

True Americans in Hiding:
The Story of Undocumented Mexicans who immigrated to the United States as Minors
Jennifer Condensa, UC San Diego

After examining public polls on illegal immigration from sources including USA Today, Time Magazine, Fox News, CNN, and The Wall Street Journal (Harmon 2009); it can be found that these polls all share two main public opinions. The public has a negative view towards illegal immigration, and furthermore that the public often classifies all undocumented Mexican immigrants as part of the same group. According to the Pew Hispanic Report, as of March 2008, there are approximately 11.9 million undocumented immigrants living in the United States with an estimated 58 percent coming from Mexico (Passel 2008). Therefore, there are nearly 7 million illegal Mexican immigrants currently living in the United States. To say that these 7 million Mexicans have all come to the United States with the same stereotypical story is unrealistic. Moreover, approximately one-sixth of this illegal Mexican population (Passel 2005), some 1.2 million people, can be grouped into minors that immigrated to the United States who were not fully aware of the crime they were committing. For the purposes of this paper, this group will be referred to as undocumented Mexicans immigrating as minors (UMIM). If UMIM cannot be considered responsible for the act of illegal immigration, why then has the state not recognized this group as deserving of naturalization? In addition, because the general public tends to lump all undocumented Mexican immigrants into one group, what are the UMIM currently doing to gain support and recognition from policy makers and the public to increase support for their cause?

As a highly controversial topic, scholars are torn on this issue. Those supporting the naturalization of the UMIM like Roberto Gonzales argue that UMIM are part of the

1.5 generation because they cannot be considered first generation due to their lack of choice at the time of immigration, and they cannot be considered second generation because of their birth place (Gonzalez 2007, 2). The general view in favor of naturalization argues that UMIM had no choice but to accompany their illegal-alien parents to American and grow up and attend school here (The Washington Times 2007). In contrast, the opposing side consists of scholars such as Kris Kobach who believe that allowing this group the possibility to naturalize sends the message, “The longer you have violated federal law, the better (Kobach 2006).” Moreover, the general view against UMIM is that allowing them to naturalize would be a reward for breaking the law and that it would encourage others to do the same (Mehlman 2008).

I believe that the controversy of this issue is rooted in whether individuals choose to classify UMIM as “illegal immigrants” or “Americans.” According to a poll conducted by Fox News of nearly 900 voters, 75 percent of Americans are concerned that illegal immigration will lead to an increase in crime, 65 percent think illegal immigrants cost more to the U.S. than any benefit they might add to the U.S., and 57 percent believe that illegal immigrants have a greater alliance to their home countries than to the U.S (Opinion Dynamics Poll 2006). Although these are debatable concerns about the population of illegal immigrants, the mindset of the public reflected in this poll reveals that the general public groups together all illegal immigrants, including UMIM, with the same stereotypical story. Through the information given in this paper, one will come to find that these public concerns about illegal immigrants are not applicable to UMIM mainly due to their being raised in the United States. According to a public survey of around 2,500 Americans from different demographics, Americanism is defined as

knowing English, embracing American culture, and most importantly having a commitment to freedoms such as the freedoms of speech and opportunity (The Washington Times 2008). Using this widely accepted view of American national identity, this paper will show that the majority of UMIM embody all of these American characteristics. I believe that due to a lack of information, those who oppose granting UMIM naturalization are lumping all undocumented Mexicans into one group and overlooking how UMIM, with the exception of their birth place, can be easily identified as American. Overall, I argue that the state has not yet recognized UMIM because the public holds a negative view that all undocumented Mexicans are criminals, which affects the decisions of many policy makers unwilling to risk their political careers to support the cause. Moreover, I believe that through the continued political participation of UMIM, they will soon be given an opportunity to receive political incorporation in United States through the DREAM Act.

In this paper, political recognition will be used as a term to define people who have been naturalized and therefore have obtained legal status and political rights within a country. Additionally, political participation will be defined in relation to people who operate within the political sphere attempting to influence decisions and create change without necessarily having political recognition. Political incorporation will finally be used as a term to define successful political participation, which can be measured through receiving political recognition. Furthermore, in my paper I also assume that public opinion controls the actions of policy makers. Although I do not discuss this point in depth, I believe that because so much of policy makers' careers are spent in the public sphere, it is a legitimate concern for them to fear losing their political status by going

against strong public opinions. Finally, in this paper one of my main arguments is that UMIM lack criminality in their offence of illegal immigration; however, it is important to point out that I selected to use this term “criminal” based on how illegal immigrants are negatively viewed in American public polls (Opinion Dynamics Poll), not how they are viewed by the government. It is therefore crucial to note that it was not until the year 2000 that U.S. Code: Title 8, 1325 declared an alien’s unsanctioned entry into the United States to be a felony. Before this code, illegal entry was only considered a misdemeanor. And so while “...Congress has criminalized illegal entry into this country, it has not made the continued presence of an illegal alien in the United States a crime...”(United WE Dream 2009).

In order to show how the public’s negative view of UMIM is unfounded, the first main focus of my paper will be to show how UMIM lack accountability and criminality in illegally immigrating to and residing in the United States through U.S. Code: Title 18, 5032. Resulting from what is stated in this code on how to assess the criminality of a juvenile offence, my paper will begin with an examination of accountability through the social background of the UMIM including the social, economic, and political forces that have affected their immigration derived from both Mexico and the United States. In continuing to examine accountability, I also inspect the extent to which UMIM played a leadership role in their immigration through looking at the most common forms of minor migration from Mexico.

The next section of this paper will focus on how the public’s view of UMIM as criminals wanting to naturalize through the DREAM Act is also unsupported. After first explaining the proposed DREAM Act, I will use it in comparison again with U.S. Code:

Title 18, 5032 to argue that the DREAM Act will only allow the opportunity to naturalize UMIM who lack criminality during their undocumented residency in the United States. I will also include a brief section of scholarly research done by Professor Roberto Gonzales explaining how contrary to public belief, allowing UMIM the opportunity to naturalize will positively impact the economy.

