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U.S. Immigration Reform: A Policy Analysis of the Development, Relief, and Education for Alien Minors (DREAM) Act Between 2001 and 2012

Nickola Elliott

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U.S. Immigration Reform: A Policy Analysis of the Development, Relief, and Education
for Alien Minors (DREAM) Act Between 2001 and 2012

by

Nickola Elliott

A Dissertation Presented to the
College of Arts, Humanities, and Social Sciences of Nova Southeastern University
in Partial Fulfillment of the Requirements for the Degree of
Doctor of Philosophy

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This dissertation was submitted by Nickola Elliott under the direction of the chair of the dissertation committee listed below. It was submitted to the College of Arts, Humanities, and Social Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

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Abstract

In this study, the policies and legislation connected to the Development, Relief, and Education for Alien Minors (DREAM) Act between 2001 and 2012 were reviewed and analyzed to identify how the DREAM Act perpetuates structural violence. The DREAM Act purported to assist many undocumented immigrant children and young adults in becoming legal residents of the United States of America. This study applied both the qualitative content analysis approach and a policy analysis methodology guided by David Gil's methodology for analysis and development of social policies. Data collection sources included legislative bills crafted on the DREAM Act, research articles and studies, progress reports, films, and archived newspaper articles, prior interviews, and memoranda. The theory of structural violence presented in this study was analyzed in terms of Johan Galtung's account, particularly pertaining to undocumented children who are unserviceable or remain within the gray areas of the DREAM Act's policies and legislative efforts. Additionally, the goals and objectives of the Act were evaluated against the disqualifying factors with which otherwise eligible children are faced, leading such children and young adults to become confined to substandard social and economic conditions. The leading research question was, "What is the impact of the DREAM Act policies on undocumented immigrant young adults?" The single follow-up question was, "How does failure to pass the DREAM Act affect undocumented children?" The study also aimed to detect signs, symbols, and traits of structural violence found through the analysis of the DREAM Act.

Chapter 1: Introduction

Give me your tired, your poor, Your huddled masses yearning to breathe free, Your wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door! - Emma Lazarus (1883), from “The New Colossus”

Introduction to the Problem

The Statue of Liberty was committed in 1886 and stands today in the New York Harbor displaying Emma Lazarus' engraved message of freedom (Liberty State Park, n.d.). Also known as Lady Liberty, the Statue of Liberty, holds a torch highlighting the empowerment of Americans' freedom of speech, expression, language, religion, education and economic prospects. In 1964, President John F. Kennedy's book, “Nation of Immigrants”, outlined that, “every American who ever lived, with the exception of one group was either an immigrant himself or a descendant of immigrants” (Kennedy, 1964, p. 2). Regardless of this fact, Congress ignored the calling for laws that would fill cracks existing in America's immigration system.

Continuing with their trend of neglecting the wellbeing of immigrants, Congress passed laws to further compromise immigrants' legal standing. Noted in the next chapter, are examples like the Chinese Exclusion Act of 1882 which banned Chinese laborers from coming to America. Another instance is the passing of Immigration Act of 1924 (National Origins Quota) that implemented a quota system limiting migration to the United States to only 2 % of each nationality (U.S. Department of State, n.d., para 1). Over time, American citizens became oblivious to their immigrant ancestry by acting as proponents of such immigration laws and policies.

Illegal immigrants often bring or send their children to America without necessarily considering the impact of the children's not having legal permission to remain in America. As a direct result, many undocumented children, who then turn into young adults, are left in an indeterminate and probably illegal state. Resulting from the influx of illegal immigrants, the United States of America is faced with an overflow of undocumented children and young adults.

These undocumented children appear throughout various states and are acclimated into American society. They have no legal documentation for residency, and they have no legal means for acquiring basic needs. Having no place to call home, the undocumented children and young adults remain in America in solitude, in fear of being deported. In response to this calamity, the Development, Relief, and Education for Alien Minors (DREAM) Act was introduced to the United States Congress.

Background on the DREAM Act

The goals of the DREAM Act aimed to reform the American immigration system by protecting innocent law-abiding undocumented children, but the actuality of its policies has fallen short of achieving as intended. The DREAM Act was initially introduced to the House of Representatives and the Senate in August 2001. This bill was created to help law-abiding individuals between the ages of 12 and 35 to achieve a conduit to United States citizenship through successful completion of the DREAM Act's requirements. An ideal candidate for the DREAM Act must: (a) be present in America before age 16, (b) have lived in America for at least 5 uninterrupted years prior to enactment of the bill, (c) have earned a diploma from an American high school, or has a GED, or be perusing higher education, (d) be between ages 15 and 30 during the

application process, and (e) be a law abiding person (Civic Impulse, 2015).

Since the original draft of the DREAM Act in August 2001, many amendments were added that provoked heated debate. Moffett (2014), a proponent of the DREAM Act legislation, argued that the thrust of supporters' debates lay in their belief that these undocumented youths should be granted a reprieve from all federal government penalties because these individuals did not cause their situation.

Unfortunately, America's existing immigration policies exclude undocumented children and young adults who were carried to America illegally unbeknownst to them; yet, these young immigrants do not meet the qualifications of the DREAM Act (Civic Impulse, 2015). In an effort to rectify the displacement of undocumented children and young adults being deported from the United States back to their country of origins, the DREAM Act was developed. This legislative effort was enacted through executive order (Napolitano, 2012) and sought to alleviate the negative impact of illegal immigrant children who were brought to the United States without knowledge or consent. Though some undocumented children would be granted a pathway to legalization eventually through the DREAM Act if passed, many undocumented children and young adults would continue to remain in limbo: Either they get deported or they resort to illegal means of survival, creating numerous dilemmas.

Research Problem Statement

Undocumented children are nationless, and this fact pushes the undocumented immigrant children and young adult population institutionally into an array of confinements that can lead to structural violence as they aim to achieve means for survival. These youths are not secure in America due to existing immigration policies; at

the same time, they are not established in their country of origin because they have been in America for an extended time period, possibly their entire lives. In fact, in many cases, these youngsters have no surviving memories of having lived in their countries of origin. A portion of these undocumented children and young adults will eventually end up being deported to the country of their parents' origin because the American immigration system has failed to secure stability for the children. Though the DREAM Act has been developed, its limitations make it insufficient for including many children and young adults who are at risk of deportation to lands they never knew.

As outlined by Galtung and Fischer (2013) and is particularized in the literature review segment of this study, uncertainty of the destiny of undocumented children and young adults who have no other place to go is harmful to their well-being. Galtung and Fischer may argue, as Galtung's (1969) theory of structural violence suggested, that the displacement of undocumented children and young adults is considered an example of "structural violence." According to Galtung and Fischer (2013), "the subject of violence can be any actor, as in intended actor or direct violence. Or, a structure at work, churning out harm, causing basic needs deficits, as in unintended, or structural violence" (Location No. 924). Undocumented children, in general, are faced with relentless socioeconomic hardships such as unemployment, poverty, and poor health; lack of adequate residence; lack of educational resources and educational opportunities; and the inability to obtain a driver's license. The fact that such abilities are available only to some residents and citizens of the United States but exclude others constitutes structural violence.

Previous Studies Conducted on the DREAM Act

In a doctoral study, Celis (2012) analyzed the DREAM Act as it relates to the

access that undocumented immigrants have to higher education. In this study, the author found that the Act would, in fact, be beneficial to the American economy as it seeks to educate professionals who can, in turn, return the resource of knowledge learned back into the American economy through professional employment. Celis shed light on lifetime earnings based on education level, anticipating the potential benefits that undocumented children who are able to qualify for the Act would receive if the standards were feasible to be met.

Celis (2012) covered the topic of projection related to higher education for those who meet the criteria to benefit from the educational opportunity that the DREAM Act proposes. Celis's study was therefore inclusionary rather than exclusionary in that the author did not look at the population of undocumented immigrants who are excluded from the benefits of the DREAM Act due to their circumstances. In contrast to Celis' study, the present study plans to extend those insights to include the gray areas of services under the DREAM Act. Higher education is merely a single piece of the entire puzzle; consequently, the greatest challenges of the DREAM Act and where it falls short remain to be highlighted.

Hudson (2008) applied a policy analysis methodology in his study that investigated community college funding in the state of Texas. Hudson's doctoral dissertation employed a process in which archived documents, including both secondary and primary sources, were analyzed in addition to a segment of open-ended interviews. The study was guided by Yin's (1984) archival analysis process with a focus on historic findings and data such as legislation, policy documents, and reports. Hudson's (2008) goal was to "bridge the gap between current college funding" (p. 40) and what occurred

in the past from as far back as 1942. The study relied heavily on historical documents and other secondary materials that were able to explain the events regarding community college funding over time.

In another study, Martinez, Reineke, Rubio-Goldsmith, and Parks (2014) reported that structural violence is responsible for violence and the loss of life across Southern Arizona, especially in Pima County. Examining the years 1990-2013 from a report released by the Binational Migration Institute, Martinez et al. found a mortality number of 2,413 undocumented border crossers (UBCs), and “[of] decedents investigated during this period, 95 percent died after 1999 and 65 percent after 2005” (p. 257). These data and others explained how enforcement of the immigrant limitations at U.S. borders and activities of authorities have forced UBCs to detour into areas like Southern Arizona that are prone to dangerous conditions resulting from violence.

Similarly, Vogt (2013) discussed the violence, maltreatment, and exploitation that Central American migrants experience during their journey to America. Economical struggles, according to Vogt, develop into deprivation, which structurally puts individuals in an unsafe mode, pushing them to seek refuge elsewhere. In Mexico, for example, immigrants from countries like El Salvador, Guatemala, and Honduras are subjected to rape, dismemberment, and even death as they move across Mexican borders toward the anticipated destination of American soil. The push factor in the increased migration across Mexico can be better explained in terms of structural violence as it spirals into intense direct violence.

The previous research on the DREAM Act and U.S. immigration policy remains clear. Though complex and boundless, displacement of undocumented immigrant

children and young adults rests in the gray areas of America's judiciary system. This predicament was not caused by the youths themselves, but even more problematic may be their inability to meet the criteria of the DREAM Act or other legitimatizing immigration legislation. This conundrum can best be explained in terms of applying the theory of structural violence. In the next section, the researcher provides an overview of the theory of structural violence and links it to the frailties of the DREAM Act.

The matters faced by undocumented children and young adults are socially constructed and are best explained in terms of conflict resolution theories. These social problems thus require constructive engagement and collaboration in order to reach consensus and positive solutions. Without unity between both U.S. major political parties, immigration reform relative to passing the DREAM Act will not be possible. Moreover, American society is in disarray as many try to decipher the best solutions for immigration reform in general, but the most pressing issue is the displacement of undocumented immigrant children and young adults. In addition, little scholarly literature on the topic of the DREAM Act is available, making meaningful dialogues for its advocacy difficult.

Practitioners in the Field of Conflict Resolution

Existing work in the field of conflict analysis and resolution has failed to address the issues surrounding the DREAM Act. One of the greatest challenges with conflicts surrounding the DREAM Act is that some individuals are not aware of the basic concepts of the DREAM Act's proposed bills. Conflict resolution practitioners should be able to assist with raising awareness and shaping the knowledge of community leaders and members on the purpose and impact of the DREAM Act on the U.S. economy. To further

the awareness effort, people must know and understand the significant conflicts in America's immigration history. Although many Americans seem to argue against immigration, especially illegal immigration, their actual knowledge of immigration history, law, and policy is severely limited. As a result, leaders and voters are unable to decide how best to deal with the issue of immigration and advocate for appropriate policy and legislation. Practitioners in the field of conflict resolution who advocate for potentially successful immigration policy and legislation may be the right people to participate in moving immigration policy and legislation forward.

Bruno (2012) discussed previous legislative efforts to pass the DREAM Act and the congressional interest in it. Over the course of time, Bruno explained, proposed DREAM Act bills covered an extensive number of legislation programs for undocumented immigrants but failed to pass. Consequently, unauthorized immigrants are able to benefit only from a free elementary and postsecondary public education, but they are barred from attending institutions of higher education. Practitioners in the field of conflict resolution can help policy shapers and educators to plan and implement training and development courses that can serve to raise awareness and analyze various factors that are causative to the issues in immigration reform. These advocacy professionals can assist stakeholders and communities to become educated on the provisions and initiatives inherent in the DREAM Act.

Researchers in the Field of Conflict Resolution

Researchers in the field of conflict resolution could conduct studies on the subject matter of the DREAM Act by applying relevant theories as discussed in the present study. Their goal might be to educate readers on discoveries about the issues in

immigration reform and to verify missing or unclear information about the provisions of the DREAM Act's initiatives. In this way, these scholars could dispel informal misinformation from the media and interpersonal conversations about what the DREAM Act actually is and what it aims to do. Researchers in the field of conflict resolution have the opportunity and responsibility to break down the barriers that prevent national leaders and the general public from understanding and advocating for the passing of the DREAM Act.

Some of the barriers that undocumented children and young adults face as a result of their displacement in America are linked socially and politically with structural violence. Other theories that can help to better explain the displacement of undocumented immigrant children and young adults are relative deprivation, marginalization, and assimilation theories. These theories are important topics in the field of conflict resolution and will be further surveyed in the literature review. The present study along with future studies can serve as the start of a series of scholarly journal articles about immigration reform and the DREAM Act. In addition, this study can aid in connecting the dots between the DREAM Act and structural violence.

Purpose Statement

The purpose of this qualitative content analysis study was to develop a guideline when aiming to understand the premise of structural violence and evaluate its causes and trigger points. Many scholars and policymakers are not aware that the conditions to which undocumented immigrants are forced to succumb can be considered structural violence. Consequently, this study sought to educate on the relationship between the provisions of the DREAM Act and structural violence. This study is needed to provide

valuable additional materials for immigrants, immigration policymakers, and policy implementers to be able to refer to its findings as they work collectively to comprehend the problem of immigration and make better a system which has been broken for far too long.

Research Questions

Two research questions guided this study. The first was, “What is the impact of the DREAM Act policies on undocumented immigrant young adults?” The second was, “How does failure to pass the DREAM Act affect undocumented children?”

Additional studies are needed to explain thoroughly the elements of the DREAM Act. The body of literature is limited. Though immigration reforms overall have been frequently studied, this particular topic of the DREAM Act and its effect on its target population has not yet been reported in a scholarly manner. Immense confusion lies beneath the core of immigration reform in general; therefore, outlining the guidelines and policies of the DREAM Act in a scholarly manner offers an important contribution when seeking to unfold the Act’s mystery. Due to heated debates and media exposure, much discussion on the topic has not held substance. Scholarly intervention remains essential to peel through the layers of the DREAM Act. Consequently, this policy analysis examined the policies, guidelines, and procedures related to the DREAM Act between 2001 and 2012, in order to develop a clearer understanding of how the DREAM Act should benefit the applicants it aims to serve and how the DREAM Act perpetuates structural violence.

This study included previous immigration bills drawn on the topic of the DREAM Act between its initiation in 2001 and President Obama’s executive order in 2012. Data collected and surveyed included the following: (a) transcripts from past presidential

speeches, (b) political interviews with senators Marco Rubio and Victor Ramirez, (c) biographical films of undocumented individuals, and (d) a memorandum from former Arizona Governor and Director of Homeland Security Janet Napolitano. Compiled data and analysis explained the laws and policies related to the DREAM Act over the course of the period from 2001 through 2012.

Gil's Policy Analysis Framework

David Gil's (1976) policy analysis framework was applied in this study. In his book, *Unravelling Social Policy: Theory, Analysis, and Political Action Towards Social Equality*, Gil examined social problems systematically and provided a model and procedures that evaluate social policy systems. Gil outlined the obstacles that hinder the development of an inclusive and reliable social policy system and further explained his steps to achieving such goals in his detailed breakdown of the framework. The steps from Gil's framework utilized in the present study are discussed and outlined in the second chapter of this dissertation. In his presentation, Gil offered a few existing definitions of social policy theory and explained that such theory in itself is self-explanatory and thus does not require any definition. Gil's framework and methodology often serve as a remedy for most social conflicts based on its model and implementation.

Definition of Key Terms

These terms are crucial when trying to develop an understanding of the topics discussed in the study.

American Dream. Adams (1931/2001) defined the American Dream as “the dream of a land in which life should be better, richer, and fuller for everyone, with opportunity for each according to his or her ability or achievement” (pp. xii-xiii).

Bipartisanship. Harbridge, Malhotra, and Harrison (2014) defined bipartisanship “as legislative co-sponsorship from members of both major U.S. parties, Democrat and Republican” (p. 1).

Deferred Action for Childhood Arrivals (DACA). President Obama (The White House, 2012) defined DACA as a temporary measure to “stop deportation of children who came to the United States without proper documentation” (para. 9).

Development, Relief, and Education for Alien Minors (DREAM) Act. The DREAM Act was outlined by the White House (2012) “a logical legislation conscripted by both Republicans and Democrats that would allow students who grew up in the United States an opportunity to give back to the American economy, security, and nation” (p1.).

DREAMers. The American Immigration Council, (2012) defined DREAMers as immigrants who meet the general requirements of the DREAM Act (para. 4).

Immigrant. According to the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services (2013), the Immigration and Nationality Act (INA) defined an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories (p. 1).

Undocumented immigrants. According to *Nolo Law for All* (Gasson, 2017), an undocumented immigrant “is a foreign-born person who doesn’t have a legal right to be or remain in the United States” (para. 1).

Conclusion

The surge of undocumented immigrants present in the United States of America today stemmed from an array of circumstances including escape from violence, persecution, and poverty. Although America’s Constitution protects the rights of

American citizens and preserves American citizens' right to achieve what has become known as the American Dream (Adams, 1931/2001), immigration reform remains miles away from finding a solution for the displacement of undocumented immigrant children and young adults. This qualitative policy analysis surveyed the guidelines of the DREAM Act policies through the use of applying Gil's (1976) policy analysis methodological approach. The data collected and surveyed then sought to explain the DREAM Act's policies in terms of how the policies were crafted to work and be implemented along with the relationship of the policies to structural violence.

In the review of literature in the next chapter, the researcher provides a series of readings on the journey of the DREAM Act. The history of immigration is also revealed in this chapter, demonstrating a sound connection to situations like that elucidated by Vargas (2011, 2012) and Vargas, Lupo, Gordon, de los Reyes, and Anderegg (2014). In addition, the connection is initially considered between immigration policy and structural violence.

Chapter 2: Literature Review

The literature review for this study reflects already existing limited materials that best explain the premise of undocumented children and young adults' displacement in the United States of America and its relevance to structural violence. One of the aims of this review of literature was to survey the theory of structural violence in relation to the treatment and experiences undocumented immigrant children and young adults face as a result of their falling in between the cracks of the immigration laws. The literature review also outlines the historical events of the American immigration system in a chronological order for understanding of the structure and formulation of the immigration crisis.

