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The DREAM Act and DACA: A History of Immigrant Children

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The DREAM Act and DACA: A History of Immigrant Children

by

Sofia Paschero

A thesis submitted in partial fulfillment
of the requirement for the degree of
Master of Arts
Department of History
College of Arts and Sciences
University of South Florida

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Este tesis se lo dedicó a mis padres, Miguel y Adriana y a mi hermano Mauricio

En memoria de mi abuela, Rosa Paschero

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Abstract

This thesis writes the history of the Development, Relief, and Education for Alien Minors (DREAM ACT) and the Deferred Action for Childhood Arrivals (DACA). Chapter One gives a background history on immigration reforms in the 20th century. Chapter Two focuses on the history of the Development, Relief and Education for Alien Minors (DREAM Act). Chapter Three is the immigrant children story. My main argument is immigrants have always been and still are, easy targets. Politicians create immigrants as scapegoats in order to avoid the social, political, cultural, and economic issues that are affecting people on both sides of the border. They divert attention in order not to deal with the real problems. The DREAM Act 2007 debate clearly shows the arguments of those who are in favor and those who are opposed. Those who are opposed make the argument that undocumented children do not deserve a path to citizenship because they are dangerous, criminals, and are taking Americans' jobs. What many senators forget is that children immigrating to the U.S. is not new. This has happened for many decades and there is no law in the U.S that protects them or helps them gain citizenship. Senators that are in favor of the DREAM Act argue that these are children that immigrated, and they did not make the choice to come to this country and should not be punished. However, this debate it clearly shows the political usage of immigrant children. How is it that they are going to help the United States? How is the United States going to benefit from having them in the country?

Introduction

Immigrants entering a new country bring with them their language, customs, and traditions. At first, it may be hard for them to assimilate into the American culture but many of them do. We have to wonder: do they completely forget about their native country and their culture? Do they still practice their customs and traditions while learning the English language and practicing the American culture to fit in? Can an immigrant balance both cultures? Children that immigrated with their families are sometimes not the main focus when writing immigration history. Historians typically focus on the family as a whole. The important question is, why do children immigrate? Their parents brought them to another country so they could have a better life.

These children had no choice when coming to the United States with their family. They had no choice but to assimilate into the American culture. When these immigrant children grow up, how do they deal with certain situations when society tells them that they are not part of America and that they need to go back to their country of origin? Is that fair to those individuals? Now that they are adults, society wants to punish them, but as children they had no choice when they came to the United States. These young children participated in American culture by growing up with American children, shared the same education, sang the national anthem, pledged to the American flag, and abided by the same rules. Does that not make them Americans?

This thesis writes the history of the Development, Relief, and Education for Alien Minors (DREAM ACT) and the Deferred Action for Childhood Arrivals (DACA). Chapter One gives a background history on immigration reforms in the 20th century. This chapter starts with the Immigration Act of 1952 and its impact on immigrants. Then it discusses how the Immigration and Naturalization Act of 1965 abolished an earlier quota system based on national origin and established a new immigration policy based on reuniting immigrant families and attracting skilled labor to the United States. This chapter mainly focuses on the immigration laws and court cases from 1975-2001 and how they affected immigrant children. This chapter discusses the importance of the Supreme Court cases *Plyler v. Doe* and *Toll v. Moreno*. *Plyler v. Doe* explains that states cannot deny immigrant children free public education because of their immigration status. However, *Plyler v. Doe* does not guarantee immigrant children financial aid to attend higher education. *Toll v. Moreno* examines how the University of Maryland granted preferential treatment of tuition and fees to citizens and immigrant aliens having "in-state" status. However, it denied "in-state" status to nonimmigrant aliens, even if domiciled in the state. I briefly touch on the Gallegly Amendment and how it tried to bypass *Plyler v. Doe*.

In Chapter One, I also explain the importance of in-state tuition. All fifty states have different laws regarding in-state tuition for undocumented students. There is no unified system. The individuals that I will be interviewing for Chapter Three went to public schools in the state of Florida. For the purpose of this research, the focus will be the state of Florida and its laws concerning in-state tuition. The in-state tuition waiver in the state of Florida was passed in 2014.

Chapter Two focuses on the history of the Development, Relief and Education for Alien Minors (DREAM Act). In order to understand this history, I examined the Congressional debates over the DREAM Act. I focus on the records from the years 2001, 2003, 2007 and 2010. The

DREAM Act was presented on the Senate floor in 2001. Senator Richard Durbin explained who would qualify for it and the requirements they would have to meet. I examined the media and senators' opinions and views on the DREAM Act. I briefly explain how the events of 9/11 affected immigrants living in the United States. In this chapter, I show the history of the DREAM Act and its failure to pass in the Senate. The 20-minute debate on the DREAM Act in 2007 clearly shows the political usage of immigrant children. Senators who are in favor of passing this legislation argued that, these immigrants would help the United States and how United States would benefit from having them in the country. The DREAM Act failed in 2007 and 2010.

In 2012, President Barack Obama passed an executive order known as Deferred Action for Childhood Arrivals (DACA). Immigrants that were brought to the United States as children qualified for this. As long as they came to the country below the age of sixteen. DACA is temporary work authorization that allowed many immigrants to receive social security numbers, driver's licenses, get jobs, and attend higher education. However, DACA does not give them a path to citizenship. In 2017, President Donald Trump rescinded the DACA program. It was not until the Summer of 2020 that the Supreme Court ruled against the Trump Administration. This chapter relies on primary sources such as Congressional Records, senators' speeches, newspaper articles and interviews. When introducing DACA, I used many newspaper articles and speeches that were made by President Barack Obama, Senator Jeff Sessions, and Senator Lindsey Graham.

Chapter Three is the immigrant children story. This chapter is an oral history. As a historian, I will document the life stories of those who came to the United States as children and were undocumented immigrants. This chapter starts with the four of them sharing their favorite, happy, sad, and worst memories of their home countries when they were children. They take us

on a journey of the day they immigrated. All four participants share what they thought, felt, and did that day they went to the airport, went on an airplane and landed in the United States. They proceed with how they did or did not assimilate to the American culture.

All three of these individuals gained DACA status in 2012. My three participants are Alejandro, Carl and Nick. Alejandro and Carl currently have DACA. Nick was a DACA recipient in the past, but he is now a Permanent Resident. Chapter Three is also an auto-ethnography. I am currently a DACA recipient. As a DACA recipient, I know what questions to ask my participants. I know what would be appropriate and what would be inappropriate to ask during the interview.

In this research, there are three obstacles that undocumented children faced when growing up in the United States. The first obstacle all four faced was obtaining a driver's license. They explain why they could not have this and their struggle to fit in because of this. The next obstacle is getting a job because most jobs require a social security number which undocumented immigrants do not have. The third, is attending higher education because many colleges and universities charge undocumented immigrants out of state fees. Immigrants also do not qualify for financial aid (FAFSA). As discussed in Chapter One, there is not a unified system. There are state laws that stop immigrants from progressing in society.

In this chapter, we see these four immigrants overcome these obstacles. They explain how DACA has changed their lives as immigrants. With DACA, all four individuals were able to obtain a driver's license, get a social security number, get a job, and attend higher education. This chapter shows that DACA is an incomplete solution. As shown in Chapter Two, DACA was supposed to be a temporary solution until senators could come together and find a permanent solution. The solution for these immigrants' status in the United States has not been finalized.

The setting for this research changes as participants start to describe their experiences as undocumented immigrants. The first setting is the country of origin where each participant is from. For Nick, Carl and Sofia it is Argentina. Alejandro's country of origin is Mexico. However, the setting changes when they immigrate to the United States. All four individuals lived and went to school in the state of Florida. For this research, I will keep names and locations private in order to protect my participants' identities. Participants and locations will have pseudonyms. This research has been exempted from the University of South Florida's Institutional Review Board (IRB).

One of the ongoing scholarly conversations on immigration history has been Historian Erika Lee's latest book, *America for Americans: A History of Xenophobia in the United States*. Lee argued that the United States has been known to be a nation of immigrants but also a nation of xenophobia. She examines how each century, different immigrants were targeted. Americans have feared different groups of immigrants that have come to the United States: German immigrants in the eighteenth century; Irish and Chinese in the nineteenth century; Italians, Jews, Japanese and Mexicans in the twentieth century; and Muslims and Mexicans today.¹

Lee stated that Americans labeled immigrants as threats because they were poor, practiced a different faith than their own and were nonwhite. The language of xenophobia is that immigrants were criminals, brought disease, had dangerous political ideals, taking Americans' jobs, will not assimilate and they will impose their culture on Americans, were un-American or hated America. Because of this, the United States has passed many discriminatory immigration

¹ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, (Basic Books, New York, 2019), 3.

laws.² Lee explains that there are common elements that define nativism. When there are political, social, and economic downfalls, Americans blame immigrants and use them as scapegoats. I agree with her arguments. In my research, you can clearly see the negative attitudes and language of xenophobia towards undocumented children in *Plyler v. Doe* (1982) and in the political conversation of the DREAM Act in the 2007 debate. Senators argued that undocumented children do not deserve a path to citizenship because they are dangerous, criminals, and are taking American's jobs. This shows that in the United States, there are still negative attitudes on recent waves of immigrants. In her work, Dr. Lee does not focus on immigrant children. She focuses on men and women or the family as a whole.

Another scholarly work on immigration is Historian Michael Olivas' latest book, *Perchance to DREAM: A Legal and Political History of the DREAM Act and DACA*. Olivas' main argument is that the major obstacle for undocumented college students is attending higher education because they are ineligible for federal and most state financial assistance.³ I agree with Olivas that undocumented immigrants attending higher education is huge obstacle. However, in my research I argue that there are three obstacles an undocumented immigrant/DACA recipient faces. The first obstacle is obtaining a driver's license, the second is getting a job, and the third is attending higher education. In his book, Olivas, offers the first comprehensive history of the DREAM Act, which was presented on the Senate floor in 2001, and Deferred Action for Childhood Arrivals (DACA), the program that was established in 2012 by an executive order from President Barack Obama. In my second chapter, I talk about this history, but I try to

² Erika Lee, *America for Americans: A History of Xenophobia in the United States*, (Basic Books, New York, 2019), 36-37.

³ Michael Olivas, *Perchance to DREAM: A Legal and Political History of the DREAM Act & DACA*, (New York: New York University Press, 2020), 1.

simplify it in a way that everyone can understand the legal and political conversation that is happening with the DREAM Act and DACA from 2001-2020.

Historian Ronald Takaki, in his book, *A History of Asian Americans: Strangers from a Different Shore* argued that very little is known about Asian Americans and their history. Takaki examined Asians that not only immigrated to the mainland but also to Hawaii. Takaki in his book, does not study Asian Americans through statistics, he studied them through their “voices”. Through their own words, oral stories, speeches, conversations, songs, and soliloquies. He also examined their own writings- newspapers, letters, diaries, pamphlets, posters, flyers, novels, poems, autobiographies, and short stories.⁴ Their stories help us understand the immigrant experience. Takaki stated that many people recounting their stories helped them reclaim the authorship of their own history.⁵ His book shows the importance of examining different sources that are not statistics. In this thesis, I use a similar approach with the sources I examine.

Another book that has been a model for this thesis is *The Injustice Never Leaves You: Anti-Mexican Violence Texas* by Historian Monica Muñoz-Martinez. Muñoz -Martinez stated that she went to the special collections at Texas A&M University and came across an oral history labeled “Anonymous no. 237”. One of the archivists responded to her, if the interviewees decided not to make their name public at the time, then there was a high possibility that the story would be fabricated, and the interview would be unreliable.⁶ However, Muñoz-Martinez, listened to the forty-minute interview that was in Spanish. The

⁴ Ronald Takaki, *The Making of Asian Americans: Strangers from a Different Shore*, (New York: Back Bay Books, 1998), 7-8.

⁵ Ronald Takaki, *The Making of Asian Americans: Strangers from a Different Shore*, (New York: Back Bay Books, 1998), 9.

⁶ Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*, (Cambridge: Harvard University Press, 2018), 293.

interviewee recalled a serious of murders he witnessed. He testified the history of racial violence as he lived it and remembered it in 1915 when he was 9 years old.⁷ In this thesis, I interviewed three individuals that recalled what it was like to be immigrant children in the early 2000's.

Other historians have discussed the importance of why immigrants come to the United States and why they leave. *Round-Trip to America: The Immigrants Return to Europe, 1880-1930*, Historian Mark Wyman gives a detailed history of the immigrant's experience. His main argument is that not all immigrants that came to the United States stayed.⁸ Many immigrants came to the United States for the opportunity to work and then go back to their home countries. Immigrants from 1880-1930 did not come to the United States to establish jobs in agriculture. They did not come to be farmers. These immigrants came to work in factories. There is this idea that people want to come to the United States because it is considered the best country. However, Chapter One of *Round Trip to America* is very controversial because Americans question why immigrants go back to their home countries, if the United States is considered the best. This also connects with *Crossings: The Great Transatlantic Migrations, 1870-1914* by Historian Walter Nugent. He argued that the United States is not an exceptional country. The U.S. is part of a global system of people and goods. Many immigrants went back to their home countries because coming to the U.S. was a strategy. They needed to accumulate funds and then they would go back. Nugent argued against American exceptionalism.⁹

⁷ Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*, (Cambridge: Harvard University Press, 2018), 294.

⁸ Mark Wyman, *Round-Trip to America: The Immigrants Return to Europe, 1880-1930*, (Ithaca: Cornell University Press, 1993), 4-14.

⁹ Walter Nugent, *Crossings: The Great Transatlantic Migrations, 1870-1914*. (Bloomington: Indiana University Press, 1995), 5.

I argue even if the DREAM Act is eventually passed, it will take many years for these immigrants to become U.S. citizens. This is a lengthy process because first they need to become Conditional Residents by being accepted in an institution of higher education, then they must attend a two- or four-year education institutions or join the military to become Permanent Residents. Finally, they are able to apply to become U.S. citizens. However, to be granted citizenship, it would take about five years. I also argue that many senators are not willing to approve the DREAM Act and are stalling to pass this bill because they do not want to help these immigrants. Every year, undocumented immigrants get older and they lose the chance to qualify for the DREAM Act. They must be under the age of thirty to apply.

My main argument is immigrants have always been and still are, easy targets. Politicians create immigrants as scapegoats in order to avoid the social, political, cultural, and economic issues that are affecting people on both sides of the border. They divert attention in order not to deal with the real problems. The DREAM Act 2007 debate clearly shows the arguments of those who are in favor and those who are opposed. Those who are opposed make the argument that undocumented children do not deserve a path to citizenship because they are dangerous, criminals, and are taking Americans' jobs. What many senators forget is that children immigrating to the U.S. is not new. This has happened for many decades and there is no law in the U.S that protects them or helps them gain citizenship. Senators that are in favor of the DREAM Act argue that these are children that immigrated, and they did not make the choice to come to this country and should not be punished. However, this debate clearly shows the political usage of immigrant children. How is it that they are going to help the United States? How is the United States going to benefit from having them in the country?

The importance of this research is to educate the public on the history of the DREAM Act and DACA. It gives readers an insight on who these undocumented children are, and those who gained DACA status. This research will show their experiences when they were undocumented and how DACA changed their lives. This research is important because years from now historians can examine this history, especially the oral history presented in Chapter Three, and have a better understanding of who these DACA recipients are and see their experience living in the United States as undocumented immigrants and then transitioning to having DACA.

Chapter One: Immigration Laws and their Effects on Immigrant Children

Introduction

Immigration laws gave rise to practices such as stereotypes and misconceptions about race, skin color, religion, class, and sexuality. Immigration laws reinforced preexisting U.S. racial hierarchies. Laws determine who is allowed to enter and stay in the United States. Historian Natalia Molina argued that racialized groups are linked with one another over time because laws that are directed at one group can be easily applied to another. This is a pattern that we see throughout history. As historians, we must examine immigration laws and practices because they structure and led to how Americans view and treat immigrants.

Historians have not examined how immigration laws have affected immigrant children living in the United States. This chapter begins with a survey of immigration laws from 1952-1965, which affected all immigrants. Then it focuses on the years 1975-to 2001 to explore how immigration laws and court cases were used to target immigrant children living in the United States. It is important to understand these immigration laws because it gives us a better understanding that there is no unified system in the United States. Each state has its own laws regarding education for undocumented immigrants. Since there is no unified system, it makes it harder for Congressmen to come together and pass an immigration reform which would be applied to all 50 states. This chapter sets the historical background to immigration laws on immigrant children which then leads to the making of the Development Relief and Education for Alien Minors 2001 (DREAM Act) and the Deferred Action for Childhood Arrivals 2012 (DACA). This chapter is a historical background of the 20th century immigration laws. It shows

that from 1950-2001, immigrant children have been targeted and no immigration reform has been passed to help undocumented children succeed in the United States.

Impact of the Immigration Act of 1952

In the 19th and 20th century, many immigration reforms were implemented to keep immigrants from entering the United States. The Chinese Exclusion Act of 1882 was the first restrictive immigration policy in the United States that was aimed at a nationality. This act included several loopholes, allowing Chinese merchants, students, and travelers, to enter the United States. The U.S. needed these immigrants for their source of cheap labor. Although there was a fear of the immigrant, they were still needed but treated unfairly. From 1882 to 1943 about 25 percent of Chinese immigrants used the “paper sons” identity.¹⁰ “Paper sons” were Chinese immigrants that came to the U.S. and purchased fraudulent documents that stated they were blood relatives to Chinese Americans who had already received U.S. citizenship. This had consequences in the future because admittees had to change their names and form a new identity. Not only did they keep their new names and families over time, they also incorporated these fictions into their true family histories. These immigrant children had to struggle with their identities and how the past and the present were to be understood and labeled. Chinese immigrants had to lie about their past and continue to lie in the future in order to enter and stay in the U.S. These immigration reforms affected immigrants that were already living in the United States.

¹⁰ Estelle Lau, *Paper Families: Identity, Immigration Administration, and Chinese Exclusion*. Durham, Duke University Press, 2006.

From 1924 to 1965 race and citizenship were constructed through debates over Mexican immigration. Historian Natalia Molina explores how Mexicans' and Mexican Americans' access to citizenship was challenged by proposals to change their racial classification from white to Indian. This would have prevented immigrants from naturalizing. There were also movements to prevent them from claiming birthright citizenship. There were several practices that were put in to exclude Mexicans in the 1940s and the 1950s and it continued to make them deportable. The main ones were immigration laws. The 1924 Immigration Act was the nation's first comprehensive restriction law. It remapped the nation in terms of new ethnic and racial identities, specifically transforming denigrated European ethnics into "whites" while simultaneously criminalizing Mexicans as illegal workers who crossed into the United States without authorization.¹¹

As Molina notes, "Immigration laws are perhaps the most powerful and effective means of constructing and reordering the social order in the United States."¹² It was immigration laws that gave rise to practices such as stereotypes and misconceptions about race, skin color, religion, class, and sexuality. This determined who is allowed in the United States. Immigration laws reinforced preexisting U.S. racial hierarchies.

In 1952, Senator Patrick McCarran (D-NV) joined Francis Walter (D-PA) in sponsoring the Immigration and Nationality Act of 1952, also known as the McCarran-Walter Act. This law upheld the national origins quota system that was established by the Immigration Act of 1924. Compared with what had come before, the McCarran-Walter Act created opportunities for increased Asian immigration. This law allowed each Asian country a minimum quota of 100

¹¹ Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts*. Berkley, University of California Press, 2014, 1.

¹² Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts*. Berkley, University of California Press, 2014. 11.

visas each year and it eliminated the laws that prevented Asians from becoming naturalized American citizens. In reality, however, this Act continued to discriminate against them because the low quota numbers and racial construction of how to apply them ensured that total Asian immigration after 1952 would remain very limited.¹³ President Truman vetoed the bill because he objected to what he called the “greatest vice of the quota system”: it discriminates, deliberately and intentionally, against many of the peoples of the world.¹⁴ This law had enough support in Congress to pass over his veto and became a law.

Changes in Immigration Laws

1965 marked a watershed in American immigration history. On October 1965, President Lyndon B. Johnson held an event at Liberty Island in New York. The occasion was the signing of the Hart-Celler Act, a landmark immigration bill. The Immigration and Nationality Act of 1965, also known as the Hart-Celler Act abolished the quota system that was based on national origin, which was established in the 1920s. This immigration policy was based on reuniting immigrant families and attracting skilled labor to the United States. Originally, the event was supposed to take place on Ellis Island, but the former immigration station was in such poor condition that it was moved to Liberty Island. Hundreds of guests were invited to this event. Some of them included Lady Bird Johnson; their daughter Luci Baines Johnson; Vice President Hubert Humphrey and his wife, Muriel; Senators Robert Kennedy and Edward Kennedy; several

¹³ The Immigration and Nationality Act of 1952 (The McCarran-Walter Act), *Office of the Historian, Foreign Service Institute*, United States Department of State, <https://history.state.gov/milestones/1945-1952/immigration-act>.

¹⁴ Roger Daniels, *Coming to America, A History of Immigration and Ethnicity in American Life*, HarperCollins, New York, 2002, 332.

governors and members of Congress. This law, according to the young Senator Edward Kennedy, reaffirmed “our nation’s continuing pursuit of justice, equality, and freedom.”¹⁵

Senator Kennedy from Massachusetts moved this immigration bill through the Senate even though Southern Democrats opposed the bill. For Senator Kennedy, this immigration bill was a landmark piece of civil rights legislation. Emanuel Celler, chairman of the House Judiciary Committee, was a longtime advocate of immigration reform. He represented the Italians, Jews, and African Americans from his Brooklyn district for over forty years. In one of his speeches in Congress, he had called the 1924 Immigration act “cruel and heartless”.¹⁶ Congressman Michael Feighan of Ohio, chair of the immigration committee in the House, a lawyer from Cleveland who had twenty years in Congress did not support this immigration law. Throughout his years in office, he never showed interest in immigrations reforms. Feighan strongly supported the national origins quota system. However, Feighan, Kennedy, and Celler compromised with this immigration law.¹⁷ It passed Congress in October 1965. During the event signing, President Johnson talked about civil rights and equality. According to him, the old system was based on “prejudice and privilege” which casts a shadow upon the “gate to the American Nation.”¹⁸ With this act, he stated, the United States was recommitting to honoring its immigrant heritage because the United States was built by the work of strangers. This Act remains the foundation of the United States immigration policy today. It helped bring a new era of mass migration from Latin America and Asia.

