectives</p> <p>2.1 List the specific aims or research questions in 300 words or less.</p> <p>2.2 Refer to findings relevant to the risks and benefits to participants in the proposed research.</p> <p>2.3 Identify any past studies by ID number that are related to this study. If the work was done elsewhere, indicate the location.</p> <p>TIPS for streamlining the review time:</p> <ul style="list-style-type: none"> • Two paragraphs or less is recommended. • Do not submit sections of funded grants or similar. The IRB will request additional information, if needed. 	
<p>Response:</p> <p>Two questions drive this study: how do individuals in mixed-citizenship couples employ different strategies or tactics to access or maintain valid immigration status through processes of Adjustment of Status in the US; and why might the current legal and social structure in the US influence these approaches to status change in such ways?</p> <p>Research aims are threefold: first to highlight the various legal procedures and social processes that underscore mixed-citizenship couples' experiences as they navigate adjustment of status in the US; second, to explore how these legal and social structures of power might be instilled into the daily lives of mixed status couples, though differently for each partner according to their citizenship/immigration status; and third to interpret how these differences are expressed through their understanding of and approach to status change events. The research process will additionally provide an opportunity for participants to confront the ways in which complex processes of Adjustment of Status, crucial for their continued livelihood and social belonging, might affect health of their relationship to one-another.</p>	

<p>IRB: 3. Data Use - What are the intended uses of the data generated from this project?</p> <p>Examples include: Dissertation, thesis, undergraduate project, publication/journal article, conferences/presentations, results released to agency, organization, employer, or school. If other, then describe.</p>	
<p>Response:</p> <p>The data generated by this research will be used as a part of the applicant’s Master’s of Justice Studies graduate thesis work, with an eye toward potential future publication in scholarly journals of relevance.</p>	
<p>IRB: 4. Inclusion and Exclusion Criteria</p> <p>4.1 List criteria that define who will be included or excluded in your final sample. Indicate if each of the following special (vulnerable/protected) populations is included or excluded:</p> <ul style="list-style-type: none"> ▪ Minors (under 18) ▪ Adults who are unable to consent (impaired decision-making capacity) ▪ Prisoners ▪ Economically or educationally disadvantaged individuals <p>4.2 If not obvious, what is the rationale for the exclusion of special populations?</p> <p>4.3 What procedures will be used to determine inclusion/exclusion of special populations?</p> <p>TIPS for streamlining the review time.</p> <ul style="list-style-type: none"> • Research involving only data analyses should only describe variables included in the dataset that will be used. • For any research which includes or may likely include children/minors or adults unable to consent, review content [here] • For research targeting Native Americans or populations with a high Native American demographic, or on or near tribal lands, review content [here] <p>For research involving minors on campus, review content [here]</p>	
<p>Response:</p> <p>Participants will be identified through small-scale snowball sampling until four to six mixed-citizenship couples living in the US are recruited (eight to twelve participants total). A mixed-citizenship couple is two people engaged in consensual marriage, one a natural-born US citizen and the other a non-citizenship holding, first generation immigrant. Couples currently or who have recently navigated the process of status change will be favored for selection, so that their experiences with the process of status adjustment are fresh. Because this is an exploratory study, meant to examine a diversity of standpoints, intersectional identity (age, gender, race/ethnicity, national origin...) will not be tightly constricted or controlled. Research will not include any minors, adults who are unable to consent, or prisoners. Immigrants may, however, qualify as</p>	

