Of Love and Longing: The Role of Emotion in Family Reunification Based Immigration

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Abstract

Love and family are both core components of the human experience and are inherently emotionally complex. While the law is popularly thought to uphold reason alone, our innate sense of humanity makes it nearly impossible to separate law from emotion when discussing family reunification, a core principle of U.S immigration law. Through my research, I aim to define what emotions applicants express when making different kinds of appeals. I also examine how these emotions are employed in storytelling and the construction of personal narratives. This project explores the following question: Considering that the law is designed to be neutral and objective, what role does human emotion play, if any, in influencing family reunification-based immigration decision outcomes? To answer this question, I conducted a detailed textual analysis of letters to USCIS written on behalf of individuals attempting to gain legal status. To supplement the data gathered from the letters, I interviewed several immigration lawyers and one retired immigration judge about the role emotion plays in their careers and how they advise clients to employ (or withhold) their own emotions. My findings were consistent with my hypothesis that emotion plays a critical role in the field of immigration law, particularly in persuasive storytelling. I discovered that throughout the letters, which tended to center themes of fear and distress, the resounding tone and overall message was one of love and hope for a better future. This research contributes to the recently expanding field of law and emotion scholarship. It seeks to demonstrate that our innate sense of humanity is not only irrepressible but plays a significant role in legal decision making where discretion is involved.

Introduction

Emotions, love, and family are integral pieces of our humanity, and make up the most meaningful aspects of our lives. This makes it nearly impossible to separate law and emotion

when discussing family reunification outcomes. Through my research, I aim to demonstrate that they are not mutually exclusive, but perpetually intertwined as long as humans are making legal decisions. Love and family may be cornerstones of the human experience, but there is no law that explicitly grants the right to *reside* with one's family. While the U.S. may believe it is not preventing its citizens from finding love and forming families, if one's spouse is not granted a pathway through family reunification and is even barred from re-entry, the citizen may be forced to choose between love and their country (López, 2022). In addition to this, the law rarely impacts people equally. There is a wealth of literature dedicated to exploring these discrepancies, to uncovering how bias influences legal decisions and law enforcement practices, but how do our emotions and sense of shared humanity interact with the law? Furthermore, can this human emotion, a fallacy in the objectivity of the law, be used to the advantage of people undergoing the rigorous process of applying for citizenship?

Empathy is a natural emotional response that occurs when we both share the emotions of another person and are able to identify the other person as the source of our own emotional experience (Klimecki, 2015). Recent psychological research has discovered that empathetic responses can be conditioned even through short term training, though there are a number of extraneous variables such as political party (Klimecki et al, 2020), genetic predisposition (Haynes, 2013), and racial identity (Sirin et al, 2016) that influence whether or not people react empathetically to the struggles immigrants face in the United States. While there are bound to be individual discrepancies, my work as a legal translator leads me to believe that there is some overarching advantage to applying emotional tones to one's personal narrative and thus to one's legal case.

Over the past year and a half, I have translated letters to USCIS from Spanish to English and have been most impacted by how emotion is employed to describe hardships, moral qualities of the person being petitioned, and the detrimental impacts of the person's absence. While the documents are legal in nature- they are addressed to USCIS as part of the client's case- they are wrought with emotion and personality, and no two I received have been exactly alike. They span anywhere from several typed up pages to just four handwritten lines but each has a unique perspective to share. In spite of individual differences, I was able to identify a specific emotional overtone that remains relatively consistent across different stories of different families from varying countries. The letters go beyond factual, expressing emotion explicitly and implicitly, presumably in an effort to tug at some greater humanity in the reader. What initially sparked my desire to take on this research was my own emotional response to the narrative accounts of the letters. I was highly compelled by these overt displays of emotion- of love, joy, and fear, of remorse and devastation. The very fact that these letters relied so heavily on narratives that trigger one's innate sense of humanity provides support for the idea that there must be some advantage to infusing the more objective facts about one's life with emotion. As this conflicts with the notion that the law is designed to be neutral, both in its language and interpretation, it is this unique junction that brought me to my research question: Considering the law is designed to be neutral and objective, what role does human emotion play, if any, in influencing family reunification-based immigration decision outcomes?

Migration, particularly family reunification, is an exceptionally emotionally laden subject. Media in past years designed to alert the American public of the many issues and injustices currently facing the immigration system such as Netflix's 2019 series "Living Undocumented" which follows the lives of eight undocumented families across the U.S, or the

American Civil Liberties Union's page titled "Immigrants Rights" which outlines key issues and encourages readers to send messages to policy makers, has relied most commonly on the compassionate empathetic response to do so. This entails evoking an emotion of concern that specifically exists in conjunction with a desire to help (Klimecki and Singer, 2013). This phenomenon is particularly salient when discussing and portraying the injustices and abuses perpetrated by the legal and law enforcement system towards undocumented immigrants in this country. While on one hand the media relies on people's tendency to react emotionally to the suffering of others in order to trigger compassion, it conversely relies on people's fear of change and the human need to think of themselves as a good person to foster hostile and/or complicit attitudes (Hayes et al, 2023). This tendency, known in social psychology as the "belief in a just world phenomenon" is the brain's way of justifying inequalities, by holding onto the idea that people deserve what they get and get what they deserve (Rueben and Peplau, 1975). It is much easier to cope with the cognitive dissonance that arises when witnessing the unjust suffering of others if we believe that everything happens for a reason.

A portion of the letters and declarations that make up the majority of my data analysis relied on suffering to make their case, explaining why a person could not remain in their home country due to issues of safety, wellbeing, or glaring human rights violations. Many letters also combat the just world phenomenon through character references and by depicting the subject's suffering as pure and unwarranted. This shows that the dire nature of one's situation can influence how empathetically applicants are viewed, but that proof of suffering alone is not always enough to provoke an empathetic response due to the natural complexities of the human conscience.

Historically, United States Citizenship and Immigration Services (USCIS), the government agency responsible for processing citizenship applications and establishing immigration related policies, has also placed value on the perceived strength, or moral character, of the particular family unit being evaluated. Through official documents such as the USCIS fraud referral sheet that was exposed in 2006, containing elements like "eye contact" and "low employment/ financial status of petitioner" and even "unusual cultural differences," it is clear that these measures of spotting a "real" relationship do not always translate well across cultural contexts and leave room for discrimination. This is further emphasized by the fact that families who may appear exactly the same on paper can very well receive different decisions (López, 2022). If the law were to function completely objectively, this would not be the case. I am curious to see if narratives are learned and thus constructed to appeal to a certain emotional side of the decision maker, or even to the general public. While reading the letters, it seems highly unlikely that someone would not experience at least some sort of emotional response due to the language used and the inherent emotional nature of the subject matter. I believe many people would find these narratives highly persuasive as they directly tug at our sense of empathy, causing the reader to imagine what it would be like if they too were forcibly separated from their parents, siblings, or spouse. From my analysis of these letters, interviews, and existing literature, I hope to illuminate emotion's impact: to gauge its relative degree of importance and tendency to control outcomes.

Through my research, I explore what emotions are used to make which kinds of appeals, which emotions judges and lawyers expect to see from applicants and whether this is what they truly express, and how emotions are used in storytelling and the construction of personal narratives for legal cases. Existing human rights activist scholarship centered around strategies

for successful organizing explores how it is not facts, but stories that inspire true, lasting change (Hayes and Kaba, 2023). I aim to discover if this is true for legal outcomes as well, and if so how emotion is used as a tool for convincing and compelling storytelling. This research is important because while previous studies and even cases that have made their way to the media have shown that the law is not entirely objective, I have not been able to find anything that displays how exactly emotion plays into this regarding family reunification based immigration law. I hope that this work helps us to understand how emotional responses can impact decision outcomes, and why emotion is an irrepressible part of the law in practice.

Many of the letters I translated contain adjectives like "hardworking" and "law abiding," inadvertently creating a subcategory of those who are not. While these letters are declarations of emotion and the importance of love and family, they are also declarations of character and serve as legal "proof" of why someone should be given the right to reside with their loved ones. As these are important facts that I cannot ignore within my research, I hope to investigate emotion as a cog in the machine, not what I believe to be the sole cause of legal outcome discrepancies. My aim through this work is not to dissect who is deserving and who is not because everyone deserves to reunite with their families by virtue of being human. Instead, I hope to highlight that emotion and the law are not mutually exclusive, but two avenues that are constantly in conversation with one another.

Methods

To investigate my hypothesis that employing emotion is essential to constructing a rich and persuasive personal narrative that can be advantageous in one's legal case, I used several forms of data collection and analysis to produce a cohesive storyline and pattern that further reveals how emotional overtones, or lack thereof, can be vital tools in immigration law. First, I

conducted a textual analysis of letters to USCIS from individuals and their loved ones attempting to gain legal status in the United States. While I originally translated these letters from Spanish to English as part of my job, I was given additional permission to analyze them for research purposes. These letters are from 2023 and 2024 and were written by individuals ages 19 to around 70, who are from a variety of Spanish-speaking countries. I did not include names, country of origin, and other personal identifiers, and refer to the letters throughout this piece as letters one through twelve. Once analyzed and coded, I kept the letters in a separate folder free of identifiers for research purposes only. The purpose of the letters is to illustrate how tugging at a sense of shared humanity appears to be vital in constructing a persuasive and impactful narrative. Next, I combed the letters for commonalities in vocabulary, structures, and constructs, and coded them based on word choice and the category that the word falls under (ex "worry" falling under "fears and anxieties) to analyze the frequency of word choices and themes across all letters. I coded for a total of 47 different word choices which I divided into seven overarching themes (see appendix for visual representation). I also analyzed the narrative qualities of the letters and used the emotions I found there to guide my analysis. After coding each letter, I ranked the most prominent themes within it to track the author's tone and further understand the primary message they were attempting to convey.

