
IMMIGRANT LATINA MOTHERS AS TARGETS OF LEGAL VIOLENCE

Author(s): LEISY J. ABREGO and CECILIA MENJÍVAR

Source: *International Journal of Sociology of the Family*, Spring 2011, Vol. 37, No. 1, POLICING MOTHERHOOD (Spring 2011), pp. 9-26

Published by: International Journals

Stable URL: <https://www.jstor.org/stable/23029784>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



is collaborating with JSTOR to digitize, preserve and extend access to *International Journal of Sociology of the Family*

JSTOR

IMMIGRANT LATINA MOTHERS AS TARGETS OF LEGAL VIOLENCE

LEISY J. ABREGO

University of California, Los Angeles

CECILIA MENJÍVAR

Arizona State University

Increasingly restrictive immigration laws powerfully shape experiences of Latina immigrant mothers in the U.S. These laws impede mothers and children from migrating together, cause and prolong family separations, and create a real and constant fear of deportation. Based on ethnographic observations and dozens of in-depth interviews conducted between 1998 and 2010 with Guatemalan, Mexican, and Salvadoran immigrant mothers and their children, we contend that the implementation of contemporary U.S. immigration laws are a form of legal violence. These laws restrict immigrant women's ability to mother their children and bring suffering to women when they try to fulfill their parental responsibilities. As we demonstrate, the current system separates families, blocks access to dire social services, and harms documented, undocumented, and liminally legal Latina mothers alike.

In this article we examine the ways that immigration laws in the United States constrain Latina immigrants from fulfilling their socially prescribed expectations of motherhood. Increasingly restrictive immigration laws impede mothers and children from migrating together, cause and prolong family separations, allow Immigration and Customs Enforcement (ICE) agents to conduct worksite and home raids, and make it possible for authorities to enforce record numbers of deportations. Together, these practices instill fear in entire communities. Therefore, we argue that contemporary immigration laws at the federal level – particularly the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996¹ – as well as those at the state and local levels, along with their implementation, are a form of *legal violence* that not only restricts immigrant women's ability to mother their children but also brings suffering to these women as mothers. In this article we describe how the current system harms documented and undocumented Latina mothers

alike, as well as those in in-between statuses.² Understanding that the law creates vulnerability for many Latina mothers, regardless of their status, may help redirect contemporary debates about immigration that assume anti-immigrant laws only affect the undocumented.

Families with immigrants are important sites of investigation because they are at the forefront of immigrants' settlement experiences. Having to negotiate between individuals and a macro social and economic context, families' experiences reflect the consequences – both intended and unintended – of various policies as well as the broader political climate. We focus on two aspects of mothering that highlight how laws, through the criminalization of immigrants, shape mothers' experiences. First we examine how laws impinge on immigrant women's rights as mothers by blocking access to social services whether or not these immigrant women are undocumented. And second, we look at "mothering across borders," focusing not on the heroic efforts mothers make to fulfill their roles (Hondagneu-Sotelo and Avila 1997; Abrego 2009; Schmalzbauer 2004), but on how laws have spillover effects that reach the women's children in their home countries.

MOTHERING IN LATINO IMMIGRANT FAMILIES

Families that include immigrants are important sites of sociological research (Foner 1997). On the one hand, families presumably provide some consistency and support for immigrant members to overcome the often difficult adjustment period of settlement in a new country. On the other hand, they can be fraught with conflict in response to stratified resources. While researchers have highlighted multiple ways that race, gender, and generation affect immigrant family dynamics (Foner 1997; Kibria 1993; Bloemraad and Trost 2008; Dreby 2009; Hondagneu-Sotelo 1994; 2009), one of the key factors that merits greater analysis is the central role that immigration laws play in the lives of immigrant families, as these shape the legal status – and therefore access to resources – of each member.

At a cultural level, although family practices are ever changing throughout the Americas, motherhood is both privately and publicly venerated as the idealized image of women (Chant and Craske 2003; Alcalde 2010). Latina mothers, charged with being the main caregivers of their families, are also expected to participate in public spheres to support their children – through employment, political participation, or migration (Schirmer 1993; Abrego 2009). Defined culturally as morally superior members of the family, these women must practice self-denial and self-sacrifice to maintain that status (Chant and Craske 2003; Alcalde 2010).

While being guided by cultural expectations, Latina immigrant mothers must also negotiate and act within the context of macro social and economic structures. Therefore, even though many mothers migrate to improve the living conditions of their children (Miranda *et al.* 2005; Parreñas 2001; Segura 1994), once in the U.S., they face economic and legal inequities that may prevent them from fulfilling that ambition (Abrego 2009; Menjívar and Abrego 2009). In today's context of heightened criminalization of undocumented immigrants, the very real fear of deportation looms large over many families (Romero, this issue). Although deportations and deportability (De Genova 2004) can be devastating, not everyone in the same family experiences them in the same way. Given their varying social positions and the different ideologies that guide their expected roles, it is likely that fathers, children, and mothers each have specific concerns. In this article we offer a glimpse into this complex picture, with a focus on effects of immigration laws on mothers.