Immigration Reform

Immigration History in the United States

Initially, states regulated the operations of immigration until 1892 when Ellis Island, the first immigration center was created. This was arranged so that federally, immigration policies and laws would be implemented the same across all states. America took on broader ventures in immigration therefore and discontinued the original quota system in 1965. Immigration and Nationality Act of 1965 was enacted granting permission for chain migration and other circumstances where eligible immigrants are able to file petitions for their loved ones (U.S. Department of Homeland Security, 2013). With this ability, a great number of families immigrated to the United States which consequently, created an inflow of immigrants to America.

Traditionally, fear of religious persecution was the main cause for some of the first groups of immigrants who came to America. The Pilgrims and Puritans were the first groups to escaped Europe in the 1620s and 1640s. Later on, African slaves were

apprehended from their birthplaces and taken to America between 17th and 19th centuries. In 1863, a large quantity of slaves were released due to the enactment of the Emancipation Proclamation. There are various reasons for immigrants' migration to America, nonetheless, the root premise maintains its focus on the fact that immigrants predominantly make America their choice of destination in order to gain access to a better life. This concept is what Adams (1931/2001) denoted to as the 'American Dream'. Overall, migration to the United States allowed for a better quality of life for some and more opportunities in regards to socioeconomic structure. Life in the United States for most immigrants, increased the odds of approaching better work, educational opportunities, wellbeing, and freedom of religious practices.

Chronology of Immigration Reform

The landmark immigration act to set forth restrictions on targeted immigrants of any kind was the Chinese Exclusion Act of 1882. This act enabled a ban on Chinese laborers from coming to America. This regulation was likely provoked by the residents of California who deduced that Chinese laborers were negatively impacting the labor market by working for extremely low wages, which posed an economic threat to American-born citizens (A&E Television Networks, 2015). With the exception of the passage of this federal legislation to restrict Chinese laborers, the overall regulation of immigration was conducted by each state.

The U.S. immigration systemic reform led to the Immigration Act of 1924, which created the quota system. Stipulations of this act determined that only 2% of each nationality already represented through the federal Bureau of the Census would be allowed entry in that time period. This legislation therefore favored immigrants from

Western Europe (A&E Television Networks, 2015). The contents of this act later sparked heated civil rights debates because its implementation was perceived as unfair and discriminatory because it favored some immigrants and discriminated against others.

Driven by the copious calls to reform America's immigration system, Congress passed the Immigration and Naturalization Act of 1965, allowing Americans to sponsor their loved ones from abroad. This law pushed aside the prior system of using quotas to limit immigrants' access to America based on their nationality, guided by statistical findings of the Bureau of the Census. Heavily influenced by its notable opponents such as the leaders of various civil rights movements and the late President John F. Kennedy, who did not live to see its enactment, this new legislation removed conditions that provided fair opportunities to all immigrants.

The Immigration Act of 1965 shifted the focal point of departure for immigrants. As a result of this, a vast amount of immigrants hailed from other regions to include Asian and Latin American countries, breaking the trend from previous times (Moffett, 2014). Immigration and Nationality Act of 1965 defeated its goals hence presented the need for revisions. The provisions of the Immigration Reform Act of 1986 presented to be more stringent but allowed for pardon initiatives for eligible candidates. The 1990 Immigration Act removed legal stumbling blocks upheld by provisions of the Immigration and Nationality Act of 1965 like the ban on homosexual immigrants from entering the United States, deportation, and the English adeptness clause (U.S. Department of Homeland Security, U.S. Citizen and Immigration Services, 2015).

In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act was enacted. This reform restricted the presence of undocumented immigrants in the United

States, making it tougher for individuals in such predicaments to remain or seek pardon to reenter depending on their length of unlawful stay. The Illegal Immigration Reform and Immigrant Responsibility Act imposed criminal penalties on those who committed unlawful stay or entry, enforced stronger border security, criminalized unlawful employment of undocumented immigrants, and disallowed social services disbursed to undocumented immigrants (U.S. Department of Homeland Security, U.S. Citizen and Immigration Services, 2015).

Scope of Undocumented Arrivals in America

The Center for American Progress Immigration Team (2014) recorded that in 2012, 40.7 million foreign-born people resided in America. These people immigrated to the United States of America for a variety of reasons. For example, people came to America in pursuit of the American Dream, religious freedom, and freedom from violence. Though illegal to enter the United States without proper authorization, many people took the risk on a daily basis, hoping to get lucky. At times, some were so desperate to leave their homelands and come to the United States in search of a better life that they made voyages through international waters from various origins; still others traveled by land through Mexico. The reality of taking such risks is that not all make it to America safely, and some actually die before reaching American soil. In addition, some are stopped either at the borders by Homeland Security workers or at sea by the U.S. Coast Guard; nonetheless, millions surmount the barriers and safely make it into the country they so desperately want to enter. Freedman (1980) concluded in his book, “American kids,” that many immigrants come to America to escape the poverty of their native lands and in search of a better life for themselves and their children (p. 4).

Undocumented immigrants crossing American borders illegally have created societal uproars in America, especially in recent years. Despite exorbitant spending and huge governmental efforts by the U.S. Department of Homeland Security to secure American borders, unauthorized entries continue to increase. Nguyen (2014) reported that 80-120 unaccompanied children cross Texas borders illegally on a daily basis. This reality explains part of the surge of the undocumented immigrant population now living in America. Further, this number has grown tremendously, leading to tension on the American economy as it tries to provide services to meet the basic needs of this relocated population. According to the Pew Charitable Trusts (Passel & Lopez, 2012), in 2012, a total of 24,481 unaccompanied minors arrived in America. Most claimed to be escaping violence in their native land and/or were searching for their parents who were already in America illegally.

Costs and Benefits of the DREAM Act

In their report for the Migration Policy Institute entitled “DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries,” Batalova and McHugh (2010) discussed current statistics on undocumented immigrant children in America. The authors tried to clarify the provisions of the DREAM Act and put its particulars in perspective by breaking down statistics related to the Act. Their main sources of data were the 2006-2008 Population Survey and Census 2000. Batalova and McHugh found that “38 percent of the potential beneficiaries—829,000 people—would likely obtain permanent legal status through the DREAM Act’s educational or military routes while as many as 62 percent would likely fail to do so” (p. 1). This report provided valuable information for policymakers and other patrons in their quest to understand the DREAM Act

phenomenon. Further, Batalova and McHugh pointed out the struggles of undocumented children and young adults such as poverty, English and native language proficiency, and limitations on opportunities like housing and education.

The Center for American Progress (CAP) Immigration Team (2014) reported statistics on the immigrant population. Vital findings in this report showed that “many undocumented immigrants could have been sponsored for a green card but cannot adjust their status because they are presently undocumented” (para. 1). CAP highlighted facts demonstrating that the undocumented population maintained stability following the decline of migration to the United States. Moreover, according to this report, the following six states are primary destinations for undocumented immigrants: (a) 22% of undocumented immigrants reside in California, (b) 15% in Texas, (c) 8% in Florida, (d) 7% in New York, (e) 4% in Illinois, and (f) 4% in New Jersey. The authors also discovered that a vast majority of undocumented immigrants are long-term residents who are committed to retaining their presence in America. In addition, the data revealed the median length of stay for unauthorized immigrants in America was 13 years as of 2013; in contrast, in 2003, the average stay was 5 years.

The environment for undocumented immigrants is sad, but not surprising, according to CAP (2014). The CAP Team noted that approximately one in every five immigrants lived in impoverished conditions. This accounts for 19.1% of the American population in comparison to the reported 15.4% of native-born Americans who struggle with poverty. Additionally, the undocumented immigrants living in poverty are estimated to be more likely to require social services due to their circumstances. Moreover, structurally, immigrants are more likely to succumb to challenging economic situations

even when they are legally documented, and second-generation immigrants—that is, children born to immigrants—are more likely to attend college and achieve a higher income than their parents. Notably significant, observed CAP, is that in 2007, the level of education and income of immigrants especially between the ages of 18-39 were significantly lower than for native-born Americans.

The trends of potential DREAMers/DREAM Act recipients also deserve attention because immigrant youth arrive in the United States in a variety of ways. As a case in point, Prah (2013) disclosed that 80-120 unauthorized children cross the Texas border on a daily basis. In 2012, for instance, a total of 24,481 unaccompanied minors, most of them males, were retrieved by the U.S. Border Patrol; of this number, approximately 10,000 children were sent home, and 13,625 were released to the Office of Refugee Resettlement (ORR). Prah indicated that the flow of undocumented children and young adults is rapidly increasing, and the trend of UBCs from this region is comprised mostly of teenagers. Many who were held and handed over to the ORR expressed the sentiment that they had to flee due to violence from gangs and drug cartels in their countries, typically Guatemala, El Salvador, and Honduras.

DREAM Act Debates and Discussions

Writing about the DREAM Act's debates in Congress for the Center for Immigration Studies, Camarota (2011) outlined the intentions and projections of the DREAM Act (S.952). Anticipated issues included expenditures and border control. The greatest fear was possible misrepresentation of the initiative and the message that passing the DREAM Act would send to others intending to cross U.S. borders. Moreover, Camarota surmised that many unauthorized individuals would eventually latch on to the

Act as they would enter illegally, hoping to qualify for such laws in the future. Further discussion concerned effects of illegal immigrants on affirmative action requirements and laws because the majority of illegal immigrants are Hispanic, thus giving them, perhaps, preferential treatment for higher education admissions and scholarships, taking away from White and Black future students.

Despite the affirmative action arguments, proponents of the DREAM Act argued that enabling illegal immigrants the opportunity for higher education would actually expand the nation's economic base through increased tax revenue. Camarota (2011) raised a few questions about fairness regarding undocumented immigrants:

It seems to me that the strongest argument for the DREAM Act is a moral one—those who came as children, through no fault of their own, should be allowed to stay. But if the moral argument is correct, why require two years of college? How does the ability to do college-level work give someone a greater moral claim? Someone who came at age two and has lived here for 20 years but did not graduate high school would seem to have a much stronger claim on our conscience than someone who finds college work relatively easy but came at age 14 and has been in the country for only five years. Under the DREAM Act the former would not receive legal status, while the latter would be legalized. (“A Question of Fairness,” para. 1)

Camarota (2011) also presented counterarguments in which opponents of the Act argued that economic growth evolves over time; thus, it would be quite some time before states and servicing agencies would receive economic gains from the influx of undocumented minors utilizing taxpayer-subsidized funding. It was also argued that parents of

undocumented children are unworthy of reaping the benefits through the DREAM Act initiatives.

Theoretical Framework

Theoretically, various frameworks have shaped the ever-changing movements of immigration reform. The four theories most pertinent to the DREAM Act and its potential beneficiaries include structural violence, cultural assimilation, relative deprivation, and marginalization. Through these theories, this study navigated through immigration reform as a whole social discourse. The main theories guiding this study were as follows: (a) structural violence, (b) assimilation theory, (c) relative deprivation theory, and (d) marginalization theory. In this chapter, the founder of structural violence theory, Johan Galtung (1969), outlines the relationship between immigration reform and structural violence. Greenman and Xie (2008) explain the concepts of assimilation theory and how immigrant adaptation aids the process of upward mobility. Additionally, the theory of relative deprivation seeks to explain the formation and operation of social movements. Crosby (1976) highlights the basics of relative deprivation, linking concepts of the theory to that of the American immigration system. Finally, the theory of marginalization suggests what happens to undocumented children and young adults as they try to navigate the American immigration, education, and social systems (Anttilla & Uusitalo, 1998).

Structural Violence Theory

Structural violence is defined as “systematic ways in which social structures harm or otherwise disadvantage individuals. . . . [Structural violence can be] subtle, often invisible, and often has no one specific person who can (or will) be held responsible (in contrast to behavioral violence)” (Burtles, 2013, para. 1). The DREAM Act may be an -

ideal plan, but the law is insufficient because it is confining, narrow, and unsupportive of unique circumstances with regard to factors that disqualify selected individuals.

The DREAM Act does not account for all undocumented immigrant children and young adults whom it was designed to assist through its goals and objectives; therefore, a voluminous number of undocumented children and young adults remain unserved.

According to the Migration Policy Institute (Batalova & McHugh, 2010), approximately 2.1 million young people might be eligible for protection under the DREAM Act, but far fewer are capable of meeting the education or military service requirements. Passel and Lopez (2012) reported that approximately 2.4 million undocumented persons meet the age requirements of the DREAM Act program, but due to their late arrival in the United States of America after age 15 or their having been in the country for less than 5 years, they are deemed ineligible for DREAM Act benefits.

As a temporary solution to the long battle to approve the DREAM Act, on June 15, 2012, President Barack Obama announced the Deferred Action for Childhood Arrivals (DACA) program. In this provision, certain undocumented children and young adults were granted immunity from deportation on a temporary basis. President Obama clarified that the DACA effort does not lead to long-term legalization or United States citizenship:

Now, let's be clear—this is not amnesty, this is not immunity. This is not a path to citizenship. It's not a permanent fix. This is a temporary stopgap measure that lets us focus our resources wisely while giving a degree of relief and hope to talented, driven, patriotic young people. It is—the right thing to do. (The White House, 2012, para. 9)

As outlined by President Obama in his speech on immigration, the DREAM Act initiative is not a solution to the immigration crisis that undocumented children and young adults face, but the DREAM Act represents only a “stopgap measure” (para. 9).

In its commencement stage, the DREAM Act received bipartisan efforts in Congress in that the DREAM Act legislation was written by members of both the Democratic and the Republican parties. President Obama (White House, 2012) noted, “Now, both parties wrote this legislation. And a year and a half ago, Democrats passed the DREAM Act in the House, but Republicans walked away from it. It got 55 votes in the Senate, but Republicans blocked it” (para. 5). The President further explained that the parties are having a difficult time agreeing and finalizing the provisions of the DREAM Act; as a result, the need to assist undocumented children and young adults still lingers.

Structural violence theory, crafted in 1969 by sociologist Johan Galtung, the founder of the discipline of peace and conflict studies, offers some understanding of the impact of immigration reform and the potential effects of the DREAM Act. Galtung’s passion for peacebuilding developed when he discovered the lack of scholarly writing on peace studies during the 1960s when he was studying in Helsinki, Finland. He observed a large number of books on war and military studies, but the area of peace studies was under-researched. Consequently, he began to fill the gap. To this end, Galtung (1969) defined *violence* as follows: “Violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations” (p. 168). Through this definition, Galtung put forth the context in which an individual is structurally violated and deprived of basic human needs.

Galtung (1969) argued further that when individuals in a society suffer harm

without their knowledge, it is most often due to structural arrangements that dictate their predicament, as is true of the social problems experienced by immigrant youth with the American immigration system. Galtung might have agreed that the U.S. immigration system is a social institution that operates in such a manner, hindering undocumented children and young adults from thriving, thus creating harm to their safety, permanency, and wellbeing. He might also have felt that such an arrangement was the product of structural violence. In alignment with Galtung's theory of structural violence was the fact that the institution of immigration reform would likely lead to the demise of the population in question—notably, undocumented immigrant children and young adults.

Galtung and Fischer (2013) discussed the premise of direct, structural, and cultural violence; Galtung (1969) had also covered conflict management and peacebuilding initiatives. Galtung and Fischer (2013) not only defined violence and its impact on individual parties, but the authors also described its effect on social problems. For example, direct and structural violence influences basic needs such as survival, wellness, freedom, and identity. Moreover, specific acts of violence are conducted not only by acts of violent behavior, but also by a “structure [that can churn] out harm, causing basic needs deficits, as in un-intended, indirect, or structural violence” (p. 39). Galtung and Fischer linked failure to thrive due to one's economic context on the structure in which he or she is embedded.

Such acts of violence, Galtung (1969) contended, leave behind an array of lesions and suffering from which the victim may be unable to recover, or the victimization may never heal. This contention closely related to the predicament of the undocumented children and young adults included in or excluded from the DREAM Act. According to

Galtung's structural violence theory, violence is a result of deprived needs, "violence is needs deprivation; needs deprivation is serious; one reaction to needs deprivation is direct violence" (Galtung & Fischer, 2013, Location No. 935). Consequently, a country's institutional structure may harm individuals based on the laws and policies by which they are governed; hence, those people suffer structural violence. Structurally, then, undocumented children and young adults are deprived of basic needs as a punishment for their not being legally documented, regardless of whose fault the lack of documentation may be.

Campbell (2011) further supported Galtung's (1969) premise of structural violence as rooted in the concept that social conditions contribute to the loss of human life. As proof, immigration reform has experienced turbulent changes, demonstrating that only a small fraction of the neediest population of undocumented immigrant children and young adults is projected to meet the qualifications of the DREAM Act, leaving a great many to try to survive on their own. This belief further reinforced Galtung's point of view that institutional constraints harm the individuals dependent on those institutions for life's needs. As another case in point, Lee (2006) highlighted the argument that the DREAM Act is not applicable to some undocumented children:

There are not unlimited numbers of undocumented children who would have an opportunity to benefit from the DREAM Act as the Act is strictly limited to students who will have lived in the United States for at least five years at the time that the bill is passed. (p. 254)

According to Lee's argument, undocumented immigrant children who are incapable of meeting the criteria are left out. They are outside of the qualifications, and no provisions

have been assigned to remedy the situation.

Cultural Assimilation Theory

The concept of assimilation relates to America's immigration systems and the DREAM Act, as various cultures immigrated to America in order to adopt the American culture and live the American Dream. Greenman and Xie (2008) explained in their essay the varying difficulties that immigrant children experience as they try to assimilate into the American cultural system. Without a long-term plan to obtain legal status, these individuals are in between cultures and are consequently regarded as outlaws by their peers and other members of American society.

From a theoretical standpoint, "classical assimilation theory portrayed assimilation [or acculturation] as an integral part of the successful movement of immigrant groups into the American middle class" (Greenman & Xie, 2008, p. 113). Immigrants were expected to adopt American culture and ways of being and adapt to their new environment. According to Greenman and Xie, modern theorists suggested classical assimilation theory no longer applies because immigrants now mostly come from Asia and Latin America rather than Europe. Not only do these immigrants arrive from a different sphere, but they are also of a variety of socioeconomic backgrounds and social strata. As a result, "any single, uniform model of immigrant incorporation into the United States [is] inherently less appropriate than it may have been for earlier, relatively more homogeneous groups" (p. 116).

