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# Undocumented and Unafraid: The Emergence of an Undocumented Movement and Its Impact on Immigration Policy, the DREAM Act, DACA, DAPA, and Family Unification

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# Undocumented and Unafraid: The Emergence of an Undocumented Movement and Its Impact on Immigration Policy, the DREAM Act, DACA, DAPA, and Family Unification

## **Acknowledgements**

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In 2011, a small group of undocumented students approached me to express their fears of deportation, their hope for adoption of the DREAM Act, and comprehensive immigration reform. At the time, I was president of the University of Houston-Downtown (UHD), which has a 40% Hispanic student enrollment. The students planned to express openly their support for adoption of the DREAM (Development, Relief, and Education for Alien Minors) Act. The DREAM Act was intended to provide immediate protection for undocumented students who had come to the United States with their parents but were raised here and received their education here. I urged the students to consider carefully their vulnerability under the law and advised them to speak to an attorney. Later, they contacted me and told me they were planning a rally on campus where they would reveal their undocumented status. Impressed with their courage, I lent my support to them and their efforts. As one explained, “The DREAM Act gives us hope that one day we can have legal residency and eventually become citizens. We just want to contribute to this country. Why won’t they let us?” She added, “My worst fears are that my parents will be deported. If that happens, what do I do? Where do I go?” She, like many others who are undocumented but would have been covered by the DREAM Act or executive action, referred to herself as a DREAMer.

This article examines the DREAM Act, federal executive action taken by President Obama, recent court rulings, family separation and unification issues, and the emergence of undocumented Latino youth as active and engaged agents of social change influencing public policy. It connects the struggle of undocumented youth to historical efforts to extend democracy and civil rights, as well as our conception of citizenship.

### **The DREAM Act, Comprehensive Immigration Reform, and Family Unification**

The issue of immigration legislation and policy in the United States is complex and emotional. It combines changing attitudes toward nations, ethnic and racial groups, and geopolitics. But, for many, it affects families, particularly their separation and efforts for reunification. Laborers have been imported during times of economic growth and deported during recessions. Whole nations and regions have been excluded by legislation, such as the Chinese Exclusion Act of 1882 and the Page Act of 1875 (which restricted Chinese female immigration). Quota systems were adopted in 1917 and 1924 to prohibit what some considered “undesirable” and “inferior” races and ethnic groups. At various times, specific groups, including Catholics, Jews, Irish, Italian, Poles, Slavs, Greeks, Turks, and others, were seen as undermining the “homogeneity” and traditions of America. Immigrants found

themselves alternately desired or despised (Network Lobby for Catholic Social Justice, n.d.). In the 1930s, during the Great Depression, somewhere between 400,000 and 1 million Mexican laborers and their families were deported under “repatriation” programs. Roughly half of those forced to leave were U.S. citizens, many of them children (Balderrama & Rodriguez, 1995). In 1965, Congress replaced the quota system with a preference system to allow citizens an opportunity to unite families by legally bringing relatives to the United States and opening immigration from Mexico, Latin America, and Asia. Over the years, several other significant changes have been made to immigration law, policies, and practices. However, there has also been considerable opposition to any new reform legislation. Congress has failed to adopt such proposals, even those with considerable bipartisan support, such as the DREAM Act.

Today, undocumented immigrants and their families worry that they may be deported at any time. They fear that their hopes and dreams of a better life for their families will be dashed by arrest and deportation. Such fears are heightened by the recent inflammatory rhetoric of U.S. presidential debates, with some candidates calling Mexican immigrants “rapists” and “criminals” and pledging mass deportation of those undocumented who currently live in the United States. Deportations separate family members, some of whom are the U.S.-born children of undocumented parents. Families must choose between leaving the country with loved ones who are deported and leaving their children behind with loved ones or friends so that the children may be educated and raised in this country. Undocumented families desperately hope for immigration reform that will permit a path to legal residency and citizenship, so that they can remain together without fear of deportation.

For more than two decades, immigrant rights organizations have pressured Congress to adopt comprehensive immigration reform, which would adjust visa restrictions, reduce backlogs, increase border security, address labor shortages in STEM and other high-need fields, and provide legal residency and a pathway to citizenship for qualified undocumented residents. Efforts to adopt a DREAM Act emerged after several failed attempts to pass comprehensive immigration reform. Adoption of the measure would have provided qualified undocumented students with legal residency, work permits, and a pathway to citizenship. It also would have made them eligible for federal financial aid for college education (Miranda, 2010). In recent years, undocumented youth have stepped forward to advocate openly for immigration reform. Friends, family members, immigration rights organizations, religious and community leaders, and elected officials have all lent their support. Many undocumented college

students are well-known on their campuses or in their communities but usually do not discuss or reveal their undocumented status. Often, they are honor students or leaders of clubs and organizations. That was certainly the case with the students who met with me that day; they were honor students and leaders on campus and in the community. When I met the students, I was struck by their compelling life circumstances and impressed by their willingness to serve as spokespersons for the more than 400 undocumented students attending the university, most of whom do not reveal their immigration status on campus or in their respective communities. Many undocumented youth who have grown up in this country feel that they are as “American” as any other student, and for all practical purposes they are, except for their legal status. As one of the students, Isaac Valdez, told me, “We love this country, we were raised here, and this is where we want to live and raise our families. We just want to be accepted and allowed to become citizens.” Another student, Wendy Ramirez, explained, “We do everything Americans do, we volunteer, we go to church, we raise families, we just can’t vote. Well, not yet!” Ms. Ramirez hopes one day to vote for representatives who will support immigration reform, improve medical care, and provide more scholarships for students from poor and working class families.

My decision to support their efforts and speak on their behalf at the rally derived from my own long-time involvement in immigration reform, which stretches back over many decades, as well as from the fact that I serve as an officer of the governing board of the Hispanic Association of Colleges and Universities (HACU), which strongly supports the DREAM Act and comprehensive immigration reform.

