

Anatomy of a Deferred-Action Dream

By Miriam Jordan

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In an election year in which his future might turn on Hispanic votes, the last thing President Barack Obama needed this summer was more noise generated by Gaby Pacheco.

Yet that is exactly what the administration faced when Ms. Pacheco and others—young, illegal immigrants who decided to step out of the shadows—were agitating, with increasing volume and sophistication, to eliminate the threat of being deported.

That ended when Secretary of Homeland Security Janet Napolitano announced a surprise change on June 15. The U.S. would stop deporting many young undocumented immigrants who had been brought in as children. And it would let them work legally.

Ms. Pacheco and her colleagues, known as the Dreamers, weren't the only force pushing for this change. But their rise marks a significant transformation in immigrant activism. Previously, undocumented immigrants largely stayed out of the spotlight, leaving others to speak on their behalf so as not to risk exposing their illegal status. "We wanted the freedom to be everyday Americans," says Ms. Pacheco, 27 years old, a leader of the national patchwork of Dreamer groups. She arrived in the U.S. from Ecuador when she was 8 years old.

At first, Dreamer youths "would wait for me in the dark with tears in their eyes...fearing deportation," said Sen. Richard Durbin (D., Ill.). Ultimately, he said, "they started to step up in a very courageous way and told the country who they are."

Ms. Pacheco and fellow activists campaigned for more than two years—using marches and sit-ins, mobilizing volunteers, and occasionally clashing over their techniques. They won meetings with Obama aides in their quest for change.

The new policy, the Deferred Action for Childhood Arrivals, grants a two-year renewable reprieve from deportation for illegal immigrants who arrived in the U.S. before the age of 16, are under the age of 31, have lived in the U.S. for the past five years, are enrolled in school or have a high school diploma and pose no safety threat. At least 1.3 million people qualify, according to the nonpartisan Migration Policy Institute. The government has received 180,000 applications and approved 4,591.

The policy has strengthened Mr. Obama's standing among Hispanic voters. Republican nominee Mitt Romney has said he would seek a different long-term solution, but also said he wouldn't revoke benefits derived through the program.

Critics have blasted the policy. Rep. Lamar Smith, a Texas Republican who leads the House Judiciary Committee, deemed it "backdoor amnesty."

The Dreamers' movement began modestly in 2008. It first pressed for Congress to pass the Dream Act, proposed by Sen. Durbin and Republican Sen. Orrin Hatch of Utah, to offer a path to citizenship for youths who completed a college degree or two years of military service.

On Jan. 1, 2010, four youths from Miami embarked on the "Trail of Dreams," a 1,500-mile march to Washington, D.C., demanding an end to the deportation of undocumented minors and passage of the Dream Act. Among the four was Ms. Pacheco. She had earned three degrees at Miami Dade College and co-founded the undocumented-immigrant student group there. After graduating, her undocumented status prevented her from getting a job and building a career.

"I told them not to walk, because it was too risky," says Cheryl Little, an immigrant-rights attorney. She worried they would face arrest and possible deportation. In addition, the marchers say, they received death threats.

During their five-month odyssey, the four activists met with veterans' groups, collected stories from immigrant families, and in Georgia participated in a protest march against a Ku Klux Klan rally. About 40,000 supporters signed an online petition on their behalf.

The activists arrived in Washington in time for a May 1 immigration rally that drew thousands of people to Lafayette Park, by the White House. The four got an audience with White House officials, including senior adviser Valerie Jarrett and Cecilia Muñoz, the president's point person on immigration. During a one-hour meeting, the Dreamers described their journey and delivered the petitions.

The movement gained steam on the East and West Coasts. Carlos Saavedra, a Peruvian activist, set out from Boston to invigorate a small network of illegal-immigrant youth groups called United We Dream. About 40 people attended its first national gathering, in Minneapolis, in January 2010. That year, Mr. Saavedra visited 20 states and expanded the group to 30 affiliates and nearly 3,000 people.

Meanwhile, in Los Angeles, Neidi Dominguez, who had co-founded a group at the University of California, Santa Cruz, was back home after completing college in three years. "I was undocumented with a degree," says Ms. Dominguez, 25, who was brought to the U.S. from Mexico when she was nine. "It was very frustrating." On July 20, 2010, she helped orchestrate the movement's first major act of civil disobedience: a sit-in at the Hart Senate Office Building in Washington. "I felt empowered," says Ms. Dominguez.

Nine protestors, wearing caps and gowns, sat in the atrium in a circle around a banner that read "Undocumented and Unafraid." Thirteen others occupied senators' offices. Capitol Police arrested 21 people. None was placed in deportation proceedings.

"They wanted to plant the seeds of a youth-led movement to shape the immigration debate," says Marielena Hincapie, executive director of the National Immigration Law Center, an advocacy organization that supports the movement.

In a coordinated move, Carlos Amador, the son of illegal-immigrant house cleaners from Mexico who was completing a master's degree at UCLA, started a 15-day hunger strike backing the Dream Act with eight others outside Democratic Sen. Dianne Feinstein's Los Angeles office. "We grew stronger in our identity as youth who were undocumented and unafraid," says Mr. Amador.

Friction erupted with some traditional immigrant advocates who wanted a broader immigration overhaul, which would address the country's 11 million illegal immigrants, rather than the Dream Act. Over time, though, prospects for bigger changes dimmed amid recession and an intensifying anti-immigrant climate.