LEGAL VIOLENCE AND ITS EFFECTS ON FAMILIES

Legal violence refers to instances in which laws and their implementation give rise to practices that harm individuals physically, economically, psychologically, or emotionally (Menjívar and Abrego n.d.). Often discussed by politicians and scholars as merely the “unintended consequences” of the law, legal violence takes place when laws that purport to protect the rights and control behavior for the general good simultaneously marginalize groups of people, leaving them not only unprotected but vulnerable to different forms of abuse.³ In these cases, although the state is not always itself the direct agent of violence, the law enables violence against the targeted group. The increased trend of passing laws that criminalize an ever wider range of immigrant behaviors legitimizes and normalizes violence against immigrants.

Legal violence is rooted in the current multi-pronged system of laws at the federal, state, and local levels. Although legal violence against immigrants is not a new phenomenon (see, for example, De Genova 2004; Espiritu 1997), the current legal regime is increasingly restrictive. Beginning in the early 1990s and becoming stiffer after the attacks of September 11, 2001, the law became entwined with the bellicose practices and rhetoric about national security, terrorism, and border control. Central to this shift is the reorganization of the Immigration and Naturalization Service (INS) into the Immigration and Citizenship Enforcement (ICE) Agency under the Department of Homeland Security (DHS) that was created in the immediate aftermath of 9/11 to “safeguard the country against terrorism” (Borja 2008). This move provides the institutional and formal bases for equating immigrants with terrorists and

criminals and helps to create not just an exclusionary context, but also a violent one. Importantly, unlike most punitive laws that target the behavior of individuals, current immigration laws and their enforcement target an entire class of people—immigrants in uncertain legal statuses.

For contemporary immigrants, whether documented or undocumented, legal categories determine rights, levels of social acceptance, treatment by authorities and employers, and, ultimately, levels of suffering (Abrego and Gonzales 2010; Menjivar 2006a; 2006b; Menjivar and Abrego 2009; n.d.; Holmes 2007; Massey and Bartley 2005). As a result, immigrants in tenuous legal statuses experience the contemporary legal regime and its implementation as a form of violence. Thus, immigrants with uncertain legal statuses are positioned not only as “illegal” and deportable, but also as suspects, enemies, criminals, and, in the eyes of the public, as deserving of the harshest treatment (Massey 2007).

In this intense anti-immigrant context, the public is not simply opposed to “illegal immigrants” because they “take the jobs of natives,” a popular anti-immigrant stance (Chavez 2008), but they are also fearful of immigrants as dangerous criminals, identity thieves, and possibly terrorists. They thus see whatever legal measures their government takes to protect the nation as justified (Massey 2007). Targeted by a barrage of dehumanizing (mis)representations of themselves, immigrants often internalize their status, feel ashamed, and may even come to feel that they deserve mistreatment (Menjivar and Abrego n.d.; Abrego, Forthcoming). Cumulatively, the experiences associated with liminal or undocumented status contribute to thwarting the immigrants’ full incorporation into the host society. In this article we examine the specific ways that Latina immigrant mothers—who must live up to expectations as the morally superior, ever present, reliable providers in their families—experience legal violence. Specifically, we focus on the ways that U.S. immigration laws stand in the way of women’s ability to care for their children, as they desire.

METHODS AND DATA

The narratives and experiences of the mothers and children we interviewed pointed us to the centrality of this relationship and its socially constructed expectations in their lives. We draw heavily, and in an inductive manner, on data from several studies. Between June 2004 and September 2006, Abrego conducted 130 in-depth interviews with Salvadoran families in the midst of long-term separation. Interviews in El Salvador include 3 caregivers and 80 children of migrants; in the U.S. (mostly in the Greater Los Angeles area),

they include 47 parents — of whom 25 are mothers. She recruited adolescents and young adults for the study in public and private high schools and colleges in San Salvador. In the United States, she located migrant parents in businesses, churches, union halls, day labor sites, public parks, and community-based organizations. The average length of separation for these families was 10 years.

Between January 2001 and September 2006, Abrego also carried out studies on undocumented high school and college students in Los Angeles that include 43 interviews with 27 informants. All students are Guatemalan, Mexican, or Salvadoran. The interview data are heavily supplemented with participant-observations conducted over the course of several years at community organizations and in numerous meetings and events. From 2006 through 2010, she continued to participate in and observe rallies, press conferences, and various events in support of immigrants where she gained access to data on mixed-status families, as well.