### **Undocumented in America—Families That Include U.S. Citizens**

The UHD students are part of a large, undocumented population of roughly 11.1 million residing in the United States, including roughly 1 million undocumented children younger than 18 years of age (Passel & Cohn, 2012). An estimated 4.5 million children live with at least one undocumented parent. Approximately 9 million people live in “mixed-status” families (with at least one U.S.-born child and at least one “unauthorized” adult), while 4.7 million U.S.-born children of undocumented parents are U.S. citizens by birth (American Psychological Association, 2016; Taylor, Lopez, Passel, & Motel, 2011). According to the Pew Research Center (2013), in 2010, immigrants from Mexico made up 58% of undocumented immigrants living in the United States. Approximately 73% of children born to unauthorized immigrants are U.S.-born citizens. According to a Pew Research Center

analysis of U.S. Census data, "Their children [of unauthorized entrants], both those who are unauthorized immigrants themselves and those who are U.S. citizens, make up 6.8% of the students enrolled in the nation's elementary and secondary schools" (Passel & Cohn, 2009).

The majority of Latinos living in the United States are U.S. citizens, but the issue of immigration is often intertwined with the growing size of the Latino population. In 2014, Latinos became the largest racial/ethnic group in California, and they are the dominant population younger than 18 years of age in several cities and states. (Lopez, 2014). The U.S. Latino population reached 54 million in 2015, the majority of whom (61%) were born in the United States (Krogstad & Lopez, 2015). The growing numbers evoke mixed feelings. Latinos hail the growth, as they hope it will lead to greater influence and representation in the political and social life of the nation. However, the growing size of the Latino population also intensifies fears in some sectors that America's changing demographics conflict with their own cultural and political image of America and what it means to be "American." Huntington (2009) warned of the growing "hispanization" of America and the "dangers of cultural and social bifurcation of America," with large portions of the country speaking Spanish and, in his opinion, "rejecting" the Anglo-Protestant values that built the American dream.

Undocumented youth are caught in a precarious zone of uncertainty. They live in fear that one day they may return home from school only to discover that a family member or one of their friends or neighbors has been deported. The right to public education is well established for undocumented children. In 1982, the U.S. Supreme Court ruled in *Plyler v. Doe* that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents (State of Washington, Office of Superintendent of Public Instruction, 2015). Since that ruling, all public schools and most parochial institutions have accepted young immigrant children into their classrooms to ensure that they learn English and necessary core subject matter, regardless of immigration status. Their status, however, changes when they graduate from high school. Many pursue a college education. Under current federal law, undocumented youth are ineligible for federal financial aid, and in several states, undocumented college students must pay out-of-state tuition. Even in those states where they are eligible for in-state tuition, in most cases, undocumented college students are ineligible for state financial aid. Until President Obama issued an executive action, DACA (Deferred Action for Child Arrivals), undocumented college students

were unable to obtain work permits because they do not possess social security cards or legal residence (Manuel, 2016).

In 2015, one undocumented student at UHD related her concerns: “We never know if the state law [the Texas DREAM Act] will be overturned here in Texas. Will DACA and DAPA be overturned in the courts? And, what happens if the next president doesn't support immigration reform? Will we be able to continue our studies? Or will we face deportation at some future date? And, how about our parents and other relatives, what happens to them? Many don't qualify [under DAPA] and can be deported any time.” These questions haunt young, undocumented high school and college youth, particularly in light of the strident anti-immigrant and inflammatory rhetoric of several of the Republican candidates for the presidential nomination by their party.

### **Failed Efforts at Reform and Dashed Hopes**

Many opponents of the DREAM Act view it as providing “amnesty,” which they associate with the Immigration Reform and Control Act of 1986 (IRCA), signed into law on November 6, 1986. Ironically, IRCA (also known as the Simpson–Mazzoli Act) was strongly supported by President Ronald Reagan, a Republican, and passed with strong bipartisan support. During a televised debate with Walter Mondale, President Reagan made his position clear: “I believe in the idea of amnesty for those who have put down roots and lived here, even though some time back they may have entered illegally.” (National Public Radio, 2010). IRCA made it illegal to knowingly hire or recruit unauthorized immigrants, required employers to attest to their employees’ immigration status, provided “guest worker” visas for seasonal agricultural workers, and also legalized “illegal immigrants” who had entered the country before January 1, 1982, and met specific qualifications. After the bill had been signed into law, 3 million undocumented immigrants applied for legalization, and 2.7 million were granted temporary legal status. By 2009, only 1,040,647 had become U.S. citizens (Siegal, 2013). Siegal also reported that IRCA opponents attacked the legislation for its “amnesty” provisions, arguing that it “would take jobs from Americans, overload public service systems, and even reshape politics with a new voting bloc likely to be Democratic.” For example, Rep. Lamar Smith (R-Texas) argued that the bill “compounds the problem by encouraging more illegal immigration.” These same arguments continued with more recent efforts to adopt immigration reform, including the DREAM Act.

Proponents of the highly popular DREAM Act have been unable to have the bill adopted into law, despite considerable support (Miranda,

