

Relief or removal: State logics of deservingness and masculinity for immigrant men in removal proceedings

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Abstract

In recent years, there has been an unprecedented rise in the number of immigrants facing removal from the United States, many of whom make a case for their right to be granted relief from removal and stay in the country. While immigrant men of color are disproportionately represented in both removal proceedings and contemporary sociopolitical constructions of immigrant criminalization, existing literature has largely overlooked the state's cultural logics involved in decision-making about immigrant relief or removal. Drawing on theories of racialized masculinity and state gendering, I analyze how judges in immigration court utilize a politicized discourse of masculinity to justify legalization for immigrant men through their relational ties to US citizens. Using ethnographic observations of hearings for the Cancellation of Removal and the judicial decisions that support immigrant removal or relief, I develop a conceptual framework of "relational masculinity," in which judges evaluate men as emotionally involved parents and partners in traditional family arrangements, raising culturally integrated Americans, and as economic providers of upward social mobility, to determine their deservingness for relief. These findings suggest that, alongside widespread gendered and racialized criminalization, the state also engages in an evaluation process to assess the masculinity of immigrant men who may be formally admitted into the United States. I argue that adherence to these gendered and racialized norms plays a key role in determining migrants' deservingness and membership, with important implications for how the state actively manages immigrant masculinity and bolsters caregiving support for US citizens, alongside heightened criminalization.

INTRODUCTION

With the unprecedented intensification of immigration enforcement, detention, and deportation in the United States in recent years,^{*} an increasing number of immigrants, predominantly men from Latin America,[†] find themselves facing removal from the country. Every day, thousands of immigrants sit before appointed immigration judges, arguing for their right to stay in the United States while the federal government fights to deport them. In the courtroom, these immigrants attempt to access the few opportunities for relief from removal that are offered under existing immigration law in the United States. In these hearings, an immigration judge (as an appointed representative of the state in the Executive Office for Immigration Review) hears the case and determines whether to deny or grant the immigrant respondent's application for relief. Amid widespread anti-immigrant legislation and rhetoric (Bosniak, 2008; Chavez, 2017) and sharply narrowing legal categories for immigrant admission (Dowling & Inda, 2013), this paper examines the logics through which the state determines who is deserving of relief from removal.

The barriers to being seen as deserving are high. In the post-9/11 context, scholars have documented a wide-scale shift in the social and political construction of immigrants, as dangerous threats to the nation, specifically for immigrant men of color, often racialized with ties to gang violence and terrorism (Golash-Boza & Hondagneu-Sotelo, 2013). Additionally, Latino men face a "multi-faceted racialization" in the United States, in which they are seen by not only as an economic threat, but a criminal threat as well (Brown, 2013; Brown et al., 2018). Given this social and political context, there is limited research analyzing how the state constructs and perceives the *deservingness* of immigrants facing removal (Asad, 2019; Ryo & Peacock, 2019), with little attention paid to the ways in which gender and race play into such decisions (Das Gupta 2014).

In this article, I use a law-in-action perspective (Pound, 1910) to examine the cultural logics and gendering scripts used by immigration judges to justify relief or removal from a northeast immigration court in the United States. These logics operate alongside a growing body of work that examines how nonstate actors (including attorneys) shape immigrant deservingness *a priori* (Chauvin & Garcés-Masareñas, 2014; Jasso et al., 2008), either through showcasing educational or civic achievements (Barron et al., 2016; Negrón-Gonzales, 2015), or in alignment with state categories (Bhuyan, 2008; Galli, 2020; Lakhani, 2013; Longo, 2018). Additionally, while previous research has shown that gender, masculinity, and family ties play an important role in other state decisions about deservingness for native-born residents (Connell & Messerschmidt, 2005; Randles, 2013), few scholars have examined if and how masculinity and relational ties matter in removal hearings in the United States (Das Gupta 2014; Marouf, 2011).

I focus on the way the state responds to, engages with, and rewards behaviors and characteristics in court in real time, bolstered by the judge's authority to banish or legalize claimants. Observations show that the state constructs immigrant deservingness through a gendered, racialized discourse around immigrants' relational ties and cultural integration, including and beyond what is outlined in the statute and precedential decisions (U.S. Citizenship and Immigration Services, 1952). I identify the politicized discourse of immigrant masculinity favored by the state, namely as (1) emotionally involved parents and partners in traditional family arrangements, (2) men raising culturally integrated Americans, and (3) as economic providers of upward social mobility for US citizens. These three co-constructed and fluid categories constitute a discourse of *relational masculinity*, a

^{*}Scholars have primarily identified this shift as due to mid-1990s statutory and policy changes in immigration law that broadened the list of crimes that can initiate removal proceedings, as well as increased cooperation between local and federal immigration enforcement practices (Stumpf 2006)

[†]Golash-Boza and Hondagneu-Sotelo (2013) argue that the current deportation regime is a gendered, racial removal program, comprised primarily of men of color, specifically from Mexico, Guatemala, Honduras, and El Salvador. This finding echoes the work of Hagan et al. (2008), who show that in El Salvador, 19% of deportees back are men. While EOIR has not published its statistics on gender since 1997, data accessed through a Freedom of Information Act request and made available through TRAC indicates that men are overrepresented in EOIR matters compared with women (TRAC 2021).

conceptualization of immigrant masculinity that immigration judges use to justify the legalization of immigrant men applying for Cancellation of Removal.[‡]

I argue that adherence to these gendered and racialized relational norms plays a key role in determining migrants' deservingness and membership, with implications for how the state manages and controls immigrant masculinity alongside heightened criminalization. Implications suggest that state reliance on the discourse of relational, immigrant masculinity ensures caregiving support for US citizens, while selecting for a version of masculinity that is seen as nonthreatening and compliant. The state accepts a narrowly defined version of immigrant masculinity to be welcomed into the United States, normatively justifying legalization for some immigrant men, while excluding others.

BACKGROUND: LATINO "THREAT," CRIMINALIZATION, AND RACIALIZED GENDERED PUNISHMENT

Following the 9/11 attacks and the reorganization of US security concerns, there has been a wide-scale shift in the social and political construction of immigrants, specifically immigrant men of color, perceived by the state as a dangerous threat to the nation. Although the resurgence of immigrant threat as masculine is relatively recent (indeed, scholars have traced how the conceptualization of immigrant threat was previously feminized through language of reproduction and population fears [Chavez, 2008]), in the contemporary reimagining, the state sees immigrant men as dangerous, and threatening—embodied by terrorists, gang members, criminal aliens (Coleman, 2008; Maira, 2007; Ryo, 2019).

