



CCIS

The Center for Comparative Immigration Studies
University of California, San Diego

Charting a Civic Border: Immigration and Naturalization in San Diego

By Robert H. McLaughlin

University of Chicago

Visiting Fellow, Center for Comparative Immigration Studies

Working Paper 51
September 2001

Charting a Civic Border: Immigration and Naturalization in San Diego

Robert H. McLaughlin^T
University of Chicago

Visiting Fellow Center for Comparative Immigration Studies

Abstract. A civic border—comprised of government institutions, the laws that govern them and their charge to regulate immigration, and the partial and incomplete circulation of legal knowledge about immigration—determines patterns of lawful immigration and naturalization among immigrants in the United States. The process of naturalization, the voluntary passage from lawful permanent residence to citizenship, sheds light on the structure of the United States as polity and as a nation, and reveals its terms of membership. Drawing on ethnographic and documentary research in San Diego, California, this paper argues that immigration and naturalization involve not merely border crossings over physical spaces, but also the traversing of a complex and significant civic border that delineates the citizenry of the United States.

Introduction

Naturalization is the process by which lawful immigrants are made and make themselves into citizens. This process sheds light on the structure of the United States as a polity and a nation, and reveals its terms of membership. Naturalization concerns border crossings not in terms of traveling across geographic spaces but rather in terms of traversing the civic border that delineates the citizenry. This civic border, I argue, consists of government institutions, the laws that govern them and their charge to regulate immigration, and the partial circulation of legal knowledge.

Images of the physical border abound in popular representations of immigration in San Diego, CA. Journalists routinely report from the traffic islands at the San Ysidro–Tijuana port,

^T Robert McLaughlin is a Ph.D. candidate in the Department of Anthropology, University of Chicago. He received a J.D. from the University of Chicago in 1997 and B.A. in anthropology and economics from Columbia University in 1994. His research and writing concerning naturalization are funded by a Visiting Research Fellowship at the Center for Comparative Immigration Studies, University of California at San Diego, a dissertation research grant from the Council for the Advanced Study of Peace and International Cooperation at the University of Chicago, and a pre-doctoral fellowship from the National Science Foundation. Please do not cite without permission of the author.

believed to be the world's busiest international port of entry, and run photographs of the heavily commercial port at Otay Mesa or the metal wall covered with oxide that sinks into the sea between California's Border Field State Park and Mexico's Playas de Tijuana. Still, a nation-state implicates both a sovereign territory with physical boundaries and a people defined as citizens against a world of non-citizens or aliens. Indeed, this boundary between the citizen and alien grows more important every day. As sociologist Rogers Brubaker wrote ten years ago: In a world united by dense networks of transportation and communication, but divided by widening economic, political, and demographic disparities, hundreds of millions of people would seek work, welfare, or security in prosperous and peaceful countries if they were free to do so. Yet, because they are not citizens of such countries, they can be routinely and legitimately excluded.¹

Administrative agencies like the Immigration and Naturalization Service (INS), immigrant families and employers who sponsor newcomers, and the non-governmental organizations, journalists, and attorneys among whom legal knowledge about immigration circulates sustain the civic border. Their coordinated efforts, or lack thereof, determine the terms of admission to the United States as well as the enforcement of voluntary departures, removals, and deportations. They exercise or comply with the legal and territorial jurisdiction of the United States and deploy the legal knowledge necessary to mediate relations between individual immigrants and the state. Thus, while lawful immigrants may choose to become naturalized citizens, and a great many do, a civic border of institutions, laws, and legal knowledge shapes their choices. This paper treats naturalization as a passage to explore this civic border.

¹ Rogers Brubaker. 1992. *Citizenship and Nationhood in France and Germany*, ix. Cambridge, MA: Harvard University Press.

Naturalization as a Passage to Citizenship

One week after the terrorist attacks of September 11, 2001, the Federal District Court for the Southern District of California convened at the San Diego Civic Concourse to hear a motion by the INS. The INS moved for the admission to citizenship of more than six hundred and twenty applicants from more than seventy different countries. Because ten of the nineteen high-jackers involved in the terrorist attacks of the previous week were about to be identified before Congress as holding valid visas and lawfully present in the United States on September 11th, and because at least two of them had lived in the Lemon Grove neighborhood of San Diego, immigration and national security had become terribly confused in the public sphere.² Nevertheless, the local federal court proceeded as planned to admit the immigrants before it to citizenship.

The immigrants assembled outside Golden Hall at the San Diego Civic Concourse by 8:30 am in a long, orderly line. They filed into the building, surrendered their green cards, and took seats as directed by INS employees who ushered them into broad rows of stackable chairs. These immigrants would each pledge an oath of allegiance that would mark the final passage from lawful permanent residence to citizenship and endow each with the rights and duties attached thereto. After the federal bankruptcy court judge who had administered the oath adjourned the court at 10:30 am, the INS attorney addressed the new citizens before him. He told them of his Filipino background and his own immigration and naturalization some thirty years before. With a slight tremble in his voice uncharacteristic of his usual remarks at the

² James W. Ziglar, Statement before the Senate Judiciary Committee, Subcommittee on Immigration, regarding Border Security and Information Technology (October 11, 2001); Joe Cantlupe. "Bush-Fox immigration overhaul falls victim to terrorism," *San Diego Union Tribune*, A7 (Sept. 24, 2001).

naturalization ceremonies held in San Diego, he told the new citizens that the INS has the honor and privilege of guarding the cornerstone of American democracy—the admission to its citizenship—and he welcomed them across the civic border.

The passage across the civic border is, however, much more complicated than many Americans realize. Controlling immigration has concerned governing authorities since before the American Revolution, and its regulation endures with the basic social issues of crime, poverty, and disease that occupy the attention of immigration lawmakers today.³ As legal historian Gerald Neuman argues, a “myth of open borders” shapes the American historical imagination and obscures these facts.⁴ The historical imagination is, as anthropologists John and Jean Comaroff explain, the imagination of those who make history, who author history, and who use it towards interpretive and political ends.⁵ Emma Lazarus was a young poet when she gazed at New York Harbor and wrote, “Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shores; send these, the homeless, tempest-tossed to me; I lift my lamp beside the golden door.” Though it was written as part of a fundraising campaign to raise and assemble the Statue of Liberty, when federal judges, attorneys, and community leaders invoke the poem at naturalization ceremonies in San Diego, CA today—as they often do—Lazarus and her words bear witness to an official history of open borders that extends to present rituals of citizenship.⁶

³ Gerald L. Neuman. 1996. *Strangers to the Constitution: Immigrants, Borders, and Fundamental Law*. Princeton, NJ: Princeton Univ. Press.

⁴ Id at 19-43.

⁵ John and Jean Comaroff. 1992. *Ethnography and the Historical Imagination*. Chicago, IL: Univ. Chicago Press.

