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Ambivalence, Legality, and Social Activism: How DACA Survived Donald J. Trump

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Ambivalence, Legality, and Social Activism: How DACA Survived Donald J. Trump

Senior Project Submitted to
The Division of Social Studies
of Bard College

by

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Annandale-on-Hudson, New York

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Dedication

To all the DACA recipients, like myself, that know and understand the struggle of having to prove you're worthy of being here on a day to day basis. Your resilience and hope, even amid rejections and doors closed in your face, inspire me to keep going.

Acknowledgements

To my family, I could not have asked for a better bunch. Thank you for your endless love.

To my advisor Omar, thank you for believing in me.

To Marika, Zoë, Julia, and Daphne, thank you for motivating me to keep going. You hold a special place in my heart.

Finally, to Asa, thank you for being my best friend and biggest cheerleader. I could not have done this without you and I am so grateful to have met you.

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Introduction

Of all the promises Republican candidate Donald J. Trump made to secure the United State presidency in 2016, one stands out among the others: the termination of the Deferred Action for Childhood Arrivals program, or DACA.¹ Initially, the Obama administration enacted the policy via executive order as a stopgap measure to grant 800,000 young undocumented immigrants prosecutorial discretion for their unlawful presence in the United States. In its most basic form, the program is designed to be renewed on a biennial basis and it presents its recipients with the ability to apply for a work permit, a social security number, and a driver's license, alongside access to primary health care in some instances. In its most complex manifestation, though grasping the logistics of what constitutes the policy is relatively straightforward, its social and political impacts have utterly transformed the U.S. immigration debate via the key question of legitimacy.

DACA recipients are commonly labeled as “DREAMers,” and despite it technically being a misnomer, the reason why individuals will mistake the term “DACA” with that of “DREAMers” is understandable. The closely related DREAM Act, standing for the Development, Relief, and Education for Alien Minors Act, is a narrowly crafted bill that permits qualified undocumented adolescents the ability to legitimize their status in the United States. The version of the DREAM Act introduced in the House and Senate in 2010 was intended to supply contingent nonimmigrant standing to illegal immigrants below age thirty at the moment of the bill's ratification who (1) reached the U.S. before their 16th birthday; (2) resided in the country

¹ Muzaffar Chishti and Jessica Bolter, "Trump Administration Rescinds DACA, Fueling Renewed Push in Congress and the Courts to Protect DREAMers," *Migration Policy Institute*, last modified September 15, 2017, accessed May 2, 2023, <https://www.migrationpolicy.org/article/trump-administration-rescinds-daca-fueling-renewed-push-congress-and-courts-protect-dreamers>.

for a minimum of five years; (3) did not have a criminal record; and (4) portrayed and upheld a sound moral compass.² Those that met “the eligibility criteria would be granted conditional nonimmigrant status for ten years, during which time they would have to graduate from U.S. high school (or equivalent), and complete an associates degree, or two years toward a four-year degree, or serve two years in the military in order to apply for permanent residency.”³ The legislation intended to provide contemporary, past, and future undocumented high-school graduates, alongside GED beneficiaries, an open avenue to U.S. citizenship through college, employment, or the armed services. Such a comprehensive law lays out just the right contrast to DACA which is fundamentally “same same but different.”

Both DACA and the DREAM Act are meant to address the large population of unauthorized migrants who arrived in the United States as minors. The DREAM Act was first introduced into Congress in 2006, but failed to be ratified, despite broad bipartisan encouragement and having the support of President Obama.⁴ Congress formally reviewed the DREAM Act again in 2007, 2009, 2010, and 2011, in each instance failing to pass it (Obama even went as far as to call for its ratification in his 2011 State of the Union address.)⁵ The most extreme example of this was when the U.S. legislature met in December 2010 to vote on the matter in which forty-one Senators, counting six members of the President’s own party, voted in opposition to cloture in the debate over the bill.⁶ Evidently, the nation was not prepared for a law of this magnitude mainly due to its inclusion of a citizenship clause. Therefore, DACA comes

² Laura Corruner, ““Coming out of the Shadows”: DREAM Act Activism in the Context of Global Anti-Deportation Activism,” *Indiana Journal of Global Legal Studies* 19, no. 1 (2012): [Page 145], <https://doi.org/10.2979/indjglolegstu.19.1.143>.

³ Corruner, ““Coming out of the Shadows”,” [Page 145].

⁴ Robert J. Delahunty and John C. Yoo, “Dream On: The Obama Administration's Nonenforcement of Immigration Laws, the DREAM Act, and the Take Care Clause,” in *Texas Law Review* (University of Texas School of Law), 91:781:[Page 789], PDF.

⁵ Delahunty and Yoo, “Dream On: The Obama,” 91:781:[Page 789].

⁶ *Ibid.*

onto the national stage because, unlike the DREAM Act, the program excludes a pathway to citizenship and will solely take on “clean” individuals with no criminal records. To put it differently, the policy was and remains an easier pill to swallow for conservatives in comparison to the DREAM Act because it keeps recipients from getting too comfortable; they are offered a relatively normal U.S. citizen experience in two-year increments while sacrificing finances and standard of living. By mentioning these sacrificial components, I mean to shed light on the \$495 biennial application fee that beneficiaries must pay the government and the numerous statistical reports conveying the grave mental health affects the population endures due to their prolonged uncertain status.

Without referencing points of intersectionality, DACA recipients are not formally “DREAMers” associated with the early efforts to pass the DREAM Act which laid the foundation for the emergence of the collective as an eventual fully autonomous political group.⁷ But simultaneously, because the beneficiaries of DACA constitute the “thousands of undocumented youths facing a unique set of problems resulting from their position of being ‘in between’ countries,” they too have had the “feelings, dispositions, tastes and values of America through everyday interactions that made up their childhood” disrupted upon entering early adulthood.⁸ They, as the DREAMers do, hope for a return to the America of their younger days, one that fairly allows for integration as a procedure that takes place throughout a period of time and is calculated in generations.⁹ An America of their younger days consists of attending school, navigating novel and distinct social trends, rooting for their home teams, and more significantly, being able to develop the aspirations to move onto bigger and better things as their peers do; they

⁷ Walter J. Nicholls, *The DREAMers: How the Undocumented Youth Movement Transformed The Immigrant Rights Debate* (Stanford, CA: Stanford University Press, 2013), [Page 46].

⁸ Nicholls, *The DREAMers*, [Page 47].

⁹ Hiroshi Motomura, *Immigration outside the Law* (Oxford, England: Oxford University Press, 2017), [Page 181].

dream too.¹⁰ This is not meant to be perceived as nostalgia but rather as a political aspiration, one that allows these individuals to continue the integrative process into adulthood.

Trump's commitment towards adopting a zero-tolerance stance on immigration caused DACA to be grouped into a larger bundle of policies to terminate what his staffers referenced as Obama's "open borders" approach on the matter. The centerpiece of Trump's zero-tolerance consisted of the construction of a wall along the U.S. - Mexico border that would be "dangerous enough to dissuade immigrants from even attempting to scale it."¹¹ Elaborating, Trump proclaimed he wanted to see the "aliens" "burned, maimed, cut to pieces by the wire...to be in horrible shape" if they ever dared to defy his great barrier.¹² But while a significant amount of attention had been paid to Trump's defeat in erecting the grandiose structure, substantially less attention has been given to his lack of success in repealing DACA. It is almost impossible to comprehend the failure given that immigration was central to his campaign, and because DACA was always considered the lowest-hanging fruit to pick off as part of his immigration master plan. One would think that the obsession to raise a wall on the southern border uniquely made Trump more fixated on discontinuing the program than he already was on a standard level but, surprisingly, this was not the manner in which things unfolded.

Forbes magazine assembled a compendium of Trump's public comments concerning dismantling the initiative: which concurrently revealed the unwavering efforts his administration poured into the subject. The hardliner launched his campaign on June 16, 2015 with an attack on DACA, pledging to "immediately terminate President Obama's illegal executive order on immigration," which was later reiterated when delivering his bid for the presidential seat.¹³ As

¹⁰ Nicholls, *The DREAMers*, [Page 47].

¹¹ Julie Hirschfeld Davis and Michael D. Shear, *Border Wars: Inside Trump's Assault on Immigration* (New York, NY: Simon & Schuster Paperbacks, 2020), [Page 4].

¹² Hirschfeld Davis and Shear, *Border Wars*, [Page 4].

¹³ Jemima McEvoy, "All the Times Trump Promised to Repeal DACA," *Forbes*, last modified June 18, 2020, accessed May 2, 2023,

soon as Trump entered the oval office, Acting Secretary of Homeland Security Elaine C. Duke issued a draft of a White House executive order ending DACA on January 25, 2017.¹⁴ Normally, one would belittle this as barely consequential because the President was merely implementing his vow. However, the timing of this is indispensable because it appears after a year of announcements made by the leader promising to settle on a compromise that “will make people happy and proud.”¹⁵ Ironically, the same day Duke issued the order was also the day in which Trump claimed in an ABC News interview when asked about how his policies would affect the Dreamers, “They are here illegally. They shouldn’t be very worried. I do have a big heart. We are going to take care of everybody. We’re going to have a very strong border. Where you have great people that are here that have done a good job, they should be far less worried.”¹⁶ While chaos ensued as the Executive took a certain stance before the public and his administration acted in an opposing capacity, the waters got extra murky on September 5th, 2017, when Trump at last formally concluded DACA giving Congress solely six months to pass a bill that would salvage it.¹⁷ The president reinforced this point by tweeting “Congress, get ready to do your job—DACA!” and the decision was at last formally announced to the public by Trump’s appointed Attorney General, Jeff Sessions, a staunch opponent of the arrangement.¹⁸

Much to the disappointment of his supporters, Trump delivered empty promises on the matter. By the time he left office on January 20, 2021, DACA stood as the most progressive policy in favor of immigrants issued historically. After a plethora of declarative statements delivered alongside considerable mobilization from the administration to terminate DACA, how

<https://www.forbes.com/sites/jemimamcevoy/2020/06/18/all-the-times-trump-promised-to-repeal-daca/?sh=13f138d679a>.

¹⁴ McEvoy, "All the Times," *Forbes*.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

did this policy manage to outlive the Trump administration? This is the key question driving this study. It merits attention because it draws a renewed focus on the President's authority to form, or discontinue, immigration policy alongside unpacking the controversy about whether constitutional restrictions exist on a principal root of presidential jurisdiction: the right to administer the law.¹⁹ In other words, resolving the puzzle that this question presents informs the debate about where and when constitutional restrictions should apply to the executive branch. By analyzing the authority held by the President in this domain, it becomes easier to comprehend how the role and power of the position adapts in response to the actions of Congress, previous Presidents, in addition to historical and social forces.²⁰ In the context of Trump, these forces were made up of partisan politics, financial and statistical influences, social movement stresses, and establishment demands.²¹

The two most widely shared explanations for why Trump failed to rescind DACA reference the president's ambivalence about the policy and the legal implications of revoking an executive order. In particular, this approach reflects Trump's "conflicting instincts: a desire to be seen as compassionate even as he disparages 'shithole countries' in Africa and unleashed bare-knuckled tactics on immigrants."²² The latter argument emphasizes the legal entanglement involved in undoing a presidential executive order and the complexity of legislating immigration in the United States contemporarily. As seen shortly, at certain points the courts, including the Supreme Court, got in the way of the Trump administration's attempt to undo DACA.

While both of the explanations outlined above seem plausible, there stands a third argument that is less visible but perhaps more compelling: the grass-roots activism that

¹⁹ Adam B. Cox and Cristina M. Rodríguez, "The President and Immigration Law Redux," *The Yale Law Journal* 125, no. 1 (2015): [Page 104], <http://www.jstor.org/stable/43617092>.

²⁰ *Ibid.*

²¹ *Ibid.*

²² Hirschfeld Davis and Shear, *Border Wars*, [Page 7].

developed around DACA's defense. The political and legal arguments as to DACA's survival are engrossed with richness in narrative and evidence, but though alluring, I contest that social activism was the deciding factor in whether or not the policy survived the Trump administration's termination attempts. In spite of my attachment to the advocacy case, I want to make it clear that I do not intend to dismiss the previous two explanations, rather my intention is to paint a more intricate picture of the question at hand. Even though all three assertions are rich enough to stand on their own, I will delineate how the justifications of ambivalence and legal convolutions influence and inherently strengthen the advocacy claim.

Understanding how immigration advocates effectively undermined Trump's attempts to conclude DACA requires an examination of the range of methods utilized by immigration activists and reformers. In the case of DACA, the main rhetorical strategy adopted by the activists was framing the policy as a quintessential American tale, pinpointing a mutual source of identity amidst a diverse population, alongside other forms of this kind of work. It is indisputable that social activism played a role in the survival of the program, however, more than a role, I argue that it was the bedrock of the program's endurance. Delving into this point means touching upon social mobilization being a formidable asset within a democracy. Primarily, this calls for an inspection on the origin of the movement through the DREAMer campaign as the mobilization surrounding DACA could not have occurred without this foundation. Inspecting the development by the youth labeled "DREAMers," thanks to the immigration rights groups that deemed them "as the face of" reform attempts, the novel *The DREAMers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate* by Walter J. Nicholls is the initial academic literature to delineate the course of the Undocumented Youth Movement.²³

²³ Jessica I. Valenzuela, "The DREAMers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate," in *Dialogo*, 2nd ed. (Chicago, IL: DePaul University, 2015), 18:[Page 193], PDF.

Referencing this scholarship, I survey Nicholl's theoretical framework for comprehending how the undocumented youth defeated institutional, financial, and social hurdles, raised an influential and licit voice, and defended the voice in the face of public backlash.²⁴ To understand this substructure is to grasp DACA advocacy and how the DREAMer movement transformed into the new wave of immigrant youth community organizers that make up the present day DACA beneficiaries. This additionally implies analyzing recent social movement theory to understand how social movements employ framing strategies to advance their activism. The social movement theory that aligns with the framing measures adopted by the DACA beneficiaries draws from literature by Walter J. Nicholls as aforementioned,²⁵ Steven M. Buechler's *New Social Movement Theories*,²⁶ Alberto Melucci's *Challenging Codes: Collective Action in the Information Age*,²⁷ Matthew C. Gutmann's *Rituals of Resistance: A Critique of the Theory of Everyday Forms of Resistance*,²⁸ a qualitative case study entitled "It's Like Where Do I Belong?": *LatinX Undocumented Youth Activism, Identity, and Belonging in North Carolina* by Felicia Arriaga and Sophia Rodriguez,²⁹ and "People Show Up In Different Ways:" *DACA Recipients' Everyday Activism in a Time of Heightened Immigration-Related Insecurity* by Christina Getrich.³⁰

²⁴ Nicholls, *The DREAMers*, [Page 9].

²⁵ Nicholls, *The DREAMers*.

²⁶ Steven M. Buechler, "New Social Movement Theories," *The Sociological Quarterly* 36, no. 3 (1995), <http://www.jstor.org/stable/4120774>.

²⁷ Alberto Melucci, *Challenging Codes: Collective Action in the Information Age*, repr. ed. (Cambridge Univ. Press, 2003), accessed May 2, 2023, <https://voidnetwork.gr/wp-content/uploads/2016/09/Challenging-Codes-Collective-Collective-action-in-the-information-age-by-Alberto-Melucci.pdf>.

²⁸ Matthew C. Gutmann, "Rituals of Resistance: A Critique of the Theory of Everyday Forms of Resistance," *Latin American Perspectives* 20, no. 2 (1993), <http://www.jstor.org/stable/2633594>.

²⁹ Felicia Arriaga and Sophia Rodriguez, "It's Like Where Do I Belong?": *LatinX Undocumented Youth Activism, Identity, and Belonging in North Carolina*, in *Journal of Leadership, Equity, and Research*, 2nd ed. (2021), last modified 2021, <https://files.eric.ed.gov/fulltext/EJ1301065.pdf>.

