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# *Co-membership in immigration gatekeeping interviews: construction, ratification and refutation*



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**ABSTRACT** I analyze the construction of co-membership in a high-stakes gatekeeping encounter: US permanent residency (or 'green card') interviews. Co-membership is sometimes attempted (intentionally or not) by visa applicants in this critical face-to-face encounter in order to create rapport and a favorable outcome. I show how co-membership is formed or avoided through the following steps: (i) an aspect of social identity is foregrounded through small talk and/or nonverbal means; (ii) the aspect is acknowledged as shared by the interactants and therefore a potential basis for co-membership; and (iii) the attempt at co-membership is ratified, not ratified, or actively refuted by one or all of the interactants. Excerpts are drawn from videotaped visa interviews and audiotaped playback sessions with one US immigration officer and 51 visa applicants. I examine cases in which the officer ratifies, does not ratify and refutes co-membership, and how this affects the interview tone and outcome for the applicant.

**KEY WORDS:** *co-membership, gatekeeping, green card, identity, immigration, institutional discourse, interview, permanent residency visa*

## *Introduction*

In this article, I analyze the construction and effects of co-membership in a high-stakes gatekeeping encounter: US permanent residency visa (or 'green card') interviews. A face-to-face interview between a US immigration officer and a green card applicant represents the final step in the years-long process of obtaining US permanent residency status. Permanent residency status (known colloquially as having a 'green card') allows an immigrant to live and work indefinitely in the USA. It opens access to jobs and other opportunities that are closed to a non-permanent resident. It allows the holder to petition for other family members to gain permanent residence. It is a major step towards US citizenship. In sum, having a green card affects a person's employment, economic status, residence, family life and, potentially, citizenship.

The finality of the face-to-face interview may inspire high emotion on the part of green card applicants. It is one of the few chances that they ever have to negotiate in real time with an immigration officer. Although applicants are allowed interpreters, most do not retain one and bring varying levels of linguistic resources to a situation of complex institutional discourse. The bureaucratic process, opaque to them, is clear and orderly to the interviewer, who may take little or no time to explain his or her expectations or procedures. Applicants and their attorneys, intentionally or not, often seek a 'human connection' based on social similarities between the applicant and the interviewer – referred to here as *co-membership* – in the hope of gaining information about the officer's actions, a greater attention to detail or emotional investment on the part of the officer, or simply to reduce the stress of the applicant.

Based on examples drawn from a set of videotaped permanent residency interviews between one immigration officer and 51 applicants of 25 different nationalities, I show how *co-membership* is formed or avoided through the following interactional choice points: (i) an aspect of social identity is foregrounded through small talk and/or nonverbal means; (ii) the aspect is acknowledged as shared by the interactants and therefore a potential basis for *co-membership*, and (iii) the attempt at *co-membership* is ratified, not ratified, or actively refuted by one or all of the interactants. I examine cases in which the officer ratifies, does not ratify, and refutes *co-membership*, and how this affects the interview tone and outcome for the applicant.

### *The intersection of gatekeeping and co-membership*

In the field of interactional sociolinguistics, institutional gatekeeping has come to mean, broadly, 'any situation in which an institutional member is empowered to make decisions affecting others' (Scollon, 1981: 4). Since the 1970s, gatekeeping has been a fertile area of research. Frederick Erickson brought the term into the field in his study of the verbal and nonverbal behavior of junior-college students and their academic counselors during brief, routine, face-to-face advising sessions that were audio- and videotaped (Erickson, 1975, 1976; Erickson and Shultz, 1982). Through discourse analysis, gesture analysis, and video playback with participants, Erickson and Shultz (1982) found that a counselor's interpretation of a student's listener response behavior influenced the degree to which a counselor acted as an advocate (who represented the student's interests and helped the student navigate the bureaucratic system) or a judge (who represented the institution's interests to the possible detriment of the student).

That a gatekeeper aligns sometimes with the institution (by evaluating or challenging an individual's candidacy for institutional resources) and sometimes with the individual (as an advocate who assists their petition for institutional resources) is, in addition, a product of structural constraints inherent to public service professions. Lipsky (1980) describes the 'dilemma of the individual in public service' as follows. Teachers, doctors, immigration officers and others who join public service organizations begin their careers with some interest in

providing service to the public. However, organizations have limited resources, so organizational leaders create policies and protocols by which individuals seeking service are judged. It falls to the front-line professional to ensure that people meet the requirements set by the institution while they simultaneously help people negotiate the institution to receive the services they seek. This is the root of the dual alignments of advocate and judge or, as I refer to the two alignments with respect to immigration officers, *service* and *enforcement*. These are two poles on a continuum of alignment along which the behavior of an officer ranges from moment to moment during a permanent residency visa interview.

Erickson and Shultz (1982) show that something else affects whether an institutional representative acts as an advocate or a judge: the degree of *co-membership* between the interactants. Their definition follows:

Comembership is an aspect of performed social identity that involves particularistic attributes of status shared by the counselor and student – for example, race and ethnicity, sex, interest in football, graduation from the same high school, acquaintance with the same individual. (p. 16)

In other words, co-membership is achieved when all interactants ratify that ‘we are similar’ with respect to some aspect of social identity. Erickson and Shultz show that the higher the degree of co-membership, the more the counselor acts as a student’s advocate. The lower the degree of co-membership, the more the counselor acts as a judge.

