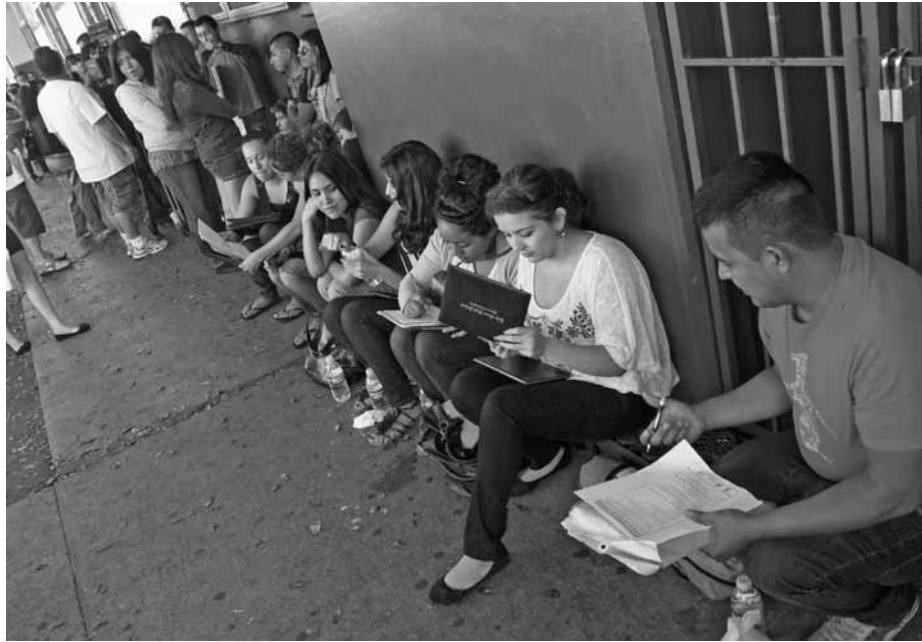


The Dreamers' Social And Post-Electoral Value¹

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Jonathan Alcom/REUTERS

Two topics that are always part of the debate on the sociopolitical situation of Latinos in the United States are undocumented migration and the search for consensus on a comprehensive migratory reform, that is, one that benefits the majority of undocumented migrants.

At the beginning of Barack Obama's second term, despite the many and diverse proposals presented over the decades, what is expected is a different, much more inclusive plan that would include significant advances for the more than 11 million people who want to integrate fully into that society. At least in political terms, the time when a new federal immigration law is signed seems remote. This is true particularly if it were to include articles that would really be the basis for short- and medium-term benefits for those who work day-to-day hidden away, in the shadows and who are so helpful for the comprehensive social, cultural, economic, and even political

development of the United States. In the context of the 2012 federal elections, the issue of regularizing these migrants' status became politicized and increased the importance to the candidates of the Latino vote.

To exemplify this, it is important to remember that in the United States, every year more than 65 000 undocumented students get a high school diploma.² However, given immigration restrictions, they are then not able to continue their studies at the university, join the army, or get a legal job. These students entered the country at a very young age and culturally identify with U.S. society. The "dreamers," as they have been dubbed, have assimilated socially. Some of them even speak only English and have little relationship with their countries of origin because they have lived in the United States the entire time they have been students.

For the political parties, incorporating millions of migrants has been a big question that comes to the fore in every election and becomes an important, generalized demand of the

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different groups and sectors that make up the Latino community. While it is true that every year, thousands of migrants enter the machinery leading to citizenship, it should be pointed out that the legal process they go through is by no means linear and has many different moments along the way. For this reason, the “dreamers” struggle and achievements can be considered important and a historic advance in the decades-long social struggle that has sought to improve education for Latino children and young people.

In this century, Latino social groups and some political ones have never let up the pressure to make the Development, Relief, and Education for Alien Minors Act, better known as the Dream Act, a political and social reality. The legislative struggle has its origins in 2001, when this law was introduced as a bill by Republican Utah Senator Orrin Hatch and the Democratic senator from Illinois, Richard Durbin. In the House, it was presented by a Democratic representative from California, Howard Berman, and a Republican from Illinois, Chris Cannon. It emerged as the response to the 1996 legislative measures that banned states from offering higher education to undocumented foreigners or allowing them access to federal funding to continue their studies.

Since immigration is always difficult to work on and the debates tend to last years because of the many political interests involved, several versions of this bill already exist. In 2001, 2003, and 2005, Dream Act proposals were stymied in both house’s Judiciary Committees despite being joint proposals with bipartisan support. However, thanks to the interest of Latino legislators and pressure groups from sectors linked to Latinos, the bill continued to be put on the legislative agenda until its most complete version, known as the 2009 Dream Act, was forged. This legislation proposed offering the status of permanent legal residency to minors who had been brought to the United States by their parents through no agency of their own and who knew no other homeland.³ The proposal included all young people under the age of 35 who had entered the U.S. before the age of 16 and, after at least five years residency, had acquired a high school diploma.