Yet the Dream Act proved elusive. After the 2010 midterm elections,—in which many Democrats sympathetic to the bill lost—Senate majority leader Harry Reid (D-Nev.) put the act up for a vote. Dreamers packed the Senate gallery to watch. But it failed to garner the 60 votes required to prevent a filibuster. "Everybody was broken," says Mr. Saavedra, the network's national coordinator. By early 2011, the Dreamer movement had descended into finger-pointing. Some groups defected to become more confrontational.

At the same time, the Obama administration faced a barrage of criticism over record deportations. A public-safety program targeting for expulsion illegal immigrants who had committed serious crimes was sweeping up people not convicted of any crime, including Dreamers.

About 20 groups met with Ms. Napolitano of the Department of Homeland Security in March 2011. When Ms. Napolitano said her agency was focusing on people with criminal records, activist Natalia Aristizabal rose and said, according to her recollection, "With all due respect, you are deporting Dreamers." She turned over a file on one detained Dreamer. He was eventually released.

On May 11, Sen. Durbin reintroduced the Dream Act, this time with no Republican co-sponsors.

In June some 300 Dreamers marched again, wearing caps and gowns, to the White House. Demonstrators who were fighting deportations chained themselves together.

Soon thereafter, Ms. Napolitano testified at a Dream Act hearing. Activists jammed the event. There, Mr. Durbin introduced immigrant students who had won academic awards but remained stuck in a "legal twilight zone." Ms. Napolitano, voicing Dream Act support, said ultimately it was for Congress to act to protect them.

It seemed unlikely Congress would pass the Dream Act into law. On Aug. 18, homeland security announced a review of all individuals in removal proceedings and said that low-priority cases would be considered for administrative closure, allowing individuals to remain in the country. But the policy didn't confer the right to work. And, still, no solution was in sight for most undocumented youngsters.

In Los Angeles, Ms. Dominguez, an aspiring attorney, had begun to study other ways the executive branch might help Dreamers in the absence of new laws. For example, the administration could grant "deferred action," a form of relief that halts deportation and allows people to work. In early 2012, Dreamers on both coasts enlisted attorneys to make a legal case for deferred action or other relief. Separately, Mr. Durbin had been meeting with Ms. Napolitano on a similar idea.

When Ms. Dominguez Googled the term, she learned it had been applied in 1972 to John Lennon—to prevent deportation when he was protesting the Vietnam War—on the grounds that he was a low-priority case.

Then, an unexpected catalyst came from Florida. Amid worry that Republicans were alienating Hispanic voters, Florida Sen. Marco Rubio said in April he would draft a measure giving undocumented youth a nonimmigrant visa, but not citizenship.

That proposal, coming from a prominent Republican, made activists think, "Let's bet on two horses and see who gets us to the finish line first," says Ms. Pacheco.

Ms. Pacheco and two others met with Sen. Rubio's chief of staff in his Capitol Hill office. Afterward, the Dreamers rushed upstairs to meet with Sen. Durbin's staff to seek Democratic support for the bill.

Then the three activists hopped in a taxi to St. John's Church for a 5:30 p.m. meeting with the White House's Ms. Jarrett and Ms. Muñoz. They argued that the president should exercise his executive authority to suspend deportations. "We told them we had research on how it could be done," says activist Lorella Praeli of Connecticut. "We were well-armed." The officials reiterated that the president couldn't bypass Congress. Ms. Jarrett said the administration felt the Dreamers deserved a path to citizenship but would consider scaled-back legislation, such as Mr. Rubio's, if they desired that. Ms. Jarrett agreed to schedule a meeting between Dreamers and White House attorneys.

One of the activists, Ms. Praeli, says, "We told them we're not going away. We are going to continue to highlight the fact that the president can do something for us."

On May 17, Dreamers rallied outside detention centers, federal buildings and some Obama campaign offices. In Houston, several students "came out" by declaring publicly that they were undocumented. In Miami, activists in handcuffs rallied outside the Obama campaign office.

In Washington, Ms. Napolitano faced further criticism for the deportations. "We weren't getting the ship turned enough," she acknowledged in an interview. She directed her staff to look for another approach. On May 25, her aides floated the possibility of offering a deferral of deportation and a work permit to Dreamers in removal proceedings.

Then, Ms. Napolitano stunned her staff, according to a senior official. She suggested offering the deferrals not just to Dreamers caught in removal proceedings—but to the entire group of undocumented young adults.

Back in Los Angeles, youth leaders worked with legal scholar Hiroshi Motomura from the University of California, Los Angeles, who drafted a letter laying out the ways the executive branch could offer relief. On May 29, Ms. Pacheco, Ms. Praeli and Ms. Dominguez, with attorneys from the East and West coasts, brought the letter, signed by 96 legal scholars, to a meeting with White House counsel at a nearby conference center.

As the meeting wound down, a White House official asked: "Anything else?"

Ms. Dominguez told them that the Dreamers wanted an answer by mid-June, or they would "escalate."

On the final two days of May, Ms. Napolitano shared the contours of a program with senior White House officials.

Given the limited resources for immigration enforcement, Ms. Napolitano said in an interview, "We just took the lowest priority cases—those not responsible for being brought to the country in the first place—and set those aside to focus on more culpable cases."

The White House gave her a green light on June 11.

Announcement of the policy change came four days later.

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