THE DEVELOPMENT AND EVALUATION OF THE STIGMA OF ILLEGALITY AND MARGINALIZATION OF LATINXS (SIML) SCALE

Links to Psychological Distress

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Abstract
Drawing on two online studies among predominantly U.S.-born and lawful permanent resident Latinxs, we developed a self-report scale intended to capture how discrimination related to perceived legal status, as well as perceptions of racial/ethnic marginalization of Latinxs in U.S. society, are experienced among a wide swath of the Latinx population. We also explore how these processes may be associated with psychological distress in this population. In line with the immigration scholarship that has identified a spillover effect of immigration enforcement and the racialization of legal status beyond the undocumented population, our exploratory factor analysis results from Study I (N = 355 Latinxs) collected in fall of 2013 revealed four factors among our study population: Fear of Deportation, Marginalization of Latinxs in U.S. Society, Marginalization Due to Perceived Illegality, and Fear Due to Perceived Illegality. Results from a confirmatory factor analysis from a separate study conducted in spring of 2016 (Study II; N = 295 Latinxs) provided evidence in support of the structure identified in Study I. Results also revealed evidence of the association between the Stigma of
Illegality and Marginalization of Latinxs (SIML) subscales and psychological distress, measured as anxiety and depression. Implications of these findings are discussed.

**Keywords:** Legal Status, Immigration, Discrimination, Mental Health, Latinos/Latinas/Latinxs, Stigma, Illegality

**INTRODUCTION**

Latinxs\(^1\) comprise the overwhelming majority of the population targeted by immigration authorities to be detained and deported in the United States today. Tanya Golash-Boza and Pierette Hondagneu-Sotelo (2013) observe that, “between 1993 and 2011... there was a ten-fold increase in the number of Mexican deportees, and a twelve-fold increase in the number of Central American deportees” (p. 274). However, these figures do not match the proportion of Latinxs in the undocumented population—a burgeoning body of research has demonstrated that Latinxs are disproportionately the targets of lopsided enforcement strategies that underscore the racialization embedded within such schemes (Armenta and Vega 2017; Bosworth et al., 2018; Gómez Cervantes 2019; Menjívar, 2021; Provine et al., 2016). Enforcement practices today, therefore, evince an increasing reliance on legal status as a proxy for race (García 2017; Herrera 2016; Kibria et al., 2013) where the term illegality is not race-neutral; it has become closely associated with being Latinx (Armenta and Vega, 2017; Chavez 2013; Massey n.d.; Menjívar, 2021). This association is powerful enough that it has spillover effects beyond Latinxs in undocumented or quasi-legal statuses to encompass a wide swath of the Latinx population, regardless of generation or nativity (Becerra et al., 2013; Donato and Rodriguez, 2014; Ebert and Ovink, 2014; Menjívar et al., 2018; Pew Research Center 2017; Szkupinski Quiroga et al., 2014).

Links between discrimination and psychological distress (Lee and Ahn, 2011) suggest that discrimination toward Latinx immigrants may be a major obstacle to their successful integration in U.S. society (Alamilla et al., 2009; Ayón 2017; Cabral and Cuevas, 2020; García 2018; Hwang and Goto, 2008; Kline and Castañeda, 2020; Torres 2018). A growing body of literature has shown that anti-immigrant and amplified immigration enforcement policies have had negative effects on individuals’ physical and mental health, particularly among Latinx individuals, beyond the undocumented (Asad and Clair, 2017; Del Real 2019; García 2018; Patler et al., 2020; Santos and Menjívar, 2013; Santos et al., 2013; Santos et al., 2017; Toomey et al., 2014). For instance, Russell B. Toomey and colleagues (2014) found that young U.S.-born Latina mothers were less likely to utilize the public assistance they were eligible for after the passage of SB1070 in Arizona—commonly referred to as ‘show me your papers’ legislation—compared to before. The authors suggest that this was likely due to fear of interacting with government agencies after the passage of legislation targeting individuals perceived to be undocumented. Similar effects have been identified in other contexts, for instance, in rural and urban Kansas, where Andrea Gómez Cervantes and Cecilia Menjívar (2020) found that living in fear and anxiety of immigration enforcement not only had ill health consequences for Latina immigrants, but it also constrained their access to medical care to address those illnesses. In California, various scholars have shown the appearance of negative health effects after the passage of Proposition 187, a ballot initiative to establish a state-run citizenship screening system aimed at prohibiting undocumented individuals from using certain types of health, public education, and other services. These consequences include fear of contacting health authorities because of a vulnerable legal status, which impacted
access to various health services (Berk and Schur, 2001; Garcia-Preto 2005; see Perreira and Pedroza, 2019, for a review of this topic).

Certain welfare policies, such as the 1996 Personal Responsibility and Work Opportunity Act (PRWORA), have negative consequences such that in response to the passage of the latter, for example, many Latinx permanent resident immigrants as well as U.S. citizens lost health care coverage due to changes in requirements, and many eligible immigrants simply withdrew voluntarily from programs like Medicaid. Jacqueline Hagan and colleagues (2003) attribute these effects to the cooling-off effect that heightened border enforcement and deportations produce. Negative health effects have even been found when Latinx immigrants transition from an undocumented to a more secure legal status, such as Deferred Action for Childhood Arrivals (DACA). While Caitlin Patler and Whitney Laster Pirtle (2018) and others (Amuedo-Dorantes and Antman, 2017; Gonzales et al., 2013; Hainmueller et al., 2017; Venkataramani et al., 2017) found that DACA enrollment was associated with improvements in undocumented immigrants’ mental health, economic well-being, and social integration, the temporary nature of DACA creates new challenges including a new precarious identity (Abrego 2019; Siemons et al., 2017), which can undermine long-term benefits including educational attainment.

Building on this body of work, this study seeks to measure the psychological underpinnings of what we refer to as the perceived stigma of illegality and the perceived racial/ethnic marginalization of Latinxs in U.S. society, specifically among those who are predominantly U.S.-born or who possess some form of lawful status, who make up the largest proportion of Latinx individuals in the United States. With the expansion of enforcement and exclusionary practices, examining the intersection of the racialization of illegality and perceptions of stigma among different subgroups of Latinxs is important (see Menjívar et al., 2018). For instance, 66% of lawful permanent residents, 46% of naturalized citizens, and 33% of the U.S.-born worried about their own deportation or that of a family member or a close friend (Pew Research Center 2017). This is especially relevant in light of the documented harmful effects of stigma on physical and mental health (Major et al., 2017).