To supplement the data gathered in the letters, I interviewed two immigration lawyers and one retired immigration judge to gain a deeper understanding of the inner workings of the citizenship process and of what they believe the role of emotion to be within it. These interviews lasted from 45 minutes to an hour and were conducted over zoom. I received consent from the individuals to conduct and record interviews beforehand. I asked questions about the role emotion plays in their career, how they instruct clients to use emotion as a tool (if they do at all),

and what they think the future of family reunification looks like. These interviews demonstrated that there is a significant advantage that comes with employing emotion in citizenship proceedings, even if the law itself is supposed to be neutral on its face. I also utilized these interviews to inquire about some common themes present in the letters and whether or not they had legal significance. Participants were selected based on their roles as professionals in the immigration law field and were recruited using snowball sampling.

Finally, my own words, emotional responses, and observations are present in a great deal of my analysis. I did my best not to make broad conjectures to avoid distorting the nature of my evidence, but the grouping of emotions into themes and some of the broader reflections on the role of specific emotions in society found in the letters section are partially based on my own experiences and opinions. In scholarly research, there is often emphasis placed on remaining omniscient and objective in one's writing, but because this research is more of an exploration of than an experimental study on the role of emotion, I felt it would be ill-advised to leave my own reflections out entirely as they were what initially inspired this project. Additionally, the role of emotion itself is highly complex and dynamic- our human emotions are rarely objective- and I wanted the end goal of my piece to reflect this.

Literature Review

Law and Emotion

What would life be without emotion, love and family? Everything we do is imbued with humanity, and the law is no different. However, the way we often conceptualize "the rule of law" is in direct opposition to emotion- the law acts as a means of serving justice- it must be fair, objective, and honest to fulfill its purpose. Despite this fact, there is also an argument for imbuing the law with compassion (Bandes, 2016). When talking about unfair sentencing, we are

often discussing it in the context of bias. Bias and emotion are not mutually exclusive- our own tendencies to be biased towards individuals of certain backgrounds and circumstances (typically those that most closely mirror our own) are bound to influence the type of emotional responses experienced when faced with different stories and groups (Weinstein, 2002.) Thus, the reasons are clear why law and emotion must be intentionally separated at times. Emotions are messy, irregular, and sometimes unreliable or fleeting, and they vary from person to person. A case that might be particularly emotionally moving to one individual may be inconsequential to another. People are also born with different levels of empathy, and our life experiences undoubtedly influence the form and scale of the types of stories that stir this sense of empathy (Klimecki, 2015). It is perhaps for this very reason that law professor and legal scholar Susan Bandes argues that it is the essence of a judge's civic duty to exercise empathy, and that feeling for both sides and evaluating what each has to lose is essential to ethical decision making (Bandes, 2016). This complex intersection is exactly why law and emotion can and should be studied as a singular discipline, because ignoring the impact of emotions on discrepancies in legal outcomes ignores that our humanity is bound to play a role in everything we do.

The field of law and emotion scholarship is still relatively new. In 1999, Susan Bandes published the book *The Passions of Law,* which remains a heavily referenced work in the field to this day. It is considered a turning point in the scholarship as it defines six approaches to studying law and emotion as one unique discipline that are still utilized today (Maroney, 2006.) The book has spurred many discussions and opinionated reviews, including one by Laura Little which notes in one of its opening passages "Emotions are so key to the richness of life that no effort to understand humans and human society could make any claim to accuracy or completeness without taking them into account" (Little, 2001). This is the very substance of law

and emotion scholarship; the letting go of the notion that emotion and the reasonable rule of law must stand forever in opposition, or even that they are engaged in an oscillating tug of war. Instead, as Little emphasizes, they are two truths that can coexist in constant conversation with one another.

In a much more recent article, Susan Bandes asks whether compassion can exist under the rule of law. Through the analysis of varying cases where compassion did or did not play a key role in the decision outcome, Bandes finds that while room for compassion is sometimes written directly into the law, such as in the cases of asylum through statements like "well-founded fear of persecution" (pg. 187), oftentimes exercising compassion directly defies the regulatory frameworks used in legal contexts. She also notes that compassion can easily take a dark turn when it gets confused with explicit or implicit biases, and that in some cases it can problematically paint the restoration of justice "as a favor or act of goodwill" (Bandes, 2016). Additionally, seeing as the history of mistrusting emotions has deep roots that go all the way back to the days of Plato and Aristotle, it can be challenging to let go of the notion that in order to be just and fair, a decision must be made using reason alone (Tiscione, 2019). In an effort to reject this rhetoric, Joshua Rosenburg, a professor at University of San Francisco School of Law, has made teaching empathy and morality a cornerstone of his courses. He writes how not only are empathy and emotion important pieces of the legal world, but that they should be emphasized and further instructed instead of "pushed away in favor of reason" (Rosenburg, 2002). The argument for allowing emotion to be a key piece of the legal field as opposed to pretending it can be neatly extracted may be growing in popularity, but even so, individual differences in morals, values, and empathy can impact just how effective these strategies really are.

A Brief History of Family Reunification Law in the United States

Who qualifies for family reunification? Today, family reunification is the most common pathway to legal status for those migrating to the United States, making up about 65% of accepted applicants in 2024 (Congressional Research Service, 2024). Family reunification policy has existed in United States in some form or another since the mid 19th century, but it has been a true cornerstone of immigration law since 1965. The 1965 Immigration Nationality Act (INA) opened the door for immigration on the basis of family reunification as opposed to through nationality by abolishing quotas and national origins requirements. This policy change established family reunification as a core tenant of immigration law, a fact that is reflected in the nearly 70 percent of visas reserved for relatives of U.S residents (Lee, 2013). Yet the story of immigration law in the U.S is one of oscillating and ongoing inclusion and exclusion. While the 1965 INA may have expunged racialized language from the law and provided new pathways for many individuals who were previously barred to immigrate to the United States, it in turn created the notion of illegality and led to increases in family separation as we have come to understand it today (Hwang and Parreñas, 2010). In expanding family reunification, the modified INA also further reinforced restrictive policies for refugees that had been in place since 1948 (Anker and Posner, 1981). More recent legislation like 1996's Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) has made it so that preventing illegal immigration and even legal immigration of the poor by establishing a minimum income threshold for sponsors of applicants has taken priority over encouraging family unity (López, 2017). While family reunification as a whole has become far more prioritized and inclusive over time, it remains true that the law does not impact everyone equally.

Family unity is undeniably a core American value. Yet historically, more restrictive policies attempting to construct the ideal family often follow those which are more expansive. Migration scholar Catherine Lee coined the term "family ideation" to describe the process by which immigration stakeholders and the general public conceptualize of "what family means, constitutes and features in terms of its idealized characteristics" (pg. 530). She describes how policy makers use these idealized characteristics like gender norms and socioeconomic status to evaluate which types of immigrants will best fit into the "larger family of the nation" (Lee, 2015). Echoing this phenomenon, the power of the nuclear family in immigration law has not shifted greatly along with the growing variety of family structures present in the modern world (Degtyareva, 2011). Family reunification of spouses and minor children tends to be successful, whereas adult children petitioning parents or siblings tends to be a more challenging pathway. Additionally, children are unable to petition their parents, unless they can prove "extreme hardship" which goes beyond the hardship it would cause the child to either be separated from their parents or their country of birth (USCIS, 2025). This contradiction presents an intriguing argument of if children are truly citizens at all, as the right to found a family clearly does not apply to them in the same way. Furthermore, they themselves are not truly free of the threat of deportation endowed to citizens as they cannot separate from their parents in the event that they are deported without lasting consequences (Bhabha, 2004). Restrictive policies such as these show how immigration law on paper essentially "constructs" the ideal American family through intentional processes of inclusion and exclusion (Demleitner, 2003).

The future of immigration law is currently highly uncertain. The time of my writing this thesis coincides with the 2024 election, resulting in Donald Trump securing the presidency. His first term had disastrous impacts for families and entire communities (Carlson

and Wheeler, 2024), and the first month of his presidency has included a slew of hateful, xenophobic, and overtly racist immigration policies and media campaigns (ACLU, 2025). During the first week of his term, before ICE stopped reporting deportation and arrest statistics, the Trump administration detained an average of 787 people a day, a number that was well over twice the average during the previous administration (AP News, 2025). The system was already broken, but Trump's presidency has unleashed a whole new level of fear for undocumented and mixed status families. This research discusses family reunification in relation to emotion, but it is unclear whether emotion will continue to be allowed a pivotal role in the reunification process. A news article by journalist Andrea Pitzer urges us to look towards the past as a warning for what the future may hold. They liken Trump's promises to deport or place over 20 million people in deportation camps and his intention to end birthright citizenship (an executive order that is still currently blocked (Quinn, 2025)) to historical events that have resulted in the use of concentration camps (Pitzer, 2024). These policies may feel uniquely draconian, but they are not entirely new. Family reunification has long been considered the "cornerstone" of U.S immigration law, and however flawed the system may be, it would be a tragedy to erase the strides taken to promote family unity since 1965. The importance of love and family is illustrated by the longevity of family reunification policy in the United States, and the necessity of reunification will not wane even with future policy changes.

