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“Coming Out of the Shadows”: DREAM Act Activism in the Context of Global Anti-Deportation Activism

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ABSTRACT

This Article, based on ethnographic fieldwork with an undocumented, youth-led immigrant rights organization, explores undocumented youth activism in the United States in relation to global anti-deportation movements. The strategies that undocumented youth utilize in their fight for the DREAM Act, a bill that creates provisions for certain undocumented youth to legalize their status, are compared with examples of anti-deportation activism outside the United States. In comparing the DREAM Act movement with anti-deportation movements globally, three points of commonality emerge: (1) leadership of undocumented immigrants; (2) visibility; and (3) measures of “deservingness.” This Article argues that comparing examples of immigrant activism globally is useful for better understanding the complex relationship between globalization and migration.

INTRODUCTION

At first glance, one of the most ubiquitous paradoxes of the late twentieth and early twenty-first centuries seems to be the global persecution, criminalization, and prosecution of immigrants aimed at restricting the flow of people, while all other aspects of human life including information, technology, capital, and jobs are flowing across

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borders at unprecedented levels. On closer examination it is evident that states have enacted increasingly punitive enforcement-oriented immigration policies to reinforce nationalist ideologies and state power in an era where borders and boundaries are ever more porous, and where questions abound regarding the potential decline of nation-states.¹ The effect of these policies has been a greater number of immigrants who are rendered illegal and whose deportability is a source of power, control, and profit for states and corporations.

Meanwhile, in response to the widespread use of detention and deportation to reinforce national hegemony, anti-deportation and anti-detention activism has gained momentum globally over the past ten years.² As demonstrated in Nicholas De Genova and Nathalie Peutz's edited volume, *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*, deportation has become a global phenomenon in part because states are collaborating with one another, as well as imitating each other's policies.³ Thus, an interesting topic to explore is if the proliferation of immigrant rights groups and, specifically, anti-deportation movements employs similar strategies globally, and if so, whether the similarities are coincidental or deliberate.

In order to examine the global connections among anti-deportation movements, this article will focus on how the undocumented youth-led movement for the Development, Relief, and Education for Alien Minors Act (DREAM Act) in the United States relates to anti-deportation movements in other nations.⁴ The DREAM Act, first introduced in both the U.S. House of Representatives⁵ and Senate⁶ in 2001, is a narrowly tailored bill that would allow eligible undocumented youth to legalize their status in the United States. Since 2001, the DREAM Act has undergone numerous revisions, and has been reintroduced in every

1. See CATHERINE DAUVERGNE, MAKING PEOPLE ILLEGAL: WHAT GLOBALIZATION MEANS FOR MIGRATION AND LAW 2 (2008); Nathalie Peutz & Nicholas De Genova, *Introduction to THE DEPORTATION REGIME: SOVEREIGNTY, SPACE, AND THE FREEDOM OF MOVEMENT* 1, 2 (Nicholas De Genova & Nathalie Peutz eds., 2010).

2. Jenny Burman, *Absence, "Removal," and Everyday Life in the Diasporic City: Antidetention/Antideportation Activism in Montréal*, 9 SPACE & CULTURE 279, 288 (2006).

3. See Peutz & De Genova, *supra* note 1, at 5, 16-17.

4. For a thorough, first-hand description of the undocumented youth-led movement for the DREAM Act see Claudia Anguiano, *Undocumented, Unapologetic, and Unafraid: Discursive Strategies of the Immigrant Youth Dream Social Movement* (June 2011) (unpublished Ph.D. dissertation, University of New Mexico) (on file with University Libraries, University of New Mexico).

5. A bill similar to the DREAM Act was introduced in the House of Representatives as the Student Adjustment Act of 2001, H.R. 1918, 107th Cong. (2001) (referred to H. Educ. & Workforce Subcomm. on 21st Century Competitiveness, July 20, 2001).

6. Development Relief and Education for Alien Minors Act, S. 1291, 107th Cong. (2001) (placed on S. Legis. Calendar, June 20, 2002).

Congress.⁷ The version of the DREAM Act voted on in the House⁸ and Senate⁹ in 2010 would have provided conditional nonimmigrant status to undocumented immigrants under the age of thirty at the time of the bill's enactment who (1) arrived in the United States before the age of sixteen; (2) lived in the United States for at least five years; (3) have no criminal record; and (4) demonstrate good moral character. Those meeting the eligibility criteria would be granted conditional nonimmigrant status for ten years, during which time they would have to graduate from a U.S. high school (or equivalent), and complete an associate's degree, or two years towards a four-year degree, or serve two years in the military in order to apply for permanent residency. Prior to the vote on the DREAM Act in 2010, undocumented youth escalated their activism to increase public awareness of the bill, as well as to persuade Congress to vote on the DREAM Act.¹⁰ Consequently, the DREAM Act movement provides an excellent case for examining immigrant activism.

In comparing the DREAM Act movement with anti-deportation activism outside the United States, several questions emerge: (1) how are undocumented immigrants taking the lead in immigrant rights movements and in stopping deportations; (2) what are the different strategies undocumented immigrants employ to make themselves

7. DREAM Act bills introduced in the House include: Student Adjustment Act of 2003, H.R. 1684, 108th Cong. (2003) (referred to H. Judiciary Subcomm. on Immigration, Border Sec. & Claims, May 5, 2003); American Dream Act, H.R. 5131, 109th Cong. (2006) (referred to H. Educ. & Workforce Subcomm. on 21st Century Competitiveness, May 24, 2006); and American Dream Act, H.R. 1275, 110th Cong. (2007) (referred to H. Educ. & Labor Subcomm. on Higher Educ., Lifelong Learning & Competitiveness, June 5, 2007). DREAM Act bills introduced in the Senate include: Development, Relief, and Education for Alien Minors Act of 2003, S. 1545, 108th Cong. (2003) (written report by Sen. Hatch from S. Comm. on the Judiciary, Feb. 9, 2004); Development, Relief, and Education for Alien Minors Act of 2005, S. 2075, 109th Cong. (2005) (referred to S. Comm. on the Judiciary, Nov. 18, 2005); Development, Relief, and Education for Alien Minors Act of 2007, S. 774, 110th Cong. (2007) (referred to S. Comm. on the Judiciary, Sept. 26, 2007); and Development, Relief, and Education for Alien Minors Act of 2007, S. 2205, 110th Cong. (2007) (cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote 52-44, Oct. 24, 2007).

8. Development, Relief, and Education for Alien Minors Act of 2010, H.R. 6497, 111th Cong. (2010) (referred to H. Judiciary Subcomm. on Immigration, Citizenship, Refugees, Border Sec. & Int'l Law on Dec. 20, 2010 and voted on as the Removal Clarification Act of 2010, H.R. 5281, 111th Cong. (2010)).

9. Development, Relief, and Education for Alien Minors Act of 2010, S. 3992, 111th Cong. (2010) (cloture on the motion to proceed rendered moot in Senate, Dec. 9, 2010).

10. This fact was observed during my activism and fieldwork with One Michigan, an undocumented youth-led organization. Undocumented youth who had been active in the DREAM Act movement for years often discussed the necessity of escalating their activism. See generally Anguiano, *supra* note 4.

visible; and (3) what effect can undocumented immigrants have on the enforcement of immigration policies. To address these questions, I will compare the data collected during my activism and research with One Michigan, an undocumented youth-led organization, with examples of immigrant activism in other nations. First, I will give a description of One Michigan including the history, significant events, and undocumented leaders of the organization. In the second section, I will provide a brief overview of some of the challenges experienced by undocumented youth, as well as how their experiences motivate their fight for the DREAM Act. Third, I will examine three points of commonality between the DREAM Act movement and other anti-deportation movements globally: (1) leadership of undocumented immigrants; (2) visibility; and (3) measures of “deservingness.” I will conclude with a discussion of the significance of comparing immigrant activism in a global context.

