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TABLE OF CONTENTS

Editors' Message	6
INTRODUCTION	
Immigrant Latina/o Youth and Illegality: Challenging the Politics of Deservingness	7-10
Genevieve Negrón-Gonzales, University of San Francisco Leisy J. Abrego, University of California—Los Angeles Kathleen Coll, University of San Francisco	
FEATURED ARTICLES	
Deservingness: Challenging Coloniality in Education and Migration Scholarship	11-21
Leigh Patel, Boston College	
Constructing “Deservingness”: DREAMers and Central American Unaccompanied Children in the National Immigration Debate	22-34
Lindsay Pérez Huber, California State University—Long Beach	
Unauthorized Education: Challenging Borders between Good and Bad Immigrants	35-46
Jennifer R. Nájera, University of California—Riverside	
Narratives of Deservingness and the Institutional Youth of Immigrant Workers	47-61
Shannon Gleeson, Cornell University	
Neither Sinners nor Saints: Complicating the Discourse of Noncitizen Deservingness	62-73
Katie Dingeman-Cerda, University of Denver Edelina Muñoz Burciaga, University of California—Irvine Lisa M. Martinez, University of Denver	
Of Radicals and DREAMers: Harnessing Exceptionality to Challenge Immigration Control	74-85
Luisa Laura Heredia, Sarah Lawrence College	
POETRY	
Tell Me What Happens to the Child Who Crosses the Border	86-87
Chantiri Ramirez Resendiz, University of California—Los Angeles	
A Map for Return	88-89
Araceyly Mondragon, San Francisco Organizing Project/Peninsula Interfaith Action	

BOOK REVIEW

Reform without Justice: Latino Migrant Politics and the Homeland Security State Kathleen R. Arnold, DePaul University	90-91
Author Biographies	92-93
Special Issue Peer Reviewers	94
Call for Papers 2016	95-97
AMAE Journal Reviewer Form	98-99
AMAE Membership Application	100

Editors' Message

We are pleased to publish the 2015 theme issue focused on Latina/o immigrant youth, “illegality,” and the politics of deservingness. We would like to personally thank the three co-guest editors, Drs. Genevieve Negrón-Gonzales, Leisy J. Abrego, and Kathleen Coll, who bring a wealth of scholarly experience from the fields of education, Chican/o studies, immigration, sociology, anthropology, and higher education as well as committed participation in grassroots organizing in various settings. Their year-long efforts and dedication brought together a collection of timely and relevant articles from an impressive set of authors from across the U.S. We are deeply indebted to them for their excellent work.

The articles in this collection shed light on how Latina/o immigrant children and youth are both included and excluded from rights and protections in this country, particularly on questions of “illegality.” Various authors in this issue critically explore the boundaries that are constantly being drawn and redrawn to include and exclude children of immigrants and immigrant young people, for whom age alone does not guarantee basic rights. In fact, undocumented youth have lived through vast changes in policy, organizing tactics, and discourses over the past 15 years. It is so important that we as educators and researchers be aware, knowledgeable, and vocal on these issues that deeply impact our students, K-16. We are confident that readers will find this issue to be a go-to when learning and writing about the current immigration debate.

Juntos logramos más,

Patricia Sánchez, Co-Editor

Antonio J. Camacho, Co-Editor

Introduction: Immigrant Latina/o Youth and Illegality: Challenging the Politics of Deservingness

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University of San Francisco

Leisy J. Abrego
University of California, Los Angeles

Kathleen Coll
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On September 23, 2015, 5-year-old Sophie Cruz made headlines when she crossed security lines to run to Pope Francis during his visit to Washington, D.C. Despite heavy security, Sophie successfully delivered her message—an appeal for his support for the implementation of Deferred Action for Parents of US Citizen and Legal Permanent Resident Children (DAPA). Sophie’s undocumented parents stand to benefit from the legislative action announced by President Obama in November 2014, but at the time of this writing, anti-immigrant forces in Congress have mounted legal challenges to indefinitely stall the implementation of the program. As this political spectacle plays out at the federal, state, and local levels, draconian immigration policies continue to tear families apart, create a climate of fear, and criminalize the immigrants whose labor contributes crucially to keeping this nation afloat. In this context, children like Sophie have fought for—and at times won—the opportunity to make their case in the court of public opinion for greater inclusion. Not all children, however, are represented in the media with sympathy, nor are their messages received so enthusiastically by those in power. The notions of innocence and inherent value that are commonly associated with white children in U.S. society have often been denied to immigrant Latinos and other children of color. In this special issue, we bring together a set of papers that examines the particularities of how Latino immigrant children and youth are both included and excluded from rights and protections in this country, particularly on questions of “illegality.” The authors in this issue critically explore the boundaries that are constantly being drawn and redrawn to include and exclude children of immigrants and immigrant young people, for whom age alone does not guarantee basic rights. Within the dialogue across regions, disciplines, and age groups that the papers represent, we center the notion of deservingness. Deservingness, as we apply it here, refers to a method of discipline that is based in a politics of respectability. Deservingness sets the rubric against which society determines the worthiness of immigrants to access basic human rights; it is a process with roots in decades past, part of an ongoing effort to further re-entrench borders both literal and figurative.

In the summer of 2014, tens of thousands of children and families made headlines as they crossed into the U.S. through the southern border fleeing multiple forms of violence. The sorting of bodies takes place at various points throughout the process, in countries of origin and as U.S. trade and foreign policies stratify migrants’ designations of worthiness by nationality, class, race, gender, and sexuality. In this special issue, our focus is on designations of worthiness that begin at the border but stretch beyond this entry point; where Mexican youth are summarily deported without the possibility of any official review of their claims; where unaccompanied Central American children and youth are detained and then allowed to remain with sponsors around the country only while they await court hearings that will likely lead to deportation orders; and where adult women travelling with their children are transferred to now-infamous for-profit immigrant family prisons. Although such movement across borders is not new, the summer of 2014 was the first time in recent memory that mainstream media exposed large numbers of the U.S. public to images of refugee children in this country packed into bare rooms, sleeping on the floor, in overcrowded and unsanitary conditions in makeshift detention centers.

A collective, if short-lived, outrage at the treatment of these Central American children was simultaneously accompanied by angry nativist protests that blocked buses of children and their families from entering towns, inspiring counter-demonstrations by people who argued for their basic human rights as refugee children. Anti-refugee protestors spoke of the children as dangerous, germ-carrying invaders, while supporters invoked

¹ Each author contributed equally.

notions of innocent childhood, a discursive move that despite being well-intentioned, served to distinguish the children's deservingness from their adult counter-parts, including their own parents. The media coverage and competing actions illuminated the ways in which children are caught up in the cross-hairs of a violent U.S. immigration system inextricably tied to foreign and trade policies.

More than a year later, and despite ongoing efforts from a broad range of advocates, lawyers, scholars, and faith leaders, these children's rights continue to be denied. There is insufficient will in the U.S. to extend humanitarian relief or refugee designations to brown children displaced by poverty, war and violence. By the summer of 2015, when media attention turned to the refugee crisis in Europe, the images and stories of Mesoamerican refugees had all but disappeared from public view and public consciousness. Despite the opportunity to draw parallels about the horrors of forced migration around the globe and the practices and policies that fuel exodus, the conversation in this country has turned to a disdain for "foreign" regimes, sympathy for the overwhelmed European receiving countries, and debates about whether governors have the legal right to block Syrian refugees from entering their states. The refugee babies washed ashore and the migrant bodies languishing in detention centers quickly recede into the forgotten annals of the U.S. collective conscience.

On another front, U.S.-based undocumented and DACA-recipient youth continue to demand a more just immigration system. A movement that was initially marked by an upholding of values of innocence and inherent value of children has since evolved along multiple lines, often including a critique and rejection of tropes that uphold the boundary between deserving youth/children and undeserving adults/parents. Many of the undocumented young people designated as "deserving" within and through these binaries are collectively pushing back against the devastating consequences that these politics of respectability have had for others in their own communities. Some of these young people are now also at the forefront of fighting for the rights of refugee children, denouncing the practices and policies that suspend dignity and humanity for refugees. Undocumented youth in the immigrant rights movement continue mobilizing to put an end to the reprehensible immigrant detention and deportation system devastating their families and communities. Careful attention to their stories reveals the dangerous inadequacy of formulations that reduce them to ideal types of deserving/undeserving objects of sympathy or tragic figures "caught between two worlds." By exposing the complexity of subjectivities, tremendous diversity of experiences, and messiness of their full humanity, we hope this collection of academic articles and creative works contributes to undocumented Latina/o youths' own efforts to demand recognition of their rights.

As editors, we draw on our many years of experience in various sectors of the immigrant rights movement—the undocumented student movement, immigrant women and domestic worker rights movements, and Central American solidarity work—to bring attention to the temporality of the issues covered in this collection. Undocumented youth have lived through vast changes in policy, organizing tactics, and discourses over the past 15 years. Some have benefited from DACA, many have access to new (though temporary and conditional) rights and privileges, and their movement is continually redefining itself, trying to be more inclusive while also limited by a pervasively xenophobic political context. While there are various narratives that intersect with the lives of undocumented youth at this current historical moment, the politics of deservingness continues to be centrally deployed to sort, prioritize, and ascertain worthiness of immigrant groups. This special issue is devoted to a critique of deservingness as an axis of stratification and as the metric by which immigration policy is debated and decided.

The articles in this collection highlight the complex and important ways in which the experiences and institutional interactions of refugee children, undocumented youth, and young immigrants are both distinct and interconnected. Challenging notions of deservingness that distinguish between "good" and "bad" immigrants, contributors share a structural analysis of the categories and associated experiences of childhood and youth. The goal of this special issue is to contribute to the body of critical immigration scholarship that grapples with the production of illegality, citizenship as a commodity, and a disruption of the deserving/undeserving immigrant narrative. We have included pieces that complicate the contemporary conversation about undocumented young people as well as those that problematize the myth of a U.S. context that protects childhood and families of color. The special issue brings together conversations about "DREAMers," unaccompanied migrant children, deported youth, and undocumented workers to analyze the current immigration system and consider ways to end the institutional violence it engenders.

Leigh Patel's theoretical essay draws from legal case law, educational research and policy to explore the trope of deservingness as a form of racialized legitimacy, examining how deservingness acts as a discourse of racialization, narrating across racially minoritized groups to reconstitute the benefits for the racially majoritized. Lindsay Perez-Huber utilizes a Latina/o critical theory framework to analyze national newsprint media coverage of DREAMers and Central American unaccompanied children. She finds that constructions of "deservingness" are divergently employed in these narratives that assign values of non-nativeness to both groups to justify continued subordination. Jennifer Nájera examines how the activism of undocumented college students in Southern California's Inland Empire is productive of not only new political subjectivities, but also contributes to new forms of teaching and learning by explicitly challenging the hierarchies and divisions that the ideology of deservingness fosters among and between undocumented students, immigrant students, Latina/o students and their non-Latina/o peers and professors. Shannon Gleeson's article analyzes the impact of immigration discourse and policies such as DACA and the U-visa on immigrant youth and young immigrant low-wage workers in Houston and the San Francisco Bay Area. She argues that young adult workers are structured into the US economy as "institutional youth" with exclusionary consequences. Katie Dingeman-Cerda, Edeline Burciaga, and Lisa Martínez combine their diverse research projects and results from multiple sites with DACAmented, formerly documented, and deported migrants in El Salvador to reveal how structural conditions lead to different experiences and understandings of the politics of deservingness. Luisa Heredia's work explores how undocumented youth are using their liminal legal status and their valorized social status to access and challenge invisible spaces of migration control and the technologies of discipline enacted on migrants. Chantiri Ramirez Resendiz and Aracely Mondragon contribute creative pieces to this special issue, illuminating the connection between the structural and the personal. Finally, Kathleen Arnold provides a review of Alfonso Gonzales's, *Reform Without Justice*, a book that centers analysis on how the politics of deservingness have played out in the immigrant rights movement in the context of securitization and the "war on terror."

While articles in the volume highlight problems that emerge when the immigrant rights movement mobilizes tropes of deservingness in service of administrative relief and legislative reform, they also call attention to the structures of violence that enforce the ideology of deservingness; U.S. intervention, global capitalism, geopolitics, and racism are all implicated in this multi-layered migration regime. Children from Mexico and Central America would not have a need to risk their lives and place themselves in the path of such violence if they were not being expelled from their home countries. The lack of educational and economic opportunities along with the growing insecurity can all be traced back and identified as devastating consequences of U.S. foreign and trade policies in the region. Humane refugee policy would recognize most of these youth as meritorious of protected, refugee status; instead, these young people confront a racialized enforcement regime that discursively and materially denies them their humanity in service to a political-economic regime that depends upon accelerating social inequality rather than equity or justice.

For those already based in the United States, the struggle over the politics of deservingness is about challenging the idea that one monolithic DREAMer experience, frame, or political platform exists. Rather than seeing undocumented youth as "caught between two worlds" or in some "grey area between two ideals" we seek to re-center the racialized experiences of migrant Latino youth within the structural context of the deportation regime. Divisions amongst un/deserving undocumented youth align with other fundamental drivers of inequality in the U.S., where meritocratic rationales are still employed to explain disparate opportunities and outcomes for youth that are structurally determined by nationality, age, race, class, gender, sexuality, and disability. In the wake of persistent state violence against children of color and their families for generations, rejecting the politics of respectability and hierarchies of deservingness requires recognition of the potential for solidarities between communities of color and the institutional-rootedness of these conditions.

To return to the story of little Sophie Cruz, the fact that she and her family appeared in the media at all is a testament to grassroots immigrant rights organizing in Los Angeles. These activists seized the opportunity of Pope Francis' visit in light of his advocacy for "welcoming the stranger" everywhere - from refugees of the war in Syria arriving in Europe to immigrants arriving to the U.S. from economically and politically ravaged Oaxaca. Mobilizing key tropes of deservingness, the exceptionally articulate five-year-old Sophie asserted (in perfect English and Spanish, for multiple audiences) her parents' right to remain in the U.S. based on their desire of a better life for their family. Sophie's interjection in the immigration debate and national discourse about who has the

right to belong helps undermine hierarchies of deservingness in law and in discourse by demanding attention to the humanity of undocumented immigrant subjects, especially undocumented youth but also their often mixed status families.

As editors, our goal in this project has been to contribute to the reframing of a politic of “illegality”; one that rejects categories of un/deservingness that divide immigrants in the US, as well as those that reify distinctions between politically convenient refugees fleeing military violence and changing political regimes versus those escaping structural violence of poverty and global inequality. Humane immigration policies should recognize all subjects as equally deserving of the right to work, shelter, education, family integrity, and to live without fear of violence. Critical immigration scholarship must contest narratives of deserving/undeserving immigrants that correspond with the discursive and intellectual production of illegality and its violent consequences, while always contextualizing movement across borders within a global neoliberal capitalist system. The articles in this volume, along with the creative works and reviewed book, are diverse in focus, theoretical and methodological approaches, yet together they offer resources for social analysis and political critique of an untenable immigration system and the ideologies of division and hierarchy amongst immigrant subjects that help sustain it.

Deservingness: Challenging Coloniality in Education and Migration Scholarship

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Abstract

Rhetoric, policy, and debate about immigration and immigrants are saturated with the trope of deservingness. In nation/states built on stratification, deservingness acts as a discourse of racialization, narrating across racially minoritized groups to re-instantiate the benefits for the racially majoritized. In this theoretical essay, I draw from legal case law and educational research and policy to explore the trope of deservingness as a form of racialized legitimacy. I suggest that the ubiquity of deservingness demands a decolonial reckoning with the specifics of how it is deployed relative to differently racialized peoples in a settler society, how they are racially minoritized and majoritized, and fundamentally, how that creates connected yet distinct social locations, rights, and relationships to self, others, the state, and land. Looking within and across how deservingness is leveraged against groups enables deeper comprehension not just of deservingness but of the larger settler structure.

Introduction

Current social movements to recognize the material conditions and rights of vulnerablized migrants have, at turns, tempted and withdrawn from a frame of deservingness. Posters and campaigns declare that undocumented people deserve access to health care, freedom from unfair employment practices, and basic human rights. This is only intensified when undocumented youth are the focus. They are innocent and restricted due to the unfortunate consequences of someone else's actions. The associated tropes of innocence, youth, and non-criminality are all outcroppings of the frame of deservingness. While deservingness runs throughout the ways that undocumented youth are framed in the media, policy, and even much of social science research, deservingness is itself a centuries-old discursive frame to delineate humanness and worth. In the United States and its practices within and beyond, it acts as a dominant discourse to differentially racialize. Although figurative, it has always held strong material effects, sorting the worthy from the less than worthy. Deservingness is deployed differentially relative to different peoples in a settler society, formed on violent seizure and occupation of land. Rather than a single event, a settler society has an ongoing structure involving the conversion of land into property, the erasure of Indigeneity, and the relegation of some humans into labor and their bodies a form of property. Pursuant to this material structure, the figurative narrative of deservingness racially minoritizes and majoritizes peoples with distinct yet connected social locations, rights, and relationships to self, others, the state, and land. I open this essay for this special themed issue on migration and education with a discussion of the racialized laws restricting Black rights to lift up the trope of deservingness as a core and long-used tool of governmentality, the enactment of relationships to state in formal and informal practices.

In 1896, the United States Supreme Court ruled that Homer Plessy was not entitled to damages for being asked to move from a railway car designated for white Americans to one for Black Americans. The ruling of *Plessy v. Ferguson* (1896) is one of the watershed moments of legitimization of racism and white supremacy in the United States. Despite its shorthand moniker of 'separate but equal,' the case confirmed the cultural premise of white racial superiority by asserting that Plessy was not damaged by being kept out of a white-designated car but that whites would incur harm by mixing racial backgrounds in transportation. Although the decision of the case is widely known and taught, lesser discussed are the reasons that Plessy was tactically chosen to be the plaintiff in this case: his light skin and 7/8 composition of white racial descendancy. The day after his arrest for riding in a white railway car, a New Orleans daily described Plessy as a "snuff-colored descendant of Ham" (Medley, 2003, p. 85). Plessy was chosen to be the man who sat in the white car because he could have passed as white, or more precisely, be seen to be deserving of white status. He held proximity to the metric of deservingness based on phenotype and therefore associated racialized rights. This was the basis of the plaintiff's case, which argued that deservingness materially impacted life experiences. When Plessy was cited for transgressing the legal codes of separation, his attorneys argued that this citation connected blackness with lower worth. The court infamously

ruled that separate could be equal. Despite the saliency of its findings, the court drew upon an uneven mixture of logic in the majority decision, both maintaining that the races could be separated without harm to any group and that there could be no claim of harm from a Black person made to sit in a white car; only the converse. It is, arguably, the first juridical assertion of colorblindness that materially functions to reseal whiteness as property.

The majority decision also connected to the ambiguous rationalization of race expressed in the Dred Scott case, which attempted to state a process by which beings that had only been known as chattel, slaves, could be transformed into subjects with due rights from the state. Justice Daniels, in the Dred Scott case, first connected former slaves' relationships to lands in Africa that were not recognized as legitimate nation-states in the United States and on that basis decreed that the transformation of chattel into personhood was mitigated. He wrote, "It is difficult to conceive by what magic the mere surcease or renunciation of an interest in a subject of property, by an individual possessing that interest, can alter the essential character of that property with respect to persons or communities unconnected with such renunciation (Dred Scott v. Sandford, 1857). The Dred Scott case addressed relationships to land and statehood that carried through racialized meanings in later case law, including Plessy v. Ferguson (1896), and that are also found in the discourse and policies impacting undocumented migrants.

The Plessy v. Ferguson and Dred Scott decisions were and remain key determinations of the strata of deservingness, with the Supreme Court ruling that stratification by races was a legitimate and necessary operation of the state. The inconsistencies in the court's majority opinion, although noted as "pernicious" at the time by dissenting Justice Harlan in the Plessy case, proved prescient for the ways that criteria of distinction, merit, and deservingness would come to manifest across seemingly colorblind policies that enact racist material effects. Reading across this case law lifts up questions relative to status, land, statelessness, stateworthiness, and the metrics by which these designations are racially distributed in a settler society in social fields external to the law.

Deservingness fundamentally conveys how the state confers and delimits legitimacy as well as how it asserts its own existence as arbiter of racialized rights. As evidenced through the Dred Scott and Plessy v. Ferguson (1896) cases symbolically, as well as many other examples in case law, deservingness also comes to figure strongly in how codes and practices of exclusion are experienced and challenged by migrant populations. Although there is a shared overlap of being subjected to the metrics of deservingness, I do not suggest that racialized racialization for Black and white residents of the United States can explain racialized statehood for migrant youth. To do so would barter in an equivocation that perpetuates the project of stratification. Rather, I suggest that the ubiquity of deservingness demands a reckoning with the specifics of how it is deployed relative to different peoples in a settler society, how they are racially minoritized and majoritized, and fundamentally, how that creates connected yet distinct social locations, rights, and relationships to self, others, the state and land. Ultimately, analyses of governmentality and its actualizations through deservingness will address some of those relations, but not all.

The fulcrum in understanding how deservingness creates differential social locations for a settler state, such as the United States is in how it validates and organizes forms of labor, and ownership relative to land as property. Property, labor, and ownership are fundamentally crucial concepts for understanding migrants' experiences in society because of the long-standing, unquenchable settler need to obtain property. A central project of property accumulation creates concordant locations for people as chattel, laborers, and property owners. These needs are imbricated and erased in a global political economy that uses human rights and market-based frames to justify and delimit migrants' possibilities. Research and theorization of migration and deservingness can both connect itself to other conditions of [un]deservingness and make more explicit undertheorized aspects of migration, including relationships to land. In this paper, I situate deservingness as part of the core logic of a settler state and then discuss the afforded locations for migrants and their education within context.

Deservingness: A Colonial Cut that Creates and Maintains White Statehood

Rhetoric, policy, and debate about immigration and immigrants is saturated with the theme of deservingness. In vitriol that casts migrants as unwanted and damaged/damaging, the primary messaging conduit is their lack of worth. Queue jumpers dropping anchor babies and plundering state's coffers. These stereotypes

function to delineate who deserves legitimized relationships with the state and who doesn't.

As Leo Chavez (2012) explores in his thorough analysis of the racialization and gendering enacted through contemporary anti-immigrant discourses, the Latino immigrant body is drawn with the patina of undeservingness to legitimate white Americans' alleged whole worth. Chavez (2012) pays particular attention to the gendered and racialized accusatory frames surrounding Latinas, fertility and reproduction:

In the final analysis, the discourse surrounding Latina fertility and reproduction is actually about more than reproduction. It is also about reinforcing a characterization of whites as the legitimate Americans who are being supplanted demographically by less-legitimate Latinos. For this reason, the empirical evidence examined here may be easily dismissed by those who prefer perpetuating a discourse that undermines Latino claims of citizenship. (p. xxx)

Conscription of female reproduction has always been both politically elusive and never not there in projects of nationalism and even in radical collectivities (Heng & Deven, 1995; Nelson, 2001). The ubiquity and contestation over female reproductive rights and tropes of bewitching, fertile women is testimony to this site of [un]worthiness, a context which supports understanding the deployment of it specifically in relation to Latin@ migrants. (See Figure 1.)

Figure 1. California road sign of (Latin@) immigrants crossing highway.



Chavez' (2012) analysis of media texts depicting Latina migrants and his findings connect to a long-standing field of scholarship of whiteness as property, first established by legal scholar Cheryl Harris. In her landmark analysis, Harris (1993) describes the various ways in which property has been legally conceptualized, codified, and protected for land-owning whites. She provides examples that enacted the overt dehumanizing reduction of Indigenous peoples as savage and of black bodies as slave chattel, as well as the ways in which more subtle interactions create and display social locations of more and less entitled. For example, she describes her grandmother's experience of what critical race theorists have termed racist microaggressions (Pierce, Carew, Pierce-Gonzales, & Wills, 1977) during her years of gaining higher wage employment through her ability to pass for white:

Her voice would remain subdued, as if to contain the still-remembered tension. On rare occasions, she would wince, recalling some particularly racist comment made in her presence because of her presumed shared group affiliation. Whatever retort might have been called for had been suppressed long before it reached her lips, for the price of her family's well-being was her silence. Accepting the risk of self-annihilation was the only way to survive. (p.1215)

Though there are many differences between inciting racialized and gendered reactions to immigrants from the Global South objectifying comments uttered in the air of upper middle class homes, these acts are fundamentally similar because they operate from a mutually constitutive logic of stratified rights and exclusion. Harris (1993) uses historical, legal, and sociological analysis to illuminate the ways that property rights and white legal identities have been defined and how these rights function to protect whites' status at the top of the social order. Harris' (1993) article has become a classic of critical race theory because it provides a coherent yet complex analysis of the sources of codified territoriality and the social relationships borne of stratified property rights protected for whites and inaccessible to people of color. It is relevant here to illuminate the intertwined and interlocking sets of advantage (Roithmayr, 2004) that durably work across shifting identity and social categories in the law.

In the case of *Plessy v. Ferguson* (1896), the coupling of race plus privilege, explained more thoroughly by Harris in her 1993 analysis, is leveraged to maintain racial privilege despite the ability for a person to 'pass' as white. In fact, the existence and practices of 'passing' are a salient reflection of the ways that whiteness is a construct that is produced and sometimes can be approximated but not with full access. Whiteness is created as an exclusionary status. This exclusionary status is, in part, established through the appearance of biological rationales, even in contradictory ways. The same blood calculation that is used to demark black peoples as nonwhite through the mere presence of a single drop (one drop rule) exists alongside blood quantum laws that successively reduce Indigenous peoples' proportion of Indigeneity over time if they reproduce with nonnative peoples. These practices work together in a settler society to simultaneously erase Indigeneity and create chattel property through anti-blackness. A single drop of nonwhite blood carries through a history of Black peoples' fungibility into settler property (King, 2013) and Native peoples' erasure, each manifestation working, despite direct contradiction of logic, to facilitate the accumulation of property, of earth converted into land, for settler ownership. These relationships to the state exist to organize labor, work, property, land, and wealth.

In settler societies, worth is distributed unevenly through owning land as property, laboring that land, or being an aspect of property. Relative populations are organized accordingly and, yet, connectedly through this architecture. Latino migrants, particularly undocumented migrants, are located relative to anti-Blackness and the erasure of Indigeneity through racializing discourses that meter deservingness. The relationship of person to state is the foundational purpose of the trope of deservingness, who deserves to be included under the state, and who, as a necessary dialectic difference (Derrida, 1978), must be stateless. In other words, the definition of stateworthiness is made apparent through the delineation of statelessness. As Lisa Marie Cacho (2012) theorizes, statelessness is purposefully facilitated and created within frames of liberal humanism, guaranteeing that some are entitled to racialized statehood because others are not. Cacho (2012) explores the ways that some bodies are criminalized, made to be holders of essence of criminal, such that they are ineligible from statehood by their very existence.

The ascendancy and exclusion from legitimacy under the state operates through myriad contexts

and practices, durably yet impermanently gelling together governmentality. Rather than a specific state or governmental institution, governmentality is the cross-sector disciplining practices that literally govern, control and mediate, what can be done. Foucault is most referenced for theorization on governmentality, the collection of sweeping and minute practices that gather together, discipline, and make available kinds of being and personhood. However, Foucault's work can only reach so far here, as his work cannot speak to the centrality of the constructs of race and gender in these tropes of worth, merit, and deservingness (for an extensive discussion on Foucault's shortcomings with race, see Weheliye, 2014). Further, Foucault's work speaks to relationships with the state, but not to land, which is pivotal to the creation and maintenance of stratification of being within coloniality. This is evidenced in the Dred Scott decision, which linked the claim of lesser humanity of Black peoples to assertions of statelessness in the African continent, as well as the policing of created criminality of crossing also created nation state borders. For analytic redress on the constructs of race and gender, so central to understanding the created [un]deservingness of Black and brown peoples as core projects of coloniality, the works of Denise Ferreira da Silva (2007). The intellectual work of Dorothy Roberts, Hortense Spillers, and Sylvia Wynter speak much more robustly than does the work of Foucault, and more broadly, critical theorists whose theoretical fulcrum is subject to state relations. Rather, theorists of coloniality and the global construction of race address the enactment of the constructs of race and gender such that they are not reduced to inherently present biological realities but rather always already becoming necessary productions of coloniality.

Coloniality, first through the church and then through the state, produced designations of being, differentially overrepresented and valued, as a way to produce and validate knowledge projects that validated and normalized strata between beings and land (Wynter, 2003). Coloniality is different from colonialism defined as the relationship of more powerful to less powerful nation/states. As Maldonado-Torres (2007) defines it "coloniality, instead, refers to long-standing patterns of power that emerged as a result of colonialism, but that define culture, labor, intersubjective relations, and knowledge production well beyond the strict limits of colonial administrations" (p. 243). In Wynter's (2003) extensive and transdisciplinary examination of coloniality and its concomitant overrepresentations of some beings and devaluing of others, she centrally asks what knowledge production projects are for, what are their functions.

Coloniality creates and structures the nation-state, subjects under the state, and relations to the land. Migrants from the Global South, including Latin America, develop pre-migration knowledge and associations with 'developed' nations through ideological and material systems (Grosfoguel, 2003). Extractive colonial practices relative to the land and to people is a fundamental component of the push and pull of vulnerablized peoples across nation-state borders. Coloniality, though, is not a static set of relationships; it shifts and is manifested variously within and across contexts. The United States, along with other nation/state entities, is a settler state. Its creation and maintained identity involves settlers coming from other lands and engaging in intertwined projects of erasure of Indigeneity and anti-Blackness to preserve property rights for whites. Related to Harris' discussion of whiteness as property, theorization of settler colonialism (Wolfe, 2006) articulates the intertwined projects of conversion of seized land into property, erasure of Indigenous peoples, and the importing and dehumanization of people into chattel who can work but never own land. This form of colonialism can be understood as connected to other versions of coloniality but not as commensurate and interchangeable. Coloniality relies on globally resonant tropes of valid and invalid versions of being, but settler colonialism leverages those distinctions of worth to secure property rights for some based on the erasure of rights of others.