⁶ As Gerald Neuman points out in a footnote, Lazarus wrote “The New Colossus” as part of a fund-raising drive in 1883 to erect the Statue of Liberty in New York harbor. The statue was completed in 1886. The tablet containing the text of the poem by Lazarus was placed on the pedestal beneath the statue in 1903. Gerald L. Neuman. 1996.

Yet, a civic border composed of institutions, complex laws, and a circulation of legal knowledge delineates only specific paths of lawful immigration. Immigrants who choose to make themselves citizens are produced as such along these paths, paths that mark contours of the citizenry and the nation-state.

The Structure of Contemporary Immigration

The Immigration and Nationality Act governs immigration in the United States and assigns responsibilities to several federal administrative agencies.⁷ Enacted in 1952, Congress has since amended the Act with more than fifty subsequent immigration bills. The predominate agencies now responsible for the administration of the Act include the Department of Justice, the Department of State, the Department of Labor, the Public Health Service, and the Department of the Treasury.

Most responsibilities under the Immigration and Nationality Act are assigned to the Attorney General who supervises the Immigration and Naturalization Service (INS) within the Department of Justice. A commissioner appointed by the President and with the consent of the Senate leads the INS. The INS serves to inspect aliens—a legal term of art that denotes people who are neither citizens nor nationals of the United States—to grant or deny them admission, and to oversee their presence within the country.⁸ Its principal enforcement responsibilities include the investigation, arrest, and removal deportable aliens. It is also charged with imposing employer sanctions for the hiring of unauthorized alien workers. The INS further adjudicates

Strangers to the Constitution: Immigrants, Borders, and Fundamental Law, 195, n. 1. Princeton, NJ: Princeton Univ. Press.

⁷ Immigration and Nationality Act, Pub. L. No. 82-414, Ch. 477, 66 Stat. 163, codified as amended at 8 U.S.C. § 1101 et. seq. (2001).

employer petitions, eligibility for various waivers of deportability and excludability, and eligibility for various types of re-entry documentation. In addition, the INS determines eligibility for refugee status and political asylum. Among its various other functions, it reviews applications for naturalization and makes recommendations that immigrants be admitted to the citizenship of the United States. INS District Adjudications Officers use the criteria of the Immigration and Nationality Act and its regulations, and the broad discretion afforded to them by law, in their evaluation of applicants for naturalization.

Headquartered in Washington, DC, the presence of the INS extends throughout the United States and its ports of entry as well as to overseas offices located in dozens of countries throughout the world. Within the United States, it further comprises five regional service centers, seven asylum offices, approximately seventy district offices, and many sub-district level offices and application support centers. In San Diego, the INS District Office is located in the downtown Federal Building at 880 Front Street that also houses the Federal District Court. Posted signs indicate that the building and its environs are monitored by a 24-hour closed circuit surveillance system. The main information room is open to the public on Mondays, Tuesdays, Thursdays, and Fridays and accommodates people by order of their arrivals. A line often forms in anticipation of 7:00 am when the District Office opens for business. The Office closes at 2:00 pm.

On Wednesday mornings, a much smaller line of attorneys forms in order to file applications on behalf of their clients. Many recognize one another and use the time to exchange kind words, common frustrations, and an occasional bit of gossip. As they wait, they often hold

⁸ Immigration and Nationality Act, 8 U.S.C. § 1101(a)(3) (2001).

each other's positions in line, taking turns to run upstairs to the cafeteria for their morning cups of coffee or across Front Street to feed a parking meter.⁹

When the doors to the District Office open to the public, security guards direct the line of people past the security desk and through a metal detector. The line weaves into the information room and ends at a service counter where INS Information Officers answer questions, accept certain applications and petitions, and distribute forms. At a separate cashier's counter to the right, an officer generates receipts for submitted petitions and applications. When the line gets especially long on regular business days, stretching beyond the heavy metal doorway and into the entrance lobby, a security guard may open a "forms only" line. Although the INS has placed many basic forms on-line, including the N-400 application for naturalized citizenship, many immigrants come in person to obtain applications and official instructions, and wait two to three hours for a handful of papers. Immigrants with appointments for particular needs such as the naturalization interview are directed by appointment notices to appear in designated offices of the building at specified times. They must place their notices in the appropriate trays at these offices and wait for their names to be called.

Other INS facilities that serve immigrants in the San Diego area include the sub-district level offices located south of San Diego in National City and to the east in the border town of Calexico. Among its limited functions, the National City office conducts some naturalization interviews. In addition, for immigrants who must submit photographs and fingerprints with their applications, Application Support Centers are located in the City Heights neighborhood and in

⁹ Although anthropologist Eve Darian-Smith describes waiting outside the Los Angeles District INS Office as being camped out on dirty sidewalks at 3:00 am only to be surrounded hours later by a legal intelligentsia that emerges from taxis, company cars, and chauffeured limousines to enter corporate skyscrapers with their briefcases, cellular phones, and breakfast burritos in hand, the scene in San Diego involves much less degradation and a considerably more modest immigration bar. Eve Darian-Smith. *Structural Inequalities in the Global Legal System*. 34 *Law and Society Review* 809 (2000).

the nearby town of San Marcos. The City Heights Application Support Center occupies retail space on busy El Cajon Blvd. It offers convenient bus service and close proximity to adult education facilities, Catholic Charities, the International Rescue Commission, and other community service organizations.

While the locations of these INS offices lend immigration an urban character in San Diego, the INS does, however, require that many applications for immigration benefits be mailed directly to the California Service Center (CSC) in suburban Laguna Niguel, CA. The massive CSC facility occupies the entire second floor of the Chet Holifield Federal Building and has recently expanded its offices onto other floors. In 2000, the CSC received more than 1.4 million applications for immigration benefits from a vast western region that comprises California, Arizona, Nevada, Hawaii, and Guam. These applications include N-400 applications for naturalization. Receipts tolled daily from application fees now regularly exceed one million dollars per day. At a liaison meeting with immigration attorneys in February 2001, then CSC Director Dona Coultice remarked that the California and other service centers would be the equivalent of a billion dollar a year corporation by the end of 2001.

Processing at the CSC begins in a vast mailroom where the staff of an independent contractor accepts fees, conducts initial data entry, and prepares files for review. The more than 500 employees of the INS who work at the CSC comprise several separate divisions that process different types of applications. As they grant or deny immigration benefits, they may also issue requests for additional evidence and notices of intent to deny an application, "NOIDs." The CSC struggles to meet the demands of its workload. In one of its various divisions, a telephone number for outside inquiries about the status of an application connects a caller to one of four

telephones answered by duty officers who share a small modular workspace equipped with four computer terminals. Getting a telephone call through proves very difficult.

Immigration involves more than the allocation of benefits, however, and for this reason, the Immigration and Nationality Act explicates other functions as well. The Attorney General has assigned many of these functions to the Executive Office for Immigration Review (EOIR), commonly known as the Immigration Court. EOIR primarily adjudicates deportation and removal cases. It also has jurisdiction over some determinations made initially by the INS. Its main San Diego site occupies office space in a downtown skyscraper.

