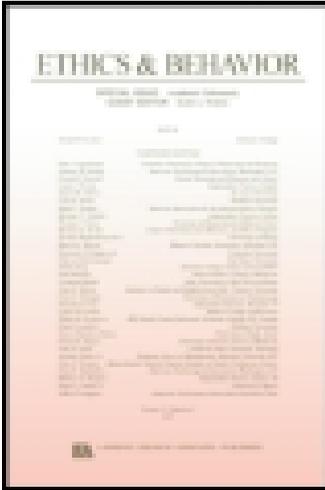


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Ethical Ambiguities in Participatory Action Research With Unauthorized Migrants

Kalina Brabeck^a, M. Brinton Lykes^b, Erin Sibley^c & Prachi Kene^d

^a Department of Counseling, Educational Leadership & School Psychology Rhode Island College, Center for Human Rights and International Justice Boston College

^b Counseling, Developmental and Educational Psychology Department, Center for Human Rights and International Justice Boston College

^c Center for Human Rights and International Justice Boston College

^d Department of Counseling, Educational Leadership & School Psychology, Rhode Island College

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Kalina Brabeck

*Department of Counseling, Educational Leadership & School Psychology
Rhode Island College
Center for Human Rights and International Justice
Boston College*

M. Brinton Lykes

*Counseling, Developmental and Educational Psychology Department
Center for Human Rights and International Justice
Boston College*

Erin Sibley

*Center for Human Rights and International Justice
Boston College*

Prachi Kene

*Department of Counseling, Educational Leadership & School Psychology
Rhode Island College*

There is increased recognition of the importance of well-designed scholarship on how immigration status and policies impact migrants in the United States, including those who are unauthorized. Some researchers have looked to community-based and participatory methods to develop trust, place migrants' voices at the forefront, and engage collaboratively in using research as a tool for social change. This article reviews three ethical ambiguities that emerged in the process of a series of participatory action research (PAR) projects with migrants in the United States, many of whom were unauthorized. Specifically, three themes are discussed: (a) the tension between the human desire to respond to injustices, and the challenges of doing so in ways that recognize one's privilege and power as an outsider and supports the migrants' agency and autonomy; (b) the complex definition, explanation, and dimensions of "risk"; and (c) the complexity of using a methodology (PAR) that prioritizes participants' collective identity and community in the context of regulations that are designed primarily to protect individuals.

Keywords: ethics, unauthorized migrants, participatory action research, community-based research

INTRODUCTION

Demographers have documented a growing foreign-born population in the United States, with largest numbers of migrants coming from Mexico and Central America (e.g., Passel, Cohn, & Gonzalez-Barrera, 2013). Responses to the large number of unauthorized migrants within this growing population have included federal government-led workplace raids, detentions, and deportations; collaboration of local governments with federal immigration policies; deteriorating trust between migrants and local and federal authorities; public debate about the role of migrants in our nation's history and present; and a seemingly out-of-reach promise of comprehensive immigration reform (Kanstroom, 2008, 2012). Within this context, psychologists and other academics have sought to expand research on the experiences of migrants, including those who are in the United States without proper documents. There is increased recognition of the societal, developmental, and political importance of well-designed scholarship on how immigration status and policies impact individuals, families, and communities (Capps & Fix, 2013; Suárez-Orozco & Yoshikawa, 2013). Yet community organizers, service providers, and migrants themselves are often skeptical—unfortunately often for good reason—of collaborating in studies about their experiences. Some researchers have looked to community-based and participatory methods to develop trust, place participants' voices at the forefront, and engage collaboratively in using research as a tool for social change.

U.S.-based researchers, including those involved in participatory and community-based work and/or with unauthorized migrants, are guided by their personal values and morals when they undertake research. In addition, their profession, funding sources, federal regulations, and academic institutions mandate them to follow ethical codes and guidelines. The authors, as academic psychologists, follow the guidelines set forth by the American Psychological Association (APA) Ethics Code (2010) and regulations of the federal government's Food and Drug Administration and Department of Health and Human Services Office for Human Research Protections, as interpreted by their respective universities' Institutional Review Boards (IRBs). In light of the diversities within migrant populations, scholars caution against applying ethical codes developed within the Euro-American biomedical model of research to studies conducted with those outside that tradition (Eggerth & Flynn, 2011) and with vulnerable populations (Mackenzie, McDowell, & Pittaway, 2007), including U.S.-based migrants (Baumann, Domenech-Rodriguez, & Parra-Cardona, 2011). Scholars also highlight the complexity of applying ethical standards, developed for traditional social science research, to participatory action research (PAR; Brydon-Miller & Greenwood, 2006). Yet ultimately, as noted by Eggerth and Flynn (2011) and discussed by Brabeck and Brabeck (2013), it's not a question of whether to apply existing codes but rather how to do so, and how to engage with governance bodies (e.g., IRB) to ensure that they are more responsive to new iterations of participatory and action research. In ways that have been discussed by others (Brydon-Miller & Greenwood, 2006) and are presented here, PAR challenges traditional Euro-American assumptions of autonomy, justice, and the researcher-participant relationship, as outlined in guiding frameworks such as the Belmont Report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (<http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.html>).