¹⁵ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, Basic Books, New York, 2019, 222.

¹⁶ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, Basic Books, New York, 2019, 222.

¹⁷ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, Basic Books, New York, 2019, 222-223.

¹⁸ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, Basic Books, New York, 2019, 224.

The Immigration and Nationality Act abolished the earlier quota system based on national origin (1924) and established a new immigration policy based on reuniting immigrant families and attracting skilled labor to the United States.¹⁹ This new immigration law prohibited discrimination on the basis of race, sex, nationality, place of birth, or place of residence in the US government's decisions to issue immigrant visas.²⁰ The Immigration Act was a huge steppingstone to immigration and civil rights law. This Act was what ended the policy of admitting immigrants on the basis of racist ideas such as "inferior" and "superior".²¹ According to Historian Erika Lee, however, xenophobia did not end with the 1965 Immigration Act. Xenophobes denounced immigrants' undocumented status rather than their race or national origin.²² This Act was partly inclusion for some and exclusion for others. The Immigration Act of 1965 prohibited people from receiving visas and gaining admission to the United States on the basis of sexual orientation. It also maintained restrictions based on nationality in its provisions pertaining to refugees. As Lee notes, "only people who came from 'Communist or communist-dominated countries or the general area of the Middle East qualified for refugee status.'"²³ It continued to grant the same number of visas to every sending nation.²⁴ Although the 1965 Act improved what the 1953 Act was trying to accomplish, it set the precedent that the power of the U.S. government could deny visas for ideological reasons.

¹⁹ Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of Alien America*, Massachusetts, 2018, 232.

²⁰ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, Basic Books, New York, 2019, 224.

²¹ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, Basic Books, New York, 2019, 224.

²² Erika Lee, *America for Americans: A History of Xenophobia in the United States*, Basic Books, New York, 2019, 224.

²³ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, Basic Books, New York, 2019, 244.

²⁴ Beth Lew-Williams, Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of Alien America*, Massachusetts, 2018, 232.

Laws and Court Cases Targeting Undocumented Immigrant Children

In the years 1882, 1924, 1952, and 1965, immigration reforms did not directly address immigrant children. From 1975-200, several immigration reform and court cases in the U.S. specifically targeted immigrant children. In 1975, the Texas Legislature enacted laws that granted local school districts the authority to deny enrollment to undocumented, non-citizen children.²⁵ The legislature also withheld state funding that would have provided social services to children who did not have authorization to live in the United States. Withholding funding meant that undocumented children were forced to pay tuition to attend public schools. In 1982, four undocumented immigrant families filed a class action suit against the state of Texas. After a district court ruled against the state, the case went to the U.S. Supreme Court. The question that was asked in the Supreme Court was, whether the Texas law denying undocumented immigrant children free public education was an unconstitutional denial of the equal protection clause of the Fourteenth Amendment.²⁶ The Court ruled against the state of Texas with a 5-4 vote. In *Plyler v. Doe*, the court applied an enhanced form of constitutional scrutiny to a non-suspect classification. This means that the plaintiff (Plyler) sued for discrimination. *Plyler* provides the constitutional basis for undocumented children to receive public education on the same basis as other children. However, *Plyler v. Doe* did not guarantee immigrant children financial aid help to attend higher education.

In *Plyler v. Doe*, Justice Brennan stated that distinguishing between documented and undocumented children in the provision of the free public education violated the Equal Protection Clause. He acknowledged that the Fourteenth Amendment protects all people within a

²⁵ *Plyler v. Doe*, 457 US 202 (1982) <https://www.uscourts.gov/educational-resources/educational-activities/access-education-rule-law>.

²⁶ *Plyler v. Doe*, 457 US 202 (1982) <https://www.uscourts.gov/educational-resources/educational-activities/access-education-rule-law>.

state's jurisdiction, including undocumented immigrants. Justice Brennan also stated that undocumented immigrant children were members of a special underclass in the country. Undocumented immigrant children have no control over their parents' unauthorized entry in the United States. Also, they could not change their own immigration status.

Although education is not a fundamental right in the United State, Justice Brennan emphasized that denying basic education to a discrete class of children would prevent them from contributing to the nation's progress. The state argued that denying free educational services to immigrant children furthers the important governmental interest in preserving limited fiscal resources. However, Justice Brennan rejected that argument by stating that immigrant children place no special burden on the state's ability to provide quality education. He argued that denying undocumented children the same free education provided to the state's other children fails constitutional scrutiny. The court struck down the Texas law as unconstitutional, by affirming the judgement of the court of appeals.

Justice Marshall emphasized that education is a fundamental right protected by the Due Process Clause of the Fourteenth Amendment. Justice Blackmun concurred that the state should need more than just a rational basis to justify the denial of basic education. He argued, "when a state provides an education to some and denies it to others, it immediately and inevitably creates class distinctions of a type fundamentally inconsistent with" the purposes of the Equal Protection Clause because "an uneducated child is denied even the opportunity to achieve."²⁷ Justice Powell noted that denying basic education to a wide class of people would likely have negative social costs.

²⁷ *Plyler v. Doe.*, 457 US 202 (1982) <https://www.uscourts.gov/educational-resources/educational-activities/access-education-rule-law>.

Chief Justice Burger dissented. He admonished the majority for overstepping its bounds to handle policy problems related to undocumented immigrants. Chief Justice Burger argued that because undocumented immigrant children are a non-suspect class, the rational basis standard applied. By that standard, Justice Burger would have upheld the law and said it was constitutional. He argued, if the rational basis was applied, the state has a legitimate interest in reserving its limited fiscal resources for U.S. citizens. The law is rationally related to that cost-saving purpose. The final ruling was in favor for immigrant children to receive the same education as a U.S. citizen.

Plyler v. Doe decision established the right for undocumented children to receive public education. However, it did not guarantee them a right to financial aid for higher education. The University of Maryland in 1973, adopted a policy granting preferential treatment for the purpose of fees and tuition to students with “in-state” status. This policy excluded undocumented immigrants. “When the University relied on this policy to deny in-state tuition to respondent students who were G-4 dependents residing in the state. The respondents were Juan Carlos Moreno, Juan Pablo Otero, and Clare B. Hogg were students at the University of Maryland. They filed a class action against the University of Maryland and its President, seeking declaratory and injunctive relief.”²⁸ This means that the respondents were trying to get the University of Maryland to stop charging out-of state fees to other G-4 students. G-4 visa is a non-immigrant U.S. visa for employees of international organizations and members of their immediate families.

The Maryland Court of Appeals concluded that nothing in the Maryland law of domicile rendered G-4 visa holders, or their dependents, incapable of being domiciled in a state.²⁹

However, before the Supreme Court could render its opinion on this interpretation, the

²⁸ *Toll v. Moreno.*, 441 US 458 (1979) https://www.law.cornell.edu/wex/toll_v._moreno.

²⁹ *Toll v. Moreno.*, 441 US 458 (1979) https://www.law.cornell.edu/wex/toll_v._moreno.

university's Board of Regents issued a "Reaffirmation of In-State Policy."³⁰ The statement was a retreat from their previous position. Even so, it did not allow residency tuition for plaintiff Moreno. It was not until 1989 that the Supreme Court decided *Toll v. Moreno*. The Court argued that the University of Maryland's policy of denying G-4 visa holders, cannot deny them the opportunity to pay reduced, in-state tuition. They came to this conclusion based on the federal government and its preeminent matters of immigration policy. States may not enact alienage classifications except in limited cases of political and government functions.³¹

However, there are a number of states that had residency requirements that were identical or resembled Maryland's practice. Many administrations in private and public institutions do not understand their legal responsibilities to foreign nationals who apply for admission, in-state tuition, and financial aid assistance.³² If there is no clarification, undocumented immigrants will not receive federal aid and higher institutions will charge them out of state tuition fees.

In 1986, President Ronald Reagan signed the Immigration Reform and Control Act (IRCA). This Act contained four major provisions: amnesty; requirements that employers verify the eligibility of all newly hired employees to work in the United States; provisions of tough sanctions, including prison sentences, for employers who hire illegal aliens; and special provisions to make it easier for growers, mainly in Texas and California, to import foreign agricultural workers.³³ The first section of the law provided amnesty for 2.73 million

³⁰ Michael Olivas, *Perchance to DREAM: A Legal and Political History of the DREAM Act & DACA*, New York University Press, 2020, 11

³¹ Michael Olivas, *Perchance to DREAM: A Legal and Political History of the DREAM Act & DACA*, New York University Press, 2020, 11.

³² Michael Olivas, *Perchance to DREAM: A Legal and Political History of the DREAM Act & DACA*, New York University Press, 2020, 13.

³³ Roger Daniels, *Coming to America, A History of Immigration and Ethnicity in American Life*, HarperCollins, New York, 2002, 392.

undocumented immigrants, including two million Mexicans.³⁴ IRCA allowed undocumented immigrants to apply for temporary resident status, then gain permanent residency, and eventually citizenship. However, every applicant had two or more hurdles in order for their application to be successful. First, within the two and a half years of acceptance into the program, each recipient was required to file and successfully complete an application for permanent residence. In order for them to obtain that status, the applicant had to show that they had resided in the U.S. continuously since their acceptance in the program. They had to have no criminal convictions or pending persecutions, submit a negative test for AIDS antibodies, not have been on welfare and demonstrate financial responsibility. They were also required to demonstrate a knowledge of the English language and United States history. If the second application was not completed within the two and a half years, the amnesty would lapse and the applicant once again became an undocumented immigrant subject to deportation. The second hurdle happens five years after the applicant has received permanent residence. The applicant then, and only then, could file for United States citizenship. Applicants could lose their permanent resident status if they went on welfare, were convicted of a crime, or left the United States.³⁵

Failure to Overrule Plyler v. Doe

In 1994, a ballot initiative that was designed to eliminate all state benefits to undocumented immigrants passed in California. Senator Dick Mountjoy (R-CA) authored the initiative, which was called Proposition 187. This measure would have denied undocumented

³⁴ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, New York, Basic Books, 2019, 260.

³⁵ Roger Daniels, *Coming to America, A History of Immigration and Ethnicity in American Life*, HarperCollins, New York, 2002, 393.

immigrants essential health, public education and emergency medical services.³⁶ It also would have overruled *Plyler v. Doe* and denied educational benefits to these undocumented children. “Proposition 187 was passed by California voters in 1994 by a 59%-to-41% margin, but enforcement has been blocked by a federal judge because it was considered unconstitutional because it violated the federal government’s exclusive jurisdiction over matters relating to immigration.”³⁷

In 1996, Representative Elton Gallegly (R-CA) introduced federal legislation to overturn *Plyler*. The amendment would have allowed the states to decide if they wished to pay for the education of undocumented immigrant children. Half of the Senate was opposed to the Gallegly Amendment because it would allow states to deny public education to children who were brought to the United States illegally. This was opposed by most congressional Democrats, some liberal Republicans, and by President Clinton, who threatened to veto the bill if the amendment were included in any bill passed by Congress.³⁸ Senators Phil Gramm and Kay Bailey Hutchison, both Texas Republicans, signed a letter to defeat this amendment.³⁹ They sent this letter to Senate Judiciary Committee Chairman, Orrin G. Hatch, (R-UT), who was negotiating differences between immigration bills prepared by the House and the Senate in Spring of 1996.⁴⁰ Gallegly responded by “softening” the amendment with a "grandfather" clause. This meant that undocumented immigrant children who were enrolled in elementary school

³⁶ Michael Olivas, *Perchance to DREAM: A Legal and Political History of the DREAM Act & DACA*, New York University Press, 2020, 22.

³⁷ “Immigration Bill Bugged down in Congress.” *Human Events*, September 27, 1996.

<http://search.ebscohost.com.ezproxy.lib.usf.edu/login.aspx?direct=true&db=aph&AN=9610021215&site=eds-live>.

³⁸ “Immigration Bill Bugged down in Congress.” *Human Events*, September 27, 1996.

<http://search.ebscohost.com.ezproxy.lib.usf.edu/login.aspx?direct=true&db=aph&AN=9610021215&site=eds-live>.

³⁹ Brian Blomquist. "Senators resist ban on school for aliens." *Washington Times*, News World Communications, Inc., July 3, 1996, 4. <https://link.gale.com/apps/doc/A56837542/BIC?u=tamp44898&sid=BIC&xid=90756263>.

⁴⁰ Brian Blomquist. "Senators resist ban on school for aliens." *Washington Times*, News World Communications, Inc., July 3, 1996, 4. <https://link.gale.com/apps/doc/A56837542/BIC?u=tamp44898&sid=BIC&xid=90756263>.

would be allowed to attend American public schools free through the 6th grade but would have to pay tuition after that. Undocumented immigrant children who were enrolled in the 7th grade or higher would get a free education, courtesy of American taxpayers, all the way through high school.⁴¹ The Gallegly Amendment ended up being unsuccessful. However, there were two major laws in 1996 that would restrict immigration and the status of immigrants.

Immigration Laws and Their Effects on Immigrant Children

Although it was not principally an immigration act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) directly affected immigrant children. The act was supposed to help American families move from being on welfare to having jobs. This legislation was enacted on August 22, 1996. PRWORA ended aid eligibility for new legal immigrants who resided in the U.S. U.S. citizen children whose family members were immigrants, would continue to be eligible for Medicaid. Children who were noncitizen legal immigrants already residing in the U.S. when the legislation was enacted would not lose their Medicaid entitlement if the states that they lived in continued to cover them. However, those who immigrated to the U.S. after August 22, 1996, such as children who immigrated legally, undocumented immigrant children, temporary residents, and those who are considered lawfully present, would not receive eligible nonemergency Medicaid unless their families were refugees or asylees.⁴² The PRWORA shows a clear relationship of immigration and social policy in a critical part of the national debate over immigration policy. It demonstrated how politicians and Americans viewed immigrants. PRWORA made it so immigrants would pay their own way to

⁴¹ “Immigration Bill Bugged down in Congress.” *Human Events*, September 27, 1996.

<http://search.ebscohost.com.ezproxy.lib.usf.edu/login.aspx?direct=true&db=aph&AN=9610021215&site=eds-live>.

⁴² Donald J. Hernandez, *Children of Immigrants: Health, Adjustment, and Public Assistance*, Washington D.C., 1999, 179.

live in the United States. For many U.S. citizens, it was considered wrong for immigrants to depend on welfare.⁴³

The second significant piece of legislation was the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This law changed the rights that undocumented immigrants and legal permanent residents had living in the U.S. This law affected the lives of many undocumented immigrants because they were not able to live a normal life. The IIRIRA stopped undocumented immigrants from receiving benefits such as federally sponsored loans, public health services, retirement, business licenses, contracts, disability, welfare, unemployment benefits, and food assistance.⁴⁴ These immigrants lived and worked as hard as a U.S. citizen, but they would not receive any type of help from the government. IIRIRA also required that states deny all these benefits to immigrants unless each state passed their own legislation allowing undocumented immigrants to receive those benefits. Depending on the state, some immigrants could continue to live a normal life. In other states that were not in favor of giving these benefits, life became much harder for undocumented immigrants.

The IIRIRA also expanded the list of offences that were set to deport all immigrants. Any immigrant could be detained or deported just for committing a minor crime. Some of these offences included: drunk driving, filing a false tax return, failing to appear in court, shoplifting, minor drug possession, passing bad checks, and traffic violations.⁴⁵ U.S. citizens that were charged with offences were likely to go to jail for a night or a few days, and then go back home. If an undocumented immigrant was caught doing any of those offences, they could be deported

⁴³ Donald J. Hernandez, *Children of Immigrants: Health, Adjustment, and Public Assistance*, Washington D.C., 1999, 584.

⁴⁴ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, New York, Basic Books, 2019, 279.

⁴⁵ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, New York, Basic Books, 2019, 279.

to the country of their citizenship. This would impact immigrant children more as they get older and become adults. Undocumented immigrant children grow up in America and consider this their home. However, if an undocumented immigrant (depending on the state that they live in) drives without a license, and get pulled over, that person could not only go to jail but can also be detained and then deported to a country that is not their home. Historian Erika Lee calls this “crimmigration”. This is the merging of criminal and immigration law. This is when undocumented immigrants are subjected to a double standard because the U.S. government allows there to be a greater punishment than the crime merited and treats noncitizens far harsher than U.S. citizens.⁴⁶

IIRIRA was supposed to stop illegal immigration at the border, in the workplace, and in the criminal justice system. However, it seemed that IIRIRA hurt all noncitizens of different statuses in the United States. Senators seemed to notice this after this law was enacted. One important right that immigrants who qualified for IIRIRA did not receive was a way to be help them pay for higher education. Illegal Immigration Reform and Immigrant Responsibility Act, Section 507 states that, undocumented immigrants are not eligible for in-state tuition rates at public institutions of higher education.⁴⁷ Section 507, subsection (a) states, that an undocumented immigrant who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a United States citizen or national is eligible for such a benefit. Subsection (b) gives the effective date of this section, on or after July 1, 1998.⁴⁸ Then, Section 508, subsection

⁴⁶ Erika Lee, *America for Americans: A History of Xenophobia in the United States*, New York, Basic Books, 2019, 279.

⁴⁷ US Congress. House. The Illegal Immigration Reform and Immigrant Responsibility Act, 104th Congress, 2nd Session, September 24, 1996, 240.

⁴⁸ US Congress. House. The Illegal Immigration Reform and Immigrant Responsibility Act, 104th Congress, 2nd Session, September 24, 1996, 134.

(a) states that, “No student shall be eligible for postsecondary Federal student financial assistance unless—(1) the student has certified that the student is a citizen or national of the United States or an alien lawfully admitted for permanent residence, and (2) the Secretary of Education has verified such certification.”⁴⁹ This was another provision that immigrants had to deal with. IIRIRA specifically stated that it would not help undocumented immigrants with higher education fees. This puts an immigrant at a stop. They could not continue to progress with their life. After graduating high school, an undocumented immigrant would not be able to attend higher education. They would have to find a job and one that did not ask them for their social security number because they do not have one. At this point, undocumented immigrants start to work low paying jobs.

Sections 507 and 508 of IIRIRA directly affected immigrant children, especially those who wanted to go into higher education. They would see their classmates (that are U.S. citizens), who they grew up with, receive in-state tuition and federal aid for higher education, while these immigrant children were required to pay out of state tuition fees and received no financial aid support. It wasn't until 2001 that two Senators came together to amend part of the IIRIRA in order to permit states to determine state residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain undocumented college-bound students who are long-term United States residents. They called this new act, the Development, Relief and Education for Alien Minors, also known as the DREAM Act.

All 50 states have their own separate laws regarding undocumented college students and the establishment of residency. In the state of Florida, out of state tuition fees for undocumented students was waived in 2014. The in-state tuition waiver form is in the Educational Scholarships,

⁴⁹ US Congress. House. The Illegal Immigration Reform and Immigrant Responsibility Act, 104th Congress, 2nd Session, September 24, 1996, 134.

Fees, and Financial Aid Assistance, Section Fee Waiver, 1009.26. Section 12, that states what an undocumented immigrant must do in order to qualify for the in-state tuition waiver. First, they must first attend a secondary school in the state of Florida for three consecutive years immediately before graduating from a high school in the state. Second, they must apply for enrollment in an institution of higher education within 24 months after high school graduation and they must submit an official Florida high school transcript as evidence that they have attended and graduated.⁵⁰

Conclusion

Politicians in the United States make immigrants into scapegoats in order to avoid the social, political, cultural, and economic issues that are affecting people that are on both sides of the border. Immigrants in the United States have been easy targets throughout the years. Ordinary Americans and politicians divert attention from the real problems in this country. What fuels this scapegoating? It is fear that the minorities will take over, and fears about economic change, the redistribution of wealth, and social unrest such as strikes and radical movements. Each century, different immigrants were targeted in the United States. As historian Erika Lee explains in her book, *America for Americans: A History of Xenophobia in the United States*, themes that we see repeat each century are immigrants are the ones who are stealing jobs, criminals, will not assimilate, impose their culture on society. However, immigrants in the U.S. continue to do the best that they can in society by embracing who they are, finding their place in

⁵⁰ Online Sunshine, Chapter 1009, “Educational Scholarships, Fees, and Financial Aid Assistance”, 1009.26, Fee Waivers, http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String&URL=1000-1099/1009/Sections/1009.26.html

society and rejecting their stereotype. However, this can be difficult to do when they have laws imposed on them.

Laws are important when determining who enters the United States and who gets to stay for a long period of time. Ian Haney Lopez's *White By Law: The Legal Reconstruction of Race*, states that certain laws effectively altered the physical appearance of this country's people, attaching racial identities to certain types of feature and ancestry, and establishing material conditions of belonging and exclusion that code as race. Lopez argues that law constructs race.⁵¹ Also, "White" is an idea and it is what we believe it is.⁵² In order to define who is considered white, the courts had to define who was not white. The courts were also responsible for determining someone was considered white. I argue that politicians, Supreme Court justices, and U.S. laws determines who is allowed to reside in the United States. They are also the ones that impose the laws of who they are willing to support in this country. From 1950-2001 it seemed that Democrats and Republicans could not be in agreement on what should be done for immigrant children that were brought to the U.S. What they seem to not understand is that these children grow up in this society and this is the only home that they know. Throughout 19th century and entering the 21st century, children immigrating to the U.S. would not stop. Many politicians were ignoring the problem and not coming up with a solution for these undocumented children.

⁵¹ Ian Haney Lopez, *White by Law: The Legal Reconstruction of Race*. New York: New York University Press, 2006, 85.

⁵² Ian Haney Lopez, *White by Law: The Legal Reconstruction of Race*. New York: New York University Press, 2006, 76.

