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Deviant Citizenship: DREAMer Activism in the United States and Transnational Belonging

Joaquina Weber-Shirk

Department of Peace and Global Studies, Earlham College, 801 National Rd W, Richmond, IN 47374, USA; E-Mail: qjweber10@earlham.edu; Tel.: +1-756-983-1660

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Abstract: My analysis places the assertions of political presence by non-citizen immigrant youth in the U.S. (often referred to as DREAMers) within a rapidly globalizing world; this placement re-frames the DREAMers’ movement from a fight for U.S. citizenship to a broader critique of the limits and impossibility of liberal democratic citizenship, which claims to be all-inclusive. Increased transnational migration has brought into stark relief the inequality that current frameworks of nation-state citizenship, as a caste-system of rights, have codified. I am interested in the activism of immigrant youth as a place to explore where immigrants themselves are reasserting the right to politics. This reassertion privileges the social embeddedness of family ties and community above the notion of individual choice or individual rationality. In doing so, this articulation of politics is a critique of the liberal order by forcing the consideration of the contexts and structures that create migration, exploitation, and transnational communities of belonging.

Keywords: DREAMers; immigrant activism; right to politics; citizenship; politics of deviance; transnational belonging

1. Introduction

On 22 July 2013, nine youth entered the U.S. port of entry in Nogales, Arizona, claiming asylum and asking for the right to return to the U.S. Five had been deported by U.S. immigration officials, three had self-deported, and all had first come to the U.S. with their families as minors; none were U.S. citizens. As Lizbeth Mateo, one of the participants, wrote, they were fighting for “the right to come home”, not only for themselves, but for the millions of families that continue to be separated by

deportation [1]. All nine were released on parole into the U.S. awaiting the outcome of their asylum cases. Two months later, on 30 September 2013, the action was repeated when thirty-four people entered the U.S. port of entry in Laredo, Texas. The “Dream 30” included thirty young people who had come to the U.S. as minors, and four of their parents. Six were immediately deported, and twenty-eight were released on parole in the U.S. [2]. Six months later, in March 2014, the action was repeated for a third time, when 150 people entered the U.S. port of entry in San Diego, California over the course of eight days, as part of an action called “Bring Them Home”.

Actions like these are “immigration reform in practice” [3], taking action to reunite families even as it means defying nation-state borders, asserting communities of belonging even while declaring non-citizen status, and influencing the conversation about citizenship in the process. Immigrant youth were the organizers behind the “Dream 9”, “Dream 30”, and “Bring Them Home” actions through the National Immigrant Youth Alliance (NIYA), a network which calls for “Dreams beyond borders”¹. In Mateo’s words, “It’s time to take away the power deportation has over us. [...] Ask yourself: would you let anyone take you from your home? From your family? We have not, and neither should the many, many more like us” [1].

The embodied citizenship of immigrant youth—by asserting the right to political presence in the public sphere—looks beyond the state and its laws for recognition. Instead, immigrant youth draw on the embeddedness of personal relationships for legitimacy. The political identity of these young unauthorized immigrants provides a platform for a group of non-citizens to appear in the public sphere as DREAMers, articulating their right to politics, and acting on rights and performing citizenship that has not been granted by the state. Within the political presence that is being asserted and lead by unauthorized immigrant youth, I see a challenge to liberal democratic citizenship. Unauthorized youth have neither the legal status of citizens nor the rights associated with citizenship, and yet DREAMers assert themselves as members of the U.S. who belong and contribute to the national community, sharing an identity claimed by citizens².

The political identity of the DREAMers grew out of campaigns to pass the DREAM Act (Development, Relief, and Education for Alien Minors Act), campaigns which began in full force in 2001. As the past decade has shown, the ability to assert and maintain a presence in the public sphere is *not* contingent upon legislation that legalizes the youths’ presence. The continued presence of the DREAMers shifts the emphasis away from the state as *the* site that grants legitimacy. However, this

¹ On their Facebook page, the NIYA states, “The National Immigrant Youth Alliance (NIYA) is an undocumented youth-LED network of grassroots organizations, campus-based student groups and individuals committed to achieving equality for all immigrant youth, regardless of their legal status. We believe that only a grassroots movement led by undocumented immigrant youth can properly address the inequities and seemingly insurmountable obstacles facing our communities. Through grassroots organizing, advocacy and direct collective action we aim to develop a sustainable movement for justice and equality led by those most affected and supported by committed, conscientious allies. Our core values are to Empower, Educate and Escalate.” [4].

