

The DREAMers: The Legalization of DACA and the
DREAMer Movement in Oregon

by

JACQUELINE CARRILLO CONTRERAS

A THESIS

Presented to the Department of Political Science
and the Robert D. Clark Honors College
in partial fulfillment of the requirements for the degree of
Bachelor of Arts

May 2023

An Abstract of the Thesis of

Jacqueline Carrillo Contreras for the degree of Bachelor of Arts
in the Department of Political Science to be taken May 2023

Title: The DREAMers: The Legalization of DACA and the DREAMer Movement in Oregon

Approved: *Professor Daniel J. Tichenor*
Primary thesis advisor

This thesis will analyze the fight for immigrant rights in Oregon and more broadly, how undocumented immigrants, minority youth, and other marginalized groups advance immigrant rights. The thesis will begin with early immigration policies at a national level, narrowing down to local state policies and immigrant rights organizations. Further, this thesis will analyze how the DREAMer immigration movement in Oregon impacted undocumented individuals and how the DACA passage has benefited the lives of undocumented youth. This will include a historical analysis of immigration and anti-immigrant sentiment in the United States and in Oregon, along with restrictive policies and laws that were in place before the passage of DACA. Within the topic of immigration, there are both positive and negative attitudes toward DACA as a social and political solution to immigration. Moreover, there are various arguments on what the best pathway to citizenship is, each with its own social forces that support and oppose these efforts. This thesis argues that although DACA provides effective temporary relief, more work needs to be done to secure the lives of immigrant communities and undocumented children. Over the past two decades, undocumented youth have changed the idea of what it means to be an immigrant, which will be discussed throughout this paper. Many organizations, in Oregon and beyond, have helped undocumented immigrants mobilize and lay the groundwork for immigrant rights and advocate for the recognition of the social and economic benefits immigrants provide. Within this

thesis, I will draw on organizations such as PCUN (Pineros y Campesinos Unidos del Noroeste) and CAUSA. Through the use of historical analysis and journalistic accounts, we will discuss the individuals in the DREAMer movement, how the passage of DACA has impacted their lives, and the possible future of immigration laws. The importance of immigration reform and immigration policy is essential, as policies are constantly changing. At the end of this thesis, current immigration policies will be discussed, as well as possible outcomes of the future of DACA.

Acknowledgments

First and foremost, I would like to acknowledge the help I received from my thesis committee. I would like to thank my primary advisor, Daniel Tichenor, for his constant words of support and encouragement throughout my entire writing process— from providing sources, feedback, and meeting weekly. Without his help, I would not have been able to complete the thesis process. I would also like to thank Catalina de Onís for being my Clark Honors College representative. Dr. de Onís joined the CHC this year and did not hesitate to join as my CHC Representative, providing prompt feedback and encouragement and showing a genuine interest in my research and passions. Further, I would like to thank Dustin Ellis, who took his time to serve as my second reader despite his working on a dissertation. I am thankful for his suggestions and words of encouragement that helped me change the course of my thesis in the best way possible.

I would also like to especially thank my parents and family. My parents sacrificed their all to move to a foreign country to make sure their children had a brighter and safer future than they did. They have provided me with nothing but constant love, reassurance, and support and I could not have made it this far without them. Gracias por todo, mama y papa, ustedes son mi inspiración. I am grateful for my family and friends for always believing in me and their never-ending words of encouragement.

Dedication

This thesis is dedicated to my late niece, Sophia Ann Carrillo Eto (1/07/2021-06/20/2022), who never failed to bring me immense happiness. Even when I felt like giving up, the memory of your smile and laughter was enough to keep me going and to keep me motivated, even if I doubted my ability to finish up my undergraduate degree. We all miss you dearly, mi niña bonita.

Table of Contents

Introduction	8
Research Questions	8
Methods	11
Section I	12
Theories of Immigration	12
Before DACA: The Dream Act	14
What is DACA?	14
Undocumented Youth: The New Voice of the Immigration Movement	15
The DREAMer Approach	18
Benefits of DACA	19
State and Federal Support for DACA	21
Federal Immigration Laws, Movements, and Views	23
DACA and the DREAMer Movement in Other States	25
Immigration: the Early Beginnings in Oregon	26
PCUN and CAUSA	29
PCUN and IRCA	32
CAUSA	33
PCUN: Present-day	34
Anti-Immigrant Groups in Oregon	35
Section II	38
Recent Immigration and DACA Developments	38
American Dream and Promise Act	42

The Future of Immigration and DACA: Oregon and beyond	42
Conclusion	43
Concluding Statements	45
References	47

Introduction

One of the most controversial immigration plans in structure, policy, and implementation in recent history is The Deferred Action for Childhood Arrivals (commonly referred to as DACA). DACA was created in June of 2012 by Janet Napolitano, who was the Secretary of Homeland Security at the time. DACA is an exercise of prosecutorial discretion that provides temporary relief from deportation and provides work authorization to certain young undocumented immigrants. Some of the requirements that DACA applicants have to meet include having arrived in the U.S. before turning 16, having been physically present in the United States in 2012 and at the time they are requesting deferred action, and are in school, having graduated, completed high school, or received a GED certificate (among other requirements) (National Immigration Law Center, n.d.). It should be noted that DACA does not provide permanent legal status to individuals (American Immigration Council, n.d.) and must be renewed every two years (National Immigration Law Center, n.d.).

The primary questions that this thesis will aim to answer are: How effective and impactful has immigrant and minority social mobilization been in Oregon? How does DACA play into this issue? Similarly, what are the positives and negatives of providing undocumented youth a path toward citizenship? How did the mobilization of youth in Oregon (and beyond), allow them to pursue opportunities?

For some policymakers and recipients, DACA is seen as a benefit. DACA provides a path to citizenship, allowing a generation of young adults to enter the workforce and the economy. Various sources (American Immigration Council, n.d., & Truong & Svajlenka, 2021) argue that those who obtain DACA status can apply for employment authorization, receive a Social

Security number, and have easier pathways to obtaining higher education, receiving medical benefits, and obtaining an increase in wages.

Despite relatively positive views on DACA, many policymakers oppose DACA. In particular, during the early 21st century, many policymakers opposed DACA for fear that it would open up the border and allow terrorism to become rampant, after 9/11. Furthermore, work by Bussel and Tichenor demonstrates the long and complex history of the United States regarding immigration. Anti-immigrant sentiment began in the 1850s and has permeated in society. Specifically in Oregon, various efforts against immigration were in effect until the mid-20th century, with Klan influence beginning in the early half of the 20th century. Currently, Oregon is a sanctuary state, providing some protections for undocumented immigrants, as will be discussed in the latter paragraphs.

Walter Nicholls' work on the DREAMer movement notes the impact that these undocumented youth immigrants played in mobilizing to become a powerful political force, advocating for change despite their citizenship status. His work is important for the history of these undocumented immigrants and allows us to see how the DREAMer movement came to be. The DREAMer movement only emerged in the 21st century, with the formation of strong and powerful coalitions and aid from various organizations and communities. This has created the emergence of a strong political force from an unexpected and unprotected group.

The central question of this thesis concerns how effective and impactful DACA (along with social mobilization) has been in Oregon. DACA not only serves its recipients in a manner that benefits them, but DACA is also just the beginning push for a more permanent solution to allow undocumented immigrants to have a path toward citizenship and legal status. Some studies or journalistic accounts have covered the experience of DACA recipients in Oregon and beyond

and will be included in this work. Furthermore, I will discuss the creation of bills before DACA, and bills that have yet to become law, but have been introduced to Congress.

It is important to note that many voices remain to be heard, and much of the mobilization of DACA is due in part to immigration rights organizations like Pineros y Campesinos Unidos del Noroeste (PCUN), United Farm Workers of America (UFW), and CAUSA which are included in these accounts. My research intends to engage in journalistic accounts of individuals in Oregon and beyond who are DACA recipients or who have been impacted by a lack of citizenship, research with special collections at the University of Oregon, and with leaders of key state organizations which advocated for expanded rights for undocumented Oregonians.

Over the past couple of years, important discourse on DACA has occurred, including former President Donald Trump's attempt to dismantle the program, a July 2021 lower court ruling against new DACA applications, and current President Joe Biden's statement regarding the protection of DREAMers. This will be discussed in concluding statements, as well as possible future pathways of DACA and the political force that has emerged from undocumented individuals.

Methods

I will be utilizing Oregon as my focus for immigration policy, the organizations that arose out of their DREAMer movement, and will gather journalistic accounts of Oregon and other residents across the nation on their path towards becoming a DACA recipient.

Furthermore, I will be covering a broad overview of the DACA program, the DREAMer movement, and the benefits and downsides of DACA. This information will be compiled through legal documents on DACA (published in the American Immigration Council), archives from the Special Collections and University Archives at UO, and research done by Walter Nicholls. I will also be drawing from articles published by a variety of journals to build my arguments.

To build on my primary research on immigrant rights organizations I conducted a single interview with an immigrant rights advocate employed at an immigrant rights organization. The interview focused on the current work being done by the organization, as well as the next step forward in the fight for immigrant rights. The interview occurred via phone for approximately 30 minutes. This interview allowed us to gain an understanding of the work being done behind the scenes and the challenges currently being faced.

SECTION I:

Theories of Immigration

Before we discuss DACA, it is important to note various frameworks of immigration policies in a federal context. Work by Felipe Filomeno on theories of immigration policy defines immigration policy as “the courses of actions, regulatory measures and legislation adopted by a government with respect to the inflow of foreign individuals to that government’s territorial jurisdiction and to the integration of these individuals in the social fabric of the receiving area,” (Filomeno 1) Filomeno argues that this definition includes immigration control, immigrant integration, and both long-term and short-term government programs and acts that are implemented. Filomeno also notes that local immigration policy is the immigration policy “of a government with corporate existence that operates under the state/ province and the national levels of government” (Filomeno 2). Although state and local governments have their limitations, they do have considerable influence and involvement in governing immigration in their state.