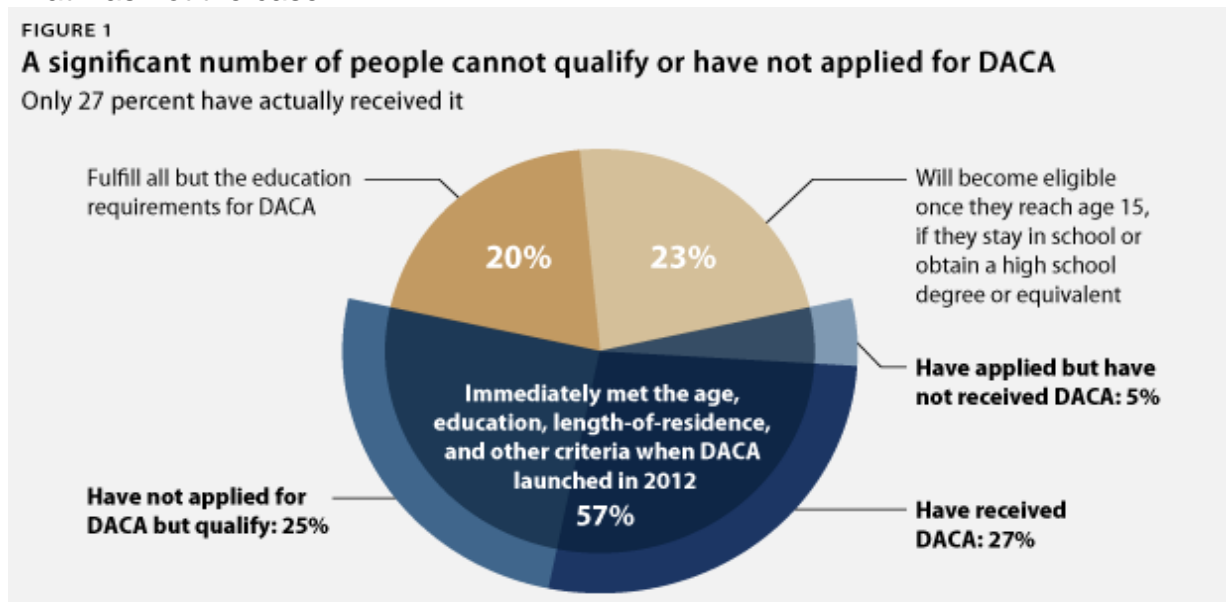
2010). Originally introduced in 2002, the DREAM Act failed in 2007 and was reintroduced in 2009. The bill had bipartisan support, with 113 cosponsors in the House and 34 sponsors in the U.S. Senate. In 2010, the DREAM Act died as result of failure to override a GOP-led filibuster in the Senate, with five Democrats casting “no” votes, even as three Republicans voted in favor of the override (Bolton, 2010). Several unsuccessful attempts were made to introduce legislation to extend rights to the approximately 2.1 million youth who were in college or would soon be entering college (Educators for Fair Consideration, 2012). Finally, in April 2013, a bipartisan group of eight senators (sometimes called the Gang of Eight)—Charles Schumer of New York, Dick Durbin of Illinois, Bob Menendez of New Jersey, Michael Bennet of Colorado, John McCain of Arizona, Marco Rubio of Florida, and Jeff Flake of Arizona—introduced a comprehensive bill (S. 744) that would have provided a pathway for citizenship, reformed the immigration system to reduce visa backlogs, expanded and improved employer verification, and improved work visa options for agricultural workers. Although passed by the Senate on June 27, 2013, and sent to the House for review and adoption, the bill was never brought to floor of the House for a vote (National Immigration Law Center, n.d.).

### **Executive Action: DACA and DAPA**

After failure to adopt either comprehensive immigration reform or the DREAM Act, pressure mounted across the country for executive action, led in large part by undocumented students and their supporters. On June 15, 2012, President Obama issued an executive order, the Deferred Action for Child Arrivals (DACA), which provides protection to youth who entered the United States before 2007, were born on or after June 16, 1981, and met other specific requirements (Northwest Immigration Rights Project, 2013). The Pew Research Center estimated that only 1.7 million youth of the 4.5 million undocumented under the age of 30 years living in the United States might qualify for deportation protection and renewable work permits under the program (Passel & Lopez, 2012). DACA has been particularly important to undocumented youth of high school and college age because it provides hope to them that they will be allowed to remain in the United States, continue with their education, and have the opportunity to work in the United States while awaiting permanent residency. In 2014, President Obama expanded DACA to include children who came to the United States before January 1, 2010 (Anderson, 2015). As of July 2014, there were 587,366 undocumented youth who had signed up for and qualified for the program. Even so, as the Figure 1 illustrates, Perez (2014) reported that only a small percentage of undocumented youth qualify for DACA, and only 27% of undocumented youth have actually received DACA coverage. The



Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) executive order would have allowed undocumented residents who have a son or daughter who is a U.S. citizen or lawful permanent resident and who have resided in the U.S. prior to January 1, 2010 protection from deportation and work authorization. An estimated 4.1 million people should qualify for this program (National Immigration Law Center, 2014). DAPA was hailed as an important step toward keeping families together, and many hoped and prayed that it would be upheld by the courts (Kemme, 2016). That was not the case.



Source: **Figure 1.** *How DACA has improved the lives of undocumented young people.*  
 Adapted from

Center for American Progress website:  
<https://www.americanprogress.org/issues/immigration/report/2014/11/19/101868/how-daca-has-improved-the-lives-of-undocumented-young-people/>. Z. J. Perez, Center for American Progress, November 19, 2014.

A survey of those covered by DACA found that 68% knew someone who had been deported; nearly half had a neighbor, friend, or co-worker who had been deported; and 45% had a parent, sibling, or other relative who had been deported. The survey found that DACA improved access to postsecondary education and was particularly helpful to recent college graduates, who became eligible for work permits. In addition, DACA allowed those covered by the program to obtain a new job (61%), first bank account (54%), first credit card (38%), and a driver's license (61%). The study found

that DACA recipients remain “fearful that family and friends could be deported at any time ... [as] it does not address the constant threat of deportation still facing those closest to them, including mothers, fathers, and siblings” (Gonzalez & Terriquez, 2013). The fear of family separation is traumatic, particularly for young children, often resulting in both physical and psychological illnesses (Allen, Cisneros, & Tellez, 2015).

### **Opposition to Executive Action Fueled by Fears**

Several Republican presidential hopefuls voiced opposition to any legislative pathway to citizenship, with some introducing legislation to outlaw birthright citizenship to children born in the United States to undocumented immigrants, whom they term “anchor babies.” Sen. Rand Paul and Sen. Lindsay Graham (in 2010) opposed provisions of the 14th Amendment. Senator Paul stated that the provision turns the United States into “a magnet for the world” and lets “everybody come in here, have children, and they all become citizens” (Tashman, 2015). Both Democrats and Republicans have challenged the citizenship clause. In 1993, a Democrat, Sen. Harry Reid (D-Nev.), introduced legislation that would have limited birthright citizenship to the children of U.S. citizens and “legally resident aliens.” Similar bills have been introduced by other legislators in every Congress since that time. Rep. Nathan Deal (R-Ga.) introduced the Birthright Citizenship Act of 2009, which gathered nearly 100 sponsors, including several Democrats (Feere, 2010). Despite the rhetoric, only a small minority of immigrants come to the United States to have babies born here. In fact, according to analysis by the Pew Hispanic Center, undocumented male immigrants coming to the United States significantly outnumber undocumented female immigrants in four separate age ranges between 20 and 40 years (the most common childbearing ages), and interviews of Mexican and Central American immigrants demonstrate that the majority who come to America do so to pursue better employment opportunities and to escape repressive regimes, not to give birth (Jacobson, 2010).