This article uses interactional sociolinguistic methods of discourse analysis to show step by step how co-membership occurs and – going beyond Erickson and Shultz’s study – how it does *not* occur despite the potential for it. In addition, I show how co-membership correlates with interview tone, as well as how the interactants evaluate it. For each example, I show the choice points in co-membership potential. If an aspect of social identity is not recognized as shared by the interactants, the potential for co-membership dies. If it is ratified as shared, the interactants each have another choice: to build upon that similarity, to drop the topic, or to refute that the similarity is shared and actively reject co-membership. The ‘choices’ are not those of equals, however. The power differential in a high-stakes gatekeeping encounter means that it is the institutional representative who has greater power to acknowledge a similarity, build upon it, drop it, or refute it.

In the following section I discuss the likelihood of co-membership occurring within the framework of the highly structured institutional discourse that guides the permanent residency visa interview.

### *The permanent residency visa interview: opportunities for and constraints on co-membership*

Gaining permanent residency is a cumulative, interconnected series of gatekeeping encounters that takes years. First, an applicant must be sponsored by a US citizen (or permanent resident) who is their spouse, family member or employer, and have that sponsorship approved by immigration authorities. Next,

the applicant submits an application dossier including identification papers and proof of financial support, and undergoes a medical examination and fingerprint check. Finally, the applicant has a face-to-face interview with a US immigration officer who makes the final verdict: approve or deny. An applicant has about 20 minutes to display – through talk, gaze behavior, documentation, and numerous other practices – that they are who they claim they are: an ‘approvable’ applicant.

In contrast to Erickson and Shultz’s (1982) study of college counseling sessions, and Gumperz’s (1977, 1992) analysis of narrative inequality in job interviews between Anglo employers and Pakistani job applicants, in visa interviews there is no expectation that the gatekeeper has an interest in making the applicant feel in any way comfortable, as a college counselor or even a potential employer might. It is the officer’s job to evaluate the consistency of the applicant’s identity claims of ‘approvable’ across all modes and practices. If any verbal or nonverbal behavior disrupts the identity of ‘approvable’, officers may employ adversarial tactics, such as interrogation and requiring additional documentary evidence, in order to test the strength of those claims. The officer does not actively seek social similarities that might lead to co-membership and a resultant feeling of human connection or ‘ease’ on the part of the applicant – unless it may serve to gain information to disprove the applicant’s case. Empirical studies of immigration, naturalization and asylum decisions have illuminated these and other tacit and explicit assumptions by immigration gatekeepers and how extra-institutional factors affect their decisions.

Gilboy (1991) focused on the role of prior knowledge of immigration inspectors adjudicating primary inspection interviews at airports. She found that inspectors rely on past experience with passengers of the same national origin to decide whether to admit or refer passengers to secondary screening. They also engage in distributed decision-making and ‘surrogate screening’, in which a passenger arriving to do business with a large corporation is questioned less intensively under the assumption that the corporation has also screened the traveler. Nafziger (1991) evaluated the process of consular visa review and noted ‘a lack of uniform decision-making among the consulates, that is, a failure to respond to similarly situated applicants in essentially the same way’ (p. 73), which reflects how different officers wield their discretionary power quite differently, often due to interactional factors in the interview. Olaniran and Williams (1995) studied consular visa applicants in West Africa and noted how the presence or lack of eye contact by applicants was directly correlated with visa approval and denial. The authors found that 83 percent of applicants who maintained direct eye contact or adjusted their behavior upon request by the interviewing officer were successful in obtaining visas. However, 90 percent of those failing to maintain direct eye contact – even after a direct request by the officer to do so – were denied a visa. When applicants were asked why they failed to maintain eye contact when requested, the applicants ‘pointed overwhelmingly to the discomfort they felt in maintaining eye contact since such behavior suggested impoliteness in their cultural norms’ (Olaniran and Williams, 1995: 233).

In addition, several searing studies of asylum adjudications have brought to theoretical attention the issue of inequality of linguistic resources of asylum seekers in Belgium (Blommaert, 2001; Maryns, 2006). Blommaert details the process of how the 'home narratives' of African asylum seekers, in which they contextualize their reasons for seeking asylum (often in a non-native language or through the filter of an interpreter), are revised and generically transformed by institutional members. Despite the transformation of the oral narrative into a 'text trajectory' of translations, annotations, evaluations and summaries, the story is still treated as a '*singular* text, and responsibility for that text (and thus for all re-entextualizations in the text trajectory) is attributed to the asylum seeker' (Blommaert, 2001: 438). In this way, people with the fewest linguistic resources have principalship (Goffman, 1981) of forms of discourse created outside their control foisted upon them through misapplied notions of bureaucratic fairness and legal justice.

Finally, Winn's (2005) study of US naturalization interviews showed that officers were often biased against applicants who had the least command of English. Although a test of oral and written English is a required part of the naturalization interview (in addition to tests on US history and government), it is devised on an ad hoc basis by each interviewer (who may ask an applicant to write 'This is a blue car'). Of 67 interviews, 10 applicants failed to qualify for naturalization as a result of failing one or more tests. Critically, no one failed solely due to the test on US history and government. All cases of failure were observed to involve 'severe difficulties' with English comprehension and production. The greater penalty placed on failing a 'test' of English has no basis in naturalization law but reflects the discretionary power of the interviewer.