² Christian Joppke articulates how these three distinct dimensions of citizenship—status, rights, and identity—are commonly defined, “citizenship as status, which denotes formal state membership and the rules of access to it; citizenship as rights, which is about the formal capacities and immunities connected with such status; and, in addition, citizenship as identity, which refers to the behavioral aspects of individuals acting and conceiving of themselves as members of a collectivity, classically the nation.” [5].

shift does not negate the significant impact that legal recognition from the state plays in the ability to access rights which are tied to nation-state citizenship. Instead, an acknowledgment of other sources of recognition and legitimacy makes it possible for unauthorized immigrants and others who are considered rightless to take action now and claim a presence as part of the polity without waiting for permission. Highlighted here are two distinct conceptions of citizenship—one in which citizenship is a status granted by the state, a liberal democratic citizenship; the other in which citizenship is a role that is claimed, embodied, and performed, a deviant citizenship.

The DREAMers' movement and identity have both been read and forced to speak within the confines of liberal discourse, with an emphasis on individual responsibility, individual violation, rationality and respectability. I seek to disrupt this narrative, arguing in opposition to sociologist Walter Nicholls, who asserts that "[c]reating and sustaining legitimacy for a group of stigmatized outsiders *requires* the leadership to impose discipline on both the message and the messengers" ([6], p. 14, emphasis added). Disciplining means that only those discourses that are intelligible to the existing order are repeated and heard. Departing from the liberal narrative of the DREAMers, I draw on Lisa Marie Cacho's analysis of racialized rightlessness to frame the DREAMers movement as one embodying deviant citizenship [7]. Racialized rightlessness refers to the ways in which systems of values which are codified in our legal system, create spaces of total exclusion for bodies that are deemed worthless. It is from this space of total exclusion where movements towards real change originate. As Cacho articulates,

In the spaces of social death, any and every option is unthinkable, not because of impracticality or the U.S. public's reluctance to change but because of the threat and promise of state violence. We are disciplined to not think the unthinkable when we learn about the risk of incarceration or deportation or when our families are held hostage. And yet the space of social death is always graced with hope, courage, and/or youthful idealism, where those who decide to take responsibility for the unprotected are always looking for and stepping on the pressure points that can barely manage the contradictions that their very presence, their very being inspires ([7], p. 145).

DREAMer activism embodies an unthinkable politics which grows out of the context of social death. DREAMers have grown up within the U.S., as members of school, familial, and religious communities that are central to their identity. Yet unauthorized legal status continuously excludes these DREAMers, giving their presence within the U.S. a permanently tenuous existence outside the boundaries of the law. Actions like "Bring Them Home", appeal to the importance of being embedded within a place (the U.S.), while highlighting the lives lived outside the protection of legal status. Continuing to live in a space of total exclusion, outside the protection of legal status, is what Cacho calls a "politics of deviance", which demands the suspension of judgment of difference, instead reading deviance as a form of power ([7], p. 167). A politics of deviance critiques how spaces of social death are needed and perpetuated by normative ethics and morality. Existing from within a space of social death is *the* politics for change, as a politics of deviance creates space for difference without judgment, allowing a critique of current value systems and the ability to dream of entirely different ways of being. A politics of deviance has the potential to create a distinct counter-narrative. Cacho argues that:

"Such a politics would neither pathologize deviance nor focus most of its energies on trying to rationalize why people choose deviant practice over proper behavior. Rather than

repudiating nonnormative behavior and ways of being, we would read nonnormative activities and attitudes as forms of ‘definitional power’ that have the potential to help us rethink how value is defined, parceled out, and withheld” ([7], p. 167).

A politics of deviance means reading lived practices as resistance and the embodiment of alternatives to U.S. norms—existence itself is rendered a form of resistance, as it challenges the relationship between value and the norm. The very presence of the DREAMers within the U.S. is resistance, and the actions of the DREAM 9, the DREAM 30, and the hundreds of participants in the Bring Them Home campaigns, which cross borders to unite communities, embody a politics of deviance.

The implications for deviant citizenship and the DREAMers politics of deviance extends beyond the borders of the U.S. The historical moment in which DREAMer activism is occurring is a rapidly globalized one, in which the sovereignty of nation-states is waning. Increased transnational migration has brought into stark relief the inequality that current frameworks of nation-state citizenship, as a caste-system of rights, have codified. Re-framing the political presence of the DREAMers within this globalized context shifts their activism from a fight for U.S. citizenship to a broader critique of the limits and impossibility of liberal democratic citizenship, which claims to be all-inclusive.

As transnational actors penetrate state boundaries both physically and legally, the discourse of a unified nation-state that holds sovereign power within its borders is disrupted. Wendy Brown’s analysis in *Walled States, Waning Sovereignty* focuses on the ways in which the flow of transnational capital and resources across nation-state boundaries have undermined the ability of the nation-state to control what happens within its borders. In the era defined by transnational neoliberalism, political sovereignty has become detached from the nation-state. Without sovereignty, or with waning sovereignty, states become subjects of the emerging sovereign power of capital, and adopt a status of “neoliberal actors—and as neoliberalized themselves”, meaning that nation-states are playing the game, but not setting the rules ([8], p. 67).