³⁰ Christina Getrich, "People Show Up In Different Ways': *DACA Recipients' Everyday Activism in a Time of Heightened Immigration-Related Insecurity*," in *National Library of Medicine* (2021), last modified March 10, 2021, accessed May 2, 2023, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9380869/>.

This essay is organized as follows. Section one will assess DACA's history. To solve the grander survival puzzle, the immigration legislation in the years leading up to DACA's enactment must be thoroughly comprehended. Section two will entertain the internal ambiguity within the president and his staff members on the issue. It is imperative to consider that despite the certainty of his pronouncements, Trump often spoke quite glowingly about DACA recipients. Section three will unpack the broader legal affair including the reasoning that prompted the courts with the motive to annul the program's extension, DAPA, Deferred Action for Parents of Americans and Lawful Permanent Residents. The exploration of this material sets a sturdy footing for the analysis as to why the Trump administration was unsuccessful in rescinding the program on similar statutory grounds. Evaluating the institutional legal narrative helps to make sense of the tension between the branches of government on immigration jurisprudence. Section four will discuss the manner in which the DREAMer campaign, initiated by immigrant rights groups such as the National Immigrant Law Center (NILC), and the Center for Community Change (CCC), amongst others, set up the DACA movement to occur. This constitutes analyzing how such organizations found niche political openings, undeterred by the hostile atmosphere of the early 2000s, to birth the idea of the DREAMer eventually encompassing what modernly defines DACA as a campaign.³¹ The project then discusses how the mass shifted their focus from DREAMer rights to advocating for DACA privileges. Such a subject simultaneously examines the theoretical formulation and methodology centered around messaging and everyday activism in conversation with more overt forms of collective action that ensured DACA's survival in spite of Trump. In Section five, the conclusion, I evaluate the various perspectives on DACA's durability analyzed here and deduct that while all three narratives are compelling in their own right, at the end of the day it was that of social activism that kept the policy afloat. Moreover, in

³¹ Nicholls, *The DREAMers*, [Page 22].

summing this up I also more distinctly articulate how the ambivalence and legal arguments reinforce the role of activism in influencing immigration politics. Finally, I breakdown how movements can rejuvenate the public domain and what such recollection and recommitment to politics means for the polity in a total sense.³²

³² Woodly, *Reckoning: Black*, [Page 5].

Section One: DACA's History

In the spring of 2012, the DREAMers led a course of actions designed to invade a number of President Obama's re-election offices.³³ The steps were intended to apply pressure to the executive branch with the November elections on the horizon.³⁴ The movement was "sensitive" to Obama's dependence on the Latino/Hispanic vote for ensuring his reinstatement into the White House given that he initially landed the office in 2008 on a promise to bring about comprehensive immigration reform, something he did not uphold. This course taken by the DREAMers was meant to remind him, the general public, but more specifically the Spanish-speaking media, of his unsatisfactory track history dealing with immigration affairs.³⁵ The DREAMer campaign took advantage of this as influence over the administration so that they could sway those in power in the direction of allowing DREAM-qualified immigrants the claim of prosecutorial discretion over their standing.³⁶ Fortunately, the set of activities had just the right effect as President Obama signed off on a memorandum demanding that legal mercy be shown towards illegal immigrants who had arrived in the U.S. as children, DACA.³⁷

Nonetheless, to understand how Obama reached such a decision one must first delve into how the U.S. has historically lacked concrete ideology on matters of immigration. Looking to the 1700s, the 1790 Naturalization Act prevented non-white individuals from the eligibility to become a citizen.³⁸ Applicants had to be "any alien being a free white person," meaning that when the nation extended the benefit of American nationality it was exclusively available to

³³ Nicholls, *The DREAMers*, [Page 153].

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Pew Research Center*, last modified September 30, 2015, accessed May 2, 2023, <https://www.pewresearch.org/short-reads/2015/09/30/how-u-s-immigration-laws-and-rules-have-changed-through-history/>.

those coming from the British Isles and Northwestern Europe.³⁹ This holds water as the immigration of that day was practically entirely from these specific areas. On the other hand, it is to be acknowledged that the principal reasoning behind this demand was to “try the ability of individuals to adopt white values and of ethnic groups to assimilate themselves into the White Republic.”⁴⁰

Fast forward 74 years, acting out of convenience, the nation issued the Immigration Act of 1864 also referred to as “An Act to Encourage Immigration.”⁴¹ Endorsed by President Lincoln, the approach to foster immigration was furthermore supported by the Republican Party in its manifesto delivered on June 7, 1864, which held a resolve announcing that immigration “should be fostered and encouraged by a liberal and just policy.”⁴² The edict emerged with the expectation that it would effectively address the employment scarcity generated by the Civil War.⁴³ The country opened its borders to welcome immigrants from all ethnicities, wavering from its racist relocation policies of the past, out of desperation.

In 1956, after the unsuccessful Hungarian rebellion, the U.S. confronted its first refugee crisis as President Eisenhower welcomed roughly 38,000 Hungarians during a time in which the foreign population faced perilous vulnerability.⁴⁴ Employing an unpopular clause of the 1952 Immigration Act, President Eisenhower took advantage of a provision within the legislation that allowed the Attorney General the capacity to momentarily “parole” individuals into the states

³⁹ John Tehranian, "Performing Whiteness: Naturalization Litigation and the Construction of Racial Identity in America," *The Yale Law Journal* 109, no. 4 (2000): [Page 824], <https://doi.org/10.2307/797505>.

⁴⁰ Tehranian, "Performing Whiteness," [Page 823].

⁴¹ Edith Abbott, "Federal Immigration Policies, 1864-1924," *The University Journal of Business* 2, no. 2 (1924): [Page 133], <http://www.jstor.org/stable/2354831>.

⁴² Abbott, "Federal Immigration," [Page 133].

⁴³ *Ibid.*

⁴⁴ Rebecca Hamlin and Philip E. Wolgin, "Symbolic Politics and Policy Feedback: 'The United Nations Protocol Relating to the Status of Refugees' and American Refugee Policy in the Cold War," *International Migration Review* 46, no. 3 (2012): [Page 594], <http://www.jstor.org/stable/23279580>.

throughout moments of necessity.⁴⁵ This power of parole was later wielded to grant entrance to “large-scale movements of people, especially from South East Asia in the 1970s, and would become one of the major sources of political tension over admissions between the executive branch and Congress.”⁴⁶ Though the U.S. incited the Hungarian revolution in opposition to Stalinist reign as desired by a ferociously anti-communist Republican right, the nation did not legally need to make amends for their motivations that landed the Hungarians in hot water.⁴⁷ Rather, the country personally chose to play the role of humanitarian savior. Whether this role was adopted because the States sought to police the world contra communism to boost a self-interested political agenda or whether the role was performed from a genuine place, its result remained. Conclusively, thousands of Hungarians were immediately granted refugee status upon completing their immigration journey to the States through the Committee for Hungarian Refugee Relief established by President Ike for this sole refugee-focused purpose.⁴⁸

In 1982, the right to primary education was granted to seemingly harmless illegal children as a result of the Supreme Court ruling *Plyer v. Doe*.⁴⁹ The decision prohibited institutions from looking into the status of children and from utilizing said standing to neglect them the right to an education.⁵⁰ As a result, children lacking proper documentation could live in a space of respective protection where they did not have to worry about the ramifications of their status on a daily basis. The issue with their standing would evolve into a more leading affair in their lives as they shifted into the sphere of adulthood and were forced to confront heightened

⁴⁵ Hamlin and Wolgin, "Symbolic Politics," [Page 594].

⁴⁶ *Ibid.*

⁴⁷ Christopher Condon, "Hungary's 50-year Grudge," *Los Angeles Times*, last modified October 29, 2006, accessed May 2, 2023, <https://www.latimes.com/archives/la-xpm-2006-oct-29-op-condon29-story.html>.

⁴⁸ "About Hungarian Immigration to the U.S.," *Embassy of Hungary Washington*, accessed May 2, 2023, <https://washington.mfa.gov.hu/eng/page/about-hungarian-immigration-to-the-us#:~:text=In%201956%20and%201957%2C%20more,the%20Hungarian%20Revolution%20of%201956>.

⁴⁹ Nicholls, *The DREAMers*, [Page 24].

⁵⁰ Nicholls, *The DREAMers*, [Page 29].

demands for legitimate authentication.⁵¹ Bestowing educational rights meant that these children received schooling without any legal roadblocks and thus rightfully expected the same liberty to pursue higher education and secure employment in the country. Walter J. Nicholl's novel on DREAMer advocacy states, "Granting these rights and privileges would eventually result in the de facto legalization of the population at best, a broad amnesty at worst."⁵² In response, anti-immigrant supporters argued that acknowledging these "basic rights" functioned as a magnet for further rounds of immigration.⁵³ Simply put, accepting the rights of children who were birthed in the U.S., also known as "anchor babies," opened a pathway to decriminalizing the standing of their parents and the rest of their family members by way of family reunification laws.⁵⁴ Every single immigrant, in spite of their innocence or worthiness, was perceived as some sort of germ that threatened to escalate or multiply and in due time void life from the national body.⁵⁵ The goal of anti-immigration promoters was hence to bolster border defenses and fervently rob immigrants of all their basic rights while also equally ensuring the application of harsh limitations to every undocumented grouping.⁵⁶ Via the construction of a sturdy and impassible frontier through border patrol, imposition, and the reduction of basic privileges, illegal immigrants would be barred from settling in localities and expanding to communities throughout the country.⁵⁷ This notion alongside its linked policy plans became commonly recognized as "attrition through enforcement" alternatively "self-deportation."⁵⁸

⁵¹ *Ibid.*

⁵² Nicholls, *The DREAMers*, [Page 24].

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ Nicholls, *The DREAMers*, [Page 25].

⁵⁶ Nicholls, *The DREAMers*, [Page 25].

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

Thriving in the public domain with grand resonance, these defenses assisted in arranging the media's depiction of the immigration problem.⁵⁹ Well-known magazines and publishing sites utilized the "Latino threat" dialogue to draw up an extensive delineation and reviews of the subject, ergo, as the matter spread through the media, it was inevitable for it to impact popular opinion on the affair.⁶⁰ Throughout the 1990s, these arguments were even more so reinforced by prominent politicians with an extensive reach.⁶¹ Correspondingly, from 1996 to 1998 the funding for the Immigration and National Service (INS), was augmented by eight times and that of Border Patrol was increased by six.⁶² Within this minimal time span, the latter organization was converted from the most unimportant federal legislation implementation bureau in the nation into the most financed and greatest supplied.⁶³

The substantial stress on frontier enforcement had significant results, however, a drop in the number of immigrants was not one of them. In fact, the increasing financial expenses and peril of making the journey over the frontier culminated in a lesser return scale for immigrants, "decreasing from approximately 50 percent in 1986 to 15 percent in 2007."⁶⁴ Nicholl's literature additionally reports "As immigration rates continued to hold steady and return rates plummeted, more immigrants permanently settled in the country, which contributed to the rapid growth of the undocumented population. The population of undocumented immigrants, in other words, grew as a direct response to border enforcement, growing from an estimated 7 million in 1997 to 10 million in 2002 and then to 11.9 million in 2008." Ironically, what lawmakers failed to anticipate was the hastening of family settlements that produced mixed-status homes varying from citizens,

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² Nicholls, *The DREAMers*, [Page 26].

⁶³ *Ibid.*

⁶⁴ Nicholls, *The DREAMers*, [Page 27].

permanent residents, and temporary residents, to illegal immigrants and a sizable lot of illegal children.⁶⁵ These undocumented youngsters eventually grew to fill the ranks of the DREAM mobilizations that took place in the 2000s.⁶⁶

During peak border funding and crackdown, leading immigrant rights organizations like the National Immigrant Law Center (NILC), and the Center for Community Change (CCC), alongside others, set in motion an effort to legalize the DREAM Act of 2001.⁶⁷ Attempts to pass the legislation from 2001 to 2012 were grandiose but more crucially, it must be noted that prior to 2001, “DREAMers” were nonexistent as an activist collective. What existed in their place were thousands of undocumented adolescents individually dealing with the particular issue of living “in-between” nations.⁶⁸ “There were no previous labels to mark the group’s political existence, there were no common arguments and stories for the articulation of a united political opinion, and there was no infrastructure to foster political connections and awareness between dispersed youth.”⁶⁹ In the 1990s, there emerged numerous initiatives to achieve in-state funding for the undocumented youth to attend institutions of higher education, however, these endeavors were principally pioneered by state lawmakers, managing directors, and rights coalitions.⁷⁰ Undocumented adolescents solely took part in surplus positions within these measures.⁷¹ Their non-presence as a political entity at the beginning of the decennium intensely differs from their paramount governmental existence following 2010 when DREAMers appeared as a nuclear participant in immigration discussions and transformed into the driving vigor of the fight for immigrant rights.⁷²

⁶⁵ Nicholls, *The DREAMers*, [Page 27].

⁶⁶ *Ibid.*

⁶⁷ Nicholls, *The DREAMers*, [Page 31].

⁶⁸ Nicholls, *The DREAMers*, [Page 47].

⁶⁹ Nicholls, *The DREAMers*, [Page 48].

⁷⁰ Nicholls, *The DREAMers*, [Page 48].

⁷¹ *Ibid.*

⁷² Nicholls, *The DREAMers*, [Page 27].

While the DREAMers solidified their goals through their development as a more definitive and vast entity, a considerable portion of the cohort began to feel exasperated by their ongoing inferiority to larger immigrant rights unions.⁷³ Cast aside as peevish and restless by chief organizations, non-conformist DREAMers parted ways from their conventional defenders and developed their own game plans and tactics for achieving their naturalization aim. By the time fall of 2010 rolled around, the non-conformist had transferred the goal focus of the entire immigrant rights development from the Comprehensive Immigration Reform Act to the DREAM Act as a legislation to stand on its own.⁷⁴ Before this, the legislation that represented the DREAMers had been consistently bundled with other progressive immigration bills that were sound in theory but would never fail in overshadowing the youth component of the struggle.⁷⁵ It was by way of battles such as this one that DREAMers finally started to gain acknowledgment as first among equals within the fight.⁷⁶

The perspective of this self-aware set of DREAMers was conveyed in an incendiary opposite editorial article, one could even call it a DREAMers manifesto, in *Dissent*, issued in the autumn of 2010.⁷⁷ The youth collective proclaimed:

We are the undocumented youth activists and we refuse to be silent any longer. The DREAM Act movement has inspired and re-energized undocumented and immigrant youth around the country. In a time when the entire immigrant community is under attack, and increasingly demoralized, stripped of our rights, the DREAM movement has injected life, resistance, and creativity into the broader immigrant rights struggle. Until we organized this movement, we had been caught in a paralyzing stranglehold of inactivity across the country. We were told that the Comprehensive Immigration Reform Act, or CIRA, was still possible. Yet we continued to endure ICE raids and we witnessed the toxic Arizona S.B 1070. Meanwhile, CIRA had lost bipartisan support and there was no longer meaningful Congressional or executive support for real reform. Youth DREAM Act activists stopped waiting. We organized ourselves and created our own strategy, used

⁷³ Nicholls, *The DREAMers*, [Page 74].

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

new tactics and we rejected the passivity of the nonprofit industrial complex. At a moment when hope seemed scarce, we forged new networks of solidarity. We declared ourselves UNDOCUMENTED AND UNAFRAID!⁷⁸

Disagreements concerning methodology gave rise to this breakaway, but the departure mirrored profounder cleavages in terms of standing, authority, and acknowledgment within the campaign.⁷⁹ Ultimately, hammering out these divisions and quarrels constituted a vital move in the progression of the DREAMers as a legitimate political grouping.⁸⁰

Undergoing such a reformation meant that the collective could continue onwards with a more formidable foundation and a further refined voice to grasp their objective. Evidently, the -breakdown to rebuild anew- approach worked as it gathered the attention of lawmakers; a great example of activism leading and the law establishing itself accordingly. Despite the DREAM Act's failure to be officially codified, the activism that demanded and supported the legislation was the backbone for creating a substructure that the DACA program could be built and supported upon.