The plight of undocumented high school and college students was further exacerbated by court action. In February 2015, a federal judge upheld Texas Attorney General Ken Paxton’s request to review Obama’s executive order (DACA). The case was joined by 25 other states (Crow, 2016). The U.S. Supreme Court then agreed to review President Obama’s expansion of DACA and a similar order for adult parents of U.S.-born citizens (DAPA) after a temporary injunction had been issued by the U.S. District Court for the Southern District of Texas. On June 23, 2016, in a split decision, the U.S. Supreme Court effectively limited the president’s ability to enforce DAPA and expanded DACA, sending the case back to the lower

court. According to the American Immigration Council (2016), “the ruling does not impact the original DACA program launched in 2012.” The immediate impact is unclear, and the case will undoubtedly wind its way through the courts because no enforcement will occur until after President Obama leaves office. Still, the Supreme Court ruling worries the undocumented parents of U.S.-born citizens and many undocumented youth, who fear they will be subject to deportation. President Obama urged voters to consider the immigration stance of candidates as they enter the voting booth. He promised to continue to enforce the DAPA and DACA orders and noted, “Sooner or later, immigration reform will get done” (Foster Global Immigration Solutions, 2015).

Ironically, Texas was the first state to adopt its own version of the law, often termed the Texas DREAM Act (HB 1403). The legislation, passed in 2001, allows undocumented students to pay in-state tuition at Texas public colleges and universities if they have graduated from a Texas high school or passed the GED, lived in the state for at least 3 years, and signed an affidavit testifying that they are seeking legal residency. The Texas bill was signed into law by then Gov. George W. Bush, who strongly supported the measure. Gov. Rick Perry continued support for HB 1403, even when heavily criticized for doing so during his failed bid for the Republican presidential nomination (Kim, 2011). After Texas adopted the legislation, several states followed with their own version of the DREAM Act. According to the Education Commission of the States, 18 states have approved some version of the DREAM Act, and five states (Texas, New Mexico, California, Washington, and Minnesota) also allow eligibility for state financial aid (Anderson, 2015). Tea Party activists and others opposing such laws have attempted, sometimes successfully, to overturn or weaken state-level DREAM acts. The movement to overturn the Texas DREAM Act picked up steam during the past legislative session. During his successful candidacy for lieutenant governor, Dan Patrick opposed in-state tuition for undocumented immigrants (Planas, 2013). Critics of the DREAM Act, DACA, DAPA, and paths to permanent residency and citizenship have often cited an “unfair” burden on taxpayers, competition with U.S. workers, and negative impact to the U.S. economy, among other issues (Frum, 2014,). In fact, there is considerable evidence to the contrary. For example, a 2012 report by the Center for American Progress found that adoption of the DREAM Act, which would provide a pathway to legal status, higher education, and work permits for roughly 2.1 undocumented youth living in the United States, would add “a total of \$329 billion to the economy by 2020, support the creation of 1.4 million new jobs, and generate more than \$10 billion in increased revenue for the federal government.” States would also

benefit. Texas, which has 325,000 undocumented youth, would see economic growth of \$66 billion, add 282,470 new jobs, and see an additional \$1.9 billion in tax revenue by 2030 (Guzmán & Jara, 2012).

As noted earlier, much of the opposition to immigration derives from the fear of rapid changes in the demographics of America, particularly projected growth in Latino and Asian populations. Between 2015 and 2020, as many as 25.6 million Hispanic and Asian voters could be added to the electorate, but, only if they were to register and vote. Nonetheless, irrespective of race, ethnicity, or political party, an overwhelming majority of Americans support immigration reform. According to a 2015 poll by the Public Religion Research Institute, nearly three-fourths of U.S. voters (73%) say that it should be a higher priority for Republicans in Congress to pass comprehensive immigration reform than to overturn President Obama's immigration policies, including 62% of Republican respondents and 64% of white evangelical Protestants. The survey also found that nearly 60% of Americans support a pathway to legalization for undocumented residents of the United States, and nearly the same percentage feel that immigrants "strengthen our country because of their hard work and talents" (Public Religion Research Institute, 2015).

In 2015, several Republican presidential hopefuls, most notably Donald Trump, pledged to build a giant wall along the border with Mexico, put an end to anchor babies, and initiate mass deportation of the 11 million undocumented immigrants living in the United States. Donald Trump called Mexican immigrants criminals, rapists, and killers. Trump even threatened to file a lawsuit challenging Ted Cruz's legal right to run for president because Cruz was born in Canada (Beamon, 2016). In response to pressure from Latino viewers, Univision and NBC dropped the Trump-owned Miss Universe Pageant (Burnett, 2015), and Latino organizations urged companies to drop sponsorship of other Trump-owned businesses (Chariton, 2015). Ironically, Trump's remarks increased the efforts of Latino groups to assist legal residents to become citizens, register, and vote in the upcoming presidential election. Mi Familia Vota, NALEO (National Association of Latino Elected and Appointed Officials), iAmerica Action, and other organizations that had campaigned for adoption of the DREAM Act now stepped up citizenship and voter registration efforts. On August 31, 2016, Trump flew to Mexico for a private meeting with the Mexican President Enrique Peña Nieto on trade and immigration and, later the same day, delivered a 'special' policy speech on immigration in Arizona. Trump reiterated his promises to "build a wall," deport millions of undocumented immigrants, and immediately end Deferred Action programs (CNN Politics,

2016). Several of Trump's Latino supporters withdrew their support following his speech (Walsh, 2016).