Through the analytics of coloniality and settler colonialism, the state's operations to legitimate forms of knowledge and beingness through governmentality are rendered more transparent. Deservingness is debated, policy-ed, and policed through governmentality, networked for the larger project of maintaining colonial sets of relationships. This analysis of governmentality through its purpose is a different stance than what Foucault's work offers, which is an analysis of the disciplining done by the state. Analysis of disciplining is critically important, but does not necessarily speak to how the webbing of governmentality itself is acting on behalf of a project that reaches beyond the state with designations for lesser beings, higher beings, and land. While deservingness animates the racialized logics used to confer status, as evidenced in the *Plessy v. Ferguson* (1896) court case, a frame of coloniality puts in relief how those projects function collectively to create and police disparate locations. Deservingness operates out of an architecture of stratified worth.

These designations of worth and relative amounts of value work not only to create and re-instantiate race

but also do so in ways that criminalize and render populations ineligible for rights under the state. For example, in her extensive analysis of the creation and attenuation of some peoples as illegal and therefore bodily ineligible, Lisa Marie Cacho (2012) analyzes commentary in the media on New Orleans following Hurricane Katrina. Paying particular attention to the ways that African Americans were called, “refugees,” Cacho (2012) theorizes this as a move that criminalized as well as alienated and distanced. Journalists tapped into what they believed to be true of Third World peoples (and worth) to “apprehend what they were witnessing, to make sense of a post-Katrina New Orleans for themselves and their audiences” (p. 14). Although being undocumented is not a crime, it means to be embodied by criminality, not merely stereotyped as criminal, although that also happens, but to be understood as enacting illegality by virtue of one’s existence. This imbuing of liminality in some bodies works in tandem with the ongoing project to devalue and bracket the humanity of Black peoples. As Cacho (2012) writes, “Both undocumented immigrants and unemployed, impoverished citizens are legally ineligible for personhood because they cannot invoke the laws that address unlivable wages or unfair hiring practices” (p. 22).

Together, Wynter’s (2003) work that excavates the knowledge for projects of coloniality and Cacho’s (2012) work that offers uncompromising analyses of ineligibility, foreground necessary questions of how deservingness is enacted in the framing and treatment of migrant populations. The challenge of the ubiquity of the colonial trope of deservingness is to ascertain its specific locations and impacts. In determining these specifics, though, it is important to keep both specificity and global connections in mind. One of the affordances of considering coloniality in relation to migrants is that it allows for more robust theorization of movement, place, and the global. As Massey points out, “the global isn’t just made up there; it is made in places and there is hardly a place on the planet that in some ways isn’t party to the making” (as quoted by Tuck & McKenzie, 2014, p. 412). Relatedly, Denise Ferreira da Silva (2007) points out that raciality is inevitably a part of the modern project of state, that it, in fact, psychically and materially produces modern global space (e.g., the darker nations and the Global South), and it does so through proxies that can organize racially without uttering race.

Situating frames of migrant youth, those who do not hold legal authorization to be in a country, within coloniality and subsumed projects of whiteness as property begs the question of what a settler state wants and does not want from undocumented youth. Specifically related to undocumented Latin@ youth, what does a settler state imagine for these youth and for itself, and from that, what does it allow and what is held at bay. In the next section, I turn to one specific instance of a racial proxy, language in education, to map the colonial logics running through it. More specifically, I analyze what kind of knowledge-for project (Wynter, 2003) is materialized for undocumented Latin@ youth in formal education. I turn to this example not because of any sort of inherent prevalence it has a site of coloniality but rather as a necessary and insufficient point of analysis.

Coordinates: Latin@ Youth, Language and Racialized Statehood

Formal education in the United States has long been a site of settler logics (Calderon, 2014; Patel, 2014), with settler grammars enlivening curriculum, pedagogy and assessment. Education as a social field, specifically within the United States, is one of the many societal institutions grappling with the significant presence of migrant, children of migrant, and within those demographics, undocumented Latin@ children and youth in its classrooms. Although *Plyler v. Doe* (1982) guaranteed all undocumented children access to a free and appropriate public education, this de jure guarantee has resulted in de facto striations of praxis. The grappling has to do with the ways that this population, with its various and varied racialized experiences of being, migration, and schooling, present a paradoxical challenge to the field of education.

On the one hand, undocumented Latin@ youth enliven the nation’s imaginary that elevates education as the pathway to social mobility and improvement, part of the logic expressed in the majority opinion of *Plyler v. Doe* (1982). This imaginative specter sits neatly with the majoritarian narratives that the nation was built by immigrants, both through labor and ideals of entrepreneurship. The immigrant nation narrative invisibilizes the settler structure that continues to seek the erasure of Indigeneity and the reduction of Black bodies, initially into chattel labor to quite literally build the nation’s most celebrated homes of formal education (Wilder, 2013), and more currently, into unhireable, criminalized segments of the society. The romantic idea of the nation being built by immigrants blurs the material ongoing structures that displace and exploit Indigenous and Black life.

And, on the other hand, undocumented Latin@ youth, pose fresh challenges to the whitestream

(Grande, 2004) educational projects in the United States. Through both their racial presence in classrooms and their status of being barred from any kind of civic acknowledgement, undocumented Latin@ youth push the contradiction of education being both the promissory place of mobility and the premier site of social reproduction in the United States. Without any kind of acknowledgement of the settler structure of the society, the field of education situates migrant youth, primarily through language, in distal locations to dominant social positioning. Migrant youth are most typically named English Language Learners, and in that one nominal move, they are located, racialized, relative to a recentered dominant culture that is white, monolingual, and holders of the status-conferring standardized academic English.

In this paradox of being part of the American fabric of social mobility through education and through their racialized subalternity, the life experiences and complex personhoods of undocumented Latin@ youth are winnowed and collapsed into their English language fluency. With race being the primary organizing tool for transnational dislocation and movement across nation-states and borders (Katz, 2004), language is furthered as a logic that carries out the work of racial organization without naming race (Bonilla-Silva, 2006). Language fluency has come to act as a proxy for race, becoming a conduit to minoritize and majoritize, with relative positions for more knowledgeable (re: more worthy) and less knowledgeable (re: less deserving). Research, policy, and practice is focused on accelerating the pace of English language learning for migrant youth, particularly Latin@ youth. The tacit premise is that through their acquisition of the dominant code of power, migrant youth, purportedly even undocumented racially minoritized youth, will be able to access the nation's pathways to social mobility and well-being. This tacit premise, though, itself is in paradoxical and contradictory relation to policies and practices that speak more strongly of white settler anxieties that seek to discipline subalterns' practices and delimit the very possibilities of those practices.

As an exaggerated example of the contradictory praxis that emanates from majoritarian stories of social mobility and white settler anxiety that seeks to maintain whiteness as property, three states, California, Arizona and Massachusetts have outlawed bilingual education as a pedagogical practice. All three states have sizeable Latin@ populations, with Central American immigrants being particularly prominent demographically in California and Arizona. In a less overt but much more deleteriously impactful manner, the Elementary and Secondary Education Act of 2002 required English Language Learners to take standardized tests in English within three years of entering the country, a timeline that sits in direct contradiction to overwhelming research about the time required to become fluent in learned academic codes (Cummins, 2000). The time crunch forced many bilingual schools to restructure its programs to prioritize English over home and heritage-language instruction and maintenance. These policies have only intensified in subsequent years of federally mandated and competitive funding based on English language achievement scores.

Because language here acts as proxy as race, it's important to not only focus on the policies and research that address the Other, the English Language Learner (Patel Stevens, 2009). Race is a global organizing force because it works at behest of whiteness, therefore, it is important to address the ways that language policies, such as the outlawing of bilingual programs, and the praxis of who ascends to positions of language researchers enlivens white settler logics and reseats whiteness as property. Flores and Rosa (2015) draw attention to the hierarchies at play, even with additive approaches to language learning, in the production of "racialized speaking subjects who are constructed as linguistically deviant even when engaging in linguistic practices positioned as normative or innovative when produced by privileged white subjects" (p. x). Flores and Rosa's (2015) analysis compels consideration of the "listening subject" (Inouye, 2006) who is overrepresented. The listening subject being overrepresented is in keeping with Wynter's (2003) analysis of the function of over-representation: to name and index others, in this instance to be the one to remediate ubiquitous linguistic features like accents. The overrepresentation of the listening subject is intertwined with vested material interest in being able to resolve the unresolvable created problem of certain accents or linguistic practices. It is unresolvable because it is not inherently a problem. Whiteness renders entirely similar linguistic practices, such as blending of codes or misplacing accented emphases, as normal, inoculating these practices from remediation and overrepresenting other codes, and therefore certain listening subjects as overrepresented.

Continuing from Flores and Rosa's (2015) work, the majoritized listening subject, as well as the minoritized utterers of deficit codes, migrant youth, are based on racialized, classed social positioning that literally shape what is heard and what is unheard. Race and education scholars have long noted the enduring demographic

mismatch between a largely white, [upper] middle class and female teaching profession versus an increasingly racially minoritized school-going population, of which migrant youth account for sizeable proportions. The sophistication of white settler colonial logics in education acknowledges that monolingual native speakers of standardized academic English may need redress to be 'culturally responsive teachers' but seeks that cultural touch-up by putting these populations in contact with 'at-risk' populations. Novice and minimally trained teachers learn about the subaltern through experimentation-like contact (Heilig & Jez, 2010). The tacit idea is that through contact (Pratt, 1991) and good intentions, the monolingual white subject will be able to hear better. What stays steadfast within that opportunistic project, though, is the reality of social locations, the material invested need for racially minoritized others, and servile to that order, the geopolitical privileging of standardized academic English as a proxy for whiteness and more broadly, humanness.

Finally, it is important to note that, particularly in relation to undocumented youth, as opposed to those who hold legal governmental status, such concentrations of educational energy also dislocate knowledge of the material realities facing minoritized and criminalized subjects of the state. Learning to become illegal, as sociologist and immigration scholar Roberto Gonzales has written is a, if not *the* salient, social location of undocumented youth, rendered particularly acute during secondary school years. And yet the overwhelming majority of educational attention on migrants remains on their language fluency and purported impacts on educational achievement. This focus delimits both the available personhood for undocumented youth in research and policy and also cauterizes the ability of the dominant culture subject to disinvest from their vantage place. Put another way, could the listening subject, even with an ability to hear past an accent, be able to hear and see the criminalized bodies' foreclosed chances of being a legitimate being under the state? As I have suggested elsewhere (Patel Stevens, 2009), the winnowing of migrant youth, particularly racially minoritized and criminalized youth, into English Language Learners, refreshes the implicit settler logics of education as social reproduction. It does this by, in essence, drawing a curtain between linguistic fluency and the material conditions that meter out social death (Cacho, 2012) regardless of linguistic performance.

Connecting but Not Resolving Deservingness across Undeserving Populations

In 1979, James Baldwin addressed language, learning, and larger projects of whiteness as property:

The brutal truth is that the bulk of white people in American never had any interest in educating black people, except as this could serve white purposes. It is not the black child's language that is in question, it is not his language that is despised: It is his experience. A child cannot be taught by anyone who despises him, and a child cannot afford to be fooled. A child cannot be taught by anyone whose demand, essentially, is that the child repudiate his experience, and all that gives him sustenance, and enter a limbo in which he will no longer be black, and in which he knows that he can never become white. Black people have lost too many black children that way (para. 11).

Racialization and racialized deservingness are not new projects in American education. Yet the modern project of identity and its self-to-state categories provides insufficient language to address the specific, connected, and yet distinct manifestations of coloniality (Grande, 2004). These categories and attempts to speak within and across them of differential social locations (Crenshaw, 1991) often languishes in simplistic tropes of oppression Olympics, an ironic re-instantiation of jostling for vertical positioning.

Coloniality, as Wynter (2003) articulates, is fundamentally about creating vertical strata. The 'for' of knowledge-for projects is hierarchy through established, measured, validated, yet idiosyncratic strata. This logic of hierarchy, a colonial logic, cannot account for multidimensional dynamics. It cannot account for, as exhibited by its contradictions, the ways that race has to be defined differently for different populations to cumulatively privilege whiteness as property. It cannot account for the dredging of vulnerabilized populations across nation-state borders, a horizontal displacement of people to land that reconfigures space while simultaneously refreshing land as an object to be owned. Settler colonial logics rely on, quite literally on top of, a muted set of connected inconsistencies that function in the aggregate to reserve deservingness through the creation of the undeserving.

The ways that undocumented Latin@ youth are known, unknown, and delimited in various social spaces

begs specific and linked attention to the ways that deservingness is installed for colonial purposes. It requires us to keep close the coordinates borne of a project of coloniality without collapsing material differences. Herein lies the imperative to locate but not equivocate (Tuck & Yang, 2012) the distinct social locations created by coloniality. The history of miseducation of Black children and youth has something to teach education that is prescribed for Latin@ immigrant youth, particularly undocumented youth, but it is not a blanket overlay of dispossession and redress. Deficit perspectives that elevate whiteness as property are imbued at once but differently for specific and heterogeneous populations.

To resist coloniality, then, requires precision to vertical and horizontal workings of oppression. I have drawn from case law and practices effecting migrant Latino and Black populations not to equivocate those experiences in any form. Rather, I assert that a confrontation of coloniality, with its goal of metering out deservingness, necessitates being specific about how it works differently and cumulatively across populations. How are groups and categories created along horizontal, incommensurable planes? How does their incommensurability speak to the larger project of coloniality? Questions such as these will not necessarily dismantle coloniality but they are the questions that need to be taken up in the name of decolonization. Disparate questions that address that dispossession of differently colonized populations are necessary but incomplete. The project of coloniality works in the specific and aggregate; so must decolonization.

Lastly, a largely untapped area of theoretical and praxis impact that migration studies can offer is connecting the global construction of race, with concomitant associations with deservingness, to land and spatiality. Coloniality, as theorized by Wynter (2003), labels some land as 'untamed,' so that the people residing there can be named as savages and removed in the quest of higher being. Similarly, when the disenfranchised nation-states in the Global South are vilified as incapable of self-government, these narratives are echoes of denigrating land and its inhabitants, all necessary justification for the larger project of holding dominion over others. While it may not seem apparent in the immediate, criminalizing large swaths of the globe criminalizes all those associated with it and, even within the socially progressive social fields like education, casts them as lesser, in need, remedial. For the time being, all students, regardless of documentation status, are entitled to a free and public education in the United States. The letter of that law has within it an impulse to push back against the epistemologies that lower some lands and people as savage, indelibly marking them with an ineligibility. Although most educators would not see this K-12 access point as interrupting colonial logics, perhaps one of the best ways that liberatory education for undocumented children and youth can be answerable to these populations is to be less obedient about staying within its disciplinary borders.

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Constructing “Deservingness”: DREAMers and Central American Unaccompanied Children in the National Immigration Debate

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Abstract

Utilizing a Latina/o Critical Theory framework (LatCrit), I examine the narratives that emerged within national newsprint media coverage of DREAMers and Central American unaccompanied children. Data included 268 newspaper articles published during periods of heightened national media attention about DREAMers (96 articles) and Central American unaccompanied children (172 articles). A content analysis revealed that prevalent and contradictory narratives created constructions of deservingness, where one group is positively portrayed as deserving of U.S. opportunity, and the other group, negatively portrayed as undeserving. The analysis shows that regardless of the positive or negative portrayals cast, constructions of “deservingness” are employed in these narratives that assigned values of non-nativeness to both groups that justify their continued subordination in U.S. society.

Introduction

We are at the helm of what many are calling a global immigration “crisis.” The displaced are risking their lives to seek refuge abroad from war and violence, while receiving countries are escalating efforts to shut them out.¹ Domestically, the U.S. grapples with its own immigration issues, between the hundreds of thousands of undocumented mostly Latina/o youth currently residing in the country, and other migrants who continue to arrive to escape similar conditions. This study explores the public discourses around two groups of immigrant youth at the center of recent immigration debates, DREAMers and Central American unaccompanied children.² As this special issue suggests, these immigrant youth are similar, yet distinct, and differentially framed by constructions of deservingness that categorize them as either “deserving” or “undeserving” of access and opportunities in the U.S. I utilize Latina/o critical theory (LatCrit), and specifically, the concept of racist nativism, to examine how these constructions perpetuate the subordination of both groups.

First, this article provides a context for understanding the DREAMer and Central American unaccompanied youth populations. Second, I explain how the literature discusses constructions of deservingness for U.S. immigrant groups in the U.S. Next, I provide the theoretical and conceptual frameworks utilized, followed by the methodology. The findings section presents the prevalent and contradictory narratives that emerged for both groups of immigrant youth. Finally, I provide an analysis of these narratives and the constructions of deservingness employed by them in the discussion, and conclude with implications of the study.

Political Context

DREAMers

There is a lengthy political context significant to the undocumented youth population in the U.S. (Seif, Ullman & Núñez-Mchiri, 2014). For the purposes of this article, I focus on a specific and brief political context significant to DREAMer youth, which arose around 2001 with the first introduction of the federal DREAM Act (Nicholls, 2013).

A DREAMer identity emerged from the activism initiated by undocumented college students for the federal DREAM (Development, Relief and Education for Alien Minors) Act, a bill first introduced in Congress

1 For example, Syrian and North African immigrants have taken mass exoduses from the warfare and civil unrest in their home countries, embarking dangerous journeys by land and sea to seek safety in European countries. Hungary, Germany, and Austria are only a few of the many countries reinforcing their borders to keep these migrants out. See the interactive story of this migration in the New York Times at <http://www.nytimes.com/interactive/2015/09/15/world/europe/migrant-borders-europe.html>.

2 DREAMers approved under DACA may also identify as “DACAmended.” For purposes of consistency, I use the term DREAMers throughout this paper. A description of each group is provided in the following section.

in 2001, and nearly passed in 2010 (Olivas, 2012). This bill would have allowed eligible undocumented youth a pathway to citizenship if they attended college or served in the U.S. military.³ Undocumented youth who would have benefitted from the bill became known as DREAMers (Nicholls, 2013).⁴ I use this term for purposes of consistency with media discourse, acknowledging its fluidity of meaning across individuals and groups, and that this is not a homogenous identity.⁵ Most DREAMers migrated to the U.S. as young children to escape poverty, spent the majority of their lives in this country, and attended U.S. schools. Having lived in the U.S. for a significant part of their lives, many have developed “American” identities (Gonzales, 2011; Pérez, 2011),⁶ adopted dominant meritocratic worldviews to claim U.S. legitimacy, and reject constructions of illegality (Abrego, 2008; Negrón-Gonzales, 2014). Demographically, the vast majority of DREAMers are Latina/o, reflecting the overall undocumented U.S. population (Passel, Cohn, Krostad, & Gonzalez-Barrera, 2014).

When the DREAM Act failed in Congress in 2010, DREAMers mobilized to place pressure on President Obama to utilize his executive power to grant deferred action—a form of prosecutorial discretion that allows the federal government to provide a reprieve from deportation on a case-by-case basis—to undocumented youth that would have benefitted from the DREAM Act. On June 15, 2012, the Obama administration announced the Deferred Action for Childhood Arrivals (DACA) program that provided this reprieve and a temporary work permit for legal U.S. employment, renewable for two years.⁷ Over 600,000 DREAMers have been approved under DACA in the U.S.⁸

Central American Unaccompanied Children

In summer 2014, there was a 92 percent increase in the number of Central American unaccompanied children entering the U.S., mostly from Honduras, Guatemala, and El Salvador (Wolgin & Kelley, 2014), fleeing increased death and violence in their home countries (Wong et al., 2013).⁹ This migration pattern is not new and stems from a long, complex U.S. relationship with Central American countries (Menjívar & Rodriguez, 2005; Olivas, 1990). The United Nations High Commissioner for Refugees (2014) reported that 58 percent of those entering the U.S. should be eligible for international protections claims (i.e. asylum) because of the dangerous conditions they are fleeing. Human trafficking law protects their immediate deportation and right to remain in the U.S. (with U.S. relatives, if available) for an immigration hearing.¹⁰ Throughout this article, I choose to use the term Central American unaccompanied “children” and “youth” interchangeably, to describe children under the age of 18, who arrive to the U.S. unauthorized, and without a parent and/or legal guardian. I chose not to use the term most often used in immigration policy and media, “unaccompanied minor.” The term “minor” obfuscates the focus on children that further dehumanizes the experiences of this particularly vulnerable group of youth.¹¹

3 In the 2010 DREAM Act bill, an undocumented person was eligible if she or he was under 35 years old, entered the U.S. more than 5 years ago (if 15 years old or younger at the time of arrival), and could demonstrate good moral character. Once the student graduated high school, she/he would be able to apply for conditional permanent residence status that would authorize six years of legal residence. At the end of this term, permanent resident status would be granted if the student had attended college or served in the military for at least two years.

4 Some scholars use more precise descriptions of DREAMers as undocumented youth activists engaged in the DREAM movement and other national immigrant rights campaigns (Nicholls, 2013).

5 I also recognize that many undocumented youth may not use this term to self-identify.

6 The term “American” has historically defined a white racial identity and has strategically been used to exclude People of Color in the U.S. (Saito, 1997). I use quotes to show this is not my use of the term, but that of others.

7 There are multiple requirements to be eligible for the DACA program, some include: arrival to the U.S. before age 16, continuous residence in the U.S. since arrival, under the age of 31 as of June 15, 2012, have graduated high school (or earned a GED) or currently enrolled in school, and have no felony convictions or significant misdemeanors. Moreover, the USCIS states those eligible must not “pose a threat to national security or public safety” (see USCIS at <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process>)

8 See <http://immigrationimpact.com/2015/06/15/3-years-in-its-increasingly-clear-that-daca-benefits-all-of-us/>

9 It was also found that more young girls were arriving than in the past, and being targeted by human trafficking (Wolgin & Kelley, 2014).

10 The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 has protected the majority of recent Central American child immigrant arrivals from immediate deportation. Under this law, unaccompanied immigrant children have the right to remain in the U.S. with a relative or guardian until the date of an assigned immigration hearing (see <http://www.state.gov/j/tip/laws/113178.htm>). Detained children are transferred from U.S. Immigration and Customs Enforcement (ICE) to the Department of Health and Human Services (HHS) who then coordinates their care and/or placement with family members residing in the U.S.

11 I also choose not to use the term “refugee,” but acknowledge the protections this status provides those under international law. I agree with the use of the term as a political strategy by immigrant groups and allies to implicate the U.S. in migration from Latin-American countries. However, a racist nativist lens reveals that the term “refugee” is also problematic because it carries with it a racialized construction of the “non-native” that erases the complexities of within-group differences among Latinas/os generally.

The news articles revealed that detainment conditions for this specific influx of immigrant children were horrific, that children’s families did not have the resources to seek adequate counsel, and immigration hearings were sometimes scheduled in different states than where the children resided (Aguilar, 2014). In 2014, U.S. Immigration and Customs Enforcement (ICE) reported significant efforts focused to “stem the tide” of Central American immigrants and as a result, apprehensions drastically declined by the end of the 2014 fiscal year (U.S. Immigration and Customs Enforcement, 2014).

DREAMers and Central American unaccompanied youth are both distinct and similar. Unlike DREAMers, Central American immigrant youth are newly arrived, and entered the U.S. unaccompanied, without parents or adult caretakers. DREAMers have spent the majority of their lives in the U.S., and have integrated into the dominant values, customs, and cultural norms of U.S. society. On the other hand, both groups arrived to escape difficult and dangerous conditions in their home countries, often related to U.S. imperialist policies and interventions throughout Latin America (Menjívar & Rodriguez, 2005). Both arrived (with or without their families) in search of better lives. Finally, both groups have been framed by similar anti-immigrant narratives that frame them as “burdens” who pose a “threat” to U.S. well-being (Chávez, 2008). I utilize Latina/o Critical Theory (LatCrit) and specifically, racist nativism as frameworks to understand how, despite these differences and similarities, both groups have been targeted by such narratives.

Latina/o Critical Theory and Racist Nativism

Latina/o Critical Theory (LatCrit) is a theoretical branch of Critical Race Theory (CRT) that encompasses the following five tenets: (1) centrality and intersectionality of race and racism; (2) challenge to dominant ideologies and deficit perspectives; (3) centrality of experiential knowledge, (4) interdisciplinary analyses, and (5) explicit commitment to social justice (Solorzano, 1998). In addition to these central tenets, LatCrit acknowledges the unique experiences of Latina/o communities as mediated by immigration, language, ethnicity, culture, identity, phenotype, and sexuality (Solorzano & Delgado Bernal, 2001). Thus, LatCrit provides a more focused research lens to examine the experiences of Latina/o communities.

Racist nativism has evolved from the overarching framework of LatCrit, and provides a focused space of theorizing at the intersections of race and immigration status, two inextricably linked conditions of the Latina/o immigrant experience (Sánchez, 1997). Historically, Latina/o immigrants have been targeted by dominant beliefs and values that assign a racial inferiority and consequently, construct an “outsider” status to white mainstream culture and a white “American” identity (Acuña, 1978). Racist nativism is a conceptual lens to understand this process. Racist nativism (Pérez Huber, 2008) is defined as,

the assigning of values to real or imagined differences, in order to justify the superiority of the native, who is to be perceived white, over that of the non-native, who is perceived to be People and Immigrants of Color, and thereby defend the right of whites, or the natives, to dominance.
(p. 43)

Moreover, because racist nativism is based on perceptions, it targets Latinas/os regardless of immigration status. As a result, this form of racism functions to erase within-group differences among Latinas/os (i.e. U.S.-born, immigrant, Mexican, Central American, etc.) that acknowledge the sociopolitical and cultural complexities that exist in shaping the diversity of Latina/o experiences. This erasure homogenizes the Latina/o population to fit a monolithically subordinate category of people (Hernández-Truyol, 1994). Racist nativism informs the shaping of a public imaginary of Latinas/os, and has influenced U.S. immigration policy—policies that often exclude Latina/o immigrants, and particularly the undocumented from full participation in U.S. society (Pérez Huber, 2009). I argue that racist nativism is a useful tool to understand narratives of undocumented Latinas/os, and the constructions of “deserving” and “undeserving” these narratives employ.

Constructions of Deservingness and Immigrant Communities

Constructions of deservingness are shaped by dominant discourses that discursively position particular

groups as more deserving than others in policymaking (Schneider & Ingram, 1993). According to Ingram and Schneider (2005a) “constructions of deservedness are undergirded and rationalized by well-accepted narratives, or story lines, in which various groups are portrayed as playing more or less positive roles in contributing to a national well-being” (p. 219). Moreover, these constructions have existed within policymaking since the early formation of U.S. government (Ingram & Schneider, 2005a).

Constructions of deservingness for immigrants, particularly Immigrants of Color, utilize culturally deficit perceptions that often define these groups as fraudulent, burdensome, and of low morality (Yoo, 2008). These narratives justify the exclusion of Immigrants of Color from policies that provide increased rights and opportunities (Fujiwara, 2005; Horton, 2004; Newton, 2005). For example, in a study examining constructions of deservingness in welfare policy, Fujiwara (2005) explained how Latina/o and Asian immigrants were framed by narratives of “undeserving foreigners” of welfare benefits that only U.S. citizens should have access to. Similarly, Newton (2005) examined constructions of deservingness within immigration policy for Latina/o immigrants. She found that narratives of the “immigrant freeloader,” and the “criminal alien” were used to construct this immigrant group (both undocumented and legalized) as undeserving of government assistance, effectively excluding them from social services U.S. citizens had access to.

However, these studies do not explicitly account for the ways racism informs these narratives, and the ways nativism functions to exclude those perceived “foreign” to the U.S. These narratives, and the constructions of deservingness they confer, are about more than just “racial and gender politics,” as some scholars claim (Fujiwara, 2005). They establish parameters of racist nativism that assign a non-native status to Latina/o immigrants, while reinforcing the perceived native and superior status of the dominant group, historically constructed as whites (Pérez Huber, Benavides Lopez, Malagon, Velez, & Solorzano, 2008). Brown (2013) would add that race-based narratives incite degrees of “moral worth” that blame Latinas/os for the “suffering of deserving White American citizens” in the competition for scarce U.S. economic resources (p. 291). Coll (2010) highlights such negative perceptions are also gendered, often targeting undocumented Latinas. The dominant narratives of immigrant “criminality,” “resource-drain,” and “freeloader” have emerged as common discourse for Latina/o undocumented immigrants, and are indicative of the perceived threat to a U.S. well-being (Chávez, 2008). The literature outlined here highlights the significance of constructions of deservingness as a mechanism for shaping public discourse and justifying policy decisions directed toward Immigrants of Color. An analysis of the role of racist nativism in constructions of deservingness is useful to understand the constructions assigned to Latina/o immigrants—constructs that perpetuate the subordination of Latinas/os (and other Immigrants of Color) while establishing a perceived superior status of the dominant group.