I. ONE MICHIGAN

In February of 2010, a two-day “DREAM Camp” was held in Ann Arbor, Michigan, which assembled primarily high school and college-aged youth for the purposes of teaching community-organizing skills specific to immigrant rights and immigration reform. The format of the DREAM Camp included presentations by different leaders in the immigrant rights and DREAM Act movements, as well as breakout sessions where the participants worked together in small groups. One of the major themes running throughout the training was the power of stories for articulating shared experiences, shared values, and a common purpose, as well as building commitment to one another and the movement. One Michigan, an undocumented youth-led, statewide immigrant rights organization developed out of the DREAM Camp. I attended the DREAM Camp, have been an active member of the One Michigan Detroit group since its formation, and therefore had the opportunity to conduct participant observation of weekly meetings and dozens of rallies and events that One Michigan organized, helped organize, or attended. During my eighteen months of ethnographic fieldwork with One Michigan, I also conducted twelve semistructured interviews and hundreds of informal conversations with undocumented youth activists.

One of the main organizers and recruiters for the DREAM Camp, Ali, cofounded One Michigan.¹¹ In addition, Ali cofounded several other

11. Pseudonyms have been used for all interviewees and participants in order to comply with the confidentiality and protection of research subjects requirements of the

national-level DREAM Act projects and networks, such as DREAM Activist, the DREAM is Coming, and the National Immigrant Youth Alliance (NIYA). Ali is a twenty-five-year-old undocumented immigrant from Iran who came to the United States when he was three years old. His involvement with the DREAM Act began in 2007, shortly before the U.S. Senate voted on the Act.¹² According to Ali, his participation in the movement began with sending emails about the DREAM Act to teachers and community members, urging them to take action in support of the bill, and intensified when he started connecting with other undocumented students from around the country through an online forum called DREAM Act Portal (DAP). As Ali explains:

[DAP is] essentially a forum. And so it's really popular, and it's all undocumented people. So that's where we'd all met, we'd hang out, and that sort of thing. So then we started talking with each other and we're like, hey, so what can we do next. So then when the DREAM Act failed we started DREAM Activist because we wanted people to share their stories, but also take action—DREAM Activist [emphasizes "Act"].¹³

The following year, in 2008, Ali worked to stop the deportation of an undocumented student in Michigan. This was especially challenging because an undocumented youth organization did not exist in Michigan at the time. Thus, Ali did the majority of the organizing on his own with the help of the student's family and community. Afterward, Ali began working with an immigrant rights group in Ann Arbor, and eventually coordinated with others to organize the DREAM Camp and One Michigan.

The first event One Michigan organized was a "coming out of the shadows" event on March 10, 2010, only two weeks after the establishment of the organization. Through organizing the event and recruiting over sixty people in such a short period of time, members of One Michigan who were new to organizing began to realize what they could accomplish. This sense of accomplishment was further reinforced

IRB. Using pseudonyms was a difficult decision, however, since many of my research participants have gone to great lengths to make their names and undocumented statuses public.

12. See Development, Relief, and Education for Alien Minors Act of 2007, S. 2205, 110th Cong. (2007).

13. Interview with Ali, cofounder of One Michigan, DREAM Activist, the DREAM is Coming, and the National Immigrant Youth Alliance (NIYA), in Ann Arbor, Mich. (Jan. 25, 2011).

when One Michigan was able to recruit over 200 people from the Detroit area to attend the March for America in Washington, DC on March 21, 2010.

Throughout the spring and summer of 2010, One Michigan organized and participated in dozens of events, rallies, and other actions. One of the most memorable One Michigan events was a fifty-mile walk from Detroit to Ann Arbor that ten undocumented students and allies from One Michigan (including myself) participated in. The idea for the walk was inspired by two other groups of undocumented students, one from Florida¹⁴ and one from New York,¹⁵ who were walking to Washington, DC with the goal of arriving on May 1 to tell President Obama to keep his promise to pass immigration reform and the DREAM Act. Upon realizing that President Obama would not be in DC on May 1, but instead would be in Ann Arbor giving the commencement speech at the University of Michigan, the One Michigan Detroit group decided to walk in solidarity with the other groups and bring attention to the DREAM Act. The walk succeeded in garnering considerable media attention and public support, empowering the undocumented youth who participated. In discussing the walk with Rebella, she expressed how she was inspired by the attention she and the other walkers received. She explained:

To hear those people were following us, and they would go out of their way, out of their little routines to come and bring us lunches or something to drink, I thought it was really awesome. Or the guy that was following us and he went and donated money and told his story on the radio. So those things, those little stories, those little acts that you see, those are the ones that make you like, wow, this is why I'm doing this because there's people out there that get inspired by what ten students can do.¹⁶

A few weeks after the walk to Ann Arbor, a group of five undocumented students from across the country, including Ali, participated in an act of civil disobedience to bring attention to and illustrate the urgency for the DREAM Act. On May 17, 2010, these five undocumented students decided to purposively risk their deportation by organizing a sit-in at Senator McCain's Arizona office. This group

14. See *About*, TRAIL OF DREAMS, <http://trail2010.org/about/> (last visited Feb. 18, 2012).

15. See *id.*

16. Interview with Rebella, in Redford, Mich. (July 28, 2010).

became known as the "DREAM Act 5" and received coverage in the *New York Times*, *ABC News*, *Huffington Post*, the *Detroit News*, and many other news stations and periodicals. In the end, four of the students were eventually arrested and detained. Although all of the students risked their deportation, the risk was especially high for Ali, who self-identifies as queer. Because the death penalty is a potential punishment for homosexuality in Iran, the sit-in meant that Ali not only risked deportation, but potentially his life. The sit-in by the DREAM Act 5 was a watershed event, and one of the most significant actions in the history of the DREAM Act movement. As stated by Julia Preston of *The New York Times*, "It was the first time students have directly risked deportation in an effort to prompt Congress to take up a bill that would benefit illegal immigrant youths."¹⁷ After the sit-in, Ali decided to continue organizing and working at the national level; subsequently, two undocumented members of One Michigan stepped into the leadership role that his absence created.

One of the two undocumented members, Rebella, is a twenty-one-year-old undocumented immigrant from Mexico who came to the United States when she was nine years old. Rebella and I were in the same breakout group at the DREAM Camp, and over the course of the past year, she has been the member of One Michigan with whom I have spent the most time. When I first met Rebella she was very reluctant to talk about her status and had a difficult time saying she was undocumented, even within the small group at the DREAM Camp. Inspired and motivated by undocumented leaders such as Ali, Rebella was empowered to disclose her undocumented status, and became a strong believer that the only way the undocumented community could have a voice is through openly sharing their experiences about being undocumented.