This social and political construction of immigrant threat has been used to justify policies of criminalization, incarceration, and removal, with deportation policy functioning as a way of "cleansing" society of undesirable qualities, particularly criminal behavior (Andrews, 2018; Kanstroom, 2007, p. 1892; Menjívar & Abrego, 2012). As the legal definition of removable offenses has expanded in recent years (Chacon, 2009), the rise in detention and deportation of "criminal aliens" has disproportionately targeted Latin American and Caribbean immigrant men (Golash-Boza & Hondagneu-Sotelo, 2013; Passel & Cohn, 2009).[§]

Immigration enforcement, like other forms of state control, generates "a continuous, repetitive set of instructions as to how we should think about good and evil, normal and pathological, legitimate and illegitimate, order and disorder" (Garland, 1990, p. 252). Many scholars argue that the ever-present threat of removal can serve as a regulatory mechanism to control the behavior of immigrants (García, 2019; Menjívar, 2011; Menjívar & Abrego, 2012). Punitive immigration enforcement practices outside the courtroom routinely constrain familial ties, reshaping both the rights of US citizens and immigrants categorized as Others (Bosniak, 2008; Chavez, 2008; Glenn, 2009; Ordover, 2003). Immigration enforcement is a crucial site through which the state organizes the gender, sexual, and reproductive norms of immigrants (Das Gupta 2014; Stumpf, 2020), but few scholars have looked at the content of state decision-making and gendering practices occurring on the ground in removal hearings.

[‡]Within sociology, relational sociology describes centrality of interactions, conversations, and social ties to social life (Emirbayer, 1997). While the interactive nature of the courtroom indeed shapes the relational exchange between respondent and judge, here I use the term relational to explicitly describe the social ties and relationships outside of courtroom that reflect important categories for immigrant deservingness—and membership—as defined by the state. Implicit in my use of this term relational is the co-constructed, interactional nature of the courtroom exchange between judges, attorneys, and respondents, although this is not foregrounded in my analysis.

[§]These trends have held constant in the most recent decade, as 97% of total (civil and criminal) removals from the United States between 2008 and 2017—and 98% of all criminal removals—were of immigrants from Latin America and the Caribbean (United States Department of Homeland Security, 2019).

MASCULINITY, FATHERHOOD, AND STATE GENDERING PRACTICES

Early theories of masculinity and fatherhood emerged within a political discourse that emphasized hegemonic masculinity—stoic, traditional, authoritative, breadwinning masculinity and fatherhood—in opposition to more affective, nurturing forms of femininity and motherhood (Connell, 1999). Beyond hegemonic masculinity, hybrid masculinities (Bridges & Pascoe, 2014) selectively incorporate aspects of femininity into the practices of gender and fatherhood, often available for middle- and upper-class white men. Similar theories of involved, new, or hybrid fatherhood (Randles, 2018) emphasize traditional breadwinning alongside emotional availability and engagement with children (Dermott & Miller, 2015). This version of masculinity and fatherhood can be seen in contemporary state gendering practices and federal fatherhood programs as a so-called “politically neutral” model of masculinity that constructs fathers “not only as financial providers but also as affective companions and caregivers” (Curran & Abrams, 2000, p. 85). These new models attempt to soften traditional hegemonic gendered roles (Johnson & Young, 2016), yet often under-theorize the socioeconomic obstacles to obtaining it—limited educational opportunities, unstable labor market conditions, and disparate experiences in the criminal justice system (Edin & Nelson, 2013). Consequently, there is ample latitude for theories of masculinity to consider their political and material relevance, as the expression of gender, masculinity, and parenting has long occurred under state scrutiny often with significant consequences for adherence.

While theories of masculinity have begun to address how gender and parenting have evolved, theories of state gendering processes more appropriately capture how this process is anything but politically neutral. In recent decades, feminist scholars of gender and sexuality have incorporated a robust analysis of how the state actively shapes gender and sexuality regimes (Haney, 1996; Kim & Puri, 2005), detailing how the state and government policy has long been preoccupied with managing the gender and family expression of men of color. Responsible fatherhood programs articulate concerns about a “crisis of fatherlessness” (Blankenhorn, 1995), while stigmatizing low-income men of color if they do not demonstrate normatively White, middle-class standards of fatherhood, financial success, and emotional involvement with children (Gavanas, 2004; Hondagneu-Sotelo & Messner, 1994; Kim & Pyke, 2015). State gendering programs have redefined masculinity expectations in which caregiving and paternal responsibility are often seen as valuable, and occasionally more accessible, when compared to opportunities for traditional economic breadwinning (Marsiglio et al., 2005; Roy & Dyson, 2010).

Gendered discourses of masculinity and responsible fatherhood permeate other state practices for native-born men (Johnson & Young, 2016), shaping eligibility requirements for state welfare benefits (Griswold, 1993; Randles, 2013). Specifically, studies have shown that native-born, low-income men are seen as worthy of state benefits if they postpone fatherhood until they are married, or financially and emotionally prepared to provide involved both childcare and emotional support (Levine & Pitt, 1995; Solinger, 2013). Additionally, heightened policing and criminalization in low-income communities of color has shifted the gender expression of men and boys (Jones, 2014; Rios, 2011), producing a “gentler” gender regime in the context of punishment and control (Stuart & Benezra, 2018).

Gender and family expression are understudied but crucial components of how the state regulates who is allowed membership. The gender expression and sexuality of immigrant men of color have previously been a concern of the state, often alongside national insecurities related to marriage and family (Deeb-Sossa & Mendez, 2008; Moloney, 2012). Given that scholarship on state-managed masculinity and fatherhood is widespread in literature on poverty, policing, and urban sociology, there is little focus on how these norms extend to noncitizen men as they petition for admission and belonging in the United States (Das Gupta 2014). While there has been important recent work on how the state has used gendered frameworks around motherhood to justify family separation (Stumpf, 2020), there has been limited research looking at how the state uses gendered logics of masculinity and fatherhood to justify removal or relief decisions in petitions for the Cancellation of

Removal (Marouf, 2011). The discourse of relational masculinity, in which men are seen as deserving through their relational ties to US citizens, at once softens the racialized and gendered perceived threat, shows adherence to civic norms and civic integration, and establishes relational responsibility for US citizens as caregivers and breadwinners. Removal proceedings (and the state logics of immigrant deservingness) provide an important lens into how immigrant membership is managed through state acceptance of relational, integrated, and caregiving masculinity.

CONTEXT

Executive Office for Immigration Review

Immigration court in the United States is administered by the Executive Office for Immigration Review (EOIR), a Justice Department division in the Executive branch. Within EOIR, there are more than 400 individual immigration courtrooms around the country, including the Board of Immigration Appeals (BIA), an appellate court for immigration matters. These courts administer the legal proceedings to determine the removability and eligibility of individual immigrants, or respondents, facing removal charges from the Department of Homeland Security (DHS). In immigration court, removal proceedings begin when the DHS serves a respondent with a charging document called a Notice to Appear (NTA), and files it with an immigration court. Once the NTA is received by the court, the court schedules a brief preliminary master calendar hearing, in which the judge makes an initial determination about the validity of the grounds for removal presented by the government. After the master calendar hearing, the court sets the case out for a longer, in-depth hearing, called an individual merits hearing, in which the court adjudicates the case between the respondent and the Department of Homeland Security. The final outcomes of the case range from a grant of relief (e.g., relief or case termination) to denial of relief and an order of removal (e.g., voluntary departure, or removal). If the judge's decision is appealed, it will go on to the BIA and less frequently, to a federal appeals court. The steps to this process are seen in Figure 1, and my analysis is focused on the Individual Merits Hearings.