The acknowledgment of capital as sovereign forces a crisis that creates both a state of emergency for nation-states and a state of emergence for a post-Westphalian era. Brown’s discussion of nation-states within the context of a globalized market points to this transition of sovereignty and alternate global order that has not yet crystallized. The moment of transition holds open the possibility for an accountability and contextualization that are outside the liberal order. This possibility would substantiate neither global citizenship or human rights, both rights and property based discourses, but could nurture belonging and space in political life that is not tied to the nation-state. I return to the implications of Brown’s analysis later in this article.

Using the work of Lisa Marie Cacho and Wendy Brown as theoretical context, I seek to explore the questions: What openings do increased transnational communities create for new relationships between people and political life? How is it that unauthorized immigrants are able to apply pressure on a state that they have no formal relationship with, gain recognition, and have some of their demands met? What makes this political recognition and response possible? The political presence and activism of the DREAMers over the past decade is a site to explore this reconfiguration between people, political life, and the state.

2. Creation of the DREAMers

The DREAM Act has been introduced to Congress multiple times since its initial introduction in 2001 [9,10]. Though it has never been passed, the proposals have provided a model that have been drawn on for subsequent immigration reform proposals and presidential executive actions. The version of the DREAM Act that went before Congress in 2010 proposed a path to legal permanent residency and eventual citizenship for immigrant youth who could present proof of arriving in the U.S. before the age of 16, have lived continuously in the U.S. for at least five years, and be between the ages of 12 and 30 at the time of the enactment of the bill. To be eligible for conditional legal status, immigrant youth must have graduated from an American high school or obtained a high school equivalent General Education Diploma (GED), and proven their “good moral character” [11]. If they met all of these criteria, applicants would then be eligible for a six year conditional status, after which they would be required to prove that not only had they maintained a clean criminal record, but also attended college or served in the military for two years—if these further requirements were met, beneficiaries would then be granted lawful permanent residency status; if not, they would lose their legal status and could be deported.

As unauthorized youth first began to break the silence about their presence in the U.S. and began to assert a public presence as DREAMers in support of the DREAM Act, early messaging continued to erase difference by emphasizing the Americanization of these youth. Messaging emphasized that they were *already* respectable and worthy of recognition, *already* part of the nation in every way except legally. Summarizing the early messaging, Walter Nicholls writes,

“[U]ndocumented youths were brought to the country as children (no fault of their own), learned to become good and hardworking Americans, have overcome major barriers in the pursuit of the American dream, and were now not allowed to realized the dream because of their immigration status” ([6], p. 54).

To keep this public image unified, the DREAMers’ public messaging was carefully monitored to stay focused and on point—first by large immigrant rights organizations, and later by DREAMer organizers themselves. Discourses for the DREAMer campaign were constructed and monitored through centralized message production, talking points, and the silencing of symbols or characteristics that deviated from the central message. The same infrastructure that worked to produce a unified message also created a space for the political identity of the DREAMer to grow; as unauthorized youth came together in training sessions and workshops, they were transformed into activists with similar experiences, dreams, and world views.

On 14 June 2012, President Obama issued an executive order for Deferred Action for Childhood Arrivals (DACA), as a response to the political pressure of DREAMers and their allies. DACA is *not* a path to citizenship, as the DREAM Act proposals would be, but rather a second-class status that is temporary and renewable every two years—with a \$495 filing fee for every renewal [12]—which would stop deportations and authorize work permits for immigrant youth that were DREAM Act-eligible. President Obama framed the executive order by announcing, “Now, let’s be clear—this is not amnesty, this is not immunity. This is not a path to citizenship. It’s not a permanent fix. This is a temporary stopgap measure that lets us focus our resources wisely while giving a degree of relief and hope to talented, driven, patriotic young people” [13]. The creation of DACA is a reiteration of the

discourse that legal recognition is given because it has been earned or merited, *not* that recognition and inclusion in a national political community is an inalienable or inherent condition.

The early “script” of DREAMers, which attempts to erase difference, has a life and power of its own in the media, where it is preferred to messages that are more nuanced and reflective of lived experiences ([6], p. 59). The tight repetition of the “exceptional immigrant” discourse can be seen in the media even within the last few years, long after DREAMers themselves have largely shifted to more inclusive, and controversial, framings. President Obama’s description of unauthorized youth during his announcement in June 2012 of DACA is indicative of the preference for the early “script” of the DREAMers. In President Obama’s words,

“These are young people who study in our schools, they play in our neighborhoods, they’re friends with our kids, they pledge allegiance to our flag. They are Americans in their heart, in their minds, in every single way but one: on paper. They were brought to this country by their parents—sometimes even as infants—and often have no idea that they’re undocumented until they apply for a job or a driver’s license, or a college scholarship” [13].

President Obama’s description of the DREAMers mirrors, almost verbatim, Nicholls’ description above and emphasizes an erasure of difference between unauthorized immigrant youth and American citizens. Within this discourse, assimilating to the idealized national identity is what makes an immigrant deserve to have rights recognized by the nation-state.

