Hyper-Illegality, Reentry, and Everyday Life in the United States Post-Deportation

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This article centers on the experiences of an understudied segment of the undocumented population: individuals who reenter the United States post-deportation without authorization and their family members. The state classifies unauthorized reentry after deportation as a criminal offense rather than a civil violation, thereby designating these individuals as felons. On the basis of 113 in-depth interviews with undocumented returnees and their relatives, I find that this criminal labeling leads families to internalize a sense of criminality, experience intensified fear and anxiety, and adopt more extreme strategies to evade detection. Their experiences are a prime example of what I term hyper-illegality—an enduring condition of legal precarity or liminal status whereby individuals are permanently marked by conditional inclusion and heightened vulnerability to state surveillance and punishment.

Keywords: illegality, hyper-illegality, immigration enforcement, US immigration policies, criminalization of immigrants

In the contemporary US context, migrant illegality (that is, the legal and social condition of being undocumented) represents an axis of social inequality that affects millions (Asad and Clair 2018; Flores and Schachter 2018; Massey 2007; Menjívar 2021).[1] This includes the approximately 10.3 million people who are undocumented and the estimated 16.2 million people who are part of mixed-status families where at least one member is undocumented (American

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 Valdivia, Carolina. 2025. "Hyper-Illegality, Reentry, and Everyday Life in the United States Post-Deportation." *RSF: The Russell Sage Foundation Journal of the Social Sciences* 11(4): 217–37. https://doi.org/10.7758/RSF.2025.11.4.10. I would like to thank the individuals who confided in me and participated in this project. It is my hope that this article reflects their experiences in a way that helps humanize issues of immigration and deportation. I am also grateful to Angie Monreal, Jose Ruiz, Sussana Mendoza, Luis Gutierrez, Evelyn Jimenez, Priscilla Martinez, and Yanaisa Lopez for their research assistance. A special thank you to the organizers of this special issue, as well as Naomi Sugie, Susan Coutin, Danielle Puretz, and participants of the Socio-Legal Cultural Workshop at UC Irvine, for their helpful feedback on earlier versions of this draft. Direct correspondence to: Carolina Valdivia, at c.valdivia@uci.edu, 5300 Social and Behavioral Sciences Gateway, Irvine, CA, 92697, United States.

1. To be sure, there are specific policies and practices that create the legal category and political identity of the illegalized (or the undocumented) (Chavez 2007; De Genova 2002; Menjívar and Kanstroom 2013; Ngai 2004; Willen 2007). In broad terms, the theoretical concept of migrant illegality captures both its production (that is,

Immigration Council 2021). As such, migrant illegality impacts how millions of people in the United States not only navigate legal and social systems but also experience everyday life as individuals and as members of families and communities (Abrego 2014; Dreby 2015; Gonzales 2015; Menjívar and Kanstroom 2013).

Illegality carries vast economic, social, and psychological consequences for undocumented immigrants and their loved ones. The lack of legal status can compel undocumented immigrants to alter their behavior and routines to avoid encounters with enforcement (García 2019; Valdivia 2019). It can also derail undocumented students' educational trajectories and aspirations (Abrego 2006; Gonzales 2015). Undocumented immigrants also contend with acute levels of fear, stress, and anxiety and face difficulty accessing health-care services (Gonzales et al. 2013; Menjívar and Abrego 2012). Its effects can extend to individuals who have been granted temporary legal protection such as Temporary Protected Status or Deferred Action for Childhood Arrivals (DACA) (Burciaga and Malone 2021; Hamilton et al. 2021; Menjívar 2006) or among US citizen children whose parents are undocumented (Abrego 2019; Zayas 2015). At the family level, illegality results in economic hardships and psychological distress, especially following a parent's deportation (Dreby 2015; Patler and Gonzalez 2023; Valdivia 2021).

Despite great advances in the literature, existing studies on illegality have largely overlooked the unique experiences of undocumented individuals who are deported from the United States and subsequently return (that is, undocumented returnees).[2] This is a critical gap in the literature, given that individuals with existing deportation histories represent a growing segment of the undocumented and deportee populations. According to data obtained by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, individuals with existing deportation records accounted for more than half of all deportations conducted by Immigration and Customs Enforcement (ICE) between fiscal years 2003 and 2016.[3] In fiscal year 2015 alone, 63 percent of deported individuals had an existing deportation record. This reveals that the disparity between the number of people who are deported with an existing deportation record and the number of people who are deported without one is growing (see figure 1). As the state increases deportations, a growing proportion of deportees may have been deported before. In this context, many undocumented people who enter the US may be reentering the country but with deportation records that compound the challenges and dangers of doing so.

There is an urgent need to understand the experiences of individuals who return to the United States post-deportation without autho-

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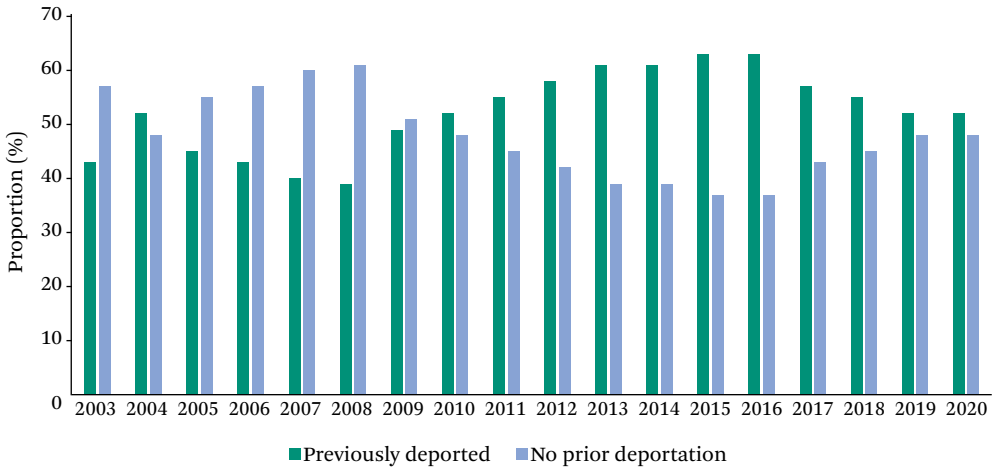
the policies that make people undocumented) and its condition (that is, the practices that regulate the movement of people who are undocumented). Among scholars who closely examine the latter, the term *illegality* is typically employed to refer to an individual's awareness of their lack of legal immigration status and their experiences navigating the wide range of limitations and barriers associated with being undocumented (Abrego 2014; Dreby 2015; Gonzales 2011, 2015). Illegality must also be understood as a racialized legal status (Asad and Clair 2018; Menjívar 2021), which has become especially synonymous with Mexican-ness (Armenta 2017; De Genova 2004; Flores and Schachter 2018; Menjívar and Kanstroom 2013).