Many of the cases that come before EOIR involve detentions of non-citizens by the INS at local detention facilities. In San Diego, these facilities include the El Centro Service Processing Center and the San Diego Correctional Facility. The latter, managed by a private firm, the Corrections Corporation of America, has a capacity of more than 1,200 persons. Located in the foothills of Otay Mesa some twenty-five miles east of downtown San Diego, it stands adjacent to other detention facilities and within view of both Donovan State Prison and the international border. The facility accepts inmates and detainees from the INS and the United States Marshal's Service under a federal contract.

Like the Attorney General and Department of Justice, the Secretary of State and Department of State command important roles in immigration. Through the Bureau of Consular Affairs, the Secretary of State establishes policies and procedures for the issuance of both immigrant and non-immigrant visas at consular offices. Most aliens who come to the United States on only a temporary basis to visit, study, or work, must apply for and obtain a non-immigrant visa from a United States consulate or embassy abroad.¹⁰ Consular offices are located

¹⁰ For a complete listing of United States embassies and consular offices, go to <http://usembassy.state.gov>.

around the globe, from Tijuana and Ciudad Juarez, to Manila and Accra. Their officials also determine the nationality of persons located abroad, just as State Department officials verify the nationality of applicants for United States passports.

In addition to the Department of Justice and the Department of State, the Department of Labor has several responsibilities with respect to immigration. It must certify those sectors of the economy for which qualified workers are unavailable in the United States and for which the employment of an alien will not adversely affect the wages and working conditions of similarly employed citizens of the United States. Therefore, the Department of Labor administers the procedures by which an employer who seeks to hire an alien employee must conduct domestic recruitment campaigns and establish prevailing wage data. The Department of Labor administers similar programs for temporary, “specialty occupation” workers and for temporary workers who can be admitted only if unemployed persons capable of doing the work cannot be found in the United States.¹¹ The Department of Labor also polices a general bar on longshoreman’s work among foreign crews, and cooperates with the INS in enforcing employer compliance with record-keeping requirements of alien eligibility for employment. Other principal agencies involved with immigration include the federal Public Health Service and the Department of the Treasury. The Public Health Service is charged with inspecting aliens on entry to the United States and providing medical certificates to aliens excluded for health

Where no United States consulate exists, applicants for these and other immigration benefits may be directed to designated posts. For example, Lebanese applicants are directed to make filings in Abu Dhabi. Nancy-Jo Merritt and Nita Upadhye. *Consular Processing: Immigrants and Nonimmigrants*, 256, 259, in Randy P. Auerbach, ed. 2001. *Immigration and Nationality Law Handbook, 2001-2002 Edition*. Washington, DC: American Immigration Lawyers Association.

In most cases, INS officials make separate, duplicative determinations of eligibility for admission on the basis of the visas issued by consular offices upon arrival at United States ports of entry. Austin T. Fragomen, Jr. and Steven C. Bell. 2001. *Immigration Fundamentals: A Guide to Law and Practice*, 4th ed, § 1.4. New York, New York: Practising Law Institute.

¹¹ Immigration and Nationality Act, 8 U.S.C. §§ 1101(a)15(H)(i)(b), 1184(i) (2001).

reasons. In consultation with the Attorney General, the Public Health Service defines the “communicable diseases of public health significance” for which these certificates are issued. The Service further consults with the Attorney General regarding waivers of excludability for aliens who may otherwise be excluded for medical reasons. Through the Customs Service, the Department of the Treasury cooperates with the INS at ports of entry to regulate the passage of goods and people between the United States and other countries. With the reorganization of the INS and border enforcement presently before Congress, the Customs Service is likely to operate with increased policing functions in the near future.

This survey of the primary agencies that administer the Immigration and Nationality Act and their roles, albeit cursory, indicates that immigration pertains to several aspects and structures of governance. These aspects include state interests in the lawful conduct of people, in national security, in diplomacy, in maintenance of labor market stability and productivity, and in public health and social welfare.

Immigration by the Visa Category

A broad array of benefits and visas, each regulated with considerable detail, is coupled to the complex institutional structure of immigration. My interest in them as categories follows a shift in traditional foci of legal anthropology from principles and procedures, court proceedings and judgments, to legal codes and regulations. As anthropologist Joan Vincent argues, this shift illuminates “the possibility that much social construction of reality—or rather, the political construction of ‘social’ reality—appears to occur at a remove from the [explicit] exercise of state

power.”¹² In the context of immigration, visas and visa categories underlie the lived realities of personal status. They facilitate the formation of legal identities, correspond to allocations of rights and entitlements, and reinforce the politics of status when produced for inspection at ports of entry and state offices like a Department of Motor Vehicles, or even before the clerks of airlines and universities. They provide a means by which to relate the figure of the citizen to that of the alien and to distinguish between the two.

Lawful immigration to the United States may be understood to comprise five basic categories. The largest two categories include family-sponsored immigration and employment-based immigration. Other bases for immigration include participation in the Diversity Program and eligibility under other special legislation programs.¹³ Separate legislation governs the admission of the fourth category of immigrants: refugees and asylum seekers.¹⁴ Immigration through each of these first four categories allows an alien to establish lawful permanent residency and, in his or her discretion, to subsequently undertake naturalization. With respect to the first three categories— family-sponsored, employment-based, and Diversity Program immigration—a flexible, annual cap establishes a numerical limit on the number of immigrants that may be admitted to the United States in a fiscal year. Since 1995, the annual cap has been set at 675,000.¹⁵ Note that this cap does not apply to refugees or asylum seekers. And finally, a

¹² Joan Vincent. On Law and Hegemonic Moments: Looking Behind the Law in Early Modern Uganda, 118, in Mindie Lazarus-Black and Susan F. Hirsch, eds. 1994. *Contested States: Law, Hegemony, and Resistance*. New York, NY: Routledge Press.

¹³ Special legislation governing the legalization and or the adjustment of status of members of particular immigrant groups includes, among others: Immigration Reform and Control Act, Pub. L. No. 99-100 Stat. 3359 (1986); Legal Immigration and Family Equity Act, Pub. L. No. 106-554, 114 Stat. 2763 (2000); Nicaraguan Adjustment and Central American Relief Act, Pub. L. No. 105-100, 111 Stat. 2644 (1997); and Haitian Refugee Immigration Fairness Act, Pub. L. No. 105-277, 112 Stat. 2681-641 (1998).

¹⁴ Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 103, codified as amended at 8 U.S.C. §§ 1157-1159 (2001).

¹⁵ Austin T. Fragomen, Jr. and Steven C. Bell. 2001. *Immigration Fundamentals: A Guide to Law and Practice*, 4th ed, § 1.6. New York, New York: Practising Law Institute.

separate, fifth category of immigrants, temporary non-immigrant visa holders, are classified under one of roughly twenty narrowly defined sub-classifications that pertain to, for example, tourists, religious workers, temporary agricultural workers, NATO employees, or academic students.