3. State Recognition of Legal Status and the Abjectivity of “Illegal” Status

Helga Leitner and Chris Strunk identify three distinct framings that are commonly deployed to explain why immigrants *deserve* rights. The first framing argues that the labor and self-reliance of immigrants makes them ideal citizens and worthy of inclusion; this framing “fits squarely into the conception of the neoliberal citizen subject as a self-reliant and responsible individual” ([14], pp. 351–52), and does not change the boundaries of citizenship, only that currently excluded groups meet the criteria to be included. The second framing points to the economic and cultural contributions of immigrants; this expands the criteria for citizenship but continues to see inclusion within the the nation-state as the dominant measure of belonging ([14], p. 352). The third framing offers a human rights framework as an alternative, looking beyond the borders of the nation-state to other sources that recognize and solidify belonging ([14], p. 352).

The possibility of eventual inclusion into nation-state citizenship, through legislation like the DREAM Act, is a source of both hope and paralysis for unauthorized immigrant youth. The conflicting effects are seen in the remarks of a mother to her unauthorized high school student:

...We don’t know today, tomorrow we could have immigration reform, but we have to see in the future if we are good citizens, respectable, a person that did something for the country that’s going to recognize you, after 3, 4, 5 years, maybe when you’re old, but they will recognize you ([7], p. 177, as quoted in an interview with the authors).

Recognition from the state means a social security number, authorization to work legally, and rights codified in the Constitution; recognition means an end to the fear of deportation. But the drawn out process of the DREAM Act in Congress as a possibility for immigration reform is “a major disciplinary

practice” that keeps those with unauthorized status vacillating between hope and despair, putting their lives on hold as they wait for legal residency or citizenship ([15], p. 258). Those who are criminalized and considered unlegalizable are denied even the hope of eventual recognition from the state. Cacho articulates how law *depends on* the permanent exclusion of some groups; in her words,

“[T]he DREAM Act proposals do not address the fundamental problem of immigration law: that it creates a permanently rightless status. To say that some groups form the foundation for law is to say that law is dependent upon a permanence of certain groups’ criminalization. These permanently criminalized people are the groups to whom I refer to as *ineligible for personhood*—as populations subjected to laws but refused the legal means to contest those laws as well as denied both the political legitimacy and moral credibility necessary to question them. These populations are excluded from the ostensibly democratic process that legitimate U.S. law, yet they are expected to unambiguously accept and unequivocally uphold a legal and political system that depends on the unquestioned permanency of their rightlessness” ([6], p. 6).

Law plays the important role of providing a simplified and clear cut demarcation between the included and the excluded, guaranteeing a permanent criminalized status for those groups who are excluded. Mae Ngai argues that the subclass of unauthorized immigrants is the “the outermost point of exclusion from national membership” ([16], p. 6). The figure of the “illegal alien” is an effect of immigration law, created through the laws’ exclusions, but the figure of the illegal alien is treated as a result of self-inflicted, individual, rational choices to break the law, and the consequence of breaking the law is to be rendered a criminal.

Using responses from hundreds of phone interviews with Latinos and whites, Roberto Gonzales and Leo Chavez analyze the effects of illegal status on Latino immigrants who came to the U.S. as children—the same demographic group as many DREAMers³. In their words,

We argue that the practices of the biopolitics of citizenship and governmentality—surveillance, immigration documents, employment forms, birth certificates, tax forms, drivers’ licenses, credit card applications, bank accounts, medical insurance, and mandatory car insurance—may frustrate anyone, citizen and non-citizen alike, because they enclose, penetrate, define, and limit one’s life and actions. But for undocumented 1.5-generation Latino immigrants (and others in a similar status), these practices of governmental contact and surveillance can create enormous distress, detention, and even deportation ([15], p. 256).

Through comparing responses from both legal and undocumented 1.5-generation Latinos, they found that undocumented youth viewed their quality of life more negatively, were more likely to have “worried excessively” because of conditions in their neighborhoods, moved more frequently because of money problems, and were more likely to believe the police had treated them unfairly. For Gonzales and Chavez, “These views and experiences indicate the social, material, and psychic costs of illegality and abjectivity” ([15], p. 261).

³ The authors frame their study by echoing Ngai: “These rejected and abject subjects inhabit a liminal space where the boundary between their everyday lives in the nation and their lives as part of the nation is maintained as a way of ensuring their control and social regulation. But what about the subjective understanding of living an abject life?” ([15], p. 256).

The social, material, and psychic costs of illegality were written about in a now famous *New York Times* article written by Jose Antonio Vargas, a journalist for the *New York Times*. He who wrote openly about the effect a status of illegality has on his life;

“On the surface, I’ve created a good life. I’ve lived the American dream. But I am still an undocumented immigrant. And that means living a different kind of reality. It means going about my day in fear of being found out. It means rarely trusting people, even those closest to me, with who I really am. It means keeping my family photos in a shoe box rather than displaying them on shelves in my home, so friends don’t ask about them” [17].

