

Documenting the “Undocumented”

An Ethnography of DACA from Southern Michigan

by

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To Rosa and Isabel,  
for welcoming me into their America.

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## INTRODUCTION

Early in the afternoon on Friday, June 15, 2012, a beautiful summer day in Washington, President Obama and his domestic policy staff gathered in the White House Rose Garden to hold a press conference. Over the chirping of songbirds, Obama welcomed the small crowd and began his prepared address. He announced that his administration would be making changes to the nation's immigration policy to make it "more fair, more efficient, and more just...for certain young people sometimes called 'DREAMers'" (White House 2012). Effective immediately, at the directive of Department of Homeland Security (DHS) Secretary Janet Napolitano, "certain young people who were brought to the United States as young children, do not present a risk to national security or public safety, and meet several key criteria" would be eligible for deferred action—meaning, relief from the possibility of being deported—for two years, subject to renewal, and they would be eligible to apply for work authorization (DHS 2012). The new process, known as Deferred Action for Childhood Arrivals, or DACA, would be implemented by DHS "over the next few months" (White House 2012).

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Halfway across the country, in Michigan, Sergio was on his way to Lansing from his home in Grand Rapids, to attend an event at a nonprofit organization he used to work for. En route, he received a text message from a friend, asking him if he knew about the announcement President Obama had made earlier that day, about a change in immigration policy. No, Sergio replied, he had not heard about it. His friend messaged back with more details: apparently some undocumented people would now be able to apply to get a work permit and a Social Security number.

Sergio's first reaction was skepticism. He had spent the past ten years living as an undocumented person in the United States—no driver's license, no passport, no Social Security card, no employment authorization. He and his family migrated to Michigan from Mexico when Sergio was just eleven years old. Sergio grew up attending public schools in west Michigan and he speaks English confidently, although he considers Spanish to be his better language. Like many other undocumented young people,

Sergio is proud of his heritage, but he thinks of himself as an American, even if he does not have official United States citizenship. He feels a swell of pride when he sings “The Star Spangled Banner” in school and at sporting events; sometimes he gets the impression that his patriotism upsets people who know about his unlawful status.

Sergio’s encounters with these kinds of attitudes never discouraged him from being a vocal advocate for immigrants’ rights. During high school, he worked with various state and national nonprofits as a community organizer, campaigning for immigration reform. Just after his graduation in 2011, the fight became much more personal for Sergio: his father was apprehended and deported by Immigration and Customs Enforcement (ICE). His mother returned to Mexico soon thereafter, taking Sergio’s younger siblings with her. Rather than give up on his dream of becoming a U.S. citizen, Sergio stayed in Michigan with his older brother and started to share their story in increasingly public settings, hoping to spread awareness about the impacts of current immigration policy on families living in the United States. He spoke at public schools and universities, conferences, and churches. Then, in 2012, Sergio’s older brother was arrested by ICE and put in deportation proceedings. With the help of activist friends, Sergio and his brother hired an attorney to fight the deportation order, ultimately to no avail. His older brother was deported to Mexico, and Sergio found himself alone in the United States. Despite the emotional upheaval caused by his separation from his family, Sergio still desperately wanted to live his life here in the United States, his home.

So when Sergio’s friend told him that President Obama had announced a change in immigration policy that would allow some undocumented people to apply for official papers that would allow them to live and work in the United States, Sergio was sure the news was too good to be true. From his phone in the car, he logged onto Facebook to check the pages of various immigration organizations and the posts of fellow undocumented friends. And there it was, they were all talking about it: the DACA program—Deferred Action for Childhood Arrivals.

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## **DACA IN CONTEXT**

The President's announcement of Deferred Action for Childhood Arrivals (DACA) and his promise that the new process would be swiftly implemented speaks to the political expedience of DACA for the Obama administration as the 2012 election approached. During the first term of Obama's presidency, campaign pledges of comprehensive immigration reform did not result in any changes in U.S. immigration law. The Development, Relief, and Education of Alien Minors Act, or DREAM Act—which would provide a path to citizenship for undocumented high school graduates and GED recipients who attend college or serve in the armed forces—once again failed to pass in Congress when it came up for a vote in 2010 (IPC 2011a). Undocumented young people who would qualify for this pathway to legal status, commonly referred to as “DREAMers,” became increasingly disheartened. Their worries grew as they witnessed the threat of deportation actually increase during Obama's presidency (Gonzales and Chavez 2012; see also Medrano 2010 and Slevin 2010); in the fiscal year preceding the 2012 election, the administration deported an “unprecedented 409,849 people” (Dade 2012).<sup>1</sup> Politically active DREAMers responded by agitating for relief from deportation with increasing volume and coordination, staging marches, sit-ins, and rallies near campaign offices and immigrant detention centers (Jordan 2012). Many Hispanic and Latino voters shared in the DREAMers' frustration and disappointment with the President's failure to act on immigration reform during his first term in office (Dade and Halloran 2012). By granting temporary relief from deportation to DREAMers through DACA, Obama was able to address mounting criticism from the most vocal contingent of the immigrant population and symbolically reaffirm his administration's commitment to comprehensive immigration reform on the eve of the election.

The DACA process certainly came to fruition at a politically opportune moment, but the practice of granting deferred action to certain undocumented people also builds on previous policy changes by the Obama administration. In early 2011, the administration launched a series of initiatives to restructure how the Department of Homeland Security (DHS) enforces immigration law. John Morton, Director of Immigrations and Customs Enforcement (ICE), issued a memorandum in March 2011 identifying “national security, public safety, and border security” as the agency's “highest enforcement priorities”

and directing all ICE employees to concentrate enforcement, detention, and removal resources on “aliens who pose a danger to national security or a risk to public safety” (Morton 2011a). In June 2011, Morton issued another memo explaining how ICE personnel should “exercise prosecutorial discretion to ensure that the agency's immigration enforcement resources are focused on the agency's enforcement priorities” (Morton 2011b). As Morton defines it, prosecutorial discretion is “the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual” (Morton 2011b). Prosecutorial discretion was not a new power for ICE; on the contrary, “the authority to exercise discretion in deciding when to prosecute and when not to prosecute based on a priority system has long been recognized as a critical part of U.S. law [...] in civil, administrative and criminal contexts” (IPC 2011b). In the realm of immigration law, a favorable exercise of prosecutorial discretion might result in a grant of deferred action, the closing of removal proceedings, or a stay of deportation (IPC 2011b).

In August 2011, DHS Secretary Janet Napolitano implemented the June 2011 Morton memo across all DHS divisions, encouraging the use of prosecutorial discretion in keeping with the established immigration enforcement priorities. DACA is grounded in the exercise of prosecutorial discretion and epitomizes the subjective, unaccountable nature of this power. The DACA process offers certain undocumented young people the ability to request relief from removal on the basis that they are “low enforcement priorities,” if they can provide “verifiable documentation” that they meet the eligibility criteria<sup>2</sup> (DHS 2012). Government officials working for United States Citizenship and Immigration Services (USCIS) decide to approve or deny deferred action for these young people, whom I refer to “DACA requestors,” on a case-by-case basis by judging the documentary evidence of eligibility that young people submit with their requests. Because USCIS officials grant DACA according to prosecutorial discretion rather than by law, their decisions on each case are final; discretionary determinations are not subject to appeal (USCIS 2013b). These officials issue their determinations by letter from distant offices rather than through open exchange in public courtrooms, making for an opaque legal process with little accountability and no clear feedback on why some requests for DACA succeed and others fail.

Beyond resulting in an inscrutable review process, granting deferred action by prosecutorial discretion rather than by law means that DACA is inherently politically precarious. A future presidential administration could decide to exercise prosecutorial discretion differently, according to its own immigration enforcement priorities. Under different executive leadership, DHS might decide to reinstate the prosecution of young people currently eligible for DACA, making them once again subject to detention and deportation. DACA's basis in prosecutorial discretion, as opposed to legislative authority, is what differentiates it significantly from the proposed DREAM Act. Though both aim to provide relief for the same group of people—undocumented youth who were brought to the United States as children, have resided in the country for a prolonged period, and have been educated in U.S. schools—the DREAM Act, as national law, could bestow rights and legal status that DACA, as administrative policy, cannot. Favorably exercising prosecutorial discretion “confers no substantive right, immigration status, or pathway to citizenship” to undocumented young people (DHS 2012); all they receive at the end of the challenging process of proving their eligibility for DACA is a temporary, conditional deferral of deportation.

## **DOCUMENTING THE “UNDOCUMENTED”**

In this thesis, I argue that the DACA process reveals the critical significance of material culture in the lives of people we typically think of as “undocumented.” As does everyone in today's world of electronic records, social media, and digital materiality, the young people who file for DACA produce many “documents” as they move through their daily lives. They send text messages, take photographs, post Facebook statuses, and make cell phone calls. Most people living in the United States, who have passports and Social Security cards and driver's licenses, can afford to ignore or forget about these material traces of their presence in this country; people seeking relief from deportation cannot. Faced with a strict list of DACA eligibility requirements to prove on paper, young people with little or no official documentation come to recognize the evidential value of everyday objects. Drawing on the ordinary material culture of their lives, DACA requestors creatively construct their own documented existences to

submit as evidence of their eligibility for deferred action. Through the process of assembling papers into a file and submitting the file to the government, this everyday material culture becomes official, verifiable documentation with the power to allow young people to lawfully remain in this country. I argue that DACA thus provides valuable insight into how documents are made, and how they produce and enact the boundary between citizen and non-citizen.

In Chapter 1, I describe how and why young people request DACA. In the moment that they learn about the possibility of filing for deferred action, young people eligible for DACA find themselves in a strange, new relationship to the state. Previously, as unwelcome, undocumented migrants, these young people avoided interactions with agents of the United States government at all costs, fearing that any encounter with the state would result in their deportation. With DACA, the Obama administration now offers them the option to openly engage in a legal process that requires them to document their unlawful presence in exchange for the possibility of two years of deferred action and work authorization. Undocumented young people must evaluate the freedom and relief of being documented against the legal, economic and social consequences of removal, as there is no guarantee that future presidential administrations will renew DACA. Weighing the risks and rewards of filing for DACA is immensely challenging for people who grew up in the proverbial “shadows” of American society and who are unfamiliar with the bureaucracy of immigration law. Accordingly, eligible young people draw on their networks and resources to connect with trusted lawyers or other sources of legal advice to help them navigate the DACA process. Some young people attend inexpensive DACA legal clinics; others spend hundreds or thousands of dollars to hire private attorneys. Both nonprofit and private legal providers work with young people to help them craft convincing DACA requests.

In Chapter 2, I detail how young people represent themselves in their DACA requests and how they use material culture to support their claims of eligibility for relief from deportation. During the DACA process, which requires “undocumented” young people to provide “verifiable documentation” of their unlawful presence within the United States, everyday objects take on new and critical significance. Lacking most official documents, DACA requestors seize upon the ordinary materiality of their lives as

proof of their eligibility for relief from deportation. They flesh out their DACA case files with screenshots of Facebook posts and receipts for library fines, with text message histories, dentist appointments, and parking tickets. DACA requestors also include evidence of their contributions to their communities: volunteer service letters, certificates of achievement, school awards. With the assistance and oversight of their legal providers, young people select the pieces of evidence that both prove their eligibility for DACA and convey positive representations of their citizenship and participation; they assemble these chosen items into powerful material collectives. Through the DACA process, ordinary material culture, printed out, collected and submitted as evidence, is transformed into official, verifiable documentation. Approved young people emerge from the DACA process with government-issued papers that allow them to legally remain in the United States.

In Chapter 3, I examine how young people's lives change after they are approved for DACA. To a certain extent, having official documentation from the United States government reduces the everyday fears and paralyses attendant to an undocumented existence. The Social Security card, work permit and driver's license that accompany DACA approval give young people increased physical mobility, expanded economic opportunity, and greater social ease. Approved DACA requestors can drive to work without the fear of being pulled over and deported. They can apply for better paying jobs and pay for school. They can go out to clubs and bars with their friends like ordinary young adults. With official documentation, young people who have always considered themselves Americans finally feel a measure of recognition and acceptance from the country they call home. Yet for all these positive changes that come with DACA, young people still have significant needs and wants that DACA does not address. The barriers to education, travel, and long-term security that they lived with before deferred action still remain after DACA. Approved young people are not guaranteed eligibility for financial aid at public universities, nor can they apply for federal loans to make higher education more affordable. They do not have the freedom to travel outside the country, so they continue to live separated from their Mexican family, heritage, and history. Young people still have to worry about the possible deportation of non-eligible family members, and they must worry about their own futures, too. DACA is at best a temporary



reprieve; as an administrative policy rather than a national law, it is always politically vulnerable to being changed or revoked at any time. Encountering these familiar obstacles reminds young people that while they may be “DACAdmented,” they are still not documented in the way that U.S. citizens or permanent residents are documented; they cannot yet live and work and be as fully human people.

## **THEORETICAL FRAMEWORK**

The central theoretical focus of my thesis is material culture, and I build my arguments primarily in conversation with Daniel Miller’s (2010) theories of materiality. In particular, I engage Miller’s concepts of “the humility of things” and “objectification” as I explore how material culture operates in the DACA process. How do young people use material culture to represent themselves as they makes DACA claims? What types of documents do DACA requestors use as evidence, and how does that change their relationship to materiality? How does having or lacking certain kinds of material culture shape the lives of certain marginalized people? These are the theoretical questions I investigate in my thesis.