Kit Johnson uses four theories of immigration law: the individual rights theory, the domestic interest theory, the national values theory, and global welfare theory. While these are just four theories of immigration law, they will give a framework to the discussion of immigrant rights and movements. It should also be noted that each theory has its limitations, but these limitations will not be covered in this thesis as the frameworks discussed will, again, only be used to provide context.

The individual rights theory focuses on the rights of the migrant and the migrant’s right to enter the United States (Johnson 1218). The individual rights theory derives its thoughts from Thomas Hobbes and John Locke, with a belief that every person is “free and equal” and has their

own unassailable set of rights, such as the right to liberty. In other words, migrants have an individual right to liberty, which includes the right to move freely. Therefore, nations should not go against this right by denying entry into their territory. The individual rights theory in practice would include open borders and family-based immigration (Johnson 1221).

The domestic interest theory focuses on whether and to what degree allowing migrants in the United States will benefit the country. This would entail immigrants either being granted or denied membership in the United States depending on how it serves domestic interest. The domestic interest theory has its foundations in consequentialism and utilitarianism which argue that the best outcomes (and or consequences) are those that provide the greatest amount of happiness to the greatest number of individuals (Johnson 1224). The domestic interest theory focuses not on the individual immigrant but instead focuses on whether the United States will need the prospective immigrant and benefit from the immigrant. An example of the domestic interest theory in practice includes the Soviet Scientists Immigration Act of 1992 which authorized engineers and scientists from the post-Soviet states to seek employment within America.

The national values theory of immigration law analyzes the admission of migrants and whether it promotes the fundamental values of the country, such as liberty, democracy, and free enterprise, among others (Johnson 1231). DACA is a prime example of this. Under the national values theory, migrants who fit the qualification for DACA have both individual and moral rights to citizenship.

The fourth and final theory focuses on the welfare of humanity as a whole, viewing the United States as a member of an interconnected global community. It views decisions regarding immigration at the U.S. level as affecting the political, social, and economic makeup of the

global community. The global welfare theory goes beyond individual rights, domestic interest, and national values, instead drawing on the theory of “cosmopolitan right,” arguing that we are all members of society that can interact with one another (Johnson 1237). An example of this can be seen in refugee laws. While these are just a small number of immigrant rights theories, we can see that DACA fits into one of these theories and they help provide a framework as to why some organizations or politicians may oppose legislation that provide immigrants citizenship.

Before DACA: The Dream Act

To begin, there were various pieces of legislation introduced to grant either protections or a pathway to citizenship for immigrants. The Development, Relief, and Education for Alien Minors (DREAM) Act introduced in 2001, was a monumental piece of legislation for its time. As a result of this bill, the term “DREAMers” became popularized (American Immigration Council). In contrast to DACA, the Dream Act would grant permanent protection to specific immigrants who arrived in the United States when they were children. Permanent protection would be procured over a three-step process, starting with conditional permanent residence, lawful permanent residence, and naturalization. Over the past two decades, many different versions of the Dream Act have been introduced in Congress, and although all the different versions of the bill have received bipartisan support, these bills have yet to become law, (American Immigration Council). Under the Dream Act, it is estimated that 2 million Dreamers would qualify for conditional permanent resident status.

What is DACA?

The Deferred Action for Childhood Arrivals was created in June of 2012 by Janet Napolitano, who was the Secretary of Homeland Security at the time. The Deferred Action for Childhood Arrivals (commonly referred to as DACA) is an exercise of prosecutorial discretion

that provides temporary relief from deportation and provides work authorization to certain young undocumented immigrants. Some of the requirements that DACA applicants have to meet, as stated by the National Immigration Law Center, include having arrived in the U.S. before turning 16, having been physically present in the United States in 2012 and at the time they are requesting deferred action, and are in school, having graduated, completed high school, or received a GED certificate (among other requirements). DACA does not provide permanent legal status to individuals and must be renewed every two years (American Immigration Council).

Undocumented Youth: The New Voice of the Immigration Movement

Prior to 2001, DREAMers did not exist as a political group, even if their common experiences made them a sociologically distinct group of immigrants (Nicholls). Despite the thousands of undocumented youths existing in America at this time, many faced their struggles silently, with these individuals being cast out of society as they began reaching adulthood. This was because they did not have the legal documentation (such as a social security number) to fully integrate as young adults in America. At the turn of the 21st century, over “one million children and youth found themselves in a similar situation because of their shared immigrant status” (Nicholls); these youths had a constitutionally protected right to attend K-12 under the Supreme Court ruling in 1982 in *Plyler v. Doe*, but once they moved into adulthood, many entered the workforce after high school. As stated by Roberto Gonzales, “as these young people leave adolescence, they enter the condition of illegality.” Without a work permit or a social security number, many of these individuals had low-paying work. Even those who had the opportunity to go to college, undocumented students had no access to financial aid opportunities and were not granted in-state tuition (Nicholls). Because of this, there is a constant stalling, detouring, and

restructuring of life-course trajectories of these young undocumented individuals as a result of lacking citizenship in the United States (Gonzales & Vargas). It was not until the National Immigration Law Center (NILC) and the Center for Community Change began raising the issue of immigration, that undocumented youths were able to mobilize to represent themselves and their cause (Nicholls).

Gonzales describes these undocumented youth as the 1.5 generation. These individuals are born in their home country, but have migrated to the United States as children, and have spent most of their lives in the U.S., providing them experiences to claim their social membership, despite their lack of legal immigration status (Gonzales & Vargas, 2016). These individuals recognize their contributions to the United States and “young people in the 1.5 generation were raised with the expectation that as adults they would find better opportunities than those afford to their parents” (Gonzales & Vargas 6). Influenced by this, beginning in the 2010s, many undocumented youths engaged in high-profile public actions around the country, hoping to pressure the Senate to support the DREAM Act (Nicholls, 2019). It was around this time that undocumented youths began to assert their rights and that they were deserving of residency and eventually citizenship. In the Spring of 2010, DREAMers gained attention on the national political stage. According to Nicholls,

These youth activists collectively asserted that they were undocumented, unafraid, and unapologetic. They publicly rejected a life in the shadows and demanded the right to be recognized as rights-deserving human beings... (4)They argued that they were raised in America, they only knew this country, and they were important contributors to its economic, civic, and moral... they had played by all the rules and they now had a right to live out the American dream, just like anybody else (5).

It was with the assistance of immigrant rights associations, college campus support groups, advocacy organizations in communities, and online networks that undocumented youths were able to mobilize in a safe and supportive environment (Nicholls). In Oregon, various immigrant rights groups, such as PCUN, CAUSA (which disbanded in 2022), ACLU of Oregon, and Immigrant and Refugee Community Organization (IRCO) are just a few examples that provide resources for undocumented individuals, refugees, and immigrants. Although Plyler v. Doe protected children's immigrant status when attending K-12, various higher education campuses have begun to also offer support and create advocacy groups and networks. At the University of Oregon, there are "over 400 Dreamer allies who have gone through a day-long training to better understand Dreamer student needs and experiences" (UO DREAMers). Further, there are various organizations across college campuses to support DREAMers, undocumented students, mixed-status students, and DACA recipients, such as the UO Dreamers Working Group, and the Center for Multicultural Academic Excellence (UO Dreamers). Other schools within Oregon provide similar resources, such as the Oregon State University Here to Stay Club (Dreamers and Undocumented Students), the Portland State University Student Legal Services Immigration Clinic (Dreamer Resources: Portland State University), and Southern Oregon University's commitment to offering merit-based scholarships to all incoming students regardless of immigration status (Undocumented, Immigrant and DACA Students). With this mobilization, undocumented youth learned that they were not alone and continued extending their outreach. Nicholls importantly notes that the DREAMer emerged "from a longer-standing movement" (3).

As Negrón-Gonzales further notes, over the past several years, DREAMers have begun merging as a political force, as they have emerged "at the crossroads of two fundamentally broken systems: the immigration system and the education system," and these activists want to

open space for a “new understanding of ‘illegality,’ citizenship, and what it means to belong in this country” (89). The activism of these youth comes from two major elements: civil disobedience (a spectacle that is a large display that commands attention), and testimonio (which portrays a particular narrative around undocumented students) (Negrón-Gonzales 95-96).

The DREAMer Approach

Garnering political support for immigration reform is often difficult in such a partisan democracy. To gain support from both liberals and conservatives, these undocumented youth would have to prove that they were as “American” as their counterparts. This led to the creation of a campaign with three main themes to establish support for DACA. These three themes rested on the embracement of American symbols, drawing attention to undocumented youths’ most exceptional qualities, and cleansing the stigma of illegality (Nicholls).

By embracing American symbols, DREAMers set themselves as part of this country, and stress values such as hard work and determination, tapping into the idea of the American Dream and attempting to stress that they are “American,” participating in all of the same activities that native-born Americans engage in (Nicholls 51). By citing their most exceptional qualities, these undocumented youth are proving that they are worthy of being here. As stated by Nicholls, “the image of the straight-A immigrant student rebuts the stereotype of immigrant youths as deviant and delinquent... they stand to make an important contribution to the country” (52). This can be seen in the piece “Growing Up in the Shadow of DACA,” in *The New York Times*. The author, Isvett Verde, cites the success stories of various DACA recipients, all with different histories. Erika Andiola (age 34) organized with the Dreamers movement while completing her college degree, eventually landing a job with Congress; Esder Chong (age 24) was able to apply for scholarships and recently graduated from the Harvard Graduate School of Education; and Jose

Magaña-Salgado (age 35) was able to graduate from law school and start his own business. The success stories of these DACA recipients help solidify the narrative that despite their undocumented status, immigrant youths are what help make America a great country. Finally, by attempting to end the stigma of illegality, undocumented youth reiterate the fact that they did not “choose” to cross the border and were only brought here as children as a decision by their parents, absolving them of their guilt of breaking the law (Nicholls 54).