Vargas’s fear of being “found out” stems not only from the fear of deportation, but also a fear of being marked by the the morally negative connotation as a “law-breaker”. Breaking the law has moral connotations because the law is framed as a code of ethics, based on equality and fairness. Cacho notes that due to this characterization of the law, “If following the law (legitimate or not) determines whether a person is moral or immoral, it is all but impossible for people assigned to certain status categories to represent themselves as moral and deserving” ([7], p. 4).

It is nearly impossible for abject individuals to be seen as moral or deserving, because their bodies are read as law-breakers, and yet liberal discourse impossibly demands that “immigrants [and others in a space of social death] *must* demonstrate their “common” humanity by showing that they have the same values, aspirations, and tastes as any “normal” “American” ([6], p. 61, emphasis added). To be human means to be Americanized, and the inability to emulate the characteristics of an American raises doubts about their humanity. The discourse of recognition as contingent upon assimilation extends in to discussions of struggle and social change through the discourse of earned opposition. Framing difference as Nicholls does emphasizes the importance of receiving recognition—usually, but not always, from the state—before resisting or revolting. The power of the “right” to difference depends on a corresponding duty for the dominant power to allow those who are different to occupy a public space. The framework of rights requires a paralysis until recognition is granted, or from the place of social death, the right to difference offers no way out of paralysis, so way to be recognized. Difference, or deviance, cannot be tied to rights.

4. Nation-States, Neoliberalism, and Sovereignty ⁴

We live in an era when the borders of nation-states have been opened to transnational flows of capital and resources. Those same borders remain legally closed to the vast majority of people following the transnational movements of global labor markets of fleeing chaos caused by the disruption of local economies. Citizenship and the granting of rights are currently decided and enforced through relations to the nation-state. Political sovereignty is what gives the nation-state the ability and power to determine what happens within its borders, including the qualifications and rights associated with citizenship. How do increased transnational movements of people affect citizenship and the political sovereignty on which it rests?

⁴ Note: this section is adapted from Weber-Shirk, “Global Citizenship and Human Rights: How is an unbounded polity possible?” [18].

The tension between transnational forces and nation-state sovereignty is central to analyzing the dynamics of DREAMer activism within the U.S., as DREAMers demand recognition and rights from the nation-state while simultaneously recognizing and advocating for family and community ties that cross nation-state boundaries.

Wendy Brown argues in *Walled States, Waning Sovereignty* that nation-state sovereignty is being undercut in practice by transnational flows of people, capital, and resources, even as neoliberal discourse depends on the idea of sovereign nation-states [8]. The presence of unauthorized immigrants within the U.S. signifies that the border walls are a failure for their stated purpose—the nation-state is unable to keep out unauthorized people. Moreover, the economy in the U.S. demands and facilitates a labor pool of unauthorized workers. The DREAMers' very presence within the nation-state is indicative that the U.S.'s political sovereignty is being overridden by transnational flows and actors, which do *not* reference the nation-state, and by neoliberal rationality, which privileges global free-market capitalism. The tension arises because our world order and legal systems are still structured around the systems of sovereign nation-states, and this legal system has not evolved to address the increasing numbers of non-state actors—transnational corporations, guerilla fighters, drug cartels, or transnational flows of migrants. Brown points to the walls built on nation-state boundaries as indicative of the discord between our current nation-state system and the actors it seeks to address, and as a sign of a “post-Westphalian world”⁵ in which interactions on a global scale de-center the nation-state.

Building boundary walls is a way for nation-states to act in the name of stability and security, by performatively protecting the citizen and walling out the alien. In the words of citizenship scholar Christian Joppke, “States have understood that, having lost control on so many fronts in the age of globalization, their last and quintessential function is to be ‘people containers’...and they won’t let this one go lightly” ([5], p. 39). However, transnational flows of people across borders are so great that it is physically impossible and financially undesirable for nation-states to completely stop the flows of unauthorized people. Because boundary walls are not able to do what they claim (boundaries are permeable, and at best walls divert flows of non-citizen people), the increased militarization of the border actually increases instability and violence. Brown writes,

One irony of late modern walling is that a structure taken to mark and enforce an inside/outside distinction—a boundary between “us” and “them” and between friend and enemy—appears as precisely the opposite when grasped as part of a complex of eroding lines between the police and the military, subject and *patria*, vigilante and state, law and lawlessness ([8], p. 25).