We draw from the work of René D. Flores and Ariela Schachter (2018) on the social production of illegality which takes into account how the public at large forms associations between legal status and race and relies on stereotypes to shape their perceptions of immigrants’ legality. Drawing on two separate studies, our goal is (1) to develop a self-report scale intended to capture how Latinxs’ perceptions of discrimination relating to both legal status and race/ethnicity are connected to their psychological wellbeing; and (2) to explore how these processes may be associated with psychological distress in this population. Measuring how Latinxs think others perceive them and the effect this perception has on Latinxs allows us to assess the effects of the racialization of legal status on a variety of physical, behavioral, and psychological health outcomes among Latinxs, including those who are U.S.-born. Ultimately, associations between legal status, being Latinx, and psychological health shape Latinxs’ perceptions of their place in society, with consequences for membership, belonging, and rights (see Gonzalez et al., 2013). Recent research shows that among Latinxs, 38% of U.S.-born, 34% of the naturalized, and 49% of lawful permanent residents have serious concerns about their place in U.S. society (Pew Research Center 2017). Our examination contributes to the scholarship on the effects of the racialization of legal status and the spillover effect it has on various subgroups of Latinxs (Menjívar et al., 2018), whereby even those in relatively privileged positions (e.g. having U.S. citizenship or lawful perment residence) experience the racialization practices of immigration enforcement that have turned Latinxs all-too-often into crime suspects (Armenta 2017; Flores and Schachter, 2018).
ILLEGALITY, DISCRIMINATION, AND PSYCHOLOGICAL DISTRESS AMONG U.S. LATINXS

Like citizenship, illegality is a juridical status that reflects immigrants’ relationship to the state, which is constructed through law (Menjívar and Kanstroom, 2014). Nicholas P. De Genova (2002) argues that the illegality of undocumented migration is not “self-generating and random;” instead it is produced, patterned, and constructed (p. 424). U.S. immigration law creates categories of inclusion and exclusion, of differential inclusion and differential exclusion, and an apparatus for the everyday production of a durable and enduring migrant illegality (e.g., apprehensions, raids, detentions, and deportations) that almost never has pretended to achieve the presumed goal of mass deportation of the undocumented population (Menjívar and Kanstroom, 2014). The legal regime maintains control over the undocumented population through the powerful tool of deportability—the possibility or threat of deportation (De Genova 2004, 2007). However, as Flores and Schachter (2018) argue, “illegality” is also socially constructed, as when legal status is assigned to certain groups not on the basis of documents but on perceptions, stereotypes, and associations between certain social characteristics and illegality. The legal and social production of illegality, hence, contribute to sustain immigrants’ vulnerability and tractability in the United States.

With the twin forces of increased enforcement in the interior of the country escalating and becoming more prominent since and during the Trump administration on the one hand and, on the other, the difficulty of obtaining a more secure status, immigrants’ legal status has acquired more significance, as in almost every aspect of life proof of legal residence is required (Menjívar 2014). However, since undocumented immigrants live, work, and pray with others of their own ethnicity who hold permanent status or U.S. citizenship, the impact of today’s legal regime have ripple effects beyond the presumed target population of undocumented. Such effects reach a variety of groups who are perceived to phenotypically ‘look’ or be Latinx (Del Real 2019; Gómez Cervantes 2019; Menjívar 2021; Menjívar et al., 2018). Race and illegality thus have become increasingly conflated, particularly for Latinxs (Armenta and Vega, 2017; Provine et al., 2016).

In general, perceived or actual discrimination has been shown to significantly affect an individuals’ physical and mental well-being. As Gilbert C. Gee and Chandra L. Ford (2011) argue, structural racism shapes and defines the health of people of color in the United States. Scholars have observed that exposure to ethnic or racial discrimination, and the unfair treatment these entail, can create psychosocial distress often expressed somatically, such as via increases in blood pressure (Ryan et al., 2006; Williams et al., 2019). Indeed, a meta-analysis of 134 studies that examined the relationship between perceived discrimination and health outcomes shows that perceived discrimination has a significant negative effect on physical and psychological distress (Pascoe and Richman, 2009; see also Williams et al., 2019). Among U.S. Latinxs, a meta-analysis of fifty-one studies shows discrimination to have strong correlations with psychological distress indicators (Lee and Ahn, 2011), a finding corroborated by other studies (Todorova et al., 2010). Among Latinx immigrants, perceptions of exclusion or discrimination based on ethnic/racial grounds have been found to be associated with high levels of depressive symptoms, which may undermine their incorporation process into U.S. society (Aranda and Vaquera, 2015; Gonzales et al., 2013; Torres et al., 2018; Viruell Fuentes et al., 2012).

Furthermore, scholars have demonstrated that a precarious legal status can impact the health of immigrants in a variety of direct and indirect ways, from directly affecting physical heath, such as fear-induced headaches and weakened digestion (Aranda and
Vaquera, 2015; Gonzales and Chavez, 2012), to limiting their access to medical services (Arcury and Quandt, 2007; Gómez Cervantes and Menjívar, 2020; Joseph and Marrow, 2017; Vargas et al., 2017), creating anxiety and depression that affects these immigrants’ psychological well-being (Gonzales and Chavez, 2012; Torres et al., 2018). More specifically, fear of deportation has been linked to poor physical health (Ayón 2018; Enriquez et al., 2018; Martínez et al., 2017), increased risks of depression and nervousness, substance abuse, and post-traumatic stress disorder (Brabeck and Xu, 2010; García 2018; Moya Salas and Ayón, 2013; Sullivan and Rehm, 2005; Torres et al., 2018).

Indeed, some researchers have argued that undocumented status is inimical to health and well-being (McGuire and Georges, 2003; Van Natta et al., 2019) and that illegality itself can be a health risk (Castañeda 2009; Gómez Cervantes and Menjívar, 2020). However, just as in the case of immigration enforcement, the stressors associated with a precarious legal status also have a spillover effect beyond the target population of undocumented immigrants to impact all Latinxs regardless of legal or citizenship status (see Patler and Pirtle, 2018; Vargas et al., 2017).

Research has identified a ‘stigmatized Hispanic identity’ from which some Latinx individuals have been shown to attempt to distance themselves (Adler 2006; Dowling and Newby, 2010). In studies conducted with samples consisting of predominantly White Americans, higher levels of prejudice were detected when immigrants were described as illegals; however, when Mexican-origin legal migrants were compared to Canadian illegal migrants, higher levels of prejudice were registered against the Mexican group (Short 2004; Short and Magaña, 2002). Thus, perceptions that link illegality and being Latinx seem to be well established, with important variations by certain social markers. For instance, research has found that the stressors associated with an undocumented status vary by age, with adult undocumented Latinxs experiencing fear (of detention and deportation) and younger Latinxs who were brought into the country as children more often experiencing stigma, in part due to their socialization in the U.S. immigration context (Abrego 2011).

While previous studies have demonstrated that experienced and perceived discrimination are detrimental to the psychological well-being of Latinx individuals, including ‘illegality stigma’ among undocumented Mexicans (Del Real 2019), they have not considered the perceived stigma of illegality among a broader swath of the Latinx population, such as U.S.-born and lawful permanent resident Latinxs. Such examination would capture key aspects of the racialization of legal status and its spillover effects. Furthermore, most studies that focus on the prevalence of everyday discrimination among Latinxs relate to race/ethnicity, but not specifically to the stigma of being perceived as undocumented, whether one actually lacks documents or not (Pérez et al., 2008). Moreover, studies sometimes conflate the experiences of documented and undocumented Latinxs, without distinguishing among those with citizenship, lawful permanent residency, and the undocumented (Becerra et al., 2013; Edwards and Romero, 2008; Gee et al., 2006). Accounting for this variation is analytically significant (Asad 2020a,b). It allows us to capture the spillover effect that the association of illegality has with race, or the racialization of illegality (Menjívar, 2021), within an entire ethno-racial group. For instance, Melissa R. Michelson and Amalia Pallares (2001) found that the perception of an anti-immigrant, anti-Latinx mood in the country (both through policies and threats of policies) led to changes in the political attitudes and behavior of U.S.-born or naturalized Latinx individuals of Mexican-origin in Chicago. Importantly, Asad Asad (2020b) finds that although deportation fear among undocumented Latinx immigrants remained high from 2007 to 2018, fears among their U.S.-citizen counterparts actually increased since 2016 (during the Trump era). Taking these patterns in the extant literature into account, the present study aims to empirically and quantitatively...
reveal the potential impact of the racialization of illegality beyond the undocumented, a

group that has been mostly the focus in the literature on illegality. In addition, our work

aims to link a primarily quantitative literature on the spillover effects focused on access
to or utilization of services with a specifically qualitative literature on spillover effects on

psychological wellbeing. To the best of our knowledge, this literature has been largely

separate.