When it was first announced, DACA was seen as a prudent “stepping stone” measure that would assist in the creation of a Congress more welcoming of intelligible immigration laws.⁸¹ Despite the nation's polarizing politics triggering indecisiveness and contrasting opinions within this “political hot button” realm, the plan has regularly appeared as a topic to tug at the heartstrings of nearly all policymakers. Notwithstanding the fact that extremist conservatives were up in arms over the order, it was well received enough to trigger a follow-up initiative. So extensive was the intricacy of the divide in stance on the affair that it was powerfully symbolized

⁷⁸ Nicholls, *The DREAMers*, [Page 75].

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Nicholls, *The DREAMers*, [Page 154].

by the formation of The Gang of Eight. The catchy name was constituted of a bi-partisan cohort of eight United States Senators, four Republicans and four Democrats, who authored the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013. The Republican Senators were Arizona's Jeff Flake and John McCain, South Carolina's Lindsey Graham, and Florida's Marco Rubio. The Democratic senators consisted of Illinois's Dick Durbin, Colorado's Michael Bennet, New Jersey's Bob Menendez, and New York's Chuck Schumer. At its core, the legislation acknowledged "that the primary tenets of its success depend on securing U.S. sovereignty and establishing a coherent and just system for integrating those who seek to join American society."⁸² The bill provided a fair middle ground settlement between the two parties by adopting an all-embracing attitude toward updating the U.S. immigration structure, issuing a difficult yet just route to naturalization, renovating the 21st-century visa arrangement, and creating the mightiest and most costly expenditures in border safety at present.⁸³

Though the bill passed in the Senate but died in the House, the announcement of DACA reinforced with the creation of the 2013 legislation clearly conveys that politically, "we the people" at the time were willing to engage in conversation to achieve an open-minded immigration positionality nationwide. This kind of attitude reflected a country unwilling to root for amnesty granted towards everyone but it equally did not mirror a public ready to overlook the humanity and necessity of these immigrants. This was not a nation prepared to engage with the grouping at hand in a way that called for true justice alongside the consideration of the gravity related to following the law no matter what. This public was willing to see both sides of the equation. More specifically, everyone grasped that there was a political opening because

⁸² "S.744 - Border Security, Economic Opportunity, and Immigration Modernization Act," *Congress.Gov*, accessed May 2, 2023, <https://www.congress.gov/bill/113th-congress/senate-bill/744>.

⁸³ Philip E. Wolgin, "2 Years Later, Immigrants Are Still Waiting on Immigration Reform," *The Center for American Progress*, last modified June 24, 2015, accessed May 2, 2023, <https://www.americanprogress.org/article/2-years-later-immigrants-are-still-waiting-on-immigration-reform/>.

Republicans were, at last, on board for showing some extent of mercy despite their border fulfillment demands.⁸⁴

Considering the Republican perspective, the fallout of Mitt Romney's loss of the Presidency in 2012 was the catalyst for a "soul searching" guided by the Republican establishment as expressed by the PBS Frontline documentary entitled *Zero Tolerance*.⁸⁵ However, for a small collective of hard-right conservatives, the overthrow was interpreted as a "battle cry."⁸⁶ The compact group's unexpected headquarters was located in a Capitol Hill townhouse where the Breitbart embassy successfully operated and evolved.⁸⁷ Breitbart was, and remains, a provocative American radical-right news network managed by Steve Bannon: "political gadfly, filmmaker, and polemicist."⁸⁸ *Zero Tolerance* refers to the location of the news outlet's headquarters as "the embassy" because its members believed they were operating in a foreign capital, they wanted to be something owned and controlled by the permanent political class and they wanted to be the ones to account for such a rank.⁸⁹ Bannon drove the news source to be widely recognized in the political world as "smashmouth" reporting of D.C. power affairs of state.⁹⁰ Fervently and with frequency, walking one through his 2013 big picture scheme, Bannon expressed that he wished to "attack the real enemy...the Republican establishment" and he wished to do so by going after "the House leadership, the Mitch Micconnell's, the donors" he wanted to "go hard at this Paul Ryan philosophy."⁹¹ Ryan was known to be "ideologically committed" to the notion of an open U.S. - Mexico frontier and hence Bannon and his followers

⁸⁴ Michael Kirk et al., eds., "Zero Tolerance," *PBS: Frontline*, last modified October 22, 2019, accessed May 2, 2023, <https://www.pbs.org/wgbh/frontline/documentary/zero-tolerance/>.

⁸⁵ Kirk et al., "Zero Tolerance," *PBS: Frontline*.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ Kirk et al., "Zero Tolerance," *PBS: Frontline*.

at Breitbart were confident that they had cleverly pinned a wedge issue to assist them in disassembling the Republican authority figures: immigration.⁹²

As the news source felt that the Republican party was far too moderate in their stance on the problem, they wanted an utter breakdown of the Right in order to reconstruct the party into one that held no forbearance for the illegal act. Methodologically, they spent a sufficient amount of time and effort engaging in conversation with everyday people as opposed to the elite.⁹³ And as it checked out, Breitbart's explosive message boards verified the effectiveness of their ploy through popular reactions such as "torturous, murderous, rapists. This President calls them 'Dreamers'" and individuals reporting on how "illegals kill 12+ people a day in this country."⁹⁴ The fact corroborated by these public responses determined that immigration, for Republican voters, by a longshot was their most cared about matter, surprisingly even ahead of tax cuts, and it remains as such contemporarily.⁹⁵ Unfortunately for Bannon and his exclusive team, the Republican establishment was still moving in the opposite direction on the issue. Hence, the group of right-wing radicals was beyond taken aback by the announcement of the bill authored by the Gang of Eight. If the Republicans forming a deal with the Democrats on immigration reform was not enough to exacerbate the cohort, then their frustration levels most certainly peaked upon noting that Republican Marco Rubio took the reins as the spokesperson for the bi-partisan bill.⁹⁶

At this point, the broader political class was confident that an amelioration to the broken immigration arrangement that had haunted the U.S. for centuries, through initiations like this bill, would come easily, "like falling off a log."⁹⁷ Republicans were engaging with Democrats on the

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ Kirk et al., "Zero Tolerance," *PBS: Frontline*.

subject and thus everyone thought it was a straightforward path toward change from there. Even Fox news was exceedingly expressive of their support toward getting the 2013 amnesty bill passed. Forced to confront the damper on their scheme, Steve Bannon and his news outlet found themselves in political exile.⁹⁸ The lot knew that they had to act quickly and in a desperate attempt to regain power, Bannon “invited two of his closest allies to the embassy for a war council.” Jeff Sessions and Steven Miller. Suddenly, Trump became part of the equation for their objective of halting the Republican party from becoming soft on immigration. And the greatest tool in their arsenal? Hammering DACA out of the picture.

Section Two: Trump’s Ambivalence

As eloquently outlined by PBS’s *Zero Tolerance* documentary, Steve Bannon, Jeff Sessions, and Stephen Miller were “three outsiders” who shared a belief that “America was threatened by the flow of immigrants into the country. They were determined to do something about it. They were very ambitious and felt like if they could get the message right, that this might all fall into place.”⁹⁹ The group’s principal topic of discussion became how to politicize immigration.¹⁰⁰ Reminiscing on his bottom-up approach, in a news interview, Bannon exclaimed that he wished for the “one and two issues” to be immigration and trade.¹⁰¹ Tell all novel *Border Wars: Inside Trump’s Assault on Immigration* by Julie Hirschfeld Davis and Michael Shear sheds further insight on the positionality of the three revolutionaries by recounting:

Sessions believed there was a cleavage between where the American people were and where the political establishment was. Bannon saw it, Stephen Miller saw it, and Sessions saw it, along with a few others. Why not give the American people what they want? What’s wrong with a lawful system of immigration that serves the national interest? The

⁹⁸ *Ibid.*

⁹⁹ Kirk et al., “Zero Tolerance,” *PBS: Frontline*.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

energy generated from the clash between elites and everybody else was what generated populism, Sessions liked to say. And if a politician was serving the people, instead of the elites, there was nothing wrong with honest populism.¹⁰²

As the legislation by the Gang of Eight passed the Senate and headed to the House, the revolutionaries knew they had to act rapidly in accordance with their populist takeover to “properly” represent the American people.¹⁰³ Jeff Sessions, being a Republican member of the Senate at the time, passionately spoke out against the bill alongside Breitbart who reinforced his every statement eventually flooding the media and causing the proposal’s failure.¹⁰⁴ Conservative anti-immigration activist - Mark Kirkorian explains that the stratagem of “flooding the zone” was a vital thing to execute for productive mobilization on an issue like immigration considering that all organized interest groups are on one side.¹⁰⁵ However, in a short amount of time for D.C. politics, the group managed to sway the termination of the 2013 bi-partisan amnesty bill alongside achieving their design of ruining Republican House majority leader Erick Cantor’s chances of securing re-election (this needed to be done as Cantor was too supportive of the bill).¹⁰⁶ It was the first time throughout the history of the Republic that a sitting majority leader had ever been defeated which speaks volumes of the power and strategic intelligence this group held for the imposition of their anti-immigrant sentiment onto the Republican people. In line with the plan, the Republican party received the message; there would be no more coming into the conversation with Democrats to attain comprehensive immigration reform, this was the turning point of the issue. As the nation entered this new era, the group was forced to direct their

¹⁰² Hirschfeld Davis and Shear, *Border Wars*, [Page 18].

¹⁰³ Kirk et al., "Zero Tolerance," *PBS: Frontline*.

¹⁰⁴ Kirk et al., "Zero Tolerance," *PBS: Frontline*.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

focus into finding a new candidate worthy of properly representing their distaste towards immigrants and inspiring American voters enough to adopt equal disdain.

In Manhattan, Donald Trump had watched the Cantor defeat and was sufficiently moved to latch onto the belief that immigration as an issue was “a dragon slayer.”¹⁰⁷ *Zero Tolerance* structures the narrative of Trump linked to the immigration matter, the presidency, and terminating DACA by expressing “While Bannon and Breitbart educated Trump from the outside, Trump advisor Sam Nunberg worked from the inside. Nunberg had realized that this issue of immigration had real salience within Republican voters. The problem they had was that they could not get Trump to stay on topic; famously short attention span and so Sam Nunberg came up with this idea, essentially a mnemonic device to keep Trump focused on the issue of immigration.” Advisor Nunberg was a well known communications machinist who valued the equal degree of “-in-your-face” statecraft that motivated Trump.¹⁰⁸ In line with the mnemonic device plan, he suggested to the candidate that it would be innovatively smart to publicly state his intentions to build a wall and vow to get Mexico to pay for it.¹⁰⁹ Receiving the concept well, Trump adopted the barrier notion to test out on the road so that he could garner as much support as possible right before his grandiose presidential bid announcement. To much dismay, the republican crowds became enthralled with the idea of a wall erected to discourage Mexico from sending over people who were “bringing drugs, bringing crime” and lived in the country as “rapists.”¹¹⁰

In the eyes of Trump and Nunberg, the Republican party’s “autopsy” hinted at party leaders demanding renewed outreach to Latinos following Mitt Romney’s 2012 presidential

¹⁰⁷ *Ibid.*

¹⁰⁸ Kirk et al., “Zero Tolerance,” *PBS: Frontline*.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

loss.¹¹¹ During his campaigning, Trump sought out an antithetical attitude to this by “seizing on the threats posed by immigrants as a way of doubling down on fears of American citizens who were struggling economically.”¹¹² Immigration interlocked well with Trump’s protectionist urges and his long-established hostility toward multinational trade accords, provoking voters who felt taken advantage of by globalization.¹¹³ This also worked in favor of the candidate because it clearly distinguished him from some of the “leading lights” within the party such as Jeb Bush and Marco Rubio - two potential opponents whose standings on immigration were spongy at best.¹¹⁴

Needless to say, the period of desire to join in conversation supporting a solution on the matter in question was annihilated during the rise of Donald Trump as a political figure. Determined to win the Oval by campaigning off “the deep resentments of white, working-class Americans towards the large influx of immigrants entering the country” Trump could not follow his populist agenda without demonizing DACA. In his running, he insisted on terminating Obama’s “illegal executive amnesties” assuring his base that there would be no amnesty for undocumented immigrants.¹¹⁵ Once again referencing *Border Wars*, Davis and Shear’s writing superbly encapsulates the wisdom behind Trump’s fear-mongering maneuvers by pronouncing “Conceived of almost by accident, out of political expediency and sheer marketing power, the wall perfectly captured the us-versus-them spirit that animated Trump’s candidacy, becoming a symbol of the same working-class dissatisfaction and sense of alienation that he had first tapped into by questioning Barack Obama’s birthplace.” Contextually, perpetuating the “birther” movement initially in 2011 by declaring that Barack Obama was not born within the U.S and

¹¹¹ Hirschfeld Davis and Shear, *Border Wars*, [Page 13].

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ Hirschfeld Davis and Shear, *Border Wars*, [Page 13].

¹¹⁵ Hirschfeld Davis and Shear, *Border Wars*, [Page 6].

therefore was unfit to lead the nation, Trump started to gain a platform. Believing such false accusations, many were riddled with panic of an “outsider” sitting at the head of the most powerful office in the land and reigning over their birth home which gave Trump insight into the fan base he could gain if he chose to exploit the terror of those who were swayed.¹¹⁶ This “us-versus-them spirit” became the nucleus of his political message and in due course landed him the Whitehouse.¹¹⁷ The colossal wall Trump promised to erect beyond the southwestern frontier not only became the emblem of his presidential operation, the burning symbol of his message, but it also became representational of all who stood on the other side, the undocumented immigrants, the DACA cases who were tangible beings but to him, and his supporters, were mere cases; things to deal with and toxins to rid the nation of.

As the president secured victory over the 2016 race, many claimed that his defeat over Clinton was due to his inner political fervor and intellect while others associated the win with his business mentality and experience. A more compelling reasoning explains that credit over the triumph is owed to the three insurgents that set in motion a ridiculously unfeasible coup of the Republican establishment alongside an unlikely presidency, which rang in a uniformly audacious attempt to alter decades of legislation that had extended the nation to generations of immigrants.¹¹⁸ By the time this project had reached all of its immediate goals, the three musketeers had placed a pro-white polity President in office and had dissolved a general concord on the side of immigration that was far frailer than most in Washington had sought it out to be.¹¹⁹ As a runner, Trump vowed that if he were to secure the presidency, his first order of business would be to send back illegal immigrants who had broken the law - “My first hour in office,

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

¹¹⁸ Hirschfeld Davis and Shear, *Border Wars*, [Page 18].

¹¹⁹ *Ibid.*

those people are gone” he had mentioned.¹²⁰ His most desired goal was to strip the official defenses Obama had granted the DACA beneficiaries and prevent immigrants from entering the U.S. from what he referenced as “terror prone” countries.¹²¹

As a part of the president’s official white house administration, Bannon and Miller were sure that Trump’s refusal to reconsider his divisive power of speech, alongside his radical strategy proposals, had won him the race.¹²² More importantly, this had won him the loyal support of white blue-collar voters who were exhausted of seeing both parties “mince” their vocabulary and “shrink from harsh measures when it came to immigrants.”¹²³ What Bannon, Miller, and the rest of Trump’s blue-collared supporters failed to realize, in attempting to move forward with this strategy, was that the politician was not entirely certain he was adopting the right stance at all, at least not in relation to DACA. No matter the extremity of how far left or right the party positionality may be, the subject is a difficult one to resolve because, considering ethics, the program becomes stuck in the teeth enough to deter a unanimous decision from being made, Trump was aware of this.