Chapter 2: A History on the DREAM Act and DACA

Introduction

As seen in Chapter One, no immigration reform was passed to help immigrant children become members of the United States. This chapter focuses on the years 2001-2020. It examines the origins of the Development, Relief and Education for Alien Minors (DREAM Act). This chapter starts by explaining that two senators that worked together on this bipartisan comprehensive immigration reform and how this Act was trying to accomplish a path to citizenship for immigrants who were brought to the United States as children. September 11, 2001 is briefly mentioned because this influenced the immigration restriction in the United States.

This chapter examines what the media and state senators' opinions were on the DREAM Act. In the 2007 debate on the DREAM Act, we clearly see Historian Erika Lee's argument on how Americans (Senators opposed to the DREAM Act) view immigrants as taking jobs and as criminals. In this political debate, I examine the political usage of immigrant children. Senators that are in favor of the DREAM Act argue how these immigrants will help the United States. Also, how United States is going to benefit from having them in the country.

With the failure of the passage on the DREAM Act in 2007 and 2010, this chapter shifts focus on the making of the Deferred Action for Childhood Arrivals (DACA). In 2011, Immigration and Customs Enforcement (ICE) director John Morton released directives announcing the expanded use of prosecutorial discretion. Under Immigration Law, prosecutorial discretion meant that ICE could choose to discontinue working on a deportation case.

Prosecutorial discretion does not award any status except a promise to delay the case and not move forward immediately with deportation. Immigrants' cases were simply put to the side.

In 2012, President Barack Obama used his executive authority to establish DACA. DACA is a temporary work authorization that allowed these immigrants to apply for social security numbers, work in the country legally, obtain a driver's license and go into higher education. In September 5, 2017, General Jeff Sessions delivered the remarks rescinding the DACA program. I briefly talk about the aftermath of rescinding the program. June 17, 2020, the Supreme Court blocked the Trump administration from going ahead with its plan to end the DACA program.

Origins of the DREAM Act

In an interview on May 11, 2011, Senator Richard Durbin (D-IL) explained that ten years earlier, he had received phone call in his Chicago senatorial office. It was from a mother. She was a Korean American immigrant. This woman had three children and her oldest daughter was an accomplished pianist who had been accepted to the Julliard School of Music in New York. When filling out the forms for Julliard, the daughter realized that they did not file any papers when they came to the United States. Senator Durbin did some research and found out that legally speaking, the daughter had to leave the United States and go back to Korea, a country that she was not raised in. According to Senator Durbin, "She'd done very well in life, but the laws weren't open to her becoming part of America. I didn't think that was right. To punish her for something that she hadn't done wrong it was unfair and unjust..."⁵³ There are many young

⁵³ Senator Richard Durbin, "The DREAM Act", May 11. 2011, accessed July, 8, 2020, <https://www.youtube.com/watch?v=RGAV7UIN3hQ>.

undocumented immigrants that live in the United States, just like this young lady. This story is one of many that inspired Senator Durbin to write the DREAM Act and fight for these young undocumented individuals that were brought to the United States as children. Senator Durbin and Senator Orrin Hatch (R-UT) worked together to propose the DREAM Act in the Senate in 2001.

For many, the DREAM Act is a basic matter of justice and fairness for young undocumented people who were brought to the country as children. During a Senate Judiciary Committee on April 22, 2013, Senator Durbin shared his family's immigrant story. His mother was an immigrant. She came to the United States at the age of two, on a boat, from Lithuania. At the age of twenty-three, she was given the chance to naturalize. He argued that this happens to be America's story, when an immigrant leaves a country at a young age, settles down in another and is able to establish themselves in society.⁵⁴ Senator Durbin uses his own personal story to demonstrate that his mother came to this country at a young age and it was obviously not her decision. She was able to naturalize when she got older. He is the son of an immigrant who later became a U.S. Senator. Senator Durbin shows that this is the immigrant dream, when you can accomplish something like this.

Introduction of the DREAM Act 2001

Republican Senator Orrin Hatch from Utah in the 107th Congress, first introduced the "Development, Relief, and Education for Alien Minors Act" or "DREAM Act" (S.1291) to the committee of Judiciary. S.1291 is a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. It permitted states to determine state residency for higher education

⁵⁴ Senator Richard Durbin, "The Dream Act Is A Basic Matter of Justice and Fairness", 2014, accessed July 8, 2020, <https://www.youtube.com/watch?v=VV-t39DF3Bc>.

purposes and authorized the cancellation of removal and the adjustment of status of certain alien college-bound students who are long term United States residents;⁵⁵ Before introducing the bill, Senator Hatch made a speech on the Senate floor explaining the purpose of the DREAM Act. He stated that the DREAM Act allows children who have been brought to the U.S. through no volition of their own, the opportunity to fulfill their dreams, to secure a college degree and legal status. The purpose of this Act is to ensure that children, regardless of their status in the U.S. or their parents' illegal status, would be aided in their efforts to attend college and provide adjustment of status to undocumented children who secure a higher education degree.

The requirements of the DREAM Act are as follows: it offers undocumented children the opportunity to earn a permanent residency in the U.S, in addition to earning either a 4- or 2-year college degree. They must have resided in the U.S. for 5 years, be a person of a good moral character, not been convicted of certain offences, and have been admitted to a qualified institute of higher education. Having qualified for the Act, the individual may adjust his or her status to that of a conditional permanent resident. The student has 4 or 6 years to graduate from a qualified institution. Upon graduation the student must remain a person of good moral character and maintain his or her continuous physical presence in the U.S. Assuming that the student has not become removable based on criminal convictions on security grounds, the conditions of the student's status are removed and that student becomes a full-fledged permanent resident.⁵⁶ The DREAM Act does not automatically provide permanent residency to undocumented individuals.

⁵⁵Senator Orrin Hatch, 147. Cong. Rec., S 8579, 107th Cong., 1st sess., August 1, 2001, <https://congressional.proquest.com/congressional/docview/t17.d18.c4867a5d0a000a1c?accountid=14745>.

⁵⁶ Senator Orrin Hatch, 147. Cong. Rec., 107th Cong., 1st sess., August 1, 2001, vol. 147, no. 110, pg. S8579 <https://congressional.proquest.com/congressional/docview/t17.d18.c4867a5d0a000a1c?accountid=14745>.

They must first earn the Conditional Permanent residency status. Then, they must earn the Permanent Resident status by proving that they have done all of the requirements.

At the end of his speech, Senator Hatch urged his colleagues to support this bill so that they could provide hope and opportunity to thousands of deserving undocumented children. S.1291 would not immediately provide permanent residency to undocumented immigrants. They must first earn the conditional permanent residency status. Later, they could earn the permanent resident status by proving that they have met all of the requirements. The DREAM Act would have provided undocumented individuals with a path to citizenship. However, it would be a long path that will take years for them to receive citizenship.

After Senator Hatch introduced the DREAM Act, the media began to spread the news on the bill and many questions began to rise. There seemed to be some misinformation from the bill's requirements section and from Senator Hatch's speech that needed a lot of clarification. Senator Hatch received opposition from certain senators. First, Senator Hatch explained that the bill would not grant undocumented individuals with in-state tuition. "Rather, it repeals a provision of federal law that prevents States from doing so if they so choose. In other words, it takes immigration - a federal issue - out of a state-based decision."⁵⁷ Senator Hatch explained that his home state of Utah had passed a bill that would allow long-term undocumented children to pay in-state tuition.⁵⁸ Utah's bill, however, would only be effective upon the repeal of this provision of federal law. He insisted that it would be up to every state to pass their own law to allow (or deny) undocumented students to pay in-state tuition. For example, the state of Arizona

⁵⁷ Azia Haniffa, "DREAM Act will help needy but illegal minors", *India Abroad*, New York, August 2, 2002, accessed July 18, 2020, 1.

⁵⁸ Azia Haniffa, "DREAM Act will help needy but illegal minors", *India Abroad*, New York, August 2, 2002, accessed July 18, 2020, 2.

later passed a number of laws making it difficult for undocumented individuals to go to college. In 2006, the state of Arizona approved Proposition 300, which stopped undocumented immigrants from receiving in-state tuition at colleges and universities.⁵⁹

Second, Senator Hatch clarified who qualified for the DREAM Act. Only those who have been long-term undocumented children may earn lawful status upon graduation from high school. He reiterated that immigrants who crossed the border today, yesterday, a week ago, or four years ago and 364 days preceding the date of enactment of the bill would not qualify for it. When Senator Hatch first introduced the DREAM Act, he stated that undocumented individuals who committed “certain offences” could qualify. He was later forced to clarify, insisting that “an alien convicted of a crime involving a moral turpitude or a controlled substance violation is ineligible for relief due to the ‘good moral character’ requirement in the bill.”⁶⁰ Senator Durbin needed to clarify this because there is a stereotype that undocumented immigrants are criminals. He stated if they are, they will not receive relief. Fourth, immediate family members will not receive any benefits.⁶¹ This means undocumented individuals who apply would be the only ones receiving the benefits and no one else in their family will get any benefits.⁶²

Senator Patrick J. Leahy (D-VT) voiced his support for the bill. However, he argued the denial of in-state tuition to undocumented children is unfair. Senator Leahy argued that by not providing those who qualify for the DREAM Act financial aid for higher education, they will not be able to pursue their education and contribute to the American society. Senator Leahy also

⁵⁹ Jeremy Duda, “Proposed federal legislation would provide to legal residency for long-term undocumented aliens”, *Arizona Capitol Times*, Phoenix, Arizona, September 12, 2008, 1-2, accessed July 18, 2020, 1.

⁶⁰ Azia Haniffa, “DREAM Act will help needy but illegal minors”, *India Abroad*, New York, August 2, 2002, accessed July 18, 2020, 2.

⁶¹ Michael Phulwani, “Immigration: Dream Act Legislation”, *News India-Times*, New York, September 20, 2002, accessed July 18, 2020, 2.

⁶² Michael Phulwani, “Immigration: Dream Act Legislation”, *News India-Times*, New York, September 20, 2002, accessed July 18, 2020, 2.

stated that denial of a college education is short-sighted, and urged passage of the bill as amended. Senator Maria Cantwell (D-Wash) explained that this was “an important enough issue” and indicated that she would be a cosponsor of the bill.⁶³

Senator Jon Kyl (R-AZ) opposed the adoption of the bill. “He stated that the story of undocumented children could be replicated by millions who want to be U.S. citizens, but that it was not possible for the U.S. ‘out of goodness of heart to accept everyone with those qualities.’”⁶⁴ He argued that that the committee needed to deal with the problem of illegal entry before granting legal status. If not, he said, it would encourage illegal entries. Senator Kyl used the statistics of Congressional Research Service (CRS) which stated that 500,000 individuals would benefit immediately from the bill. An additional 60,000 beneficiaries could be expected yearly thereafter. Senator Jeff Sessions (R-AL) opposed the legislation. He felt that the committee should enforce the law by not giving undocumented individuals who entered illegally an advantage. Senator Sessions stated the DREAM Act would “undermine what makes America great.”⁶⁵ He also argued that the DREAM Act as amended “allows criminals to get benefits. Certain drug users and vandals spray painting Anti-American slogans can get benefits.”⁶⁶ He pointed out, after reading the measure, even those with no intent to graduate are immune from deportation.

However, Senator Hatch pointed out that he and other Senators had been approached by undocumented immigrants who have lived in the United States for many years. These

⁶³ Michael Phulwani, “Immigration: Dream Act Legislation”, *News India-Times*, New York, September 20, 2002, accessed July 18, 2020, 3.

⁶⁴ Michael Phulwani, “Immigration: Dream Act Legislation”, *News India-Times*, New York, September 20, 2002, accessed July 18, 2020, 2.

⁶⁵ Michael Phulwani, “Immigration: Dream Act Legislation”, *News India-Times*, September 20, 2002, accessed July 18, 2020.

⁶⁶ Michael Phulwani, “Immigration: Dream Act Legislation”, *News India-Times*, September 20, 2002, accessed July 18, 2020.

immigrants shared their personal, heartbreaking stories with these Senators. As Senators, they deal with these situations through private immigration bills. Sometimes these immigrant stories get lost with the political conversations that happen. However, it is important to remember their stories because they are real human beings. Many were brought to U.S. as children through no act of their own. Many assimilated into the American culture by attending school and even attending college. “They grow up to be contributors to society, working to better themselves and provide for their families. But the law denies them any chance, no matter what their individual accomplishments, to become lawful permanent residents.”⁶⁷

The Influence of September 11, 2001 on Immigration Restriction

In *Perchance to Dream: A Legal and Political History of the DREAM Act and DACA*, Michael Olivas stated it was the events on September 11, 2001 that led national security fears in the United States. The DREAM Act would have likely passed if it was voted on before 9/11 or when the war efforts to Afghan and Iraq were greater. Several of the terrorists involved in the deadly 9/11 attacks were out-of-status college students.⁶⁸ Arab and Muslim immigrants were identified as national security threats. After the terrorist attacks of 9/11, there was a justification for the rising levels of violence, surveillance, and discrimination aimed at Muslims. Going to war after 9/11 excluded many immigrants that were in the United States. There was also immigration enforcement regime in the country by targeting undocumented immigrants. Immigration raids,

⁶⁷ Azia Haniffa, “DREAM Act will help needy but illegal minors”, *India Abroad*, August 2, 2002, accessed July 18, 2020.

⁶⁸ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 43.

removal campaigns, and citizenship requirements have affected many more immigrants than suspected terrorists.⁶⁹

Many undocumented immigrants work and live in the U.S. under the government's radar. They are not identified in the system and are invisible. If the government were to track these millions of undocumented immigrants in the country, it would be protecting the nation from terrorists' attacks. One way of doing that is by allowing undocumented immigrants to apply and receive a drivers' license. Many states deny undocumented immigrants drivers' licenses. A driver's license provides a basic identification. This is a document heavily relied by law enforcement.⁷⁰ However, restrictionists who are not in favor of undocumented immigration play on a fear of terrorism in insisting that there be a greater enforcement and punitive treatment of undocumented immigrants. It seemed that this is the picture that many Americans had of what immigrants would do. Because the attackers were not American citizens, many Americans began to view immigrants as foreigners who would hurt the United States. Anti-immigrant attitudes, prejudice and rhetoric have been repeated throughout history on different immigrant groups. The arguments from nativists have always been that there are too many foreigners, they are strange and different, they are not assimilating; they are a threat to peace and national security.⁷¹ Xenophobia can always shift and find a new target.⁷²

⁶⁹ Erika Lee, *America for Americans: The History of Xenophobia in the United States*, (New York: Hachette Book Group, 2019), 337; Kevin R. Johnson and Bernard Trujillo, "Immigration Reform, National Security After September 11, and the Future of North American Integration", *Minnesota Law Review*, Vol. 91, Issue 5, 2006, 1386.

⁷⁰ Kevin R. Johnson and Bernard Trujillo, "Immigration Reform, National Security After September 11, and the Future of North American Integration", *Minnesota Law Review*, Vol. 91, Issue 5, 2006, 1395-1396.

⁷¹ Erika Lee, *America for Americans: The History of Xenophobia in the United States*, (New York: Hachette Book Group, 2019), 18.

⁷² Erika Lee, *America for Americans: The History of Xenophobia in the United States*, (New York: Hachette Book Group, 2019), 73.

New Version of the DREAM Act

On July 31, 2003 another version of the DREAM Act (S.1545) was introduced to the Senate floor. Senator Hatch explained how this bill was different from the 107th Congress bill. This updated bill contained a provision that allowed high school students who were accepted to a higher institute but had not yet graduated from high school to obtain conditional status. Also, this updated bill tightened certain requirements and eliminated waivers for those who had a serious criminal record that would qualify them for deportation.⁷³ This meant that if an immigrant applied for the DREAM Act and they had a serious criminal background they would not receive relief. The DREAM Act (S. 1291) that was presented in 2001 stated the immigrant would receive relief if they had not committed certain offences. It seemed the second time the DREAM Act was presented it tightened that requirement.

The DREAM Act (S.1545) would recognize those who graduate high school with the reward of conditional resident status so that they can work toward permanent status without fear of deportation. Right after Senator Hatch gave his speech, Senator Durbin stepped in and gave his speech on the Senate floor. He explained all the obstacles that undocumented children face. He explained how the DREAM Act would provide meaningful relief for these young individuals. It would also benefit the American economy. Approving the bill would give young people the opportunity to pursue the American dream.⁷⁴

The Urban Institute reported that an estimated 360,000 undocumented immigrants who had already finished high school could be immediately eligible for six-year conditional legal

⁷³Senator Orrin Hatch, 149. Cong. Rec., 108th Cong., 1st sess., July 31, 2003, vol. 149, no. 116, pg. S10621. <https://congressional.proquest.com/congressional/docview/t17.d18.c4b763d80c000d01?accountid=14745>.

⁷⁴Senator Richard Durbin, 149. Cong. Rec., 108th Cong., 1st sess., July 31, 2003, vol. 149, no. 116, pg. S10621. <https://congressional.proquest.com/congressional/docview/t17.d18.c4b763d80c000d01?accountid=14745>.

status under Dream's provisions. 65,000 more would graduate annually and become eligible in the coming years. Many would join the armed forces, while others would enroll in institutions of higher education. The Dream Act would instantly improve their long-term prospects to be well-paid, taxpaying, high-achieving members of society.⁷⁵ After the DREAM Act was reintroduced in Congress, no action was taken on the bill. The DREAM Act was reintroduced again in 2005, in the Senate, but no action was taken on the bill. Basically, the bill languished in Congress for six years.

First Debate on the DREAM Act

On October 27, 2007, the DREAM Act (S. 2205) came before the Senate. The ensuing debate was the longest, most animated debate the bill would have in the Senate. As such, it is worth analyzing at some length in order to see the ways that supporters and opponents of the bill made their cases. This is the first time Senators debated their reasons for why they were in favor or why they were against the DREAM Act. Senator Harry Reid (D-NV) began the debate by explaining how he and President George W. Bush were in agreement on the need for a comprehensive immigration reform. Senator Reid supported the DREAM Act. He explained why he believed Congress should vote for the legislation and what the DREAM Act recognizes: "We should vote for this legislation because the DREAM Act recognizes that children should not be penalized for the actions of their parents. Many of the children this bill addresses came here when they were very young. Many don't even remember their home countries-in fact, most of them don't-or speak the language of their home countries. They are as loyal and devoted to our

⁷⁵ Associated Press, "A Future for Children; Young immigrants should be given a chance to succeed in America – even if they entered illegally", Washington Post, September 26, 2007.

country as any American.” Senator Reid continued, “Only children who came to the United States when they were 15 years old or younger and have been in the United States for at least 5 years and are now not yet 30 years old can apply. Those who are eligible must earn a high school diploma, demonstrate good moral character, and pass criminal and security clearances. They must also either go to college or serve in the military for 2 years.”⁷⁶

One of the best ways that Congressmen who were in favor of the DREAM Act gave their arguments was by sharing stories of young undocumented individuals that they personally met. This is a political tactic to get those who are opposed to understand that these immigrants are real people who were raised in the United States along with U.S. citizen. Senator Reid spoke about when he went to a small school assembly. He could tell this young lady wanted to speak to him but was really embarrassed and what she said to him was, “I am the smartest kid in my class. I am graduating from high school soon. I can't go to college. My parents are illegals.”⁷⁷ Senator Reid stated, “I have thought about that so much. I don't know where she is today. Is she doing domestic work someplace? ...She should have been able to go to college. Not a free education—that isn't what this bill calls for—but an opportunity to go to college.”⁷⁸

Then, Senator Jim Inhofe (R-OK) stepped up and disagreed with Senator Reid. Senator Inhofe explained that these people came to this country illegally, regardless of their age. He argued that they could have brought other family members here illegally, so that they could enjoy the same citizenship. Senator Inhofe is insinuating that if they pass the DREAM Act, those

⁷⁶Senator Harry Reid, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁷⁷Senator Harry Reid, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁷⁸Senator Harry Reid, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

who qualify for it, will bring more family members to the U.S. What Senator Inhofe fails to understand is that those who qualify for this Act are only applying for themselves and no one else in their family. This bill according to Inhofe, "...would be a slap in the face to all those who came here legally... This is another amnesty bill, and I believe we should not proceed to it." Amnesty is a pardon extended by the U.S. government to a group or class of people, usually for a political offense. It is the act of a sovereign power officially forgiving certain classes of people.⁷⁹ However, the DREAM Act is not an amnesty bill because that would imply that these children did something wrong and are being acquitted for the consequences of their actions. Senators that are opposed to the DREAM Act need to answer this question. How can this group of immigrants be blamed for actions that their parents took when the children were too young to have any say?

Senator Patrick Leahy (D-VT) commended those who worked hard on this bill. Senator Leahy stated that this bill would permit those young individuals that have grown up in the U.S. a chance at stability, a chance to achieve the American dream by attending college or serving in the military. Senator Leahy made a similar argument to Reid, claiming that "I do not believe it is the American way to punish young people for the mistakes of their parents."⁸⁰ Leahy argued that these young individuals did not ask to be brought to the United States. However, they had worked hard in school and if they were given the chance then they could become members of the American workforce. Senator Leahy argued that this bill is different than amnesty because of its bipartisan support. The original sponsor is the Utah Republican Orrin Hatch and its current champion, Richard Durbin, Democrat of Illinois. His last argument is that these undocumented

⁷⁹ Immigration Direct: A Leading Immigration Software Company, "Immigration Amnesty", accessed, October 15, 2020, <https://www.uscitizenship.info/articles/immigration-amnesty/>.

⁸⁰ Senator Jim Inhofe, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

individuals feel fully American, but their immigration status puts a stop to their full potential in the country.