The Dream Act of 2009 also stipulated that the “dreamers” would retain that conditional legal status for six years, during which they could study in a U.S. institution of higher learning and would not face barriers to traveling inside or outside the country. In addition, after those six years of residency, if they got a degree from an institution of higher learning, after serving in the military for at least two years and having demonstrated good moral behavior, they would be eligible

to apply for full permanent residency.⁴ Once again, the possibility of enjoying the benefits of this law was conditioned by time considerations, which would leave out a large number of migrants.

The arguments in support of this proposal at the time were the possibility of making the United States more competitive in the global economy since this sector of the population would be highly skilled and therefore could contribute to the nation’s growth. This was framed in the country’s aspiration of having the world’s highest proportion of graduates of higher education by 2020, given that having a university degree means making 60 percent more than the national average.⁵ The monetary factor, linked to the political decision, is found in the meaning given the bill by the Congressional Budget Office, which in 2010 reported that, if the Dream Act were passed, government revenues would grow by more than US\$2.3 billion over 10 years.⁶ This number would undoubtedly grow after President Obama’s executive order.

A new federal immigration law for those who work day-to-day hidden away and are so helpful for the comprehensive development of the United States seems remote.

The Defense Department also backed the bill, recognizing that there are foreigners serving in the military whose immigration status should be regularized. For her part, Secretary of the Interior Janet Napolitano stated in 2010 that passing the bill would make it possible to direct immigration and border security efforts against those who do represent a threat to U.S. security.⁷

Despite support from representatives and senators from both parties, the bill was voted down several times. This is in spite of full support from the American Teachers Federation, the Coalition of Urban and Metropolitan Universities, the National Parent Teacher Association, the American Association of Community Colleges, the National Association for Community College Admission Counseling, and numerous pro-human rights groups and migrant organizations.⁸

The political handling of this issue by legislative leaders and even presidential hopefuls has been a constant over all these years. One example of the changing political positions for getting bi-partisan consensus even occurred among the

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bill’s sponsors. For example, in 2006, Senator McCain co-sponsored the bill in the Senate, but during the 2008 presidential campaign and the 2010 Senate race, he did an about face, turning 180 degrees and returning to conservatism. Finally, in the voting that year, he cast his ballot against the bill, showing the importance of electoral pragmatism in his political life: initially, McCain wanted support from Latino groups for his nomination, but once that political moment passed, he once again opposed creating a legal way out for these young people’s immigration status.

2010 was crucial for the “dreamers”: despite the fact that Congress voted down the bill, 11 states approved laws to allow undocumented students to continue their studies in institutions of higher learning. In California, Illinois, Kansas, Utah, Texas, New York, and New Mexico, they can even get

state funding to study; nine other states also have similar bills before their local legislatures.⁹

In 2011, the bill was reintroduced before Congress, but this time sponsored only by Democrats. The Republicans blocked it, arguing that the real priority was reinforcing border security. On this occasion, the proposal had President Obama’s backing and that same year, he issued an executive order to the effect that the Office of Visitors and Border Security should cease deporting young undocumented immigrants who were enrolled in any institution of higher learning, considering them low-risk threats.¹⁰ With this order, Obama sidestepped the legislative process knowing full-well that the Latino vote was fundamental for his reelection.

In June 2012, one week before the meeting of the presidential candidates with the National Association of Elected Latino Officials, Obama made a televised announcement from the White House saying, “These are young people who study in our schools. They play in our neighborhoods. They’re friends with our kids and pledge allegiance to our flag... They are Americans in their hearts, minds—in every single way but one: on paper.”¹¹

Right away, in the name of the Department of Homeland Security, Janet Napolitano said, “Effective immediately,

COMPARISON OF THE 2009 BILL AND THE 2011-2012 EXECUTIVE ORDER

	Dream Act 2009 (Bill presented to Congress)	Differed Action for Childhood Arrivals (DACA) 2011-2012 (Executive Order)
Presented by	<ul style="list-style-type: none"> • Bi-partisan coalition 	<ul style="list-style-type: none"> • Democrats
Prerequisites	<ul style="list-style-type: none"> • Being between the ages of 12 and 31 • Having arrived in the U.S. before the age of 16 • Ability to prove U.S. residency for at least five years • Having graduated from some high-school or university level educational program • Being morally solvent (no criminal record) 	<ul style="list-style-type: none"> • Having arrived in the U.S. before the age of 16 • Providing documentary proof of five years continual residency in the United States • Being enrolled in a high-school or collage level educational program, having received a diploma from such a program, or being enlisted in the armed forces • Being under the age of 31 • Being morally solvent, not having been convicted of more than three misdemeanors. Those with felony convictions, convictions for drug offenses or even a single DUI do not qualify
Immigration status that would be granted	<ul style="list-style-type: none"> • Residency (Green Card), conditioned on getting a diploma 	<ul style="list-style-type: none"> • Deportation differed for two years
Status	<ul style="list-style-type: none"> • In 2009, the bill failed to pass the Senate 	<ul style="list-style-type: none"> • In effect

certain young people who were brought to the United States as young children, do not present a risk to national security or public safety, and meet several key criteria will be considered for relief from removal from the country or from entering into removal proceedings. Those who demonstrate that they meet the criteria will be eligible to receive deferred action for a period of two years, subject to renewal, and will be eligible to apply for work authorization.”¹²