2. While the term *returnee* is typically associated with individuals who migrate to the United States and subsequently return to their countries of birth either by voluntary or coerced means (see, for example, Guzmán Elizalde 2022; Silver and Manzanares 2023), here, I employ it to refer to individuals who have returned to the US post-deportation given their deep and familial ties to the United States, as well as to recognize their hopes and intentions to live there.

3. Statistics come from TRAC's "Historical Data: Immigration and Customs Enforcement Removals," which focuses on removals conducted by ICE during the respective fiscal years (2003–2016). It is important to note that some deportations were initiated by a different agency—for example, Customs and Border Patrol or law enforcement through Section 287(g) agreements—and, at some point, those apprehensions were transferred over to ICE for removal proceedings (https://trac.syr.edu/phptools/immigration/removehistory/).

Figure 1. Immigration and Customs Enforcement (ICE) Removals



Source: Chart created by author using data from the Transactional Records Access Clearinghouse (TRAC), Syracuse University, https://tracreports.org/phptools/immigration/remove/.

rization, and for this, we must refine conceptualizations of migrant illegality to better reveal and account for new and compounded layers of illegality. To this end, this article draws on 113 in-depth interviews with individuals who have returned to the United States post-deportation or have an immediate family member who has. Given the legal consequences of deportation, which I explain in detail, individuals who attempt to return to the US post-deportation often must do so through clandestine means. This makes their status even more precarious as they become compoundingly unauthorized upon their return. That is, once they reenter without legal status post-deportation, they not only return to their former experience as undocumented immigrants but also face a changed and more severe relationship to the state. This status involves harsher legal classifications and punishments. Specifically, their reentry is no longer just a civil issue but is considered a criminal one. The state treats undocumented returnees as felons, and there are significant penalties associated with this classification.[4]

These interviews form the basis for my theorization of what I refer to as hyper-illegality—an enduring condition of legal precarity or liminal status whereby individuals are permanently marked by conditional belonging and heightened vulnerability to state surveillance and punishment. The production of hyper-illegality involves the state's escalation from lesser to more severe legal classifications and punitive measures for specific actions (such as an unauthorized reentry after deportation) through evolving policies and enforcement practices. This escalation leads to a significant qualitative shift in the consciousness and lived experiences of those directly targeted and their immediate family members. More specifically, the state classifies unauthorized reentry after deportation as a criminal offense rather than a civil violation, thereby designating these individuals as felons—a process that constitutes the production of hyper-illegality. This legal transition not only marks a shift in an individual's enforcement status (Valdivia, forthcoming), from deportee to returnee, but also transforms an individual's consciousness and behavior: As part of the production of hyper-illegality, returnees and their family members internalize a sense of criminality. This internalization, in turn, contributes to the condition of hyper-illegality, which is marked by intensified fear and anxiety, as well as the

4. 8 U. S. C. § 1325.

adoption of more extreme strategies to evade detection. Although the concept of hyper-illegality can be applied to other segments of the population (an issue I will return to in the discussion section), the experience of undocumented returnees brings hyper-illegality into sharper focus.

In the immigration context, the concept of hyper-illegality helps us recognize the changed relationship individuals have with the state owing to their undocumented status and deportation history. This concept reveals the unique set of challenges undocumented returnees face in negotiating their lack of legal status and their deportation record. For individuals who return to the US post-deportation clandestinely, both their undocumented status and their previous deportation(s) bar them from pathways to legal protection, instill in them a sense of criminality, compound their traumas and fears, and prevent them from accessing resources otherwise available to undocumented immigrants who do not have a deportation record. In many ways, my research shows, individuals' deportation history exacerbates the barriers and worries that are typically associated with being undocumented. By distinguishing the hyper-illegalized nature of undocumented returnees' experiences, this concept offers immigration scholars, policymakers, and other stakeholders a nuanced framework from which to recognize the unique challenges faced by a growing segment of the immigrant population and the broader dynamics of (hyper-)illegalization, including its spillover effects, amid increasing deportations and post-deportation reentries.

POLICY BACKGROUND

Undocumented individuals who have been deported from the United States are generally barred from legally returning. How long a person is barred varies. Under the Immigration and Nationality Act (INA) sections 212(a)(9)(B)(i)(I) and (II), and 212(a)(9)(C)(i)(I), there are three types of unlawful presence bars for which a noncitizen may be found inadmissible unless an exception applies. There is the three- or ten-year bar, as well as the permanent bar.[5] The three-year bar applies to individuals who "seek admission within three years of departing the United States, after having accrued more than 180 days but less than one year of unlawful presence during a single stay and before removal proceedings begin" (USCIS 2022). The ten-year bar applies to individuals who accrued a longer period of unlawful presence (one year or more) during a single stay and subsequently departed. The permanent bar applies to individuals who "accrued more than one year of unlawful presence in the aggregate during one or more stays in the United States" (USCIS 2022). Notably, these bars are triggered the moment an individual departs or is ordered to be removed from the United States, whether through a formal deportation, a removal order, or a voluntary return.[6] Individuals who are subjected to the three- or ten-year bar are expected to wait for the duration of the bar before they can apply for an adjustment of status or other means of legal reentries such as a tourist visa if they meet all other eligibility requirements.[7] In addition to possibly triggering an unlawful presence bar, individuals who are deported are generally barred from return-

5. See Patler and Jones (2025, this issue) for a discussion of how these bars shape migrants' entry into the US deportation system.

6. Depending on the nature of the voluntary return, immigration agencies may or may not have records of the departure.

7. On March 25, 2022, the Northwest Immigrant Rights Project (NWIRP) filed a class action lawsuit in the state of Washington known as *Velasco v. USCIS,* No. 22-cv-368, challenging USCIS's previous policy interpretation requiring noncitizens to spend the applicable statutory three-year or ten-year period outside the United States or maintain continuous lawful presence during that time. On June 24, 2022, USCIS issued new guidance recognizing that noncitizens subjected to the three-year or ten-year bar may complete the period in the United States. For details, see https://www.nwirp.org/our-work/impact-litigation/assets/velasco/VelascoPAdraft-v.4.1final.pdf.

ing to the United States for a minimum of five years.[8]

Because of changes in US immigration policy in the last century, individuals who clandestinely return after deportation are subjected to new legal classifications and harsher punishments. In 1929, for example, Congress enacted the Undesirable Aliens Act, which for the first time criminalized unauthorized reentry into the United States and subjected undocumented returnees to up to two years' imprisonment.[9] Decades later, the INA built on this framework, further establishing that individuals who return or attempt to return unlawfully after deportation could be prosecuted and charged as felons.[10]

During recent years, the practice of prosecuting undocumented returnees has become more common. The Department of Justice, for example, has actively prosecuted reentry without inspection along the US-Mexico border through practices such as Operation Streamline, which began in December 2005 in Del Rio, Texas (Dowling and Inda 2013).[11] Prosecutions for entry-related violations reached an all-time high in fiscal year 2019 when the US Attorneys' Offices charged 25,426 people with a felony for reentering the country without legal documentation (US Department of Justice 2019). Tellingly, prosecutions for immigration-related offenses represent one of the leading charges in federal courts in recent years (NIJC and NIPNLG 2022).

