Activism After DACA: Lessons from Chicago's Immigrant Youth Justice League

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Introduction: Mena Gets a Warning

In 2015, I (Jorge Mena) stepped foot in Mexico, the country of my birth, for the first time in nearly two decades. I had left Mexico for the United States as a child with my mother, and we remained in the U.S., prevented from traveling by the perils of crossing the Arizona desert. Then, in 2012, the Barack Obama administration launched DACA, or Deferred Action for Childhood Arrivals, which allows undocumented youth like me to apply for a 2-year work permit and deferral of deportation. A lesser known but significant benefit of DACA is eligibility for Advanced Parole (AP), which allows its holders to reenter the United States after a pre-approved trip outside of the country. In 2015, I did leave, along with a dozen other DACAmented youth, for a conference in Mexico City that was organized by Amalia Pallares and others. I also traveled to my home state of Jalisco to reconnect with family members, including my abuelos [grandparents], whom I had not seen in nearly 20 years.

With my AP secured, my reentry to the U.S. after the 2-week visit would be uneventful, or so I hoped. After a last-minute flight change, I arrived at Washington Dulles Airport on a hot July afternoon. I stood in the winding line for non-U.S. citizens, where my Mexican passport and AP form were inspected, my face photographed, and my fingerprints scanned; I was then directed to a second office. I walked into a large waiting room, knowing that Customs and Border Protection (CBP) officers could deny my reentry to the United States. Even with AP — even with lawful permanent U.S. residency — noncitizens can always be denied reentry to the U.S. at the discretion of CBP agents. Only U.S. citizens cannot be turned away.

Unsure about what they would ask me or how long it would take, I handed my documents to an officer and took a seat with some 15 others. I heard a couple exchange a few words in a language I did not recognize, perhaps Hindi or Urdu, but everyone else was quiet and avoided eye contact. An agent called out a last name, and an older man approached the counter that lines one wall of the room. I overheard his conversation with the agent, who did not bother to lower his voice. The man had been a lawful permanent U.S. resident for 47 years, and the agent wanted to know why he had not naturalized as a U.S. citizen. The agent also reminded the man that he has a conviction for Driving Under the Influence on his record and that he remains a “guest” in the United States. Duly warned, the man was then sent on his way.

As I sat in that waiting room, watching the minutes tick by as my connecting flight to Chicago took off without me, I overheard dozens of conversations between CBP agents and “guests.” One man was told that he has the wrong visa and has only 2 months to remain legally in the United States. Most others were asked questions about the purpose of their trip while the rest waited patiently for their turn. After a 2 hour wait, an agent finally called out, “Mena,” and I approached the counter. The agent, a young Latino, was seated behind a tall counter. He was looking at my paperwork.

“Where are you headed to?” he asked. “Chicago,” I answered. “What happened in 2011?” he wanted to know. I hesitated briefly before replying, “I was arrested at a civil disobedience but found not guilty.” He examined my paperwork, “Okay, sit down,” he said.
Ten minutes later, the agent called me back to the window. “What do you do?” he asked. “I’m a student,” I replied. He began stamping my forms. “Don’t be causing anyone any trouble,” he admonished, “Especially when you’re an illegal.” I did not give an answer to that. The agent passed my passport and AP form over the counter, and I left the office to find another flight to Chicago.

Impossible Activism

Mena’s 2011 arrest occurred during a protest of the Secure Communities program, an immigration enforcement program responsible for hundreds of thousands of deportations between 2008 and 2014. The protest, like other civil disobedience actions organized by undocumented youth, involved a high-visibility, surprise blockade of a major thoroughfare. A Federal task force had organized a meeting about the Secure Communities program that day in downtown Chicago. Mena and six others led a walkout of the meeting, wearing shirts that read “undocumented and unafraid,” carrying signs, and leading chants saying “Stop the lies, terminate the program!” They proceeded to sit down at the intersection of Washington and Des Plaines Streets before moving to block an on-ramp of the Kennedy Expressway, where they remained until arrested by police some 2 hours later. Their message was clear and succinct: we will not stand idly by while our community is under attack.