Then, Senator Richard Durbin (D-Ill) explained that this bill will affect thousands of young people in America. He asks Congress, “What crime did these children commit? They committed the crime of obeying their parents; following their parents to this country. Do you think there was a vote in the household about their future? I don't think so. Mom and dad said: ‘We are leaving.’ And the kids packed their suitcases and followed. That is their crime. That is the only crime you can point to.”⁸¹ Democrats use this argument to show that children do not have a choice when immigrating. They do what their parents ask them to do. No child will understand why they need to leave their home. Some of them do not make the connection that they will not return because their parents are not making that communication with them. Their parents are doing what is right not just for them but for their children. Throughout his speech, Durbin explained exactly the requirements of the DREAM Act. He makes a clear point that undocumented individuals cannot have committed a crime while living in America, they have to be a person of good moral character and for them to beat the odds and graduate from high school. That is the only way that they can qualify for the DREAM Act. Opponents of the DREAM Act did not view it this way. Many felt that by passing the DREAM Act, it would “reward” illegal immigration. What many of the opposed failed to see is that children immigrating to the U.S. do not make that choice, their parents do.

Just as mentioned earlier, for Senators to show that they are in favor of the DREAM Act, they presented personal stories of young undocumented individuals to the Senators that were

⁸¹ Senator Richard Durbin, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

opposed to the bill. They tried to use this method in order to convince those that are opposed to change their vote. It is a political strategy to demonstrate that these undocumented immigrants are human beings who have names, came to the United States as children and were raised in this country. This type of strategy works because it can make someone feel some sort of empathy for these undocumented immigrants. It showed that they had no choice coming to the United States, participating in American culture and learning values in schools. They faced hardships growing up because they either can't get a job or attend higher education without being charged double the amount than their classmate who is a U.S. citizen because they do not have the proper legal paperwork. Those who do not view it this way, will argue that these immigrants are criminals, they broke the law and should not be given or "rewarded" some form of amnesty. In his speech, Senator Durbin gave stories of a few of these undocumented individuals. "The young woman from India I met in Chicago wants to be a dentist. The young man from Mexico, who is now pursuing his graduate degree in biomedical science, wants to go into research. A young girl from Texas is a graduate of nursing school but can't find a job because she is a person without a country. Tomorrow's teachers and engineers and scientists. All they are asking for is a chance."⁸² By sharing these stories, Senator Durbin is demonstrating how these young undocumented immigrants can contribute to the United States.

Senator Durbin makes a second argument, which is many of these young people do not have a country. He gives an example, "Tam Tran, who is with us today and who joined me yesterday, has been through an arduous journey, starting in Vietnam, going to Germany, then coming to the United States. Her family can't return to Vietnam and face persecution, and

⁸² Senator Richard Durbin, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

Germany would not have her. She doesn't even speak German. Yet our government tells her: Leave. She graduated from UCLA. She wants to pursue a degree and be a professor.” One of the most hard-hitting quotes that Senator Durbin gives in his speech is when he stated those who do not want immigrants in the United States will say. “Leave. We don't want you. Is that the message? If it is, it is the wrong message.”⁸³ Rather than dismissing these people, there should be a resolution to help them. This quote demonstrated what closing the door on immigrants in the United States looks like. Although, the United States has accepted people from different nationalities over the past decades, for it to close the door on immigrants now is what this country was not founded on. People all over the world have come to the U.S. and have contributed in many ways to establish this country.

Senator Durbin then talked about how other senators want to bring other individuals from overseas to the United States because they want talented people in America to make this a prosperous nation. Those Senators want to give out H-1B and H-2B visas. An H-1B Visa is a non-immigrant visa for foreign workers in ‘specialty occupations,’ which means the job they will work for requires a college degree. An H-2B visa is for non-agricultural workers coming to the U.S. for temporary employment. U.S. businesses have to prove that they need temporary employees and that they do not have enough U.S. workers who are willing to work or fill the job need. Senator Durbin argued that we already have talented individuals that are from other countries and have lived in the U.S. most of their lives. These individuals desperately need some path to citizenship. Senators that are not in agreement are not willing to help these undocumented individuals but are willing to keep giving out H-1B and H-2B visas to other individuals who

⁸³Senator Richard Durbin, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

have lived in other countries for most of their lives. He explained that the DREAM Act will put these individuals who were brought to the U.S. as children, in a lengthy application process. It will not be easy and some of them will not even make it. However, those who will make it, will make this a better Nation.

In response, Senator David Vitter (R-LA) insisted that the American people had no ill will towards these individuals. According to Senator Vitter, Democrats were not fixing the problem. In his view, they were making it worse. Vitter stated, “Inadequate enforcement plus amnesty, that is a recipe for disaster... We do nothing to stop the magnet that attracts illegal aliens here because we have little or no workplace enforcement, in particular. Yet we continue with amnesty and other programs.”⁸⁴ He basically calls the DREAM Act an amnesty bill. For Republicans, using the word amnesty is shorthanded with what they consider “bad immigration policy”. Amnesty is the act of a sovereign power officially forgiving a certain group of people. Republicans do not want to do anything with amnesty or a law that is similar to it because it means that they are accepting illegal immigration. Republicans feel that amnesty is a way to forgive what immigrants did and that they would be awarded some status to live in the country. Senator Vitter also stated that undocumented immigrants are in the country because the U.S. does not have an enforcement to keep them out. He opposed the bill and asked his colleagues to do the same. Senator Chuck Grassley (R-IA) was also against the DREAM Act. He felt that the bill is not perfect, and he wanted some changes to be made to it. Senator Grassley said that the bill was not approved by the Judiciary Committee.

⁸⁴Senator David Vitter, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

Senator Russell Feingold (D-WI) strongly supported the DREAM Act. Senator Feingold clarified what amnesty is because it had been brought up many times throughout the debate. He stated, “Some of my colleagues have suggested that this bill constitutes amnesty. But the term "amnesty" implies that these children did something wrong and are being absolved of the consequences of their actions. It is difficult to imagine how these children can be blamed for actions that their parents took when the children were too young to have any say.” Feingold continued: “The United States does not visit the sins of parents on their children in other contexts and should not do so here. Furthermore, to call the bill ‘amnesty’ ignores the fact that these children would be required to earn their legal status through academic achievement or military service.”⁸⁵ In order for this bill to be amnesty, these immigrants have to say that what they did was unlawful. However, Democrats do not view it that way because these children did not come to this country on volition of their own. Furthermore, Feingold argued that those who have been granted legal status under the DREAM Act have shown through their actions that they will contribute to the United States. He felt that the economy and the military are in great need for these individuals and they are a valuable source. This showed that Senators are not just granting status to just anyone. This act had a purpose. It would help undocumented immigrants live a normal life in the United States, while at the same time, help the country’s economy and military. Just like Senator Durbin used the point that many of these young undocumented children do not know any other home, Senator Feingold made the same argument, “...as many of them have little or no knowledge of the country from which their parents came and have known no home other than the United States.”⁸⁶ He also added to the point on immigrants contributions

⁸⁵Senator Russell Feingold, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁸⁶Senator Russell Feingold, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

to the United States. “It serves neither justice nor our national interest to deprive these children of a future and to deprive ourselves of their potential contributions.”⁸⁷

Another supporter of the DREAM Act is Senator Chuck Hagel (R-NE). He explained that every year, thousands of students graduate high schools and are unable to attend college to serve in the military because of their immigration status. Senator Hagel in his speech stated, “These young people were brought to the United States by adults who were breaking the law. In America, we have never held children responsible for their parents' sins. It is not the habit of the United States to punish children for the actions of their parents. Let's not start now.”⁸⁸ Many Senators made the same argument that Senator Hagel made, about helping these young undocumented immigrants because not helping them would be punishing them when they only followed their parent’s orders. Typically, children do not have a say whether they want to stay or leave.

In agreement with Senator Durbin and Senator Feingold, Senator Hagel made the argument that these undocumented individuals would contribute to their communities and to the United States. He explained what the DREAM Act would do for society: would make it possible to bring these young people out of shadows and give them the opportunity to contribute, work, and pay taxes-giving back to the communities in which they were raised. Senator Hagel was in agreement with Senator Feingold about what the word “amnesty” is and what the DREAM Act is and is not. Senator Hagel stated that the DREAM Act is not amnesty. Hagel’s argument is that it is a piece of legislation that would help a limited, select group of young people to earn their legal

⁸⁷Senator Russell Feingold, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁸⁸ Senator Chuck Hagel, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

status. Hagel explained what the current system does and what the new system would do. “The current system punishes children for the mistakes of their parents. The DREAM Act will provide a legal path for undocumented students to pursue the American dream based on their own accomplishments and hard work.”⁸⁹ Senator Hagel argued that they have not provided leadership to the American people. “We have not had the courage to deal with it because it is political, because it is emotional, because it cuts across every sector and every line of our society. It is about national security. It is about autonomy and our future. It is about our society, our schools, our hospitals.”⁹⁰ Senator Hagel gave a speech on how national security and immigrants are wrapped up with each other. “It is leadership to take on the tough issues. Immigration is one of those issues which tests and defines a society. It tests and defines a country. And the precious glue that has been indispensable in holding this country together for over 200 years has been common interests and mutual respect.” Hagel concluded: “I don't know of an issue that is facing our country today that is more important, that is framed in that precious glue concept more precisely than this issue. Crafting something for the future, for our history, for our children, and for our society-that is what it is about.”⁹¹

In his response, Senator Mitch McConnell (R-KY), argued that Congress should first focus on securing the border for the national security. He felt that the DREAM Act is a controversial issue and argued, “This bill is an attempt to put illegal immigrants who graduate from a U.S. high school or obtain their GED on a special path to citizenship...Though I

⁸⁹Senator Chuck Hagel, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁹⁰Senator Chuck Hagel, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁹¹Senator Chuck Hagel, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

recognize and appreciate the tremendous contributions to our country made by generations of immigrants, I do not believe we should reward illegal behavior. It is our duty to promote respect for America's immigration laws and fairness for U.S. citizens and lawful immigrants.” Senator McConnell right away stated that passing the DREAM Act would reward illegal immigration. He viewed these groups of immigrants as criminals when in fact they are students.

According to Senator McConnell, there are more pressing matters that should be addressed and that this issue will not be solved in one day. McConnell began to argue other matters that have nothing to do with the DREAM Act in this 20-minute debate. He said, “Here we are, 4 weeks into the new fiscal year and we have yet to send a single appropriations bill to the President's desk. We should be focused on funding our troops in the field, ensuring our intelligence forces have the tools they need to find and catch terrorists, and holding the line on budget-busting spending bills. The Internet tax moratorium expires in exactly 1 week... This deadline, too, is just around the corner. We still have an enormous amount of work to complete, and we are running out of time.”⁹² What does any of this have to do with the DREAM Act? Nothing. He ended his speech by stating, “I urge my colleagues to oppose this attempt to bring up a divisive issue, further delaying the essential, unfinished, business of the Congress. The Senate has more than enough to do without also tackling issues that divide both this body and the Nation.”⁹³ Was the last part of his speech a point in the opposition side to say, “We have more important matters to think about and this should be put on the back burner.” He was trying to push the DREAM Act aside and made it seem that it was unimportant. In his speech, Senator

⁹²Senator Mitch McConnell, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁹³Senator Mitch McConnell, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

McConnell was diverting attention from the real problem. Undocumented children living in the United States and not receiving some form of path to citizenship has been an issue for many years. These children eventually grow up to be adults and have no status in the country that they have lived all their lives and will have a hard time contributing to society.

Then Senator John Cornyn (R-TX) stepped in and began to agree with the comments that Senator McConnell made. Senator Cornyn begins to get off track from the DREAM Act by directly asking Senator McConnell a question about an opportunity to provide an amendment for a temporary workforce to satisfy the need in the agricultural sector (not a path to citizenship). Cornyn believed that this could satisfy the legitimate needs of American business.

On the other hand, Senator Kay Bailey Hutchison (R-TX) said that they need to help these young individuals by assimilating them with a college education in the United States. She even argued, “If we send them home, they wouldn’t know what home is.”⁹⁴ However, she stated that she would vote against the bill because she felt that they need to work on a bipartisan solution. Senator Arlen Specter (R-PA) had the same mentality as Senator McConnell. On one hand, Senator Specter believed that the DREAM Act is a good act and that it should be enacted. However, he explained what the U.S. was currently facing. “Right now, we are witnessing a national disaster, a governmental disaster, as States and counties and cities and townships and boroughs and municipalities-every level of government-are legislating on immigration because the Congress of the United States is derelict in its duty to proceed.”⁹⁵ Specter talked about a modification to the bill in June, that would not have granted citizenship but would have removed

⁹⁴ Senator Kay Bailey Hutchison, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁹⁵ Senator Arlen Specter, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

fugitive status. This means that an undocumented immigrant could not be arrested if the only violation was being in the country illegally. It would eliminate the opportunity for unscrupulous employers to blackmail employees with squalid living conditions and low wages, and it would enable people to come out of the shadows, to register within a year.⁹⁶ His main argument was that the United States cannot support over 12 million undocumented immigrants. He felt that they could deport criminals first. He believed that they ought to proceed with hearings in the Judiciary Committee. Senator Specter wanted to set up legislation and not proceed with this version of the DREAM Act because it seemed as the only available choice. He wanted Senators to come back to this matter in January of 2008. Throughout his speech, Senator Specter seemed to give mixed signals. He supported undocumented individuals but was not willing to vote to pass the DREAM Act. This is something that shocked many of the supporters because they felt that Senator Specter had planned to act in the best interest of the Dreamers.

Then Senator Sessions came into full swing about the DREAM Act. His main argument was that this bill would be rewarding illegal immigration instead of taking the steps to create a lawful system. Then Sessions claimed that the Executive Office of the President of the United States, OMB (Office of Management and Budget), stated that they would veto the bill because they believed that it was not part of a comprehensive reform. According to Sessions, President Bush strongly favored comprehensive immigration reform. Senator Sessions and President Bush were always in disagreement with each other when it came to immigration reform. Senator Sessions strongly opposed immigration reform while President Bush was in favor of passing an immigration reform. Sessions argued that these individuals would not take the military route. In

⁹⁶ Senator Arlen Specter, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

his opinion, they would take the second option which is 2 years of college without any requirement to have to attain a degree. He stated, “It would put illegals ahead of legals.”⁹⁷ Senator Sessions also argued that this is an amnesty bill that would put 1.3 million people on a path to citizenship, ahead of millions who applied and were waiting in line lawfully. Then, Senator Jim DeMint (R-SC) stepped in and argued that the solution is to not reward lawbreaking and create incentives for more illegal immigration in the future. He advised to fix the system by securing borders, and creating a worker ID. According to Senator DeMint, this is the type of immigration system that works. Senator DeMint encouraged his colleagues to fix the system and come back to the DREAM Act next year. Senator DeMint was concerned with national security and proposed fixing the borders so that so that no more undocumented immigrants would come to the country. He did not look at the young people already in the United States. At the end of his speech, he urged everyone to vote against the bill.

The last Senator to speak in the debate was Senator Durbin. He urged his colleagues to pass the DREAM Act. His main argument was that these undocumented individuals were children that were brought to the United States without a choice. “We are talking about children. We are talking about children who are brought to this country by their parents. Since when in America do we visit the sins and crimes of parents on children?... If a parent commits a crime, does that mean the child goes to prison? If a parent disqualifies himself or herself from American citizenship, does that mean the child can never have a chance?”⁹⁸

⁹⁷Senator Jeff Sessions, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

⁹⁸ Senator Richard Durbin, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd5560000439?accountid=14745>.

Then, Senator Durbin used Maria Gonzalez as an example as one of these children. He explained the importance of home with Maria's story. Maria Gonzalez was brought to this country from Costa Rica by her parents at the age of 5. Her parents had been deported as illegals. "Because I have made a special request, she has been allowed to continue to finish her college education at Westminster College in Missouri. Her goal is to be an American and to give to the only country she has ever known. Costa Rica is not her country; America is her country."⁹⁹ He pleaded with the Senators to give these people a chance and to meet them. "Do not take your anger out on illegal immigration on children who had nothing to say about this. They were brought to this country, they have lived a good life, they have proven themselves, they have beaten the odds. We need them."¹⁰⁰ Senator Durbin makes the statement to all the senators on the floor of not asking him to give out H1-B visas or H2-B or H2-A visas when the United States already has talented people in America and senators are not willing to help these individuals. He encourages everyone to vote for the DREAM Act.

Failure on the passage of the DREAM Act 2007

The DREAM Act did not pass on October 24, 2007. The bill needed 60 votes in order to gain cloture. Cloture is the only procedure by which the Senate can vote to place a time limit on consideration of a bill. Under the cloture rule (Rule XXII), the Senate may limit consideration of a pending matter to 30 additional hours.¹⁰¹ However, Cloture rule requires three-fifths, which is

⁹⁹ Senator Richard Durbin, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd556000439?accountid=14745>.

¹⁰⁰ Senator Richard Durbin, Cong. Rec., 110th Cong, 1st sess., October 27, 2007, vol. 153, no. 162 pg. S13300. <https://congressional.proquest.com/congressional/docview/t17.d18.c1dfdd556000439?accountid=14745>.

¹⁰¹ United States Senate, Glossary Term,

https://www.senate.gov/reference/glossary_term/cloture.htm#:~:text=cloture%20%2D%20The%20only%20procedu re%20by,and%20thereby%20overcome%20a%20filibuster.

60% approval. The DREAM Act fell eight votes short from overcoming a filibuster by the senators who opposed the bill. A filibuster is an attempt for Senators to block or delay Senate action on a bill or other matter by debating it at length, by offering numerous procedural motions, or by any other delaying or obstructive actions.¹⁰²

One important detail that the Congressional records do not tell us is what happened to the four Senators who did not vote on the bill in 2007. Olivas's *Perchance to DREAM*, gives us an insight on those four senators who did not vote that day and why. Senator Barbara Boxer (D-CA) was not able to vote because there were wildfires that had broken out in her state and she was away from the nation's capitol. Though Senator Christopher Dodd (D-CT) was a DREAM Act supporter, he was unavailable and did not vote. Senator John McCain (R-AZ) was actually a supporter of the DREAM Act. However, he did not vote because during this time, he was the Republican frontrunner for president in the 2009 election. Senator McCain was put in an awkward position because he did not want to alienate conservative voters. He was trying to repair ties with conservatives who despised his past support for a path to citizenship for undocumented immigrants.¹⁰³ Then there is Senator Edward Kennedy (D-MA), who was also a supporter of the bill and did not vote because his health had taken a turn for the worse.¹⁰⁴

The most shocking action was from Senator Arlen Specter (R-PA). He was considered one of the most liberal Republicans in the Senate and a supporter of the DREAM Act. Senator Specter changed his mind and voted against the bill. Many thought that Senator Specter's vote

¹⁰² United States Senate, Glossary Term, https://www.senate.gov/reference/glossary_term/cloture.htm#:~:text=cloture%20%2D%20The%20only%20procedu re%20by,and%20thereby%20overcome%20a%20filibuster.

¹⁰³ Steven T. Dennis, "Immigration Moves Eyed; House Democrats Ponder an Election-Year Bill", *Roll Call Newspaper*, February 11, 2008.

¹⁰⁴ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 40.

was a safe “yes”. The DREAM Act had bipartisan sponsorship so it seemed that it would be able to gain sixty votes necessary to pass. As Dr. Olivas stated, “Its failure was a bitter pill to swallow.”¹⁰⁵

After the failure of the DREAM Act, several official reports suggested the potential impact of the stalled legislation. The Immigration Policy Center stated that 360,000 high school students would have immediately qualified. 715,000 more undocumented children would have been eligible if they graduate from high school and meet other requirements. These figures match the ones that were issued by the nonpartisan Migration Policy Institute.¹⁰⁶ The Center for Immigration Studies and Numbers of USA are two anti-immigration organizations that said the bill would put far more illegal immigrants on a path to permanent residency -- at least 2.1 million, according to the center -- and would eventually allow them to sponsor family members.¹⁰⁷

The White House expressed opposition to the DREAM Act, calling it as “preferential path to citizenship for a special class of illegal aliens”.¹⁰⁸ The administration argued that the measure “falls short” because it would create “a special path to citizenship that is unavailable to other prospective immigrants-including young people whose parents respected the nation’s immigration laws.”¹⁰⁹ Their argument was that it rewards illegal immigration. In 2007, the

¹⁰⁵ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 42.

¹⁰⁶ Karin Brulliard, “Bill Aimed at Immigrant Children Fails”, *Washington Post*, October 25, 2007, A.12.

¹⁰⁷ Karin Brulliard, “Bill Aimed at Immigrant Children Fails”, *Washington Post*, October 25, 2007, A. 12.

¹⁰⁸ Karin Brulliard, “Bill Aimed at Immigrant Children Fails”, *Washington Post*, October 25, 2007, A. 12.

¹⁰⁹ Karin Brulliard, “Bill Aimed at Immigrant Children Fails”, *Washington Post*, October 25, 2007, A.12.

Washington Post argued, The administration had no problem with the provision earlier in the year but its complaints now seem as cowardly as they are unpersuasive.”¹¹⁰

Although the DREAM Act did not pass in 2007, there was still hope that it would pass in 2009, if Democrats could increase their majorities in Congress and if Senator Barack Obama won the presidency.¹¹¹ However, some of the Dreamers began to lose hope. For example, twenty-one-year-old David Martinez was almost hired as a hotel clerk until the background check came back and the manager found out he was undocumented. For David, Mexican culture is foreign to him. At home, he spoke Spanish to his family but with an American accent. David was brought to the United States at the age of three, he felt American, even though he is not officially an American on paper. After the failure of the DREAM Act in 2007, Martinez said, “At this point, honestly, I'm not really holding out for the DREAM Act. Right now, I'm gearing up toward living my life without any sort of help from the government. So we'll see what happens.”¹¹²

Deportations During the Bush Administration

In 2007, the Bush administration organized a mass deportation and undertook rigorous employment verification to show that they were being tough on illegal immigration. Barack Obama denounced the raids during his campaign. The Bush administration and Homeland Security were trying to figure out what decrees all federal contractors should use. One was the “e-verify” system, to check the immigration status of their workers. Second, to push private

¹¹⁰ Associated Press, “Dreams Crushed: The Bush administration vs. young immigrants”, *Washington Post*, October 25, 2007. A.24.