<p>economically or educationally disadvantaged individuals and, as such, all informed consent and privacy protections will be observed.</p>	
<p>IRB: 5. Number of Participants Indicate the total number of individuals you expect to recruit and enroll. For secondary data analyses, the response should reflect the number of cases in the dataset.</p>	
<p>Response: A maximum of ten to twelve participant couples will be recruited (20 to 24 individuals total), with a minimum of four participant couples (8 individuals total) enrolled.</p>	
<p>IRB: 6. Recruitment Methods 6.1 Identify who will be doing the recruitment and consenting of participants. 6.2 Identify when, where, and how potential participants will be identified, recruited, and consented. 6.3 Name materials that will be used (e.g., recruitment materials such as emails, flyers, advertisements, etc.) Please upload each recruitment material as a separate document, Name the document: recruitment_methods_email/flyer/advertisement_dd-mm-yyyy 6.4 Describe the procedures relevant to using materials (e.g., consent form). •</p>	
<p>Response: The applicant, Daniel Furnish, will be doing all recruitment and consent activities for this work. Some participant couples will be identified, recruited, and consented through personal acquaintances of Daniel’s and the remainder will be identified and recruited through the snowball sampling method with initial contacts. These participants will be contacted, recruited, and consented during September of the Fall 2021 academic semester. Initial recruitment will be conducted by phone-call, to gain initial consent, then followed up on through email with further details. The recruitment dialogues (“recruitment_methods_script 17-09-2021.docx”) for both calls and emails are included in this application. Written consent will be gathered with the “Informed_Consent_Form 17-09-2021).docx” and verbal consent through “Verbal_Consent_Script 17-09-2021.docx,” also included with this application. The consent document will be emailed to the participant with a secured e-signature component.</p>	
<p>IRB: 7. Study Procedures 7.1 List research procedure step by step (e.g., interventions, surveys, focus groups, observations, lab procedures, secondary data collection, accessing student or other records for research purposes, and follow-ups). Upload one attachment, dated, with all the materials relevant to this section. Name the document: supporting documents dd-mm-yyyy 7.2 For each procedure listed, describe who will be conducting it, where it will be performed, how long is participation in each procedure, and how/what data will be collected in each procedure. 7.3 Report the total period and span of time for the procedures (if applicable the timeline for follow ups). 7.4 For secondary data analyses, identify if it is a public dataset (please include a weblink where the data will be accessed from, if applicable). If not, describe the contents of the dataset, how it will be accessed, and attach data use agreement(s) if relevant.</p>	

<p>TIPS for streamlining the review time.</p> <ul style="list-style-type: none"> • Ensure that research materials and procedures are explicitly connected to the articulated aims or research questions (from section 2 above). • In some cases, a table enumerating the name of the measures, corresponding citation (if any), number of items, sources of data, time/wave if a repeated measures design can help the IRB streamline the review time. 	
<p>Response:</p> <p>The research phase itself will consist of two primary components: two group meetings with both participants of each participating couple and three semi-structured, in-depth interviews conducted with each individual of the participant couples. The group meetings will bookend the in-depth interviews (a “contact meeting” prior and “followup” meeting afterward), each lasting approximately 15-20 minutes. Each in depth interview will last approximately 1 to 1.5 hours. During each of the interviews, an audio recording will be collected. These recordings will then be transcribed, and any use of participants’ names will be systematically removed from the transcript. During group meetings, Daniel will keep field notes, but no recordings will be collected. Once the recordings are transcribed, checked for accuracy, and annotated by the investigator, the accompanying audio recording will be permanently erased. All transcripts will be erased at the conclusion of the research, after the investigator has completed the defense of their master’s degree. Informed consent documents will be retained by the Internal Review Board of ASU for three years. The entire research process will total about seven months, during with each participant will be expected to participate over three to four weeks, during which time they will spend 3.5 to 5 total hours participating in the proposed activities. The included “Supporting Documents 17-09-2021” outlines these processes in detail.</p>	
<p>IRB: 8. Compensation</p> <p>8.1 Report the amount and timing of any compensation or credit to participants.</p> <p>8.2 Identify the source of the funds to compensate participants.</p> <p>8.3 Justify that the compensation to participants to indicate it is reasonable and/or how the compensation amount was determined.</p> <p>8.4 Describe the procedures for distributing the compensation or assigning the credit to participants.</p> <p>TIPS for streamlining the review time.</p> <ul style="list-style-type: none"> • If partial compensation or credit will be given or if completion of all elements is required, explain the rationale or a plan to avoid coercion • For extra or course credit guidance, see “Research on educational programs or in classrooms” on the following page: https://researchintegrity.asu.edu/human-subjects/special-considerations. • For compensation over \$100.00, review “Research Subject Compensation” at: https://researchintegrity.asu.edu/human-subjects/special-considerations for more information. 	
<p>Response:</p> <p>No Compensation</p>	