Emotion and Immigration Law

The complexity of emotions cannot be stressed enough- no two people experience love, fear, distress, and joy in the exact same way. Emotional expression is similarly varied, with wide differences across cultures, genders, and temperaments. Yet when it comes to immigration law, not only are there expectations about which emotions should be expressed, but how those

petitioning for citizenship should express them. In a recent article, Melanie Griffiths, a professor of geography at the University of Birmingham specializing in deportations and hostile environments delves into the emotional playing field of the UK's immigration system. She examines the intricate expectations surrounding emotional displays, strategic ways of getting applicants to express emotion "incorrectly" or play into negative stereotypes, and how different legal actors react to emotional displays in the court room, oftentimes with varying emotional responses of their own (Griffiths, 2024). Through Griffiths' analysis, the distinctions between law on the books versus law on the ground become muddied, as the immigration system is reduced to a convoluted emotional battlefield where reason and the word of law are more of a formality than a governing power. Similarly, Jane Lilly López describes the family reunification process in the U.S as a "high stakes game of poker" where couples must strategically play their cards in the hopes of winning the "game" (López, 2022). Applicants must know which emotions to show and which to hide based on their immigration pathway, gender, race, and legal background (Griffiths, 2024). They must know which "cards" are desirable and should be emphasized, and which parts of their hand they should conceal. Yet because the immigration process involves many junctures at which applicants will interact with multiple legal actors, they must pull off flawless performances and then hope for a favorable reaction from another emotional being: the judge (López, 2022).

The proper emotional display corresponds with the type of immigration pathway a person is applying through. Individuals attempting to reunite with their spouse must prove their love for one another in a way that aligns with the cultural expectation of a "genuine" relationship. This reduces love, one of the most integral and complex human emotions, to a set of often heteronormative expectations that should be performed in order to reach a desired outcome. Not

only must a couple fit these specific norms, but they must *appear* genuine. Being too nervous or self-assured, too physically affectionate or not affectionate enough all raise red flags during interviews (USCIS Fraud Referral Sheet, 2004), forcing couples to toe a delicate line to be a "believable couple", an act that puts increased pressure and strain on a relationship that citizen couples would never have to endure (López, 2022.) Griffiths (2024) also discusses the culture of skepticism in the immigration system, noting how legal actors are not supposed to be too "soft or trusting," thus engaging in an emotional performance of their own. Even as family structures have changed greatly over time to expand far beyond the nuclear family, immigration law is several steps behind in the sense that those with the most successful case outcomes do tend to occupy more "traditional" family roles (Demleitner, 2003), with couples who appear "unusual" in any way (having a large age gap, a unique story of meeting, or even low financial status of either partner) being the most likely to be rejected from their initial interview (Bernstein, 2010).

Contrastingly, those petitioning for asylum are required to prove a "well-founded fear of persecution" and must pass a credible fear screening (USCIS, 2025). Liisa Malkki describes how those filing for asylum are reduced to "anonymous corporeal bodies," people who are stripped of their individuality to become a pillar of goodness unto whom suffering continually befalls, and under which suffering they are rendered helpless (Malkki, 1996). Yet in some cases emotional displays themselves are the cause of rejection, as in the case of employment-based migration and student visas. By having any emotional reasons beyond financial and educational betterment for migrating, especially if the individual has a family member already in the country, the applicant could be flagged as a potential visa overstayer and thus much more likely to be denied (Griffiths, 2024).

Once someone learns the proper emotional procedure for their immigration pathway, there are still a myriad of extraneous variables that need to be considered or can otherwise harm how empathically an applicant is viewed. Race and gender both play undeniable roles in how emotional displays are interpreted and received, both in the courtroom and in the public eye. Despite what emotions the applicant shows, oftentimes decision outcomes come down to individual judges. This can be seen in the statistics published by the World Population Review (2024) which break down approval rates of asylum cases by state. The results show shocking disparities that provide support for the hypothesis that the law does not always play out in a uniform manner. Even within Washington State, the Tacoma court is considerably harsher on individuals and families seeking asylum, with higher bonds and lower approval rates than its Seattle counterpart (Shapiro, 2018). Given these discrepancies combined with the emotional edicts described above, it is likely that the emotions displayed on the stand are influential in deciding one's case outcome, but personal beliefs of the judges themselves, such as whether they tend to be distrusting of applicants, can interfere with this correlation. These examples also provide partial reasoning for why cases that may appear highly alike can result in different decisions, a phenomenon that would not occur if the immigration system was based entirely on the word of law alone.

Empathy and Immigration Law

"Empathy" has become somewhat of a buzzword over the past decade, but the social media storm surrounding it does not diminish the importance of empathy in the real world. Many studies have emerged in recent years centering the importance of teaching empathy to children. The emphasis placed on social emotional learning as a key piece of a child's education, akin to math or science, brings up a critical question: is empathy something we are born with, or can it

be taught? The answer is yes and yes, according to empathy scholar Olga Klimecki (2015). People are born with varying levels of empathy, but there are ways that empathy can be trained and induced. From a neuroscience perspective, mirror neurons and emotional contagion act as precursors for empathy, and are responsible for the brain patterns that make witnessing another person in pain and experiencing the pain yourself potentially very psychologically similar experiences. However, Klimecki and colleagues (2020) divide this natural, subconscious, empathetic response into two potential outcomes: empathetic distress, which manifests in withdrawal and reorientation towards the self, and empathetic concern or compassion which leads to prosocial behavior and is the object of the social emotional learning programs that have been implemented in more than 8 out of 10 schools across the U.S (Wynkoop, 2024). The conclusion of both of these studies is that the emotional brain is, above all, malleable, and that even short-term empathy trainings can lead to significant changes (Klimecki, 2015). But what does this mean for family reunification decision outcomes? Essentially, that they are far from an exact science, and that even if every judge experiences empathy at a psychological level, the way that this empathy manifests itself could mean a great deal of variance in case outcomes. Because legal decisions are the work of human beings, and each person experiences empathy to a different degree and finds themselves emotionally moved by different subject matter, the reasonable rule of law cannot be entirely objective. Moving forward, perhaps empathy training should be required for all judges, lawyers, and law enforcement, though it is difficult to tell if this would fundamentally change legal outcomes.

In my preliminary research I discovered a handful of studies focused on levels of empathy towards immigrants, particularly undocumented immigrants. One study by Sirin and colleagues (2016) focused on group empathy among individuals from different racial and ethnic

backgrounds. They presented several fake news clips about a man being deported and manipulated only the race of the man in the picture, and then asked participants to determine whether they sided with the man and how much they empathized with him. Regardless of the race of the individual, Black and Latino participants consistently reported higher levels of empathy for the man being deported. The authors hypothesize that this is a result of group empathy theory, which states that when an outgroup's experiences map on to similar struggles experienced by the in-group, the group as a whole is much more likely to react empathetically (Sirin et al, 2016).

The second article I came across featured a study conducted in Switzerland, which concluded that while there was some advantage to providing empathy and perspective taking instructions, the individual's preexisting beliefs (whether they were pro or anti-immigration coming into the study) still impacted their measured levels of emotional awareness (Klimecki et al, 2020). While this study did not take place in the U.S, it highlights how clear discrepancies exist on an individual basis, impacting whether someone is likely to react empathetically to someone's circumstances or revert to dehumanization or ignorance. A 2013 dissertation by Christopher Haynes hypothesized that inducing empathy for undocumented immigrants would lead to increased levels of support for more permissive immigration policies. The analysis primarily focused on the use of empathy as a framing tool in news coverage, and the resulting impact on public opinion, in which there was a positive correlation between empathy rousing communications and support for immigrant-friendly policies. What each of these articles concluded was that empathy is an important tool that can and should be taught, and that it can be a persuasive pathway to change.

Letter Writing: A lost art

In the introduction, I discussed how well-crafted stories have more power to move people than facts alone. To foster an empathetic response, stories must be both genuine and persuasive (Hayes and Kaba, 2023). Personal narratives provide a lens through which to see the world that is entirely singular and unique, which makes them powerful vehicles for the proliferation of empathy. There are perhaps more ways than ever before of cataloging what people are thinking, feeling and doing at this point in history, but there are few methods of modern correspondence and storytelling that possess the earnestness of a handwritten letter. Letters are not only a critical piece of this research, but of the immigration law system as a whole. In an increasingly digital world, letter writing could be considered a proper "lost art." In a survey conducted by CBS news, 37 percent of respondents reported that it had been over five years since they had sent a handwritten letter, and 15 percent said they had never sent one at all (Backus, 2021). However, letter writing holds a fascinating position in retelling history, particularly by way of the life stories of immigrants and their experiences coming to the United States. David Gerber, a scholar who specializes in migrant letters, explains how the retention of these letters allows us to study history from a unique and otherwise unheard perspective (Gerber, 1997). A personal narrative is wholly singular, and while we can place these narratives within the historical context, the writer themself is the sole producer of their story. The letters I analyze in this thesis may have been written to fulfill a similar purpose, but each one reveals something different about its author and subsequently the larger system they are part of.

Letters

Letters of support and personal accounts are a highly important component of U.S immigration cases. Written narratives help to fill in the gaps about an individual's life that cannot

be conveyed solely through legal documents. They aim to establish the type of person that someone is, what their hopes and fears are, and their motivation behind migrating. While legal in nature, they also serve to pull at the heartstrings of the reader and to say what is otherwise left unsaid in tax returns, proof of residency, and certificates of education. As I learned in my interviews with immigration lawyers, there is no perfect formula or one size fits all. A good letter is an authentic one. This is something that became clear in this analysis simply due to the fact that the letters were incredibly varied in their approach, word choices, and central themes. Unlike the majority of legal documents, letters of support are most effective when they are raw and real as opposed to calculated, illuminating how fundamental our sense of empathy and humanity is even in conjunction with the "reasonable rule" of the law.