Miller (2010) argues that the “humble” everyday materiality that surrounds us determines how we think and act all the more profoundly because we take it for granted; he refers to this property of material culture as “the humility of things.” Many of the items that DACA requestors use as evidence—library card records, text messages, Facebook status updates—are just such humble things, most often forgotten or ignored in the course of daily life. Yet the immense significance that these everyday objects quickly acquire for certain undocumented people during the DACA process reveals Miller’s notion of “the humility of things” to be both too static and too generalized. Drawing on Kopytoff’s (1986) concept of the evolving “biography of things,” I assert that material culture is much more dynamic than Miller’s theories suggest. As young people engage in the process of requesting DACA, everyday objects change from being humble things to being life-changing evidence. A long-forgotten Facebook status update can become a critical piece of proof for a person trying to demonstrate their eligibility for deferred action. It follows that the DACA process also shows Miller’s articulation of “the humility of things” to be too decontextualized. A Social Security card may be a “humble” object for a U.S. citizen, forgotten

somewhere in the drawers of an old desk. But for a newly approved DACA requestor, such state-issued documents hold critical importance; formerly undocumented people are acutely aware of the power of these “ordinary” documents. Miller’s theory does not account for how different juridical or sociopolitical statuses impact how various individuals and groups of people think about, interact with, and are shaped by material culture.

“Objectification”—Miller’s (2010) notion that the things people create to enhance their lives also have the potential to oppress them—is useful in explaining how and why DACA requestors and their lawyers carefully select the documentary evidence that they submit to the government. Objectification suggests that some pieces of materiality are helpful to include in DACA case files, while others are hurtful. In the eyes of the USCIS official reviewing a DACA case, a volunteer service award might come to symbolize citizenship and participation, whereas pay stubs from an under-the-table job evoke stereotypes of “illegal immigrants.” Young people manage objectification by attentively curating their files, including some documents and omitting others to create particular representations of themselves. The DACA process thus demonstrates the importance of objects as collectives, as opposed to single items, a critical property of materiality that Miller’s theories do not adequately address. Drawing on Callon and Law’s (1995) concept of the “hybrid *collectif*,” I contend that agency emerges from objects-in-relations. Well-crafted collections of material culture have the power to assert a DACA requestor’s eligibility to remain in the United States.

This ethnography of the DACA process contributes to the study of documents and materiality in several important ways. First, the creative ways that young people redefine and use ordinary objects as evidence of their eligibility for DACA demonstrates the dynamism of everyday things, which constantly shift between triviality and importance depending on context. Second, the deliberate, meticulous process by which DACA requestors and their lawyers gather, select, and assemble evidence for DACA files indicates the significance of material culture as collectives and shows how agency emerges from the relations between things. Finally, a careful comparison between the undocumented life and life after DACA approval illuminates the critical importance of material culture in the lives of politically, socially

and economically marginalized people. Material culture proves both an essential resource and a powerful constraint for young people requesting DACA.

## **THE ETHNOGRAPHY**

This study is an ethnography of the legal process of Deferred Action for Childhood Arrivals (DACA) rather than of a particular group of undocumented people requesting DACA. I make this distinction as Susan Coutin (2000b) does in her ethnography of Salvadorans' efforts to negotiate their legal identities, for similar reasons. Like Coutin, I interviewed different categories of people involved in this legal process, including DACA requestors themselves, immigration attorneys working for nonprofit organizations, private legal-service providers, and community activists seeking to educate young people about DACA and to provide low-cost or free legal services. My research does not focus on a particular community; the people whom I interviewed about their DACA processes lived in different parts of southern Michigan, and few of them knew each other. (The activists and legal providers whom I interviewed often did know each other—or at least were familiar with each other's organizations—and belonged to overlapping professional networks.) I conducted my research about the DACA process between May and October of 2013, in the months just before and after the first anniversary of the DACA program, on August 15, 2013. My research uses a mixed-methods approach, combining a micro case study of the lives of two DACA requestors with a larger body of survey-based interviews with DACA requestors, immigration lawyers, and community activists.

My micro case study centered on Rosa and Isabel, two Mexican sisters who grew up undocumented in southwest Detroit. Both women requested and received DACA, Rosa in February 2013 and Isabel in November 2013. I first met Rosa a few weeks after her DACA approval, as I was scouting the charter school where she and Isabel work as a potential site for a photography project. Rosa agreed to be the subject of my photographic essay, and we became fast friends over the following weeks as I photographed her daily life. After my photo project concluded, I continued to spend time with Rosa and Isabel, regularly visiting them at the charter school and at their family home. Both places were rich

environments for observing how the sisters' changing juridical statuses shaped their everyday interactions and attitudes. We spoke about undocumented life and the DACA process in informal conversations, and I also conducted formal, survey-based interviews with both sisters.

For my larger body of survey-based interviews, I focused on community organizations and their clientele, first reaching out to nonprofit legal-service providers and immigrants' right organizations across southern Michigan, in the cities of Detroit, Lansing, Grand Rapids and Kalamazoo. My initial interviewees at these organizations referred me to other people willing to speak with me about their experiences with DACA, and these referrals—often from a lawyer to a current or former client—were my primary way of identifying and connecting with DACA requestors. Because I found my interviewees through these community networks, I tended to meet people who were currently filing for DACA or who had already received approval for deferred action rather than those who decided not to request DACA out of fear, lack of resources or disinterest.

I interviewed a total of fifteen community activists, legal-service providers, and young people with pending or completed DACA requests. All interviews were tape-recorded, with the permission of interviewees. Pseudonyms have been used for all interviewees throughout this text. Interviews with activists focused on the history of their organizations' activism; their understandings of the DACA policy and its significance for undocumented young people; their experiences working with DACA requestors and filing DACA requests; and their opinions of U.S. immigration policy and ongoing reform efforts. Most community activists were Mexican and some were formerly undocumented. Interviews with legal-service providers focused on their approaches to connecting with DACA clients; their strategies in representing clients and crafting DACA case files; their understandings of and opinions about the DACA policy and its significance for undocumented young people; and their opinions of U.S. immigration policy and ongoing reform efforts. Most legal-service providers were not Mexican or Hispanic, but many had worked in Spanish-speaking communities for years. Interviews with DACA requestors were often set up with the assistance of lawyers and community organizations. These interviews were generally conducted at locations of their choosing—homes, coffee shops, or community organization's offices. Interviews

covered their discovery of DACA and their path to legal services; their anxieties about filing for DACA; their strategies for gathering and selecting documentary evidence; their opinions of U.S. immigration policy and ongoing reform efforts; and their assessments of the significance of DACA approval in their everyday lives and relationships. In addition to meeting the eligibility requirements for DACA, the DACA requestors I interviewed shared several other notable characteristics: all of them were of Mexican origin, had lived in the United States for at least ten years (DACA only requires proof of five years of continuous residency), had college aspirations or diplomas, and were relatively financially secure.

I started this thesis research because of an undergraduate course on undocumented migration, taught by Jason De León, who later became my advisor for this project. The ethnographic studies that I encountered in that course opened my eyes to the hardships and violence and ironies that pervade certain people's lived experiences of United States immigration law and policy. As someone privileged to be an official legal citizen of the country I call my home, I had never before considered how profoundly a person's juridical status determines their ability to live life as they want to, close to the people they love and pursuing the dreams that inspire them. My conversations with lawyers, activists, and especially with DACA requestors deepened my awareness of this ever-present boundary between citizen and non-citizen, which dehumanizes as it divides. I persisted in the research and writing of this thesis out of both incredulity and frustration that such a borderline continues to exist between me and other Michigan-raised, English-speaking, American young people.

## CHAPTER 1: Discovering DACA

### FINDING OUT ABOUT DACA

Sergio's story of the text that alerted him to DACA illustrates how quickly undocumented young people in southern Michigan circulated news of deferred action using interpersonal networks and social media. Many of the DACA requestors I spoke with learned of the program within hours of its announcement through text notifications from immigrants' rights organizations or excited friends and family members. Rosa and Isabel both got the same text from a local activist group; Isabel remembered the message said something like: "All DREAMers, the deferred action has passed." Eduardo saw the DACA announcement on the news before he left home for the cell phone store in southwest Detroit where he works as a sales associate. He immediately called his cousin, who congratulated him: "This is it, you're finally going to get your papers and your driver's license!" Eduardo said he "went to work very happy," "so excited" about the prospect of getting official documents. Manuel heard about DACA a few days later, at his church. After mass, the priest talked about the program and told parishioners that they could meet with attorneys from the local diocese's Immigration Legal Services to get more information.

Other young people more active in the fight for immigration reform knew about DACA long before Obama's June 15 press conference from the Rose Garden. As I described in the Introduction, the months before the 2012 presidential election saw activists demanding deferred action as a small step toward the comprehensive immigration reform that the administration had failed to deliver during Obama's first term. Community organizers nationwide used rallies and sit-ins to pressure the President to create the program in the months leading up to the day that the Obama administration finally announced DACA (Jordan 2012; O'Brien 2012). Luis and Undocumented Youth Unite, his undocumented-led immigrants' rights organization in southeast Michigan, participated in a national protest campaign organized by the National Immigrant Youth Alliance (NIYA). Young people from Denver to Oakland to Miami to Detroit staged sit-ins in Obama's campaign offices, some sporting graduation caps and gowns to emphasize their United States education and their dreams for college (Abbey-Lambertz 2012; Hing

2012) (see Figure 1.1). Some of Luis's fellow protestors were still occupying Obama's campaign office in Dearborn, MI when word of the announcement spread.

*Luis: We helped make [DACA] happen. We were very influential in the process. We knew for months that there was something in the works, but we were getting tired of waiting and waiting. Obama had been deporting millions of people all over the country, and he was running for reelection, and we're like, "We're not going to let you win if this continues." We decided that we needed to put pressure on the President. So we decided here in Michigan to take over his Dearborn, Michigan office, and then other folks all over the country decided to take over his campaign offices. And as a result of that, three days after we occupied their offices, Obama comes on national television and says, you know, this is the right thing to do, to help undocumented youth, and DACA was announced. So it was a direct response to the actions that we did, that DACA happened.*



Figure 1.1 Young people from Undocumented Youth Unite occupy Obama's campaign office in Dearborn, MI in June 2012. [Source: *Huffington Post*, [http://www.huffingtonpost.com/2012/06/15/michigan-undocumented-youth-obama-pledge-youth-deportations-\\_n\\_1601315.html](http://www.huffingtonpost.com/2012/06/15/michigan-undocumented-youth-obama-pledge-youth-deportations-_n_1601315.html).]

For Luis and other political activists—a relatively small subset of the undocumented community—deferred action was a possibility that they envisioned, pursued and achieved, a minor but positive concession in the ongoing battle for comprehensive immigration reform. But for many other undocumented young people, deferred action was a possibility they had not considered. They had focused their hopes for the future on the DREAM Act, with its promises of support for higher education and a pathway to citizenship. While young people were excited that DACA would make some sort of security possible, it was hard to ignore the gap between DACA and their dreams. The texts, phone calls, news stories, and Facebook posts that spread word of deferred action introduced young immigrants to a new, potentially life-changing process that they needed to learn more about. Above all, people wanted to know if they would be eligible for DACA, how they could get approved for relief, and what that approval would do to make undocumented life more livable. To answer these questions, most young people looked to local advocacy organizations or immigration attorneys, who in turn reached out to the undocumented community as the promised launch of the request process approached.

## **CONNECTING WITH LEGAL SERVICES**

In her official memorandum on DACA, Department of Homeland Security (DHS) Secretary Janet Napolitano stipulated that USCIS and ICE begin to implement the DACA application process within sixty days (DHS 2012). On August 15, 2012, the same day that USCIS was scheduled to post the paperwork to their website, Michigan United, a grassroots organization for social and economic justice, hosted a live, community-wide DACA workshop in Detroit. At the workshop, trained volunteers screened potential DACA requestors to determine whether or not they were eligible for the program. Once pre-screened by these volunteers, requestors could continue on to a free legal consultation with immigration attorneys on-site. Over three thousand people attended, including potential requestors, their families, and their friends. Brian, a former executive at Michigan United, was amazed by the turnout:



*Brian: It was way more than we expected. We had high hopes and we knew that the buzz was in the community, but we had no idea that it was going to be that dramatic. Upwards of a thousand of those [who attended] were actually applicants themselves.<sup>3</sup>*

Eduardo, one of the DACA requestors I spoke with, frequently volunteered with Michigan United on their immigrants' rights campaigns, and he helped to screen potential requestors at the August 15 workshop. Eduardo said that Michigan United purposefully scheduled the workshop to coincide with the date of the launch to hold the Obama administration to its promise.

Michigan United lacked trust in the administration's ability to make good on its word. As I described in the Introduction, first Immigration and Customs Enforcement (ICE) and then the entire Department of Homeland Security (DHS) had pledged to exercise prosecutorial discretion to focus their resources on removing the people most dangerous to the country, in accordance with the 2011 Morton memos (IPC 2011b). Yet the Obama administration continued to record numbers of undocumented people, including students, parents with young children and people whose only criminal offense was driving without a license (Preston 2012). Given this history, the activists at Michigan United were skeptical about how effectively the administration would implement DACA. If the launch hadn't come through on time, Eduardo said, they were prepared to turn the planned workshop into a demonstration. Michigan United had its rallying cry ready to go; immigrants and advocates would shout, "Where is the application process?" in protest outside the local USCIS office.

When USCIS did launch DACA on August 15, as scheduled, activists were not the only people taken back; lawyers also said that the timely, smooth release of the program surprised them. Melanie, a lawyer who directs the Immigration Assistance Program at the Catholic Diocese of Kalamazoo, suggested that the politics of the approaching election ensured the prompt launch. Still, she praised USCIS for creating a well-functioning process:

*Melanie: I think it's been a really successful implementation of any program by the government. Normally everything comes with problems, and everything's backed up. We were all shocked at how they met their own deadline, they said they were going to start accepting applications August 15, and they held it, to the DACA. For better or for worse, the election...*

With the DACA process in place, thousands of eligible young people turned to the nonprofit sector for affordable legal services, stressing the resources of small organizations with tight budgets and limited staff. To address this overwhelming need within their financial and personnel means, many Michigan nonprofits adopted a community clinic approach similar to Michigan United's August 15 workshop. Immigrants' rights organizations, Catholic Church legal services, and independent attorneys organized regular sessions where young people could be screened for eligibility for DACA and get free or low-cost legal aid as they worked through the request process.