Under an amendment set forth by the Illegal Immigration Reform and Immigrant Responsibility Act in 1996, the punishment for those who are charged with an unauthorized reentry was increased to include a fine and up to twenty years in prison. To be sure, incarceration time can vary greatly. According to a report by the US Sentencing Commission, the average prison sentence for individuals prosecuted for unauthorized reentry was eighteen months.[12] Moreover, not everyone who is arrested post-deportation without authorization is incarcerated. They might be held in an immigration detention center or immediately deported without necessarily being sent to jail. There are a few ways through which this may happen. First, immigration officers might deport returnees under a reinstatement order of removal.[13] In fiscal year 2020, reinstatement orders accounted for 40 percent of all removals (American Immigration Council 2022). Alternatively, immigration officers may use their discretion to detain returnees without necessarily transferring them to prison, though it is difficult to ascertain how common this practice is using data presently available. Immigration officers may also place returnees under expedited removal if they are apprehended within one hundred miles of the US border within fourteen days of entering the United States (Kanstroom 2018). Taken together, these practices arguably render undocumented returnees forever subject to immediate deportation entirely outside the purview of immigration courts (see also, for example, Koh 2018).

THE SPECTRUM OF ENFORCEMENT AND ITS CONSEQUENCES

In conversation with recent efforts to expand conceptualizations of deportation as a system consisting of multiple phases (Patler and Jones

8. See Immigration and Naturalization Act, 8 U.S.C. § 1182(a)(9).

9. For a discussion about the legislative history and racist origin and implementation of the Undesirable Aliens Act of 1929, see Eric Fish's (2021) article, "Race, History, and Immigration Crimes."

10. See 8 U.S. Code § 1326 of the Immigration and Nationality Act of 1965.

11. These practices are being actively challenged because of concerns regarding immigrants' due process rights and access to adequate legal counsel (Boehm 2016).

12. "Illegal Reentry Offenses." https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/immigration/2015_Illegal-Reentry-Report.pdf.

13. Under INA Section 241(a)(5), individuals who return to the United States unlawfully following a deportation or removal order may have their initial removal order automatically reinstated (Chacón 2005).

2025, this issue) and a corridor encompassing different sites and actors (Drotbohm and Hasselberg 2015), this article examines how hyperillegality is experienced across a broader spectrum (or continuum) of enforcement where, upon direct contact with the enforcement apparatus, it becomes increasingly difficult—if not nearly impossible—for individuals to exit the spectrum of enforcement with some form of legal status (Valdivia 2020). Rather than treating each (re)entry attempt, arrest, detention, and deportation as separate administrative events, the concept of the spectrum of enforcement situates these as part of a larger process in which each stage introduces its own set of challenges and compounds individuals' vulnerability. As individuals advance along the spectrum, the consequences from each stage—from initial entry to detention, deportation, and reentry—accumulate and enact a type of enforcement status onto the entire family (Valdivia, forthcoming).

Undocumented returnees are particularly vulnerable during their reentry attempts as they have undergone the physical harms and financial strains associated with the journey at least twice—once during their initial migration and again while seeking to return post-deportation—and often much more than that. Such journeys have become increasingly difficult for individuals attempting to enter without authorization through the US-Mexico border (Andreas 2009; Massey et al. 2002; Slack and Whiteford 2011). This is in part because of the intensification of enforcement practices through federal initiatives such as Prevention Through Deterrence that channel migrants through increasingly dangerous routes (De Leon 2015). These changes in policy, funding, and practice at the border have exposed migrants to a growing number of risks, including dehydration, hypothermia, and even death (Abrego 2014; Coutin 2005; De Leon 2015; Holmes 2013). For most migrants who cross with the assistance of a coyote (a person who helps migrants cross the border), the costs have also significantly increased (Menjívar and Abrego 2012; Ortmeyer and Quinn 2012).

Returnees are also grappling with the distress and trauma associated with deportation proceedings, which typically entail direct contact with immigration officers (and sometimes with police officers), a period of detention or incarceration, and ultimately deportation. To be sure, interactions with police officers—even for minor traffic violations—can place undocumented individuals in deportation proceedings (Armenta 2017; Golash-Boza 2015; Varsanyi et al. 2012). Consequently, undocumented immigrants and their loved ones (regardless of their individual immigration status) have learned to fear police officers (Enriquez 2015; Valdivia 2019). Indeed, the mere sight of law enforcement can engender psychosomatic symptoms such as a rapid heartbeat, sweaty palms, or sudden emotional breakdowns, even among US citizens whose parents are undocumented (Valdivia 2019). For returnees whose deportation was the result of an initial encounter with the police, these symptoms may be even more pronounced. Similarly, direct encounters with immigration officers are traumatic for both the individual who is being apprehended and any family members who witness the arrest (Lopez 2019). Immigration officers often rely on tactics of intimidation, deceit, and physical violence to conduct an arrest (Lopez 2019; Phillips et al. 2002; Valdivia 2020). Immigrant detention, too, has been found to be traumatic (Becerra et al. 2022; Ortega et al. 2015; Saadi et al. 2020; von Wertern et al. 2018). Having lived through the often-traumatic experiences of an arrest, detention, incarceration, and deportation, returnees may be even more worried about experiencing the entire process once again.

Returnees are also contending with significant financial hardships. An immigration arrest abruptly cuts household income in half (Chaudry et al. 2010) and requires spouses and adult children to assume greater financial responsibility (Dreby 2015; Golash-Boza 2019; Gonzalez and Patler 2020; Valdivia 2021). There is also the stigma associated with deportation, which makes it difficult for deportees to secure employment even in their countries of birth (Andrews 2023; Golash-Boza 2015). These circumstances may be compounded for returnees, who often undergo prolonged and repeated periods of separation during each de-

tention, incarceration, deportation, and reentry attempt.

With respect to deportees' intentions to return to the US, Jaqueline Hagan and colleagues (2008) note that many deportees have lived in the country for years prior and formed deep social ties; nearly 79 percent of respondents indicated that they had a spouse or child who lived in the United States. In a separate study conducted among Jamaican deportees, average time in the United States was twelve years (Headley et al. 2005). These ties—to loved ones, homes, schools, work, and communities—often compel deportees to seek reentry (Martínez et al. 2018; Vargas Valle et al. 2022). Intentions to return to the US are particularly high among deportees separated from young children (Escamilla García and Cerón 2025, this issue), especially among mothers (Vargas Valle et al. 2022). Thus, for many deportees, it is often a matter of when to attempt reentry, not if.