Greenman and Xie (2008) explored the utility and appropriateness of cultural assimilation theory for current adolescent immigrants. These researchers found that assimilation can be either positive or negative for young immigrants. Positive

assimilation resulted in better educational and psychological outcomes; negative assimilation, in higher rates of substance use and abuse and early sexual activity. As a result of their study, Greenman and Xie proposed a reinterpretation of cultural assimilation theory rather than a dismissal of it:

We suggest an interpretation [of assimilation theory] that allows assimilation to have different effects for different outcomes. This reinterpretation is consistent with a conceptualization of assimilation, rooted in the classic form of the theory, which emphasizes a process through which differences between groups gradually decline, rather than a simple trajectory of improving outcomes for immigrants [as had been previously theorized]. (p. 135)

It can be implied that Greenman and Xie (2008) highlighted the continued path of undocumented children and young adults as they try to assimilate to the American culture. Once these individuals are placed in an undocumented status, they are then defaulted into a predicament where they have no line in which to stand, and legalization is unreachable. Assimilation, in itself a complicated process, becomes irrelevant.

Marginalization Theory

Undocumented children and young adults are socially marginalized as a result of their predicament. The status of being undocumented excludes them from mainstream society. This population does not receive the same level of benefits as documented immigrants due to no fault of their own, and undocumented children and young adults are marginalized because of the numerous limitations imposed by their status.

Marginalization discriminates, according to Anttila and Uusitalo (1998), and “by discrimination we usually mean the treatment or consideration of a person or thing based

on the group, class, or category to which a person belongs, rather than individual merits” (p. 15). This is precisely how undocumented children and young adults are marginalized by being barred and excluded from needed benefits; therefore, their talents and potential are stifled due to their legal standing with America’s broken and outdated immigration policies and laws.

Undocumented children and young adults desire to assimilate culturally to American customs and live the American Dream. Without a long-term plan to obtain legal status, this population is in between cultures and regarded as outlaws.

Undocumented children and young adults can obtain a grade-school education because local education agencies (LEAs) do not ask about legal status. Once undocumented individuals graduate high school, they are pushed out into the cold. Immigrant assimilation, once attained, becomes a complicated process with endless red tape for obtaining permanent residency and qualifying for programs such as the DREAM Act.

Relative Deprivation Theory

Stouffer, Suchman, DeVinney, Star, and Williams (1949) named the theory of relative deprivation. Stouffer, the lead author, had developed the theory in the course of his study series on the war periods during World War II, when he used relative deprivation theory to measure and explain the psychology of soldiers. According to Flynn (2009), relative deprivation theory “refers to the idea that feelings of deprivation and discontent are related to a desired point of reference” (para. 1) and occurs when a desire becomes a legitimate expectation that is then blocked by society. The theory of relative deprivation counters social satisfaction in that “relative deprivation is generally considered to be the central variable in the explanation of social movements and is used

to explain the quest for social change that inspires social movements” (Morrison, 1971, p. 675). Relative deprivation theory is also used to explain the origination of socioeconomic and sociopolitical unrest. Examples may include pay inequality, lack of social benefits, and unequitable resource distribution in schools and community arenas.

Based on their assimilation into American schools and culture, undocumented children and young adults expected to receive the same level of benefits as other American citizens according to the U.S. Constitution. Unable to thrive economically due to unavailability of work authorization and educational benefits, such children and young adults are threatened. Stouffer et al. (1949) might have argued that undocumented children and young adults have been relatively deprived of their basic needs. Additionally, although the Constitution was written to protect only White men at the time of its writing, subsequent amendments and other legislation awarded rights to most citizens. The rights of undocumented immigrants and young adults are limited, and the intent of the DREAM Act to protect some of them also excludes a vast majority as a matter of policy. Moreover, the DREAM Act, intended to rescue undocumented children and young adults, has failed to fill in the gap between those who are marginalized by America’s immigration policies. Consequently, those who do not qualify based on technicalities will eventually be deported to their reported homeland, which they may never even have visited.

Policy Analysis

Policy analysis, a form of content analysis, fits the goal of this study. The U.S. immigration system has stirred continued social conflicts, and the DREAM Act has purported to rectify immigration problems for undocumented children and young adults.

Moreover, because the DREAM Act has not yet become law, but was a directive from President Obama carried out through the Department of Homeland Security (Napolitano, 2012), the Act functioned as policy. Consequently, a policy analysis may help immigration policymakers and implementers to understand and rectify any problems at the policy level that may then yield law. Yanow (2000) explained the concepts of policy analysis. Policy analysis aims to advise the policymaker about projected policy, the impact of the policy on a targeted population, the likelihood of attaining the desired outcome, and the appropriateness or correctness of the policy to address a specific problem.

The best recourse for action in selecting a path for this study was to take a qualitative research approach through the channel of policy analysis methods. This allowed for a thorough evaluation of the anticipated DREAM Act legislation and its supplemental bills. The methodological research approach that stood out among many was qualitative content analysis coupled with Gil's (1976) framework for policy analysis. Gil's framework offered a systematic overview of the entity for which the policy is designed based on a set of factors used to evaluate the given policy. Gil's approach had the following objectives:

to gain understanding of the issue surrounding the policy being analyzed, to discern the chain of substantive effects resulting, or expected to result, from the implementation of a given social policy, including intended and unintended, short and long range effects. (p. 31)

The third and final objective of Gil's (1976) framework was to develop alternative policies to address the analyzed issue. Gil also took into consideration the laws for which

policies were conscripted. He went on to explain the provisions of a given social policy need to be specified prior to its being analyzed. If a policy is endorsed in law, the language of that law along with the administrative guidelines and jurisdictional decisions concerning the law should be taken into consideration as well. Specificity concerning operational aspects of a proposed policy should be provided if a policy proposal rather than an enacted policy is being analyzed (pp. 70-71).

Gil's (1976) framework comprised a feasible approach for trying to understand and analyze the DREAM Act's un-enacted laws, policies, and artifacts. Gil's methods created room for a meaningful contribution to change for the betterment of the Act. Such methods enabled the researcher to generate alternative policies in the final phase of the analysis process rather than simply relying on the basic analytical approach. This was important to the researcher because one of the main premises of this study was the need to recommend positive changes to the laws and policies related to the DREAM Act.

Conclusion

U.S. immigration history entails numerous social and legislative policies that perpetuate structural violence. One of the most familiar accounts is the era of slavery. Allain and Bales (2012) defined slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership is exercised" (p. 3). People were made to serve as slaves—personal property to others, and slaves were bought and sold legally without any negative repercussions. Further, although slavery dehumanized individuals, its practice was constitutional until 1863, when President Abraham Lincoln freed the slaves with the Emancipation Proclamation. In his theory of structural violence, Galtung (1969) would have argued that the practice of slavery created

human needs deficits. Freedom was limited to White men.

Perhaps the first policy in U.S. history, the Declaration of Independence was approved in 1776, when the United States of America was defined and declared free from colonization. Later, in 1787, the U.S. Constitution and the Bill of Rights, the first 10 amendments to the Constitution, were crafted to protect the basic rights of citizens. Theoretically at least, these laws and policies were put in place for all American citizens, but because White men were viewed as superior and consequently the only appropriate recipients of real freedom, laws were enforced only as they related to that particular population. In the 18th and into the 19th century, women and slaves continued to be excluded from many equalizing laws, drawing similarities to the DREAM Act policies, which have fallen short in meeting the needs of all those who should be able to obtain such assistance—undocumented children and adults who arrived in the United States mainly as a result of their parents' wishes, through no fault of their own.

In the third chapter, the methodology for conducting this study is introduced. The chosen method of policy analysis was selected because it enabled the researcher to dissect the immigration legislation into smaller segments and create details, facilitating the review and analysis of the policies and laws in question. Working primarily with data rather than with traditional interviewing methods with people, policy analysis offered a set of procedures for tackling immigration reform by looking closely at the DREAM Act through a systematic analysis and examination of relevant data. Through this study, the researcher attempted to extrapolate the meaning of the DREAM Act as an immigration policy; therefore, such an approach is best suited for the investigation. The intent at hand was to inspect the policies derived from the laws and to analyze the DREAM Act's

usefulness according to the goals the Act intended.

Chapter 3: Qualitative Content Analysis

Selecting the research methodology was a critical component of this study. The first thought taken into consideration was the differentiation among research paradigms. The two primary types of research are quantitative and qualitative. To select one or a combination required thinking about the intent of the study: Quantitative studies measure things and compare in numbers; qualitative research centers on subjective data that is not easily coded into numbers. It relies on generating meanings and understanding through rich description.

Methodology

Structure of the Research Process

First, in order to gather, appraise, and examine acquired data on the various immigration bills and other sources, the methodology of qualitative content analysis was applied. The practicality behind applying the qualitative content analysis to the study prior to Gil's policy analysis was that the researcher was better able to break apart the data set collected and examine familiar patterns that then generated common themes. In that part of the study, the socioeconomic manifestation of the struggles faced by undocumented children and young adults became apparent.

Second, after the dataset was evaluated and themes were generated using the qualitative content analysis methodology, Gil's policy analysis was applied. Through this method of analysis, the researcher was able to analyze the DREAM Act as a public immigration policy. Gil's framework applied the main objective; in the end, the researcher could generate policies that seemed more feasible for tackling immigration policies that might actually address the real issues that people experience. After outlining

and developing the path of the study through the use of content analysis, Gil's approach allowed for the analysis of the DREAM Act as a social policy, as a means of developing new policy ideas, and as a path toward immigration reform. This strategic approach therefore addressed the issues with the DREAM Act bills and the call for immigration reform.

Qualitative Content Analysis

Quantitative analysis of immigration may be a useful step in the analysis of the DREAM Act, but a policy analysis should more likely be conducted in words, making the study qualitative, perhaps with some quantitative elements. The goal of the study was to collect, evaluate, and analyze numerical and written data on various immigration bills, laws, and other documents to yield new information that can help with immigration reform and establishment of a workable immigration policy. In short, qualitative content analysis formed the basic research method that resulted from the methodology deliberations.

To gain understanding of the gray areas of the DREAM Act's policy, after outlining and applying the general steps of the qualitative content analysis, the researcher then applied Gil's (1976) policy analysis framework. The idea was to review existing research literature and data in the form of bills crafted on the DREAM Act, films, previously conducted interviews, speeches, and memoranda. An overview of the immigration bills surrounding the DREAM Act in a chronological order is provided in order to allow readers to identify the layers of meaning behind immigration policies. The resulting data and analysis evoked responses to the research questions and described the DREAM Act's goals and policies.

Immigration reform currently sits on the top of the list of social conflicts in America. Many of the immigration reform frameworks concerning the DREAM Act are in forms or texts like news feeds, memoranda, presidential speeches, and archived interview transcripts and videos. Qualitative content analysis methodology is the most suitable path as it allows for the research to “succeed when analysts address linguistically constituted social realities that are rooted in the kinds of conversations that produced the texts being analyzed” (Krippendorff, 2013, p. 80). This methodological approach enables the extraction of context-driven inferences from written and electronic records. Specifically, Krippendorff defined *qualitative content analysis* as “a systematic reading of a body of texts, images, and symbolic matter, not necessary from an author’s or user’s perspective” (p. 10). This makes it appropriate for this study because much of the information that exists on this topic is archived in the form of textual data like interview transcripts, documentary series, memoranda, and newsfeeds.

Quantitative and qualitative content analyses differ. Stevens (1946) explained that essentially, all text is considered qualitative in nature in the beginning stages of a content analysis study. He further elucidated various results of content analysis can include using numbers rather than verbal categories and counting instead of listing quotes. Moreover, the purpose of the research may not be only to acquire valid answers to research questions, but only to interpret what the content intends. Policy analysis therefore lends itself to the qualitative form of content analysis to attempt to understand the phenomenon, in this case, of the DREAM Act, its interpretations, and its implications for those directly affected by it.

Academically, the DREAM Act is under-researched. Among the reasons could be

the fact that its intended population of undocumented children and young adults experiences issues that are current, and these individuals are still outside America's legal immigration spectrum. Consequently, providing valuable information about their position can result in serious consequences. In the conflict analysis and resolution arena, however, qualitative content analysis is suitable for analyzing data surrounding not just immigration reform, but social problems in general because of the enormous volume of data that exists on social issues. Additionally, current society tends to be more conversant via social media, email, YouTube, memoranda, and privately recorded interviews. Interview formats have evolved in such a way that many scholars can now conduct interviews by email, visual media, or telephone, allowing for greater numbers of participants and more freedom in the content of the interview.

Background on Qualitative Content Analysis

Qualitative content analysis has a long history. In the religious context, rabbinical and theological content analysis was used to interpret the Talmud and the Bible. The invention of the printing press in the 15th century led to more secular scholarly application to literary texts, as more books became available. By the 19th century, mass-produced newsprint enabled virtually everyone to analyze content. By the middle of the 20th century, electronic media such as radio, television, and film offered yet another format for text to be analyzed. In the 21st century, content is ubiquitous and is constantly analyzed by and through the media that presents it (Krippendorff, 2013, pp. 1-10).

This methodology has emerged over the centuries and is a reliable method for conducting the task of interpretation of undeveloped contents. Hsieh and Shannon (2015) defined qualitative content analysis as a "research method for the subjective

interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns” (p. 1278). The focus of this study is to draw inferences about the impact of the DREAM Act on undocumented children and young adults.

Qualitative content analysis serves as a vital tool in analyzing the displacement of the population in question. Through this method, the richness of the data collected can be better categorized thematically through analyzing the data collected because the population being studied is still in the undocumented status at risk of deportation. For this reason, applying the phenomenological interview may not be as successful as their sharing aspects of their situation on videos, in news articles, or via covert interview sessions.

One of the greatest benefits of the qualitative content analysis methodology is its ability to identify themes. Leininger (1985) explained that thematic analysis “focuses on the analysis of different cognitive and identifiable themes and patterns of living or of behavior” (p. 61). This allows for the contents being analyzed to be compared for similarities in the phenomenon. A topic such as the DREAM Act containing multiple interviews and videos of people sharing their stories on the impact of DREAM Act policies on their lives can be best understood through the use of qualitative content analysis.

As an overview, qualitative content analysis is relevant when choosing to understand social problems and to contribute to social change. Zhang and Wildemuth (2009) further elaborated on this idea by declaring that qualitative content analysis is a method which “allows researchers to understand social reality in a subjective but

scientific manner . . . to examine meanings, themes, and patterns that may be manifest or latent in a particular text” (p. 1). Immigration reform and the DREAM Act form the center of the discussion in this document. Socially, much of what is exposed and learned on the topic is informationally acquired mostly through social media conduits.

Content analysis text. Text is the starting point of all empirical content analysis studies (Krippendorff, 2013). The researcher must also regulate the generation of the data collected, sometimes not intending the data to answer specific research questions. Data originate with the intention to be read, interpreted, and understood in general as a means of researching the phenomenon. Krippendorff discussed that people may read the data and then break apart what they read into significant units and then move on to recognizing structures that reshape their way of understanding the data. The information gathered is therefore fluid.

Content analysis research questions. In regard to qualitative content analysis methodology, the research question is the most significant segment of the research design. The research question is an important piece to the puzzle that determines what the researcher wants to learn and helps to maintain the focus of the study. When applying this methodology, computational tools, like the research question, aid the researcher to draw inferences effectively from the written texts, interviews, images, and other forms of communication as a means of answering the research question (Krippendorff, 2013, p. 37). Sometimes, researchers initiate their research questions at the start of the study; at other times, additional research questions are added as the data point to other questions or pragmatic grounding.

Krippendorff's Qualitative Content Analysis Methods

Krippendorff (2013) proposed six specific procedural steps for qualitative content analysis. This procedure allows for thorough analysis and serves as way of subdividing various factors of the methodology. Krippendorff outlined the components:

1. *Unitizing*: relying on definitions of relevant units
2. *Sampling*: relying on sampling plans
3. *Recording/coding*: relying on coding instructions
4. *Reducing* data to manageable representations: relying on established statistical techniques or other methods for summarizing or simplifying data
5. *Abductively inferring* contextual phenomena: relying on established analytical constructs or presumed models of the chosen context as warrants
6. *Narrating* the answer to the research question: relying on narrative traditions or discursive conventions established within the disciplines of the content analyst (p. 84)

The six components listed above, comprise the steps for connecting the process of data making to assist the researcher in the evaluation and analysis process. The researcher must be clear about the methods of unitizing to justify the rationale for data selection for items of inclusion or exclusion for the analysis.

Unitizing. The units of analysis used in content analysis cover the concepts of sampling, recording, and context (p. 83). The purpose of unitizing is also covered in this segment. Krippendorff (2013) explained that the key mission in an empirical study is to select what needs to be perceived and determine how interpretations must be logged and subsequently construed as data. In this process, similarities are drawn among the data sets

that are relevant to the analysis, but overlooking data that are not relevant while maintaining data that cannot be divided or separated without loss of meaning. Each type of unit, such as sampling, recording, enumerating, and contextualizing, serve various analytical purposes; therefore, researchers must rationalize their methods of unitizing.

Sampling. Sampling enables the researcher to control the data through the development of manageable subgroups. The idea of the sampling technique is to evaluate an entire population against an evaluation of a sample of that same population and arrive at the same deduction. Redundant properties within data are not repeated in the drawn sample. In the qualitative research methodology, content can be drawn from the quotes and examples that are presented to the reader. Because qualitative data for content analysis can be selected on a variety of levels from individual words through entire books, the ability to sample differs from how sampling is used in quantitative research. Quantitative sampling of people for an experiment or survey has only a single level and, typically, a single item or trend for investigation (Krippendorff, 2013).

The selected data group for this study was secondary data. As seen in the appendices, the data set included the following: (a) interview transcripts, (b) memoranda, (c) previous studies, (d) films, and (e) videos. The sample group was pulled from archives from the Department of Homeland Security, libraries, and digital sources from websites like *The New York Times* and film documentaries that were purchased from the Amazon digital database. The population affected by the DREAM Act is one that remained in constant danger and fear of deportation due to their undocumented status at the time of the study; therefore, no effort was made to contact the individuals in person.

The following four key concepts drove the analysis of the data: (a) efficacy, (b)

feasibility, (c) respectability, and (d) accuracy. Data selection remained narrowed to materials that were based on factual accounts; for example, *Congressional Reports* outlined the legislative context of ongoing amendments to the DREAM Act. The researcher avoided blogs, social media discussions, and individualistic web materials that are posted by individuals who aim at venting on the immigration process. The researcher's goal was effective review of only those informative and educational data materials that carried policy meanings. Opinionated surveys and census reports were circumvented because such materials tend to lack authenticity. Krippendorff (2013) claimed that survey and questionnaire research tends to be full of respondents who answer questions inversely when aware of how the study might affect them personally (p. 36).