Pursuant to the annual cap of 675,000 immigrants per year, a flexible annual sub-cap set at 480,000 regulates family-sponsored immigration. This sub-cap may be increased with the unused visas from an employment-based allotment of the previous year. It may also be increased if the demand for visas by immediate relatives of United States citizens rises above expected levels, preserving the availability of visas in other family-sponsored immigration categories. Apart from immediate relatives, the number of family-sponsored immigrants allotted admission depends on the demand of the previous year, but may not fall below 226,000. “Immediate relatives” mainly includes spouses and unmarried children under the age of 21, as well as parents for citizens who are age 21 or older.¹⁶ Though there is no cap for immediate relatives, excessive demand for visas by them may result in fewer visas in other categories of immigration. The unlimited access thereby afforded to immediate relatives reflects not only an important privilege of citizenship among their sponsors, but also a high valuation of the principle of family reunification in United States immigration law. As codified, this normative principle promotes the nuclear American family and its composition of two parents—one of each sex and married to each other—and their minor aged children. It inscribes a particular model of kinship on the immigrant citizenry.¹⁷

¹⁶ Id at § 3.1 Spouses and children of deceased citizens may also, under certain conditions, be eligible.

¹⁷ The limitations of this model and its categorical exclusions of grandparents, grandchildren, former spouses, same-sex spouses, uncles, aunts, and cousins refute claims that the United States allows far-reaching chains of migration. These same limits can also prove tragic and harsh, as in the case of Zhenfu Ge, a grandmother who had been sponsored by her naturalized citizen daughter, Yanyu Wang, to come to the United States and help care

Beyond immediate relatives, four preferences enumerate the remaining categories of family-sponsored immigration. Priority dates assigned to applications on receipt determine the timing and sequence of their adjudication. The first preference category applies to unmarried sons and daughters of United States citizens who are age 21 or older and therefore do not qualify for immediate relative status. Each year, 23,400 visas become available in this preference category. The second preference category applies to spouses and unmarried children of lawful permanent residents. This category is assigned 114,200 visas annually, plus any surplus visas above the sub-cap of 226,000 that are not granted to immediate relatives. At least 77% of the second preference visas are made available to the spouses and minor-aged children of permanent residents while no more than 23% are allotted to their unmarried adult sons and daughters. The third family preference category applies to married sons and daughters of citizens. This category is assigned 23,400 visas per year and benefits from any unused visas in the higher preference categories. The fourth and final preference category applies to brothers and sisters of United States citizens and has an annual allotment of 65,000 visas plus any residual, unused family-sponsored visas. In this final preference category, a category heavily burdened with backlogs as of October 2001, United States citizens seeking to sponsor a brother or sister from India and Mexico have been awaiting allocations of visas since the late 1980s, and in the case of the Philippines, since 1979.

for Wang's children. Ge's daughter, Yanyu Wang had terminal cancer. When Wang died just days before a scheduled interview that would have afforded Ge a green card and lawful permanent residence, the basis of family sponsorship expired and Ge faced deportation. Wang's husband, not being a blood relative of Ge could not sponsor his children's grandmother. In public comments, immigration attorneys and INS spokespersons regretted the outcome. Justin Pritchard. "Grandmother faces deportation to China after daughter's death," *Associated Press* (April 27, 2001).

The second largest category of immigration, employment-based immigration, entails five preferences and an annual allocation of 140,000 visas.¹⁸ The first preference category accounts for 40,000 of the total 140,000 visas and applies to “priority workers.” These workers include aliens of “extraordinary ability” in the sciences, arts, education, business, or athletics, outstanding academic researchers who have been offered employment with a university or the established research department of a private entity, and business managers or executives who, after one year’s employment with an employer, may be transferred to an office located in the United States. The second employment-based preference category applies to aliens who hold advanced academic degrees and possess “exceptional ability” in the sciences, arts, or business. This preference category accounts for an additional annual allocation of 40,000 visas, plus any unused visas from the first, “extraordinary ability” preference category. Eligibility for a second preference visa typically requires that the alien has a specific job offer and that the Department of Labor has certified the lack of qualified, available United States citizen workers for the position. Waivers of these requirements may be obtained when an application substantiates a compelling “national interest” in the employment of an alien in the United States. The third preference category applies to most other aliens seeking to immigrate to the United States on the

¹⁸ Although the number of immigrant visas available through family sponsorship and the lengthy backlogs in several of its categories substantiate the dominant role of family-sponsored immigration in the overall scheme of immigration to the United States, debates about employment-based immigration, both lawful and unlawful, command primacy in media coverage and public opinion polls about immigration. George J. Borjas. 1999. *Heaven’s Door: Immigration Policy and the American Economy*. Princeton, NJ: Princeton University Press; James P. Smith and Barry Edmonston, eds. 1998. *The Immigration Debate: Studies on the Economic, Demographic, and Fiscal Effects of Immigration*. Washington, DC: National Academy Press.

Economists remain divided on the magnitude and character of the economic impacts of immigration, debating a variety of issues including the quality of data, especially in areas of unlawful immigration. Peter H. Schuck. 1998. *Citizens, Strangers, and In-Betweens: Essays on Immigration and Citizenship*, 155-56, 337-41, 356-58. Boulder, CO: Westview Press. The challenge of their science in its concern for the efficient allocation of limited resources is to perform an interpretive art that must capture and appropriately weigh disparate economic sectors, the wage, consumer, and tax implications of immigrant labor, and any social welfare expenditures made to immigrants at different levels of governance—municipal, state, and federal. Ultimately, employment-based immigration is a category of immigration to be evaluated relative to others (and with attention to the arbitrary character of categorical margins generally), just as the economic motivations of

basis of employment. Like the other preferences, the third allocates 40,000 visas plus any unused visas from the first and second preference categories. Unskilled workers may receive visas from the third preference category in a number not to exceed 10,000 per year. Eligibility depends on a permanent job offer from a United States employer and certification from the Department of Labor as to the lack of qualified United States citizen workers for the position.

The fourth and fifth employment-based preferences apply to “special immigrants” and “alien investors” respectively. Each category is afforded 10,000 visas annually. Special immigrants fall within one of several classes of immigrants whose employment is not subject to certification by the Department of Labor. They include graduates of foreign medical schools who are licensed to practice medicine in a state of the United States, former United States government employees who retired after extensive service abroad, former employees of the Panama Canal Company or Canal Zone government, certain ministers and other religious workers, various officers and employees of international organizations who are located in the United States, and aliens declared to be dependent on a juvenile court in the United States. Alien investors usually invest a million dollars in a United States enterprise although the amount may be more or less depending on whether the enterprise is located in high employment area or, on the other hand, a “targeted employment area” where the government identifies a critical need for job creation.