<p>IRB: 9. Risk to Participants List the reasonably foreseeable risks, discomforts, or inconveniences related to participation in the research.</p> <p>TIPS for streamlining the review time.</p> <ul style="list-style-type: none"> • Consider the broad definition of “minimal risk” as the probability and magnitude of harm or discomfort anticipated in the research that are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests. • Consider physical, psychological, social, legal, and economic risks. • If there are risks, clearly describe the plan for mitigating the identified risks. 	
<p>Response: The risk to participants may include discomfort in sharing difficulties associated with adjustment of status, when they choose to disclose these experiences.</p>	
<p>IRB: 10. Potential Direct Benefits to Participants List the potential direct benefits to research participants. If there are risks noted in 9 (above), articulated benefits should outweigh such risks. These benefits are not to society or others not considered participants in the proposed research. Indicate if there is no direct benefit. A direct benefit comes as a direct result of the subject’s participation in the research. An indirect benefit may be incidental to the subject’s participation. Do not include compensation as a benefit.</p>	
<p>Response: Potential direct benefits may include being heard and having an opportunity to share their difficulties, if any, during or related to the adjustment of status process.</p>	
<p>IRB: 11. Privacy and Confidentiality Indicate the steps that will be taken to protect the participant’s privacy.</p> <p>11.1 Identify who will have access to the data.</p> <p>11.2 Identify where, how, and how long data will be stored (e.g. ASU secure server, ASU cloud storage, filing cabinets).</p> <p>11.3 Describe the procedures for sharing, managing and destroying data.</p> <p>11.4 Describe any special measures to protect any extremely sensitive data (e.g. password protection, encryption, certificates of confidentiality, separation of identifiers and data, secured storage, etc.).</p> <p>11.5 Describe how any audio or video recordings will be managed, secured, and/or de-identified.</p> <p>11.6 Describe how will any signed consent, assent, and/or parental permission forms be secured and how long they will be maintained. These forms should separate from the rest of the study data.</p> <p>11.7 Describe how any data will be de-identified, linked or tracked (e.g. master-list, contact list, reproducible participant ID, randomized ID, etc.). Outline the specific procedures and processes that will be followed.</p>	

<p>11.8 Describe any and all identifying or contact information that will be collected for any reason during the course of the study and how it will be secured or protected. This includes contact information collected for follow-up, compensation, linking data, or recruitment.</p> <p>11.9 For studies accessing existing data sets, clearly describe whether or not the data requires a Data Use Agreement or any other contracts/agreements to access it for research purposes.</p> <p>11.10 For any data that may be covered under FERPA (student grades, etc.) additional information and requirements is available at https://researchintegrity.asu.edu/human-subjects/special-considerations.</p>	
<p>Response:</p> <p>Daniel Furnish, Dr. Angela Arzubiaga, Dr. Francisco Lara-Valencia, and Dr. Gregory Broberg will have access to the research data. Participant’s contact information, audio recording, and transcripts will all be stored on secured ASU cloud storage, which will be password protected and shared solely between the above named researchers. All participant and research data (excepting consent documents) will be destroyed immediately following the successful conclusion of Daniel’s thesis defense. Participants will be given an opportunity to choose a preferred pseudonym during our first (unrecorded) meeting, or otherwise randomly assigned a study identification number to protect their privacy and identity. During recorded research, participants will be addressed solely by this pseudonym. Once the recordings are transcribed, checked for accuracy, and annotated by Daniel, the accompanying audio recording will be permanently erased. All transcripts will be erased at the conclusion of the research, after the investigator has completed the defense of their master’s degree. Informed consent documents will be retained by the Internal Review Board of ASU for three years.</p> <p>Participant information for contact, interviewing, and follow-up will include the participant’s name, phone number, and email address. The participant contact list and the master-list of assigned IDs will be stored separately. Participant contact information will be destroyed once follow up is concluded with each participant and the master-list will be destroyed following the successful conclusion of Daniel’s thesis defense.</p>	
<p>IRB: 12. Consent</p> <p>Describe the procedures that will be used to obtain consent or assent (and/or parental permission).</p> <p>12.1 Who will be responsible for consenting participants?</p> <p>12.2 Where will the consent process take place?</p> <p>12.3 How will the consent be obtained (e.g., verbal, digital signature)?</p> <p>TIPS for streamlining the review time.</p> <ul style="list-style-type: none"> • If participants who do not speak English will be enrolled, describe the process to ensure that the oral and/or written information provided to those participants will be in their preferred language. Indicate the language that will be used by those obtaining consent. For translation requirements, see Translating documents and materials under https://researchintegrity.asu.edu/human-subjects/protocol-submission 	