Menjívar draws on a series of studies of Latin American origin immigrants in the Phoenix metropolitan area that she conducted between 1998 and 2004. These studies used a purposive approach to identify potential study participants, relying on the expertise of key informants in churches, community organizations, and neighborhood shops and restaurants as a way to locate informants. The study participants were selected so that all were at least 18 years old at the time they left their home countries and arrived in Phoenix in the 1990s. Informants chose the location of the interviews—usually their homes—thereby providing an opportunity to gain valuable insights into their lives. The studies included 14 Guatemalans and 22 Salvadorans; at least half were re-interviewed one or more times. The women ranged in age from 20 to 66 and the men from 21 to 62. More than half arrived in Arizona from California and the rest came directly from their respective countries.

The legal statuses of participants in both authors' studies vary including those who are "undocumented," those who have "temporary protected status," and those who are "legal permanent residents." Legal statuses are conferred to immigrants through legal categories that determine their legal right (or non-right) to reside and work in the United States and for how long.⁴ "Undocumented" refers to immigrants who are present in the United States without lawful status. This includes immigrants who entered without inspection at the border as well as those whose entrance was visa-authorized, but they overstayed their visas. "Temporary Protected Status" (TPS) grants beneficiaries the legal right to remain in the United States and to work during a designated period, but it does not lead to legal permanent resident status.⁵ Because

immigrants with TPS have only limited legal protections, their experience can be described as one of “liminal legality” (Menjívar 2006). Under current laws, there are few possibilities for legalization. Immigrants become “Legal Permanent Residents” (LPR) when they are given permission to reside (and work) in the United States permanently. Because immigrants are not fixed into these categories, it is possible, even likely, that they will go between being legally protected and unprotected in various ways and at different times in their lives. Moreover, different members of the same family may fall under different legal statuses. These “mixed-status families” may include an undocumented and/or temporarily protected member along with U.S. citizens and/or LPRs.

Although the women on whom we focus originated in different countries, arrived at various points in time, live in different cities, and have different legal statuses, they share key experiences within the U.S. legal context that allow us to analyze them together in this article.⁶ A focus on Guatemalan, Mexican, and Salvadoran women as mothers permits us to examine what these separations mean for those who, for diverse social, political, economic, and cultural reasons, find themselves in extensively vulnerable situations.

IMMIGRATION LAWS AS LEGAL VIOLENCE AGAINST LATINA IMMIGRANT MOTHERS

A 2009 *New York Times* article details the compelling case of Encarnación Bail Romero, a Guatemalan immigrant to the United States (Thompson 2009). She is the mother of two-year-old Carlos. Immigration officials detained her in a workplace raid and subsequently blocked her from being in contact with her U.S.-born son. After she had been detained for a year and without explaining the situation to her in her native Spanish, the court terminated Ms. Bail’s rights to her child on grounds that she had abandoned him. Carlos was adopted by another couple and although Ms. Bail is now trying to find him, the laws stand against her. As unjust and bizarre as this story may sound, it reflects an increasingly common experience in the current historical moment: Immigration policies that presumably protect the rights of U.S. citizens and purportedly convey the power of the nation-state have a violent impact on the lives of immigrants and the members of their families, whether they, themselves are undocumented immigrants or not.

Legal Violence Against Undocumented Mothers and Mixed-Status Families. The violent effects of U.S. immigration policies frame the experiences of families that live together in the United States—whether or not all members are

undocumented. One of the more insidious effects of legal violence in immigrant mothers' lives is the fear that contextualizes their decision-making when accessing resources that would benefit their families. After an ICE raid in their community, for example, mothers often keep children home from school and generally avoid interacting with anyone who represents a public agency.⁷ The fear of deportation also keeps immigrants in unstable legal statuses from dealing with public health workers who may disclose their status to immigration authorities. In this way, mothers risk their own health and, potentially, that of their children. The lack of access to social services is particularly damaging for these families because these immigrant mothers' jobs rarely provide benefits, like health insurance. Instead, immigrant women often attend community organizations to obtain information about free clinics or about food distribution programs to provide for their children.

A Salvadoran woman in Phoenix was particularly anxious about not having health insurance for her children, but she tried to avoid any contact with health professionals; she had heard that these workers could contact immigration officials to have her deported. She was unsure of how long this situation would last, as her Guatemalan husband petitioned for her to legalize her status, but her application had taken almost one decade to process and she still had not been called for an interview. When asked about her health situation, she said:

Insurance? Our insurance company, we call it Our Heavenly Father Company [laughing]. You know why? Because we simply pray to God that we don't get sick. We wouldn't know what to do if we did. So He keeps us healthy. We try not to go to the doctor often; as you know, we cannot expose our [legal] situation to everyone. So if anyone gets sick we use medicines that people bring from Mexico or El Salvador, you know, a little penicillin here or there. Stuff like that. But mostly I just try to eat well and once in a while I'll have an aspirin. Do you understand me? It's one day at a time.