Methods

To examine the narratives within newsprint media, I utilize a content analysis of national media coverage in major U.S. newspaper outlets (Merriam, 2002). Analyzing newspapers allows for an effective assessment of public discourse (Brown, 2013). News stories provide an ample opportunity to examine the dominant narratives of these immigrant youth groups. In fact, research has shown the utility of examining newspapers to understand the framing of U.S. immigrants (Chávez, 2008; Massey & Pren, 2012). The newspaper article search began during heightened national media attention for both groups of youth. For DREAMers, heightened attention was sparked by the June 2012 announcement of the DACA program. For Central American unaccompanied youth, media attention increased in June 2014, at the height of the migration surge into the U.S.¹² Using these dates as starting points, I conducted two article searches, one for DREAMers from June 2012 to February 2015, and a second on Central American unaccompanied youth from June 2014 to February 2015. I utilized *ProQuest Newspapers* database, where I was able to simultaneously search indexes for three major U.S. newspapers, including the *Los Angeles Times*, *New York Times*, and *Washington Post*. I utilized a list of relevant key terms, and limited the searches to full-text articles.¹³ The article search for DREAMers resulted in 96 relevant articles during this time period.

¹² The Pew Research Center (2014) reported that by July 2014, over 80 percent of Americans had heard at least “a little” about the large number of Central American children crossing the border into the U.S. during the summer of 2014, while nearly 60 percent reported they had heard “a lot.” See report at <http://www.people-press.org/2014/07/16/surge-of-central-american-children-roils-u-s-immigration-debate/>.

¹³ Key terms for the search on DREAMer youth included “DREAMer,” and “immigrant” or “undocumented.” This key term search allowed me to capture stories that were about DREAMer youth specifically, rather than young immigrants generally. Key terms for the search on Central American Association of Mexican-American Educators (AMAE) © 2015, Volume 9, Issue 3 • ISSN 2377-9187

The search for Central American unaccompanied children resulted in 172 relevant articles. Thus, there were 268 total articles included in the analysis.

I engaged a content analysis to investigate the dominant narratives of these immigrant groups by identifying common themes that emerged from the news stories (Merriam, 2002). I analyzed articles about DREAMers and unaccompanied children utilizing Merriam’s (2002) approach for content analysis in order to identify themes that emerged from the data, rather than a deductive analysis with a predetermined code list. I utilized Atlas TI qualitative software to upload all articles and code for narratives that developed from emergent themes. Utilizing this approach allowed for a more flexible identification of portrayals that emerged from the data. In addition, this content analysis was informed by the conceptual framework of racist nativism that examined how race, immigration status, and nativity were discussed within these narratives, and the ways both groups were constructed as either deserving or undeserving of U.S. rights and opportunities. The following section describes the findings based on this analysis.

Findings

The findings are presented in two sections. The first section describes the prevalent narratives that emerged for DREAMers and Central American unaccompanied children. These narratives occurred most frequently in the data. However, contradictions to these prevalent narratives were also found. The second section discusses those contradictory narratives. Although these contradictions did not occur as frequently, they illustrate patterns within a larger and more diverse context of narratives that illustrate the distinct and multiple ways these groups are discussed in public discourse. The discussion of the narratives follows this section, explaining how the theoretical frameworks provide insight to these findings.

Prevalent Narratives

DREAMers as Deserving Contributors. This narrative was a positive portrayal of the undocumented rarely seen in contemporary public discourse around immigration. Yet, this was one of the most prevalent narratives that emerged from the data for DREAMers. News reporters often described this group as “young immigrants,” “youngsters,” and “students” rather than the pejorative terms “illegal” or “alien”—more often used in articles about Central American unaccompanied children. News stories emphasized how DACA enabled DREAMers the opportunity to utilize their education and skills in their chosen fields, constructing these youth as potentially successful professionals deserving of opportunity. For example, a *New York Times* article quoted one DREAMer, “I sort of felt that I didn’t go to school for nothing and I could do what I wanted to do, like everyone else in this country. I can go out and execute what I learned” (Semple, 2013).

The civic engagement of DREAMers also emerged, showing they will continue to contribute to the advancement of U.S. society. For example, the *Wall Street Journal* explained how DREAMers led voter registration campaigns during the 2012 presidential elections. It stated, “in swing states like Florida, Ohio, and Colorado, Dreamers...are running phone banks, going door to door and approaching students on college campuses to encourage voting...Dreamers efforts [sic] could boost Democratic support in state and congressional races, supporters and opponents agree” (Jordan, 2012a). DREAMers were also consistently portrayed as “good” people wanting to give back. A *New York Times* article featured one DREAMer who stated, “I’ve been a good boy, you could say...I want to help out my parents and show them their efforts weren’t for nothing” (Preston, 2012a). In another article, the *Los Angeles Times* quotes another DREAMer who commented, “I am undocumented and unafraid and unashamed...I choose to empower my community” (Zucchini, 2012). This narrative portrayed DREAMers as educated future professionals whose skills and talents would be wasted without the opportunity to utilize them.

DREAMers Are Not a Threat. This narrative challenged dominant perceptions of DREAMers as a threat to U.S. well-being. News stories commonly emphasized that DREAMers were not at fault for their status

unaccompanied children were “Central American unaccompanied minor.” I found that using these terms produced the most results of the most relevant articles for the focus of this study.

of illegality, being “brought” to the U.S. as children. The *Wall Street Journal* explained, “most undocumented students were brought to the U.S. by their parents when they were children and aren’t eligible for federal grants, loans or work-study positions” (Jordan, 2012b). The condition of being “brought” to the U.S. implied DREAMers had no choice to come, and thus, were innocent, distancing them from their illegality (Nicholls, 2013).

DREAMers were also cast as fearful immigrants who deserved to “come out of the shadows.” The *New York Times* reported that after DACA, “many [DREAMers] talked about being able to walk out their front door for the first time without fear that a wrong turn could lead to deportation proceedings” (Semple, 2013). Stories argued that even after DACA, DREAMers remained hesitant to apply, “many fearing their data could be used against them one day” (Bennett & Chang, 2012). Living in fear leads to the need to come “out of the shadows.” An article in the *New York Times* stated, “[DACA], while not granting any permanent legal status, clears the way for young illegal immigrants to come out of the shadows, work legally and obtain driver’s licenses and many other documents they have lacked” (Preston & Cushman, 2012). Cast by a state of fear reinforces the “not a threat narrative,” that implies DREAMers would not do anything to jeopardize their ability to remain in the U.S.¹⁴ The prevalent narratives found for DREAMers were very different than those found for Central American children.

Central American Unaccompanied Children as Economic Burdens. By far, the most prevalent narrative for Central American unaccompanied children was the “economic burden” their presence posed to the U.S. Recurring articles reported on the drain governmental agencies experienced due to the influx of these youth arriving in the country. For example, the *Wall Street Journal* reported from a national meeting of state governors, that the increasing numbers of Central American children were, “a top concern among state officials gathered here... and a reminder...that Congress’s failure to overhaul immigration laws puts heavy burdens on the states” (Reinhard & Nicholas, 2014). Recurring stories also reported how the influx of the unaccompanied children led to the need to hire more immigration judges, social services staff, and attorneys, adding to the resource drain. Aside from government agencies, it was reported that this group also strained resources in public schools. For example, in an article in the *Los Angeles Times*, a local principal commented how “enrollment [of students] skyrocketed...most of them newly arrived from Central America...it’s put a burden on me because I’ve run out of space” (Hennessy-Fiske, 2014). The burden narrative casts this group of immigrants as undeserving of scarce U.S. resources.

Central American Unaccompanied Children as a Threat. Central American unaccompanied children were also portrayed as “diseased,” posing a threat to U.S. well-being. For example, the *Wall Street Journal* reported, “frustration is building on the front lines of the immigration fight...officials say the volume of illegal human smuggling is creating spillover effects north of the border, including a rise in stash houses to hide immigrants, auto theft, and communicable diseases” (Campoy, 2014). In another article, a *Los Angeles Times* reporter stated, “it may be difficult to screen out immigrants who are too old or unvaccinated...that leaves parents not ‘knowing who your child is sitting next to in history class,’” quoting a high school parent about her concern over the immigrant “newcomers” (Hennessy-Fiske, 2014).

A recurring theme of expulsion was also included in this narrative. Articles frequently reported the need for policymakers to expedite the process of deportations for these children. The *Wall Street Journal* reported, “lawmakers are...considering whether to change U.S. law to speed deportations, an effort aimed in part at discouraging future migrants” (Meckler, 2014). A separate article stated, “the exodus from Central America has overwhelmed Homeland Security officials, who have vowed to speed up immigration hearings but have also struggled to house immigrant families and unaccompanied children” (Carcamo, 2014). The theme of expulsion reinforces the immigrant threat narrative—if Central American unaccompanied children pose a threat to U.S. society, they should be expelled from the country. Despite the prevalence of these negative narratives, contradictions did arise from the analysis that portrayed this group more humanely. These contradictions are described in the following section.

¹⁴ This theme poses a contradiction to the previous narrative that highlighted the civic engagement of DREAMers. This contradiction will be discussed further in the conclusion.

Contradictory Narratives

Examining the narratives that contradicted the prevalent discourses on DREAMers and Central American children provides a broader context for understanding the multiple ways these groups were portrayed by newsprint media. These contradictions also illustrate the complexities of immigration discourse, showing that public perceptions of the undocumented cannot be explained by rigid dichotomies between “good” and “bad” immigrants, or the “deserving” and “undeserving.” This section provides a description of the contradictory narratives that emerged.

DREAMers as Economic Burdens. These stories described the strain on government resources and agencies that DACA posed. The *Los Angeles Times* reported the implications of DACA on schools and consulates across the U.S. For example, one article explained that due to the demand for student transcripts prompted by DACA, schools in Los Angeles “battled backlogs of 200 to 300 applicants...which put workers on overtime to catch up” and reported estimated costs of over \$200,000. Similarly, the *New York Times* reported, “schools were deluged with requests for transcripts, creating a logjam that coincided with the frenetic opening days of the new academic year” (Preston, 2012c). The burden narrative for DREAMers played out in the same ways as Central American children, focused on the strain this group placed on schools and government agencies.

DREAMers as a Threat. DREAMers were also sometimes portrayed as a threat to U.S. well-being. For example, in the *New York Times* we see the “threat” narrative and the “deserving contributor” narrative occur in the same story in an article citing a federal lawsuit that challenged DACA.¹⁵ The article quotes a lead plaintiff in the case stating, “our biggest concern is that safety has just been thrown out the window.” Later, the article cites a spokesman for the Department of Homeland Security who stated that DACA “ensure[s] that responsible young people, who are Americans in every way but on paper, have an opportunity to remain in the country and make their fullest contribution” (Preston, 2012b). Similarly, a *Los Angeles Times* article mentions how DACA allows “authorities to focus on deporting convicted criminals, instead of students [DREAMers],” while also quoting a Republican opponent of DACA who raises the concern, “such a quick turnaround for these amnesty applications raises serious concerns about fraud and a lack of thorough vetting” of DACA applicants (Bennet, 2012). In this contradictory narrative, DREAMers were cast as possible criminals who pose a threat to the safety of U.S. citizens.

Central American Unaccompanied Children: A Humanitarian Issue. The themes that emerged in this contradictory narrative were explicit references to the migration of this group as a humanitarian crisis or issue. For example, a *Wall Street Journal* article reported that hundreds of people nationwide are providing foster care for the unaccompanied children. One of these foster parents stated, “they were all living in a state of chaos...they deserve a second chance” (Jordan, 2015). Many articles referred to President Obama’s June 2014 Rose Garden speech, where he stated that the migration of these Central American children was an “actual humanitarian crisis at the border” (Julie & Shear, 2014). The *New York Times* editorialized their humanitarian stance on this “crisis” in several articles, one stating, “the administration needs to mount a sustained surge of its own, of humanitarian care, shelter, and assistance for children who have faced horrific traumas in fleeing violence in their home countries” (New York Times Editorial Board, 2014).

Central American Unaccompanied Children Need Protection. The need to protect this group of vulnerable children also emerged as a contradictory narrative. For example, a *New York Times* article explained that some cities were “more welcoming than headlines and protests suggest,” and quoted a resident who commented, “I don’t feel we have to solve the border crisis for a terrified child to be shown some compassion” (Fernandez, 2014). In a separate article, the mayor of Syracuse, New York, stated, “as a city with a rich immigrant tradition, we feel strongly children should be welcomed and protected” (Semple, 2014). The *New York Times* reported on the stance of the United Conference of Catholic Bishops that stated, “these children are refugees

¹⁵ In *Crane et al., v. Napolitano*, DHS agents filed a lawsuit to challenge the directive to enforce immigration law under DACA. Plaintiffs claimed the directive violates federal law and their oaths to uphold and support federal law. The case was dismissed in U.S. District Court for the Northern District of Texas in July 2013.

who deserve the protection of our nation. They should not be viewed as lawbreakers” (Preston, 2014). The contradictory narratives that emerged cast this group as vulnerable children who deserve just treatment and protection from deportation.

Discussion

As these narratives suggest, categories of deservingness are fluid. They can shift across time and context, and can be simultaneously contradictory. The contradictions found within newsprint media is indicative of what the Pew Research Center (2014) calls a “public divide” of U.S. opinion on immigration, with an equal number of people agreeing that deportation is a “good thing” versus a “bad thing.”¹⁶ However, these contradictions represent more than conflicting public opinion. Ingram and Schneider (2005b) argue, “laws are not just bundles of advantages or disadvantages, but are also messages about who matters and who does not” (p. 106). Prevalent narratives of DREAMers and Central American children supported policies that articulated “who matters” in public discourse on immigrant youth. Research has found that differential constructions of deservingness within immigration discourse are mutually constructed categories that cannot exist without an opposite counterpart (DiAlto, 2005). Thus, these contradictions are necessary for the reproduction of constructions of deservingness. However, I argue these constructions are also about racialized perceptions of who aligns with an “American” identity, culture, and values. Such perceptions are also significant to defining what groups “matter” in the broader social fabric of U.S. society, and what they deserve. Racist nativism affords a lens to explore these dimensions of the findings by revealing the discursive functions of power enacted through dominant discourses that shape constructions of deservingness, that in turn, assign a subordinate status to the Latina/o immigrant youth in this study.

According to a racist nativism framework, there is an assigning of values (real or perceived) that justifies the superiority of the “native” (historically, white) and his perceived right to dominance, over that of the “non-native” (historically, People/Immigrants of Color). The negative narratives found in this study are the same assigned values utilized historically to justify the exclusion and marginalization of Immigrants of Color as non-native. The narratives of “economic burden” and “threat” to U.S. well-being were the most prevalent found for Central American children, while the same values were assigned to DREAMers in the contradictory narratives that emerged. Yet, the prevalent narratives for DREAMers were positive values. The question then becomes, *how does racist nativism explain these positive values assigned to this group?*

News stories constructed DREAMers as deserving immigrants because of their values of hard work, education, and civic engagement. Through the assigning of these values, DREAMers were portrayed as a group of immigrants more aligned to American ideals and values, and particularly the neoliberal construct of meritocracy. They have spent significantly more time in the U.S. than the newly arrived Central American children and thus, are perceived more similar to dominant society than different. The length of time spent in the U.S. is critical for DREAMers, as a key justification for their deservingness constructed by the prevalent narratives found in the study. However, their perceived *American-ness* (the assigned values that cast them as similar to the dominant group) does not provide DREAMers the same right to dominance as it does the native. This is simply a non-native preference discursively assigned over the less deserving immigrant group, Central American children. The discursive preference remains one that the dominant group provides, as those who hold a position of power to employ. DREAMers have “earned” the preference of the dominant group over other immigrants, and U.S. immigration policy has followed suit to provide increased access and opportunity through DACA. However, their status as non-native, informs the reluctance of the dominant group to provide DREAMers a legalized status that would allow them to fully participate in the U. S. DACA allows DREAMers a form of provisional acceptance in U.S. society, while those in power benefit from their material and social contributions (i.e. labor, wages, social advocacy). Thus, while this narrative was positive, it constructs DREAMers as a preferred group of immigrants but still reinforces their non-native status, where they will remain marginalized and excluded.

The same argument can also be made for the contradictory humanitarian narrative found for Central American children. Similar to DREAMers, a non-native preference is also assigned in this narrative, based on the condition of these immigrants as children. The narrative claimed that because these were children, they

¹⁶ See results from the Pew Research Center (2014) poll at <http://www.pewresearch.org/fact-tank/2014/07/01/dhs-violence-poverty-is-driving-children-to-flee-central-america-to-u-s/>

deserved to be cared for and protected. A humanitarian framing of immigration is one that many would agree (particularly advocates) is the most effective to protect the rights of immigrants.¹⁷ However, a truly humanitarian perspective is not one decided by age, but by the condition of being human. This version of a “humanitarian” narrative included children, but excluded adults. In this case, the native utilizes his power to provide a discursive non-native preference to children over less-deserving adults, reproducing the subordination of both groups, and the power of the native to determine this preference.

In these ways, racist nativism has shaped the prevalent and contradictory narratives found in this study. Through these narratives, real and perceived values were assigned to DREAMers and Central American unaccompanied children that defined their non-native status, reinforcing the superiority of the native (historically perceived as whites), and his right to employ the power to dictate who “deserves” access to the U.S. to serve his benefit. De Genova (2005) explains that the discursive power of nativism does not lie in the “preoccupation with the foreignness of any particular migrant or internal minority, so much as with the ‘native-ness’ of U.S. citizens and the promotion of the priority of the latter” (p. 60). Thus, throughout the diversity of narratives that emerged, racist nativism functioned to *explicitly* and *implicitly* reproduce the status and power of the dominant group. Racist nativism then, articulates a theory for the racialized anti-immigrant politics of nativism that shape constructions of deservingness, whether immigrants are perceived as deserving or not. It also explains why immigration policy continues to exclude undocumented immigrant Latina/o youth from full participation in U.S. society, even for those deemed more deserving. Let us not forget the long legal battle for the DREAM Act that ultimately failed in Congress, or that legal challenges to the DACA program continue in U.S. courts.¹⁸ Furthermore, many Central American children (and adults) who migrate to the U.S. are ultimately deported following apprehension (U.S. Immigration and Customs Enforcement, 2014) while those who stay are often subjected to legal violence (Menjívar and Abrego, 2012).¹⁹

For the U.S. not to show some degree of compassion towards undocumented immigrants, particularly more vulnerable youth, would mean it compromises its democratic principles of equality, opportunity, and freedom. In his theory of interest convergence, Derrick Bell (2004) argues that historically, rights of the racially marginalized are “recognized and protected when and only so long as policymakers perceive that such advances will further the interests that are their primary concern” (p. 49). There is a long and consistent history of exclusion of Immigrants of Color in the U.S. (Ngai, 2004). Constructions of the deserving immigrant and the (albeit limited) legal protections they justify, allow the U.S. to maintain ideals of democracy, and its position to enforce those ideals domestically and internationally. At the same time, constructions of deservingness assure the continued subordination of Immigrants of Color.

Conclusion

This study found that diverse narratives framed constructions of deservingness for DREAMers and Central American unaccompanied children. However, an analysis of racist nativism showed both groups were discursively assigned non-native values, explicitly and implicitly, that justified the perceived superiority and dominance of the native—regardless of whether the narratives were constructed as deserving or undeserving. This study has shown that it is questionable whether constructions of the “deserving” immigrant truly exist, if, our meaning of “deserving” is positioned within an understanding of a shared humanity. Such a position would require the belief that all human beings deserve the right to democratic ideals of equality, liberty, and freedom. Interrogating constructions of deservingness from a racist nativist lens shows this is not the case.

¹⁷ See Pérez Huber (2009) for further description of a human rights frame.

¹⁸ *Texas v. United States* No. B-14-254 is a lawsuit filed on behalf of 25 U.S. states to challenge the implementation of the DACA expansion program known as the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) that was announced by the Obama administration in November 2014. In November, 2015 the U.S. Department of Justice submitted a petition for certiorari to the U.S. Supreme Court to hear the case. The Supreme Court will likely decide in early 2016 if the case will be heard. If the court hears the case, it would likely rule in June 2016.

¹⁹ Menjívar and Abrego (2012) found that from since the late 1990’s, Central American undocumented immigrants have been targeted by “legal violence,” forms of structural and symbolic violence produced by immigration law that results in suffering, and hinders immigrant incorporation. These researchers found that legal violence has lasting repercussions for those residing in the U.S., as well as for those within their social networks in their countries of origin. These are the conditions that many of the Central American unaccompanied minor children experience today.

within the context of immigration, we must re-think discourses about who “deserves” U.S. integration. Finally, it is imperative that we are critical of how some immigrant youth are constructed as deserving, while others are not. We must position this critique within its larger social and political contexts, as young lives and futures are at stake in these debates.

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Unauthorized Education: Challenging Borders between Good and Bad Immigrants

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Abstract

This article presents a case study that examines how undocumented youth reject notions that, as students, they are more deserving of state-granted rights (e.g., citizenship, but also temporary rights through DACA). It highlights the use of what I call undocumented pedagogy as a form of everyday activism for greater immigrant rights. This unauthorized pedagogy largely takes place outside of the classroom and disrupts traditional hierarchies within education. Through offering informational workshops and providing personal testimonies among other educational activities, undocumented students in this study aim to 1) broaden access to rights for the larger undocumented immigrant community and 2) challenge negative preconceived notions about undocumented immigrants among citizens. These are key elements to moving forward the struggle for immigrant rights.

Coming Out of the Shadows

The bell tower at the center of campus casts a long shadow on this sunny day in April 2014. Administrators in suits mingle with staff and the few faculty members who are spending their lunch hour here. While some undergraduates sit at attention, others mill around talking to friends. Still other students speed by on bicycles and scooters, craning their necks to see and hear what is happening. Members of PODER (Providing Opportunities, Dreams, and Education in Riverside), the undocumented student advocacy group on campus, are giving their testimonios as part of an event they are calling “Coming Out of the Shadows.” A young man with dark hair and expressive eyes takes the microphone and introduces himself. “My name is Beto, and I am an undocumented student.”¹ He is clean cut and athletic looking; on another day you might expect him to be recruiting members for a fraternity on campus. He tells the group at the bell tower about a conversation that he had with a cousin—his childhood best friend—who, like him, resides in this country without legal documentation. Because Beto committed himself to school and his cousin had not, the two drifted apart as teenagers. One day they ran into each other at the intersection of two streets in their neighborhood in Orange County. Upon seeing that Beto was carrying several books with him, the cousin asked, “Beto, why are you carrying all that?” Beto responded, “Well, man, I have to study for my AP exams. I have to really do my work.” Then his cousin said, “I don’t get it, man. Why do you continue studying? You know that you can’t do anything with it, and if you graduate, what are we going to do? Where are you going to work? How are we going to work? You’ve got to think about that Beto.” At this point in his story, Beto paused, allowing his words to reverberate and settle into the air while we who are listening are struck by the apparent hopelessness of Beto’s situation. Finally he continued, “You might be right, but for me, I’m just going to keep on trying. I don’t know why, but I’m just going to keep on doing my work.”

Beto’s story demonstrates the very fine line between the undocumented migrant that society deems deserving of citizenship because of his decision to pursue higher education and the members of his extended family who society deems undeserving. In his testimonio, Beto primarily focuses on a conversation with his cousin, who we understand has opted to forgo school for work. In his testimonio, Beto emphasizes that he and his cousin are similar in many ways. They come from the same community in Orange County; they are the same age; they are part of the same extended family; and they are both undocumented. As far as we can tell, the difference between them is that Beto has chosen to believe that something good will result from his choice to pursue school. He is choosing to be optimistic about an immigration system that exploits peoples’ labor without guarantees of rights, regularly separates families through practices of deportation, and does not reward the investment that undocumented migrants make in their communities. Beto knows that his choice to pursue school does not make sense to his cousin, and Beto does not distinguish himself as different, better, or more deserving than him. Instead, he crafts a testimonio that captures the ways that particular subjectivities lead

¹ All of the names of undocumented students in this article have been changed to pseudonyms to protect their privacy.

undocumented immigrants to make different choices that result in diverging life circumstances.

This article presents a case study that illustrates the complex subjectivities and the pedagogical imperatives of the undocumented student group at the University of California at Riverside, PODER (Providing Opportunities, Dreams, and Education in Riverside). As Beto's testimonio suggests, undocumented students grapple with the exceptionality that society grants them as students. While mainstream media regularly labels undocumented immigrants as "illegals," it labels young people like Beto as "DREAMers." Undocumented students at UCR never express the sentiment that they are more deserving than other undocumented immigrants, especially considering that the "other" unauthorized people are often their own family members and friends. I argue that, for this reason, undocumented students at UCR use their positions as university students to create spaces of learning outside of the classroom to accomplish two key imperatives. First, through events such as Coming Out of the Shadows, PODER students teach the general public about the life circumstances of undocumented people in their community. The goal of such events is to cultivate citizen allies who will support humane, comprehensive immigration reform. Second, PODER students actively teach other members of the undocumented community how to access the rights and resources that are available to them through state and federal policies. In this way, undocumented students at UCR use their own knowledge and political capital to increase access to rights that progressive immigration policies make available to the larger undocumented community.

This article also examines undocumented pedagogy as a central part of PODER's activism. PODER planned the Coming Out of the Shadows event as part of Immigrant Awareness week, a week of activities and discussions that highlighted the circumstances of undocumented immigrant communities. In its inaugural year (2014), Immigrant Awareness Week was one of the group's bigger events, but members regularly facilitate smaller events that teach about resources available to the undocumented community, often translating federal and state policies that affect the undocumented immigrant community. When these occur on campus, they are geared toward students, staff, and administrators. However, PODER's events frequently take place off campus, where members of the group can engage with the broader undocumented community who might benefit from the information they present. By using the resources available to them as university students and educating their communities, they facilitate an important kind of public pedagogy that decenters traditional teacher-student power relationships and effectively disseminates critical information about the undocumented community. By raising consciousness and inspiring people to take action, this undocumented pedagogy cultivates the liberatory potential of education, the potential to change society from the bottom-up.

Undocumented Students in Higher Education

Latino/a immigration scholars have long abandoned theories that immigrant assimilation occurs in a linear fashion. Latino/a immigrants' race, class, and gender positionalities as well as their receiving communities all affect assimilation.² The literature reveals that for undocumented youth, particularly the 1.5 generation, the school system is a powerful institution that shapes immigrant incorporation.³ Scholars argue that during their K-12 education, undocumented youth are treated as de facto citizens because of their equal access to public education per the Supreme Court decision in *Plyler v. Doe* (Gonzales, 2011). Furthermore, completing primary education in the U.S. inculcates young undocumented immigrants with the same cultural knowledge as their American-born peers (Gonzales & Chavez, 2012; Perez, 2012). This illusion of inclusion is shattered as undocumented youth near the end of high school when they face realities of limited access to higher education and the job market (Abrego 2006; Abrego and Gonzales 2010; Gonzales & Chavez, 2012). The expense of a college education and limited financial aid preclude many undocumented youth from enrolling in college after high school. Upon graduation, the same institution that shaped their identities as American then casts out undocumented students as foreigners who often have to pay out of state tuition rates to enroll in their local institutions. As they move from childhood to young adulthood, scholars have demonstrated that undocumented youth must contend with the stigma of "illegality" and must learn to live without the protections that K-12 education provided them (Abrego 2008; Gonzales, 2011; Gonzales & Chavez, 2012).

A key aspect of the literature on undocumented students in higher education is about civic engagement

2 For recent examples of Latino/a immigrant assimilation theory, see Jimenez (2010) and Zavella (2011).

3 I use this term to refer to immigrants who were born in another country but have been educated primarily in the United States.

and activism, in particular how undocumented students use civic engagement and activism as a way to push for immigration reform. Gonzales (2008) offers important analysis about how undocumented students increasingly become activists as young adults. He argues that after high school, undocumented students have fewer opportunities for political engagement (e.g., they cannot vote; they cannot serve on juries). At the same time, if they have matriculated to college, their political resources deepen, as do the social networks that might inspire and instruct political involvement. This combination of factors often mobilizes undocumented students to become activists. Scholars have carefully traced undocumented youth involvement in the immigrant rights movement in terms of its messages and the political strategies and tactics that undocumented youth have used (Negrón-Gonzales, 2015; Nicholls, 2013).

While this important literature focuses on students' work in mounting protests, civil disobedience, and political organizing, little has been written about undocumented students' everyday forms of activism. My research at UC Riverside reveals that a major characteristic of the undocumented student movement involves educating and informing the community about issues facing undocumented people as well as rights and resources available to them. While these actions can be understood as everyday activism, I argue that this kind of community organizing dovetails with public pedagogy to create what I call undocumented pedagogy. Undocumented pedagogy describes how undocumented students assume roles as *teachers*, educating immigrants and citizens outside of traditional spaces of learning (e.g., the school system) about immigrant issues using platforms such as public testimonios, workshops, panel presentations, and conferences. While the literature about undocumented students in higher education has generally focused on undocumented youth's experiences as *students*, this research expands such notions to include their experiences as *teachers*. When undocumented students teach, they challenge the borders that limit access to the university as well as the hierarchical borders that exist within the institution.

I argue that PODER students use undocumented pedagogy as a way to create spaces of possibility for the larger undocumented community. This pedagogical approach takes education out of the classroom and into alternate spaces; it challenges hierarchies between teachers and students; and it rests between teaching undocumented people how to navigate federal and state immigration policies and encouraging citizens to think beyond the ways that the state constructs legality. It is an undocumented pedagogy not only because undocumented students put it to use, but also because it is an unsanctioned attempt to challenge boundaries between teacher and student in the struggle for immigrant rights. The long-term goal of undocumented pedagogy is humane and comprehensive immigration reform, but the short term goals are to teach migrants how to navigate state bureaucracy with regard to ever-changing state immigration policies and to cultivate citizen support for federal immigration reform.