During the walk from Detroit to Ann Arbor, Rebella publicly discussed her undocumented status during interviews with radio stations, as well as during an interview for CNN's Most Intriguing People series. Since then, she has become quite comfortable with telling her story at public events and to the media, introducing herself everywhere she goes as "undocumented and unafraid." In addition to being quoted in several newspaper articles, she was interviewed for an article in the "On Campus" publication by the American Federation of Teachers (AFT) and appeared, along with a few other One Michigan members, on the cover of their November/December 2010 issue.¹⁸ On

17. Julia Preston, *Illegal Immigrant Students Protest at McCain Office*, N.Y. TIMES, May 17, 2010, at A15.

18. See Barbara McKenna, *Putting the DREAM on Hold: Senate Republicans Quash Legislation to Help Undocumented Students Find a Path to Citizenship*, AFT ON CAMPUS:

April 5, 2011, Rebella, along with seven other undocumented youth, participated in a sit-in blocking traffic at Georgia State University.¹⁹ The undocumented youth who participated in this act of civil disobedience were arrested and risked their deportation in protest of a bill banning undocumented students from the top universities in Georgia.²⁰ Through her organizing efforts with One Michigan, as well as her participation in an act of civil disobedience, Rebella has subsequently inspired others to take direct action for immigrant rights. For example, Rebella's mother and another undocumented member of One Michigan participated in an act of civil disobedience protesting anti-immigrant legislation in Alabama on November 15, 2011.²¹

The other undocumented leader of One Michigan is Francisco, a twenty-three-year-old undocumented immigrant from Mexico who came to the United States when he was two years old. Francisco was one of the cofounders of One Michigan who helped organize the DREAM Camp with Ali and recruited many of the participants from the Detroit group. Francisco and Ali met online and began working together to organize undocumented youth in Michigan. On July 20, 2010, Francisco, along with twenty other undocumented youth from around the country, participated in sit-ins at various senators' offices in Washington, DC.²² Francisco decided to participate in this act of civil disobedience risking arrest and potential deportation to convey a message to senators that undocumented youth are willing to risk everything to fight for the DREAM Act and that, as politicians, the senators also should be willing to take risks for legislation that they support and put the DREAM Act up for a vote.

This event in Washington, DC was particularly significant for One Michigan, since, during the same time, the organization brought forty youth from Detroit to Washington, DC to participate in one of the largest mobilizations for the DREAM Act to date. Francisco's act of civil disobedience inspired many of the new and current members of One

NAT'L PUBLICATION OF AFT HIGHER EDUC. FAC. AND PROF. STAFF, Nov.-Dec. 2010, at cover, 6.

19. See *Detroit Woman Among 8 Illegal Immigrants Detained at Georgia Protest*, ASSOCIATED PRESS (Apr. 6, 2011), http://www.mlive.com/news/detroit/index.ssf/2011/04/detroit_woman_among_8_detained.html.

20. See Kosta Harlan, *8 Undocumented Youth Arrested in Georgia as Hundreds March to Protest Education Ban*, FIGHTBACK! NEWS: NEWS AND VIEWS FROM THE PEOPLE'S STRUGGLE (Apr. 7, 2011), <http://www.fightbacknews.org/2011/4/7/8-undocumented-youth-arrested-georgia-hundreds-march-protest-education-ban>.

21. See Bob Johnson, *Police Arrest 13 Protesting Immigration Law in US*, ASSOCIATED PRESS (Nov. 15, 2011), <http://www.msnbc.msn.com/id/45312692#.TsMhQfI8dBR>.

22. See David Bennion, *DREAM Act 21 Arrested on Capitol Hill*, CITIZEN ORANGE (July 22, 2011), <http://www.citizenorange.com/orange/2010/07/dream-act-21-arrested-on-capit.html>.

Michigan who, prior to the trip to Washington, DC in July, were not a part of the organization.²³ Afterwards, several of the new members committed their efforts to One Michigan, spending countless hours from August to December of 2010 participating in meetings, organizing rallies, and making thousands of phone calls to members of Congress asking them to vote "yes" on the DREAM Act. It is important to note that the events described in this section are only a fraction of the steps undocumented youth have taken in their fight for the DREAM Act. Tired of waiting, tired of living in fear, and tired of the challenges they face due to their status, undocumented leaders have used various methods to empower others to join their fight. I will now discuss more specifically how the experiences and challenges undocumented students face have motivated their fight for the DREAM Act.

II. UNDOCUMENTED STUDENTS: EXPERIENCES, CHALLENGES, AND THEIR FIGHT FOR THE DREAM ACT

Although there is considerable variability within undocumented populations in regards to country of origin, reasons for their immigration, route taken, circumstances leading to their undocumented status, as well as overall lived experiences, the issue of liminality,²⁴ of being "betwixt and between," or not belonging in any particular space or place, is reported to be a common feeling among them.²⁵ This problem is particularly present among undocumented youth and young adults who often grow up in a country different from their birth country, and where, due to their legal status, they are left feeling excluded, restricted, and rejected.²⁶ Often they are also fearful of the potential of being deported to their "home" country, where they feel they will be treated as outsiders. Their liminal status is intensified by the fact that in some cases undocumented immigrants brought to the country at a young age

23. For a description of the trip and the impact of Francisco's arrest written by one of the members of One Michigan, see *Our DREAMS Prevail the Rain*, ONEMICHIGAN (Jan. 19, 2012), http://1michigan.org/our_dreams_prevail_the_rain/.

24. See generally VICTOR TURNER, DRAMAS, FIELDS, AND METAPHORS: SYMBOLIC ACTION IN HUMAN SOCIETY 231-70 (1974).

25. See Leo R. Chavez, *Outside the Imagined Community: Undocumented Settlers and Experiences of Incorporation*, 18 AM. ETHNOLOGIST 257, 260 (1991). See also Cecilia Menjivar, *Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States*, 111 AM. J. SOC. 999 (2006). See also Hans-Rudolf Wicker, *Deportation at the Limits of "Tolerance": The Juridical, Institutional, and Social Construction of "Illegality" in Switzerland*, in THE DEPORTATION REGIME: SOVEREIGNTY, SPACE, AND THE FREEDOM OF MOVEMENT, *supra* note 1, at 224, 232-33.

26. See generally WILLIAM PEREZ, WE ARE AMERICANS: UNDOCUMENTED STUDENTS PURSUING THE AMERICAN DREAM (2009).

do not know they are undocumented until they are older. One famous example of this situation is that of Jose Antonio Vargas, Pulitzer Prize winner and former journalist for the Washington Post, who took many by surprise in the summer of 2011 when he published his story about his life as an undocumented immigrant. In his story, Vargas explains that he did not know he was undocumented until he was sixteen when he went to get his driver's permit and was told by the clerk at the Department of Motor Vehicles that his green card was fake.²⁷

Even in cases where undocumented youth are aware of their status, they are frequently unaware of the obstacles their status creates for them until they are denied identification (library card, state I.D., driver's license), prevented from taking school trips, or begin the process of searching for universities to attend and scholarships to apply for.²⁸ As Mia, a twenty-one-year-old undocumented student who came to the United States when she was nine, states,

I don't think I really understood what it meant to be undocumented until I started applying for college in the beginning of 11th grade . . . I started filling one [application] out and first, before they even ask you your name, you're just a number, social security number. And I didn't really know what to do. There was nobody I could ask.²⁹

Additionally, Rebella did not realize the restrictiveness of her undocumented status until her high school marching band was going to the Bahamas her senior year, and she was unable to explain to her friends and teacher why she could not go.³⁰ As illustrated by Mia, when presented with applications for college and scholarships, undocumented students come to the realization that their lack of a social security number is often an insurmountable barrier. Moreover, the fact that many undocumented students do not realize the implications of their status, for getting a higher education and achieving their goals, until high school has been increasingly publicized. As stated by Perez, "[s]ince

27. See Jose Antonio Vargas, *My Life as an Undocumented Immigrant*, N.Y. TIMES (June 22, 2011), <http://www.nytimes.com/2011/06/26/magazine/my-life-as-an-undocumented-immigrant.html?pagewanted=all>.