This article reviews ethical ambiguities and dilemmas that emerged in the process of a series of PAR projects with migrants in the United States, many of whom were unauthorized. The specific

project discussed is the Migration and Human Rights Project (MHRP),¹ an initiative of the Center for Human Rights and International Justice at Boston College, which the second author codirects and in which the first and third authors collaborate. We begin with a description of the MHRP and PAR and review the unique challenges faced by unauthorized migrants. We next discuss other scholars' ethical challenges in research with unauthorized migrants and present three specific ethical ambiguities that emerged in the MHRP, using case examples from our work to illustrate the issues. We conclude with reflection on the challenges of applying ethical codes grounded in individual rights philosophies to methodologies such as PAR, which operate through active participation of community members.

DESCRIPTION OF THE PROJECT

The MHRP has been ongoing since its inception in 2007. It is an interdisciplinary effort that involves academics in psychology, law, social work, theology, and education collaborating with community-based organizations in the United States and Guatemala. The project aims to understand and respond to risks to migrant families in the United States and in Guatemala. MHRP activities include legal analysis and representation, policy analysis, advocacy, and PAR aimed at understanding and responding to the effects of migration, detention, and deportation on migrants in the United States and their family members abroad.

Briefly, PAR is an iterative methodology through which university- and community-based coparticipants collaborate in order to identify questions of concern to the community, develop research goals and methods, collect and interpret data, and engage in actions informed by these processes, which then inform new research questions. Through consistent and cyclical iterations of reflecting-researching-acting-observing, coresearchers (i.e., those conventionally referred to as "outsiders" or "researchers" alongside those typically described as "insiders," "participants," or "co-researchers") draw on the knowledge and experience generated to promote the development of critical consciousness and changes in local communities and broader sociopolitical contexts (Kemmis & McTaggart, 2000; Lykes & Mallona, 2008). Through PAR, participants can express their psychosocial distress; become coinvestigators in discovering the proximal and underlying causes of that distress; identify their own and their communities' sources of strength; and thereby, over time, enhance their ability to advocate for themselves, their families, and their communities.

PAR is posited as an appropriate and ethical methodology for research with vulnerable populations including unauthorized migrants (Mahalingam & Rabelo, 2013). First, it explicitly acknowledges that there are inevitable power imbalances between outsider researchers and community participants. Second, PAR values participant agency and autonomy as more than simply providing consent. Third PAR attempts to go beyond "do no harm" to actively promote an ethical understanding of participants as beneficiaries in the research about their lives (Lykes, Hershberg, & Brabeck, 2011; Mahalingam & Rabelo, 2013; Pittaway, Bartolomei, & Hugman, 2010). Specific PAR methods used in the MHRP include semistructured interviews and a survey with U.S.-based Latino migrant families; semistructured and in-depth interviews, a community-wide census of families in selected villages and a town in El Quiché, Guatemala; participatory

¹Formerly called the Post-Deportation Human Rights Project.

workshops with youth and ethnographic fieldwork in Guatemala; and participatory Know Your Rights workshops in both countries. Many of the workshops in Guatemala and in the United States facilitate participation through the arts and creativity, including individual and collective drawing, creative storytelling (Rodari, 1996), drama (Boal, 1979/1985; Pavlovsky, Martinez, & Moscio, 1985), and, more recently, photography (Lykes, 2001).

CHALLENGES FACED BY THE U.S.-BASED UNAUTHORIZED PARTICIPANTS

Current estimates indicate that 11.7 million unauthorized migrants reside in the United States (Passel et al., 2013). The overwhelming majority (82%) of their children are U.S.-born citizens, amounting to 4.5 million U.S. citizen children living in “mixed status families” (Passel & Cohn, 2012). In addition, there are approximately 1.15 million unauthorized children in the United States, comprising 10% of the total unauthorized population (Capps, Bachmeier, Fix, & Van Hook, 2013). Although these numbers represent best estimates, researchers have used varying—and equally problematic—ways to measure legal status. Some researchers (e.g., Brabeck & Xu, 2010) have asked forthrightly about immigrant status; participant responses to these methods are likely underestimates due to fear of disclosure. Other researchers (e.g., Yoshikawa, 2011) avoid the issue and instead use a proxy for legal status (e.g., lack of driver’s license, financial credit, checking account) in their estimates. These results are criticized as potentially being based on inaccurate assumptions. Demographers (e.g., Passel & Cohn, 2012) draw on large data sets from the Current Population Survey and use the “residual method,” which involves subtracting a demographic estimate of the legal foreign-born population from the total foreign-born population; the “residual” is assumed to be unauthorized. Again, it is likely that these numbers are underestimates, although the numbers are invoked often as “objective facts.”