In permanent residency interviews, applicants often bring interpreters or attorneys. The officer in this study expects all present to use titles (he introduces himself by the title 'Officer' and refers to those present with the titles 'Mr' and 'Ms'). He follows a script that guides the interview: opening, oath, confirmation of facts, document requests, decision, and explanation of future actions. He enforces a formal distance and yet:

I don't want it to sound like a court hearing, to where everything is formal . . . I mean, if they say something funny, I'll laugh . . . But if [the applicant or attorneys] get to a point where they're trying to make it like a social event, then that's where I draw the line. Occasionally you'll get attorneys that'll try to – they WANT to get in on a social level because then they are HOPING you'll miss something. Because if you're on a relaxed social level . . . then you're not going to be looking as closely at the application. At least that's my opinion. So I stop that immediately.

The officer is alert to the attorney (or applicant) who may try to make small talk in order to build upon social similarities and create a congenial atmosphere. His evaluation of different types of co-membership is explored below.

Despite these constraints, the interview is not usually akin to a 'court hearing', as the officer states. There are opportunities for the type of small talk that might lead to the discovery of shared social attributes. For example, in the opening sequence of the interview, the officer meets the applicant in a waiting

room, escorts them to a fingerprinting station, and walks them to his office. Often, small talk occurs here – with a purpose. The officer may glean information that may guide questioning during the official interview (which begins after the officer administers an oath to the applicant). In addition, there are also slots available for the applicant to engage in narrational response to open-ended questions (such as, in marriage-based interviews, ‘Where and when did you meet your spouse?’, or ‘Why do you have a different address from your husband listed on your driver’s license?’).

The ‘green card’ interview is an important situation to study for many reasons. How applicants manage their verbal and nonverbal behavior in interaction with immigration officers has an effect on how they are treated and, sometimes, on the outcome of their case. As an analytical unit, the interview is a good site for showing how extra-institutional factors such as co-membership affect the tone and even the actions of the institutional authority. This article enhances our understanding of co-membership by showing in detail how it does or does not occur and the options available to each interactant. When are social similarities recognized? When do social similarities *not* lead to co-membership? The practical implications include gaining a greater understanding of how institutional decisions are made, and how co-membership may affect those in a position of lesser power: sometimes there is a ‘right’ way and a ‘wrong’ way to attempt it.

### *Data and theoretical framework*

The examples that follow are drawn from a set of videotaped permanent residency interviews between one immigration officer and 51 applicants of 25 different nationalities. They were taped at an immigration district office in the eastern USA. Having no special connections to the immigration office I chose as my field site, I approached gaining access as any public citizen might: through the public affairs office. In sum, it took seven months, 40 phone calls, five letters to district office management, four meetings, and one presentation at an officer staff meeting to persuade the officers to allow me to tape their interviews. One officer (of nine in the field site) volunteered.

Although only one officer consented to have his interviews recorded, which eliminates comparison of style differences among officers, his perceptions, assumptions, judgments and interview methods are augmented, corroborated, and challenged by interviews and conversations I had with many other officers throughout the district office in several administrative sections. Following Ruesch and Bateson (1968) and Scollon (2001a), my goal was to triangulate my analysis by gleaning information from multiple perspectives, including institutional members of all levels, applicants and clients, and mediators such as attorneys and immigrant rights advocates.

When the applicant entered the room, the officer turned on a mini digital-video camcorder and a handheld audiocassette recorder. After the interview concluded, the officer asked if the applicant was willing to step into

the neighboring office where I asked permission to use their tapes for research. After obtaining verbal and written permission to use the tapes, I performed a brief exit interview of 5–10 minutes with each applicant (and accompanying spouse or attorney, if present). Following final case action, I selected several applicants for intensive playback interviews of 1–2 hours.

Ethical research standards are imperative in a high-stakes encounter with inherent power inequities between the gatekeeper, researcher, and visa applicants. The question of most concern was whether applicants would feel coerced into participation in the research study. The potential for coercion was high. For example, all applicants were advised on their official letter of appointment from the immigration office that their interview 'WILL BE VIDEOTAPED'. In actual practice, however, few interviews are videotaped; the letter serves as prior disclosure for the small fraction that are determined to require it. The officer who volunteered for this project had filmed interviews in the past and had developed his own procedure. To obtain my videotapes, I brought in my own equipment and piggybacked on the officer's routine practice and the institution's declared policy of videotaping interviews. I was therefore harnessing the power of the institution to surveil applicants. Though the applicants may have anticipated videotaping and knew that they were being taped, they did not know that the tape was not intended for institutional use. In this sense, they did not have full disclosure prior to their interview. Also, although I made clear my university affiliation and reassured them that participation would neither help nor harm their visa status or the adjudication process, they were 'invited' to participate while on institutional property, directly next door to the officer who interviewed them, and immediately post-interview in a sometimes visibly emotional state (including elation, exasperation, and dejection). These factors could increase their 'susceptibility' to participating in a study that they might not have in other circumstances.

Several steps were taken to reduce these inequalities and the potential for coercion. First, the methodology of this study passed several human subjects reviews by my research institution and granting agency. Second, I explained to each applicant that they had no obligation to participate, that this was an academic research project that the institution was allowing me to perform on site but that I was not an immigration employee, and that their choice to participate or not to participate would in no way affect their visa status or their relationship with US immigration. Third, my oral statements also appeared in writing on a research consent form. Finally, to further bolster applicants' empowerment to refuse participation, 40 percent of applicants (24 of 60) had their attorneys present as I explained the project. All attorneys read the consent form and many reiterated the applicants' right to refuse. An even larger number, 36 of 60 applicants, or 60 percent, had retained attorneys (some attorneys did not attend the interview with their clients) and thus had access to legal advice.