### **Community Clinics**

Lisa and Susan, two immigration lawyers who were working for the Immigration Services at the Catholic Diocese of Grand Rapids when DACA first launched, described their organization's approach to community clinics. Together with other groups in west Michigan, Immigration Services hosts two DACA clinics each week, on Wednesday evenings and Saturdays from 10am-2pm, usually at the Diocese or at Migrant Legal Aid, another nonprofit in the area. Lisa believes the strong, pre-established network of nonprofits helped west Michigan to "come together and set up clinics in a really positive and quick way" that was not possible in other regions of the state. Potential clients call the Immigration Services office to make an appointment for an upcoming clinic; this helps Immigration Services to gauge how many free attorneys are needed at any particular session. When people call, the office also provides a list of documents to bring to their appointment: birth certificates, passports, immunization records, report cards, school identification cards, employment paperwork.

When they arrive at the community clinic, requestors first meet with non-attorney volunteers, who ask them questions to confirm their eligibility for DACA, to ensure that they have all of the documents needed to file a request, and to rule out the possibility of alternative remedies for their immigration status.<sup>4</sup> Clients then consult with an attorney, who helps them to fill out the necessary forms and sign the paperwork.

There are three forms that all DACA requestors must submit to USCIS to accompany their documentary evidence: Form I-821D, “Consideration of Deferred Action for Childhood Arrivals;” Form I-765, “Application for Employment Authorization;” and the Form I-765 worksheet (USCIS 2013a). Form I-821D is where young people demonstrate their eligibility for the DACA program; it includes four pages of questions about identity, United States entry and status, education, military service, places of residence, and criminal history. Form I-765 is much briefer—DACA requestors provide identity information (name, address) and report their “unlawful status” (as stipulated by the DACA-specific section of the Instructions to Form I-765) on the one page application for a U.S. work permit. As a supplement to this request for employment authorization, young people must submit the Form I-765 Worksheet, reporting their current income and expenses to demonstrate their economic need for employment. These three forms, together with the supporting documents that prove requestors’ eligibility for DACA, constitute a complete DACA file.

Once requestors and their consulting attorneys determine that their files are complete, another “quality control” attorney reviews each case to make sure everything is in order. Each client then receives a final copy of their DACA file, and the office mails the request to USCIS.<sup>5</sup> If they need additional legal aid later in the DACA process—because of a Request for Evidence,<sup>6</sup> for instance—clients can contact the office to receive further assistance. That USCIS uses the word “evidence” to ask DACA requestors for more supporting documents highlights the significant transformation of material culture that occurs at DACA legal clinics. When clinic clients and their attorneys make and submit DACA files, they turn everyday materiality into “evidence” that has the potential to prove their eligibility for the DACA program.

People typically spend three hours making their way through the entire clinic process, turning ordinary papers into documentary evidence. Some attorneys feel this is too long. Over time, the nonprofits have tried to modify the process to make it as streamlined as possible, but the clinic model makes some amount of idle waiting time inevitable. For many young people, the low cost of the clinic’s legal services compensate for the longer processing time. Clients at the Catholic Diocese’s clinics pay just

\$20, to cover the expense of copying and supplies; this is in addition to the \$465 filing fee charged by USCIS.<sup>7</sup>

Clinics sponsored by nonprofits or volunteering attorneys are by far the most affordable source of legal aid for DACA requestors in Michigan, ranging from no cost to \$20. Michigan United offers their services for free, covering the expense out of their operating budget. Yesenia, a legal assistant to an immigration attorney, independently organized two free DACA workshops with the Adrian Dominican Sisters in Adrian, MI. Luis's organization, Undocumented Youth Unite (UYU), hosted weekend workshops during the first months of the DACA program for \$20 per client. Now the UYU staff helps people with their DACA requests on a donation basis; requestors pay whatever they can afford. At their legal clinics, both the Grand Rapids and Kalamazoo Catholic Diocese immigration services charge DACA clients \$20.

The community clinic model functioned well for the initial rush of DACA clients, in the first few months after the August 15 implementation. For nonprofit legal service providers, clinics addressed the community's needs without overwhelming their attorneys or their budgets. Clinics allowed organizations to disperse critical information to groups of 50-100 DACA clients at a time and to delegate eligibility screening to trained volunteers. Several lawyers said that the first wave of DACA requestors had straightforward cases and adequate documentation, making a three-hour streamlined legal consultation sufficient for most clinic clients.

### **Fewer Clients, More Challenging Cases**

Large, low-cost DACA clinics helped hundreds of young people to submit their requests at the beginning of the program. By the time I began my ethnographic research, in May 2013, many nonprofits were shifting from the community clinic model to meeting with clients individually; they hosted workshops only occasionally instead of once or twice a week. Almost a year had passed since the Obama administration implemented DACA, and some lawyers and community organizations said that the number of DACA clients they were seeing had decreased significantly. Michigan United, whose first clinic

attracted 1000 potential DACA requestors, now sometimes sees as few as 8-10 people at their monthly DACA clinics.

Brian attributes this drop-off in part to how Michigan United publicized DACA and their legal services in the initial months of the program. The organization focused on spreading general information to the community at large, rather than targeting specific people who might be eligible. But Brian also thinks that the “the people who are left...many of them are the hardest cases.” With less documentation to support their claims for deferred action, people may be more hesitant to begin the DACA process, especially if they are unsure how to connect with affordable legal services. Brian said that Michigan United now uses “intentional, direct-contact outreach” to connect with people eligible for DACA, “instead of just a broad call to the community.” Young people who are in the DACA process or have already been approved for DACA engage in this outreach to the “hardest cases:”

*Brian: They go door to door throughout the entire community to identify potential applicants, or people who have started that have run into some roadblock, so that we can make sure we can figure out how to support them at whatever part of the process they're in, and get them to a workshop.*

Lisa, who worked for the Grand Rapids Catholic Diocese during the first months of DACA but now operates an independent law practice in Kalamazoo, agrees that the DACA cases she handles now are harder than the earlier ones. She described the trends in the DACA clients that she worked with during the first 10 months of the program:

*Lisa: I think initially those folks who were really prepared were our first wave. We had very little frustration with document collection in the very first wave. Then it became those who were less prepared, but could still put things together. And now, I feel like it's the older folks, who dropped out or graduated towards the 2008 mark, that really struggled to get that paperwork, those proofs together. So I feel like the younger kids came first, or the recently graduated came first, and then it's the older, maybe the high school dropouts, maybe those getting the GEDS, that we see now. There are a lot of young single mothers coming in now, with very little documentation—high school dropouts. Those [people] trying to get the GED program to fit in with everything else they've got going on.*

Lisa's description of how her DACA clientele changed over the course of the program's first year demonstrates how age impacts the difficulty of requesting action: older people, who cannot rely solely on school records for their documentary evidence, tend to have a harder time collecting paperwork. But Lisa's observation also highlights how other factors, such as socioeconomic status, shape peoples' ability to collate material culture. For people with limited financial resources, it is more difficult to procure the documents that they need to prove their eligibility for DACA. Having the ability to take off work to collect papers, having a vehicle to drive from place to place to gather records, and having Internet access to electronic evidence are all barriers that may prevent people with less money from filing for DACA.

Susan, who worked with Lisa at the Catholic Diocese in Grand Rapids, agrees that the trends in their office's DACA clients relate to age and employment. The requestors they helped at the outset of the program were mostly high school students. By July 2013, Susan said, their DACA clients were people who either had just aged into the program (only people age 15 years and older are eligible for DACA) or were older, over 19 years old. Susan believes that the older people "are just coming in now because they were busy with work and family, or they were afraid...or it [took them] longer to learn it's out there." Unlike Brian and Lisa, Susan did not feel that these cases were any more difficult than the initial cases.

While the cases now may be more complicated, Lisa does not think that the influx of people has diminished dramatically. "There just seems to be a constant flow of deferred action people coming in," she said. "In Grand Rapids, we averaged about 25 new clients every Tuesday, and the vast majority of those were DACA." Brian and Lisa's conflicting assessments of the rate of DACA requests might reflect a difference between the immigrant communities in eastern Michigan and western Michigan. It may also just be a difference of perspective. Whereas Michigan United's massive August 15 workshop saw 1000 potential requestors, the largest clinics in west Michigan had no more than 50-100 clients, even during the first months of the DACA program. Melanie, the director of the Kalamazoo Catholic Diocese Immigration Assistance Program, agrees with Lisa that there is still a steady flow of new DACA clients. "The huge numbers of people that we couldn't handle at all have slowed down, but every day we have people waiting out in the lobby. Half of our intakes every week are DACA."

## **GIVING IT ALL TO THE GOVERNMENT**

Hundreds of young people started the request process as soon as USCIS made the paperwork available, eagerly attending community clinics and filling the waiting rooms of immigration attorneys. Yet many other potential requestors were more reluctant to file for deferred action. For people inhabiting the proverbial “shadows” of American society, handing over tangible proof that they have been living and working in violation of the laws of the same government that also has the power to arrest, detain, and deport them can be a terrifying prospect.

Undocumented people live in the “shadows” because of the “disjuncture between physical and legal presence [that] arises when individuals cross or remain within borders without legal authorization” (Coutin 2000b: 29). Physically and socially, undocumented people are present in the United States, but their lack of state-issued documentation means that they have no legal personhood; they inhabit “spaces of illegality” or “nonexistence” (Coutin 2000b; De Genova 2002). In this space of illegality, undocumented people are “denied legal rights, social services, and full personhood,” and they are perpetually subject to detention and deportation (Coutin 2003: 173).

Undocumented people live in constant awareness of their deportability—that is, their vulnerability to being removed from the United States (De Genova 2002; Talavera et al. 2010). Indeed, the possibility of apprehension and deportation is perhaps the most defining characteristic of everyday life for undocumented people living in the United States (Chavez 2013). Deportability means living afraid and insecure. As the state “increasingly displaces [powers of surveillance] from immigration authorities, to local police and other state officials, to private citizens” (De Genova 2002: 426), any daily encounter can have life-changing consequences. Being pulled over for a faulty taillight while driving without a license could mean being separated from one’s family for a decade or more.<sup>8</sup> Especially for DACA requestors—many of whom grew up in the United States—the possibility of removal is a source of intense anxiety, as they are complete strangers to their countries of origin. Deportation to Mexico is the equivalent of being exiled to a foreign country; some young people eligible for DACA do not speak Spanish fluently, and many do not know how to read or write in any language besides English (Valdes

2012). On top of the stress and emotional loss that deportation entails, young people worry about the welfare of the families they would leave behind, who often depend on them for financial support and for navigating life in the United States.

Given the legal, economic, and social consequences of deportation, it is hardly surprising that some young people and their families agonize over the decision to submit DACA files. The process of requesting DACA requires people to provide the government with documentation of their illegal presence. According to official USCIS policy, DACA request cases that do not involve

*a criminal offense, fraud, or a threat to national security or public safety [...] will not be referred to ICE [Immigration and Customs Enforcement] for purposes of removal proceedings except where DHS determines there are exceptional circumstances. (USCIS 2013a)*

Internal DHS policy thus creates a barrier between USCIS and ICE that ostensibly protects eligible DACA requestors from deportation and other negative consequences that might otherwise result from providing evidence of their unlawful presence in the United States. Yet, as I described in the Introduction, DACA is by nature a temporary and insecure policy, subject to change or revocation at any time. The acting presidential administration can issue new memoranda that revise or eliminate previous procedures. For these reasons, the possibility of removal still looms large in the minds of young people eligible for DACA as they weigh the pros and cons of giving over their information to the government. As they begin to pursue legal assistance with their DACA requests, young people have to convince themselves and their families that deferred action is worth the risk of compromising what little security their current anonymity affords them.

### **Overcoming Anxiety**

I met with Luis in the small, sparse office of Undocumented Youth Unite (UYU), the undocumented-led immigrants' rights organization he co-founded in 2010. UYU's office space is really a repurposed elementary school classroom on the second floor of the same school where Rosa and Isabel work; Maria, the school's manager, lets the group use the space for free. A few desks and chairs were



scattered around the room, which was tidy and quiet—no ringing phones, no flashy protest signs. Luis gave off the same subdued air as his surroundings. Tall and broad-shouldered, he was dressed casually in a sweatshirt and jeans. He spoke in a soft, measured voice that surprised me somewhat, given what I had heard about UYU’s participation in protests and rallies and sit-ins.

In addition to establishing a grassroots organization that publicizes the challenges confronting the undocumented community and “mentors [people] through the whole process” of requesting DACA, Luis is himself an approved DACA requestor. As I described earlier in this chapter, Luis joined other members of Undocumented Youth Unite in an aggressive campaign for deferred action for immigrant youth by participating in the takeover of Obama’s Dearborn, Michigan office in the days before the announcement of DACA. Despite his active involvement in this bold protest, Luis was cautious when it came to submitting his own request for deferred action.