Although the exact numbers may be debatable, few would disagree that the political and social climate for migrants in the United States has undergone many changes in the past decades. In the mid-1990s, under the Clinton Administration, the U.S. government passed laws that amplified the authority of the federal government to arrest, detain, and deport noncitizens (Hagan, Eschbach, & Rodriguez, 2008). The Illegal Migrant Reform and Migrant Responsibility Act (1996) and the Antiterrorism Effective Death Penalty Act (1996) expanded the offenses for which a noncitizen could be deported. These acts also allowed for retroactive deportation, increased the categories of persons subject to “removal,” and eliminated the range of judicial review and due process rights formerly available to migrants. The 2001 USA PATRIOT Act expanded the ability of the government to deport persons who were deemed as “threats to national security” and allowed for use of “secret evidence” in such cases (Kanstroom, 2008).

Due in large part to the aforementioned legislation, as well as more recent programs such as Secure Communities, Community Aliens Program, and Memoranda of Agreement between Immigration Customs Enforcement (ICE) and state and local governments under 287(g) (Friedland, Johnson-Firth, & Garnett-McKenzie, 2009–10), between 2009 and 2012, more than 1.5 million individuals were deported from the United States (U.S. Office of Immigration Statistics, 2012). With 400,000 deportations annually, popular media cites research indicating that these numbers will reach 2 million by mid-2014 (Foley, 2013). Despite the challenges in accurately identifying the status of migrants just discussed, an increasing body of social scientific literature, which includes both qualitative and quantitative methodologies, documents the

subjectively perceived and objectively measured adverse impact of U.S. immigration policies and their enforcement on U.S. migrant families and children (Suárez-Orozco & Yoshikawa, 2013). According to these studies, unauthorized migrant adults (compared to authorized) are more likely to experience economic hardship (Kalil & Chen, 2008), occupational stress (Yoshikawa, 2011), social isolation (Yoshikawa, 2011), decreased ability to access social service programs (Androff et al., 2011; Capps & Fortuny, 2006; Cleveland & Ihara, 2013), psychological distress (Furman, Ackerman, Iwamoto, Negi, & Mondragon, 2013; Satinsky, Hu, Heller, & Farhang, 2013; Sullivan & Rehm, 2005), and acculturative stress (Arbona et al., 2011). Additional researchers have found that unauthorized migrants are less willing to report a crime (Hacker et al., 2011), more likely to avoid public spaces (e.g., churches, organizations, schools; Menjivar, 2011), and more likely to experience discrimination and racial profiling (Satinsky et al., 2013). Other researchers have found that migrant adults who fear deportation are more likely to experience employment challenges, physical health problems, psychological distress, acculturative stress, and decreased access to services; this includes migrants with authorized status, which underscores the powerful impact of these policies and enforcements (Arbona et al., 2011; Cavazos-Regh, Zayas, & Spitznagel, 2007; Hacker et al., 2011). Research also documents that parents' unauthorized status is a predictor of multiple adverse outcomes for children, including those who are U.S.-born, such as emotional well-being, academic performance, and health status (American Psychological Association, Presidential Task Force on Immigration, 2012; Brabeck & Xu, 2012; Dreby, 2012; Satinsky et al., 2013).

PAR often involves participants who are in vulnerable situations (Pittaway et al., 2010). Unauthorized migrants have an added level of threat and vulnerability due to their legal statuses and the multiple ways it impacts them economically, socially, physically, and psychologically, as just discussed. The precarious legal statuses of unauthorized migrants who participate in the MHRP and ongoing systems of threat and repression that surround migrants make this collaboration even more challenging (see Lykes et al., 2012, for further discussion). Most community participants confront daily fear of ICE, local police forces, and multiple other U.S. institutions, where they risk being stopped, asked for documents which they do not possess, and in some cases detained and then deported. Thus, the unique nature of the MHRP work (interdisciplinary PAR) and the particular characteristics of the community participants (unauthorized migrants and/or members of mixed status and/or transnational families) present a range of issues to be ethically addressed.

ETHICAL CHALLENGES OF RESEARCH WITH UNAUTHORIZED MIGRANTS

The literature on feminist and multicultural ethics (Enns & Williams, 2013) and on ethical research with vulnerable populations such as unauthorized immigrants is emerging. For example, Achkar, Sherpa, Cohen, and Holzman (2008) found that unauthorized immigrants with tuberculosis, compared to U.S.-born citizens with tuberculosis, were significantly more likely to display symptoms of cough and hemoptysis, and had a significantly longer duration of symptoms. Although the study was cross-sectional and the undocumented immigrant sample was primarily Asian, the ethical dilemma existed nonetheless: Could the study's findings have deepened prejudice against and mistrust of unauthorized immigrants? In a follow-up article, Achkar and Macklin (2009) described the ethical dilemma they faced when deciding to report these findings, knowing