Cancellation of removal

Cancellation of Removal for Non-Lawful Permanent Residents, established under the Immigration and Nationality Act, section § 240A(b)(1), is a defensive application that is available to some noncitizens who are already in proceedings facing removal from the United States.⁴ It is a form of relief from removal that relies, in part, on the adjudicator's exercise of discretion to determine if the immigrant is deserving of being granted relief. Respondents must demonstrate that they (1) have had continuous presence in the United States for 10 years prior to being placed in removal proceedings, (2) are a person of good moral character, (3) have not been convicted of any crimes that would statutorily bar them from eligibility for relief, and (4) can establish that their removal would result in exceptional and extremely unusual hardship for their US citizen child, spouse, or parent. In this application, continuous presence and statutory eligibility can be summarily assessed. In contrast, the assessment of good moral character and hardship, with their ambiguously worded legal evaluation criteria, involves a more complex weighing of factors when adjudicating deservingness to be granted relief, as outlined below. While independent discretion in the immigration court has been heavily curtailed in recent years, specifically by limiting opportunities for case termination, continuances, and docket management across all types of removal remedies (Wadhia, 2009), Cancellation of

⁴There are two different types of Cancellation of Removal, one for lawfully permanent residents (LPR) under INA § 240A(a), and one for nonpermanent residents under INA §240A(b). The eligibility and legal standards for these applications differ slightly.

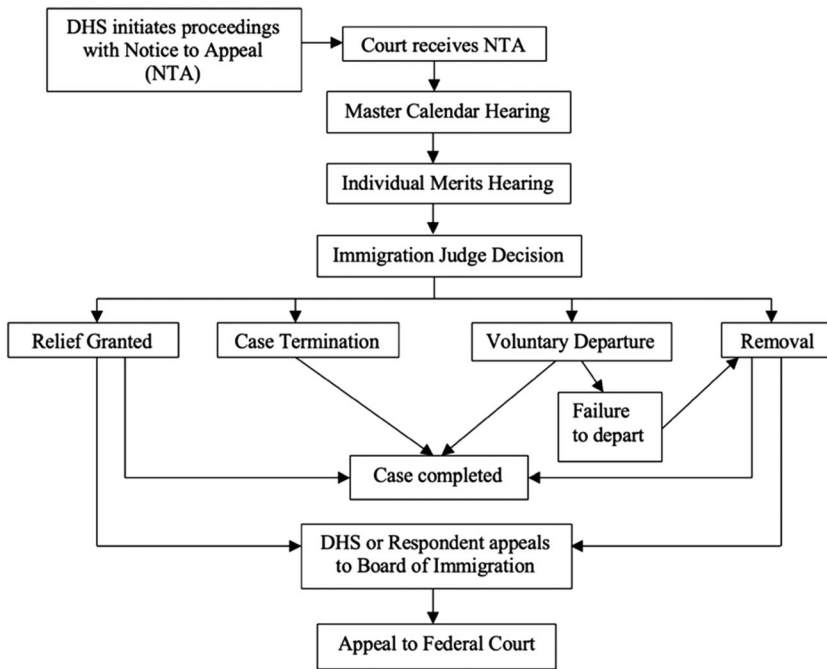


FIGURE 1 Removal proceedings from US immigration court. *Source:* Author's adaptation of agency documents from the Executive Office of Immigration Review (EOIR)

Removal offers a compelling and unique opportunity to see the discretionary logics that the state uses to justify legalization and removal by examining good moral character and hardship.

Good moral character requires a two-part determination by an immigration judge. First, in order to be statutorily eligible for having good moral character, the respondent cannot be found to have committed certain offenses, including being a habitual drunkard, being an adulterer (now repealed), convicted of drug possession of a certain amount, committed gambling offenses, perjury, served an incarceration sentence of more than 180 days in total, convicted of an aggravated felony, participating in Nazi persecution, genocide, or commissioned acts of torture or extrajudicial killings, or severe violations of religious freedom (See 8 U.S.C. § 1101[f]). Second, once the respondent demonstrates that he is not barred by statute, he must convince the immigration judge that he is a person of good moral character, at the judge's discretion. The existing BIA case law on this subject, such as in *Matter of Castillo-Perez*, indicates that the good moral character standard in the INA “does not specifically define what ‘good moral character’ is”—but it does “quite explicitly state what it is not.” (United States v. Jean-Baptiste, 395F.3d 1190, 1193 2005), beyond which the BIA decision simply suggests that good moral character is “adherence to the generally accepted moral conventions of the community” (*Matter of Castillo-Perez*, 27 I&N Dec. 495, 2018).

Similarly, the category of “exceptional and extremely unusual hardship” allows for some discretionary negotiation on the part of the immigration judge, attorneys, and immigrant respondents. In *Matter of Monreal*, the BIA stated that to establish “exceptional and extremely unusual hardship,” an applicant for Cancellation of Removal “must demonstrate that his or her spouse, parent, or child would suffer hardship that is substantially beyond that which would ordinarily be expected to result from the alien's deportation but need not show that such hardship would be ‘unconscionable.’” (*Matter of Monreal*, 23 I&N Dec. 562001). Both categories are broad yet neutral legal requirements that permit immigration judges to use discretion in deciding the cases and granting exemption from deportation (Bhatia, 2020; Biland & Steinmetz, 2017; Mendelson, 2010).

DATA AND ANALYSIS

This article is based on ethnographic observations of immigration court proceedings and judicial decisions in a northeast immigration court, in which I observed 60 master calendar hearings and 44 non-detained individual merits hearings in immigration courtrooms between September 2016 and June 2018. This article focuses on a subset of those individual merits hearings ($N = 31$) that adjudicate applications for the Cancellation of Removal for nonpermanent residents. During the observation period, my role was that of a court observer. In immigration court, removal proceedings are open to the public, with the exception of some individual asylum hearings on sensitive topics. As a formality, I first introduced myself to the attorneys and judge to get their permission to observe. Although the master and merits hearings are open to the public, by asking permission to observe and introducing myself I was often able to ask informal questions of the judge and attorneys, gaining insight into the case. Each observation lasted around 4 hours, in which time I sat in the immigration courtroom and observed the full removal hearing for an individual. Because recording devices are not permitted, I wrote jottings by hand during the court hearing. After leaving the courtroom, I expanded my jottings into more expansive narratives of the interactions, conversations, and procedures in court. I produced more than 150 typed single-spaced pages of field notes from my observations in the court.

Using a modified grounded theory and abductive approach to qualitative analysis (Timmermans & Tavory, 2012), I repeatedly returned to my notes throughout the fieldwork process, developing and refining my questions and subsequent observations in the courtroom. As my fieldwork progressed, I paid increasing attention to how immigration judges constructed narratives around deservingness, gender, and family ties in Cancellation hearings. As I re-read and coded my data, I kept these themes in mind, searching for evidence that confirmed or disconfirmed the emerging categories. I coded my fieldnotes using the qualitative software Atlas.ti to organize and clarify the categories of deservingness within the cases. The observational data are supplemented with a sample of 98 written judicial decisions in non-LPR Cancellation of Removal cases from the Northeast immigration court between 2016 and 2018, obtained through a FOIA request. While these decisions do not make up this analysis, they have illuminated and broadened my understanding of the legal analysis and exercise of discretion that shapes the categories of good moral character and hardship in this form of relief.