*Luis: It took me a few months to decide whether or not I wanted to do it. One, because I just wanted to see the first few months, see how this was going, and then once I saw that there was a lot of approvals, I felt more comfortable in doing it myself. It was just more of I want to see the approval numbers, and once I saw that they were pretty consistent and very high, I went ahead and did it.*

That a potential requestor as ideologically committed to and well-informed about DACA as Luis was so circumspect in his approach to requesting deferred action speaks to the widespread skepticism and anxiety surrounding DACA in the immigrant community. Luis was not the only person I met who sought reassurance before sending his DACA paperwork to USCIS. Manuel, a twenty-one year old Mexican man that I spoke with in Grand Rapids, spent months waffling over DACA, trying to decide whether or not he wanted to submit a request for relief. After hearing an announcement about the program at his church, he picked up a business card for the Immigration Services at the Catholic Diocese of Grand Rapids.

*Manuel: And I looked into it, called them and set an appointment. I was really, really scared, because I don’t want to get deported.*

Ultimately, Manuel said, he overcame his mistrust of the government through conversations with his lawyer and the support of a close friend, who convinced him that the lawyer was “just here to help.” He submitted his DACA forms to USCIS in July 2013, after several months of deliberating with his lawyer and then gathering the materials he needed for evidence. When I asked Manuel what had been the most difficult part of the DACA process for him, he immediately returned to the specter of deportation:

*Manuel: I think the hardest part was me just sitting there in front of my lawyer, telling her all my information, hoping that I don't get deported. I think that was the hardest part.*

### **Assessing Risk Versus Reward**

For other requestors I spoke with, the government's promise that information would not be shared between USCIS and ICE seemed to carry more weight than it did for Manuel. Sergio, another twenty-one year old Mexican man living in west Michigan, said that he was not nervous to submit his paperwork to the government because Obama's announcement said that “if your application was rejected, [...] they were not going to deport you.” While Sergio acknowledged that he didn't feel completely confident that this evidence would never be used against him for purposes of removal, he felt that the potential benefits of being approved for DACA outweighed the risks.

One major factor that tipped the scales in favor of requesting DACA was that Sergio felt he had little to lose. As described in the Introduction, he was living alone in the United States; his father had been deported a few years earlier, and his mother had followed him, taking Sergio's younger siblings with her. In 2012, Sergio's older brother was also deported. With no family to worry about in the United States, the possibility that the evidence included in his DACA request might lead to his deportation at some point in the future was not particularly concerning for Sergio.

*Sergio: The thing is, well, they're going to have my information now, so later maybe they might change their mind. But I was like, well, if I get deported... I'm here on my own, so I don't have anything to lose, so if I get deported, at least I don't have anything really valuable that would really have to have me here. You never know what might happen, and so at least if I apply then at least I'll know that I did what I could, and if I don't get approved, then we'll see.*

Given the recent deportations of his father and his older brother, the threat of removal to Mexico felt more immediate and real for Sergio than ever before. He didn't see much difference between the uncertainty involved in submitting a DACA request and the precariousness of his everyday life as a removable person (De Genova 2002, 2010; Talavera et al. 2010). Sergio is not the only young person who keenly feels his deportability. According to preliminary findings from the National UnDACAmented Research Project,<sup>9</sup> sixty-eight percent of DACA recipients know someone who was deported (Gonzales and Terriquez 2013). For many DACA recipients, these deported individuals are close relations: fourteen percent have a parent or sibling who was deported and thirty-one percent have other family members who were deported (Gonzales and Terriquez 2013). Sergio suggested that his intimate encounters with deportation made him think about DACA differently.

*Sergio: When my dad was deported, like actually, even though I was undocumented and even though I knew that I could be deported, I never actually believed that about it until my dad got deported. So then after that, I started thinking that any day something could happen. But now with this work permit, I have hope that things are going to get better.*

Whereas some young people, like Manuel, viewed the DACA process as potentially jeopardizing the small amount of protection that they have in the “shadows” of society, Sergio's personal experiences convinced him that a more stable future could only be reached with government documentation in hand. All the young people I worked with attributed power to official documents, including those who were hesitant to submit their DACA forms and evidence to the government. All of the DACA requestors I interviewed shared Sergio's perspective that the work permit and Social Security card that accompany the final approval for DACA, along with the ability to obtain a drivers license, would dramatically transform their daily lives by lessening the constant fear of removal.

### **Shared Skepticism: Legal Providers' Perspectives**

Immigration attorneys working with DACA requestors recognize the meaningful changes that come with official documentation, but they also share in their clients' skepticism about entrusting so

much identifying and potentially incriminating information to the government. USCIS internal protection policies notwithstanding, lawyers are not confident that the case files of DACA requestors will always be safe from the eyes of ICE agents, especially under a future presidential administration.

Several of the lawyers that I spoke with said that they openly discuss these uncertainties with their clients when they first meet to begin the DACA request process. They feel that it is important to “tell [clients] the positives, the negatives, and the risks” so that clients and their families can make fully informed decisions as to whether or not they want to make their presence known to the government. Melanie and Lisa, two of the attorneys working for the Catholic Diocese’s immigration services in west Michigan, were particularly candid about their reservations about DACA:

*Melanie: Theoretically you’re giving your information to the government, you know, and up until this point you’ve been living without [the government] knowing you even exist here. So just because you’re applying for something, it doesn’t mean you have protections forever. Any president could decide to undo [DACA] at whatever point, and then they have your information. And I don’t think that’s their goal, but I had to tell [DACA clients] that was a possibility.*

*Lisa: So I was one of those people who was very skeptical about doing this at first, too, because there was just no guarantee—especially before the election—that people wouldn’t be put into removal proceedings. And I still feel there’s no guarantee, and I’m quite upfront with clients about that.*

Most of the legal professionals I spoke with expressed their concerns about DACA in similar terms, focusing on the unknown future of the program and its susceptibility to the politics of the moment. As discussed in the Introduction, the Obama administration established DACA as part of a series of changes in its immigration enforcement procedures; there is no guarantee that a future president would choose to continue these same enforcement procedures or the DACA process. Lawyers are acutely aware and often frustrated that shifts in political positioning around immigration reform may compromise their clients’ security.

Yesenia, the legal assistant working in eastern Michigan, echoed these fears about the political precariousness of DACA from an insider perspective. Yesenia herself was undocumented from age ten to twenty-four, when she married her husband, a U.S. citizen, and she has vivid memories of daily life under the deportation regime. Yesenia's younger sister requested and received relief under DACA, but Yesenia says that having temporary relief does not end these daily anxieties for her sister.

*Yesenia: My sister waited until afterwards [after Obama was re-elected in November 2012]. They could completely just reverse it. I mean it could still happen, depending on who gets into the White House. It's really scary, cause that looming thing of deportation is always over your head, even if you have this.*

Being approved for DACA does not completely erase “that looming thing of deportation” in the lives of undocumented young people. Those people eligible for DACA must choose between two unsure alternatives: they can decide not to request DACA and continue to live in perpetual fear that an encounter with law enforcement will lead to their deportation; or they can decide to submit their request for DACA, risking deportation if their file appears suspicious to DHS or if a future administration decides to end the program. Even if they are approved for deferred action, DACA-eligible young people still have to worry about the possible deportation of their parents, older siblings, and other relatives and friends who do not qualify for relief under the program.

Immigration attorney Lisa vehemently objects to the way that DACA's uncertain duration puts young people in the position of making this difficult decision without knowing the full ramifications that their choice may have for their future.

*Lisa: I frankly hate this program. I think it's abusive, to be quite honest with you. It puts these kids in a horrible position. They're having to identify who they are, how they came in, that they've been here undocumented. In many cases, a lot of the documentation that we have proves that they've worked without authorization. That's a whole lot of stuff to give a government who has no long-term interest in you. And so, I feel that that's very abusive... So the fears were, really, just divulging all of this information, and not knowing how it was going to be used in the future. And I think it was a tremendously real fear, and, I mean, I still have it. I worry about it too, for them.*

Lisa's concern highlights the connection between materiality and deportability. The paperwork that DACA requestors hand over to USCIS has all of the clues necessary to track someone down, should the government decide to "modify, supercede or rescind" its current information sharing policy, which protects information shared in DACA requests from being used for immigration enforcement purposes (USCIS 2013b).<sup>10</sup> Despite her serious misgivings about the security of her clients' personal information, Lisa appreciates that many eligible young people, like Sergio, evaluate the risks of filing for DACA in comparison with the daily perils of navigating life as an "unauthorized" person subject to deportation at any moment. Hypothetical scenarios, in which a future administration uses this information to fine or detain or deport DACA requestors, pale in comparison to the everyday deportability that undocumented people currently experience (De Genova 2002).

The double-edged sword of paperwork is evident in this moment of choosing whether or not to file for DACA. On the one hand, documentation provides the verifiable proof that young people need to gain greater freedom and legitimacy with DACA approval. On the other hand, this same documentation has the potential to further restrict their liberties, possibly resulting in future legal consequences or even deportation. Both scenarios reveal the pivotal role that material culture plays in determining peoples' sociopolitical and juridical status.

*Lisa: People had to weigh, in a very real way, their day-to-day life. So here's this long-term possibility of being deported, well, these folks live day-to-day with the possibility of being deported, so really, how is it different, right? And so I think that's why so many people came down on the side of filing, even though there were very real concerns.*

For eligible young people and their families, making the decision to submit the paper evidence for DACA is a carefully calculated tradeoff between hope and fear. Those who choose to pursue deferred action look to their personal and community networks for legal providers whom they can trust to help them navigate the DACA process.

## **DIFFERENT PATHS TO LEGAL SERVICES: ETHNOGRAPHIC EXAMPLES**

The DACA requestors that I spoke with—high school graduates with college aspirations or diplomas who were relatively financially secure—all hired lawyers to consult with them individually (with the exception of Luis, who completed his request without any legal assistance). They did not avail themselves of discount or free legal clinics, even though most of them had straightforward cases, with adequate documentation and clean criminal records. Some people used nonprofit providers; others worked with private attorneys. Each person found their way to their chosen legal provider according to their own needs and connections.

### **Weighing the Cost: Legal Providers' Perspectives**

Nonprofit legal providers understand that each DACA requestor has different priorities and resources, and they recognize that some people willingly choose to spend more money to hire a private attorney. Lisa listed off possible factors that lead some young people to work with private providers instead of less expensive nonprofit services:

*Lisa: People go to private attorneys for a couple reasons. One, because a friend told them to—again those networks, so it depends on who you know. Maybe they want to get in right away, and you'd have to wait two to three weeks to get an appointment with a nonprofit provider. So everybody's needs are different, everybody's willingness to wait is different.*

That said, Lisa and other nonprofit legal professionals feel that many private attorneys regularly overcharge their DACA clients without adequate justification for doing so. They are astounded that private lawyers would charge multiple thousands of dollars for the same services their organizations provide at a fraction of the cost. Lisa believes that “there’s really no excuse” for private attorneys to charge such exorbitant fees for DACA because “it doesn’t require that kind of time.”

To get a better picture of exactly what a DACA case requires of a lawyer, I asked Lisa and other legal professionals to describe their role in the request process. Most felt that they had three main responsibilities: screening potential clients for eligibility, informing clients of the potential risks involved

in filing a request, and ensuring that clients submit sufficient evidence. Lawyers address the first two components during the initial consultation. They ask young people about their personal histories—their arrival in the United States, their education and work records, their encounters with the law—to make sure that DACA suits them and to rule out any other avenues for relief from deportation. Melanie said that one of the unanticipated results of the DACA program is that it has also “increased awareness about other forms of relief,” like the Violence Against Women Act (VAWA) and U-visas, which can actually give approved applicants a pathway to lawful permanent residence.<sup>11</sup> Once they establish that DACA is the best fit for the client, lawyers explain how the process of requesting deferred action works. They outline basic information: time frame, types of documents needed, outcomes for approved requestors. Lawyers also tell clients about the precarious nature of DACA and the risks attendant to any temporary program.<sup>12</sup>

After this first meeting, the primary role of the lawyer is to oversee the collection of documents and to make sure that each client has “a sufficient blanket of evidence,” as Lisa phrased it, to prove their eligibility for deferred action. This phase of the request process can take anywhere from a couple of weeks to several months, depending on how challenging it is for a particular person to come up with enough evidence. While the lawyer supervises the search for papers, sometimes telling clients that they need more proof for a certain year or suggesting possible sources for helpful evidence, it is the client who is typically responsible for actually tracking down and collecting these documents.

Lisa and other nonprofit legal providers struggle with seeing their private counterparts charge high fees for what they consider to be a straightforward and simple service. A private attorney might charge anywhere from \$500 to \$3000 to process a DACA case, as compared to the \$120-\$150 fee for a one-on-one consultation at a non-profit office like those run by the Catholic Diocese in west Michigan, or a \$20 fee for a community clinic workshop.<sup>13</sup> Mostly, they worry about people who are so desperate to get DACA that they will hire an expensive private attorney without realizing that there are other more affordable options. Some young people simply aren’t aware that low-cost legal aid exists, says Brian at



Michigan United. They may not be connected to the media channels or activist networks that disperse information about these services.

And, because low and no cost legal services are insufficient to meet the needs of some communities, many nonprofit legal providers are already working at capacity. Both Melanie's Kalamazoo office and Susan's Grand Rapids office with the Catholic Diocese already have full caseloads just by word-of-mouth or direct referrals from other agencies. Melanie and Susan told me that their offices do "zero advertising" of their services. The fact that nonprofit, low-cost providers are too busy to actively search out additional clients means that some DACA requestors likely pay high fees to private attorneys without knowing that less expensive legal services exist.

On the other hand, there are DACA requestors who knowingly select a more expensive legal provider. Brian from Michigan United believes that DACA legal services range so widely in price because some people associate higher cost with higher quality, creating a market for pricey private attorneys. Brian says that certain DACA requestors "want to go to someone that costs more because they believe they're getting a better product," although he maintains that that conception "is just wholly inaccurate around here." This idea—that an attorney who charges a higher price will provide higher quality legal services—did not come up in any of my conversations with DACA requestors. For the young people I talked with, hiring a private attorney seemed to be a decision based primarily on connections, convenience, and familiarity.