Undocumented immigrant mothers perhaps feel especially vulnerable to deportation and therefore live in fear. However, there are also many Latina mothers in the United States who live in "mixed-status families" (Fix and Zimmerman 2001). That is, their families include various combinations of U.S. citizens, permanent legal residents, undocumented immigrants, and individuals in gray areas of legal limbo. Although a family's legal composition does not remain static—family members can go from being undocumented to temporary workers, permanent legal residents to citizens, or holders of temporary statuses to undocumented immigrants (Fix and Zimmerman 2001)—it is possible that they will remain in some form of legal instability for

long periods of time. This complexity and fluidity in legal status influence opportunities and resources, thereby affecting mothering practices.

Under the current climate of ever more restrictive immigration laws, undocumented immigrant mothers and those who are members of mixed-status families go to great lengths to avoid contact with social service providers, even when their children are eligible to receive social services by virtue of being U.S. citizens by birth. A Guatemalan mother in Phoenix told Menjívar that she was unsure about applying for food stamps for her two U.S. born toddlers. With the economic recession that is heavily impacting immigrants in Phoenix, her husband's work hours had been cut and they had little money. Expected to ensure the wellbeing and welfare of the children, this woman was making telephone calls to inquire about the risks of applying in person for food stamps. Thus, when mothers try to meet their responsibilities by procuring food, health care, clothes, and a good, safe school for their children, they are also putting themselves and their families at risk of deportation (and the uncertainty of separation). With the threat of entrapment, current laws exert violence over undocumented immigrant mothers by intimidating them from getting needed social services for which their children are legally eligible.

Even mothers with legal stability, through legalization or naturalized U.S. citizenship, can experience fear of deportation for their children or their partners. Laura, a Mexican mother of two young children in Los Angeles, gained U.S. citizenship after getting married. She immediately filed for residency for her undocumented husband in hopes that all would be settled quickly and smoothly, but she still lives in constant fear that the family will be separated. She had heard about the 245(i) law that permitted married couples to pay a fine and avoid the penalty of having to live outside of the U.S. for a prolonged period of time, but she was unable to marry before the deadline. Under the current immigration laws, her husband will likely have to spend ten years in Mexico as a penalty for having entered the U.S. without authorization. Laura cannot leave the U.S. because she is being treated for epilepsy here. She talked about her fears and the restrictions on her daily life:

The thought of him being away from us for so long keeps me up at nights. I get these terrible headaches, these migraines, and I can't even think. I don't want my children to see me like this, but it's hard to hide it from them. They know I'm scared... I can't work because of my epilepsy, I'm not even allowed to drive... He does all this for us. He works and he buys groceries... What are we going to do?

Laura thought she had done everything right by applying for and obtaining U.S. citizenship, then applying for her husband's legalization, but the legal

system shut them out. She continues to be punished by the restrictive laws that stand in the way of her family's well-being. Desperate for a solution, Laura points to what she perceives as the irony of her family's situation, "this country is supposed to be all about protecting the children and protecting families. But for people like us, they don't care, the government doesn't care about us." On the advice of friends and community members, Laura is going to try to obtain a legal pardon that would allow her husband to remain with the family, but she worries that her use of health services will hurt his chances for legalization. Therefore, despite her reliance on these services, she plans to avoid health workers at least until after her husband's case is resolved. Such a decision could seriously harm her health, but she fears that his absence would be equally harmful for the family's well-being.

In some cases, mixed-status families include children who are U.S. citizens as well as undocumented children. In these families, the stratified access to social services leads to particular tensions and challenges for mothers. For instance, Mario is a 16-year-old Guatemalan undocumented immigrant who lives in Los Angeles. His younger brother was born in the United States, making him the only member of the family with U.S. citizenship. In the following excerpt, Mario describes resentments resulting from the family's mixed statuses:

Well, basically, I don't have medical insurance. My younger brother, whenever he's sick, they always take him to the hospital, and stuff like that, because the government pays for him... My mom takes him to the dentist yearly, to the doctor, you know, but if I feel really sick, like I have to be dying to go to the hospital. But then, you know, my brother, he feels a stomach ache, 'let's go to the hospital.' (laughs)

Stratified access to health care may lead some mothers to have to provide what seems like preferential treatment for some children owing to their legal status. Despite understanding that his brother had legal access to more resources, Mario harbored resentment toward his mother for what he experienced as limited concern for his well-being.

In general, the fact that U.S. citizens and legal residents in the same household have greater access to resources than liminally legal or undocumented members of the same family can create dilemmas for mothers who want nothing more than to care fully for all their children. For these mothers, the options are often to provide different levels of care to different children or avoid social services altogether. This was the case for Florencia, a Mexican mother of four, in Phoenix. Her two older kids were born in Mexico and the two younger ones in the United States. Always cognizant about the

hugely different opportunities they face, she tries to “balance what I can so that the kids who were born over there [in Mexico] don’t get upset and resentful.” Indeed, many eligible citizen children do not participate in social service programs because the non-citizen parents are unaware of their children’s eligibility or are afraid that receiving these benefits may eventually hurt their own chances for legalization (Hagan *et al.* 2003; Park this issue).