28. This information comes from the many informal conversations I have had with undocumented students during my fieldwork with One Michigan, as well as the stories of other undocumented students that I have heard at local and national rallies organized by undocumented youth activists. See also PEREZ, *supra* note 26 (discussing the hardships undocumented students face due to their status).

29. Interview with Mia, in Detroit, Mich. (April 19, 2010).

30. Interview with Rebella, *supra* note 16.

2000, increasing numbers of newspaper stories all over the country have chronicled the struggles of undocumented students who believed in and aspired to achieve the American dream, only to learn upon their high school graduation that the American dream precludes them."³¹

Even though the Supreme Court, in *Plyler v. Doe*,³² ruled that states could not deny undocumented children access to public elementary and secondary education, it fell short of addressing access to higher education. Currently, in most states, undocumented students are charged out-of-state tuition, even if they spent the majority of their lives in the state and graduated from a high school in that state.³³ In some states, such as Alabama, South Carolina, and Georgia, undocumented students have been banned from attending some or all of the state public colleges and universities.³⁴ Furthermore, even if undocumented students are able to attend a university and pay extraordinary tuition without any opportunity for student loans, when they graduate they are unable to apply their education in their fields due to their legal status and lack of a Social Security number. As a result, an ever-increasing number of undocumented youth and young adults have mobilized to fight against anti-immigrant legislation, to have access to higher education, and for a way to legalize their status.

As of March 2010, there were approximately 11.2 million undocumented immigrants living in the United States.³⁵ Among the 11.2

31. PEREZ, *supra* note 26, at xix. For additional information on the issue of access to higher education for undocumented students, see generally Leisy Janet Abrego, "I Can't Go to College Because I Don't Have Papers": Incorporation Patterns of Latino Undocumented Youth, 4 *LATINO STUD.* 212, (2006). See also Leisy J. Abrego & Roberto G. Gonzales, *Blocked Paths, Uncertain Futures: The Postsecondary Education and Labor Market Prospects of Undocumented Latino Youth*, 15 *J. EDUC. FOR STUDENTS PLACED RISK* 144 (2010); ROBERTO G. GONZALES, *YOUNG LIVES ON HOLD: THE COLLEGE DREAMS OF UNDOCUMENTED STUDENTS* (2009); Sejal Zota, *Unauthorized Immigrants' Access to Higher Education: Fifty States, Different Directions*, 74 *POPULAR GOV'T*, 46 (2009).

32. *Plyler v. Doe*, 457 U.S. 202 (1982).

33. See BASIC FACTS ABOUT IN-STATE TUITION FOR UNDOCUMENTED IMMIGRANT STUDENTS, NAT'L IMMIGRATION LAW CTR. 1 (2012). See also *Undocumented Student Tuition: State Action*, NAT'L CONFERENCE OF STATE LEGISLATURES (Oct. 2011), <http://www.ncsl.org/default.aspx?tabid=12846>. See also Zota, *supra* note 31.

34. See Zota, *supra* note 31, at 51-52. See also Jack Stripling, *Georgia Bars Admission of Illegal Immigrants*, *INSIDE HIGHER ED.* (Oct. 14, 2010), <http://www.insidehighered.com/news/2010/10/14/georgia>; Johnny Sinodis, *The DREAM Act Still Just a Dream for Now: The Positive Effects of Creating a New Path to Lawful Status by Encouraging Military Enlistment and the Pursuit of Higher Education*, 2 *L.J. SOC. JUST.* 158 (2011).

35. Jeffery Passel & D'Vera Cohn, *Unauthorized Immigrant Population: National and State Trends, 2010*, PEW HISP. CTR. (Feb. 1, 2011), <http://www.pewhispanic.org/2011/02/01/unauthorized-immigrant-population-brnational-and-state-trends-2010/>.

million undocumented immigrants, only approximately 1.9 million³⁶ would meet the requirements of the DREAM Act, due to the stringent eligibility criteria of the 2010 version of the bill discussed previously.³⁷ Despite the limitations of the bill, the DREAM Act remains one of the only options for undocumented youth and young adults to legalize their status.³⁸ Consequently, the movement for the DREAM Act has grown exponentially since it was first introduced in 2001, with undocumented youth increasingly at the forefront of the organizing.³⁹ Senator Dick Durbin of Illinois celebrated this fact in July of 2010 in front of over one thousand DREAM Act activists in an overflowing church in Washington, DC during his speech at a mock graduation organized by undocumented youth.⁴⁰ Senator Durbin, a long-time sponsor of the bill, brought the crowd to a roar when he recounted a time when there were just a small number of undocumented youth following him and the other proponents of the DREAM Act, and almost came to tears when he described his elation at the thousands of undocumented students across the country who are now leading the fight for the passage of the DREAM Act, with himself and other politicians now following *their* lead. In fact, it was the escalated activism of undocumented youth that put pressure on Congress to vote on the DREAM Act in 2010.⁴¹ As described by Claudia Anguiano, the time period from May to December 2010,

featured the effrontery of activists who escalated mobilization efforts by modeling civil disobedience tactics of previous civil rights movements. This fundamental transformation of agentic orientation

36. See MIGRATION POLICY INST., MPI UPDATES NATIONAL AND STATE-LEVEL ESTIMATES OF POTENTIAL DREAM ACT BENEFICIARIES (2010), available at <http://www.migrationpolicy.org/pubs/DREAM-Update-December2010.pdf>.

37. See Development, Relief, and Education for Alien Minors Act of 2010, S. 3992, 111th Cong. (2010).

38. See Daysi Díaz-Strong, Christina Gómez, María E. Luna-Duarte & Erica R. Meiners, *Dreams Deferred and Dreams Denied: Undocumented Students Need Both Access and Services to Succeed—and Often, They Get Neither*, AAUP: ACADEME ONLINE (May-June 2010), <http://www.aaup.org/AAUP/pubsres/academe/2010/MJ/feat/diaz.htm>. See also Sinodis, *supra* note 34.

39. See Anguiano, *supra* note 4. See also Roberto Gonzales, *Left Out but Not Shut Down: Political Activism and the Undocumented Student Movement*, 3 NW. J.L. & SOC. POL'Y 219, 233 (2008).

40. Field notes, observation of mock graduation in Washington, DC (July 20, 2010) (on file with author). See also *Our DREAMS Prevail the Rain*, *supra* note 23.

41. See Anguiano, *supra* note 4. See also Tara Bahrapour, *Students Disclose Illegal Status as Part of Push for Immigration Law Reform*, WASH. POST (July 21, 2010), <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/20/AR2010072006121.html?hpid=topnews>.

showed youth comfortable in challenging the power system and making bolder claims for social equality. The direct action efforts pressured senators and resulted in the DREAM Act being put to a vote as a stand-alone bill.⁴²

On December 8, 2010 the DREAM Act passed in the House of Representatives with a vote of 216 to 198;⁴³ unfortunately, it was blocked two weeks later in the Senate, where only five more votes were needed to overcome a filibuster.⁴⁴ Despite the fact the DREAM Act did not pass in 2010, undocumented youth activists continue to empower others to escalate their fight against anti-immigrant legislation, as evidenced by a civil disobedience action in Alabama in November 2011, which for the first time included the parents of undocumented students.⁴⁵ Significantly, undocumented activists taking the lead in fighting for legalization and resisting deportation is an important theme that emerges in comparing examples of anti-deportation movements in a global context.