While I cannot corroborate Brian's theory about price and quality based on my conversations with a small sample of DACA requestors, I can confirm that the low-cost, nonprofit providers I interviewed across southern Michigan have high approval rates for their DACA clients. Melanie, at the Kalamazoo Diocese, said that her office has filed over 160 requests and she has yet to see a single denial. A percentage of their cases are still pending, but over 100 requestors have already been approved,<sup>14</sup> including some criminal cases involving driving without a license and retail fraud. Susan, at the Grand Rapids Diocese, said their office saw 280 DACA clients between August 2012 and July 2013. So far, twenty cases have been approved for DACA and completely closed; the rest are still in processing, but no

one has been denied.<sup>15</sup> Lisa, first at the Grand Rapids Diocese and now at her own practice, has not gotten a denial either,<sup>16</sup> although she worries that one of her clients, who is “really struggling with proof” of continuous presence, might be the first. Yesenia is similarly fearful for one of her clients from her first free workshop. The young woman had to submit additional evidence and she is still waiting to hear back from USCIS; the other ten clients from that workshop have already received their approval notices. Yesenia is “really scared that she’s going to get denied.”

The high approval-to-denial ratio reported by the lawyers I spoke with corresponds with the national statistics on DACA published by USCIS. As of February 2014, USCIS had received 610,694 requests for deferred action; of these requests, 521,815 (85.4%) have been approved and 15,968 (2.6%) have been denied, with the remaining requests presumably still processing (USCIS 2014a).<sup>17</sup> While these numbers appear hugely hopeful for young people seeking relief from deportation, they also raise questions about the people who consider requesting DACA but are deterred from filing. What portion of people who want to apply for DACA do lawyers screen out as ineligible? How many people eligible for DACA are too afraid to submit their documents for review? These questions need to be researched further; in my own study, I was only able to speak with young people who were in the process of requesting deferred action and those who had already been approved for DACA.

In the sections that follow, I detail how each of the DACA requestors I interviewed connected with their legal provider. These sketches are not intended as a representative sample of how people requesting DACA find legal assistance. Instead, they offer distinct ethnographic snapshots of how six young people—raised in middle-class families, involved in their communities, pursuing advanced education and careers—resourcefully use their unique skills and networks to navigate the DACA process.

### **Rosa and Isabel**

Rosa and Isabel, the Mexican sisters living in southwest Detroit, both found their way to the same private attorney for help with their DACA paperwork, though by different paths. Shortly after USCIS launched DACA, Rosa, the younger sister, who was just about to start her second year of college, heard

about an opportunity for DACA-eligible students. A successful entrepreneur and longtime advocate for the Hispanic community in southwest Detroit had decided to create a fund to sponsor thirty deserving young people through the DACA process. Rosa is an earnest student, equally dedicated to her education and to serving her community, and she was one of the people selected for a sponsorship in recognition of her contributions to her school and her neighborhood. All of her expenses related to DACA, from the legal services to the USCIS fee, would be paid for in full by the sponsorship.

Rosa described the legal services she received through the sponsorship as a small-scale workshop, similar to those run by nonprofit organizations, but staffed by private attorneys and held exclusively for this select group. The sponsored young people met with lawyers every week at the Detroit Hispanic Development Corporation,<sup>18</sup> bringing in certain papers and documents as the lawyers instructed: state identification cards, immunization records, Mexican passports, employment histories, school transcripts, student IDs. Rosa filled out the USCIS forms herself and brought them to one of the meetings, where a lawyer reviewed the completed request, made any necessary changes, and printed the final file for submission to USCIS. She sent in her request in the last week of October 2012 and received her work permit a few months later, in mid-February 2013.

When Isabel, the older sister, started the DACA process in late 2012, her family already knew and trusted the private attorney who had worked with Rosa in the final stages of the sponsored workshop. This lawyer had advised Rosa on how to collect her documents and had reviewed her final request. Working with the same private attorney as her younger sister was the simplest and most comfortable choice for Isabel, but it was also an expensive choice without a sponsorship to cover the cost. Fortunately, Isabel's job was willing to pay for her legal services and filing fees.<sup>19</sup> She said that her employer paid about \$2600 in all, a steep price that Isabel would have struggled to afford on her own. For the cost of her private legal services, Isabel certainly did get more extensive and individualized assistance from the attorney than Rosa did at her workshop-style legal consultation.

*Isabel: The lawyer actually filled out the whole application for me herself and gathered all my paperwork. She typed out the essay that the application requires, and she was the one in charge of sending out the application and everything.*

In talking about her relationship with her lawyer, Isabel highlights how legal professionals are involved in shaping the materiality that DACA requestors send to the government, a dynamic that I explore in more detail in Chapter 2. Isabel's experience also suggests another reason why some DACA requestors may choose to work with private attorneys: if they can afford the higher price tag, young people are able to outsource some of the laborious request process to their legal providers instead of having to do most of the work themselves. The additional assistance certainly proved valuable for Isabel, who works around the clock; she would have struggled to find the time to make filing for DACA a priority without the help of her lawyer and her family.

Isabel's relationship with her lawyer is notable because it is dramatically different from how undocumented people typically deal with legal professionals. The two women worked together on Isabel's DACA request in a close, collaborative way. In contrast, most undocumented people who need legal assistance have brief, routinized interactions with lawyers, and many poor undocumented people do not have any access to professional counsel at all. That Isabel was able to hire a private lawyer to help her to build a strong DACA case file underlines a new form of exceptionalism with regard to different societal views of undocumented people. Thanks to the vocal advocacy of the DREAMers, much of American society now considers people like Isabel and Rosa—young people who possess cultural, if not juridical, citizenship—to be “good immigrants” (Jordan 2012). The positive self-representations that young people craft in their DACA files (see Chapter 2) reflect and build upon a general acceptance of this specific group of undocumented people.

This favorable view does not extend equally to all immigrants, as evidenced by repeated failed attempts at comprehensive immigration reform. U.S. immigration policy, including DACA, continues to discriminate against certain classes of undocumented people. Those people working low-paying, low-skill jobs, like farm workers, construction laborers and restaurant dishwashers, are unlikely to be eligible for

relief from deportation under DACA, and, even if they are, they may not have the time and money to file requests. It is certain young people like Isabel and Rosa—with their community connections, advanced educations and cultural know-how—who can successfully seize upon this opportunity for deferred action.

## **Sergio**

Like Isabel, Sergio also chose to hire a private lawyer, and his decision was similarly a matter of established trust, adequate financial resources, and community connections. As mentioned in the Introduction, Sergio threw himself into immigration activism when his father and brother were facing deportation. He gave frequent speeches at public events and participated in a video project on undocumented youth, with the hope that sharing his family's story would generate enough community support to successfully fight their removal. A friend he met at one such event connected Sergio to an attorney to fight his brother's deportation proceedings. Although Sergio's efforts did not stop the deportations of his father and brother, his involvement in activist circles proved helpful when it came to requesting DACA.

Sergio told me that, because of his involvement in immigration groups, he “has always been on top of things, knowing the processes, knowing the laws.” He felt that he was savvy enough to fill out the DACA request by himself, and he liked the idea of saving money on legal services. Ultimately, though, Sergio decided he wanted to work with a lawyer on his DACA request, so he hired the same attorney who worked on his brother's deportation case. “Since we only have one chance to apply, I wanted to do it right,” he said.

DACA requestors have just “one chance” for approval because the government offers deferred action through DACA on a case-by-case basis, through the exercise of prosecutorial discretion. As I explained in the Introduction, determinations made by prosecutorial discretion are not subject to appeal. With only one opportunity to be granted relief, the documents that requestors are able to accrue become crucial. A lawyer's expertise in assembling these documents into a thorough and convincing case file can prove invaluable, particularly as USCIS warns requestors that “even if you satisfy the threshold criteria

for consideration of deferred action for childhood arrivals, USCIS may deny your request if it determines, in its unreviewable discretion, that an exercise of prosecutorial discretion is not warranted in your case” (USCIS 2013d).

Wary of such ominous disclaimers, Sergio decided to hire a lawyer to help him make his file as strong as possible. Even so, Sergio did not completely cede control over his case: “I asked my attorney questions, to see if he knows what he is doing,” he told me, grinning. Sergio knew the minutest details of the DACA program and could rattle off the eligibility requirements and post-approval restrictions with ease. This savviness is characteristic of this particular sub-population of undocumented people, who might be referred to as DREAMers or, more broadly, as “cultural citizens.” Several young people I spoke with remarked that it must be incredibly difficult for people who do not speak English to navigate the legal system. Indeed, even as fluent English speakers who grew up in the United States, some DACA requestors still struggle to find their way through the bureaucracy of immigration law.

Fortunately for Sergio, he had the social and financial resources necessary to obtain guidance from a professional. When it came to paying for his DACA request and legal services, Sergio’s work in the activist community proved valuable once again. In the months before the 2010 Senate vote on the DREAM Act, Sergio made friends with a fellow activist through Facebook, a math teacher working in Chicago. The man and his wife have been following Sergio’s life since his dad got deported, and they offered to sponsor part of Sergio’s DACA process. Sergio framed the sponsorship as the man’s way of recognizing and thanking Sergio for advocating for immigrants’ rights: “He knows that I always work hard for the community.”

The Chicago couple paid Sergio’s \$465 USCIS filing fee, but he still had to come up with an additional \$500 to pay his lawyer. “I sold a couple things to pay the attorney, and then another friend helped me pay part of the fee,” Sergio said. Like Manuel, Sergio relied on contributions from his friends to help him with the expense of hiring an attorney. Even so, Sergio felt that his legal fee was reasonable compared to what other people had paid for DACA, thanks to his clean record. “My process was going to

be simple, because I don't have a criminal background, so [the attorney] charged me \$500. But I know for other cases, like when you have a misdemeanor or something, they can charge you more.”

There may be some truth to Sergio's hypothesis that the more complex the DACA case, the more money the client is likely to pay an attorney for legal services. Yesenia agrees that having a criminal history typically complicates matters, and she thinks these differences between cases help to explain why DACA legal fees vary so widely, with private attorneys charging anywhere from \$500 to \$3000 for their services.

*Yesenia: Depending on the complexity of the case—you know, some young people want to apply, but they got stopped for something, or they are fighting a deport order that they had previously. That's really complicated. And to fit that into DACA, you definitely need an attorney to argue on your behalf. Some young kids that are in that situation, [hiring an attorney] is their only option, because they're going to get deported. That's their only option.*

For Sergio, with his clean criminal record and his intimate understanding of the DACA program, working with a private lawyer was not a last resort; it was a calculated choice. Sergio believed that hiring an attorney would maximize his chances of being approved for DACA. Five hundred dollars in legal fees bought Sergio a degree of confidence that he wouldn't have had if he had simply filed the paperwork himself.

### **Eduardo**

Unlike Sergio, Eduardo did need the help of an attorney to fit the complexity of his personal history into the framework of DACA. Eduardo's experience illustrates how having a criminal record complicates the DACA process, often costing thousands of dollars in legal fees and considerably prolonging the timeline from request to approval.

Eduardo had his first DACA consultation at Michigan United's August 15 workshop; as part of the volunteer staff, he met with a lawyer for free. That attorney, as well as another attorney that he later connected with at an immigration event, advised Eduardo to check his record with area courthouses

before proceeding with his DACA request. Eduardo explained that, over the years, he had “been getting tickets for driving with an expired license, blocking traffic, having a broken windshield—small things” made more problematic because he did not have a valid driver’s license. “I got my license before the REAL ID Act,<sup>20</sup> when you could get a driver’s license without a Social Security number, but my license is expired now,” he said.

When he visited courthouses in Detroit to confirm that his record was clear with each court, Eduardo found out that one court had an outstanding warrant for his arrest, for failure to appear at a court hearing. “It freaked me out,” he said. After more investigating, Eduardo learned that for one incident in 2010, when he was pulled over by Michigan state troopers in the city of Detroit, he had been issued two separate court dates. “I was not aware of that, I thought it was only one court date, so I missed the first court date. I went to the second one, and I thought everything was taken care of.”<sup>21</sup>

To avoid being denied deferred action, Eduardo had to deal with the arrest warrant before filing for DACA. He hired a criminal attorney to fight his case. To pay for his lawyer, Eduardo was able to negotiate a loan with his boss at the cell phone store where he works.

*Eduardo: I'm very fortunate. I have a very good boss. My manager, he's like an angel from heaven. Whenever I have issues like this, he's like, "If you need to take a loan from us, we can give you a loan. You can pay it in monthly payments back to us, and we won't charge you any interest, because we trust you and we want to help you because you're a good worker and we want to keep you here." So he gave me my first loan, \$1500 to cover my fees for the criminal attorney.*

Eduardo used his own money to pay his outstanding tickets, to completely clear his record. In the end, the court gave him one-year probation. His attorney advised him to wait until his probation is over before submitting his DACA request. “Because they could disqualify me under their own discretion, she said it’s very risky to submit the application when there is no appeal. So she says it’s better for me to wait until my probation is over, that way they won’t disqualify me.” Eduardo is eager to send in his paperwork as soon as his probation ends, in March 2014. He has all of his documents collected, and he expects that his boss will agree to give him another loan to help him with his second round of legal fees.



## **Manuel**

Manuel did not have as much access to activist networks and monetary resources as did Rosa, Isabel, Sergio and Eduardo. His family had worked as migrant farm laborers in North Carolina and Florida for their first few years in the United States before moving north to settle in Michigan. Though he now lives a less impoverished life and plans to attend college, Manuel's working class background left him with fewer resources than the other requestors I spoke with, and he was not involved in immigration activism. Still, it was a community connection—Manuel's regular participation in his church in Grand Rapids—that led him to Lisa, who became his DACA lawyer.