The third and final category of immigration subject to the annual cap of 675,000 immigration visas is participation in the Diversity Program and other special legislation programs. The Diversity Program is a lottery with an annual allocation of 55,000 visas per year for which 13 million hopeful people submitted entries in 2001.¹⁹ Of these 55,000 visas, 5,000

migrants command only relative force among the competing human interests, desires, and pursuits that configure their lives.

will be reserved each year for immigrant beneficiaries of the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA) until this program expires.²⁰ Between 1992 and 1994, an additional 55,000 visas were also made available for immediate family members of aliens granted permanent status under the legalization program of the Immigration Relief and Control Act of 1986 (IRCA).²¹ The Diversity Program distributes immigration benefits according to nationality, favoring immigrants from countries of origin less well represented in the United States. Eligibility for participation accrues if fewer than 50,000 immigrants from one's country have immigrated to the United States during the preceding five years. Eligibility also implicates education and work experience requirements. The program divides the world into six regions: Africa, Asia, Europe, North America, Oceania, and South America and the Caribbean. It designates each as a region of comparatively higher or lower admissions rates, and uses a complex formula to calculate the number of visas to be afforded to immigrants from each eligible country. No individual country may, however, receive an annual allocation in excess of the per country limit of 3,850 visas.

Refugees and asylum seekers who gain admission to the United States comprise a fourth, separate category of immigration. The allocation of visas to them concerns particular displacements of people around the world and the "well-founded fear" of persecution. This

¹⁹ Bernard P. Wolfsdorf and Naveen Rahman. "The Diversity Lottery," in Randy P. Auerbach, ed. 2001. *Immigration and Nationality Law Handbook*, Vol 1, 171, 175. Washington, DC: American Immigration Lawyers Association.

²⁰ The Nicaraguan Adjustment and Central American Relief Act, Pub. L. No. 105-100, 111 Stat. 2644, codified at 8 U.S.C. §§ 1101, 1151, 1153, 1229b, and 1255 (2001). This Act allows many Nicaraguan and Cuban nationals who entered the United States on or prior to December 1, 1995 to adjust their status to lawful permanent residence. It also provides for certain Salvadorans, Guatemalans, and nationals of certain Eastern European and formerly Soviet countries to for suspension of deportation or cancellation of removal under the law in effect prior to the reform legislation of 1996.

²¹ The Immigration Reform and Control Act, Pub. L. No. 99-639, 100 Stat. 3537, codified as amended at 8 U.S.C. §§ 1101, 1153, 1160, 1182, 1186, 1188, 1255-1256, 1324, and 1364-1365 (2001).

“well-founded fear” pertains to persecutions on account of race, religion, nationality, political opinion, or membership in a particular social group. Though this area of immigration law derives largely from the issue of displaced persons in the aftermath of World War II, its basic structure was revised and codified in 1980. Each fiscal year, the President designates a number of refugees who will be admitted based on consultation with the Congress. In emergency situations, the Attorney General may further parole additional refugees into the United States. Refugee visas are allocated among the geographic regions of the world based on their “special concern” to the United States. This criterion makes refugee law an instrument of political power.

To apply for refugee status, an applicant must be out of the country of his or her nationality and at a designated consular post or an INS office abroad. If approved, the alien is admitted to the United States as a refugee and may apply for adjustment of status to permanent residence following one year from the date of admission. In 1998, the INS approved applications from 73,198 refugees and granted asylum status to 12,951 individual petitioners.²² That same year, 54,645 refugees and asylum beneficiaries obtained lawful permanent residence in the United States.²³

Aliens already present in the United States can apply for political asylum. In San Diego, CA, asylum applications are submitted to the INS through the regional Asylum Office located in Anaheim, CA during the first year of the asylum seeker’s residency or at the San Ysidro port of entry on arrival. Asylum seekers must meet the definition of “refugee,” that is, they must have a well-founded fear of persecution in their countries of origin under one of the designated categories. Asylum is granted in the discretion of the INS or an immigration judge (as a form of

²² Immigration and Naturalization Service. (forthcoming) *1998 Statistical Yearbook of the Immigration and Naturalization Service*, Refugees, Asylees, Table 24, Table 30. Washington, DC: Government Printing Office. <http://www.ins.usdoj.gov/graphics/aboutins/statistics/Ref.Asy98.pdf>, (Oct. 16, 2001).

relief in removal proceedings) and there are no numerical limits except for those persons seeking asylum on the basis of coercive population control practices. If an alien applies for asylum at the border or a port of entry, the alien is subject to mandatory detention in the custody of the INS until a preliminary determination can be made at a hearing as to whether or not the alien has a “credible fear” of persecution. In other words, the alien must establish a significant chance of success with an application for asylum or he or she will be ordered removed with only limited judicial review.²⁴

The fifth and final major category of lawful admissions to the United States is the non-immigrant visa category. I include this category for discussion because of its large size and because, as personal circumstances change for an alien while residing in the United States, there may be opportunities to adjust his or her non-immigrant status. Generally, non-immigrant visa categories account for tourists (whose number exceeded more than 14 million in 1999) and comprise about twenty additional and separate classifications of status. The INS regulates each category in substantial detail. The classes of aliens afforded non-immigrant visas include, among others, professionals admitted under the terms of the North American Free Trade Agreement (NAFTA) and seven subcategories of NATO employees and representatives. They also include temporary religious workers, athletes and entertainers of extraordinary ability, and foreign government workers such as ambassadors and diplomats whose benefits extend to their immediate families and personal attendants. In 1999, 2.1 million visitors entered the United

²³ Id at Table 33.

²⁴ An immigration judge will review a determination of an asylum officer that an alien lacks credible fear of persecution within seven days of the asylum officer’s determination. The rulings of immigration judges are the final administrative orders. Further judicial review cannot inquire into whether an alien is admissible or entitled to any relief from removal, but may only consider the integrity of the administrative process. Immigration and Nationality Act, Inspection by Immigration Officers; Expedited Removal of Inadmissible Arriving Aliens; Referral for Hearing, 8 U.S.C. § 1225 (2001).

States for business purposes on a non-immigrant visa.²⁵ That year, 567,000 students also entered the United States on non-immigrant visas to study.²⁶

Reading across the five main categories of immigration expands the generic concept of an immigrant into a broad array of possible persons and immigrant figures. Each category, however many its subcategories and the exceptions to them, seems rooted in some basic purposes. Family reunification that comports with the ideological model of the American nuclear family commands top priority. Other kinship connections, however important to a particular person, family, or cultural group, implicate the limits and backlogs associated with the issuance of “priority dates” and the anxiety of waiting—and waiting—for the approval of a family-sponsored application for a visa. Comparable tensions underlie employment-based immigration priorities and preferences. Ascribing weight to notions of extraordinary abilities and exceptional skills recalls 19th century theories of the citizen who comes into being as an industrious, ideal figure, neither typical nor ordinary but rather extraordinary himself.²⁷ Yet current employment-based immigration preferences also nod to the demand for unskilled labor in various sectors of the American economy. Whether the law strikes a balance between these competing demands of employment immigration relates to the distillation of politics and economic data through visa categories and Department of Labor certifications. Debates about employment-based immigration typically concern numbers, categories, sub-categories, and exceptions, but neither an interrogation of the concept of the citizen nor of the conceptual links between citizens and workers. Concepts of citizenship do, however, inform the premise of the Diversity Program as

²⁵ Immigration and Naturalization Service. (forthcoming) *1999 Statistical Yearbook of the Immigration and Naturalization Service*, Temporary Admissions, 4. Washington, DC: Government Printing Office. <http://www.ins.usdoj.gov/graphics/aboutins/statistics/Temp99.pdf>, (Oct. 18, 2001).