The second main focus of my paper will be to show how through continued political participation, UMIM will be given an opportunity of political incorporation through the DREAM Act. After an examination of the history of the DREAM Act in combination with research from Jean Espinoza explaining the possible future of DREAM Act, the rest of this paper will focus on my research of the UMIM's political participation and how it can be hypothesized that by making their situation more accessible to the public, it will lead to their political incorporation. My research for measuring the political participation of UMIM will be conducted through looking at the support of non-profit organizations helping UMIM students to come together, student activism in the public sphere, the public involvement of political figures in support of the DREAM Act.

This paper will conclude with a summary of my research, revealing how UMIM embody more characteristics of Americans than illegal immigrants; moreover, it will bring to light the importance of creating public awareness through political participation.

Accountability

I believe that the main reason policy makers are unwilling to recognize UMIM as deserving of naturalization is because they fear the negative reaction of the public affecting their political careers. Through examining the accountability of UMIM, I show that the public's negative view of UMIM as criminals is unfounded, and furthermore

argue that if the public was better educated regarding the situation of UMIM, policy makers would be free to grant naturalization to deserving UMIM through the DREAM Act.

As an argument for how the majority of UMIM should not be held accountable for entering the United States, I will look at U.S. law and how it states to assess the criminality of a juvenile offence. According to the US Code: Title 18, 5032:

Evidence of the following factors shall be considered [when assessing criminality]... in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity... the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities... (Cornell University Law 2007).

By using this code as a guideline for what factors need to be taken into consideration when judging the criminality of UMIM, I intend to show first through the "social background of the juvenile" and next through "the extent to which they played a leadership role in their immigration," how the majority of UMIM should not be held accountable for illegally entering the United States. As not to ignore the other factors to be considered in juvenile criminality, a later section of this paper will address the remaining factors of U.S. Code: Title 18, 5032 in relation to the proposed DREAM Act.

The Social Background of UMIM

The social background of a Mexican immigrant coming to the United States can be determined to be a complex mix of social, economic, and political forces derived from both Mexico and the United States. Forced immigration of minors into the United States can be attributed to these combined factors. Because migration from Mexico to the United States has been increasing since the late nineteenth century (Massey, Durand,

Malone 2002, 24) and has had a dramatic increase from 1970 to the year 2000 (Camarota 2008, 5), in looking at the social background of UMIM, the social, economic, and political forces in the past forty years between Mexico and the United States will be the main focus.

Basic social necessities are the key resources for healthy child development (Scott 2008, 16); therefore, in looking at the social forces affecting the immigration of UMIM to the United States, the areas of food security, health care, and education access between the United States and Mexico will be examined.

In looking first at food insecurity across the continent of North America, Mexico has consistently had the most noticeable problem. Even with an improvement in 2005, there were still "...one in five Mexicans (18.2 percent), including 6.9 million children under the age of 18, [who] had incomes insufficient to purchase a basic diet" (Scott 17). Furthermore, food insecurity in Mexico spiked in both 1974 and 2002, where nearly half of all Mexican respondents (around 43 percent) in the Pew Global Attitudes Project reported being unable to afford basic food items. Although food insecurity is also a problem in the United States, it does not relatively compare with Mexico, for the majority of U.S. households have consistent access to enough food for healthy living (Scott 17). Despite the majority of United States households having access to food, it is not clear whether Mexican-American families are part of this majority; however, the mere concept undoubtedly influences many Mexican families to immigrate to the United States.

In addition to food insecurity, access to health care is another issue that is a significant challenge for large numbers of children in not only Mexico, but in the United States as well. In the year 2000, "... more than 55 million Mexicans did not have access

to publicly sponsored health care services, including 20.3 million children under 14” (Scott 18). Even with some children relying on public clinics, because of the fees and limited availability, many Mexican children are still left without health care. In the United States, Hispanic children are the highest of all races to not receive public or private health insurance at 22 percent in 2006 (Scott 18), accounting for approximately 1,400,000 children (US Census Bureau 2006). Although there are large numbers of Hispanic children not receiving health care in the United States, this number is still drastically lower than the 20.3 million children not receiving health care in Mexico; ultimately, these rates can be concluded to influence Mexican immigration.

In finally looking at the differences between educational opportunities in the United States and Mexico in the past forty years, there is evidence that due to economic hardships, many Mexican families have been forced to take their children out of school to subsidize their family’s income (Scott 26). In the year 2000, the rate of child poverty was around 26.9 percent in Mexico compared to the United States at 21.9 percent (Scott 11). Although these percentages both seem high, when combined with the information that eight in ten Mexican children are living in households with low human capital, research has suggested that Mexican families are forced to enter their children into the labor market versus allowing them to achieve a higher level of education (Scott 26). Since the United States has a lower rate of child poverty, does not allow child labor, and offers free public education through high school (Texas Conservative Coalition Research Institute 2007), educational opportunities become another factor that influences Mexicans to enter the United States.

In next focusing on the economic forces that affect the social background of

UMIM, the macro and microeconomics of Mexico from the past forty years will be explored. Because international capital markets are a way to promote economic efficiency among governments through channeling money for example (Woepking 1999), the recent economic history of Mexico on a macroeconomics level can be traced through the country's involvement in international investing and borrowing. Beginning in the fifties and sixties, Mexico's economy was stable; however, from the mid seventies until 1982 the country had to severely rely on international borrowing. By 1982, due to the falling world prices of oil, the Mexican economy finally collapsed and entered into an external debt crisis which led to radical change and a long period of recovery (Massey, Durand, Malone 2002, 42). Finally after 1990, the country's economy began to stabilize and Mexico was able to invest again in international capital markets, but the debt crisis of 1982 had lasting effects leaving the country impoverished (Oks 1994, 1-4). Thus, the force of Mexico's unstable economy due to the debt crisis of 1982 can be attributed to the push for Mexicans to immigrate to the United States.