Manuel made an appointment for a consultation with Lisa after picking up a business card for the Catholic Diocese's Immigration Legal Services at his church in the days after the DACA announcement. He started working with her when she was still at the Grand Rapids Catholic Diocese, and he followed Lisa when she opened her new private practice in Kalamazoo. Manuel was extremely nervous about the DACA process; he was terrified that talking to a lawyer or sending in his documents might result in the government deporting him. I discussed people's fears about deportation and DACA in detail earlier in this chapter, but it is worth noting here that Manuel's anxiety helps to explain why he chose to work with Lisa individually, at her office, instead of attending one of the Grand Rapids community clinics, which would have been less expensive.

Manuel told me that “the hardest part” of the DACA process was “telling all [his] information” to Lisa. Although lawyers take care to protect the confidentiality of their clinic clients—several organizations declined my requests to observe their DACA clinics with this reasoning—some requestors want the additional security of a private consultation, and they are willing to pay for it. At both the Grand Rapids and Kalamazoo Catholic Diocese's immigration services, a DACA case processed one-on-one at the office costs \$150,<sup>22</sup> as compared to the \$20 fee for their public workshops. In total, including the \$465 processing fee, Manuel estimated that he paid “around \$700” for his DACA process. He covered most of the cost himself, with “a little bit of help” from a friend. He felt that Lisa's fee was reasonable and worth

the money. Compared to a private attorney, a nonprofit lawyer like Lisa was relatively affordable for Manuel.

## **Luis**

Luis felt sufficiently confident in the DACA program after a few months of watching the high approval rates from USCIS, and he prepared to submit his own request. As the leader of Undocumented Youth Unite (UYU) and a strategic player in the national campaign for deferred action, Luis came to the DACA paperwork with a sophisticated knowledge of the legal basis for DACA and considerable experience helping other young people file for deferred action. He had volunteered at many DACA clinics and had helped to process dozens of requests at UYU. Luis said that this experience and the information he could access online provided him with all the advice he needed; he completed his USCIS forms, collected his documentation, and sent in his file without any professional legal assistance.

*Luis: The Internet was the most powerful tool, just reading up on articles, reading up on guidelines. Just checking in with other people that had already gone through it. [I] used a mix of the actual government website and blogs from immigration lawyers and immigration organizations who were providing guidelines themselves.*

Luis decided to manage his own DACA process without the help of an attorney because his personal experiences, networks and resources made that path to deferred action both viable and convenient. Because he was immersed in immigrants' rights activism, Luis knew about websites and blogs that dispersed free, trustworthy information about deferred action. He could also consult with friends and acquaintances to get informal advice about requesting DACA, since he regularly interacted with many people who were familiar with the program or who were going through the process themselves. Luis was happy to take advantage of these resources to save himself the expense of a lawyer. He had been "saving up the money" for the \$465 USCIS filing fee "since the announcement was made in June," so he was able to pay the full cost himself by the time he sent in his paperwork, in early November 2012.

## **SUMMARY**

After careful consideration, many eligible young people put aside their anxieties about the politically precarious, uncertain nature of DACA and decide to file requests for deferred action. Filing for DACA is the best option available to them for reducing—at least to a degree, for a limited period of time—the constant threat of deportation that pervades their lives as undocumented people. Even so, weighing the possible risks of DACA against its potential rewards is incredibly difficult. Consequently, all of the young people I spoke with began to navigate their own DACA processes by drawing on personal experiences, networks and resources to connect with lawyers or other sources of legal advice that they could trust. But finding a legal provider—or, in Luis’s case, making the decision to file for DACA without the help of an attorney—is just the first step of requesting deferred action. These young people—who, with their families, have carefully eschewed the notice of the government for years—then face the challenge of amassing a “verifiable” paper trail to prove that they are eligible for relief under DACA.

## CHAPTER 2: Doing Self-Documentation

Lisa: *Getting the documents is tremendously hard. Undocumented families tend to live below the radar for a reason. Hands down, it's the hardest piece of [DACA].*

Making the choice to submit a request is just the first of several difficult steps in the DACA process; the actual collection of documents can be equally taxing and far more tedious. As nonprofit lawyer Lisa observes, the real challenge that undocumented young people face when filing for deferred action is in gathering the evidence they need to prove their eligibility for the program. In this chapter, I trace out the difficult process of collecting documents. The government imperative to provide evidence of an “undocumented” existence provokes fear and frustration in DACA requestors, but it also sparks incredible innovation. Lacking most “official” government papers, young people engage in a creative, occasionally collaborative, and resourceful process of *self-documentation*: they assert their existence through constructed collectives of the everyday materiality that they see as defining their lives.

Drawing on theories of material culture, I discuss how traditional ideas of “verifiable documentation” are problematic for people who have grown up as “Americans without papers.” Because they lack many of the standard government-issued documents, DACA requestors must furnish their documents themselves, in a process I call *self-documentation*. Everyday objects become important for self-documenting, and young people gather their evidence in diverse forms, from magazine subscriptions and receipts to social media posts and newspaper clippings. Ordinary materiality takes on immense significance for people trying to prove not just their physical presence, but also their active citizenship and participation. As they work to craft positive self-representations to submit to the government, people strategically select which material culture to include in their files, because these objects come to define them in particular ways. They must also negotiate bureaucracy and engage in a dialectical relationship with various gatekeepers who may filter or modify their attempts at self-representation. When the DACA file is complete, the final constellation of evidence is powerful precisely because it is curated and collected; the emergent properties of the material collective are greater than the individual documents.

## THE DIFFICULTY OF “VERIFIABLE DOCUMENTATION”

*Only those individuals who can prove through **verifiable documentation** that they meet these criteria will be eligible for deferred action. (DHS 2012, emphasis added)*

Having overcome—or at least put aside—their fears of deportation, DACA requestors still face the practical challenge of tracing out paper histories of their lives as “undocumented” people to the standard specified by the United States government. Like Lisa, quoted at the beginning of the chapter, Luis also identified this step as the most difficult part of filing for DACA.

*Luis: Filling out the application is super easy. It’s more getting all your evidence together [that is] a little bit difficult—arranging it the right way and making sure you have every point that they want.*

Including “every point that they want” and “arranging it the right way” is more complicated than one might expect. United States Citizenship and Immigration Services (USCIS) provides one formal resource to DACA requestors and legal professionals trying to determine what constitutes acceptable and sufficient evidence for DACA: a ten-page document titled “Instructions for Consideration of Deferred Action for Childhood Arrivals.” This document contains the instructions for completing USCIS Form I-821D, “Consideration of Deferred Action for Childhood Arrivals,” one of the three USCIS forms that DACA requestors must send to the government, along with the \$465 filing fee, in order to be considered for deferred action.<sup>23</sup>

In the following section, I review the eligibility criteria for DACA and outline the content of the Form I-821D Instructions. My aim is to demonstrate how the USCIS instructions overlook certain realities of being undocumented, making these official instructions largely unhelpful and impractical for DACA-eligible young people. Many DACA requestors do not have enough of the suggested government-issued documents to build a sufficient body of evidence to support their requests for deferred action. Consequently, DACA requestors and lawyers looking to make stronger case files must seek out less

traditional kinds of evidence, in a creative process of self-documentation that I discuss in detail later in this chapter.

### **The Documents of DACA: USCIS Form I-821D**

The Form I-821D Instructions provide suggestions of types of documents that “may show” that a requestor meets the various criteria for eligibility for DACA, with slightly different document recommendations for each of the following eligibility categories:<sup>24</sup>

1. Under the age of 31 as of June 15, 2012;
2. Entry into the United States before age 16;
3. Unlawful status in the United States as of June 15, 2012;
4. Current enrollment in school; or graduated or received certificate of completion from high school; or obtained GED; or honorable discharge from the United States Coast Guard or Armed Forces;
5. Presence in the United States on June 15, 2012;
6. Continuous presence in the United States from June 15, 2007 to June 15, 2012, and up to the present date.

(USCIS 2013d)

In the sections that follow, I summarize the different types of documents that the USCIS Form I-821D Instructions suggest as possible evidence for each of the eligibility criteria and point out the ways in which these types of evidence prove problematic for certain DACA requestors. A chart taken from the USCIS DACA website (Figure 2.1) provides a visual representation of some of the document suggestions in the Form I-821D Instructions.

<b>Examples of Documents to Submit to Demonstrate you Meet the Guidelines</b>	
1. Proof of identity	<ul style="list-style-type: none"> <li>• Passport or national identity document from your country of origin</li> <li>• Birth certificate with photo identification</li> <li>• School or military ID with photo</li> <li>• Any U.S. government immigration or other document bearing your name and photo</li> </ul>
2. Proof you came to U.S. before your 16th birthday	<ul style="list-style-type: none"> <li>• Passport with admission stamp</li> <li>• Form I-94/I-95/I-94W</li> <li>• School records from the U.S. schools you have attended</li> <li>• Any Immigration and Naturalization Service or DHS document stating your date of entry (Form I-862, Notice to Appear)</li> <li>• Travel records</li> <li>• Hospital or medical records</li> </ul>
3. Proof of immigration status	<ul style="list-style-type: none"> <li>• Form I-94/I-95/I-94W with authorized stay expiration date</li> <li>• Final order of exclusion, deportation, or removal issued as of June 15, 2012</li> <li>• A charging document placing you into removal proceedings</li> </ul>
4. Proof of Presence in U.S. on June 15, 2012	<ul style="list-style-type: none"> <li>• Rent receipts or utility bills</li> <li>• Employment records (pay stubs, W-2 Forms, etc.)</li> </ul>
5. Proof you continuously resided in U.S. since June 15, 2007	<ul style="list-style-type: none"> <li>• School records (letters, report cards, etc.)</li> <li>• Military records (Form DD-214 or NGB Form 22)</li> <li>• Official records from a religious entity confirming participation in a religious ceremony</li> <li>• Copies of money order receipts for money sent in or out of the country</li> <li>• Passport entries</li> <li>• Birth certificates of children born in the U.S.</li> <li>• Dated bank transactions</li> <li>• Social Security card</li> <li>• Automobile license receipts or registration</li> <li>• Deeds, mortgages, rental agreement contracts</li> <li>• Tax receipts, insurance policies</li> </ul>

Examples of Documents to Submit to Demonstrate you Meet the Guidelines	
6. Proof of your student status at the time of requesting consideration of deferred action for childhood arrivals	<ul style="list-style-type: none"> <li>• School records (transcripts, report cards, etc.) from the school that you are currently attending in the United States showing the name(s) of the school(s) and periods of school attendance and the current educational or grade level</li> <li>• U.S. high school diploma or certificate of completion</li> <li>• U.S. GED certificate or other equivalent State-authorized exam in the United States</li> </ul>
7. Proof you are an honorably discharged veteran of the U.S. Armed Forces or the U.S. Coast Guard	<ul style="list-style-type: none"> <li>• Form DD-214, Certificate of Release or Discharge from Active Duty</li> <li>• NGB Form 22, National Guard Report of Separation and Record of Service</li> <li>• Military personnel records</li> <li>• Military health records</li> </ul>

Figure 2.1 “Examples of Documents to Submit to Demonstrate you Meet the Guidelines” chart from the USCIS DACA website. [Source: USCIS, <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process>.]

### *Proof of Identity and Age*

To file for DACA, a person must have been under the age of 31 as of June 15, 2012, and must be at least 15 years old at the time of filing. DACA requestors must prove their identity and age by submitting photo identification to USCIS, such as a passport, a national identity document from the requestor’s country of origin, a driver’s license, expired visas, identification cards issued by states, schools or the military, or a birth certificate accompanied by a form of photo identification (see Row 1 in Figure 2.1).<sup>25</sup>

For the young people I interviewed, the *matrícula consular*, or *matrícula*, seemed to be the most commonly submitted photo identification (see Figure 2.2). The Mexican government issues these identity cards to Mexican nationals living outside Mexico. DACA requestors often start the document collection process by going to the consulate to get their *matrículas*; they can be obtained for \$27 with an original birth certificate, photo identification and proof of address (Consul Mex 2012). The Mexican consulate in



Michigan is located in downtown Detroit, and, according to the young people and the lawyers I spoke with, it is easier and less inexpensive to obtain a *matrícula* than a Mexican passport, although some requestors choose to obtain and submit copies of both documents to USCIS. It is likely that some people who want to request DACA are already excluded at this “identity” stage of the process, if they do not know where their birth certificate is or do not have one, or if they are unable to travel to a consulate to apply for a *matrícula* or a passport.