Benefits of DACA

As discussed earlier, being undocumented in the United States affects youth in all aspects of their lives, subjecting youth to lower class statuses, poorer health care outcomes, housing, and constant fear and stress. Furthermore, undocumented youth face exclusion from normal experiences, such as applying to college, access to federal funds, study abroad programs, and any internships or jobs that require a social security or work permit. In a 2017 survey, Tom K. Wong “found that 69 percent of DACA recipients moved to a job with higher pay and 54 percent to one that better suited their education after enrolling in the program. Many have bought homes, cars and started new businesses,” (Jordan, 2020) adding to the U.S. economy and helping them pursue careers they otherwise would be unable to pursue.

Many DACAmented youths have begun taking advantage of the benefits and sense of security that DACA provides. Eduardo Olivares is a 2022 first-generation UO graduate. In an interview with the Daily Emerald, Olivares recounts how he moved to Eugene when he was 5 and applied for DACA when he was 17. Olivares is adamant that the United States is often the only place DREAMers call home, as ““This is really only the place we know to call home”” (Kristensen). Olivares began a thrifting business, called BounceBack Thrifts, before teaming up with another student, Harrison Stevens, to start The N.E.S.T., or Neighborhood Eugene

Sustainability Team, a popular thrift store at the edge of the University of Oregon (Kristensen). Olivares' ambition and tenacity is a DREAMer story of many.

In The New York Times Editorial pages in 2017, there was a feature on American Dreamers that featured dozens of stories from young immigrants who were permitted to work during Obama's administration. The Board was published during Trump's presidency and his move towards rescinding DACA. One of the individuals featured was Raul, from Portland, Oregon. Raul was brought to the United States when he was 12 years old, becoming involved in sports and extracurricular activities in high school because he wanted to attend college, but was unsure how to pursue higher education, as he could not apply for FAFSA. Raul says that DACA "opened the door for many opportunities" while he was in school and was able to apply for scholarships, work, and graduate debt-free and with honors.

One may ask: what if one is unable to apply for DACA? Surely, the benefits DACA provides cannot be that noticeable. The story of the Miralrio brothers disproves this statement. Miriam Jordan published an article on Jack Miralrio and his younger brother Owen, who were born in Mexico and immigrated with their mother to the United States when they were younger; the brothers are only 3 years apart in age yet live very different lives. Jack was able to apply for DACA and reap the benefits. Owen was preparing the paperwork to apply for DACA in 2017 when Trump rescinded the program just before he was eligible. Despite the fact that both brothers did exceedingly well in school (and Owen even skipped a grade of school), only Jack was able to receive a driver's license, attend college, and create a steady plan after graduation. During the pandemic, Jack was able to work at a grocery store for a steady wage and with a 401(k), while his undocumented brother earns half as much, works 12-hour shifts, and receives no workers' compensation or sick leave (Jordan). Owen was also in a car accident and had to go

before a judge due to his lack of driver's license; in the article, Owen states that “Jack can have more of a normal life,” and expressed little hope in the article (Jordan).

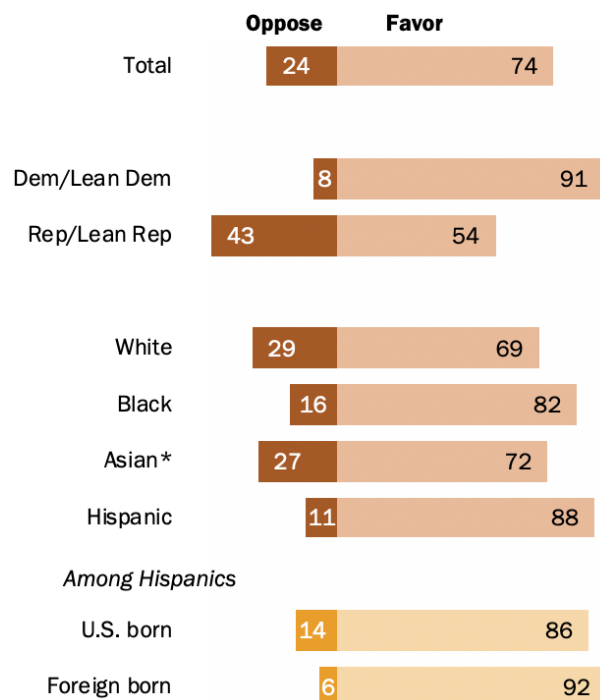
State and Federal Support for DACA

Public support for undocumented youth who were brought to the United States as children is relatively high. In a Pew Research Center survey conducted in 2020, “about three-quarters of U.S. adults say they favor granting permanent legal status to immigrants who came illegally to the United States when they were children” (Krogstad). Image 1, taken from the Pew Research Center, demonstrates the results of this survey. While this support varies across political parties and race and ethnicity, gauging public support can help demonstrate why it is important to make steps toward a pathway for citizenship for undocumented youth.

Support for DACA in Congress is relatively widespread among the country’s senators and representatives. Richard Durbin has served as a United States Senator from Illinois since 1997. Durbin was one of the senators who first introduced the Dream Act in 2001. Durbin

Most Americans support granting legal status to immigrants who were brought to the U.S. illegally as children

% who say they ___ Congress passing a law granting permanent legal status to immigrants who came to U.S. illegally when they were children



*Asian adults were interviewed in English only.
 Note: Figures may not add to 100% due to rounding. White, black and Asian adults include those who report being only one race and are non-Hispanic. Hispanics are of any race.
 Source: Survey of U.S. adults conducted June 4-10, 2020.

PEW RESEARCH CENTER

Image 1: Public support for granting legal status to immigrants coming to the U.S. as children.

has continuously pushed for comprehensive immigration reform and has worked on bipartisan immigration negotiations. On the matter of DACA, Durbin published the following on his website:

Over the past decade, DACA has allowed more than 800,000 Dreamers—teachers, nurses, small business owners, and members of our military—to remain in the only home they’ve ever known – America...

However, this rule cannot provide permanent legal status or fully protect DACA recipients from relentless Republican legal challenges to the program. Only Congress can protect them. I urge my Republican colleagues to stop obstructing our efforts to protect Dreamers (Durbin Statement on DHS Regulation to Preserve and Fortify DACA).

Durbin was also part of the Gang of Eight in 2013, a group of four Democrats and four Republicans who drafted an immigration reform bill. The other seven members of the Gang of Eight include Sen. Michael Bennet (D-CO), former Sen. Jeffery Flake (R-AZ, currently the U.S. Ambassador to Turkey), Sen. Lindsey Graham (R-SC), former Sen. John McCain (R-AZ, served until his death in 2018), Sen. Bob Menendez (D-NJ), Sen. Marco Rubio (R-F), and Sen. Chuck Schumer (D-NY) (Halloran). Former Sen. Jeffery Flake has a unique perspective on immigrant labor and his advocacy for immigration reform— he has also been “one of President Donald Trump’s most vocal Republican critics in Congress” (Lind). In an op-ed published in the New York Times in 2017, Flake recounts growing up on his family's farm in Northern Arizona. He tells the story of Manual Chaidez, an immigrant worker who worked for 24 years at his family’s ranch, despite being picked up by Border Patrol over a dozen times until he obtained a green card. Flake argues that despite the bureaucratic belief that he is not a “high-value immigrant,” Manual’s high-value contribution is that he works hard, performing the “un glamorous and often

excruciating work” (Flake). Flake’s perspective is unique in the sense that instead of viewing immigrants as low-skilled workers only to fill the gap in our labor market--like Sen. Thom Tillis (R-NC) believes (Lind)--Flake views low-skilled immigrants as some of the people deserving of the title of “Americans,” as their hard work is what has helped create the United States.

Similarly, Janet Napolitano, who created DACA in 2012 and has been a long-time advocate for immigration reform published an article titled “The Truth About Young Immigrants and DACA” and argues that there were rational reasons for the creation of the DACA program. Napolitano served as the Secretary of Homeland Security under the Obama administration. Napolitano said she hoped to change enforcement policies “to focus on those immigrants who posed a national security or public safety threat” and the use of prosecutorial discretion (or prioritizing the use of resources) (Napolitano). Napolitano further reiterates that the program does not grant amnesty, but rather, that each case is assessed individually to determine if applicants meet criteria and that DACA does not provide official immigration status or pathway to citizenship, as “only Congress has the power to confer those rights.” Despite DACA recipients being dispersed across the entire United States, there are six states that account for more than 50% of the total DACA recipients; these states are California, Texas, Illinois, New York, Florida, and North Carolina (Krogstad).

Federal Immigration Laws, Movements, and Views

The United States has had a tumultuous relationship with immigrants. Although Oregon’s immigrant history will be discussed later in this thesis, we will begin with a brief history of Latin American-focused immigration policies that were enacted federally and anti-immigrant movements that occurred throughout the entire United States. Although it is important to acknowledge the expansive anti-immigrant acts and movements that also included Chinese,

Japanese, Pacific Islander, Indian, etc., individuals, this thesis will only include those affecting either all immigrants or affecting primarily Latinx individuals to maintain its focus on Latinx immigrants and immigration policies.