There is a need, therefore, for new conceptual tools that consider and analyze the intensification and deepening of the legal, material, socioemotional, and physical hardships that individuals encounter as they attempt to recross the US-Mexico border and navigate everyday life unauthorized in the United States post-deportation. To some extent, these hardships certainly overlap with those encountered pre-deportation, and as such are experienced by undocumented immigrants who live in the country without previous deportation records. There is also overlap in experiences between those who reenter post-deportation and those who have been deported and never returned. However, because of the repeated and often chronic nature of immigration arrests, detentions, deportations, and reentry attempts, I argue that we should recognize a spectrum along which there is, after deportation, a significant point of transition for individuals—from illegality to hyper-illegality—that is characterized by a new legal classification, harsher punishments, and accumulated hardships. In the remainder of this article, I utilize qualitative data to further theorize the socio-legal production of hyper-illegality and the compounding experiences of hardship and inequality that undocumented returnees and their loved ones endure.

METHODS

In this article, I draw from 113 in-depth interviews with undocumented returnees and their family members (see table 1 for a summary of participant characteristics). Data come from two separate but related studies. The first study centered on the consequences of immigration enforcement on young adults and their families, including how deportations impact their well-being, family life, and educational experiences, among other key facets of their lives.

Table 1. Participant Characteristics

Number of participants	113
Age of participants (range)	18–74 years old
Year when latest deportation occurred (range)	1995–2022
Sex	
Female	68
Male	45
Country of birth	
Mexico	64
United States	47
Central America	2
Contact with enforcement	
Directly experienced a deportation	21
Has an immediate family member who was deported	92

Source: Author's compilation.

The second study focused solely on the experiences of undocumented returnees and their families. In most cases, those deported were husbands or fathers. Notably, some individuals experienced the deportation of more than one family member (that is, both parents, or a parent and a sibling, were deported, either together or on separate occasions). Participants primarily resided in southern California, including San Diego, Orange County, and Los Angeles.

Several participants experienced one deportation and, at the time of the interview, were living in the United States without authorization once again. Others experienced anywhere from two to twelve separate deportations or reunifications. Deportations in this sample were often initiated by contact with police while driving. This parallels existing literature on enforcement that documents the police-to-immigration custody pipeline (Armenta 2017; Golash-Boza 2015). There were also instances in which employers reported individuals to immigration authorities. Given the hardships associated with seeking a legal reentry, most participants returned to the United States unauthorized. Thus, the findings primarily focus on those experiences. The very few individuals who were able to return legally had to secure legal representation, widespread public support, and approved waivers of inadmissibility.

To recruit participants, I (with support from research assistants) drew on preexisting networks and snowball sampling. This included relationships I had fostered over the years with immigrant rights organizers, teachers, counselors, social service providers, and immigration lawyers—many of whom kindly shared the recruitment flyer with the people they serve. Participants then self-selected after reviewing the flyer, which included project information and eligibility requirements. Participants were also reminded before and during the interview that they could discontinue at any time; however, no one chose to do so. At the end of each interview, participants were encouraged to share information about the project with anyone they knew who might be interested. Some participants opted not to share the flyer with family members (often because they felt their loved ones were not ready to discuss the topic) or shared it but their relatives did not follow up to schedule an interview.

Many participants were women and young adults whose loved ones were deported. This reflects the larger population of women and adult children who are often left behind in the aftermath of a father's deportation (Dreby 2015; Golash-Boza and Hondagneu-Sotelo 2013). Because most participants were women and young adults who had lived in the US for over a decade and were part of immigrant networks, the findings in this article may be more representative of individuals who have some level of support, even if limited in many cases. Moreover, the stories captured in this study likely reflect the experiences of those who were, to some extent, emotionally able to engage in conversations about deeply distressing situations. As a result, those who endured particularly severe trauma may have been unintentionally excluded. For many participants, the interview marked the first opportunity to reflect on their encounters with enforcement—particularly with someone outside their immediate family. Many had been navigating these experiences in isolation. Consequently, the interviews illuminate the profound and often enduring harms suffered by returnees and their loved ones, both in the immediate aftermath and over time.

Given the legal and physical hardships associated with reentering the United States post-deportation without authorization, I was especially concerned with participants' privacy, safety, and confidentiality from the outset of this work. Thus, I created a robust data security plan for both studies that was approved by the Institutional Review Board (IRB). I also secured a Certificate of Confidentiality from the National Institutes of Health (NIH), which allows researchers to legally refuse to disclose information that may identify the participant in any federal, state, or local civil, criminal, administrative, legislative, or other proceedings, for example, if there is a court subpoena (National Institutes of Health 2024). I have replaced the names of participants, their relatives, and friends with pseudonyms.

A team of graduate and undergraduate research assistants, along with me, read the seventy-one transcripts closely, line-by-line,

and created labels using Dedoose (qualitative coding software) to identify emerging patterns. (The other forty-two interviews came from a separate study that I conducted alone. I read and coded through those interviews independently.) We created labels to categorize participants' responses that reflected themes within and outside the existing literature on illegality and enforcement. This included labels such as "apprehension," to capture instances where participants spoke about the nature and type of arrest; "reentry attempts," to refer to the method and costs of reentry; "deportation: housing," to capture families' decisions about where to live following a loved one's deportation; "family: strategies," to describe the set of strategies that individuals adopted to protect their families from experiencing another separation; and, "reunification: factors," to capture families' decisions about reuniting post-deportation. The analysis followed a constructivist grounded theory approach (Charmaz 2000; Glaser and Strauss 2017), as I was primarily concerned with understanding how participants made sense of their own experiences and their interpretations of their various deportations, separations, and reunifications. Through the lens of undocumented returnees and their loved ones, we can better understand the production and condition of hyper-illegality.

THE LEGAL PRODUCTION OF HYPER-ILLEGALITY: A CHANGED RELATIONSHIP TO THE STATE

Individuals who have been deported understand that returning to the United States after deportation introduces a new legal classification and additional risks. Although respondents rarely used the term "felon" to describe such classification, many used words such as "criminal," "charges," and "records," and phrases like "getting caught" or "locked up" to describe their experiences following reentry. Their sense of criminality often crystallized upon their return to the United States, particularly at the moment they were apprehended once again—frequently in their homes or workplaces—and found to be unauthorized. This experience of rearrest powerfully reinforced their internalization of criminal status. More than a dozen participants brought this up organically during interviews—not in response to direct questions about criminality, but when reflecting on the circumstances of their arrest. Carlos, a sixty-five-year-old returnee who was arrested outside his work upon returning to the US post-deportation, recalled that during his arrest he "was freaking out. Like, 'What the hell is going on? Yeah, I came back undocumented. I didn't kill anybody. I didn't rob anybody.' I couldn't believe what was happening." While the nature of immigration arrests varies, it typically consists of armed agents surrounding a person in ways that resemble police raids (Lopez 2019). These tactics cement returnees' association with criminality. Respondents often rejected this form of criminalization by making a distinction between immigration violations, which in their view should not be considered crimes, and what they perceived to be actual crimes that involve drinking, drugs, violence, or murder.