The concept of undocumented pedagogy draws from theories of public pedagogy as well as Freirian notions of liberatory education. Though theories about public pedagogy are broad-reaching, scholars generally agree that it promotes the idea that "schools are not the sole sites of teaching, learning, or curricula, and that perhaps they are not even the most influential" (Sandlin, Schultz, & Burdick, 2010). One of the most prolific theorists of public pedagogy, Henry Giroux (1994), posits that public pedagogy can signify sites of unconventional learning that challenge the ways that capitalist culture undermines democracy. Indeed in the introduction to their *Handbook of Public Pedagogy* (2010), Sandlin, Schultz and Burdick assert that public pedagogy "reframes inquiry into the relationships among pedagogy, democracy, and social action—regardless of where these relationships occur" (p. 3-4). The intersection between teaching/learning, social justice, and activism defines the heart of the work that UCR undocumented students perform in the UCR community and beyond. Undocumented pedagogy creates alternative and oppositional spaces of learning. By educating immigrants how to maneuver through immigration policy and educating citizens about the complexities of the immigration debate, undocumented students open possibilities of social agency and, by extension, greater democracy, one that represents the voices and concerns of more people who reside within the borders of the United States.

Undocumented pedagogy rests firmly within Freire's theories about how education can be both liberatory and transformational as a practice that recognizes the many ways that knowledge is embodied and disseminated. He asserts that in the process of education, we must recognize that teachers and students engage in an exchange of knowledge such that "both [groups] are simultaneously teachers *and* students" (Freire, 2000, p. 72). Drawing from the resources of their university education (both in and outside of the classroom), this case study reveals

that undocumented students regularly assume teaching roles both on and off campus in order to educate people about issues that are salient to the undocumented community. While these actions are significant, it is but one piece of a pedagogy whose goal is societal transformation, particularly in terms of humane and comprehensive immigration reform. Other aspects of this pedagogy include “problem posing,” which in this case is manifested by challenging people’s limited ideas about what it means to be undocumented in this country among both citizens and unauthorized immigrants. While some citizens hail from communities where they have personal relationships with undocumented people, many do not; members of PODER aim to educate the latter group, whose views may be narrowly informed by negative media representations. They also recognize that even unauthorized immigrants internalize negative images of their community and limited notions of their possibilities. For these reason, undocumented pedagogy is critical to generate what Freire (2000) calls “the emergence of consciousness and *critical intervention* in reality” (p. 81, emphasis original). Indeed undocumented pedagogy is meant to inform and to challenge, but it is ultimately meant to transform the way that undocumented immigrants exist in U.S. society.

Undocumented pedagogy is at the heart of undocumented action at UCR as a unique blend of everyday activism and public pedagogy. PODER members draw knowledge as well as social and political connections from the university in order to advocate for their communities (Gonzales, 2008). Though they are students, they assume the role of teachers as they create spaces of learning outside of the classroom. They share their navigational capital with other undocumented immigrant youth and families, and they challenge citizens to rethink their perceptions of the undocumented community and, by extension, to rethink their approach to comprehensive immigration reform.⁴ This form of teaching—undocumented pedagogy—is an essential part of propelling forward the movement for immigrant rights.

Methodology

This article is based on ongoing fieldwork with the undocumented student community at the University of California, Riverside (UCR). As a professor in the Department of Ethnic Studies and as someone who has been allied with the office of Chicano Student Programs over the past nine years, I have made many informal connections with undocumented students on campus. With the encouragement of two undocumented students, I approached the leadership of PODER to ask if I could conduct fieldwork with the group. After those conversations, I applied for and received IRB approval to conduct research. I then acquired collective consent from the group to begin research in the Fall of 2013; the following school year (2014-2015), I again requested and received collective consent to continue my study with the new and returning members of the group. My ongoing fieldwork includes attending PODER’s regular weekly meetings, events they sponsor on campus (e.g., their annual conference for undocumented high school students, California DREAM Act workshops), and some of the meetings that they have with university administrators. Off campus, I also accompanied group members to presentations and workshops in Riverside and in neighboring communities. To supplement my fieldwork, I have conducted twelve qualitative interviews with eight undocumented members of PODER. These open-ended interviews focused on understanding the purpose of PODER and each student’s involvement with the PODER. Interviews were recorded and lasted between 45 minutes to two hours.

I recognize that, especially as a professor at the university where these students attend, my relationship to students in the group can be as a friend, a mentor, a professor, and/or as an ally. As a researcher, I am keenly aware of the power differential that is embedded in each of these relationship configurations, and I take seriously the process of research return (Velasquez, 2015; Hale, 2001). My interpretation of research return is both academic and service-oriented. First, I share my writing with the group prior to publication and invite feedback. In this way, I ensure transparency and open the possibility for collaboration. Second, I make myself available for any service that the group requires, such as speaking at conferences or events, providing academic advice to students, and sitting on scholarship committees in order to help them fulfill some of their logistical needs.

⁴ See Yosso (2006) for an in-depth discussion of navigational capital.

Blurring the Boundaries between “Good” and “Bad” Immigrants

Undocumented student members of PODER at UC Riverside use undocumented pedagogy to actively blur the boundaries between so-called good and bad immigrants. While the concept of undocumented pedagogy encompasses a range of political and pedagogical actions, for the purposes of this article, I focus on two major methods that PODER students use to challenge the false binary between those immigrants who deserve citizenship and those who do not. The first of these practices is through actively and publicly giving their testimonios to challenge public understandings of undocumented immigration; the second is by teaching their fellow undocumented community members how to navigate the state and federal immigration policies that directly impact them. Before my discussion of PODER, I will provide context by detailing how student activists, particularly in California have shaped the immigrant rights movement.

The DREAM of Immigration Reform

Students have played a central role in the immigrant rights movement since the early 2000s. The creation of the DREAMer as a collective subject successfully challenged and broadened popular understandings of the immigrant community and, more importantly, who would benefit from immigration reform. Though in many ways effective, the DREAMer prototype had the unintended consequence of casting one cross section of the immigrant community as “good” and another as “bad,” particularly during the first decade of the twentieth century. While that began to change after 2010, undocumented students at UCR struggled with the message of an immigrant rights movement that was meant to benefit them, but was dissonant with their personal relationships. Keenly aware of the fine, even porous, line that separated so-called good from bad immigrants, these students often used their families as a way to anchor their political subject positionalities.

From 2000 to 2010, the DREAMer emerged as a politicized subject with a very carefully crafted profile. Mostly of the 1.5 generation, they had not made the decision to migrate; their parents had made that decision for them. In other words, they had not willingly broken any immigration laws. Even though they did not have legal documentation, they represented themselves as “all American” youth.⁵ It was a profile and a narrative that appealed to conservatives and liberals alike. DREAMers and their particular kind of activism were part of a carefully planned political strategy to pass the DREAM Act, one piece of what would hopefully lead to federal comprehensive immigration reform. Though focusing on DREAMers made political sense, it also positioned these young people against immigrants who had willingly chosen to migrate and those who did not graduate at the top of their high school class, or did not graduate at all. By emphasizing how these students deserved citizenship, the implicit message was that other undocumented immigrants were undeserving. Certainly, not all undocumented activist youth in the movement accepted such rigid categorizations of themselves or of their community. While these youth fought within the movement to broaden the struggle for immigrant rights, other undocumented youth chose to invest their political energy in different arenas.

Alba, a PODER alumna from Orange County, was active in her high school’s student organizations and approached her matriculation to UC Riverside with a desire to be politically involved. However, she initially eschewed participation in the undocumented student movement precisely because she was uncomfortable with its exclusivity. She recalls:

Generally speaking, I did not like being involved in undocumented groups just because they were a little ... it was a little too focused on the undocumented student rather than the broader prospect. It was very much push for the DREAM Act, push for relief. And it was a little, “let’s throw our parents under the bus” sometimes. And so I had conflicting views. Not with PODER necessarily, it was just the general movement. So I generally didn’t like being involved in the undocumented student movement because of that.

Alba critiques what she perceives as the narrow political goals of the initial DREAMer movement that excluded and even vilified undocumented parents. On the other hand, she felt conflicted because she knew that—as

⁵ Perez’s book *American by Heart* (2012) demonstrates how undocumented high school students used civic engagement to cultivate an outward presentation of Americanness.

an undocumented student—the movement was meant to benefit her. Ultimately, she decided to commit her limited time and political energy into labor union organizing on campus.⁶ Invoking her family and its connection to labor, she states, “My parents did come from a union, they worked for unions. My grandparents were bracero workers. So there was that kind of connection to labor that I had.” Rather than invest in a political movement that she perceived to be disparaging to her parents, she turned to the union, whose political goals seemed broad enough to benefit the immigrant community as a whole.

Fissures in the DREAMer political strategy became apparent after 2010, when many undocumented youth activists broke with their traditional supporters by crafting new images and promoting more radical politics (Nicholls, 2013). Undocumented youth championed the “undocumented and unafraid” movement; an overlapping group highlighted their intersectional identities by coining the term, “undocuqueer.”⁷ Both of these rhetorical shifts signaled that undocumented youth activists were not separating themselves within the phenomenon of family migration. On the contrary, they challenged what they perceived to be unjust immigration laws that allowed for the exploitation of immigrant labor but refused to grant civil rights. In 2013, slogans and images began to circulate emphasizing that undocumented parents were the “original dreamers.” With the new rhetoric came new goals. Rather than focus solely on the DREAM Act, legislation that would only benefit a limited number of undocumented youth, activists began to push for humane, comprehensive immigration reform. To achieve these goals, undocumented youth adopted more confrontational tactics, such as sitting in at their congressional representatives’ offices and purposefully trying to be detained by ICE—Immigration and Customs Enforcement (Nicholls, 2013). In this way, undocumented young people began to actively challenge the border between “good” and “bad” immigrants and to push for social justice.

Undocumented at UC Riverside

Within California’s conservative Inland Empire, UC Riverside undocumented students were generally removed from many of the more radical politics of the immigrant rights movement during the first decade of the twenty first century.⁸ Modeled after already existing programs in the UC system, PODER was established in the Spring of 2008 for the purpose of providing a safe space to support undocumented students at UCR, to provide community members both on and off campus information about relevant immigration legislation, and to provide scholarships for undocumented students.⁹ During the organization’s first several years, it was working with extremely limited institutional and financial support. However, because of broad-based UC undocumented student activism, UC Riverside undocumented students have recently begun to benefit from a commitment by Janet Napolitano to allocate \$5 million over three years to fund scholarships and programming for undocumented students.¹⁰ On the UCR campus this has translated into student scholarships, emergency loans, programming, and the employment of a student affairs officer specially trained in undocumented issues. Additionally, the recently passed California DREAM Act enables undocumented students to apply for state-based financial aid as well as private scholarships. These scholarships and services are available to the nearly 300 undocumented undergraduates who enrolled at UC Riverside in the Fall of 2014, a student population that has more than quadrupled over the past four years.¹¹ These scholarships and services in conjunction with the establishment of an Undocumented Student Programs office have created a campus environment that is more positive than it was in the early days of PODER.

6 Like many undocumented students, particularly before the California DREAM Act was passed, Alba worked several hours a week to pay her way through school. During her first year at UCR, she was working 35 hours a week while attending school full time.

7 See Terriquez (2015) for an excellent analysis of the undocuqueer movement within the immigrant rights movement.

8 Some of the more politicized students attended actions, particularly in Los Angeles.

9 PODER constitution

10 News of Napolitano’s appointment as the new president of the UC system triggered student protests on several campuses. Undocumented student leaders cited fears of deportation given her previous position as director of Homeland Security. In the wake of these student protests, Napolitano established an undocumented student task force and committed \$5 million dollars over three years to undocumented students enrolled in the UC system (http://abcnews.go.com/ABC_Univision/undocumented-students-describe-fears-napolitano-uc-president/story?id=19731262).

11 personal communication, Bryce Mason, 2/25/15

Testimonio as Pedagogy

Within the context of UC Riverside, a common aspect of undocumented pedagogy involves the use of testimonio to challenge the boundaries between so-called good and bad immigrants. Sharing one's personal story through testimonio is an important tool that subjugated communities use to show far-reaching impact of the state on people's lives. While generally testimonios are understood as individual life stories, Negrón-Gonzales (2014) reminds us that "creating and sharing *testimonio* is a practice of reflecting on one's own life and connecting one's own personal experience to broader social and political context" (p. 272). Indeed testimonios are not gratuitous tales of self; they are significant for the ways that they illuminate larger social, economic, and political processes. I argue that undocumented students use their testimonios to challenge the criminalization of undocumented immigrants who, for myriad reasons, are not enrolled in institutions of higher education, including members of their own families. These testimonios not only render undocumented student stories public, they also encourage listeners to understand that undocumented students are embedded in and buttressed by social relationships with other undocumented people, many of whom do not fit the good immigrant prototype. In other words, students' deservingness of citizenship does not emerge in a vacuum; it is forged in the cauldron of an undocumented immigrant community that is under siege.

The opening of this article highlights a young man giving his testimonio at the bell tower of the university. I emphasized how Beto compared himself to his cousin as a way to demonstrate the easy slippages between deserving and undeserving immigrants in relation to education. It is important to note the frequency with which PODER students refer to their families to illustrate injustices within the immigration system. Beto's testimonio focuses on his relationship with his cousin and the starkly different life paths that they chose despite their very similar circumstances growing up together. Other students often refer to the struggles and sacrifices of their parents within their testimonios. This frequent invocation of family demonstrates not only the intimate connections between so-called good and bad immigrants, it also challenges those borders altogether.

I have heard Miriam give her testimonio several times over the past few years at the events that PODER organizes both on and off campus. Though sometimes she emphasizes certain points over others, she always talks about her parents' decision to migrate. Miriam's story is unique because it was her medical condition that compelled her family to migrate. She was born with a floating spine, missing three vertebrae and her tailbone; this condition affected her leg muscles and nerves such that doctors in Mexico told her parents that Miriam would never walk or even be able to sit up. In fact, they predicted that she would spend her entire life lying down. She recounts, "My parents paid thousands of dollars on specialists and none of them could give them any answers." Then her parents heard about Shriners Hospital for Children in Los Angeles as a place that could potentially help. They flew to Los Angeles with Miriam for a consultation, and the doctors at Shriners told the family that they could do a series of operations that would enable their daughter to walk. By the age of three, after several surgeries, Miriam was walking. While this was a medical victory, it would not be the end of her treatment. She states, "Once [my parents] realized that the medical care would be ongoing, they were like, 'Okay, well, let's move here,' because the one thing that my parents cared about [was] my ... wellbeing." To date, Miriam has undergone eleven surgeries and, with the help of leg braces, traverses the campus by foot and scooter.

In her narrative, Miriam focuses on the urgency of her family's situation; Mexican doctors predicted that her parents' newborn daughter would spend her entire life bedridden. In a recent speech on campus, Miriam spoke about how her parents had a good life in Mexico. They were educated, professional, and they had an affinity for travel. They had strong family and community ties. However, they were willing to sacrifice all of those things in their home country so that their daughter would have a chance to walk and live a more normal life. By highlighting her parents' point of view in her testimonio, Miriam complicates the idea of good and bad immigrants. Though the choice to migrate and overstay a visa might be viewed as bad and, indeed, "illegal," she asserts the inherent goodness of parents who would make such a choice—a choice that involved a great deal of sacrifice—for the wellbeing of their child.

DACA and the DREAMers

Though over the past five years undocumented activist youth, including Beto and Miriam, have resisted facile representations of good and bad immigrants, the image of the law-abiding, all-American DREAMer remains a powerful political tool. Two years after the undocumented youth movement began to take more militant actions, and in the last few months of his re-election campaign, President Obama announced Deferred Action for Childhood Arrivals (DACA). Issued as an executive order, DACA provided relief from deportation for immigrant youth who fit the original DREAMer profile. Eligible DACA youth could receive a social security number, which would enable them the ability to apply for jobs and obtain drivers licenses. Eligibility was restricted to those immigrants (under the age of 31) who had arrived in the United States before the age of 16, had graduated high school or completed a GED, and had no serious criminal record.¹² In other words, even while activist youth were challenging the DREAMer prototype for its unfair exclusion of the other cross sections of the immigrant community, the introduction of DACA created a legal division among undocumented immigrants, solely granting rights to those youth who did not choose to migrate, finished school, and maintained a clean record.

Despite the mixed implications of DACA, many undocumented youth, particularly college students, have benefitted from its implementation.¹³ Recent quantitative and qualitative studies have outlined some of the benefits of DACA, including enabling undocumented youth better jobs, drivers licenses, and a sense of security that they will not be deported (Martinez, 2014; Teranishi, C. Suárez-Orozco, & M. Suárez Orozco, 2015). Though many—but not all—undocumented PODER students are now “DACAmended,” they have not been rendered politically complacent. Valeria reflects on how PODER has helped her to remain vigilant despite legislative gains that benefit her. She states:

We’re in this together, and there’s more people [than those with DACA]. I think if PODER wasn’t there, it would have been easy for me to be just like, ‘Well the California DREAM Act worked out, and I have DACA, and I can work, so I don’t need to care about this issue anymore because I’m good.’ [The group has] prohibited me from going to that type of mentality... It’s more like, ‘Yes, I have these two things, but I need to be extremely grateful that I have them and be aware of the fact that they’re temporary, and they can be changed.’ And that there’s others that for one reason or another might not have fit into the categories, and there’s others like our parents that are still struggling. And there’s still a lack in what we can have as ‘almost citizens.’

Valeria emphasizes the importance of PODER in keeping her accountable to the larger undocumented community and attentive to quickly shifting legislative politics. In her narrative, she recognizes that while the policies that currently benefit her particular cross section of the undocumented community are good, they are temporary, and they are still only a fraction of the rights that citizens enjoy. For this reason, Valeria along with other member of PODER remain politically aware and active in pressing for greater immigrant rights. Furthermore, it is important to note that Valeria does not distinguish herself as more deserving than those members of her community who “for one reason or another” do not fit into the categories for DACAmended status, including her parents. The categories of good and bad immigrant do not exist for Valeria; rather, for her, being undocumented is a shifting borderlands identity that requires political and tactical vigilance. For this reason, a key part of the PODER agenda and its undocumented pedagogy is to educate citizens through their testimonios about the situations and struggles of undocumented people within the borders of the United States.

Family Defenders

While the use of testimonio can be a powerful pedagogical tool to blur the boundaries between “good” and “bad” immigrants, it is but one way that PODER students use pedagogy to empower the undocumented community as a whole. This section explores how students teach members of their community to navigate

¹² Immigrant youth who had been honorably discharged from the armed services were also eligible.

¹³ See Gonzales et al., 2014.

state and federal policies that affect undocumented people. Drawing from the formal education and the political resources that the university provides, undocumented students learn to navigate the bureaucracy of the state, especially in regard to immigration policies. Students use this knowledge to teach other members of their community how to claim the rights that are currently available to them even while continuously advocating for humane, comprehensive immigration reform.

A key part of PODER's activities since 2012 has been to educate undocumented people on and off campus about state and federal policies that affect undocumented immigrants. For potential and current college students, PODER actively disseminates information about AB 540 and the California DREAM Act, two California state policies that deflect some of the costs of attending a college or university. More broadly, since the summer it was announced, current and former PODER students have been offering free DACA clinics to the general public. The latter is significant because many families are unable to pay the DACA filing fee in addition to a lawyer's fee to help them fill out the paperwork. Students often train themselves to offer these services. For the former, undocumented activist students access webinars and trainings from the California Student Aid Commission website. For DACA, some students are formally trained by local immigrant rights organizations; others are self-taught or seek advice on online forums (such as Facebook). For DACA cases that are complex (e.g., applicant has a criminal history or has left the country for a period of time), students refer applicants to lawyers. Nevertheless, these trainings are a major part of the everyday activism and the undocumented pedagogy of undocumented students.

While stop gap immigration policies have primarily benefitted those undocumented immigrants who fit the DREAMer profile, PODER students and alumni quickly responded to President Obama's announcement of Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and an expanded DACA program in November of 2014. Under DAPA, immigrants who have been in the United States since 2010 who have children who are citizens or permanent residents would be eligible for three-year work permits.¹⁴ The announcement elicited mixed reactions from members of PODER because not all of their parents had U.S.-born children. In fact, many DACAmented students' parents would be ineligible for DAPA. Nevertheless, current members of PODER and locally based alumni began to organize to help those members of the community who were eligible to apply for the DAPA and expanded DACA programs. Less than three months after the President's announcement, PODER alumni and current students began to work with the Family Defenders Program.

Alba, who is currently working as a staff member at UCR, announced the program at a regular group meeting in February 2015. UCR's office of Undocumented Student Programs would be working in conjunction with the office of Congressman Mark Takano to make DAPA and DACA more easily accessible to the local undocumented community. Modeled after a program in Chicago, the Family Defender Program would make lawyers available to provide DACA and DAPA training to community members. The program was specially aimed at college students so that they, in turn, could offer support in filling out the applications to members of the undocumented community. At the time, UCR was the only university and Riverside was the only congressional district to enact such a program.

Members of PODER embraced the opportunity to work on a project that would help them to serve their families and the larger undocumented community. For Beto, involvement in PODER has served as a springboard to broad-based activism across communities of color at the university. Nevertheless, he gravitated to the Family Defender program because it enabled him to help his family and other members of his home community to access the same kinds of rights that he has as a student at UC Riverside. Beto explains:

I'm in the process right now, with Family Defenders, with getting educated on my own status...helping out my brothers and sisters back home. My friends, they don't know what I'm doing, what I'm going to study or what I'm going to do, but when they get their DAPA and I sign and I fill it out, ... and I give them the research, [I'll show them that] this is what I want to do for a living. Not only for myself, but for my family... Because if I can't help my family, then what does

¹⁴ Please see: <http://www.workpermit.com/news/2015-07-13/us-immigration-dapa-executive-order-heard-by-appeals-court>
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that say about everyone else? I can't really be helping out everyone else and just forgetting about the people that brought me to where I am today.

In many ways, Beto has maximized his experience as a college student, not only taking the requisite coursework to graduate, but also becoming involved in the campus community through activist work. However, he recognizes that the people who “brought him” to college do not have the same rights and resources that he does as a student in higher education. Rather than distinguishing himself from his family or his community as someone deserving of increased rights, his involvement in the Family Defender program provides a way for him to give back and to extend rights to his family and friends back home.

Just a week after the Alba made the announcement about the Family Defender program at the PODER meeting, a federal judge in the Southern District Court of Texas issued a temporary injunction against DAPA and expanded DACA from going into the effect after 26 states filed a lawsuit to block the programs.¹⁵ Current PODER students and alumni immediately organized and participated in a demonstration to protest the injunction. Isabel, a PODER alumna and local community organizer, helped to connect PODER students with a protest sponsored by Inland Congregations United for Change, a faith-based community organization, at the San Bernardino City Hall. The current PODER president and her mother were both speakers at the protest. Isabel posted about the event on PODER's Facebook page, writing, “WHEN OUR COMMUNITY IS UNDER ATTACK, what do we do? STAND UP, FIGHT BACK!”¹⁶ Her statement coupled with Beto's narrative clearly indicate the ways that UCR undocumented youth view themselves as closely connected to the larger undocumented community, not distinguishing themselves as more deserving, but rather as in the struggle together.

Engagement in programs like the Family Defenders is a key part of PODER students' undocumented pedagogy. Students are able to use the political resources available to them at the university to disseminate knowledge to members of their community who do not have access to such resources. Undocumented students become educators for their families and their friends as they teach them how to navigate the bureaucracy of the state. In this way, they challenge traditional boundaries between teacher and student, creating democratic spaces of learning. We can also read a second aspect of undocumented pedagogy in the protest and defense of undocumented communities. PODER students and alumni in conjunction with community organizations render undocumented lives visible to the public through testimonios and through protests in their push for humane, comprehensive immigration reform. These aspects of undocumented pedagogy are important to view the multifaceted struggle to challenge false divisions in the undocumented community and to extend rights to students' families and friends.

Conclusion

This article presents a case study that illuminates the ways that university students use their social and political capital to challenge the rhetorical and increasingly legal borders between so-called good and bad immigrants. PODER students at UCR work to render visible the complex situations of the undocumented community in the United States. They do not cast themselves as exceptional, but rather as young people who stand on the shoulders of family members who have sacrificed for them to have a place at the university. In addition to challenging stereotypical public perceptions of the undocumented community, PODER students also focus on helping their families and communities to access the limited rights that are available to them through state and federal policies. Departing from the DREAMer political tactics that emerged in the early 2000s, UCR undocumented students engage in activism that includes shining light on their complex family migrant subjectivities and working toward immigration reform that is recognizes the humanity of all migrants.

In the case of PODER, I argue that this activism is inherently educational and can be understood as undocumented pedagogy. Undocumented pedagogy provides a useful framework to understand the ways that UCR undocumented youth actively and urgently create spaces of learning outside of the classroom. In these spaces, students directly challenge the politics of immigrant deservingness through their use of testimonios and work to cultivate citizen allies. By educating their fellow undocumented immigrants about policy, students

¹⁵ <http://www.natlawreview.com/article/dapa-and-daca-what-happened-to-president-obama-s-executive-action>

¹⁶ FB post, 2/17/15

challenge educational hierarchies in terms of who has the right to teach and who has the right to learn. At its heart, the goal of undocumented pedagogy is about promoting social justice in the form of increased rights for undocumented immigrants. In this way, it is not only a critical, political tool, it is also a strategy of unlocking the liberatory potential of education.

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Narratives of Deservingness and the Institutional Youth of Immigrant Workers

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Abstract

This article speaks to the special issue's goal of disrupting the deserving/undeserving immigrant narrative by critically examining eligibility criteria available under two arenas of relief for undocumented immigrants: 1) the 2012 Deferred Action for Childhood Arrivals (DACA) program, which provides temporary deportation relief and work authorization for young adults who meet an educational requirement and other criteria, and 2) current and proposed pathways to legal status for those unauthorized immigrants who come forward to denounce workplace injustice, among other crimes. For each of these categories of "deserving migrants," I illuminate the exclusionary nature each of these requirements, which pose challenges especially for those workers who have limited education. As such, I argue for the importance of an institutional perspective on youth. Specifically, I demonstrate how the educational criteria required by DACA privileges a select few individuals who have access to formal educational institutions as deserving, while ignoring other empowering but non-traditional models of worker education. I also examine those mechanisms that reward workers who come forward to contest employer abuse. These include the current U-Visa program, which opens a path to legal status for those select claimants who have been harmed by employer abuse and aid criminal investigations (e.g. Saucedo, 2010). In a similar vein, some advocates and legal scholars have proposed a pathway to citizenship for those workers involved in collective organizing (e.g. Gordon, 2007, 2011). I weigh the benefits and exclusivity of each pathway for addressing the precarity of the millions of undocumented immigrants currently in the United States. In doing so, I highlight how institutions have unevenly incorporated immigrant workers, creating wide categories of vulnerability that go ignored. That is, demographically young immigrants are often privileged as deserving, as are those institutionally mature workers who have been successfully incorporated by civic organizations and legal bureaucracies. Meanwhile, institutionally young immigrants—those who have been excluded from these spaces—are framed as undeserving. As a result, rather than to see legal status as a pathway to incorporation, it is extended as a reward for those who have surpassed longstanding barriers.

Introduction

Advocates and policymakers alike have debated how to frame the push for deportation relief and a pathway to citizenship. The once reified position that undocumented children are the innocent bystanders and victims of their parents' poor decision-making is no longer tenable. It has been rejected by leaders in the immigrant rights movement, who highlight the constrained choice that undocumented migrants face in their quest for economic survival and physical safety. Even moderate Republican leaders conceded that some path to citizenship is just and necessary.¹ However, a debate persists regarding exactly which immigrants should be shielded from deportation, and which immigrants deserve a pathway to legal status, or at minimum, deportation relief and work authorization. Inherent in this discussion is an assessment of which immigrants add value to U.S. society, and who should be absolved of the purported sin of undocumented migration, and who should receive relief. Although countless scholarly studies have confirmed that undocumented status poses a barrier to immigrant incorporation and legal mobilization (Abrego, 2011; Gleeson, 2010; Gonzales, 2011; Marrow, 2011), many models for inclusion reward only those immigrants who have against all odds become incorporated.

One dominant approach has been to elevate the contributions of high achieving undocumented youth. While many DREAMers themselves have rejected this trope, and even transformed the tenor of the debate (Nicholls, 2013), policymakers and some well-meaning advocates continue to differentiate the young “innocents.” In the 2012 Deferred Action for Childhood Arrival prosecutorial discretion policy, the Obama administration made temporary deportation relief and work authorization available for those qualifying individuals who were brought to the United States as children and who had completed either “postsecondary education, job training, or employment.”² While my evidence confirms that immigrant workers do in fact value educational opportunities, low-wage workers are often precluded from beginning and persisting in school. Access to alternative educational pathways (such as English as a Second Language classes) are limited in practice, and competing obligations can foreclose the reality of reentry to education.

Other avenues for relief have focused on the need to uphold the legal standards that govern employer practices and to protect the rights of low-wage workers. The particular vulnerability of undocumented workers is an issue that few contest, and some pathways to legal status have been created for those workers who come forward to denounce workplace abuse. The U-Visa, which was created to provide a path to legal status for those victims of crime who aid law enforcement, has been expanded to undocumented workers who have been harmed by employer abuse and who are pursuing a legal claim. As such, many state and federal labor standards enforcement agencies have begun certifying U-Visa applications for eligible claimants (National Employment Law Project, 2014). Successful applicants are then eligible to pursue legal permanent residency and eventually naturalization though there is a yearly cap. While these visas are crucial to protect immigrants from retaliation and to help labor standards enforcement agencies hold egregious employers accountable, they are also limited to those minority of workers who actually come forward to file a legal claim. Yet, we know that, even amongst citizen workers, labor and employment law is limited in its coverage (Bernhardt, Boushey, Dresser, & Tilly, 2008; Garcia, 2012), and a wide array of barriers work in concert to deflect a worker attempt to ascend the “dispute pyramid” (Felstiner, Abel, & Sarat, 1980).

