

Chapter 1

Introduction: “Family Reunification Has Been the Cornerstone of Our Immigration Policy”

In 1903, Rihei Onishi, an immigrant from Japan, began a rice farm in Pierce, Texas. He achieved enough economic success that by 1906 several dozen men from Japan had joined him in Texas, leasing land from him. In 1909, when Onishi went to Japan for a visit, six of his tenant farmers asked him to bring their fiancées and wives back to the United States. As “settled agriculturists,” summoning their wives, Onishi’s tenant farmers were allowed to bring over these women.¹ Their success in reuniting with their wives was fortunate, and perhaps unexpected, for their request was made following the Gentlemen’s Agreement of 1907, which banned further immigration of Japanese laborers. It was also a period of growing anti-immigrant attitude and the passage of ever more exclusionary policies. Within a few short years, Congress would deny entry to Asian immigrants—first through passage of the Asiatic Barred Zone Act of 1917, which used a language of longitudes and latitudes to deny entry to anyone from Asia, then through the Immigration Act of 1924, which excluded anyone unqualified for citizenship. The Supreme Court declared Asians ineligible for citizenship in *Takao Ozawa v. the United States* (1922) and *United States v. Bhagat Singh Thind* (1923).² Despite increased hostility toward immigration, men like those on Onishi’s land who were already here used available family provisions in the immigration policy to bring their spouses and children to the United States as well in an effort to settle more permanently.

Nearly one hundred years later, in 2006, the *New York Times* reported the fourteen-year effort of Isaac Owusu to be reunited with the four sons he left behind in Ghana. After becoming a citizen in 2002, Owusu petitioned to have his sons join him in the United States, a right afforded to him as a naturalized citizen. When given the opportunity to prove his familial claims by taking a DNA test, Owusu confidently swabbed the inside of his cheek. Test results quickly dashed his hopes for reuniting with his children when government officials notified him that the test could verify paternity for his oldest son only. With these test results, Owusu

learned that his deceased wife had been unfaithful and that he was not the biological father of his three younger sons. The government permitted the admission of his oldest son, but the younger three were denied entry. The only recourse Owusu had was to petition for the younger boys' admission as his stepsons.

Genetic tests rendered null and false the affective ties of the familial bond between father and sons that the Owusu family had unequivocally known for nearly two decades.³ Today there are broad legal provisions—the most expansive and inclusive in American immigration history—that permit family reunification for permanent residents, and particularly citizens like Owusu. There are nevertheless hurdles for exercising such rights, and in Owusu's case DNA test results failed to provide the definitive proof of familial ties necessary for his effort to reunite his family.

The experiences of Onishi's men and Isaac Owusu highlight the often unrecognized but essential role of family reunification in periods of both exclusion and expansion in American immigration policy, which has included informal and formal family reunification provisions. Over this long history, family reunification has been a critical method for making a claim for entry, formulating immigration policy, and regulating immigration in the United States. From the mid-1800s to today, the United States has had some semblance of family reunification as a part of its immigration policy. Prior to 1924, family reunification provisions were briefly in place for Chinese merchants and Japanese laborers. In addition, a family preference system existed within the national origins quota system enacted in 1924. In 1965 Congress replaced national origins policy with one favoring family reunification, and today about 70 percent of all visas for legal immigration are reserved for family reunification. In exercising these family unity provisions, Onishi's tenant farmers, Owusu, and others like them have sought to identify and prove themselves not only as legitimate families but also as legitimate members of the nation, worthy of inclusion in the national fabric.

This book examines the centrality and significance of family reunification—provisions aimed at preserving or supporting family unity during or following migration—to the development of American immigration policy and the construction of race and nation. Although today the importance of family reunification to immigration policy is not questioned, its history—beyond the contemporary relevance—is not fully recognized. What family means and how it should be preserved in immigration policy are crucial to the ways we celebrate our immigrant history, declare a national identity, and debate immigration reform. Such discussions go beyond the simple categories of spouses, children, parents, and siblings; eligibility rules for immigration sponsorship; and immigration policy's structure, function, and role in shaping society. The meaning of family

and family reunification is central not only to the formulation of immigration policy but also to understanding the impact of immigration itself on the meaning of nation.