Of 60 direct requests to use their videotapes for research, 9 people declined, a 15 percent refusal rate. Their tapes were immediately erased and recorded over. If applicants agreed that their tapes could be used in the research study,

they were asked to sign the consent forms, also signed by me. They were given a copy of the signed consent form that explained their rights of participation and withdrawal and assured them of anonymity and confidentiality. They were also given contact information for me and for my university for follow-up questions or reconsideration of their participation.

If 100 percent of applicants had participated, I would have been concerned that the data-gathering method incorporated coercion. However, 15 percent of the applicants (9 of 60) did feel they had a right to refuse and did so. Most who agreed did so readily and with enthusiasm; others agreed following questions clarifying the project rationale and how their images would be used and protected. Many provided unsolicited narratives of difficulties they had encountered and challenges overcome during the years-long process of applying for a green card. The high participation rate (85% of those asked) is attributed to those applicants' stated desire to help others successfully negotiate the green card interview and to improve customer service. Most applicants (as well as their attorneys) expressed the hope verbally and in follow-up emails that their participation could contribute towards improving communication between officers and visa applicants, and many were visibly eager to participate for that purpose.

I analyzed the interviews using tools of interactional sociolinguistics within the framework of mediated discourse analysis (MDA). The central focus of MDA (Scollon, 1998, 1999, 2001a) is to analyze social issues and theorize social change from a critical and activist stance. This theoretical position draws concepts and tools from several disciplines, including (among others) interactional sociolinguistics (Auer et al., 1999; Erickson and Shultz, 1982; Gumperz, 1977, 1992; Tannen, 1984, 1989, 1993), ethnomethodology (Goffman, 1959, 1974, 1981), linguistic anthropology (Duranti, 1997; Gumperz, 1992), inter-cultural communication (Scollon and Scollon, 1981; Scollon, 2002) and geosemiotics (Scollon and Scollon, 2003).

The unit of analysis in MDA is the real-time *mediated action*, a concept developed within the Vygotskian tradition and elaborated by psychologist James Wertsch (1991, 1998). A mediated action is defined as an agent acting with a *mediational means* (Scollon, 2001a; Wertsch, 1991, 1998) within a *social practice* (Bourdieu, 1977, 1990). Mediational means include symbolic systems of representation such as a language or specific aspects of language, such as the specialized vocabulary shared by immigration officers, or a narrative of personal experience told by an applicant hoping to persuade an officer to approve their visa. Mediational means also encompass any material part of our world that is used by an agent in taking an action, such as an ID card, a document, or a suit of clothes. The use of mediational means always carries identity implications that may be ratified or disputed by other interactants, as shown in this article and in the larger study of which it is a part (Johnston, 2003). Mediational means of importance in the examples to follow include small talk, eye contact, and an employer affidavit, all of which play key roles in the construction and refutation of co-membership.

## *Ratified co-membership and its effects on the interview*

One way that applicants find a social connection with immigration officers is discovering (perhaps through small talk or sighting a family portrait on a desk) that they are parents. Attorneys know this, and may use their knowledge of officers' and applicants' parental status strategically. One immigration attorney stated:

They'll [applicants and immigration officers] connect about KIDS . . . I always try to . . . talk about if that officer's a mom and this [applicant]'s a mom and things like that, you know, trying to make them connect. SOMETIMES that happens. Obviously that happens with people that are the nicest.

This attorney shows that she uses small talk to strategically foreground shared parental status in the hope that an immigration officer will ratify that similarity and build upon it. If co-membership is ratified, there are real benefits for the applicant. Simply put, an applicant will feel more at ease. An applicant who is relaxed may be able to answer questions more clearly and accurately. A relaxed applicant may also show fewer ambiguous and polysemous (Tannen, 1989) behaviors such as false starts, corrections, hesitations, or lack of eye contact. These behaviors may be signs of stress, personal conversational style, lack of proficiency, differences in cultural norms, or – as often interpreted by immigration officers – signs of lying.

In my set of 51 visa interviews, parenting connections formed the basis of the rare instances of mutually ratified co-membership. In one interview, an applicant from Bolivia arrived with his wife and young daughter. The officer showed the applicant where the little girl could sit and draw with the crayons and paper he kept in the office. During a period of silence when the officer was filling out forms, the little girl talked softly to herself and the officer responded with a rare personal revelation:

### **Excerpt 1**

*(Applicant's daughter taps her crayon, says something quietly)*

Wife            Okay, shhhh, Joanna.

Officer        *(head down, marking papers)* She's all right.

*(Pause; daughter makes more sounds)*

Officer        She's not gonna bother me,  
Don't worry.

*(Applicant and his wife smile)*

Officer        I have three,  
so there's no way she can keep up with that.

Wife            Oh-hh. *(smiles and laughs)*

*(Applicant smiles. Officer looks up and meets gaze of applicant and his wife)*

Officer        *(smiling)* I'm used to that.  
All right, *(states applicant's previous address)*

This was the only time across 51 interviews that the officer *verbally* acknowledged that he had children (and that they make a commotion at home). During the official interview, this was the most extended example of officer-initiated small talk that established a 'personal connection' based upon a similarity between himself and an applicant.