²⁶ Id.

²⁷ Simon Newcomb and W.J. McGee, Citizenship Prize Essays, 7 *American Anthropologist* 343-57 (Oct. 1894).

well as the admission of refugees and asylum seekers. The Diversity Program substantiates a political and legal commitment to the value of ethnic diversity in an increasingly multicultural and pluralist American society. Refugee admissions and the asylum process similarly convey normative values, values that pertain to political freedoms, especially the freedom of speech as a universal, individual civil right. Thus, in its structure and its categories, immigration concerns a range of objectives and ideas. The ways that immigrants inhabit this structure and its categories, however, relate to the circulation of legal knowledge about immigration.

The Circulation of Legal Knowledge

The expanse and complexity of immigration law create the conditions for the partial and incomplete circulation of accurate legal knowledge about immigration.²⁸ This circulation of knowledge, in conjunction with the institutions of immigration and the laws that govern them, creates and sustains the civic border. Its partial and incomplete movement among government agents, immigrants and their friends and families, the staff of non-governmental organizations, community service providers, attorneys, and journalists results in the opacity of the civic border, the confusion and frustrations associated with immigration, the heightened anxiety of traveling across the physical border, and fears about inspection at ports of entry.

Inaccurate information and bad advice also circulate, compounding the challenges of immigration. Indeed, as notarios publicos in San Diego know, livelihood in the immigration business depends on information about benefits and procedures. Yet while some earn solid

²⁸ Legal knowledge forms only a part of the much larger discourses of immigration that combine, among many other expressions, the tragic noir texture of Orson Wells' *Touch of Evil*, the indomitable spirit in the poetry of Aztlán that envisions an indigenous American world without the present United States-Mexican border, and the knotted rage and fear woven into narrative accounts of encounters with *La Migra* (INS). *Touch of Evil*. 1958. Orson Wells, Director. Universal City, CA: Universal; Gloria Anzaldúa, *The Homeland, Aztlán/El Otro México*,

reputations as knowledgeable, competent, and inexpensive resources, others sustain themselves through fraud and deception. The latter sort takes money from immigrants to whom promises of benefits may allay feelings of desperation for a short time, but will never yield positive results.²⁹ With respect to naturalization, the circulation of legal knowledge about immigration plays an especially critical role because most applicants undertake the procedure without the assistance of an attorney. Many do, however, rely on the assistance of a friend or family member, a notario publico, or a community service organization. The most trusted of all are family members and friends who have recently undertaken naturalization themselves. They abound. Since the mid-1990s, immigrants have been submitting applications for United States citizenship in record numbers exceeding more than one million per year.³⁰ These applications generated huge, nationwide backlogs such that the civic border seemed permeable only to those who can afford its fees, meet its prolonged and irregular processing times with patience, and prevail against the sweeping authority and discretion of the INS.³¹

At present, many immigrants submit applications as soon as they become eligible for naturalization even though their English language skills and knowledge of United States history and government may be insufficient to pass the examination portion of the naturalization

191-204, in Rudolfo A. Anaya and Francisco A. Lomelí, eds. 1989. *Aztlán: Essays on the Chicano Homeland*. Albuquerque, NM: Univ. New Mexico Press.

²⁹ For example, “A Vista man,” reported the *San Diego Union Tribune* in November 2001, “who prosecutors say preyed on undocumented immigrants by taking large sums of cash in exchange for empty promises of legal residency pleaded guilty to 23 counts of grand theft.” The victims, mainly house cleaners and restaurant workers, will be reimbursed through fines leveled against this immigration consultant who defrauded them, but the victims are unlikely to obtain any legal residency. J. Harry Jones. “Man admits he swindled immigrants.” *San Diego Union Tribune*, B2 (Nov. 7, 2001). See also, “Unlawful Practice Hits Vulnerable Immigrants,” *California Bar Journal*, 24 (Nov. 2001).

³⁰ Office of the Inspector General. 2000. Citizenship USA Report, § II(A)(2). Washington, DC: U.S. Department of Justice.

³¹ Id.

interview. Such immigrants typically do so on the advice of friends and family members who experienced the lengthy processing times that loomed over naturalization in the 1990s. True to these experiences, an immigrant in the 1990s could apply for naturalization on the date of eligibility and then comfortably enroll in English-as-a-Second-Language (ESL) and citizenship preparation courses for at least a year before receiving notice of an INS interview in San Diego. Today, however, processing times have improved. Immigrants who rely on that once very good, personal advice to apply and subsequently work on their language skills and knowledge of civics find themselves surprised and often unprepared when the INS schedules an interview and examination within six months of the submission of an application. Some will venture to the District Office in person to request a rescheduled interview. Others will take their chances. Some will fail the examination portion of the interview and may seek out citizenship classes or other resources in anticipation of a second-chance interview. Failing twice results in the denial of an application. An immigrant who fails twice must submit a new application, including the fees, if he or she still wishes to become a citizen.

Fortunately, a wide range of non-governmental organizations and community service providers like the Linda Vista Presbyterian Church that serves a sizable Vietnamese neighborhood or the African Alliance for Assistance in the ethnically diverse City Heights neighborhood deliver practical services and assistance to immigrants in San Diego. Better known, the International Rescue Commission (IRC), an especially active organization, offers comprehensive resettlement services to refugees, most of whom later become naturalized citizens. A majority of IRC caseworkers came to the United States as refugees themselves. They meet incoming refugees at the San Diego airport, take them to their new apartments, and assist with initial trips to markets, banks, and the Social Security Office. The IRC programs

further offer temporary financial assistance, clothing, health referrals, employment training and placement, basic skills training for women, English language instruction, infant care and preschool, and naturalization and citizenship services. Since the IRC came to San Diego in 1975, the organization has helped more than 17,000 refugees settle in the area. In 1999, the San Diego office helped to settle 900 refugees and assisted more than 2,500 others from a range of countries including Bosnia-Herzegovina, Eritrea, Ethiopia, Iraq, Kosovo, Russia, Somalia, Sudan and Vietnam. Its efforts help refugees overcome feelings of anxiety, vulnerability, and alienation.