One of the first pieces of policy that were passed included the Immigration Act of 1924 which restricted the number of immigrants from any given country to 2% of the number of residents from that same country living in the U.S (Immigration History Timeline). The first major anti-immigrant movement that affected Latinx individuals can be seen in the Mexican Repatriation. This was the mass deportation of Mexican and Mexican Americans during the Great Depression, occurring from 1929-1936 (Immigration History Timeline). These informal raids led to the deportation of an estimated 1.8 million to Mexico. Joseph Dunn, a former California state senator estimates that around 60% of those deported were actually American citizens (Little). These raids began from the belief that Mexican immigrants were using resources and taking away jobs that would have gone to Americans suffering from the Great Depression (Little). These raids separated families and communities, regardless of immigrant status.

Operation Wetback is another example of anti-immigrant sentiment following a period of increased support for (temporary) Mexican laborers. President Eisenhower began Operation Wetback in 1954 following a postwar economic decline during a period of anti-communist and anti-immigrant sentiment (Immigration History Timeline). U.S. Border Patrol agents would show up unannounced at farms, factories, parks, restaurants, and more to deport as many Mexicans as possible. Operation Wetback resulted in the forced deportation of over 1 million Mexican Farmworkers. It was not until the late 20th century that immigrant rights began being federally recognized and policies became less restrictive.

DACA and the DREAMer Movement in Other States

Aside from Oregon, other states have been pushing for immigrant rights long before Oregon became the sanctuary state it is today. An example of this can be seen in California. Edmund Gerald “Jerry” Brown was the 34th and 39th governor of California (Brown). During his term as the 29th governor from 2011-2019, Brown signed various bills that would expand immigrant rights in the state of California. These 2013 bills included the California TRUST Act that limited jails from detaining individuals for the purpose of deportation (Trust Act (AB 4)), a bill that would suspend or revoke an employer’s business license for retaliation against employees on the basis of citizenship, and extortion charges against those who threaten to “report the immigration status or suspected immigration status of an individual or the individual’s family” (Colbern & Ramakrishnan 23). Brown’s actions were monumental in pushing California to a more progressive view on citizenship and surely had an impact on the view of citizenship in other states. California would give other states the push it needed towards advancing immigrant rights.

Although California has done significant work in enacting bills and acts that ensure protections for immigrant communities, there are many other sanctuary states. These include Colorado, Connecticut, Illinois, Massachusetts, New Jersey, New York, Rhode Island, and Vermont (FAIR). Despite this, there are various states that do not have any sanctuary policies in place yet have a large number of undocumented immigrants, such as Texas and Florida. In the state of Texas, organizations like the Human Rights Initiative of North Texas work to provide legal assistance and services to refugees and immigrants in the North Texas area (HRINT). Further, the Border Network for Human Rights (BNHR) works to organize groups along the border and lead immigration reform and advocate for human rights (BNHR). BNHR also worked

to help form the Reform Immigration for Texas Alliance who “is the leading grassroots statewide alliance of pro-immigrant organizations and allies in the business, religious, and law enforcement sector, working to develop and foster an inclusive environment in Texas” (RITA, n.d.). In Florida, the Florida Immigrant Coalition works to build connections with the immigrant community and “strengthen pro-immigrant power in Florida” (Florida Immigrant Coalition). Americans for Immigrant Justice is a non-profit law firm using direct representation, advocacy and outreach, and impact litigation to achieve their goals. Americans for Immigrant Justice has served almost 150,000 individuals from all over the world, hoping to help the immigrant community. Some of its goals for impact include the Family Defense Program, hoping to keep families together, fighting for human treatment of children who were unaccompanied and often faced abuse from Customs and Border Protection (CBP) officers, and protecting women and children who are victims of domestic abuse and sex trafficking (American for Immigrant Justice, n.d.).

Immigration: The early Beginnings in Oregon

Before delving into the immigration policies in Oregon, I will be touching on the racist inception of Oregon, as it would help explain Oregon’s selective immigration policies. Despite the fact that Oregon was part of the Union during the Civil War, many Oregonians did not want to be associated or live with Black individuals and people of color. Within the Oregon constitution, Article I, Section 35 states that no Black person in the state of Oregon could live in Oregon or own any property, a law that was kept in practice until 1926 (Novak).

However, when Oregon became a state in 1859, immigration quickly accelerated. Despite this acceleration, Oregon policymakers were selective of those who immigrated to Oregon, valuing Germans and Scandinavians, as they believed that these migrants had financial resources

and specific skills that would bring social and economic contributions (Bussel & Tichenor 464). Despite the warm welcome that these Europeans received, Chinese immigrants who attempted to immigrate between the 1850s and 1880s were met with heavy restrictions and mobs who forced out Chinese individuals from their communities (Bussel & Tichenor 464-465). This racial resentment also affected Japanese immigrants who, after finding success as hotel and business owners, were met with resentment and aggression from Anglo farmers. Beginning in the 20th century, Oregon's leaders wanted to focus on "maintain[ing] racial and ethnic homogeneity" (Bussel & Tichenor 467). This resulted in the terrorization of those who did not seem to be "full Americans" (Novak).

Significant political influence from the Ku Klux Klan also tormented minority groups in Oregon during the 1920s. Oregon has always been a nativist state. Upon the first arrival of the KKK in Portland, their group numbers grew significantly; there were eventually an estimated 50,000 members throughout the decade (Horowitz 12). The KKK movement in Oregon aimed to keep the state American and to keep "the country native, white, and Protestant" (Toy 61). However, the power of the Klan went beyond local citizens. "[P]oliticians at every level of government from the state to county to city officials were involved," and members of the Klan often met with politicians in the state (Novak). Oregon may be portrayed as having always been the democratic sanctuary state it is now, even if its beginnings marked no rights for people of color and gave an incredible amount of power to the KKK.

When migration rates increased in the 20th century, Mexican immigrants began being viewed as valuable by agricultural groups, despite still being seen as intruders by others (Bussel & Tichenor). It was the Immigration Law of 1924 that formally classified illegal entry into the United States as a crime, leaving migrants subject to deportation. It was not until the beginning

of World War II that immigrants were seen as vital for cheap labor. In 1942, the “Bracero Program” was launched, increasing the number of Mexicans in Oregon tenfold. The Program was an agreement that allowed millions of Mexican people to work legally in the United States short-term because of the national agricultural labor shortage following World War II. Between 1942-1947, over 40,000 braceros were imported into the Pacific Northwest (Sifuentez 10). The program was terminated in 1964, and despite the protocols put in place to prohibit discrimination, migrant workers still faced poor working and living conditions, alongside discrimination and racist attitudes while being employed in the United States (Latinx Resource Guide). Even after the war ended, Mexican migrants provided “cheap and exploitable labor that supported Oregon’s economic progress and prosperity,” and many Oregon farmers grew more and more dependent on Mexican labor (Bussel & Tichenor 472). Many organizations began to be implemented for immigrant living and worker’s conditions, such as Siempre Adelante and Pineros y Campesinos Unidos del Noroeste (PCUN), which will be discussed later in this thesis.

Eventually, tolerance toward immigrant groups in Oregon grew. Oregon has been a sanctuary state since 1987. As a sanctuary state, Oregon does not allow state and local police and government to help federal authorities with immigration enforcement: “It is against Oregon law for state and local law enforcement or public agencies (state and local government offices) in the state of Oregon to participate directly or indirectly in immigration enforcement without a judicial warrant” (ODOJ). Despite the fact that Oregon is now a sanctuary state, we must acknowledge the racist history of Oregon. The premise that the Pacific Northwest could become a white utopia still permeates our state today, considering that about 75% of the Oregon population is non-Hispanic white (U.S. Census Bureau). By erasing the racist history of Oregon, white individuals

and the state of Oregon minimizes the struggles minority groups went through to ensure the safety and security of current and future generations in Oregon.

Despite the small sense of security that is provided through Oregon being a sanctuary state, Oregon's sanctuary law would not have occurred without a lawsuit. Oregon's sanctuary law occurred after Delmiro Trevino was dining with other Chicano men in Independence, Oregon, and was interrogated by sheriff deputies who entered the restaurant and aggressively interrogated the men about their citizenship (Colbern & Ramakrishnan, 2021). After this occurred, Trevino hired a lawyer and filed suit against law enforcement agencies in Oregon due to their practice of increasingly detaining and harassing people of Latin American origin solely because of their looks. The case was unfortunately dismissed and would not be brought up again until Trevino's lawyer, Ricky Barilla, ran for state assembly a decade later and won. Because of the willingness of Trevino to stand up for his rights, and Barilla's persistence, Barilla was able to pass a law that would (legally) end local police abuses and limit the cooperation of the state with immigration authorities (Colbern & Ramakrishnan, 2021). Oregon's status as a sanctuary state occurring due to happenstance further shows the nativist preferences of Oregon.

PCUN and CAUSA

Despite the challenges faced by immigrants when migrating to the PNW, the mobilization for immigrant rights began in the 1970s. However, various advocacy groups began even earlier than this. As mentioned earlier, U.S. immigration policy has aimed to serve as a labor policy, changing in ways that benefit the United States (Stephen, 2012), either by opening up the border when needing cheap employment or closing up the border and creating harsh enforcement systems when it becomes important to defend the border. It should also be noted that many immigration policies designed in the past were responsible for an increased number of

undocumented immigrants in Oregon and throughout the country during the 1980s and 1990s (Stephen, 2012). As mentioned by Lynn Stephen, who did extensive research on PCUN and immigrant workers in Oregon in their piece “The Story of PCUN and the Farmworker Movement in Oregon,” Oregon is no exception, with their original constitution labeling Mexicans as “Indians,” denied basic rights, and facing heavy deportation following the removal of the Bracero Program in 1947. Despite the removal of the Bracero program, many braceros continued being brought into Oregon into the 1950s and were welcomed if they were docile and focused on their labor. It was during this time that efforts to organize farmworkers began. According to Stephen, during the 1950s, the farm labor force in Oregon continued to be composed of four groups: local laborers (especially students), migrant workers from California and Texas (almost all Chicanos), undocumented Mexican workers, and a small number of bracero workers. In most cases, members of these groups lived in badly deteriorated housing and endured dismal working conditions. Religious organizations were some of the first to attempt to reach out to the farmworker population in the state of Oregon.