Transnational Families: Legal Violence in the U.S. and Beyond. Legal violence is also central in shaping the experiences of family separation across borders. Transnational families occur when parents migrate, but must leave their children behind to avoid the costly and dangerous journey by land that results in death or injury for so many migrants. Once in the United States, current policies close off most pathways to legalization and these parents have no legal options for reunification with their children. Importantly, although these are U.S. policies with presumed jurisdiction only in U.S. territory, their effects are felt beyond its borders in the daily lives of migrants’ relatives back home. The lengthy separations create anguish and tension between mothers and children, even when they are able to find ways to reunite, and even when one or more family members are documented.

Although mothers generally remain committed to the children they leave behind and remain involved in their lives by remitting, sending gifts, and calling regularly, their inability to visit their children or to bring them over, even for a visit, takes a toll on their relationship with the children. The case of Rebeca, a Guatemalan immigrant in Phoenix is illustrative. She left two of her three children, a 15-year old girl and a 16-year old boy, in Guatemala in the care of her mother. She would like for them to join her but the dangers involved in a journey by land and life in Phoenix as undocumented immigrants make her hesitate. Meanwhile, Rebeca is also anxious about prolonging the separation because then she will continue not to fulfill what she sees as her responsibilities as a mother. In the current economic crisis, she worries constantly about not having enough money to send home. Sitting on her small bed in the cramped room she shares with her oldest daughter, Rebeca explained,

I cry because, well because I am beginning to get tired of working; I’ve worked all my life. And I know that if I don’t work, I don’t have enough to send. But I get discouraged and cry. The other day [my daughter in Guatemala] had to be hospitalized because she had bronchitis. I was going crazy here trying to send the money so they could pay the clinic. We sent 3,000 Quetzales (approximately \$360 in 2009) to pay for two days of hospital stay. It feels terrible. I didn’t sleep the whole time she was in the hospital. Now she is fine. But I thought I would die of anguish when she was in the clinic. We have to scratch what we can to be able to send them something.

In addition to experiencing anxiety about covering the expenses for emergencies, undocumented transnational mothers are limited in the quality and frequency of communication with their children. Rebeca, for example, can only call her children once a week:

I buy a [calling] card that has 40 minutes for \$5, but that's all I can afford. I would love to call them more... But if I call more, I don't send them more [money]. Especially the *nene* (boy), who is very close to me, he tells me, 'look, come back, mama, I don't care if we don't eat here, I just want you back. It's hard without you here.' The knot in my throat doesn't let me talk when he says that, but I can't cry with him on the phone.

Unable to personally care for her children or communicate with them as often as she would like, she contemplates returning to Guatemala. But Rebeca's employment options there are slim; the maquila industry that employed her before she migrated does not employ women older than 30, she explained, and she is already 42.

The violent effects of the law are felt by mothers as well as by children. Patricia's case is representative of many other Latina immigrant mothers. She is an undocumented transnational mother in Los Angeles who, through many tears, described her relationship with her three children in El Salvador. She has been in the United States for 8 years and lives with a 5-year-old son who was born after she migrated. As a single mother, she provides for her children in El Salvador, but also has to cover living expenses for her youngest son in Los Angeles. Though she has tried to find employment in various sectors, her legal status as an undocumented immigrant only gives her access to jobs in the informal sector where her meager wages make it difficult to meet all her children's needs. The suffering is made more acute through her children's angry complaints. In her words, "when you have your kids yelling at you, being so angry that you left them, it just makes you sad. (*Crying.*) But there's nothing I can do. I barely make enough for rent and bills here. I don't always have enough left over to send to them, but I do try."

In our studies, children's reproaches were common and often targeted more intensely toward migrant mothers than toward migrant fathers. This was true regardless of the family's economic situation. Alondra is a 47-year-old Salvadoran mother of three. She migrated to the United States when her husband, who had previously migrated, stopped remitting. In Los Angeles, due to her undocumented status, she had only been able to work in the garment industry where wages were unstable. Despite her many sacrifices to send money to her children, they grew up resenting her:

I would call them on the phone and not understand why they had so much anger toward me. The boy, he wouldn't ask, he *demand*ed that I send him money... He tells me that he looks forward to the day [when]... I can feel all the pain he felt when I left. ...

Question: Does he feel the same way toward his father?

No... his response is that the man can do as he pleases, but the woman can't...

The legal context that leaves immigrant parents vulnerable to low wages and other forms of labor exploitation also impedes undocumented immigrants from bringing their children to live with them or to return to their home country to visit. Guided by social expectations that good mothers are always present and that they provide for their children unconditionally, these children blame their mothers for being absent and unable to meet their needs. Unaware that immigration laws in the U.S. deny their mothers access to fair wages and humane working conditions, children left behind in transnational families suffer what they experience as abandonment and sometimes try to hurt their mothers through their reproach.