In numerous ways, politicians remind the public of this unique significance of family reunification. Thus, in 2007, arguing in favor of a proposed bill, the Secure Borders, Economic Opportunity, and Immigration Reform Act, the late Sen. Edward Kennedy (D-MA) explained: “The plan maintains that more than a majority of future immigration will be based on family ties. That couldn’t be more important. Family reunification has been the cornerstone of our immigration policy for decades and under this proposal it still will be.”⁴ Senator Kennedy referred to the family provisions outlined in the legislation that he helped pass in 1965—the Hart-Celler Act—which ended national origins policy and made it much more possible for American citizens and resident aliens to sponsor family members. In calling family reunification a “cornerstone,” Senator Kennedy did what so many other politicians and even immigration scholars have done: he heralded the legislative prioritizing of family reunification as a modern accomplishment in U.S. immigration policy to be celebrated as part of the triumvirate liberal political achievement of the 1960s that included the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

There are certainly many reasons to believe that family reunification has been hugely consequential and important, especially in the last four decades. As table 1.1 shows, family-sponsored immigration has been a constant in American immigration history. For example, nearly 125,000 immediate relatives of U.S. citizens immigrated between 1925 and 1930, a period when family immigration represented over 7 percent of total immigration to the United States. Since passage of the 1965 Immigration and Nationality Act (the Hart-Celler Act), these preferences have been an important and perhaps *the* central pathway to legal immigration to the United States. In 1970 and in 1980, 25 percent and 40 percent of legal permanent immigration resulted from family reunification, respectively, and in the 1990s about 55 percent used the family preference for immigration. In the decade from 2001 to 2010, family reunification represented nearly two-thirds of total documented immigration to the United States. When family members of skilled immigrants and lottery winners are included, family reunification immigration represents an even larger percentage of total legal immigration.⁵

Family reunification has also altered the racial and ethnic make-up of the United States. For much of U.S. history, Europe was the dominant continental source of immigrants. Since 1965, however, the majority of family-sponsored immigrants have come from Asia and Latin America rather than Europe. Furthermore, for the first time since the United States began counting immigrants in 1819, immigrants from Africa outnumbered

Table 1.1 Family Immigration as a Percentage of Total Immigration to the United States, 1925 to 2011

Year	Immediate Relatives of U.S. Citizens	Family-Sponsored Preferences	Family Immigration Total
1925 to 1930	124,609 (7.1%)	—	124,609 (7.1%)
1931 to 1940	91,670 (17.3)	—	91,670 (17.3)
1941 to 1950	185,604 (17.9)	—	185,604 (17.9)
1951 to 1960	284,929 (11.3)	—	284,929 (11.3)
1961 to 1968	289,667 (11.2)	—	289,667 (11.2)
1969 to 1970 ^a	139,238 (19.0)	184,890 (25.3%)	324,128 (44.3)
1971 to 1980	1,175,449 (26.2)	1,330,325 (29.6)	2,505,774 (55.8)
1981 to 1990	1,996,741 (27.2)	2,128,872 (29.0)	4,125,613 (56.2)
1991 to 2000	2,709,030 (29.8)	2,257,218 (24.8)	4,966,248 (54.6)
2001 to 2010	4,684,583 (44.6)	2,076,038 (19.8)	6,760,621 (64.4)
2011	453,158 (42.7)	234,931 (22.1)	1,062,040 (64.8)

Source: Author's compilation based on "Immigrants Admitted Under the Quota System: 1925–1968" and "Immigrants Admitted Under the Preference System: 1966–1991," in Carter et al. (2006); U.S. Department of Homeland Security, *Yearbooks of Immigration Statistics: 1996–2011*.

^aThe Hart-Celler Act became effective June 20, 1968.

Europeans from 2008 to 2011.⁶ As I discuss further in chapter 5, these new patterns result from chain migration: as authorized immigrants arrive on work-related visas, as refugees, or as sponsored family members, they can seed new immigration through family sponsorship; over time, for instance, an immigrant from Taiwan or Nigeria can sponsor a spouse or sibling, who in turn can sponsor additional family members. The eventual effect of chain migration through family sponsorship can be quite significant. For example, at the end of the Vietnam War about one million immigrants arrived from the Vietnam region, mostly as refugees. By 2011, only 34,157 immigrants from Vietnam arrived, but of this number, 19,491 immigrants were family-sponsored under the preference system and another 12,551 came as immediate family members of U.S. citizens (with quota-exempt status).⁷ The seeding effect of family-sponsored immigration can multiply as immigrants who previously might not have been eligible for family reunification are given fully authorized status. Thus, for example, a pathway to permanent resident or citizenship status offered to the estimated 11.5 million unauthorized immigrants as part of a new reformed immigration policy could lead to the sponsorship of millions more family members.⁸

With these changes in immigration patterns, particularly the rise of

Asian and Latin American countries as major immigrant-sending countries, family reunification is shaping U.S. national identity and the meaning of race and ethnicity. Indeed, some immigration scholars argue that there has already been a shift in the “color line.” They claim that for much of U.S. history and prior to 1965, the line of significance between racialized groups lay between whites and nonwhites. Immigrants who arrived sought whiteness as a way to integrate into a racialized society in which whiteness was associated with privilege and power. Irish immigrants’ efforts to “achieve” whiteness and Asian immigrants’ claims to naturalization rights as “white” or “Caucasian” are just two of many examples.⁹ Since the immigration reform of 1965, as most new immigrants have arrived from Asia and Latin America the line of racialized significance arguably has come to lie increasingly between blacks and nonblacks. Newly arriving immigrants from Asia and Latin America, who may not expect to be counted as white, seek privilege in the racialized hierarchy in the United States by distancing themselves from blacks and blackness.¹⁰ Increasing rates of intermarriage between new immigrants and native-born whites and the adoption of a multiracial identification by their children further blur the earlier white/nonwhite color line, helping to shift it to a new black/nonblack line.