At first, Trump stood firmly in his anti-immigrant positionality. After issuing the Muslim ban, the three branches of government were concerned about what would follow suit. For instance, members of the U.S. Digital Service had dedicated months to sitting inside DHS headquarters and constructing computer systems set in place to target DREAMers so that the Obama administration could provide them with sound defenses from deportation under DACA.¹²⁴ “Now, with Trump...the technology whizzes were distraught. The systems they had built could be used by the new Trump administration for just the opposite - to find the

¹²⁰ Hirschfeld Davis and Shear, *Border Wars*, [Page 42].

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ Hirschfeld Davis and Shear, *Border Wars*, [Page 42].

¹²⁴ *Ibid.*

undocumented immigrants and deport them. One member of the Digital Service darkly joked to friends that they should sabotage the computer system. Instead, many of them just quit.”¹²⁵ On his warpath, the president and his administration developed draft after draft of executive commands, one particularly directed at doing away with the “chains” that Obama had set on immigration enforcement officers in the nation.¹²⁶ Another order was set to terminate DACA, and yet all of a sudden, Steve Bannon found himself in a position where he felt the need to attempt to save Donald Trump from himself.¹²⁷

The president’s “take-no-prisoners” perspective on immigration, his unmerciful ill-favored oratory on the affair, and his noncompliance to surrender his truculent positionality even in the midst of public backlash were the main components of his charm to his avid followers.¹²⁸ Bannon, as the leader’s principal strategist, believed that this make up was the optimum origin of his governmental authority and that his particular kind of brilliance was found in mechanically comprehending this and figuring out forms to fuel that dynamic.¹²⁹ But the president held a blind spot and it was a source of high anxiety for Bannon.¹³⁰ Despite speaking out against them, the head of state held a weak spot for the undocumented youth and if he played into it, Bannon believed it had the potential of ruining everything they both stood for.¹³¹

Ironically, this specific group of undocumented immigrants had aroused sympathy within the public figure from the moment he first found out about their existence during his conversation with a number of them at Trump Tower in 2013.¹³² By the time he decided to launch into the political sphere, Trump had become aware of immigration being a zero-sum

¹²⁵ *Ibid.*

¹²⁶ Hirschfeld Davis and Shear, *Border Wars*, [Page 53].

¹²⁷ Hirschfeld Davis and Shear, *Border Wars*, [Page 156].

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

¹³² *Ibid.*

situation: that which is beneficial for immigrants is not for Americans.¹³³ However, even in the midst of Trump welcoming this extremist outlook, he continued to be conflicted, frequently portraying himself to his peers as compassionate and wanting to be well-liked by the many immigrants he employed.¹³⁴ As an up-and-coming public servant, he cherished aspirations of attracting Latino voters who he was certain would also have resentment, as he did, towards illegal immigrants due to their actions of competing unjustly for employment against American citizens.¹³⁵ Flashback to two weeks following his return from Iowa with advisor Nunberg in 2013, Trump had unsurprisingly met with the director of the Hispanic Heritage Foundation, Antonio Tijerino, at the Trump Tower to converse about whether the organization might praise him at their yearly jubilee.¹³⁶ To Trump's surprise, the figurehead of the non-profit appeared with three other individuals, teenage illegal immigrants.¹³⁷ As they sat in his office, they commented on their immigration stories - how they arrived in the United States as children, how they were brought up as Americans, and how they all faced the unfortunate reality of lacking the legal status to attend college, serve in the military, or hold long-term employment.¹³⁸ "I came to this country when I was five and a half years old," José Machado told Trump. Machado had awoken one morning years earlier at the age of fifteen to find his mother had vanished - deported, he later learned, back to Nicaragua. Trump was shocked."¹³⁹ "Honestly, he had no idea," Machado recalled later on.¹⁴⁰

Throughout the interaction, Trump was lost in thought over the politics of the Latino community and considered his own encounters with immigrants, at some point mentioning that a

¹³³ Hirschfeld Davis and Shear, *Border Wars*, [Page 21].

¹³⁴ *Ibid.*

¹³⁵ Hirschfeld Davis and Shear, *Border Wars*, [Page 21].

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ Hirschfeld Davis and Shear, *Border Wars*, [Page 22].

¹⁴⁰ *Ibid.*

number of his workers who kept the lawns clean and green at his building locations and golf properties were most likely “illegals.”¹⁴¹ Yet the future ruler of the free world, astonishingly displayed no real comprehension of how the nation's immigration apparatus functioned.¹⁴² “Well, why don’t you just hire an attorney and get legal?” Trump asked, seeming puzzled when they promised him that resolving their situation was not as straightforward.¹⁴³ Trump then proceeded to proclaim, “What do you mean that’s not possible, to just pay someone to make sure you can stay?”¹⁴⁴ Notwithstanding his confusion, Trump was kind and pleasant, and above all, departing from his normal standing, he appeared moved by their unique narratives.¹⁴⁵ Yet, he simultaneously gave off surges of what would eventually evolve into his America First faith, especially when he inquired of the immigrants “so who deserves to go to college? A young man who’s in a wheelchair, or one of you?”¹⁴⁶ The insensitive question permeated the atmosphere ungracefully.¹⁴⁷ As they wrapped up their gathering, he urged his visitors to follow him to the souvenir shop to pick out gifts for themselves and their close ones.¹⁴⁸

On the elevator ride down to the main floor, Trump grew silent, analyzing his guests and he looked as though he was coming to a deductive conclusion in his mind.¹⁴⁹ This checks out as he then proceeded to nod his head slightly and whispered, “You convinced me.”¹⁵⁰ Before the immigrants had a chance to respond to his statement, Trump was giving them a tour of the shop, picking out items for them to take along with them.¹⁵¹ On the exchange, *Border Wars* articulates:

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*

¹⁴³ Hirschfeld Davis and Shear, *Border Wars*, [Page 22].

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

As soon as they left Trump Tower, the activists - stunned to have apparently won his support - rushed to draft a press release memorializing his stance. "Perhaps the most poignant part of the meeting was when Donald Trump told José, Diego and Gaby 'You've convinced me,' " the release said. Trump was irate that his words had been made public. Days later, Estuardo Rodriguez Jr., a lobbyist who had attended the meeting and drafted the statement, received a call from Trump's assistant, Rhona Graff, who said that Trump wished the group had not issued a press release without clearing it with him first. "We never heard from him again," Rodriguez said."¹⁵²

As the narration astutely entails, Trump's ambivalence on the matter stems from the fact that DACA deals with children who were raised in American schools and faith based congregations and towns; some are high school valedictorians, others are part of the U.S. military body - these are auspicious young individuals who embody the American dream.¹⁵³ Hence, when Trump made sweeping statements referring to immigrants and how they bring muck, destitution, and misdemeanor into the nation, he was not referring to *them*.¹⁵⁴ It is true that as a candidate, Trump had defamed Obama for enacting the policy at its outset and on his first official day as president, he vowed to once and for all eliminate the program. Yet, Bannon knew that his heart was with the immigrant youth; from the moment he first found out about their presence in the States, back in 2013, they had managed to leave their mark on the figure through storytelling. The ambivalence, however, not only stemmed from the President as it also plagued his administration. In her role as senior advisor and head of the White House Office of Economic Initiatives and Entrepreneurship, Ivanka Trump would seize any opportunity to protest "You can't let this happen" by utilizing a vigorous mix of melancholy and dramatics that she had perfected over the years through exchanges with her father.¹⁵⁵

¹⁵² Hirschfeld Davis and Shear, *Border Wars*, [Page 23].

¹⁵³ Hirschfeld Davis and Shear, *Border Wars*, [Page 156].

¹⁵⁴ *Ibid.*

¹⁵⁵ Hirschfeld Davis and Shear, *Border Wars*, [Page 157].

What destabilized things even more for the Republican administration was Bannon's belief that staffers who were DACA defenders were calculating how to entice Trump into a catastrophic settlement to legalize the policy's beneficiaries in exchange for the erection of the border.¹⁵⁶ South Carolina Senator Lindsey Graham had been at the center of the two party attempts to mend immigration legislation for years and had met with Bannon one day to pitch just this notion.¹⁵⁷ Seated in Bannon's West Wing war room which was decorated with white boards exhibiting Trump's pre-presidential assurances, Graham suggested to the strategist, "DACA. We do the DACA thing, because that's got to get done - and he's soft on it anyway - for your crazy wall. You can build your wall!" In response, Bannon alongside others in the room struck the idea down because they were unwilling to compromise on an amnesty bill and perceived DACA as such.¹⁵⁸ As optics hold power in government, the team also rejected Graham's plan on the basis that embracing the DACA deal would tank Trump's integrity with his diehard base and destroy his main vow alongside any possibility of a prosperous presidency. Their saving grace required a legal strategy to sort out how to end the initiative and if that was not a possible route to be realized, Trump's team wanted to pass up on the decision and leave it in the hands of the Justice Department so that Attorney General Sessions could ensure its conclusion.¹⁵⁹ However, steady pushback would arise as the president seemed to be spending more time listening to the opposing guidance he was receiving from DACA advocates inside the White House including individuals like Ivanka and his son-in-law Jared Kushner.¹⁶⁰

Pulled in distinct directions thanks to vying representatives of his inner circle and other dominant opinions, the president was unsure of how to act, never truly radically leaning towards

¹⁵⁶ *Ibid.*

¹⁵⁷ Hirschfeld Davis and Shear, *Border Wars*, [Page 157].

¹⁵⁸ *Ibid.*

¹⁵⁹ Hirschfeld Davis and Shear, *Border Wars*, [Page 158].

¹⁶⁰ *Ibid.*

one direction or the other. And with the leading figure unsure of where his heart laid, a rift within the White house was unavoidable. The truth was that the Trump administration “was at war with itself on immigration issues, with Bannon and Miller...restrictionists, just steps away in the West Wing from Jared and Ivanka” who were liberals deep down and thus adamant about swaying the president into watering-down his stance in collaboration with “Gary Cohn, former Goldman Sachs investment banker, who believed that immigration was an economic imperative.”¹⁶¹ The even more alarming reality was that the president was in the clutches of his staffers on immigration, uneducated on the nitty gritty particulars and encircled by individuals who held conflicting agendas on the matter that he did not always comprehend or share.¹⁶² And so it remained, the only proper deal to make that relatively satisfied Trump and his administration was one that would grant prosecutorial relief not only to the DACA recipients but also to other eligible applicants in return for a substantial amount of border wall funding. Regardless of the ambivalence felt by the politician and his team, the administration remained unwilling to have a conversation about a DACA deal without also discussing components they could attach to the agreement such as designs to restrict chain migration, the strengthening of border security measures, and the conclusion of the diversity visa lottery.¹⁶³ The visa lottery in particular was the aspect that Trump perceived as the most appalling of the national immigration structure because it appeared to give permission for people to come into the country nearly arbitrarily.¹⁶⁴

Altogether, Trump being boxed in and “whipsawed” by the contrasting advice of his feuding administration was grave because it did not lead to an effective resolution for rescuing DACA.¹⁶⁵ On top of it all, Stephen Miller next to others pressed him to sign onto even

¹⁶¹ Hirschfeld Davis and Shear, *Border Wars*, [Page 165].

¹⁶² Hirschfeld Davis and Shear, *Border Wars*, [Page 168].

¹⁶³ Hirschfeld Davis and Shear, *Border Wars*, [Page 184].

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

further-extensive immigration revisions that Trump hardly comprehended.¹⁶⁶ With pressure to act quickly and produce a deal that satisfied the hardliners, the immigrant youth, and his administration, there was no more room for the leader's ambivalence. Trump had to take an unwavering stance and learn to stick to a political ideology or he risked getting caught up in the legal chaos that has historically surrounded immigration law especially on a policy like DACA that is ethically sound but legally defenseless and yet was still enacted in the first place. Such an outcome is exactly what occurred next.

Section Three: The Legal Quagmire

Legally, DACA, is a discordant matter because it zeros in on innocent children who were brought to the U.S. by the will of their parents to avoid arduous circumstances such as a failing nation-state, extreme poverty, lack of access to basic human resources, the list is continuous. Though these circumstances failed to be sufficiently life-threatening on paper to plead for refugee status, their lives back home often were fatal in distinct manners causing their parents to take action for change. After Congress's unsuccessful attempt to pass President Obama's DREAM Act, the democrat announced DACA and in spite of this being aforesaid, it is the public response to such actions that becomes worthy of attention. In response to the order, the Left applauded, the Dreamers felt relief yet dissatisfaction with living their lives having to hold their breath, and the Right was tumultuously up in arms. The rhetoric from the Right is one to focus on because though the majority spoke out in dissent of the decision, many of them did not entirely know how to feel about the DACA recipients. On the one hand, members of the party focused on Obama's overreach of power in exceeding his constitutional authority by issuing a decree that would grant amnesty to thousands of unlawful immigrants. Dan Stein who is

¹⁶⁶ *Ibid.*

President of the Federation for American Immigration Reform, a group with a mission to significantly curtail immigration into the U.S., issued a reactionary statement to the policy proclaiming “If presidents can overrule laws with policy memos that are hard to reverse, we are on a slippery slope toward the sort of unchecked executive power our founding fathers feared.”¹⁶⁷

As substantial attention was given to the questionable constitutionality of the executive order, the heart of the Right’s troubles remained on their perception of the program being one that praised and further encouraged illegal acts of border crossing ultimately fueling ‘great replacement’ theory.¹⁶⁸ The unsubstantiated speculation professes that policy makers are trying to rid of White Americans and their effect/culture by bringing in non-White immigrants to substitute them.¹⁶⁹ Nonetheless, many everyday Republicans were willing to be satisfied with a DACA deal, if and solely if, increased border enforcement was part of the plan - a thought process that aligned with that of policymakers. In light of their wariness, numerous Republican lawmakers were sympathetic to these children because they knew they lacked self-autonomy during the time in which they were brought to the U.S. alongside considering that many of them identify as more American than foreign born. But ultimately, no matter the backlash and mixed sentiments the declaration of the program received, DACA did not concretely run the risk of recession until the Trump era. Prior to the political emergence of the hardliner, American political thought was a mixed bag on immigration.

¹⁶⁷ Laurel Wamsley, "Sigh of Relief or 'Slippery Slope': Advocates and Opponents React to DACA Ruling," *National Public Radio*, last modified June 18, 2020, accessed May 2, 2023, <https://www.npr.org/2020/06/18/880281963/sigh-of-relief-or-slippery-slope-advocates-and-opponents-react-to-daca-ruling>.

¹⁶⁸ Stuart Anderson, "DACA, Immigration, GOP Citizenship Events and 'Great Replacement,'" *Forbes*, last modified October 20, 2022, accessed May 2, 2023, <https://www.forbes.com/sites/stuartanderson/2022/10/20/daca-immigration-gop-citizenship-events-and-great-replacement/?sh=6766da7951df>.

¹⁶⁹ Anderson, "DACA, Immigration," *Forbes*.

The U.S. Supreme Court has made transparent, via cases such as *Arizona v. United States*, that the Constitution grants the federal government the absolute sovereignty to manage immigration as opposed to granting the right to the individual states.¹⁷⁰ The Court struck down noteworthy components of SB 1070, the extensive Arizona state legislation also known as the “show me your papers law,” that desired to control several lifestyle aspects of immigrants within the state on the grounds that such a delegation is solely to be left to the broader governmental authority.¹⁷¹ Scholars and the courts generally understand the plenary power doctrine within immigration legislation to discernibly restrict legal investigation of the immigration commands embraced by Congress and the President.¹⁷² Ever since the creation of the creed, occurring in the late nineteenth century, the Court has emphasized that the topic of immigration symbolizes a matter that is most suitably left to the governmental branches.¹⁷³ However, the jurisprudential and intellectual focal point on the administering of authority concerning the courts and the governmental divisions, although vital, “has obscured a second separation-of-powers issue: the question of how immigration authority is distributed between the political branches themselves.”¹⁷⁴

The immigration measures and precedents instituted by U.S. courts have shed minimal insight on this division of powers matter, frequently dealing with the governmental divisions as if they were a singular establishment.¹⁷⁵ In major part, due to such lack of clarity from the courts on this topic, DACA became absorbed, and remains, in the midst of such tension. The program's

¹⁷⁰ Leani Garcia Torres and Raul Pinto, "Who Enforces Immigration Policy Anyway?," *Immigration Impact*, last modified August 10, 2022, accessed May 2, 2023, <https://immigrationimpact.com/2022/08/10/who-enforces-immigration-policy-anyway/#:~:text=As%20one%20may%20recall%20from,to%20become%20a%20U.S.%20citizen>.