One limitation to observing this type of immigration relief and making claims about removal outcomes is that after the annual cap for grants of Cancellation of Removal has been reached (4000 nationwide annually), immigration judges are required to reserve final decisions.** For some of the cases I observed, I was unable to hear the judge issuing a final decision in court. However, the process in the courtroom allows for insight into what factors are important as the judge assesses eligibility, good moral character, and hardship. Even if the final decision is withheld at the hearing (as in 22% of my observed sample), the rich content of the hearings provides insight into the discourses used by immigration judges, not just to decide cases but also in the types of frames they interrogate in the process of the adjudication. Another limitation of these data are that there were few opportunities to observe the Cancellation cases of immigrant women. Despite this, this study provides an important opportunity to describe how the masculinity of immigrant men is constructed and rewarded in the adjudication of relief.

Northeast immigration court

The northeast immigration court is unique in several ways. This court primarily handles the cases of individuals who are not detained at the time of the hearing, which allows for additional latitude in

**In 2018, this rule was adjusted, so that if the application is denied or pretermitted for any reason, or if the application pertains to a detained respondent, judges are now permitted to release the final decision despite the cap (Operating Policies and Procedures Memorandum 17-04: *Applications for Cancellation of Removal and Suspension of Deportation that are subject to the Cap* ("OPPM 17-04")).

TABLE 1 Comparison of observed and total non-lawful permanent resident cancellation of removal (42b) cases in the northeast immigration court 2016–2018, *percent*

Case characteristics	Fieldwork (N = 31)	EOIR data (N = 430)
Grant of relief	45	76
Delayed decision (cap) or other decision	22	3
Removal (removal or voluntary departure)	33	21
Cases completed by male IJ	74	67
Characteristics of immigrant respondents		
Male ^a	91	-
National origin ^b		
Latin American or Caribbean Origin	88	91
Other	12	9
Formal marriage ^c	61	-
Children	74	-
Represented by an attorney	100	98
Used courtroom interpreter	61	89

Source: Author's tabulations of Transactional Records Access Clearinghouse EOIR data and fieldwork observations.

^aThe EOIR statistics on the gender of respondents in removal proceedings are not consistently reliable, according to the Transactional Records Access Clearinghouse, with nearly 32% of all records in this court missing recorded data on gender.

^bIn the observed sample Latin American or Caribbean included Mexico, Honduras, Peru, Bolivia, Guatemala, Ecuador, Costa Rica, Dominican Republic, and Jamaica. Other included Poland, Vietnam, Indonesia, Mali.

^cThere is no data set with information on marital status or children for respondents in EOIR.

terms of statutory eligibility—detained respondents are often statutorily barred from Cancellation due to limits on eligibility with certain conviction or incarceration histories. The national immigration court system is notoriously heterogeneous, given the variation in contextual factors related to the migrant population, detention, and other factors that may affect statutory eligibility. One might speculate that the proportion of men who are able to demonstrate relational masculinity through involvement with their children and partners, raising an integrated Americanized family and supporting US citizens as economic providers might be reduced under the circumstances of incarceration.^{††} The findings from this study are not intended to be generalizable to all immigration court populations, but instead illustrate how the immigration judges engage in processes of state gendering while adjudicating the deservingness of immigrant men to obtain legalization and membership in the United States through this particular application for relief. There were five judges on the bench during the study period (three men, two women), and their decision-making in Cancellation cases all followed similar patterns in constructing and rewarding relational masculinity in the adjudication of these cases.

While a comparison to nationwide results is not applicable, I compare the results of my observed sample to a data set of non-LPR Cancellation of Removal cases in the Northeast immigration court during the study period. Table 1 shows a comparison of characteristics and outcomes of the observed and total court cases in the Northeast Immigration Court, comparing my ethnographic data with EOIR data obtained through TRAC. In the observed sample, 45% of Cancellation cases resulted in a grant of relief, 22% of decisions were withheld or delayed, and 32% of cases resulted in removal, compared to the full data set from the Northeast immigration court, in which 76% of applications

^{††}Due to the statutory requirements of this form of relief, and the features of this court and rate of representation, the cases that I observed were already selected to be strong cases for this form of relief.

ended in relief, 3% ended in termination or other administrative closure and 21% in removal. Of the observed cases, 74% were completed by male judges, compared with ~67% of all Cancellation cases in the Northeast court during the study period. Additionally, 88% of observed cases were of Latin American or Caribbean origin compared with 91% in the full data set, 100% were represented by an attorney compared with 98% overall, and 61% used a courtroom interpreter, compared with 89% in the full data set of 42b applications in this court during the study period.

Given this article's focus on the state gendering logics of determining immigrant deservingness, Table 1 shows how the ethnographic and EOIR case characteristics both align and differ within the study period of this application for relief. Notably, the individuals I observed in court were less likely to use a court interpreter, indicating a higher level of English proficiency than in the full records. However, in many of the cases I observed, an interpreter had been requested, and was present, and the respondent chose not to use the available service. In these cases, the EOIR records would likely show that an interpreter was used due to the request, perhaps accounting for the differences between interpretation rates.

THE IMMIGRATION COURTROOM: THE HEARINGS

On the fifth floor of a downtown federal building, there is a nondescript room with low drop ceilings and fluorescent lighting. On one side of the room, a US flag hangs from a short pole, and behind the judge's bench, a large, embossed insignia of the Department of Justice, eagle and all, dominates the wall. Someone has decorated the other walls, hung a framed copy of the US constitution, a large black-and-white photo of Dr. Martin Luther King Jr., posters of wildflowers from the National Park Service. At the bench, the federally appointed administrative immigration judge in black polyester robes sits, partially obscured by a computer monitor, surrounded by documents pertaining to the case and looks out at the two parties before him. Two large tables face the judge, one for each of the parties. The tables are cluttered with copies of documents outlining administrative procedures, microphones, and headsets, a box of tissues. Behind a fence-like barrier there are rows of hard wooden benches that are filled up with immigrant families on days when the judge has master calendar hearings. Today is an individual merits hearing, and although Cancellation of Removal cases are open to the public, the benches are empty, save for a few members of the respondent's family.

At one table, an immigrant respondent, accompanied by an attorney,^{‡‡} argues for his right to stay in the United States. At the other table, the attorney for the US government, represented by the Department of Homeland Security (DHS), argues for the respondent to be removed from the United States, based on violations of immigration law. If this respondent has been in the United States for 10 years, is not statutorily barred from relief with specific conviction histories, has good moral character, and a qualifying US citizen relative, he may be eligible for Cancellation of Removal. In Cancellation cases, immigrant respondents seek relief from removal by providing documentary evidence and sworn testimony in court to prove their eligibility and deservingness to stay in the United States. The judge elicits the testimony and arguments from both sides and makes a decision as to whether or not the respondent merits exemption from removal. The decision is based on statutory requirements that dictate the basic eligibility for Cancellation of Removal, but the final determination is discretionary, and hinges on a judge's decision about whether the respondent is a person of "good moral character," and that his removal would cause "exceptional and extremely unusual hardship" to a US citizen family member. One immigration judge described Cancellation to me as follows:

^{‡‡}The respondent is sometimes, but not always, represented by an attorney. According to Eagly and Shafer (2015) respondents secure counsel 37% of the time. Immigration and Nationality Act § 240(b)(4)(A), 8 U.S.C. § 1229a(b)(4)(A) (2012) ("[T]he alien shall have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceedings."); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554 (9th Cir. 1990) ("[A]liens have a due process right to obtain counsel of their choice at their own expense.")