Given all of these important developments following the Hart-Celler Act of 1965, it is easy to see the seeming centrality of family provisions in contemporary immigration and to understand the public pronouncements establishing family reunification as the cornerstone piece to immigration policy today as a uniquely modern, liberal legislation. Family reunification has been active for far longer than this most recent policy period, however, and unfortunately this nearsighted lens limits our understanding of the significance of family reunification in American immigration policy and its continuing role in shaping an American national identity. Although the rates of family reunification today may dwarf the use of such provisions in earlier periods, previous family unity preferences were nevertheless consequential for the immigrants who were able to use them to reunite with their families and settle here permanently. For some immigrant groups, these preferences spelled the difference between the formation of a dwindling bachelor society and a viable second generation with birthright American citizenship.

Widening the historical focus provides evidence of continuing family reunification provisions since the beginning of immigration control in the mid-1800s, including during periods of exclusionary policies. American immigration policy has steadfastly preserved some semblance of family reunification for over 130 years, even though such provisions may have sometimes appeared contradictory to the policy goals of immigrant exclusion, particularly efforts directed at racial control during the period of ex-

treme xenophobia of the 1920s. Although contemporary immigration policies are officially ethnically and racially neutral, there were no such claims earlier. These racially exclusionary policies could have denied entry to racially undesirable family members, but instead they included family unity provisions. For example, Chinese merchants were permitted to bring over their wives and children with passage of the Chinese Exclusion Act of 1882.

In essence, family reunification provisions are counterintuitive and in conflict with the intent of immigration restriction and efforts to maintain the racial status quo during periods of exclusion. The potential reproductive features of immigrant families are always possible threats to preserving an existing racialized national identity. So why did federal immigration legislation include family unity provisions, even when the objective was immigrant exclusion? What did this seeming reverence for family mean for the construction of a national identity? What role has family and family reunification played in the development of American immigration policy?

To answer these questions *Fictive Kinship* examines meaning construction around family, race, and nation in immigration policy. In so doing, the book demonstrates that family reunification was a feature of immigration policy long before the passage of the 1965 act. Furthermore, the book explains that family reunification is not simply the physical uniting of immigrant family members. Family reunification is an expression of what constitutes a legitimate family, which families should be united, and whether such families should be allowed to join the nation. In short, family reunification has been part of what I call *family ideation*—a conceptualization of what family means, constitutes, and features in terms of its idealized characteristics, such as gender or sexual norms, class ideals, and racial or ethnic attributes.

Questions related to meaning construction get at the heart of how and why certain constructs resonate and help shape policy development. Relatedly, this book explores how the very foundation of family reunification—family—is a fictive construct, much like the entities that it is purportedly supposed to strengthen—the nation and the racial or ethnic collective unit. The word “fictive” may imply for some readers that the construct is false or not real and that there exists a truly natural or real familial construct. This is not the case. Instead, all forms of kin relations are partly putative. Kinship that is constituted in nation, race, and family relies on claims that seek to blur the boundaries between social and supposedly biological relationships. Political commitments and cultural traditions shape biological claims about Jewish origin, for example, or assertions of a multicultural or French Canada.¹¹ Thus, by using the word “fictive,” I wish to highlight the particularly constructed, invented, and contested nature of concepts that tie or bind such connections.¹²

An analysis of family ideation uncovers and explains seemingly unexpected or puzzling outcomes, such as the passage of family reunification provisions during periods of exclusion as well as increasingly more punitive measures against families during immigration expansion. The association between immigration and family does not necessarily elicit a particular policy or political response. Thus, for example, public declarations of support for family do not automatically equate with actual policy endorsement for families, including support for their efforts to reunite or for their economic and social well-being. Instead, such hortatory language is partly discursive posturing to uphold the central values of American culture, which include family unity and strength, and it is also storytelling that stresses the importance of these values.¹³ Increasingly in the contemporary era, these discursive moves are made in the context of efforts to limit or undo the progressive gains of the civil rights era, including the immigration reforms of the Hart-Celler Act. To better understand these developments, *Fictive Kinship* evaluates the meaning and significance of family and family reunification in the *making* of immigration policy rather than simply asking why a particular policy developed. I do not seek to provide a history of why each major immigration act was legislated—especially not the complex and important history of refugee and displaced persons legislation, although I do refer to some of these acts throughout the book.

Immigration stakeholders—including politicians, immigration officials, intellectuals, business leaders, religious and ethnic organizations, and immigrant group advocates—have invoked family and family reunification in efforts to make sense of the challenges wrought by immigration. Through family ideation, immigration stakeholders constructed racialized, gendered, and class meanings and attached them to immigrants and immigration policy. Their talk of family allowed them to evaluate whether or not immigrants were indeed “like one of the family” and could be integrated into the larger family of the nation.¹⁴ In the process, they helped to create immigration policy that was both exclusionary and expansive, both generally and with respect to family reunification.