In next looking at Mexico from a microeconomic perspective, the economic recession and debt crisis of 1982 had negative effects on Mexico's real wages and job opportunities for residents. Despite the decreasing and low unemployment rate in Mexico from 1983 to the late nineties (Fleck 1994, 3), in looking at the real wages in Mexico over the past thirty years, "...Mexico has experienced wide variation in real income, as periodic devaluation of the peso have lead to bursts of inflation, which have caused incomes to fall sharply" (Hanson 2006, 18). This instability of the real wages in Mexico combined with how "...wages are substantially higher among Mexican immigrants in the United States than among residents of Mexico" (Hanson 19) leads to understanding the

push for many Mexicans to immigrate to the United States during this period. Moreover, the low unemployment rate in Mexico can be deemed misleading considering it “mask[s] a large number of persons in unstable, marginal jobs” (Fleck 3). In also examining the “...Mexico-US relative supply of labor... over the 1970 to 2000 period... the data suggests that a combination of slow growth in Mexico’s economy and rapid growth in Mexico’s labor force have contributed to rising labor outflows in recent years” (Hanson 31). Although job opportunities have always been an incentive for Mexican residents to immigrate to the United States (Massey, Durand, Malone 2002), research suggests that because of the instability in real wages and the lack of job opportunities in Mexico due to the recovering economy, there has been a large internal push for Mexicans to immigrate to the United States. In examining the political forces attributing to the social background of UMIM, a history of extreme political transformations in Mexico coupled with the changing needs of the United States can be concluded ! to have influenced Mexican immigration to the U.S. In first lo! oking at the history of Mexican politics, it has been claimed that the Mexican political system has never existed without corruption and that the “...absolute concentration of power creates favorable conditions for widespread political corruption” (Gonzalez 2005, 261). Starting in the late nineteenth century, Mexico has undergone three major political transformations. Beginning with the liberal revolution led by Porfirio Diaz, Mexico became part of the global trading system through massive foreign investment. The next was the Mexican Revolution which “...created a powerful corporatist state that assumed a central role in planning, organizing, and financing economic growth (Massey, Durand, Malone 50). The final revolution was the neoliberal revolution of the 1980s which “...privatized state-owned industries,

dramatically downsized the government, limited subsidies, and open[ed] Mexico to global trade and foreign investment” (Massey, Durand, Malone 50). These major political revolutions led to structural transformations, which negatively influenced the social and economic circumstances faced by everyday Mexicans. As a solution to their problems, this history of Mexican politics can be concluded to leading to the immigration of many Mexicans to the United States.

Additionally, during this time of political transformation in Mexico, the United States was also making political changes in relation to immigration. “High inflation, rising unemployment, and sagging wages in the United States during the 1970s made Mexican immigration increasingly salient as a political issue...” (Massey, Durand, Malone 43). And so in 1976 Congress made new amendments to the Immigration and Nationality Act to solve this “new problem” of Mexican immigration. The most pertinent of these new amendments “...extended the 20,000-per-country limit to the Western Hemisphere and placed it under the dictates of the preference system,” which caused legal Mexican immigration to immediately fall by 40 percent. Thus, these new limits satisfied the American public fears of controlled boarder security, ! while at the same time U.S. employers were able to “...enjoy ready access to Mexican workers...” (Massey, Durand, Malone 46) through border patrol not deterring undocumented Mexicans from entering the United States. In fact, at the time the new amendments to the Immigration and Nationality Act were made, the probability of a migrant successfully entering into the United States over the course of four attempts was 80 percent (Massey, Durand, Malone 45). Therefore, due to the economic circumstances of the United States during the 1970s, combined with American public fears, the need for Mexican laborers,

and the imposition of new limits on legal immigration from Mexico, not only were Mexicans influenced to immigrate to the United States, but they were strangely influenced to do so illegally.

After examining the complex social background of UMIM derived from both Mexico and the United States in the past forty years, it can be concluded that social, economic, and political forces have all greatly impacted the forced immigration of undocumented Mexicans to the United States.

The Leadership Role of UMIM in their Immigration

A large factor refuting the accountability of UMIM for the act of illegally entering the United States is their lack of leadership during the time of immigration due to their status as a minor. The most common forms of migration for minors traveling to the United States from Mexico is "...by themselves, with one another, with their parents, under the care of extended family or community members, or with a coyote or a coyota (a man or woman paid to facilitate entry into the United States)" (Boehm 779). Therefore, this section will focus on how UMIM should not be publically viewed as criminals for illegally entering the United States because in each of these forms of migration, the minor did not play a leadership role.

Although at first glance it may seem like UMIM who immigrate alone or with another minor take the leadership role in their immigration to the United States, many minors immigrating alone are doing so under the influence of their parents or caretakers. In looking at Deborah Boehm's fieldwork on transnational Mexicans, she reveals that children are at the center of the migration process and furthermore that "...Mexicans have indicated that a primary motivation for migrating is their children..." (Boehm 2008,

786). A Mexican mother explains her reasons for immigrating as, “There are advantages for me, for my children... I have to think about them, so that they can have a better life” (Boehm 786). Due to the influence of Mexican parents wanting what is best for their children, research shows that an increasing number of minors are immigrating to the United States to reunite with their parents, and/or because their parents ! want them to have the opportunity at a better life (Boehm 786). And so despite what it seems, minors who immigrate alone or with another minor from Mexico to the United States should not be held accountable for holding a leadership role in their immigration due to a convicting influence by their parents.

In next looking at minors who immigrate with their parents, extended family, or community members, it can be concluded that these minors also do not play a leadership role in immigration due to the dominance of their adult caretakers. Although it is common knowledge to assume that a parent will take leadership over a child, in looking at immigration anecdotes from UMIM, this assumption can be confirmed. In hearing the story of Cesar Juarez who entered the United States at the age of seven, he explains that “He and his family first came to the United States in 1993, when his mother fled her abusive marriage” (Flores 2008). Thus in this case of Juarez, his mother took the active role in bringing him to the United States through her motivation to escape abuse. In next looking at the story of Alejandra who came to the United States at the age of thirteen, she explicitly states “Only my mother know that we were going to be smuggled into the United States. We [Alejandra and her younger brother] found out at the Mexico/ USA border” (United We DREAM Organization). In this case of Alejandra, it is very clear that her parents played the dominant role in her immigration, due to her lack of knowledge

during the time of her crossing. Therefore as anticipated, minors do not have a leadership role when immigrating with parents, extended family, or community members due to the dominance of the caretaker over the child.