the consequences it could have for public opinion about unauthorized migrants, while also realizing that the findings provided important information that may have helped to increase access to healthcare for unauthorized individuals. The authors argued that it might be just as unethical to not report the findings as to report them. One ethical demand of PAR is to recognize one's responsibility for how the research affects the lives of participants and others similar to them. A recent special issue of *New Directions for Child and Adolescent Development* (Hernández, Nguyen, Saetermoe, & Suárez-Orozco, 2013) adds to this literature through its exploration of a range of ethical considerations in conducting research with immigrants, including unauthorized migrants. Within this issue, Capps and Fix (2013) discussed their sensitive framing of their findings that low-income noncitizen children were using Medicaid and CHIP programs more than low-income citizen children. Thus, depending on how the work is done and how the findings are used, research can liberate and empower marginalized communities, or it can confirm stereotypes of groups of people potentially contributing to worsening their situation (Hilsen, 2006).

Although all types of research with immigrant populations, including unauthorized migrants, involve ethical challenges, PAR presents special challenges as well as unique opportunities. Because PAR requires trust between the outside research team and the community members (coresearchers), and often takes place with local communities over a longer period than most experimental and/or cross-sectional research, events in the community often interpreted as "noise" in the aforementioned research affect and inform PAR processes. For example, a group of scholars who organized a community-based participatory research project involving a series of parenting workshops for Latino families were challenged to adapt their project after a large immigration raid resulted in the arrest of one of the participating mothers and the relatives of many other participants (Baumann et al., 2011). Some participants, afraid to leave their homes, stopped attending meetings and answering phone calls, and others called the research team to ask for help getting groceries or other necessities. The research team was deeply affected by the situation because of the close relationships they had forged with the community and needed to negotiate their own feelings and those of their participants in deciding whether and how to continue with the project. They ultimately determined that their ethical responsibilities went beyond the immediate research project and extended the research process to include assisting affected individuals (e.g., referrals to legal, social service, and mental health services).

Academics can be perceived as being threatening outsiders. Therefore, a strong relationship with a "community gatekeeper" (leader within a local immigrant community or organization) is often helpful; this has been the coauthors' experience in the MHRP (see also Eggerth & Flynn, 2011). In addition, some researchers have found that avoiding informed consent processes that require signatures is warranted because verbal agreement can help reduce a migrant's fear of being identified through a paper trail (Eggerth & Flynn, 2011). Unauthorized migrants live their everyday lives in a context where they must consider carefully what they will reveal about themselves and to whom. For some, this present reality is compounded by histories of state-sponsored violence and a culture of silence-as-survival in countries of origin (Brabeck, Lykes, & Hershberg, 2011). Therefore, building the trust of a community to enter into a project is only the first hurdle; what is shared within the circle of trust may also change depending on the local context and personal experiences of the participant. As Patricia Maguire (1987) argued in the first feminist PAR published in the United States, power differentials and histories of colonization and racism

suggest that the ongoing historical legacies and lived inequities challenge outsider researchers to develop “just enough trust” to proceed with collaborative PAR.

Such complexities were encountered in the MHRP work. Specifically, three themes that emerged in this project are discussed: (a) The tension between the human desire to respond to injustices, and the challenges of doing so in ways that recognize one’s privilege and power as an outsider and supports the migrants’ agency and autonomy; (b) the complex definition, explanation, and dimensions of “risk”; and (c) the complexity of using a methodology (PAR) that prioritizes participants’ collective identity and sociality in the context of regulations (federal, IRB, professional ethical codes) that are designed primarily to protect individuals.

ETHICAL AMBIGUITIES IN THE MHRP PAR PROJECT

Theme 1: The Limitations of Help

A common human reaction in the face of human distress and social injustice is the inclination to challenge and respond to these inequities, particularly when one has access to privileges, power, and resources vis-à-vis another (Keltner, Marsh, & Smith, 2010; Mahalingam & Rabelo, 2013). Some argue that engaged scholarship for social justice (e.g., documenting the detrimental effects of policies on individuals, families, and communities) must come from an ethical position (Hernández, Nguyen, Casanova et al., 2013). This impulse resonates with the authors’ professional ethical code described by the American Psychological Association (2010), which is based on the principles of beneficence and nonmaleficence: Essentially, do good and avoid doing harm. Yet how often do these principles really translate into the research process? Isn’t it more common to stop at “do no harm” and forget the ethical mandate to also ensure that participants are beneficiaries of the research about their lives (both the process and product)? This mandate is further underscored by the PAR process, which by definition is designed collaboratively and explicitly aims to improve conditions for participants.