¹¹¹ Jeremy Duda, “Proposed federal legislation would provide to legal residency for long-term undocumented aliens”, *Arizona Capitol Times*, September 12, 2008, 4.

¹¹² Jeremy Duda, “Proposed federal legislation would provide to legal residency for long-term undocumented aliens”, *Arizona Capitol Times*, September 12, 2008, 4.

employers to fire workers subject to “no match” letters from the Social Security system. Basically, if the employers ran someone’s Social Security number in their system, and they found out it was fake, then they should be fired. Many immigrants during this time worked under fake social security numbers because they needed to work. *Roll Call Newspaper* is a nonpartisan newspaper which stated that the best solution would be to pass a comprehensive immigration reform that would control the U.S. borders, allow regular flow of immigrant workers (agricultural jobs) and identify and legalize the status of otherwise law-abiding illegal residents and give them a chance to become citizens.¹¹³ President Bush argued that he was not trying to push for an immigration reform but was trying for a Social Security reform. However, the Social Security initiative failed. Bush's Homeland Security secretary, Michael Chertoff, said in a speech in December that he and Bush were disappointed at the failure of the Social Security reform. "But given that Congress has not passed it, the most important thing we can do is enforce the law the way it has been written, and therefore we've arrested record numbers of illegal aliens ... and we've deported almost 350,000 in the past year. That is a record."¹¹⁴

After the failure of the Dream Act, the Bush administration took its own steps on immigration. Rather than attempting to assist student Dreamers, the Bush administration launched raids, and expanded border patrol. Chertoff also reported that he'd doubled the size of the Border Patrol, built nearly 500 miles of fencing along the Mexican border and increased "worksite enforcement actions" by 27 percent - all to reduce illegal immigration and restore lost credibility for the federal government.¹¹⁵ Frank Sharry is an immigration reform advocate and

¹¹³Morton M. Kondracke, “Reform is Coming On Immigration, But Problems Remain”, *Roll Call Newspaper*, January 8, 2009.

¹¹⁴Morton M. Kondracke, “Reform is Coming On Immigration, But Problems Remain”, *Roll Call Newspaper*, January 8, 2009.

¹¹⁵ Morton M. Kondracke, “Reform is Coming On Immigration, But Problems Remain”, *Roll Call Newspaper*, January 8, 2009.

the director of America's Voice. Sharry was disappointed with what Chertoff did. Sharry stated, "He let the enforcement cowboys loose on residential neighborhoods, conducted those employment raids that mainly targeted helpless workers, not the employers, and terrorized the immigrant community."¹¹⁶ US Immigration and Customs Enforcement (ICE) under the Obama administration advanced enforcement measures and by 2010 they were deporting 400,000 people annually, more than any in history.¹¹⁷

Reasons for the DREAM Act not passing

One of the many debates over the DREAM Act is the age limit of undocumented immigrants who would qualify. Some critiques say that a child that comes to the United States at the age fifteen may understand the concept of illegal immigration. Supporters of the DREAM Act countered that a child that is fifteen does not have control over this action. Parents will not abandon their child and take them if they feel it is in the child's best interest.¹¹⁸

There is also the debate on whether students covered under the law should be eligible for in-state tuition at public universities. The California Supreme Court ruled that the students who are undocumented immigrants can still qualify for in-state tuition. This is something that Senator Hatch talked about in his early speeches of the DREAM Act. The bill did not help undocumented students with in-state tuition. According to Senator Hatch, it was up to each state to determine if they are willing to pass their own bill on it, just like he did in Utah.

¹¹⁶ Morton M. Kondracke, "Reform is Coming On Immigration, But Problems Remain", *Roll Call Newspaper*, January 8, 2009.

¹¹⁷ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 68-69.

¹¹⁸ Elisha Barron, "The Development, Relief and Education for Alien Minors (DREAM Act)" *Harvard Journal on Legislation*, 2011, 640.

Many politicians from both sides worked on passing alternative forms of immigration reform after 2007. Steward Baker, former head of policy for the Department of Homeland Security, worked on an immigration reform with President Bush. He thought that there had to be a path to legal status for undocumented immigrants who had been in the country for decades without any incidents. However, the reform failed. According to Baker, the earlier versions of the DREAM Act left the door open for too much fraud and abuse.¹¹⁹ Arne Duncan, Secretary of Education (under the Obama administration), stated that 55,000 college students per year would be eligible to use this bill as a path to legal status. Senator Marco Rubio had been working on a stripped-down version of the DREAM Act. His bill would have legalized immigrants who served in the military or go went college. However, they would have no path to citizenship. According to Rubio, “You can legalize someone’s status, without placing them on a path to citizenship.”¹²⁰ Rubio warned everyone that with the DREAM Act, these young undocumented individuals can become citizens and later on they can sponsor family members to enter legally. Republican Representative from Florida David Rivera, had offered a limited DREAM Act only for those who join the military and that he would file another for those who are 18 and earn a four-year college degrees and wait 10 years to adjust their status! Republicans rejected this bill, leading the Associated Press to remark that they had “strayed from American ideals of assimilation and welcome.”¹²¹

As an editorial in the *Washington Post* stated, “If Senate Republicans kill the Dream Act, I and many millions of Hispanics will take it as a slap in the face.”¹²² The “slap to the face” was

¹¹⁹ Brian Bennett and Lisa Mascaro, “THE NATION; Democrats push to pass Dream Act; The legislation would provide a path to legal status for young illegal immigrants”, *Los Angeles Times*, November 19, 2010.

¹²⁰ Associated Press, “A Dream Act Without the Dream”, *New York Times*, March 28, 2012.

¹²¹ Associated Press, “A Dream Act Without the Dream”, *New York Times*, March 28, 2012.

¹²² Edward Schumacher-Matos, “What’s at Stake with the Dream Act”, *Washington Post*, December 13, 2010.

an interesting choice of words, because that is what Senator Jim Inhofe (R-OK) stated on the Senate floor in 2007. Senator Inhofe said the DREAM Act would be a slap to the face to those who applied and did everything the right way. This article mentioned something that the DREAM Act is missing: the emotional aspect, and an inspiring leader. Edward Schumacher-Mateos is an American-Colombian journalist, lecturer and columnist. In his article for the *Washington Post*, he stated, “Hispanics lack a national leader. We have no Martin Luther King Jr., no go-to person for politicians and the media, no one to rise above dry statistics or advocacy groups to shape a message and voice what's in our hearts.”¹²³

Many of these undocumented individuals in their hearts feel that they are American. This was the argument that Senators who were in favor of the DREAM Act in the 2007 debate stated. They have also argued that everyone needs to work together to integrate and assimilate the immigrants here and adjust for how many more should come into the United States. Schumacher-Matos provides examples of how immigrants have helped the country. Many work forty hours a week, providing cheap and mobile labor and helping to resurrect the economy from its recession. Also, he references those who were brought here as children. “That something is that you don't want us here, with our tacos and salsa music, our family fiestas and telenovelas, even though we are assimilating rapidly, speaking English and pledging allegiance to the flag.”¹²⁴

Pushing for an Immigration Reform

In the summer of 2008, President Barack Obama pledged to The League of United Latin American Citizens (LULAC) questionnaire that he would put a comprehensive immigration

¹²³ Edward Schumacher-Matos, “What’s at Stake with the Dream Act”, *Washington Post*, December 13, 2010.

¹²⁴ Edward Schumacher-Matos, “What’s at Stake with the Dream Act”, *Washington Post*, December 13, 2010.

reform back on the agenda in his first year in office.¹²⁵ Senator Murray (D-WA) spoke on the Senate floor on September 25, 2010, in support of the DREAM Act. She gave stories of two undocumented immigrants that came to the U.S. as children. They worked odd jobs and were paying their way to attend university. She stated these are only two stories out the hundreds stories she has heard. Senator Murray argued that the DREAM Act would be taking the first step in fixing an immigration system that is broken. It would have a solution that would help real people. To her, this is not just about immigration but about what type of country they want the United States to be. “America has long been a beacon of hope for people across the world. And I believe that to keep that beacon bright we need to make sure young people...are given a shot at the American dream.”¹²⁶ The following day, Senator Cardin (D-MD) expressed his support for the DREAM Act. He explained that from an economic perspective, the DREAM Act would provide benefits to the local communities and to the Nation. Senator Cardin stated, “State and local taxpayers have invested time and money in these young people through elementary and secondary education expecting that eventually they will become contributing, tax-paying members of our society. With education budgets as tight as they are, why would any community throw away such an investment?”¹²⁷ He then gave examples of how much a young immigrant who graduates from college would pay in taxes. “Take this for example: a young immigrant who graduates from college will pay \$5,300 more in taxes and cost taxpayers \$3,900 less in government expenses each year than if he or she dropped out of high school.”¹²⁸ Then he argued that the DREAM Act would help the military because it would expand the number of individuals

¹²⁵ Ben Pershing, “Reid Declares Immigration a Priority for Senate”, *Washington Post*, June 2009.

¹²⁶ Senator Patty Murray, Cong. Rec., 111th Cong, 2nd sess., September 22, 2010, vol. 156, no. 128. Pg. S7324. <https://congressional.proquest.com/congressional/docview/t17.d18.c69fe654540000d4?accountid=14745>.

¹²⁷ Senator Benjamin L. Cardin, Cong. Rec., 11th Cong, 2nd sess., September 23, 2010, vol. 156, no. 129, pg. S7415. <https://congressional.proquest.com/congressional/docview/t17.d18.c6a12306550000cf?accountid=14745>.

¹²⁸ Senator Benjamin L. Cardin, Cong. Rec., 11th Cong, 2nd sess., September 23, 2010, vol. 156, no. 129, pg. S7415. <https://congressional.proquest.com/congressional/docview/t17.d18.c6a12306550000cf?accountid=14745>.

who would qualify and be ready to serve the United States. Senator Cardin concluded by stating that that the DREAM Act was bipartisan legislation that showed compassion for innocent children. It gave them a path forward to all of those undocumented children that graduated high school and now want to give back to the U.S.

On December 2, 2010, Senator Vitter (R-LA) announced how truly disappointed he was to learn that Senator Reid intended to bring a new version of the DREAM Act to the Senate. Senator Vitter argued that Americans cannot afford to send their own children to college, and the DREAM Act would allow the government to provide Federal student loans to undocumented immigrants who will displace legal residents competing for taxpayer subsidies. He stated, “I am opposed to this proposal because it would unfairly place American citizens in direct competition with illegal aliens for scarce slots in classes at State colleges. So every illegal alien who would be admitted as a result of the DREAM Act would take the place of an American citizen or someone who is legally in our country.”¹²⁹ He gave four reasons why he was against the DREAM Act. First, he stated that the beneficiaries of the DREAM Act are children. However, he claimed that the DREAM Act would allow undocumented immigrants up to the age of 30 to claim eligibility. According to Senator Vitter, these immigrants would also qualify for Federal student loans. What Senator Vitter failed to understand was that in order to qualify, these children must have immigrated to the U.S. under the age of 16. If the DREAM Act passed, they must apply before they turn 30. Also, the DREAM Act did not reward these immigrants with federal aid. Second, he stated that dropping the age limit on the DREAM Act from 35 to 30 did not change the core of the legislation. Third, the revised DREAM Act required that

¹²⁹ Senator David Vitter, Cong. Rec., 111th Cong, 2nd sess., December 2, 2010, vol. 156, no. 156, pg. S8362. <https://congressional.proquest.com/congressional/docview/t17.d18.c6f94198720000bb?accountid=14745>.

undocumented immigrants do a background check, biometrics and have this submitted to Homeland Security. Senator Vitter stated that this does not change what the bill is about. He argued that this bill is amnesty for millions of immigrants, therefore putting them in a position to compete with taxpayer-funded benefits with U.S. citizens. Fourth, there was no pay-for this legislation, the Act would increase costs on the Federal taxpayer.¹³⁰ It means that the DREAM Act would increase the Federal deficit and the Federal debt. Overall, Senator Vitter is against the DREAM Act because he felt that this Act is rewarding undocumented immigrants and putting them in competition in the job market with U.S. citizens.

On September 22, 2010, the DREAM Act went to the Senate floor for another vote. After the failure of the 2010 version of the DREAM Act, President Barack Obama made a statement: "It is heartbreaking. That can't be who we are. To have our kids, classmates of our children, who are suddenly under this shadow of fear through no fault of their own. They didn't break the law - they were kids."¹³¹

President Barack Obama was interviewed in a town hall that was hosted by Univision and Facebook on September 20, 2012. Univision anchor Jorge Ramos questioned President Obama about a promise that he made in 2008 when he was the former Illinois senator. He had guaranteed that in his first year in office, an immigration bill would happen, and he would support it. Ramos stated, "At the beginning of your governing, you had control of both chambers of Congress, and yet you did not introduce immigration reform. And before I continue, I want for

¹³⁰ Senator David Vitter, Cong. Rec., 111th Cong, 2nd sess., December 2, 2010, vol. 156, no. 156, pg. S8362. <https://congressional.proquest.com/congressional/docview/t17.d18.c6f94198720000bb?accountid=14745>.

¹³¹ Shankar Vedantam, "Next Congress unlikely to pass DREAM Act, Republican say", Washington Post, December 24, 2010, A.2.

you to acknowledge that you did not keep your promise.”¹³² President Obama acknowledged that and he excused his lack of progress on the issue by stating that he spent majority of his first year dealing with the economic crisis.

Prosecutorial Discretion

Having failed to pass the Dream Act in 2003, 2005, 2007, and 2010, supporters of immigration reform shifted gears. With Barack Obama in the White House, Congressional Democrats called for the expanded use of deferred action. In Spring 2011, House and Senate members in the Democratic party urged for expanded use of deferred action, prosecutorial discretion, and other administrative means to allow DREAM Act students some form of relief from deportation. In June 2011, Immigration and Customs Enforcement (ICE) director John Morton released directives announcing the expanded use of prosecutorial discretion. Under Immigration Law, prosecutorial discretion meant that ICE could choose to discontinue working on a deportation case.

Six months after the “Morton Memos” were released, in January 2012, ICE completed the prosecutorial discretion pilot reviews in Denver and Baltimore.¹³³ Prosecutorial discretion would serve as a smart enforcement policy that allowed an immigration agency to prioritize its limited resources and place sympathetic cases on the backburner.¹³⁴ This meant that ICE had

¹³² Josh Hicks, “Obama’s failed promise of a first-year immigration overhaul”, *Washington Post*, September 25, 2012, https://www.washingtonpost.com/blogs/fact-checker/post/obamas-failed-promise-of-a-first-year-immigration-overhaul/2012/09/25/06997958-0721-11e2-a10c-fa5a255a9258_blog.html.

¹³³ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 70.

¹³⁴ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 73.

many low priority cases but paid more attention to the criminal and serious immigrant offenders in the system. Prosecutorial discretion does not award any status except a promise to delay the case and not move forward immediately with deportation. Immigrants' cases were simply put to the side. Those immigrants did not receive a status in the country or any type of opportunity to move forward and make progress in the United States.¹³⁵

The administration began to lay out its plans on how prosecutorial discretion would be used. However, many critics believed that the Morton Memo served as a “back door amnesty”.¹³⁶ Approximately 7,000 ICE officers and other employees were not pleased with the direction of ICE's efforts in June 2010. They felt that prosecutorial discretion in the Morton Memos would undermine enforcement authority and reward illegal behavior.¹³⁷

ICE's practice trials on prosecutorial discretion ended on January 13, 2012. ICE attorneys were ordered to review “all incoming cases in immigration court” and to be more “focused on the (Morton) criteria” so that they could identify cases that were “most clearly eligible and ineligible for a favorable exercise in discretion.”¹³⁸ It was the Baltimore and Denver trial runs that showed the types of cases that were being reviewed. From December 2011 until January 2012, Denver prosecutors went through nearly 8,000 cases in one stage or another of deportation proceedings and pending before the local immigration courts and applied the principles outlined in the Morton Memos.¹³⁹ There were more than 1,300 pending cases (16.4 percent, or one-sixth)

¹³⁵ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 78.

¹³⁶ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 73.

¹³⁷ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 75.

¹³⁸ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 77.

¹³⁹ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 77.

that the lawyers considered low priority.¹⁴⁰ These cases ranged from DREAM Act-type students who may have committed some minor traffic infraction to unauthorized workers who had been employed while using someone else's Social Security information. The trial runs in Baltimore seemed to be on a smaller scale than Denver's. However, there were similar results. Baltimore had 366 cases of the total 3,759 (9.7 percent) sorted for deferred action recommendations to close or to terminate cases.¹⁴¹ Those 366 cases, would not face deportation. However, their legal status in the country would not change and they would not be eligible for residency or citizenship.

In the absence of comprehensive immigration reform, the Obama administration resorted to a variety of stopgap measures. Prosecutorial Discretion was far from perfect, but it provided some relief from deportation in certain cases. It did not, however, offer any sort of status in the United States. By not receiving a status, they were not able to make any progress in the country. These immigrants were still unable to receive, driver's license, Social Security, health care, and financial aid. One Denver lawyer's opinion was that lawyers for illegal immigrants were not accepting prosecutorial offers because the immigrants had good chances of winning legal residency in court.¹⁴² However, lawyers would have to play hard ball with immigration judges and government lawyers, which was very risky for their clients.¹⁴³ Prosecutorial Discretion was far from perfect, but it provided some relief from deportation in certain cases. It did not, however, offer any sort of status to those immigrants.

¹⁴⁰ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 77.

¹⁴¹ John Fritze, "Hundreds deportation cases may be closed", *Baltimore Sun*, January 19, 2012, <https://www.baltimoresun.com/maryland/bs-md-immigration-pilot-20120119-story.html>.

¹⁴² Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 79.

¹⁴³ Julian Aguilar, "Immigration Reform Not Seen as Major Step", January 11, 2012, [://www.texastribune.org/2012/01/11/caution-patience-urged-after-tweak-proposed/](http://www.texastribune.org/2012/01/11/caution-patience-urged-after-tweak-proposed/).

DACA is Born

On June 15, 2012, the fortieth anniversary of *Plyer v. Doe*, President Barack Obama used his executive authority to establish the Deferred Action for Childhood Arrivals (DACA). In his speech, President Obama talked about using prosecutorial discretion. “We focused and used discretion about whom to prosecute, focusing on criminals who endanger our communities rather than students who are earning their education. And today, deportation of criminals is up 80 percent. We've improved on that discretion carefully and thoughtfully.”¹⁴⁴ This shows that the Obama administration had been tough on immigration. Their focus was to deport those who have committed criminal offenses in the United States and not deport those who have followed the rules and contributed to this country.

As he continues with his speech, President Obama was interrupted by a reporter who accused him of valuing “foreigners over American workers.”¹⁴⁵ President Obama stopped him and continued speaking. One of the important points in his speech is when he mentioned how Senator John McCain, Senator Ted Kennedy and President Bush came together to champion the DREAM Act. His argument was that there was no reason for Republicans and Democrats can't come together to get this done.¹⁴⁶ His final thoughts was that the United States has drawn from strength from being a nation of immigrants and a nation of law and that it would continue to do that.¹⁴⁷

¹⁴⁴ Barack Obama, “Remarks by the President on Immigration” (June 15, 2012) <https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration>.

¹⁴⁵ Barack Obama, “Remarks by the President on Immigration” (June 15, 2012) <https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration>.

¹⁴⁶ Barack Obama, “Remarks by the President on Immigration” (June 15, 2012) <https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration>.

¹⁴⁷ Barack Obama, “Remarks by the President on Immigration” (June 15, 2012) <https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration>.

As outlined in Obama’s speech, to be eligible for DACA, applicants must have been in the country and younger than 31 on June 15, 2012. Applicants must have been younger than 16 when they arrived in this country and have lived here continuously for five years. DACA offered a two-year deferral of deportation which could be renewed. According to the *Washington Post*, 1.76 million undocumented immigrants were immediately eligible for DACA. The United States Citizenship and Immigration Services (USCIS) would start accepting applications for DACA on August 15, 2012.¹⁴⁸ Applicants were forced to pay a fee of \$465. Then the applicants scheduled a biometrics appointment and were subjected to background checks against several databases. Applicants were asked to provide medical, financial, school, military, employment and other records to prove that they have met all the requirements. There was no way to know how long the application process would take. It depended on the volume and pace of applications.¹⁴⁹

More than 750,000 students became “DACAmended” recipients.¹⁵⁰ Many of these immigrants were able to apply for social security numbers. They were able to work in the country legally. Also, were able to apply for a driver’s license. Many were able to go into higher education. However, DACA did not provide any financial aid assistance. Each state had their own laws regarding in-state tuition.

¹⁴⁸ Meghan McCarthy, “Deferred deportation program set to take applications”, *Washington Post*, August 12, 2012.

¹⁴⁹ Meghan McCarthy, “Deferred deportation program set to take applications”, *Washington Post*, August 12, 2012.

¹⁵⁰ Michael Olivas, *Perchance to Dream: A Political and Legal History of the DREAM Act and DACA*, (New York: New York University Press, 2020), 108.

DACA Rescinded

In late 2016, Donald Trump was elected to the presidency. ABC News anchor David Muir interviewed President Donald Trump at the White House, on January 25, 2017. When David Muir asked about the dreamers (children who were brought here by their parents) if they should be worried about being deported or if there was anything that President Trump could say to reassure them that they would be allowed to stay. President Trump replied, “They shouldn't be very worried. They are here illegally. They shouldn't be very worried. I do have a big heart. We're going to take care of everybody. We're going to have a very strong border. We're gonna have a very solid border. Where you have great people that are here that have done a good job, they should be far less worried. We'll be coming out with policy on that over the next period of four weeks.”¹⁵¹ David Muir pointed out that Senator Jeff Sessions, who President Trump picked for attorney general had stated that ending DACA would be considered constitutional. When asked about ending the protection for dreamers, President Trump avoided the statement by saying that Jeff Sessions was a brilliant man and that he would do a good job as attorney general.