That action was one in a series of civil disobediences organized by undocumented youth between 2009 and 2014 (see Benitez and Pallares, this issue). During that time, undocumented youth held sit-ins in congressional offices, shut down Obama campaign headquarters, and disrupted political rallies across the nation (Nicholls 2013). In the Midwest, much of that activism was concentrated in the Chicago area and organized by a group that Mena had helped cofound in 2009: the Immigrant Youth Justice League, or IYJL.

In 2009, Ruth Gomberg-Muñoz was a graduate student and instructor at the University of Illinois at Chicago (UIC), where many IYJL leaders, including Mena, attended school. She had recently completed research for a dissertation study of undocumented restaurant workers; in that study, she described those workers as powerless (Gomberg-Muñoz 2011). The characterization of undocumented workers as powerless derived from a general consensus in migration scholarship that undocumented workers supply a source of flexible labor in developed economies which can be manipulated to undermine organizing efforts and suppress general wages (Basch et al. 1994; De Genova 2005; Massey et al. 2002; Portes and Walton 1981; Sassen-Koob 1981). Undocumented workers’ low wages, labor flexibility, and exclusion from union organizing are all presumed to be rooted in the same condition: intense political disempowerment, exacerbated by financial insecurity (but see Delgado 1994; Zlopniski 2003, 2006).

And yet, within UIC and across the nation, Mena and others were engaging in “impossible activism” (Pallares 2014) and proving themselves far from powerless. The actions of IYJL and other youth-led groups, such as the National Immigrant Youth Alliance (NIYA) and United We Dream, have played a critical role in transforming the U.S. immigration debate and advancing shifts in immigration policy, including DACA (Nicholls 2013). The activism of these youth demonstrates that political vulnerability is not necessarily an impediment to political organizing; indeed, disempowerment can give rise to activism. And in the undocumented youth movement, organizers invoke their lack of status strategically as a tool of political activism — a mechanism to challenge the dehumanization of undocumented people in political rhetoric and to establish the authority of undocumented people as spokespersons for immigrant rights (Benitez and Pallares, this issue; Gonzales 2008; Nicholls 2013; Pallares 2014; Unzueta Carrasco and Seif 2014).

For 4 years, IYJL was at the center of these efforts. IYJL organized Chicago’s first “coming out of the shadows” event in 2010, in which undocumented youth and adults spoke publicly about their
immigration status. And as the organization developed politically, its messaging and mission transformed and became sharper. In 2011, IYJL’s slogan, “Undocumented and Unafraid,” became “Undocumented, Unafraid, and Unapologetic,” as IYJL organizers pushed back against national DREAM Act narratives that compelled youth to conform to model immigrant prototypes and distance themselves from their parents. Subsequently, IYJL rallied around the message, “I define myself…” to emphasize the diversity of stories and agentive voices of undocumented youth.

After the DREAM Act’s failure in 2010, IYJL members expanded their strategies to demand an end to aggressive deportation campaigns of the Obama administration, and they consciously highlighted the stories of “non-DREAM” immigrants who had minor criminal records and were ineligible for DACA (Unzueta Carrasco and Seif 2014). IYJL was also instrumental in the national undocumented youth movement, and its members have helped create wider organizations, such as Undocumented Illinois (UI) and Organized Communities Against Deportations (OCAD). In spite of this momentum, by 2015, IYJL’s organizing had ground to a standstill. In March 2015, for the first time since the group’s formation, IYJL did not contribute to Chicago’s annual Coming Out event.

In this article, we draw on interviews with former and current undocumented youth activists to explore these transformations in Chicago’s youth movement. We pay particular attention to how DACA (launched at the height of undocumented youth activism in 2012) and other conditional statuses have shaped the organizing efforts of IYJL members. We focus especially on youth who have held positions of leadership within IYJL and other groups, as they represent the most consolidated contingent within IYJL’s larger membership.

We take as our starting point the notion that intense vulnerability shapes organizing efforts — at times constraining and at other times catalyzing activism (Coutin 2007), and we examine the effects of the establishment of DACA on youth organizing. As we explain in more depth below, DACA at once confers a modicum of protection from deportation and also brings holders under the purview of the state, where they are heavily surveilled. As Mena’s experience at Dulles suggests, political actions like civil disobediences can bring new and devastating consequences for DACA recipients. More broadly, the conferral of a conditional status brings with it a whole host of new possibilities and constraints, which may deaden the urgency of organizing campaigns, require significant investments of time and effort, and broaden access to national organizing positions.