This focus on responding to injustice and redressing inequity was central to the MHRP. Moreover, university-based researchers generally had access to educational, linguistic, financial, material, and citizenship resources and privileges that many PAR participants and community-based researchers did not. Given the adverse circumstances in which many of the migrants with whom we collaborated lived and worked, and PAR’s assumption that university-based researchers or outsiders develop relationships over time with community members, responding to injustices while developing these collaborations is particularly challenging. As previously summarized, the unauthorized participants in this project faced a number of challenges and stressors, and academic researchers, who had formed relationships with them over the course of the PAR project, wanted to collaborate with them in responding to these injustices.

One resource that MHRP participants identified as something that might improve their circumstances was increased access to legal advice and services. The MHRP’s university-based group’s unique interdisciplinary nature positioned it to respond to this priority. Specifically, law professors and students collaborated with social science professors and students in multiple ways, for example, working together on legal cases (with a psychologist providing clinical evaluations), copresenting at conferences, cowriting for academic audiences, codesigning participatory educational workshops with community leaders, and conducting research interviews in two-person

teams that consisted of one law student or professor and one social science student or professor. It was assumed that migrants might be more comfortable and/or feel more secure revealing their histories, many of which may have involved previous deportations, to a research team that included someone with legal training who, with proper supervision, was able postinterview to assess options to legalize status, advise about current immigration or deportation challenges participants faced, and/or educate about migrants' legal rights when confronted by the police, immigration authorities, or other state officials. In addition to aiming to create a more secure environment in which participants could share their experiences and understand their rights, the collaboration between lawyers and social scientists was designed to provide participants with access to free legal consultation with the university-based legal professionals at the law school, either through the lawyers associated with MHRP or through the university's Immigration Law Clinic.

Despite the strengths of this interdisciplinary collaboration and the involvement of staff of collaborating nongovernmental organizations who helped identify participants for their leadership potential within the organizations, some participants may have agreed to participate because of the potential for free immigration-related legal advice. Such participants may have been (understandably) willing to share their stories out of a desire for a "fix" to their legal status, rather than the desire to collaborate in what can seem at times to be an abstract and intangible community-building process for change. Although some may question whether it is ethical to provide a referral to legal services as part of research participation, the reality of the interdisciplinary research team described herein is that access to such legal services and advice existed. Thus, one may rather question whether it is ethical *not* to provide the referral to participants with few avenues for legal consultation.

Although helpful in many respects, the provision of free legal consultation and the presence of researchers with legal expertise presented particular ethical issues for university-based researchers. Consistent with PAR processes, the latter sought not to unduly influence unauthorized migrants to participate in the PAR project by offering referrals for legal assistance or legal advice, but they also wanted to enhance participants' access to services and recruit participants for the project. According to federal regulations and IRBs, safeguarding autonomy (i.e., the participant's ability to freely choose to participate or not), means avoiding unduly influencing them through, for example, the provision of services. The APA Ethics Code (2010) is also based on the Respect for the Dignity and Rights of Others (Principle E), which includes a respect for another's person's ability to make autonomous decisions for herself or himself free from undue influence. From the IRB's perspective, a referral is not a promise of a benefit, and therefore cannot be included on an informed consent document as a "benefit." But do participants, who may be desperate for options, really understand that? Further, do migrants who have risked their lives to enter the United States and not broken any other laws, according to their own statements, understand that the act of crossing into the United States without appropriate documentation deeply constrains any individual-level resolution to their status in the United States? Do individuals living in precarious situations with extremely limited options to regularizing their status hear the referral as more than a referral, that is, as a concrete benefit, even if it is not presented that way by researchers?

Previous knowledge of this population suggested to the co-PIs that most potential participants were unlikely to be able to resolve their migration status through individual-level legal appeals. Researchers did not want to raise unrealistic expectations of assistance and remedy (Pittaway

et al., 2010). The current legal system actually offers very few real avenues of recourse for the vast majority of unauthorized migrants, and despite public discourse that “illegals should get in line with everyone else,” the proverbial “line” is virtually nonexistent (Suarez-Orozco, Yoshikawa, Teranishi & Suarez-Orozco, 2011). Although these limitations must be adequately expressed in informed consent documentation and processes (per IRB regulations), a researcher cannot control what participants, who may be desperate to find avenues to keep their families together, continue to work and thrive, and find psychological relief, really hear. Moreover, non-legally trained university-based researchers, fueled by general concern and/or outrage at the injustices of the migration system and a nonprofessional’s limited knowledge of immigration law, may also experience unrealistic optimism about their potential to help community members. The human response to injustice and the ethical code to ensure positive contributions to participants is complicated by the material constraints on one’s perceived versus actual power to change longstanding and discriminatory policies and practices—realities that are difficult for both university- and community-based participants to negotiate and accept. The result may be unintentionally raising unrealistic expectations, with participants’ or coresearchers’ resulting disappointment and feelings of being coopted.