A. Empowerment Through Leadership

In reviewing cases of anti-deportation activism, one observable pattern is the political agency of undocumented immigrants who have taken the lead in the movements, thereby seeking to become, in William Walters' terms, "autonomous political subjects."⁴⁶ For instance, in Peter Nyers discussion of the anti-deportation activism of "non-status" Algerian refugees living in Montreal, Quebec, he compares the refugees' activism to that of the *Sans-Papiers* in France, in terms of illustrating how undocumented immigrants (or, in this case, "non-status refugees") have taken the lead in the campaign to stop their deportations.⁴⁷ The *Sans-Papiers* of France, one of the better-known movements of undocumented immigrants due to their occupation of a church in Paris in 1996, have continuously demanded the right to stay in France and the opportunity to regularize their status.⁴⁸ Similarly, undocumented youth activists in the United States have been lobbying for the

42. Anguiano, *supra* note 4, at 207.

43. Julia Preston, *House Backs Legal Status for Many Young Immigrants*, N.Y. TIMES, Dec. 9, 2010, at A38, available at <http://www.nytimes.com/2010/12/09/us/politics/09immig.html>.

44. See Catalina Camia, *Senate Blocks DREAM Act*, USA TODAY (Dec. 18, 2010), <http://content.usatoday.com/communities/onpolitics/post/2010/12/senate-dream-act-/1>.

45. See Julianne Hing, *DREAMers Bring the Fight, and Their Parents to Alabama*, COLORLINES.COM (Nov. 15, 2011), http://colorlines.com/archives/2011/11/dreamers_bring_the_fight_and_their_parents_to_alabama.html.

opportunity to legalize their status, and have also taken the lead in stopping the deportations of undocumented immigrants brought to the United States as children.⁴⁹ Although undocumented youth activists sought the help, connections, and leadership of lawyers, politicians, and larger, more powerful organizations when they started working on stopping deportations in 2009, they took a leadership role in stopping deportations through Education Not Deportation (END) campaigns.⁵⁰

In the following account Ali discusses how undocumented youth have taken a more active role in stopping deportations:

When we used to do these [END] cases, we used to find the case, then we used to talk to Josh Bernstein, he was the lobbyist for SEIU [Service Employees International Union], and he's the person who wrote the DREAM Act and all this other stuff, so then we'd talk to him and see if it was a case that he could push, and then he would contact the legislators' offices and ICE [Immigration and Customs Enforcement] as well to get a response, and so we'd sort of connect with him, and then he'd give us information, and vice versa. And then we started realizing we don't really need him. So now when we have a case we just contact Durbin's office, Reid's office, Menendez's office directly, we have all the contacts for ICE, we contact them directly ourselves, and so I think as a movement in general we realized that . . . we *can* be as independent as we need to be and still get all the work done.⁵¹

In general, END campaigns, almost all of which have thus far successfully ended with Immigration and Customs Enforcement (ICE)

46. William Walters, *Deportation, Expulsion, and the International Police of Aliens*, in *THE DEPORTATION REGIME: SOVEREIGNTY, SPACE, AND THE FREEDOM OF MOVEMENT*, *supra* note 1, at 69, 96.

47. Peter Nyers, *Abject Cosmopolitanism: The Politics of Protection in the Anti-Deportation Movement*, in *THE DEPORTATION REGIME: SOVEREIGNTY, SPACE, AND THE FREEDOM OF MOVEMENT*, *supra* note 1, at 413, 427-32.

48. Anne McNevin, *Political Belonging in a Neoliberal Era: The Struggle of the Sans-Papiers*, 10 *CITIZENSHIP STUD.* 465, 465 (2006).

49. See *Cases*, EDUC. NOT DEPORTATION, <http://endnow.org/cases> (last visited Feb. 4, 2012) (documenting cases of individuals from across the United States facing deportation). See generally Anguiano, *supra* note 4 (discussing the undocumented youth-led movement for the DREAM Act).

50. Interview with Ali, *supra* note 13.

51. *Id.*

granting an extension of the deportation or deferred action, are illustrative of how undocumented students have been empowered through their leadership and activism.

One of the reasons why END cases have been successful is because undocumented immigrants brought to the United States as children tend to be viewed more sympathetically in the eyes of the public compared to other undocumented immigrants.⁵² As Anguiano explains,

undocumented youth in the United States have been systematically constructed as the representative face of unauthorized immigration . . . stories of these cultural 'Americans,' who have built full lives in this country yet have not been able to become legal residents, are brought to light in order to demonstrate the immigration system's failings.⁵³

Therefore, when cases of the deportation of undocumented students are made public, ICE does not want the negative publicity that would be associated with deporting these "cultural 'Americans.'" Knowing this, DREAM Act activists used END cases as part of their strategy over the summer of 2010 to put pressure on senators who had supported the DREAM Act in the past, but who were not giving an answer as to whether they would vote "yes" for the DREAM Act in 2010. Currently, END campaigns are an important part of the political strategy of undocumented youth, as some undocumented leaders are planning to use these campaigns to put more pressure on President Obama to use his power to place a moratorium on the deportations of undocumented youth who would be eligible for the benefits of the DREAM Act.

Additionally, END cases give the DREAM Act movement more power, as these cases are, in the words of Ali, "little victories."⁵⁴ In August of 2010, One Michigan experienced one of these "little victories" in helping to stop the deportation of Nikolai, a twenty-two-year-old undocumented immigrant from Russia. Knowing that the time spent organizing rallies, passing out flyers, and making phone calls led to someone being released from detention and allowed to stay in the United States, as opposed to being deported, gave everyone in One Michigan a strong sense of accomplishment. However, although most END cases have been successful, they represent a very small percentage

52. See Anguiano, *supra* note 4, at 209 (quoting Department of Homeland Security Secretary Janet Napolitano as being sympathetic towards DREAM-eligible youth).

53. *Id.* at 8.

54. Interview with Ali, *supra* note 13.

of the deportation cases of undocumented immigrants.⁵⁵ Many of those facing deportation are unaware of the organizations out there that can help them; even if they knew, it would be impossible for DREAM Act activists to take on every case. Undocumented youth leaders are well aware of this fact, as well as the fact that the number of deportations in the United States continues to grow. As a result, several undocumented youth activists have decided to make themselves more visible through “coming out of the shadows” to bring attention to and illustrate the urgency for the DREAM Act.

B. Empowerment through Visibility

As Leo Chavez emphatically portrays in his ethnography on undocumented Mexican immigrants in California, undocumented immigrants have long been living in the shadows, reluctant to stand up against human- and worker-rights violations, to seek health care when they are sick, or to call the police when they are victims of a crime.⁵⁶ The forced invisibility of undocumented immigrants is a pervasive issue globally, as deportability often causes undocumented populations to isolate themselves from society. As Victor Talavera, Guillermina Gina Núñez-Mchiri, and Josiah Heyman found “[s]taying home and under the ‘social radar’ was one of the many strategies used to avoid bringing attention to an individual’s or family’s undocumented predicament.”⁵⁷ In fact, numerous scholars and journalists have written about the lives of undocumented immigrants who feel compelled to live underground or in the shadows to keep their legal status a secret out of fear of being apprehended by immigration officials and consequently being detained or deported.⁵⁸ The stigma and fear associated with being undocumented is often instilled in undocumented youth at a young age by their

55. See *2010 Yearbook of Immigration Statistics*, OFFICE OF IMMIGRATION STATISTICS, U.S. DEP’T OF HOMELAND SEC. 94 (2010) (stating that there was a total of 782,407 undocumented immigrants deported in 2009 and 2010, whereas during the same time period activists worked to stop the deportations of approximately 100 youth). See also *DHS Moves in the Right Direction*, UNITED WE DREAM (Aug. 18, 2011), <http://unitedwedream.org/2011/08/18/dhs-moves-in-the-right-direction/>; see generally *Cases*, *supra* note 49.