These religious organizations asked the Oregon legislature to look into solutions for the immigrant workers in Oregon that were vital to the planting and harvesting of crops. This advocacy by religious organizations helped create a migrant farm labor division and properly investigate the conditions of Oregon’s various migrant labor camps, raising awareness around the state of the incredibly poor working conditions that immigrants faced. After the publication of the report from the Labor Committee on farmworkers, various events in the 1960s, such as the creation of VISTA (Volunteers in Service to America), the establishment of the National Farmworkers Association, and the Delano, California Table Grape Strike, influenced the farmworkers community to organize. In 1964, the Migrant Ministry changed its name to Oregon

Friends of Migrants and eventually formed a coalition that became the Valley Migrant League, which came to be made up entirely of migrants and helped establish farmworkers clinics. During the late 20th century, the creation of United Farm Workers of Oregon protested substandard conditions in farmworker housing.

Despite the substantial work done by advocacy groups and organizations, there was no protection of federal laws that give benefits and govern wages and hours, and farmworkers were left with no resources and few options to help them stand up for their rights as workers who contributed to the United States economy. These rights, work benefits, and fair treatment were further not granted to undocumented immigrants. Particularly pertinent to the immigrant rights movement in Oregon, prior to the DREAMers and undocumented youth is the Willamette Valley Immigration Project and PCUN, whose creation was influenced by the increase in Immigration and Naturalization Service (INS) activity that was targeting farm workers. Organizers wanted to create a social movement of Mexican immigrants and farmworkers in Oregon. Despite initial harassment, the Willamette Valley Immigration Project (WVIP) was founded in 1977 and provided legal advice and helped build a community for undocumented workers. After almost a decade, the WVIP followed up with the formation of PCUN, which translates to Northwest Tree-Planters and Farmworkers United (PCUN: History). PCUN aimed to change working conditions for farmworkers and to continue building a presence for Mexican immigrants in Woodburn and its surrounding towns. According to Stephen, PCUN's first years focused on internal structures until holding an annual convention that encouraged Mexican people to come together and demand their rights as workers. Throughout the early years of PCUN, many federal changes also took place that helped alter the course of immigrant rights. The creation of PCUN sparked the

creation of other union and activist groups and mobilized the Latinx community to become more involved in the public sphere.

PCUN and IRCA

As mentioned, throughout the creation of PCUN, there have been many changes in federal laws regarding immigrant rights. In 1982, Ronald Reagan began drafting the Immigration Reform and Control Act (IRCA). IRCA allowed undocumented immigrants who had been living in the United States to apply for amnesty and legal temporary residency, created employer sanctions, and expanded the guest worker program (Sifuentez, 2016). Further, agricultural workers who had been working for ninety days could also receive temporary residence and eventual permanent residency through the Special Agricultural Workers program (SAW) (Stephen, 2012). After the enactment of IRCA, PCUN held various forums and information sessions to help undocumented immigrants learn about how to apply, potential discrimination, and provide overall support. The implementation of IRCA and SAW programs took up a majority of the time of PCUN and of the Centre de Servicios Para Campesinos (CSC; Service Center for Farmworkers). “[B]y the summer of 1987, PCUN and the CSC had a combined staff of ten. With this small staff, they managed to process 1,300 legalization cases from June 1987 to June 1988, representing at that point more than 10 percent of the total cases in the state” (Stephen, 2012, p. 18).

These Immigration reform proposals also allowed PCUN to form coalitions with other immigrant rights groups, such as the Oregon Coalition for Immigrant and Refugee Rights (Sifuentez, 2016). Following their work on IRCA, PCUN began to focus on the economic conditions of farmworkers, as wages were dropping during this time period, organizing marches and promoting bills that encourage collective bargaining rights among farm workers. PCUN’s

organizing initiative continued well into the 1990s, with various growth occurring from within PCUN, including the formation of the PCUN women’s project that began addressing conditions specific to farmworker women (Stephen, 2012). PCUN has also historically worked with sister organizations and other immigrant rights groups in the state of Oregon.

CAUSA

CAUSA was founded in 1995 and co-founded by PCUN. CAUSA began as an Oregon statewide Latino-based coalition “to oppose four anti-immigrant ballot initiatives,” that included “the verification of the legal status of all students by public schools, and the exclusion of those without documentation; the denial of driver’s licenses to undocumented people; the denial of public benefits and services to anyone undocumented; and that reports on ‘suspected undocumented immigrants’ be made by all state, local, and government agencies.” Luckily, the work of CAUSA and similar groups helped prevent these initiatives from reaching the election ballot. PCUN is still active today and most recently teamed up with CAUSA in 2020 to bring undocumented workers financial relief during the COVID pandemic. CAUSA also did substantial work during the DREAMer movement and supported undocumented youth throughout the process of fighting for the approval of DACA and applying for protection under DACA. Throughout the years, CAUSA also worked to pass legislation that “provided driver’s licenses to undocumented immigrants in the state and helped distribute about \$60 million to immigrants through the Oregon Worker Relief Fund” (The Oregonian). Unfortunately, CAUSA disbanded in June of 2022 after 27 years of advocacy and support for immigrants and undocumented individuals.

PCUN: Present-day

I interviewed a representative from PCUN, Oregon's Farmworker Union, about their important role in advocating for farmworkers. PCUN is a community-based organization with a mission to empower farmworkers through community building, increasing Latinx representation in elections, and policy advocacy. Over the last few years, PCUN focused more on the community's immediate needs, particularly with the pandemic that hit the farm-working community disproportionately (Rosbach). In addition to the pandemic, farmworkers have been impacted by wildfires and extreme heat, which emphasized the need for financial assistance to resource distribution, amongst many other avenues of aid. The reality is that the need is outgrowing the capacity, which brings up the need for more funding for organizations like PCUN, directly involved with the most vulnerable communities like farmworkers. PCUN's national advocacy priority is a pathway for citizenship for more than 11 million undocumented immigrants in the United States, including DACA and TPS status holders. With regard to state policy advocacy, PCUN has been instrumental in passing crucial policies such as farmworker overtime, driver's licenses for all regardless of immigration status, and increasing the minimum wage.

PCUN cannot do this work alone, so they are part of several coalitions, including Alianza Poder. Alianza Poder is a collaborative of nine sister organizations that serve, organize, and build the leadership of our comunidades Latinas, indigenas, y Afro-descendientes in Oregon to improve the quality of life for all, especially working families. PCUN is at the forefront of a coalition of organizations nationwide, like the Fair Immigration Reform Movement and the Center for Popular Democracy, fighting for collective progressive change for working families like farmworkers. With the ever growing need and governmental gaps, it is becoming

increasingly apparent that organizations like PCUN are crucial in addressing the root causes of exploitation and other issues facing our farmworkers, immigrants, and working Latinx families.

Anti-Immigrant Groups in Oregon

Oregonians for Immigration Reform (OFIR)

Although there is partisan support for DACA in Oregon and from various representatives in Congress, there are various opponents of DACA and groups that oppose comprehensive immigration reform aimed at helping undocumented immigrants. Specifically in Oregon, the group Oregonians for Immigration Reform (or OFIR).

OFIR's goal is to work to "stop illegal immigration as well as reduce legal immigration to a more environmentally, economically and socially sustainable level here in Oregon and across the United States" (OFIR). Despite this statement, they argue that they do not view immigration as an attack on sovereignty but are concerned about the "utter disregard for existing United States immigration laws, illegal trafficking of people and drugs across the US border, and the environmental, economic, and societal consequences of mass immigration into the United States," with OFIR wanting more responsibility to be put in the control of its borders.

In an article published on the OFIR website titled "The Dangerous Myth That Sanctuary City Policies Encourage Victims and Witnesses to Cooperate with Local Law Enforcement," the author argues that sanctuary cities (discussed earlier in this thesis) are just a way for Americans to violate federal statutes against "harboring illegal aliens" and that sanctuary policies do not enhance information sharing between immigrants and law enforcement (O'Brien). The article continues, arguing that sanctuary policies do not provide "illegal aliens" with any permanent form of immigration relief, that "illegal aliens" don't cooperate with police regardless of whether a city is a sanctuary city or not, and that sanctuary cities increase criminal activity by "illegal aliens." The article argues that sanctuary policies should be abolished and that ICE should be

allowed to do its job. The article ends with arguing that “illegal aliens” put “law-abiding members of our communities at risk,” noting the death of Kate Steinle, and that Steinle “was murdered by an illegal alien who was deported five times and had a lengthy felony record” (O’Brien). Further research into the tragic death of Steinle shows that the article does not provide the full story. In a press release from the United States Attorney’s Office, we see that Jose Inez Garcia-Zarate was the immigrant indicted by the federal grand jury in December of 2017. Despite pleading guilty in March of 2022, the press release noted that Garcia-Zarate had been previously deported (which the OFIR article was correct about). However, a trial could not be set due to Garcia-Zarate’s mental health issues. Further coverage by CNN argues that Garcia-Zarate accidentally shot Steinle, as the bullet bounced off the ground and hit Steinle (Maxouris & Watts). While this is not to downplay the tragedy of Steinle’s death, we must acknowledge that OFIR’s coverage of this story is biased and does not tell the full story.