This highly personal comment correlates with the highly service-oriented tone of the interview, which was one of the most pleasant recorded: the officer smiled, the applicant smiled, the applicant's wife smiled and laughed aloud. The officer made eye contact with the applicant and his wife, a rare occurrence. And, importantly, the officer revealed more about his 'official' actions during the interview as well: he explained what he was doing – in contrast to several other interviews in which he (sometimes deliberately) did not tell the applicant how his actions related to their case. For example, the officer told them that he had to leave the room to retrieve the applicant's case file. It seems like an obvious explanation, but often other applicants did not benefit from explanations for the officer's silences or disappearances, and revealed their disquiet and apprehension during playback interviews.

These explanations and other service-oriented practices seemed to result from the officer's initial review of the applicant's case file prior to the applicant's arrival. Based upon the prior history of gatekeeping encounters embedded in the applicant's dossier, he seemed 'approvable'. In a sense, the officer could afford a service-oriented footing and to engage in co-membership. The effect the officer's actions had on the applicant was noticeable on the videotape. The applicant began the interview sitting with a straight back and a serious expression. Later, he relaxed his posture slightly and allowed a smile or two, as shown in Excerpt 1. During the exit interview he said that he felt 'nervous and excited' during the interview, but that the officer was 'very nice, quick'. He and his wife were relieved they could bring their daughter and disarmed that there were crayons for her to draw with.

How does the officer evaluate small talk about children? During one interview playback session, the officer noted that this type of connection is innocuous:

When they ask about the kids or something, in all the cases I can recall, it didn't sound to me like they're asking that just to get something. It sounds like they're asking that because there's a whole period of silence where I'm reading the file or typing when I need to type and they're just kind of breaking the silence because they're nervous as anything . . . and nine times out of ten, I might respond and say like a couple lines or something but I don't usually – it doesn't bother me unless they get too – unless they try to get into a dialogue, it doesn't bother me. 'Beautiful kids', 'Thank you': I don't have a problem with that.

The officer perceives the connection through parental role to be 'unrelated' to the official business of the interview and without strategy (the applicant is not asking 'just to get something'). However, in other instances, in which the basis of co-membership is perceived as connected to his role as interviewer and procedures related to interviewing, the officer does *not* build upon a co-membership link, as in the following example.

## *Unratified co-membership: 'This guy's conceited'*

One applicant and her husband tried to create a co-membership link based on an institutional connection: her husband and the officer shared the same employer. Although they worked in different divisions, both drew paychecks from the Department of Justice (DoJ).<sup>1</sup> The applicant's husband, a permanent resident originally from Bolivia, spent his 35-year career at the Department of Justice, and sponsored his wife's application. In the following segment, the officer tells the applicant that he needs a set of employment and tax forms from her husband (referred to as 'the petitioner'). The applicant broaches her husband's employer for the first time.

### Excerpt 2

Officer           Actually, this (*set of forms*) is from him,

Applicant       Oh

Officer           He's the petitioner,  
He needs to have uh

(2.0 second pause)

Applicant       He's with DoJ.

Officer           'Kay.

(4.0 second pause)

Applicant       And then you said u::h, what else?

Officer           U:h, 1999 taxes and 2000 taxes if you filed them.

The applicant's response to the officer's document request ('He's with DoJ') is marked. In the set of 51 videotaped interviews, this is one of only two times an applicant responded to a request for employment and tax forms by disclosing the identity of the petitioner's employer. Typical responses include locating and handing over the forms, asking clarifying questions, or providing a narrative explaining the absence of the forms. The only other time that an applicant volunteered employer information seemed to be in pursuit of a co-membership link (another applicant raised the fact that she worked for an immigration attorney). In addition, the applicant uses the acronym 'DoJ', displaying an ingroup familiarity with the employer who provides the paychecks for both the petitioner and the interviewer. The officer responds to the applicant's statement with a short, uninflected 'kay' ('okay'), which displays no interest or surprise. A lengthy (4-second) pause follows, during which the applicant appears to wait for elaboration by the officer. When none follows, she returns to the topic of the document request.

Later in the interview, while the officer types and prints a document, the husband breaks the silence with small talk about current events. At the time the videotapes were made (March–April 2001), the position of immigration commissioner was in transition.

### Excerpt 3

Husband           Who is the new commissioner now.  
Immigration [commissioner.]

Officer	[We don't have] one yet.
Husband	We don't have yet? Meissner . . . retired.
Officer	We have an acting uh— Don't even know who the acting is, to be honest with you.
Applicant	Mm.

In this excerpt, the husband repeats the officer's answer to his question about the new commissioner almost word for word ('We don't have yet?'). The husband's use of the pronoun 'we', which I interpret as 'we fellow employees of DoJ', signals another attempt to highlight a social similarity. It is possible that 'we' could mean 'we (applicants) who must interact with immigration still do not have a top authority in the institution that directs the course of our lives'. But, based upon my exit interview with the couple, it seems more likely that the husband was trying to build upon the previous attempt to foreground their shared employer in a bid for co-membership. In the exit interview, both the applicant and her husband expressed surprise about the long wait they endured before the petition for adjustment of status was approved and until the application was allotted an interview slot (lengths of time that were average). The husband remarked, 'Even though I work for DoJ, they wouldn't speed it up'. This statement indicates his expectation that a DoJ employee would have (or should have) had expedited service. Or, that since he is a known and 'pre-screened' entity to the department, the background checks should have been processed more quickly. Both seemed puzzled that his 35-year career at the department 'counted' for naught in terms of expediting his wife's application. Therefore it seems that the references to his employer and the use of 'we' were co-membership attempts, in the hope that the officer might process the applicant's case more swiftly. (She was approved soon after – but no sooner than any other applicant.)