The inability of boundary walls to actualize the boundary between “us” and “them” means a constant surveillance to detect enemies within the nation-state; the broad scope of surveillance necessitates that citizens, police, and the military are all included as part of the surveillance apparatus. The shift

⁵ Brown clarifies that the modifier “post-” does not signify a rupture with the past, but rather “a present whose past continues to capture and structure it” ([8], p. 21). Walter Nicholls argues that globalization has not brought about a new relationship between states and rights, but rather reinscribed the state as *the key force* that shapes the lives and futures of immigrants. He dismisses post-national theory as impractical, stating, “These kinds of theoretical writings (on human rights, social justice, and equality) provide nice reminders of what *could* be done, but they serve as poor guides for producing just worlds because they ignore the limits imposed by the persistence of national political communities.” ([6], p. 170).

from nation-state decisionism to judgment at the local level de-centers the state as the sole body that gives recognition and legitimacy. Xenophobia and strict patriotism are encouraged by fear: they create a culture of paranoia where few people are able to embody the pure, nationalized ideal of an assimilated citizen. Brown notes that paradoxically, this kind of surveillance and cultivated paranoia on a national scale (“Terror threat on orange alert!”) creates “the conformist, passive, paranoid, and predictable creature that is the walled nation or subject” ([8], p. 41), a subject who is completely contrary to the model citizen of Western nation-states—the free, enlightened individual pursuing his own destiny. This is the political climate of the past decade into which immigrant youth activists have entered, and have created a voice for themselves.

On 21 November 2014, the day after President Obama announced his executive second action on immigration (DAPA) ⁶, the *Indianapolis Star* briefly ran an editorial cartoon in response which depicted a brown family climbing through a window into a white family’s home. This was especially close to home for me, as the *Indianapolis Star* is a newspaper in the capital of the state where I was living at the time, in Indiana. The cartoon employed the racist trope of a man of color with a large mustache threatening a white woman (as depicted by the scared look of the white daughter), while the white father dryly announced to his shocked family that “Thanks to the president’s immigration order, we’ll be having extra guests this Thanksgiving” (referring to images from [22]). After the cartoon was overwhelmingly criticized as racist, the *Indianapolis Star* responded by first removing the mustache of the main window-climber and then deleting the cartoon from its site altogether, with the following apology from the newspaper editor: “the depictions in this case were inappropriate (the cartoonist, Gary Varvel) intended to illustrate the view of many conservatives and others that the president’s order will encourage more people to pour into the country illegally” [23]. The fear that Gary Varvel’s cartoon depicts, that immigrants inherently bring about scarcity and violence, is the hostile and dehumanizing discourse immigration supporters and DREAMers encounter in the public sphere.

Political theorist Samuel Huntington employs the term “societal security”, to describe this fear, which is concerned with maintaining “identity, the ability of a people to maintain their culture, institutions, and a way of life” ([24], p. 181). Mirroring the sense of threat and urgency invoked by “national security” discourse, Huntington goes on to say, “In the contemporary world, the greatest threat to the societal security of nations comes from immigration” ([24], p. 181). Notably, he warned that large scale Latino immigration in particular, could “change America into a country of two languages, two cultures, and two peoples” ([24], p. 256), which Huntington viewed as a deterioration of the nation. Huntington’s emphasis on cultural assimilation (to Anglo-Protestant values) as the strength of the U.S.,

⁶ This is another deferred action program, called the Deferred Action for Parental Accountability (DAPA). To qualify, an individual must have arrived in the U.S. as least five years before applying, and be *either* a parent of a U.S. citizen or lawful permanent resident who arrived the U.S., *or have been* sixteen or younger when they arrived in the U.S. regardless of how old they are today. Additionally, immigrants are required to pass criminal and national security background checks, pay back taxes, and pay an application/processing fee. The executive action as stated will only ever apply to migrant arrivals *before* 1 January 2014. Those excluded from the action include parents of DACA youth (Deferred Action for Childhood Arrivals, a previous executive order), seasonal workers, domestic violence victims, people with felonies and black immigrants, and LGBT youth and people convicted of low-level crimes. While President Obama’s latest immigration order will be a welcome and necessary relief for some, it decisively reinscribes a permanently rightless status for many more (see [13,19–21]).

and the perceived threat of subnational and supranational identities to the unity and stability of the nation, is emblematic of this discourse.

Brown's analysis would trace discourses like Huntington's back to the defensive, nationalistic, and militarized subjectivity that are produced by walls. Brown cautions that walls do not carry intrinsic, static meaning, but are rather in an ever changing relationship with discourses: walls are influenced by their particular historical, political, and physical contexts, just as they in turn shape these aspects; "walls", she notes, "are potent organizers of human psychic landscapes" ([8], p. 74). Huntington's fear of the deterioration of American identity and culture because of the existence of unassimilated identities like the DREAMers is informed by the discourses of fear and invasion that the U.S. border walls reinforce.

Historically, group identities have stemmed from a variety of sub-national and supra-national characteristics (including religion, ethnicity, socioeconomic class, *etc.*), but the nation-state, as the source of laws, has been the only entity able to bestow legitimate claims to rights, through citizenship. I acknowledge, with Brown, that in the current moment of the post-Westphalian era, no other political structure is recognized to fulfill these functions of the nation-state ([8], pp. 67–68). States play a continuing role as signifiers of belonging and protection, and the lack of a legally recognized relationship with a state leaves individuals as abject, at least in the eyes of the state, and cast out from political life. The human rights discourse still requires articulation and action from nation-states, through self-adoption of human rights within the borders of the nation-state, or through intervention *on behalf of* human rights into the affairs of other nation states.