This sense of criminality also extends to US citizens who bear witness to their loved ones' arrests. Sonia, who was born in San Diego and whose parents returned to the US post-deportation, was with them the day ICE officers rearrested them at their home. She described the moment as follows:

> It was maybe a good two years since they'd returned [from their previous deportation] when I don't know how ICE found out my parents were back in the United States, and they surrounded our house. So, I witnessed them; at the moment I didn't know it was ICE. I would watch a lot of movies, so I thought it was like a squad or something else. I was just like, "What's going on, why are they here?" But I remember my parents telling me, "Duck down! Don't make noise." So, I felt like a criminal at the moment because we were hiding from the law, from these people.

When describing their new legal classification, respondents often used the terms "criminal" and "bad" interchangeably. Sonia, for example, added that ever since the arrest, she "started distrusting authority because I felt like I was the criminal, or I felt like I was the bad one on the other end of that spectrum." It is crucial to understand these distinctions within the

broader public narrative that categorizes immigrants into two groups: "good" and "bad" (Andrews 2018; Patler and Gonzales 2015). The "good immigrant" generally represents someone who is hardworking, academically driven, and possesses a clean criminal record, and is thereby deemed deserving of citizenship rights. In contrast, the "bad immigrant" is often defined by their involvement in criminal activity. However, the emergence of hyper-illegality complicates this dichotomy. Returnees—who might have once exemplified the good immigrant archetype—are now being reclassified and treated as bad immigrants, even when they continue to exhibit attributes traditionally associated with a good immigrant, such as diligence and industriousness.

As returnees and their family members struggle with this new legal characterization, they draw clear distinctions between their experiences having returned to the US post-deportation and those of people who are also undocumented but have no deportation history. Through the lens of returnees, individuals who have never been deported have a different perception. Mauricio, a sixty-nine-year-old man who had been deported on multiple occasions, explained that "while the person that has never been deported knows, 'Oh I'm gonna [get] sent back to Mexico,' and that's as far as it goes. And this person probably thinks, 'Oh I'll go back, I [have] family here and have money in the bank . . .' whereas a person who [has been deported] knows that they can go back to prison if they get caught." Returnees like Mauricio are subjected to a double risk: deportation and incarceration. This important distinction characterizes the legal production of hyper-illegality for undocumented returnees and leads to a different type of consciousness when compared to undocumented individuals who have never been deported. Like Mauricio, others similarly shared examples of how undocumented individuals without deportation records may think or behave differently from them to illustrate the new legal considerations that they—as undocumented returnees—must navigate. More than two dozen participants mentioned this double risk organically, often when discussing their hesitation to reunite with family in the United States post-deportation or their heightened fears about encountering immigration officers.

The double risk of deportation and incarceration that returnees contend with is also compounded. Having gone through the experience of being arrested, detained, incarcerated, and deported, returnees know how traumatizing the entire process is and are fearful of having to relive it. Laura, a fifty-five-year-old mother of five children, for example, was initially deported after falling victim to notary fraud. ICE officers arrested Laura in her home and proceeded to detain her before deporting her to Mexicali, Mexico. Years later, two of Laura's children were deported on separate occasions and for different reasons. At the time of the interview, Laura was living in the United States once again post-deportation. When asked to reflect on her experiences in the United States while undocumented—both before and after her deportation—she said, "Truthfully, I was not afraid before. I was after. After this [her deportation and subsequent return] happened, it's when you live in fear all the time, in fear that anything can happen, and you'll have another deportation. Additionally, I'm also suffering all the time because some of my children are over there [in Mexico]." Following her return to the United States, Laura lived in great fear of being deported once again. She recalled that her fear was particularly acute during the first few years; she suffered from deep anxiety and struggled to sleep. At one point, Laura began blocking her front door with furniture for fear that ICE officers could break into her home. Laura's experience is illustrative of the acute fear that returnees experience. Like Laura, Carlos aptly noted, "I had gone through [a deportation] before, and to know what was ahead was terrible." Over the course of their lives, many returnees like Laura are also impacted by the deportation of others, including that of immediate family members. Those deportations are the source of additional suffering, especially when they puncture close relationships between spouses, siblings, or parents and their children.

The double risk of deportation and incarceration is a primary concern for entire families as they contemplate the prospect of reunification. Karen, a twenty-five-year-old US

citizen whose father was deported in 2019, explained that their "biggest concern was getting caught again. Just because in 2019, my mom kept saying stuff and friends and family kept saying, 'Oh, if he gets caught, he's not going to get deported and sent back; he's going to go to jail.' So, getting caught, overall [means] getting jail time." Aware of the risks associated with unauthorized reentries, families may be extra cautious during their loved one's reentry attempts. They may, for example, refrain from telling others about their plans to reenter, or they may go to great lengths to try and guarantee a successful reentry.

Other returnees and their families may feel resigned to remain separated. Sergio, for example, is a thirty-eight-year-old whose ex-wife and children reside in the United States while he lives in Mexico. After his first deportation, Sergio managed to return to the US without authorization, but he was apprehended and detained again. He then served forty-four months in federal prison for unlawfully reentering post-deportation. At the time of the interview, Sergio was living in Durango, Mexico, with a new partner and had no plans of attempting to cross the border again, though he hoped that he might someday adjust his immigration status.

Many others eventually gave up hope of obtaining some type of legal protection. Roughly twenty-five participants indicated consulting with an immigration lawyer about their case (or their loved one's) to no avail. Lawyers either refused to take their case or informed them that there were no options for adjusting under current US immigration law given their deportation history. In some cases, lawyers recommended that clients obtain their immigration records to better evaluate their situation; however, fear of being flagged in the immigration system often deterred them from doing so. Ricardo, a twenty-eight-year-old man who returned to the US post-deportation without authorization, consulted with multiple lawyers to see if he could qualify for DACA. Although Ricardo met most of the eligibility requirements, he had an existing deportation record. Every lawyer that Ricardo spoke to cautioned him against applying for DACA and encouraged him instead to obtain his immigration records to see what kind of deportation he had undergone (that is, a voluntary departure or a formal deportation). Ricardo eventually stopped looking into DACA, adding, "Lawyers are not cheap; they're not cheap. So, I have to pay a lawyer every time I go and talk to them just to tell me that they can't help me because of the letters [of deportation]. There was no point for me to continue, so I just gave up." The inability to apply for some form of legal protection represents a legal consequence—or punishment—for returnees who have strong ties to the United States. Many often reach a point where they give up hope and stop seeking consultations. This type of legal barrier marks an important distinction and a turning point among undocumented returnees—many of whom held on to the hope of being able to adjust their immigration status before their deportations and shortly after—with harmful repercussions on their well-being and long-term prospects.