Our data for this paper are drawn from both formal and informal sources. Mena is a founding member of IYJL and interviewed several current and former IYJL organizers for this project. Gomberg-Muñoz collected her interviews as part of a larger project on immigration status adjustment. Both Mena and Gomberg-Muñoz have been active in immigrant rights organizing in Chicago for many years.

**Conditional Status as Permanent Parole**

Before we examine the implications of conditional statuses such as DACA on youth activism, it is important to clarify what DACA is, and what it is not. DACA is an executive order that provides protection from deportation for select undocumented young people. In order to qualify for the program, applicants must have entered the United States before their 16th birthdays, be under the age of 31, be in school or have graduated from high school or obtained a GED, be able to provide continuous residence since June of 2007, and have a largely “clean” criminal record. Those who can meet these criteria are granted a 2 year deferral of deportation and a 2 year work permit, and they can then apply for state-issued drivers licenses.

In spite of these meaningful benefits, DACA is very limited. DACA is neither lawful permanent residency nor a path to lawful permanent residency — it is merely a promise not to pursue deportation at
this time. Further, the duration of the program is limited — eligibility is only good for 2 years. At the end of that period, participants may be able to reapply if the program is still available; but executive action is not legislation, and it can be ended at any time. In the meantime, program participants are subject to routine and prolonged surveillance — kind of like parole. DACA thus creates a liminal category (Menjivar 2006), wherein DACAmented youth are neither fully undocumented nor lawful permanent residents or U.S. citizens. They remain blocked from access to certain privileges of US citizenship, such as unimpeded travel, voting, federal financial aid, or health insurance under the Affordable Care Act. More importantly, DACAmented youth remain vulnerable to deportation if they lose eligibility for the program — through a “serious” criminal conviction, for example — or if the program is ended sometime in the future.

In this space of liminal legality, DACAmented youth join other U.S. immigrants who are registered with the state and afforded some protections, but who ultimately remain vulnerable to deportation (Menjivar 2006; Menjivar and Kanstroom 2014). This group includes Temporary Protected Status holders, U-Visa holders, and conditional green card holders. Arguably, lawful permanent U.S. residents (LPRs) can also be considered liminally legal: while many LPRs can naturalize as U.S. citizens, many others cannot and remain at risk of deportation. Indeed, of the approximately 400,000 people who have been deported each year since 2008, about 10 percent, or around 40,000 deportees annually, are LPRs (Baum et al. 2010).

For noncitizens like Mena, repeated arrests, even for minor infractions, can jeopardize their tenuous security. And the surveillance associated with conditional statuses puts holders on a kind of permanent parole, wherein they must maintain a clean record in order to avoid deportation. When the agent at the Washington Dulles airport admonished Mena to avoid future arrests, the intent of his warning was clear: Mena’s ability to reenter and live in the U.S. remains predicated on the discretion of agents like himself. While DACA allowed Mena to attain advance parole so he could leave and reenter the U.S. legally, these benefits can always be taken away. We explore the implications of this legal precarity next.

Documented and Afraid

One of Mena’s close collaborators in IYJL was a young woman who we call Lourdes. Lourdes left her home in Mexico and moved to the United States as a child, in the company of her younger brother and parents. As with many undocumented youth, Lourdes “grew into” her status as an adolescent; she “learned to be illegal” (Gonzales 2008) as she came to understand how undocumented status would limit her mobility, constrain her opportunities, and repress her aspirations. These realizations came to a head the summer following Lourdes’ graduation from high school. As she struggled to decide on her next steps in life, “It all began to make sense,” she said, “not being able to tell people about [abuse that is] going on at home because I’m undocumented, not being able to go to school because I’m undocumented, not knowing what’s going happen to me, because I’m undocumented.” Overcome by despair, Lourdes tried to take her life that summer. Thankfully, she survived, and in the subsequent years, she would grow to become a national leader in the U.S. immigrant rights movement.