Finally, in looking at minors who immigrate to the United States with a coyote or a coyota, it can also be concluded that they do not play a leadership role in their immigration to the United States. A “coyote” is defined as a person who brings migrants across the southern border to the United States as a form of migrant smuggling (Uehling 834). Moreover, as an argument for minors playing an active role in this type of immigration, one could say that in contrast to migrant trafficking, migrant smuggling carries with it the assumption that those who are being smuggled have willingly elected to migrate for a price determined by the coyote (Cicero-Dominguez 2005, 305). This willingness of the person to be smuggled can therefore imply a leadership role in immigration. However, in the case of minors, the dominant role when being smuggled still falls with a parent or caretaker due to the fact that they are the ones who hire and pay the coyote (Uehling 859). Despite how in many cases children are forced into forms of exploitation due to the difficulty of paying off the coyotes, the best-case scenarios of child smuggling result in the minors being reunited with their family or other caregivers at the end of the journey (Uehling 834). Thus, by looking at the best-case scenarios it can be inferred that even in the cases of minors being smuggled, their parent or caretaker still plays the leadership role in their immigration.

Overall, by examining the most common forms of minor migration from Mexico to the United States including by themselves, with one another, with their parents, under the care of extended family or community members, or with a coyote, it can be concluded

that UMIM should not be held accountable by the public as criminals for entering the United States undocumented due to their complete lack of a leadership role during the process of their immigration.

Conclusion on Accountability

In looking at the social background of the UMIM and the extent to which they played a leadership role in their immigration, overall it can be concluded that not only have social, economic, and political forces strongly influenced Mexicans to immigrate undocumented to the United States, but that minors coming from Mexico into the United States also play little to no leadership role during their process of immigration. Moreover, when comparing these findings with U.S. Code: Title 18, 5032 and how it states that the criminality of a juvenile offence is dependent in part on the “social background of the juvenile” and “the extent to which the juvenile played a leadership role,” I argue through my findings that UMIM should not be held accountable by the public for illegally entering the United States due to the lack of criminality in their offence. In addition, I argue that through public education on the situation of UMIM, they would no longer be stereotyped negatively by the public as criminals, allowing policy makers the freedom to grant UMIM the ability to naturalize through the DREAM Act.

U.S. Code: Title 18, 5032 and the DREAM Act

In already showing how the factors of the “juvenile’s social background” and their “leadership role” in immigration, provided by U.S. Code: Title 18, 5032 deny accountability for UMIM entering the United States undocumented, the remaining code factors of “juvenile’s age,” “prior delinquency record,” and “present intellectual development and psychological maturity” will now be used as a guideline to judge the

criminality of UMIM who would be allowed political incorporation and the opportunity to naturalize through the proposed DREAM Act.

The Development, Relief, and Education for Alien Minors (DREAM) Act "... is bipartisan legislation that addresses the situation faced by young people who were brought to the United States years ago as undocumented immigrant children, and who have since grown up here, stayed in school, and kept out of trouble" (National Immigration Law Center 2009). For a person to be eligible for the DREAM Act, they must meet four basic requirements: that the person entered the United States before the age of 16, (s)he has graduated from high school or obtained a GED, (s)he has good moral character (no criminal record), and that (s)he has had at least five years of continuous presence in the U.S. Furthermore, if one meets the eligibility requirements, once the DREAM Act passes, (s)he will then have six years to obtain a two-year college degree or complete two-years of military service. If these requirements are all met by an individual, the DREAM Act will then award that person permanent residency in the United States (United WE Dream).

In comparing the DREAM Act with U.S. Code: Title 18, 5032 for judging juvenile criminality, I argue that the public's negative view of UMIM naturalizing is unfounded due to the eligibility requirements of the DREAM Act only allowing UMIM who lack criminality during their residency in the United States an opportunity to naturalize. Revisiting the code, the first factor not previously taken into account is the juvenile's age. In comparing this factor with the eligibility requirements of the DREAM Act stating that the person must have entered the U.S. before the age of 16, it can be concluded that the only UMIM that will be given an opportunity to naturalize are those

who were minors at the time of immigration and therefore cannot be held accountable for their immigration. Another factor not previously accounted for is the juvenile's prior delinquency record, but the requirements for the DREAM Act will also take this factor into account by only allowing the opportunity to naturalize to UMIM who have a clean criminal record. The final factor given by the code is the intellectual development of the minor; however, the DREAM Act's eligibility requirement will yet again take this factor into account through only allowing UMIM who have obtained their GEDs the opportunity of naturalization. Therefore, the public's negative view of UMIM being allowed to naturalize is also unfounded due to the DREAM Act not allowing a path for all UMIM to naturalize, but only those who obtain education and lack criminality in their undocumented residency in the United States.

Scholarly Research

So far, my research has concluded that the public's negative view towards UMIM naturalizing through the DREAM Act is unfounded due to the lack of criminality in their offence of illegally immigrating and living in the United States shown through U.S. Code: Title 18,5032. Moreover, because it is commonly believed that passing the DREAM Act will negatively impact the economy (Gonzales 2007), the scholarly research of Professor Roberto Gonzalez further adds to my argument that popular public opinions is commonly incorrect due to a lack of information.

Although undocumented Mexican immigrants currently have a right to receive primary and secondary education, and are generally accepted into college, their economic and social mobility is severely restricted due to their undocumented status (Gonzales 2008, 236). Roberto Gonzalez thus argues that besides the moral and humanitarian

reasons for passing the DREAM Act, there are also strong economic considerations “...such as ensuring that the investment already made in the schooling of these [undocumented] students is not wasted and that the country is not deprived of productive, educated, and U.S.-trained workers” (Gonzales 2007, 11). Furthermore, he claims that research has indicated that when given an opportunity to naturalize, “...undocumented immigrants experience substantial upward mobility” (Gonzales 2007, 3). He believes ! that the DREAM Act is a path that would provide a way out of this difficult situation for many undocumented students, and by being allowed to enter the work force, they could “...contribute significantly to the growth of the highly-skilled labor force...” while having minor effects on the number of jobs currently occupied by native workers (Gonzales 2008, 11). Overall Gonzales’s research shows that undocumented immigrants who came to the United States as minors are an untapped resource and wasted economic investment; furthermore, his research coincides with my argument that the public’s negative view of UMIM is unfounded because, contrary to popular belief, they can offer economic benefits to the country.