As the bulk of my data, I analyzed 12 letters to USCIS, both written by and on behalf of individuals attempting to gain legal status in the U.S. The majority of the letters were supporting cancellation of removal cases. These letters had one of two central purposes: to demonstrate "good moral character" or to show the anticipated hardship one's absence has the potential to cause. The first category contained a great deal of phrases like "law abiding" and "hard working" and were written by family members on behalf of the individual applying for legal status. Letters of support fulfill the "good moral character" requirement for legal status and illustrate that the applicant has values consistent with what it means to be a good citizen. USCIS has a manual on their website titled "A Guide to 10 Year Cancellation of Removal" that outlines how to gather and write these letters of support, stating that they should highlight "all of your positive contributions to the United States" (Belous, 2022). Individuals are eligible to file for cancellation of removal if they meet several requirements, including ten or more years of physical presence in the United States during which they have been a "person of good moral character" (US DOJ,

2025). They are also required to lack a specific set of criminal convictions and to establish that their removal would result in "exceptional and extremely unusual hardship" to a U.S citizen or legal permanent resident spouse, child, or parent. These requirements are reflected in the syntax of the letters, from the repetition of the words "hard working" and "law abiding" that simultaneously aid in cancellation of removal cases and refute existing negative stereotypes about immigrants in the United States. To illustrate "good moral character," letters of support provide details about what kind of person the subject is beyond what legal documents and certificates of achievement can demonstrate. The strength of one's interpersonal relationships and what they hope for should they be allowed to remain in the United States are details that oftentimes can only be fully illuminated by personal accounts. Letters provide a vehicle that is inherently personal, although how letters of support are structured and what each author chooses to highlight about the person they are writing on behalf of shows a great deal of variation. By way of the differing qualities they value in their loved one, the authors authentically show love and support for their subjects.

    While letters of support illustrate love, fear, and the strength of one's interpersonal connections, letters written to show extreme hardship were by far the most emotional accounts I encountered. When an applicant has been deemed "inadmissible" by the provisions outlined in *8 U.S.C. § 1182: Inadmissible Aliens,* they still have a chance to achieve family unity by way of an extreme hardship waiver. Despite being established around the same time as more restrictive immigration policies like 1996's IRIIRA, extreme hardship waivers promote the original ideology of reunification as they give individuals another chance to make their case and illustrate the ties they have to the United States. If the applicant can prove "extreme hardship" on a citizen or legal permanent resident spouse, parent, or child, they may be eligible for a waiver of

inadmissibility and be allowed to remain in the U.S with their family, thus cancelling their removal from the country (USCIS, 2025). However, what constitutes "extreme hardship" is not always clear cut, and the law can play out in an inequitable manner (Signorelli, 2019). In *re Cervantes-Gonzalez (1999)* the court ruled against the man attempting to secure a waiver of inadmissibility, stating that "extreme hardship is not a definable term of fixed and inflexible meaning." This is significant because it established extreme hardship as something that is highly discretionary and reiterated that whether or not something qualifies as "extreme" is not one size fits all. USCIS lists several factors that are particularly influential to demonstrating extreme hardship, which include having a family member with a disability and past military service of the qualifying relative, but they also explicitly state that family separation, economic detriment, and difficulty adjusting to life in a new country are "common consequences" that will not stop removal proceedings. Because proving extreme hardship can be difficult, emotion is crucial in expressing the insurmountably of the potential loss caused by a family member's absence. In a piece for Southern University Law Review, Gina Signorelli critiques the extreme hardship waiver process due to the adverse psychological effects it has on applicants. While the process is designed to be less than a year, it is often much longer and generates significant levels of stress and uncertainty for families. Writing extreme hardship waivers also requires a level of enhanced vulnerability that can be psychologically distressing in itself (Signorelli, 2019).

I also obtained two letters that were part of asylum cases, which still contained many elements of family reunification, even if that is not the designated pathway the author or subject was going through. While these letters contained a higher quantity of purely factual statements, emotion still plays a pivotal role in the overall tone and narrative. In asylum cases, the applicant is required to demonstrate a "well-founded fear of persecution" and pass a credible fear

screening. In order for fear of persecution to qualify as "well founded" it must be on the basis of race, religion, nationality, or membership in a specific social or political group. However, meeting this requirement alone is not enough to pass a credible fear screening. While letters of support from family members or declarations outlining the sequence of events leading up to one's migration both influence the success of one's case, ultimately it is up to the judge to decide the applicant's fear is credible. As I will discuss further in the interviews portion, the credible fear piece of an asylum case is perhaps the most complicated emotional juggling act of all. Oftentimes, expressing fear alone is not enough to be deemed credible, and depending on the individual judge's beliefs and methods the law is rarely applied in a uniform manner. The letters I analyzed for these cases were letter of support, written to reinforce the factual evidence of the subject's story and to emphasize the person's good moral character and inability to return to their country of origin.

All letters conveyed a sense of who their authors and subjects are on a human level. I was surprised by how many times I was left with a lasting impression not only of an individual's disposition but of their outlook on life. For some, the contents of these letters are also their only chance to show their character as part of their case. As one of the lawyers I interviewed clarified, most of these authors will never get the opportunity to appear before a judge and tell their story. As witnessing physical displays of emotion becomes impossible, the letters themselves must become a window into the author's true nature.

The more letters I analyzed, the more I realized that while each story was unique, they also tended to tug at certain themes and values and used certain linguistic choices to imbue emotional overtones. This section is divided into emotional categories and their implications, but there are specific threads that tie all the letters together, even if these emotions do show up

differently in each one. The type of case the letter was written to support also influenced the emotions and narrative arcs employed in the letter. While letters of support for cancellation of removal cases have a great deal of flexibility in their narrative structure and tend to focus on a person's positive attributes, extreme hardship waivers and asylum cases both need to use fear and other more negative emotions to fulfill legal requirements and move readers empathetically. In my analysis, I coded for a total of 47 word choices and seven broader emotional themes, however this section is divided into five analyses that are representative of the most common overarching themes. Family related words were unsurprisingly by far the most common, with 48 mentions of children, 21 mentions of siblings, 20 mentions of spouses, and 36 mentions of parents. These five sections- Love, Love and Fear, Fear, Establishing Good Moral Character, and Hope- work to build an overlapping, fluid narrative. While mentions of fear and violence were among the most prominent commonalities, the resounding message was one of love and hope for a better future.

Love: On Behalf Of…

What I have learned from these letters is that there are so many ways to express love. Love is an integral part of human life. The majority of what we do, say, feel, and aspire to is in some way shaped by love or at least the idea of it. But what if love were to be dissected under a microscope upon which your future rests? Jane Lilly López's *Unauthorized Love* explores this very idea and demonstrates that the way people love and express their love is forced to undergo unusual hardship under this type of scrutiny (López, 2022). A commonality I did not expect to find among the letters was that almost none of them were written by the person petitioning via family reunification on behalf of themselves, but instead were written either by a family member or with a loved one as the subject. While character references are commonly required or

otherwise used in the consideration of an individual's case (USCIS, 2025), there is something quite intriguing to be said about how written proof that you are loved and love those around you has the potential to sway a case. This section attempts to pull apart the persuasive qualities of demonstrable love.

Letter Two was one of the most impactful and unique letters I analyzed during this process, due to the fact that the author's argument did not lie in how his own life would be changed or how he would suffer or rejoice depending on his case outcome. All talk of himself ends after his hope for a better future and desire to help elderly parents, and the remaining two pages are devoted to his wife. This narrative structure is typical of extreme hardship waivers which seek to demonstrate unusual hardship on a citizen or permanent resident spouse, child or parent. He tangibly describes the stress his absence would cause her if he were to be forced to return to his home country through vivid and moving visual descriptors, such as "*I notice her hands start to sweat every time we discuss the topic.*" What I think is most interesting about the letter is that it is not the author himself we are being asked to empathize with in the slightest, but his wife through his love of and concern for her. Even though its purpose is legal in nature, the narrative choices the author makes give the letter a highly emotional tone that in turn reflects his own moral character.

In my interviews with immigration lawyers, I realized this narrative structure is not at all unique, but rather an important persuasive strategy. *"Sometimes, when people come in and they are struggling to write a letter, we tell them to imagine what their absence would look like,"* Nicole, a practicing immigration attorney based in Portland, Oregon, told me during our interview. *"Oftentimes people struggle to write about their emotions- the financial stuff tends to be the easiest to discuss- so sometimes we refer them to psychologists to help bring these things*

to the surface. Emotion can be everything in some of these cases." Even knowing that the purpose of these letters is strategic, there is still an undeniable humanness about them that goes beyond the solely legal. Despite all expressing love, hope, fear, and deservingness, each letter approaches these emotions in different ways and shows a different definition of what it means to belong somewhere.