According to Jocelyn Sida of *Mi Familia Vota*, "We as Latinos are always being told that we're taking jobs or we're anchor babies, and all these things are very hurtful. It's getting to the point where folks are frustrated with that type of rhetoric. They realize the only way they can stop this is by getting involved civically" (Hernandez, 2016). Many immigrants who are legal residents are in fact becoming U.S. citizens and registering, and they intend to vote. A poll by the Washington Post and Univision in late February 2016 found that 81% of Latino voters had unfavorable views of Trump, and 7 of 10 had "very unfavorable" views of Trump (Balz & Clement, 2016). As the Republican presidential nomination battle concluded and it became evident that Donald Trump would be the nominee, a record number of Latino immigrants sought citizenship and registered to cast their vote against Trump (Franco, Pelaez, & Lilley, 2016). Even mainstream Republicans found it difficult to support Trump (Nuño, 2016), including a long-time senior consultant for the GOP Latino outreach who left his position because of Trump's vilification of immigrants and his derision of the only Latina governor in the country, Susana Martinez (R-N.M.).

Nonetheless, a large segment of Republican voters who backed Trump in Iowa, New Hampshire, Texas, and other states did so because of his pledge to deport undocumented immigrants and his proposal to "temporarily ban Muslims from entering the country" (ABC News Analysis Desk, 2016). Trump's persistent attack on immigrants and refugees has further polarized American attitudes on immigration. Despite the anti-immigrant rhetoric of the presidential election, a majority of voters from both parties still support immigration reform. In April of 2016, as it became evident that Trump was likely to be the Republican nominee, the Pew Research Center conducted a survey of likely voters. A poll reported by Jones (2016) found that 59% of likely voters who identified as Republicans or Republican-leaning supported the idea that "undocumented immigrants now living in the U.S. should be allowed to remain in the country legally," as did 88% of Democrats or Democrat-leaning respondents. By July, Hillary Clinton held a 69-point lead over Trump with Latino voters nationally in July (Valera, 2016) and in Florida, a critical state, only 13% of likely Latino voters supported Trump (Colarossi, 2016).

### **The Emergence of an Undocumented Student Movement**

In 2008, Latino immigrant groups and supporters intensified their efforts to pass the DREAM Act. Undocumented youth began to speak at rallies and meetings, and then, little by little, emerged as leaders in the movement. In

2008, Arizona college students, several of whom were undocumented, formed the DREAM Act Coalition to build support for passage of the bill. During a rally for adoption of the DREAM Act, several undocumented students expressed fear of deportation and spoke of their frustrations that they were ineligible for federal and state financial support, or even in-state tuition, calling for action at the federal level. In 2010, an ABC News “On Campus” report highlighted an undocumented student who had graduated with honors in mechanical engineering. He was deported shortly after the program aired, prompting demonstrations on campus and in the community. Legislators and religious leaders viewed his deportation as unjust and called for his return. Arizona State Sen. Kyrsten Sinema (later elected to the U.S. Congress) stressed her support for the undocumented students, “In all appearances and practice, they are American, except for the paper work” (Park & Reiser, 2010).

In 2010, undocumented college students began to form their own organizations and led the rallies. Undocumented students and their supporters marched to Washington, D.C., or to their own state capitols in the “Trail of Dreams” to meet with congressional representatives, state legislators, and governors, urging the elected officials to support adoption of the DREAM Act. Leaders of the DREAM Act Coalition attempted to meet with President Obama but were unable to do so. However, undocumented students and supporters in New York marched to Albany, the state capital, to garner support from Gov. Andrew Cuomo for state legislation to aid undocumented students (Global Nonviolent Action Database, 2010). They successfully urged Governor Cuomo and State Sen. John J. Flannigan to support the measure in the state budget (Ramirez, 2012).

These early efforts sparked a national movement of undocumented youth who voiced support of the DREAM Act. In 2009, undocumented activists formed United We Dream, a network that quickly grew from 10 small affiliates to 31 chapters across the country. The newly formed network held training sessions in Maryland in 2011 for DREAM Act organizers and subsequently launched Undocumented and Unafraid, a campaign during which undocumented youth revealed their status despite the possibility of arrest and deportation. A press conference was held in Washington, D.C., urging adoption of the DREAM Act. In March 2010, United We Stand jointly hosted a press conference to support the DREAM Act with leadership of the AFL-CIO, American Federation of Teachers, and National Education Association. As a young undocumented female organizer of the campaign explained, “It was through the Undocumented and Unafraid campaign that undocumented young people, who had previously lived their lives in shadows, began to strategically ‘out’ themselves as undocumented. In

effect, they were putting a human face to the idea of the “illegal immigrant” as the ‘other’ (Gonzalez, 2012). Immigrants have often been treated as the “other,” perceived to be very different from an imagined concept of “ourselves.” Such groups are often perceived as threats and are ostracized, vilified, victimized, and abused (Falco, 2012). Young undocumented immigrants were speaking, telling their own life stories, and their cause won adherents.

Undocumented youth and supporters began e-mail, phone, and social media campaigns to build a national network and garner support for the DREAM Act. They met with key congressional leaders, while pushing for executive action by President Obama. They hoped to remind Obama that he had threatened to issue an executive order providing protection to undocumented students, if Congress failed to adopt the DREAM Act. They held sit-ins and hunger strikes, and they spoke at press conferences. In Los Angeles, DREAM Team LA held a hunger strike in Sen. Diane Feinstein’s office, pressuring her to move the DREAM Act out of the Judiciary Committee. None of those arrested was charged or deported. Despite failure to pass the DREAM Act, the movement spread to other cities. DREAM Team members met with Tom Saenz, the executive director of the Mexican American Legal Defense Fund (MALDEF), urging the organization to pressure President Obama to issue an executive order on their behalf. A group of volunteer immigration rights lawyers began working on a legal rationale for executive action. DREAM Team LA pushed for immediate action by President Obama, calling for a halt to deportation and authorization of work permits. The group held a sit-in and press conference in the office of the Los Angeles Immigration and Customs Enforcement (ICE) prosecutor. They organized and held similar sit-ins in the Obama campaign headquarters in various swing states, including Nevada, Colorado, and Florida. In some instances, students were arrested, including those who participated in a sit-in at the office of then U.S. Secretary of Homeland Security Janet Napolitano, who backed the executive action once Obama issued the order (Kim, 2014).