Brown argues that "the new walls iterate, in this regard, a vanishing political imaginary in a global interregnum, a time after the era of state sovereignty, but before the articulation or instantiation of an alternate global order" ([8], p. 39). I interpret Brown's "global interregnum" as an opening to possibility, an opening where the demands of unauthorized immigrants could be recognized, as it is simultaneously *before* a new global order has been articulated and *after* the sovereignty of nation-states has been destabilized. Neoliberal rationality reflects the transfer of sovereignty from the nation-state to capital. In the process of this transition there is still a pause that holds open the possibility for an accountability and contextualization that are outside the liberal order. This possibility would substantiate neither global citizenship or human rights, both rights based discourses, but has the potential to nurture belonging and space in political life. Unauthorized immigrant youth dream of, organizes for, and act on the possibility for a political voice and presence for transnational communities of belonging, even as they are met with opposition from walled subjects that is paranoid and nationalistic.

5. "Undocumented, Unafraid, and Unapologetic"

After years of organizing and campaigning for the extension of liberal democratic citizenship to a select group of immigrant youth through the DREAM Act, dissident voices within the movement were able to pivot political strategy towards recognition of a deviant citizenship that was already being lived and embodied by unauthorized immigrants. The organization United We Dream was born out of this shift of political reorientation—after the DREAM Act proposal failed in 2007, national immigrant youth leaders and supporters committed to building an immigrant youth movement that set its own goals, had its own resources, and took actions *without* the precondition of votes in Congress [25]. This change was a reflection of emerging beliefs about equality that shaped the discourse and actions of the

DREAMers that followed. Nicholls writes, “Being able to speak in the public sphere was viewed as a precondition of equality, so *the act of representing became not simply a means to an end, as the association believed, but rather an end in its own right*” ([6], pp. 16–17, emphasis added). This shift in political strategy, organizing *beyond* the passage of the DREAM Act, marks a shift from a focus on gaining rights and citizenship to a focus on the process of self-advocacy and equal political presence, *regardless* of legal citizenship status.

Out of this commitment to a political presence that was self-representative, grew the strategy of “coming out”, and publicly declaring unauthorized status ⁷. Coming out and asserting oneself as “undocumented, unafraid, unapologetic” was a move away from the “exceptional immigrant” discourse that had constituted the DREAMers’ political identity previously. I agree with Nicholls’ characterization of this shift, when he states that,

The aim of dissident DREAMers was to collapse the boundary between the two [being American and unauthorized] and assert that one can be both simultaneously. Moreover, the assertion of being “unapologetic” presented a further challenge because it defies national ideas of acceptable behavior from immigrants. The brash statements of the DREAMers challenge the established norms of Americanness and do so *unapologetically* ([6], p. 125).

Trying to represent a rightless group, like unauthorized immigrant youth, as deserving means accounting for and negating the criminal figure (“illegal alien”) that their body portrays, and often the result of this is to displace and criminality onto another easily recognizable criminal figure (“gang members” or “terrorists”). Emphasizing the ability to simultaneously be part of the nation *and* unauthorized allows space for practices of everyday life in the nation to be voiced unapologetically, and shifts the focus from judgments on individuals, which reads illegality as a crime, to a structural critique that highlights the inherently exclusive nature of immigration and citizenship policies.

Abandoning the discourse of value is a break from divisive competitions of who is most deserving; this shift allows for a broadening of the DREAMers’ discourse to include the importance of family unity and a critique of the violence of deportation. It may be impossible to completely abandon the discourse of value, and the value DREAMers continue to put on non-criminality, the family, and working continues to reinscribe criminal figures as their antithesis, but it is a huge transition away from the discourse of the “exceptional immigrant”. Unauthorized artist and activist Julio Salgado reflects,

The DREAM Act hasn’t passed. Comprehensive immigration reform hasn’t passed. But the fact that I’m able to sit in front of somebody and say I’m undocumented and you can use my real name? That’s because we’ve created a community that we know is going to be behind us. I’m so comfortable about being open about this because I know people are going to have my back. And this has happened because of people fighting at the forefront, even though people weren’t going to be on their side [29].

Julio Salgado’s comfort in being open about his unauthorized status is in stark contrast to that of *New York Times* journalist Jose Antonio Vargas, and yet Vargas, too, was willing to publicly declare

⁷ Queer unauthorized immigrant youth have been instrumental in the shift of unauthorized status from an abject status that was criminalized to an act of defiance, and source of empowerment. For more detailed description of the intersection between queer politics and the immigrant rights movement, see [26–28].

his unauthorized status in a public forum when he wrote and published an article about his life experience in the *New York Times*. The transition to messaging of “undocumented, unafraid, and unapologetic” for the DREAMers was a catalyst for creating an inclusive community where unauthorized immigrants could be public about their status without being immediately deported.