Recording/Coding. Recording and coding link gaps between textual data and the way the text is read, viewed, and interpreted (Krippendorff, 2013). In this step, researchers are able to create resilient and analyzable accounts of ephemeral occurrences such as spoken words and passing visual happenings. Recording/coding requires the conversion of unexpurgated, original images or unregulated sounds into analyzable representation. Through recording and coding, data develop both homogeneity and heterogeneity for the purpose of easing effective analysis.

Both computer-generated software like NVivo and manual coding were applied in this study. NVivo was used to transcribe the digital content. Digital coding required the following three-step process: (a) The videos were uploaded to the NVivo database and filed according to the name of the study; (b) The videos were played numerous times and paused to check for accuracy prior to transcribing; and (c) The videos were then

transcribed manually while playing and pausing in NVivo.

Interview transcripts in written text were manually coded in a five-step procedure. First, the transcripts were read as whole documents, line-by-line, and then jottings of first impressions were made. Second, relevant words, phrases, sentences, and sections were labeled or coded. In this way, the conceptualization of featured patterns and themes was reviewed for shared phenomena on the DREAM Act. Next, the researcher came to a decision about what the important codes were; thus, the themes and categories were narrowed down to the following: (a) structural violence, (b) marginalization, (c) relative deprivation, (d) cultural assimilation, (e) defaulted, (f) illegal status, (g) barriers, (h) gray areas, and (i) disqualifying factors. The categories/themes were then labeled, and initial and unwanted labels were abandoned. This action resulted in the final four themes: (a) disqualifying factors, (b) structural violence/marginalization, (c) immigration reform, and (d) cultural assimilation. The final four categories/themes were employed to describe, interpret, and produce the results that were then reserved for the discussion segment.

Textual data. In analyzing and coding this study, the researcher was mindful that words have multiple meanings; therefore, NVivo 11 software (QSR International, 2017) was used to identify, describe, classify, and interpret words and sentences in their context. NVivo assisted in the analysis and evaluation of the DREAM Act bills, interview transcripts, articles, and electronic files including voice interviews, videos, and films. This process helped to eliminate implications made about the DREAM Act policies and to focus instead on facts about how immigration policies were actually implemented as opposed to the basic intentions of the policymakers.

The researcher applied Leininger's (1985) methods of thematic analysis because

that methodology focuses on “the analysis of different cognitive and identifiable themes and patterns of living behavior” (p. 61). In the thematic analysis approach, themes are derived from patterns of elements of actions, reflections, or spoken words (DeSantis & Ugarriza, 2000). Subcategories and themes were eliminated at the end of the evaluation process, thereby narrowing the groups to only those most relevant to the study as listed on the interview transcripts.

Reducing data. Large volumes of data can be unmanageable. Once data are reduced, the information, categories, or units become manageable and can be listed by type or frequency. In qualitative content analysis, reshaping and summarizing data produces effects comparable to quantitative statistical computation; however, in statistics, some information can be lost. During the process of data reduction, the miscellany of text is reduced into the substance that is needed for a simpler analysis (Krippendorff, 2013).

Inferring Contextual Phenomena Abductively

Abduction differs from deduction or induction used in quantitative studies. *The Merriam-Webster Online Dictionary* (2018) explained the differences: “In abductive reasoning, the major premise is evident, but the minor premise and therefore the conclusion are only probable” (para. 2). Deduction differs in that the premises are based on fact or general knowledge, yielding a conclusion that is derived from what is considered true. In contrast, induction requires probability that leads to a conclusion. The abductive inferences allow for data to be evaluated for determining the simplest likely explanation. This abductively inferred conclusion differentiates between the descriptive version of text and what is meant, denoted, incited, or justified. This process leads the researcher to what is not present in the text (Krippendorff, 2013).

Narrating the Answers to the Research Questions

In this last part of the qualitative content analysis process, the researcher shares findings with his or her audience. Krippendorff (2013) explained that commentaries of content analysts' response to questions, at times, and their implications of findings as well as the offerings they make to the available literature (p. 36). On other accounts, narrating the response to content analysts' questions evokes arguments about the suitability for employment of the content analysis method rather than direct observational techniques.

Researcher Reflexivity

The concept of reflexivity in qualitative research refers to the awareness and open discussion of the researcher about "his or her role in the study in a way that honors and respects the site and participants" (Creswell, 2012, p. 474). This study is significant to the researcher who has dealt with undocumented immigrant children and young adults firsthand in her career experiences as a civil servant. Some of these undocumented children and young adults were quite capable of achieving the American Dream due to their dedication, scholastic aptitude, and dexterities, but unfortunately, because of the predicament of their undocumented status, they resorted to violence, and in some of the cases, they became societal nuisances.

Having migrated to the United States of America as a minor and later returned to her country of origin as a visitor 9 years later, the researcher determined personally that clearly, culture and social norms are dissolvable once an individual has deviated from his or her original norms. For example, the researcher discovered that she was not able to re-assimilate to the cultural norms of her birth country, even though she had assimilated

successfully into the U.S. culture only 9 years earlier. Consequently, the researcher believes the greatest hope for children that are left in limbo in America's immigration system at no fault of their own, is to be given the opportunity to live as legitimate Americans.

Although the researcher shares similarities with regard to immigration to the United States of America as a documented young adult, the researcher remained impartial throughout the study. The researcher ensured that the study maintained the focus of surveying the policies and laws surrounding the DREAM Act, and her analysis was not based on personal experience. Having experienced similar phenomena as immigrant children and young adults in terms of adaptation to foreign cultures, the researcher found her past a benefit, but her experience did not hinder the process or documentation of this study.

The researcher wanted to know the end result for those youths who fell into the cracks in the guidelines and to evaluate her findings for detection of signs and symbols of structural violence resulting from the DREAM Act. Nonetheless, the primary aim of this study was to analyze the policies and proposed legislation surrounding the DREAM Act, speculate on issues on all sides of the policies, and recommend ways of preventing structural violence by supporting changes needed for the Act to meet the needs of the entire population of illegal minors.

Credibility, Verification of Findings, and Ethical Considerations

Data collection, analysis, and interpretation included in this study were conducted and recorded in an ethical manner. Although no human subjects were interviewed, the researcher adhered to the Nova Southeastern University Institutional Review Board's

(IRB) policies on conducting research of this caliber. The study was initially approved by the IRB, and the researcher upheld the policies and expectations of the American Anthropological Association as well (Creswell, 2013). The researcher neither knowingly nor intentionally compromised the safety or wellbeing of any subject, nor did she falsify any information in this study.

The researcher was careful to avoid “subjective judgement” (Babbie, 2010) to preserve the validity and veracity of the collection of data, analysis, and findings. Additionally, the collection of data and coding and reporting of findings were all conducive to the methodology. Finally, the researcher avoided biases and pessimism about the DREAM Act and its impact on the undocumented children and young adults it hopes to serve.

Conclusion

Qualitative content analysis is an ideal methodology when seeking to understand social problems. The policies of the DREAM Act are best reviewed from a qualitative angle through data collection methods rather than to apply quantitative methods because the researcher is seeking to extract the essence of the phenomenon. This study compiled a variety of qualitative sources for content analysis. Due to the complexity of the DREAM Act phenomena, the data were from secondary sources in order to avoid compromising the privacy and wellbeing of the subjects who shared the phenomenology under investigation. The interpretation evoked viable information that enabled the researcher to conduct the study successfully.

The qualitative content analysis methodology has developed over time and is considered to be a reliable method of understating the task of interpreting emergent

contents. This chapter covered the overview of the methodology and a breakdown of Krippendorff's (2013) content analysis methods. The focus of this study is to collect, code/categorize, and analyze data and infer the impact of the DREAM Act on undocumented children and young adults to better understand the phenomenon related to conflict resolution and policy development.

The qualitative content analysis offered a versatile methodology that allowed for a great variety of types of contents to be included especially with the aid of computer-generated software for analysis. This study had two overall purposes. The first was to explain the history and status of the DREAM Act from its inception in 2001 through 2012. The second aim was to explore the impact of the DREAM Act and its failure to pass Congress on its intended recipients and how that yielded structural violence. The selected method was qualitative content analysis of all items of interest regarding the DREAM Act and the undocumented children and young adults it sought to serve.

In the following chapter, findings are related to structural violence to form conclusions about immigration reform, to make recommendations for immigration policy, and to suggest future avenues for immigration reform research. The need for U.S. immigration reform has become clearer and timelier under the present administration.

Chapter 4: Findings

Part One: Immigration Bills, Speeches, Memoranda, Films, and Interviews on the DREAM Act

This chapter briefly discusses the themes that manifested after the analysis of the following elements of secondary data: (a) interviews, (b) speeches, (c) memoranda on the DREAM Act, and (d) documentaries featuring the life stories of undocumented immigrant young adults. In addition to a formal analysis of the bills that preceded and followed the declaration of the DREAM Act in 2001, this chapter also highlights the role that the final four themes played in response to the research questions.

This part of the findings of the study outlines the context and synopsis of the study's themes while explaining each theme individually. To be discussed in this chapter are topics about the analysis of the immigration bills on the DREAM Act, speeches, interviews, memoranda, and films on the DREAM Act, and finally, DREAM Act bills that were generated in effort toward passing it into law.

The findings in this chapter also raised additional questions. For example: What common themes and sub-themes manifested such as disqualifying factors? What emerged about structural violence and the DREAM Act? What were the elements of structural violence/marginalization arose? What stood out about immigration reform in the analysis? What is the significance of the relationship between cultural assimilation and immigration reform? First is an overview of how the generated themes contribute to the study.

DREAM Act Immigration Bills

The DREAM Act bills have come a long way. Though the DREAM Act and the

immigration reforms related to it were never passed by Congress and enacted into law, proponents worked diligently throughout the past couple of decades trying to revive the efforts. In order to begin to understand the DREAM Act, it is very important to understand the history of the DREAM Act bills. Reviewing the bills and seeing the findings revealed that the Act's intended population and servicing agencies have struggled tremendously as they have tried to make sense of the fine line distinguishing between those who qualify for DACA and those who do not. This has left many individuals in a jam as they try to gain legalization. Following is a breakdown of the journey of the DREAM ACT bills.

Between 2001 and 2012, 21 immigration bills surrounding the DREAM Act were developed, but all failed to pass in Congress—either in the House of Representatives, the Senate, or both. The first version of the DREAM Act, S. 1291 (2001-2002), applied only to students under the age of 21 who were attending college. The students also had to have been living in the United States for at least 5 years and had to have upheld good moral character according to the guidelines in order to apply for conditional permanent residency. If approved, S. 1291 would have granted students permission to attend college and work legally. The student would then have 4 years to earn a 2-year degree and 6 years to receive a bachelor's degree. Once the degree was completed, the students would have been granted the opportunity to apply for permanent legal residency within 90 days after graduation. Eventually, the age cap for undocumented individuals was set at 35 (S. 952, 2011, p. 6).

Subsequent bills did not change much. For example, an analysis of S. 1291 (2001-2002, p. 12), introduced to the Senate during the 107th Congress, indicated the presence

of gray areas, barriers, exclusions, marginalization, and structural violence. S. 1545, presented to the Senate in 2003-2004, found exclusions, barriers, gray areas, marginalization, structural violence, and, in addition, other limitations (p. 19). Several years later, S. 952 (2011) was presented as the DREAM Act again during the 112th Congress; this time, the Act displayed limitations, barriers, exclusions, and marginalization.

As each bill related to the DREAM Act was altered, minimum and maximum ages were adjusted, conditions were changed, and the government official who could remove the individual from the country differed. The only consistencies appeared to be that the person must have resided in the United States for at least 5 years prior to application, and the “alien [must have] been a person of good moral character since the date the alien initially entered the United States” (S. 952, 2011-2012, p. 5).

Speeches on the DREAM Act

Following is a compilation of excerpts from speeches on immigration reform from the past 10 years. As the issues within the U.S. immigration system heightened, political leaders resorted to taking on various speaking engagements. These speeches covered some of the most exigent issues with the United States of America’s immigration system. President Barack Obama, for example, discussed the concept of the displacement of undocumented children and young adults as their being outside of well-deserved rights.

President Barack Obama. On June 15, 2012, President Obama delivered a speech supporting a halt to deportation of undocumented DREAM Act youth (The White House, 2012). In this account, he discouraged deportation for childhood arrivals. In this

speech, President Obama presented information about the broken areas within the U.S. immigration system. The President clearly outlined factors of concern regarding the displacement of undocumented children and young adults who were brought or sent to America by their parents without proper documentation.

President Obama (The White House, 2012) mentioned that undocumented immigrant children and young adults are American in their hearts because they grew up within the American school system, played with our children in our communities, and partook of the American culture to where they also pledged allegiance to the American flag. After all that, they were then excluded from the rest of the American population. Aspects of this speech not only displayed the need for immigration reform, but Obama also demonstrated the history of inconsistencies within the U.S. immigration system and failed attempts to reform it. The main themes generated from the transcripts of this presentation were as follows: (a) gray areas, (b) structural violence, (c) marginalization, and (d) relative deprivation. An analyzed transcript of this speech is located in Appendix E.

Representative Steny Hamilton Hoyer. On December 9, 2010, Representative Steny Hamilton Hoyer delivered a moving speech on the DREAM Act. Representative Hoyer is a Democrat from Maryland who has served in the House since 1981 and is a proponent of the DREAM Act. He spoke of his own experiences about having migrated from one state to another as being similar to the experience of undocumented immigrant children. Representative Hoyer explained the factors that led to his displacement, such as the job reassignment of his father, who had enlisted in the U.S. Air Force. He explained his assimilation to a new and unfamiliar culture and its impact—all within the United

States. Appendix G displays the analyzed transcript of Representative Hoyer's speech in which he outlined how the proposed DREAM Act objectives and policies should impact its intended targeted population.

Films and Documentaries on the DREAM Act

Featured are two documentaries that expose the lives of undocumented young adults who have been in their predicaments since their early childhood. These individuals have no rights within America's immigration system and remain without a pathway to legality.

Jose Antonio Vargas. In his documentary *Documented: A Film by an Undocumented American* (Vargas et al., 2014), Jose Vargas disclosed how he has been living in the United States of America unlawfully due to the decisions of his parents. The story in video format was transcribed and then evaluated in text form. In this interview analyzed and displayed in Appendix H, Jose Vargas explained his understanding of how his mother and maternal grandfather decided to send Jose to the United States to live with his grandparents as an undocumented immigrant child.

As Vargas aged out of the age requirement at the time that DACA was created, it was too late for him. Vargas expressed in his documentary (Vargas et al., 2014) that there was no hope for him or no line for him to get in to request a pathway to legalization here in America. He does not identify with the Philippines where his family came from. Common themes that emerged from the evaluation of the transcript included structural violence, marginalization, and relative deprivation.

“Undocumented and Unafraid.” In the documentary “Undocumented and Unafraid” (Dalonzo, 2011), young people told their stories of their lives as undocumented

immigrants. These individuals spoke about what they lost when the DREAM Act failed to pass in Congress. They also talked about how they differed from their peers in terms of the opportunities that are not available to them but are to their peers. According to the findings, failure to pass the DREAM Act and to implement more feasible immigration reform policies prevented DREAMers and other undocumented children and young adults from staying in their homeland, the United States of America. If, as President Kennedy (1964) noted, the United States of America is truly “a nation of immigrants,” then surely such individuals should not fear on a daily basis, the ultimate sacrifice—deportation. The analyzed transcript of this documentary is displayed in Appendix I.

Interview Transcripts of Key United States Authorities

Secondary data were collected from various sources, and credits are listed in the references section. This is a compilation of various topics around immigration reform and the DREAM Act. The raw data are summarized, followed by the coding and analysis.

Senator Marco Rubio. On June 19, 2012, Charles P. Pierce interviewed Republican Senator from Florida, Marco Rubio, regarding the ongoing debate about immigration reform. In the interview, Senator Rubio described the process of heated debates on immigration reform as “dogmatic,” and many of the movements in honor of immigration reform are considered “stopgaps.” Some of the debated political issues on immigration were highlighted in this interview. One of the points the interviewer discussed was the fact that Senator Rubio was at one point an immigrant whose future in America had yet to be decided upon through the immigration system.

Some patterns and themes drawn from the interview transcript included structural violence, relative deprivation, and political battle. The men discussed how debates hinder

the political parties from making needed decisions on immigration reform and from working together to pass the DREAM Act. Pierce (Rubio interview, 2012) pointed out in the interview that Senator Rubio was in the same situation when he was a child himself.

Jose Antonio Vargas. In 2011, *The New York Times Magazine* published a story about Jose Vargas titled, “My Life as an Undocumented Immigrant.” The interview discussed Vargas’ experience as an undocumented child and adolescent, how it happened in the first place, and his current situation. Through the coding process, Vargas was characterized as faultless, hopeless, and marginalized, as he faced barriers and the gray areas of the immigration laws. From a theoretical standpoint, Vargas fell under relative deprivation, marginalization, cultural assimilation, and structural violence.

Memoranda Featured on the DREAM Act

A series of memoranda were retrieved from the Department of Homeland Security Archives. The bellow listed and outlined memoranda were written surrounding the topic of immigration reform specifically outlining the DREAM Act. These memoranda were released by the Director of Immigration and Customs Enforcement (ICE), John Morton (2011), and the Secretary of Homeland Security, Janet Napolitano (2012). Both parties discussed provisions of the DREAM Act from their departmental perspectives. These memoranda were written and released between 2011 and 2012, covering the end of the time period of this study.

On June 17, 2011, John Morton, former Director of ICE for the Department of Homeland Security, released a memorandum to outline the prosecutorial discretionary process for which those who are in the United States unlawfully should be reviewed. The memorandum delegated the division of power among the parties involved in

implementing its policies and procedures. Morton explained that ICE had limited resources for addressing the overflow of undocumented individuals present in America; therefore, the prosecutorial discretionary process placed a priority focus on deporting those individuals believed to pose treacherous threats to national security. The implementation of the prosecutorial discretion was significant in that the memorandum tried to explain and determine the fate of undocumented children and young adults who did not meet the constrictive criteria of the DREAM Act.

The full memorandum is located in Appendix B. As outlined in the memorandum, the fate of undocumented individuals is placed in the hands of servicing agencies because, as Morton (2011) indicated, ICE is not able to service the volume of administrative violations with which it is faced. The memorandum revealed that deciding who goes and who stays is also at the discretion of the agency that is working with that individual. Common themes that appeared during the coding process for Morton's memorandum were structural violence, gray areas, barriers, and political and economic battle.