As an example, one PAR participant, Diana,² a 29-year-old Salvadoran woman, immigrated to the United States with her then 6-year-old daughter in 2005 to be reunited with her partner (the child’s stepfather). Diana and her daughter came to the United States largely because the daughter has a congenital defect and they were in search of medical care for her. Having been detained at the border, the mother and daughter were issued deportation orders in 2007. The family was desperate at the time of the interview, noting the bitter irony of having fought to be together, only to face separation again due to deportation. They had reached out to teachers, school counselors, classmates, and community organizations to mobilize help to stay in the United States. Touched by Diana’s desperation, in a postinterview conversation, the law student researcher suggested a legal strategy of “deferred action,” which would delay the deportation order for a time. Diana was grateful for the suggestion and began to make several other inquiries of the law student and asked for a referral to the university-based immigration clinic. It then became apparent that, despite being explained the purposes of the project and the risks/benefits of participation, Diana’s main motivation seemed increasingly to join the project in order to receive an expedited intake in the immigration clinic. Despite this, when the university-based attorneys heard her case, they responded that her legal options were nearly hopeless.

This experience raised several questions for the project: Is it ethical to offer a referral to a service as a potential benefit of participation, knowing that many (perhaps even most) participants will not or cannot benefit from the offered service? How well did the nonlegal experts on the team recognize the limitations of their offer when they referred participants for consultation with the project-affiliated attorney? When lawyers or a law student were present, whether in PAR interviews or in the Know Your Rights workshops that were a part of the MHRP, in what ways might participants feel false hope that their individual status could be regularized? How does one convey the real limitations of referrals, when outsider coresearchers may be particularly driven to redress injustice, and participants may be particularly inclined to believe there is hope for her or his personal case? Participants in the MHRP were told multiple times that few avenues of legal

²Names are pseudonyms to protect participant confidentiality.

recourse exist for them under current policies, but few believed this. The ethical response in the context of PAR processes, wherein there are limited to no adequate individual-level responses, is to co-create community efforts to promote social and policy change. The Know Your Rights workshops and the PAR process itself were efforts to do exactly this.

Another related question has to do with what happens if an individual might potentially be harmed from a service provided (see APA Standard 3.04 Avoiding Harm). This question is exemplified by our experience with another PAR participant, Maria, a 40-year-old unauthorized woman. Maria migrated to the United States from Guatemala 14 years ago. She left three daughters in Guatemala City. She came to the United States after her first husband died in Mexico, en route to the United States, and she had no means by which to support her children. Maria remarried a man who was emotionally and physically abusive to her; they had one daughter, now age 13. She separated from this man, and again married. Her third husband, with whom she had a son (age 7), was deported. One year subsequent to his deportation, her husband returned to the United States. In less than a month, he was reapprehended and, at the time of the interview, he was in detention. Maria was extremely distraught throughout the interview, frequently bursting into tears and stating that she didn't know what to do. Her anxiety and fear largely stemmed from the fact that she didn't know where her husband was. (Notably, her father had been one of the "disappeared" Guatemalans who was kidnapped and often tortured and killed during Guatemala's civil war.) After the interview, the law student researcher offered to investigate where Maria's husband was in detention, and Maria was very grateful for this. A day later, the law student called Maria and supplied her with the location of her husband's detention center. The law student's supervisor became very anxious when he heard about the law student's actions. He worried that Maria might attempt to visit her husband in detention and put herself (being unauthorized) in danger of detention as well. In this case, providing the assistance, albeit with good intentions, may actually have put Maria at risk. The law student also offered her an intake with the university's immigration clinic and called the next day to set this up. Maria was again very grateful. The supervising attorneys, however, indicated that they could not possibly take Maria's husband's case, given his previous deportation and subsequent illegal entry to the United States. Maria was very disappointed by this outcome, and the researchers worried they had inadvertently caused her additional distress.

Again, when is intervention in the participant's best interest, when is it potentially problematic, and when is it both beneficial and problematic? How, in enhancing access to services, do we "do good" and "avoid doing harm"? The APA Ethics Code (2010) recommends that when offering professional services as an inducement for research participation, psychologists clarify the nature of the services, as well as the risks, obligations, and limitations (Standard 8.06b). This is challenging however, particularly when a resource is not being offered as an inducement to participate but rather as a resource to facilitate trust and safety in the developing coresearcher relationship. This is additionally complicated by the knowledge that despite any disclaimers to the contrary, many potential participants in vulnerable or precarious personal situations (e.g., low levels of education and literacy; Spanish as a second language, the first being a Mayan language) will take whatever risks necessary in seeking resources and/or solutions to their legal problems. How do we convey this so that individuals may make truly informed consent? As noted, this is complicated by the university-based researchers' human desire to redress inequity and injustice, a desire that is made more profound by the intensity and longevity of PAR relationships but that is unfortunately deeply constrained given current U.S. policies. Finally, despite multiple

privileges, the outsider researcher confronts the limits of her or his power within the context of U.S. detention and deportation policies and practices, thus generating an equally challenging set of contradictions within the developing partnerships within PAR. As is discussed under Theme 3, ethical ambiguities within PAR are even more challenging given its aims to leverage individual experiences and stories toward collective action for social change of the systemic roots of inequality and injustice.