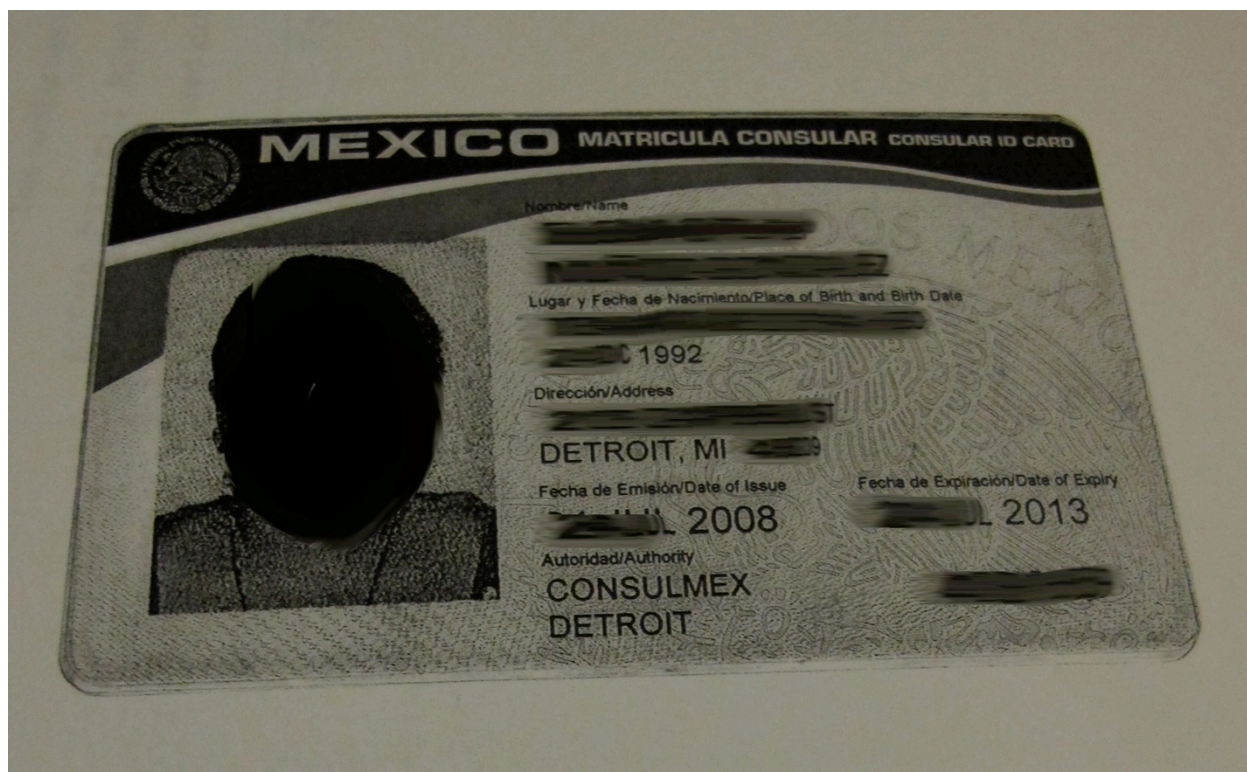


Figure 2.2 Rosa’s *matrícula*, obtained at the Mexican Consulate in Detroit.

### *Proof of Entry Before Age 16*

Once they establish their identity and age, DACA requestors must demonstrate their eligibility for DACA by providing evidence for the other criteria. To prove entry into the United States before age 16, USCIS suggests submitting stamped passports, government forms recording arrival or departure from the country, an Immigration and Naturalization Services (INS)<sup>26</sup> or Department of Homeland Security (DHS) document showing date of entry, or travel records, such as transportation tickets (see Row 2 in Figure

2.1). While these suggestions might be relevant for DACA requestors who immigrated to the U.S. legally and then overstayed their visas, all of the young people I interviewed were Mexican nationals who had entered the country unlawfully, by driving or walking across the United States-Mexico border; none of them possessed any of these documents because they never “officially” entered the country.<sup>27</sup>

USCIS names a few additional documents that can prove entry before age 16, including school transcripts and report cards, hospital or medical records, or religious records of participation in a baptism, first communion or wedding (see Row 2 in Figure 2.1). Although many of the DACA requestors I spoke with regularly attended church, none mentioned using official church records as part of their evidence. Most young people relied on school documents and immunization records to prove that they had come to the United States before their 16<sup>th</sup> birthdays.

#### *Proof of Unlawful Status*

Since all of the DACA requestors I interviewed had entered the country without inspection and had not been involved in removal proceedings, they did not need to provide evidence of unlawful status in the United States as of June 15, 2012. This criterion only applies to young people who arrived in the U.S. legally but then remained in the country after the end of their authorized stay, or those young people who were in removal proceedings when DACA was announced. The Form I-821D Instructions suggest that government documents relating to arrival or departure, or to deportation proceedings, may provide adequate evidence for this category (see Row 3 in Figure 2.1).

#### *Proof of Education/Military Service*

DACA eligibility requirements stipulate that requestors must be either: a) currently enrolled in school in the United States; b) a graduate of a U.S. high school; c) a recipient of a General Education Development (GED) certificate in the United States; or d) an honorably discharged veteran of the U.S. Coast Guard or Armed Forces. As all of these education and military statuses are already tied to documentation in the form of records, diplomas or certificates, this category of evidence is not usually

problematic for DACA requestors to assemble (see Rows 6 and 7 in Figure 2.1). However, there is one group of people that frequently struggles to prove the education eligibility criterion for DACA: young people who dropped out of high school but have yet to obtain their GEDs.

USCIS does allow people in GED programs to submit their DACA requests on the basis of their enrollment; young people do not have to wait until they have their GED certificates in hand to submit their paperwork. One lawyer praised this as “a very generous process” on the part of USCIS. However, activists are quick to point out that high fees and extremely long waiting lists often prevent DACA requestors from enrolling in GED programs. Moreover, some GED programs only accept people with Social Security numbers—a “catch 22,” as one community organizer observed: “To get a Social Security number, you need something that requires a Social Security number.” In order to make eligibility by GED certificate a truly viable option for DACA requestors, immigrants’ rights advocates insist that the government needs to create more accessible and better-funded GED programs.

Notably, all of the requestors I spoke to qualified for DACA on the basis of their education, rather than past military service. In fact, none of the lawyers I interviewed had ever heard of a DACA request that was based on former military service, much less processed such a request themselves. As the publically available data on DACA requests published by USCIS only indicates requestors’ countries of origin and their states of current residence, it is not possible to know if this lack of military-based requests is a national pattern or simply a regional difference specific to southern Michigan.

Some news articles and immigration law resources suggest that the education-based request trend does not reflect a quirk of Michigan DACA requestors, but rather reveals that the DACA eligibility criteria are based on a mistaken interpretation of military enlistment rules. Margaret Stock, an immigration attorney in Alaska, told Dallas News that “no such people meet that requirement in DACA for being in the military” (Vázquez 2013) because undocumented immigrants are not eligible to enlist in the United States military—only U.S. citizens and lawful permanent residents can enlist (ILRC 2013). According to the same sources, young people cannot join the military even after they are approved for deferred action, since DACA does not confer any lawful status. Additional research on the backgrounds

of DACA requestors and the types of documents that they submit as evidence are needed to determine the validity of these criticisms.

*Proof of Presence: June 15, 2012 and Continuous Presence*

The final two criteria, both relating to proof of presence, can be evidenced using the same types of documents; the Form I-821D Instructions give the same list of possible evidence for these two categories (see Rows 4 and 5 in Figure 2.1). Despite this overlap, the two requirements involve considerably different approaches from the standpoint of amassing sufficient evidence. The first requires proof of presence in the United States for one specific day—June 15, 2012, the day DACA was announced—which could theoretically be a single, dated document. The second requires proof of continuous, long-term presence in the country for at least five years before DACA’s announcement, which involves much more paperwork—at least a few documents per year, or documents like bills or bank statements that show regular activity over time.

The short time frame and the long time frame each have their own challenges when it comes to finding proof. The first makes a seemingly arbitrary day a defining moment in the lives of DACA requestors seeking relief from removal. The second requires substantial work: people must collect numerous documents from various institutions, personal files, and digital records. Gathering this materiality can be particularly challenging for those who cannot afford to take time off of work, do not have a means of transportation, or do not have a computer or Internet access.

USCIS suggestions for possible documentation for these two categories include: rent and utility bills, receipts, or letters from companies; employment records, such as pay stubs, W-2 forms, federal or state income tax returns, or letters from employers; or any of the school, military, medical, or religious records that were also applicable for the other eligibility criteria described above. Additionally, USCIS includes an extensive list of other paperwork that might be helpful, from receipts for money orders, taxes, or other transactions to passport entries, birth certificates of children born in the U.S. or a U.S. Social

Security cards. Other suggestions are ownership or rental paperwork for vehicles or housing, or postmarked correspondence with another person or organization.

What initially appears to be an exhaustive laundry list of possible paperwork can quickly be whittled down to a rather short list of viable “verifiable documentation,” once the practical constraints on the lives of unauthorized immigrants are taken into account. Depending on their age, young people eligible for DACA may not have any bills, rental agreements, or vehicle ownership paperwork in their own names. These types of documents are often under the name of a parent or of a relative or family friend with legal status, and therefore cannot be used as evidence for the DACA requestor’s presence. Passports and Social Security cards are only usable evidence for a select subset of young people who possess these U.S. government-issued documents—those who entered the country legally but overstayed their visas. Employment records, which typically evidence illegal work activity, are problematic for reasons discussed later in this chapter. And, as most DACA requestors work in the informal sector of the economy or under false identification, few have the health insurance that would allow for annual or non-emergency doctor visits, making medical records an unreliable way to prove continuous presence. Women who have given birth to children in the United States may be able to use prenatal health care, hospital stays, or children’s birth certificates as proof of presence, but this is a small subgroup of the DACA-eligible population. For many young people, the suggestions from USCIS are extensive catalogues of documents that they do not have or cannot obtain.

Considered in this light, the Form I-821D Instructions to DACA requestors and their lawyers are limited in scope and not particularly helpful. Beyond suggesting forms of evidence that many DACA requestors do not have, the Form I-821D Instructions do not offer much else to young people trying to navigate an unfamiliar legal process. They do not give advice about how to gather these documents from various institutions and organizations, nor do they specify the quantity of paperwork necessary to make a complete file. There are no guidelines as to how many documents need to be submitted to provide sufficient evidence for each of the criteria. Given that requesting DACA is a one-time opportunity, with no possibility for appeal if their file is rejected or denied, the opaqueness of the official USCIS

instructions for the DACA process is particularly frustrating for young people anxious for relief from deportation.

*“Any Other Relevant Document”*

Vague guidelines can be confusing and discouraging for DACA requestors, but the ambiguity of the Form I-821D Instructions can also be productive. For every criterion of eligibility detailed in the instructions, the last bullet point in the list of suggested documentation is “any other document that you believe is relevant” or simply “any other relevant document” (USCIS 2013d). This final phrase, tacked casually to the end of each document suggestion list, becomes the flexible space in which much of DACA requestors’ self-documentation occurs.

Later in this chapter, I explore the ways in which DACA requestors make use of the latitude afforded by the catch-all phrase “any other relevant document” to submit everyday materiality as documentary evidence and to represent themselves to the government in particular ways. But first, to further elucidate the challenges that motivate DACA requestors and their lawyers to devise these alternative strategies for proof, I describe how Rosa and Isabel tried to obtain some of the more “standard” types of evidence catalogued in the Form I-821D Instructions.

**Tracking Down “Verifiable Documentation”: Rosa & Isabel**

Some of the “verifiable documentation” suggested by USCIS is relatively feasible to gather, at least for certain DACA requestors. People who are currently enrolled in or recently graduated from high school or college can often use their school records as sufficient evidence for several of the eligibility categories, including entry, school attendance and continuous presence. This is not the case for older requestors, who have been out of school for several years. These people must find other viable ways to prove their five years of continuous presence, and they sometimes have a harder time obtaining the school records they need to prove their education.

Rosa, the younger of the two sisters, had little trouble collecting her school transcripts and student identification cards to submit as evidence, as she had finished high school just a year before DACA was announced. Her old high school had her student files in their computer system, and pulling them up and printing them out took only a few minutes. In fact, almost all of the documents that Rosa used to prove her continuous presence in the United States from 2007-2012 were materials that she had from school: her student identification cards from each year of high school; her high school transcript; her high school diploma; her transcript from her first year of college classes.

When Rosa went back to the same high school a few months later to collect Isabel's records to submit for DACA, the process proved more difficult. Rosa had to wait for "over an hour" while the administrative staff searched through the paper files, which had been scattered during a recent school remodeling. The digitization of school records took place after Isabel graduated from the school, so her paper documents were more challenging to find.

Although Isabel was ultimately able to get the school records she needed to provide proof of her education, she still struggled to find suitable evidence to demonstrate continuous presence for the time period between when she graduated from college and when she submitted her DACA request. "When I finished my bachelor's, I lost track of having a school document that had proven that I was here," Isabel told me. Nonprofit lawyer Lisa confirmed that Isabel is not alone in this struggle, saying that there is a "huge gap between those who were still in school and those who were out [of school]" when DACA was announced, in terms of the ease with which they are able to amass sufficient paperwork.

In July 2013, nearly seven months after submitting her DACA request in mid-January and still waiting for approval, Isabel received a Request for Evidence from USCIS.<sup>28</sup> The request specified that she needed more documents to prove her continuous presence in the United States in 2008. Isabel gathered all of her bank statements and hospital records from 2008 onwards, and, with the help of her lawyer, sent them to USCIS in fulfillment of the request.

When I asked Isabel why she had not included these documents in her initial file, she said that she simply didn't think they were necessary. Her younger sister Rosa had already been moving through the DACA process smoothly, with only school records as proof of continuous presence. Isabel could not understand why she should need anything more than her sister did, seeing as they lived and worked together every day. Overhearing our conversation, Rosa chided Isabel for making this one-to-one comparison, "But I was in school that whole time, it was easy for me!" Whereas Rosa had just finished her first year of college when DACA was announced in June 2012, Isabel had been out of school and working for several years.

In my conversations with Rosa and Isabel about the process of self-documentation, Rosa understood the age difference between her and Isabel as one explanation for why collecting paperwork was more difficult for her older sister than it was for her. But Rosa also attributed Isabel's greater struggle to find adequate documentation for DACA to a difference in their personalities. She often teased Isabel about her lack of attachment to things from her past and the carelessness with which she discards old papers and belongings. Rosa, on the other hand, identifies herself as "the one who keeps all of it," from student ID cards to old class assignments to letters of praise from teachers, commending her academic performance. By an accident of personal habit, the process of self-documentation was "a lot easier" for Rosa than for Isabel.