The law has given us [immigration judges] precious little guidance on Cancellation... the good aspect of this is that we can really determine cases for ourselves. The bad aspect is that there is very little guidance and precedent. So explicit [precedential] decisions, of which there are very few, are up to immigration judges on a case-by-case basis.

By analyzing the questions and justifications used by immigration judges to grant or deny relief, the court process for the Cancellation of Removal frequently sanctions an idealized and normative notion of immigrant masculinity when none is written explicitly into the law. Immigrant men are rendered deserving of relief based on a conceptualization of their masculinity as affective caregivers and partners in traditional family arrangements, as culturally integrated, patriotic Americans and raising Americanized families, and upwardly mobile, economic providers—masculinity in relation to US citizens. By analyzing these fluid and overlapping characteristics, I argue that the state logics reward “relational masculinity,” thereby determining immigrants’ deservingness and membership. Relational masculinity extends previous conceptualizations of racialized masculinity and state gendering practices to the context of immigration, capturing characteristics of immigrant men deemed to be worthy of relief from removal by the state.

Involved parents and partners in traditional family arrangements

One of the primary lenses through which the state views the deservingness of immigrant men is in their relational ties to US citizens, as established in the statute. In the cases I observed, judges asked respondents about their active involvement in their children’s lives and their marital relational status. While the statute does not explicitly mention the importance of marriage or parenting as part of the law, an analysis of the law-in-action reveals that judges probe respondents on their role as involved husbands and fathers, on the ground, in real time.

Juan,⁸⁸ a Dominican man in his late 30s, was in removal proceedings, facing allegations of domestic violence and charged with violating a protection from abuse (PFA) order from his former partner, which compromised his good moral character.⁸⁹ Juan met the statutory requirements for Cancellation, but the judge was not sure that Juan was deserving of relief and legalization. Through direct questioning, the immigration judge established that Juan was married to his current wife and deeply involved in raising her young US citizen son, Aaron. When asked by the judge, Juan described his involvement in Aaron’s life, helping him with his schoolwork and talking to him about his life. Juan described how his whole life was in service to his wife and his stepson, adding that he worked hard to provide for them and his own children, but also took care of the cleaning and housework when his wife was ill. Aaron’s biological father was out of the picture, and Juan saw him as his own son. In the testimony, Juan said to the judge, somewhat tearfully:

Family is everything to me; I’m a really lucky man. I no longer work the day shift so I can take Aaron to school, to therapy, to home care, and to the doctor. I do everything. I only sleep about 3 hours, but I do it with love. I don’t get upset. Since I work the night shift, I have more time for doctor’s appointments. I have to take my wife to the [hospital], and then my stepson right afterwards. I’m always working for them. I love my family...I traveled to the United States, to this beautiful country. After they hear the words ‘domestic violence,’ they treat me like a criminal, but I’m a family man. Please forgive me, I am a good man, a good husband, a good father.

⁸⁸Names have been changed to protect anonymity.

⁸⁹Under the existing case law, these conditions did not preclude him from obtaining relief, but Juan had slim evidence to prove his good moral character: the judge told Juan’s attorney that a letter from Juan’s current wife would have strengthened his claim, saying “I really wish that we could have a letter from the wife saying that he is a good loyal loving husband and he’s never abused her.”

To which the judge responded:

You have a very difficult home life because of your wife's illness, you work the night shift to take care of her. You sacrifice quite a bit and support all the children. You seem like a good father, especially to your stepson Aaron, giving him the father that he so much deserves.

In this case, the judge asserts that Juan's gendered family ties and parenting bolstered his deservingness, specifically as he is engaged in involved parenting and partnership. After hearing the case, the judge granted Juan's case, granting him legal status and allowing him to stay in the United States, despite his previous violation. This is in line with masculinity studies that have shown, increasingly, that involved parenting and partnership are key components of state gendering practices (Das Gupta 2014).

Similarly, in the case of Carlos, a married factory worker from Ecuador in his late 30s, who had been arrested after a dispute with a neighbor. When asked by the judge about his relationship with his family, Carlos described being deeply involved in caring for his US citizen wife after her pregnancy, and his response showed a commitment to being actively involved in her care, both physically and emotionally:

My wife's pregnancy was a real sensitive issue. We almost lost her, and she needed me to take care of her. My wife has carpal tunnel, and I had to be physically and emotionally present for her. She has had three different surgeries and can't lift anything. Yes, I'll admit it, I do the cooking, the washing. And yes, I'll admit I enjoy it.

In Carlos' case, the government lawyer waived appeal, meaning the judge's decision on the case is the final decision. The judge said she would grant the case but warned that this was "one-time deal" and that he needed to stay involved with his family and continue caring for them.

In another removal hearing, Mateusz, a married, 42-year-old Polish truck-driver with two young US citizen children, the judge took time during the testimony to extensively investigate the family's emotional and economic circumstances. Mateusz had overstayed his visa years before but had had no additional contact with the criminal justice system. He was eligible for cancellation under the statute, but the judge found issue with his visa violation: "you lied to get into this country! And why are you entitled to an exception to the rule that says if you lie to this country, you have to go back?" After chastising him, the judge established that Mateusz played an important emotional and economic role in the family as a parent and a partner, simultaneously using both frameworks of involved parenting and partnership and being an economic provider. The judge found that his removal would cause extreme hardship for his family. Under the judge's questioning, Mateusz' wife Olenka testified that Mateusz' deportation "would destroy their marriage, and the boys would be absolutely devastated. They are incredibly close to their father." Mateusz affirmed this, Olenka testified to the hardship she and her children would face if her husband were deported, saying that she would have to go back to work, likely as a housecleaner, and it would destroy the lifestyle and family life that she and her kids enjoy. After hearing the testimony from Mateusz and Olenka, the judge told the court of his decision, saying:

I see an *integrated and intact* family. I see a *longstanding, deep, and committed relationship* that would suffer extreme hardship, both emotionally and financially. The wife has no skills and if she were forced to enter into the job market, she would earn minimally. Olenka would lose all she knows and cares about and would suffer a drastic change in lifestyle. Mateusz, you have lived a good life and are working hard supporting a US citizen. So, I'll grant your case. Counsels, please stand by for your paperwork.

This judicial comment shows how, in assessing good moral character and hardship, adherence to a masculinity of both emotional and economic support lend support to validation from the state.

In the similarly situated, statutorily eligible case of Felipe, a married Mexican man with five biological US citizen children, Felipe was facing removal charges with a DUI and an “offensive touching” allegation. The judge asked Felipe if he was married and probed his relationship with his family. In the exchange, the judge elicited a narrative in which Felipe testified to having emotionally close long-term relationship with his wife. The judge responded to this testimony, nodded contentedly, and argued for the court that “Felipe’s contacts with the criminal justice system do not outweigh the U.S. citizen children’s needs to have their father present as part of this *intact* family.” He added that Felipe’s removal would “increase the economic stress on this household, causing a significant diminution of economic lifestyle and security.” The combined justification shows that the judge considered both categories to be of importance in adjudicating the case. The judge’s emphasis on the marriage, Felipe’s presence in his children’s lives, and the risk of financial insecurity highlight the underlying judicial logics guiding deservingness for relief, and the way in which judges use involved parenting and partnership of a traditional family structure and to justify Felipe’s deservingness for exemption from removal. These normative categories of deservingness that the judges interrogate are deeply gendered displays of involved parenting and partnership, highlighting one aspect of relational masculinity that judges reward and validate in the adjudication of relief.