In rethinking the meaning and significance of family and family reunification, *Fictive Kinship* shifts the unit of analysis in immigration policy research toward family. Too often, studies of immigration policy focus on individuals or on particular ethnic or racial groups, partly because of the emphasis that policymakers and scholars put on a neoliberal model of migration in which an individual moves across borders, motivated by economic opportunities for higher wages and a better quality of life.¹⁵ An interest in immigrant exclusion has also trained researchers’ eyes on ethnic or racial groups as the unit of analysis.¹⁶ This orientation is understandable given the history of racial and ethnic exclusion in the United

States.¹⁷ However, as this book shows, American immigration policy has directed the migration of families as well, and that migration has not always directly or consistently mapped onto racial exclusion: some families of racially excludable groups have had the opportunity to enter the country. Furthermore, an understanding of the outcome of ethnic or racial exclusion in policy does not necessarily derive from an analysis of the ethnic or racial group. That is, understanding the processes of racial or ethnic exclusion requires an understanding of racism and race-making processes, not an analysis of the racial group itself.¹⁸ The entry and settlement efforts of racial and ethnic groups have been regulated through families and in the process have helped to construct the very meaning of race or ethnicity.

Researchers have shown that regulating immigration is crucial to the construction of race and nation in the United States.¹⁹ I argue that the meaning of family and immigrant groups and the ways in which immigration stakeholders conceptualize the nation vis-à-vis these constructs are critical for how change is effected and implemented. For example, discussion of immigrants in familial terms—as assimilable, or as being “like one of the family”—attaches meaning that makes policies of inclusion or exclusion possible. Thus, I argue that immigration stakeholders have invoked family and engaged in family ideation to construct immigration policy in an effort not only to control immigration but also to shape a racialized national identity. Talking about family—regardless of whether or not family reunification provisions are extended—has allowed both immigration advocates and exclusionists to promote their ideas about the meaning of race and nation in immigration policy. Immigration policy is not simply about the control of the size and diversity of the population but also about articulating a particular vision of nationhood or a national identity.²⁰

FAMILY AND OTHER KINSHIPS

Why do immigration stakeholders focus on family? In general, immigration involves the breaching of boundaries, both physical and symbolic borders—that is, geographical boundaries and ideas about who should be included in the nation. New, foreign, and perhaps polluted elements are introduced into the national body through immigration. The extent to which these new elements are assimilable depends on how “like us” the new immigrants are. Can they be incorporated? Can they be “like one of the family”? How might new immigrants alter or even threaten our families? Can our families be protected? Family often serves as a surrogate for the nation in these questions. Immigration stakeholders actively and subconsciously think about, create, and act upon the meanings that result from efforts to answer these questions.

More specifically, immigration stakeholders focus on family, because families enable state-building activities, one of which is immigration control. Physically, families settle lands, reproduce the next generation, and perform the labor necessary for economic development and expansion. However, state-building extends beyond physical settlement. As much as the state serves families by allowing for reunification and settlement through its immigration policies, families in turn serve the state. Successful settlement and expansion often require the construction and maintenance of a national identity that ties the physical expanse of land to the symbolic meanings of origin, community, and a shared future—sometimes far beyond the immediate reach of a central government or a culturally hegemonic authority. Families do the crucial work of making these linkages, which embody the putative claims of the nation and implicate proper gender roles, sexual propriety, class ideals, and racial identity. In addition, families pass narratives about these connections from one generation to the next. In this sense—controlling immigration through family is a way of creating a national identity, exemplifying the argument that immigration control is both a state- and nation-building activity.

Immigration stakeholders, especially politicians, also invoke family in part because such talk confers legitimacy on the state's regulation of public and private relations. Susan Gal and Gail Kligman write that talk about reproduction is coded rhetoric about state actors' legitimacy. For example, in the aftermath of the breakup of the Soviet bloc, political leaders talked about reproduction, including abortion rights and access to contraception, as a way to make a rightful claim to govern.²¹ Talk of family as the site of reproductive decisions and regulations becomes talk about political legitimacy.

What is it about family that makes meaning constructions possible? Most importantly, family provides a narrative structure—one with a plot or story line about members, their roles and functions, and their purpose. It is a ready-made narrative that has been told for hundreds of generations.²² Of course, the specific details of the narrative are murkier than any one narrator may know or concede. Nevertheless, family's narrative structure provides a way for evaluating how we are related and what those relations connote. That is part of the power of a family narrative: its plot lines and significance are diverse, and their meanings are open to varying interpretations. Thus, for example, we may turn to family to understand how individual members provide protection or nurture. If, when, and how these tasks are accomplished are less relevant questions than the one about who makes up the family. From the earliest origin stories etched on cave walls to modern-day genetic analyses, which purport to identify both our ancestral past and degrees of contemporary relatedness, efforts to tell a story about family demonstrate the desire to under-

stand the substance of relation and the attendant roles—as illustrated by the myriad of studies on family genealogies and even by DNA testing in search of ancestral roots.²³ As such, narratives about family are one kind of story we tell to explain who we are, how we are connected, and how we should move forward into the future.