Lourdes’ political awakening began the following year, when a classmate of hers at UIC was placed in deportation proceedings. The UIC community rallied to stop the student’s deportation, and Lourdes attended an organizing meeting with dozens of other UIC students. They sat around a table and introduced themselves. “My name is Lourdes, and I’m undocumented,” she began. The student sitting next to her stared, “I’ve been looking for you all of my life,” he responded, “I’m David, and I’m undocumented.” One by one, the students seated around the table “came out” about their status, many of them for the first time.
As they successfully campaigned for the student’s stay of deportation, Lourdes and her classmates founded IYJL to elevate the voices of undocumented youth within the immigrant rights movement. In March of 2010, IYJL led its first Coming Out of the Shadows march/rally under the “Undocumented and Unafraid” banner. In subsequent years, Lourdes began organizing nationally, and she has traveled across the United States to give civil disobedience trainings in undocumented-concentrated communities.

Then, without warning, Lourdes’ fortune changed when two teenagers assaulted her younger brother. As a result of the assault, Lourdes and her family became eligible to get a U-Visa. A U-Visa is a category of conditional visa that undocumented people can apply for if they are victims of a crime and provide testimony in court that can aid in a criminal conviction. The U-Visa is good for 4 years, and at the end of that period, Lourdes and her family will be eligible to apply for lawful permanent residency.

Soon after, Lourdes was arrested at a civil disobedience action in Georgia, and for the first time, she was afraid of the consequences. She explained, “My lawyer let me know that this could bring really bad stuff to the [visa] case, like maybe it could get denied not just for myself but for my mom and brother. And that was the first time that I was like, whoa, my actions are not just going to impact me, but now there’s this application, now there’s something to lose.” Lourdes, who spent years proclaiming herself as “undocumented and unafraid,” had become documented. And with documentation, she had become more afraid.

Lourdes’ fears are understandable. U.S. deportation rates have reached record highs in the 21st century, and if her family’s U-Visa were revoked, they would lose even the limited protection from deportation that it provides, not to mention the promise of security and upward mobility attendant to permanent lawful status. Youth like Lourdes and Mena must carefully consider how participating in civil disobediences will affect them and their families, and thus DACA, as a provisional status, can work as a mechanism to regulate their organizing tactics. And fear of losing status is not the only way in which the conferral of an immigration status can change organizing strategies. Indeed, becoming DACAmented has a host of more subtle consequences, which we explore in the following sections.

Moving On

During the impassioned campaign for the DREAM Act in 2010, many organizers and adult immigrants alike were concerned that passage of the DREAM Act would deplete the political activism of youth — a critical contingent of the wider immigrant rights movement and campaigns for comprehensive immigration reform (CIR) (Nicholls 2013). “This is just a first step,” youth activists responded as they tried to reassure the immigrant rights community that their mobilizations in support of CIR would not falter if they were granted lawful status. The DREAM Act failed, but the passage of DACA provides a window onto how the conferral of provisional status can affect the lives and organizing strategies of undocumented youth.

For youth who are eligible, a work permit, state ID, and drivers license can both change the ways in which they identify and affect their everyday decisions (see also Abrego 2011). With its work eligibility provision, DACA opened a path to middle-class employment opportunities for some youth, encouraging them to consider their potential futures in new ways. This is probably especially true for IYJL members, who were largely high-achieving college students likely to experience upward mobility as a result of DACA. According to one IYJL member, “people have moved on to other parts of their lives” with DACA, and thus DACA has produced both “negatives and positives,” she said, in which “some people have been able to find steady jobs and focus on that for their professional development.” Another DACA recipient concurred, explaining that “DACA, as little as it is, [means that] I was able to work
on campus for the first time…. It gives me a bit of stability because I have a license and it’s easier to get around with much less anxiety.” The stability attendant to secure employment can deaden the urgency of CIR, while entering the job market requires a significant investment of time and effort that diverts attention from organizing. One past IYJL member imagined that youth are thinking to themselves: “I need to stay away [from organizing] a bit to take care of this other part of myself.”

For adolescents, the implementation of DACA insulates them from some of the initial effects of having undocumented status. For example, undocumented high school youth can now gain work permits and drivers licenses during high school. In this way, their experiences diverge from those of youth who attended high school pre-DACA and for whom the inability to get a drivers license, study abroad, or apply for federal funds for college were defining moments in their identity formation (Gonzales 2008, 2015). Several DACAmented youth at a high school on Chicago’s south side explained to Mena that being undocumented is only part of their identity, sometimes a small part. One student who graduated from high school in 2013 said that he wants others to know that he is “more than just undocumented,” and he went on to describe his love of playing soccer. Having DACA may thus reshuffle the priorities of youth and decrease the urgency of immigration reform, leading to less organizing at the high school level.