Attorney General Jeff Sessions delivered remarks rescinding the DACA program on September 5, 2017. Throughout his speech he argued that DACA was a form of executive amnesty. According to General Sessions, DACA denied jobs to hundreds and thousands of Americans by allowing those jobs go to illegal aliens. He never stated where he got those numbers from or which types of jobs immigrants are taking from Americans. In his speech he states that, “the nation must set and enforce a limit on how many immigrants we admit each year

¹⁵¹ ABC News, TRANSCRIPT: AMC News anchor David Muir interviews President Trump, January 25, 2017, <https://abcnews.go.com/Politics/transcript-abc-news-anchor-david-muir-interviews-president/story?id=45047602>.

and that means all can not be accepted.”¹⁵² Towards the end of his speech, Attorney General Sessions stated that “Enforcing the law saves lives, protects communities and taxpayers, and prevents human suffering. Failure to enforce the laws in the past has put our nation at risk of crime, violence and even terrorism.”¹⁵³ His last quote demonstrated how some politicians still view immigrants. He showed that they fear them.

Aftermath of Rescinding DACA

Once the Trump administration ended the DACA program in 2017, no new applications were accepted. However, immigrant advocates fought for legal changes. Lower courts decided that immigrants who already had a valid DACA would still be able to renew until the Supreme Court issued their final ruling in 2020.

Many senators had a lot to say after President Trump rescinded DACA. Senator Elizabeth Warren (D-MA) delivered a speech on the Senate floor the day after President Trump rescinded DACA. According to Elizabeth Warren, “President Donald Trump is trying to turn us against each other by telling everyone that the real problem in America is the neighbor who doesn’t look like you. The co-worker who doesn’t worship like you. The guy in the grocery store who doesn’t sound like you.”¹⁵⁴ Senator Warren stated, “Divide and conquer is an old story in America. It is a cold political calculation and those with money and power have used it time and time and time

¹⁵² Attorney General Jeff Sessions, “Attorney General Jeff Sessions Delivers Remarks on DACA,” The United States Department of Justice, (September 5, 2017), <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-daca>.

¹⁵³ Attorney General Jeff Sessions, “Attorney General Jeff Sessions Delivers Remarks on DACA,” The United States Department of Justice, (September 5, 2017), <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-daca>.

¹⁵⁴ Senator Elizabeth Warren, Senator Warren’s Speech on DACA and the Dream Act, September 6, 2017, <https://www.youtube.com/watch?v=apE1LGZYQLE>.

again to keep us fighting with each other...President Trump wants us to turn our backs on 800,000 dreamers...He doesn't want us to look at these young people and see them for who they are. He just wants us to see them as threats. After all, he launched his campaign by calling immigrants rapists and criminals and that's exactly what he wants everyone else to see."¹⁵⁵

Senator Warren's statements were similar to those raised by DREAM Act supporters in the 2007 debate. A lot of politicians' views about undocumented immigrants in the United States had not changed. This shows that eleven years later, the problem is still there, and no solution had been made.

Senator Lindsey Graham (R-SC) went on *Fox and Friends* on September 6, 2017. He felt that President Trump was right to terminate the DACA program. Senator Graham's solution was to deal with the undocumented individuals with the legislation the DREAM Act or "something like it", so they can stay in the country. Graham opposed Executive Action like DACA and claimed that immigration reform should be managed by legislation. His tone of voice was not very persuasive. He argued that immigrants have to learn the language and to pass a background check. However, before doing that Senator Graham stated that there needs to be a better plan for border security. "We should have a strong secured border security plan. Marry that up with the DREAM Act and make a down payment on immigration reform and move forward."¹⁵⁶

¹⁵⁵ Senator Elizabeth Warren, Senator Warren's Speech on DACA and the Dream Act, September 6, 2017, <https://www.youtube.com/watch?v=apE1LGZYQLE>.

¹⁵⁶ Senator Lindsey Graham, Graham Talks DACA and The Dream Act on Fox and Friends, September 6, 2017, <https://www.youtube.com/watch?v=LeK9VacPOfA>.

Supreme Court Ruling over DACA

In the morning of June 17, 2020, The Supreme Court blocked the Trump administration from going ahead with its plan to end the DACA program. The ruling did not address the merits of the program or the decision to end it; the court ruled only on whether the administration had acted lawfully in trying.¹⁵⁷ The White House is free to try again. The court ruled 5-4 that the Trump administration could not immediately shut down the DACA program. Chief Justice John Roberts joined with the court's four more liberal justices. This was a significant setback for President Donald Trump, who had promised in his election campaign to "immediately terminate" the program.

There was a huge sense of relief from DACA recipients and immigrant advocates knowing that the Supreme Court had backed them up. Considering how the Trump administration has shown to be against the program and immigrants in general. John Roberts siding with the liberals is what shocked conservatives who felt that he would lean toward getting rid of DACA. On Fox Business, host Lou Dobbs interviewed Republican National Lawyers Association Vice President Harmeet Dhillon. Dobbs announced the DACA ruling by the Supreme Court. He stated, "It looks to me like John Roberts has lost his mind."¹⁵⁸ During the interview, Dhillon makes a comment about Justice Roberts, "He really cares about being liked more than being right. So his ruling today made absolutely no sense. It is a disaster, it is fractured."¹⁵⁹

¹⁵⁷ Caitlin Dickerson, "What is DACA? And How Did It End Up in the Supreme Court?," *New York Times*, July 19, 2020.

¹⁵⁸ Lou Dobbs slams Chief Justice Roberts over DACA ruling: He lost him min', Fox Business, June 18, 2020, <https://www.youtube.com/watch?v=EotCkeuIa5g>.

¹⁵⁹ Lou Dobbs slams Chief Justice Roberts over DACA ruling: He lost him min', Fox Business, June 18, 2020, <https://www.youtube.com/watch?v=EotCkeuIa5g>.

Conclusion

The Development, Relief, and Education for Alien Minors (DREAM Act) was supposed to grant immigrants who came to the United States a path to citizenship. For many years, these immigrants held on to hope that one day this legislation would pass, and they would become contributing members to this Nation. In the absence of comprehensive legislation like the DREAM Act, President Obama issued an Executive order in 2012. The Deferred Action for Childhood Arrivals (DACA) gave 800,000 immigrants a chance to become productive members of this society. Their futures began to look bright. DACA was known to be temporary until the DREAM Act or another immigration reform could be passed. Many senators such as Durbin, Hatch, Reid, worked hard behind the scenes to pass an immigration reform. There were other senators such as Sessions, McConnell, and Vitter that were not in agreement and continued to block any immigration reform from passing in the Senate. In 2017, President Trump rescinded the DACA program.

While we hear about politicians working on immigration reforms, the personal stories of immigrants get lost under all the political conversations. In the following chapter, we meet three individuals who immigrated to the U.S. in 2001, as children. For many years they lived in the shadows of this country as undocumented immigrants. They grew up in this country, went to public schools, worked odd jobs and some attended higher education. We will view the hardships they faced concerning their status in the country. At the end of the day, undocumented immigrants are people too. They have hopes, dreams and aspirations just like any other American.

Chapter Three: A History of Immigrant Children

Introduction

Chapter Three is the immigrant children story. In this chapter, four DACA recipients (including myself) share their experiences as undocumented immigrants. This chapter starts with the four of them sharing their favorite, happy, sad, and worst memories of their home countries when they were children. They take us on a journey of the day they immigrated. All four participants share what they thought, felt, and did that day they went to the airport, went on an airplane and landed in the United States. They proceed with how they did or did not assimilate to the American culture.

In this research, there are three obstacles that undocumented children faced when growing up in the United States. The first obstacle all four faced was obtaining a driver's license and they explain why they could not have this and their struggle to fit in because of this. The next obstacle is getting a job because most jobs require a social security number which undocumented immigrants do not have. Third, is attending higher education because many colleges and universities charge undocumented immigrants out of state fees. Immigrants also do not qualify for financial aid (FAFSA). As discussed in Chapter One, there is not a unified system. There are state laws that stop immigrants from progressing society.

In this chapter, we see these four immigrants overcome these obstacles. They explain how DACA has changed their life as immigrants. With DACA, all four individuals were able to obtain a driver's license, get a social security number, get a job, and attend higher education. This chapter shows that DACA is an incomplete solution. As shown in Chapter Two, DACA was

supposed to be a temporary solution until Senators could come together and find a permanent solution. The solution for these immigrant's status in the United States has not been finalized.

This chapter is divided into five sections: Childhood in their Country of Origin, Immigrating Experience, Bush Administration, Obama Administration and Trump Administration. Within each section there are subsections. The setting for this research changes as participants start to describe their experiences as undocumented immigrants. The first setting is the country of origin where each participant is from. For Nick, Carl and Sofia it is Argentina. Alejandro's country of origin is Mexico. Then, they tell us about the airport in Argentina or Mexico and the plane experience when they immigrated. However, the setting changes when they immigrate to the United States. All four individuals lived and went to school in the state of Florida. For this research, I will keep names and locations private in order to protect my participants identities. Participants and locations will have pseudonyms. This research has been exempted from the University of South Florida's Institutional Review Board (IRB)

Childhood in their Country of Origin

All four participants begin to recall their favorite memories from their country of origin. Nick described to me his favorite memory in Argentina. El Dia del Niño (Children's Day).

It was all about kids. A day dedicated to kids. You might get a present. You might go to the park. You might...just a full-on day dedicated to kids. Anybody below the age of 15, 13. We went to... One of the last memories, we went to like a concert type of thing en el parque (at the park). And (sister) was there, and it was with dad, estabamos con papa (we were with dad). And we went a little bit during the morning and then we went in the

afternoon with all of my friends. (Sister) were at the concert with dad and I was with my friends playing soccer. That was the last Dia del Niño.

Alejandro was very young to remember a lot about Mexico, but he told me a few memories he has. He stated that they are one of his few memories that he can remember but probably because it was a good time.

I think I was three, and I remember it was my birthday and kinda at the daycare. So there it's kind of a big deal, the kids birthday. My parents brought cupcakes for the whole class and everything. I remember they sat me down on this table and everybody brought you (him) a gift. I remember everybody brought me a gift. I received...my favorite toy was this Chuckie from Rugrats. It was like a doll, a Chuckie doll...

He remembers a seasonal fair at Mexico and his parents took him and his sister.

Alejandro stated,

There were these little cars that you can ride, like electric cars, had little motorcycles, had little cars. I remember my dad was like, "Oh don't you want to ride that fast one!?" It was like a really fast...it was like yellow, I remember the color. I wanted the one that looked like a motorcycle. My sister got the same thing so we both rode those. So that was fun." Last memory he recalled was having bonfires at the beach with his whole and roasting marshmallows. "Most of my mom's side of the family because my dad's side of the family was here (U.S).

Some of Carl's favorite memories in Argentina was playing with his friends and family. He recalls a few memories playing with his friends in the school courtyard. Carl explains that the school he went to did not have enough money to lend the students a soccer ball to play with.

I think when I was a kid, I really liked school so the time that I enjoyed school was when I got to play with other kids. We would play soccer with bottles cause we didn't have a ball. I don't think they even had the money to lend us a ball. So we just played soccer in the courtyard with bottles or cans and just kicked that around.

Carl's fondest memories were hanging out with his older brother Eduardo. Carl was eight years old and his brother Eduardo was sixteen. Carl explains how his brother was in a band and Carl would be fascinated by it:

He was in band, he loved music and he was playing in a punk band, hanging out with other buddies. I would be super curious about music. I would hang out with him, whenever I could, and he would kick me out. He didn't want to hang out with me but I kinda...I was so captivated by music. When I was eight, I would always hang out in his room and listen to his records. Play whatever he had. He had a bunch of tapes, CDs. I would just like play music in his room and he would sit me down and listen to stuff. It was awesome! I would go see him play, his band, his buddies, they would do house shows in my house. I was always super curious about music, but I was never good at playing it. I would just play the drums really aggressively but never had any rhythm. I enjoyed hanging out with older people and what kind of things they talked about and what kind of things they liked. I think my brother really shaped my when I was a kid with the things that I enjoy now.

I (Sofia) remember my grandmother taking me to my ballet classes and having a big recital on stage. I wore a blue tutu. A lot of my favorite memories are with my grandmother. Both of my parents worked full time so I barely saw them. I would spend a lot of time with grandmother, she practically raised me until I left Argentina. My favorite memory was when my

grandma took me to Pre-School. I remember I was crying because I did not want to go because I wanted to stay with her. As we were on our way, we stopped walking. I remember looking at my right and there was this shady area with this big tree and there was a cat laying on the grass. My grandmother went over towards the cat, grabbed the him, put him in my arms and we walked to Pre-School. I went in Pre-School with a street cat and they let me keep him. I remember sitting down, the cat on my lap, petting him and all the kids staring at me. No one said anything to me. This cat ended up coming home with me and became my pet. I named him Mishi. This is where my love for cats came from.

Bad or Sad Memories

During the interview process, I (Sofia) told all my participants that if they did not feel comfortable sharing bad or sad memories from their country of origin, then they did not have to. Nick understood at a very young age that he and his family were less fortunate than others in Argentina. He said,

I mean just seeing other people like live better. You see it, you realize it. Your classmates, having better clothes than you. I wouldn't really say clothes. We all wore uniforms. You couldn't really tell. But their parents drive in better cars. You go into a friend's house and you see the difference in the way they live. You know at a very young age. People over there are f***** d****. The ones that have money, they let it be known that they are better than you and you know, you feel that s***.

Alejandro on the other hand did not recall any sad or bad memories when he lived in Mexico. He was too young to really have any bad moments and everything was fun and games for him.

Carl's sad memory really impacted him as child. His sad memory deals with the reason his parents made the decision to immigrate to the United States. His eldest brother had put down a lot of money into a bakery and the business had failed. The loan that his brother had taken out for the business was signed by a few people, including Carl's father. The fact that his brother could not pay the loan, the business failed and the bank sent people to find them and ask for the money. Carl stated:

It was kind of scary. The thing is...I am kind of fuzzy with the details but it was sort of included that because my dad signed off on the loan, they (the bank) could technically go to my home, the repo people could take away whatever they wanted. Take away our stuff in the house because that was an obligation by the loan. The details I don't know. I just remember this. The fact that, that was a thing, we had to basically vacate all of our stuff, all of our things into a trailer, like a storage unit. There was like a few months. This was 1999 and early 2000s, where my house is empty! We didn't have anything. We couldn't pay back the loan. My brother had put everyone into debt. My dad couldn't work. He just had a heart attack. The people that were taking care of us, and there were eight of us, just kids, and people had families. It was like my brother because he was the oldest and the fact that he couldn't...His business had failed, he was broke, and no one was doing well. No one had money. Looking back, I thought it was fine. We had the entire living room to kick a ball around. And had nothing in the living room. At the time I thought this fun. I never thought about it as how we got there. One of the reasons we came here (U.S.) was because we were that broke. We didn't have anything. My dad couldn't even work because in Argentina, even having some sort of medical issue, they are...they are not very good at accepting that they can hire people with disabilities like here in the states.

They don't really care if they have a disability and they have no agenda as we need to hire people from every background and even people with medical issues. Over there (Argentina) it's like, 'Oh, you got a problem? I can't hire you.' My dad couldn't even find work after he got a little better. All my siblings were just like pretty much in the same boat where they were...a lot of them worked with my dad doing delivering. Again, with like a bakery. A lot of the money had gone into the bakery my brother had started. That was the one that had broke everything. At that point, they were like we have to do something. That's kind of like how a lot of people started leaving Argentina and coming to the states. Looking back, I would not say that I was happy because I didn't know anything. I knew we were in a bad situation. I knew there's a lot of tension. A lot of tension cost like a kid to just feel that. But I didn't understand any circumstances. I didn't understand would could happen from that. Really I had no idea what would happen but it was pretty upsetting to see that you had nothing in the house. In the back of my mind I could see what was going on with the banks and that my family was in trouble. As a kid, I knew. More details came in and I asked questions when I grew up. It was kind of sad.

A sad memory for me (Sofia) was understanding at a young age that my family struggled with money. My parents were always working. I never saw them. My grandmother took care of me so that they could work full time. I remember my parents trying their best to give me school supplies, proper clothes, proper school uniform and toys. I remember my neighbor who was also my friend and a year younger than me had this toy. It took my parents a while to be able to purchase it for me. I think that was the first it sank for me that we did not have a lot of money. It didn't click for me that other people were maybe less fortunate than us until I got older. I remember going to school in Argentina and they did not offer children school lunch. Your

parents either packed you a lunch or you went hungry. My grandmother would always pack me a juice box with a sandwich. I remember this little boy in my grade would always ask me for my sandwich. I would sometimes share it with him or give him the entire sandwich. I never told anybody that because I did not want to get in trouble for not eating at school. I look back at it now and realized that poor kid was hungry, and his parents didn't pack him food. There were others that were in the same situation as us or worse.

Immigrating Experience

In this section, all four individuals talk about their experience when they left their homes, said their final goodbyes, their experience at the airport, boarding a plane, and heading to the United States. Nick recalled the final day being in Argentina.

Yeah, I remember my friends came over to say bye. He said his uncle Jorge, uncle Antonio, Belen, mother, grandmother, sister, and him were there. "I can't remember who stayed in the house with grandma. I remember I got off the car twice to say bye. I got in the car and then I got out. I might have done it two or three times. I looked back, to see her walk back in the house and that was going to be the last time (his voice was cracking up and he was getting emotional, takes a deep breath).

Nick recalls being at the airport in Buenos Aires. He remembers that he was very hungry so he asked his mother if they could get something to eat.

I just remember getting there and tenemos hambre (we were hungry). Y le dije a mama que comprabamos tortitas (And I told mom to let us buy a tortitas). Y fuimos a un ciosco a si, y dijimos si podriamos comprar toritas (And we went to a small shop, and we said if we could buy tortitas). Y nos miraron como a si como, torta de cumpleaños nos dijieron?

(And they looked at us like...birthday cake they asked?) Y nosotros dijimos no, tortitas (And we said no, tortitas). Y nosotros como que no tortitas (And we were like, no tortitas). Y la chica nos miro asi como que no, no tenemos (And the girl looked at us in a way, no we don't have them). Como que no sabia que estabamos hablando (Like she did not know what we were talking about). I remember walking away like f****, si estando aca, no nos entendemos (if being here 'Argentina' we can't understand each other), I can't even imagine how it is going to be when we get there (United States). It was a simple word; they just had a totally different meaning in our side of the country.

Nick remembers his mother calling her brother to come to the airport. Nick's uncle lived in Buenos Aires, not far from the airport. His uncle told Nick's mother that he was not going to come see them at the airport because he did not support her decision to immigrate. At the Buenos Aires airport, it was just Nick, his mother and sister. They had no family members there. I asked Nick if he remembers the flight experience and when he landed in the United States.

I was scared. I was scared of flights. I was f***** scared as s***. The first plane we had to go up the stairs and the second plane it was through the walkway, but it was a huge plane and I was like f***** terrified. But once I was on the plane you know it was whatever. Already there what the f*** are you going to do? I remember I slept and when we were about to get there, my mom was filling out some paper work. I didn't know what the f*** she was trying to do but she looked like she was f***** nervous. Then, getting here was...when we got here, we were the last ones to go through cause she hadn't filled out the paper work. Funny enough, the same immigration officers, helped her fill out the paper work. That is how we got in. I remember the lady (immigration officer) she looked at me and she was like 'Oh are you guys excited about going to Disney world?' I was

like, 'yeah yeah'. I knew what the f*** was going on. I understood everything. After that, we walked out and then we heard a whistle noise. We turned around and it was dad. He was right there waiting for us. He was wearing like... I don't know it caught my attention, he was wearing those barbeque dad type of sandals. They were just funny looking. I was just like, 'what the hell is this man wearing?' But it was different you know, the way people dressed here was different then how people dressed over there. We went around, we went to the parking lot. He had a red car and I was like, 'Oh shit! Is that your car?' I didn't understand at the moment. I didn't know, I didn't understand renting cars. He had rented a car, it wasn't his car, it was a rental. At the moment, I did not understand how he had this car that wasn't his. When we got here, I'd seen he had a car. He was claiming that it was a shitty car but to me it was a f***** great car because where we come from having a car is f***** awesome. The fact that you have a car is...you are already ahead in the game.

He remembers the weather in Florida and the first thing he ate when he landed.

The heat. F***** hot. And it's funny because I saw some pictures the other day of that day. We went through the mall. I saw the pictures of the mall and my memory came back and I was like, 'Oh shit, we did go to a mall.' We went to a Burger King and I had a hash brown. I thought it was the grossest f***** s*** I ever tasted in my life. It was bad like...Till this day I don't like that s*** I like the good hash browns from Waffle House but not fast food. The ride over here to (City name), getting here, Christina habia hecho (Christina had made) empanadas. Empanadas de vigilia (Empanadas that are made of tuna or spinach. They have no meat.) because it was Easter.

Alejandro did not remember much when he immigrated. All he could tell me was stories that his mother told him about that day. His mother said that he was really bad. Alejandro stated,

She had me on...you know the little backpacks they wear with the little leash, whatever you wanna call it (laughs). She was like, “Yeah, you were running around all over the place.” If she didn’t have that she would have to run after me everywhere. I would just run away. I was quick. I was really fast (laughs). I don’t remember much about that.”

Alejandro came to the United States with his mother, father, older sister, and older brother. He said one of his older sisters stayed in Mexico because she had already received her degree and was established so she did not want to immigrate.

Alejandro explained how immigration services interviewed him and his family before they came to the U.S. They asked the questions, “Why are you here? Why do you want to come here?” Alejandro stated, “When they (immigration) asked me why I am here, why I am going, I was like, ‘Oh, I am going to go see Mickey. I’m going to Disney World.’ So that helped. That helped our situation.” Alejandro explained that his mother had not been training him to say this but had told him before that they were going to see their aunt and uncles and that they were going to go to Disney World. He explained that his older brother did not want to immigrate. However, his parents told him no that he was going no matter what. His brother was about seventeen years old at the time. It was a bit harder for him because he had his own life going on, friends and family. Alejandro explained that although it may have been hard for his older brother to immigrate, he is very successful now. His brother is almost a doctor, an anesthesiologist. His brother is grateful and he knows that this would not have been possible if he stayed in Mexico.