When immigration laws change, various organizations assist immigrants quickly by offering informational sessions. When Congress passed the Legal Immigration and Family Equity Act (LIFE) on December 21, 2000, the new law created an opportunity for the legalization of some 600,000 immigrants who were wrongly denied or discouraged from participation in the legalization program of the Immigration Reform and Control Act of 1986 (IRCA).³² Attorneys for the San Diego Legal Aid Society offered informational sessions from their offices near National City, CA in Spanish and in English. They sought to reach as many eligible immigrants as possible and to dispel rumors about the breadth of eligibility for legalization granted in the LIFE Act. Catholic Charities offered similar sessions at its offices. Sixty or more people would come to attend each of its sessions though the room accommodates only about thirty.

For their part, San Diego Adult Education Centers have been committed to citizenship and English language courses for more than a decade. Students come by word of mouth and place great trust in their teachers. Some of these teachers maintain extensive files, keeping

³² Legal Immigration and Family Equity Act (LIFE), Pub. L. No. 106-554, 114 Stat. 2763 (2000).

photocopies of the correspondence and forms sent to their immigrant students during the naturalization application process. These files become archives of shared experiences. They possess a practical importance that allows teachers to assist students with basic though essential matters such as submitting changes of address, obtaining waivers from the Selective Service Administration, and requesting that a missed interview be rescheduled.

When the revised N-400 form application for naturalization issued by the INS in May 2001 first came to the attention of a teacher the following September, she introduced the new form and its changes to the full faculty of citizenship teachers. The form would be required of applicants for citizenship starting on January 1, 2002. In the interim months, the teachers would develop simple definitions for the new terminology and phrases that appear on the form.

Complex phrases must be defined in basic English so that if asked what a particular phrase means, an immigrant can demonstrate his or her understanding and English language skills with a few words and be recommended for citizenship. Examples follow:

alternative sentencing program	:	punishment, but no jail
suspended sentence	:	stop jail time
rehabilitative program	:	treatment for drugs or alcohol
terrorism	:	political violence

Because citizenship course teachers in the community college district work with large numbers of immigrants, perhaps one hundred fifty students in a given calendar year, they develop a strong anecdotal sense of processing times as they record the dates of their students' finger-printing appointments, interviews, and naturalization ceremonies on classroom calendars. The range of processing times, however, remains sufficiently broad that immigrants worry about the status of

their applications. They wonder if their applications have been lost, why friends who may have filed several months after they did have already completed the process, and why applications filed together, as husbands and wives often file theirs, get separated. Immigrants also worry that notices of interview appointments may get lost in the mail or that the INS may not have processed a change of address properly. How are they to know?

A substantial discrepancy exists between the processing times posted for naturalization applications in the downtown District Office and those reported in the monthly legal practitioners' journal, *Immigration Law Today*. The processing times reported by the District Office in a January 2, 2001 memo, for example, show naturalization applications pending from a filing date of January 31, 2000 or roughly 335 days before.³³ For the same period, *Immigration Law Today* reports a slower processing time of 450 to 930 days.³⁴

As a researcher, I regularly share these statistics and the disparities between them with the participants in my work. This helps relieve the anxiety of waiting that many of the immigrant students share at the Mid-City Adult Education Center in City Heights. Their personal experiences tend to fall somewhere between the processing times reported by the INS and those published for the San Diego INS District Office in *Immigration Law Today*. Lacking access to an alternative source for this information, students write these monthly statistics down and share them with others. The informational gap bridged with their notes underscores how the circulation of legal knowledge shapes the civic border. The Naturalization Inquiry Worksheet now available to applicants for inquiring about their applications similarly demonstrates the

³³ Immigration and Naturalization Service, San Diego. "Inquiry Instructions as of January 2, 2001." (memorandum, Jan 2, 2001).

³⁴ "Report Card on INS Adjudications," *Immigration Law Today*, 179 (Apr. 2001).

institutional and legal composition of the border as do the standard responses to these inquiries wherein an officer simply checks one or more boxes on the face of the form.

News media of more general circulation provide immigrants additional, important sources of legal knowledge about immigration. Immigrant newspapers and other media outlets have a particularly rich history of practical and political engagement within and among immigrant communities, a history carried forward today by Univision, a Spanish-language cable network, as well as reporting by the Latino newspaper, *La Prensa*, and others.³⁵ The mainstream counterparts to the immigrant press also cover immigration with an interest in providing practical information to the public-at-large. The *Wall Street Journal*, for example, routinely covers topics like proposed increases in immigration processing fees and periods for public comment, reporting in August 2001, for example, a proposal to increase in the cost of an application for naturalization from \$225 to \$260, a sixty-day comment period, and the anticipated start date for the new fees in January 2002.³⁶ Still, the informational challenge before the media to quickly describe legal knowledge thwarts even experienced journalists.³⁷

³⁵ See, for example, Emily G. Balch. 1910. *Our Slavic Fellow Citizens*, esp. 383-84. New York, NY: Charities Publication Committee (on the immigrant press and its participation in the women's suffrage movement); Robert Ezra Park. 1922. *The Immigrant Press and Its Control*, esp. 359-60. New York, NY: Harper and Bros. (on the potency of immigrant political advocacy and use of free speech).

³⁶ Christopher Windham. "INS Plans 17% Rise in Immigration Fees In Bid to Speed Processing, Cut Backlog," *Wall St. Journal* (Aug. 2001).

³⁷ See, for example, Tom Elias. "H1-B slump proves folly of special political benefits," *Pasadena Star News*, A15 (June 9, 2001). Cf. Yoshiko I. Robertson. "Avoiding the Abyss: H1-B Strategies When Facing Reductions in Force," in Randy P. Auerbach, ed. 2001. *Immigration and Nationality Law Handbook*, Vol 2, 76-83. Washington, DC: American Immigration Lawyers Association.

This newspaper article came to the attention of the national immigration bar at a plenary session of the 2001 American Immigration Lawyers Association Annual Meetings held in Boston, MA. The coordinator for the continuing legal education curriculum, Jeanne Malitz, described the article as an example of media coverage that generates unnecessary panic among immigrants. It mischaracterizes the availability and rate of issuance of H1-B "specialty occupation" employment visas as well as the requirements for and the implications of a termination of employment with respect to the departure rules of the H1-B program. Malitz described her immediate reaction to the article as a question, "Why didn't this journalist consult an attorney?" But this question led her to a second thought, "Maybe he did." Jeanne M. Malitz. "Hot Topics: AC21, ACWIA Regulations, LIFE," Plenary Session, 2001 AILA Annual Conference, Boston, MA (June 21, 2001).