How did the officer evaluate these bids for co-membership? He did indeed notice the attempts to highlight the employer connection. In a playback interview, he compared the situation to that of a police officer who, when stopped for speeding, shows his badge to the highway patrol officer. In green card interviews, such attempts 'happened ALL the time'. He listed examples of applicants and spouses that included police officers who arrived in uniform on their day off, and government workers (even immigration employees) who drew attention to their employment. He said that 'it's blatant what they're trying to do' when they showcase their employment connection, and expanded as follows:

In my opinion, I don't think they're doing it – they're wearing the uniform, or they're trying to show the badge, or they're trying to tell me they work for DoJ just like me or something like that – I don't think they're doing it to try to get something by me that shouldn't be getting by me . . . I think they're doing it just because they want me to do it faster – you know what I'm saying? Give them a little something extra that I wouldn't give the normal applicant. That's what I think they're going for. So it doesn't really sway me either way. It doesn't sway me to think 'this is suspicious', and it doesn't sway me to think that I should approve this faster. It doesn't have any effect, really. Except to maybe think 'this guy's conceited'. <laughs>

The officer's descriptor 'conceited' shows his evaluation that applicants who highlight an institutional connection perceive themselves to be above the procedures that are supposed to apply to all applicants. This is how he describes his response to such attempts:

So when they say it, I don't even acknowledge it because I don't even want the IMPRESSION of doing something wrong or something improper. Nine times out of ten, I don't even acknowledge it. They'll say it and I'll go 'Oh, okay' and I'll continue with what I'm doing.

Because he perceives an expectation of hoping for 'something extra', the officer is even *more* careful to avoid the impression of deviating from procedure. His managers have the authority to review his cases and even, in case of appeal or dispute, to refer them to outside investigators. He performs his interviews with future-oriented hindsight, what Scollon (2001b) terms anticipatory discourse. Through his lack of elaboration and attention to procedure, he tries to ensure that what he does in the present will hold under future scrutiny. So the officer is alert to attempts to make 'connections' and attends yet more carefully to how he balances his footings of service and enforcement.

### *Ratified co-membership through nonverbal means: 'Oh, I know who you are'*

We have seen so far that the officer is usually alert to co-membership attempts that are based upon 'obvious' connections relating most directly to the gatekeeping situation: knowing the same institutional people or receiving a paycheck from the same employer. The data set shows that the more closely a social similarity relates to the gatekeeping situation, the less likely the officer is to ratify co-membership. The less a similarity is directly connected to the institutional workings of the situation – such as having children the same age, as shown in Excerpt 1 – the more likely the officer is to ratify such social similarities.

However, there is one way that an 'obvious' institutional connection may be referenced – and ratified – with felicitous effects for the applicant. During a playback interview, the officer described a contrasting example of an applicant who *could* have explicitly referenced an institutional connection, but refrained from doing so verbally:

Who did I have recently. She was actually very nice. She didn't tell me who she was, but I read it because she had given me her pay stubs and everything. She was the secretary of agriculture . . . but I had no idea who she was. And she didn't tell me. See? And that's the way you're supposed to be. There's no reason – when you're sitting here in front of me, you're not the secretary of agriculture, you are a US citizen petitioning for her alien spouse. And that's exactly the way she was.

In this interview, the officer makes clear that an applicant's reference to a shared institutional identity is seen as an attempt to gain something *when it is referenced verbally*. In fact, the high-ranking government official actually succeeded in foregrounding a shared institutional identity – and had it ratified by the

interviewing officer – by letting her pay stub and other documents speak for her. Her documents were the mediational means that claimed her identity for her, not her small talk.

The officer then evaluates the use of documents to reference identity:

And when I saw her pay stub, I was like, ‘Oh, I know who you are.’ <laughs> It didn’t affect me, but it was just like – I was unconsciously impressed that she WAS the secretary of agriculture but she DIDN’T let on to that. And didn’t try to gain anything from that.

Although the officer claims he did not let it ‘affect’ him in the interview, it is likely he acknowledged to her that he ‘knew’ who she was. Even a brief acknowledgement of shared identity (a ‘wink and a smile’) is enough to set an applicant and/or their spouse at ease during what is a high-stakes encounter for anyone, no matter what their social position. Through nonverbal means – her pay stub, the same document the Bolivian applicant referenced verbally – the government official was able to show a shared aspect of social identity and achieve mutually ratified co-membership and service-oriented treatment.

There are times when documents fail in an applicant’s bid for co-membership, however. As discussed below, documents may claim a social similarity the officer not only does not ratify but also refutes as shared.

### *Refuted co-membership: ‘This guy’s lying’*

In the following case, the social identity that is conveyed by the *materiality* of a document is far more important to the officer than the social identity conveyed by the content of the text. Erickson and Shultz (1982) discuss how common sociocultural experiences could form a basis upon which to build a sense of similarity, such as two people who discover that they went to the same school. This case widens the definition of co-membership by showing how sociocultural experience and identity are signaled by technological access to semiotic modes.