DACA is Not Enough

After the implementation of DACA, IYJL’s leadership largely remained committed to the struggle for broad-based and widely inclusive immigration reform. They point out that the implementation of DACA has neither reduced overall deportation rates nor ameliorated militarization of the U.S.-Mexico border. “The need to organize, resist, and support one another has not changed,” one former IYJL leader explained. “We need to dismantle the myth that things have changed for the better,” said another, “There is an equal or greater need to remain organized and supportive of each other” after DACA, especially as the threat of deportation looms for millions of U.S. immigrants.1

As one IYJL leader, Sam, explained, DACA was implemented at the height of undocumented youth activism, as youth leaders were aggressively pushing the Obama administration to take action on immigration reform. “And in a way I think that [DACA] like literally pulled the rug under everyone,” Sam said; DACA “deflated all our efforts because [the administration] responded.” Youth leaders had to quickly regroup and carefully consider both the benefits and limitations of DACA as they moved forward. “We saw it as a concession,” explained Sam, “We thought it was positive and so forth but we saw it as a concession.” Another former IYJL leader explained, “Many of those who benefited [from DACA] have loved ones — parents, siblings, friends, community — that were left out and have been targeted as a result.” Moreover, she continued, “It is important to always keep in mind and remind others that things are never “granted” from the top. There is always a need to push and once change is seen, it is important to keep pushing.”

Immigrant Youth Justice League leaders were especially critical of DACA provisions that widen the divide between youth who qualify for the program and their parents and other community members, who do not. DACA, Lourdes explained, “just changes the ball game for all of us, because then there’s like that direct actual explicit separation of DREAM Act-eligible students and our parents. And that just feels really awkward.” Even as they encouraged eligible youth to apply for the program, their critique of DACA was sharp. “I can have my work permit and it’s fine,” Lourdes said, “but what about our parents? Like what about my mom that’s like cleaning offices and that hasn’t been able to get like get a

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1Susan Coutin (2007) also found that organizing persisted following the passage of NACARA in 1997, which provided uneven benefits to Central American immigrants in the United States.
stable job you know? What about the people that are getting deported? Like these are people that are going to end up filling those [detention center] beds.”

Moreover, Sam pointed out, DACA may placate youth who do not recognize that their vulnerability to deportation will persist. “I think the risk for us is if that happens, people are just going to back to their daily lives,” Sam said, instead of being willing “to do more, to help more people, to… make a call [to legislators] or go to a rally or something.” And with youth activism on the decline, the momentum may be difficult to restart. “So if DACA ever ends, they’re in the same boat as before, because they’re still at risk” for deportation, Sam explained.

Moving Forward

Indeed, much of IYJL’s work has continued under the auspices of two new organizations: UI and Organized Communities Against Deportation (OCAD). UI was formed in 2011 as a network of undocumented youth-led organizations operating in the state of Illinois. The network encompasses universities and suburbs outside of the city of Chicago. Some of the goals of the organization are to support the work that each individual group is working on while at the same time working together to fight against deportations and the criminalization of immigrants. UI also focuses on demanding access to education for undocumented youth and works with other organizations to support the rest of the undocumented community in Illinois on social issues, including access to healthcare.

Organized Communities Against Deportations is another organization whose leadership is comprised of many youth activists who were politicized by their involvement in IYJL. OCAD seeks to stop deportations in communities through mobilization, advocacy, and education. Since December 2012, OCAD has led public campaigns to stop deportations in the state of Illinois and has helped families to fight deportations of loved ones by connecting them to legal venues and information that can make the difference between staying in the United States or getting deported (Benitez and Pallares, this issue).

These organizations continue the push for immigration benefits that are more inclusive of non-DACA eligible youth and undocumented adults. OCAD, while mostly a youth-led organization, has many active adult members, including parents of IYJL organizers, professors from the UIC, and family members of those whose deportation cases have been taken on by the organization. As youth and adults have worked to strengthen their collaboration with each other, OCAD has sought to broaden the participation of undocumented workers in civil disobedience actions and other advocacy efforts.