Additionally, quantitative measures of discrimination previously used in these

studies do not include properly tested measures of perceived illegality or deport-

ability (Arbona et al., 2010). To our knowledge, our study is the first to present the
development and psychometric testing of a scale that captures the multidimensional

nature of the perceived stigma of illegality and ethnoracial marginalization among

U.S. Latinx individuals. Moreover, existing measures that capture similar constructs

fall short of meeting standards in the psychometric scale development literature, as

they lack a second sample to validate an initial exploratory study (Arbona et al.,

2010; Ayón 2017) and response items fail to capture the variability likely to exist in

such multi-layered complex social issues. Consuelo Arbona and colleagues (2010),

for example, present the only fear of deportation measure we are aware of but

constructed it using a dichotomous response format approach, thus failing to capture
greater nuance in this important aspect of perceived illegality. Expanding existing
work on the effects of legal status on psychological distress among the undocu-
mented, we investigate the behavioral and psychological underpinnings of the

perceived stigma of illegality among U.S. Latinxs who are predominantly

U.S. citizens or lawful permanent residents. This important expansion allows us
to examine the extent of the racialization of legal status as it reaches to subgroups of
Latinx who are socially constructed as undocumented (Flores and Schacter, 2018),
even when law confers them privileged statuses such as lawful permanent residence
or U.S. citizenship.

**DATA AND METHODS**

The goals of the two studies presented are to describe the development and psycho-
metric testing of the *Stigma of Illegality and Marginalization of Latinxs* (SIML) scale

among predominantly U.S.-born and documented Latinxs. In Study I, we present the
development of the SIML and test its factorial structure via exploratory factor analysis.

Using a second sample, in Study II we provide evidence to further support the factorial
structure obtained by the items constituting the SIML scale in Study I via confirmatory
factor analysis techniques and structural equation modeling testing of this factorial
structure in relation to multiple measures of psychological distress. The two studies are
guided by the following hypotheses:

**Hypothesis 1**: Exploratory factor analysis will support that the underlying structure
of the newly developed measure of stigma of illegality and perceived racial/ethnic
marginalization of Latinxs consists of multiple distinct factors.

This hypothesis is based on findings from scholarship developing related measures
(Castillo et al., 2007; Cowan et al., 1997; Gutierrez et al., 2009; Kressin et al., 2008).

This literature suggests that the construct of illegality may indeed be multidimen-
sional and include distinct components that differ at cognitive, affective, behavioral,
and internalized stereotype levels. For example, Arbona and colleagues (2010) have
explored the dimension of fear of deportation albeit with limited attention to the

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variability inherent in capturing such a complex phenomena (i.e., the study focused on a yes/no response type). We build on this work focusing on four distinct factors: (1) behavioral practices associated with the fear of deportation (Ayón 2018; Enríquez et al., 2018; Martínez et al., 2017). Based on the illegality literature, we also emphasize (2) an affective dimension by including items that capture fears and (3) cognitions associated with perceived illegality (Perreira and Pedroza, 2019), as well as a dimension focused on (4) cognitions capturing views on whether participants see Latinx individuals as marginalized in U.S. society (Becerra et al., 2013; Edwards and Romero, 2008; Gee et al., 2006). These hypothesized four distinct factors in the measure are expected to be correlated with each other in light of the similarities across experiences of stigmatization and marginalization based on ethnicity and perceived illegality.

**Hypothesis 2:** The general construct of stigma illegality may function at multiple levels within individuals’ psychological experiences. The four dimensions we note above are expected to be correlated as they would be tapping onto overlapping factors rooted in a general process of stigmatization of Latinx immigrants.

**Hypothesis 3:** Global indices of fit in confirmatory factor analysis will support the structure of the new measure as consisting of four factors in a second sample.

This hypothesis is supported by the aforementioned literature cited in description of hypothesis 1 as it is expected that the multidimensional structure of the stigma of illegality could be assessed beyond the original sample using the SIML instrument. We would expect that the overall structure of the SIML from Study I will hold in Study II’s sample of predominantly U.S. born or permanent resident Latinxs. The well documented spillover effects of anti-immigrant policies are argued to likely harm perceptions and self-perceptions of Latinxs regardless of their immigration status (Becerra et al., 2013; Szkupinski Quiroga et al., 2014).

**Hypothesis 4:** The standardized loadings will be high for each item on their respective factor in the second sample.

This hypothesis is an extension of Hypothesis 3, further articulating that we would expect each item in the SIML measure to strongly load on its corresponding factor. We would expect this to be the case given the pervasiveness of the stigma of illegality among Latinxs in the U.S., and given that the items in the scale were carefully designed, taking into account the emerging literature in this area (see Item development in the Method section of this paper).

**Hypothesis 5:** Each of the four factors in the measure will be linked to measures of psychological distress (i.e., depression and anxiety).

These links were expected to be detected in Study II based on the growing literature suggesting a negative link between experiences of racial and ethnic discrimination and adverse psychological experiences, including amongst Latinx of all immigration statuses (Cadenas et al., 2020; Chin et al., 2020; Escovar et al., 2018). Additionally, there is a related literature that suggests that various components of the stigma of illegality may be linked to poor physical and psychological health, including depression and anxiety, mirroring our outcome measures (Brabeck and Xu, 2010; García 2018; Moya Salas and Ayón, 2013; Sullivan and Rehm, 2005; Torres et al., 2018).
STUDY I

Procedure
Recruitment for the study was conducted by the authors, who disseminated a web-based survey available in both Spanish and English in 2013. Informed consent indicating that participation was voluntary and confidential was obtained from all participants. In order to participate in the study, individuals had to identify as Latinx, and be eighteen years of age or older. At the end of the survey, participants were asked if they wished to participate in the drawing of one of three $100 cash prizes by providing their email, which was kept separate from their responses. The study was approved by Arizona State University’s Human Subjects Review Board, where all authors held affiliations at the time. Since Latinxs were our population of interest, we used an intentional snowball sampling procedure to recruit participants in the study. Snowball sampling is often employed as a particularly effective tool when trying to obtain information on and access to hard-to-reach populations (Faugier and Sargeant, 1997; Sifaneck and Neaigus, 2001). Specifically, we took a two-pronged approach to reach different potential populations. First, we used formal professional networks with high density of Latinxs to promote participation. These networks served as points of entry where we could advertise the survey to a broader population. They included email lists and social media platforms within national, state, and local associations and organizations of psychologists, sociologists, educators, and practitioners that had organized themselves around themes of Latinx identity (e.g., National Latinx Psychological Association). Then, to reach a more diverse population, we also promoted our recruitment ad within community-based organizations nationally (e.g., Phoenix, AZ; Lawrence, KS; and Los Angeles, CA) that targeted their services to Latinx individuals. These included labor and immigrant rights organizations, as well as mental health services providers. Since the survey was available online to anyone who wished to complete it, we engaged in data validity checks by verifying that participants met the eligibility requirements and spent the minimum amount of time needed to answer each question. Time spent on completing the survey was commensurate with the number of responses provided by all participants, including those who did not complete the full survey; as such, no participants were eliminated on the basis of this data validity check.