¹⁷¹ "Arizona v. United States," *Oyez*, accessed May 2, 2023, <https://www.oyez.org/cases/2011/11-182>.

¹⁷² Adam B. Cox and Cristina M. Rodriguez, "The President and Immigration Law," *The Yale Law Journal* 119, no. 3 (2009): [Page 458], <http://www.jstor.org/stable/40389613>.

¹⁷³ Cox and Rodríguez, "The President," [Page 458].

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

primary component of distinctiveness is the fact that it is an executive order founded on prosecutorial discretion rather than a law passed by Congress. Yet, “in practice, however, the modern structure of immigration law actually has enabled the President to exert considerable control over immigration law’s core question: which types of noncitizens, and how many, should be permitted to enter and reside in the United States.”¹⁷⁶ Journal article *The President and Immigration Law* by Adam B. Cox and Cristina M. Rodriguez affirms, “The President has considerable authority to screen immigrants at the back end of the system through enforcement decisions, but minimal control over screening at the front end, before immigrants enter the United States.” Cox and Rodriguez’s statement is clear but DACA remains a sticky affair because it fails to fit within one of the stated categories. The program is to be dealt with as a “back end of the system” issue because it heavily deals with enforcement. Centrally, it enforces the remainder of a certain kind of individual within the U.S. while simultaneously encouraging the removal of those who do not fit in such specific tiers by merely making the distinction in the first place. Nonetheless, the legislation is also a “front end of the system” situation, one that Congress tends to deal with more often than the President, because it encourages other potential DACA recipients to pursue illegal crossings for the achieving of the policy’s advantages. This is why Republicans tend to use the rhetoric of “slippery slope” when discussing the project.

Another complex factor of the law is that, if when discussing DACA the argument prevails that Congress should have been the one to set the plan in motion, then how does one internalize the fact that historically, Congress has failed to grant the financial and logistical resources needed to be in compliance with immigration enforcement? The question then becomes: what are the policy options, open to the government regarding a situation in which they cannot do everything? The basic concept the order was built on was the fact that the American

¹⁷⁶ *Ibid.*

government could not, and thus would not, deport everyone, hence the loophole of prosecutorial circumspection. Nevertheless, the major cause of the controversy surrounding DACA can be attributed to how the discretion was stated as policy, rather than as strategy, and taken a step further to grant rights to these “criminals,” something utterly unprecedented within U.S immigration law, breaking the seal of tradition within the field.

As one cannot discuss DACA without touching on the Obama administration, it equally is forever tied to Trump’s populist reign. Why did Trump, having come into office pledging to undo DACA, in the end, allow it to stand as supreme policy?

To begin answering the question it must be noted that the program originated in a disconnect between the number of people illegally existing in the U.S. and the capacity the DHS held to remove these individuals.¹⁷⁷ As of 2014, for instance, roughly 11.3 million people living in the country were eligible for deportation.¹⁷⁸ The statistics in 2014 concluded that DHS solely had the assets to rid of a minor percentage of these people, particularly roughly 400,000 annually, or less than four percent of the entire population at hand.¹⁷⁹ And despite the separation of powers problem and how Congress has historically been the branch to set immigration legislation, due to the “practical fact” that the DHS could not remove all of these individuals, the executive branch had notable disposition to focus on the deportation of some and de-prioritize that of others.¹⁸⁰ This was well entrenched in the case of *Arpaio v. Obama* which concretized that the Secretary of Homeland Security is “charged with the administration and enforcement” of

¹⁷⁷ Martin Jonathan Batalla Vidal v. Elaine C. Duke, No. 104, slip op. at [Page 2] (2d Cir. Nov. 9, 2017). Accessed May 2, 2023. https://law.yale.edu/sites/default/files/area/clinic/wirac_batalla_vidal_order_denying_mtd_justiciability_11-9-17.pdf

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*

¹⁸⁰ Martin Jonathan Batalla Vidal v. Elaine C. Duke, No. 104, slip op. at [Page 3] (2d Cir. Nov. 9, 2017). Accessed May 2, 2023. https://law.yale.edu/sites/default/files/area/clinic/wirac_batalla_vidal_order_denying_mtd_justiciability_11-9-17.pdf

immigration laws and that with such implementation leadership comes the freedom that every executive branch organization has to carry out: enforcement discretion.¹⁸¹ However, it is also vital to realize that this discretion is required by the logistical reality that “an agency generally cannot act against each technical violation of the statute it is charged with enforcing” according to *Heckler v. Chaney*.¹⁸² Hence, the Supreme Court has clarified that a key aspect of the removal structure is the general discretion employed by immigration administrators.¹⁸³ Whether to institute dismissal proceedings or whether to permit alleviation from expulsion are amid the discretionary choices immigration laws leave to the executive.¹⁸⁴

One form of discretion that the Secretary of Homeland Security can exercise is the “informal administrative stay of deportation, deferred action.”¹⁸⁵ The memorandum issued by the Obama Administration in 2012 created DACA but in 2014, the administration took it a step further and announced a novel deferred action initiative directed at the parents of U.S. citizens and legal permanent residents known as DAPA.¹⁸⁶ The 2014 DAPA Memo required the “alien” to have met the following basis: (1) as of the date of November 20, 2014, be the guardian of an American citizen or legal resident; (2) have lived in the country since prior to January 1, 2010; (3) have been physically present on November 20, 2014 and when petitioning for assistance; (4) have held no legal immigration standing on that date; (5) not fall within the implementation primary concerns of the Secretary; and (6) “present no other factors that, in the exercise of

¹⁸¹ *Ibid.*

¹⁸² Arpaio v. Obama," Casetext, last modified August 14, 2015, accessed May 2, 2023, <https://casetext.com/case/arpaio-v-obama-5>.

¹⁸³ "Arpaio v. Obama," Casetext.

¹⁸⁴ *Ibid.*

¹⁸⁵ Martin Jonathan Batalla Vidal v. Elaine C. Duke, No. 104, slip op. at [Page 5] (2d Cir. Nov. 9, 2017). Accessed May 2, 2023.

https://law.yale.edu/sites/default/files/area/clinic/wirac_batalla_vidal_order_denying_mtd_justiciability_11-9-17.pdf

¹⁸⁶ "United States v. Texas," *Oyez*, accessed May 2, 2023, <https://www.oyez.org/cases/2015/15-674>.

discretion, make the grant of deferred action inappropriate.”¹⁸⁷ In other words, the program at its center was designed to provide deportation relief to the millions of parents whose children were U.S. citizens or permanent residents.¹⁸⁸ Covering more ground, DAPA directed the USCIS to enlarge the coverage criteria under the 2012 DACA policy by (1) allowing people born prior to June 15, 1981 the eligibility to apply for nonpriority status; (2) expanding the term of the privileges acquired under DACA from two to three years; and (3) tweaking the date-of-arrival prerequisite so that those who arrived in the U.S. prior to January 1, 2010, could receive deferred action and permission to work.¹⁸⁹ The Court acknowledged these alterations as “DACA Expansion.”¹⁹⁰ For both programs, it was clarified that even though “deferred action does not confer any form of legal status in this country, much less citizenship, it does mean that, for a specified period of time, an individual is permitted to be *lawfully* present in the United States.”¹⁹¹

In view of the 2014 DAPA memo, twenty-six states directed by Texas, in the case of *Texas v. United States*, filed a lawsuit in the U.S. District Court to prevent DAPA’s application on three separate justifications.¹⁹² Firstly, the states argued that DAPA did not respect the bureaucratic requirements of the Administrative Procedure Act because it failed to engage in the required notice-and comment rulemaking.¹⁹³ Secondly, they professed that the DHS did not have the power to launch the program into practice even if it was in the lines of the proper rulemaking

¹⁸⁷ John F. Kelly, “Rescission of November 20, 2014 DAPA Memorandum,” in *U.S. Department of Homeland Security*, [Page 2], last modified June 15, 2017, accessed May 2, 2023, <https://www.dhs.gov/sites/default/files/publications/DAPA%20Cancellation%20Memo.pdf>.

¹⁸⁸ Joel Cohen, Cristina Rodriguez, and Adam Cox, “What Is DAPA?,” *Talks on Law*, accessed May 2, 2023, <https://www.talksonlaw.com/briefs/what-is-dapa>.

¹⁸⁹ *Martin Jonathan Batalla Vidal v. Elaine C. Duke*, No. 104, slip op. at [Page 5] (2d Cir. Nov. 9, 2017). Accessed May 2, 2023. https://law.yale.edu/sites/default/files/area/clinic/wirac_batalla_vidal_order_denying_mtd_justiciability_11-9-17.pdf

¹⁹⁰ *Ibid.*

¹⁹¹ *State of Texas v. United States of America*, 1 U.S. 1, [Page 4] (5th Cir. Nov. 25, 2015). Accessed May 2, 2023. <https://www.ca5.uscourts.gov/opinions%5Cpub%5C15/15-40238-CV0.pdf>.

¹⁹² *State of Texas v. United States of America*, 1 U.S. 1, [Page 7] (5th Cir. Nov. 25, 2015). Accessed May 2, 2023. <https://www.ca5.uscourts.gov/opinions%5Cpub%5C15/15-40238-CV0.pdf>.

¹⁹³ *Ibid.*

procedure because DAPA was substantively illegal under the APA.¹⁹⁴ Lastly, the states suggested that DAPA was a revocation of the President's legal responsibility to "take Care that the Laws be faithfully executed."¹⁹⁵

The district court's conclusion determined that the states were well positioned to sue and likely to win on their bureaucratic APA assertion of the memo's illegitimacy due to the creation of a "substantive rule," instead of making a "general statement of policy."¹⁹⁶ Because of this, the court declared that the memo needed to be enacted through notice-and-comment benchmarking.¹⁹⁷ Furthermore, the court maintained that Texas would feel the weight of a monetary injury as a result of the program due to having to grant driver's licenses to DAPA recipients at a loss.¹⁹⁸ To some this line of thinking seemed logistically sound as the states in the U.S. with the highest number of DACA recipients, and therefore those eligible to receive DAPA, are California and Texas.¹⁹⁹ Yet, many believed that the justification was merely utilized not because of economic injury but to overrule the program in opposition to undocumented immigrants and any structure created towards their protection. A significant portion of the American public saw DACA and DAPA as overreaches of power because on top of already granting these individuals a form of pardon, the program's offered benefits many believed should only be accessible by American citizens. To make its decision, the district court alternatively depended on the novel theory by the name of "abdication standing" which is rooted in administrative law dogma and conventional federalism concerns, a substitute option at hand in

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*

¹⁹⁹ KFF, "Key Facts on Deferred Action for Childhood Arrivals (DACA)," *Kaiser Family Foundation*, last modified April 13, 2023, accessed May 2, 2023, [https://www.kff.org/racial-equity-and-health-policy/fact-sheet/key-facts-on-deferred-action-for-childhood-arrivals-daca/#:~:text=of%20DACA%20Recipients-,As%20of%20December%2031%2C%202022%2C%20there%20were%20roughly%20580%2C000%20active,the%20country%20\(Figure%201\).](https://www.kff.org/racial-equity-and-health-policy/fact-sheet/key-facts-on-deferred-action-for-childhood-arrivals-daca/#:~:text=of%20DACA%20Recipients-,As%20of%20December%2031%2C%202022%2C%20there%20were%20roughly%20580%2C000%20active,the%20country%20(Figure%201).)

the circumstance of inaction cases.²⁰⁰ Employing this option, it was articulated by the Harvard Law Review in *An Abdication Approach to State Standing* that Texas held the legal right to sue because “when the federal government asserts sole authority over a certain area of American life and excludes any authority or regulation by a state; yet subsequently refuses to act...Due to this refusal to act in a realm where other governmental entities are barred from interfering, a state has standing to bring suit to protect itself and the interests of its citizens.”²⁰¹ The court additionally contemplated but did not follow through on the idea that “Texas could sue as *parens patriae* on behalf of citizens facing economic competition from DAPA beneficiaries” and also because the “state had standing based on the losses it suffers generally from illegal immigration.”²⁰² The concept of *parens patriae* is a common law creed with origins from the English tradition of according the monarch the royal prerogative as “parent of the country” to act as a protector for those lacking the legal ability “to act on their own behalf.”²⁰³

The district court then went on to issue a countrywide order which was supported by the Fifth Circuit on the resolution that calling for the recession of DAPA was legitimate based on the notice and comment claim alongside that of the memo being “substantively contrary to the INA” (Immigration Nationality Act).²⁰⁴ Nonetheless, the one claim that the Fifth Circuit declined to approve was that of the Take Care Clause.²⁰⁵ The Supreme Court affirmed the ruling of the Fifth Circuit by an equally divided vote and failed to issue a substantive opinion.²⁰⁶

²⁰⁰ "An Abdication Approach to State Standing," in *Harvard Law Review*, 4th ed. (Cambridge, MA: Harvard UP, 2019), 132:[Page 1317], <https://harvardlawreview.org/print/vol-132/an-abdication-approach-to-state-standing/>.

²⁰¹ "An Abdication," 132:[Page 1318].

²⁰² *State of Texas v. United States of America*, 1 U.S. 1, [Page 8] (5th Cir. Nov. 25, 2015). Accessed May 2, 2023. <https://www.ca5.uscourts.gov/opinions%5Cpub%5C15/15-40238-CV0.pdf>.

²⁰³ "An Abdication," 132:[Page 1303].

²⁰⁴ *Ibid.*

²⁰⁵ *Ibid.*

²⁰⁶ Kelly, "Rescission of November," [Page 6].

The immigration-enforcement concerns of the executive branch were evidently altered when Trump took office. Immediately making drastic legal decisions on immigration, the figure announced an executive command that shed uncertainty on the exclusion of “classes or categories of removable aliens from potential enforcement” through the order: Enhancing Public Safety in the Interior of the United States.²⁰⁷ The following month, DHS Secretary John Kelly publicized a directive that revoked “all existing conflicting directives, memoranda, or field of guidance regarding enforcement” of the nation’s “immigration laws and priorities for removal,” with the exception of DACA and DAPA.²⁰⁸ Directly speaking to the president’s uncertainty of what to do with the programs, it was not until another four months later that Secretary Kelly provided yet another memo that repealed DAPA and its DACA extension based upon “the preliminary injunction in this matter, the ongoing litigation, the fact that DAPA never took effect” and the new enforcement priorities of the administration.²⁰⁹ This was the sole justification provided by the memo for the termination of DAPA and interestingly enough, its conclusion did not apply to the original 2012 DACA initiative.²¹⁰

Following DAPA’s conclusion, the Texas Attorney General, Ken Paxton, wrote as a spokesperson for eleven states to the U.S. Attorney General Jeff Sessions in request for the executive branch to reverse the 2012 DACA memo.²¹¹ The warning given by this conglomeration of actors expressed that if the DHS did not act towards discontinuing the policy, the plaintiff states would alter their objection in *Texas v. United States* to question the DACA program alongside the remaining labor passes granted by the DACA Expansion that originated under

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

²¹⁰ Kelly, "Rescission of November," [Page 6].