This means that people under 30 who are enrolled in a college-level educational program, have received a high school diploma, or who are serving in the armed forces can request deferred deportation as long as they were brought to the United States before the age of 16 and have no criminal record. It is estimated that more than 1.7 million “dreamers,” 85 percent of them Latinos, will benefit from this order. The immediate beneficiaries, those who already have a high school diploma, come to 700 000, while about 250 000 are currently enrolled in some kind of college.¹³

The measure was applauded nationwide by immigrant groups and other political organizations who supported the idea that the United States had educated these migrants, who, with their work as professionals could contribute to national development and who represented no threat whatsoever due to their aspirations to live the “American Dream.” According to the U.S. Citizenship and Immigration Services (USCIS), by December 2012 there were approximately 365 000 applications, and 103 000 of them had been approved.¹⁴ At the 2012 National Democratic Convention, dreamer Benita Veliz even made a speech, marking a historic moment: she was the first undocumented immigrant to speak at a national party convention in the United States. This type of event shows how the “dreamers” and immigration policy continue to be fundamental points on the U.S. agenda and that they also influence political stances and even party platforms.

Latino groups’ pressure found its best ally in the argument for greater inclusion of highly educated undocumented immigrants. The 2012 electoral alliance linked Latinos to the electoral fate of the Democrats, partly because of the weight of Latino voters in key states for winning a presidential election. The Republican candidate was not particularly adept when he underestimated the decisive percentage of the majority of the Latino vote. We should not forget that part of that vote goes to Republicans, like for example in Texas and Florida. In Florida, favorable results for the Democratic Party have changed in the two elections of Barack Obama. The explanation can be found in the diversity of the Latinos living

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there, given that the only Latinos voting are not Cuban-Americans, but many thousands of people from other countries, who are increasingly inclined in favor of the Democratic Party. **NM**

NOTES

- ¹ I would like to thank research assistant Estefanía Cruz Loera for her collaboration in writing this article.
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- ³ The White House, “The Dream Act: Good for Our Economy, Good for Our Security, Good for Our Nation,” December 1, 2010, <http://www.whitehouse.gov/blog/2010/12/01/get-facts-dream-act>. [Editor’s Note.]
- ⁴ Jeanne Batalova and Margie McHugh, “Dream vs. Reality: An Analysis of Potential Dream Act Beneficiaries,” Migration Policy Institute, July 2010, <http://www.migrationpolicy.org/pubs/DREAM-Insight-July2010.pdf>. [Editor’s Note.]
- ⁵ White House, 2010, op. cit.
- ⁶ Ibid.
- ⁷ Julianne Hing, “Napolitano: DREAM Act’s Good for National Security,” *ColorLines News for Action*, December 2, 2010, http://colorlines.com/archives/2010/12/sec_napolitano_dream_acts_good_for_national_security.html. [Editor’s Note.]
- ⁸ Batalova and McHugh, op. cit.
- ⁹ Ibid.
- ¹⁰ Elise Foley, “Obama Administration to Stop Deporting Younger Undocumented Immigrants and Grant Work Permits,” June 15, 2012, http://www.huffingtonpost.com/2012/06/15/obama-immigration-order-deportation-dream-act_n_1599658.html. [Editor’s Note.]
- ¹¹ Bertrand M. Gutiérrez, “Obama gives ‘dreamers’ some relief,” *Winston-Salem Journal*, June 15, 2012, <http://www.journalnow.com/news/2012/jun/15/7/obama-gives-dreamers-some-relief-ar-2360711/>. [Editor’s Note.]
- ¹² Homeland Security, “Secretary Napolitano Announces Deferred Action Process for Young People Who Are Low Enforcement Priorities,” June 15, 2012, <http://www.dhs.gov/news/2012/06/15/secretary-napolitano-announces-deferred-action-process-young-people-who-are-low>. [Editor’s Note.]
- ¹³ Jaffrey Passel and Mark Hugo López, “Up to 1.7 Million Unauthorized Immigrant Youth May Benefit from New Deportation Rules,” Pew Research Center, August 14, 2012, <http://www.pewhispanic.org/2012/08/14/up-to-1-7-million-unauthorized-immigrant-youth-may-benefit-from-new-deportation-rules/>. [Editor’s Note.]
- ¹⁴ US Citizenship and Immigration Services, Reports, Deferred Action for Childhood Arrivals Process, <http://www.uscis.gov/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/DACA%20MonthlyDEC%20Report%20PDF.pdf>, accessed December 2012.