Legal violence also targets families that are reunited after long separations. Sometimes, even though parents and children look forward to being reunited, reunifications do not go smoothly (Suárez-Orozco *et al.* 2002; Leslie 1993). The distance and prolonged absence, even when imposed by legal prohibitions and limitations, is experienced as individual decisions to separate families and many have difficulty forgiving. For instance, Eduardo, a young man in Phoenix who is the child of Salvadoran and Guatemalan immigrants felt "robbed" of a sense of family because his parents sent him to be raised by his maternal grandmother in El Salvador. Because the process for legalization involves a tremendous amount of bureaucracy, his parents spent almost a decade and a half regularizing their statuses, had two more children in the U.S., and finally brought Eduardo back to this country when he obtained his permanent legal residence. Afraid during the years apart that they would jeopardize their chances for permanent residence, the parents did not travel to see their son during the waiting period, and their reunification has been difficult. As Eduardo explained:

What do you think is worse, to share poverty here with my half-siblings and mother and father, or not having learned how to love them because I never saw them? What would I have given for a goodnight kiss from my mother, for instance, or even for a fight with a sibling! You know? That's what makes a family a family. But instead, I don't know who these people are! ... I am not and will not be grateful to them...

Leticia, his mother, is pained by his rejection. In her words,

Do you know how much it hurts that he thinks I abandoned him, when all I did was kill myself working three jobs, yes, three jobs, Cecilia, so that he could have a good education there, away from all the bad things here? I wanted the best for him; I'm his mother, not a stranger. I have asked him to stop reproaching me because it is too painful (voice quivering, teary eyes) ... during all those years he was there [in El Salvador] I used to miss him so much, I used to cry at night, but I kept thinking, no, this is good for him and as a mother I only want the best for him. And then look what he says to me now. Look at how he's paying me back! Is this fair?

Leticia planned for only a brief separation. As she explains, "It was only going to be for some time but with immigration problems then it became years. One thinks only to do the best for one's children, but you never know, right?" Representative of many other cases, this family's experience demonstrates how immigration policies, the slow nature of the legalization process, and the fear of doing anything to jeopardize losing stable legal status all combine to impede Latina mothers from fulfilling their obligations as mothers—caring for, providing for, and being with their children. Even when mothers provide economically for their children during long separations, and even when families reunite, the laws' effects have caused tremendous emotional and psychological damage that are difficult for mothers and their children to negotiate and mend.

DISCUSSION AND CONCLUSION

Proponents and supporters of punitive immigration laws claim that these laws protect national security and are necessary to preserve the sovereignty of the nation. Targeted immigrants, however, experience these laws differently. The process of creating and implementing laws often leads to what are considered "unintended consequences." In this article, we have argued that Latina immigrant mothers experience the enforcement of current immigration laws and their various and complex "unintended consequences" as violence; laws block or restrict those activities and practices that are at the core of what is socially considered to be good mothering. The cumulative experiences associated with liminal legality or undocumented status, under today's immigration regime, can trample on immigrant mothers' rights so pervasively that these mothers begin to accept their own dehumanization as part of the social order. Through the convergence of criminal and immigration laws, as well as through the repeated use of discourses that portray immigrants as criminals, the current immigration regime makes exploitation not only possible,

but uneventful and even normalized. This context enables actions that increase immigrants' vulnerability, thereby making them targets of increasing discrimination on the basis of legal status and—given the history of racialization in the U.S. (De Genova 2004)—race and ethnicity (Lovato 2008).

Legal violence is reflected in particular and acute ways in the lives of Latina immigrant mothers. Our findings demonstrate that legal uncertainty inevitably affects mothering practices. Latina immigrant mothers sometimes face lengthy family separations, owing to their unstable legal statuses. Often, at least some children are left behind when a mother migrates to the United States. And when families reside together, immigrant mothers' situation is tenuous and tension-filled because the threat of deportation always looms on the horizon. Being separated from children is difficult for mothers, even associated with clinical depression (Miranda et al. 2005). However, despite instability and lack of resources, Latina immigrant mothers strive to do their best to provide for their children.

Children left behind try to make sense of the situation and look for cues from mothers about what they hope is a continued commitment to them, whereas mothers in the United States longingly hope to be reunited with their children. In most cases, mothers work several jobs, attempt to secure permanent legal status for themselves and their children, and make grand efforts to provide a better future for their families. The mothers' efforts, suspended lives, and deferred personal dreams are manifestations of what we call "legal violence" (see Menjívar and Abrego n.d.). In these contexts, the mothers' relations with their children are not always smooth. Nor are they solely conflictive. They reflect the complexity of deeply connected lives that are powerfully framed by stiff and hostile immigration policies.