²¹¹ Martin Jonathan Batalla Vidal v. Elaine C. Duke, No. 104, slip op. at [Page 7] (2d Cir. Nov. 9, 2017). Accessed May 2, 2023.

https://law.yale.edu/sites/default/files/area/clinic/wirac_batalla_vidal_order_denying_mtd_justiciability_11-9-17.pdf

DAPA.²¹² In response, Sessions addressed the Acting DHS Secretary Elaine C. Duke advising that the DHS act in accordance with the desire of the states.²¹³ The Attorney General opined that the program was illegal and that the Texas plaintiffs were most likely to win in their anticipated opposition to the initiative:

DACA was effectuated by the previous administration through executive action, without proper statutory authority and with no established end-date, after Congress's repeated rejection of proposed legislation that would have accomplished a similar result. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch. The related...DAPA policy was enjoined on a nationwide basis in a decision affirmed by the Fifth Circuit on the basis of multiple legal grounds and then by the Supreme Court by an equally divided vote. Then-Secretary of Homeland Security John Kelly rescinded the DAPA policy in June. Because the DACA policy has the same legal and constitutional defect that the courts recognized as to DAPA, it is likely that potentially imminent litigation would yield similar results with respect to DACA.²¹⁴

Logistically, one must ask themselves: if DACA in that moment could have been revoked on the same basis as DAPA, why did the courts and/or the Trump administration refrain from utilizing the approach of killing two birds with one stone? Was the delay for DACA's termination by way of the courts or the White House? And, in being aware of the grounds that the program is unconstitutional on, how did it outlive this radically Republican presidential epoch?

On August 24th, 2017, Secretary Duke arrived at the White House for a meeting with the Domestic Policy Counsel where she had been called to figure out a way to move onward with DACA.²¹⁵ However, when she walked into the Roosevelt Room, it became clear to her that she had entirely misjudged the situation as Trump's advisors were already seated in the space with

²¹² *Ibid.*

²¹³ *Ibid.*

²¹⁴ Martin Jonathan Batalla Vidal v. Elaine C. Duke, No. 104, slip op. at [Page 7] (2d Cir. Nov. 9, 2017). Accessed May 2, 2023. https://law.yale.edu/sites/default/files/area/clinic/wirac_batalla_vidal_order_denying_mtd_justiciability_11-9-17.pdf

²¹⁵ Hirschfeld Davis and Shear, *Border Wars*, [Page 170].

their agenda to “drive a stake through the heart” of the initiative.²¹⁶ Considering Trump’s indecisiveness on the matter, his advisors adopted a stance on his part and convinced Duke that the president wanted to end the program and that she was going to be the one writing and publishing the memo to accomplish their goal.²¹⁷ Sessions reiterated that this was the only proper plan of action as the program was illegal and unconstitutional to begin with, so much so to the point where Obama had originated it with reluctance after at first having expressed that it was wrong of him to legalize the youth at hand because he was not “king.”²¹⁸ From the onset Duke was aware of the fact that the most influential advisors within the presidential administration were itching to end the program no matter whether the president made up his mind on the youth or not.²¹⁹ And though she volunteered for a branch of Catholic Charities in her free time, tutoring immigrants to help them pass their citizenship exam, Duke shared the administration's view that the legislation was troublesome and illegitimate.²²⁰ The program is legally defenseless on procedural and substantive grounds. As previously indicated, the 2012 DACA memorandum issued by the Obama administration was illegally announced without a required notice-and-comment line of action and in direct violation to the INA.²²¹ The line of thinking from the Trump team was that if they all agreed that the program was unconstitutional and illegal, then how could they continue to administer it?²²² Still torn over the undocumented youth, Trump at this moment decided to end DACA with a six month delay period that would pressure Congress to either save the protection plan or allow it to end once and for all.²²³ Despite offering somewhat of a solution, the president still felt unsatisfied with his decision and Duke sympathized with the

²¹⁶ *Ibid.*

²¹⁷ *Ibid.*

²¹⁸ Hirschfeld Davis and Shear, *Border Wars*, [Page 171].

²¹⁹ *Ibid.*

²²⁰ Hirschfeld Davis and Shear, *Border Wars*, [Page 171].

²²¹ NILC, "DACA," *National Immigration Law Center*, accessed May 2, 2023, <https://www.nilc.org/issues/daca/>.

²²² Hirschfeld Davis and Shear, *Border Wars*, [Page 172].

²²³ Hirschfeld Davis and Shear, *Border Wars*, [Page 174].

sentiment as she “was deeply disappointed” that the recipients “would only have six months of protections, counting it as a personal failure that she hadn’t been able to buy them more time.”²²⁴

In accordance with this, Duke felt that there were limits to what she was willing to execute in aiding the White House of achieving something she deemed as inhumane.²²⁵ The infamous Duke memorandum purposefully provided no policy rationale as justification for DACA’s dissolution.²²⁶ In other words, she rejected signing onto the policy reasons that Miller and Sessions wanted to provide to account for the initiatives’ culmination such as motivating illegal arrival and disturbing the standard, lawful channels for immigration to the States.²²⁷ In the memo *Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children*, Duke instead merely directed the reader to the resolutions of the Fifth Circuit and the Supreme Court in the *Texas* case, as well as acknowledging the Attorney General’s “legal determination” that the program constituted “an open-ended circumvention of immigration laws” next to an illegal practice of power.²²⁸ She expressed “Taking into consideration the Supreme Court’s and the Fifth Circuit’s rulings in the ongoing litigation...it is clear that the June 15, 2012 DACA program should be terminated. In the exercise of my authority in establishing national immigration policies and priorities, except for the purposes explicitly identified below, I hereby rescind the June 15, 2012 memorandum.”²²⁹ As opposed to ending the program instantaneously, the memo also called for a period of “wind down” for DACA.²³⁰

²²⁴ *Ibid.*

²²⁵ *Ibid.*

²²⁶ *Ibid.*

²²⁷ *Ibid.*

²²⁸ Martin Jonathan Batalla Vidal v. Elaine C. Duke, No. 104, slip op. at [Page 8] (2d Cir. Nov. 9, 2017). Accessed May 2, 2023.

https://law.yale.edu/sites/default/files/area/clinic/wirac_batalla_vidal_order_denying_mtd_justiciability_11-9-17.pdf

²²⁹ *Ibid.*

²³⁰ *Ibid.*

The threat of a lawsuit coming from the states in opposition to DACA had disappeared when Trump finally decided to give the green light on the official pursuit of an ending to the policy. But, he did not do this without reaping the consequences that came from the other side. In a short time, immigrant rights activists initiated a legal strike against the president's decision and fifteen states, including the District of Columbia, decreed a lawsuit in New York the day after Trump's grandiose proclamation.²³¹ Janet Napolitano, president of the University of California and Obama's first DHS secretary who originally created DACA on behalf of the president, filed suit at the behest of the California colleges two days after.²³² These adversities were not a surprise as Miller and Sessions knew what they were getting into, but within the White House, such lawsuits augmented Trump's escalating resentment of judges and the courts.²³³ The president was also experiencing the feeling of being "right about the political reaction" of "little praise for his decision from hard-core restrictionists, but plenty of outrage from Democrats and advocates" of the undocumented youth population.²³⁴

In continuum with the legal quagmire DACA found itself in, the *Department of Homeland Security v Regents of the University of California*, examined how, following the 2016 national election, both the Trump and Obama administrations did not debate the power of a novel team to replace old policies with new ones.²³⁵ The principal inquiries that this case addressed were: (1) Is the DHS's decision to "wind down" the DACA legislation judicially examinable? And (2) Is the DHS's decision to wind down DACA legitimate?²³⁶ The plaintiffs in the case and related adversities asserted that Trump's team ended DACA on "a mistake of law rather than in

²³¹ Hirschfeld Davis and Shear, *Border Wars*, [Page 177].

²³² Hirschfeld Davis and Shear, *Border Wars*, [Page 177].

²³³ *Ibid.*

²³⁴ *Ibid.*

²³⁵ "Department of Homeland Security v. Regents of the University of California," *Oyez*, accessed May 2, 2023, <https://www.oyez.org/cases/2019/18-587>.

²³⁶ "Department of Homeland," *Oyez*.

compliance with the law.”²³⁷ Specifically, the Trump administration terminated the policy derived from a deduction that Obama’s team had originated the initiative “without proper statutory authority and with no established end-date” and hence that it was to be taken as an “unconstitutional exercise of authority by the Executive Branch;” a popular judgment.²³⁸ The plaintiffs in this case contested this reasoning of law, claiming that the DACA rescission violated the APA due to it being arbitrary and capricious, and because it was a significant order that failed to act in accordance with the APA’s notice-and-comment conditions.²³⁹ The contenders additionally affirmed that the rescission stripped recipients of legally sheltered freedom and possession interests sans due process of law and infringed on the Equal Protection Clause because it was fueled by prejudicial animus.²⁴⁰ Prior to reaching the Supreme Court, the U.S. Court of Appeals for the Ninth Circuit denied the government’s motion to set aside the lawsuit for jurisdictional absence, finding that the program’s termination was not “committed to agency discretion by law” meaning that there was “law to apply.”²⁴¹ Moreover, “the Ninth Circuit granted plaintiffs a preliminary injunction restoring DACA, finding that the plaintiffs were likely to win on the merits of their arguments, they would suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in the plaintiff’s favor, and the injunction is in the public interest.”²⁴²

The Court decided that such a matter is in fact reviewable and its decision was arbitrary and capricious in violation of the APA via a 5-4 majority opinion.²⁴³ As a threshold affair, the judges took note of how the APA holds a refutation presumption that agency activity rests on

²³⁷ *Ibid.*

²³⁸ *Ibid.*

²³⁹ "Department of Homeland," *Oyez*.

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*

²⁴² *Ibid.*

²⁴³ *Ibid.*

legal examination.²⁴⁴ Due to the fact that DACA was not solely a non-enforcement program but affirmatively fabricated a structure for bestowing immigration assistance, it embodies agency measures dependent on legal evaluation.²⁴⁵ Moreover, because the parties in the lawsuit failed to challenge any deportation proceedings, “the jurisdictional provisions” of the INA were not applicable.²⁴⁶ In agreement with the APA, an organization has to give a “reasoned analysis” for their deeds.²⁴⁷ The memo calling for the program's conclusion failed to reflect on the possibility of doing away with “benefits eligibility while continuing forbearance,” depending exclusively on the Attorney General’s interpretation of the unlawfulness of the privileges.²⁴⁸ Moreover, the conclusion memo did not address whether there was “legitimate reliance” on the 2012 DACA memo. Though an agency does not legally need to examine all strategy options, it is a requirement to inspect significant components of the issue before it.²⁴⁹ Because deferred action was not solely “within the ambit” of the program yet in fact was its “centerpiece,” the negligence of reflection on these alternatives deemed the resolution random and irrational.²⁵⁰

In this context, DACA survived the Trump period because even though the presidential administration did concretely terminate it, they failed to do so properly. Accordingly, one is left with questions such as: Why did Trump’s team fail to ensure that their rescission of the program be executed in a legally sound manner that wouldn’t leave them with a half executed mess tied up in the courts? Why didn’t the president’s team amend their legal errors and attempt to conclude the program a second time in a fashion that would ensure its termination once and for all? These are reasonable inquiries that have failed to be answered with arguments based upon

²⁴⁴ *Ibid.*

²⁴⁵ *Ibid.*

²⁴⁶ *Ibid.*

²⁴⁷ "Department of Homeland," *Oyez*.

²⁴⁸ *Ibid.*

²⁴⁹ *Ibid.*

²⁵⁰ *Ibid.*

evidence. The only reasonable deduction left is one that hints at the court's disagreement with the program's cessation, aside from the legal nitty gritty, and inaction from the presidential team to follow up in pursuit of their original goal because of ethical reasoning. Or could it have been an influence by way of the public?

Section Four: Social Activism

Getting at the fundamental piece of this puzzle that is immigrant youth social activism, DACA advocacy necessitates discussion in relation to that of the DREAMers as a matter cannot be accurately surveyed without referencing its origins. Undocumented immigrants are forced to confront a peculiar governmental domain distinguished by "closure for most but niche openings" for some groupings in ownership of strategic legal, financial, and cultural qualities.²⁵¹ Circumstantially, the likelihood for paramount improvements, pardons, and legalizations are severely finite, motivating immigrant rights activists to highlight narrow collectives and affairs that stand a better prospect of achievement.²⁵² In 2001, prominent immigrant rights organizations and their supporters in Congress were certain that a niche slot could be found for illegal youth, leading to the formation of the DREAM movement.²⁵³ These niche windows have been a vital component for the undocumented youth to anchor themselves in but it by no means implied sufficiency for fabricating an official and persuasive general voice.²⁵⁴

Confronting a form of government that has barely differed from their citizens' first ideology, a collective of illegal immigrants wrestling to establish a well fleshed out political voice, such as the DREAMers campaign that eventually became the DACA movement, were

²⁵¹ Nicholls, *The DREAMers*, [Page 11].

²⁵² *Ibid.*

²⁵³ *Ibid.*

²⁵⁴ *Ibid.*

forced to think of novel ways in which they could produce representations that oppose the condemning logic of their antagonists.²⁵⁵ Besides this was also the difficult task of constructing a commiserating public image of the whole that was simultaneously narrowly focused on the qualities that align with the prevailing niche window.²⁵⁶ According to Walter J. Nicholl's social movement theory, it was indispensable for the collective to have messages, points of speech, and moving narratives that spotlighted the utmost strategic characteristics of the group.²⁵⁷ While this may seem like a standard approach, within the context of illegal immigration there is a demand for a structural basis formidable enough to overpower other components that have the potential to pervert the principal advocacy message.²⁵⁸ More often than not, these components have to do with illegality as anti-immigrant reformers have often replied to the rights assertions of immigrants with the rallying cry: "What part of illegal don't you understand?"²⁵⁹ That being so, it is key for a "group of undocumented immigrants struggling to assert a voice" to "craft representations that counter the stigmatizing arguments of their adversaries and build a sympathetic public portrait of their group" as Nicholls sets forth.²⁶⁰

In the early stages of the DREAMer campaign, not only did the individuals have to demonstrate that they fit within the niche opening before them, they also had to prove that they were fit to be in the nation which necessitated disinfecting the lot from the tainting stigmas inherently linked to illegal immigrants.²⁶¹ Despite the DREAMers being a set of well liked non-citizens in comparison to the rest of the population, it remained critical for them to zero in on demonstrating that they were not moochers, unassimilable, guilty for their illegality, or

²⁵⁵ *Ibid.*

²⁵⁶ *Ibid.*

²⁵⁷ Nicholls, *The DREAMers*, [Page 11].

²⁵⁸ *Ibid.*

²⁵⁹ *Ibid.*

²⁶⁰ *Ibid.*

²⁶¹ Nicholls, *The DREAMers*, [Page 12].

exclusively foreign.²⁶² By displaying national identification, they accentuated the argument that they are not a danger to the country but rather a remarkable class that merits exclusion from restrictive immigration directives.²⁶³

As a political entity, the DREAMers were not designed by the undocumented youths themselves.²⁶⁴ Instead, accomplished rights coalitions pinpointed a window of opportunity for thoroughly-integrated illegal scholars in 2001 and set in motion an effort to legalize the DREAM Act.²⁶⁵ Through the investigation of substantial cultural and figurative capital, the coalitions produced the public frame of the “DREAMer.”²⁶⁶ The associations were accountable for presenting the affair of illegal university scholars to Congress, determining what plan of action was right for the young adults, creating and managing their portrayal in the public realm, and candidly representing them to elected appointees and the media.²⁶⁷ Although this top-down representation was fashioned in the premature years of the organization, 2001 to 2008, it functioned as a background that impacted how reformers in the following years assembled messages and reasoning concerning themselves and their target.²⁶⁸

The achievement of a Democratic Congress that occurred in November 2006, a Democratic supermajority within the 2008 Senate, and a Democratic Executive in the same year heightened hopes that a comprehensive improvement plan could be codified in 2009 or 2010.²⁶⁹ The occasion’s opening strengthened the perspective that unification, order, and centralization were necessary to gain the 279 affirmatives required for the legalization of a thorough reform

²⁶² *Ibid.*

²⁶³ *Ibid.*

²⁶⁴ *Ibid.*

²⁶⁵ Nicholls, *The DREAMers*, [Page 13].