Similarly, Raúl, a forty-seven-year-old man, eventually felt hopeless about his ability to legally return to the United States post-deportation. He was initially deported after applying for his driver's license in California under Assembly Bill 60 (AB 60). At the time, immigration officers issued him the ten-year bar and warned him against attempting to return. Raúl explained, "[Immigration officers] told me that if I returned, they would detain me in prison, but they didn't. It's a deportation when they say, 'you're deported, and you can't come back.' And they told me that I had ten years [of a bar], and I went again, but they didn't send me to prison." During his attempt to reenter the United States without authorization, immigration officers apprehended Raúl and proceeded to deport him. Since then, Raúl has lived in Mexico, but struggles with securing employment and making ends meet. At the time of the interview, Raúl had given up hope that he would one day be able to adjust his status because of his deportation history.

Carrying the responsibility of securing a loved one's safe return or resolving their immigration status—and coping with the disillusionment that can follow—can be an overwhelming burden for the children of undocumented returnees. When Agustin, a US citizen, turned twenty-one-years-old, he consulted with an immigration attorney about the

possibility of adjusting his parents' immigration status. This is when Agustin learned that it would be safer for them to submit only his mother's application because she did not have a previous deportation, whereas his father did. Agustin described this painful recognition as follows: "I remember after the immigration [lawyer] appointment, I went to go talk to my dad, like, 'Oh this is what they told us.' He didn't say anything. So, I felt like a bad son, or I don't know how to . . . putting in the paperwork for my mom and excluding my dad. I don't know. That guilt made me not want to go and proceed with the paperwork anymore." Agustin's experience mirrors existing studies that discuss the ripple effects of illegality on the entire family (Abrego 2019; Castañeda 2019; Dreby 2015; Gonzales 2015; Valdivia 2019), and young adults' unique role in seeking legal immigration-related advice and services for their parents (Delgado 2020; García Valdivia 2022; Valdivia 2021). At a deeper level, the experiences of young adults like Agustin reveal how hyper-illegality creates a new type of division within undocumented and mixed-status families—one based not only on an individual's immigration status but also on whether the individual has a previous deportation record. In the context of hyper-illegality, the guilt that US citizen children may internalize when they are prevented from extending their citizenship privileges to a loved one is further complicated by the realization that, while they may be able to seek an adjustment of status request for one parent (who is undocumented and has never been deported), they cannot extend the same privilege to the other parent (who is undocumented and has an existing deportation record).

THE CONDITION OF HYPER-ILLEGALITY: COMPOUNDING BARRIERS AND HARMS

Having established hyper-illegality as an emerging sociolegal category that is characterized by harsher legal classifications and punishments, I next turn to its condition from the perspective of undocumented returnees and their loved ones. Just as hyper-illegality can be understood as representing a changed structural relationship to the state in legal terms, my research suggests that it alters social norms marked by heightened financial instability, emotional and psychological trauma, and social exclusion.

Hyper-illegality often deepens and intensifies families' already precarious conditions. Upon returning to the US post-deportation, individuals take great caution to avoid potential encounters with law or immigration enforcement. To this end, some refrain from driving altogether and rely instead on rides or public transportation. This poses significant challenges to their ability to work in occupations that require extensive travel. Others are concerned about returning to their previous jobs for fear of being detected again and either refrain from working altogether or opt for jobs that are relatively safer. Alyssa, a twenty-four-year-old US citizen whose mother returned to the United States in 2011 after being deported that same year, explained, "Before she was deported, she was working at a different job. At that job, I believe ICE showed up. She was working at a restaurant job, and when she got there one morning to get to work, that's when she was deported. And then when she came back, she didn't want to work there anymore because she didn't want that situation to happen again, so she took some time off work to find a better and safer job where immigration raids don't happen." While Alyssa's mother was ultimately able to secure employment in the service industry once she returned to the US post-deportation, this did not come without a cost. Following reentry, undocumented returnees often undergo periods of unemployment as they search for jobs that may be safer. While these new jobs may afford them some level of protection, they are often characterized by lower wages or vulnerable working conditions. Some, for example, felt safer working in jobs that paid in cash. This allowed them to avoid having their names and other personal information stored in employment records, yet it exposed them to the possibility that their employer would not compensate them adequately or on time.

In concert with, but also in addition to, such financial hardships, undocumented returnees are coping with accumulated trauma alongside added distress and anguish when attempting

to reunite. Financial and emotional hardships can coexist in ways that prevent the hyper-illegalized from returning to their previous roles. When asked about the main challenges that her family encountered following her father's return to the United States post-deportation, Alexis (a twenty-five-year-old) recounted:

> I think one thing was the financial difficulties. I think the arrest really affected my dad. I'm not sure. I wouldn't say self-esteem. I just think his persona. I think he also lived with this fear that he couldn't just get any job anymore. I don't know. I think just a level of stress. Maybe he was just scared to have to experience what he went through because obviously we don't . . . he didn't share with us, as we got older, all the stuff that happened to him and then things like that. But I think he was probably experiencing some form of PTSD from what he experienced. So, he was probably emotionally just going through a lot, and I think it just took a lot from him to be able to live in the United States. I think there was this fear of not wanting to go to places because of whatever it is. So, I think it did take time for him to step into this financially providing role once again.

These conditions compelled Alexis's mother to continue working additional jobs even after her father returned to the United States. The financial and emotional toll of each subsequent arrest can linger and intensify as members grapple with the legal ramifications of a deportation history.

Although individuals with an unauthorized entry or reentry endure the omnipresent threat of deportation, subjective levels of risk can vary according to several factors, such as age at migration, city and state of residence, gender, race-ethnicity, and their perceived (in)visibility to record-keeping institutions (Abrego 2011; Asad 2020; García 2019; Schmalzbauer 2014; Simmons et al. 2021). I demonstrate that another key point of divergence stems from whether the individual has an existing deportation history. Participants frequently made comparisons to their previous selves (that is, as undocumented immigrants without deportation records) and explained that they began to experience "more," "added," "different," or "extra" fears the moment they returned to the US post-deportation without authorization. Through their lens, the moment of reentry marked a significant shift in their subjective levels of fear and vulnerability.