Some advocates and legal scholars have gone a step further to argue for a path to citizenship for those workers engaged in collective transnational labor organizing (Gordon, 2007, 2011). Similar campaigns have been successful in other contexts, such as Paris, where labor unions have tied legalization efforts to *sans papier* organizing (Barron et al., 2015). While the impetus for this approach heralds the civic spirit of those undocumented workers who are no doubt revolutionizing the labor movement in the United States (and beyond), it is an approach that privileges already engaged workers, who again represent a minority of the precarious workforce involved in either unions or the newer forms of “alt-labor” (Compa, 2015; Rosenfeld, 2014).

Based on existing visions for immigration reform, this article has two main goals for reframing the dominant narratives of immigrant exclusion and belonging. First, I argue that just as demographically young immigrants have been viewed as requiring legal status to realize their full potential in the U.S. labor market and civic/political life, so do *institutionally* young workers require legal status as a step towards addressing their

1 <http://americasvoice.org/research/getting-to-a-majority-more-house-republicans-come-out-for-citizenship/>

2 http://www.ilrc.org/files/documents/ilrc-daca-education_req_faq-2013-02_28.pdf

precarious lives.

Rather than view legal status as a reward for the few who have surpassed scores of institutional barriers facing low-wage immigrants, legal status should be understood similarly as a broad-based—even if not absolute—mechanism for advancing educational parity and worker justice. While undocumented status is by no means the only barrier facing these immigrants, to reward only the select few who excel runs the risk of replicating existing disparities. Further, by focusing on mainstream institutional forms of incorporation, it also devalues existing alternative models of worker empowerment that do not fit into traditional models of formal education.

Second, I argue that proposals to reward individual and collective claims-making with a path to legal status must also acknowledge the legal and bureaucratic challenges these proposals present. Here too, undocumented status intersects with a wide range of other challenges that produce an elite cohort of claimants who come forward to pursue legal remedies and who can actually succeed in doing so (Gleeson, 2015b). I discuss the challenges that undocumented workers face in filing a formal claim, and the barriers they face to bureaucratic incorporation in the labor standards enforcement process (Gleeson, 2014a; Marrow, 2009). In doing so, my aim is not to reject the importance of either program, but rather to highlight the persistent inequalities that these narrow programs are unable to address. I hope to engage both the practical implications of valorizing social change via formal institutions, and the importance of visionary thinking that values broad contributions by immigrants. I end by contrasting the liberating social movement narratives intended by these proposals, with the hegemonic neoliberal framing adopted by many of the workers I interview.

Methodology

This article draws on longstanding research amongst low-wage immigrant workers, and in particular two main waves of data collection. In the first wave, I draw on interviews with 41 documented and undocumented Latino restaurant workers in San Jose (28) and Houston (13), conducted from October 2005 to June 2007. These two sites provide a comparative perspective of two demographically similar immigrant destinations, with two very different contexts for immigrant and worker rights (See Gleeson, 2010) for an expanded methodological discussion).

Additionally, I draw on a survey of 453 workers (331 foreign-born) in the San Francisco Bay Area who were engaged in the process of filing a claim against their employer for alleged violations ranging from wage theft to discrimination, sexual harassment, workers compensation, and unemployment claims.³ This region, home to some of the most progressive policies for immigrant and worker protections, provides a best case scenario that allows for a conservative estimate of the challenges immigrant workers may be facing. Among those surveyed, I followed up with 89 respondents (66 foreign-born), 12 to 36 months following their original claim (See Appendix, Table 1). On average, the 35 undocumented workers interviewed from this survey were 37 years old, and had been in the country for over 12 years. They worked in a range of industries, the most prevalent being restaurants, janitorial services, and construction. Three-quarters of undocumented respondents had children, and nearly eighty percent sent money home to their country of origin.⁴

Parallel to this survey effort, I interviewed 25 injured workers (13 foreign-born, and 5 undocumented) following their participation in a workers' compensation workshop for injured workers provided by the state of California (See Appendix, Table 2). I attended 29 workshops from December 2008 to December 2013 (14 in English, 15 in Spanish), and listened to workers discuss their issues. I also draw on my experience as a volunteer legal interviewer at a workers' rights clinic located in a predominantly Latino immigrant community on the Central Coast of California. I attended approximately 40 clinics from November 2010 to June 2014 (25 focused on workers compensation, 14 dedicated to wage claims).⁵

The majority of these interviews were conducted in Spanish. All interview quotes presented here are translated from Spanish, unless otherwise noted.

Young Immigrants, Young Workers, and Educational Access

Advocates and government regulators have shined a light on the plight of “young workers” in recent

³ Total survey sample: N=453

⁴ For more discussion on the family obligations these workers must balance, see Gleeson, 2015a.

⁵ For more on the challenges facing injured undocumented workers attempting to file a workers' compensation claim, see Gleeson, 2014b.

years, focusing on the need to educate and empower those workers often overlooked by labor advocates and other civic institutions (Ramakrishnan & Bloemraad, 2008). Yet, there has been little consensus on who these workers, or what their key needs, are. For example, the Occupational Safety and Health Administration has developed savvy outreach material for “Young Workers” between the ages of 16 and 24,⁶ as has the Equal Employment Opportunity Commission’s “Youth at Work” initiative.⁷ In 2015, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) even convened a Young Workers Summit, with representation from key labor leaders within the immigrant rights community (AFL-CIO Young Worker Advisory Council, 2015). This program, dubbed “Next Up,” was conceived with the purpose of “engaging, empowering and mobilizing union members and nonunion workers under the age of 35” (Boris et al., 2015). Alternative labor groups, including worker centers and other non-union organizations, have also aimed to provide marginalized workers with alternatives for mobilizing collectively (Fine, 2006). For example, groups such as Young Workers United in San Francisco have taken up the charge to think more broadly about “young workers,” also engaging immigrant workers, and others who are new to the U.S. labor force, with a focus on the service sector.

Given these various outreach initiatives, how should we understand age, illegality, and immigrant incorporation, in the context of worker rights? On the one hand, young and immigrant workers share a long list of “overlapping vulnerabilities,” as recognized by the National Institute for Occupational Safety (NIOSH & ASSE, 2015). Yet, if we think more broadly of youth beyond demographic age, and as culturally and spatially bound, as argued by anthropologist Tania Cruz-Salazar (2012), then youth is a fluid, institutionally bound category.

Undocumented immigrants no doubt often arrive with limited educational background. Overall, 47 percent of undocumented immigrants have less than a high school education (Passel & Cohn, 2009), also paralleled by the 45 percent of undocumented respondents in my sample who have less than a high school degree.⁸ Language skills also pose a barrier for immigrants, both in terms of earnings and occupational safety (Chiswick & Miller, 1999; Dávila, Mora, & González, 2011). Sixty-five percent of immigrant respondents, and 84 percent of the undocumented in my survey, in fact, reported that they do not speak English well, or at all. However, attaining a formal education does not necessarily present an equal benefit to all workers. A 2015 report by the Migration Policy Institute confirms that immigrants do lag behind the native born in the United States with regard to literacy and numeracy. The report also finds that immigrants have much lower returns to human capital (Batalova & Fix, 2015).

In the secondary labor market, flexibility and precarity, rather than formal human capital, is exactly what employers seek (Waldinger & Lichter, 2003). The key assets for advancement for low-wage immigrants are often their comparative advantage as precarious workers. Thus, undocumented immigrant workers are institutional newcomers to both the formal education system and the legal bureaucracies that regulate the jobs where they work. Nonetheless, both institutions—education and labor standards enforcement—are avenues that have been elevated as pathways to legalization.

This is not to say that immigrants do not value or seek educational advancement. For example, Baldomero,⁹ an unauthorized restaurant worker in Houston admitted how he only recently learned to read and write in Spanish, describing proudly how his sister taught him the basics. “I gave it my all, and I learned. So now I read and write, not very fast, but I *can* read... after many years.” For workers like him, school was not a matter of choice or values. “I went to work with my dad at 12 years old....it was better, I wasn’t going to learn anything in school, and we were 10 siblings (to support).” Similarly for Julián,¹⁰ an undocumented restaurant worker, the costs for attending schools in Mexico were prohibitive, so he left school and joined the workforce at age 14.

Workers were acutely aware of the challenge that educational and language barriers posed. For example, JJ,¹¹ an undocumented construction worker in San Jose describes how his inability to communicate effectively has kept him from formally complaining about the work speedup. “There are a lot of things I don’t understand, that the boss tells me, and sometimes it makes me nervous (to talk to him).” However, JJ attended night classes from 5:30-10:30 p.m. several days a week, where he also picked up a math class. While he eventually filed a wage

6 <https://www.osha.gov/youngworkers/>

7 <http://www.eeoc.gov/youth/>

8 By contrast, only 8% of U.S.-born residents 25-64 are not high school graduates (Passel & Cohn, 2009, iv.)

9 Interview, 6/29/06. Here and in the interviews to follow, pseudonyms are used and interview quotes are translated from Spanish.

10 Interview, 6/25/06

11 Interview, 10/29/13

theft claim against his employer, JJ was fired soon thereafter. Though he quickly found another construction job, he just as quickly found himself once again the victim of wage theft. This time, however, he weighed his options and chose to avoid a formal claim, ambivalent that the hassle and probability of success would be worth his efforts.

The sentiment that workers are making insufficient sacrifices to educate themselves is a popular refrain. Yet, often missing from this discussion are all the barriers workers face to actually reach this goal. Octavio,¹² a former truck driver, had been taking repeated cycles of ESL classes, including, English, writing, speaking, grammar, and conversation. Although classes are free, he spends about \$70 on books per class. Despite his dicey financial situation since he has been out of work for a back injury, he reassures me that for him education is “priceless.”

Before he became injured, Octavio had what he described as an impossible schedule.

I worked on average 60 hours a week, 6 days...I knew that classes were offered... but what happened is that when I went to register [at the community college], my work schedule just didn't let me keep going. I would arrive late, and if you don't attend they drop you from the class...The professor was very clear, “You show up late or miss twice, and you are dropped.”

Ironically, it was not until Octavio became injured that he was able to start attending consistently again. Even so, finding the brain space to focus, despite all his other obligations, is also difficult. Octavio explained:

It's a lot of effort; it takes a lot to concentrate. I don't get enough sleep... I even went to the dentist and he confirmed that I was grinding my teeth at night, all of this stress and tension, you can't even imagine.

Alonso,¹³ an undocumented restaurant worker, similarly explains the mental distraction of his own precarious circumstances, although he concedes that there is ample opportunity to pursue coursework.

This country offers a lot of opportunities...we need to take advantage of them... But right now I'm not attending adult school because of my pain. I just don't have the headspace to be in school. I'm not at 100%. I can't focus, I just can't...I can't deal with normal stress... But there is opportunity.

Other workers simply have no access to school. Joel¹⁴ worked for years in the San Joaquin Valley on a ranch where there was no way to get to class even if he wanted to. “It's nothing but ranches out there. I'd have to walk more than 30 miles to the nearest city. I had no car, nothing. Where would one even go?” Immigrants in rural settings across the country face similar challenges (Sexsmith & Dudley, 2015).

Some workers managed to start classes, but could not sustain the effort after 8 or 9 months due to unpredictable work schedules, a hallmark of worker precarity in the new economy (Lambert, Fugiel, & Henly, 2014). Jose Luis,¹⁵ also an undocumented restaurant worker, went on to explain emphatically that he stopped attending school, not because he no longer cares about school, but because his job as a restaurant worker gave him no certainty from week to week. Other workers, particularly women like Marta,¹⁶ stopped attending due to family obligations:

I stopped going. When my mom got sick, or my brother or my nephew got sick, I had to stay home...They [teachers] wanted me to attend every day, so I had to stop going. And now I work taking care of my mom, it is the source of what little I earn.

I also met many workers who were engaged in intense courses of training that still did not meet the standard

¹² Interview, 2/13/09

¹³ Interview, 3/3/09

¹⁴ Interview, 1/31/11

¹⁵ Interview, 3/5/09

¹⁶ Interview, 2/28/09

educational eligibility requirements set by USCIS. For example, Candelaria,¹⁷ a subcontracted janitor explained the training she underwent to care for her disabled child.

I received training to also support other parents who also had special needs children, for about three months to understand the child development of these kids. During that time parents like us got together to share suggestions and recommendations. Sometimes you get to the point where you think you've done everything, there is nothing more I can do, but then you learn more techniques, how to help them, so that's what I'm doing now. I graduated from this parenting class...and now I'm going to a group called *Mujeres Unidas y Activas*, to learn more, because I want to better myself, for my children. I need to help them succeed, but sometimes it is hard because I don't have help from others.

While this mother, who fled violence in El Salvador, was able to receive her permanent residency through other channels, her similarly situated undocumented fellow group members would not. The 2012 Deferred Action for Childhood Arrivals program requires a formal plan of education, which excludes training programs offered by nonprofit and community based organizations focused on popular pedagogy and worker empowerment. Similarly, the long anticipated and stalled federal DREAM Act would privilege young immigrants brought by their parents, and who have completed a two or four year degree, only certain vocational trainings, or who have completed military service (Batalova & McHugh, 2010).

This is not to say that heroic efforts have not been made by some local governments, many immigrant rights groups, and educational advocates to make educational training available to a wider array of potential DACA beneficiaries (Kissam, 2012). However, it is important to recognize how even these efforts are in many ways replicating the same structural inequalities that maintain the precarious immigrant workforce. For example, one adult educator I spoke with felt torn between the important work their institution did to equip immigrants with skills and English capacity, and what they referred to as essentially a “hegemonic and capitalist” ethic inherent in typical courses meant to create better workers. In this regard, we require a re-envisioning of the forms of worker education *and* empowerment, offered oftentimes by non-traditional educators and advocates.

In sum, too often we individualize educational decisions, valorizing those who seemingly make the appropriate sacrifice to attend school, while disparaging those who do not. Yet, the cases presented here reveal the structural limitations that shape these *institutionally young* students, who despite their demographic age, must be understood as newcomers to a system designed predominantly to privilege traditional students with few competing demands. Meanwhile, efforts to reach wider groups of disadvantaged groups remain largely absent.

Empowering Undocumented Workers and Valorizing Claims-Making

While DACA provides temporary deportation relief and access to the formal labor market, there are some additional limited forms of relief currently available to undocumented workers (Fisk & Wishnie, 2005). Key among them is the U-Visa program, intended for victims of a crime who assist law enforcement in their investigation. Given the deleterious effects of employer sanctions under the 1986 Immigration Reform and Control Act, legal scholars and advocates such as Saucedo (2010) have supported the expanded use of U-Visas to “provide leverage to workers who seek to uphold or enforce labor and employment rights in the most egregious settings” (p. 303). In practical terms, U-Visas have been applied to certain forms of mental or physical abuse, as long as workers are helpful in an investigation by an agency willing to certify their federal, state, or local claim (National Employment Law Project, 2014).

The U-Visa program has emerged in a context ripe for workplace abuse, and where unauthorized workers have significantly higher rates of violations (Bernhardt, Spiller, & Theodore, 2013, p. 823). While the U-Visa program is a critical tool for advocates, and an important resource for immigrants, it also assumes a two-track approach to remedying employer abuse whereby workers who cannot prove immediate and direct harm are ineligible, and those who come forward to present an eligible claim are valorized and rewarded. However, as my

¹⁷ Interview, 10/24/11

research below demonstrates, the process of filing a claim is arduous, and the decision to *not* come forward, or to abandon a claim, is sometimes the best thing a worker feels that they can do for themselves and their family. Consequently, seen from another lens, those workers excluded from this crucial form of relief may in fact be adopting a survival strategy for themselves and their families.

For example, I spoke with an undocumented landscaper in his late 50s who regularly worked mandatory and unpaid overtime. Although Jorge attempted to contest his conditions, the response from his employer was crystal clear, “I’m not going to pay you anything, do what you want.” This worker understood his equal rights as an undocumented worker, though saw his practical ability to move forward as severely limited. His life was riddled with structural challenges. His wife, an undocumented retail worker, had nearly died in a car crash on her way to work 6 months earlier, ultimately spending three days in a coma; three months in a hospital and three more months recovering at home.¹⁸ She eventually lost her job, and Jorge was left as the sole earner of the household. The risk of coming forward to claim, therefore, became quickly palpable, and he could not afford to lose his job. “When he threatens us, of course people are scared,” Jorge recalls. His exact words were, “There’s the door... clock out.”

Another *tortillería* worker I spoke with similarly recounted how the (unconfirmed) threat of an upcoming audit was enough to squash the movement of workers who had organized to demand higher wages. Each was fired in succession over time, leaving the remainder to wonder who would be next. For both these workers, the overlapping legal regimes of at-will employment (whereby non-unionized workers can generally be fired for good, bad, or no cause) (NCSL, 2012), also clashes with the federal prohibition against hiring unauthorized workers and the constant threat of deportation. As such, the precarious labor market position of undocumented low-wage workers is reinforced by their legal disposability. Therefore, while there are indeed many workers who do come forth to file claims, there are many more who act as rationally as one could expect, given an environment of uncertainty.

The rocky road to individual claims-making is one that has been long demurred by labor scholars and advocates who caution against the move towards an atomized system of worker protection (Lichtenstein, 2002). For this reason, immigrant worker advocates have envisioned bold pathways of worker empowerment via collective resistance. For example, Gordon (2007) has argued for a model that “would tie immigration status to membership in organizations of transnational workers rather than to a particular employer.” Specifically,

...in exchange for the authorization to work that they would receive as members, migrant workers would commit to the core value of labor citizenship: solidarity with other workers in the United States, expressed as a commitment to refuse to work under conditions that violate the law or labor agreements. (Gordon, 2007, p. 509)

The migrant would be:

...asked to take a ‘solidarity oath’ as a condition of membership, promising to take no job that violated basic workplace laws or that paid less than the minimum set by the transnational labor organizations, to report employer violators to their transnational labor organizations once discovered, and to uphold union solidarity with other workers (for example, refusing to cross picket lines). (Gordon, 2007, p. 567)

In this model, advancing the collective good of workers would be the centerpiece of inclusion, and a commendable goal. Similar campaigns driven by immigrant worker power have thrived in Europe. For example, in recent years, labor activists in France have used strike activity to force employers to sponsor the legal applications of *sans-papiers* (undocumented) workers (Barron et al., 2015).

However, while unions, worker centers, and other worker advocates have become critical sites to collectively contest employer abuse, and have in fact been calling for broad-based reform (Trumka, 2014), there remains significant challenges to organizing low-wage workers on the ground. Many feel disconnected from the mainstream movement and in some cases have internalized narrow definitions of belonging. To this end, I spoke

18 Interview, 9/23/13

with workers regarding their relationship to advocacy organizations and mass mobilizations that were happening in their communities. When asked, “In the past few years, there have been several immigrant rights marches in the city. Have you participated in any of them?” An impressive 32 percent responded, yes. However, a deeper conversation with respondents regarding their feelings surrounding the mobilizations revealed a wide disconnect between the ideals of worker empowerment and the ways workers feel excluded from these efforts.

To be sure, there was no shortage of indignant workers who believed that their hard work merited justice. However, collective solidarity was not a forgone conclusion for all of them. Amongst surveyed workers, 14 percent were union members, including only 5 percent of undocumented respondents. The perspective these claimants had towards their union was often complex, given that they typically had come seeking help from the legal aid clinic to address what they perceived as a failure of their union to provide sufficient assistance with their grievance. Their unique perspectives nonetheless illuminates a dynamic that complicates the path to “labor citizenship” via worker solidarity.

For example, Yadira,¹⁹ a subcontracted janitor and mother, explained her frustration towards her union and the grievance system following her firing.

According to them, supposedly they have to get in there and talk first [with the employer], and they just make you *think* that they’re going to help, pure lies, because the union never helps anyone... I told them I had never had a warning and had worked for almost five years, it wasn’t right that I was fired. They said that they would go talk [to the employer], supposedly, but nothing [happened]. They said they would call me, but they never did.

Yadira’s perspective reflects dissatisfaction towards a mode of business unionism that is focused on individual grievances (Fantasia & Voss, 2004), despite strident efforts to incorporate immigrant workers. Unions also face severe constraints from employers who regularly engaged in union busting and other efforts to disrupt immigrant worker solidarity (Shapiro, 2014). Workers, nonetheless, do not necessarily see collective organizing as a viable strategy to address abuse.

Similarly, Berenice,²⁰ a long-time unionized manufacturing worker reflected on the legacy of immigrant organizing since the heydays of Cesar Chavez.

The farmworkers fought, went on strike, they didn’t back down. I used to go to these huge marches where I saw men on crutches, in wheelchairs, fighting for their rights and everything, and you contrast to today. People aren’t fighting today.

Thus, despite the inspiring progress of immigrants within the labor movement (Milkman, 2010), some workers remain disillusioned.

Consequently, it is critical to understand that collective organizing and even everyday forms of civic engagement exist in an elite space. Amongst survey respondents, 35 percent reported volunteering at church, school (10 percent), a union (7 percent) or other organization (12 percent). While this number represents a small minority of respondents, it is not radically different from what we know about volunteer activity amongst the native-born adults. Data from the Current Population Survey confirm that approximately one in four youth reported volunteering in the past year, with rates as low as 10 percent for noncitizen immigrants (Lee & Pritzker, 2013; Wilson, 2012). We also know that rates are lower for Latinos and first generation immigrants, as well as youth from families with lower socioeconomic status (Ishizawa, 2014).

This is not to say that there are not impressive pockets of mobilization, most critically the eruption of mass mobilizations in 2006 (Pallares & Flores-González, 2009; Voss & Bloemraad, 2011), and the leadership undertaken by undocumented youth and engaged parents (Terriquez, 2011, 2015). However, some immigrants also face significant civic stratification (Bloemraad & Gleeson, Shannon, n.d.), which is reified by proposals that premise deportation relief on their engagement. The narratives some undocumented immigrants adopt about their belonging in U.S. society further reflect this disconnect.

¹⁹ Interview, 6/6/13

²⁰ Interview, 9/25/13

Lessons for Inclusion, and Towards a Way Forward

In my conversations with low-wage workers, I asked immigrant respondents to consider pending proposals for immigration reform. These findings reveal some immigrants' ambivalence regarding possibilities for broad based change, and an internalized narrative of individual deservingness. For example, when asked, "Do you think that the president and congress should authorize an "amnesty" or "legalization" program?" Less than half of immigrants (42 percent) responded, "Yes, for everyone." Amongst them, 24 percent of documented (and 16 percent of citizen) immigrants said yes, while 72 percent of undocumented immigrants responded affirmatively. Though only 31 percent of documented respondents (and 22 percent of citizens) were in favor of a guest-worker program, a stunning 80 percent of undocumented respondents would support one.²¹ What might this emphasis on deportation relief and temporary status over full legal incorporation reveal about how undocumented immigrants understand their place in the United States, and the lessons they have learned about who deserves to belong?

In order to understand workers' own views, norms, and ideals of belonging and deservingness, I ended each interview by asking them what policies respondents would advocate for moving forward. The 2005 Sensenbrenner Bill and the 2006 mass immigrant mobilizations served as a backdrop for my first phase of interviews. In the second phase, the 2010 Senate Bill 1070 proposals in Arizona also were a common topic of conversation.

In 2007 I asked Alfonso,²² an undocumented restaurant worker who regularly worked double shifts, what he thought of the many mobilizations that had recently taken place. He explained his conflicted perspective regarding calls for deportation relief and a path to citizenship.

Well, I think their demands are good in some ways, but we're not in our country. We can't just ask for so many things. Just as long as they let us work, and they give us a drivers' license, then it's fine. Because it's not our country, and we're not really adapting to life here, we go around starting trouble, so that's what I think. Maybe if we started to adapt to life here...Americans are more responsible, they work to get ahead, to study, to pursue a career. But we Latinos are *conformists*, if we have enough to eat, that's enough.

Armando²³ had internalized a similar narrative about his fellow undocumented workers:

Us Mexicans are very disorganized, for example, we have all our things strewn everywhere, whereas an Anglo [house] is very neat and clean. I don't think that everyone deserves papers. Depends on the person, if they've committed a crime. In my case I don't want citizenship, just a visa to work and come and go when I need to...like even just for a week to see my family, how different it would be.

For Armando, the middle class aesthetic had taken precedence in the optics of U.S. belonging, as had an assumption about the need for civility, rather than mass protest.²⁴

While proposals for transnational mobilization resonate within labor advocacy arenas, a broader view reveals a mainstream insistence on using the law and formal channels to air grievances. However, despite widespread efforts to expand access to justice (Estreicher & Radice, Forthcoming), the courts and the administrative bureaucracies that surround them are still highly privileged spaces.

Immigrants I spoke with also tended to juxtapose their role as committed workers with popular narratives of criminality. For example, Rodolfo²⁵ was likewise cautious about the path forward for Congress, focusing

21 These data parallel findings by the Pew Hispanic Center that reveal that respondents value deportation relief over citizenship, with 85 percent of Hispanics and 79 percent of Asian Americans approve increasing the number of temporary work visas for agriculture and food industry workers (Lopez, Taylor, Funk, & Gonzalez-Barrera, 2013).

22 Interview, 7/25/07

23 Interview, 7/3/07

24 Similar parallels have been written about with regards to the Palestinian struggle, and the recent #BlackLivesMatter mobilizations.

25 Interview, 7/30/07

especially on the need to keep out purported criminals.

There are a lot of illegal people who have committed crimes. And I suppose if they are going to pass a legalization program, they'd legalize them as well? ...How are we going to legalize people who have committed crimes?...Congress is at a crossroads. Do I legalize drug-addicts and murderers?

Similarly, Simona²⁶ emphasized the need to include only “honest and working people” in any form of relief. In line with a criminalized narrative of Latinos and undocumented immigrants (Chavez, 2008; T. Golash-Boza, 2010; Willen, 2007), workers such as these aspired to distinguish themselves as *workers* first, deserving of relief, and not undocumented criminals in popular media.

Even engaged workers such as Juvenal,²⁷ who had broad experience in agitating for workplace justice, were skeptical of an expansive amnesty program.

I know that it would be hard to legalize us all...If they pay taxes, if they are studying English...I don't know, for those who *deserve* the opportunity of a legalization. Give *them* permission. Maybe not citizenship at first, but at least a permit to work freely, to be able to drive. I've always said that if they legalize us, there will be more money, people can travel home to their countries, the planes will be fuller, people will buy more cars. Money will flow.

These responses suggest a reification of civility, economic contributions, and educational and linguistic assimilation. They no doubt conform to some of the dominant arguments regarding the utility of immigrants, which in turn garner critical political support. However, by premising deportation relief and legal status on these exclusive notions of deservingness, these programs are also replicating narratives that entrench the structural inequalities that undocumented workers confront daily. The *stories* we tell about the rights of immigrants and their place in society have implications for “how inequalities are maintained and reproduced” (Polletta, 2011).

Forging Alternative Paths to Inclusion

The danger of articulating pathways to citizenship, as Gordon (2007) aptly argues, is that citizenship's “inclusive and emancipatory rhetoric can mask a dangerous reliance on exclusion” (p.580). These dominant narratives of inclusion, which often limit relief to elite cadres of immigrants who are already incorporated into educational spaces, legal bureaucracies, and civic institutions, pose a contradiction for advocates and immigrants themselves. Rather than facilitate incorporation, current proposals seemingly further entrench the marginalization of those individuals these institutions exclude.

One explanation for these narrow framings is the weak salience of international law in the United States, which forecloses the viability of an international human rights frame for advancing immigrant rights more broadly (Basok, 2009; Bosniak, 2006; Cook, 2010; T. M. Golash-Boza, 2012). However, debates surrounding immigration policy often become a foil for debates surrounding how to structure social provisions in the United States, which largely privileges the marketized solutions and individual grit.

By framing formal educational achievement as a basis for legal inclusion, we not only ignore the key barriers to educational access, but also devalue popular forms of worker empowerment, and ignore the contribution of “non-achievers” to economic and social life. Similarly, by elevating civic engagement through formal institutions as a personal virtue, we reward the incorporated few. By instead focusing on the support that “institutionally young” immigrants require to be impactful economic and political actors, a broad based approach to immigration reform would see legal status as a first step in fuller future inclusion, a prospect Congress is perhaps not ready to swallow.

²⁶ Interview, 10/8/13

²⁷ Interview, 3/16/09

Appendix: Tables

Table I

Profile of Foreign-Born Low-Wage Workers Surveyed and Interviewed 2011-2014

#	Age	F/M	Country of Birth	Undocu-Mented ^a	#	Age	F/M	Country of Birth	Undocu-Mented
1	21	M	El Salvador	Y	34	43	F	Mexico	N
2	23	M	Mexico	Y	35	44	M	Honduras	N
3	25	M	El Salvador	Y	36	46	F	Mexico	N
4	25	F	Mexico	N	37	46	M	Peru	Y
5	26	M	El Salvador	Y	38	48	M	Mexico	N
6	26	F	Mexico	N	39	48	M	Mexico	Y
7	26	M	Mexico	Y	40	49	M	Mexico	N
8	27	M	Mexico	Y	41	49	M	Mexico	Y
9	28	F	Mexico	Y	42	49	M	Mexico	Y
10	32	F	Mexico	Y	43	49	F	Mexico	N
11	32	M	Mexico	Y	44	49	M	Colombia	N
12	32	M	Mexico	Y	45	49	F	El Salvador	N
13	33	M	Mexico	Y	46	49	M	Mexico	N
14	33	M	Mexico	Y	47	50	M	Mexico	Y
15	33	F	Mexico	N	48	50	F	China	N
16	34	F	Mexico	Y	49	51	M	Mexico	Y
17	34	F	Mexico	Y	50	51	.	El Salvador	N
18	35	F	Mexico	N	51	51	M	Mexico	Y
19	36	M	Mexico	N	52	52	M	Mexico	Y
20	36	F	Mexico	Y	53	52	M	El Salvador	N
21	36	M	Guatemala	N	54	52	F	Mexico	Y
22	38	F	Mexico	Y	55	52	F	Mexico	N
23	38	F	Mexico	Y	56	54	M	Mexico	Y
24	39	F	El Salvador	N	57	55	F	Philippines	N
25	40	M	Guatemala	Y	58	57	F	Philippines	N
26	40	F	Mexico	Y	59	57	F	Peru	N
27	41	F	Mexico	Y	60	58	F	Philippines	N
28	41	F	Mexico	Y	61	60	F	Mexico	N
29	41	F	Peru	N	62	61	M	Peru	N
30	42	M	Mexico	Y	63	61	F	Colombia	Y
31	43	F	Mexico	N	64	61	F	Mexico	N
32	43	M	Mexico	Y	65	62	M	Mexico	N
33	43	F	Mexico	Y	66	71	M	China	N

Note: ^a Those respondents denoted as undocumented reflect instances where individuals responded that they were 1) born outside of the United States, 2) were not a U.S. citizen, and 3) were not a legal permanent resident. This serves as a conservative estimate, of “non-citizen, non-legal permanent resident” respondents, and certainly may involve those with temporary or other status.