²⁶⁶ *Ibid.*

²⁶⁷ Nicholls, *The DREAMers*, [Page 14].

²⁶⁸ *Ibid.*

²⁶⁹ Nicholls, *The DREAMers*, [Page 46].

plan.²⁷⁰ But while leading associations managed the DREAMers, such as Reform Immigration for America (RIFA), and invested great efforts into centralizing and disciplining distinct parts of the grouping, considerable forces prevailed in continuing to fragment the movement.²⁷¹ As Nicholls portrays in his novel, the nature of the development at this time was structured as such - “Certain groups continued to face niche openings (youths, farmworkers) and other groups started to direct their attention to new battles over local and federal enforcement measures.”²⁷² The directorship of the RIFA toiled relentlessly to preserve control and unification as cliques within the organization were tugged in separate routes.²⁷³ “Those efforts in the face of these centrifugal forces” solely enlarged strains between the mass’s chief headship and the numerous groups, cliques, and reformers comprising the development.²⁷⁴ The strains imploded in the spring of 2010 as the DREAMers turned away from RIFA due to a loss of trust in their abilities to adequately stand for their needs and interests.²⁷⁵ This was a cathartic occurrence that symbolized a noteworthy change in the advancement of the immigrant rights campaign and the origin of the “DREAMer” as an entirely self-governing political mass.²⁷⁶

The faculty of rights associations next to the DREAMers, to formulate a productive political expression, relied on spawning a captivating message while the task was also equally contingent on regulating the way thousands of campaigners and supporters discussed the reality of the DREAMER circumstance in the public realm.²⁷⁷ Thus, it was vital for the DREAMers to part ways with top-down associations in order to establish themselves as a fully self-run movement with utter control over their maneuvering, messaging, and approach. By 2010, they

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

²⁷² *Ibid.*

²⁷³ Nicholls, *The DREAMers*, [Page 46].

²⁷⁴ *Ibid.*

²⁷⁵ *Ibid.*

²⁷⁶ *Ibid.*

²⁷⁷ Nicholls, *The DREAMers*, [Page 59].

were a well-formed political organization meaning that they had minutely designed “a public identity, possessed distinctive interests and solidarities, and articulated their interests with a powerful and compelling voice.”²⁷⁸

As the fall of 2011 rolled around and still no version of the DREAM Act was passed, advocates nationwide set in motion a rush of correlated civil disobedience measures directed at the offices of DHS and ICE.²⁷⁹ The actions were meant to apply pressure on President Obama by directing the focus of Latino voters to his history of high deportation rates and his faulty behavior toward DREAM-qualified youth.²⁸⁰ They also wished for the “deporter in chief” to realize that as a whole the Latino community was behind them.²⁸¹ Every DREAMer and ally that was involved in the action was trained to employ the following debating points: “We are asking Obama to stop the deportations of all DREAMers and to give administrative relief to all DREAM-eligible youth, giving them a work permit, and protected status against deportation. If Obama does not want to lose the Latino vote, he should give an Executive Order and grant all DREAM-eligible youth administrative relief.”²⁸²

As a wholly self-determining political group, in attempt to properly carry out this plan, the lot had to still somewhat bow their heads and collaborate with allies such as the Labor Center, the National Day Labor Organizing Network (NDLON), and the Instituto de Educación Popular del Sur de California (IDEPSCA).²⁸³ Because of this supplementary assistance, the group was able to acquire essential materials such as facilities of operation, technical tools, PA systems, megaphones, amongst other benefits for the execution of their scheme.²⁸⁴ Yet, most

²⁷⁸ Nicholls, *The DREAMers*, [Page 74].

²⁷⁹ Nicholls, *The DREAMers*, [Page 152].

²⁸⁰ Nicholls, *The DREAMers*, [Page 152].

²⁸¹ *Ibid.*

²⁸² *Ibid.*

²⁸³ *Ibid.*

²⁸⁴ *Ibid.*

significantly, the DREAMers created for themselves access to an influential legal support team.²⁸⁵ By convening with a squad of seven attorneys at the UCLA Labor Center, the organizers were able to properly analyze the legal consequences of their deeds, operational matters, connections with enforcement and security, the judicial courses of action available to arrestees, and protection plans once the apprehensions had been enacted.²⁸⁶ As a result, the takeover executed toward the ICE office in downtown Los Angeles was successful and brought about the apprehension of four DREAMers.²⁸⁷ But this was just the beginning, undocumented youth persisted in their engagement of civil insubordination measures including chaining themselves to the White House, occupying Senator McCain's office, hunger strikes, marches, sit-ins, amongst other methods.²⁸⁸

In spite of the Obama administration failing to promptly react to such sacrifices, next to other uniform activities, the presidential management decided to at last respond when other anti-enforcement champions heightened actions.²⁸⁹ This prompted the White House team to grant noncriminal lawbreakers "low-priority" standing, highlight the distinctive circumstance of DREAM qualified adolescents, supply active officers with a comprehensible basis to assess the cases of illegal immigrants, and generate instruction plans that would permit field officials to apply the novel courses of actions.²⁹⁰ But everything changed in the spring of 2012 when Obama decided to more definitively respond to the mobilization and pressure heightened by the

²⁸⁵ *Ibid.*

²⁸⁶ *Ibid.*

²⁸⁷ Nicholls, *The DREAMers*, [Page 153].

²⁸⁸ Rene Galindo, "The Functions of Dreamer Civil Disobedience," in *Texas Hispanic Journal of Law & Policy* (n.p., 2017), 24:41:[Page 41], <https://eds.p.ebscohost.com/eds/pdfviewer/pdfviewer?vid=5&sid=947aaf8-7ded-4417-9b62-8f5409306d96%40redis>.

²⁸⁹ Kristina M. Campbell, "Dreamers Deferred: The Broken Promise of Immigration Reform in the Obama Years," in *Texas Hispanic Journal of Law & Policy* (n.p., 2018), 25:1:[Page 20], <https://eds.s.ebscohost.com/eds/pdfviewer/pdfviewer?vid=2&sid=afb0107c-51b0-424d-b12b-d045f7471895%40redis>.

²⁹⁰ Campbell, "Dreamers Deferred," 25:1:[Page 6].

DREAMers. Around this moment, the activists began another set of measures designed to take over a number of President Obama's campaign facilities to spring the White House into action on behalf of their efforts prior to the November voting.²⁹¹ Again, regarding the Latino vote, the DREAMers were sensitive to Obama's dependence on the weapon for the assurance of his re-appointment.²⁹² As the president found himself facing substantial backlash by cause of his deportation record, the DREAMers knew to employ the circumstance as leverage to force the executive to allow DREAM-eligible immigrants the benefit of deferred action standing.²⁹³ Directly responding to the mobilization of the activist, immediately following the office/department takeovers, the president signed off on the DACA memo.²⁹⁴ Delving into the history of the DREAMer movement is solely vital because it became the base of the DACA campaign after the president signed the original 2012 memo. While this shift within the movement did not occur immediately as the original supporters of the DREAM Act refused to settle for the stop gap measure that was life in two year increments, the campaign eventually shifted focus upon realizing that keeping DACA around was more feasible than passing the former legislation.²⁹⁵ DACA activists employed a similar theoretical framework to that of the DREAMers, as outlined by Nicholl's, with changes implemented given the organization's shift in focus.²⁹⁶

The polling firm entitled Latino Decisions announced that "immigration reform became the top issue for Latino voters in 2012, a shift from 2008 when the economy was the top

²⁹¹ *Ibid.*

²⁹² Campbell, "Dreamers Deferred," 25:1:[Page 4].

²⁹³ Campbell, "Dreamers Deferred," 25:1:[Page 2].

²⁹⁴ Campbell, "Dreamers Deferred," 25:1:[Page 6].

²⁹⁵ Jose Luis Rocha, "How the 'Dreamers' Turned into a Movement with Power," *Envio*, last modified December 2017, accessed May 2, 2023, [https://www.envio.org.ni/articulo/5431#:~:text=A%20month%20after%20the%20promotion,Arrivals%20\(DACA\)%20was%20born.](https://www.envio.org.ni/articulo/5431#:~:text=A%20month%20after%20the%20promotion,Arrivals%20(DACA)%20was%20born.)

²⁹⁶ Rocha, "How the 'Dreamers,'" *Envio*.

issue.”²⁹⁷ Because of the fractious condition of U.S. politics, and the extensive web of reformist social campaigns and advocacy collectives originated throughout Obama’s presidency, Trump’s directorial deeds in alignment with conservative beliefs surrounding immigration inspired a fierce resistance from the Democratic Party’s foundation.²⁹⁸ Forward looking DACA activist who acquired grip in the Obama era following the 2012 memo made use of grassroots protests, social platforms, and lawful steps to safeguard the hard-earned programmatic attainments of the last couple of years.²⁹⁹ Therefore, from the beginning of his rule, the Trump presidency was forced to operate in a governmental combat area and consequently, the president became extraordinarily reliant on disruptive conservative reformists.³⁰⁰ Ironically, the more the president depended on the support of republican activists, the more pressure the DACA advocates felt to rally. It was such pressures felt by the beneficiaries that led them to organize in a manner that could not be overlooked by Trump, his team, the courts, and the American public eventually leading to the survival of the program within the dark era of intolerance.³⁰¹

In essence, DACA activism contemplates the same question of belonging that every recipient asks themselves; the inquiry can be traced back to the DREAMer movement as well. The worry over the issue is tied to the “dilemmas” the illegal youth confront as regular people, some are university scholars, others are receivers of the program, and many are community activists.³⁰² But it is important to acknowledge that within the DACA recipient pool, there are also various distinct individuals ranging from a wide array of backgrounds. The lens of

²⁹⁷ Sergio I. Garcia-Rios and Matt A. Barreto, "Politicized Immigrant Identity, Spanish-Language Media, and Political Mobilization in 2012," *RSF: The Russell Sage Foundation Journal of the Social Sciences* 2, no. 3 (2016): [Page 78], <https://doi.org/10.7758/rsf.2016.2.3.05>.

²⁹⁸ "Coda – Obama’s Fractured Legacy," in *Obama's Fractured Legacy: The Politics and Policies of an Embattled Presidency*, by François Vergniolle De chantal (n.p.: Edinburgh University Press, 2020), [Page 415], <http://www.jstor.org/stable/10.3366/j.ctv182jrx6.18>.

²⁹⁹ "Coda – Obama’s," [Page 415].

³⁰⁰ *Ibid.*

³⁰¹ *Ibid.*

³⁰² Arriaga and Rodriguez, "'It's Like,'" [Page 1].

university activists articulates that, “undocumented students...are included to some extent as college students and as recipients of the temporary benefits of DACA; however, they remain in ‘limbo’ in many ways as outsiders to the citizen community, and yet distinct from other undocumented peers who may be ineligible for the program.”³⁰³ But, even with the many barriers that DACA recipients face in the action of mass assembly and representation for successful advocacy, such as divisions amongst themselves, movement-building and community resource-sharing have prevailed to ensure the survival of the arrangement.³⁰⁴ More critically, alongside this is the tool that is messaging and language which was fundamental in the DREAMer movement and remained as such when DACA activists rose up as a new branch of the immigrant rights campaign in response to Trump’s antagonistic viewpoint. The framework the campaign followed within such a demanding instant stressed the importance of thoroughly learning and internalizing organizing language.³⁰⁵

This can specifically be seen in *Immigrant Resistance in the Age of Trump* by Shannon Gleeson and Prerna Sampat which discusses how when DACA was revoked, “immigrant student groups such as United We Dream balanced a nuanced message between calling for the passage of a renewed DREAM Act and a rejection of racist enforcement-first provisions, while continuing to push for a solution that would benefit their families, too.”³⁰⁶ In a declaration to this end, the Orange County Immigrant Youth United group delivered a cry to maintain the DACA program while simultaneously keeping in mind the fight toward protecting community members that do not fit under the criteria of the protection.³⁰⁷ The youth expressed, “We will continue to fight for our community members with criminal convictions and will not throw our parents under the bus

³⁰³ Arriaga and Rodriguez, "It's Like," [Page 1].

³⁰⁴ Arriaga and Rodriguez, "It's Like," [Page 5].

³⁰⁵ Shannon Gleeson and Prerna Sampat, "Immigrant Resistance in the Age of Trump," *New Labor Forum* 27, no. 1 (2018): [Page 88], <https://www.jstor.org/stable/26420122>.

³⁰⁶ Gleeson and Sampat, "Immigrant Resistance," [Page 88].

³⁰⁷ *Ibid.*

to make ourselves more deserving.”³⁰⁸ The message crafted here is one that is carefully delivered just as it is narrowly tailored. When the DREAM Act first surfaced in 2001, it mainly depended on the account of “DREAMer exceptionalism,” the notion that college-bound undocumented youth who have never encountered criminalization are meritorious of citizenship in comparison to the millions of others that are undeserving.³⁰⁹ In resistance to such restrictive tactics upheld by the centrist liberals and right-wingers, the reformist edge of the undocumented youth crusade made a point to progressively refuse the idea, via public statements, that ratification for some must come at the price of the criminalization of thousands of others.³¹⁰

More evidently, the weight placed on the weapon that is messaging and speech is crystal clear in the case study entitled “*It’s Like Where Do I Belong?: Latinx Undocumented Youth Activism, Identity, and Belonging in North Carolina*” which examines how illegal students in the state make sense of their identity, affinity, and resolution-making regarding activist efforts.³¹¹ The investigation centers around one participant and expresses “Juana described that as she was trying to understand her ‘own place in the movement,’ she had to confront and combat phrases from external forces about her (and the larger undocumented community’s) label of ‘criminal.’”³¹² Although Juana and other program receivers are transparently nowhere near criminals, to solidify the campaign messaging meant finding points of delivery that properly encompassed all of the distinct realities of every DACA recipient while ridding of the stain that was breaching the law upon entry into the nation. In a society that is progressively sculpted by facts, figures, and signs, “social movements play an important role as messages that express oppositional tendencies and modalities” as stated by Professor Steven M. Buechler in his work *New Social Movement*

³⁰⁸ *Ibid.*

³⁰⁹ Gleeson and Sampat, "Immigrant Resistance," [Page 92].

³¹⁰ Gleeson and Sampat, "Immigrant Resistance," [Page 92].

³¹¹ Arriaga and Rodriguez, "'It's Like,'" [Page 1].

³¹² Arriaga and Rodriguez, "'It's Like,'" [Page 13].

Theories.³¹³ The writing mentions that social movements are quintessentially refined messages supported by action and if that is the case, what becomes the most important affair to execute within collective rallying is to nail such talking points so that they may be as strategically captivating as possible. Had the DACA movement refrained from focusing on messaging as a rudimentary element, there would not have been any widespread organized mobilization to follow, to put it differently, DACA would not have survived Trump. The points of speech solidified by the activists “challenged the hegemonic frames of deservingness and worthiness that dominated policy debates and the media and rejected the criminalization of their parents by emphasizing the shared vulnerability of the undocumented community.”³¹⁴ The advocates also arranged “coming out of the shadows” efforts to resist the social shame sown into their illegal status, while concurrently making their intersectional identities known.³¹⁵ These changes in frames drove a great deal of campaigners to reject the label of DREAMer itself in order to adopt the more narrow focus of guaranteeing DACA’s continuity.³¹⁶

The issue of messaging also served to consolidate the role of identity amongst the campaign. Steven Buechler argues that “in modern society, the pace of change, the plurality of memberships and the abundance of messages all combine to weaken traditional points of reference and sources of identity, thereby creating a homelessness of personal identity.”³¹⁷ This signifies that an individual’s inclination to become wrapped up in collective action is linked to their ability to carve out an identity from the very beginning; this identity being one that challenges “the traditional points of reference.”³¹⁸ In the case of the DACA beneficiaries, this holds weight as one of the primary elements of fortifying their messaging, and inherently the

³¹³ Buechler, "New Social," [Page 446].