Participants
A total of 363 participants completed the Study I survey online. Of these, eight did not provide any data beyond the initial demographic section of the survey and were therefore omitted, resulting in an analytic sample of 355 participants. The survey was offered in both English and Spanish to accommodate non-English speakers. Careful translation and back translation were conducted by individuals in our research team who are fluent in both languages. The Spanish version of the survey was completed by twenty-seven (7.6%) participants while the English version was completed by 328 (92.4%) participants. The age of participants ranged from eighteen to sixty-nine, with an average age of 29.58 (SD=10.37). Ninety-four (26.5%) participants identified as male and 256 (72.1%) participants identified as female; five (1.4%) did not indicate their sex or checked the box for individuals who did not identify as either male or female (an option was provided for “Other” with a write-in field). Most participants (90.4%) indicated being either a U.S. citizen or permanent resident, 8.2% reported being visa holders or DACA recipients (Deferred Action for Childhood Arrivals), and five participants (1.4%) indicated being of “undetermined” status. In terms of original region of origin within Latin America, respondents reported being of Mexican-origin.
(69.3%), Puerto Rican (5.6%), South American (9.3%), Central American (5.4%), or having mixed/other nationality (9%); five participants (1.4%) did not enter this information. In terms of education, 33.1% were non-college graduates while the remaining reported having a college degree or beyond. Approximately half of participants had a household income of $40,000 or less (51.1%).

In terms of generational status, several questions were asked about birthplace of the participant, their parents, and grandparents. Participants reported their generational status in the following ways: (1) foreign-born (36.6%); (2) U.S.-born with both parents born in another country (29.4%); (3) U.S.-born with one U.S.-born parent and one foreign-born parent (16.9%); (4) U.S.-born with U.S.-born parents, and both grandparents foreign-born (5.1%); (5) U.S.-born with U.S.-born parents, and one grandparent foreign-born (3.4%); (6) U.S.-born with U.S.-born parents and grandparents (8.6%); five participants (1.4%) did not provide this information.

Measures

**Stigma of Illegality and Marginalization of Latinxs (SIML) Scale**

We used a sequential procedure in order to develop a multidimensional scale that captures perceptions of *illegality* and racial/ethnic marginalization of Latinxs in U.S. society: (1) item development using a multidisciplinary and theoretical lens, (2) internal and external revision of items, (3) exploratory factor analysis.

*Item development.* The authors engaged in a thorough review of the aforementioned literature related to the stigma of *illegality*, as well as a review of existing measures of race-based discrimination and group marginalization, particularly existing measures related to stigmatization of Latinxs and immigrants (Castillo et al., 2007; Cowan et al., 1997; Guitierrez et al., 2009; Kressin et al., 2008). This review of the extant literature and of existing items tapping into constructs of stigmatization and marginalization served as a starting point, as the researchers engaged in a process of item development to create an original item pool, drawing from their expertise, which spans three disciplines—psychology, sociology, and education. Additionally, the research team’s background and expertise in psychological, sociological, and policy research; teaching; and advocacy with Latinxs and Latinx immigrants further informed the initial item design.

We conceptually draw on the work of Arbona et al. (2010), which offers one attempt at capturing quantitatively fear of deportation, and we also draw on our collective research on marginalization of U.S. Latinx groups spanning years. The wording of items the team created intended to tap into perceptions of the stigma of *illegality* among U.S. Latinxs on four conceptual dimensions: (1) a cognitive dimension tapping into awareness of the stigma (e.g., knowing or having heard about perceptions of *illegality*); (2) an affective dimension tapping into feelings regarding the stigma (e.g., feelings regarding perceptions of *illegality*); (3) a behavioral dimension capturing behaviors resulting from the stigma (e.g., changing habits out of fear of perception of *illegality*); and (4) the internalization of stereotypes associated with *illegality* and racial/ethnic marginalization of Latinxs in U.S. society. A total of forty-two items were developed during this initial item creation process. From a psychological standpoint, capturing dimensions such as the affective components of the perceived stigma of illegality would be more likely to tap into associations with established measures of psychological distress. We considered both perceived stigma at the individual level (e.g., “I think I do not belong in this country when I hear people say undocumented immigrants are a drain on the U.S. economy”) as well as at a group level (e.g., “As a Latina/o/x, I feel that I don’t have the same rights as others in the place where I work/go to school”). The rationale
was that this approach might better capture the multidimensional aspects of perceived illegality and how it operates at a group-level as well as at the individual-level among Latinx individuals.

**Internal and external item revision.** The initial forty-two items were then subjected to an internal item review process. The team reviewed each item and the proponent of each item defended the item’s utility in tapping into the aforementioned four dimensions of interest. Additionally, the items were shared with experts for review and feedback. Lastly, face validity and wording of items were taken into account. In doing so, we eliminated items that employed tentative language such as “I sometimes think I’m less than mainstream Americans because people might think I am undocumented” or “I sometimes think I’m not as smart as mainstream Americans because people might think I am undocumented” so as to more directly and succinctly capture the construct being measured. Given our sample of predominantly U.S.-born or documented Latinx individuals we avoided items that tapped into specific experiences more likely to matter to those who are documented such as “I feel nervous that I won’t be able to produce documents at banks, schools, work, etc.” A couple of items were eliminated due to team members perceiving them to be rather vague or lacking contextual specificity, including “Others assume that I engage in criminal activity because they may perceive me to be undocumented” and “When I am in a place where the majority of people are Americans I think I should not be there because they might think I am undocumented.” Scholars might want to revisit or edit these items for future use/additional testing of the proposed scales we present in this study.

After this revision process, a total of thirty-six items were chosen as the final pool. Participants were asked to rate agreement with each of these thirty-six items on a 5-point Likert-type scale ranging from (1) *strongly disagree* to (5) *strongly agree*, after reading the prompt “Please select the option that holds most true for you.”

**Results**

We analyzed missing data patterns and found that there were some missing data, which appeared to be missing at random (7% or less of missing data across items). We subjected the thirty-six items created to an exploratory factor analysis (EFA) using principal axis factoring and an oblique rotation method, direct oblimin (Tabachnick and Fiddell, 2007). An oblique rotation was selected as it was the most general, involved no restrictions on the relation of the factors, and was thus most likely to reveal the structure in the data. We used listwise deletion to handle missing data, which is considered strong in that it is unbiased, though it can be conservative (Tabachnick and Fiddell, 2007). Including all thirty-six items, results from an EFA indicated via scree plots and factor loadings that there was a clear four factor structure in the data. With the sample of 355, a Kaiser-Meyer-Olkin (KMO) value of .90 and all communalities being greater than .5 (MacCallum et al., 1999), results were confirmed to be stable. A parallel analysis of 500 random samples demonstrated that with a cutoff of 95% there were four factors in the data. Using Roger L. Worthington and Tiffany A. Whittaker’s (2006) suggested decision rules for item deletion, we deleted items with factor loadings less than .32 on all factors, and loadings higher than .32 in magnitude on more than one factor. Based on these rules, we retained a total of nineteen items. Table 1 shows results from this final exploratory factor analysis. Factor 1, *Fear of Deportation* (FOD), had an eigenvalue of 8.18 and explained 43.06% of variance; Factor 2, *Marginalization of Latinx in U.S. Society* (MLUS), had an eigenvalue of 2.72 and explained 14.30% of variance; Factor 3, *Marginalization Due to Perceived Illegality* (MDPI), had an eigenvalue of 1.79 and explained 9.45% of variance; Factor 4, *Fear Due to Perceived Illegality* (FDPI), had an eigenvalue of
Table 1. Exploratory Factor Analysis of the Stigma of Illegality and Marginalization of Latinxs (SIML) Scale (N = 321)*