In early June of 2010, lawyers and student activists expanded their actions and targets. They began applying pressure on the heads of federal agencies to suspend deportations, while increasing pressure on President Obama to issue an executive order. During one rally, DREAM Act Coalition lawyers delivered a memo to ICE Director John T. Morton, calling for administrative relief through executive order. They met with union leaders and key supporters of Obama. On June 13, at the request of DREAM movement organizers, AFL-CIO President Richard L. Trumka sent a letter to President Obama urging executive action. Trumka’s letter stated,

“Adopting a program to grant any of these forms of administrative relief to DREAM Act beneficiaries would give great hope to our nation’s youth, and the AFL-CIO strongly urges your Administration to do so.” In press conferences, the young, undocumented organizers eloquently stated their case, calling for the president to take action. They weren’t interested in protecting only themselves, they also wanted protection for their families and communities. Cristina Jimenez, an undocumented student and managing director of United We Dream, made that position clear: “We won’t stop organizing and advocating until all the members of our communities and our families are protected from deportation. ... We’re here to hold the president accountable to his promise to take executive action and ... to deliver relief of deportation for millions in our communities” (Gonzalez, 2012).

The movement spread throughout Texas, including Houston and UHD. Several Latino student leaders on the campus approached me in 2011, asking how they might support the DREAM Act. That first meeting included the two undocumented students already mentioned: Isaac Valdez, an applied mathematics major, who would later be elected to lead the UHD Student Government Association (SGA), and Wendy Ramirez, a biology major, who would be elected as secretary of the SGA. Both told me they were undocumented and wanted to support passage of the DREAM Act. In Texas, by state law, undocumented students can enroll in public universities, pay in-state tuition, and qualify for some state support. At the time, roughly 400 undocumented students were attending UHD. Valdez, Ramirez, and other undocumented students voiced frustration that they could not vote to help elect candidates who would support immigration reform and push for adoption of the DREAM Act. I urged them to continue their efforts to support change on campus and seek support from the broader community. SGA President Ivan Sanchez was eager to support them and vowed to approach other organizations.

Isaac Valdez, the president of the environmental club on campus, was also active in six other student clubs on campus. Wendy Ramirez participated in several clubs on campus and in the community. Their respective organizations addressed issues such as improving campus safety and involving students in efforts to clean up the bayous surrounding a part of the campus. Ms. Ramirez and her family lived in Casa Juan Diego, a Catholic Worker shelter for undocumented families. After her father was injured in a car crash, she vowed to earn a college degree and pursue a career in a health-related field. Valdez and his family live in North Houston. His goal is to earn a PhD in health-related sciences (which he is now well on his way to completing).



The students gained support on campus and in the Houston community, and they became increasingly vocal leaders on campus. Working with the SGA and student group leaders, the organizers invited community organizations and Latino students from other campuses. They formed an organization, Immigrant Families and Students in the Struggle. In May 2012, the group held a rally to support the DREAM Act. Many students from UHD were joined by students from Houston Community College and Lone Star College, representatives from Latino organizations such as Mi Familia Vota and NALEO, representatives from several Houston LULAC (League of United Latin American Citizens) chapters, and local, state, and national elected officials.

At the rally, students held up signs in English and Spanish reading “Right to Education—Right to Dream and Stop Tearing Apart Families.” Ms. Ramirez stated, “I am Wendy, I am undocumented and unafraid, and I have the right to dream” (Cruz, 2012). Ms. Ramirez explained that she did not want “to be judged by a document, but by the qualities I possess.” Isaac Valdez stated, “Just because you don’t have nine numbers ... doesn’t mean you can’t do something in life.” He made it clear that he simply wanted the right to pursue his dream: “After all, what we want is the American Dream—we just have to be allowed to stay here and become citizens.” Both called for the cessation of deportations and voiced their support for congressional legislation to provide protection for the families of undocumented immigrants. As university president, I spoke in favor of the DREAM Act and comprehensive immigration reform. Supporting the students, I made the point that the undocumented students hope to succeed in their educational dreams and desire to contribute to America (Wood, 2012). A few days later, the Houston Chronicle published an editorial citing the student rally and declaring its support for the DREAM Act (Houston Chronicle, 2012).

Several major Houston organizations, including the Greater Houston Partnership (the largest business association in Houston), wrote letters to the Houston Chronicle and state legislators, voicing their support for the DREAMers (the undocumented students who would benefit from adoption of the DREAM Act), comprehensive immigration reform, and the DREAM Act, as well as continuation of the Texas DREAM Act. In August 2013, Rep. Sheila Jackson Lee (D-Texas) organized a congressional hearing on comprehensive immigration reform, held in the Houston City Hall with the help of former UHD SGA President Ivan Sanchez, who joined her staff to assist the office on immigration issues. Both Isaac Valdez and I addressed the hearing and testified in support of the DREAM Act and comprehensive immigration reform. Valdez began his statement with his story: “My name is Isaac Valdez. I am undocumented, I am unafraid, and I am calling for

comprehensive immigration reform. I know so many students, just like me, who desperately want to earn their degree, get a job, and make a difference in our communities. We must be fair and open the door of opportunity to these students. The time to support us and our families is right now.” Valdez received a standing ovation and was interviewed by local television stations. Later, I testified and urged adoption of the DREAM Act “not only for these students, but for the betterment of America.” After addressing the positive economic impact of the DREAM Act, I stated, “These DREAMers long to be doctors, lawyers, social workers, and teachers. Without critical reform legislation, we’re making it impossible for these students to be successful. ...Our future lies with our gifted young students—including those who are undocumented. By closing the doors to these young people, we’re holding our country back.... And our future depends on them” (Skyline, 2013).

SGA President Ivan Sanchez organized a highly successful Walk-to-Vote. Sanchez brought together leaders of campus student organizations, faculty and staff, elected officials, including Mayor Annise Parker and Representative Jackson Lee, and many community members. That day, 400 students, faculty, and staff voted, including more than 150 students who voted in their first election ever. Two of those students had become citizens earlier in the year and were voting for the first time in their lives. One told me, “I finally get to help decide who gets elected. This is exciting.” As Sanchez stated, referencing the DREAMers, “I am voting, because they can’t. We need everyone to register and vote—and support candidates who support us.”