<ul style="list-style-type: none"> • Translated consent forms should be submitted after the English is version of all relevant materials are approved. Alternatively, submit translation certification letter. • If a waiver for the informed consent process is requested, justify the waiver in terms of each of the following: (a) The research involves no more than minimal risk to the subjects; (b) The waiver or alteration will not adversely affect the rights and welfare of the subjects; (c) The research could not practicably be carried out without the waiver or alteration; and (d) Whenever appropriate, the subjects will be provided with additional pertinent information after participation. Studies involving confidential, one time, or anonymous data need not justify a waiver. A verbal consent or implied consent after reading a cover letter is sufficient. • ASU consent templates are [here]. • Consents and related materials need to be congruent with the content of the application. 	
<p>Response:</p> <p>All consent for participation in the project will be obtained by Daniel Furnish. Initial consent to participate will be gathered first verbally, then in written form through the “Informed_Consent_Form 17-09-2021.docx” document included with this application. Consent for recordings during research will be verbally reaffirmed during each encounter with participants before the recording begins and again at the end of each interview. The document “Verbal_Consent_Script 17-09-2021.docx” contains the scripting for reaffirming consent verbally.</p>	
<p>IRB: 13. Site(s) or locations where research will be conducted.</p> <p>List the sites or locations where interactions with participants will occur-</p> <ul style="list-style-type: none"> • Identify where research procedures will be performed. • For research conducted outside of the ASU describe: <ul style="list-style-type: none"> ○ Site-specific regulations or customs affecting the research. ○ Local scientific and ethical review structures in place. • For research conducted outside of the United States/United States Territories describe: <ul style="list-style-type: none"> • Safeguards to ensure participants are protected. • For information on international research, review the content [here]. <p>For research conducted with secondary data (archived data):</p> <ul style="list-style-type: none"> • List what data will be collected and from where. • Describe whether or not the data requires a Data Use Agreement or any other contracts/agreements to access it for research purposes. • For any data that may be covered under FERPA (student grades, etc.) additional information and requirements is available [here]. • For any data that may be covered under FERPA (student grades, homework assignments, student ID numbers etc.), additional information and requirements is available [here]. 	

<p>Response: Participant interactions (meetings and interviews) will be conducted either in-person at a secure and safe location of the participant's choosing or via Daniel's ASU-affiliated private and password protected Zoom account.</p> <hr/> <p>IRB: 14. Human Subjects Certification from Training.</p> <p>Provide the names of the members of the research team.</p> <p>ASU affiliated individuals do not need attach Certificates. Non-ASU investigators and research team members anticipated to manage data and/or interact with participants, need to provide the most recent CITI training for human participants available at www.citiprogram.org. Certificates are valid for 4 years.</p> <p>TIPS for streamlining the review time.</p> <ul style="list-style-type: none"> • If any of the study team members have not completed training through ASU's CITI training (i.e. they completed training at another university), copies of their completion reports will need to be uploaded when you submit. • For any team members who are affiliated with another institution, please see "Collaborating with other institutions" [here] • The IRB will verify that team members have completed IRB training. Details on how to complete IRB CITI training through ASU are [here] 	
<p>Response: Dr. Angela Arzubiaga, July, 2020 (committee chair and PI); Dr. Francisco Lara-Valencia, Sep. 2021 (committee member); Dr. Gregory Broberg, June 2018 (committee member); Daniel Furnish, Nov. 2020 (graduate student researcher)</p>	
<p>PROCEDURES FOR THE REVIEW OF HUMAN SUBJECTS RESEARCH</p>	
<p>General Tips:</p> <ul style="list-style-type: none"> • Have all members of the research team complete IRB training before submitting. • Ensure that all your instruments, recruitment materials, study instruments, and consent forms are submitted via ERA when you submit your protocol document. Templates are [here] • Submit a complete protocol. Don't ask questions in the protocol – submit with your best option and, if not appropriate, revisions will be requested. • If your study has undeveloped phases, clearly indicate in the protocol document that the details and materials for those phases will be submitted via a modification when ready. • Review all materials for consistency. Ensure that the procedures, lengths of participation, dates, etc., are consistent across all the materials you submit for review. 	