<table>
<thead>
<tr>
<th>Factor Loading</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
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<tbody>
<tr>
<td><strong>Factor 1 – Fear of Deportation (FOD); ( \alpha = .92 )</strong></td>
<td></td>
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<tr>
<td>1. I am extra careful with the way I behave in public places to avoid being questioned about my legal status.</td>
<td>0.85</td>
<td>-0.08</td>
<td>-0.06</td>
<td>0.07</td>
</tr>
<tr>
<td>2. I have changed driving habits out of fear of being stopped by the police because I may be perceived as undocumented.</td>
<td>0.83</td>
<td>0.03</td>
<td>-0.04</td>
<td>-0.08</td>
</tr>
<tr>
<td>3. I am extra careful when driving in order to avoid being pulled over and questioned about my legal status.</td>
<td>0.83</td>
<td>0.02</td>
<td>-0.07</td>
<td>-0.07</td>
</tr>
<tr>
<td>4. I do not travel to certain places out of fear of being perceived as undocumented.</td>
<td>0.76</td>
<td>0.07</td>
<td>0.06</td>
<td>0.00</td>
</tr>
<tr>
<td>5. I do not go to certain businesses where I might be perceived as undocumented.</td>
<td>0.70</td>
<td>0.00</td>
<td>0.02</td>
<td>0.13</td>
</tr>
<tr>
<td>6. I avoid situations in which people might ask if I am undocumented.</td>
<td>0.70</td>
<td>0.03</td>
<td>0.06</td>
<td>0.22</td>
</tr>
<tr>
<td><strong>Factor 2 – Marginalization of Latinxs in U.S. Society (MLUS); ( \alpha = .88 )</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. As a Latina/o/x, I feel that I don’t have the same rights as others in the place where I work/go to school.</td>
<td>-0.08</td>
<td>0.84</td>
<td>-0.04</td>
<td>0.06</td>
</tr>
<tr>
<td>2. As a Latina/o/x, I feel I don’t have the same rights as others in this country.</td>
<td>-0.01</td>
<td>0.83</td>
<td>0.05</td>
<td>0.05</td>
</tr>
<tr>
<td>3. As a Latina/o/x, I feel that the rights of others come before mine.</td>
<td>0.09</td>
<td>0.78</td>
<td>0.01</td>
<td>-0.15</td>
</tr>
<tr>
<td>4. As a Latina/o/x, I feel that I don’t have a right to speak my mind at work/school.</td>
<td>-0.02</td>
<td>0.71</td>
<td>-0.04</td>
<td>0.04</td>
</tr>
<tr>
<td>5. Because I am Latina/o/x, I feel that I cannot complain about any wrongdoing in this country like others can.</td>
<td>-0.03</td>
<td>0.64</td>
<td>-0.05</td>
<td>0.18</td>
</tr>
<tr>
<td>6. As a Latina/o/x, I feel that I am not as valued as others in this country.</td>
<td>0.08</td>
<td>0.60</td>
<td>-0.02</td>
<td>-0.06</td>
</tr>
<tr>
<td><strong>Factor 3 – Marginalization Due to Perceived Illegality (MDPI); ( \alpha = .95 )</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. I think I do not belong in this country when I hear people say undocumented immigrants are a drain on the US economy.</td>
<td>-0.01</td>
<td>-0.01</td>
<td>-0.96</td>
<td>0.03</td>
</tr>
<tr>
<td>2. I think I do not belong in this country when I hear people say undocumented immigrants take away jobs from Americans.</td>
<td>-0.04</td>
<td>0.03</td>
<td>-0.95</td>
<td>-0.02</td>
</tr>
<tr>
<td>3. I think I do not belong in this country when I hear people talk negatively about undocumented immigrants.</td>
<td>0.04</td>
<td>0.03</td>
<td>-0.87</td>
<td>0.02</td>
</tr>
<tr>
<td><strong>Factor 4 – Fear Due to Perceived Illegality (FDPI); ( \alpha = .88 )</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. I am afraid others might reject me because they may think I am undocumented.</td>
<td>-0.06</td>
<td>0.07</td>
<td>0.03</td>
<td>0.89</td>
</tr>
<tr>
<td>2. I feel afraid that others don’t understand me because they may perceive me to be undocumented.</td>
<td>0.09</td>
<td>0.04</td>
<td>-0.05</td>
<td>0.82</td>
</tr>
<tr>
<td>3. I feel anxious when someone asks me where I am from because they may perceive me to be undocumented.</td>
<td>0.10</td>
<td>-0.02</td>
<td>-0.07</td>
<td>0.69</td>
</tr>
<tr>
<td>4. If people ask me whether I am legal, I feel anxious and I don’t know how to answer.</td>
<td>0.22</td>
<td>0.00</td>
<td>-0.11</td>
<td>0.52</td>
</tr>
</tbody>
</table>

* Response options range from (1) *Strongly Disagree* to (5) *Strongly Agree*
1.28 and explained 6.75% of variance. Combined, the four factors explained 73.57% of variance in the data. All four factors revealed adequate internal consistency (Table 1).

Items within each of the subscales were then averaged together to create a composite score, and these scores were correlated with each other. These results are reported on Table 2, along with means and standard deviation for each subscale.

The first factor, *Fear of Deportation*, captures behaviors individuals reported experiencing out of fear of being perceived as undocumented or being questioned about their legal status. The subscale consists of six items; sample items include: “I am extra careful when driving in order to avoid being pulled over and questioned about my legal status” and “I do not travel to certain places out of fear of being perceived as undocumented.” Cronbach’s alpha was .92 for this subscale indicating adequate internal consistency.

The second factor, *Marginalization of Latinxs in U.S. Society*, captures feelings associated with not being valued or having the same rights as other members of U.S. society. This subscale consists of six items; a sample item includes: “Because I am Latinx, I feel that I cannot complain about any wrongdoing in this country like others can.” Cronbach’s alpha was .88 for the MLUS subscale indicating adequate internal consistency.

The third factor, *Marginalization Due to Perceived Illegality*, captures feelings of perceived exclusion or marginalization in U.S. society as a result of U.S. sentiment regarding undocumented immigrants. This subscale consists of three items, and sample items include: “I think I do not belong in this country when I hear people say undocumented immigrants are a drain on the U.S. economy” and “I think I do not belong in this country when I hear people talk negatively about undocumented immigrants.” Cronbach’s alpha was .95 for the MDPI subscale indicating adequate internal consistency.

The fourth factor, *Fear Due to Perceived Illegality*, captures anxiety and fear associated with the perception of being undocumented in everyday life. This subscale consists of four items, and a sample item includes: “I feel afraid that others don’t understand me because they may perceive me to be undocumented” and “I am afraid others might reject me because they may think I am undocumented.” Cronbach’s alpha was .88 in the present study indicating adequate internal consistency.

While endorsement of items within scales was on average low (see Table 2), averaged scores did not exceed skewness of + or − 2 and kurtosis of + or − 7 (Curran et al., 1996). Bivariate correlations between the SIML subscales revealed that subscales

| Table 2. Correlations, Means, and Standard Deviations of Study 1 Variables (N = 321) |
|-----------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                               | 1    | 2    | 3    | 4    | Skewness | Kurtosis | M    | SD   |
| 1. Fear of Deportation (FOD)                  | --   | --   | .38**| --   | 1.34    | 1.45    | 1.55 | 0.75 |
| 2. Marginalization of Latinxs in U.S. Society (MLUS) | .38**| --   | --   | .35  | -.46    | 2.56    | 1.01 |
| 3. Marginalization Due to Perceived Illegality (MDPI) | .35**| .45**| --   | .93  | -.42    | 2.06    | 1.27 |
| 4. Fear Due to Perceived Illegality (FDPI)    | .57**| .36**| .44**| --   | 1.19    | .77     | 1.60 | 0.75 |

Notes: ** p < .01.
mostly covaried to a moderate degree. The Fear of Deportation subscale was positively correlated with the Marginalization of Latinxs in U.S. Society subscale ($r = .38$), the Marginalization Due to Perceived Illegality subscale ($r = .35$), and the Fear Due to Perceived Illegality subscale ($r = .57$). The Marginalization of Latinxs in U.S. Society subscale was positively correlated with the Marginalization Due to Perceived Illegality subscale ($r = .45$), and the Fear Due to Perceived Illegality subscale ($r = .36$). Finally, the Marginalization of Latinxs in U.S. Society subscale was positively correlated with the Fear Due to Perceived Illegality subscale ($r = .44$). The range in size of these correlations supports the assertion that these subscales are measuring related but unique aspects of the stigma of illegality and marginalization of U.S. Latinxs. Overall, these results supported Hypotheses 1 and 2 for this study.