Theme 2: Articulation of Risk

Information regarding the reasonably foreseeable factors that may be expected to influence willingness to participate, including potential risks, discomfort, or adverse effects, is required by IRBs, the APA Ethics Code (2010), and federal regulations. A question pertaining to research with unauthorized migrants concerns whether participation in a research study, if the data are anonymous, constitutes minimal risk. Although populations such as children and prisoners are classified as vulnerable populations by the federal regulations under the Common Rule, unauthorized migrants are not; indeed, immigration violations fall under administrative and not criminal law (Suárez-Orozco & Yoshikawa, 2013). Yet some scholars have argued that unauthorized migrants should be regarded as vulnerable populations, in light of their multiple minority designations, unequal power vis-à-vis the researcher, and peril of exposure regarding their immigration status (Hernández, Nguyen, Casanova et al., 2013).

Federal regulations define “minimal risk” in human subject research as “the probability and magnitude of harm or discomfort anticipated in the research are not greater in and of themselves than those ordinarily encountered in daily life or during the performance of routine physical or psychological examinations or tests” [45 CFR 46.102]. Federal regulations further understand risk to be relative, that is, a police officer or fisherman/woman experiences higher levels of daily risk than an accountant, and minimal risk in research is interpreted accordingly. How does this translate into our understanding of risk in research with unauthorized migrants? Unauthorized migrants live with daily risk; routine activities such as driving a car, attending a public event, and going to work incur risk of being pulled over, questioned about immigration status, and run through ICE data bases. Does participation in an anonymous research study incur risk above and beyond that which people encounter in their daily lives? If the answer is “no,” which it seems to be, then the study qualifies as minimal risk. However, what are the potential contradictions in the statements (required for all federally funded research and interpreted by some university-based IRBs to include all research) that all data can be examined by federal authorities—even if one has a National Institutes of Health-issued Certificate of Confidentiality? Case law has been variable on the extent of protection that a Certificate of Confidentiality actually provides (Hernández et al., 2013). In some cases it has been upheld, but in other cases researchers have been required to submit research records. For example, a case involving Duke University Health System revealed that the Certificate of Confidentiality was not central to judicial reasoning regarding a subpoena to produce participant records (Beskow, Dame, & Costello, 2008). Alternatively, in 1973, the certificate’s authority was upheld in the New York Court of Appeals (see <http://grants.nih.gov/grants/policy/coc/faqs.htm#388>).

PAR presents an additional challenge vis-à-vis promises of anonymity understood to be one way of ensuring that risk is minimized. As noted, PAR seeks to understand autonomy and

agency as more than simply providing informed consent. PAR conceptualizes and engages participants in reciprocal ways that include them in the construction of knowledge and action steps. Participant anonymity, typically promised to enhance protection of the participants, contradicts basic assumptions underlying PAR collaborations. It undermines participants' protagonism as coparticipants and coresearchers in the collection, interpretation, and engagement in actions resultant from the participatory action research. In the MHRP research, some participants expressed their desire to make their names public and saw their participation as a form of "speaking out." For example, Julia is a Guatemalan migrant living in the United States who was arrested in a large workplace raid and sent to a distant state for detention. During her detention she was separated from her then 2-year-old son who had a chronic health condition, and this separation precipitated the child's speech problems and separation anxiety. Julia felt strongly about giving testimony to her story in public arenas to draw attention to the human costs of immigration policies and enforcements; the story was hers and she owned it by providing her name and speaking publicly. Of importance, however, those participants who offered public testimony, like Julia, tended to have pending legal cases that afforded them, at least temporarily, protection against detention and deportation. Still, PAR questions, to whom does the story belong? When a story is relayed and then reproduced by a researcher in a de-identified way, within the researcher's frame, in what ways does the story now "belong" to the researcher? And is that ethical (Pittaway et al., 2010)? In what ways does it undermine fundamental assumptions of autonomy? When does protection (via anonymity) slip into paternalism? Although the act of establishing an authentic relationship and telling one's story may in itself be a process of empowerment, the fact that relationships are so central to the PAR process makes it even more important to call them by their real names. These questions do not have easy answers, but the ethical PAR researcher confronts them.

Participants in the MHRP were identified by their organizations for involvement as coresearchers as one effort to enhance their leadership skills as members of the organization; this underscores notions of participants as truly agentic and as beneficiaries of research (i.e., beyond *do no harm*; Brown et al., 2010). As such, they took risks by simply driving cars to meetings and showing up at events. In addition, community-based participants were encouraged to participate in "action" steps of the PAR process, including workshops, meetings, and community events. They were also involved in publication and presentation of research findings. Existing informed consent procedures and mechanisms for defining risk do not adequately address these ethical ambiguities and complexities. PAR asks whether they can, or whether fundamental assumptions about protecting identity through anonymity should be revisited; if so, protagonism and agency may increase, but so too may risk.