- | | |
|--|--|
| <ul style="list-style-type: none">• Only ASU faculty, full time staff may serve as the PI. Students may prepare the submission by listing the faculty member as the PI. The submit button will only be visible to the PI.• Information on how and what to submit with your study in ERA is [here]. Note that if you are a student, you will need to have your Principal Investigator submit.• For details on how to submit this document as part of a study for review and approval by the ASU IRB, visit https://researchintegrity.asu.edu/human-subjects/protocol-submission. | |
|--|--|

APPENDIX E

INSTITUTIONAL REVIEW BOARD – APPROVAL LETTER

EXEMPTION
GRANTED

[Angela Arzubiaga](#)
[CLAS-SS: Social Transformation, School of \(SST\)](#) 480/965-1882
 Angela.Arzubiaga@asu.edu

Dear [Angela Arzubiaga](#):

On 9/23/2021 the ASU IRB reviewed the following protocol:

Type of Review:	Initial Study
Title:	Mixed Citizenship Marriage: complicating state, societal, and interpersonal positions of power in the U.S.
Investigator:	Angela Arzubiaga
IRB ID:	STUDY00014542
Funding:	None
Grant Title:	None
Grant ID:	None
Documents Reviewed:	<ul style="list-style-type: none"> • Informed Consent Form, Category: Consent Form; • Recruitment Script, Category: Recruitment Materials; • Research Protocol, Category: IRB Protocol; • Supporting Documents, Category: Measures (Survey questions/Interview questions /interview guides/focus group questions); • Verbal Consent Script, Category: Consent Form;

The IRB determined that the protocol is considered exempt pursuant to Federal Regulations 45CFR46 (2) Tests, surveys, interviews, or observation on 9/23/2021.

In conducting this protocol you are required to follow the requirements listed in the INVESTIGATOR MANUAL (HRP-103).

If any changes are made to the study, the IRB must be notified at research.integrity@asu.edu to determine if additional reviews/approvals are required.

Changes may include but not limited to revisions to data collection, survey and/or interview questions, and vulnerable populations, etc.

REMINDER - All in-person interactions with human subjects require the completion of the ASU Daily Health Check by the ASU members prior to the interaction and the use of face coverings by researchers, research teams and research participants during the interaction. These requirements will minimize risk, protect health and support a safe research environment. These requirements apply both on- and off-campus.

The above change is effective as of July 29th 2021 until further notice and replaces all previously published guidance. Thank you for your continued commitment to ensuring a healthy and productive ASU community.

Sincerely,

IRB Administrator

cc: Daniel Furnish
Francisco Lara-
Valencia Daniel
Furnish
Angela
Arzubiaga
Gregory
Broberg

APPENDIX F
CODE STRUCTURE

Non-Practices Codes				
Objectives	Conflicts	Subtexts	Attitudes	Emotions
Prepare Application	Limited Mobility	Relating to “Other”	Immigration Views	Scared, Nervous, Intimidated
File Application	Time-bound Restraint	Wanting to Make Change	“American Dream”	Upset, Angry, Frustrated
Appeal Decision	Family Separation	Defining Citizenship	Racism	Surprise
Wait	Financial Constraint	Sensing Power Imbalance	US Politics	Relief
Attend Court	Work Restrictions	Cultural Identification		Excitement, Celebration
Attend Interview	Precairy	Identifying as Immigrant		Humor, Laughter
Gain Legal Stat.	Linguistic Barriers	Crimmigration Logic		Tired, Burned Out, Fed Up
Force Action	Relational Power Conflict			
Understand				

Practices Codes		
State Strategies	Individual Strategies	Individual Tactics
Institutional Indifference	Legal Assistance	Not Taking Chances
Institutional Inefficiency	Prior Legal Status	Changing Plans
Institutional Discretion • <i>Control Information</i>	Cultural Fluency	Adjusting Daily Practices
Institutional Discrimination	Strategy Logic	High Risk Response
Crimmigration Logic	Strategy Logic Breakdown	Accessing Informal Network
Institutional Indifference		Striving for Strategy