In Letter Two, mixed in with more concrete factors are moments of caring in which love shines through. He characterizes his wife as an extremely "*kind, generous, and hard working"* individual who should not be made to endure the hardship caused by his absence, a segment that reads slightly like a love letter. His desire to remain in the United States is thus placed outside of himself and into another person, or "on behalf of" his wife. Additionally, by making his role in the narrative the idea of his absence, he is inversely creating another story in which he is able to continue providing for and caring for his wife and children. Much of the letter is highly factual, but it is the tone and structural choices that are emotional. An example of this is a simple sentence in the second paragraph reading: *"My wife and I have never been apart since the day we got married."* While this is a testament to the stability of their relationship, it sets up the remainder of the paragraph in a highly impactful way. The author then goes on to describe the life he and his wife have built together, their two children, and the stepson he has *"raised, loved, and cared for as if he were my own."* The author very effectively paints a portrait of his life with his wife before describing the economic hardships that would befall her should they be separated. By beginning the narrative by 'setting the scene,' the more factual portion of the letter takes on a noticeably emotional flavor.

However, the word "love" itself only appears once across the five paragraphs of Letter 2. In fact, the main descriptive themes I pulled from my textual analysis are 'fear and suffering' and

'economic stressors', but the letter leaves an aftertaste that differs entirely from these more negative consequences. This semantic phenomenon is actually highly common across all of the letters. The word "love" only shows up a total of seven times, which I found quite low because love is one of the central components of family reunification, and the overall lasting impression left by these attestations. The manner in which one discusses their family is what shows love without saying the word itself. Phrases like *"We care about him very much"* in Letter 6, and *"I am very proud of her"* in Letter 8 both show love without explicitly using the word. Sometimes, the way to show that someone is loved is to show that they are known. One of the lawyers I spoke to mentioned that sometimes a part of the writing process is asking clients to jot down small, everyday things they would miss about their partner or family member. Additionally, the adjectives the author chooses to describe their loved one can enhance this effect. A mother describes her daughter as "*centered, mature, and intelligent- she is a person who likes all that is legal, straightforward and clear."* In another letter, the author describes his brother as "*a person with many gifts, he knows how to weld and build a house."* A sister notes of her younger brother *"He stands out as a brilliant, appreciated, and esteemed human being to friends and family."* All of these descriptors depict very different qualities but demonstrate a level of caring for the subject that shows love and admiration without stating it explicitly.

Similarly, many of the letters use our innate human need for community and connection as the primary argument for reunification. In some letters this is written explicitly, with the author describing the strong community they have built in the United States as the thing they would miss most. In other letters, it is simply the subject's current absence of community that presents a fillable void. Separation is the antithesis of community and is characterized as a state of constant worry and the absence of a bright future. In one short series of letters written on

behalf of the same individual, his being alone in his home country is cited as one of the major

reasons for why he should be granted legal status. The idea of belonging, with whom and where,

comes up time and time again. In Maslow's (1943) famous hierarchy of needs, love and

belonging make up the third level of the pyramid, placed only after safety and physiological

needs. While economic and educational opportunities are cited as key reasons for migration, with

eight and seven mentions of each respectively, mentions of family and community are far more

prevalent throughout the letters.

Love and Fear

  Love and fear in tandem, or more specifically love as the key to letting go of fear, hold an

interesting position in the public conscience. Entire books have been written on the subject,

ranging from self-help to neurological discoveries. It has made its way into pop culture, through

Stevie Nicks singing "I have no fear, I have only love" in Fleetwood Mac song *Gypsy.* This is

reminiscent of a much longer quote in the bible that reads: *"There is no fear in love; but perfect*

love casteth out fear: because fear hath torment. He that feareth is not made in perfect love."

(John 4:18) While this quote has religious implications, it powerfully poses fear and love as

antonyms, by stating that love in itself is the absence of fear. Yet everything about placing fear

and love in such a relationship, that is to say where love is the only thing that can absolve our

fears, feels inherently contradictory and somewhat short sighted. In writing letters both for

extreme hardship waivers and asylum cases, love and fear are perhaps the two most crucial

emotions the author must demonstrate. Many of these letters are written from a place of fear that

stems from love, exemplifying how when we love others, their fears can become our own. While

the overall tone changes depending on where the author emphasizes these differing emotions, for

both of these legal categories and the poignance of the story being told it is important to show that one's fear is the result of their love for the subject.

In Letter Eight, our author starts out full of fear. She is constantly worrying for her daughter who has recently moved to the United States and is on her own, separate from her close-knit family, for the first time. However, after her daughter falls in love and she sees just how happy she is, how radiant and secure, this newfound joy overtakes her fear. She finalizes her letter by saying she has never felt less preoccupied by her daughter's safety. Letter Eight is a letter of support, working to establish the daughter's good moral character and the strength of her connection to her partner in the United States. The opening passage reads: *"The day that she left our beautiful country, my heart suffered greatly, but when (daughter's name) called me full of emotion, happiness, and excitement to tell me that she was in love, my heart went back to being okay."* Out of all the letters I read, Letter Eight uses the most varied and lyrical language. The author beautifully illustrates her daughter's contentment with her partner in the United States. From what we know about empathy frameworks- in particular aiming communications to elicit a compassionate empathetic response- this letter is rather unique in that it is not necessarily seeking to stir a desire to help in its reader (Klimecki et al, 2020). Instead, its persuasion lies within hoping to continue an exultant, positive situation. The tone shift from a narrative of fear to one that is somewhat celebratory is what interested me most about this particular account. The author describes the moment she learned of her daughter's engagement, writing "*I realized I had never seen her so radiant, happy, and blissful."* She states later on "*I felt calm when I could talk to (her daughter's fiancé), I thought that everything was going to be alright."* The author is not removed from her narrative but is instead guiding its emotional trajectory. Unlike some of the other letters which follow contamination arcs, Letter Eight follows a clear redemption narrative.

By starting the story with fear and ending in a place of contentment, the author effectively demonstrates how remaining in the U.S. would perpetuate her daughter's current happiness.

Many of these letters contain messages of both fear and love, often in the same sentence. A mother's love for her son causes her to fear deeply for his safety as he is the only family member not in the United States, a husband fears for his wife's livelihood should she be forced to care for five children alone if he were deported. These deep, emotional fears all stem from love and a longing for reunification. Therefore, I feel it cannot be said that fear is the antithesis of love, but that love requires us to be fearless. Despite the hardships of those these authors are writing on behalf of, they are still writing from a place of love, a love that is unconditional in the sense that they continue to love and care for these individuals despite the hardships it may place on their own lives.

Fear

While there is beauty to be found in love and longing for a better future, it would be shallow to glaze over the amount of fear, violence, and sadness that can be found in the contents of these letters. This is especially true of the two letters of support for asylum cases that I analyzed. While this is to be expected as asylum cases include proving a "well-founded fear of persecution" (USCIS, 2025), the majority of family reunification letters also contained some level of fear - at least one of the words *worry, stress, afraid/fear,* or *danger* was mentioned in seven out of the twelve letters. This is consistent with the reality that fear is one of the main push factors in modern day immigration. Simultaneously, fear is the central emotion employed in anti-immigrant narratives and policies. Despite increasingly restrictive immigration legislation designed to appease nationalists and curb unauthorized immigration, there has not been a dramatic change in migration patterns, though the population of undocumented immigrants in the

U.S has been slowly declining over the past decade (Warren, 2021). Sanctuary states can also act as a pull factor, by absolving some part of the fear surrounding these more draconian laws (Gonzalez-Gorman, 2022). Fear is an undeniably powerful emotion that impacts immigration from different angles, yet as I learned from my interviews, fear itself is not enough to alter a case outcome. *"I often have to tell people: I know how afraid you are, but unfortunately being afraid is not the basis for me to give you asylum here"* the retired judge I spoke with explained to me. If a case does not fall under the narrow definition of "well-founded fear of persecution," then it does not matter how legitimate or deep rooted a person's fears are.

In the final sentence of her two-page letter, the author of letter twelve writes: *"I am afraid to return to (country of origin) because I have been told my son greatly resembles his father."* Letter twelve is part of an asylum case and is a personal account. As I mentioned in the beginning of the letters section, letters for asylum cases provide support for the crucial facts of one's story leading up to their migration to the United States in order to better establish their fear of returning as credible. Because of the particular role they fulfill, they lack some of the emotional, lyrical language of letters of support and extreme hardship waivers, yet there was still a great deal of emotional richness to be found within the pages of letters one and twelve. Letter twelve details a lifetime of violence and hardship, yet the last sentence on its own is poised to reveal several truths about the author's case. I was struck by both the intensity of this concluding sentence and the number of implications it carries with it- the author illustrates in writing how these cycles of violence have the power to impact not only her own life but the lives of future generations.

Within the letters that mentioned fear, nearly all of them expressed fear on behalf of a loved one. This is consistent with the narrative structure of letters of support and extreme

hardship waivers, but the way that fear is implemented can transform the tone of the letter. In my

analysis of letters two and eight, I described how while fear is central to the narrative, the overall

tone and message is one of love. Contrastingly, letters twelve and one are stories of loss. Letter

one is a letter of support for an asylum case, and it opens in a very typical fashion. The authors,

the subject's parents, describe their son's many virtues and positive upbringing. *"With*

dedication and strength, we have been able to give our children an education. In the same way,

we have instilled good Christian principles in our children so that they may lead a virtuous life

before God and before society." This paragraph paints a picture of success, which is only

furthered by the following description of their son's rewarding career as a local youth pastor.