The DREAM Act and UMIM Political Participation

Now that evidence has been presented for why the public has an unfounded negative view of UMIM, I argue that through their continued political participation leading to the education of the public, it can be hypothesized that UMIM will soon be allowed political incorporation in United States through the DREAM Act. After an examination of the history of the DREAM Act in combination with scholarly research from Jean Espinoza explaining the possible future of the DREAM Act, I will focus the remainder of my paper on the increasing political participation of the UMIM and how

they are currently making their hidden situation apparent to the uninformed public.

History of the DREAM Act and More Scholarly Research

The DREAM Act was first introduced to Congress on July 31, 2003 by Senator Richard Durbin. Although it initially passed the Senate Judiciary Committee by a 16-3 vote, it never received a full Senate vote during this session of Congress (Espinoza 2009, 4). Reintroduced again by Durbin in November of 2005, the DREAM Act again passed the Senate Judiciary Committee in March of 2006, sponsored or cosponsored by 48 Senators of both parties and more than one-third of the House, but it was again prevented from coming to the floor for a vote (National Immigration Law Center 2006). Although in October of 2007 the bill made it to the floor, the Senate's Republican majority rejected the bill 52-44, just 8 votes short of the 60 needed (Curry 2007). Currently, because the Democrats have obtained a 59 percent majority in Congress (Capitol Advantage 2009) and Obama is in the White House, the Democrats are planning on reintroducing the DREAM Act again in 2009 (Espinoza 6).

Due to the DREAM Act being repeatedly rejected by the Republican Party, the research of scholar Jean Espinoza exposes how those supporting this bill believe that with the Democrats controlling the White House, the DREAM Act will become a top priority during Obama's presidency (Espinoza 6). Supporting her claim, Espinoza recalls the debate in Austin, Texas between the Democratic presidential candidates on February 21, 2008. When discussing the issue of immigration, Obama stated, "Something we can do immediately that I think is very important is to pass the DREAM Act..." (Election Center 2008). Through his explicit verbal support of the DREAM Act, Obama has led many supporters to believe that with Democrats in control, the DREAM Act has a high

probability of passing in 2009. Espinoza further reveals that not only do Obama's words support the DREAM Act, but his actions do as well. During the final vote of the bill in October 2007, Obama not only voted "yes," but he also was one of its cosponsors (Espinoza 6). Therefore, given the close voting history of the DREAM Act and scholarly predictions of the positive impact the Democrats will have on the bill by controlling the White House, I argue that combined with the continued political participation of UMIM, the DREAM Act can be hypothesized to pass in 2009, allowing them an opportunity at political incorporation.

Political Participation of UMIM through the DREAM Act

By making their hidden situation more apparent to the uninformed public through continued political participation, I argue that UMIM will be given the opportunity to receive political incorporation through the DREAM Act. Conversely, because some political participation research findings have taken place before the bill was rejected in 2007, one could argue that the past political participation of the UMIM has already been proven unsuccessful. However, I hypothesize that affecting public awareness is a gradual process that grows exponentially over time. Therefore, because the effects of the political participation of the UMIM have had two more years to exponentially affect public awareness since the rejection of the bill in 2007, I argue that the continuing political participation of UMIM will lead to the passing of the DREAM Act in 2009.

One of the main goals of the DREAM Act is to promote the higher education of undocumented immigrants (United States. Cong. Senate 2007); thus, in combination with my research, I have concluded that the UMIM who are mainly involved in political participation through their support of the DREAM Act are undocumented students. In

addition, I have also found that the political participation of UMIM can be measured by how they increase public awareness through the support of non-profit organizations helping UMIM students to come together, student activism in the public sphere, and the public involvement of political figures in support of the DREAM Act.

In first measuring the political incorporation of UMIM through the public support of non-profit organizations, my research has shown the National Immigration Law Center and United We DREAM are just a few non-profit organizations that publicly support the DREAM Act and help UMIM students come together. Moreover, the support of these non-profit organizations is helping to increase the political participation of UMIM and public awareness of their situation.

With a strong presence in Washington, D.C., the National Immigration Law Center (NILC) is an organization dedicated to protecting and promoting the rights of low income immigrants by creating in-depth analyses of proposed legislation to advise policy makers with accurate and insightful information (National Immigration Law Center 2009). Moreover, on January 8-9, 2007 the NILC sponsored an invitation-only “summit” in Kansas City, allowing about 65 immigrant students and advocate supporters from more than 20 states representing more than 30 organizations to review strategies and to organize themselves into an effective network to improve their efforts mainly supporting the DREAM Act. Furthermore, this summit was the first time organizations in different states were granted an opportunity to work together (Bernstein 2007). Since undocumented students, including UMIM students, were allowed the opportunity to organize through the support of the NILC, it can be concluded that this non-profit organization enabled them to increase their political participation and create a higher

public awareness of their situation.

United We DREAM is another organization made up of a coalition of over 40 non-profit organizations for the DREAM Act (Arbor 2009) claiming to offer a national link to aid organizations, communities, and individuals (United We DREAM). In the interest of allowing undocumented students to come together, United We DREAM has created a website (dreamactivist.org) that offers information, updates on the DREAM Act, and a public way for undocumented students to share their immigration stories. The individuals behind the website proclaim that they "... are undocumented students working 24-7 for other undocumented students, families, and allies, and [they] approach this with the understanding that this is not just a cause, it is our lives" (United We DREAM). United We DREAM has not only allowed UMIM, as well as other undocumented students, an opportunity to create awareness of their situation through dreamactivist.org, but because the website itself was created! by undocumented students, it is also a direct example of the effectiveness of students exercising political participation to educate the public on this topic.