Actions like the DREAM 9 and Bring Them Home expose the tensions of “extreme and intimate inequality” that Brown names as discursively blocked by walls when she writes,

Today, rich and poor, colonizer and native, First and Third World live virtually and actually in ever greater proximity. The result is a world of extreme and intimate inequality deprived of strong legitimating discourses—part from neoliberalism’s giant “whatever” shrug. For the predicament this condition produces for those wanting to understand themselves as justice-minded and good, or at least innocent, walling offers several discursive exits. Mobilized to depict discursively what it blocks as lawless invaders, walling literally screens out a confrontation with global inequality or local colonial domination. It facilitates denial of the dependency of the privileged on the exploited and of the agency of the dominant in producing the resistance of the oppressed ([8], p. 122).

The Dream 9, Dream 30, and Bring Them Home campaigns mentioned at the beginning of my analysis block off the discursive exits from responsibility that walls provide, and then go a step further by contesting the physical power of the nation-state border in order to draw attention to both the paralysis of unauthorized status within the U.S., and the high rate of deportations under President Obama. The action of publicly declaring unauthorized status at a legal port of entry and asking for asylum was criticized by allies and staunch opponents alike as personally dangerous and counter-productive within a larger strategy for legislative immigration reform [30]. Here again the drawn potential for legal reform arises as a disciplinary practice, attempting to dissuade and discredit activists. But aren’t activists supposed to disrupt the status quo, find the cracks of potential for real change, and push for them? Deviant voices expand political horizons.

6. Conclusions: Citizenship in a Post-Westphalian Era

The DREAMers are not an isolated movement—the global labor market has created underclasses of unauthorized non-citizens everywhere there is industry large enough to demand it. A system that ties rights to the nation of one’s birth leaves many rightless after migrating across nation-state borders, and a politics of deviance speaks from that place of social death. The activism of the DREAMers within the U.S. is an example of what mobilization around a deviant citizenship can look like.

Moreover, the assertion of a right to politics by unauthorized immigrant youth is an embodiment of resistance that does not contextualize itself within the legal framework of the nation-state. This is not to say that ideals of nationalism and the realities of living within a nation-state are strategically engaged by the DREAMers, but rather that their political vision is not bound by them. This is particularly important within the emerging post-Westphalian era that Wendy Brown articulates. While nation-states will continue to hold tremendous power, it is imperative to re-frame the way that we look at resistance around rights to look beyond the nation-state to address and engage with transnational forces that shape our present political context.

The history of the DREAMers in the U.S. show the possibility for a framework of belonging, support, and advocacy that is distinct from the nation-state, as DREAMers publicly declare their status as “undocumented, unafraid, and unapologetic”. The public presence of unauthorized immigrant youth has created a political force over the last decade that mobilizes to end deportation, keep families together, advocates for labor, health, and education rights, and works to protect the livelihoods of unauthorized immigrants, all while denied the legal status and protection of citizenship.

I argue with Lisa Marie Cacho that human rights discourse falls short of liberation for those who are legally deemed rightless. In Cacho’s words, “demands for humanity are ultimately disempowering because they can be interpreted only as asking to be given something sacred in return for nothing at all. By definition an inalienable right cannot be taken or given away, and, therefore, it cannot really be reconferred. Regardless of citizenship status, whether people of color deserve rights and resources is often questioned because those with social privilege often still interpret economic, social, political, and/or legal integration as a (conditional)/gift.”([7], p. 7).

Because of this, I am not satisfied by the argument that cosmopolitan politics are the “solution” to the crisis of citizen rights, as a way of conceiving of rights in a post-national context ([31], p. 125). Cosmopolitan politics do not address a “crisis of rights”, because the comparison of the national and international scales as parallels reveals cosmopolitan politics as an expansion of the liberal order to a global scale, with the ability to grant recognition and rights transferred from the nation-state to international bodies, such as the UN and the Bretton Woods institutions ([31], p. 131). Cosmopolitanism changes the scale of the rights discourse from the nation-state to a transnational body, but it does not address the inherent exclusivity of rights discourse.

In contrast, deviant citizenship is an inalienable right, a self-actualized assertion of belonging and identity with a community that is not bounded by nation-state borders or laws. However, deviant citizenship is not a replacement for liberal democratic citizenship; nor a call to abandon the current system of rights and citizenship. Instead, deviant citizenship, as embodied by the DREAMers, is a critique of the limits present with citizenship granted by nation-states within a globalized world. Deviant citizenship is a mode of resistance and survival for those living within the nation-state and yet permanently excluded as their every action is always already illegal because their very presence is deemed illegal. Unauthorized immigrant youth are at the center of this tension, establishing a political presence that privileges the social embeddedness of family ties and community above the notion of individual choice or individual rationality.

Conflicts of Interest

The author declares no conflict of interest.

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