In the case of one Pakistani man applying for an employer-sponsored green card, the mediational means that came into question was a letter known as an employer affidavit of support. This is a required letter from an employer stating that the applicant had performed skilled labor for them for at least 2 years. In the applicant’s file, there was a letter from a butcher’s shop called PK Meat Market in a small town in Pakistan that attested to this.

By the interview midpoint, the officer had taken a highly enforcement-oriented footing and the interview became adversarial. Two turns before the following excerpt begins, he told the applicant ‘Based on what you’re telling me, I don’t believe you’. Then, abruptly, the officer opened the applicant’s file to the employer letter and raised it as a topic for the first time. I include an extended excerpt from the transcript to give a sense of the adversarial tone, which includes repetition, emphatic stress, tonal variation, and pauses in which the applicant does not take the floor as expected by the officer.

**Excerpt 4**

- Officer        This letter.  
                   Where did this letter come from.  
                   The TRUTH.  
                   Where did this letter come from.
- (2.0 second pause)*  
                   Who gave you this letter.  
                   PK Market.  
                   From PK Meat Market.  
                   Did you get this letter from the United States  
                   or from Pakistan.
- (2.0 second pause)*  
                   Have you ever SEEN this letter.
- Applicant    Which one,
- Officer        This letter here—  
                   you can read English right?
- Applicant    Yeah, yeah.
- Officer        Okay.  
                   Read that letter.
- (20 second pause while the applicant reads the letter)*
- Applicant    Yeah, that- that's from Pakistan.
- Officer        Okay.  
                   Did you get—  
                   Who—who got this letter,  
                   You or the attorney.
- Applicant    No, I got the letter.
- Officer        YOU got the letter.
- Applicant    Right.

In a playback interview, the officer told me that the applicant had lied to him and the document was likely fraudulent. The officer's question about linguistic resources (which echoed a question early in the interview about the applicant's oral proficiency: 'Do you speak English?') was statutory: applicants have the right to an interpreter. At this point in the interview, the officer was so convinced that the applicant was lying and would probably merit a denial that he made certain that the applicant 'waived' his right to an interpreter; otherwise, the applicant could later claim lack of comprehension and file an appeal. Therefore, in a string of anticipatory discourse (Scollon, 2001b) he tried to close loopholes that the applicant or his counsel might raise later to refute an assertion of document fraud (such as 'My client doesn't read English', or 'My client did not personally obtain this letter'). After further interrogation about the name of the applicant's employer and the length of time he was employed in the butcher's shop, the officer delivers a preliminary judgment to the applicant: he will find out if PK Meat Market ever existed. If yes, he will approve the case; if no, he will deny it.

Watching the interview in playback, the officer gave two primary reasons that ‘this guy’s lying’: he would not look him in the eye, and he submitted an allegedly fraudulent affidavit. The gaze behavior is a classic example of mismatched listener response behavior. First, although the officer expects eye contact from the applicant, the officer rarely gives eye contact. The default mode of the interview is long periods of non-talk and, when the officer does initiate talk, he usually directs his gaze towards documents or his computer screen. Overall, the officer gazes directly at the applicant for less than 5 percent of the interview time.<sup>2</sup> Therefore, to paraphrase the officer’s expectations: when he happens to look at the applicant the applicant better be looking at him. When the officer does not receive direct eye contact from the applicant, it is a ‘danger point’, as exemplified in Excerpt 5. In Excerpt 5, the applicant gazes at the officer while the officer looks down at a document. The underlined utterances show when the applicant’s gaze wanders down, away from the officer. The italicized utterances show when the officer looks up at the applicant, expecting eye contact that is not there:

#### Excerpt 5

- |           |   |
|-----------|---|
| Officer   | How did you get to <u>Mexico</u> .  |
| Applicant | <u>I just came uh from uh Pakistan.</u>   |
| Officer   | <i><u>Kay.</u></i> (Officer’s gaze returns to document; Applicant looks up)<br>How did you get from Pakistan,<br>To Mexico. |

The applicant’s gaze wanders downwards from the officer beginning on the word ‘Mexico’. He is still looking down when he begins his response ‘I just came uh’. At that instant the officer’s eyes flash up as the applicant continues ‘from uh Pakistan’. After the officer acknowledges ‘kay’, the applicant looks up as the officer looks down. That was a danger point, an instance in which the officer did not receive direct eye contact during an answer to an interrogative. Such danger points occurred repeatedly throughout this interview. The mismatch of officer expectation and the applicant’s listener response behavior contributes to the lack of co-membership and the officer’s footing of enforcement.

An applicant’s gaze behavior is not sufficient evidence to deny a permanent residency visa, however. Statutory evidence, such as a fraudulent document, is required. This is why the evaluation of the employment letter is crucial to the outcome. Given the basis of distrust established throughout the interview due to the officer’s negative evaluation of the applicant’s gaze behavior, the officer’s attention to the letter became even more critical.

Why did the officer suspect the letter was fraudulent? According to him:

There’s a document [in the file] that looks like it came off Microsoft Word in the US. This is PAKISTAN.