Although groups like OFIR believe they mean well in advocating for immigration reform, we should be conscious of the language and rhetoric used by groups like these— the use of words like “illegal alien” show possible internal biases ingrained in these groups. According to an article by Piggott, over the past two decades, OFIR has done little in its advocacy for a sustainable level of immigration, other than demonizing immigrants and working with anti-immigrant groups and figures. Furthermore, OFIR’s co-founders and “current leadership also have longstanding ties to hate groups and a history of making racist statements” (Piggott), contributing to antisemitic publications, being part of nativist and/or white nationalist groups, and donating to various groups such as the U.S. Immigration Reform PAC (USIRPAC). Another OFIR initiative includes the requirement of citizenship in order to obtain a driver’s license, arguing that these licenses create the appearance of lawful presence in the United States (OFIR).

In Oregon, it is not required to be a citizen in order to obtain a driver's license. One can obtain a driver's license, so long as one pays the fees, passes the written test and the driving test, and provides proof of residency. The Equal Access to Roads Act has had various obstacles throughout the years, including the Senate Bill 1080 passed in 2008 that began requiring proof of citizenship for Oregonians to obtain a driver's license. SB 1080 was created following Executive Order 07-22 by Gov. Ted Kulongoski in 2007; the Executive Order required the DMV to tighten the requirements for the issuance of driver's licenses and identification cards, and required the verification of Social Security Numbers and documentation. Various organizations approved of this bill, including the organization Protect Oregon Driver Licenses.

One Oregon representative, Kim Thatcher, has ties with OFIR and fought against the Equal Access to Roads Act. In 2008, Sen. Thatcher published a Legislative Update for Oregonians, saying that "The Oregon Legislature has finally taken action on what I would call an 'emergency' issue: requiring a legal presence in order to get a drivers' [sic] license here in Oregon... I'm thrilled we have finally enacted a law that is headed in the right direction toward securing our identity and preventing illegal immigrants from obtaining drivers' [sic] licenses." Furthermore, in 2011, the Rural Organizing Project (a state-wide Oregon association with a grassroots base in Oregon, that promotes equal access to justice for all) published an article highlighting Kim Thatcher's package of bills introduced that would have primarily affected the immigrant community in Oregon. According to the Rural Organizing Project, the bill would require local public officials to do some of the work reserved for federal Immigration and Customs Enforcement, require counties to verify the immigration status of those incarcerated in correctional facilities, and prohibit the state from providing basic services to undocumented individuals (ROP).

Kim Thatcher is not the only representative against bills like HB 2015. Congresswoman Marjorie Taylor Greene (R-GA), has also proposed legislation, including the “Protect America First Act.” The Protect America First Act can be best described as anti-immigrant and incredibly detrimental to the safety and well-being of any immigrant even legally present in the United States. According to Greene’s website, the Protect America First Act would halt all immigration for four years, help fund and build the wall, expedite the deportation of undocumented individuals, rescind DACA and Deferred Action for Parents of Americans (DAPA) cut off the funding of sanctuary cities, and “revive President Trump’s Zero Tolerance Immigration Policy” (Protect America First Act, 2021).

SECTION II

Recent Immigration and DACA Developments

The Biden Administration on Immigration Policy

The Biden administration made several changes to immigration policy following the 2020 election. The article “Biden Administration Reverses Trump Administration Policies on Immigration and Asylum,” by the American Journal of International Law, covers immigration policies passed by the Biden administration during the course of Biden’s first year in office. During this time, Biden issued several policies and revoked many of the immigration-related policies previously put in place by the Trump administration. Resident Biden revoked Trump-era travel bans by issuing the “Proclamation on Ending Discriminatory Bans on Entry to the United States,” which restricted the entry of individuals from Muslim-majority countries (American Journal). Biden also issued a proclamation on terminating the Trump-imposed “national emergency” in the U.S.-Mexico border. Further executive actions directed by Biden included

deprioritizing domestic enforcement of U.S. immigration laws, extending Deferred Enforced Departure and employment authorization through 2022, and including undocumented immigrants in the census. Notably, the Biden administration announced a three-part plan for its approach toward the migrant community. The statement said,

First, the Administration will address the underlying causes of migration through a strategy to confront the instability, violence, and economic insecurity that currently drives migrants from their homes. Second, the Administration will collaborate with regional partners, including foreign governments, international organizations, and nonprofits to shore up other countries' capacity to provide protection and opportunities to asylum seekers and migrants closer to home. Finally, the Administration will ensure that Central American refugees and asylum seekers have access to legal avenues to the United States (American Journal of International Law).

The executive actions imposed by Biden and the reversal of various Trump administration policies allowed immigrants to breathe a sigh of relief. Biden's administration has also ordered the preservation and strengthening of DACA. This was an important step, due to the attempt by the Trump administration to rescind DACA (more on this in the following paragraphs). The Biden administration also announced their efforts of reuniting children separated from their families at the U.S.-Mexico border and changing some of the previous administration's COVID-related border restrictions.

Despite the work that the Biden administration is doing to reverse the harms done by the Trump administration it is important to note that harms done to the immigrant community under the Obama administration, under which Joe Biden was Vice President. In an article by the New York Times, Jean Guerrero told the story of Lucía Quiej, an undocumented mother from

Guatemala, whose husband was deported in 2013 under the Obama administration after driving with a driver's license. Quiej was forced to raise her five children by herself and has struggled throughout the years to pay rent. Guerrero notes that there were over three million people deported under the Obama administration— “many of whom had jobs, homes and children in the United States.” Despite the steps in the right direction that Biden is taking, he must “repair the harm that was done when he was vice president, which left communities fractured and financially devastated” (Guerrero). Guerrero further notes that Obama was after felons, but despite this, many of the deportees have families and had only committed immigration offenses. In order to repair the harm done by the Trump administration and the Obama administration under which Joe Biden was vice president, Biden must reform or fundamentally change the jobs of the Border Patrol and Immigration and Customs Enforcement, as well as decriminalize immigration offenses, no name a few.

Recent DACA Litigation Developments

Despite the proclaimed efforts by the Biden administration to preserve and fortify DACA, there have been various developments throughout the past 6 years that challenge the security of DACA. This began with the announcement by the Trump administration in 2017, noting the rescindment of DACA (American Council on Education). According to the statement released by the Department of Homeland Security titled “Rescission of Deferred Action for Childhood Arrivals (DACA),” DACA was declared unlawful, as it conflicted with existing immigration law, and an “orderly wind down of the program” was initiated (American Council on Education). This prompted the Department of Homeland security to no longer accept new DACA applications. Despite this attempt to rescind DACA, “several federal district courts enjoined DHS from terminating DACA” (Harrington & Smith), instead requiring the agency to

continue accepting DACA applications. The Supreme Court agreed with federal district courts, holding that the decision by the DHS to rescind DACA over the course of six months violated a procedural requirement in federal law. However, the relief felt by DACA recipients was only temporary. In a separate case, *DACA Decision in State of Texas, et al., v. United States of America, et al.* (also known as *Texas II*), Texas and eight other states challenged the legality of DACA. In July of 2021, a federal district court ruled that DACA is unlawful to a similar decision from 2015 that ruled that a related initiative, which would have expanded DACA and granted relief to unlawfully present parents of U.S. citizen or lawful permanent resident (LPR) children, was unlawful. The ruling in this case thus vacates the DACA program. Following the ruling, the district court stayed the ruling and is waiting on an order from the Fifth Circuit or Supreme Court for further review. This means that current DACA recipients can retain their status and lawfully remain in the United States, as well as renew their status every two years. Despite this, DHS has been barred from approving new first-time DACA applicants and granting status to applicants awaiting the outcome of the litigation. The main issue regarding the Texas ruling is whether DACA conflicts with the Immigration and National Acts (INA) restriction in the categories of aliens that may enter and/or remain in the United States and under what conditions. *Texas II* holds that DACA conflicts with the INA scheme, while other federal courts have reasoned on the contrary (*Harrington & Smith*).

The latest update on the legality of DACA was on October 31st, 2022. The National Immigration Law Center states that “the DACA Rule rescinded and replaced the 2012 DACA memo. All current grants of DACA and advance parole issued under the 2012 DACA memo remain valid. Applications to renew DACA are now governed by the DACA Rule. Advance parole remains available for DACA holders.” In other words, those who currently have DACA or

have had it within the last year can file for renewals of DACA, and while the application of first-time applicants are being accepted, they are not being processed or granting DACA or processing applications for anyone whose DACA status expired more than a year ago.

According to Harrington and Smith, Congress has the option to decide the future of DACA legislatively, and can terminate DACA by defunding it, or could enact a law that clarifies that DHS has the authority to implement DACA. However, it is well-known that immigration legislation is difficult to pass in Congress.

American Dream and Promise Act

The American Dream and Promise Act was passed in 2021. The act was sponsored by Rep. Lucille Roybal-Allard for the 40th Congressional District of California (notably, Rep. Roybal-Allard is the first Mexican-American woman to serve in Congress). The American Dream and Promise Act would provide Dreamers, Deferred Enforced Departure, and Temporary Protected Status holders with protection from deportation and an opportunity to obtain permanent legal status in the United States, with the exception that they meet certain requirements (H.R.6 - American Dream and Promise Act of 2021).