Regional media sources like the *San Diego Union Tribune* watch national immigration trends unfold at community service organizations and local institutions like the District Office, seeking comment from informed experts, activists, and officials. As the recent April 30, 2001 deadline for legalization applications pursuant to the LIFE Act approached, and as a rush of applicants overwhelmed the District Office, *San Diego Union Tribune* journalists worked to clarify and explain the scope of the law.³⁸ They approached this challenge by explaining the basic terms of eligibility, directing readers to legal resources, and turning to local experts for comment.³⁹

Although accurate information from government sources about immigration procedures and processing times, as well as application forms and informational publications, circulates both in print and on-line, this information remains confusing and subject to constant revision and change. Good attorneys are needed and wanted. They typically specialize in a sub-field like business immigration, family immigration, or asylum in order to remain current and competent. The best join peer organizations, use expensive legal resources, and participate in programs such as continuing legal education courses and the monthly meetings of the San Diego chapter of the American Immigration Lawyers Association (AILA). While annual AILA membership dues have increased to several hundred dollars, membership offers an attorney access to superior information and professional contacts. The knowledge that members of the local San Diego chapter share consists in large measure of techniques of application preparation, strategies for appeals and litigation, and the results of ongoing dialogues with the District Office, the CSC, the Los Angeles Asylum Office, and other key institutions. In their monthly meetings that, on the

³⁸ Legal Immigration and Family Equity Act (LIFE), Pub. L. No. 106-554, 114 Stat. 2763 (2000).

one hand are held over a modest dinner, and on the other remain necessarily formal and closed to non-members because of the sensitive and confidential material under discussion, attorneys speak in terms of form numbers, codes, acronyms, and abbreviations. This language enables them to communicate precise thoughts quickly. But it is a very difficult language to master. Like the expert language of other areas in the human and social sciences, this language functions to make certain realities thinkable and understandable; it facilitates the articulation of conditions that are amenable—or not amenable—to practical intervention.⁴⁰ Yet, although the monthly meetings of the San Diego AILA chapter offer the single best source for legal knowledge about immigration in San Diego, the chapter membership is relatively small for the seventh largest city in the United States, totaling roughly 130 members. The cohort that regularly attends meetings comprises only about forty-to-fifty members.

Meanwhile, in the homes and places of work where immigrants establish their lives, names of attorneys, notarios publicos, community service caseworkers, and citizenship teachers circulate along uneven and partial paths. Lists of immigration attorneys circulate in the lobby at the Immigration Court (EOIR), at the international and foreign student centers of San Diego colleges and universities, and elsewhere. At the downtown District Office, officials distribute *A Guide to Naturalization* that advises applicants that, should they need one, they can find an attorney listed under “attorneys” or “lawyers” in a local telephone directory.⁴¹ The guide does not direct immigrants to community services or to attorney referral services such as those

³⁹ See, for example, Leonel Sanchez. “Illegal immigrants crowd INS offices to beat filing deadline,” *San Diego Union Tribune*, B3 (May 1, 2001).

⁴⁰ Nicolas Rose. Governing “Advanced” Liberal Democracies, 42, in Andrew Barry, Thomas Osborne, and Nicolas Rose, eds. 1996. *Foucault and Political Reason*. Chicago, IL: University of Chicago Press.

⁴¹ U.S. Department of Justice, Immigration and Naturalization Service. *A Guide to Naturalization*, Form M-476, 47 (Revised November 1998).

provided by AILA with a nationwide 1-800 telephone number and e-mail address.⁴² Should an immigrant take the INS advice and look in the *Pacific Bell Smart Yellow Pages* for San Diego, he or she will find fifty-seven pages of attorney listings and a guide to attorneys by practice area. For immigration law, the practice guide lists fifty-one firms and individual practitioners. Interestingly, with their expertise lying between the bold lines of text, many of the best have only modest entries, their names appearing in small, ordinary type.

Conclusion

In the course of my fieldwork in 2000 and 2001, I have observed more than 10,000 immigrants take the oath of allegiance to the United States in the San Diego Civic Concourse. Each has personally faced the institutional structure that I can only sketch here, and each has traveled along a path of immigration determined by one or more of the five basic categories discussed. Their naturalizations mark passages across a civic border composed of institutions, laws, and the circulation of legal knowledge.

Founded in 1769 by immigrants, Spanish colonists and missionaries, San Diego now ranks as the seventh most populous city in the United States with more than 1.2 million inhabitants. The diverse cultural contributions of Native American, Hispanic, Chinese, Anglo-American, and other groups inform its history. Yet, this history also entails deep social narratives of racial and ethnic conflict that include, among others, the expulsion of the Cupeño Indians from their homelands, the use of restrictive covenants in property deeds to confine Blacks to southeast San Diego, and, following the attack on Pearl Harbor, the internment of

⁴² The Immigration Lawyer Referral Service provided by the American Immigration Lawyers Association may be reached at 1-800-954-0254 or by e-mail at ilrc@aila.org.

thousands of Japanese immigrants and their American-born descendants in 1942.⁴³ Amidst these disparate passages of San Diego history, and others like them, the terms citizen, native Californian, and immigrant have always borne complex and conflicted meanings both in popular parlance and in law.

Today, the immigrant population of the United States comprises more than 28 million people nationwide or roughly 10% of the resident population.⁴⁴ Of these immigrants, nearly 9 million live in California.⁴⁵ More than a half million of these immigrants reside in San Diego County.⁴⁶ In 1999, they represented 17% of the total population of the county.⁴⁷ Their average rate of naturalization then, 36%, has probably increased in recent years and in accordance with national trends.⁴⁸ In the course of their lives, the hundreds of thousands of naturalized citizens who call San Diego home will reshape the citizenry. Their passages to citizenship reveal the institutions and criteria by which Americans presently choose to regulate immigration, and reflect American normative values about nuclear families, employment, political freedom, and cultural diversity—in that order—and around which the civic border is drawn.

⁴³ Crawford, Richard W. 1987. *A Guide to the San Diego Historical Society Public Records Collection*, 16-17. San Diego, CA: San Diego Historical Society; Gail Madyun and Larry Malone. no date. *Black Pioneers in San Diego: 1880-1920*, 12. San Diego, CA: San Diego Historical Society; Matthew T. Estes and Donald H. Estes. Hot Enough to Melt Iron: The San Diego Nikkei Experience, 1942-1946, 42 *Journal of San Diego History* 126 (1996); Gerald Schlenker. The Internment of the Japanese of San Diego County during the Second World War, 18 *Journal of San Diego History* 1 (1972).

⁴⁴ Dianne A. Schmidley, U.S. Census Bureau. 2001. Profile of the Foreign-Born Population in the United States: 2000, 14. *Current Population Reports*, Series P23-206. Washington, DC: Government Printing Office.

⁴⁵ Id.

⁴⁶ Hans P. Johnson, et al. 1999. *Taking the Oath: An Analysis of Naturalization in California and the United States*, “Foreign-Born by County in California, 1990,” Figure 6.2. San Francisco, CA: Public Policy Institute of California.

⁴⁷ Id at “Immigrants by County and Naturalization Status,” Table 4.11.

⁴⁸ Id; see also “Trend Reverses on U.S. Citizenship,” *San Diego Union Tribune*, A11 (February 7, 2002).