Table 2*Profile of Foreign-Born Restaurant Workers Interviewed 2005-2007*

San Jose Interviews					Houston Interviews				
#	Age	F/M	Country of Birth	Undocu-mented	#	Age	F/M	Country of Birth	Undocu-mented
1	18-19	M	Mexico	Y	1	18-19	F	Mexico	Y
2	20-24	M	Mexico	Y	2	20-24	M	Mexico	Y
3	20-24	M	Mexico	Y	3	20-24	M	Mexico	N
4	20-24	M	Mexico	Y	4	25-29	M	El Salvador	N
5	20-24	M	Mexico	Y	5	25-29	M	Mexico	Y
6	20-24	F	Mexico	Y	6	25-29	F	Mexico	N
7	25-29	F	Mexico	N	7	30-34	M	Mexico	Y
8	25-29	M	Mexico	Y	8	30-34	M	Mexico	Y
9	30-34	F	Mexico	N	9	35-39	M	El Salvador	N
10	30-34	M	Mexico	Y	10	35-39	M	Mexico	Y
11	30-34	M	Mexico	N	11	35-39	M	Mexico	N
12	30-34	M	Mexico	Y	12	40-44	M	Mexico	Y
13	30-34	M	Mexico	Y	13	40-44	M	Mexico	Y
14	30-34	M	Mexico	Y					
15	30-34	M	Mexico	Y					
16	30-34	M	Mexico	Y					
17	30-34	M	Mexico	Y					
18	30-34	M	Mexico	Y					
19	30-34	M	Mexico	N					
20	35-39	M	Mexico	Y					
21	35-39	M	Mexico	Y					
22	35-39	M	Mexico	Y					
23	35-39	M	Mexico	Y					
24	40-44	M	Mexico	Y					
25	45-49	M	Mexico	Y					
26	45-49	M	Mexico	Y					
27	55-59	F	Mexico	N					
28	55-59	F	Mexico	N					

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Neither Sinners nor Saints: Complicating the Discourse of Noncitizen Deservingness

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Abstract

This article explores how non citizens, primarily members of the 1.5-generation, experience and rhetorically contest deservingness. We argue that deservingness is constructed through multiple sources including the media, immigrant rights movements, and the law, resulting in a binary of good/bad migrants that does not fully capture the lived experiences of noncitizens. Drawing from three distinct qualitative projects examining the lives of 133 noncitizens, we demonstrate structural conditions underlying divergent experiences of “illegality” and “deportability” (De Genova, 2002). We further complicate the discourse of migrant deservingness through an explication of the commonalities of a range of noncitizens, including DACA recipients, the formerly documented, undocumented migrants, and deportees, highlighting their humanity and worthiness in the process.

Introduction

On November 20, 2014, President Barack Obama addressed the nation on immigration, announcing an executive action that would expand the *Deferred Action for Childhood Arrivals* (DACA) program. He claimed that the U.S. has long been a “nation of immigrants” and that current policies toward migrants ought to reflect, if not honor, that history (The White House, 2014). In addition to increasing law enforcement, facilitating streamlined deportations, and expediting the admission of high-skilled migrants, he vowed to utilize discretionary authority to defer the removal of undocumented migrants who met certain qualifications. Much of his speech was dedicated to constructing as deserving of administrative relief those who lived in the U.S. for at least five years, had U.S. citizen or permanent resident children, passed a criminal background check, and could pay taxes. He argued that these migrants often labor in difficult conditions to support their families, many of whom are U.S. citizens. They also share social spaces with citizens, including churches and schools, and maintain “hopes, dreams, and patriotism, just like ours” (The White House, 2014).

Obama complicated popular rhetoric portraying unauthorized migrants as uniformly threatening, burdensome, and incapable of incorporating (Chavez, 2013). He also expanded the category of noncitizens considered worthy by drawing on themes, like work ethic, ability to contribute, family connections, religiosity, and patriotism that resonate with the so-called “moveable middle” of the U.S. population—the segment who are not fervently pro- or anti-migrant, but who can be persuaded to support or at least sympathize with the plight of migrants (Martinez, 2008). Obama is not alone in such efforts; similar appeals have also been employed by sectors of the immigrant rights movement to garner broad support for the DREAM Act and other anti-deportation campaigns (Bloemraad, Voss, & Silva, 2014). Pro-migrant movements, such as the undocumented student and new sanctuary movements, have encouraged “model immigrants” to “come out of the shadows” and demonstrate social citizenship, good character, and potential to contribute to society (Gonzales, 2008; Nicholls, 2015; Yukich, 2013). Such activism helped make possible piecemeal reforms like DACA and prosecutorial discretion for “low priority” removal cases. But the “ideal migrant” discourse underlying these reforms continues to reify the problematic notion that most noncitizens are unworthy of regularization and rights.

The construction of any “desirable” category rests upon the production and demonization of undesirable “others.” By valorizing “good” migrants who came to the U.S. “through no decision of their own,” hold great

potential to contribute to U.S. society in particular ways, and have the support of authority figures, non citizens whose lives do not fit neatly into rigid ideal types are systematically excluded. Undocumented adults with weak ties to the U.S., youth who are not college bound, noncitizens not regularly employed or bound to the military, and migrants cast as somehow “criminal” are routinely left out of the discourse of the deserving (Bloemraad et al., 2014). Sometimes their lives are even used as collateral damage to support the more sympathetic (Patler & Gonzales, 2015).

In his speech, Obama utilized the “good” migrant versus “bad” migrant binary to fend off detractors and persuade the movable middle of the necessity of deferred action. He claimed the government would focus “enforcement resources on actual threats to our security. Felons, not families. Criminals, not children. Gang members, not a mom who’s working hard to provide for her kids” (The White House, 2014). While such a claim is more inclusive than most discourse on deportable noncitizens, it fails to acknowledge that migrants commit lower rates of crime than later generations (Ewing, Martinez, & Rumbaut, 2015), the way laws and its enforcement actively *create* felonious noncitizen identities (Chacón, 2012; García Hernández, 2013; Stumpf, 2006), and the structural conditions at work in the lives of so-called “felons,” “criminals,” and “gang members.” In glossing over these realities, Obama ultimately justified the campaign of detentions and removals undermining migrant communities in recent decades.

This article aims to reconcile the false binary between the deserving and undeserving migrant by examining how deportable noncitizen youth experience, internalize, and discursively navigate around deservingness. We draw from 133 interviews from three distinct qualitative studies, 70 of which were conducted with Central American and Mexican undocumented youth living in the U.S. and 63 with deportees in El Salvador. The stories of DREAMers, deportees who grew up in the U.S. and other noncitizens demonstrate the limits of a dichotomous framing that casts migrants as either sinners or saints. Migrant lives, like those of all humans, are non-linear, messy, and structured by outside forces. The narratives presented here—especially those subjected to criminalization and deportation—show a multitude of ways migrants push back against the discourse of deservingness. The migrants and deportees we interviewed challenge politicians, the media, and the immigrant rights movement to adopt a more inclusive framework that acknowledges the nuances of noncitizen lives, and interrogates the institutions and processes upholding mass deportation.

The Unintended Consequences of DREAM Framing

According to Snow and colleagues (1986), frames are conceptual bridges that link social psychological considerations with structural/organizational ones (p. 476). In choosing resonant frames such as those emphasizing hard work or family ties, immigrant movement activists render certain meanings and experiences significant, which can then be used to guide action (Benford & Snow, 2000; Cress & Snow, 2000). As Giugni and Passy (2004) argue, the use of culturally relevant frames is especially important for migrants whose claims may be constrained by formal criteria for citizenship. For instance, in the summer of 2010, undocumented youth across the nation emerged from the shadows with the now familiar refrain, “Undocumented and Unafraid!” Up until 2010, an influential faction of the DREAM movement relied on a meritocracy frame rooted in a discourse of “educational achievement” and “vulnerability.” This frame strongly resonated with the values of achievement and hard work consistent with Americans’ notions of deservingness. While the “education” and “vulnerable child” frames resonated with the moveable middle, and in many ways reflected the lived experience of a certain group of DREAMers, it also had the unintended consequence of brightening the boundary between “deserving” and “undeserving” undocumented migrants (Lamont & Molnar, 2010).

The DREAMer frame became a metaphor for the most deserving undocumented migrants. Youth activists invoked these frames primarily because it resonated more strongly with the public, as do frames emphasizing family unity (Bloemraad et al., 2014; Martinez, 2010). While the failure of the DREAM Act to pass devastated undocumented youth, their families, and movement allies, a key development emerged from the summer’s activism. Undocumented youth activists openly questioned the relevance of the “education” and “vulnerable child” frames for both the movement and in their own daily lives as they and their families must navigate an increasingly hostile anti-migrant context (Negrón-Gonzales, 2013).

This has led to a shift in the immigrant rights movement and the undocumented student movement to

a focus on ending deportations and the criminalization of undocumented immigrants. Yet, the deservingness frame endures as undocumented migrants including undocumented youth continue to engage in discourses of contribution, meritocracy, and law-abidingness. These framings continue to re-emerge in response to a powerful and dehumanizing discourse that characterizes unauthorized migrants as lawless and dangerous. In doing so, such framings, perhaps inadvertently, legitimize the detention and removal of those migrants who fall outside categories of “good” migrants.

In this article, we examine how some noncitizens and deportees have internalized and distanced themselves from the discourse of the deserving both in the undocumented student movement and in their everyday lives. We argue that the binary of “good” and “bad” migrants does not reflect the humanity of deportable noncitizens, whose lives are often messy and complicated, filled with detours and disruptions. We believe the media and political actors, including the immigrant rights and undocumented student movements, can develop more nuanced frames that acknowledge the complexity and structured nature of migrant lives in order to advance more inclusive and humane immigration law and enforcement.

Methodology

This article draws from three distinct qualitative studies of noncitizens of Mexican and Central American origin to highlight the ways the I.5-generation—both those living in the U.S. and those who have been deported—experience deservingness. Though we did not initially set out to study deservingness the concept surfaced and resurfaced in our interviews. Focusing on 133 of 212 total interviews conducted by the authors between 2008 and 2015, we examined how deservingness constructed, internalized, and contested over time and in transnational space by noncitizens who entered the U.S. before age 18. Our research yielded rich data capable of critiquing problematic representations of migrants informing hyper-restrictive immigration policies.

Between 2009 and 2015, Edeline Muñoz Burciaga conducted research with undocumented students in the Los Angeles metropolitan area including semi-structured interviews with approximately 20 undocumented student activists in 2010. Data also comes from ethnographic research she conducted in the metropolitan Atlanta region between October 2014 and March 2015, including 32 interviews with undocumented young adults between the ages of 18-26 years old. This time span allowed her to observe a shift in the discourse and framing of deservingness both amongst undocumented student activists and undocumented young adults who do not consider themselves activists.

Between June 2012 and August 2013, Lisa M. Martinez conducted in-depth semi-structured interviews with Latina/o and undocumented youths ages 16-26 in Colorado. The goal of the larger study was to understand youths’ pathways to educational and occupational mobility. A subset of 18 undocumented youth was interviewed to understand their trajectories following the implementation of DACA and an in-state tuition bill for undocumented state residents. The analysis in this article is limited to the narratives of the undocumented respondents, permitting us to show how they understood and navigated deservingness within changing national and state-level socio-political contexts.

Between 2008 and 2013, Katie Dingeman-Cerda conducted life-history interviews with 63 Salvadoran I.5 generation migrants who grew up in the U.S. and were deported to El Salvador years later as adults. Consistent with national trends (Rosenblum & McCabe, 2014), most were deported after immigration violations and misdemeanors, though several self-identified as “gang-involved” or “inactive gang members” and some were convicted of violent crimes.¹ Together these narratives reveal deportees are diverse in life experiences and degrees of criminalization. The ways they narrate deservingness after removal and within the post-deportation context in El Salvador also offer important suggestions on how political actors can move toward a critique of state practices.

1 We recognize the problematic use of the term “gang.” Many youth designated by the state are simply “hanging out” with friends and are criminalized as “gangsters” in need of surveillance, criminalization, containment, and deportation (Rios, 2011). Uncritical use of the term implicitly justifies such practices. Still, in our research, many youth identified themselves as belonging to “gangs,” in one way or another. They used terms like “gangsters,” “gang members,” “soldiers,” and “ex-gang members,” “inactive gang members,” and “gang-involved.” Though hesitant in our application, we refer to such persons as self-identified “gang-involved,” a term employed by some activists and social service providers. We also note the structural factors that lead youth to involvement in “gangs,” as appropriate.

“You Have to be More Worthy”: The Long Reach of the DREAMer Frame

In 2010, at the peak of DREAM Act mobilization, Dolores², an undocumented student activist explained how she would persuade individuals in the moveable middle to support the DREAM Act and other California legislation that could benefit undocumented youth.

I would tell you first, please don't look at it as an immigration issue. Think of it as an educational issue. And we're all here (*in college*) because we have worked so hard. Just because you're undocumented the universities don't hand you the application and you're accepted. We've all worked hard, we have the grades, and we're smart, and it's just that we weren't born here. And it's an impediment, not just for ourselves but for the fact that we can be helping our communities and progressing as a whole, not just ourselves.

Dolores, like other DREAMers, firmly believed that without legal status they could not attain their own or their parents' dreams for them. It made strategic sense to appeal to American values of meritocracy and hard work. In this same year, though, the movement was profoundly impacted by the failure of the DREAM Act (Pallares, 2013). As movement members and leaders contemplated the unintended consequences of the “education” and “vulnerable child” frames, both frames that resonated with the moveable middle, undocumented children across the country were coming of age in the shadow of the DREAMer narrative. This narrative in conjunction with the hyper-criminalization of the undocumented migrant as a subject, constructs undocumented youth, and undocumented migrants generally, as either “bad” or “good” migrants.

The long reach of the DREAMer narrative came across clearly during interviews conducted with undocumented young adults in Georgia in 2015. Enid, who came to the United States at the age of six described the ideal DREAMer, a category she distanced herself from even though she had completed her GED, was employed at a leading Latino migrant rights organization, and was completing a paralegal certificate: “I don't really consider myself a DREAMer...it will be the people who really finish high school and that are ready to go to college, you know, and they don't have children. So that's what I think it is, that's why I don't think I fit there.” Enid, who had dropped out of high school, viewed herself as outside of the DREAMer frame because as a teenager she was not college-bound and was a young parent. Like Enid, several undocumented youth interviewed identified what they considered less than ideal life experiences such as having a GED instead of a high school diploma, losing Deferred Action, or not being active in the undocumented student movement, as excluding them from the DREAMer narrative. This discourse of exceptionalism, both actual and perceived, created a symbolic boundary between undocumented youth who did not consider themselves the cream of the crop and the narrative of the ideal DREAMer.

While undocumented youth like Enid distinguished themselves from the narrow conception of the high-achieving college bound DREAMer; those who were ideal DREAMers expressed feeling pressure to be exceptional, as Alicia shared during our interview:

When you're undocumented you feel like to have to make yourself worthy for this country, and I feel like that's what drove me throughout high school. I strove to get the highest grades, and take the most rigorous classes, and I was just like I am going to show them who they are missing out on.

For Alicia and other high-achieving undocumented youth, the DREAMer frame alone did not create pressure to be exceptional, but the frame in conjunction with the increasing criminalization of noncitizens made undocumented youth acutely aware of their own potential to change societal perceptions of undocumented migrants by being smart, dedicated, hardworking, and ultimately making a positive contribution to the United States.

During our interviews several undocumented youth struggled in their everyday lives with their desire to attend college, and the consequences of “access to higher education” movement framing. As Olivia, who migrated when she was four years old from Mexico and who like Alicia was an exceptional student in high

² Pseudonyms are used unless otherwise requested by participants.

school, shared:

They present this narrative of undocumented students, we're good students, this is what we deserve because we're good students, but the fact of the matter is, we don't deserve this because we're good students, we deserve education because we are human beings that have lived here. I mean, yes I worked my whole high school to get a 3.5 GPA and get top SAT scores ... we're not presenting some fake narrative that we're actually good students, we *are actually good students*, but we're not coming here for some kind of handout or something. We're not saying, "we are students" so we deserve this, and that are other undocumented people who are actually criminals who are breaking the law that they don't deserve it, we're not saying that all...

Olivia wanted to make sense of how her experiences as a model student may contribute to excluding undocumented migrants who were not "good students" or even "lawbreakers" from the discourse of the deserving. Besides recognizing the unintended, yet possibly harmful consequences of the model student narrative, she and other undocumented young adults had a relatively clear understanding of the structural conditions that contribute to the criminalization of undocumented migrants. Several of them had seen their own parents criminalized for minor violations including driving without a license.

While DREAMers have developed an understanding of the criminalization of undocumented migrants through programs like Secure Communities, we found that the DREAMer discourse endures for two primary reasons. First, as Olivia's narrative highlights, being "good students" is their reality and access to higher education, especially in restrictive states like Georgia, continues to be the primary struggle of the undocumented youth movement. Secondly, as Alicia poignantly captured, once in the country without legal permission, to be worthy undocumented migrants *must* lead a law-abiding life. In truth, most undocumented migrants do lead law-abiding lives and yet are still vulnerable to deportation. The deeper implicit meaning of Alicia's statement is that noncitizens are held to a higher legal and moral standard, and the discourse of deservingness emerges in large part in response to this standard. Yet, this perspective leaves very little room for the reality that undocumented migrants are often criminalized for their very presence in the United States.

"Everyone Who Thinks Big is a DREAMer": Expanding the DREAMer Frame

As the narratives above suggest, some undocumented young adults internalized worthiness as law-abidingness. Not only limiting, this framing fails to account for those who straddle a line between the "good" and "bad" migrant. For DREAMer youth, the idealized "good" migrants, the path might not always be straight and narrow and may involve brushes with the law or involvement in criminal activities. In some cases, participants' paths moved them closer to one end of the spectrum and further from the other as a result of personal circumstances or unintended consequences.

Such was the experience of Lupe, an undocumented, self-identified gang-involved youth and straight A student. Lupe's gang involvement stemmed from the alienation she experienced at school where she was one of only a few students of color and from rejection by family members who criticized her academic success. Her cousins became gang involved as a result of blocked opportunities that alienated them from school. They told her, "You think you're all that because you're going to school?" Lupe explained, "I didn't want that because that's not how I was trying to be. I was just trying to get educated but at the same time I didn't want to lose my cred with my family." Lupe claimed she eventually joined a gang because of peer pressure and fear of losing her sense of family, which gang life provided. Nonetheless, she felt conflicted:

A lot of my cousins at this point either had dropped out or just were doing their own thing. Since I was one of the younger ones I hung out with a lot of the older ones. So a lot of the older ones were in gangs and all that and so when I wasn't in school I was hanging out with them, so I had that influence. And then I had to go to school and to be a kid in a private school, completely different worlds. So I was trying to balance both and it was hard.

Lupe described the tension navigating different worlds, one where she was a model student by day and the other where she was gang involved at night, often having to finish homework in the wee hours of the morning after a night of “go[ing] off and doing things.” Despite being gang involved for two years, Lupe’s grades never suffered, allowing her to maintain her grades and keep her scholarship. The pressure of leading a double life was not what compelled Lupe to leave gang life behind; rather, it was the loss of a cousin to gang violence that prompted her exit. Once again, she was faced with the dilemma of fully embracing her academics at the risk of alienating her cousins or continuing to be gang involved at the risk of getting hurt or killed. Lupe described her decision as a turning point, which was not well received:

There was a lot of calling me names. They said I was scared, that I wasn’t down, that my cousin had passed away in honor and things like that. And to me it was not like that. To me someone got shot and that wasn’t really an honor. And so to me that was the hardest thing was trying to figure out if I did leave this lifestyle and try to get away from it, it wasn’t going to happen because my family was the influence. Which also meant that if I stayed in it, what was I going to end up doing with my life? What if the next person to go through that was me? And so, it was hard and I decided I didn’t want that anymore and I lost touch with a lot of my cousins...I found out that most of [them] are either locked up or they got deported to Mexico. Some of my cousins are single moms because of the violence, because they lost their husbands, because they lost things like that.

Lupe was one of the few respondents to adopt the DREAMer frame. Not only did it inform her choice to major in human services, it influenced her perspective on her own challenges such as migrating to the U.S. as a child, attending an under-resourced elementary school, being one of only a few students of color at her middle and high schools, and being gang involved. Reflecting on these experiences, she commented, “I am a DREAMer because of the DREAM Act. I am a DREAMer because I am undocumented and yet I do all these things. But I also refer to DREAMers because everyone who thinks big is a DREAMer.” By her own admission, Lupe was no saint when she was gang involved and recognized her divergent path was at odds with most people’s notions of DREAMers as law-abiding straight-A students, but she internalized the DREAMer frame and remained resolute that she was no less deserving because of her past.

Had Lupe remained gang-involved, she could have ended up incarcerated or deported like her cousins as unauthorized youth are often criminalized by virtue of their unlawful status in the U.S. (Abrego, 2006; Annamma, 2013). However, the internalization of the DREAMer frame and a belief in her academic promise, coupled with losing a cousin to gang violence, prompted her to leave that life behind to focus on school. In that regard, Lupe is similar to the other undocumented youth in our studies, but her conceptualization of the DREAMer frame was an expanded one in that it provided a space for her and others who had also fallen off the “right” path. That she internalized the DREAMer frame to mean “everyone who thinks big,” rather than just those who excel academically allowed her to be fallible but no less deserving.

Not everyone is able to escape the “bad” migrant label. Once attached, it is difficult to remove, as one respondent, Tania, discovered. Tania’s mother, Inez, was facing a deportation order after a failed attempt to renew her cosmetology license. Under a new law requiring individuals to show they were “lawfully present” in the U.S. in order to obtain a license, Inez was denied as she could not provide a valid Social Security number. Because her family’s livelihood depended on renewal of her license, she consulted a *notario* (notary). After paying several thousand dollars, the notary promised Inez she would be able to renew her license, but ended up defrauding her and other clients before fleeing the state. During the investigation, authorities were alerted to the fact that Inez lacked documents. Her brush with the law did not stop there. Shortly after the *notario* investigation, Inez’s younger daughter called police to their home, leading to a child neglect charge. Tania explained:

My mom has a case of neglect and its being considered by ICE as child abuse. One day she left my siblings alone to go run an errand [and] as siblings often do they started bickering. My brother was bothering my little sister and making her angry. She called the police. My mother arrived a

little after the police had gotten there [and] she was charged with neglect. That small incident has haunted us with her case.

Inez pled guilty to the child neglect charge and was later granted a deferred judgment, requiring her to complete a year of probation and parenting classes to have the case dismissed. What Inez did not know was that, by admitting to child abuse, she would still be considered a criminal in the eyes of federal immigration authorities, making it considerably more difficult to petition Immigrations and Customs Enforcement (ICE) to drop her case. After being charged with child neglect, Inez was placed in deportation proceedings, which she had been fighting for 5 years at the time of the interview. Tania noted, “The lawyer who defrauded my mom is on the run from the law. While he gets away with his crime, my mom is in danger of being separated from her family for simply trying to renew her cosmetology license.” As Tania suggests, her mother did not deserve the criminal label even though, in the courts of law and public opinion, she was perceived as such for being unlawfully present and the child neglect charge. Although Tania challenged her mother’s criminalization, Inez could not escape the stickiness of the “criminal” or “bad” migrant frame (Heath & Heath, 2007; see also Soule, 2009). The *notario* went relatively unpunished while Inez faced deportation, proof of how draconian immigration policy is used to justify the categorical removal of those deemed undeserving.

“I Deserve a Second Chance”: Re-imagining Deservingness after Deportation

The discursive production of “undeserving” migrants helps justify the deportation of approximately 400,000 noncitizens from the U.S. annually, rupturing the lives of countless deportees and their family members (Dingeman-Cerda & Coutin, 2012). Once deported, notions of deservingness continue to haunt deportees, who are often returned to countries in which they are once again constructed as threats to public safety and economic development (Brotherton & Barrios, 2011; Dingeman-Cerda & Coutin 2012; Golash-Boza, 2015). Internalization of these multiple layers of stigma interacts with the practical challenges of post-deportation survival, leading deportees to accept their realities without contestation. Some believed they “deserved” to be deported because of their unlawful status or criminalized behavior in the U.S. But many others challenge criminalization and removal by employing familiar deservingness frames, re-imagining what it means to be a worthy migrant, or subverting the discourse of deservingness entirely.

To demonstrate deservingness despite deportation, Salvadoran deportees often highlight their moral character, potential to contribute to society, and social and economic connections to the U.S. They also work to redraw the boundaries of deservingness through contextualization of their lives, especially by articulating structural forces influencing migration and criminalization. The case of Antonio is illustrative. He understood himself as an *hijo de la guerra*, or child of the U.S.-backed civil war that ravaged El Salvador in the 1980s. He fled to the U.S. at age five after being caught in a bloody shootout between the military and rebels on a public bus. He eventually settled with his family in Los Angeles, where he quickly attained asylum and permanent residency. However, like many low-income families, Antonio’s parents were constantly working to sustain the family. With few resources to pay for childcare and a dearth of community organizations to support Salvadoran refugees, Antonio was often left to fend for himself.

Antonio believed that experiencing civil war at a young age desensitized him to the street violence he eventually encountered in L.A. Walking home from school in a poor, racially-charged part of the city, he regularly encountered youth who threatened and tried to recruit him into what he described as “gangs.” Antonio initially resisted, but eventually joined and became heavily involved in MS-13. He explained that his decision to enter was “kind of like peer pressure.” He also understood his criminality and ultimately the deportation succeeding it as a product of the geography of violence (Zilberg, 2010). Reflecting on the area in which he was raised, he said:

What really affected me like turning to gangs and stuff is where I grew up... That’s where everything happened... If I would have grew up in Iowa or Wisconsin or some other state in a little town, I would have probably been a totally different person.

Antonio’s claim that he might have been a “different person” had he been positioned in a locale with an

institutional complex to support marginalized youth was supported by his conversion to an “inactive” status after deportation. After spending 19 years of his life in the U.S., Antonio encountered his future wife in immigration detention. The two were deported together and eventually became affiliated with an Evangelical church supporting deportees and “gang-involved” individuals. With the help of this new community of support, Antonio was able to locate employment and mostly avoid police contact in El Salvador. At the time of his interview in 2008, Antonio’s wife was giving birth to their second child and Antonio was focused on dedicating his life to his family.

Salvadoran deportees like Antonio who grew up in the U.S. and were deported many years later often highlight in their narratives the violence of being torn away from the U.S., a country to which they claimed substantive citizenship. Noting that they do not “belong” in their post-deportation countries, they argue for a “second chance” to re-enter the U.S. lawfully. Most speak English fluently and established families and careers during their time in the U.S. and believe they were denied their right to due process because these factors are not considered in removal decisions. Such was the case for Jorge, an individual entrapped in the LAPD Rampart Scandal and deported after agreeing to a plea he was not informed carried immigration consequences. Jorge was alienated not only afraid for his life in El Salvador, but his family was permanently severed by removal. His six children were also placed in foster care, a consequence Jorge deeply resented:

I used to think being a resident of the United States was—made me a citizen of the United States. But now, I see it’s not like that...I used to think I would be killed in El Salvador...But to get sent back over here, it was like *that* killed me. It was depressing me, my mom, my kids, my girl, my whole family, you know. *Everything’s* over there...When I got here I couldn’t speak Spanish. My life was English...I didn’t know my family here. I left young so my family here didn’t know me, [or] how I looked...I don’t know why the government deported me. I got six kids to take care of over there! Why do you want to take care of my kids? Let me take care of my kids, you know!

Some deportees understand their removal not only as a form of state violence denying their claims to deservingness, but as a machine that serves specific politico-economic actors often at the expense of the rights of migrants. Such individuals focus less on constructing themselves as deserving and more on shifting analytic gaze back to the state. Several highlighted that mass deportation is linked to the imbalanced neo-colonial economic relationship between the U.S. and Central America, especially the dollarization of the Salvadoran economy and remittance dependency. They also point to the existence of an “immigration industrial complex” composed of a complicated and mutually dependent network of military contractors, the prison industry, politicians, and the media (Golash-Boza, 2009).