Janet Napolitano (2012) discussed the provisions of the DREAM Act and addressed the ICE policies and procedures for undocumented immigrant children and young adults on June 15, 2012. Napolitano explained that not all cases of individuals displaced in this manner qualified under the DREAM Act's provisions; therefore, agencies must follow through with the prosecutorial discretion process. Some of the factors placing some individuals outside the realm of qualification included age limits. Napolitano further explained the steps to follow upon the person's failure to meet the "narrow eligibility criteria" and the prosecutorial process.

In this memorandum, Janet Napolitano (2012) outlined that some individuals who are undocumented may meet the narrow guidelines of DACA, which would allow their names be taken off the deportation list for the time being. The memorandum also made clear that those who did not meet the qualifications per the guidelines, regardless of the reason, would either continue to be assessed for viability of the process or seek assistance through their attorneys for prosecutorial discretion based on prior regulations.

Conclusion and Overview of the Next Section

In conclusion, the compilation of data analyzed during this study collectively aided with the generation of the final themes. The findings have been cross-examined against the inquiries of the study as they relate to the displacement of undocumented children and young adults. The second part of this chapter provides a breakdown of each theme and explains the information that is relevant to the listed sub-themes and themes. In the end, analysis of the data indicated traits of the sub-themes and themes with regard to the displacement of undocumented children and young adults.

Part Two: Themes and Categories

Throughout the process of data collection, information was coded and then categorized. After analysis of the various secondary sources, the categories resulted in the formation of the following four main themes: (a) disqualifying factors, (b) structural violence/marginalization, (c) immigration reform, and (d) cultural assimilation. Displayed in Figure 1 are the resulting themes and nodes that were developed through the use of NVivo coding software.

Common Themes

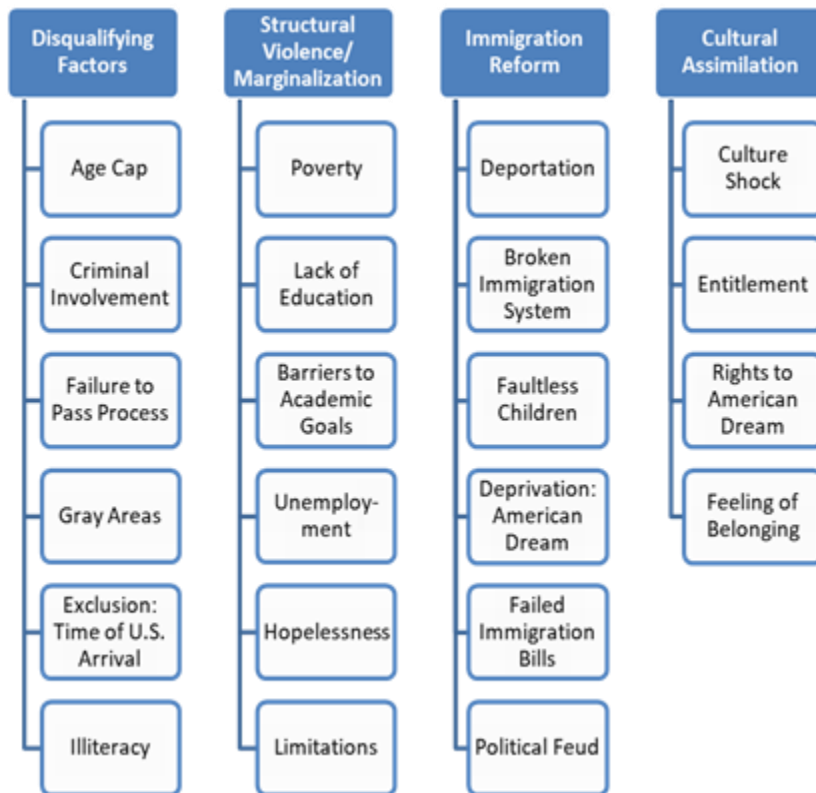


Figure 1. Themes and factors identified in data analysis related to undocumented children and young adults and the failure of Congress to pass the DREAM Act.

Disqualifying factors. The theme *disqualifying factors* refers to the things that prevent undocumented immigrant children and young adults from qualifying for assistance under the DREAM Act. This theme is comprised of the following sub-themes that arose from the analysis: (a) age cap, (b) criminal involvement, (c) failure to pass the qualification process, (d) gray areas, (e) exclusions based on time of arrival to the United States, and (f) illiteracy. These sub-themes all played a role in the displacement of undocumented children and young adults; however, the researcher focused on the primary themes.

The age cap, referring to the maximum age that an undocumented individual must

be in order to apply for the proposed DREAM Act, remained a factor in the DREAM Act initiatives through all its iterations. According to proposed congressional bill, S.1291, section 3 (a) (1) (A), the initial age cap was 21. Since then, the age factor of the DREAM Act guidelines has been fluctuating. Between the periods of 2001 and 2012, the age limit was capped at 35; an undocumented young adult has to be age 35 or younger at the time the DREAM Act is enacted to benefit from it (S. 952, 2011-2012, p. 5).

The age cap has resulted in the inability to serve those undocumented young adults who have fallen outside the guidelines. An individual who does not qualify based on the DREAM Act's enacted parameters, is not permitted to live in the United State or partake in programs that provide opportunities to gain citizenship. The gray areas emerged in the minds of Congressional legislators and in reality as the awareness built around the fact that undocumented children and young adults who did not meet the requirements of the DREAM Act were unserviceable. Morton's (2011) memorandum reminded of the ability of his agency to exercise "prosecutorial discretion consistent with the civil immigration enforcement priorities of the agency for the apprehension, detention, and removal of aliens." Morton's statement highlighted the procedure for determining the fate of undocumented children and young adults who are in limbo due to their displacement, and they do not meet the criteria of the DACA plan. ICE included the basis for their authority and actions:

Disclaimer: As there is no right to the favorable exercise of discretion by the agency, nothing in this memorandum should be construed to prohibit the apprehension, detention, or removal of any alien unlawfully in the United States or to limit the legal authority of ICE or any of its personnel to enforce federal

immigration law. (Morton, 2011)

For those undocumented children and young adults who are over the age of 35, who have resided in the United States for less than 5 years, who arrived after the age of 16, and who are not of good moral character, their fate is left in the hands of ICE.

Structural violence, marginalization, and the DREAM Act. *Structural violence* enlightens systematic practices in which social structures, in this case the U.S. immigration system, harm or put individuals at a disadvantage (Burtle, 2013). The analysis of a variety of data sources as outlined in Appendix D revealed the following sub-thematic elements: (a) poverty, (b) lack of education, (c) barriers to reaching academic goals, (d) unemployment, (e) hopelessness, and (f) limitations. Referring to structural violence and marginalization impacting undocumented children and young adults, Drash (2009) reported findings of a study performed by the Pew Hispanic Research Center. Pew found that “about 1.8 million children of undocumented immigrants live in poverty,” strongly indicating signs of structural violence. The analysis by Pew and reported by Drash revealed that many undocumented immigrant children and young adults are held back from living up to their true potential.

As a case in point, Jose Antonio Vargas (2011, 2012), an undocumented man from the Philippines, represents the depth of the dilemma of undocumented children and young adults. The analysis of articles about him written by him revealed the life of an undocumented immigrant child who fell through the cracks. In 1993 at the age of 12, Vargas was placed on a flight to the United States of America to go to live with his grandparents, who paid to have him smuggled into the United States from the Philippines by using fake documents. The boy was unaware of his immigration standing until the age

of 16 when he tried to apply for a California driver's license. He reported,

One day when I was 16, I rode my bike to the nearby D.M.V. office to get my driver's permit. Some of my friends already had their licenses, so I figured it was time. But when I handed the clerk my green card as proof of U.S. residency, she flipped it around, examining it. "This is fake," she whispered. "Don't come back here again." . . . Confused and scared, I pedaled home and confronted Lolo.

(Vargas, 2011, para. 3-4)

Vargas explained that he completed high school successfully and pursued a career as a journalist. He has received many awards for his work, but his success was crippled when he went public with his immigration status. In his documentary (Vargas et al., 2014), Vargas discussed the lack of hope for his situation: He does not meet the requirements for the DREAM Act, and he cannot apply for sponsorship by family because he does not have a qualifying relative who can sponsor him. As of 2012, Vargas remained in limbo as he still did not meet the DREAM Act's eligibility guidelines because he aged out of its applicable guidelines.

The marginalization theme is tightly attached to the structural violence theme; therefore, the two were placed together as a single category. The reality of marginalization evidenced in the data uncovered elements that share similarities with structural violence: (a) poverty, (b) lack of education, (c) barriers to reaching academic goals, (d) unemployment, (e) hopelessness, and (f) limitations. Structural violence differs in that structural violence constitutes those factors that prevent undocumented immigrant children and young adults from being able to meet their basic needs such as sourcing food, shelter, education, and so on, while the marginalization part of the theme discussed

the factors that prevent those individuals from elevation from such conditions.

Marginalization presents a ceiling effect, reflecting the individual's ability to move up socioeconomically.

Analysis of the data collectively revealed factors of marginality. Granger (2013) asserted, "Marginalization at the individual level results in an individual's exclusion from meaningful participation in society" (para. 1). Findings in the present study exposed various circumstances of undocumented children and young adults where they were expressly being held back from normality. Data collected and analyzed about the life story of Jose Vargas, posted in *The New York Times Magazine* (2011), exhibited concepts of marginalization:

So before starting the job, I called Pat and told her about my legal status. After consulting with management, she called me back with the answer I feared: I couldn't do the internship. This was devastating. What good was college if I couldn't then pursue the career I wanted? I decided then that if I was to succeed in a profession that is all about truth-telling, I couldn't tell the truth about myself. (p. 2)

Vargas (2011) explained that since the discovery that his documents were phony and, therefore, his status was "undocumented," his life has not been the same. Vargas further explicated that without proper documentation such as a Social Security card and a green card, he was barred him from obtaining a driver's license. Vargas expressed that he is, in fact, an American, but he was not treated as one; consequently, he was held back from normal privileges.

President Obama's (2012) speech titled, "Halt to Deportation of Undocumented

DREAM Act Youths,” discussed the position of undocumented youths and their displacement in society. President Obama outlined his point that undocumented children and young adults are at a standstill due to their situation. He further argued that it is not the undocumented immigrant children and young adults who created the problem “and often have no idea that they’re undocumented until they try for a job or a driver’s license or a college scholarship. Put yourself in their shoes.” During the analysis phase of this study, the sub-themes of poverty, lack of education, barriers to reaching academic goals, unemployment, hopelessness, and limitations that are related to structural violence/marginalization stood out during the coding process as factors impacting undocumented children and young adults leading to marginalization.

Immigration reform. *Immigration reform* included the following politically and legislatively related factors: (a) deportation, (b) broken immigration system, (c) faultlessly displaced undocumented children, (d) deprivation of the American dream, (e) failed immigration bills, and (f) political feud. President Obama’s speech (2013) on immigration reform exhibited traits of the sub-themes of this third major theme:

. . . time again I [tell] Congress [to] send me the DREAM Act. Put it on my desk and I will sign it right away. Now both parties wrote this legislation and a year and a-half ago, Democrats passed the DREAM Act in the House, but Republicans walked away from it. It got 55 votes in the Senate, but Republicans blocked it. The bill hasn’t really changed the need, hasn’t changed—it’s still the right thing to do. The only thing that has changed apparently was the politics.

Findings of political feuding, a broken immigration system, faultless displacement of undocumented children, deprivation of the American dream, and failed immigration bills

were all present in the analysis of this source. The journey of the DREAM Act bills as it stands at this time was inferred from this analysis, making it easy to understand why the bills have failed to pass in Congress. President Obama's (2013) speech is located in Appendix F.

The documentary "Undocumented and Unafraid" (Dalonzo, 2011) was retrieved from YouTube, and its analysis is located in Appendix I. In the film, the characters each share their stories about what it feels like to be undocumented. One of the characters disclosed his experience of becoming aware of being undocumented in the 11th grade and had no way out. He said, "It wasn't until I was in the end of 11th grade that I realized that I was undocumented—that, I had no paper." This character further indicated he was offered academic scholarships, but unfortunately, he did not have a Social Security number to put on the application or any other means of affording college. Alongside the main theme of immigration reform, a few other sub-themes that surfaced from this documentary were as follows: (a) deportation, (b) broken immigration system, (c) faultless children, and (d) political feud.

In the documentary, "Documented: A Film by an Undocumented American," Jose Vargas (Vargas et al., 2014) disclosed his journey to America as a youth. He also revealed that he did not know of his undocumented status until the age of 16 when he tried to obtain a learner's permit to drive a car in California. At that time, he was told that his documents, given to him by his grandfather, were phony. Through the transcript of the film, common themes of structural violence, relative deprivation, and marginalization appeared.

The analysis of the collective data set revealed accounts of relative deprivation.

President Obama (2013) discussed this sub-theme of the immigration reform theme in the delivery of his speech about how undocumented children should reserve the right to remain in America and share in the American dream:

. . . it makes no sense to expel talented young people who for all intents and purposes are Americans, have been raised as Americans, understand themselves to be part of this country. To expel these young people who want to staff our labs or start new businesses or defend our country, simply because of the actions of their parents or because of the inaction of politicians [must be deported].

As a result of the failed DREAM Act bills, undocumented children and young adults are facing deportation to their “home” countries with which they are not familiar. The data sources repeatedly displayed evidence of undocumented children and young adults relatively deprived of the privileges of having their basic needs met and the opportunity to better themselves. The findings exposed that they have been living in America and have shared the understanding of the American dream, but due to their legal standing, undocumented children and young adults have been excluded and consequently deprived of the opportunity to experience living the American dream, another factor in the theme of immigration reform. President Obama’s (2013) speech can be found in Appendix F.

Cultural assimilation. *Cultural assimilation* refers to the process by which undocumented immigrant children and young adults immigrate to America and become enmeshed in the American culture. Cultural assimilation either occurs or not whether the children were sent to the United States by their parents or were directed to live here alone or with relatives to live the American dream (Greenman & Xie, 2008). Based on the analysis, cultural assimilation encompassed the following sub-themes: (a) culture shock,

(b) entitlement, (c) rights to the American dream, and (d) feeling of belonging.

Exemplifying the theme of cultural assimilation, Representative Steny Hoyer (2010), although a U.S. citizen, discussed his own experience of cultural assimilation when he was brought to Maryland by his parents as a result of his stepfather's job transfer. He said he felt compelled to live in another state based on the decisions of his parents. Hoyer described his experience as he tried to assimilate to the culture of Maryland:

I'm in Maryland. Why am I a Maryland citizen? I'm a Maryland citizen because my stepfather was in the United States Air Force, and the United States Air Force transferred him to Andrews Air Force Base, and so we moved to Maryland not because I chose to move to Maryland, but because my stepfather and mother moved to Maryland, and they brought me with. . . . That's what we're talking about. That's who we're talking about. One of those principles is—I believe that individuals who came to this country as underage minors and have lived their lives in America should not suffer because of the actions [over] which they had no control that brought them to the United States.

Hoyer (2010) made the argument that undocumented children and young adults are here in America through no fault of their own and that they are not being treated fairly by marginalizing their potential. He contended that by their being in limbo, they are held back from living the American dream, unable to assimilate completely to the American culture. In his speech, Hoyer made clear that undocumented immigrant children and young adults are treated differently from average Americans; as a result, culture shock and the lack of a feeling of belonging appeared.

President Obama (2013) reiterated in his speech that the population of

undocumented children and young adults is American at heart because they have been living in America and living the American lifestyle for most of their lives. Data analyzed in this section highlighted the sub-themes of a feeling of belonging, the rights to pursue the American dream, and entitlement. In his speech, President Obama further noted, “It makes no sense to expel talented young people who for all intents and purposes are Americans, have been raised as Americans, understand themselves to be a part of the country.” The President argued that many undocumented immigrant children and young adults are very talented and can make sense of their lives if only they are given an opportunity to legalize.

In the film, “Documented: A Film by an Undocumented American” (Vargas et al., 2014), Jose Vargas expressed that America is the only country he had ever known when he discovered that he was undocumented. He explained that he felt assimilated into the American culture and knew no other way his entire life. Vargas recounted his conversation with his teacher in high school during his time of discovery about his undocumented status. The teacher said:

[It] just mattered to me that Jose was hard-working. He was enthusiastic. He was always coming to class, and it’s just, it’s our job to educate them, to make them better citizens of the world. It doesn’t matter what country they’re from or, you know, what their background or their legal papers are (Vargas et al., 2014).

The data exposed accounts of undocumented children and young adults and their bonds with American culture. This theme of cultural assimilation outlines the position of the population of the study and what their lives are while they remain in limbo in America. While being assimilated culturally, undocumented children and young adults continue as

nationless, unable to achieve legal status from U.S. immigration. Many similarities became evident across the variety of data sources analyzed. All disclosed the failure of the DREAM Act that has imposed many hardships on undocumented immigrant children and young adults across America.

Conclusion

The findings from the data generated discussions around the theories discussed in the literature review. After categorizing the sources, the appearance of subcategories suggested that although data were pooled from various angles, the social issues surrounding the DREAM Act are rampant across different agencies, cultures, and other subgroups within American communities. The existing immigration policies do not extend to every law-abiding undocumented child and young adult. This point continues to be argued by politicians as they block the efforts of others who choose to advocate for the reform of America's immigration system to be better able to address some of the pressing concerns that exist.

In the next chapter, the goal is simply to apply the findings from the collected data to Gil's (1976) framework for analysis and development of social policies. Through Gil's qualitative policy analysis methods, the issues and findings surrounding the DREAM Act are further evaluated to identify clearly, the problems that exist within the American immigration system. The sources of data were reviewed and analyzed to explore the intentions of the DREAM Act and its relationship to structural violence in answer to the main research question: What is the impact of the DREAM Act policies on undocumented immigrant children and young adults?

Chapter 5: Gil's Policy Analysis

The DREAM Act as Public Policy

Trying to identify and evaluate the issues existing within America's immigration system makes policy analysis highly appropriate at present. Cochran et al. (2009) defined *public policy* as "the actions of government and the intentions that determine those actions" (p. 1). Because of delayed immigration reform in Congress, the use of an executive order or interdepartmental memorandum such as the one written by Secretary of Homeland Security Janet Napolitano (2012) constituted national policy and de facto legislation. The DREAM Act can therefore be considered a policy that acts as legislation.