Carl stated, “Four months before leaving. I would say November. I came back from school, and my mom was like, ‘Oh we are going to Buenos Aires.’ I had no idea why, but we left

in the middle of the week.” His mother had taken him to get his passport. His father was already living in the United States. “Went to Buenos Aires, did the whole thing, came back on a Monday and I was already telling friends like, ‘I think I’m leaving? Leaving Argentina.’ I think it might have been two months before I left. Everything just happened so fast.” Carl explained to me that his mother told him that if anyone asked him what they were doing in the U.S. he needed to say they were going to visit his uncle who had cancer. His uncle lived in the U.S. and did have cancer. However, Carl could not disclose to anyone that his father or brother were already living in the United States. His parents also bought a round-trip ticket to make it seem that they would go back to Argentina. Carl said, “As a kid, I knew what I had to say, with my monologue. Whatever I had was, we are not here to stay, my dad does not live here, no one is here but my uncle and that is the only person that I am seeing.” He explained when he arrived to the JFK airport and his father was waiting for them but he was being really cold. It was not a warm welcome. “My dad was like, ‘Let’s go.’ He wasn’t like this emotional kind of first encounter you know with your dad.” His father had rented a van and one of Carl’s brothers was waiting inside the van. However, they were both acting weird because they thought that they were being followed by ‘La Migra’ (Immigration).

It felt that we were running away and entering a country illegally. Even though we legally got there. I think all of that tension got away when we got home. When we got to the apartment that everyone was staying. It was like a big celebration. I don’t remember what was going on (laughs) but I know that people were just throwing a party for us.

April 2001, I (Sofia) was six years old when I immigrated to the United States with my mother and brother. We came with a visitor visa. When I was in Argentina, I remember being in the living room area when my mom told me that we were going to the U.S. and if anyone (an

officer) asked me why we were coming to the U.S., tell them I was going to Disney and I was going to see Mickey Mouse. I think it was the days before we left for the airport, we had a party out our house. Where family members from San Luis, Argentina came. This was our going away party. The day we left, my mom let me take my school backpack, some crayons and paper. I was not allowed to bring any toys. My mom had packed my clothes, my brother's clothes, and hers in one suitcase. She also brought with her 200 dollars.

The day we left, I don't have any memories of leaving the house or saying goodbye to my grandmother. I don't remember how we got to the airport. I have faint memories at the Mendoza airport. I remember my uncle (dad's brother) saying goodbye, but he did not come in the airport with us. As an adult, I can understand that. It must have been hard for him to see us go. My cousin who at that time was 16 years old, came to the airport, and stayed with us. My uncle (mom's brother) also came and he stayed with use until we boarded the plane. From that flight we landed in Buenos Aires, Argentina. Then we boarded another plane and this one took us to Miami, Florida. Boarding both planes, I remember feeling calm. I wasn't scared. It's hard to describe this and maybe crazy how I can remember this feeling, but I remember feeling this sort of peace coming over my body and mind. One of the memories that has stuck with me till this day was being on the plane, on our way to Miami. On the right side of the plane, I could see it was nighttime and the moon. On the left side, I could see the daylight. The Sun was rising up. I look back at this now and I feel that this was symbolic. In a way; it was showing that the rise of the Sun was a new beginning for us in the United States and the other side where it was nighttime with the moon going down was the closing of our chapter in Argentina.

Apparently when we landed in Miami, immigration officers stopped us. I don't remember this. My mom had messed up the paperwork. I do not remember much about the Miami airport.

My dad was already living in the United States, so he was there waiting for us. I remember running to him when I saw him. I had really missed him. The next memory I have of this day in particular has been engraved in my mind because this was the first time, I heard the English language in my life. My dad took us on this boat tour of celebrities' houses. I heard people speaking but no one was speaking Spanish. English sounded different. When people were speaking English it sounded like, "Blah, blah, blah, blah." It did not make any sense to me.

Parents Reason for Immigrating

Each individual gives a statement of why their parents immigrated to the United States. This section clearly shows that their parents were not thinking of doing something illegal. They were putting their children first. Nick stated that his parents immigrated to get ahead in life, to be able to provide. Theirs were mainly economic reasons. Alejandro explained that his parents' reason for immigrating was so that they could give their children a better future. His parents saw the corruption in Mexico and saw no future there. "My dad's brother lived here (Florida), they (parents) saw how good it was. They kinda like...yes they were blind because they did not know what to expect but then again, we came with my uncle being here already. He helped us out a lot."

Carl mentions his parents not being able to get a job in Argentina. They felt that the United States would give them more opportunities to find work. Carl stated:

The reason we came here was because a lot of people were talking about how many opportunities you had. You could work anywhere. Literally, they started working I think the moment they got here, they started working that week. Two days after they got here. The idea super simple. It was you go to this bus stop and people pick you up and they

take you to...they give you work. It was a lot of immigrants waiting at this bus stop, my mom and dad included. They would just get into this bus and go to a factory and work. Then they got a check. It was all experimental. It was kind of spontaneous. They really did not have a proper interview. They didn't have to sign papers. They just waited at a bus stop with a lot of other immigrants and they took them to factories to work and it happened two days after they got here. My mom and dad were already in their fifties, forty-four and almost fifty. I think my dad was fifty and my mom was forty-seven. We had to leave because there was no work. My dad told my mom, 'I do this every day. I get up at three in the morning, four in the morning, and I go to work and I make money. You can come and do that too. We'll have money to pay for stuff and raise our kids.'

Everyone had that idea. There was a lot of opportunities.

My parents did not tell me when I was six years old why we were immigrating. As I got older, my parents always said to me that they wanted my brother and I to have a better education and that was something we were not going to receive in Argentina. They just wanted my brother and I to have a better life. I realized that they put my brother and I first.

Understanding that Decision as Child

I (Sofia) asked all my participants if they understood the decision their parents made when they were children. Although Nick was eleven at the time. He understood the decision. He stated,

It was simple. I mean you go here, where there is money, or you stay here where there isn't money. It was just as simple as that. I could tell that we just didn't have it. We didn't have the money like...As a kid, you want certain things and when you get turned down

all the time, like no no no. You understand that your parents love you and they are not just saying no because they want to be d**** you understand the fact that it's...you are getting this no because there is no way to get what you want. Whether it's a toy or a video game or whatever it is you want as a little kid. So, when you hear that, look there's this opportunity on this side of the world to actually do that. To be able to buy your toys and to be able to just have more options. That's what money does. Money ultimately gives you more options. I understood right away.

I asked Alejandro if he understood his parent's decision to immigrate. He stated, "(He laughs) No. (Continues to laugh) I thought I was going to Disney World. (Laughs) I mean we did."

Carl on the other hand, knew that he was leaving and never coming back to Argentina.

Of course, I knew that I wasn't coming back. I kind of already knew that we were leaving and going to another country forever. My mom and dad were not really keen on giving me every detail. As a kid you kind of read everything, and listening. I was not really a kid that was sat down and asked questions. I was like...me growing up I was more of a listener.

Carl explains that his sister was having a hard time with it because she was a teenager and had a lot more friends. Her friends understood that she was never coming back.

My parents never spoke to me as a child why we were leaving. I really did not comprehend that we were leaving, and that we were never coming back. I was just going with my mother and brother. I never questioned what we were doing.

Understanding that Decision as an Adult

Each participant explains what they think of their parents decision now as they are adults. As a child, Nick understood why his parents made this decision. I asked him if as an adult now, did he still understand the decision, and if he agreed with decision that his parents made?

(Nick) takes a long breath in, he lets it out and pauses) Yeah, of course (takes a long pause). I just wished that at the moment, there would have been another option. It's hard to say cause it's...now we are talking about what ifs. Life is the way it is. Not the way you want it to be. So, it's kind of hard...Leaving so young when you are starting to develop. Starting to develop a personality. You start being you and then all of a sudden you get taken to a place where you have to develop...When you learn another language...what a lot of people don't understand, you develop a whole nother f***** personality. You're somebody different. At such an early age, it's kind of...it's kind of stressful. Very stressful." I wanted to know if he had to grow up fast. Nick stated, "I didn't think I had too. I just did. All of a sudden you learn the language way faster than the parents. All of a sudden, you become...they start holding you accountable for (pause) for that. For the knowledge, like literally you are held accountable for the knowledge. At the age of 15 you are a f***** massive translator.

Alejandro agrees with his parent's decision to immigrate. He understands that it was a tough decision for them to make and is not sure if he could have made the same decision if he was in their shoes. He really admired them for it.

Carl agreed with his parents' decision but he felt that if he was in their shoes he would have done it a different way.

In their situation they really couldn't sit me down and ask me what I wanted to do so I understand that. They couldn't really ask me, 'Are you okay with this?' because they were so broke and so much in debt that they just knew that leaving was the only way. If I were to do that again, and I were to immigrate to another country...Imagine I'm married and I have eight kids and four of them are still kids and the country is collapsing. (laughs) I wouldn't ask them, 'What do you want to do?' I would just be like, 'This is what we should do and you need to come with me.' I understand what they did. I think they could have asked me or had more conversations with me but at the same time I was not really...I didn't need it. I was already in tune of what the decision as a kid. This is the best thing. I think their decision was of course done by them and there was nothing you could do.

As an adult, I (Sofia) agree with the decision that they made because I do not think that our lives would have turned out as great like it has been in the U.S. My parents would have lost the house we lived in because they did not make enough money to make the payments toward the house. It wasn't until we were in well established in the U.S. that my mother sent my grandmother money every week to pay off the house.

I do wish my parents would have came up with a better plan and thought things through more before we immigrated. I am happy that my dad came to the U.S. first, found a job and then my mom, brother and I joined him. When we first arrived my dad still did not have a place of his own. It took him about a month to get an apartment. My grandmother did not come with us to the U.S. She tried to get a visa, the same time we did, and they did not approve her for it. In the U.S., my parents were working full time and two jobs. I had no one that looked after me and could help me with schoolwork and the language. I really struggled because of that.

Bush Administration

Assimilating as a Child

Each participant begins to describe their experience assimilating to the American culture when they first arrived in the United States. Nick explained that he would get jumped by Mexican students because he was the new kid in school and he did not know English. He stated, “Even though we’re Latinos, we don’t act the same, we don’t think the same, we don’t talk the same. I probably had something to do with it too, I had a big mouth.” My next question to Nick was, “When you were in school, could you speak in Spanish? And no one would say to you a word about it?” Nick told me a story about what happened when he was in high school and he started speaking Spanish to one of his classmates.

Oh no, they would say shit, not always. I just recall one time of when somebody said...I was talking to a friend in Spanish. In a class that was mostly white folks. One kid said, “You better speak English, I won’t tolerate that in my country.” I just got up and got all in his face and he backed down real quick. And nobody ever said anything again. That was probably the only time in high school ‘cause most of the kids in my school were minorities. I didn’t really feel that much different.

Nick explains that after 20 years he still doesn’t feel like he fits in.

Sometimes I feel like I still don’t fit in and it’s been 20 years. (Long pause) The first 5-6 years was like I didn’t. I didn’t start like...cause my future was just so uncertain. Being

illegal, being told everyday that you have to go to school in order to be successful and time kept passing by. Not being legal or having the same opportunities to go to school...

Alejandro begins to describe how difficult school was for him because he did not speak English and he did not understand what the students or teachers would say to him. He said,

You know, I don't think I handled it bad because that's kinda like the culture I grew up with so I didn't know anything else. It wasn't until I was an adult when I realized it's a whole different world..." He explained when he first started going to school in the U.S. and not understanding the language. "My mom used to say that I would come home and say, 'I don't know what they are saying to me. I don't know what the teachers are saying to me. I didn't understand them.' I went to a day care at a boys and girls club. My mom would always tell me that I was like I don't wanna [want to] go there because I didn't understand what they were saying.

Carl explains that when he first arrived to the U.S. he did not want to learn English. He tried his best to make friends with kids who spoke Spanish. He felt that the school system in New Jersey did not help him learn English. He would attend an ESOL class and learn English. However, mathematics and science he would learn it in another classroom in Spanish. "Yeah so the first two years were there. I didn't learn any English because not only was my teacher teaching two grade levels, she was teaching 99% Latino kids and 99% of us would speak Spanish to each other. I didn't learn any English for two years..." He explained that when he moved to Florida, things got easier. He thought the school was dreamy and it looked like what he had seen in films.

I just remember seeing that school and thinking this is the coolest school I have ever seen. We wear uniforms? This is amazing. There's food? Good food in the cafeteria? Everything was so different and not just that I met so many people in that school that I still talk too. Not just that, the teaching was good. I learned and (laughs) people were nice. I was picking up English and hanging out with cool guys and making friends that I didn't have back in New Jersey. New Jersey was mostly family. We just got here we have to stay together. Florida was more like okay I can kind of be more independent and learn from other people and not just my family. Florida was a cultural change and really changed who I was.

Part of me (Sofia), did not have to grow up fast. I was a child. I still did normal kid things. Another part of me had to grow up. What most people do not understand is that when immigrant children are thrown into a new culture, new school, new language, they will either sink or swim. Many will sink for a bit but start swimming quickly. In my case, I sank, for three years. I had a hard time assimilating and learning English. For three years, I was below average in school. My reading comprehension was horrible. I was held back so I had to repeat a grade. I had to do Summer school for six years. I had to switch schools because the teachers at Tuttle Elementary and the ESOL classes there were not helpful. They were not able to help me. No one at home could help me either because my brother was learning English and trying to figure it out for himself. My parents did not know English. It wasn't until I was at Southside Elementary where teachers were able to have a one-on one with me. I remember when one my teachers told me, 'Sofia, you need to raise your hand and ask questions. If you don't understand something, tell us. We can't help you if we don't know you need help.' I realized that no one way going to save me from this struggle. I had to save myself. I had to speak up and try my best. Either I

continued to fail, and not learn this language or I could learn it and be on that level that my American classmates were at. I had no other choice.

September 11, 2001

Nick recalls the day of 9/11 and what he was doing. He was in the seventh grade and he was in his ESOL class when the teacher said that a plane had crashed into a building.

My third world mind was like, that kind of s*** happens all the time right? Cause I remembered this plane had actually crashed en la Argentina (In Argentina). I can't remember how it crashed but it was bad. The news...just like it is now a day, they picked a subject and they would go hard at it. So I remember seeing this, about this plane crash on the news. It was on there for a long time. So when this lady was like a plane crashed into a building. I was like, 'What's the big deal?' Okay, I understand people die but s*** happens all the time. When I got home, I kind of...kind of understood...kind of, but not really...kind of understood. It really didn't make any sense. I was like, 'What? The Arabs hate the Americans.' As a little kid you are like, 'What the f***.' I didn't understand why the Arabs hate the Americans and want to hurt the Americans...

I wanted to know if Nick thought 9/11 affected all immigrants. He said it did and especially his family. Nick explained that it did affect him and his family. Especially his father with his driver's license. Nick said,

He got his driver's license in 2000, November 2000. And it wasn't valid until 2007 (It expired in 2007). They stopped allowing immigrants to take their tests and get their driver's license. Thanks to 9/11 we lived in fear. We really...every time we got in the car

and started driving around, it was in f***** fear. It's bull**** because you know we had nothing to do with it.

Alejandro did not remember the day September 11, 2001. He only remembers that he was in first grade but nothing about that day. Although he did not remember that day he explained the importance of that day and how it affected immigrants. He stated,

It definitely impacted all immigrants because immigrants were looked at as the bad people. They were all labeled as bad... Your typical American is white, born here and very patriotic. I feel like that event had shifted people's mind and scared them from people on the outside. Being scared of everyone except Americans. I do feel like it impacted immigrants as a whole but not nearly if you are an immigrant and Muslim.

Carl explained that he was in New Jersey when 9/11 happened.

We were actually an hour and a half away from the twin towers. Yeah 45 minutes actually. Super close... I remember clearly when they brought in the TV. I don't know if you remember when teachers brought in the TV in with a stroller and had to plug it in and turn it on... They (teachers) scared the s*** out of us. It felt like another World War that was breaking down. Yeah we were taken to the basement of the school... Slowly people started to get picked up by their parents. I remember my dad picked me up. My sister was going to a high school cause she was already in ninth grade and we had to pick her up. The thing is her school was right in front of our house. That is why my dad picked me up first. We walked to our home and literally we just had to cross the street and pick up my sister. I just remember the walk home and my dad telling me what was going on and I was just looking up and seen planes, fighter jets, just zooming in.

I asked Carl if he thought the events of 9/11 affected all immigrants. “For sure there was definitely a collapse in the freedom of how visas were distributed...They just put a lot of restrictions of how people can leave the country. After 9/11 you start seeing this collapse...not collapse but a decline in immigration...Immigration kind of halted after 2001.”

When 9/11 happened, I (Sofia) was in first grade. I remember being in class, my teacher had the tv on and I remember seeing smoke in one of the towers. I remember seeing people jump off from the building. I wasn't understanding why. It was during lunch time when my mom came to school, picked me up and took me home. 9/11 definitely affected all immigrants. Before 9/11 both of my parents were able to take their drivers test and receive their license. All they needed to show was proof that they lived in Florida. Their license was valid for seven years. After 9/11 happened, the state of Florida stopped allowing undocumented immigrants to obtain a driver's license. When people go fill out the paperwork, they need to show their social security number, which undocumented immigrants do not have. After my parents' licenses expired, they had to drive with more caution. There was always this fear that they would get pulled over and get deported.

Obama Administration

Obstacles Each Individual Faced

Every participant explained the obstacles that they faced when they were undocumented. They start by the order of the first one they faced. Nick stated that the first obstacle he faced as an undocumented immigrant was obtaining a driver's license. At fifteen years old, people can apply and get their permits and then their driver's license. "I turned fifteen and like every single one of my classmates was getting their permit and I couldn't..." His second obstacle was education because after graduating high school his idea was to go to college, not to get a job. His third obstacle was getting a job because he could not just apply to any job. Nick at this point was still undocumented so he did not have a social security number. Many jobs require a person to provide their social security number when they apply.

Alejandro stated that the first obstacle he faced as an undocumented immigrant was obtaining a driver's license. He explained that he was fifteen years old when his classmates were getting their permits. When people asked him why he did not have a license he explained that he was too lazy to get it or did not care for it. "When I was 16 and everybody got their license, there is no point. I can't afford a car. Always having an excuse. An excuse good enough for people to go, 'Oh, okay.'"

Carl explains the obstacles he faced when he was undocumented. He started to notice in high school how he did not have the same opportunities as his classmates.

How it was affecting me because I couldn't be like the other kids who were getting their driver's license and thinking about college. Getting opportunities to go to university. I was just like, you I'm not getting those opportunities but I have to do it another way. It had a lot of it's disadvantages. I wasn't holding those disadvantages as like an excuse...

The first obstacle for me (Sofia) as an immigrant was obtaining a driver's license. I was one year older than a lot of my classmates, so it was weird to see that people younger than me were able to drive and I wasn't. My classmates asked me many times why I never drove, and my response was because my dad would not let me. This was not a lie because my dad honestly would not let me drive; he was afraid I would get pulled over and reveal that I had no license. I remember certain classmates did make fun of me for not having a driver's license.

The second obstacle as an immigrant that I faced was obtaining a job. When I was a Junior in high school, I worked for an after school dance program as an instructor and choreographer. Back then, I was in charge of about 200 elementary school students. My boss at that time told me that I needed to have a level two clearance in order to enter elementary schools and teach by myself. At this time, I had filed for DACA, but I had not heard from USCIS (United States Citizenship and Immigration Services) about how my application process was going. When I went to apply for the level two clearance, I was given the application back and told to put in my social security number. I told the lady that I did not have one at the moment and she told me that I could not apply. I called my boss right away and explained to her the situation. My boss wanted me to call USCIS and ask them to speed up my application process so that I could get a social security number. I told her that was something you can't ask immigration to do. I thought I was going to get fired from my job. I knew that this was completely out of my hands. My boss decided to keep me, and she went with me to the one school that was pushing to have

that level two clearance. I would teach dance and she would sit on the bleachers. Eventually, I was approved for DACA, received a social security number, and then I was able to apply for that level two clearance. This is the moment where it struck me that being undocumented could be a real struggle. I started to realize that I was not a true American because I did not have that legal documentation. I could have lost that part-time job because I did not have a social security number. I needed that number in order to do that job.

The third obstacle is attending higher education. Students in my class senior year, were applying for FAFSA, and they talked about where they could go out of state to another university. I could not do that. There was one scholarship I did apply to when I was in high school. I thought it was perfect for me because it was geared towards students who wanted to be educators. Once I applied, the benefactors came to my high school to interview me. They told me that it was between me and another female student. They ended up picking the other student. They sent me a letter in the mail letting me know I did not receive the scholarship. I remember starting to lose the hope of going to college, and I started to remember that my brother had gone through this too. I felt that it was completely unfair.

DREAM Act/DACA

Each participant recall what they remember about the DREAM Act in the early 2000's. None of these individuals knew about the political debate of the DREAM Act on the Senate floor in 2007. What Nick knew about the DREAM Act was that it was supposed to legalize kids that came to the U.S. before the age of sixteen. Alejandro did not specifically talk about the DREAM Act. He talked about his memory of President Obama wanting to help out immigrants and immigrant children. "For me, I knew that every single election they talk about this, and nothing

ever gets done, I was a little skeptical...” I (Sofia) had heard about the DREAM Act when I was younger from my parents talking about what they heard in the news. Nothing ever happened with it so I honestly had no hope that anything would be done for us immigrants.

Then, each participant recall how old they were and what they were doing the day DACA was announced. On June 15, 2012, Nick was twenty-two years old. He recalls a bit of what he could remember from that day. He said that his father had told him about DACA. However, that day itself he does not remember. Nick stated, “...I am telling you, we had heard this story of the “Boy Who Cried Wolf” so many times. Until I had the documents in my hand, I wasn’t going to believe it.” When it came to the application process for DACA, Nick said that a family friend took care of it for him. He did have to show proof that he had lived in the United States for many years. He went to get his high school transcripts and find pictures of him living here to show that proof. Once he finally received DACA not felt that they did not do more then they could have because he was still not allowed to travel outside the country. However, DACA did help him because he worked for an alarm company and was making \$40,000 his first year. He made a career out of that.