UHD emerged as a center of student activism in Houston. The Walk-to-Vote continued under each subsequent SGA president. In 2015, SGA President John Locke broadened the event to what became Walk2Vote, using voter registration drives, social media, local rap singers, and media events. Community organizations trained UHD undergraduates to register voters on campus and throughout Houston. Student participation and voting at UHD continued to grow. In fact, a study by Tufts University found that voter registration in 2012 at UHD neared 70%, with voting rates of 50% for undergraduates and 68% for graduate students, which are significantly higher than those at peer institutions (Tisch, 2015). UHD served as the lead institution for Houston Citizenship Month, organized with the mayor’s office. The initiative annually hosts hundreds of events throughout Greater Houston and encourages residents to serve their neighborhoods and their city by promoting citizenship and citizenry in the broadest sense (Parker, 2015). In recognition of these many hours of community engagement and volunteerism, UHD in 2012 was named to the President’s Higher Education Community Service Honor Roll with distinction (one of only two universities

in Texas to earn that recognition in 2012). In addition, UHD was one of only five universities in Texas to earn the Carnegie Classification for Community Engagement in 2015 and drew national attention from higher education organizations (Flores & Bezette-Flores, 2014) and foundations interested in supporting, documenting, and replicating student achievements and community engagement (Lumina Foundation, 2015). Undocumented students participated side by side with legal residents and U.S. citizens in these community engagement efforts and were seen as visible community leaders (Bezette & Lazarre, 2013), including participation in round-table discussions with elected officials and community leaders and discussion of possible steps that could be taken to address the issue at a forum organized by the Center for Public Deliberation in October, 2014 (Skyline, 2014). Some suggested holding meeting with state legislators.

In 2015, UHD undocumented students joined with students at other institutions across the state to defend the Texas DREAM Act in Austin. State Sen. Donna Campbell (R-New Braunfels) spearheaded efforts to repeal the Texas DREAM Act; had those efforts succeeded, undocumented students would have been required to pay out-of-state tuition, dramatically increasing their costs and reducing their access to colleges and universities. Undocumented students explained to legislators that many would have to drop out of college if the Texas DREAM Act was repealed. The cost of a standard 3-hour course would have increased by \$1,200, and the cost of one semester would have increased by \$6,000; at UHD, the total cost of a degree would have nearly doubled (Flores, 2015). Ms. Ramirez, who was the recipient of the UHD President's and First Lady's Award for Community Engagement for her volunteerism and service, expressed fear that she would have to withdraw from her studies and would be unable to achieve her dream of a medical career. Traveling to Austin with student leaders, I met with legislators urging their opposition to Campbell's bill (SB 1819) and listened as undocumented students from all over Texas told their stories with passion and sometimes tears (Houmanitarian, 2015). The impact was impressive. Despite support for the bill from several key leaders in the state legislature, the bill was never adopted. The Texas DREAM Act (HB 1403) still remains law, although various politicians have already vowed to push for its repeal in the next biennial legislative session. In 2015, however, the effort failed. Many legislators felt that forcing undocumented students to pay out-of-state tuition and deny them financial aid seemed not only punitive but also short-sighted because it would reduce the state's efforts to increase the number of college graduates, especially in high-need areas, such as the STEM fields, bilingual education and nursing, and other fields and

disciplines. In the words of one educator, such efforts constitute a “moral absurdity” (Johnson, 2016).

The struggle of undocumented students nationally reached such proportions that by 2012, in a poll conducted by Time, nearly 83% of readers responded “definitely” to the question, “Should undocumented immigrants be Time Magazine’s Person of the Year 2012?” (Chua-Eoan, 2012). Although the magazine ultimately selected Barak Obama as Person of the Year, the movement spawned blogs and “Define American” chapters, with articles such as “I’m Not an Alien” (Vargas, 2015) and a Time cover story in 2012, “We Are Americans: Just Not Legally.” During the following week and on blogs, readers responded pro and con with sharp and contrasting views, some of them stridently anti-undocumented, although many were sympathetic and supportive (Time staff, 2012). A profound transformation occurred along the way. Undocumented youth found the courage to be undocumented and began to affirm “We Are Americans,” voicing their desire to be recognized as such (Arce, 2015). In June 2016, at two Texas high schools, valedictorians took the podium and revealed their undocumented status; one will attend Yale, and the other is headed to the University of Texas at Austin (Ross, 2016). A few days later, a similar story became national news when a young, undocumented woman graduating from the University of California, Irvine announced that she had been admitted to Harvard Medical School (Lee, 2016). Each year, many such news stories highlight undocumented students who graduate from law school or medical school, or who become teachers, nurses, social workers, or engineers. Their accomplishments symbolize the hopes, aspirations, and achievements of many Americans, not just undocumented immigrants. Their stories underscore what America gains by allowing undocumented youth and their families a path to legal residency and what it risks by denying them such opportunity.

The failure of the U.S. Supreme Court to uphold President’s Obama’s executive action was immediately followed by protests in Washington, D.C., and other cities. The stalemate left in effect the lower court ruling, and the decision was sent back to the lower court for review. The ruling has caused worry among those who would have benefitted from DAPA and expanded DACA (NumbersUSA, 2016). Any future ruling will undoubtedly be contested and is likely to be reconsidered by the U.S. Supreme Court. Henry Fernandez, a senior fellow at the Center for American Progress, told MSNBC that the inability of the U.S. Supreme Court to make a decision underscores the importance of the U.S. presidential election because the next president will fill the vacancy with a new Supreme Court justice who may well represent the deciding vote on the case (Nevarez, 2016). The

executive director of the National Immigration Law Center, Marielena Hincapié, vowed to continue to push for the case to be reheard by the Supreme Court and for “a way to minimize the harm from a nationwide injunction” (Carcamo et al., 2016).

In response to the Supreme Court decision, that very same day, immigration activists and others held rallies in several cities throughout the country. In Washington, D.C., United We Stand condemned the failure. They explicitly tied next steps to upcoming elections, repeatedly chanting, “We’ll remember in November!” Juan Ramos, an undocumented student, asked, “What am I going to do? What is my family going to do?” Then, looking at the other undocumented youth at the rally, he said, “We are here together as family. ... We will continue” (Nevarez, 2016). Young Latinos, many of them U.S.-born citizens, worry that their undocumented parents may now be deported. In Phoenix, protesters, including undocumented youth and adults, blocked the street near the ICE office to stop deportations, chanting “keep families together” and “we will win this fight at all costs!” A young Latina student and her undocumented mother were arrested, as were two protesters who chained themselves to a ladder. One of those arrested, Gilbert Romero, declared, “I’m doing this for my community and for parents of my friends who would’ve benefited from this [DAPA]” (Nevarez, 2016). At a rally in Los Angeles, Rocio Saenz, the executive vice president of the Service Employees International Union (SEIU), committed to continue the fight: “This is personal. We will remain at the front lines, committed to defending the immigration initiatives and paving the path to lasting immigration reform” (Liptak & Shear, 2016).