Gil's Steps in Policy Analysis

The researcher implemented Gil's (1976) policy analysis framework to analyze the DREAM Act as a public immigration policy. Gil's framework for analyzing and developing social policies was guided by the following three main objectives: (a) to acquire understanding of issues surrounding a given policy that is being analyzed, (b) to discern the chain of properties of expected outcomes from the employment of a given social policy, and (c) to include an envisioned and unpremeditated, short and extended array. Finally, the goal was to generate other policies to address the examined issue of immigration reform. The steps guiding the policy follow.

Step 1: Understanding the Issues

The main issue to understand is the nature and scope of immigration reform and the DREAM Act. The DREAM Act's goals and objectives did not seek to meet the needs of all undocumented children and young adults who are in the same predicament. Some children were brought to the United States and were left in the country without legal

documentation, but a significant portion of these undocumented children and young adults did not meet the age and length of residency criteria of the DREAM Act because they had not yet been in the country long enough to apply. The minimum requirement for residency was 5 years. Until the policy changes to reflect a more liberal timeframe, undocumented children and young adults who have resided in the United States of America for less than 5 years are deemed ineligible, are left in limbo, and face deportation if discovered.

Step 2: Discerning the Chain of Effects

The second step in the analysis was to discern the intended result of the proposed policy. In other words, what are the objectives and value premises of the DREAM Act policies? The main objective of the DREAM Act was to grant certain undocumented immigrant children and young adults conditional residency contingent upon their meeting the criteria outlined in the Act's provisions. Individuals who met the criteria would be able to apply for conditional residency and, if approved, would then have a total of 6 years to fulfill the requirements under the Act. In the majority of iterations of the DREAM Act bills, undocumented children and young adults were required to have done the following: (a) completed an academic program at a higher education institution, (b) passed additional background checks, and (c) sustained the status of an individual of good moral character. If these expectations and requirements were not upheld, those individuals holding potential DREAM Act status would then lose DREAM Act status and return to being undocumented. Deportation would follow.

Certain values undergirded the DREAM Act. For instance, the expectations of the DREAM Act passage were for the Act to become a great asset to America and its

economy. Recipients of the Act, proponents believed, would also be able to boost the recruitment efforts of the U.S. military. According to the White House memorandum on the DREAM Act's facts (Miranda, 2010), the Act would boost the nation's economic structure because it would provide suitable candidates who are employable and would be able to pay into the tax revenue system. The DREAM Act was additionally viewed as a pathway to improve the operation of border security by filtering out those undocumented immigrant groups who did not pose an imminent threat to national security.

The DREAM Act's target population was specific. The DREAM Act intended to serve undocumented children and young adults who were brought to the United States of America by their parents and were then left behind in limbo. Under the DREAM Act, in order to qualify for the benefits available to American citizens and U.S. legal visa-holders and to be able to pursue the American Dream, these individuals must meet a certain set of criteria including the following: (a) must have arrived in the United States before the age of 16, (b) must have been in the country for at least 5 years, (c) must have been in good standing with the law, and (d) must be no older than 35 years of age at the time of the enactment of the Act. The DREAM Act's intended population has become more difficult to identify, and because the DREAM Act represents an attempt at law and is, in effect, policy, undocumented children and young adults remain in limbo under the law and within the purview of public policy.

In the analysis of the DREAM Act, the Act's intended effects and the extent of its attainment of policy objectives were considered. The DREAM Act intended to allow its recipients to complete a college education, earn military experience, and gain employment. In turn, the target population would contribute to America's economic

system and pay taxes. These intentions sought to reduce poverty, unemployment, and lack of educational opportunities among undocumented children and young adults. In contrast, failure to pass the DREAM Act would result in undocumented children and young adults being indefinitely displaced in society in a non-progressive manner without the legal status to remain and thrive in America. On the fairly safe assumption that most members of the target population were brought to America as young children, in being deported, they would find themselves in regions of the world where they share no cultural awareness or have a culture with which to identify, having lived in America virtually their entire lives.

The bottom line is often money. In terms of the cost benefit to enacting the DREAM Act, the White House (Miranda, 2010) reported that according to the Congressional Budget, the DREAM Act would increase government revenue by \$2.3 billion by 2020 and cut the national deficit by \$1.4 billion. Ultimately, the DREAM Act could add between \$1.4 and \$3.6 trillion in taxable income to the American economy. In this case, the DREAM Act intended to assist students who would gain lifelong professional careers, earning them relatively high incomes and requiring that they pay an appropriate percentage in income tax.

Step 3: Implications of the Policy for Social Policies

The DREAM Act was never passed as a law; all efforts towards that end have failed in Congress. No law is in place to aid this target population of undocumented children and young adults. As a result, this group has been limited in various ways according to the rulings and laws of each state.

Numerous heated debates and a great deal of social uproar have occurred in the

United States about undocumented persons generally. At times, communities have taken matters into their own hands and retaliated against this population in various aspects of life, sometimes ending in violence. The result is that high school students are unable to pursue a postsecondary education path or apply for high-paying jobs; therefore, undocumented children and young adults are pushed into poverty, an element of structural violence.

No consideration of undocumented children and young adults has related to resources, rights, and social control. The population of undocumented children and young adults who remain in the United States illegally, whether they know it or not, often wind up in poverty and in impoverished conditions because of their predicament. Additionally, this population has no power and is forced to find ways to become self-sufficient, such as working illegally as a means of survival. The welfare of undocumented children and young adults have become a social concern precipitating a negative reaction to the U.S. immigration reform crisis. Consequently, if the DREAM Act does not become the nation's law, the overall quality of life for potential DREAM Act recipients is limited, as these children and young adults are nationless and without hope. They are not in any position to take charge of their lives and live to their fullest potential.

Step 4: Interactions of the Policy With Forces Affecting Social Evolution

For this policy analysis, the “history of the DREAM Act policy’s development and enactment, including legislative, organizational, and judicial entity,” was explored (p. 73). Since the generation of the first bipartisan bill in 2001, S. 1291, and the initial attempt to pass the actual DREAM Act, approximately 21 bills were presented in Congress, and all failed to pass. Heated debates in Congress argued the purpose of the

bill, contesting its being more of a burden on the American economy than a gain, despite prospective research to the contrary.

Meanwhile, American political groups promoted and resisted the DREAM Act policy prior to—and following—its enactment through executive order by President Obama in 2010. Social acceptance has been limited, and resistance and resentment influenced Congress in its failure to pass the DREAM Act. In short, as evidenced by the DREAM Act, The United States have failed repeatedly in its efforts to reform America's immigration system. According to the "White House Factsheet on the DREAM Act" (Miranda, 2010), many citizens and legal immigrants view the DREAM Act as amnesty or as illegal encouragement to attend college and then file immigration petitions for their families. Meanwhile, the basic and perceived needs of undocumented children and young adults include access to a sound education, health benefits, and reasonable ways to acquiring legalization in a country they believe is their home.

Failing to address the issues surrounding the DREAM Act, have affected other domestic and foreign policies. For instance, concerns abound about the inept and inadequate forces set in place to restrict entrance to America. Additional immigration strategies need to be surveyed and considered for adoption. As a case in point, many undocumented children and young adults gained entrance to the United States via Mexico and were then abandoned for reasons such as parental death or deportation. At a sociopolitical level, the problem of illegal immigrants has continued well over a century. The issue of unlawful presence of undocumented children and young adults has been tackled with political biases and tension in Congress, making passage of a law such as the DREAM Act difficult at best. Though both major parties have agreed about the nature of

this unrelenting problem, politicians have failed to come to agreement for many years. As a result, the issue of what to do with undocumented children and young adults persists.

Step 5: Development of Alternative Social Policies

Specifications of alternative social policies need to be delineated to offer Congress suitable options for dealing with undocumented children and young adults. First, the members of Congress might agree that the immigration reform law's goals should be similar to those of the DREAM Act—basically to enable some undocumented children and adults to remain in what they believe is their home country. The language of the current DREAM Act would be a starting point for expanding upon or enhancing what is already in place rather than reinventing immigration laws altogether. For example, in order to achieve effectiveness, the guidelines of the DREAM Act would need to be revised. The age cap has been set at 35, excluding many young immigrants from becoming permanent residents or U.S. citizens. Table 1 outlines the proposed policy changes that would result in an alternative to the DREAM Act.

Conclusion

Policy analysis was an appropriate suitable means for working through the issues of the DREAM Act. Gil's (1976) framework and steps to analyzing a policy and achieving policy change were the proper routes to undertake. As either immigration law or public policy, the DREAM Act purportedly attempts to rectify the issue of undocumented children and young adults who were displaced in America at no fault of their own regardless of their current age. When proof of this predicament exists, the undocumented person should be able to apply for services under the DREAM Act. The requirements of academic achievement or military service are not feasible for all

undocumented children or young adults because of the practicality of meeting the qualifications as undocumented residents of the United States. Undocumented children and young adults with disabilities of all kinds, for instance, would not qualify for the DREAM Act based on education and military service and may therefore be subject to deportation.

Table 1

Comparison of Current DREAM Act Criteria and Alternative Immigration Law Criteria

Current DREAM Act criteria	Alternative DREAM Act criteria
Must have been present in the United States of America for at least 5 years	Cases should be evaluated sooner than 5 years based on the circumstances and present predicament of that individual. For instance, a 16-year-old teenager who arrived in America approximately 3 years ago would be at risk while waiting for review to further his or her education or do something meaningful with his or her life.
Must have arrived before the age of 16	No recommended or proposed changes
Must uphold good moral character	No recommended or proposed changes
Must be no older than 35 at the time of the enactment of the DREAM Act	The DREAM Act would be most effective if all undocumented children and young adults were reviewed regardless of age at the time of enactment. By excluding those beyond the age cap, America is increasing crime rates because these individuals have no means of survival and no home to call their own, as they have lived in America for most of their lives. Americans, through their Congressional representatives, should assist undocumented children and young adults with finding purposeful paths.

In the next chapter, the discussion of the study related to summaries of the study process, findings, and answers to research questions ensues. The relevance of the study and its contribution to the field of conflict analysis and resolution is addressed. The future of the DREAM Act is proposed as well.

Chapter 6: Discussion, Conclusion, and Recommendations

Undocumented immigrant children arrive in the United States of America through various ways and means and, generally, through no fault of their own. Their presence has created a variety of social problems and public uproar for those who feel such children and young adults are somehow taking away from the legitimate others. Findings revealed that the intended goals and objectives of the DREAM Act policy did not meet the needs of the targeted population of undocumented children and young adults. Numerous claims have contended that the proposed bills and policies would not suffice in an effort to fix the greater U.S. illegal immigration problem. As of the completion of this study, Congress had proposed more than 21 immigration reform bills and had yet to pass any of them to fix the broken immigration system; therefore, the United States of America lacks a clear policy and adequate legislation on illegal immigration, especially of undocumented immigrant children and young adults.

Research Questions

One primary research question and one sub-question guided this study. The main research question guiding this study was: What is the impact of DREAM Act policies on undocumented immigrant children and young adults? The subsequent question asked: How does failure to pass the DREAM Act affect undocumented children and young adults?

Impact of DREAM Act Policies

This question mainly referred to the undocumented young adults who were ascribed the undocumented status during childhood at no fault of their own. These young adults have unfortunately already aged out of the guidelines of the DREAM Act. In the

analyzed interviews, the participants all expressed their ultimate destiny as an important problem because the DREAM Act was never passed; therefore, their future as undocumented U.S. residents remains undetermined. As a case in point, some undocumented young adults were able to enroll in grade school and receive a proper education in the American school system, but then they hit a bump in the road when they learned that they were unable to attend further schooling or remain in the United States of America. This sad situation was outlined in the highly publicized story of an undocumented immigrant named Jose Antonio Vargas (2011, 2012). Vargas (2011) described how it feels to be undocumented. He explained that regardless of his accomplishments as a student, he was barred from further opportunities in his chosen field of journalism after high school and college.

Similar to Vargas's case on the failure of Congress to reform the U.S. immigration system was the case of a little girl. Drash (2009) discussed the story of a 14-year-old citizen who was placed in the position of deciding between living with her mother who was deported to Mexico or remaining in America, the only country that she had ever known as home (Ohno, 2009, as cited in Drash, 2009). Drash (2009) called this situation "mixed status" and identified *mixed status* as a failure of U.S. immigration reform. Mixed status children and young adults are immigrant children whose parents either came to America illegally or overstayed their visa deadlines.

The intent of the DREAM Act, it seems, was to map out a way for undocumented immigrant children and young adults to become educated, contributing members of American society. After 21 subsequent bills introduced in Congress, the DREAM Act still did not pass, leaving millions of undocumented children in limbo. Their basic needs

are not being met. They are unable to present the documentation required to pursue education or acquire employment. As a result, they continue to experience poverty and a lack of education. These, in turn, have led to hopelessness caused by limitations to proceed with their lives.

Impact of Failure to Pass the DREAM Act

This research question explored the effects of the DREAM Act on younger undocumented immigrant children who are in grade school and are not yet at risk of enduring the full impact of their status on employment, the military, or college. These undocumented immigrant children share with similar young adults the phenomenon of being displaced in America without proper documentation at no fault of their own. Both undocumented children and young adults are expected to survive in that mode or accept deportation. Despite the numerous attempts by proponents of the DREAM Act to fill the gaps by generating countless bills, all efforts have failed. As a result, the default predicament for the DREAM Act's target population of undocumented immigrant children and young adults remains without legal rights to remain in America. The more heinous problem is that this particular group of individuals has no other place to go. Nonetheless, state and local policies throughout the United States enable the younger undocumented children to stay in school and obtain a formal grade-school education; however, the bulk of the worries occur after the age of 18.

Unfortunately for undocumented immigrant children and young adults, the DREAM Act and all of its successive iterations failed to pass the U.S. Congress. The findings of this study exposed the many attempts to fix this problem as evidenced by the generation of the past 21 bills that aimed at, if not passing the DREAM Act itself, at least

reforming immigration legislation. Instead of law or policy, the U.S. Department of Homeland Security under the leadership of Janet Napolitano (2012) sought pardon via prosecutorial efforts without a guarantee of outcome. The themes generated through this study contributed the fact that undocumented children and young adults are unable to thrive because they are barred from opportunities to succeed.

Key Findings and Summary of the Study

The DREAM Act as Federal Policy

An analysis of the DREAM Act following the policy analysis methodology proposed by Gil (1976) led the following themes: (a) Disqualifying Factors, (b) Structural Violence and Marginalization, (c) Immigration Reform, and (d) Cultural Assimilation. Additionally, the data revealed the presence in the DREAM Act of the theoretical foundations of this study: (a) structural violence, (b) relative deprivation, (c) cultural assimilation, and (d) marginalization. These findings suggest that the un-enacted DREAM Act policy would fail to solve the legal problems of undocumented immigrant children and young adults and would promote their deportation. (See Figure 2.)

The DREAM Act was created to fix the issue of having a surge of undocumented children and young adults displaced in America. The aim was to grant college-able undocumented children and young adults a pathway to legal residency over a period of 6 years. Utah Senator Orrin Hatch, a Republican, and Illinois Senator Dick Durbin, a Democrat, introduced bill S. 1291 to the 107th Congress during its regular session in 2001-2002. This bipartisan attempt was in response to the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. The first version of the DREAM Act, S. 1291, pertained only to students under the age of 21 who were attending college.

In order to apply for conditional permanent residency, the students also needed to be an upstanding person with no less than 5 year experience of living the in United States.

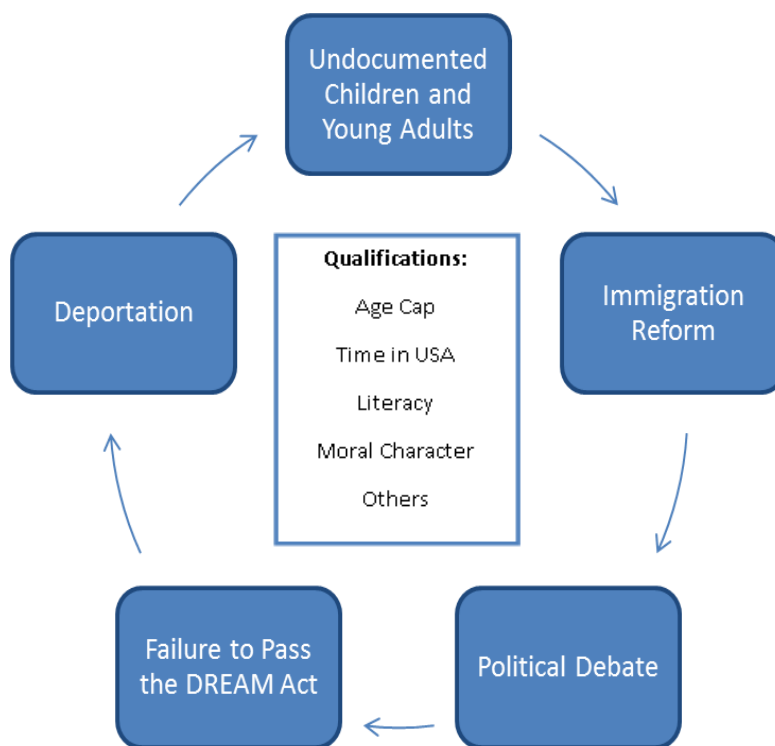


Figure 2. The effect on undocumented children and young adults of the failure of Congress to pass the DREAM Act.

If the DREAM Act had been approved, immigrant students who were undocumented would be granted permission to attend college and work legally. Subsequently, each undocumented immigrant student would have 4 years to complete a 2-year degree and 6 years for a 4-year bachelor's degree. After completing their degrees, these undocumented young adults would have earned the opportunity to apply for permanent legal residency within 90 days following graduation. Those undocumented children and young adults who did not fulfill the requirements of the DREAM Act faced possible deportation.

The DREAM Act and Structural Violence

Not all law-abiding undocumented immigrant children and young adults have qualified for the DREAM Act in any of its iterations. During the process of elimination, some undocumented individuals through no fault of their own become disqualified and are subject to deportation proceedings. Some disqualifying factors include age, length of time in the United States, level of moral character, and illiteracy.

This inability to become legal residents of the United States represents structural violence, a theoretical condition over which undocumented immigrant children and young adults have no control. Galtung and Fischer (2013) defined violence and its impact on individuals and their social problems. For example, structural violence influences basic needs such as survival, wellness, freedom, and identity. Moreover, specific acts of violence are conducted not only by acts of violent behavior, but also by a “structure [that can churn] out harm, causing basic needs deficits, as in un-intended, indirect, or structural violence” (p. 39). Galtung and Fischer linked failure to thrive as a result of economic context to the structure in which the person is embedded, such as the situation faced by undocumented immigrant children and young adults.