Although the situation seems bleak, we would like to end this article by noting the important political space created by the discourse that idealizes motherhood. Following a long tradition in Latin America of organizing as mothers (Safa 1990; Bejarano 2002), immigrant mothers, regardless of legal status, and their allies can and have begun to use their idealized positions as the moral authority of the family to organize, mobilize collectively, and demand change – even in the most repressive of political climates. In May 2010, immigrant organizations in the U.S., largely coordinated by the National Alliance of Latin American and Caribbean Communities (NALACC), gathered hundreds of signatures in cities like Los Angeles, Chicago, Boston, New York, and Washington, D.C., to support a letter to the first lady, Michelle Obama. The letter featured stories about immigrant mothers and their struggles, and

the signers requested that Mrs. Obama help pressure her husband's administration to end raids and deportations, and generally stop breaking families apart. This is an important strategy,⁸ as they try to make connections with other mothers and ask for their solidarity in helping them be the protectors and providers for their families that all mothers are expected to be in U.S. society.

Notes

1. For instance, whereas there were approximately 70,000 deportations annually before IIRIRA went into effect, this figure jumped to about 175,000 annual deportations (Rodriguez and Hagan 2004).
2. The various legal statuses are defined in the "Methods and Data section."
3. Some may argue that these are not at all unintended consequences, but rather that these consequences are what law makers intend to create. While it is certainly possible that some lawmakers hope for these consequences, we leave this term in quotes to denote the fact that the consequences do not match proponents' and law enforcers' discourse.
4. For more details about these terms and their definitions, see the Department of Homeland Security website <http://www.dhs.gov/ximgtn/>.
5. TPS is most typically granted in response to political or natural disasters in the home country of migrants who are otherwise undocumented in the United States, or seeking asylum.
6. All of the women in our studies arrived in the United States within the past 15 years. For those who are undocumented or only temporarily protected, their unstable legal status makes them vulnerable to deportation and this weighs heavily on them. For instance, in 2008 Guatemalans, Mexicans, and Salvadorans accounted for a full 82 percent of total deportations. For more details, see the Department of Homeland Security Yearbook of Immigration Statistics: 2008, Table 37. <http://www.dhs.gov/files/statistics/publications/YrBk08En.shtm> (Accessed June 28, 2010).
7. The children too, have been increasingly aware of the consequences of a raid and they also try to avoid contact with authorities or public officials.
8. Ironically, though this strategy serves to humanize immigrants and give them a voice, it also reifies and strengthens gendered expectations for parents.

References

- Abrego, Leisy J. (2009). "Economic Well-Being in Salvadoran Transnational Families: How Gender Affects Remittance Practices." *Journal of Marriage and Family* 71: 1070-1085.
- Abrego, Leisy J. Forthcoming. "Legal Consciousness of Undocumented Latinos: Fear and Stigma as Barriers to Claims Making for First and 1.5 Generation Immigrants." *Law & Society Review*.

- Abrego, Leisy J. and Roberto Gonzales. (2010). "Blocked Paths, Uncertain Futures: The Postsecondary Education and Labor Market Prospects of Undocumented Latino Youth." *Journal of Education of Students Placed at Risk (JESPAR)* 15(1): 144-157.
- Alcalde, M. Cristina. (2010). "Violence Across Borders: Familism, Hegemonic Masculinity, and Self-Sacrificing Femininity in the Lives of Mexican and Peruvian Migrants." *Latino Studies* 8(1): 48-68.
- Bejarano, Cynthia L. (2002). "Las Super Madres de Latino America: Transforming Motherhood by Challenging Violence in Mexico, Argentina, and El Salvador." *Frontiers: A Journal of Women Studies* 23(1): 126-150.
- Bloemraad, Irene and Christine Trost. (2008). "It's a Family Affair: Intergenerational Mobilization in the Spring 2006 Protests." *American Behavioral Scientist* 52(4): 507-532.
- Borja, Elizabeth C. (2008). "Brief Documentary History of the Department of Homeland Security: 2001-2008." Report by Department of Homeland Security History Office, Washington, D.C. Retrieved October 3, 2010 (<http://purl.access.gpo.gov/GPO/LPS118010>).
- Chant, Sylvia and Nikki Craske. (2003). *Gender in Latin America*. New Brunswick: Rutgers University Press.
- Chavez, Leo R. (2008). *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. Palo Alto, CA: Stanford University Press.
- De Genova, Nicholas P. (2004). "The Legal Production of Mexican/Migrant "Illegality"." *Latino Studies* 2(2): 160-185.
- Dreby, Joanna. (2009). "Negotiating Work and Parenting over the Life Course: Mexican Family Dynamics in a Binational Context." Pp. 190-218 in *Across Generations: Immigrant Families in America*, edited by N. Foner. New York: New York University Press.
- Espiritu, Yen Le. (1997). *Asian American Women and Men: Labor, Laws, and Love*. Thousand Oaks: Sage.
- Fix, Michael and Wendy Zimmerman. (2001). "All Under One Roof: Mixed-Status Families in an Era of Reform." *International Migration Review* 35(2): 397-419.
- Foner, Nancy. (1997). "The Immigrant Family: Cultural Legacies and Cultural Changes." *International Migration Review* 31(4): 961-974.
- Hagan, Jacqueline, Nestor Rodriguez and Kabiri Nika. (2003). "The Effects of Recent Welfare and Immigration Reforms on Immigrants' Access to Health Care." *International Migration Review* 37(2): 444-463.
- Holmes, Seth M. (2007). "Oaxacans Like to Work Bent Over": The Naturalization of Social Suffering among Berry Farm Workers." *International Migration* 45(3): 39-68.
- Hondagneu-Sotelo, Pierrette. (1994). *Gendered Transitions: Mexican Experiences of Immigration*. Berkeley: University of California Press.