Family members, too, observed these changes. Ponce, a twenty-four-year-old whose parents returned to the US after deportation, explained, "I guess each time that they came . . . they came back more worried." Claribel, a mother of four whose partner is in the US post-deportation without authorization, similarly explained that "when we arrived in this country . . . it's the fear of the police and ICE. You see a sheriff and you're scared. The fear that stays after a deportation is double." Ana, a forty-year-old woman, also noted, "You can imagine, without papers you already live with that fear, and then having a deportation record—it is like adding even more to the fear." More than forty participants directly expressed their (or their loved one's) added fears and worries following reentry after deportation, including instances of becoming more "reserved," "obsessive" (about knowing their loved one's whereabouts to ensure their safety), "paranoid," "vigilant," and, for one person, "aggressive."

When Ricardo, a father of four, reunited with his family in the US post-deportation, there was a brief period of sheer joy, relief, and hope that things would return to normal. Yet it was difficult for the family to feel entirely safe and relieved. Ricardo's son, Victor, recalled, "We were just overwhelmed with happiness. We wanted to be back with our old routine . . . having coffee . . . but my dad was always paranoid. He's like, 'hold on,' He would always be following his instincts, just looking around. I just think the way his behavior was, in a way, just like the military . . . PTSD." Victor and his sister (Karina) both described noticeable changes in their father's mindset and behavior upon his return. They spoke about the way their father started to question unfamiliar vehicles that parked near their home and became suspicious that there were cameras inside those vehicles spying on them. These preoccupations did not exist before Ricardo's deportation. Rather, they began the moment

he returned to the United States without authorization. Others similarly noticed that their loved ones "never came back the same" or that it was not "the same person that returned."

Tellingly, even formerly undocumented returnees who eventually gain a legal reentry into the United States may grapple with the effects of hyper-illegality, including a set of heightened fears. In 2022, I interviewed Rosa (a US citizen who was formerly undocumented for more than five years) and her daughter Sophia (a US-born citizen). They both recounted how Ismael (the head of the household) was deported on two separate occasions. After his first deportation, he returned unauthorized. At that point, Rosa and Sophia explained, it was relatively easier to cross the US-Mexico border clandestinely. After his second deportation, it took extensive help (from an immigration lawyer, media coverage, more than one hundred letters of support from community members who had come to know Ismael, and his family, who gathered supporting evidence about his moral character and contributions to the country) for immigration officers to allow Ismael to legally return through parole. Yet the Mireles family continued to live in fear. Rosa described these mixed emotions: "We cried a lot, but even though we had that victory, because it was a victory that no one could believe, even then there was a void. An awful fear. He didn't want to leave the house. He said he felt strange. We were all living with an awful fear even though he was able to legally return." The Mireles family continued to live with this awful fear for at least another year and a half while Ismael awaited a decision about his ability to stay in the country permanently. Under the terms of his parole, he had been granted only a one-year period of lawful stay, after which the family had to apply for a more permanent solution. However, before the Mireles family heard about the results of Ismael's application, he was diagnosed with terminal cancer and passed away shortly after. The doctor and family did not know the exact cause of Ismael's cancer (he was otherwise healthy). Nevertheless, they agreed that the extreme stress he endured while undocumented—facing deportation proceedings twice and navigating reentry twice—had a severe impact on his mental and physical health.

In the present era of mass deportations and diminishing pathways to US citizenship (Chen 2020; Golash-Boza 2015), the effects of hyper-illegality are likely felt on a larger scale and for longer periods, with even legal reentry unable to shield returnees from its detrimental impact. This is especially the case if individuals are allowed to return only on a temporary basis such as through parole. If individuals are allowed to reenter on a more permanent basis, or with the promise of future security, the effects of hyper-illegality may be significantly reduced.

The acute level of fear, vigilance, and paranoia that is associated with hyper-illegality can impact the entire family for prolonged periods, regardless of members' individual immigration status. Participants and their loved ones experienced sudden emotional breakdowns, recurrent immigration nightmares, and increased levels of stress. Esmeralda, a college student, shared that her younger brother, who is a US citizen, continues to have immigration-related nightmares even years after their father's return to the United States. In chilling detail, Esmeralda described one of his recent nightmares: "I think two days ago my little brother woke up scared. He said that he dreamt that everybody was gone. I was like, 'What do you mean?' He's like, 'Yeah, I got home, and everybody was gone.' And I was like, 'Well, what do you mean we were gone?' He's like, 'Yeah, I dreamt that nobody was home.' Esmeralda interpreted this nightmare as a sign that her brother was still grappling with their father's deportation and subsequent return. Now that their father had returned, so did the fear that he could be taken away once again. Rather than creating a sense of relief and closure, their father's return instead engendered acute fear and anxiety.

These increased levels of fear and vigilance following reentry impact family members' ability to access various services, resources, and opportunities. Families avoid interacting with a wider range of institutions, including hospitals and dental clinics. Ana Paola powerfully described her partner "as a ghost" because he was absent from key institutions, records, and public spaces even though he was back in the country. Others are careful not to leave traces

of their loved one's whereabouts. They remove pictures of them from social media. They leave out their contact information from school or medical forms. In other instances, they leave out their names from apartment leases and insurance plans. Some of the young adults I interviewed refrained from including their parent's name, address, employment, and income information on their Free Application for Federal Student Aid application even though they qualified and needed the financial assistance.

Such added fears frequently prevent undocumented returnees from applying for a driver's license. Alma, a twenty-nine-year-old US citizen, told her mother—who returned to the US post-deportation without authorization—not to apply for a driver's license: "My fear is if she goes to try and attempt to get a driver's license that ICE can come and pick her up if they find her location due to her not having legal status. I just feel like they can come pick her up from home." Notably, Alma and her mother live in California, where eligible undocumented immigrants can receive a driver's license under AB 60 as of January 5, 2015.[14] However, I find that families like Alma's, who are subjected to hyper-illegality, are especially vigilant about their interactions with social service providers and government authorities. This is in part because they have heard from news media outlets or others that immigration officers have access to databases maintained by the Department of Motor Vehicles (the agency responsible for issuing driver's licenses, including those under AB 60) and that they use the information to target individuals who have returned to the US post-deportation without authorization.[15]

Awareness about this differential treatment and criminalization compels returnees and their loved ones to forgo opportunities otherwise available to undocumented immigrants without a deportation record. Laura explained the difference in treatment and fears (and ultimately in the ability to obtain a driver's license) based on whether an individual has a deportation record or not. She noted, "I haven't gone because I'm scared to apply. Because they [the DMV] can share my information with immigration. In my case, because I have a previous deportation, I feel like it's more complicated. If I hadn't gone through a deportation, I would apply. I know people who don't have papers but haven't gone through a deportation, and they have their licenses. Because I know that here in California, a person can apply for a license. But I'm scared because of what I went through." Like Laura, other participants drew comparisons between what undocumented immigrants could do depending on whether they had an existing deportation record. They also frequently made comparisons across their own life spans—between their "pre" and "post" reentry experiences. Having a deportation record marked an important transformation in their own legal and relational consciousness that uniquely shaped their participation—or lack thereof—across various social institutions.