The second way I measure political participation of the UMIM is through their activism in the public sphere. In looking at wide variety of newspaper articles, UMIM students can be found politically participating by sharing their stories in hopes of creating public awareness of their situation and the solution of the DREAM Act. Furthermore, these articles all seem to share the commonalities of revealing how undocumented students lack accountability in immigrating to the United States, how they have grown up and are living in the United States like any other American, and finally how they support the passing of the DREAM Act.

In the story of fifteen year old Christian from Oaxaca, Mexico, printed in the New York Daily Times on July 12, 2007, he recalls how his mother carried him in her arms through the Arizona desert when he was four. Through Christian's simple statement being posted in a widely read paper, he is able to reach the public and explain how he is not the one to be held accountable for illegally entering the United States. Furthermore, Christian explains that his childhood was pretty much like any other American child growing up in the United States. He went to school, watched Pokémon on television, and played with his Hot Wheels in the driveway. By sharing his childhood memories, Christian is also able to explain how he does not live the lifestyle of a criminal, but instead has a life similar to that of any other American. The article includes Christian stating that he "...would like the DREAM Act to pass..." and that to satisfy its requirements he "...would join the Army despite the war" (Ruiz 2007). This article contains the themes of Christian lacking accountability in immigrating to the U.S., how he has been raised as an American, and that he supports the DREAM Act and its requirements.

In the next story of Erika from San Luis Potosi, Mexico, published in the Houston Press on June 17, 2008, she explains how she was almost born in the United States, but was born in Mexico as a result of her mother being in an abusive relationship. To escape further abuse, Erika at the age of five along with her mother and siblings finally crossed the Rio Grande in January of 1989. By sharing her story to the public, Erika is not only able to show that she cannot be held accountable for her immigration, but also that immigration was crucial for her safety. Her story continues by revealing how she "...adored school... was exclusively in advanced placement classes..." and "[a] straight-

A student..." who graduated at the top of her class (Vogel 2008). Erika's story further exposes to the public that not only was she an average American girl attending U.S. school, but she was also excelling beyond her classmates. Finally Erika's story concludes with her hopes for immigration law to change, possibly through the DREAM Act, so she can go to graduate school and become a teacher. Like most stories of UMIM in the news, Erika's story reveals to the public that she is not to be held accountable for her immigration, that she is a typical American girl, and how she is desperate for immigration law to be changed hopefully through the DREAM Act.

The final way I measure the political participation of UMIM is through the increased public involvement of political figures in support of the DREAM Act. As the Senator heading the proposals and legislation for the DREAM Act, Senator Richard J. Durbin is an obvious political figure in support of the bill stating that the DREAM Act "...would allow students with great potential and ambitions to contribute more fully to our society" (United States. Cong. Senate 2004). There are many other political figures who strongly favor the bill including Senators Dianne Feinstein and Orrin Hatch who have publically risked criticisms of their political careers for supporting the DREAM Act; I argue that they have encouraged and increased the political participation of undocumented students such as UMIM. Furthermore, this encouragement is rooted in undocumented students knowing that their political participation efforts will be supported by strong political figures.

In first looking at Senator Feinstein, D-Calif., in addition to being a co-sponsor of the proposed DREAM Act of 2003, she was also more recently reported on July 13, 2008 in the San Francisco Chronicle of helping to prevent the deportation of the family of an

undocumented Armenian student, Arthur Mkoyan, who like UMIM, was raised in the United States and was brought to the U.S. at the age of two. Hearing of the situation and the potential of UC Davis accepted Arthur Mkoyan, Senator Feinstein introduced a private bill in the U.S. Senate that could grant the family lawful permanent residence just days before the family's scheduled deportation (Hendricks 2008). Despite the risk to her political career due to the public possibly receiving her action negatively, Feinstein fought the deportation raising public awareness for undocumented students in similar situations. By publically exemplifying this case to which many undocumented students can relate, I argue that Senator Feinstein's support of fighting the deportation of this family encourages undocumented students, including UMIM, to continue their efforts of creating public awareness through political participation.

Another political figure publically supporting the DREAM Act is Senator Hatch, R-Utah. Despite opposing Republican leaders who refused to schedule a floor vote on the DREAM Act, Senator Hatch inserted his "DREAM Act" into the budget authorization for the Justice Department in an attempt to make the law become part of the larger two-year spending plan. By taking this route with his DREAM Act, Senator Hatch was attempting to avoid the bill "...trying to survive a contentious vote as a stand-alone measure" (Smith 2007). Sustaining criticisms of obstruction during the appropriations for the Department of Justice and blatantly going against the opinions of other members of his Republican party, Senator Hatch risked his political career in an attempt to fight for the undocumented students that would benefit from the DREAM Act. Furthermore, I argue that through this risk supporting the efforts of undocumented students, such as UMIM, Senator Hatch has encouraged them to increase their political participation.

Overall, what links the support of non-profit organizations, student activism in the public sphere, and the public involvement of political figures in support of the DREAM Act, is the transparency of their actions to the public. Furthermore, because I hypothesize that affecting public awareness is a gradual process that grows exponentially over time, I argue that the affects of the political participation of UMIM have not only improved public awareness of the cause, but have also been measured through my research to be increasing. I therefore hypothesize that through the continued political participation of UMIM, the DREAM Act's outcome will be positively affected when it is reintroduced into Congress in 2009.

Conclusion

In exploring the questions of why the state has not yet recognized UMIM as deserving of naturalization and what this group is currently doing to gain recognition from policy makers and the public to increase support for their cause, I have argued firstly that the state has not yet recognized UMIM because the public holds a negative view that all undocumented Mexicans are criminals which affects the decisions of policy makers unwilling to risk their political careers for the cause, and secondly I have argued that through the continued political participation of UMIM, they will soon be given an opportunity to receive political incorporation in United States through the DREAM Act. To support my first argument, I have shown that if the public was made aware that the widely accepted negative view of UMIM as criminals is unfounded due to UMIM lacking accountability for immigrating to the United States as well as criminality for residency in the U.S., policy makers would no longer fear political persecution for supporting the naturalization of UMIM. I have shown support for my second argument through

researching how UMIM are currently using political participation to create public awareness through the DREAM Act. By looking at scholarly research of the benefits of the DREAM Act and how the changing political demographic in the White House favors the bill, I hypothesis that through public awareness increasing exponentially through the continued political participation of undocumented students, the DREAM Act has a strong chance of passing when it is reintroduced to Congress in 2009.