Stories of relatedness or connection and claims about who among us is indeed “like one of the family” all help to confer both privileges and responsibilities. This is true not only in the most intimate parent-child relations but in the distant fraternal orderings of a given racial or ethnic group or a nation that ethno-racial leaders or nationalists may declare to be rightful stand-ins for the intimate family. For each of these forms of relations, we ask how we are tied to one another and what such attachments mean. This seeming interchangeability among family, race or ethnicity, and nation suggests that the three constructs are conceptually quite similar. It also explains why family’s narrative structure can be so powerful in generating emotions around immigration control. Talk of regulating family reunification rises to larger issues about race and nation.

The strength and malleability of family’s narrative structure in a policy arena—particularly immigration—reside in the fact that family, race, and nation all have similar structural forms as types of kinship, which helps to elide one construct for another. There is no universal rule about blood, law, or affection that defines these constructs to be the same. As the anthropologist David Schneider argues, kinship is a cultural system of meanings.²⁴ Nevertheless, drawing partly from his ideas, I suggest family, race, and nation can be explored as forms of kinship that have two important elements: “relationship” (ties or connection) and “natural substance” (blood or genes), both of which become foundations or codes for conduct.²⁵ The “natural substance” is part of the putative claims-making and an “invention,” although nationalists or family members may tout it as somehow more real when it is genetic or biological, such as in Isaac Owusu’s case.²⁶

Efforts to evaluate these elements of kinship, such as DNA testing, are often part of an elaborate system aimed at shaping codes of conduct, which can dictate both action (such as determining the financial support of a parent for a child or determining fitness for enlistment in the military during times of war) and emotion (the sense of responsibility, duty, or pride undergirding the affective ties that may provide the rationale or justification for such actions). Thus, what kinship tells us—how we are related and what our relationships are made of (the “natural substance”)—is no small matter. It helps to explain, for example, what makes people love, die, or kill for nations.

The nationalist appeal rests in part on the notion that the nation is “conceived as a deep, horizontal comradeship.”²⁷ However, people also envision nations as “imagined communities” in which members can con-

ceptualize links to one another across time and generations in addition to space. These preternatural linkages across time suggest that nations are not just horizontal orderings but are vertical as well. Origin stories and royal family genealogy trees also assume this vertical relatedness.

The gendered work that men and women perform makes it possible to link family and nation, both vertically and generationally: not only do men and women reproduce the next vertical link, but this gendered work can quite literally transform the family into the nation. This is most apparent in studies of reproductive policies and the state or in ethnic conflict and sexual violence. Thus, for example, in Nicolae Ceausescu's Romania, anti-abortion and pro-natal policies were intended to secure the continued birthing of the nation.²⁸ During ethnic conflicts in Bosnia and Croatia in the 1990s and in Rwanda in 1994, genocidal and ethnic cleansing programs encouraged the rape of women of the ethnic enemy group because the children they bore would help to blur ethno-national claims as well as familial lines.²⁹ These examples highlight the importance of the work that gendered bodies perform under patriarchal and racialized notions of sexuality, nationalism, and reproduction, which help to obfuscate the lines of division between family and nation.

I argue that the work performed by gendered bodies rests on several important features of family and nation that are crucial for understanding immigration control and family reunification. First, to the extent that the rules dictating reproduction at the level of the family can be extended to the nation as a whole, family is the fundamental social unit of the nation. As explained earlier, the continuance of the nation assumes the traditional and biological (albeit often mythical) continuation of some groups (often ethno-racial or religious) through the passing of generations via the family. Thus, rules that maintain a family's racial purity are similar to efforts by the nation to limit contamination by a foreign or immigrant group.³⁰ Second, social and biological production and reproduction of the nation are constituted and shaped by practices of patriarchy and patrilineality. This is true in part because, with the nation defined by women's sexuality, the confinement and protection of women's sexual virtue help to govern the boundaries of the nation.³¹ This is understandable when we remember that political and intellectual elites often conceive the nation as feminine, as being embodied by women, while they construct the state in masculine terms.³² Therefore, limiting the extension of women's bodies through their reproductive work is crucial for preserving the nation, as I argue in chapter 3. Third, the nation as the family writ large is the result of rules and regulations that define the boundaries between insiders and outsiders. The actual embodied project often entails the regulation of some groups' sexual practices and reproduction but not others'. Such regulations have the effect of constructing or reiterating notions of racialized differences.