56. See generally LEO R. CHAVEZ, *SHADOWED LIVES: UNDOCUMENTED IMMIGRANTS IN AMERICAN SOCIETY* (1992); see also *UNDERGROUND AMERICA: NARRATIVES OF UNDOCUMENTED LIVES* (Peter Orner ed., 2008).

57. Victor Talavera, Guillermina Gina Núñez-Mchiri & Josiah Heyman, *Deportation in the U.S.-Mexico Borderlands: Anticipation, Experience, and Memory*, in *THE DEPORTATION REGIME: SOVEREIGNTY, SPACE, AND THE FREEDOM OF MOVEMENT*, *supra* note 1, at 172.

58. See CHAVEZ, *supra* note 56; see also Nicholas P. De Genova, *Migrant “Illegality” and Deportability in Everyday Life*, 31 ANN. REV. OF ANTHROPOLOGY 419 (2002); Talavera et al., *supra* note 57; *UNDERGROUND AMERICA: NARRATIVES OF UNDOCUMENTED LIVES*, *supra* note 56.

parents. For instance, Mia explained to me that her parents specifically told her to never tell anyone about her status, not even her closest friends. She explains:

My mom would always tell me "if anybody ever asks you anything, you were born here, or you're a citizen, that's just how it is. You don't tell anybody that you're undocumented. You don't go around proclaiming it. It's not something to be ashamed of, but it's not something you tell people."⁵⁹

However, despite the fact that many undocumented youth have been taught to keep their status private, a growing number of undocumented activists have recognized the value in proclaiming their status and sharing their stories about being undocumented. Speaking out has connected them to a large network of other undocumented students who share many of the same experiences, challenges, and aspirations.

In comparing examples of activism by undocumented immigrants in a global context, one of the ways in which undocumented immigrants have increased their visibility, declared their status, and have been empowered to let their voices be heard is through publicly "coming out of the shadows." The *Sans-Papiers* movement in France illustrates an early example of this activism. As their manifesto asserts, "We the Sans-Papiers of France . . . have decided to come out of the shadows. From now on, in spite of the dangers, it is not only our faces but also our names which will be known."⁶⁰ According to one of the leaders in the *Sans-Papiers* movement, they have made themselves visible in order to declare that they are not in hiding, and that they deserve to be recognized as they have lived, worked, and paid taxes in France for many years.⁶¹ In the United States many undocumented youth have followed a similar strategy, influenced by the "coming out" actions of the Lesbian/Gay/Bisexual/Transgender/Queer (LGBTQ) movement.⁶² The fact that queer activism has influenced the strategy of undocumented youth is particularly interesting in consideration of Nicholas De

59. Interview with Mia, *supra* note 29.

60. Walters, *supra* note 46, at 96, cited in TERESA HAYTER, OPEN BORDERS: THE CASE AGAINST IMMIGRATION CONTROLS (2000).

61. McNevin, *supra* note 48, at 144.

62. In an interview with Ali, *supra* note 13, he explained that in many of the undocumented youth-led organizations in the United States (other than Michigan) most of the leaders are queer. For instance, when Ali and the "DREAM Act 5" participated in the sit-in at Senator McCain's office, only one of the five was not queer. Hence, leaders in the undocumented youth-led movement who are also members of the LGBTQ community have adopted some of the strategies used in LGBTQ movements, such as "coming out."

Genova's critical and sophisticated analysis of the slogans used in the 2006 immigrant mobilizations, which he discusses in the context of queer mobilizations.⁶³

In general, there are similar motivations among these movements for deciding to "come out" and declare one's status, or as in the case in the 2006 immigrants' rights marches to proclaim "we are here and not leaving." Through "coming out," activists in both queer and undocumented communities demonstrate that they will no longer allow the state or their antagonists to cast them into the shadows, forcing them to live in fear, shame, and hopelessness. Instead, undocumented youth have decided to "come out" of the shadows, as they feel they have nothing to be ashamed of, and want to show they are willing to fight to be accepted into the country they call home.

For several of the One Michigan members, the first time they publicly discussed their undocumented status was at a "coming out of the shadows" event on March 10, 2010 that coincided with the national "Coming Out" week of action, which was organized by DREAM activists around the country to bring attention to the stories of undocumented youth and the need to pass the DREAM Act. Wearing shirts saying, "I am Undocumented," they publicly declared that they were "undocumented and unafraid" and told their stories about the challenges they have faced because of their status. Despite the potential risk of publicly declaring their legal status, by doing so undocumented youth have increased simultaneously their visibility and their political agency. Many of the members of One Michigan have told me that they feel safer, stronger, and more empowered as a result of declaring their status. In the following passage, Ali describes how the idea for "coming out" originated, as well as how the "coming out" campaign has had a significant impact for undocumented youth:

When we met, March 10, 2010, the Chicago people proposed their coming out actions, and so when we were sitting at the meeting we're all like "oh yeah, let's make being undocumented the cool thing to do," and I think we've definitely accomplished that in the sense that people wear their "undocumented" shirts, and are not afraid to share their stories, [Francisco] will yell at ICE without a problem, and those sorts of things that were just unheard of before. People have definitely taken ownership of this, and now we're at the escalate part.

63. See generally Nicholas De Genova, *The Queer Politics of Migration: Reflections on "Illegality" and Incurability*, 4 STUD. SOC. JUST. 101 (2010).

In 2011 several organizations led by undocumented youth across the country escalated their "coming out of the shadows" events for the second annual "coming out of the shadows week" (March 14 to 21) by increasing and enhancing the advertising for the events and making the location of the events more public. For instance, in 2010, One Michigan held their "coming out of the shadows" event in a private club frequented primarily by Latinos, whereas in 2011 One Michigan held their "coming out of the shadows" event on March 15 in a highly visible and public location at the Spirit of Detroit, a statue in front of the Colman A. Young Municipal Building, which is located on the corner of a busy intersection in Downtown Detroit. Nationally, many organizations publicized the "coming out" events via e-mail, press releases, websites, Facebook event requests, and more. Websites and e-mails often contained photos of some of the undocumented youth who were going to be "coming out" holding signs saying "Undocumented and Unafraid." Even the slogans were augmented in 2011; whereas in 2010 the slogan for the "coming out" events was "Undocumented and Unafraid," in 2011 many undocumented youth-led organizations added to this with slogans such as "Undocumented, Unafraid, and Unapologetic"⁶⁴ and "Undocumented, Unafraid, and United."⁶⁵ The following is the introductory statement of the event description for One Michigan's "coming out of the shadows" event on March 15, 2011:

For years anti-immigrants have told the stories for thousands of undocumented students. These students have been told to keep their status a secret as they see their stories being exaggerated and made-up. Recently, Arizona style legislation has been proposed in Michigan. Undocumented students can no longer afford to live behind the shadows and have their stories told for them. A group of undocumented students from Michigan will come out of the shadows and tell their stories . . . their real stories, no exaggeration or lies. They are no longer afraid and will not have their lives dictated by Arizona style legislation. They are undocumented and unafraid. Please come join us and stand in solidarity!⁶⁶

64. *Are You Undocumented and Unafraid?: Time to Come Out*, THENIYA.ORG, <http://theniya.org/comeout/> (last visited Oct. 21, 2011); *Shout It Out: Undocumented! Unafraid! Unapologetic!*, IMMIG. YOUTH JUST. LEAGUE (Aug. 4, 2011, 12:22 AM), <http://www.ijjl.org/?p=2532>.