Recognizing that their lives are embedded in these structures, some deportees developed politicized identities post-removal. Giovanni was one such individual. After emigrating to the U.S. at age five near the end of the civil war, he and his family became agricultural workers in a town outside Seattle. Giovanni was aware that his family’s remittance-sending subsidized the wages of family remaining in El Salvador. Though he recognized his imperfect behavior in the U.S., he did not believe his deportation reflected his deservingness. Rather, it was a result of the existence of a transnational “business” in which he and other migrants are pawns. Passionately distancing himself from the discourse of the deserving, he proclaimed:

Man, it’s a business in all parts! You know what I am saying--because the Mexican government gets so much money from the U.S. so they can stop the immigration. Then, all they do is get you, lock you up, send you to your country, and you just go back. You don’t have much say...Who is giving them the money so they can do all this? Up there! *Uncle Sam!* Uncle Sam is doing all of this!

Like Giovanni, deported persons who avoid discursive boundary-making emphasize their shared humanity and affirm their right to dignified treatment under the law. They reject association with labels like “alien” and “criminal” and contest inhumane treatment during detention and removal. As Armando proclaimed, “They treat us like we ain’t human beings anymore, like we arrived on UFO’s.” Pablo added, “They don’t treat you like you are a person. They just treat you like you are a dog, an animal, or a prisoner.” Some deportees adopt even

more explicit human rights frames in efforts to push back against dehumanization. When Enrique was asked for final comments at the end of his interview, he simply and poignantly responded, “yes, we are humans and we have rights.” Similarly, when reflecting on changes he would make to immigration law if he were given a voice, Frank pled, “Please don’t view the cover of a book for just what the cover is. View the *inside*...I mean, we’re all human beings.”

Frank’s contention that the U.S. should consider the “inside” of noncitizens powerfully challenges the good/bad migrant binary. By asking us to move beyond categorical thinking, he forces us to acknowledge the complexities of human character and behavior. He does not reject immigration law, national borders, or deportation as mechanisms to manage migration, but requests that the law and enforcement practices recognize the humanity of its subjects. Such a view affirms our contention that the lives of noncitizens should be represented in more holistic and nuanced ways in political, media, and social movement discourse. It also demands that the U.S. reconsider the institutions and criminalizing processes upholding mass deportation.

Conclusion

In his 2014 address to the nation on immigration, President Obama invoked both the “good” and “bad” migrant frames, applauding those who embody the values and ideals of the U.S. and are “a part of American life” while also castigating “lawbreakers” and “violent felons.” Such a binary reflects larger public discourse informing immigration policies (Patler & Gonzales, 2015). As “good” migrants have been placed front and center of progressive efforts to bring about comprehensive immigration reform at the federal and state levels, “bad” migrants have become the face of illegality, supporting restriction (Patler & Gonzales 2015). Accordingly, on the national level, opportunities for undocumented youth (mainly DREAMers) have expanded, while deportations of border crossers and criminalized non citizens are at an all-time high. Similarly, at the state level, binary discourse informed tuition subsidies for undocumented students, while simultaneously popularizing discriminatory and criminalizing show-me-your-papers laws, 287(g) agreements, and Secure Communities (Cebulko & Silver, 2013).

That both pro- and anti-migrant laws and policies have gained such traction speaks to the power of the media portraying unauthorized migrants and other noncitizens as deserving or undeserving (Patler & Gonzales, 2015). Public sentiment tends to be more favorable—or at least more forgiving—of undocumented youth, especially if they are framed in ways that resonate with American ideals of hard work and meritocracy. However, Americans are more ambivalent about migrants’ having access to public benefits such as healthcare (Marrow, 2012), giving legal status to those who serve in the military (Summer, 2015), or their participation in civil society (Chavez, 2012). Recognizing which frames resonate more strongly with the public (Bloemraad et al. 2014; Yukich, 2013), migrant rights activists and religious and political leaders portray DREAMers as neighbors, model students, and good Americans while ignoring or portraying criminal(ized) migrants as aimless and lawless. In other words, DREAMers are uplifted and potentially swept into educational pipelines while non-DREAMers are tracked into the deportation pipeline.

In constructing migrants who will not qualify for administrative relief as “felons,” “criminals,” and “gang members,” political actors fail to acknowledge the ways “illegality” and “criminality” are socially and legally constructed (De Genova, 2002; Stumpf, 2006). In reality, migrants, including the unauthorized, commit crimes at lower rates than later generations (Ewing et al., 2015). Moreover, most of the so-called “criminals” to which Obama and the media refers were convicted of immigration violations (like unlawful entry) and nonviolent criminal offenses (including misdemeanors) re-classified as “aggravated felonies” for the purposes of prosecution (Rosenblum & McCabe, 2014). Moreover, while some migrants do commit serious crimes, their lives are influenced by structural forces outside their control, including transnational political-economic inequalities, war, and racial dynamics in U.S. urban spaces.

A legitimate political function is served through the rhetorical construction of a category of “undeserving” noncitizens, overestimating their quantity, and negating the factors influencing their lives. For example, the immigrant rights movement could be compromised if it adopted more inclusive frames (Bloemraad et al. 2014). By eschewing the good/bad migrant frame, activists risk losing support for incremental immigration reform from elected officials and the moveable middle. Nevertheless, the narratives of our interviewees suggest that binary framings foster ignorance around what happens in the grey space between ideal types. They feed into

individualistic logic, breeding denial about the social problems, legal constructs, and policing practices making vulnerable the lives of deportable noncitizens. In doing so, they legitimize the disproportionate targeting of Latinos by immigration and criminal justice enforcement and uphold a deeply inhumane program of mass deportation violently tearing apart migrant families (Menjívar & Abrego, 2012). We suggest that a more inclusive framework would not only more accurately represent the lives of migrants, but open space for a much needed critique of current immigration laws and practices.

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Of Radicals and DREAMers: Harnessing Exceptionality to Challenge Immigration Control

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Abstract

This article contributes to the literature on undocumented youth activism and citizenship by assessing undocumented youth's challenges to a growing regime of migration control in the US. It uses Doug McAdam's tactical interaction as an analytical lens to explore two consecutive high-risk campaigns, ICE infiltrations and expulsion/re-entry. In this subset of activism, undocumented youth have directly taken on technologies of migration control by forcing the state to adjudicate their status through direct action protest; they have exposed state abuses of law by infiltrating detention centers and have subverted deportation by seeking humanitarian aid and re-entry. Undocumented youth use their liminal legal status and their valorized social status to access and launch their challenges from these invisible spaces of migration control. In doing so, I argue, they are challenging the contours of citizenship and destabilizing the state's power to police and criminalize the unauthorized. Assessing these challenges is especially timely given that political movements are expanding their tactics to challenge punitive enforcement measures that states are implementing to control these "illegal" and "expelled" populations.

Introduction

In the summer of 2013, the National Immigrant Youth Alliance (NIYA) unveiled its latest campaign to challenge US enforcement practices. On the NIYA website, a timer counted down to the zero hour when activists would embark on their action. Short video testimonials released by the organization provided more insight into NIYA's newest strategy. They told the heartbreaking personal stories of undocumented youth who had not seen their families or returned to their birthplaces in Mexico for most of their lives. That was, until now. "My name is Marco," began one of the testimonials, "and if you're watching this, I am currently in Mexico" (NIYA, 2013c).

Marco Saavedra and eight other undocumented activists, some who had repatriated and others who had "self"-deported for the action, were in Mexico. They were attempting to openly re-enter the United States in order to challenge the Obama administration's unprecedented record on deportation. It was activists' riskiest strategy to date. "I know you are going to think I am crazy for doing this," said Lizbeth Mateo in her video testimonial, "for leaving the US and coming to Mexico" (NIYA, 2013a). By returning to Mexico without cover of US citizenship, activists risked *not* being allowed to re-enter the US and remaining in Mexico. And yet activists and organizers were confident in NIYA's capacity to rally enough support and to secure activists re-entry and that they embarked on the action. "Mama, papa," Lulu Martinez said fighting back tears in her video clip, "vamos a regresar. I am going to come home...I am going to come home" (NIYA, 2013b).

On July 22, 2013, when NIYA's timer had counted down to the zero hour, Marco, Lizbeth, Lulu and six other undocumented activists clad in graduation caps and gowns marched to the Mexico-US border to turn themselves over to immigration officials and to attempt to cross back into the US. The face-off between undocumented youth and the state had begun.

NIYA's Bring Them Home (BTH) campaign highlights a subset of undocumented youth activism that directly and unapologetically challenges the US's formidable migration control regime (Meissner, Kerwin, Chishti, & Bergeron, 2013). In a familiar strategy, activists donned caps and gowns to signal their exceptional status as high achieving, young people whose lives were in limbo to make their protest resonate and to secure their safety. Activists also used an embodied form of protest to target US technologies of migration control (McDowell & Wonders, 2010); they subjected their bodies to state control (deportation) as a basis for their broader challenge. BTH, along with a subset of the We Will No Longer Remain in the Shadows campaign that preceded it, however, departed from earlier direct action tactics by requiring activists' to enter into invisible spaces of migration control to launch their challenges (detention centers and expelled outside of the US). While there is

a growing literature on undocumented youth activism, it has yet to examine this escalation in tactics.

This article helps to fill this void by examining this subset of activism, in which undocumented youth have directly taken on technologies of migration control by forcing the state to adjudicate their status through direct action protest. In doing so, I contribute to the literature on citizenship and activism by showing that through these campaigns activists are challenging the contours of citizenship and destabilizing the state's power to police and criminalize the unauthorized. Additionally, I highlight undocumented youth activists as strategic and interactive in their efforts to challenge and dismantle migration control technologies by showing that activists use their liminal legal status and their valorized social status to access and launch their challenges from these invisible spaces of migration control.

Undocumented Youth Activism, Citizenship, and the Challenge to State Power

Scholars from a variety of fields have been interested in the relationship between citizenship and the political activism of immigrants and refugees. At issue are the political rights that are granted (or not) by the state and those that are “taken” (or not) by immigrants (Beltrán, 2009; Honig, 2003; Nyers, 2010). Rather than defining citizenship simply as legal status, citizenship is conceived of as multi-dimensional, including legal status, a collection of rights, political activity, and collective identity and belonging (Bosniak, 2000). Undocumented immigrants' political activism repositions citizenship; by acting politically, the undocumented affirm their rights to make claims against the state and to their membership in the nation despite their lack of formal legal status.

Immigrants more generally, and the undocumented in particular, challenge legally based notions of citizenship by subverting the link between legal status and political rights (Beltrán, 2009; Glenn, 2011; Nyers, 2010). In this challenge to the state, immigrants and refugees are participating as democratic subjects by raising their political voices and making themselves visible in public and governmental spaces (Beltrán, 2009; Nyers, 2010). Noncitizens can actively practice their citizenship through their political participation. Indeed, through their mass participation in the immigrant rights *mega-marchas* of spring 2006 (Gonzales, 2009), noncitizens were said to have “experienced a richer and more expressive instance of citizenship than the vast majority of their legally sanctioned counterparts” (Beltrán, 2009, p. 598). Whether lobbying governmental officials, demonstrating at marches, or participating in civil disobedience, it is the practice of politics that is central to this dimension of citizenship. Scholars have also paid attention to the content of political activity and claim making and the ways that it shapes membership and belonging. In this regard, political participation has been shown to challenge or support narrow state-based definitions of citizenship.

The strategic framing of claims and the disciplining of the performance of political activity have helped to cast select migrants as deserving of citizenship based on hegemonic models of “good” citizens. Advocacy organizations, immigrants, and their allies have contributed to constructions of migrant un/deservingness by using state-based, normative constructions of citizenship to frame their claims to legal status and to shape political activism (Baker-Cristales, 2009; cf. Nicholls, 2013; Unzueta Carrasco & Seif, 2014). During the immigrant rights *mega-marchas* the media, advocates, and activists contributed to binaries that cast some immigrants as deserving and others as undeserving of citizenship when they drew on these models of citizenship in their discursive framing of claims (we are not criminals; we are not terrorists) and in their disciplining of protesters (wear white t-shirts, wave American flags) (Baker-Cristales, 2009; Lara, Greene, & Bejarano, 2011). The activism of undocumented youth has been especially criticized for its contribution to upholding state constructions of migrant deservingness and undeservingness.

The DREAMer archetype was produced through the early efforts of federal and state immigrant rights organizations working with undocumented youth to pass the DREAM Act (Nicholls, 2013). Immigrant rights organizations needed to devise a messaging strategy that would make undocumented youths' claims to membership legible to elected officials and the public at large; undocumented youth needed to be removed from the stigma of “illegality” and re-imagined as members so that their claims to legal status would be heard (Nicholls, 2011). This archetype has been used to discursively frame youths' claims and to shape the performative aspect of protest (caps and gowns) in a variety of their political actions. Such discursive framings and the managing of protest reinforce normative framings of citizenship that divide migrants into criminals and non-criminals, terrorists and non-terrorists, and DREAMers and non-DREAMers; in short, migrant criminality versus migrant

exceptionality. This activism, however, also has its counterpart. Scholars have identified how migrant activism can also challenge the state and its restrictive definitions of citizenship (De Genova, 2010; Unzueta Carrasco & Seif, 2014).

Activists have attempted to untether the link between legal status and membership by challenging constructions of migrant deservingness through their discursive framing and political activism. In some instances, migrants have sidestepped the question of legal status and membership altogether. During the 2006 *mega-marchas*, migrants were not only making claims for legalization they were also challenging the state's power to stop global migration flows and to expel the undocumented (De Genova, 2010). Through political chants that dared the state to expel them with concomitant promises to return ("*aquí estamos y no nos vamos, y si nos echan nos regresamos*"), migrants were asserting their power to stay in the nation or return even if expelled. In this regard, migrants were not asking to be "let in" to the category of deserving citizens, rather they were sidestepping the category altogether asserting their presence within the nation outside of formal state recognition. In other instances, activists attempted to expand narrowed constructions of hegemonic citizenship.

While some activists were committed to upholding the DREAMer archetype, others have complicated this archetype by including multiple and intersectional migrant identities in their discursive framing and in their activism (Nicholls, 2013; Unzueta & Seif, 2014). Rather than adhering strictly to the overachiever identity, young activists have come out as queer and as part of a broader and intersecting community of undocumented people in the US (Beltrán, 2015; Zimmerman, 2012). Undocumented youth and young adult activists have also challenged advocates' narrow framing of DREAMers by aligning themselves with the "undeserving" in their activist work (Nicholls, 2013; Unzueta & Seif, 2014). The Immigrant Youth Justice League, for example, disrupted constructions of deservingness by organizing around the "less-deserving," "criminal" and poor migrants, in their anti-deportation work (Unzueta Carrasco & Seif, 2014). In doing so, activists have begun expanding the boundaries of citizenship to include those cast as undeserving.

Overall, scholars have shown that citizenship is a site of contestation via migrant political activism. Such activism can reposition citizenship by untethering the links between legal status and political rights, it can also support and/or challenge hegemonic constructions of membership that are linked to legal status. This happens at the same time that political participation can seek formal recognition for migrants on one hand, or target the state's regime of migration control on the other. My analysis contributes to this literature by moving beyond an interrogation of political rights and of deservingness and membership as the central terrain on which undocumented youth reposition citizenship; I not only consider citizenship as a site of contestation, but also as a tool in contestation.

I examine two consecutive high profile and high-risk campaigns that target migration control—a subset of the We Will No Longer Remain in the Shadows (Shadows) campaign and the Bring Them Home (BTH) campaign. As a component of the Shadows campaign activists infiltrated Immigration and Customs Enforcement (ICE) detention centers to challenge the escalation in the detention of the unauthorized, the conditions and abuses in these detention centers, and the failures in stated US policy to detain and deport only "high priority" cases. In the BTH campaign, activists attempted re-entry from Mexico to challenge the US's record on deportation, the separation of families (either via deportation or undocumented status) and the policies that supported this escalation in expulsions. I draw on Doug McAdam's (1983) concept of tactical interaction to situate undocumented youths' activism within a context of state power and of dynamism in activists' efforts (tactics and discursive framing) to challenge the state's enforcement technologies.

McAdam (1983) argues that insurgents must consistently devise tactics to offset their powerlessness against more powerful opponents; their opponents in turn, will work to neutralize the effectiveness of activists' new tactics in order to maintain their power. As a result, insurgency is "influenced by (a) the creativity of insurgents in devising new tactical forms [tactical innovation], and (b) the ability of opponents to neutralize these moves through effective tactical counters [tactical adaptation]" (McAdam, 1983, p. 736). Following McAdam, I trace youths' tactical innovations across two consecutive campaigns to devise more effective tactics to confront the state and its prerogative to control migrants, highlighting their strategic use of citizenship as a tool and site of challenge. In doing so, I complicate the role of undocumented youth activism in repositioning citizenship.

Activists' use of their construction as more deserving is central to their activism; by subjecting their more valorized bodies to state enforcement practices and technologies, youth are using state constructs of citizenship

(their deservingness) to challenge the enforcement apparatus that these constructs (migrants' undeservingness/criminality) help to underwrite. Activists are destabilizing the state's power to control migrants by compelling the state to suspend their own legal status in response to their strategic and forced confrontation with the state's enforcement apparatus. It is through these high profile and high risk efforts that activists are attempting to untether the link between legal status and the right to enter and stay in the nation, as well as the corollary right to be free from state control and violence.

Undocumented youth have developed a strong and disciplined public media campaign, and it is this public face that I am interested in in this article. As such, I draw materials from the public faces of the Shadows and BTH campaigns, including publicly available videos, documents, and social media websites. This includes YouTube videos, action alerts, and articles for each campaign and available through organizational websites, Facebook pages, and the Internet more generally. I also analyze outside sources documenting the interaction between those in the movement and those outside of the movement. This includes newspaper and other media sources' accounts of and responses to these campaigns, as well as elected officials' press releases and public announcements on key policy changes or on the campaigns. Before moving into these campaigns, I outline youths' positioning in the United States; a position, I argue, youth leverage in the face of a punitive and massive enforcement regime to launch their challenges.

Setting DREAMers Apart: Liminal Legality and Social Valorization

A select segment of undocumented young people have secured a privileged position within the US's citizenship hierarchy and relative to the US's enforcement apparatus. This position combines a liminal legal status (Menjívar, 2006) alongside a valorized social status. In this regard, DREAMers, have been made exceptional relative to the criminalized undocumented masses.

DREAMers exist in a legal grey area; while they have been afforded policy protections against deportation through the Morton Memo and through Deferred Action for Childhood Arrivals (DACA), they are still undocumented with few avenues to regularize their status. On June 17, 2011 the Director of ICE, John Morton, issued a memorandum that stipulated that immigration officials use their prosecutorial discretion to focus on high priority cases for apprehension, detention, and removal. "ICE must prioritize the use of its enforcement personnel, detention space, and removal assets," the memo stated, "to ensure that the aliens it removes represent, as much as reasonably possible, the agency's enforcement priorities" (Morton, 2011). The Morton Memo identified these enforcement priorities as threats to national security, border security, and public safety. It also singled out special classes of individuals who warranted particular care in not "assert[ing] the full scope of the enforcement authority available to the agency." This included "individuals present since childhood" (Morton, 2011). The Morton Memo assured undocumented youth that, as lower priority cases, they would not be caught up in the dragnet of the detention center or deportation systems. These protections were further institutionalized through DACA.

Almost one year later on June 15, 2012 Secretary of the Department of Homeland Security Janet Napolitano announced that, "certain young people who were brought to the United States as young children, do not present a risk to national security or public safety, and meet several key criteria will be considered for relief from removal from the country or from entering into removal proceedings... and will be eligible to apply for work authorization" (DHS, 2012). DACA provided undocumented youth who fit certain criteria two-year work permits and halts on deportation. Napolitano sent a memorandum to the Directors of the different immigration offices housed within DHS further stipulating that prosecutorial discretion be used in the apprehension, detention, and removal of DACA-eligible undocumented youth. In the memo Napolitano (2012) outlined the rationale for the protection of young people.

"Our Nation's immigration laws," she said, "are not designed...to remove productive young people to countries where they may not have lived or even speak the language. Indeed," she reasoned, "many of these young people have already contributed to our country in significant ways." She further conceded that DACA eligibility "be considered whether or not an individual is already in removal proceedings or subject to a final order of removal" (Napolitano, 2012). These protections against detention and expulsion partly reflect, but also institutionalize, the exceptional social status of DREAMers.

Alongside their legal liminality, DREAMers are also socially valorized relative to other immigrants. The DREAMer archetype casts the innocent, high achieving student as the exception to the broader construction of the criminalized undocumented immigrant. While its construction was aided by the early efforts of federal and state immigrant rights organizations working with undocumented youth to pass the DREAM Act (Nicholls, 2013), it has been supported and reified by politicians, the media, and the undocumented as well. This archetype is cast in relation to and reinscribes the criminality of other groups—undocumented adults, young men and boys of color, and non-gender conforming youth. Moreover, this archetype has staying power. It has persisted even in the face of efforts on the part of some undocumented activists and allies to challenge or dismantle it (Beltrán, 2015; Nicholls, 2012; Zimmerman, 2012).

A select segment of undocumented youth and young adults have been set apart, legally and socially. Rather than supporting or challenging these constructs through their activism, I investigate how some undocumented activists are strategically leveraging this unique positioning to buttress their tactics, press their claims, and to challenge the state and its policing of the undocumented community.

Challenging the System from Within: Detention and Deportation, Infiltrations, and Re-Entry

The Shadows and BTH campaigns followed in a longer line of direct action activism. Young people were increasingly subjecting their “illegal” bodies to the US’s enforcement apparatus. In the initial move to civil disobedience, local police were forced to manage activists’ undocumented status by deciding whether to release activists or to funnel them through the state’s detention and deportation machinery. In the escalation of Shadows and in the BTH campaigns activists intensified this embodied strategy, launching their challenges from within these invisible spaces of migration control, rather than attempting to evade them. As such they forced the state to adjudicate their legal status from inside its enforcement apparatus. In other words, whereas most undocumented migrants’ lived experience entails a constant maneuvering and evasion of spaces of migration control a subset of the Shadows activists and the BTH activists strategically chose these sites, detention and deportation, as the basis from which to mount their challenges to the state apparatus.

We Will No Longer Remain in the Shadows: Escalating to ICE Infiltration

On November 10, 2011, twelve activists set out on Alabama’s streets in the hopes of getting arrested and transferred to a federal immigration detention center. Organizers chose Alabama for the initial action because its state legislature had recently passed House Bill 56, the most punitive and restrictive anti-immigrant policy in the country; it included provisions for schools to check the immigration status of students, required police to arrest anyone they suspected was undocumented, and even criminalized citizens who drove someone who was undocumented. Additionally, a range of activists had organized a broad based series of actions to protest Alabama’s new law, all meant to empower the immigrant community in the face of the punitive bill (Hing, 2011; Vasquez, 2011). It was within this context that the first ICE infiltrations were carried out.

Two of the twelve activists—Isaac Barrera, 20, and Jonathan Pérez, 24—were arrested and transferred to a Louisiana federal detention facility. Four others—Jesus Barrios, Felipe Baeza, Sonia Guinansaca, and Reyna Wences—were charged with criminal trespassing and disorderly conduct and were incarcerated for two and a half days (NYSYLC, 2012). After approximately one week, activists rallied to secure Isaac and Jonathan’s release. The pair had spent more than two weeks in custody before being released.

When the action went public, Jonathan and Isaac stood as the embodiment of the administration’s political failure to detain only high priority cases. “ICE keeps on saying they don’t deport DREAMers or low-level offenders,” Jonathan told reporters, “but that same day [as the Tuesday action] we were transferred to this detention center....We have the paperwork. We’re in deportation proceedings” (as quoted in Hing, 2011). Their DREAM Act eligible status was integral to the action, not only should they have been the lowest of the low priority cases, as DREAMers they had the political capital to secure their release and for their challenge to be heard.

With the success of the test action (in securing release, although not in getting the bulk of participants

in detention) proving the viability of this tactic, organizers expanded their efforts. This time, they would launch their attack directly against the federal government without using a protest campaign against a punitive state policy as an intermediary. Additionally, empowered by their ability to effectively move in and out of the detention center, activists would lengthen their stay on the inside in order to organize from within the detention center space.

In July of 2012, Marco Saavedra and Viridiana Martinez infiltrated Broward Transitional Center, a private detention center in Florida that had been heralded by the administration as a model center for the detention of non-violent unauthorized immigrants—precisely the migrants that the Morton Memo was intended to “protect” (May, 2013). Unlike the initial test action, Viridiana and Marco stayed in Broward for several weeks with the task of clandestinely organizing detainees. During this time they collected cases, compiling the names and information of individuals that should not have been detained. They then passed this information to a support team on the outside that would then organize to secure these detainees’ release. Activists on the inside also passed out an informational hotline to aid detainees in securing their own release. The ICE infiltration implicated undocumented activists in directly attempting to secure the release of as many detainees as possible—a further expansion of their activist work.

These shadows activists were attempting to expose what was going on behind closed detention center doors in order to hold the administration accountable. “We want to reveal the truth,” Jonathan told a reporter, “and show [Immigration and Customs Enforcement] for what they really are, as a rogue agency which has no accountability while they separate families” (as quoted in Hing 2011). Compiling this information shed light on who was being detained and on the conditions within the detention facility. This provided activists with solid evidence to expose the administration’s failure to comply with the Morton Memo and its assurances that it was targeting low priority cases. Activists’ claims against the administration were upheld when more information came to light documenting that less than half of those detained and deported were “high” priority cases (Rosenblum, Meissner, Bergeron, & Hipsman, 2014).

Activists were infiltrating detention centers to challenge US detention practices by exposing the political failure of stated US policy to detain and deport “high priority” cases. Their liminal legal status and their valorized social status were central to this challenge. Activists used their political capital to expose who was being detained and the conditions detainees faced in detention centers, and to secure their release by moving into and out of the detention center space. Their challenges, however, did not go unchecked.

In a tactical adaptation on the part of the state activists’ challenge could be recast as a strictly legal challenge to *reform* detention practices by ensuring more accurate practices of identifying and detaining high priority cases. The administration followed in this reformist logic. The Obama administration was improving its record by shifting the balance between high and low priority cases detained and expelled (Rosenblum, Meissner, Bergeron, & Hipsman, 2014). And yet, high priority cases still comprised less than half of those detained. Additionally, with the announcement of DACA undocumented youth and young adults (those valorized subjects) were offered further protections, an institutionalized guarantee against deportation. This aided in reinforcing the exceptionality of undocumented young people, while keeping the system and its logic intact. While activists were able to make their political case, the logic that coupled legal status with state control remained intact for all but a select segment of the population. Despite activists’ efforts, then, the logic of detention was not weakened. As a result, detention as a practice while reformed was also reified.

It is important to recognize, however, activists’ challenge to the state and its power to police the unauthorized through the ICE infiltrations. In this tactical innovation undocumented activists leveraged their liminal legal and valorized social status to successfully move into and out of the state’s enforcement apparatus and they attempted to do the same with detainees. Moving out of detention was also an important aspect of activists’ challenge because they forced the state to suspend their legal status. While governmental officials could explain such a suspension under cover of the Morton Memo, this action showed that undocumented youth had the power to challenge the state and its logic of security and sovereignty in the policing of migrants that up to that point seemed immune from challenge. They did this despite not having legal status, and in fact because of it.

In their next campaign (tactical innovation), undocumented youth shifted their strategies. Activists continued their anti-deportation organizing by infiltrating ICE detention centers, aiding detainees with their individual cases, and organizing them to launch their own protests within detention center spaces. But, they also moved

away from a basis in the Morton Memo and low priority cases. Activists launched a moral challenge to the government's record deportations and moved further along the state's enforcement apparatus: being expelled to Mexico and openly attempting to re-enter the US.

#BringThemHome: Subverting Deportation

On July 22, 2013, Marco, Lizbeth, and Lulu, who were introduced at the beginning of this article, along with six other undocumented activists attempted to re-enter the United States. The DREAM 9, as the initial group of activists was dubbed, were placed into a federal immigration detention facility in Eloy, Arizona. During their time in detention, Lulu and Maria Peniche were held in solitary confinement for ten days. The pair had jumped up during dinner, provided detainees a hotline to seek pro-bono legal services, and yelled out a signature chant of the movement "undocumented and unafraid;" detainees joined them by chanting and pounding on the tables (Bogado, 2013b; Cereijido & Bishop, 2015). Maria was placed on suicide watch as a result of her time in solitary confinement. "You feel like the world has forgotten about you," she said in a recording from detention released by NIYA, "I was gonna hurt myself. Too much anxiety. Too much fear. Too much anger at this entire mess. I just wanted to slam myself against a wall or put boiling water on my hands so I could feel some kind of pain or something different," (as quoted in Bogado, 2013b; NIYA, 2013d). Maria and Lulu's experiences sparked a public campaign against their confinement, and more broadly against using such practices in detention facilities. Altogether the DREAM 9 spent more than two weeks in detention before being released into the US pending resolution of their cases.

BTH introduced a moral challenge to governmental control policies and the Obama administration's record expulsions. By linking activists' stories of family separation to state control policies, organizers attempted to shift the narrative around expulsion from a governmental prerogative to a moral failure. Activists' DREAMer status was also integral to this campaign. They had the social and political capital to make their discursive framing of expulsion and family separation resonate publicly and to help secure their re-entry back into the nation.

BTH used the DREAMer archetype to make the inhumanity of separating families, whether through deportation or through undocumented status, more politically legible and socially distressing to the general public and to the administration. Lizbeth Mateo told viewers that risking her livelihood in the US by returning to Mexico was crazy, but "it's crazier," she argued, "that I had to wait fifteen years to see my family" (NIYA, 2013a). When Lulu Martinez directs her message to her parents promising to return, "Mama, papa, I am going to come home," (something that is presumably out of her hands) she is linking her act of wanting to reunite with her family with the countless others who had been deported under the Obama administration (NIYA, 2013b).