To this extent, we can recognize how immigration serves as the racial fault line for nation-building.³³ That is, although immigration makes useful and often necessary labor contributions to the nation, immigrant “foreigners” threaten ideals about who ought to be legitimate representatives of the nation. The meaning of the nation has to be physically and symbolically reproduced, which is possible only through the physical bodies of gendered and racialized persons.

A FAMILY AND IDEATIONAL APPROACH TO UNDERSTANDING POLICYMAKING

Increasingly, scholars are calling for greater attention to how meaning is constructed and deployed in policymaking.³⁴ Of course, a focus on meaning and the role of ideas in understanding social change dates much further back.³⁵ It is a cultural emphasis in general and a cognitive approach more specifically.³⁶ The cultural emphasis recognizes the importance of culture as a kind of “tool kit,” while the cognitive approach focuses on how a tool kit shapes action or how we make sense of it.³⁷ In positing the relevance of meaning construction in explaining policy development, I am not arguing against the insights offered by other perspectives. Rather, the ideational approach, I argue, works in conjunction with other theories of policy change, most notably works on agenda-setting, interest group politics, and historical institutionalism.

In agenda-setting, for example, Deborah Stone notes that both the particular characteristics of the actors involved (such as bureaucrats, interest groups, or professionals) and the specific nature of the problem or issue (whether it is old, new, or recurring) can advance or halt policy attention and action on a matter.³⁸ Agenda-setting can also focus, however, on the use of language and symbols and their ability to convey meanings of significance or urgency.³⁹ As Stone explains, this social construction defines the social problem. For example, phrases like “anchor baby” and images of a fractured border control system that include trampled fences help to evoke strong emotions, especially the fear that the current immigration system is broken and that unauthorized immigrants are taking advantage of and taxing American society.⁴⁰ Thus, from this perspective, I draw upon the importance of recognizing how meaning is conveyed through particular language and symbols.⁴¹

The interest group politics perspective, especially in studies of immigration, seeks to explain crucial shifts in policy change over time by arguing that political and social groups coalesce around common goals or interests. Thus, for example, the coalition of immigrant restrictionists in the mid-1800s, which included moral reformers, labor unions, race scientists, and Southern and Western politicians, succeeded in passing the Chinese

Exclusion Act.⁴² Similarly, interest in the free flow of labor has motivated a coalition of business groups, agricultural employers, and West Coast politicians to push for expanded temporary labor migration policies, such as those for farmworkers.⁴³ I rely upon insight from this research to provide crucial context for immigration policymaking.

Historical institutionalist studies of immigration explain policy change by examining the institutional context of interests and power.⁴⁴ This institutionalist perspective increasingly acknowledges the importance of ideas and meaning construction. For example, the discrediting of racial eugenics and the contribution of the black civil rights movement created a legacy of both institutional and ideological conditions that shaped later immigration policy.⁴⁵ These institutionalist investigations highlight particular meaning construction (for example, the extent to which a minority group's endeavors that followed black civil rights efforts were similarly "like blacks" in the civil rights movement) or the social construction of targeted groups (such as Mexican immigrants identified as illegal and undeserving) and demonstrate how ideas constitute institutional organization, power, and interests.⁴⁶ Despite these strengths, these studies of immigration policy are still unable to explain the empirical and theoretical significance of family and family reunification, including the unexpected findings of family reunification provisions during periods of racial exclusion. Simply stated, these other studies and perspectives neither explain nor anticipate the importance of family in American immigration policy.

I propose an ideational approach to understand how immigration policy evolved over the years from the mid-1800s to the early 2000s. In looking at immigration stakeholders' family ideation, I examine the ways in which they spoke and wrote about family and its constitutive elements. By invoking family, immigration stakeholders have offered a story about who we are, how we are related, and what roles we play or functions we fulfill. Family is layered with values and assumptions and makes available the building blocks for meaning construction. Family's narrative structure with its readily accessible plot and kinship elements of ties and natural substance make the communication of complex ideas easier. The ready set of symbols, meanings, and reference points associated with family allows actors to use family as a metaphor or synecdoche for related kinship constructs such as race or nation.⁴⁷ Family can also serve as a frame for interpreting how such structures operate.⁴⁸

There is a large and growing literature on narrative analysis and the importance of storytelling in understanding social and political change.⁴⁹ These studies show that narratives can play a forceful role in not only explaining but also enacting political change. Despite these strengths of narrative analysis, I do not employ it exclusively. Methodologically, it

might have been easier to stick with one specific ideational approach—studying narratives, for instance, by tracing them across policy change and over time. However, as with all forms of political change, the story of immigration policymaking is a complicated one with actors who do not invoke cultural repertoires in a consistent manner. When immigration stakeholders talk about family and family reunification, they do not always follow a traditional narrative structure with a plot line that has a beginning, middle, and end. Sometimes they offer snippets of these stories, or they conjure evocative images through the use of family as metaphor. Other times they use family as a frame to interpret a particular issue. It does not make sense to privilege narratives over these latter examples. They all explain *how* family ideation occurs.