In now going back to the differences from what the public classifies as an “illegal immigrant” versus an “American,” this paper has hopefully succeeded in showing how UMIM are true Americans in hiding because they know English, are an embodiment of American culture, and are currently fighting for the freedoms this country stands for through their political participation in the DREAM Act. Moreover, I hope this paper has brought to light the importance of creating public awareness. The widely accepted view that all undocumented Mexicans are criminals is false, which can be seen in this paper with the case of UMIM who had no choice but to immigrate and grow up illegally in the United States. Because I argue that politicians, and therefore government policy, is controlled by public view, if the public is not educated, it will lead to an unjust and biased government. I believe that the key to solving government injustices is educating the public though persistent political participation from the groups of people being affected. If the DREAM Act does in fact pass in 2009, I would argue that it is a form of political incorporation created through the persistent political participation of undocumented students; furthermore, I would hope that its success in changing this government injustice would inspire others who have been overlooked in this country to speak out and create public awareness of their situation though political participation.

Works Cited

- "About Us." United We DREAM. 3 Feb 2009 < <http://dreamactivist.org/about/>>.
- Amaya, Lisette, Wendy Escobar, Monique Gonzalez, Heather Henderson, Angelo Mathay, Marla Ramirez, Michael Viola, and Negin Yamini. "Undocumented Students Unfulfilled Dreams." UCLA Center for Labor Research and Education. (2007): 1-16.
- "America's 'Identity Crisis.'" The Washington Times. 9 June 2008, Editorials: B02. Lexis-Nexis Academic. Online. 24 Feb 2009.
- Arbor, Ann. "Re: Unaccompanied Minor Illegal Aliens." Email to Jennifer Condensa. 3 Feb 2009.
- "Arthur Mkoyan – Deportation Delayed!" United We DREAM. 11 June 2008. 14 Mar 2009 <<http://dreamactivist.org/2008/06/11/arthur-mkoyan-deportation-delayed/>>.
- Bernstein, Josh. "New Strategies and Networks Emerge from Well-Attended DREAM Summit." Immigrants' Rights Update 21.120 Feb 2007 10 Feb 2009 <<http://www.nilc.org/immlawpolicy/DREAM/Dream007.htm>>.
- Boehm, Deborah A. "'For My Children:' Constructing Family and Navigating the State in the U.S.-Mexico Transnation." Anthropological Quarterly 81:4 (2008): 777-802.
- Camarota, Steven A. "Immigration from Mexico: Assessing the Impact on the United States." Center for Immigration Studies July, 2001. 17 Feb 2009 <<http://www.cis.org/articles/2001/mexico/mexico.pdf>>.
- Cicero-Dominguez, Salvador A. "Assessing the U.S.-Mexico Fight Against Human Trafficking and Smuggling: Unintended Results of U.S. Immigration Policy." Northwestern Journal of International Human Rights 4:2 (2005): 303-330.
- "The CNN Democratic Presidential Debate in Texas." Election Center 2008. CNN. 21 Feb 2008. 11 March 2009 <<http://www.cnn.com/2008/POLITICS/02/21/debate.transcript/>>.
- "Congressional Directory: Party Demographics." Capitol Advantage. 2009. 8 March 2009 < <http://www.congress.org/congressorg/directory/demographics.tt?catid=party>>.
- Curry, Tom. "Lessons of the Dream Act Defeat: Senate Vote Reveals Staying Power of Illegal Immigration Issue." MSNBC. 24 Oct 2007. 11 March 2009 < <http://www.msnbc.msn.com/id/21456667/>>.
- "Delinquency proceedings in district courts; transfer for criminal prosecution." Title 18 U.S. Code, Sec. 5032. 2007 ed., Cornell University Law School US Code Collection. 10 Feb 2009 <http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_18_00005032----000-.html>.
- "The DREAM Act." United We DREAM. 8 Mar 2009 < <http://dreamactivist.org/faq/general-faq/>>.
- "DREAM Act: Basic Information." National Immigration Law Center. Feb, 2009. 6 March 2009 < <http://www.nilc.org/immlawpolicy/DREAM/dream-basicinfo-2009-02-19.pdf>>.
- "DREAM Act Students – Don't Let Anyone Call you a criminal." United We DREAM. 12 Mar 2009 <<http://dreamactivist.org/2008/12/28/dream-act-students-dont-let-anyone-call-you-a-criminal/>>.
- "DREAM Act Summary." National Immigration Law Center. April, 2006. 6 March 2009

<http://www.nilc.org/immlawpolicy/DREAM/dream_act_06_summary_2006-04.pdf>

Espinoza, Jean Pierre. "Overview and Analysis of the Development, Relief, and Education For Alien Minors Act (DREAM Act): What Was Not But Could Be." Journal for Migration and Refugee Issues 5.1 (2009) 1-12. 11 Feb 2009 <<http://ssrn.com/abstract=1312111>>.

Fleck, Susan and Constance Sorrentino. "Employment and Unemployment in Mexico's Labor Force." Monthly Labor Review 117:11 (1994): 3-31.

Gonzalez, Jose C. Garcia, Rosa O. Gonzalez Robles, Adolfo Mir Araujo, and Araceli Garcia Delsoto. "Public Sector Corruption in Mexico: Social Representations Among the Legal Community of the Federal District." Criminal Law Forum. 16(2005): 257-277.

Gonzales, Roberto G. "Left Out But Not Shut Down: Political Activism and the Undocumented Student Movement." Northwestern Journal of Law and Social Policy 3(2008): 219-239.

---. "Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students." Immigration Policy in Focus 5.13(2007): 1-11.

Hanson, Gordon H. National Bureau of Economic Research. Illegal Migration from Mexico to the United States. San Diego: University of California, Mar 2006.