- Hondagneu-Sotelo, Pierrette and Ernestine Avila. (1997). "‘I’m here, but I’m there’: The Meanings of Latina Transnational Motherhood." *Gender & Society* 11(5): 548-570.
- Kibria, Nazli. (1993). *Family Tighrope: The Changing Lives of Vietnamese Americans*. Princeton: Princeton University Press.
- Leslie, Leigh A. (1993). "Families Fleeing War: The Case of Central Americans." *Marriage and Family Review* 19: 193-205.
- Lovato, Roberto. (2008). "Juan Crow in Georgia." *The Nation*, May 26. Retrieved August 27, 2010 (<http://www.thenation.com/doc/20080526/lovato>).
- Massey, Douglas. (2007). *Categorically Unequal: The American Stratification System*. New York: Russell Sage.
- Massey, Douglas and Katherine Bartley. (2005). "The Changing Legal Status Distribution of Immigrants: A Caution." *International Migration Review* 39(2): 469-484.
- Menjívar, Cecilia. (2006a). "Family Reorganization in a Context of Legal Uncertainty: Guatemalan and Salvadoran Immigrants in the United States." *International Journal of Sociology of the Family*. 32(2): 223-245.
- Menjívar, Cecilia. (2006b). "Liminal Legality: Salvadoran and Guatemalan Immigrants’ Lives in the United States." *American Journal of Sociology* 111(4): 999-1037.
- Menjívar, Cecilia and Leisy Abrego. (2009). "Parents and Children across Borders: Legal Instability and Intergenerational Relations in Guatemalan and Salvadoran Families." Pp. 160-189 in *Across Generations: Immigrant Families in America*, edited by N. Foner. New York: New York University Press.
- Menjívar, Cecilia and Leisy Abrego. (n.d.). "Legal Violence: Immigration Law and the Lives of Central American Immigrants." Arizona State University and University of California, Los Angeles. (*Unpublished Manuscript*).
- Miranda, Jeanne, Juned Siddique, Claudia Der-Martirosian and Thomas R. Belin. (2005). "Depression Among Latina Immigrant Mothers Separated From Their Children." *Psychiatric Services* 56(6): 717-720.
- Park, Lisa Sun-Hee. Forthcoming (This issue). "Criminalizing Immigrant Mothers: Public Charge, Health Care, and Welfare Reform." *International Journal of Sociology of the Family*.
- Parreñas, Rhacel. (2001). "Mothering From a Distance: Emotions, Gender, and Intergenerational Relationships in Filipino Transnational Families." *Feminist Studies* 27(2): 361-390.
- Schirmer, Jennifer. (1993). "The Seeking of Truth and the Gendering of Consciousness: The Comadres of El Salvador and the Conavigua Widows of Guatemala." Pp. 30-64 in *‘Viva’ Women and Popular Protest in Latin America*, edited by Radcliffe and Westwood. New York: Routledge.

- Schmalzbauer, Leah. (2004). "Searching for Wages and Mothering from Afar: The Case of Honduran Transnational Families." *Journal of Marriage and Family* 66: 1317-1331.
- Segura, Denise. (1994). "Working at Motherhood: Chicana and Mexican Immigrant Mothers and Employment." in *Mothering: Ideology, Experience, and Agency*, edited by Glenn, Chang & Forcey. New York: Routledge.
- Suárez-Orozco, Carola, Irina Todorova and Josephine Louie. (2002). "Making up for Lost Time: The Experience of Separation and Reunification Among Immigrant Families." *Family Process* 41(4): 625-643.
- Thompson, Ginger. (2009). "After Losing Freedom, Some Immigrants Face Loss of Custody of Their Children." *New York Times*. Retrieved on April 23, 2009 (<http://www.nytimes.com/2009/04/23/us/23children.html?hpw>).