However, as the authors begin to describe the local violence that led their son to flee to the

United States, the tone undergoes a significant shift. The Letter ends as follows: *"Thank God our*

son is doing well in the United States. We are afraid for (son's name) to return to (country)

because there is no peace in our village." While the authors do not describe their son's current

life in the U.S, they do paint a vivid picture of his life before. In doing so, they avoid mentioning

any other extraneous variables for migration and solidify fear as the sole motivation. This aligns

with Liisa Malkki's (1996) depiction of "anonymous corporeality," which implies a certain lack

of autonomy that further causes the reader to empathize with the subject.

Where fear is mentioned in a letter can alter how one's story is perceived. Some stories

do not mention fear at all and serve solely to establish good moral character, others center around

the stress or worry that being away from their loved ones causes them. While letter eight begins

with this stress and ends with newfound joy, and letter two mixes messages of anxiety with those

of love, letter one starts out peaceful and ends in fear. This narrative structure appears to be

unique to asylum cases, where fear is the central emotion one is expected to display. How the

author infuses their letter with words like *stress, pain, and suffering* has the ability to change the tone entirely. By ending with fear, these authors illustrate a certain bleakness in their current or previous situation that can be absolved through safety and positive social change.

Establishing Good Moral Character

It is nearly impossible to discuss family reunification without mentioning the idea of "deservingness". Deservingness frameworks can be used as a tool for certain individuals who fit into them, but they not only reinforce the restrictive nature of immigration the U.S as justified but create an immediate subcategory of those who are undeserving (Chauvin and Garcés-Mascareñas, 2014). How do these narratives form, and how are they perpetuated through the media, legal actors, and everyday interactions? Deservingness frameworks and meritocracy are woven into the fabric of American society, beginning with the mythological American dream. The idea that goodness and hard work are inevitably rewarded and that hardships and injustice must thus be deserved by those who experience them, known as the "belief in a just world phenomenon" is a common excuse for social inequities made by those who choose not to acknowledge them (Rubin and Peplau, 1975). In asylum cases where discretion is involved, the end result often comes down to deservingness- whether the judge finds you to be credible and your fear to be genuine. In family reunification cases, letters can help determine whether or not a person is "deserving" of legal status, especially in cases where the applicant will never get to stand before a judge. Across all letters, descriptors of morals and values made up the second most common word choice category after mentions of family. While this makes logical sense given the legal requirements (both discussed in the introduction and in further detail in the following paragraph), there were several words used to characterize subjects that appeared consistently. The lawyers I interviewed and I speculated these repetitive choices may speak to

other related immigration laws. While establishing good moral character is not related to emotional displays per se, it is too consistent and pertinent of a theme to not devote some level of analysis to. Additionally, as establishing good moral character is the end goal of letters of support, a sizeable portion of the letters I analyzed, it inherently influences how and which emotions are expressed.

USCIS's requirement "establishing good moral character" exists for all cancellation of removal cases, which include extreme hardship waivers. What USCIS considers to be "good moral character" has its boundaries, many of which can be met through various strictly legal documents. Where these boundaries start to blur and allow room for individuality is through letters of support. In "A Guide to 10 Year Cancelation of removal" (a document promoted by ICE that outlines what is expected in each of the letters of support and who is eligible to apply), good moral character is defined as a lack of a criminal record, community involvement such as church attendance or volunteering, and proof of achievement or self-betterment. It states that the letters of support from family and friends are intended to detail "all of your good contributions to the U.S." (Belous, 2022). Letters are a chance to show a person's values and approach to life. One of the lawyers I spoke to perceived the moral character requirement as a somewhat "low and sanitary bar for what you consider a good person to be." She argued that your tax returns from the last ten years, or proof that you are hardworking or don't have a criminal record are not always integral to the type of person you are. The kind of father or spouse or coworker you are cannot as easily be put on paper but are nonetheless a crucial component of what many people would consider "moral character" to be. Written narratives and attestations are often the only avenue for showing the strength of one's interpersonal relationships or fortifying that they are

hardworking and wish for a better future for themselves in the U.S, considering the rest of the documents presented in one's case are strictly legal and lack distinct personality.

Nine out of the twelve letters, particularly the character references, characterized the individual they were writing on behalf of as "hardworking." This word, while a seemingly obvious positive trait, simultaneously works to combat restrictive stipulations in modern day immigration law. The instatement of IRIIRA in 1996 established a minimum income threshold for sponsors, a change that made legal migration of those falling below it nearly impossible (Abrego et al, 2017). Not only are these discriminatory practices written directly into the law, but they are only heightened by the spread of hostile narratives by politicians and the media alike. The idea that immigrants come to the U.S and end up being a drain on state resources is one that the authors of these letters and their lawyers are aware of and must keep in mind when telling their story. Financial responsibility is one of the key practices that USCIS hopes prospective citizens will bring into the U.S according to their guide (Belous, 2022). While this may not be the most important aspect of what constitutes "good moral character" in interpersonal relationships, it remains a commonly employed measure of deservingness in U.S immigration law.

Another moral and legal yardstick that is used to measure one's eligibility for legal status is their lack of a criminal record. This is indicated through the phrase "law-abiding," written in varying words like *"has never broken the law"* or *"has never caused any trouble."* Phrases of this nature are a common thread between countries, narratives, and genders. Yet this distinction inherently reinforces the idea that people are only "deserving" if they meet certain criteria, which can have problematic implications and lead to biased assumptions (Fernández-Campbell, 2016). Who and what is considered "good" is highly subjective and is likely to change over time. The

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frequency of the phrase "law abiding" potentially speaks to larger truths about our nation. The United States as a whole is an incredibly punitive country, and the belief that people with criminal records are undeserving of basic human needs like love and family can be seen in our system of mass incarceration and in the horrific mistreatment of individuals being held in ICE detention centers across the country (UW Center for Human Rights, 2020). Letter seven in particular centers around this idea. The author characterizes his brother as someone who has never broken the law, who *"has never possessed vices like drugs or alcohol"* and whose *"only desire is to be able to provide for his wife and children in the United States."* I also received a letter written on behalf of the same individual from another sibling in which there was a highly emotional tone where his being separated from his family who loves him was cited as the primary reason why he should be granted legal status. In contrast, the letter detailing his law-abiding qualities felt rather sterile. The importance of being "law abiding" once again draws the intersection between law and emotion to the forefront of the conversation. Being "law abiding" and "hardworking" are both necessary facts, but depending on how the author constructs their narrative, they can take either a starring role or the backseat.

Hope: Dreaming of a Better Future

While there is a necessity for describing one's hardships, fears, and the suffering and grief they have endured, the letters also serve as declarations for what could be. Across all 12 letters, half of them contain the words *"a better future,"* almost always for their family. More common themes include *"opportunities,"* *"education,"* *"success,"* and *"happiness."* Each of these words, in their own way, is inherently hopeful. The written dreams of these authors tend to be simple wishes for a better life for and among those they love. This section provides insight into how hopes and dreams are infused into one's personal narrative.

"*I want to gain my residency to give my daughters a better future, and to be able to support them economically when they go to university. What I want most is to see them grow and become successful women.*" This quote which closes out Letter Three not only establishes the author's reasoning behind going through the rigorous process of applying for legal status, but grounds the reader towards what she feels truly matters in her life. In Letter Five, the author does not describe the subject's desire for reunification, but instead details his own desire to be reunited with his brother, stating *"I would like for him to be here with us, because he is the youngest in my family and we love him very much. I want him to be here so that I can support him with what I can, and so that we can be together, the whole family, and not be separated anymore"* This section feels vulnerable and authentic, as it diverges from the traditional character reference structure and returns to the real motivation behind family reunification: love and family unity. Letter Six follows this same structure, by implying that a favorable response would not only improve her son's life but make her own more "peaceful and secure" in the process. She writes earnestly *"I am hoping for a favorable response so that I might have a more peaceful and secure life with my children in the United States, and so that I can stop worrying about what could happen to my son."* In this letter, reunification is poised as the antidote to fear. These quotes each make up the final sentences of their respective letters, ending their differing emotional narratives on a similarly impactful and forward-looking note.

How words and narratives of hope are implemented to describe one's legal case is largely varied. The rise and fall of perceived happiness, success, and familial closeness does not have a traceable common thread. Some stories start out more positive, such as Letter One, which finds the subject with a successful career he is very passionate about before being forced out of his home country by gang violence. Others start from a place of suffering and eventually come to be

positive, such as letter 8 which was discussed in the 'Love and Fear' section, exemplifying the positive changes that have occurred in the subject's life since coming to the United States. Redemption narratives, rather than contamination narratives, particularly interested me. So often in the scholarship surrounding the struggles faced by immigrants in the United States, the narrative is one of what is missing, of hardships, or of overt criminalization. Indigenous studies scholar Eve Tuck writes in "Suspending Damage: A Letter to Communities" how while damage centered research is important and has helped marginalized communities gain access to resources in the past, these narratives also characterize these communities as "depleted, ruined, and hopeless" (Tuck, 2009). I would not say that any of these letters are fundamentally hopeless, even the ones which center themes of fear and violence. Personal narratives are highly unique in that they illustrate the array of emotions that an individual can experience in relation to a single issue. Even if the broader narrative surrounding a group or an issue is painted in a negative light, individual narratives can be full of emotional complexities that show human resilience.

In David Gerber's research about the impact of migrant letters, he details how personal written accounts can tell stories and provide records for moments in history that would otherwise be missing from the broader historical narrative (Gerber, 1997). This year marks the start of an incredibly dark time for the immigrant population in the United States, and it appears the future will hold only more devastation. While these letters, though very recent, are from a different political administration, there is something to be said through them for the array of emotions that can flourish when speaking to or learning from an individual versus the central narrative. Individual human emotion is highly complex and does not subscribe to one single narrative- these letters show that it is common to feel both fearful and hopeful in the same instance. They

provide a unique portal into nuanced, singular lives. The letters can also be a message of hope in themselves, by illuminating emotional experiences that would otherwise be unheard.