Theme 3: Collective versus Individual Focus

Current guidelines and laws are grounded, as is much of U.S. psychology and law, in the individual as the "unit of analysis" and as the participant whose rights are to be protected and who is entitled to benefits (Brown et al., 2010). Yet PAR engages individuals as members of groups and/or collectivities, whose individual participation may be remunerated for her or his time and if any expenses are incurred, but who also contributes as part of a collectivity and/or larger community. Moreover, researchers invite them into a wider collectivity or community, that of co-researchers. As noted by Brown et al. (2010), in community-based and participatory research,

the shift from individual to community has “implications for confidentiality, dissemination of information, and the assessment of risks and benefits” (p. 2).

In the PAR paradigm, broad, overreaching goals include engaging with participants in generating movement toward social justice and change. These goals toward collective social change are typically longer term aspirations, intangible, and sometimes hard to grasp for individual participants who are living with daily struggles and challenges and who have immediate, pressing, individual or familial needs. In addition, the professional education of academic and legal collaborators is frequently based on providing individual-level services or research; thus university-based collaborators are required to rethink their training through PAR collaborations. From a PAR perspective, a researcher seeks to partner with a community, not help or serve specific individual members. Moreover, this service-type relationship itself has been critiqued as reinforcing problematic power hierarchies, paternalism, and preempting the goals of community organizing and activism (Pyles, 2014). Yet community participants in marginalized situations are often seeking services and want help with individual cases. IRBs rarely approve consent forms that promise benefits such as “improving society” or “reducing vulnerabilities,” nor does PAR promise such outcomes. Rather, PAR seeks to engage collaboratively with participants to redress injustices and generate change at the societal level. The MHRP seeks, with its legal team to, among other things, introduce proportionality, compassion, and respect for family unity into U.S. immigration laws and bring these laws into compliance with international human rights standards. Moreover, through its PAR and community-education workshops, it strives to establish a more relational and collective approach to Euro-American concepts of autonomy and agency that underlie institutional ethical codes (Pittaway et al., 2010). These distinctions are not incorporated into IRB requirements or recognized as noteworthy within that world. They are also challenging to communicate to community participants and coresearchers through shared praxis and informed consent documents, particularly when migrants’ day-to-day lives are spent “in the shadows.” Given the limited individual remedies, as discussed earlier, an ethical response is to engage in collective processes such as those detailed in the MHRP PAR process; IRBs therefore increasingly need to develop frameworks that allow for these relational approaches and strategies toward collective action and social change without adding excessive time delays that hinder projects’ progress (Brown et al., 2010).

CONCLUSION

This article analyzes some ambiguities, contradictions, and challenges encountered when engaging in alternative, collaborative forms of research praxis while seeking approval from IRBs and/or designing research that falls within professional ethical codes (e.g., APA). Specifically, we have highlighted three issues that arose during the MHRP: (a) the tension between researchers wanting to actively respond to and with participants and coresearchers, hoping for solutions to their status and/or precarious life circumstances—and the reality that few actual avenues for recourse are available under current immigration and deportation policies; (b) the definition and articulation of risk; and (c) the individual versus collective focus of IRBs, professional codes, and PAR.

Individually grounded guidelines approximate the necessary framework for developing PAR but are clearly insufficient. Moreover, they sometimes distract our attention from the broader social goals of PAR, reducing our concerns to individual participants when in fact, as just

discussed, current legal and psychological resources are insufficient to respond to the lived experiences and daily challenges of unauthorized migrants. PAR seeks to generate actions that redress the systemic vulnerabilities that limit the lives of unauthorized migrants. As such, guidelines for the ethical conduct of research and informed consent with these coparticipants and coresearchers must include new parameters. Pittaway et al. (2010) draw on Hinman (2003) and Beauchamp and Childress (2001) in their discussion of an ethically pluralistic approach, which, distinct from ethical relativism, allows researchers and participants to recognize commonalities and differences of interests and values and to define a collaborative means of responding to these throughout the research process. The basis for such dialogue and collaboration is a reciprocal relationship, in which everyone involved benefits and everyone has voice, agency, and ownership. This requires, on one hand, that university-based or outsider researchers interrogate their power and privilege, positioning themselves alongside community-based coresearchers and participants. These diverse positionalities reflect Haraway's (1988) situated knowledges and contribute importantly to the articulation of PAR. This standpoint (Hartsock, 1983) aligns with a human rights framework that invokes justice, recognition, self-determination, voice, and agency in addressing all forms of oppression; within this framework, participation is key (Pittaway et al., 2010). Current professional codes and federal regulations, based on individual rights philosophical frameworks, need to be rethought in the context of collective and participatory methodologies, such as PAR, and populations subjected to systemic oppression, such as unauthorized migrants.

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