In contrast, Issiaka, a Malian man with two teenage US citizen daughters, was unable to demonstrate his emotional or supportive bonds with his children or show partnership with a spouse when asked by the court. Issiaka was no longer married but had close contact with his ex-wife’s parents, although not his ex-wife. According to testimony, it had been years since his daughters stayed with him regularly, he had irregular and inconsistent contact with his two daughters. Sometimes months passed between visits with his children. Further, Issiaka was unable to remember the name of his daughter’s high school, or show his current involvement in her life, as illustrated by an exchange with the Department of Homeland Security prosecutor. Issiaka said that his younger daughter was involved in gymnastics, and was asked:

“Do you ever go to any of her meets?”

“Yes, I went when they used to stay with me.”

“So that was ten years ago?”

Additionally, Issiaka’s older daughter testified that her younger sister Mayra was clinically depressed and self-harming, and Issiaka was unable to demonstrate his involvement or knowledge of her condition, saying, “I don’t currently know what is happening with Mayra, but her mother says she has problems with her head.” In Issiaka’s unsuccessful case, the Department of Homeland Security lawyer requested “that the court deny any relief in his request for cancellation of removal” and the judge stated that the respondent had not shown that he was adequately involved in the lives of his children, and that he had not met his burden (proof that deportation would cause exceptional and extremely unusual hardship), much less involved parenting and partnership. Thus, Issiaka’s (lack of) deservingness is constructed through his lack of relational, formal responsibility to his family. Because he does not have the formal ties of marriage, or the relational ties of involved parenting and partnership, his removal is justified by the court, as it is deemed to not adversely harm his children. Together, these cases show the ways immigration judges interrogate emotionally supportive, involved parenting and partnership approaches, affirming such roles. The state sanctioning of gendered behavior lends support to a version of masculinity that is gentle, emotionally involved, and responsible. Judges actively rewarded men who showed that they were involved parents and partners, and that they took part in household chores, childcare, and were emotionally connected with their children and partners, suggesting that immigration judges view immigrant masculinity through the relational lens of involved parenting and partnership, and that it was key to establishing the

deservingness of immigrant respondents and solidifying care for US citizens. In these cases, the judicial decision indicated that emotional involvement in the family is key to decisions to stay.

Raising integrated Americans

The second overlapping frame is constructed through an interrogation of a discourse of culturally integrated, or “American” values: English-language use, civic engagement, and patriotic sentiment. Under this frame, judges indirectly and directly interview immigrant respondents about their linguistic and cultural loyalty to the United States, specifically as they are raising “Americanized” children and families. For a respondent to be deemed deserving of relief from removal, judges often ask whether the respondent and his children speak English at home, about their involvement in the church or community, and their patriotism and sentiment toward the United States. These questions are not required by the statute but illuminate the interest of the state in evaluating immigrant respondents along these lines, which are often coded as ethnically and racially assimilated (Marrow, 2009). These values frame the respondents as committed to life in the United States as an “American,” affirmation that he is raising an American child, and may reassure the judge of their loyalty and appreciation for life in the United States.

Alejandro, a Mexican man in his late 30s, was facing removal with a DUI charge. Alejandro had a 16-year-old, US citizen son, Uriel, with his long-time partner Gloria. In the hearing, the judge asked him about his relationship with his son, as well as the community activities in which they were involved together. Alejandro told the court that he and his son were involved with the Eagle Scouts together, allowing him to demonstrate for the judge that he and his son are civically engaged and committed to a long-established, patriotic, and “American” institution. Alejandro told the court:

As part of the Scouts, Uriel has been on a camping trip in Pennsylvania, and he is on the path to becoming a Scout and is very proud of what he does. He wants to do it and then go to college. Hopefully he'll become an Eagle Scout this summer. They are having a celebration this summer to celebrate a hundred years of the Eagle Scouts and for being the oldest troop.

At this testimony, the judge perked up, sat up straighter behind the bench, and leaned forward toward the respondent. He asked Alejandro probing questions about the Scouts process, expounding on how valuable the Scouts process was to being an American, and how glad he was that he was involving his son in this activity. At the end of the testimony, the judge called the son, Uriel, up to the bench personally. “Uriel,” he said, “I understand you are on the path to becoming an Eagle Scout, and I wanted to tell you that I am very impressed with your progress.” The judge spoke with pride and reverence in his voice, smiling at Uriel. Uriel nodded and thanked the judge, with a shy smile on his face, before the judge allowed him to sit back down. This exchange about the Eagle Scouts highlights how judges may view the importance of patriotic activities and civic engagement, additional markers of commitment and engagement with civic life in the United States. In Juan’s case, the judge asked why he felt he should be allowed to stay in the United States, and Juan articulated a deep love of the United States, alongside his commitment to his emotional involvement in his family life. When asked, Juan told the judge:

I love this country. I love its freedom, its Constitution, and I feel American. I respect the Justice Department, and any authorities. When I see the American flag, I feel something [tears up], I love my family. I’m sorry.

At the conclusion of the testimony, the judge affirmed this performance of patriotism directly and granted Juan’s case, saying:

I was impressed with your *love of the country and that you say that you feel American*. I will be granting your application today for the Cancellation of Removal, and I encourage you to apply for citizenship. This is really your second chance at life in America. I wish you good luck.

By invoking the elements of the testimony that impressed him, the judge affirmed that Juan's performance of patriotism and allegiance to the United States was an important factor in the construction of Juan as a deserving recipient of relief, in addition to his emotional and relational commitment to his family. Observations of these interactions show how certain behaviors, including integration and patriotism, gain traction in the courtroom. In addition, judges, as both street-level bureaucrats and representatives of the state, are not only the arbiters of the cases, but active participants in the creation of these narratives, as they both interrogate and affirm immigrant a deserving masculinity in the process of deciding whether a respondent merits Cancellation of Removal. In the books, the law is ambiguous on the definition of good moral character, but in the absence of explicit definitions, judges, have the legal discretion to interpret good moral character as they see fit. In practice, judges often reward traditional conceptualizations of American identity and values, including English-only language use, a commitment to Americanized civic engagement, and patriotism through service and sentiment.

In the removal hearing for Mateusz, whose case also reflected involved parenting and partnership, the judge asked a series of questions about the languages Mateusz and his family spoke at home, Polish or English, as well as their socialization into American life. The questions were aimed at uncovering the family's integration into the United States through their linguistic and cultural assimilation. In the case, Mateusz was facing removal for having overstayed his visa. Mateusz insisted on speaking for himself, rather than use the available translator, and in heavily accented English he answered the judge's questions: first, Mateusz told the judge that his boys spoke no Polish at home, and they could not read or write in any language other than English. Upon hearing that Mateusz made an effort to assimilate his children into the United States, the judge gave a satisfied nod, smiled, and asked:

"Are your children fully Americanized?"

Mateusz answered "yes."

"Do they have American friends?"

"Yes, all their friends are American."

"All their friends are American? Do they watch American TV?"

"Yes," Mateusz, "we don't even have Polish TV"

"Do they go to American movies?"

"Yes."