The Future of Immigration & DACA: Oregon and beyond

The future of DACA is incredibly contentious. It is difficult to predict what the future holds for DACA. As mentioned previously, Congress has the power to pass legislation in order to save DACA, before it is too late. Despite the state of limbo that DACA recipients are currently in, there is a high likelihood that Oregon will continue being a sanctuary state. Oregon has been a sanctuary state since 1987 and was the first state in the nation to pass a statewide law that stopped state and local police and government from helping federal authorities with immigration

enforcement (ODOJ). The following section will cover possible outcomes of DACA, as well as my vision for an ideal policy.

Conclusion

An Ideal Path

When looking at the various possibilities for immigration reform and various bills, I found President Biden's U.S. Citizenship Act of 2021 to be a step in the right direction for immigrants. A statement from the White House states that the U.S. Citizenship Act of 2021 would help establish a new system and provide an opportunity for citizens to earn citizenship and overall modernize the immigration system. The following paragraphs will note various developments that the U.S. Citizenship Act would cover.

The main goal of the U.S. Citizenship Act is to provide pathways to citizenship for undocumented individuals. This includes allowing them to apply for temporary legal status, and eventually apply for green cards after five years. From here, if green card holders pass additional background checks and demonstrate knowledge of English and U.S. civics, they can apply to become citizens after three years. The U.S. Citizenship Act also includes a family-based immigration system, providing protections for orphans, widows, and children, eliminating discrimination faced by LGBTQ+ families. The Bill also hopes to increase the amount of Diversity Visas and promote the integration of immigrants and refugee integration through funding to state and local governments, private organizations, community-based organizations, and more, by increasing English-language instruction and providing assistance to individuals hoping to become U.S. citizens. Further, this section of the Bill notes that it would clear employment-based visa backlogs and reduce the wait times, hoping to make it easier for graduates of U.S. universities with STEM degrees to stay in the United States, and eliminate

barriers to employment-based green cards, hoping to grow the economy through this process. Most notably, this bill would change the word “alien” to non-citizen in U.S. immigration laws.

A second goal of the U.S. Citizenship Act would be to “Prioritize Smart Border Controls.” This would be through authorizing additional funding to deploy technology to improve infrastructure to help process asylum seekers and detect and prevent narcotics from entering the United States. The Bill notes that the DHS Inspector General would be authorized to conduct oversight to ensure that the technology “effectively serves legitimate agency purposes.” the second part of this goal focuses on providing funding for training to promote agent and officer safety and professionalism, and funding to coordinate guidelines to create standards of care for all individuals in CBP custody to prevent deaths along the border, as well as increase the prosecution of individuals involved in trafficking networks and those responsible for the exploitation of migrants (including increase sanctions against foreign narcotics traffickers).

The third goal of the U.S. Citizenship Act is to address the root causes of migration. The bill includes an inter-agency plan that includes increasing assistance to countries like El Salvador and Guatemala and create safe and legal channels for individuals to seek protection, as well as re-instituting the Central American Minors program to reunite children with U.S. relatives, improving the technology for immigration courts, fund programs and schools for immigrant children and vulnerable individuals, and increase protections for U visa, T visa, and Violence Against Woman Act (VAWA) applicants. The full Bill can be found on the White House website under press release statements.

While the U.S. Citizenship Act is a step in the right direction, I argue that this does not replace the urge to solve the DACA Dilemma. Although the proposed Act would allow for a roadmap for undocumented individuals to apply for temporary legal status, many of those who

are approved for temporary legal status would still have to wait eight years in order to apply to become citizens, having to meet the lengthy requirement, background checks, and demonstrating their knowledge. While this may seem like a simple task, it should be noted that many people of color are routinely targeted by police and exploited through labor while in the United States. The Bill leaves out those who may have been in trouble with the law in their earlier years and does not provide a fair path for low-wage and impoverished undocumented immigrants, as the costs for applying for citizenship are costly, with pro bono lawyers being limited. Further, I argue that a comprehensive immigration reform bill should provide an easier path for the parents and siblings of those who were born in the United States and who have U.S. citizenship if those individuals. Parents of U.S. citizens who are already living undocumented in the United States are considered inadmissible, regardless of their child's citizenship. This makes them inadmissible, barring them from receiving residence for ten years. Issues like these need to be addressed in order to have a fully comprehensive immigration program.

Moreover, it is important to note the various cases of scams, fraud, and misconduct common in immigration services. This includes government impersonators, misleading offers of support, coercion of labor, services, or sexual acts in exchange for help in receiving citizenship, and payment in exchange for connections are examples of some common scams that occur (USCIS, 2020). Misconduct from a USCIS employee can also occur. It is necessary to also address issues and scams like these in order to fully take a step towards solving the issue of immigration and citizenship for undocumented immigrants in the United States.

Concluding Statements

This thesis has extended the discussion of the social impact that youth mobilization has had as DACA. This thesis also provided a brief history and discussion on the history of

immigration policy and advocacy at a national and state level. Through coalition building and community work, undocumented youth and individuals have transformed the immigrant rights movement. Through journalistic accounts, an interview with an immigrant rights organization, and archives collections, we can see that the fight for immigrant rights is only now beginning and the ultimate goal is to provide a pathway for citizenship for those who are living in our country undocumented.

The long-term social and economic impacts that these undocumented youth are having on the United States have yet to be fully researched. More research should be done on what undocumented youth and individuals feel is lacking in their pathway to citizenship. Furthermore, we must include the voice of these undocumented and DACAmented individuals in the policy making process, considering all of their contributions, all while protecting their precarious status.

While there is no single “right” path toward a comprehensive immigration reform plan, there are various paths the United States could take to help DACA recipients achieve citizenship or obtain legal status to work and remain in the United States. Despite the difficulties in this, many have mobilized, from undocumented youth to immigrant farmworkers, to help obtain a more secure future and a path toward citizenship. Without agreement in Congress, the future of DACA is at stake, as well as the future of thousands of undocumented youths who have lived in the United States as children, and who have contributed to the social fabric of the U.S.

References

- “A Latinx Resource Guide: Civil Rights Cases and Events in the United States: 1942: Bracero Program.” 1942: Bracero Program - A Latinx Resource Guide: Civil Rights Cases and Events in the United States - Research Guides , <https://guides.loc.gov/latinx-civil-rights/bracero-program#:~:text=An%20executive%20order%20called%20the,on%20short%2Dterm%20labor%20contracts.>
- “American Dreamers: Raul.” The New York Times, The New York Times, 12 June 2017, <https://www.nytimes.com/interactive/projects/storywall/american-dreamers/stories/raul>.
- “Become a Permanent Resident through Your U.S. Citizen Child.” All Law, Nolo, 9 Dec. 2021, <https://www.alllaw.com/articles/nolo/us-immigration/become-permanent-resident-through-citizen-child.html#:~:text=The%20parents%20of%20a%20U.S.,but%20has%20some%20major%20limitations.>
- “Biden Administration Reverses Trump Administration Policies on Immigration and Asylum.” American Journal of International Law, vol. 115, no. 2, 2021, pp. 340–347., doi:10.1017/ajil.2021.15.
- Border Network for Human Rights. Border Network for Human Rights, 30 Jan. 2023, <https://bnhr.org/>.
- Bussel, Robert, and Tichenor, Daniel J. “Trouble in Paradise: A Historical Perspective on Immigration in Oregon.” Oregon Historical Quarterly, vol. 118, no. 4, 2017, pp. 460–87, <https://doi.org/10.5403/oregonhistq.118.4.0460>.
- Colbern, Allan, and S. Karthick Ramakrishnan. Citizenship Reimagined a New Framework for State Rights in the United States. Cambridge University Press, 2021.
- “DACA.” National Immigration Law Center, <https://www.nilc.org/issues/daca/#:~:text=On%20October%2031%2C%202022%2C%20the,remains%20available%20for%20DACA%20holders.>
- “Deferred Action for Childhood Arrivals (DACA): An Overview.” American Immigration Council, 30 Sep. 2021, <https://www.americanimmigrationcouncil.org/research/deferred-action-childhood-arrivals-daca-overview>.
- “Dreamers and Undocumented Students.” Undocumented Oregon State University, <https://undocumented.oregonstate.edu/>.
- “Dreamer Resources: Portland State University.” Portland State University, <https://www.pdx.edu/dreamers/dreamer-resources>.

“Durbin Statement on DHS Regulation to Preserve and Fortify DACA: U.S. Senator Dick Durbin of Illinois.” Press Releases | Newsroom | U.S. Senator Dick Durbin of Illinois, 24 Aug. 2022, <https://www.durbin.senate.gov/newsroom/press-releases/durbin-statement-on-dhs-regulation-to-preserve-and-fortify-daca>.

“EXECUTIVE ORDER NO. 07 - 22.” 2007. Pdf

“Fact Sheet: President Biden Sends Immigration Bill to Congress as Part of His Commitment to Modernize Our Immigration System.” The White House, The United States Government, 25 Jan. 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-president-biden-sends-immigration-bill-to-congress-as-part-of-his-commitment-to-modernize-our-immigration-system/>.

Filomeno, Felipe Amin. *Theories of Local Immigration Policy*. 1st ed. 2017., Springer International Publishing, 2017, <https://doi.org/10.1007/978-3-319-45952-3>.

Flake, Jeff. “Jeff Flake: We Need Immigrants with Skills. but Working Hard Is a Skill.” *The New York Times*, *The New York Times*, 18 Aug. 2017, <https://www.nytimes.com/2017/08/18/opinion/jeff-flake-we-need-immigrants-with-skills-but-working-hard-is-a-skill.html>.

“Florida Immigrant Coalition.” FLIC, <https://floridaimmigrant.org/>.

Gonzales, Roberto G., and Jose Antonio Vargas. *Lives in Limbo: Undocumented and Coming of Age in America*. University of California Press, 2016, <https://doi.org/10.1525/9780520962415>.