**STUDY II**

In Study II, we conducted a confirmatory factor analysis (CFA) to explore whether our model resulting from the EFA in Study I was consistent with the data. We conducted this analysis in Mplus 7.4, examining global fit with the chi-square test of exact fit, the standardized root mean square residual (SRMR), the comparative fit index (CFI), the Tucker Lewis Index (TLI), and the root mean square error of approximation (RMSEA). Good model fit tends to be assumed with a non-statistically significant chi-square ($p > .05$), SRMR < .08, CFI and TLI > .95, and RMSEA < .05. We also evaluated local fit based on the size and statistical significance of factor loadings on their respective latent factors.

Additionally, we incorporated psychological distress measures to examine the convergent validity of the proposed scale. In particular, we explored the association between the SIML subscales with anxiety and depression using respective subscales from the Brief Symptom Inventory (BSI; Derogatis 1993). Drawing on theoretical and empirical work on illegality (De Genova 2002; Menjívar and Kanstroom, 2014) which underscores potential linkages between actual or perceived illegality and psychological distress, as evidence of convergent validity, we hypothesized that both anxiety and depression would be positively associated with the SIML subscales. To test for these associations, we estimated a measurement model that included the SIML and the BSI items corresponding to anxiety and depression as latent factors. We examined this measurement model for global and local fit using the aforementioned indices, and we observed covarying paths between SIML subscales and psychological distress subscales as evidence for convergent validity.

**Procedure**

Study II was also conducted as a web-based survey in 2016, and was available in both Spanish and English. We used the same translation/back translation procedures described in Study I. Informed consent indicating that participation was voluntary and confidential was obtained from all participants. In order to participate in the study, individuals had to (1) identify as Latinxs, (2) be of eighteen years of age or older, and (3) not have completed the Study I survey. At the end of the survey, participants were asked if they wished to participate in the drawing of one of three $100 cash prizes by providing their email, which was kept separate from their responses. The study was approved by Arizona State University’s Human Subjects Review Board. We used a snowball sampling procedure (Faugier and Sargeant, 1997; Sifaneck and Neaigus, 2001) similar to Study I to recruit participants for Study II, which included sending the study...
recruitment ad to professional listservs, personal contacts, student listservs, and community agencies nationally (e.g., El Paso, TX; Lawrence, KS; Little Rock, AR; Los Angeles, CA; and Phoenix, AZ) that provided services to immigrants and/or Latinxs.

We took several steps to ensure that participants who completed the survey in Study I would not complete the survey in Study II. As noted in the recruitment ad, we stated that only participants who had not participated in Study I were eligible to participate in Study II. But more importantly, we also compared IP addresses of users across both studies, and we did not find that any IPs were recorded twice.

Participants
A total of 295 participants completed the online survey for Study II. Of these, we removed a total of nineteen cases from the sample due to missing more than 60% of responses. Of the final sample of 276 participants, most (88.4%) indicated being either a U.S. citizen or permanent resident; 1.8% reported being visa holders, 7.2% were DACA holders, and only seven participants (2.5%) reported having “undetermined” status. In terms of sex and gender, 64.9% identified as female, 33.3% as male and 1.8% as other gender/non-gender binary identified. In terms of region of origin or familial roots within Latin America, 63% reported being of Mexican-origin, Puerto Rican (5.1%), and 31.9% as either South American, Central American or having mixed nationality. The age of participants ranged from eighteen to seventy-two, with an average age of 29.81 (SD = 9.92). Participants reported having either a high school degree or less (10.2%); 16.7% reported having some college education but no degree; 19.6% reported having a college degree but no further education; 9.8% reported having some graduate school training but no degree; and 43.8% reported having an advanced degree (e.g., MA, PhD).

In terms of generational status, participants reported being (1) foreign-born (38%); (2) U.S.-born with both parents born in another country (37.3%); (3) U.S.-born with one U.S.-born parent and one foreign-born parent (9.4%); (4) U.S.-born with U.S.-born parents, and both grandparents foreign-born (4.3%); (5) U.S.-born with U.S.-born parents, and one grandparent foreign-born (4.7%); and (6) U.S.-born with U.S.-born parents and grandparents (6.2%). Approximately 6.5% of participants chose to complete the Spanish language version of the survey. The majority of participants had a household income of $49,999 or less (55.5%).

Measures

**Stigma of Illegality and Marginalization of Latinxs (SIML) Scale**

In Study II, we sought to confirm the four-factor structure identified in Study I by administering the nineteen items of the SIML scale to a new sample. Table 3 presents the means and standard deviation for each of the subscales in the measure. These subscales exhibited high internal consistency, with Cronbach’s $\alpha$ ranging from .88 to .97 in each of the subscales (see Table 3).

Psychological distress. We used the 6-item anxiety subscale as well as the 6-item depression subscale from the Brief Symptom Inventory (BSI; Derogatis 1993). The BSI asks participants to indicate their level of distress using a 5-point scale from (0) not at all to (4) extremely on fifty-three self-report items. The BSI subscales’ reliability and validity has been supported in a variety of diverse samples (Myers et al., 2002). We averaged scores across items such that a higher score indicated higher levels of anxiety or depression. Cronbach’s $\alpha$ for the anxiety subscale was .87 and .88 for the depression subscale indicating adequate internal consistency for these scales. Please see Table 3 for means and standard deviation.
Results

Analysis of missing data patterns on the sample of 276 participants revealed that individual items as well as total scored scales ranged from 0% to 1.8% in missing data. Thus, we used the Full Information Maximum Likelihood (FIML) program in MPlus 7.4 to use all available data in analyses. Additionally, we conducted the Shapiro-Wilk test of normality, which indicated that the data were different from a normal distribution ($p < .05$). Visual observation of histograms and Q-Q Plots were in line with this result.