³¹⁴ Getrich, "People Show," [Page 1].

³¹⁵ *Ibid.*

³¹⁶ *Ibid.*

³¹⁷ Buechler, "New Social," [Page 446].

³¹⁸ *Ibid.*

collective identity they would present to the public, included shedding the connotation of criminality, terrorism, and ill-will associated with them and their families.³¹⁹ In line with Alberto Melucci's theory on social movement, collective identity allows the program recipients to become actors as a result of "exchanges, negotiations, decisions, and conflicts among actors" meaning that diversity within framing identity is essential because it entails a redefinition of the "representation system itself."³²⁰ Melucci sets up this argument by stating that in the case of immigrants, a demand for citizenship is not articulated by a collective which, in cultural terms, may be considered as homogenous with the nation's more dominant grouping.³²¹ Rather, the demands stem from the "assertion and defence of diversity."³²² In congruence with this, the program receivers were careful in carving out an identity that served justice to the distinct backgrounds made up by the collective while stressing the singular point of deservingness that every member could identify with in spite of cultural and life differences.

Along with the argument of deservingness came that which highlighted the exceptionality of the youth; the notion of the super citizen. To play into this idea meant underlining how the lot encompassed youth that were persistent contributors to the nation's economy, most of them high achieving highschool valedictorians, scholars eager to provide nursing, construction, technological, psychological, amongst other services to Americans during a wave of record high worker shortages.³²³ The individuals were painted as offspring/older siblings who often held the responsibility of being the breadwinner and sense of future for their households. These were the

³¹⁹ Getrich, "People Show," [Page 1].

³²⁰ Melucci, *Challenging Codes*, [Page 152].

³²¹ *Ibid.*

³²² *Ibid.*

³²³ Phillip Connor, "The Post-DACA Generation is Here Most of this year's 100,000 Undocumented High School Graduates are Currently Ineligible for the Policy," *Fwd.us*, accessed May 2, 2023, https://www.fwd.us/news/undocumented-high-school-graduates/?utm_source=google&utm_medium=search-ads&utm_campaign=undocumentedyouthdc&gclid=EAIaIQobChMIwNv2pJOF-QIVTcvICh2ggQnIEAAYASAAEgKTIfD_BwE.

points and general messaging utilized by the program receivers to create a solidified sense of identity that would also usher in public support.³²⁴ In *Immigrant Rights and Social Movements* by Paul Almeida and others, the scholarship notes that public opinion can be a vital outcome of social movements and particularly within the immigrant rights campaign, one critical effect has been its power to alter public sentiments towards immigrants.³²⁵ Exposure to protests, for instance, as was heavily relied upon by the DACA movement, “leads to increased support for less restrictive immigration policy”³²⁶ Ergo upon nourishing messaging which strengthened a sense of identity amongst the youth and to the public, mass support was ushered in through the delivery of such components via social media, rallying support from elected officials thanks to networking, and large protests.

In the elaboration of the argument that social activism by DACA receivers facilitated the endurance of the policy, it is worth noting that when the program was originally terminated by Trump, a slight breakdown in the movement occurred.³²⁷ After the destruction of the policy, many recipients no longer wanted to participate in the movement because of “political apathy, the intense need to protect their identities, and very real fears about being exposed or deported.”³²⁸ Countless beneficiaries wished to retire their social activism roles because in their eyes Trump had won, and even though the program’s official legal rescission was held up by the review and decision making process of the Supreme Court, the youth felt hopeless in their capacity to sway judiciary determination.³²⁹ But as not everything was lost, in response to this crumbling element of the campaign, journal article “*People Show Up In Different Ways*”: *DACA Recipients*’

³²⁴ Getrich, "People Show," [Page 1].

³²⁵ Paul Almeida et al., "Immigrant Rights and Social Movement," in *Sociology Compass* (2018), [Page 11], accessed May 2, 2023, https://my.theopenscholar.com/files/palmeida/files/mora_et_al-2018-sociology_compass.pdf.

³²⁶ Almeida et al., "Immigrant Rights," [Page 11].

³²⁷ *Ibid.*

³²⁸ Getrich, "People Show," [Page 1].

³²⁹ *Ibid.*

Everyday Activism in a Time of Heightened Immigration-Related Insecurity by sociocultural and medical anthropologist Christina Getrich outlines how the youth began to cultivate modern forms of quotidian advocacy.³³⁰ The form of self defense practiced by the grouping in day-to-day configurations operated outside conventional fashion and spheres of governmental participation via executed gestures of resistance.³³¹ Getrich goes as far as to argue that “against the backdrop of the repressive state in the Trump era,” such a special form of activism by the DACA recipients “complements more normative and overt forms of collective action.”³³² In addition to this, the scholar states that “everyday activism raises interesting questions about the nature of activism itself, including the extent to which it must be collective, organized, and public, and its place in social justice movements more broadly.”³³³

Even though the movement is one that is highly publicized and widely supported outside the pool of those who are directly affected, not all two million illegal adults participate in public forms of advocacy and hence the American people must realize that lack of showing up in the wider public domain does not imply scarce advocacy. Everyday manifestations of defiance are commonly more of a secret or concealed, they are independent, and not necessarily “politically articulated.”³³⁴ Nonetheless, they can be activated to oppose constructions of authority without taking part in a straightforward encounter as repressed classes “are able to carve out modes of resistance in social spaces insulated from control and surveillance from above.”³³⁵ Such “free spaces” are an alternative because of their established links to community and flourishing systems of daily life.³³⁶

³³⁰ *Ibid.*

³³¹ Getrich, “People Show,” [Page 1].

³³² *Ibid.*

³³³ *Ibid.*

³³⁴ *Ibid.*

³³⁵ *Ibid.*

³³⁶ *Ibid.*

Though discouraged and having lost some membership due to Trump's blow, the substructure of the campaign remained sturdy as the larger majority of policy receivers felt that DACA's conclusion "only intensified and took on a new sense of urgency." I stress "public membership" because in practicing more covert forms of advocacy in the day to day sphere, DACA recipients solely reinforced the actions of those taking part in more overt measures of activism.³³⁷ The joint methodology led to a 2018 shutdown of the nation's political system as elected officials refused to approve a government budget that did not include a revision securing action and funding towards saving and ameliorating DACA.³³⁸ Matthew C. Gutmann in *Rituals of Resistance: A Critique of the Theory of Everyday Forms of Resistance* affirms that solely resorting to "hidden popular resistance" is a "conservative" approach granted that on its own, this form of activism cannot "expect or explain" "major change."³³⁹ And though the author states that one should refrain from overlooking "more mundane aspects of resistance" this does not mean that there should be an abstaining from employing differing yet efficient avenues. As this kind of hidden defiance has not become the "only viable form of resistance for the exploited and oppressed in the world today" Gutmann underlines the importance of studying overt and covert styles of disobedience in conversation with one another.³⁴⁰ The researcher voices this notion on the assurance that "these forms occur together, alternate, and transform themselves into each other."³⁴¹ This is exactly what occurred in the DACA movement that prompted a government shutdown, the garnering of support from 74% of the American population, sympathy gained

³³⁷ Getrich, "People Show," [Page 1].

³³⁸ Maya Rhodan, "'We Have to Stand Our Ground.' Activists Push Democrats to Fight for DACA Recipients in Shutdown," *Time*, last modified January 19, 2018, accessed May 2, 2023, <https://time.com/5110974/government-shutdown-daca-activists/>.

³³⁹ Gutmann, "Rituals of Resistance," [Page 87].

³⁴⁰ Gutmann, "Rituals of Resistance," [Page 75].

³⁴¹ Gutmann, "Rituals of Resistance," [Page 77].

from an anti-immigrant president, survival from its rescission in the Supreme Court, and its overall outliving of a restrictive chapter.

In the last few decades, sociologists and political scientists have arrived at two closely linked perspectives on the study of social movement: the resource mobilization paradigm and the political opportunities model.³⁴² The activist approach made use of by DACA receivers, to some extent, combined both designs. Alfred G. Cuzán, in *Resource Mobilization and Political Opportunity in the Nicaraguan Revolution: The Theory*, declares that “resource mobilization theory emphasizes the wherewithal for starting, sustaining, and expanding social movement organizations. The resources that are needed range from manpower, to money, from words of endorsement or encouragement from influential persons to weapons and other.”³⁴³ Though DACA advocates relied on internal and external supplies, one cannot say that the assistance from “outside contributors” such as “wealthy or influential individuals who are not members of the deprived group but who nevertheless make available to the social movement organization various resources, including money,” have alone warranted the youth movement’s success.³⁴⁴ The support from groups with extensive funding and assets such as United We Dream, the UC Board of Regents, the ACLU, amongst others, have undoubtedly played a considerable role in the accomplishments of the DACA activists.³⁴⁵ However, to say that the youth solely relied on resource mobilization theory for the achievement of their objectives would be to discount their focus on the social movement approach centering around “the value of disruption, manipulating

³⁴² Alfred G. Cuzán, "Resource Mobilization and Political Opportunity in the Nicaraguan Revolution: The Theory," *The American Journal of Economics and Sociology* 49, no. 4 (1990): [Page 401], <http://www.jstor.org/stable/3487535>.

³⁴³ Cuzán, "Resource Mobilization," [Page 403].

³⁴⁴ Cuzán, "Resource Mobilization," [Page 404].

³⁴⁵ Martha Ramirez, "These Are the Top Organizations that Support DACA: The Nonprofits that Fought the Trump administration on DACA are now Focused on the Program's Future Under Biden.," *Blue Tent*, accessed May 2, 2023, <https://bluetent.us/articles/policy-advocacy/top-organizations-that-support-DACA/>.

the media, generating sympathy in bystander politics” and “the winning of allies from among elites.”³⁴⁶

Cuzmán refers to this design as the political opportunities paradigm yet, I argue that the conception of framing is one more useful and relevant to the triumph of DACA activism as the arrangement was more heavily relied upon by the DACA beneficiaries than that of the resource and political opportunity outlines.³⁴⁷ I assert this because in the absence of collective action, meaning, the creation of an all encompassing identity, and overt alongside covert forms of activism to tie such framing together, there would be no convincing of the public, no “generating sympathy in bystander politics” no effect.³⁴⁸ To be clear, I do not intend to dismiss the resource mobilization and political opportunity processes utilized by DACA activists, I simply mean to highlight that framing processes were more heavily relied on by the advocates due to their “central dynamic” nature.³⁴⁹ Such weight is that of the nature that even scholarship, like Robert Banford and David Snow’s *Framing Processes and Social Movements: An Overview and Assessment*, declares the advance as vital “in understanding the character and course of social movements.”³⁵⁰

³⁴⁶ Cuzán, "Resource Mobilization," [Page 406].

³⁴⁷ *Ibid.*

³⁴⁸ *Ibid.*

³⁴⁹ Robert D. Benford and David A. Snow, "Framing Processes and Social Movements: An Overview and Assessment," *Annual Review of Sociology* 26 (2000): [Page 612], <http://www.jstor.org/stable/223459>.

³⁵⁰ Benford and Snow, "Framing Processes," [Page 612].

Conclusion

I stand by the third defense of social advocacy in the belief that politics is primarily driven by grassroots movements ultimately supported by Austin Kocher's *Immigrant Rights Mobilization in an Era of Trump* scholarship conveying that immigrants are reshaping urban and national politics.³⁵¹ Not solely is this reshaping of the governmental realm occurring at the hands of the immigrant population but such reformulation works intersectionality alongside movements for Black liberation, LGBTQ rights, Muslim inclusion, labor organizing, amongst other struggles for social justice.³⁵² There is no doubt that the advocacy coming from the DACA beneficiaries has had a substantial and dramatic governmental impact on American politics, but more than that, because said activism has persisted over time and over numerous harsh hurdles, it has the promise for accomplishing transformative and historically distinctive change.³⁵³ Professor Deva R. Woodly in *Reckoning: Black Lives Matter and the Democratic Necessity of Social Movements* expresses that bottom up organizing within social movements "infuse the essential elements of pragmatic imagination, social intelligence, and democratic experimentation into public spheres that are ailing and have become unresponsive, stagnant, and/or closed."³⁵⁴

Without nailing the particular avenues of resource mobilization, political opportunity, and most importantly framing, as the immigrant youth did, DACA would cease to be around presently. Though the hopelessness felt by the immigrant population during Trump's rule became a looming storm cloud, the hard work of the DACA youth struck down the plans of the president and, moderately, convinced the courts of the policy's continuity. I use the term "moderately"

³⁵¹Austin Kocher, "The New Resistance: Immigrant Rights Mobilization in an Era of Trump," *Journal of Latin American Geography* 16, no. 2 (2017): [Page 165], <http://www.jstor.org/stable/44861337>.

³⁵² Kocher, "The New Resistance," [Page 166].

³⁵³ Deva R. Woodly, *Reckoning: Black Lives Matter and the Democratic Necessity of Social Movements* (New York, NY: Oxford University Press., 2022), [Page 4].

³⁵⁴ Woodly, *Reckoning: Black*, [Page 4].

because there is no direct literature that links DACA activism to swaying the decision making of the Supreme Court. In fact, it would be immoral for the highest court in the land to reveal that the efforts of the youth moved their sentiments and influenced their decision making as opposed to employing their commonly used system of judicial review.³⁵⁵ This system of review is meant to certify that each branch of government recognizes the limits of their power and to nullify laws that are in violation of the Constitution for the protection of civil rights and liberties.³⁵⁶ Thus, the Court could and would never truly come forward in the declaration that DACA beneficiaries convinced them to keep the policy around amid Trump's annihilation attempts, however, how could a case like DACA not convince the judges if in a peak moment of anti-immigrant attitude it convinced the American public.

In spite of this project analyzing three competing narratives, I do not wish to dismiss that of Trump's ambivalence or the legal quagmire as both of these arguments held influence over that of social advocacy. Undoubtedly, DACA is a rarely seen before policy even in the wake of years of controversial immigration initiatives established by the U.S.. Hence, it makes sense that the President and the Courts would be sympathetic to the youth's rallying cry upon noting their drive to raise a grassroots movement into a national victory for their community alongside their other convincing factors: innocence, super citizen qualities, and considerable economic contributions.

At its center, the puzzle that this project resolves underscores social championing through grass roots movements as the greatest actor in democracy. The DACA movement calls for a recommitment to a system of governance that considers everyone which perhaps to some means

³⁵⁵ "About the Supreme Court," *United States Courts*, accessed May 2, 2023, [https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about#:~:text=The%20best%2Dknown%20power%20of,Madison%20\(1803\).](https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about#:~:text=The%20best%2Dknown%20power%20of,Madison%20(1803).)

³⁵⁶ "About the Supreme," *United States Courts*.

restructuring the ideological systems of the 21st century “and the institutions and practices that formed to make the consequences of those ideologies real in people’s lives.”³⁵⁷ Woodley delineates that doing such a thing may demand an utter dismantling to rebuild anew.³⁵⁸ I agree with Woodley in recognizing that this is a massive proposition, but, if it is victorious, it will be the labor of a handful of generations.³⁵⁹ Nonetheless, from the evidence collected here, DACA social advocacy has set the stage for a governance that can mold the next era, one that arranges human success from sidelines to center and constructs from the ground up.³⁶⁰

³⁵⁷ Woodly, *Reckoning: Black*, [Page 205].

³⁵⁸ *Ibid.*

³⁵⁹ *Ibid.*

³⁶⁰ *Ibid.*

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