65. *Undocumented & Unafraid United*, ONE MICH., <http://1michigan.org/undocumented-unafraid-united> (last visited Sept. 25, 2011).

66. *Id.*

This announcement depicts the significance of “coming out” for bringing undocumented immigrants out of the shadows, increasing their visibility, and having a voice in order to make it clear that they will no longer be forced to live in fear.

An important question that needs to be addressed then, is what has allowed the undocumented immigrants who have publicly declared their status to overcome their fear? Although the reasons vary for each individual, many undocumented youth feel they have nothing to lose as their hopes, dreams, and futures continue to be held hostage by their lack of a legal status.⁶⁷ Undocumented activists have also been provoked by the wave of anti-immigrant legislation sweeping the country, and believe that visibility is essential in order to demonstrate that the undocumented community and their allies have the power to fight back.⁶⁸ Moreover, by making their status public, fear is often replaced by a large support network of other undocumented youth, allies, and public supporters.⁶⁹ Undocumented youth activists have also explained that the more public they are, the safer they are.⁷⁰

As mentioned in the discussion of the “coming out” events above, another strategy undocumented immigrants have employed to make themselves visible is the use of social media such as websites, blogging, e-mail, Facebook, and Twitter. In various online venues, undocumented students have “come out” as undocumented and told their stories, thus encouraging others to do the same.⁷¹ Additionally, websites and blogs

67. This information comes from hearing dozens of undocumented youth describe their reasons for publicly talking about their status during eighteen months of activism and fieldwork with undocumented youth activists. For a discussion of undocumented youth making their status public, see Maggie Jones, *Coming Out Illegal*, N.Y. TIMES, Oct. 24, 2010, (Magazine) at MM36, available at <http://www.nytimes.com/2010/10/24/magazine/24DreamTeam-t.html?pagewanted=all>.

68. See Viridiana Martinez, *I Will No Longer Remain In the Shadows: Undocumented, Unafraid, Unshamed and Unapologetic – Viridiana Martinez Describes the Sentiments Behind Her Activism*, ALJAZEERA (Sept. 26, 2011), <http://www.aljazeera.com/programmes/activate/2011/09/201194124635261769.html>; see also Johnson, *supra* note 21; *We Exist: Lessons From Georgia*, DREAMACTIVIST (Apr. 27, 2011), <http://www.dreamactivist.org/blog/category/coming-out/>.

69. Information gathered from personal communication with undocumented youth activists.

70. See Richard Fausset, *Not Targeted but Not Safe, Young Illegal Immigrants Push for a New Policy*, L.A. TIMES (Apr. 10, 2011), <http://articles.latimes.com/2011/apr/10/nation/la-na-illegal-immigrants-20110410>.

71. See *DREAM Now Letters to Barack Obama*, CITIZEN ORANGE, <http://www.citizenorange.com/orange/dream-now-letters/> (last visited Feb. 18, 2012); see also Chicago's Undocumented Youth Come Out, PETER HOLDERNESS PHOTOGRAPHY, <http://www.peterholderness.com/iyj/index.html> (last visited Feb. 18, 2012); *Our Stories*, DREAM ACTIVIST, <http://www.dreamactivist.org/about/our-stories/>. Additionally, many undocumented youth have posted videos of their stories on YouTube. See, e.g.,

have been used by undocumented youth activists for years to build the movement for the DREAM Act and connect with other undocumented youth from around the country.⁷² Several DREAM activists who I have spoken to have told me they first heard about the DREAM Act online, either when they were attempting to research what they could do about a particular status-related challenge, or through social networking sites such as Facebook (or previously, MySpace). Social media has been essential for getting people to participate in direct actions, such as helping to stop deportations⁷³ and encouraging people to make calls to Congress in support of the DREAM Act. Overall, new social media and communication technologies have been vital tools for DREAM activism.⁷⁴

The use of new media technologies for the purposes of generating publicity, organizing the community, and informing people about the issue is another commonality between the DREAM Act movement and anti-detention and anti-deportation activism in Montreal.⁷⁵ From video clips on YouTube to status posts on Facebook, the Internet provides a variety of ways in which activists can deliver their messages locally, nationally, and globally. In further comparing tactics to increase visibility utilized by the DREAM Act movement and the "non-status" Algerian activists in Montreal, they employed similar actions and strategies to bring public attention to their situation, as well as to put pressure on various bodies of government. Actions such as rallies outside federal buildings (including citizenship offices), unannounced visits to politicians' offices, lobbying, frequent public demonstrations and marches, distribution of literature, and creating networks of supporters were common strategies in both movements.⁷⁶

C. Empowerment Through Deservingness?

Another pattern that is particularly significant for the success of anti-deportation activism, such as the END campaigns where undocumented

Thedreamiscoming2011, YOUTUBE, <http://www.youtube.com/user/thedreamiscoming2011#p/u> (last visited Feb. 18, 2012). Other videos of undocumented youth telling their stories can be found by using the search terms "Undocumented and Unafraid" on the website YouTube.

72. See Anguiano, *supra* note 4, at 151.

73. See Juan E. Gastelum, *How Immigration Activists are Fighting Deportation Policy with Social Media*, MASHABLE (Apr. 19, 2011) <http://mashable.com/2011/04/19/immigration-activism-social-media/>.

74. See Anguiano, *supra* note 4, at 127.

75. See Burman, *supra* note 2, at 289.

76. For an explanation of how these strategies were applied by nonstatus Algerian activists in Montreal see Nyers, *supra* note 47, at 432. For how these strategies were applied by undocumented youth activists in the United States in their fight for the DREAM Act see generally Anguiano, *supra* note 4.

students were granted extensions of their deportations, as well as the anti-deportation movements that Heide Castañeda writes about in Germany, is notions of “deservingness.”⁷⁷ Although the criteria of “deservingness” varies between the United States and Germany, in both countries the state makes a determination of populations who are worthy of staying in the country despite their legal status. For instance, in Germany, “deservingness” is based on factors such as health, pregnancy, or for asylum seekers who cannot return to their home country.⁷⁸ In contrast, in the United States, the criteria for “deservingness” are focused on acculturation. Susan Coutin’s research on suspension of deportation hearings is helpful to understand this criteria, as she discusses the criteria that immigration judges use to determine whether those applying for suspension of deportation “deserve” to stay in the United States.⁷⁹ According to Coutin, judges “focus[] on acculturation, defined as celebrating mainstream U.S. holidays, being socialized in U.S. schools, speaking English, participating in ‘typical’ leisure activities, and expressing a clear choice for the United States over applicants’ countries of origin.”⁸⁰ In general, many undocumented youth meet these criteria, and emphasize their “Americanness” in their stories and discourses about why the DREAM Act should be passed, and why they belong in the United States. In fact, William Perez’s book, which includes a collection of stories of undocumented students, picks up on this theme, as evidenced by the title, *We ARE Americans: Undocumented Students Pursing the American Dream*.⁸¹ Consequently, by releasing undocumented students from detention and by granting extensions of their deportations, the U.S. government, through the Department of Homeland Security (DHS) and ICE, is indicating who is deserving of staying in the United States.⁸²

In the case of undocumented youth, “deservingness” is usually based on whether the person meets the eligibility criteria of the DREAM Act; however, there are times when this falls into a gray area. This was the situation with the campaign to stop Nikolai’s deportation discussed earlier. Because Nikolai had not graduated from high school, his case was more difficult than many of the other END cases that DREAM activists worked on. Up until the day Nikolai was released from detention, ICE

77. Heide Castañeda, *Deportation Deferred: “Illegality,” Visibility, and Recognition in Contemporary Germany*, in *THE DEPORTATION REGIME: SOVEREIGNTY, SPACE, AND THE FREEDOM OF MOVEMENT*, *supra* note 1, at 245, 246-47.