This example shows how the judge asks questions that are aimed at establishing that the respondent is raising his children to conform with an "American" identity, including speaking English at home, socializing with American friends, and consuming American media. While "Americanness" is not explicitly defined by either the judge or Mateusz, both the respondent and the judge appear to understand each other, and Mateusz demonstrated his commitment to raising American children who were linguistically and culturally assimilated into dominant, White-coded cultural values and activities. This part of the narrative of deservingness was present in nearly all observed cases as respondents were asked to perform this type of American assimilation for the court: telling the judge that they consider themselves to be American, that they encourage their children to speak English, that their children cannot read or write in the language of their parents and have never traveled to their parents' country of origin. Similarly, the judge asked another respondent about his activities in his community, and then smiled, nodding, when the respondent testified that he was a first responder with the American Red Cross and actively working with the mayor of his town to

“encourage the Latino community to speak English,” indicating the judge’s interest in linguistic assimilation and civic engagement from respondents seeking relief from removal.

In contrast, Pacho, a Honduran man in his late 40s with a prior DUI conviction, spoke no English and, through a court-appointed interpreter, was questioned about whether his elementary-school aged son spoke Spanish or English. Pacho responded that his son spoke “just a little Spanish” and then the judge pointed out that the language spoken at home was listed on evidentiary documents as Spanish. “Yes,” Pacho insisted, “but I promise he speaks English with his classmates.” He was unable to show that he was raising his son in an “Americanized” household, as neither he nor his partner could speak English. It was unclear if the son would “suffer” linguistically if returned with his father to Honduras as he already spoke Spanish at home. The judge’s decision in this case was reserved due to the cap, but the government attorney asserted that the Department of Homeland Security strongly opposed granting relief on the grounds of discretion, and highlighted language as a negatively weighted factor in the case.

By positively affirming linguistic incorporation, community engagement, and patriotic sentiment, deservingness in immigration court is constructed in part through a commitment to “American” values and assimilation. The judge not only questions, but actively affirms expressions of cultural and civic assimilation. These topics are not included in the statute describing this form of relief, but the law-in-action shows how judges query and affirm what they (and the State) see as deserving, and appropriate behavior for membership. Through this line of questioning, the state demonstrates its interest in affirming that immigrant men are raising “American” families.

Economic providers of upward social mobility for US citizens

Another important discursive script of relational masculinity hinges on the traditional, gendered role of men as economic providers for their families. In addition to querying patriotic and civic engagement, the judges interrogated the respondents about their role as the primary economic support and providing an American lifestyle and mobility for their US citizen qualifying relatives. In response to the judge’s questioning, respondents testified to being providers for their families and creating an opportunity for the family’s mobility and future, often simultaneously cementing their commitment to traditional family arrangements.

Rodolfo, a Guatemalan man in his early 40s, was in court facing removal charges. In his Cancellation case, the judge elicited responses that highlighted both Rodolfo’s role as an economic provider for his family, shifting the family’s socioeconomic status upward. Rodolfo testified that he was the main provider for the family through his work as a landscaper. He documented his earnings for the court and showed that his income provided enough for his family to live and attend school, adding that his wife did not work for wages outside the home. Rodolfo testified that his teenage son was attending college business classes while still in high school, paid for with Rodolfo’s financial support. Rodolfo’s testimony cemented his importance in the family as the primary provider and underscored his commitment to traditional family gender roles and upward social mobility for his children. Later in the hearing, the judge called Rodolfo’s son, Lonnie, up to the stand to ask him about his father. Lonnie was a slight 16- year-old boy, dressed for court in a suit. On the stand, the judge and DHS attorney asked Lonnie questions about his father’s role in his life and what hardship he would experience if his father were deported. Lonnie, visibly nervous but with a tone of pride in his voice, told the court: “my father does everything for me, and he works so hard. My father even bought the suit that I’m in today. Without him, I wouldn’t even have one.” The judge leaned forward with interest, looked at Lonnie, and asked, “and how many suits do you own?” “Well, your honor, just the one.” The judge nodded, leaned back, and thought to himself for a moment, then nodded and smiled. This exchange illustrates how the judge interrogates Rodolfo’s financial contributions, suggesting that the judge was interested not just in Rodolfo’s contributions to the financial picture of the family as an

economic provider, but also in Rodolfo's contributions to the symbolic and upwardly mobile picture of the family by buying his teenage son with his first suit.

After Rodolfo and Lonnie concluded their testimony, the judge looked impressed with their testimony and pronounced that Rodolfo's role as an economic provider not only shaped the family's immediate financial circumstances but also promoted the upward social mobility for the family. In his decision, the judge said "this is a real migration for the kids. The father is a provider, he's someone who cuts our bushes, and now his son is able to attend business classes." At the end of the hearing, both the judge and DHS attorney indicated that they had no issues with granting the case when the backlog cleared enough to do so. This testimony, elicited by the judge in the courtroom, delved into the impact of his financial support to his family. This type of exchange in court, which was repeated in various iterations again and again in every observed case, sheds light on how gendered, relational ties are scrutinized in removal hearings for the application for the Cancellation of Removal. Rodolfo's case shows how the judge interprets the socioeconomic narrative of the case: as Rodolfo performs the traditional role of economic provider, the judge also interrogates and frames the story to highlight the importance of that traditional role in fostering upward social mobility.

In another case, Fernando, a 30-year-old man from Ecuador in removal proceedings was arguing to be granted relief from removal. Fernando had not declared his full income nor paid his proper share of taxes. However, after thoroughly interrogating the reasons for withholding his taxes, the judge told the court that, while this was not "admirable" behavior on the part of the respondent, "the court finds that the overall needs of the respondent's family, as well as in generally law abiding, hardworking, and family-style commitment outweighs that infraction." In other words, the respondent's role as the economic breadwinner proves to the court his deservingness to be granted relief from removal. In his decision, the judge justified Fernando's behavior as necessary and appropriate to perform the role of breadwinner in his family, saying:

The court notes that while the respondent has not paid his full share of taxes by not fully declaring his income, he has not done this to accumulate untold wealth; rather, *he has used these funds for the proper purpose of helping to support United States citizen children.* The court firmly believes that the respondent, upon acquiring his legal status, will, in the future, properly comply with the IRS tax laws.

In this case, the Fernando's role as the provider outweighed his noncompliance with tax laws and even bolstered his case by supporting his US citizen children using his unpaid tax money. In addition, the narrative in which Fernando is the sole economic provider for the family allows the family to gain upward social mobility that they would lose if the patriarch of the family were deported. The judge added:

In the United States these children will live in a *household that is approaching the cusp of a working class, almost middle-class lifestyle in a first world country.* In returning to Ecuador with the respondent, these children will live in a Third World environment. They would live in an old wooden structure, single room home or the wooden floor above the soil there is no concrete foundation. Going from the kind of existence that the children have in the suburbs, near a large city in the United States, to a Third World "hut-like" existence would be a jarring economic down-spiral.

This highlights how the judge considers Fernando's importance in ushering the family into a middle-class existence. Specifically, Fernando's deservingness is constructed through his ability to provide for his family and keep them from slipping into poverty, either in the United States or in Ecuador. This is linked to the previous frame of "raising integrated Americans," as the judge queries the children's opportunities to live in the United States or be removed to an imagined "hut-like" existence.