Interviews

From the letters, I gained a window into individual stories that illustrated the emotional intensity of the immigration system from an applicant's perspective. From my interviews with immigration lawyers and a retired immigration judge, I learned the broader strategic purpose of infusing personal narratives with emotion, and how these emotions impact legal actors at all levels of the immigration system. When I interviewed Judge S, a retired immigration judge who prefers to remain anonymous, one of the first things she said stuck with me and later guided my analysis of the interviews. With an emblematic sigh, she told me *"It was the best job in the world, and it was the worst, because it was so emotionally charged. Even if you aren't considering emotion in your decision, there's still emotion involved."* As asylum cases make up the majority of those which go before an immigration judge, she elaborated on the emotional nature of her former career, noting how *"This hearing is the most important day of their life, but they're there to tell you about the most terrifying day of their life. A steady diet of that is hard."* Hearing these words from a someone with an arguably very powerful position put into perspective how individuals at all levels of the system are impacted in one way or another by the highly emotional and often devastating nature of immigration decisions. Learning from legal professionals about their role in the immigration system and its respective emotional implications added new dimensions to my research and fortified the data that I had previously gathered from the letters. I conducted three qualitative interviews: two with practicing immigration lawyers, and one with a retired immigration judge. All lasted 45 minutes to just over an hour. They informed me as to how they help structure narratives and guide clients in telling their stories, as

well as what they believe the future of family reunification holds. I learned from these conversations that not only is emotion a crucial component in the process of applying for citizenship, but that it is highly pervasive at every legal juncture and impacts a variety of legal actors.

The bulk of this research centers around how and which emotions are expressed by those applying for citizenship, but the role of the judge walks the line between reason and feeling in a way that is uniquely emotionally challenging. Nicole, the first lawyer I interviewed, attributed a great deal of the outcome discrepancies, particularly in asylum cases, to the differing views of judges and their individual decision-making styles. Nicole has been a practicing immigration attorney in Portland, Oregon since the mid 90s, although she did not always plan on becoming a lawyer. Her desire to help refugees led her to law school, where she found a passion for immigration law and began working for a nonprofit before starting her own firm where she currently practices. She illuminated a great deal of the legal process for me and helped me to understand the narrative choices behind the letters I had translated. Nicole explained to me how the judge's job is to hear the facts, but it is also to determine the credibility of the applicant. The piece of credibility is where discretion arises, and the individual judge has the power to sway the verdict. *"Certain judges find everyone to be untrustworthy or not credible, and part of me thinks they just don't want to believe that all these horrible things are happening in the world all the time"* she elaborated. Yet Judge S's former method is much more closely aligned with Susan Bandes's (2016) view of what a judge should be: someone whose job is first and foremost to be empathetic. *"I tried to give my full attention to the people who came through."* She told me resolutely "*I wasn't advocating for them, but I was understanding. I was treating them with dignity and respect."* This type of practice is unfortunately far from universal, and as the Trump

administration attempts to further narrow the discretion of immigration judges, hearings may become more perfunctory than truly meaningful. Though arguably the role of empathy itself will not lose its potency, at least as Judge S describes it. *"This one day in court is the most important day of their lives. It was my job to respect that and to honor that. Most of the time I probably denied, but it wasn't because I wasn't paying attention to them."* Unfortunately, she sees this as something that could be lost as judges are forced to make decisions at a higher volume and with reduced time for contemplation.

Immigration law is highly emotional by nature- either people are approved for legal status or denied and forced to separate from their families and/or return to the country they previously fled. Legal decisions in any capacity can change lives for better or worse, and often have multi-generational impacts. The process of making these decisions manifests itself in a combination of clear-cut legal rules and highly emotional processes in which discretion is involved and strategy can come into play. Hannah, the second lawyer I interviewed, has been the sole attorney at her practice in Bellingham, Washington since the early 2000s. Hannah is also involved Bellingham's in local government, and I was very impressed by her level of emotional intelligence when discussing the future of immigration law and more complex legal processes. She explained this juxtaposition to me. *"In immigration law in particular, there are certain parts of the law that are very clear cut, but there are other parts where you need to show the impact decisions will have on an individual or their family, and this can be very emotional."* She provided the example of length of residence in the United States as something clear cut- this is a simple box to check, and something that is either true or false. Emotion comes into play where there is a gray area. For example, when utilizing extreme hardship waivers in family reunification cases, one must show hardship on the U.S citizen spouse. *"While the waiver will*

also benefit the non-citizen, these really were instituted to protect the citizen spouse. The idea is that they should not have to suffer for another person's violation of the law" Demonstrating in writing the immensity of the loss that would occur if the couple were separated is inherently emotional, both in its creation process and in its final product. It forces those writing it to think about how their spouse would suffer in their absence, and the result is a testament that is designed to be emotionally moving. *"Oftentimes it comes down to that empathy piece-"* Hannah told me *"The humanization of individuals beyond the paper and the act of trying to tell a story."*

Both lawyers I interviewed maintained that emotion is a critical part of their job and their approach. *"You need to bring emotion in with anything that is discretionary."* Nicole explained to me. *"You need their story. Sometimes this means asking the judge to let you start at the beginning- did they grow up poor, did they get to go to school- you have to set the scene."* Constructing a personal narrative from the hard facts of one's case is of high importance. It is not only the story you tell, but how you tell it. While the judge ultimately gets to decide whether or not an applicant is deserving, the role of the immigration lawyer is to help their client play their cards as effectively as they possibly can. For clients who will not have the opportunity to appear in front of a judge, the letter writing process is of utmost importance. During my interviews, I asked the lawyers how they guide clients in forming a persuasive written narrative. *"In law school, they try to hammer the emotions out of you. God forbid you use an adverb! When I got into this field, I had to learn to put emotion back into my writing"* Nicole told me. From her perspective, the most difficult part was getting the clients to open up and be able to put their emotions on paper. Naturally, most people do not like to think about what would happen to their family members should they be deported. The financial and logistical aspects seem to be the easiest to write about, but in order to create a full and persuasive narrative, describing the

potential emotional loss is necessary. Sometimes if clients are having an exceedingly difficult time opening up to their attorneys, both of the lawyers I interviewed said that the next step is to send them to a forensic psychologist who can hopefully get them to speak their story into existence. *"We need to get the facts while trying to pull on the heartstrings of these cold-hearted judges. I had an attorney friend who would say- 'we're making a movie. It's a true story, and it's going to be about you, but you have to lay the groundwork.'"*

While there are no explicitly right or wrong emotions to show, there is a balance that an applicant should maintain in order to be found credible. Judge S described to me two contrasting anecdotes that illustrated the complexity of emotion and credibility in asylum cases. She told two stories of two different women- one who was highly emotional and would not stop crying during her court hearing, and another who maintained a completely flat affect for the duration of her testimony. In the end, Judge S only found the second woman to be credible. There is no one size fits all for emotional displays. Judge S was adamant that just because an applicant shows a great deal of emotion does not automatically make them credible, and vice versa. This also illustrates the rather high level of discretion judges possess. While this is beneficial in that it allows applicants to bring in emotion and strategically tell their story, it results in surprisingly large discrepancies that feel incompatible with what we as a society hold to be true about the rule of law. Like the letters, in live testimonies it is the authenticity piece that makes for a successful applicant. However, as the judge is also a human being, their decisions can never be entirely based on reason alone. "Authenticity" can be subjective, as some judges tend to find everyone guilty of some sort of falsehood, which can be seen in the drastically different asylum approval ratings by state and by individual judges (World Population Review, 2024, Shapiro, 2018). Additionally, if it becomes evident that judges are being swayed by their sense of empathy, the

ICE attorney acting as prosecutor can appeal their decision, which can have further devastating consequences for the applicant.

In asylum cases, where it often comes down to the judge to decide if one's fear is "credible", the applicant must maintain a clear, consistent record of the facts of their case while explaining the worst moments of their life. This is not only extremely emotional by nature, but also holds the possibility of retraumatizing the individual telling their story. *"I had a colleague who compared asylum hearings to 'death penalty cases in traffic court.'"* Judge S told me towards the beginning of our conversation. *"The consequence if we were wrong, if we sent someone back, was that they could be killed. The stakes were so high- but there wasn't even a court reporter, and a transcript was only made if someone made an appeal."* Judge S's use of this comparison speaks to a broader systematic failing. *"It's a broken system"* she elaborated *"Personally, my heart breaks. This is not a way to treat other human beings."*

While the bulk of my research focuses on the emotions of the individuals going through the process of applying for citizenship, emotion is also central to the experience of these legal actors. Judge S eventually left her position because it got to be too emotionally draining. She spoke in our interview about the dangers of "vicarious trauma." Vicarious trauma was first defined by clinical psychologists as "the unique, negative, and accumulative changes that can occur to clinicians who engage in empathetic relationships with clients" (Branson, 2018). While the bulk of the existing literature centers around healthcare providers, legal actors are also subject to vicarious trauma, compassion fatigue, and burnout. Judges, lawyers, and interpreters who are regularly hearing stories about horrible instances of violence, abuse, and terror are bound to experience some form of emotional overload, despite having not gone through the described trauma themselves. *"It is a lot of empathy to feel everyday,"* Nicole told me.