Table 3. CFA Standardized Factor Loadings in Measurement Model of the Stigma of Illegality and Marginalization of Latinxs (SIML) Scale ($N = 276$)

<table>
<thead>
<tr>
<th>Factor 1 – Fear of Deportation (FOD) ($\alpha = .93$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I am extra careful with the way I behave in public places to avoid being questioned about my legal status.</td>
</tr>
<tr>
<td>2. I have changed driving habits out of fear of being stopped by the police because I may be perceived as undocumented.</td>
</tr>
<tr>
<td>3. I am extra careful when driving in order to avoid being pulled over and questioned about my legal status.</td>
</tr>
<tr>
<td>4. I do not travel to certain places out of fear of being perceived as undocumented.</td>
</tr>
<tr>
<td>5. I do not go to certain businesses where I might be perceived as undocumented.</td>
</tr>
<tr>
<td>6. I avoid situations in which people might ask if I am undocumented.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Factor 2 – Marginalization of Latinxs in U.S. Society (MLUS) ($\alpha = .90$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. As a Latina/o/x, I feel that I don’t have the same rights as others in the place where I work/go to school.</td>
</tr>
<tr>
<td>2. As a Latina/o/x, I feel I don’t have the same rights as others in this country.</td>
</tr>
<tr>
<td>3. As a Latina/o/x, I feel that the rights of others come before mine.</td>
</tr>
<tr>
<td>4. As a Latina/o/x, I feel that I don’t have a right to speak my mind at work/school.</td>
</tr>
<tr>
<td>5. Because I am Latina/o/x, I feel that I cannot complain about any wrongdoing in this country like others can.</td>
</tr>
<tr>
<td>6. As a Latina/o/x, I feel that I am not as valued as others in this country.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Factor 3 – Marginalization Due to Perceived Illegality (MDPI) ($\alpha = .97$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I think I do not belong in this country when I hear people say undocumented immigrants are a drain on the US economy.</td>
</tr>
<tr>
<td>2. I think I do not belong in this country when I hear people say undocumented immigrants take away jobs from Americans.</td>
</tr>
<tr>
<td>3. I think I do not belong in this country when I hear people talk negatively about undocumented immigrants.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Factor 4 – Fear Due to Perceived Illegality (FDPI) ($\alpha = .88$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. I am afraid others might reject me because they may think I am undocumented.</td>
</tr>
<tr>
<td>2. I feel afraid that others don’t understand me because they may perceive me to be undocumented.</td>
</tr>
<tr>
<td>3. I feel anxious when someone asks me where I am from because they may perceive me to be undocumented.</td>
</tr>
<tr>
<td>4. If people ask me whether I am legal, I feel anxious and I don’t know how to answer.</td>
</tr>
</tbody>
</table>

Notes: Response options range from (1) Strongly Disagree to (5) Strongly Agree. ** $p < .01$. 
To address non-normality, we used Maximum Likelihood Robust (MLR) as the estimator, which is robust to non-normality and non-independent observations. We started by using a Confirmatory Factor Analysis (CFA) framework to create a model based on results from Exploratory Factory Analysis (EFA) in Study I. In this model, each of the best nineteen newly developed items were specified to load only on their respective factors. These were organized in the following fashion: Factor 1, Fear of Deportation (6 items); factor 2, Marginalization of Latinxs in the U.S. (6 items); factor 3, Marginalization Due to Perceived Illegality (3 items); and factor 4, Fear Due to Perceived Illegality (4 items). The four factors were allowed to covary with one another since conceptually they would be related. Global fit indices suggested adequate model fit. The chi-square test was significant $\chi^2(146) = 347.02, p < .001$, RMSEA was .07 [CI: .06, .08], CFI was .93, TLI was .92, and SRMR was .05. All indices were within acceptable range, except for the chi square test, which is to be interpreted with caution, as this test is sensitive to sample size and model complexity.

Local fit indices also indicated good fit as all items in the SIML loaded highly and at a statistically significant level on their respective factors (see Table 3). These loadings ranged from .80 to .90 in Fear of Deportation; from .70 to .87 in Marginalization of Latinxs in the U.S.; from .92 to .98 in Marginalization Due to Perceived Illegality; and from .65 to .92 in Fear Due to Perceived Illegality. The correlations among all four latent factors were also statistically significant and moderate, ranging from .24 to .76. These pieces of evidence provide support for the structure of the SIML as hypothesized, with four distinct and moderately correlated factors underlying the final nineteen items.

In order to explore questions related to convergent validity of the scale, we designed a measurement model (see Figure 1). This model includes the aforementioned
measurement pieces of each of the four subscales in the SIML. In addition to these specifications, two psychological distress indicators were included as latent variables in this measurement model. Anxiety was specified to be underlying six items from the BSI (Derogatis 1993), while depression was expected to underlie another six items. Both anxiety and depression latent factors were allowed to covary in this measurement model. Global fit indices of this model including SIML subscales and the psychological distress subscales were $\chi^2(419) = 776.55, p < .001$, RMSEA = .05 [CI: .05, .06], CFI = .93, TLI = .92, and SRMR = .05, and taken together they indicate adequate model fit.

Results from local fit indices were also adequate. All items for each of the four SIML subscales loaded highly, above .65, and they were detected at a statistically significant level on their respective latent factors. Loadings ranged from .80 to .90 on Fear of Deportation; from .69 to .87 on Marginalization of Latinxs in U.S.; from .92 to .98 on Marginalization Due to Perceived Illegality; and from .65 to .92 on Fear Due to Perceived Illegality. Additionally, the six items underlying anxiety loaded at a statistically significant level on their respective factor, with loadings ranging from .64 to .83. The six items underlying depression also loaded significantly and highly; loading ranged from .69 to .80 on its respective factor. These high loadings indicated that the items were linked as expected with their factor. Factor loadings for the second-order factors, depression and anxiety, were also high as expected. For anxiety, factor loadings ranged from .64 to .83, and loadings for depression ranged from .69 to .80.

Results from correlations among latent factors, as well as means and standard deviation for each subscale are presented in Table 4, which also includes our calculations of correlations among total scale scores for visual comparison. All four latent factors were correlated at a statistically significant level, as expected. The correlations between Fear of Deportation and Marginalization of Latinxs in U.S. was .51; between Marginalization Due to Perceived Illegality and Fear of Deportation was .24; between Marginalization Due to Perceived Illegality and Marginalization of Latinxs in the U.S. was .41; between Fear Due to Perceived Illegality and Fear of Deportation was .76; Fear Due to Perceived Illegality and Marginalization of Latinxs in the U.S. was .52; and between Fear Due to Perceived Illegality and Marginalization Due to Perceived Illegality was .39. These medium to large coefficients suggested that these distinct factors related to perceived stigmatization and marginalization were interconnected. Furthermore, anxiety and depression were highly correlated at .79, which is to be expected given the comorbidity of anxiety with depression.

| Table 4. Correlations Among the Manifest Variables (above the main diagonal) and Standardized Parameter Estimates Among the Latent Variables in the Structural Model (below the main diagonal) in Study 2 ($N = 276$) |
|---------|-----------|-----------|-----------|-----------|-----------|-------|-------|
|         | F1        | F2        | F3        | F4        | F5        | F6    | M     | SD     |
| F1. Fear of Deportation | --        | .47**     | .25**     | .72**     | .35**     | .29** | 1.76  | .95    |
| F2. Marginalization of Latinxs in U.S. Society | .51**     | --        | .41**     | .50**     | .29**     | .26** | 2.83  | 1.11   |
| F3. Marginalization Due to Perceived Illegality | .24**     | .41**     | --        | .40**     | .23**     | .07   | 2.12  | 1.35   |
| F4. Fear Due to Perceived Illegality | .76**     | .52**     | .39**     | --        | .29**     | .25** | 1.81  | .91    |
| F5. Anxiety | .39**     | .30**     | .23**     | .30**     | --        | .69** | 1.90  | .80    |
| F6. Depression | .32**     | .29**     | .06       | .24**     | .79**     | --    | 1.69  | .80    |

Notes: ** $p < .01$. 
Finally, covariance paths indicated that all four subscales in the SIML were significantly correlated with anxiety and depression, except for depression and *Marginalization Due to Perceived Illegality*, which were shown to covary at .06 (p > .05), with a weak correlation coefficient. Other statistically significant correlations (p < .05) included depression with *Fear of Deportation* (.32), *Marginalization of Latinxs in U.S.* (.29), and *Fear Due to Perceived Illegality* (.24); as well as between anxiety and *Fear of Deportation* (.39), *Marginalization of Latinxs in the U.S.* (.30), *Marginalization Due to Perceived Illegality* (.23), and *Fear Due to Perceived Illegality* (.32). These relational patterns between the four subscales in the SIML and anxiety and depression provide evidence for the convergence validity of the stigma of *illegality* and marginalization in Latinxs subscales with psychological distress. Overall, these results support Hypotheses 3, 4, and 5.