How actors talk about family—how they engage in family ideation—creates opportunities for change by introducing ideas. Immigration stakeholders talk about family as a form of strategy to convince through rhetoric, provide rationale for a stated position, and make sense of new or unfamiliar conditions for themselves and their audience. In advocating an ideational approach, I am not arguing that family ideation alone can explain a particular policy development. Context matters—particularly the institutional arrangements of power, interests, and resources that make storytelling and discursive action possible.⁵⁰ Family ideation is a neglected part of the social mechanism that explains policy development.

I have documented how family ideation shapes immigration policymaking by tracing the historical development of American immigration policy. Because I am interested in policymaking, I focus on actors and institutions that shaped or were in a position to affect immigration policy, including politicians, academics and other intellectuals, labor organizations, business groups, and immigrant or ethnic group advocates. Family reunification is a provision in official immigration policy. Thus, I conducted content analysis of the extensive formal debates and documents surrounding legislative efforts. However, ideational work also includes actors' efforts to make sense of the unfamiliar, which can be done in private dialogue or discussion. Therefore, I also carried out content analysis of archives of personal papers and official collections of the key players involved. I researched over two dozen archival collections and systematically researched legislative and other government documents related to all major immigration acts and legislative proposals from 1875 through 2007. A more detailed discussion of data and methods is available in the appendix.

OVERVIEW OF THE BOOK

What the family is, means, or does can be examined sociologically and addressed socially or politically. That is, as social scientists, we can study

family as a lived social practice or family-related social policy such as welfare support for single mothers or subsidized health care for poor families, which can affect how people structure their families. Politicians can enact policies to address the practices of a family or to encourage it to act in some new way. Thus, the discourse surrounding policymaking and the policies themselves are forms of normative claims-making and positive law. That is, both discursive and legislative acts are attempts to regulate and sanction particular meanings of family.

In the second chapter, I outline what family means sociologically and for policy purposes. Drawing from studies of policymaking, nationalism, and race, feminist accounts of gender and state, and sociological and anthropological investigations of family, I discuss how family has been defined and researched. I then provide an overview of what family means for the purposes of immigration policy, discussing the provisions that dictate family reunification in current policy. I also offer statistics on the use of these provisions over time and their impact on the demographic trends of immigration to the United States. This chapter also provides useful references on topics related to family reunification that I do not pursue in depth in the book but that are nevertheless important to the history of American immigration policy. These studies include historical accounts of refugee or displaced persons and of immigrant families.

Chapters 3 through 5 examine the implementation of family reunification in immigration policy. Chapter 3 asks whether there was family reunification prior to the modern era and uncovers family provisions during a period of increasingly exclusionary policies. Even in the most draconian, anti-immigrant laws, provisions for family unity were made, or at least seeming reverence for the preservation of family was expressed. Thus, family reunification provisions were included in immigration policy from the first federal immigrant exclusion policy, the Page Act of 1875, to the Immigration Act (National Origins Act) of 1924. In evaluating whether new immigrants were assimilable and “like one of the family” — that is, whether they could be incorporated into the national body — immigration officials, politicians, intellectuals, and moral reformers regulated immigration by engaging in family ideation and attached meanings of assimilability, racial fitness, and gender and sexual propriety. In these discursive efforts, they stated a seeming reverence for family as they found ways to extend family unity provisions *and* enact exclusionary policies.

I demonstrate this by first comparing the initially varying treatment of Chinese and Japanese immigrants. While the Chinese Exclusion Act of 1882 banned Chinese laborers and effectively denied family reunification efforts for most Chinese immigrants already in the United States, Japanese immigrants in the United States could call for their family members to join them following the 1907 Gentlemen’s Agreement. This contrast in

treatment invoked different racial, gender, and class ideals of family. Exclusionists argued that the Chinese were sources of contamination that threatened the purity of the American family and the nation. In contrast, Japanese immigrants enjoyed ethnic differentiation rooted in part in Japan's geopolitical might. At first, immigration officials, politicians, and public commentators approved their more appropriate family arrangements. However, as Japanese immigration increased, and as Japanese women's fecundity raised concern, exclusionists claimed that the Japanese attempt to "colonize" the United States was also a threat. Thus, in efforts to regulate them, politicians, intellectuals, and others talked about family as a way to attach meanings of racial contamination in the bodies and reproductive work of Chinese and Japanese immigrants. Nonetheless, these discursive actions also provided a liminal space for some immigrants as immigration stakeholders lauded the importance of families, and in particular a man's right to home and hearth. Such rhetoric enabled immigrants who possessed appropriate class and gender characteristics, including some Chinese and Japanese immigrant men, to lay claim to family reunification. Family ideation created unexpected opportunities for family reunification.