Acts of structural violence, such as the failure to pass the DREAM Act or one of its subsequent laws or policies, left behind an array of lesions and suffering from which the victims may be unable to recover, or the victimization may never heal (Galtung, 1969). This contention closely related to the predicament of the undocumented immigrant children and young adults included in or excluded from the DREAM Act. According to Galtung’s theory, violence is a result of deprived needs, “violence is needs deprivation; needs deprivation is serious; one reaction to needs deprivation is direct violence”

(Galtung & Fischer, 2013, Location No. 935). Consequently, a country's institutional structure may harm individuals based on the laws and policies by which they are governed; hence, those people suffer structural violence. Structurally, then, undocumented immigrant children and young adults are deprived of basic needs as a punishment for their not being legally documented, regardless of whose fault the lack of documentation may be.

The theory of structural violence was applied to this policy analysis of the DREAM Act. Galtung (1969) viewed this concept from the standpoint of the individuals, such as undocumented children and young adults, who suffered harm without their knowledge. The long-term outcome of abandonment by their parents in America without means of survival has led to structural violence when considered in terms of undocumented children and young adults. This population has remained positioned in limbo without an opportunity to legalize residency.

The DREAM Act and Cultural Assimilation

A second theory, cultural assimilation, explained the predicament of undocumented children and young adults as they attempted to acclimate to the American culture following their arrival. As explained by Greenman and Xie (2008), undocumented children and young adults continuously face various challenges as they try to achieve normalcy despite their standing as voiceless and powerless, yet they are present persons in environments they have now called home. Somewhat acculturated, this population can never be at ease because each individual fears deportation.

The DREAM Act and Relative Deprivation

A third theory that was applied to the analysis of the DREAM Act was relative

deprivation. Undocumented children and young adults desire to be treated equally according to the promise of the American Dream, but unfortunately, due to political debates and the unwillingness of Congress to agree on the terms of immigration reform such as the DREAM Act, undocumented children and young adults are deprived of their right to assimilate. Morrison (1971) noted that relative deprivation might explain the cause of social transformation and possibly be the reason for actions that create social movements such as immigration reform, (p. 675).

The DREAM Act and Marginalization

The final theory applied to the policy analysis of the DREAM Act was marginalization theory. Clearly, undocumented children and young adults are socially, politically, and economically marginalized as a result of their predicament. The status of being undocumented alone excludes them from mainstream American society. Moreover, this population does not receive the same level of benefits through no fault of their own, yet undocumented children and young adults remain marginalized due to numerous limitations resulting from their lack of documentation.

As a case in point, in their discussion of marginalization of young people, Anttila and Uusitalo (1998) pointed out that marginalization discriminates. Additionally, these authors observed that “by discrimination we usually mean the treatment or consideration of a person or thing based on the group, class, or category to which a person belongs, rather than individual merits” (p. 15). Discrimination and marginalization may therefore be theorized together for this analysis because undocumented children and young adults have been barred and excluded from many needed benefits offered to others in the United States. Consequently, their talents and potential have been stifled due to their legal

standing controlled by America's broken immigration system.

Barriers to Meeting the Guidelines of DREAM Act Policies

The DREAM Act does not account for all undocumented immigrant children and young adults. One of the greatest barriers to achieving the guidelines is the age cap, most recently set at 35. As seen in the case of Jose Vargas (2011, 2012), placing a limit on age at the time of application for legal residence would likely exclude productive undocumented immigrant young adults. In addition, applicants must have resided in the United States of America for at least 5 years. For some undocumented immigrant children and young adults, especially those ready for postsecondary education, the insistence on 5 years of residency may disqualify them from participation in colleges and universities. These two barriers alone—age cap and 5-year residency—strongly inhibit the DREAM Act's objectives for undocumented immigrant children and young adults.

Myths About the DREAM Act

Myths and negative press about the DREAM Act have left Americans riled up about its efforts. Originally with academic goals, the DREAM Act's most pressing myth pertained to the preference for admission to college of undocumented immigrant youth over law-abiding Americans. With legal American citizens at the back of the line for college funding, DREAM Act opponents argued, undocumented immigrant youth would be perceived as a preferred population. This was also the situation with the Equal Educational Opportunity (EEO) during the late 1960s, during the Civil Rights Movement, when African American high school graduates replaced White students in colleges and received full funding to go to school (Marsha K. Anderson, Ph.D., personal communication, August 18, 2017). This was not the intent of the DREAM Act.

Significance of the Study

With ongoing amendments to the DREAM Act legislation before it is passed and the great number of individuals who are currently in line awaiting the passage of the law's benefits, reviewing and analyzing the DREAM Act as policy, related legislative bills, and other immigration policies are relevant to U.S. immigration in the past, the present, and the future. In addition, another goal was to understand the types of conflicts experienced by undocumented immigrant youths who are ineligible for DREAM Act benefits for reasons such as their age at the time of the proposal and enactment of the Act, their age at arrival into the United States, or their being in the United States for less than 5 years.

According to the American Immigration Council (2012), approximately 1.8 million individuals might possibly become eligible for the DREAM Act initiative. Among them are primarily three groups: (a) those ages 15-30 who either have a high school diploma or are enrolled in a high school program, (b) those between the ages of 5 and 14 who futuristically will be eligible for the initiative providing that they are law-abiding and have not committed any offenses as listed in the bylaws, and (c) individuals who are not in high school or hold a high diploma who might still be eligible for the benefits if they were to obtain a high school diploma. Complications abound. For instance, in some cases, these children arrived and grew up thinking they were taken to America legally, not knowing their documentation was counterfeit; these children were then forced to reside here for most of their lives. Many were too young to know.

Limitations of the Study

This study was limited by its lack of human interaction; no attempt was made to

understand from those excluded by the DREAM Act what their experience actually has been. The decision not to include participants was undertaken with determination due to the age and resident status of the individuals being studied. The undocumented children and young adults who are excluded from the DREAM Act also comprised a fragile group, and disclosing their legal status in the United States can compromise their safety and well-being. As a result, this study was limited to an analysis of artifacts related to U.S. immigration reform, specifically the DREAM Act, as a means of understanding the relationship between immigration policy and structural violence.

Recommendations and Conclusion

The overwhelming issue of U.S. immigration policy and reform requires attention from researchers and policymakers. Policy analysts need to document, to the extent possible, the number of undocumented immigrant children and young adults residing in the United States. Once the real extent is known, as a matter of policy, the U.S. government and its people must decide whether to establish immigration policies and laws that would enable undocumented children and young adults to remain in the country many of them believe is their homeland. Additionally, it is important to learn the impact of illegality on this population. As depicted in Figure 2, the ultimate failure of merciful policy and law results in deportation of a potentially worthwhile group of individuals.

The climate of the United States of America is, at present, anti-immigration generally and specifically toward Mexicans and Arabs from all countries. In fact, one of President Donald J. Trump's campaign ideas for controlling immigration from Mexico was to build a wall between the United States and Mexico. Despite the Trump administration's negative attitude and behavior toward immigrants, bipartisan support for

dealing successfully with the undocumented immigrant children and young adult population is evident. For example, according to the Migration Policy Institute:

A pair of bills introduced in the House and Senate in 2017, largely modeled on earlier versions of the DREAM Act, would offer conditional legal status and eventually legal permanent residence to unauthorized immigrants who entered as children; earn eligibility through completion of educational, professional, and other criteria; have a clean criminal record; and maintain “good moral character.” (Batalova, Soto, & Mittelstadt, 2017, para. 2)

Arguably, the primary American immigration policy is deportation. The majority of Americans do not want illegal immigrants here—period (López & Bialik, 2017), and immigration laws promote deportation of legal and illegal immigrants for specific reasons such as criminal activity or suspected terrorism. The DREAM Act, however, represents a policy designed to impact one specific population in positive ways: undocumented immigrant children and young adults.

This study demonstrated the DREAM Act’s effect of structural violence on the population the policy sought to protect. Additional research may explain further the necessity of reforming U.S. immigration policy so that deportation is not the ultimate consequence for children and young adults who were sent or brought to the United States of America through no fault of their own. These are children from other countries who were taken to America or sent here by their parents to grow up in America who also face the problem of cultural assimilation.

Finally, these children attend school, learn English, make friends, and live their lives as first-generation Americans. Consequently, they grow up believing they have the

same rights as their friends to the American Dream. The field of conflict analysis and resolution is in need of additional studies on the DREAM Act as well as its predecessors and the subsequent bills that have attempted to reform it. Many individuals servicing this population are unclear on the process and procedures related to the DREAM Act and how and where cultural assimilation, structural violence, marginalization, and relative deprivation fit in. The Act as it now stands also does not account for everyone who falls in the undocumented category. Conflict resolution practitioners have the potential and obligation to analyze past and current immigration laws and policies and offer immigration reform compromises that would benefit immigrants who may have come illegally and unknowingly, but who believe they should be able to remain in the United States to pursue the American Dream.

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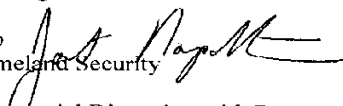
Appendix A: DREAM Act June 15, 2012 Memorandum

June 15, 2012

MEMORANDUM FOR: David V. Aguilar
Acting Commissioner, U.S. Customs and Border Protection

Alejandro Mayorkas
Director, U.S. Citizenship and Immigration Services

John Morton
Director, U.S. Immigration and Customs Enforcement

FROM: Janet Napolitano 
Secretary of Homeland Security

SUBJECT: Exercising Prosecutorial Discretion with Respect to Individuals
Who Came to the United States as Children

By this memorandum, I am setting forth how, in the exercise of our prosecutorial discretion, the Department of Homeland Security (DHS) should enforce the Nation's immigration laws against certain young people who were brought to this country as children and know only this country as home. As a general matter, these individuals lacked the intent to violate the law and our ongoing review of pending removal cases is already offering administrative closure to many of them. However, additional measures are necessary to ensure that our enforcement resources are not expended on these low priority cases but are instead appropriately focused on people who meet our enforcement priorities.

The following criteria should be satisfied before an individual is considered for an exercise of prosecutorial discretion pursuant to this memorandum:

- came to the United States under the age of sixteen;
- has continuously resided in the United States for a least five years preceding the date of this memorandum and is present in the United States on the date of this memorandum;
- is currently in school, has graduated from high school, has obtained a general education development certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- has not been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise poses a threat to national security or public safety; and
- is not above the age of thirty.

Our Nation's immigration laws must be enforced in a strong and sensible manner. They are not designed to be blindly enforced without consideration given to the individual circumstances of each case. Nor are they designed to remove productive young people to countries where they may not have lived or even speak the language. Indeed, many of these young people have already contributed to our country in significant ways. Prosecutorial discretion, which is used in so many other areas, is especially justified here.

As part of this exercise of prosecutorial discretion, the above criteria are to be considered whether or not an individual is already in removal proceedings or subject to a final order of removal. No individual should receive deferred action under this memorandum unless they first pass a background check and requests for relief pursuant to this memorandum are to be decided on a case by case basis. DHS cannot provide any assurance that relief will be granted in all cases.

1. With respect to individuals who are encountered by U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or U.S. Citizenship and Immigration Services (USCIS):

- With respect to individuals who meet the above criteria, ICE and CBP should immediately exercise their discretion, on an individual basis, in order to prevent low priority individuals from being placed into removal proceedings or removed from the United States.
- USCIS is instructed to implement this memorandum consistent with its existing guidance regarding the issuance of notices to appear.

2. With respect to individuals who are in removal proceedings but not yet subject to a final order of removal, and who meet the above criteria:

- ICE should exercise prosecutorial discretion, on an individual basis, for individuals who meet the above criteria by deferring action for a period of two years, subject to renewal, in order to prevent low priority individuals from being removed from the United States.
- ICE is instructed to use its Office of the Public Advocate to permit individuals who believe they meet the above criteria to identify themselves through a clear and efficient process.
- ICE is directed to begin implementing this process within 60 days of the date of this memorandum.
- ICE is also instructed to immediately begin the process of deferring action against individuals who meet the above criteria whose cases have already been identified through the ongoing review of pending cases before the Executive Office for Immigration Review.

3. With respect to the individuals who are not currently in removal proceedings and meet the above criteria, and pass a background check:

- USCIS should establish a clear and efficient process for exercising prosecutorial discretion, on an individual basis, by deferring action against individuals who meet the

Appendix B: Memorandum of June 17, 2011 by John Morton

Policy Number: 10075.1
FEA Number: 306-112-0026

Office of the Director


U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

June 17, 2011

MEMORANDUM FOR: All Field Office Directors
All Special Agents in Charge
All Chief Counsel

FROM: John Morton
Director 

SUBJECT: Exercising Prosecutorial Discretion Consistent with the Civil
Immigration Enforcement Priorities of the Agency for the
Apprehension, Detention, and Removal of Aliens

Purpose

This memorandum provides U.S. Immigration and Customs Enforcement (ICE) personnel guidance on the exercise of prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities. The memorandum also serves to make clear which agency employees may exercise prosecutorial discretion and what factors should be considered.

This memorandum builds on several existing memoranda related to prosecutorial discretion with special emphasis on the following:

- Sam Bernsen, Immigration and Naturalization Service (INS) General Counsel, Legal Opinion Regarding Service Exercise of Prosecutorial Discretion (July 15, 1976);
- Bo Cooper, INS General Counsel, INS Exercise of Prosecutorial Discretion (July 11, 2000);
- Doris Meissner, INS Commissioner, Exercising Prosecutorial Discretion (November 17, 2000);
- Bo Cooper, INS General Counsel, Motions to Reopen for Considerations of Adjustment of Status (May 17, 2001);
- William J. Howard, Principal Legal Advisor, Prosecutorial Discretion (October 24, 2005);
- Julie L. Myers, Assistant Secretary, Prosecutorial and Custody Discretion (November 7, 2007);
- John Morton, Director, Civil Immigration Enforcement Priorities for the Apprehension, Detention, and Removal of Aliens (March 2, 2011); and
- John Morton, Director, Prosecutorial Discretion: Certain Victims, Witnesses, and Plaintiffs (June 17, 2011).

Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens

The following memoranda related to prosecutorial discretion are rescinded:

- Johnny N. Williams, Executive Associate Commissioner (EAC) for Field Operations, Supplemental Guidance Regarding Discretionary Referrals for Special Registration (October 31, 2002); and
- Johnny N. Williams, EAC for Field Operations, Supplemental NSEERS Guidance for Call-In Registrants (January 8, 2003).

Background

One of ICE's central responsibilities is to enforce the nation's civil immigration laws in coordination with U.S. Customs and Border Protection (CBP) and U.S. Citizenship and Immigration Services (USCIS). ICE, however, has limited resources to remove those illegally in the United States. ICE must prioritize the use of its enforcement personnel, detention space, and removal assets to ensure that the aliens it removes represent, as much as reasonably possible, the agency's enforcement priorities, namely the promotion of national security, border security, public safety, and the integrity of the immigration system. These priorities are outlined in the ICE Civil Immigration Enforcement Priorities memorandum of March 2, 2011, which this memorandum is intended to support.

Because the agency is confronted with more administrative violations than its resources can address, the agency must regularly exercise "prosecutorial discretion" if it is to prioritize its efforts. In basic terms, prosecutorial discretion is the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual. ICE, like any other law enforcement agency, has prosecutorial discretion and may exercise it in the ordinary course of enforcement¹. When ICE favorably exercises prosecutorial discretion, it essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case.

In the civil immigration enforcement context, the term "prosecutorial discretion" applies to a broad range of discretionary enforcement decisions, including but not limited to the following:

- deciding to issue or cancel a notice of detainer;
- deciding to issue, reissue, serve, file, or cancel a Notice to Appear (NTA);
- focusing enforcement resources on particular administrative violations or conduct;
- deciding whom to stop, question, or arrest for an administrative violation;
- deciding whom to detain or to release on bond, supervision, personal recognizance, or other condition;
- seeking expedited removal or other forms of removal by means other than a formal removal proceeding in immigration court;

¹ The Meissner memorandum's standard for prosecutorial discretion in a given case turned principally on whether a substantial federal interest was present. Under this memorandum, the standard is principally one of pursuing those cases that meet the agency's priorities for federal immigration enforcement generally.

Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens

- settling or dismissing a proceeding;
- granting deferred action, granting parole, or staying a final order of removal;
- agreeing to voluntary departure, the withdrawal of an application for admission, or other action in lieu of obtaining a formal order of removal;
- pursuing an appeal;
- executing a removal order; and
- responding to or joining in a motion to reopen removal proceedings and to consider joining in a motion to grant relief or a benefit.

Authorized ICE Personnel

Prosecutorial discretion in civil immigration enforcement matters is held by the Director² and may be exercised, with appropriate supervisory oversight, by the following ICE employees according to their specific responsibilities and authorities:

- officers, agents, and their respective supervisors within Enforcement and Removal Operations (ERO) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;
- officers, special agents, and their respective supervisors within Homeland Security Investigations (HSI) who have authority to institute immigration removal proceedings or to otherwise engage in civil immigration enforcement;
- attorneys and their respective supervisors within the Office of the Principal Legal Advisor (OPLA) who have authority to represent ICE in immigration removal proceedings before the Executive Office for Immigration Review (EOIR); and
- the Director, the Deputy Director, and their senior staff.

ICE attorneys may exercise prosecutorial discretion in any immigration removal proceeding before EOIR, on referral of the case from EOIR to the Attorney General, or during the pendency of an appeal to the federal courts, including a proceeding proposed or initiated by CBP or USCIS. If an ICE attorney decides to exercise prosecutorial discretion to dismiss, suspend, or close a particular case or matter, the attorney should notify the relevant ERO, HSI, CBP, or USCIS charging official about the decision. In the event there is a dispute between the charging official and the ICE attorney regarding the attorney's decision to exercise prosecutorial discretion, the ICE Chief Counsel should attempt to resolve the dispute with the local supervisors of the charging official. If local resolution is not possible, the matter should be elevated to the Deputy Director of ICE for resolution.

² Delegation of Authority to the Assistant Secretary, Immigration and Customs Enforcement, Delegation No. 7030.2 (November 13, 2004), delegating among other authorities, the authority to exercise prosecutorial discretion in immigration enforcement matters (as defined in 8 U.S.C. § 1101(a)(17)).

Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens

Factors to Consider When Exercising Prosecutorial Discretion

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to—

- the agency's civil immigration enforcement priorities;
- the person's length of presence in the United States, with particular consideration given to presence while in lawful status;
- the circumstances of the person's arrival in the United States and the manner of his or her entry, particularly if the alien came to the United States as a young child;
- the person's pursuit of education in the United States, with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the United States;
- whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;
- the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;
- the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;
- whether the person poses a national security or public safety concern;
- the person's ties and contributions to the community, including family relationships;
- the person's ties to the home country and conditions in the country;
- the person's age, with particular consideration given to minors and the elderly;
- whether the person has a U.S. citizen or permanent resident spouse, child, or parent;
- whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;
- whether the person or the person's spouse is pregnant or nursing;
- whether the person or the person's spouse suffers from severe mental or physical illness;
- whether the person's nationality renders removal unlikely;
- whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;
- whether the person is likely to be granted temporary or permanent status or other relief from removal, including as an asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and
- whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis. The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.

Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens

That said, there are certain classes of individuals that warrant particular care. As was stated in the Meissner memorandum on Exercising Prosecutorial Discretion, there are factors that can help ICE officers, agents, and attorneys identify these cases so that they can be reviewed as early as possible in the process.

The following positive factors should prompt particular care and consideration:

- veterans and members of the U.S. armed forces;
- long-time lawful permanent residents;
- minors and elderly individuals;
- individuals present in the United States since childhood;
- pregnant or nursing women;
- victims of domestic violence, trafficking, or other serious crimes;
- individuals who suffer from a serious mental or physical disability; and
- individuals with serious health conditions.

In exercising prosecutorial discretion in furtherance of ICE's enforcement priorities, the following negative factors should also prompt particular care and consideration by ICE officers, agents, and attorneys:

- individuals who pose a clear risk to national security;
- serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind;
- known gang members or other individuals who pose a clear danger to public safety; and
- individuals with an egregious record of immigration violations, including those with a record of illegal re-entry and those who have engaged in immigration fraud.

Timing

While ICE may exercise prosecutorial discretion at any stage of an enforcement proceeding, it is generally preferable to exercise such discretion as early in the case or proceeding as possible in order to preserve government resources that would otherwise be expended in pursuing the enforcement proceeding. As was more extensively elaborated on in the Howard Memorandum on Prosecutorial Discretion, the universe of opportunities to exercise prosecutorial discretion is large. It may be exercised at any stage of the proceedings. It is also preferable for ICE officers, agents, and attorneys to consider prosecutorial discretion in cases without waiting for an alien or alien's advocate or counsel to request a favorable exercise of discretion. Although affirmative requests from an alien or his or her representative may prompt an evaluation of whether a favorable exercise of discretion is appropriate in a given case, ICE officers, agents, and attorneys should examine each such case independently to determine whether a favorable exercise of discretion may be appropriate.

In cases where, based upon an officer's, agent's, or attorney's initial examination, an exercise of prosecutorial discretion may be warranted but additional information would assist in reaching a final decision, additional information may be requested from the alien or his or her representative. Such requests should be made in conformity with ethics rules governing

Appendix C: Data Collection Sample

Source	Data type	Format
<i>Cardboard Dreams</i>	Veliz, P. (Director). (2012). <i>Cardboard dreams</i> [Motion picture]. USA: Celebrity Home Entertainment.	Film
<i>Documented: A Film by an Undocumented American</i>	Vargas, J. A., Lupo, A., Gordon, S. S., de los Reyes, C., & Anderegg, B. (2014). <i>Documented: A film by an undocumented American</i> [Motion picture]. USA: Apo Anak Productions.	Film
DREAM Act Bills to Congress	S. 1291-107th Congress amended the Illegal Immigration Reform and Immigration Responsibility Act of 1996	Bill
111th Congress	S. 729-111th Congress (2009-2010)	Bill
112th Congress	H.R. 1842-112th Congress (2011-2012) proposed a complicated version of the DREAM Act	Bill
112th Congress	S. 952-112th Congress (2011-2012) supported the Comprehensive Immigration Reform Act of 2011	Bill
Marco Rubio	Rubio, M. (2012, June 19). Marco Rubio on Obama DREAM Job: “It Just Poisons the Well”—The Politics Blog Q&A on Immigration Pushback, Romney’s Choice, Voting Beyond Consensus, and More. (C. P. Pierce, Interviewer)	Interview
My Life as an Undocumented Immigrant	Vargas, J. (2011, June 22). My life as an undocumented immigrant. <i>The New York Times Magazine</i> . Retrieved from http://www.nytimes.com/2011/06/26/magazine/my-life-as-an-undocumented-immigrant.html?_r=0	Interview
Jose Godinez Cesar Vargas Homeland Security	Napolitano, J. (2012, June 15). <i>Exercising prosecutorial discretion with respect to individuals who came to the United States as children</i> [Memorandum]. Retrieved from http://i2.cdn.turner.com/cnn/2012/images/06/15/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf	Interview Interview Memorandum

Appendix D: Data Sources on the DREAM Act

Format	Data source
DREAM Act bill sent to Congress	H.R.15 H.R.1842 S.744 S.1291 S.2205
	H.R.1275 H.R.5131 S.774 S.1545 S.2611
	H.R.1645 H.R.6497 S.952 S.1639 S.3827
	H.R.1751 S.729 S.1258 S.2075 S.3932
	S.3962
Documentary	Dalozzo, D. D. (Director). (2011, February 28). Undocumented and unafraid [Video file]. Retrieved June 29, 2017, from https://www.youtube.com/watch?v=xdOrxLLHo0U Vargas, J. A., Lupo, A., Gordon, S. S., de los Reyes, C., & Anderegg, B. (2014). <i>Documented: A film by an undocumented American</i> [Motion picture]. USA: Apo Anak Productions. Munayki, C. (2014, April 14). MD Senator Victor Ramirez (D): “Who qualifies for Maryland DREAM Act: Senator Victor Ramirez,” Hosted by Camila Munayki (Formerly Carlos) https://www.youtube.com/watch?v=r-PLZBG5EmQ
Interview	Rubio, M. (2012, June 19). Marco Rubio on Obama DREAM Job: “It Just Poisons the Well”—The Politics Blog Q&A on Immigration Pushback, Romney’s Choice, Voting Beyond Consensus, and More. (C. P. Pierce, Interviewer) Vargas, C. (2016, November 14). Cesar Vargas Is New York’s First Openly Undocumented Lawyer. (Natalie Shutler Interview)
Memorandum	Morton, J. (2011, June 17). <i>Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens</i> [Memorandum]. Retrieved from https://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf Napolitano, J. (2012, June 15). <i>Exercising prosecutorial discretion with respect to individuals who came to the United States as children</i> [Memorandum]. Retrieved from http://i2.cdn.turner.com/cnn/2012/images/06/15/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf
Speech	President Obama Announces Halt to Deportation of Undocumented DREAM Act Youths 6/15/12. Retrieved from https://www.youtube.com/watch?v=rq6SBllGJcs President Obama’s Speech on the DREAM Act Is Disrupted. (2013). https://www.youtube.com/watch?v=OO8qti8PXYQ Rep. Steny Hoyer Speech on DREAM Act. https://www.youtube.com/

Appendix E: Analysis of President Obama's 2012 Speech on the DREAM Act

Raw data	Initial jottings	Theme
Speech	American Dream	Gray Areas
	Entitlement	Structural Violence
	Barriers	
	Faultless	Marginalization
	Gray Area	Relative Deprivation
	Law Abiding	
	Barriers	Structural Violence
	Failed Efforts	Marginalization
	Political Battle	
	Deportation	Relative Deprivation
	Faultless	

Appendix F: Analysis of President Obama's 2013 Speech on the DREAM Act

Raw data	Initial jottings	Theme
0:37 These are young people who study in our 0:40 schools and play in our neighborhoods and are 0:44 friends with our kids. They pledge 0:47 allegiance to our flag. They are 0:50 Americans in their heart and their minds 0:52 in every single way but one—on paper. 0:58 They were brought to this country by 1:02 their parents, sometimes even as infants . . .	American Dream Entitlement Barriers	Gray Areas Structural Violence
1:06 . . . and often have no idea that they're 1:09 undocumented until they try for a job or 1:12 a driver's license or a college 1:16 scholarship. Put yourself in their shoes.	Faultless	Marginalization
1:20 Imagine you've gotten everything right your 1:23 entire life—study hard, work, talk, maybe 1:28 even graduate at the top of your class— 1:30 only to suddenly faced the threat of 1:33 deportation to a country that you know 1:36 nothing about, for the language that you 1:40 may not even speak. That's what gave rise 1:43 to the DREAM Act.	Gray Area Law Abiding	Relative Deprivation
1:44 . . . time again to [tell] Congress [to] 1:47 send me the DREAM Act. Put it on my desk 1:51 and I will sign it right away. Now both 1:55 parties wrote this legislation, and a year 1:58 and a-half ago, Democrats passed the 1:59 DREAM Act in the House, but Republicans 2:02 walked away from it. It got 55 votes in 2:06 the Senate, but Republicans blocked it. 2:10 The bill hasn't really changed the need, 2:14 hasn't changed—It's still the right 2:16 thing to do. The only thing that has 2:18 changed apparently was the politics.	Barriers Failed Efforts Political Battle	Structural Violence Marginalization
2:24 . . . it makes no sense to expel 2:28 talented young people who for all 2:31 intents and purposes are Americans, have 2:34 been raised as Americans, understand 2:37 themselves to be part of this country. To 2:40 expel these young people who want to 2:42 staff our labs or start new businesses 2:44 or defend our country, simply because of 2:47 the actions of their parents or because of 2:51 the inaction of politicians; in the 2:55 absence of any immigration action from 2:58 Congress to fix our broken immigration 2:59 system. . . .	Deportation Faultless	Relative Deprivation
4:26 let's be clear this is not amnesty this		Structural

4:30 is not immunity this is not a path to	Violence
4:34 citizenship it's not a permanent fix	
4:38 this is a temporary stopgap measure that	
4:41 lets us focus our resources wisely while	
4:44 giving a degree of relief and hope to	
4:46 talented driven patriotic MP it is the	
4:52 it is the right thing to do	
5:00 well I'm speaking precisely because this	
5:06 is temporary Congress needs to act	
5:09 there's still time for Congress to pass	
5:12 the DREAM Act this year because these	
5:14 kids deserve to plan their lives in	
5:17 northern two-year increments and we	
5:20 still need to pass comprehensive	
5:21 immigration reform but addresses our	
5:24 21st century economic and security needs	
5:27 perform that gives our farmers and	
5:29 ranchers certainty about the workers	
5:32 that they'll have perform that gives our	
5:35 science and technology sectors certainty	
5:38 that the young people who come here to	
5:41 earn their PhDs won't be forced to leave	
5:43 and start new businesses in other	
5:46 countries	

Appendix G: Analysis of Representative Steny Hoyer's 2010 Speech on the DREAM Act

Raw data	Initial jottings	Theme
0:15 I'm going to use that minute to speak for her children	Faultless	Relative Deprivation
0:23 who didn't break the law, who had no concept	Cultural	Marginalization
0:27 of violating laws. Their parents brought	Assimilation	
0:32 them here like millions of other	Theory	
0:33 children who now live in America—and		
0:37 parents who live in America. They were		
0:40 Irish, they were Polish, they were German,		
0:43 they were Asians, they were South		
0:47 Americans, they were Africans parents		
0:51 brought in this country. He grew up in		
0:54 this country and they thought to		
0:55 themselves, "I'm proud to be an American,"		
0:59 and I'm sure they sing with Lee		
1:03 Greenwood, "I'm proud to stand up next to		
1:05 you," and they stand up next to us almost		
1:09 every day. We may not know who they are,		
1:12 but they go to school, they serve in our		
1:17 armed forces, they participate, they pay		
1:22 taxes. Some of them are far too young to		
1:25 do that. Some of them know no country		
1:27 except the United States of America, and		

Raw data	Initial jottings	Theme
1:30 they feel blessed.		
1:30 . . . I . . . understand immigration is an issue 1:35 that divides many of us in this house. 1:38 It's an issue that arouses passion [more] than 1:42 most others, but the test of governing 1:46 responsibly is whether even in the face 1:49 of those divisions, we can come together 1:53 to make progress on the basis of [a] 1:56 principle that ought to be universal.	Political Feud	Structural Violence
3:26 . . . I was thinking about this debate 3:30 as it was impending. I thought to myself, 3:31 "What if some other country were taking 3:34 children who had grown up going to 3:35 school or in the military, had gone to 3:39 college, and we're kicking them out of 3:42 the country because their parents had 3:44 come from another land?" And yes, those 3:47 parents broke the law, and this is not 3:50 about excusing breaking the law. These 3:54 children are not culpable	Political Feud Faultless	Structural Violence
3:57 . . . These young 3:59 people came here because anywhere now— 4:04 I'm in Maryland. Why am I a Maryland 4:06 citizen? I'm a Maryland citizen because 4:08 my stepfather was in the United States 4:10 Air Force, and the United States Air 4:12 Force transferred him to Andrews Air 4:14 Force Base, and so we moved to Maryland 4:18 not because I chose to move to Maryland, 4:21 but because my stepfather and mother 4:24 moved to Maryland, and they brought me 4:25 with. . . . That's what we're talking about. That's 4:30 who we're talking about. One of those	Entitlement Faultless Culture Shock Gray Areas Barriers	Cultural Assimilation Relative Deprivation Structural Violence
4:34 principles is—I believe that individuals 4:36 who came to this country as underage 4:39 minors and have lived their lives in 4:41 America should not suffer because of the 4:46 actions [over] which they had no control 4:49 that brought them to the United States. 4:52 We all universally adopt that principle [that] 4:56 no one holds children culpable for the 5:01 wrongdoing of their parents unless 5:03 somehow those children are involved 5:06 themselves in the perpetration of 5:08 wrongdoing. So this principle is well- 5:12 known to all of us and ought to be 5:15 followed. That is the idea behind this		

Raw data	Initial jottings	Theme
5:18 legislation. We talk about the American Dream.		
5:48 improve our border security and lives up		
5:51 to our heritage as a nation of laws and		
5:54 a nation of immigrants till six years		
5:57 ago the unlikely trio of John McCain Ted		
6:02 Kennedy and President Bush came together		
6:04 to champion this kind of reform and I		
6:07 was proud to join 23 Republicans in		
6:10 voting for so there's no reason that we		
6:13 can't come together and get this stuff		
6:16 and as long as I'm president I will not		
6:18 give up on this issue not only because		
6:20 it's the right thing to do		

Appendix H: Analysis of a Documentary by Jose Antonio Vargas

Raw data	Initial jottings	Theme
2:08: I've interviewed Al Gore for	Defaulted	Structural
2:11: <i>Rolling Stone</i> and profiled Mark		Violence
2:13: Zuckerberg for <i>The New Yorker</i> . I even	Illegal Status	
2:15: won two Pulitzer Prizes for covering the		Marginalization
2:17: Virginia Tech massacre. At age 16 I rode	Barrier	
2:22: my bike to the DMV to get my driver's		
2:24: permit. I brought my green card with me.		
2:28: The woman at the DMV flipped it around.		
2:33: She leaned over, and she whispered, "This		
2:39: is fake. Don't come back here again."		
2:48: I went home and confronted my		
2:50: grandfather. That was the first time I		
2:53: realized that I'm an undocumented		
2:58: immigrant—what some people call an <i>illegal</i> .		
3:20: Then I decided to tell her the truth.	Gray Areas	Structural
3:23: "It's not really about the money," I said. "I		Violence
3:27: don't have the right passport. I'm not		
3:31: supposed to be here." Mrs. Denny got it.		Marginalization
3:37: The next day, she told me the choir was		
3:40: going to Hawaii instead. She recalled,		
3:41: "[It] just mattered to me		
3:43: that Jose was hard-working. He was		
3:45: enthusiastic. He was always coming to		
3:47: class, and it's just, it's our job to		
3:48: educate them, to make them better		
3:50: citizens of the world. It doesn't matter		
3:52: what country they're from or, you know,		
3:55: what their background or their legal		
3:56: papers are.		
4:19: For more than a decade now, Pat and Rich	Gray Areas	Relative
4:22: have been with me every step of the way,		Deprivation
4:25: guiding me and supporting me as I've		
4:28: tried to define what it means to be an		
4:30: American. I define <i>American</i> as someone		
4:34: who works really hard, someone who's		
4:37: proud to be in this country and wants to		
4:41: contribute to it. I'm independent, I pay		
4:46: taxes, I'm self-sufficient.		
4:51: I'm an American.		
4:53: I just don't have the right papers.		

Appendix I: Analysis of a Documentary by Daniel Dalonzo

Raw data	Initial jottings	Theme
0:58 . . . It wasn't until I was in 1:02 [the] end of 11th grade that I realized that I 1:06 was undocumented—that [I] had no paper. 1:08 That's what I knew—that my life would be 1:11 a lot different from my friends. I 1:14 remember I got this offer for [an] Oprah 1:17 Winfrey something scholarship [and] that if I 1:19 qualified, I just need to apply. [It] would 1:22 give me a full tuition at a private 1:26 preschool for all 4 years right on 1:29 the application that asks for Social 1:30 Security number.	Barriers	Marginalization
1:59 . . . I couldn't even take a 2:01 loan up, so I was really wiped out for 2:06 monies—like I've been afforded to go to 2:09 college, just up there, right here. So I 2:12 took off from school, and I worked 2:18 full-time out-of-state rates [that] nationally 2:21 average 250% larger 2:24 than in-state rates so when you compound. . . . 2:26 That with a lack of access to financial 2:28 aid, as essentially [an] exclusion for these 2:30 undocumented people.	Barriers	Marginalization Relative Deprivation
3:17 Then I collected a couple applications, 3:19 but I was just so down, I didn't have the. . . . 3:23 I have lost my inspiration to even fill 3:27 them out, so they just kind of sat at 3:29 home and collected dust. My parents 3:34 never told me, but we came on a tourist 3:36 visa, and my dad applied for a global 3:42 asylum, but he was denied, and in 2006 3:47 when I was in 11th grade, he was deported. 4:09 [It] really hurts most of us kids, hey, how. . . .	Hopelessness	
4:13 . . . The failure of the DREAM 4:19 Act in the 2010 session was widely 4:22 interpreted as a very bad sign. 4:36 This is really an issue within the 4:38 higher education community that colleges 4:41 really need to get behind. . . .	Political Feud Barriers	
5:05 How could I have broken [a] 5:09 rule that I had no clue existed, and how 5:12 could I be breaking a rule by living 5:16 here, by going to school, by, you know, 5:18 going up and loving America just like 5:21 any of my other friends? And from that 5:25 perspective, it seems pretty clear that 5:26 the child should not be punished for the	Defaulted Predicament	Relative Deprivation

Raw data	Initial jottings	Theme
5:30 transgressions of his or her parents or 5:35 a child for a crime committed by a 5:37 parent. It's sad, and they just don't know 5:41 what to do in life.		