“Governor Jerry Brown.” Jerry Brown, <https://www.jerrybrown.org/>.

Guerrero, Jean. “3 Million People Were Deported under Obama. What Will Biden Do About It?” *The New York Times*, *The New York Times*, 23 Jan. 2021, <https://www.nytimes.com/2021/01/23/opinion/sunday/immigration-reform-biden.html>.

Halloran, Liz. “Gang of 8 Champion Plan, Declare 'Year of Immigration Reform'.” NPR, NPR, 18 Apr. 2013, <https://www.npr.org/sections/itsallpolitics/2013/04/18/177780665/bipartisan-senate-gang-prepares-to-sell-immigration-plan>.

Harrington, Ben, and Hillel R. Smith. "The Legality of DACA: Recent Litigation Developments." Congressional Research Service (CRS) Reports and Issue Briefs, Congressional Research Service, 2021, p. NA. Gale Academic OneFile, link.gale.com/apps/doc/A688554362/AONE?u=euge94201&sid=bookmark-AONE&xid=15ec6b6f.

“Home.” Reform Immigration for Texas Alliance, 25 Feb. 2021, <https://texasrita.org/home/>.

Horowitz, David A. “The Klansman as Outsider: Ethnocultural Solidarity and Anti-Elitism in the Oregon Ku Klux Klan of the 1920s.” *The Pacific Northwest Quarterly*, vol. 80, no. 1, 1989, pp. 12–20. JSTOR, <http://www.jstor.org/stable/40491018>. Accessed 24 Nov. 2022.

H.R.6 - American Dream and Promise Act of 2021 - Congress.
<https://www.congress.gov/bill/117th-congress/house-bill/6>.

“Human Rights Initiative of North Texas.” Human Rights Initiative of North Texas,
<https://hrionline.org/>.

“Immigration History Timeline.” Home - Office of Immigrant Relations - County of Santa Clara, 2019, <https://oir.sccgov.org/sites/g/files/exjcpb1026/files/immigration-history-milestones-booklet.pdf>.

Johnson, Kit. “Theories of Immigration Law.” *Arizona State Law Journal*, vol. 46, no. 4, 2014, p. 1211–.

Jordan, Miriam. “One Brother Got DACA, One Didn't. It Made All the Difference.” *The New York Times*, *The New York Times*, 3 July 2020,
<https://www.nytimes.com/2020/07/03/us/immigration-daca-applications.html>.

“Jose Inez Garcia-Zarate Pleads Guilty to Federal Firearm Charges in Death of Kate Steinle.” United States Attorney's Office: Northern District of California, 14 Mar. 2022,
<https://www.justice.gov/usao-ndca/pr/jose-inez-garcia-zarate-pleads-guilty-federal-firearm-charges-death-kate-steinle>.

Kristensen, Isabel Lemus. “A Dreamer Wants to Help Other Students in the Same Shoes.” *Daily Emerald*, 12 Oct. 2020, https://www.dailyemerald.com/news/a-dreamer-wants-to-help-other-students-in-the-same-shoes/article_6ab4f78a-0c29-11eb-beef-4371c0c4963f.html.

Krogstad, Jens Manuel. “Americans Broadly Support Legal Status for Immigrants Brought to the U.S. Illegally as Children.” Pew Research Center, Pew Research Center, 16 Aug. 2021,
<https://www.pewresearch.org/short-reads/2020/06/17/americans-broadly-support-legal-status-for-immigrants-brought-to-the-u-s-illegally-as-children/#:~:text=As%20the%20U.S.%20Supreme%20Court,%2C%20while%2024%25%20are%20opposed>.

Lind, Dara. “Sen. Jeff Flake to Trump: ‘Low-Skilled’ Immigrants Make America Great.” *Vox*, *Vox*, 18 Aug. 2017, <https://www.vox.com/policy-and-politics/2017/8/18/16166996/republican-against-trump-immigration>.

Little, Becky. "The U.S. Deported a Million of Its Own Citizens to Mexico during the Great Depression." History.com, A&E Television Networks, 12 July 2019, <https://www.history.com/news/great-depression-repatriation-drives-mexico-deportation>.

Maxouris, Christina, and Amanda Watts. "Immigrant Acquitted of Murder in Kate Steinle Shooting Is Not Competent to Stand Trial Due to Mental Illness, Evaluator Says." CNN, Cable News Network, 15 Feb. 2020, <https://www.cnn.com/2020/02/15/us/kate-steinle-immigrant-mental-illness/index.html>.

Napolitano, Janet. "The Truth About Young Immigrants and DACA." The New York Times, The New York Times, 30 Nov. 2016, <https://www.nytimes.com/2016/11/30/opinion/the-truth-about-young-immigrants-and-daca.html>.

Negrón-Gonzales, Genevieve. "Undocumented Youth Activism as Counter-Spectacle: Civil Disobedience and Testimonio in the Battle Around Immigration Reform." *Aztlán*, vol. 40, no. 1, 2015, pp. 87–112.

Nicholls, Walter J. *The Immigrant Rights Movement: The Battle Over National Citizenship*, Stanford University Press. 2019

- - - *The Dreamers: How the Undocumented Youth Movement Transformed the Immigrant Rights Debate*. Stanford University Press, 2013.

Novak, Matt. *Oregon Was Founded As a Racist Utopia*
<https://gizmodo.com/oregon-was-founded-as-a-racist-utopia-1539567040>

O'Brien, Matt. "The Dangerous Myth That Sanctuary City Policies Encourage Victims and Witnesses to Cooperate with Local Law Enforcement." OFIR - Oregonians for Immigration Reform, 30 Mar. 2018, <http://www.oregonir.org/issues/dangerous-myth-sanctuary-city-policies-encourage-victims-and-witnesses-cooperate-local-law>.

Piggott, Stephen. "Meet Oregon's Anti-Immigrant Hate Group: Oregonians for Immigration Reform (OFIR)." Southern Poverty Law Center, 19 Apr. 2018, <https://www.splcenter.org/hatewatch/2018/04/19/meet-oregon%E2%80%99s-anti-immigrant-hate-group-oregonians-immigration-reform-ofir>.

"Protect America First Act." U.S. Representative Marjorie Taylor Greene, 22 June 2021, <https://greene.house.gov/news/documentsingle.aspx?DocumentID=156>.

"Rescission Of Deferred Action For Childhood Arrivals (DACA)," U.S. Department of Homeland Security, 5 September 2017, <https://www.dhs.gov/news/2017/09/05/rescission-deferred-action-childhood-arrivals-daca>

Rosbach, Molly. "Oregon report details dehumanizing experience of farmworkers during COVID pandemic." 06 April 2022, <https://today.oregonstate.edu/news/oregon-report-details-dehumanizing-experience-farmworkers-during-covid-pandemic>

"Sanctuary Promise." Oregon Department of Justice, 22 July 2022, <https://www.doj.state.or.us/oregon-department-of-justice/civil-rights/sanctuary-promise/>.

"Scams, Fraud, and Misconduct." USCIS, 23 June 2020, <https://www.uscis.gov/scams-fraud-and-misconduct/scams-fraud-and-misconduct>.

Sifuentez, Mario Jimenez. *Of Forests and Fields: Mexican Labor in the Pacific Northwest*. Rutgers University Press, 2016. JSTOR, <http://www.jstor.org/stable/j.ctt1b67w8c>. Accessed 30 Apr. 2023.

"Special Legislative Update." 2008. Pdf.

Stephen, Lynn. *The Story of PCUN and the Farmworker Movement in Oregon*. Rev. and expanded [ed.], Center for Latino/a and Latin American Studies CLLAS, 2012

"The DREAM Act: An Overview - American Immigration Council." American Immigration Council, https://www.americanimmigrationcouncil.org/sites/default/files/research/the_dream_act_an_overview.pdf.

"The Right's Next Move in Oregon." Rural Organizing Project, 6 June 2019, <https://rop.org/update/the-rights-next-move-in-oregon/>.

"The 11 Sanctuary States in the United States." Federation for American Immigration Reform, 21 Apr. 2023, <https://www.fairus.org/issue/sanctuary-policies/do-you-live-1-11-sanctuary-states>.

"Timeline." Americans for Immigrant Justice, 2 Aug. 2022, <https://aijustice.org/timeline/>.

Trust Act (AB 4)." ICE Out of CA, <http://www.iceoutofca.org/trust-act-ab-4.html>.

Toy, Eckard V. "The Ku Klux Klan in Tillamook, Oregon." *The Pacific Northwest Quarterly*, vol. 53, no. 2, 1962, pp. 60–64. JSTOR, <http://www.jstor.org/stable/40487722>. Accessed 24 Nov. 2022.

"Trump Administration Ends DACA." News Room, American Council on Education, 5 Sept. 2017, <https://www.acenet.edu/News-Room/Pages/Trump-Administration-Ends-DACA.aspx>.

Truong, Trinh Q., and Nicole Prechal Svajlenka. "The Demographic and Economic Impacts of DACA Recipients: Fall 2021 Edition." Center for American Progress, 24 Nov. 2021, <https://www.americanprogress.org/article/the-demographic-and-economic-impacts-of-daca-recipients-fall-2021-edition/>.

"Undocumented, Immigrant and DACA Students." Southern Oregon University Admissions, 6 Oct. 2022, <https://sou.edu/admissions/apply/uid/>.

"UO Dreamers." University of Oregon, <https://www.uoregon.edu/uo-dreamers>.

Verde, Isvett. "Growing up in the Shadow of Daca." The New York Times, The New York Times, 26 June 2022, <https://www.nytimes.com/2022/06/26/opinion/dreamers-daca-immigration.html>.