Activists used the DREAMer archetype as a hook in a broader moral challenge to the state's enforcement practices framed discursively as keeping families apart. By donning caps and gowns the DREAM 9 forced the moral upper hand, reminding the public and the administration of their exceptional status and also putting a valorized face to the invisible masses of deportees and their separation from their families. "I did it not just for my own family," Lizbeth tells us, "But, I did it for the families that have been deported." The 1.7 million that were deported, Lizbeth says, "...are 1.7 million families...like mine" (NIYA, 2013a). To further make the point, NIYA's video clip echoes these words and then blasts "1.7 Million. Families Like Mine," as boldfaced text on the screen. It is activists' embodiment of the valorized DREAMer who is being subjected to US enforcement practices (the inability to return/stay) that helps to make the moral claim regarding family separation, and then extends that claim to the rest of expelled population.

With the success of this initial action (the re-entry of the DREAM 9), organizers were again empowered to expand their tactics. The initial round of BTH activists, the DREAM 9, fit within DREAMer archetype heralded by the administration and most of them would have been eligible for DACA, although a number had repatriated before Obama's executive order went to effect (Bogado, 2013a). In the next re-entry action organizers expanded the numbers and "types" of undocumented with each escalation in this campaign, putting their calls for the return of the 1.7 million undocumented that had been deported under the Obama administration into action.

On September 30, 2013, approximately thirty DREAMers crossed at the Laredo, Texas port of entry. This group of activists, dubbed the DREAM 30, was a larger group that included an expanded role for parents

both as crossers and as activists in the US seeking the release of their family members. In March of 2014, in a major escalation of this tactic, over 150 undocumented activists crossed at a San Diego, California port of entry over three days. The Reforma 150, as they were called, included a much larger number of participants but also a further expansion in who participated; crossers included the more traditional DREAMers, but also low wage-workers, and undocuqueer activists. By the time of the Reforma 150, organizers had moved from highlighting the college-attending valedictorians to adults, the poor, and undocuqueer migrants. The caps and gowns were still used, but they aided in extending the cover of the DREAMer archetype while also contesting the restrictiveness of its protections.

Undocumented activists challenged the government's expulsion policies by attempting to circumvent them; participants attempted to re-enter the United States after having repatriated, "self"-deported, or (in later actions) been deported to Mexico. They used their exceptional status as a wedge to make and expand their claims to dismantle technologies of control. In order to contest these practices they linked their individual stories with the broader based surveillance and control of migrant communities, and they expanded the categories of migrants to be included under cover of "safety." As such, this campaign included a call to return the 1.7 million undocumented who had been deported since President Obama came to office.

The state also had cover in this action. Because activists sought re-entry through legal channels, the state's authority to arbitrate membership was upheld. Additionally, the government pushed back against activists. While the full DREAM 9 was allowed to re-enter, select segments of the DREAM 30 and the Reforma 150 were not. In doing so, the state again re-established the exceptionality of some of the undocumented over others by expanding its protections to some. Additionally, government forces were empowered by the public debate over this strategy among activists and their allies.

The DREAM 9 were openly criticized for reinforcing dividing lines of deservingness between them and their peers by playing into the DREAMer archetype of the innocent, high achieving student. The campaign was cast by some as irresponsible because it was not a viable or replicable avenue for the resolution of all deportee cases. NIYA was charged with being self-serving and only seeking to resolve the status of these nine activists (Nair, 2013). It was also criticized for organizing actions that did not fall in line with these youths' privileged status or with broader institutional tactics that relied on a disciplined image of "DREAMers" (Demby, 2013). These tactics polarized debates, critics argued, both within the immigrant rights community and in their efforts to bring others over to their cause (Demby, 2013).

Despite these tactical adaptations on the part of the state to neutralize the campaign, BTH activists contested the state's power to control migrants. Activists forced the state to suspend their legal status by moving into a space of expulsion (Mexico) and re-entering the nation. Additionally, they pushed the state to recognize the "rights" of less valorized migrants. They did this by linking their claims to the 1.7 million who had been deported and by expanding who participated in each round of the campaign. Through the re-entry campaign, then, activists challenged the link between legal status and the right to enter, to stay, and to re-enter the nation. It was a challenge to the enforcement apparatus altogether.

Perhaps one of the strongest indicators of youths' power was the successful re-entry of Elvira Arellano, the first undocumented migrant to seek sanctuary in a Chicago church during the mega-marches. Despite having a US citizen son and being a figurehead of the immigrant rights movement, Elvira was promptly detained and deported when she left the safety of the Chicago church to go to Los Angeles to speak to immigrant rights activists. Elvira re-entered the US with the Reforma 150. Given their creativity up to now, the next tactical innovation will be equally surprising and challenging. However, rather than turning our critical gaze only to youth activism, we would do well to turn that same gaze to the state and its tactical adaptations.

Challenging the State in Citizenship and Enforcement

The Shadows and BTH campaigns highlight undocumented youth's efforts to target and disrupt the state's power to police the unauthorized. Undocumented activists' liminal legal status and their valorized social status were critical components of each campaign. These challenges relied on undocumented activists subjecting their more valorized bodies to US enforcement practices, exposing these invisible spaces of control, and then using this valorized status to challenge enforcement practices—first through legal (reform) and then through

moral arguments (dismantling).

The Shadows challenge to detention rested on exposing the disjuncture between the government's policy pronouncements and its practices. Moving into detention, however, would only expose the administration's policy failures if activists themselves fell under the protections of the Morton Memo and if they had the political and social capital to make this challenge resonate. While there were others who also fit under the Morton Memo purview, it was these activists that had the political capital (policy protections plus being valorized socially) to effectively launch this challenge.

While activists were using the Morton Memo and their exceptional status to highlight the disjuncture between policy and practice, they were ultimately launching a broader challenge to detention and to those who were being deported. Shadows activists did this by making their challenge against the state public, but also directly by aiding detainees. Viridiana Martinez, one of the Broward activists, explained her participation in such a risky strategy, saying, "I told my mom. I told her on the phone. And she was like why are you doing that? And I was like, Mom, because it could be you. And it's not right that people go through this, you know?" (May, 2013). This part of their organizing was especially important in light of the escalation in detention and deportation under the Obama administration.

The BTH challenge to deportation launched a moral challenge to US policy calling into question the US's enforcement apparatus and the link between legal status and the right to enter and stay in the nation. The campaign launched a direct attack against the US's enforcement regime. NIYA makes this broader challenge to the escalation in deportation clearly in the postscript on the YouTube video clips it posted:

The Obama administration has created a deportation machine resulting in the destruction of over 1.7 million lives, and the devastating separation of those families by the border. Those 1.7 million people are not lost and forgotten; rather, they are people who deserve to have the choice to return to their home in this country. While we fight to dismantle the system of continued deportations, we must also fight to bring our community home. (NIYA, 2013a)

BTH simultaneously used and challenged activists' exceptionality; undocumented youth used their exceptionality to provide cover to them and others and they challenged their exceptionality by placing themselves back in line with 1.7 million undocumented immigrants that had been deported. Through the escalations, BTH pushed the boundaries of deservingness by calling for the return of the 1.7 million deportees, most of which did not fit the standard DREAMer archetype. In doing so, BTH challenged citizenship and deservingness as well as the link between legal status and the right to enter and to stay, and the corollary right to be free from state control practices.

Conclusion

Undocumented youths' tactical innovations provide insight into how the undocumented are challenging the components of citizenship by acting politically (de-linking legal status from political rights) and by calling for the right to stay for those who lack legal status (de-linking legal status from mobility rights). In the latter case, they are sidestepping legal status as the linchpin to rights—which, calls into question state enforcement practices and legality's association with full rights and freedom from state violence. Through their citizenship work (de-linking legal status from the right to stay) and their confrontation with (and wins against) the state's enforcement technologies, undocumented youth are also attempting to launch a challenge against the logic of the security framework that links immigrants with terrorists and security threats and that underwrites the state's enforcement apparatus. Through their activism, undocumented youth are also showing that the unauthorized are not only subject to enforcement regimes, but they have power in challenging these regimes.

Tactical innovations are embedded in a broader tactical interaction with the state. Organizers escalate their tactics and claims by building upon and leveraging the incomplete gains they make through their prior activism. In these campaigns undocumented youth were not seeking to reinscribe their exceptionality as deserving, rather they were using this exceptionality to challenge the state and to situate themselves among the criminalized, destabilizing the state's power to police and its constructions of deservingness. Counterintuitively, by embodying neoliberal constructions of citizenship that valorize and protect a select segment of the undocumented

population, undocumented youth challenged legal status as a metric for the right to enter and stay in the nation for *all* of the undocumented. In doing so, they were attempting to untether the link between undocumented status and subjection to state control practices. Rather than conform to their exceptional position narrowly, then, youth used it to expose the state, secure their safety, and challenge enforcement practices and these same constructions of deservingness.

Assessing these challenges is especially timely in the contemporary moment given that political movements are expanding their tactics to fight back against the enforcement measures that states are implementing to control “illegal” and “expelled” populations. NIYA organizers form part of this global movement to disrupt and dismantle escalating and punitive immigration control technologies. What the Shadows and BTH campaigns demonstrate is that it is never a simple matter as to whether activists simply challenge or reify state categories and mechanisms of control. Instead, activists can challenge the state through the very same means that the state uses to solidify the status quo and to subvert the movement.

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Tell Me What Happens to the Child Who Crosses the Border

Chantiri Ramirez Resendiz
University of California—Los Angeles

Look...

There are a few things *you* should know.

First, there are about four houses, three families, five cars from which you will be transitioning. There will be twenty *mojados*, five *coyotes*, many *cucarachas* in the elaborate chain of human smuggling.

Second, there are no rules. You are safe (at times). You are not (most of the time)...
allow me to emphasize my previous statement...

There are no rules.

You will demonstrate in the border some Olympic-winning-skills at track and field: *a la mojada*: magnificent execution at the long jump, extraordinary timing at the 100, 200, and 400-meter sprint event.

Jump, run, jump, run (oops, a slight tripping over that rock, get up), jump, run.

You will be an awarded first-class champion. With chameleon skills-blending with the scene—*first you see me, now you don't*. Blending among the piles of trash, the debris of an open wound between the land of the Disney Castle and the home of “our” athletic role model, Speedy Gonzales.

You will forget about hunger. The fact that you have not had food for about two days will not get in the way of performing your athletic skills. You will feed and drink out of fright; the adrenaline pumping through your veins will keep your body in perfect balance with the 80-degree Fahrenheit night.

You will suddenly have the ability to be almost non-existent: fifty pounds lighter. That skill will be quite useful for when you try to fit twelve more bodies in the American CR-V, the black one blasting *Chalino* corridos from Mexicali to the Wall.

Your eyes will gain super powers. Vitamin A will kick in, and in the darkest night from the back of your head, two little holes will develop retinas. All four eyes will have the ability to see and prevent you from stepping on the fastest-moving rats and from being run over by the fastest-moving cars.

But if *you* could just slow down a second
you would be able to see
how *you* move with grace and fuse through the shadows.
 how your body is overwhelmed with sweat
 and with the smell of the dry Calexico desert
 dancing with darkness
 kissing the devil,
 tempting the danger...

[And by now you must be thinking: “Wow, wow, wow! Too much for a ten-year-old girl! Slow down, cabrona! This girl is quite young. Don’t be telling her about ‘tempting the danger!’”]

I apologize for being too graphic. For telling the truth—that there are no rules.

But *you* have to know.

That in the process of migration, *you* will become a woman.

That your passage to adulthood will not be at your *quince*, nor with that first person who consents sex with you...

But it will be with—a wall, bricks, concrete.

That in the process *you* will scrape your knees, sweat out the fear, run like a cockroach, and maybe even bleed.

You will gain this so-called “womanhood” before you see little dots of blood in your underwear.

That never again *you* will play with dolls, that your mind will open. It will be angry, it will want

To Question.

“Why the fuck do things have to be this way?”

And when you get older
And when you can't sleep at night
this will be *the question* that will haunt you
it won't leave you alone
it will give you the reason
to keep jumping
Wall after Wall.
Obstacle after obstacle:
Jump, run, jump, run, jump...

A Map for Return**Aracely Mondragon**

San Francisco Organizing Project/Peninsula Interfaith Action

We almost lost each other in our migration
an iron fence tugging at your sand-encrusted skin
claiming the memories you left behind
as your rite of passage
we were left barren
with no map of return
I grew up not knowing how to love you
thinking we were too different
que me faltaba lengua para apreciar la belleza de tu tierra
que me faltaban callos en las manos para poder reunirme con las tuyas
today,
words linger in the darkness of the 3-hour difference between us
from California to Guerrero
they float around
like vanishing hope rising up from the smoke of an adobe stove
evaporating off their sun-kissed foreheads
we are left suspended there
made to feel invisible, *sin palabras*
so much emptiness
between our bodies
our feet dragging through the dirt from one side of the border to the other
our hands tied to a chain of *anhelo* in a faraway cage
But I've learned *quizás* the best *remedio* is to listen

Así, wrapped in her silence

Find warmth in it

and love her in her own tongue

Reform without Justice: Latino Migrant Politics and the Homeland Security State**By Alfonso Gonzales, 2013****New York: Oxford University Press, 240 pages****Kathleen R. Arnold**

DePaul University

Today, the dominant rhetoric about migration to the United States takes as self-evident notions such as a broken immigration system, no pathway to citizenship, and concerns about “illegals.” In turn, these problematic categories rest on binaries of deserving and undeserving, racial hierarchies intersecting with sexism and class-bias, and the denial of linkages to sending countries. Alfonso Gonzales’ recent book, *Reform without Justice: Latino Migrant Politics and the Homeland Security State*, is an immensely important and informative book that investigates how these claims have come to dominate common sense understandings of contemporary migration and what each of these notions justifies and masks. The sum of Gonzales’ arguments suggest that the system does not seem broken so much as purposefully creating public fears about criminal-immigrants, whose criminality is not determined by crime so much as by racial, gender, and economic class statuses. While it may be true that attaining citizenship is difficult, Gonzales demonstrates that current proposals from expanded DACA (Deferred Action for Childhood Arrivals) and the provisions of the various proposals for CIR (Comprehensive Immigration Reform) mostly keep immigrants in a legal limbo, ensuring that there is a supply of low-wage labor that can be disposed of while a few who are privileged or lucky will be able to naturalize. The goal is a guest-worker system, with all of its attendant abuses and exploitation, rather than a stable political status. Related to these issues, the term “illegal” tells us more about the laws and societal attitudes about immigrants than it does about the immigrants themselves. The term connotes racial hierarchies, class biases, and gendered subjectivities often arbitrarily applied to Latin@s as a monolithic whole.

Gonzales’ approach is Gramscian and thus he does not just investigate current immigration policies but the role of civil society actors, the media, and politician-pundits in terms of the current perception that there is an immigration crisis as well as middle-of-the-road reformers and more progressive (i.e. radical) activists. Of course, the role of the state is important in shaping the legal status of immigrants, and Gonzales goes beyond most immigration analyses’ frameworks by investigating the dynamics of neoliberal policies and trade agreements between the United States and Central America as well as the United States’ continued military presence and influence in this area. Gonzales does not merely assert the links that are formed with military and economic relationships but investigates certain examples in-depth, particularly regarding SouthCom and its continued influence in Central America after the 1980s. In particular, he establishes “the consolidation of an emergent transnational system of migration control between the United States and El Salvador” (p. 106). A parallel trajectory to this transnational power dynamic is accounting for the plight of deportees when they reach their home countries and are often stigmatized at best and brutally beaten or jailed at worst. While some authors like Daniel Kanstroom provide a legal analysis of detention and deportation, Gonzales provides one of the best accounts I have read regarding the meaning of deportation to repressive countries in Central America, including first-hand experiences related to him by interviewees. He illustrates how deportation is not the terminus of legal proceedings but the beginning of social stigma, economic exclusion, and the possibility of torture, detention in one’s own country, or death. In effect, Gonzales wants to remind us that much of our immigration policy is interconnected with foreign policy, policy in other countries, and neoliberal economic arrangements.

Interwoven into all of these accounts are stories from the sixty individuals he interviewed for this book. Because he is drawing on several methodologies, Gonzales’ book is necessarily transdisciplinary. However, this is also necessary to be able to address the complex workings of today’s policies, laws, and attitudes towards migrants in addition to examining the transnational bases of migration flows to the United States. This book could be framed as an important contribution to Latin@ studies, political theory, and related disciplines in three different ways. First, Gonzales goes beyond much of the Latin@ studies literature to not merely study formal politics and statistics related to key institutions but also to analyze the roots of current power dynamics within formal and informal politics. Drawing on a unique interpretation of Antonio Gramsci that emphasizes the role of consent to authoritarian politics, even among the left, Gonzales thus explains the structural roots

of today's institutional behaviors. The notion of "consensual domination" is a particularly important aspect of this, suggesting the complicity of the majority of people to authoritarian and undemocratic practices in migration policy. A second view of this book is that it provides an intellectual history of civil society actors who sought to defeat the Sensenbrenner Bill and to support different, less problematic versions of comprehensive immigration reform or to pursue more radical ends. In constructing this history, Gonzales' book is a valuable account of specific groups, important actors, and various debates and divisions within these groups. In this way, he explores civil society groups in far more depth than many authors and also provides important insight into how and why some of these groups and their members became co-opted by the Obama Administration. This is significant to establish a contemporary intellectual history of Latin@ leaders as experiencing a specific and contingent form of racism and discrimination based on alienage that cannot be reduced to or subsumed under the experiences of other racial minorities.

This book can also be viewed as an important intervention in the social protest literature, examining the various facets of groups and individuals (particularly unaffiliated youth) who supported the "mega-marches" of 2006 and 2007 as well as the Great Boycott. While Gonzales provides unique insight into the role of these different groups, he also discusses why their current efforts have either been neutralized or have failed: they lack long-term vision. In any of these interpretations, it is evident that his investigations—of why and how the mega-marches occurred, led to defeat of the Sensenbrenner Bill, and yet later fizzled out—expose the degree to which some individuals were often cooperating with the state authority they sought to challenge. To recuperate the radical and more deeply democratic vision of activists, Gonzales urges Latin@ leaders to formulate a long-term political plan that does not compromise with or consent to the current authoritarian power dynamics governing migration policy at this time. The book could be faulted for not drawing on a more intersectional approach (race and masculinity are the dominant frames), but it is such a valuable resource in terms of deep policy analysis, social movements history, and examining Latin@ activism in its own terms, that what Gonzales doesn't do matters less than what he does do. In the end, Gonzales' book is a well-researched, valuable book that will foster dialogue and help us learn how to create a more democratic future.

AUTHOR BIOGRAPHIES

Leisy Abrego is Associate Professor of Chicana/o Studies at UCLA. She is a member of the first large wave of Salvadoran immigrants who arrived in Los Angeles in the early 1980s. Her research and teaching interests—inspired in great part by her family’s experiences—are in Central American immigration, Latina/o families, and the inequalities created by gender and by U.S. immigration policies. Her book, *Sacrificing Families*, highlights the role of gender and legal status in determining the well-being of Salvadoran transnational families. In other work, she explores how different subsectors of Latino immigrants internalize immigration policies differently and how this shapes their willingness to make claims in this country.

Kathleen Arnold teaches political theory, human rights and immigration law at DePaul University. She has written four books, all of which explore displacement, poverty, and national identity as well as working on larger, collaborative projects on immigration. Her most recent book is *Why Don’t You Just Talk to Him? The Politics of Domestic Abuse* (Oxford University Press, 2015), which explores gender based asylum claims to the United States and how the treatment of these claims compares to the treatment of women who are abused on U.S. soil. She has also just published a two-volume encyclopedia on state and local immigration policy in the United States: *Contemporary Immigration: A State-by-State Encyclopedia* (ABC-CLIO, 2015).

Kathleen Coll is assistant professor of Politics at the University of San Francisco. Her research and teaching focuses on immigration politics and policies, cultural citizenship, and grassroots community organizing in the U.S., with special emphasis on the San Francisco Bay Area. Her book *Remaking Citizenship: Latina Immigrants and New American Politics* (Stanford University Press, 2010) is an ethnography of San Francisco immigrant women’s experiences and activism in the context of hostile national immigration, welfare, and labor policies. Her most recent book is *Disputing Citizenship* (Policy Press, 2014) coauthored with John Clarke, Catherine Neveu and Evelina Dagnino.

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Luisa Laura Heredia is the Joanne Woodward Chair in Public Policy at Sarah Lawrence College. Her research interests include Latino and immigration politics, with special interests in migration control, citizenship, social movements, and religion. Her first book project, *Illegal Redemption*, investigates the crucial yet contradictory role that the Catholic Church plays in challenging a growing and restrictive regime of immigration control in the United States in the contemporary period. She is currently working on a comparative project on the enforcement regimes and radical immigrant rights movements in the US and Spain. She is graduate of Notre Dame and Harvard University.

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Aracely Mondragon was born and raised in Escondido, CA; her family is from Guerrero, Mexico. Aracely graduated from Stanford with a B.A in Comparative Studies in Race and Ethnicity in 2013. She is a community organizer with San Francisco Organizing Project/Peninsula Interfaith Action and works all over San Mateo County and Santa Clara County helping develop leadership within largely Latin@ immigrant communities to ensure that every family can live with the dignity, opportunity, and justice that they deserve. Her experiences as a queer mujer and as the daughter of immigrant parents inform her work and her writing.

Jennifer R. Nájera is Associate Professor of Ethnic Studies at the University of California, Riverside. She is a cultural anthropologist whose research interests include race, immigration, and education. Her first manuscript, *The Borderlands of Race* (University of Texas Press, 2015) is an historical ethnography that provides a layered rendering and analysis of Mexican segregation in a South Texas community during the first half of the twentieth century. She is currently researching the educational imperatives of undocumented youth in higher education.

Genevieve Negrón-Gonzales is assistant professor in the School of Education at the University of San Francisco, where she studies the political activism and meaning-making processes of undocumented young people. Her research, focused on the way undocumented young people are changing the political and legislative terrain around “illegality” and belonging in this country and the racialized experiences of Latino students in the educational system, has appeared in *Latino Studies*, *Aztlán*, and *The Harvard Educational Review*. Her work seeks to bridge political economy, higher education, and immigration in order to highlight the ways in which migrant illegality is (re)produced through the racialized spaces of higher education within the context of neoliberalism.

Lisa (Leigh) Patel is an interdisciplinary researcher, educator, and writer. With a background in sociology, she researches and teaches about education as a site of social reproduction and as a potential site for transformation. She is an Associate Professor of Education at Boston College and works extensively with societally marginalized youth and teacher activists. Prior to working in the academy, Patel was a journalist, a teacher, and a state-level policymaker. She is the award-winning author of the forthcoming *Decolonizing Educational Research: From Ownership to Answerability* (Routledge), and *Youth Held at the Border: Immigration, Education and the Politics of Inclusion* (Teachers College Press). She is also a national board member for Education for Liberation.

Lindsay Pérez Huber is Assistant Professor of Social and Cultural Analysis of Education in the College of Education at California State University, Long Beach. Her research analyzes racial inequities in education, the historical and social contexts of those inequities, and how communities of color respond through strategies of resistance for social change. She also holds an appointment as Visiting Scholar at the UCLA Chicano Studies Research Center. Dr. Pérez Huber received her Ph.D. in Social Science and Comparative Education (SSCE), with a specialization in Race and Ethnic Studies from the UCLA Graduate School of Education and Information Studies.

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2016 CALL FOR PAPERS

Association of Mexican American Educators (AMAE) Journal Special Issue

Latina/o Educational Leadership: *Testimonios* from the Field

Guest Editors: Rebeca Burciaga (San José State University) & Gloria M. Rodriguez (UC Davis)

Our schools' growing Latino population requires a drastic shift in how we approach leadership to reflect these changing demographics. When Latina/o students have the lowest levels of educational attainment at every stage of the educational pipeline (Covarrubias, 2011), it is imperative that we question whether we are doing enough to address this crisis. Time and again, research has demonstrated how these torrential leakages in the educational pipeline for Latina/o students are often perpetuated by unequal resource allocation (Rodriguez & Rolle, 2007; Solorzano, Ledesma, Pérez, Burciaga, & Ornelas, 2003; Solorzano & Yosso, 2000). While these outcomes are often mistakenly attributed to Latino families' lack of caring about education (Valencia & Black, 2002; Valencia & Solorzano, 1997), scholars have demonstrated that families and communities play an essential role in students' educational and occupational aspirations (Ceja, 2004; Gándara, 1995, 1999; Solorzano, 1986). If we are serious about addressing the needs and strengths represented by the increased presence of Latina/o students, these aspirations must be cultivated—and realized—through the engagement of educational leaders who are committed activists for social change (Guajardo, 2009; Méndez-Morse, Murakami, Byrne Jiménez, & Hernandez, 2015; Rodriguez & Alaníz, 2011; Rodríguez, Martinez, & Valle, 2015) that recognize the community cultural wealth (Yosso, 2005) that is already present in the communities they serve.

In this issue, we pose the question, what is Latina/o educational leadership and how is it enacted to challenge the narrow parameters of what is considered educational leadership? We urge prospective contributors to place notions of Latina/o educational leadership within the context of the sociohistorical conditions that have shaped institutions of education (Berta-Avila, Tijerina Revilla, & López Figueroa, 2011; Guajardo & Guajardo, 2004) and as a result, societal inequities and institutionalized oppression (López, 2003; López & Burciaga, 2014; Méndez-Morse, 2000; San Miguel, 2013). Educational efforts to address inequities have increasingly manifested as top-down directives aimed at reductive accountability objectives, thus increasing the power and visibility of certain positional leaders (and profiles of leadership) as the schools' primary change agents. Given the breaks in the educational pipeline for Latinas/os, we see urgency in showcasing scholarship that interrogates the leadership gaps that seem to persist in schooling systems within Latina/o communities (Guajardo, Guajardo, Oliver, & Keawe, 2012). How, then, do we (re)envision educational leadership approaches that are respectful and responsive to Latina/o communities?

Central to critical educational research on Latina/o schooling is a discussion of the community cultural wealth of students (Yosso, 2005), teachers, and administrative leaders (Burciaga & Kohli, forthcoming). For this special issue we are particularly interested in understanding how these forms of community cultural wealth are enacted in educational settings through one's leadership practice to broaden the field of educational leadership. We especially wish to encourage contributors whose work documents resistance practices among educational leaders including but not limited to administrators, teachers, parents, and students.

We are particularly interested in manuscripts that are interdisciplinary and that engage with the complexity of these dynamics and the nuances in the broader field. We welcome manuscripts that utilize *testimonio* (Cruz,

2012; Delgado Bernal, Burciaga, & Flores Carmona, 2012; Latina Feminist Group, 2001; Prieto & Villenas, 2012). The genre of *testimonio*, rooted in Latin American human rights struggles, privileges experiences that are often silenced through mainstream approaches to schooling. It is through this lens that a growing number of educators are disrupting silence, exposing injustice, and building solidarity in often restrictive and dehumanizing contexts within which Latina/o educational leadership must be carried out. Submissions suitable for publication in this special issue include personal narratives, theoretical/conceptual papers, essays, and poetry. Central to the use of *testimonio* is the writer's attention to issues of privilege, positionality, and role in advocating for social justice. For additional discussion of the nature and approach to *testimonio* research, please see Delgado Bernal, Burciaga, and Flores Carmona (2012). We share examples of potential topics for manuscripts here:

- Teaching
- Administration
- Community Advocacy
- K-12 Pedagogies
- Pedagogies of Educational Leadership Preparation
- Student, Parent, and Family Engagement
- Student, Parent, and Family Experiences
- Open Letter to the Field of Educational Leadership

It is important to note that the special issue is interested in the broader Latina/o experience and not solely focused on the experiences of Mexican Americans (per the title of the journal).

The selection of manuscripts will be conducted as follows:

1. Manuscripts should not have been previously published in another journal, nor should they be under consideration by another journal at the time of submission.
2. Each manuscript will be subjected to a blind review by a panel of reviewers with expertise in the area treated by the manuscript. Those manuscripts recommended by the panel of experts will then be considered by the AMAE guest editors and editorial board, which will make the final selections. PLEASE NOTE: For a manuscript to be accepted for review, each contributing author (or at least one among co-authors) must agree to review one manuscript submitted to this special issue.
3. Manuscripts will be judged on strengths and relevance to the theme of the special issue.

Manuscripts should be submitted as follows:

1. Submit via email both a cover letter and copy of the manuscript in Microsoft Word to: Dr. Rebeca Burciaga (rebeca.burciaga@sjsu.edu).
2. Cover letter should include name, title, short author bio (100 words), and institutional affiliation; indicate the type of manuscript submitted and the number of words, including references. Also, please indicate how your manuscript addresses the call for papers.
3. Prepare the manuscript for anonymous peer review. Authors should make every effort to ensure that the manuscript contains no clues to the author's identity. The manuscript should not include author's name, institutional affiliation, contact information, or acknowledgements. (This information can be included in the cover letter at the time of submission).
4. Manuscripts should be no longer than 7,000 words (including references) and have an abstract of 200 words or less. Please follow the standard format of the American Psychological Association (APA). Include within the

text all illustrations, charts, and graphs. Manuscripts may also be submitted in Spanish.

Deadline for submissions is **April 15, 2016**. Please address questions to Dr. Rebeca Burciaga (rebeca.burciaga@sjsu.edu), Dr. Gloria Rodriguez (gmrodriguez@ucdavis.edu), or Dr. Julie López Figueroa (figueroa@csus.edu). Authors will be asked to address revisions to their manuscripts during the summer months of 2016. This special issue is due to be published in December 2016.



Association of Mexican American Educators (AMAE) Journal

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