**DISCUSSION AND CONCLUSION**

Our two-pronged approach (e.g., professional network associations and local community organizations) toward the recruitment of different study populations strengthened the validation of the results of Study I in Study II. Our findings provide evidence of the validity and reliability of a newly developed scale that draws on research on *illegality* and experiences of racial/ethnic marginalization among Latinx individuals in U.S. society, regardless of legal status and citizenship. We developed a series of items, and through careful psychometric testing, identified four subscales capturing distinct aspects associated with perceptions of *illegality* and racial/ethnic marginalization of Latinxs, namely: *Fear of Deportation*, *Marginalization of Latinxs in U.S. Society*, *Marginalization Due to Perceived Illegality*, and *Fear Due to Perceived Illegality*. We documented associations between each of these subscales and psychological distress in a sample of Latinx individuals who were largely U.S. citizens or permanent residents. Thus, a striking finding in our study reveals the impact of perceptions of illegality among predominantly U.S.-born or lawful permanent resident Latinxs, even when they are not legally vulnerable, and that these constructs are linked to psychological distress in this population.

It is noteworthy that, on average, participants indicated significant agreement with items in the subscale assessing perceived racial/ethnic marginalization of Latinxs in U.S. society (M = 2.56; SD = 1.01; range 1 to 5). This suggests that the individuals sampled in our studies tended to feel, on average, that Latinxs are marginalized in U.S. society. The language of items constituting this subscale is in some ways quite disturbing (e.g., “feeling that the rights of others come before the rights of Latinxs”). In the current socio-political climate concerning immigrants and racial/ethnic minorities in the United States, Latinx individuals may increasingly perceive their rights and position in U.S. society as at risk or subverted. This has serious implications for membership, citizenship, and the rights Latinxs perceive they have/do not have.

Our exploratory factor analysis results in Study I revealed four distinct factors and each presents unique facets of Latinxs’ experiences in the United States concerning *illegality* and their perceptions of being marginalized as a group: *Fear of Deportation* (i.e., fear of being apprehended due to others’ perceptions of one’s presumed documentation status); *Marginalization Due to Perceived Illegality* (i.e., feeling marginalized because of negative perceptions of immigrants as burdens and as criminals); *Fear Due to Perceived Illegality* (i.e., fear-inducing feelings resulting from perceptions of *illegality*); and *Marginalization of Latinxs in U.S. Society* (i.e., feeling that Latinxs are not as valued as other members of U.S. society). All items within the first three subscales noted here include references to legal status and were correlated with, for example, anxiety in a
As other scholars are increasingly demonstrating (e.g., Menjívar 2021; Asad and Clair, 2017; Gómez Cervantes and Menjívar, 2020; Martínez et al., 2017), the racialization of Latinxs has consequences for their physical, behavioral, and, as we show, mental health outcomes. Rachel H. Adler (2006) notes that in the process of stereotyping Latinx individuals as undocumented, Latinx immigrants and lawful permanent residents are subjected to insults, questions, unnecessary stops, and searches based on presumed immigration status, as recent enforcement strategies have targeted groups based on their presumed likelihood of being undocumented (see Armenta 2017); that is, their social illegality (see Flores and Schachter, 2018). These findings also build on recent advances investigating the connection between the stigma of illegality and psychological well-being (Del Real 2019), which find that undocumented and U.S.-born Latinxs, alike, experience discrimination when they are presumed to be undocumented. Surprisingly, a finding from our study was that the link between marginalization due to perceived illegality and depression was non-significant. Further analysis to interpret these results is beyond the scope of this paper. However, future research may attempt to replicate this finding and explore factors that may support immigrants’ psychological wellbeing when they experience marginalization.

Although our results are based on data collected before the Trump administration’s amplified enforcement strategies, we would like to note their continued relevance. For instance, recent research has shown that President Trump’s statements regarding Mexicans and other Latinx immigrants, especially the regularity of such statements, had negative effects on public opinion of different Latinx subgroups (Flores 2018). Such statements and consequent public opinion affect how Latinxs feel and think of themselves and their family members (see Menjívar 2016); recent research shows that about half had concerns about their place in U.S. society and 55% worried that either they or a family member could be deported (Lopez et al., 2018). This is not surprising, given the racialized approach to immigration enforcement that targets Latinxs across subgroups (Menjívar, 2021; Menjívar et al., 2018), which is predicated on phenotype and skin color among other social markers.

There are limitations that must be considered here, such as our reliance on a convenience sample of U.S. Latinx individuals with access to our online survey. Over 50% of our sample identified as being of Mexican-origin. We sampled individuals with higher levels of education than the general population of U.S. Latinx individuals, and most participants in our studies were English- or Spanish-and-English-dominant. However, this profile demonstrates the breadth and depth that the racialization of legal status has for Latinxs, as the effects reach even a group that is more educated, English-speaking, and has access to technology. Despite limitations, our study contributes to the scholarship on the social and psychological experiences of U.S. Latinxs by measuring experiences associated with the stigma of illegality and feelings of racial/ethnic marginalization in U.S. society. While anti-immigrant policies may often appear disguised as focused on undocumented populations, we show quantitatively that these enforcement practices, given the racialization of legal status, have consequences beyond the undocumented—even those in relatively privileged positions experience the racialization practices of immigration enforcement and national discourse. In sum, we bring attention
to how U.S. Latinxs experience the stigma of illegality, the extent to which they feel marginalized as a group (i.e., in terms of levels), and how these levels are associated with psychological distress.

Despite these limitations, our study offers several key contributions. First, we empirically and quantitatively reveal the potential impact of the racialization of illegality beyond the undocumented, a group that has received the most attention in research on illegality. Second, our work helps to link the primarily quantitative scholarship on the spillover effects on health care access and usage, with a primarily qualitative literature on spillover effects on psychological distress. To date, these bodies of work have remained largely separate. Third, we demonstrate empirically how racialization and especially the racialization of illegality are related to each other across four distinctive and identifiable elements, as well as how they are associated with psychological distress. This last contribution we note is especially important to moving this scholarship forward as we highlight a new set of scales researchers can use and associated constructs and elements of the perceived stigma of illegality that can illuminate future research.

Indeed, it is our hope that future research will add nuance to our findings by exploring how various characteristics that distinguish Latinx individuals from one another (e.g., language fluency, accent, generational status, skin color, geographic region, ethnicity of origin, documentation status, etc.) may shape the associations between the perceived stigma of illegality and psychological distress that we detected in the present study. By establishing the validity and reliability of the constructs of interest in these two studies, a newly tested instrument can now be used to address these important questions in future research. Answers to these questions will aid our understanding of how perceived illegality and racial/ethnic marginalization of Latinxs in U.S. society are associated with psychological distress among diverse groupings of Latinxs. This burgeoning area of research can add critical insights on how these processes may shape membership and belonging among Latinx individuals in U.S. society.

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**NOTE**

1. We use the term Latinx to refer to individuals of all genders, including non-binary and various gender expansive forms of gender identity, who live in the United States and are from, or have familial ties to Latin America (see Santos 2017 for a thorough discussion of reasons for the use of the term Latinx).

**REFERENCES**


Development and Evaluation of the SIML Scale