Compassion fatigue and burnout could also explain the mistrusting attitudes of judges towards applicants, as acknowledging the tragedies that occur each day and responding in an understanding manner requires increased levels of vulnerability and empathy that can become exhausting over time. While those going through the process themselves undoubtedly experience the worst of it, the high stakes nature of immigration cases can be devastating for all parties involved.

As the policies toward immigrants have shifted dramatically during the time this research was conducted, so has the role emotion is able to play in immigration law. It would be incorrect to say that emotion is being actively removed, although in many ways its current use is being prohibited or demolished, a fact the legal professionals I spoke with acknowledged. The reality is that another emotion is being brought to the forefront: fear. The emotion of fear has been integral to the Trump administration's mass communications of hate and anti-immigrant sentiment. The idea that there is an innate danger in individuals born outside the U.S, or that they possess some inherent criminal element has been entirely predicated on fear, racism, and nationalism. Despite the existing statistics that completely disprove this idea (Flagg, 2018), this fear is very much alive across the United States. *"Someone's immigration status is irrelevant to so many aspects of their life, but the current administration is depending on members of the community and local law enforcement agencies to look at people differently and make certain judgements."* Hannah told me when I asked her where she thinks the future of immigration law is headed. In all likelihood, this practice will play out in extremely racially targeted ways. From this perspective, law as a measure of reason and fairness may also be losing its potency.

At a time where the government is set on distilling the type of fear into its citizens that makes them turn their backs on their neighbors and friends, seeing people's humanity is

essential. Empathy arguably matters now more than ever. It is not enough to simply feel

sympathetic, but we must strive for compassionate empathetic responses that have the power to

drive change (Klimecki et al, 2020). There are horrific, hateful communications being

broadcasted by the government each day, and a large group of people who believe in and agree

with them. Yet the other glaring problem, and one that I have noticed within my university and

within my loved ones, is that even the "left wing" are much less likely to care about social justice

issues that do not impact them directly. As was illustrated in Sirin and colleagues' (2016) study

of Group Empathy theory, people whose identities did not map onto the experiences of the

marginalized group were far less likely to react empathetically. To ignore what is currently

happening to undocumented immigrants in our country requires a level of privilege and willful

ignorance. A person's race or citizenship status should not make them exempt from caring.

Hannah echoed this sentiment towards the end of our conversation *"I think that the role of*

emotion and compassion and empathy and seeing each other as human beings will be more

important than ever at the local level." She explained *"Even if it doesn't impact your*

immigration case, the feeling that you are not alone and someone values your story- those

relationships mean a lot in providing support when people are navigating these times."

Conclusion and Future Directions

This research illuminates emotion as an inexorable part of immigration law in the United

States. While some aspects of the process of applying for legal status are strictly factual, emotion

plays a key role particularly whenever discretion is involved. In the literature review, I examined

the relationship between law and emotion more broadly and emotion as it relates to immigration

law. The findings suggested that while more research is emerging in both of these fields,

immigration law and emotion is still a somewhat under explored topic. This research pulls from

several areas of study, including the science of empathy and the history of immigration law in order to make sense of how emotions are constructed, displayed, and interpreted in the U.S. immigration system.

One of my primary findings was that while legal requirements like "establishing good moral character" shape how and why emotion is expressed in letters to USCIS, there remains a great deal of variability among the letters that provides insight into who the author is as a human being and what they value in their life. I did not anticipate that almost all of the letters would be written on behalf of a loved one instead of as a personal account, which created additional variation in how removed the author was from their own narrative. While the letters contained many mentions of fear, worry, violence, and sadness, they were also rich with love and hope. Unsurprisingly, the most common word choices were family related (*children, parents, etc.),* but words design to establish good moral character like *"hardworking"* and *"law abiding"* were also highly prevalent. While the word love was only mentioned a total of seven times throughout all twelve letters, love was expressed through other words like *"care"* and *"proud"* or through beaming descriptions of the subject's character. This illustrates how even when fulfilling legal requirements like "extreme hardship" or "good moral character," the emotions that one utilizes to do so can influence the overall tone and message of the letter. Analyzing the author's hopes and dreams revealed wishes for a better future and a shared sense of longing for reunification.

These findings were consistent with my hypothesis that constructing an emotionally rich, authentic personal narrative is of high importance in immigration cases. The letters that I analyzed may be some individual's only chance to tell their story, so *how* they tell it is crucial. The lawyers I interviewed emphasized how whenever discretion is involved, you must bring in emotion to appeal to the judge's empathetic side. These interviews also helped to clarify some of

the patterns among the letters, such as why they were written on behalf of another or focused on how their loved one would suffer in the author's absence. I learned that there is a highly intentional process behind drawing these emotions to the surface, and that lawyers have several strategies to ensure that these letters are emotionally vulnerable, nuanced and authentic, a fact that was further illustrated by the contents of the letters themselves.

My second main finding was that people at all levels of the immigration system are impacted differently by its inherently emotional nature. Because the stakes are so incredibly high and there is a lack of mental health support for in place for legal professionals, lawyers and judges alike frequently feel emotionally overwhelmed. Empathy is central this both of these careers- even if someone's case is denied, having empathy is crucial in making the applicant feel that their story has been heard. The lawyers and judge that I interviewed all expressed uncertainty about the future of immigration law, particularly the role in influencing case outcomes that emotion will play within it. They illustrated for me that while there is great deal of fear and hatred being infused into the law at this point in time, the importance of seeing each other's inherent humanity and acting with empathy can never be erased.

This research has several limitations. First and foremost, the number of letters and interviews that make up the data analysis section is very low and may not provide an entirely accurate sample. The letters were all written for cases being carried out by the same law firm based in Portland, Oregon, which could provide an alternative explanation for similarities in narrative structures. Second, pieces of the analysis, particularly the way the letters were coded and separated into emotional categories, were based solely off of my own judgement. Future research using a larger, more diverse sample and a second coder could help to better illustrate the role of emotion in family reunification. Additionally, because the emotional brain is highly

malleable and existing research on empathy shows that even short-term empathy trainings can have lasting effects, future studies around how we can use empathy trainings to reduce apathy and discrimination could provide a sense of hope for the future. Due to the large influx of legal changes that have been made to immigration law during the time of my writing this thesis and the changes that are likely still to come, the outcome of the data I collected could look very different a year from now. As I mentioned in the interviews section, the role of emotion as a tool in promoting empathy and helping to secure favorable case outcomes is being both altered and blocked by the current administration. Future research could fortify my findings and examine how the role of emotion in immigration law shifts during the Trump administration. Additionally, because the emotional brain is highly malleable and existing research on empathy shows that even short-term empathy trainings can have lasting effects, future studies around how we can use empathy trainings to reduce apathy and discrimination could provide a sense of hope for the future.

To conclude my interviews segment, I stated how empathy and seeing each other's inherent humanity are more important now than ever. But how do we move people to build community and truly *care*? Kelly Hayes and Mariame Kaba's *Let This Radicalize You* (2023) asks the question "what works when facts fail?" Oftentimes, people already know the facts. To make an impact, sometimes you need to tell a story. The reason I share the author's written hopes, fears, and words of love is not just to make a point about how emotion can be used to sway immigration decisions, but to hopefully move the readers of this thesis to feel with and for the authors of these letters. Letters are a beautiful form of storytelling, and through them we can find an array of complex emotions that are unique to the author. In the future, similar projects should focus on how we can use storytelling and personal narratives to spread empathy around

immigration related issues in the U.S. This research finds that emotion is central to every aspect of our lives, and that as long as human beings are making legal decisions, we can never reach true objectivity. Instead of trying to push emotion away in favor of reason, we should embrace our innate sense of humanity and seek to understand emotional complexities as a valuable component of the human experience.

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word choice	count	overarching theme	
worry	3	fears and anxieties	
fear	9	fears and anxieties	
danger	3	fears and anxieties/negative circumstances	
stress	3	fears and anxieties	
love	7	love	
care	3	love	
proud	2	love	
hardworking	11	character and values	
responsible	4	character and values	
honest	3	character and values	
trustworthy	2	character and values	
law abiding	6	character and values	
happy	6	other emotion/hope	
suffering	5	other emotion/fears and anxieties	
pain	1	other emotion/fears and anxieties	
marriage	5	character and values/love	
morals, values	7	character and values	
religion	12	character and values	
dedication	4	character and values	
perseverence	2	character and values	
strength	3	character and values	
a better future	6	hope	
opportunity	5	hope	
education	7	hope/character and values	
family	13	family	
children	48	family	
parents	36	family	
separation	3	negative circumstances	
reunited	3	hope	
economic/financial	8	hope/negative cirumstances/character and values	
dream	1	hope	
siblings	21	family	
upbringing/childhood	2	character and values/family	
crime	4	negative circumstances/fears and anxieties	
violence	18	negative circumstances/fears and anxieties	
threat	4	negative circumstances/fears and anxieties	
health	2	negative circumstances/fears and anxieties/hope	
success	3	hope/character and values	
grateful	2	hope/love/character and values	
skills	3	character and values	
kind	1	character and values	
respectful	3	character and values	
community	4	hope/character and values	
forgiveness	1	other emotion/hope	
risk	1	negative circumstances/fears and anxieties	
fleeing	4	negative circumstances/fears and anxieties	
wife/husband/spouse	20	family	
Key		(calculated with overlapping categories)	
fears and anxieties	57		
love	12		
character and values	88		
other emotion	13		
hope	47		
negative circumstances	47		
family	125		