From the literature on system avoidance, we know that individuals who have some type of contact with the criminal legal system limit their interaction with other social service institutions (Brayne 2014, 2021; Goffman 2009; Haskins and Jacobsen 2017). A similar pattern emerges in the immigration context, where individuals from undocumented and mixed-status families limit their engagement with surveillance institutions (Asad 2020; Desai et al. 2019; Patler and Gonzalez 2021). In the context of hyper-illegality, families are particularly concerned that information about their immigration status and their deportation history may be revealed to immigration authorities during the process of accessing resources. As they navigate everyday life in the US after deportation, returnees and their families come to develop a unique frame of reference, where an existing deportation record represents a source of new barriers and limitations, and subsequently requires a new set of strategies. Thus, the concept of hyper-illegality reveals the potential for segments of the immigrant popula-

14. Under AB 60, eligible undocumented immigrants can receive a driver's license in the state of California.

15. These fears are not unfounded. As the geographies of deportability expand and intensify, an increasing number of settings and social actors are becoming implicated in the enforcement of immigration law (Valdivia 2019).

tion to endure more extreme forms of system avoidance.

DISCUSSION

The concept of hyper-illegality makes visible how the growing criminalization of immigrants—and other particular groups within the context of incarceration—produces cyclical and compounding forms of legal and social exclusion. For instance, undocumented returnees often face escalating legal penalties with each deportation and subsequent clandestine reentry, moving from five- to ten-year bars and eventually to permanent exclusion. Similarly, in the context of incarceration, individuals released on probation or parole risk accumulating sanctions or punishments if they violate the terms of their release, further entrenching their criminalized status (Alexander 2010; Lin 2010). These dynamics contribute to an enduring condition of legal precarity among noncitizens and citizens alike, whereby individuals occupy a liminal status akin to being "citizens-with-an-asterisk"—permanently marked by conditional belonging and heightened vulnerability to state surveillance and punishment (see also, for example, Chacón 2015). These findings reveal the stickiness of deportation and criminal histories in an individual's life course.

The political climate also matters for how hyper-illegality is produced and experienced. In the case of Donald J. Trump's second presidential administration, the implementation of the Alien Registration Requirement (ARR) revives Section 262 of the INA that requires noncitizens fourteen years or older who are "present in the United States without admission or parole" to register, have their fingerprints taken, and carry with them registration documents (USCIS 2025). Among scholars, immigration lawyers, policymakers, and organizers alike, the ARR raises significant concerns about the ability of the state to identify and criminalize individuals who fail to register or carry proof of registration with them. Notably, noncitizens who do not register could be charged with a fine of up to $5,000 or up to six months' imprisonment, and those who do not carry proof of registration face similar punishments (a fine of up to $5,000 or up to 30 days' imprisonment) (NILC 2025). The ARR represents a recent and clear example of hyper-illegality—in this case, by subjecting both undocumented immigrants and green card holders who may have never been in contact with either law or immigration enforcement to the criminal justice system. In this scenario, the revival of Section 262 of the INA represents the state's attempt to enact harsher punishments for a growing segment of the immigrant population—namely, noncitizens who are in the US without admission or parole, and those who are lawfully present but fail to carry proof of registration.

The concept of hyper-illegality allows us to gain a deeper understanding of the process through which individuals internalize and contest notions of criminality. Among undocumented returnees, their sense of being treated as a criminal or bad person often solidified at the moment immigration officers arrested them once again after reentering the country. Notably, it was not the initial arrest that instilled a sense of criminality; rather, the subsequent arrest(s) following reentry did. Relatedly, many of them rejected the state's attempt to criminalize their behavior and drew a line between immigration-related violations (such as an unauthorized entry or reentry) and criminal charges involving alcohol or drug use, murder, or violence.

By focusing on the experiences of undocumented returnees and their loved ones, we also come to see that individuals benchmark changes in their legal conditions over the course of their lives in ways that scholars have not yet fully appreciated. Returnees are often cognizant of their undocumented experience both pre- and post-deportation, including changes in their perception, emotions, and behaviors. They also compare their legal circumstances to those of others who may be undocumented but do not have a deportation record. This type of personal benchmarking helps returnees make sense of their current situation, including their prospects for legalization.

To be sure, participants in this study knew that they had an existing deportation history and could remember aspects of their deportation experience. Although it is outside the scope of this article, there is another group af-

fected by hyper-illegality that warrants further attention. This includes individuals who have been deported in absentia. That is, they may have been ordered deported but never attended court. This group may be living in the United States unaware they have a deportation order, or outside the country, having unknowingly executed their deportation order when they left for an emergency (Caldwell 2019). Future studies can explore the role that self-awareness of one's enforcement status plays in how people experience the effects of hyper-illegality.

Another dimension of hyper-illegality that necessitates further research concerns the use of surveillance and technology to increasingly target individuals with existing deportation histories. Here, the work of legal scholar Anil Kalhan (2014) on the "immigration surveillance state" and sociologist Ana Muñiz (2022) on "borderland circuitry" can be particularly helpful. Research questions requiring additional attention include: How do immigration agencies collect, store, share, and utilize information about an individual's arrest, detention, and deportation records? How does the fact that an individual's deportation history follows them throughout their life shape their interaction with—or avoidance of—various social institutions over the long term?

As an emerging sociolegal construct, hyper-illegality presents significant themes that warrant further investigation. For example, analyses on the benefits and limitations of DACA, which has helped to ease some of the fear associated with deportation (Abrego 2018; Aranda et al. 2021; Gonzales et al. 2014; Gonzales 2015; Patler et al. 2021; Wong and Valdivia 2014), could be deepened by incorporating the experiences of those who are excluded because of criminal or deportation records (see, for example, Muñiz 2022 for a discussion on how young men who were profiled and labeled in gang databases were left out of DACA). Similarly, our understanding of processes of disclosure and concealment as they relate to one's immigration status (Cebulko 2014; Patler 2018) could be enriched by examining how families affected by hyper-illegality engage in double disclosures and concealments (see, for example, Valdivia and Monreal 2024). Future research could also examine how political rhetoric may mitigate or exacerbate the production and condition of hyper-illegality. In other areas of scholarship, the concept of hyper-illegality can facilitate conversations about the state's ability to impose harsher punishments on select groups and, in turn, shape consciousness and behavior among those directly targeted and their families. For all these avenues of inquiry, and more, the theorization of hyper-illegality offers an important step toward better understanding an understudied yet growing segment of the undocumented—and more broadly, criminalized—population.

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