Harmon, Senator Tom. Web page. "Illegal Immigration Polls and Surveys." 2 March 2009 <[http://cssrc.us/\(A\(wmu e6E0eyQEkAAAANmIyMjk1ZWmtNWY0ZS00NGZILtk2NTItN2VhMTAxYjNmZTRkgMG3YB4PuvRz_i4Q1biuI37kngM1\)\)/web/35/immigrationpoll.aspx?AspxAutoDetectCookieSupport=1](http://cssrc.us/(A(wmu e6E0eyQEkAAAANmIyMjk1ZWmtNWY0ZS00NGZILtk2NTItN2VhMTAxYjNmZTRkgMG3YB4PuvRz_i4Q1biuI37kngM1))/web/35/immigrationpoll.aspx?AspxAutoDetectCookieSupport=1)>.

Hendricks, Tyche. "American Refugees Stuck in Legal Limbo." San Francisco Chronicle 13 July 2008, A1.

"Immigration Enforcement and Its Unintended Consequences: The Impact on America's Children." Immigration Policy Center. 2008. The American Immigration Law Foundation. 11 Feb 2009 <<http://www.immigrationpolicy.org>>.

"Information about NILC: NILC Advocacy and Services." National Immigration Law Center. 12 March 2009 <<http://www.nilc.org/nilcinfo/index.htm>>.

"Keep DREAMing." The Washington Times. 26 Oct 2007, Senior Research Associate. American Immigration Law Foundation. Lexis-Nexis Academic. Online. 20 Feb 2009.

Kobach, Kris W. "The Senate Immigration Bill Rewards Lawbreaking: Why the DREAM Act Is a Nightmare." Background. The Heritage Foundation 1960(2006): 1-5.

Massey, Douglas S., Jorge Durand, and Nolan J. Malone. Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration. New York: Russell Sage Foundation, 2002.

Mehlman, Ira. "DREAM Over: Illegal Alien Student Amnesty Awakens to Fiscal Reality." Right Side News. 27 Dec 2008. 20 Feb 2009 <<http://www.rightsidenews.com/200812273122/editorial/dream-over-illegal-alien-student-amnesty-awakens-to-fiscal-reality.html>>.

Oks, Daniel and Sweder van Wijnbergen. "Mexico After the Debt Crisis: Is Growth Sustainable?" Policy Research Working Paper 1378. The World Bank: Latin America and the Caribbean, County Dept 2, Div 1. Nov 1994. 1-42.

"Opinion Dynamics Poll." Fox News. 6 April 2006. 2 March 2009

<http://www.foxnews.com/projects/pdf/poll_040606.pdf>.

“Our Stories.” United We DREAM. 26 Feb 2009 <<http://dreamactivist.org/about/our-stories/>>.

Passel, Jeffrey S. "Estimates of the Size and Characteristics of the Undocumented Population." Pew Hispanic Center. Mar, 2005. 10 Feb 2009 <<http://www.pewhispanic.org>>.

---, D’Vera Cohn. "Trends in Unauthorized Immigration: Undocumented Inflow Now Trails Legal Inflow." Pew Hispanic Center. Oct, 2008. 10 Feb 2009 <<http://www.pewhispanic.org>>.

"Poverty in Mexico – Fact Sheet." The World Bank. 2009. The World Bank Group. 17 Feb 2009 <<http://go.worldbank.org/MDXERW23U0>>.

Ruiz, Albor. “American Dream May Be Just That for S.I. Student.” Daily News (New York). 12 July 2007, Sports final ed: Suburban 7. Lexis-Nexis Academic. Online. 11 Feb 2009.

Scott, Katherine. Growing Up in North America: The Economic Well-Being of Children in Canada, the United States, and Mexico. Annie E. Casey Foundation: Social Sciences and Humanities Research Council of Canada, 2008. 3 Mar 2009 <http://www.childreninnorthamerica.org/TriEcono_English.pdf>.

Smith, Christopher. “Hatch’s Bill for Tuition Breaks for Undocumented Immigrants Bypasses Floor Vote.” The Salt Lake Tribune 2 Oct 2007.

“State Approaches to Illegal Immigration: Illegal Immigrants and Public Education.” Texas Conservative Coalition Research Institute 2007. 12 Mar 2009 <<http://www.txccri.org/publications/PublicEd.pdf>>.

Turnbull, Lornet. “Illegal Immigrants Pin Hopes, again, on “Dream Act.” The Seattle Times. 25 September 2007, Local News. 12 Mar 2009 <http://seattletimes.nwsourc.com/html/localnews/2003900517_dreamact25m0.html>.

Uehling, Greta Lynn. “The International Smuggling of Children: Coyotes, Snakeheads, and the Politics of Compassion.” Anthropological Quarterly 81:4 (2008): 833-871.

United States. Cong. Senate. Committee on Governmental Affairs. Floor Statement of Senator Richard J. Durbin. Development, Relief, and Education for Alien Minors (DREAM) Act. 22 July 2004.

---. Committee on the Judiciary. DREAM ACT 2007: S. 774. Hearings 110th Cong., 1st sess. Washington: GPO, 2007. OpenCongress. 8 Feb 2009 <<http://www.opencongress.org/bill/110-s774/text>>.

United States. Dept. of Commerce. Census Bureau. Average Number of People per Household, by Race and Hispanic Origin/1, Marital Status, Age, and Education of Householder. America’s Families and Living Arrangements. Washington: GPO, 2006.

Vogel, Chris. “The DREAM Act Might Be Dead, But These Kids’ Hopes Are Not.” Houston Press News. 17 June 2008. 11 Mar 2009 <<http://www.houstonpress.com/2008-06-19/news/the-dream-act-might-be-dead-but-these-kids-hopes-are-not/>>.

Woepping, James. “International Capital Markets and Their Importance.” Transnational Law and Contemporary Problems Law Journal. 1999: 3.II. Ed. Enrique R. Carrasco and Kristen J. Berg. The University of Iowa Center for International Finance and Development. 17 Feb 2009 <<http://www.uiowa.edu/ifdebook/ebook2/contents/part3-II.shtml>>.