In contrast, I look at the case of Daniel, an unmarried Peruvian man in his early 30s, who argued for his right to stay based on the impact to his aging parents. A few years prior, Daniel had submitted a fraudulent application for Deferred Action for Childhood Arrivals and had no children or spouse. Instead, Daniel argued that he provided physical, emotional, and financial support for his elderly US citizen parents in the United States, while he himself had no legal status. This is an entirely viable option from a legal perspective: cancellation of removal depends on hardship to US citizen or lawful permanent resident children, spouse, or parents. Daniel argued that if he were deported, his parents would suffer emotional and financial loss as they would lose their son's financial contributions, translation support and transportation, and emotional presence. The judge ultimately ruled that Daniel should not receive relief from removal and stated that his financial contribution was not "crucial to their survival." Further, the judge argued that Daniel's brother ought to shoulder some of the responsibility for the parents when Daniel was deported. The judge denied Daniel relief and ordered him deported to Peru. In his oral decision, the judge added:

While neither of the respondent's parents speak English and that does present a problem with going to medical offices, this is also a problem that is surmountable. Medical offices will have resources to do translation. It may not be as effective as having a family member translate, but there are resources that medical offices do employ such as Google Translate as well as staff members who might speak Spanish. In addition, the respondent's parents have another son in the area. While he may be less involved, he is not estranged. ... However, on this record, *there is no proof that the money the respondent provides to his parents per month makes a significant difference in their lifestyle such that the loss of it would cause exceptional and extremely unusual hardship to them.*

If Daniel had been the primary breadwinner for his parents, the outcome may have been different. Indeed, this example underscores how the legal categories of hardship are constructed through traditionally gendered roles, and the provision of an Americanized lifestyle. It is unclear whether the judge's ruling was shaped by the less conventional ties to qualifying relatives, but Daniel was unable to demonstrate his active role as an economic breadwinner, and thus was deemed undeserving of relief from removal.

Similarly, Issiaka provided money each month to his ex-wife to support his two teenage daughters but was not the primary breadwinner in the family, and he did not live with them. In this case, Issiaka's daughter testified in court to how her father's removal would emotionally devastate her and her younger, chronically ill sister, but the DHS attorney vehemently opposed granting relief, saying that Issiaka had not shown that his removal would cause hardship to his daughters because he was not the primary economic support to the family. The judge withheld his decision due to the cap but indicated to the court that he was not inclined to grant the case. The respondent's role as a financial provider for the family bolsters both the claim of hardship as well as the claim to good moral character, and that this category of economic support is negotiated and scrutinized in the courtroom. For those respondents who can show that they are the primary economic support of their family, and providing an Americanized, upwardly mobile lifestyle for their families, are often deemed more deserving of relief, while those who cannot are often at a significant disadvantage.

MANAGING MASCULINITY: RACIALIZED GENDERED ACCEPTANCE

In this article, I examine the state logics of immigrant deservingness used in removal hearings, finding that specific, overlapping characteristics of immigrant masculinity are deemed worthy of relief. Together, these characteristics constitute what I term *relational masculinity*, or a version of masculinity that requires immigrant men to demonstrate their capacity to be emotionally involved parents

and partners in traditional family arrangements, raising culturally integrated Americans, and economic providers of upward social mobility to US citizens. The concept of relational masculinity illuminates how the state rewards deservingness through gendered, service-oriented relationships to US citizens. In the application for the Cancellation of Removal, state gendering processes frequently reinscribe the relationship between noncitizen men and their US citizen children.

While previous scholarship has argued that racialized state gendering practices pervade other state assessments of eligibility and deservingness (Haney, 1996; Matlon, 2016; Randles, 2018), relational masculinity extends this tradition by incorporating the distinctive set of considerations that the state adjudicates when faced with the question of deporting or legalizing immigrant men. The state's reliance on the framework of relational masculinity may work to specify and reinforce non-citizen paternal support for US citizens. Through this conceptualization, the state accepts a narrowly defined version of immigrant masculinity to be welcomed into the United States, normatively justifying legalization for some immigrant men, while excluding others.

Many men are often in removal proceedings with violations of immigration law and other infractions, shaping how the state views them. Immigration judges frequently expressed concern that histories of violence, fraud, or substance abuse were negative factors shaping the moral character of these men facing removal. By employing the lens of relational masculinity to adjudicate good moral character and hardship, immigration judges incorporate the needs of US citizens into the calculation of immigrant deservingness, counterbalancing the negative factors of violations and infractions with the law. In deciding to grant relief, judges construct a discretionary framework that counteracts the prevailing images of immigrant men as dangerous or threatening, and instead emphasizes the gendered, relational characteristics that are essential for the security and safety of US citizens.

This study has implications for how we theorize state gendering, racialized masculinity, and immigration enforcement practices. Empirically, this descriptive account of judicial decisions and justifications for removal or legalization, complicate the "neutrality" of immigration law. This research demonstrates that rather than showing neutrality in removal, the law (both its statutory and discretionary aspects) opens up opportunities for the state to hand-pick characteristics they view most deserving of legalization and membership. The logics of this decision-making hinge on relational masculinity—nonthreatening, assimilated, and in service to US citizens—as facets of acceptable masculine identity that are permitted in this application for relief from removal. Given that options for relief are rapidly dwindling, the application for cancellation of removal is an important case through which to examine who the state sees as worthy of belonging.

This research provides a more robust picture of how deservingness—and social control—are constructed in the immigration court removal process for immigrant men, who are overrepresented in removal proceedings. The logic of relational masculinity serves to reassure the State of migrants' loyalty, docility, and nonthreatening masculinity—as well as responsibility to their US citizen relatives. However, the narratives of deservingness represent persistent status hierarchies and racialized, gendered, and relational patterns of immigrant incorporation and masculinity that are available only to a select few. By restricting relief and legalization through the narrow needle-eye of relational masculinity, immigrant men are then seen as deserving only through their ties to US citizens, as patriotic subjects and upwardly mobile, family-oriented workers. In the process of petitioning for relief, immigrant men are called to join—and submit—to a deeply gendered, moralistic vision of the United States that actively produces and rewards narratives of advantage and cultural hegemony. The state discourses of deservingness obscure the narratives of men who are unable to demonstrate their relational masculinity in traditional, assimilative, normative terms. While relational masculinity as a state logic and framework allows for an expanded view of immigrant masculinity alongside heightened criminalization, it is limited and exclusionary in who can be considered and viewed as deserving.

This article reveals the social problems with an adjudication policy that can police relational ties and gendered behaviors. By constructing deservingness through the lens of relational masculinity, the state is effectively managing the specific types of behaviors that can be welcomed into the

United States, as both the statutory and discretionary logics restrict who can belong. Future scholarship might consider how relational masculinity excludes those who may not fit into these normative, traditional, and patriarchal roles and how that shapes their chances of legalization in the United States, particularly in other nonconventional family forms or same-sex relationships. Additionally, this study highlights the need to assess how other intersecting aspects of marginalization, including incarceration and limited labor market opportunities, may limit how the state perceives the deservingness of immigrant men through the lens of relational masculinity. Ultimately, this research illuminates the narrow constraints of the law as it unfolds on the ground, highlighting the ways that the state uses the law-in-action to remap immigrant belonging and membership in service to US citizens.

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