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Working Paper For the California Initiative Research Grant (CIRI)

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Nearly 20 years after Congress passed a law requiring the US government to spend millions of dollars to develop a system to track and obtain information about visitors who overstay their visas, in January 2016 the Department of Homeland Security (DHS) published a report about visa over-stayers. DHS admits that they still lack the technology to accurately assess the size and characteristics of this population and have over a million “unmatched” arrival records. Previous research about the undocumented population have tended to focus on 1) a single ethnic or national origin groups (Liu-Garcia 2008), and/or 2) undocumented or documented immigrants in general (Qian et al. 2012,), and thereby are unable to rigorously compare how immigrants with particular pathways through a legal immigration system vary across nationalities.

I utilized the Californian Immigration Research Initiative Fellowship from the Center for Comparative Immigration Studies to conduct qualitative interviews specifically with visa over-stayers in Southern California who come from a wide variety of countries. My hypothesis was that those who come to California with nonimmigrant visas and overstayed them would have very different experiences immigrating into the country depending on 1) the political culture in their country of origin, which would affect their behavior and responses to policies, law enforcement authorities, and political movements, and 2) the context of reception, which includes not only the particular ethnic community they frequently settle into, but also the racialized ways Americans by which perceive and interact with them and national political climate with respect to immigration.

During the course of my research, which actually began back in 2013, I found that the first of these two latent variables to be fairly constant, but I should note that the second has varied dramatically and has disproportionately affected some national origin groups more than others. In addition, the easiest people to interview about their experiences with overstaying visas are those who now have either acquired a green card or citizenship and therefore feel safe to do retrospective interviews about their experiences, many of which have in fact occurred across the past few

decades. For example, two years ago I had once hosted a Salvadorean visa over-stayer who vexingly asked me about what options she had for remaining in the country and contemplated going to Europe. After the US government eliminated the Temporary Protection Status program I reached out to her on What's App to send my concerns and since then have received no reply, and this may be because she is in a very legally vulnerable position right now. At this stage, I therefore find the task of making conclusions based on a comparison of specific cases challenging due to the different time lines and the rapidly changing political climate.

That said, below I synthetically report some general preliminary findings based on a wide variety of visa applicants I have interviewed. The race factor clearly operates the way I hypothesized. For example, a 43 year-old German who overstayed her visa while working as an au pair in Beverly Hills spoke of how when she hears anti-immigrant news stories, she realizes that if she was not white she would have felt much more vulnerable when she was undocumented. When I asked her about whether she knew of others like her, she said that in fact she knew of many European visa over-stayers who ended up working for Hollywood celebrities and others in the entertainment industry, and they can easily blend well into American society, some eventually earning over \$100,000 just by working "under the table." She spoke of how frequently many were able to gain citizenship by marrying an American, or, in her case and other females, due to suffering severe abuse by an American and then obtaining a U visa via the Violence Against Women Act (VAWA).

The visa over-stayers of color I interviewed were disproportionately from the 1.5 generation and therefore had a very different experience of coming over with their parents. Some such as a Filipino student of astronomy from Manila seemed very bitter and resentful about the stigma he suffered as an undocumented person and how he while he was previously a student at University of Manila he had to attend a community college before he could even attend college in the US, and even when he became a graduate student he was ineligible to apply for many of the grants and fellowships that his peers could enjoy. However, he like many such self-identified "undocumented" informants seemed to clearly associate

this with race.

Going forward, I am now connecting California-based research project about visa-over-stayers to another population that will play an even more important role in the book that will emerge from my dissertation: the disenfranchised, or those who come or are brought by their parents to the US with the dream of immigrating, but who later become disenfranchised with the immigration dream and decide either to 1) their country of origin or 2) a third country that they feel is more welcoming to immigrants. After the US suddenly stopped systematically tracking who was leaving the country in the late 1970s (despite security concerns repeatedly raised by Congress), two demographers, Kreeley and Kraly's suggested that American social scientists, politicians and citizens have ideologically disinclined to acknowledge or mention that the vast majority of people who come to the US have no interest in immigrating, much less overstaying a visa and becoming a second-class denizen. Yet since most surveys of international migration are based in the US, and individuals who do not remain are thereby routinely censored, our knowledge of those that do not overstay is probably insufficient to make many claims about the desirability of the US as an immigration destination.

However, California would seem to continue to be a key site for visa over-stayers because a recent comparative study of US state immigration policies have rated it (along with New York and Illinois) as having the most immigrant friendly policies in a union with increasingly anti-immigrant policies (Young, Forthcoming). If visa over-stayers are aware to any degree of this discrepancy, one would expect them to perceive California as a potential refuge, or as the last straw in their ambition to immigrate. I will be keeping this in mind as I continue to interview not only visa over-stayers, but also nonimmigrant visa or green card holders at my primary field site in China who have returned to the US, and any such disenfranchised for example who I encounter while attending two conferences in Toronto this coming summer. By comparing those that over-stay visas with such disenfranchised ex-immigrants, I will be able to expand our knowledge about both of these neglected populations and international migration more generally.