Campus-based organizations in Chicago have also gained some traction as they focus on access to funding for undocumented students in higher education. This is a goal consistent with the needs of both undocumented and DACAmented students, who remain ineligible for FAFSA. Some of these organizations include the Fearless Undocumented Alliance at the UIC, Dream Action at Northern Illinois University, Undocumented Students and Allies at the Illinois Institute of Technology, and the Dominican Immigrant Student Collective at Dominican University. In 2015, a student-led initiative at Loyola University Chicago resulted in the nation’s first-ever scholarship for undocumented students that will be paid for with student fees. Loyola students voted to pass this measure with a 70 percent majority.

While campus organizations are doing important and necessary work, their missions are largely limited to the needs of undocumented and DACAmented college students. These groups are not well positioned to address the ongoing struggles of non-college students and undocumented working adults — all of whom are likely to experience added stressors of class constraints. The comprehensive and critical perspective of IYJL organizers, who emphasized the need for widely inclusive legalization program, thus remains sorely needed.
Transborder Organizing

Undocumented youth organizers in Chicago and other cities, including Los Angeles and Atlanta, have also begun cultivating national and transnational networks to share organizing tactics with youth organizers, deportees, and retornados (youth who “voluntarily” returned to their countries of birth in the face of aggressive immigration enforcement in the U.S.) in Central America and Mexico. Mena’s trip to Mexico City in July of 2015 was part of this effort.

The “Youth Without Borders” [Jovenes Sin Fronteras] and #FromHereandThere [#DeAquÍYDeAllá] conference that Mena attended brought together youth from throughout North America to share their experiences and work to build a transnational organizing network. In particular, youth strategized about how to ensure their families’ well-being and self-determination in countries of origin, transit, and destination, devising an Agreement of Transborder Migrant Youth that was shared widely with key stakeholders, Mexican officials, and members of the Spanish-language media.

Some of the youth who participated in the convening are also participants in a book project and collaboration entitled “Los Otros Dreamers” [“The Other Dreamers”], which presents the stories of migrant youth. Some of these youth were deported, while others made the decision to leave the United States in order to return to their home country; still others have moved to a third country where they can work or continue their education. In this instance, the participation of undocumented youth in the U.S. in transborder organizing has been facilitated by DACA, which allowed them to travel abroad and meet with deported and returned youth outside of the United States.

Conclusion: Mena Gets Warned Again

Mena filed to renew his DACA in January of 2015, but by the time that he was scheduled to leave for Mexico in July, it had expired and the renewal had still not been processed. For nearly 10 months, Mena waited for the processing of his DACA renewal; this unexplained delay cost Mena his job as a research assistant at the UIC, where he now attends graduate school. As a consequence, Mena lost the tenuous financial stability that he had been working toward since 2012; he lost the protection from deportation, as well as his eligibility for AP. Mena gained, however, a renewed understanding of the message so bluntly conveyed to him at the immigration offices at Dulles: DACA or no DACA, Mena and others like him remain vulnerable to the whims of the U.S. immigration system.

The prolonged state of liminality experienced by conditional status holders has consequences for immigrant organizing efforts. On the one hand, work eligibility has allowed many DACAmented youth to pursue opportunities that had previously been closed to them, while protection from deportation has dampened their sense of urgency for CIR. On the other hand, the limitations of DACA, including its exclusion of working adults and ineligible youth, have encouraged the continuation of organizing efforts, especially for leaders who are the most highly politicized within the larger youth movement.

In all, our research suggests that conditional immigration statuses are limited mechanisms of repression. Conditional statuses bring holders under the purview of state surveillance without entirely removing the threat of deportation. As a result, youth like Lourdes and Jorge Mena find that their organizing activities can jeopardize the modicum of protection that conditional statuses provide. More mundanely, the opening up of limited opportunities can divert energies that might otherwise be devoted to organizing. Still, highly politicized and consolidated youth have not halted their activism; instead, they have adapted their organizing strategies to respond to the limitations of programs such as DACA. In this sense, DACA has made their organizing sharper and allowed activists to organize across borders in a way that was previously impossible.
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