In the second half of the chapter, I show how this liminal space opened as politicians expressed gendered ideals of family and patriarchal ideas of coverture—the Anglo-American legal tradition that placed a woman's legal status under that of her husband. I trace the history and role of coverture in determining women's status and in permitting family unity provisions for supposedly racially undesirable immigrants. I close the chapter by examining how governmental regulation of these gendered ideals of family in a given immigration policy (such as derivative status) can reinforce immigrants' existing gender relations that politicians and moral reformers have declared to be deviant. I demonstrate this by looking at Chinese immigrants' claims to derivative citizenship as the sons of native-born citizens in the early decades of the twentieth century and the government's efforts to purge these "fraudulent" families. In recounting these histories, the chapter demonstrates how family ideation shaped immigration policymaking, which included both exclusionary goals and preservation of gender and sexual norms in family unity provisions.

In chapter 4, I consider how new cultural and political realities generated by the end of World War II created opportunities to construct and attach new meanings to immigration and examine postwar reforms that included unity provisions for military families: the McCarran-Walter Act of 1952, which upheld national origins policy, and the Hart-Celler Act of 1965, which abolished national origins policy. For reformers and defenders of national origins policy, family ideation provided a way of talking about what a national identity worth promoting or preserving meant. For

reformers, national origins policy was clearly racially discriminatory and had no place in a modern world where the United States was a democratic leader. Reformers' reframing of immigration and its beneficiaries as meritorious helped to shift the focus away from race and toward families. They began by extending family unity provisions to military service personnel. In turn, reformers found a way to recast American immigration as not only just and humane but also a clear moral response to growing pressure to address racial discrimination in the United States as demands for civil rights for African Americans and the battle against communism shaped the larger domestic and international political landscape. Like civil rights legislation to end racial segregation, immigration reform overturning national origins policy became a matter of national security and of importance for international politics. The piecemeal immigration reforms led to a concerted effort to overturn national origins policy, with reformers repeatedly claiming that family reunification as a central feature of American immigration policy would strengthen the U.S. image on the world stage.

Talk about family is not inherently liberalizing for policy. Exclusionists and defenders of national origins policy also idealized family in their efforts to uphold the discriminatory policy. In supporting the reunification of military personnel families, they limited the discussion of meritorious and legitimate beneficiaries of the unity provisions to the men and women who had sacrificed for the war effort. They also argued that uniting military families would preserve the racial status quo—that is, the ethnic and racial composition created and preserved by national origins policy. As political pressure for overturning national origins policy grew, exclusionists sought to limit reform and preserve the policy by arguing that families would be protected. Thus, both exclusionists and reformers talked about the importance of serving families.

In chapter 5, I examine changes in the meanings of family and family reunification after passage of the Hart-Celler Act made family reunification the official centerpiece of American immigration policy. Politicians and scholars laud the 1965 reform as a liberal political achievement and a symbol of a pluralist national ideal. Immigration stakeholders—from conservative politicians to liberal immigrant activist groups—nearly unanimously support the continued centrality of family unity in American immigration policy. However, this endorsement across the political divide and the public declarations of support for family unity do not always indicate a commitment to a liberal, culturally pluralist vision of the nation. What is the meaning of family after the end of national origins policy and the codification of family reunification in American immigration policy? Is family fully protected in American immigration policy?

I turn to family ideation to answer these questions. I first show that

family appears to be a firmly entrenched, privileged category in American immigration policy. However, this does not guarantee full protection and support for diverse forms and experiences of families in the United States. I argue that the postreform era has been marked by a harsh contrast between official and public pronouncements of support for family unity and policies that leave families vulnerable. Particularly since welfare reform in the 1990s, immigrant families face greater scrutiny for seeking family-related benefits. Eligibility requirements and tests for gaining access to benefits have become increasingly difficult to meet. Family sponsors of relatives seeking to immigrate also have had to prove not only their own financial independence but also the ability of their relatives to avoid becoming a public charge. In addition, mixed-status immigrant families—families with members who are both authorized and not—have been exposed to family separation as unauthorized immigrants have faced greater prospects of deportation, particularly after September 11, 2001, and increased emphasis on security and border control. I argue that these various tests and surveillance measures are tied to the fears of immigration restrictionists not only over security but over the nation's implied vulnerability when families fraudulently gain entry and access to benefits. An analysis of restrictionists' family ideation suggests less of a commitment to a culturally pluralist ideal of family reunification and immigrant diversity and more of an effort to shape a meaning of race and immigration that limits the gains of the civil rights era.

I conclude the book by considering how the inherent conservatism of the narrative structure of family limits the political framing and the stories we tell about the importance and goals of immigration. Regardless of the political commitment to liberal reform, immigration policy that focuses on family and the evaluation of its elements of ties and natural substance constrains the meanings that actors can attach to the goals, functions, or roles of immigration. Despite—or perhaps in spite of—these limitations, immigration stakeholders engage in family ideation in an effort to lay a claim about what family, race, or nation should mean as they seek to forge an immigration policy. These are the complexities associated with how immigration control works and policy develops.