78. *Id.* at 258.

79. Susan Coutin, *Suspension of Deportation Hearings and Measures of “Americanness”*, J. LATIN AM. & CARIBBEAN ANTHROPOLOGY, June 2003.

80. *Id.* at 58, 84.

81. PEREZ, *supra* note 26.

82. Julia Preston, *Students Spared Amid an Increase in Deportations*, N.Y. TIMES, Aug. 9, 2010, at A1.

officers at the jail where he was being held maintained that he was going to be deported. Although lawyers were constantly explaining to the media, DHS, and ICE that Nikolai had tried to get his General Education Diploma but ran into complications because of a lack of identification, this was still a major obstacle in getting him released from jail and preventing his deportation (albeit temporarily). In the end, the pressure from the public including faxes, e-mails, phone calls, letters to ICE, as well as coverage in the press led to the success of the campaign.

In general, despite the reality that a record number of immigrants have been deported during the Obama administration,⁸³ undocumented students, in many cases, have been spared.⁸⁴ This fact was reported in a *New York Times* article, which according to Ali was prompted by a memo released by Republicans that maintained ICE was using its discretion to stop the deportations of undocumented students. John Morton, the director of ICE, is quoted in the article stating, "[i]n a world of limited resources, our time is better spent on someone who is here unlawfully and is committing crimes in the neighborhood . . . [a]s opposed to someone who came to this country as a juvenile and spent the vast majority of their life here."⁸⁵ This statement by Director Morton clearly depicts how the criteria of "deservingness" are applied in the cases of undocumented students.

III. DISCUSSION

The global phenomenon of political activism by immigrants is significant for better understanding the complex relationship between globalization and migration. For instance, undocumented activists are aware of the profit their labor provides for the global capitalist economy, as well as the paradox between free trade agreements and the extraordinary global flows of capital, commodities, information, and jobs on one hand, and the concomitant criminalization of immigration on the other. In speaking with Marcos, an undocumented student who was brought to the United States on a visa when he was nine and became undocumented when his family overstayed the visa, he emphasized how the North American Free Trade Agreement (NAFTA) negatively affected his family's financial situation in Mexico, which led to their decision to seek employment and join relatives in the United States.

83. Albor Ruiz, *Silent March Marks One-Year 'Anniversary' of Arizona's Controversial Immigration Law*, N.Y. DAILY NEWS (July 31, 2011), http://articles.nydailynews.com/2011-07-31/local/29852479_1_russell-pearce-sb1070-immigration-system.

84. Preston, *supra* note 82.

85. *Id.*

When specifically asked about what changes he thought needed to be made to immigration policy Marcos stated:

I think the biggest changes that need to be made are increasing the ability for people from countries whose trade agreements and economic ties are strongest with the U.S. increasing the ability for them to travel back and forth to the U.S. It only makes sense that if we're gonna[sic] be trading with them they should have the ability to travel to and from the U.S. just like Americans have the ability to travel to and from these other countries. Because that is what big corporations have been taking advantage of with the trade agreements, they are taking advantage of the fact that these people from these countries in the trade agreements cannot come to the U.S. and work here, so they're shipping our factories over there and paying them very low wages.

Other researchers have also found that undocumented immigrants and immigrant rights activists point out the relationship between globalization and migration, as well as emphasize the right to move or migrate for work.⁸⁶ Thus, as states increasingly rely on deportation and detention to control the movement, lives, and labor of the millions of people who are rendered illegal, resistance by those targeted, marginalized, and exploited by the state should be expected.

One form of resistance that is interesting to explore in this context is the escalation of anti-deportation movements globally. In particular, it is constructive to examine if there are any patterns that arise in examining examples of anti-deportation activism in an international context. In comparing my research on DREAM Act activism with anti-deportation activism in other countries three significant themes emerge. First, undocumented immigrants have been empowered through their leadership and activism. By pressuring the government to listen to their demands through successfully lobbying politicians, participating in acts of civil disobedience, and working to stop deportations, undocumented immigrants have become political subjects, and have thus called into question the sovereignty of the state.⁸⁷ Further, the success of the END

86. Ruth Gomberg-Munoz & Laura Nussbaum-Barberena, Presentation at the 2010 American Anthropological Association's 109th Annual Meeting: "Legalization Now"/"Dream Act Now": Representation and Political Mobilization in the Chicago Immigrant Rights Movement (Nov. 21, 2010).

87. In their respective research on nonstatus Algerian refugees in Montreal and the *Sans-Papiers* in France, both Peter Nyers, see *supra* note 47, at 427-434, and Anne

campaigns led by undocumented youth in the United States demonstrates that the state is acknowledging undocumented youth activists *as* political subjects. As argued by William Walters, when the state negotiates "with the subjects of deportation [it is] thereby recognizing them *as* subjects."⁸⁸ Second, undocumented activists have been empowered through the strategies they employ to make themselves visible. The transition from forced invisibility to an overt declaration of their undocumented status serves to replace fear, shame, and isolation with power, pride, and public support. Third, in specific cases undocumented immigrants have been empowered through "notions of deservingness" as determined by criteria dictated by the state, as illustrated in the examples of undocumented students in the United States and deferred deportations in Germany.

Overall, in examining cases of undocumented-led activism it is clear that the *Sans-Papiers* of France have had a considerable influence globally, as they have "forged alliances with irregular migrants in other European states and with a range of supportive organizations throughout Europe and globally."⁸⁹ One phenomenon gaining momentum among movements of undocumented immigrants that appears to have begun with the *Sans-Papiers* is undocumented organizers speaking for themselves and being at the forefront of the movements.⁹⁰ As discussed earlier, this trend can be observed in the case of nonstatus refugees in Montreal,⁹¹ as well as DREAM Act activism in the United States.⁹² In fact, despite the differences in strategy, opinion, and actions within the sphere of DREAM Act activism, there is "a progressive sense of vocality, agency, and empowerment for the DREAM-eligible youth involved in this social movement."⁹³ Although allies and politicians expressed concern over undocumented youth publicly declaring their status, especially in the beginning, undocumented youth leaders insisted that they had to tell their stories and let *their* voices be heard in order to build their movement, empower other undocumented youth, and educate the public about the problems with the immigration system in the United States.

McNevin, see *supra* note 48, at 142-46, discuss that undocumented immigrants have become political subjects through their activism.

88. Walters, *supra* note 46, at 96.

89. McNevin, *supra* note 48, at 146.

90. See Cynthia Wright, *Moments of Emergence: Organizing by and with Undocumented Non-Citizen People in Canada after September 11*, 21 REFUGE (Can.), no. 3, 2003, at 5, 6.

91. Nyers, *supra* note 47, at 427.

92. See generally Anguiano, *supra* note 4.

93. *Id.* at xi.

IV. FUTURE RESEARCH

Although it is clear that undocumented-led immigrant rights groups across the globe have adopted similar strategies in building their movements, fighting to stop deportations and detentions, as well as fighting to regularize or legalize their status, it is still unclear as to whether the patterns found are coincidental or deliberate. What is evident, however, is that new social media groups from different countries are more likely to communicate with one another and follow each other's actions. For instance, a member of an organization of nonstatus youth in South Africa contacted one of the people involved in organizing the civil disobedience *Rebella* participated in at Georgia State University after hearing about the sit-in via the Internet. Future research should focus on to what extent undocumented-led movements across the globe communicate with and are influenced by one another, in addition to whether they are replicating the strategies of movements similar to their own.