The document could indeed have been created using Microsoft Word or similar word-processing software. It had a large, curving header that read ‘PK MEAT MARKET’ in shaded, grey-scale bubble letters. It followed a business letter

format commonly used in the USA. The content of the letter showed syntactic, lexical, and discursive features of South Asian English (Kachru, 1982, 1983). However, the point is not which word-processing program was used, but that the officer *perceived* a similarity in practice – and then *dismissed* that similarity as highly incongruous. According to his schema for Pakistan, Pakistani businesses, and Pakistani butcher's shops, the officer did not believe that a letter looking like the one he held had Pakistani provenance. So familiar was the letter in appearance – text layout, font, paper weight and all other material features – that even dissimilarities in content, such as South Asian discursive features, did not convey Pakistani geographical origin.

This is significant. In evaluating the authenticity of the document, the officer dismissed an indicator of authenticity: the language used in the text of the document. More important than inequality of linguistic resources is an assumed technological inequality; that is, the officer expects a technological inequality that is not there and that raises a red flag. In all of his comments, the officer referred to how the letter *looked* rather than how the letter read or what it said. This exemplifies Van Leeuwen's assertion that 'typography and handwriting are no longer just vehicles for linguistic meaning, but semiotic modes in their own right' (Van Leeuwen, 2004). In this case, the font, layout, and material feel of the document formed a semiotic mode that signaled access to a technological means of production. Access to and use of technology signals a certain sort of person and a certain type of shared experience in a community of practice (Lave and Wenger, 1991): consider how some technology users refer to themselves as 'I'm a Mac person', compete to install the latest version of a software, or personalize their cell phones. In essence, by questioning that a butcher's shop owner in Pakistan could produce a document materially similar (though textually very dissimilar) to one the officer could produce, the officer was refuting that such technological access was probable and that such an implied social identity was achievable.<sup>3</sup> He recognized the similarity and the co-membership that it implied, and found that co-membership so unlikely that he was convinced the letter was fraudulent.<sup>4</sup>

## *Summary and implications*

This article shows how, at choice points in face-to-face interaction, co-membership does or does not occur. Co-membership and its attendant rapport do not arise 'naturally' because of similarities between interviewer and interviewee; in some cases, unexpected similarities may prove a liability for an applicant when they run counter to officer expectations. Also, due to the inequality of power in a visa interview, co-membership is usually hoped for or attempted by the applicant and chosen or not chosen by the officer, depending on the type of social similarity and how it is foregrounded in interaction.

Ratified co-membership was achieved when the basis of social similarity was perceived by the officer as unrelated to his institutional role, such as being a parent. When the basis of co-membership was perceived as connected to the

officer's institutional role – such as sharing the same employer or working for the government – there was a 'right' way and a 'wrong' way to foreground that connection. An applicant who let her documents display her institutional connection knew the 'right' way to reference her social similarity to the officer. However, an applicant who verbally referenced this connection in small talk was negatively evaluated by the officer, and the topic was not picked up during the interview. The officer was careful to balance his footings of service and enforcement. In another case, documents that referenced a shared identity – that of a certain type of technology user – worked against the applicant. When a letter looked 'too familiar' to the officer, who had already taken an enforcement footing towards the applicant because of the applicant's lack of eye contact, the officer refuted the shared identity and implied co-membership in a technological users' community of practice. The officer was convinced that the applicant was lying and the interview was marked by adversarial interrogation tactics.

All interactants work to produce the sense of similarity and rapport that we have come to think are the 'natural' outcomes of co-membership. If co-membership occurs, it is likely to reduce the stress of the interviewee and result in less behaviors that may be interpreted by the interviewer as indicative of lying (e.g., lack of eye contact, hesitations, or false starts). This is positive for all interactants in a high-stakes gatekeeping encounter. However, cases of unratified and refuted co-membership show that social similarities do not always lead to felicitous effects for the person in the position of lesser power, which may temper the heretofore positive view of co-membership.

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#### NOTES

1. In April 2001, when these interviews were recorded, the Department of Justice was the parent institution of the Immigration and Naturalization Service (INS). In March 2003, the Department of Justice was moved under the new Department of Homeland Security and the INS was reformed into two 'service' and 'enforcement' branches: Citizenship and Immigration Services (CIS) and Immigration and Customs Enforcement (ICE). Permanent residency visa interviews are now performed by officers in CIS, the immigration 'service' branch. Despite the reorganization, interview protocols have not significantly changed.
2. For example, in one 23.5-minute interview, the total time spent in talk was 5.5 minutes, or 23 percent of the interview. The default behavior of this applicant (and others in the study) was to gaze at the officer, despite the officer's lack of return gaze. The total time that the officer made direct eye contact with the applicant was

39 seconds, or 3 percent of the total interview time. Of the time spent in talk, the officer made direct eye contact only 12 percent of the time. This means that most of the interview time is spent in long periods of 'non-talk' and, of the time spent in talk, the usual practice of the officer is to look at the case file or the computer instead of the applicant. The irony is that the officer expects direct eye contact from the applicant, but rarely has time to initiate it – or may strategically withhold it.

3. Of course, the social identity signaled by access to word-processing software is that of the butcher's shop owner. But the identities of those who attest in favor of an applicant are shifted to the applicant. If the officer has doubts about any aspect of the identity of an author of an affidavit, his doubts are transferred to the applicant, who is in effect treated as the principal (Goffman, 1981) of any document they submit. It is the burden of the applicant to defend his identity as approvable as well as the identities of all those who support him.
4. The officer approved this applicant's case. To determine whether the applicant's former place of employment existed in Pakistan, the officer called the Embassy of Pakistan to enlist their aid. He was told it would take 'two years' to find out. With no concrete evidence that the document was fraudulent, the officer approved the case.

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