In Houston, Mi Familia Vota, United We Dream, and other organizations condemned the outcome, vowing to continue to fight for immigrant rights and candidates who will support DAPA, DACA, and the DREAM Act. Several of those interviewed at the rallies spoke of their fears that family members might now be subject to deportation. Causing further concern among undocumented families, Harris County Sheriff Ron Hickman vowed to step up screening of incoming inmates for immigration status and deportation under the controversial ICE 287(g) program. Meanwhile, United We Dream held a demonstration in front of ICE headquarters in Houston demanding an end to the program, which organizer Raul Alcatraz Ochoa termed “illegal racial profiling” (Zaveri, 2016). Ochoa and others, including the ACLU, have voiced fears that someone might be deported for a minor traffic violation or a misdemeanor. In fact, the ACLU found several examples where U.S. citizens and legal residents were wrongly deported under the 287 (g) program (Linn, 2010). United We Dream set up a toll free number for undocumented adults to call

“if they suspect they are wrongly targeted by immigration agents (Kriel, 2016).” Groups throughout the country worry about deportations and the division of families. Houston Catholic Worker urged Catholics to write to Obama and urge him to take immediate action: “If there is no DAPA, then there should be no deportations!” Their organization stressed that without DAPA, “millions of parents in the United States will live in the shadows of our economy and our communities ... [with] their children living in fear that their parents will be taken from them” (Maryknoll Office for Global Concerns, 2016).

A Houston Chronicle editorial, “Texas Decides,” decried the Supreme Court decision: “They [undocumented] make our economy run and help raise the next generation of U.S. citizens. At a time when we should be working to integrate this [undocumented] population into our national institutions, we’ve instead faced a growing tide of repulsive rhetoric and Congressional gridlock. ... Now responsibility falls on voters in November to ensure that the United States remains a dynamic nation of immigrants and rejects the poisonous politics of hate” (Houston Chronicle, 2016). Mi Familia Vota declared its intention to intensify the organization’s voter registration efforts and focus on the upcoming election. One Guatemalan immigrant made the issue very clear: “This DAPA thing—it is the only hope to keep my family together” (Kemme, 2016). Isaac Valdez told me that the decision may not affect him. “But, it is very disappointing, very discouraging to our families, especially to those who might be affected” (Kemme, 2016).

### **New Citizens, New Rights, and Cultural Citizenship**

The concept of citizenship is fluid and contested. It has changed over time.. The struggle of African Americans to obtain full citizenship, voting rights, and desegregation, and to be treated like all other Americans, has taken more than 150 years and, in fact, continues today. Many U.S.-born citizens were denied the right to vote. In 1776, only landowners, the vast majority of whom were white males, could vote. Women were disenfranchised until 1921. The LGBTQ (lesbian, gay, bisexual, transgender, and queer) social movement has fought for equal protection, marriage rights, parental rights, and bathroom access for many years. Despite favorable court rulings, their struggle continues. Social movements have expanded rights and extended citizenship, broadening our conception of what it means to be American. Hall and Held (1989) argued that “new citizens” emerge as they claim rights and struggle to open the doors of society that remain closed to them. In 1987, renowned anthropologist Renato Rosaldo introduced the concept of cultural citizenship at a meeting of the Latino Cultural Studies Working

Group at Stanford University, arguing that the cultural practices of daily life can become a space for new identities and new social movements (Rosaldo & Flores, 1987). As I wrote (1997a), “Cultural citizenship, as an amalgam of both culture and citizenship, reflects the tensions of each. While citizenship is contested and incomplete, culture is constantly shifting and evolving. ... Cultural citizenship helps us to better comprehend the relationship between cultural practices and demands for cultural rights and new citizenship movements.”

The emergence of undocumented immigrants as agents of social change exemplifies cultural citizenship. “New citizens” have traditionally resided at the margins, often holding unpopular views or being treated as outcasts. As they create self-identity, bind together, and claim social space to practice their culture and lifestyles, they also begin to claim social and political rights. The DREAMers are new citizens in the sense that they have lived in the shadows of society, often “invisible.” Now, they have emerged, enunciating their claims to social and political rights. Just as many of their undocumented parents or relatives became active in labor unions, parent organizations in schools, and advisory boards, undocumented youth are now acting to change their lives and influence public policy (Flores, 1997b). They are struggling to protect themselves and their families.

The struggle of undocumented youth for recognition as a distinct group reflects agency, as does their self-identification as Americans. The social movement has garnered national press coverage and caused many Americans to wonder why DREAMers have not been allowed a pathway to citizenship. Their affirmation of being American, even if lacking papers, contests our fundamental core beliefs of who is and who is not a member of American society—forcing us all to confront those beliefs. Should the lack of papers or how they arrived to this country negate a lifetime of residence here? Should we not instead judge them on their contributions to our society? Undocumented youth have stepped out of the shadows to declare their status, participate in demonstrations, and seek legal status with a path to citizenship. Their dream is to be Americans with full rights and responsibilities. When they hear interviews of English-speaking students, many of whom have been in the United States most of their lives and simply hope to pursue an education and a career, most Americans find their dream reasonable, just, and fair.

Undocumented students graduate each year, becoming scientists, doctors, lawyers, teachers, and engineers. They are members of our society. They and their families hope to be allowed to stay in this country. They have roots here. Many are married and have their own children who are U.S. citizens. Deporting them will affect their families. Deporting parents

affects children. They are fighting to stay here and be allowed to complete their education, raise their families, and live out the American Dream. The movement of undocumented youth to expand their rights is in the finest traditions of what makes America a great country and a “beacon of democracy.” America must find a way to provide undocumented youth a pathway to legal residency and citizenship. It is what they deserve, and it is in the best interest of America’s future.



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