On June 15, 2012 Alejandro was a Sophomore in high school and was sixteen years old. He does not remember that day but he remembers that year. Alejandro was surprised that President Obama did this executive order.

...I was skeptical. Always raising concerns as to the motives. Is it cause you want to do it? Or is it cause you want to get reelected? If it was so easy for you to do that why didn’t you do that in the beginning? You Literally did an executive order, boom! He didn’t have to go through anybody. Why did it take so long? Cause apparently you could do this but

you had a bigger agenda. You had a bigger agenda and then when we (immigrants) came in as pawns...

Alejandro remembers the application process. His mother took him and his sister to their lawyer. They had been very familiar with this lawyer in the past. Alejandro stated,

The lawyer asked a bunch of information. A lot of proof. We had to show proof of everything. Basically, proof that we were in high school. Any awards that we had gotten, transcripts. Everything that we could date back to as far as to when we got here. The date we got here, passports, everything. I remember going in and giving all that information. I remember going in one more time and signing documents. After that we paid money. We paid the application fee plus the \$1,000 dollars EACH for the lawyer. That was her fee. Here's \$1,000 dollars for filling out the paperwork. My mom was scared and she was like you know what let's not take the risk and let's just do it.

I asked Alejandro how he felt when he received DACA. Alejandro said, "Well...it was a great high for a whole ten seconds. I could go to school, now I can drive but it didn't feel too different because I already felt like I was living the same. It was kind of like life was the same. Obviously, life was different but not too much changed. It was a step forward. Took a baby step when a giant step was needed. It didn't feel like much, but it felt like just enough."

Carl did not remember much about the DREAM Act. However, when DACA was passed he said that he immediately got an attorney to do the paperwork correctly. He said filling out the paperwork now is easy but back then there was no details on how to do it and he did not want to mess it up. He was asking the questions, How do we get informed? How do we do this? He said

it was about two months of research on how to file the paperwork and hiring an attorney. Carl said that it all happened fast. Once he received DACA he said that he did not feel too different.

Honestly I was getting away with things. I'm talking about working and driving without a license. Kind of living illegally wasn't a thing to me...I already knew what I was doing. Now that I have DACA, it's more official that I am not doing this illegally anymore. Now I can finally get my driver's license, now I can finally apply for another job...

When DACA was passed I was a junior in high school. I remember the day it was passed. I was at the pool with my friend. My mom called me and told me about it. Over the phone, I could hear my mom's excitement. I told my friend because she was also undocumented. It didn't really sink with me what DACA was or what it would do for me. If only I knew that day how much my life would change for the better.

The application process was long. I did have a family friend explain a few things to me that I needed to make sure I put correctly on the application. Certain numbers that I had to find on my passport or the Visa that I came into the U.S. with. Other than that, I filed out my paperwork by myself. I had to make copies of diplomas, certificates, pictures, and transcripts. Anything to show proof that I had been in the United States since 2001. I helped my friend and her sister file out their paperwork too. My brother and I had received a letter from immigration for an appointment. When you get this letter, if they want you in their office at a certain date and time you have to show up. We had to show up to the USCIS in Tampa for our Biometrics. What people don't understand is that immigration services do not update you on your application. My DACA came in the mail. I was really happy when I received my DACA in the mail. First thing I did was get my social security number. Then I started to study up for my driver's permit and then license. Then I was able to take my driver's test and get my license. My license was only valid

for two years, which is how long DACA is given. Every time DACA expires, so does the driver's license.

DACA gave me opportunities that I would not have if I was still undocumented. However, I was not given all the opportunities that my American citizen classmates had. They could apply to any university outside the state of Florida and receive financial aid. There were scholarships that they could apply to, that I couldn't. Back in 2014, the main requirement for a lot of scholarships was the applicant needed to be a U.S. citizen or permanent resident. I was neither, I had DACA.

Trump Administration

Rescinding of DACA

In this section, I asked all my participants what they remember the day DACA was rescinded. On September 5, 2017, Nick was twenty-seven years old when the DACA program was rescinded. Nick no longer had DACA at this moment because he was a permanent resident. Nick stated, “In the moment I was probably like okay Thank God I am no longer going through this anymore. Thank God I don’t depend on this government to do anything for me anymore.”

On September 5, 2017, Alejandro was twenty-one years old when the DACA program was rescinded. Alejandro said that day his best friend texted him immediately. Alejandro remembers not being too worried because he knew that there were many legal hoops that they had to go through in order to be officially taken out. He explains that DACA recipients have jobs, pay taxes so they can’t make it disappear. Alejandro said, “I know how the numbers work so in my head I was like it has to go through certain obstacles before it can be taken out. I knew I had time to figure something out.”

I don’t think he represented me or a lot of us. It was really upsetting to see a man that holds no real values to the people that I know and love and the way that I identify in the world. He didn’t give a c*** about that. He was more focused on the rhetoric. A lot of the rhetoric included blaming us (immigrants) for some failure in the country. Some collapse that happened because of us. He didn’t specifically name all of us, but he used Mexicans as the bait that included Latinos. I was pretty upset. A man with that set of standards, that personality should never be president... Honestly, I knew that it was

coming and I knew that he was trying to push his agenda to show his people that he...you know how he talks. 'You have to go by the rules and this is unconstitutional...' Basically this executive order can not go on. It's not constitutional. I knew that it was going to be brought up. That was another reason I don't like Trump and his rhetoric. I knew the DACA program was going to be hit and used as a political bait by everyone...I wasn't too worried honestly. If anything happened I kinda would just have to investigate on how to deal with it but of course I was pretty upset. This entire administration, I knew that DACA was going to get slowly destroyed and it kinda did when it ended and had only a one-year renewal. I was worried about not getting a job because I was still in school. I didn't want to graduate... I did all of this and not be able to get the job. That was the most upsetting part... Every time I hear that it is a political cause and they don't understand that if you take away this, there is a lot of people. I had to take out student loans and I've taken out substantial student loans that I am paying back. Think about...Just to say half a million did the same thing. That would be a lot of debt in the country. Just because you're taking away someone's ability to work. Whose going to pay for that? ...If you think about it, they will lose so much from taking away DACA. It's pre-600 dollars people are getting from 700,000 DACA recipients. I always think, there is no way because that would cost. People have student loans and car loans and houses at the moment. I think there is currently a way to buy a house with DACA. For example, if I get a loan with that program, or a house, I will be in debt for a few years. We are talking about 20-30 years that I will be in debt...

When DACA was rescinded on September 5, 2017, I (Sofia) was furious. I had submitted my DACA renewal a few months prior to the expiration of my old one because, I knew President

Trump was going to end DACA. The USCIS had received my paperwork on September 5, 2017 and mine was already in the process of renewal. I was mad because I knew other DACA recipients, who are just like me, were not able to renew theirs on time. Everyone has different expiration dates on their work authorizations. I thought that it was completely unfair because those individuals would eventually not have valid social security numbers. They would probably get fired from their jobs. DACA students would be dropped from their classes for not having a valid I-797. I thought that President Trump was a complete coward because he did not even announce rescinding DACA. Jeff Sessions was the one who said it to the public. The President of the United States should have at least the decency to tell all DACA recipients why he was ending the program and what better offer he had for us, but he had none. He did this because this program was created by President Barrack Obama. For President Trump, everything that President Obama did was wrong. President Trump thinks that DACA is connected with the border wall, but it is not. Not all DACA recipients are from Mexico. I am not Mexican. I did not physically cross any border, I came by airplane, with a visitor visa.

Supreme Court Decision on DACA

Nick did not remember what he was doing on June 5, 2020 when the Supreme Court made the decision on DACA. Nick said, "I do remember them saying that DACA is not going anywhere. My thoughts were just like, 'I guess not all hope is lost.' Being that our Santanist President... We still have angels watching our backs."

Alejandro was really happy with the Supreme Court decision. Alejandro looked at me (Sofia) and said that I was one of the first people that he texted when he heard about the decision.

Him and his friend were celebrating. He was on the Facetime with his girlfriend talking about DACA before the decision came out. Alejandro stated,

We were talking on the phone and all of a sudden I get a notification, 'Supreme Court Rules, Trump Administration Cannot Take DACA Away.' We were literally on the phone, had goosebumps. It was crazy. Definitely emotional. A small win because there is so much more that needs to be done.

Carl was not closely watching what was happening with the Supreme Court decision on DACA. If it was taken away, it is a matter of working out the days you have left until it expires and also when we have someone new in office. Another president can come back in and put it back in order. I was just counting on that honestly. If anything happened I have two more years cause I had already renewed it...

This day I remember I was at home. I got a text message from my classmate. He was overjoyed with the news about the Supreme Court ruling in favor of the DACA program. I had no idea that decision was coming out that day. I quickly turned on the tv and I went to some English news channel. They were talking about it. In my mind, I could not comprehend what happened. I guess, I couldn't believe it. I turned then to the Spanish news channel, Univision. They were reporting it live. I began to cry. I cried because I felt that this administration did not want DACA recipients. For the Supreme Court to rule 5-4 gave me this relief of not to worry. There are good people out there that are fighting for us. Three of my professors reached out to me that day. Dr. Philip Levy and Dr. Bill Murray, emailed me and were very happy with the decision. Dr. Scott Perry texted me and was ecstatic. I was going back and forth on an email with my advisor Dr. K. Stephen Prince and he also heard the news and was happy about it. It was nice to know my professors thought of me when they heard of this decision.

Covid-19

As DACA recipients, I wanted to know if Covid-19 affected them in a different way than a U.S. citizen. Nick felt that Covid-19 did not affect him or his family. Since Nick works with alarm systems, he said more people started to want alarms in their homes during this time so he was getting more work than ever. Alejandro felt that Covid-19 affected him like every other person out there working who had lost their job. He explained that having DACA, he was fortunate enough to get a stimulus check. Covid-19 did affect his family because his parents job decreased, they are self-employed. Everyone in his family caught Covid-19. Carl on the other hand felt that Covid-19 did not affect him like other people. He has been struggling because his family lives in other states and he has no family members nearby. Carl has a steady job and has been doing well during this time.

Covid-19 affected my family and I. Even though I have DACA, I was still able to receive a stimulus check. In order to qualify for it you need to have filed your taxes and have a social security number. I received it no problem. However, because my parents are undocumented, they did not receive a stimulus check because they do not have a social security number. Even though they file their taxes every year. That money would have been a big help for my family. Once Covid-19 hit, they were out of work for about two months.

Black Lives Matter

Black Lives Matter did not affect Nick personally but he said it has affected him emotionally because he felt that racism is still around. Nick stated, "If they (white Americans) are still viewing black people as (pauses) inferior. Knowing that they brought them over. It only shows what they think about us (immigrants)."

Alejandro said that Black Lives Matter has affected him in the sense that he feels for people of color that are targeted by police or people because of their color. Alejandro said, “I feel like being DACA, we are targeted as well. It has affected me because I want to make sure that we are there for them. We are there for people of color. I feel like if we all fight together, you are stronger together than just fighting by yourself.”

Carl explained how Black Lives Matter became a political thing where people had to split themselves into two. He felt that BLM started to show the people who cared and the people who didn't. He said, “It really made a difference you start to see the connections of the people who were inclined to the rhetoric that Trump had and the ones who didn't.” After the death of George Floyd, Carl started to listen and take more content to educate himself.

Taking in more information from Black History and what that means. There is a podcast from the New York Times called the 1619 Project. That thing was amazing and was one of the things that made me realize that education in the U.S. and the school I went to in Florida didn't really cover that deep with Black History and what it meant. It was always kind of brushed off...It saddens me that there are still a lot of racial issues in the country and people have to understand. The only way to understand is getting to know people who are different than you and getting a little more educated with what is happening.

Black Lives Matter did not affect me personally. However, when I saw what happened to George Floyd and Breonna Taylor, it made angry to see that racism is still alive and out there in the United States. I felt that these horrible events should make all of us unite. It doesn't matter your religion, race, nationality, status etc. We all should come together, speak up when others can't, educate one another, and end the racism.

Conclusion

As seen in Chapter Two, senators speak about undocumented immigrant children and DACA recipients on the Senate floor. For example, Senator Durbin and Senator Warren have spoken on the Senate floor about these individuals. These senators show current pictures of these immigrants as they speak about their stories. However, these senators put the wrong picture of the immigrants. The pictures that they should be showing is the immigrant at the age they immigrated. This will give other senators a better understanding who immigrated and maybe show compassion towards these immigrants.

As shown in this chapter, all four participants state that their parents made the decision to immigrate. As children they did not have a say whether they wanted to leave or stay. Nick was eleven and he understood a bit why he and his family were immigrating. He understood at a very young age that they were less fortunate than others. Alejandro, Carl and I did not understand the concept of immigrating. However, as adults, all four of us understand our parents' reason for immigrating. Our parents were not intentionally trying to break the law. They just wanted to provide for their children. All four of us came to agreement that our parents made the right decision.

This chapter shows the three obstacles each participant faced when they were undocumented. *Perchance to DREAM: A Legal and Political History of the DREAM Act and DACA*, Dr. Michael Olivas' main argument is that the major obstacle for undocumented college students is attending higher education because they are ineligible for federal and most state financial assistance. I agree with Dr. Olivas that undocumented immigrants attending higher education is huge obstacle. However, in my research I argue that there are three obstacles an undocumented immigrant/DACA recipient faces. First obstacle is obtaining a driver's license.

Second, is getting a job and third is attending higher education. As this chapter shows, Nick, Alejandro, Carl and I state that the first obstacle we faced as undocumented immigrants was obtaining a driver's license. Alejandro, Carl and I state that our second obstacle was obtaining a job because in high school we were trying to have afterschool jobs. In order to have certain job we need a social security number, which undocumented immigrants do not have. As for Nick, he stated his second obstacle was attending higher education. He did not have a job after school. When he graduated high school, he was trying to go to college and was not able to. This shows that an immigrant's experience can be different from one another. For Nick, getting a job was the third obstacle. As for Alejandro, Carl and I our third obstacle was attending higher education.

Conclusion

In the 20th century, there were no immigration reforms in the United States that helped immigrant children become permanent residents or U.S. citizens. From 2001-2020 many senators have worked hard to try and pass a comprehensive immigration reform to help immigrant children. However, they have been unsuccessful because there are many senators trying to block that immigration reform. As seen in Chapter Three, these immigrant children had no idea on the decisions being made about their lives in Congress. They were too young to comprehend the political and legal debates over immigration reforms in the United States.

Throughout the 21st century, there is a political usage of immigrant children in the political debate on the DREAM Act and DACA. In Chapter Two, senators that are in favor of the DREAM Act, argue that immigrant children are brought to the United States in no volition of their own. Many came to the U.S. at a young age, no longer speak their first language and do not remember much of their home countries. This is one of the many reasons senators that are in favor argue that the DREAM Act should be passed, so that these immigrants have a chance to become members of this society. Chapter three clearly shows all four participants did not make the choice to immigrate, their parents did.

Throughout Chapter Two, I examined the political usage of immigrant children in the political debate of the DREAM Act and DACA. Senators who are opposed to the DREAM Act argue that passing this immigration reform would be rewarding illegal immigration. Again, in Chapter Three all four participants did not consider coming to the United States as illegal. When

asked why did they immigrate, all four participants stated their parents made the decision to immigrate because they wanted to provide for their families and did not have many options to do this, in the country that they were living in. For example, Carl explained that his brother's business in Argentina failed and he owed money from a loan to the bank. However, Carl's father was the one that signed the loan. In Argentina, the bank will send people to collect. They send people to the person who signed off on the loan, to their home, to collect items to pay off the loan. Carl's father put everything they owned in a storage and shortly after, had a heart attack. He was out of work for a while. When Carl's father recovered, he was told that he was too old and not valuable to come back to work. Carl's father struggled finding work. He was the main provider and had four children that he needed to provide for. Carl's father felt that the only option he and his wife had was to leave Argentina and come to the U.S.

Chapter Two also shows the political usage of immigrant children from senators that were in favor of the DREAM Act. Providing undocumented individuals with a path to citizenship in their mind was seen immigrants would contribute to their communities and to the United States. For society, the DREAM Act would: make it possible to bring these young people out of shadows and give them the opportunity to contribute, work, and pay taxes-giving back to the communities in which they were raised. With the DREAM Act and DACA, senators that were opposed to it show the same sentiments that Historian Erika Lee explained happens each century. Immigrants are used as scapegoats in order to not deal with the issues happening in the country. Immigrants are either seen as the ones who steal jobs, bring diseases, or are criminals. According to General Jeff Sessions, DACA denied jobs to hundreds and thousands of Americans by allowing those jobs go to undocumented immigrants.

Chapter Three, it clearly shows that all four participants struggled to learn the English language. It can be argued that learning a second language can be considered the first obstacle immigrant children face. However, I argue that language is something that can be learned and is achievable. A child immigrating to a new country will right away enter the school system. Where many schools offer ESOL classes and encourage the immigrant child to read, write and speak in English. Immigrant children will learn the second language as long as they attend school in the United States. In connection with Chapter One, *Plyler v. Doe* gave immigrant children the ability to go to school in the United States and receive the same education as any other child living in the country. If *Plyler v. Doe* did not happen or if the Gallegly Amendment did override *Plyler v. Doe*, then immigrant children would be struggling to get a basic education. Then, education would become the first obstacle immigrant children would face. However, it is not. I argue that obtaining a driver license, getting a job, and attending higher education is not achievable because there are laws in each state that has their own criteria on immigrants applying for all three. As mentioned in Chapter One, there is no unified system. Especially with applying to higher education. Certain states have their own laws regarding in-state tuition fees for undocumented immigrants or DACA recipients. In 2014, the in-state tuition waiver was passed in the state of Florida.

More research can be developed on this topic. Historians as well as Psychologists should further explore the emotional aspect on the history of immigrant children. In Chapter Three, Nick discusses for a brief moment saying goodbye to his grandmother. At the age of eleven, he did not realize that moment, that it would be the last time he would ever see his grandmother in person again. I could tell that was something very hard that Nick must have dealt with it for many years. I could feel his pain and my heart broke for him. Undocumented immigrants or DACA

recipients, can leave the United States but we are not allowed to return. On the DACA work authorization card, it states, “No re-entry to the United States.” As well, “This card is not evidence of U.S. citizenship or permanent residence.” In 2015, my grandmother Rosa passed away in Argentina. I did not get to say a proper goodbye. This took an emotional toll on me and I had to deal with it for many years. I could have asked Nick more questions on this topic, but I did not want to make him uncomfortable through the interview process. If I do not feel comfortable speaking about it, he might not be. It is important to understand that DACA recipients can file for a parole to leave the country. However, parole’s cost money and there needs to be an emergency for the individual to leave the country. An emergency could be a family member passing away. However, there is no exact time of how long it takes for parole’s to be granted and the amount of time an individual gets to leave the country and come back. After September 5, 2017, President Trump terminated parole’s for DACA recipients.

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Appendix 1: Exempt Determination

EXEMPT DETERMINATION

February 2, 2021

Sofia Paschero
5032 Brandeis Circle S
Sarasota, FL 34243

Dear Ms. Paschero:

On 2/2/2021, the IRB reviewed and approved the following protocol:

Application Type:	Initial Study
IRB ID:	STUDY002073
Review Type:	Exempt 2
Title:	The DREAM Act and DACA: A History of Immigrant Children
Funding:	None
Protocol:	• Protocol, Version #1, 1.29.2021.docx;

The IRB determined that this protocol meets the criteria for exemption from IRB review.

In conducting this protocol, you are required to follow the requirements listed in the INVESTIGATOR MANUAL (HRP-103).

Please note, as per USF policy, once the exempt determination is made, the application is closed in BullsIRB. This does not limit your ability to conduct the research. Any proposed or anticipated change to the study design that was previously declared exempt from IRB oversight must be submitted to the IRB as a new study prior to initiation of the change. However, administrative changes, including changes in research personnel, do not warrant a modification or new application.

Ongoing IRB review and approval by this organization is not required. This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether these activities impact the exempt determination, please submit a new request to the IRB for a determination.

Sincerely,

Various Menzel IRB
Research Compliance Administrator

Appendix 2: Roll Call Votes

Roll Call Vote 110th Congress- 1st Session

Vote Summary

Question: On the Cloture Motion (Motion to Invoke Cloture on the Motion to Proceed to Consider S. 2205)

Vote Number: 394

Vote Date: October 24, 2007, 12:27 PM

Required For Majority: 3/5

Vote Result: Cloture Motion Rejected

Measure Number: [S. 2205](#)

Measure Title: A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Vote Counts: YEAs 52

NAYs 44

Not Voting 4

*Information compiled through Senate LIS by the Senate bill clerk under the direction of the secretary of the Senate¹⁶⁰

¹⁶⁰United States Senate, Roll Call Vote, 110th Cong., 1st sess., October 27, 2007, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=110&session=1&vote=00394.

Roll Call Vote 111th Congress - 2nd Session

Vote Summary

Question: On the Motion to Table (Motion to Table the Motion to Proceed to S. 3992)

Vote Number: 268

Vote Date: December 9, 2010, 11:22 AM

Required For Majority: 1/2

Vote Result: Motion to Table Agreed to

Measure Number: [S. 3992](#) (DREAM Act of 2010)

Measure Title: A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Vote Counts:

YEAs 59

NAYs 40

Not Voting 1

*Information compiled through Senate LIS by the Senate bill clerk under the direction of the secretary of the Senate¹⁶¹

¹⁶¹ United States Senate, Roll Call Vote, 111th Cong., 2nd sess., December 9, 2010, https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=111&session=2&vote=00268.

Appendix 3: Table

Table 1: Participants Information

Participants	Arrival Age	Current Age	Country of Origin
Alejandro	4	25	Mexico
Carl	8-9	29	Argentina
Nick	11	31	Argentina
Sofia	6	26	Argentina