Rosa's observation highlights how everyday materiality takes on new and critical significance for young people requesting relief from removal under DACA. School IDs forgotten in old wallets, papers hidden away in desks and file cabinets, receipts collecting at the bottom of a purse, paid bills and opened letters tossed in the trash—all this material culture that people often overlook becomes incredibly important to determining the future of these young people's lives. Avoiding deportation or comparatively smaller matters, like legally buying a drink or driving a car or getting a job—these acts all become contingent upon young people's ability to self-document their lives using everyday objects. This often-ignored, ordinary materiality is especially important for those DACA requestors like Isabel, who have fewer "verifiable" documents available to them as admissible evidence.



## **SELF-DOCUMENTING: THE IMPORTANCE OF EVERYDAY OBJECTS**

In the absence of passports, driver's licenses, and Social Security numbers, everyday objects become vitally important for people engaged in self-documenting. DACA requestors may be "undocumented" in that they lack many of the government-issued papers and government-tracked records that legal residents and citizens of the United States possess. But, as they draw upon other kinds of material culture to self-document their existences, young people actually prove themselves to be far from undocumented. Once printed out and submitted to USCIS, ordinary, ubiquitous data like Facebook posts, cell phone histories and other institutional records become official, verifiable government documentation that has the power to allow young people requesting DACA to legally remain in the United States.

Daniel Miller states that many such ordinary objects, the things of everyday life, have "a remarkable capacity for fading from view, and becoming naturalized, taken for granted" (2010: 155). He suggests that it is precisely because we fail to notice these things that they so profoundly determine how we think and act. Miller calls this "the humility of things": "humble" objects shape our behavior by their very subtlety (2010: 50). It is likely that for most people, most of the time, the types of material culture that DACA requestors collect during the process of self-documentation—library card records, text messages, Facebook status updates—are "humble" in just the way that Miller describes: ignored, taken for granted, forgotten. However, I contend that, for undocumented young people seeking to prove their eligibility for deferred action, these formerly ordinary things quickly become elevated to immense importance. Miller's notion of "the humility of things" thus fails to account for the dynamism of material culture; what was once humble can, from one day to the next, become critical. I argue that digital media and electronic data can be used in highly politicized contexts with major implications for the safety of young people living in fear of deportation. Drawing on Kopytoff's (1986) notion of the evolving "biography of things," I challenge Miller's static concept of "the humility of things" by demonstrating how everyday objects once considered trivial become crucial evidence during the process of self-documentation.

## Turning Data Into Documentation: Sergio & Manuel

As Sergio began to assemble the documents for his DACA file, he noticed that he had a gap in his record of continuous presence from 2010-2012. Sergio’s activities during that period of time had not left behind any typical “verifiable” paper trails—he already had graduated from high school, he was working under the table, and most of his bills were still in his mother’s name. Without “official” documentation to submit, Sergio turned to the most comprehensive existing record of his everyday activities: his Facebook page. “Since I use Facebook a lot and I do a lot of check-ins, I printed those out and I used those too,” Sergio said of his strategy for self-documenting his eligibility for DACA.

For Sergio, the decision to submit Facebook posts to the government was primarily pragmatic; his check-ins and status updates were the only record of his presence for that time period that he could access and present to USCIS in a tangible form. Sergio took screenshots of his Facebook Activity Log page showing his posts with Michigan locations, printed the images, and submitted them as evidence with the rest of his DACA file (see Figures 2.3 and 2.4).

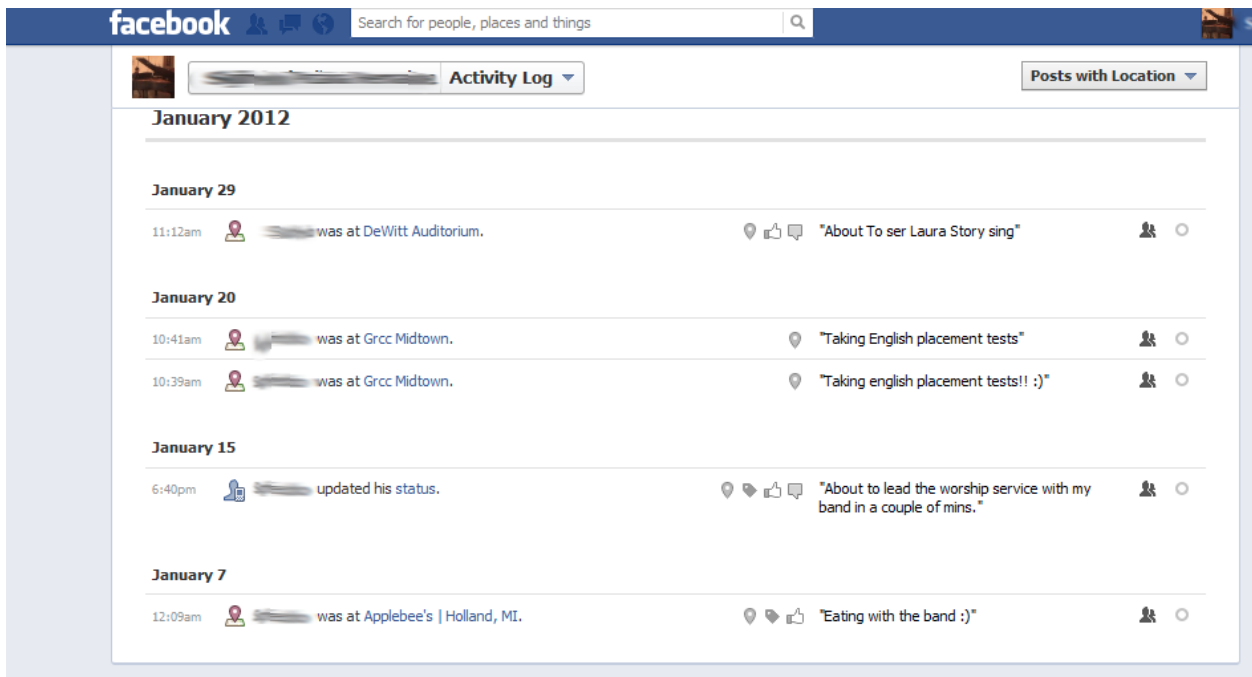


Figure 2.3 Sergio’s Facebook updates—status posts and check-in locations—submitted as evidence for continuous presence.

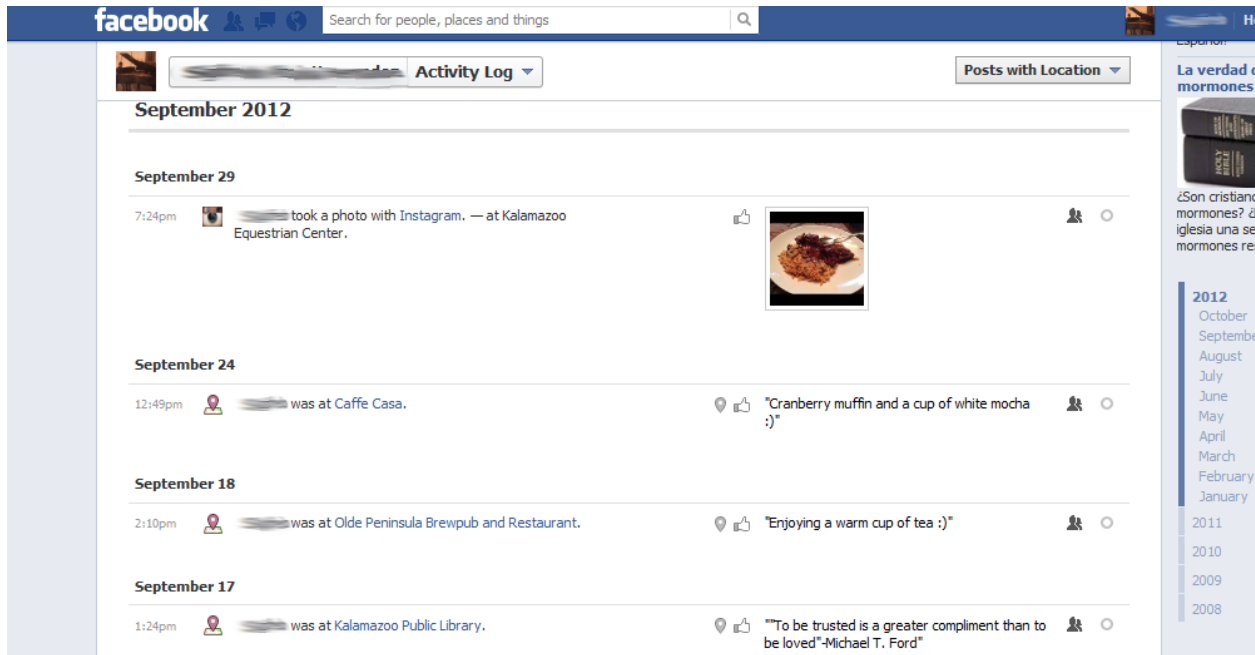


Figure 2.4 More of Sergio’s Facebook check-ins submitted as evidence for continuous presence.

Sergio’s Facebook posts demonstrate how not only everyday objects, but also lived experiences and personal stories, become forms of evidence for DACA requestors. When recorded on Facebook and printed out on paper, “a warm cup of tea” at Olde Peninsula Brewpub and Restaurant or a “cranberry muffin and a cup of white mocha” at Caffe Casa (see Figure 2.4) assert Sergio’s presence; they make him someone who belongs to a community and a place. The ordinary materiality of Sergio’s Facebook page becomes critical proof of his eligibility for DACA. Through the DACA request process, commonplace data and material culture that might be overlooked or dismissed as frivolous become politicized documents with potentially life-changing significance for certain young people.

Sergio’s use of his Facebook posts in his DACA request demonstrates how Miller’s theory of “the humility of things” (2010) disregards the dynamism of material culture. In the course of the DACA process, objects once unseen become the focus of intense attention and thoughtful collection. Just as things with no monetary value can come to be marked as commodities by “cultural and cognitive processes” (Kopytoff 1986: 64), previously ignored material culture can come to be recognized as a crucial resource through the process of self-documentation. Sergio’s ability to transform of data into

documentation suggests that the uses of a particular piece of material culture can and do change over time. As Kopytoff states, “the biography of a thing...shifts with every minor change in context” (1986: 90). Young people eager to escape the precarious position of deportability “redefine and put to use” (1986: 67) once-trivial papers and data to prove their eligibility for DACA, challenging the notion that “the humility of things” is a static property (Miller 2010).

Like Sergio, Manuel also elevated formerly humble things to the status of documents. Manuel made use of the material trail of his regular activities to prove his continuous presence in the United States. A considerable history of dental problems left Manuel with a record of frequent dentist appointments that helped him account for his presence during gaps that his other documentation did not cover. Lawyers I spoke with cited dentist visits as a common type of submitted documentation, along with OB-GYN visits for female requestors who were pregnant or had young children.

These are just two examples of the diverse data-turned-documentation that lawyers helped DACA clients to submit. To prove continuous presence, people sent USCIS copies of their gym memberships, library card records and histories of fines for overdue books. They submitted low-level parking tickets and magazine subscriptions, college acceptance letters and cell phone records. Other people included GameStop memberships, food pantry visits, 1-800-CONTACTS mailings and Facebook posts with locations. When possible, DACA requestors also sent USCIS more traditional kinds of documentation: utility bills, medical records, old or expired drivers licenses, tax ID numbers, bank statements, doctor and dentist visits, or a witness signature on a family member’s marriage certificate.

Young people eligible for DACA find ways to sidestep some of the logistical frustrations of traditional types of paperwork through resourceful processes of self-documentation. By recognizing the evidential potential of everyday objects that they previously ignored, undocumented people creatively cope with their lack of official papers. The ordinary material culture that DACA requestors collect, copy and submit to USCIS becomes the critical documentation that government officials review when deciding to approve or deny their requests. It is with this moment of judgment in mind that young people work

with their lawyers to curate the materiality in their files, crafting deliberate representations of their life histories to submit to the government.

## **CONSTRUCTING POSITIVE REPRESENTATIONS**

As they work to prove their presence with everyday objects, people strategically choose which material culture to use in their DACA requests, highlighting some pieces and discarding others. Daniel Miller's (2010) theory of "objectification" helps to explain why this selectivity is necessary. Miller contends that we often imagine the relationship between people and materiality to be unidirectional: stuff is the product of human work, and people invent, create, destroy and rebuild a world of objects to achieve human goals. With his notion of "objectification," Miller rejects this one-way relationship in which humans are always the actors and stuff is always acted upon, arguing instead that objects make us as much as we make them. Objectification is how "we enhance our capacity as human beings" through material culture, by creating things (2010: 59). Inherent in this same process of creation is "a possibility of oppressing ourselves if the thing we made then develops its own autonomous interests" (2010: 59). Miller offers the example of a car to illustrate the risks attendant to objectification: we create the car for mobility, speed, and access, but in creating the car we also create pollution, traffic, and auto accidents (2010).

Applied to the DACA request process, objectification suggests that some pieces of materiality are helpful to include in DACA case files, while others are hurtful. A weekly log of hours volunteered at the food pantry comes to symbolize active citizenship and community involvement; an assortment of pay stubs from under-the-table jobs evokes stereotypes of "illegal immigrants" stealing American jobs. These objects that people are said to "produce" through their actions actually come to make people in equal measure. Young people requesting DACA have to craft their files strategically to contend with objectification.

For many DACA requestors, lawyers provide valuable guidance on which documents to include and which to avoid based on their professional expertise and the strategies that proved most successful for previous clients. In fact, it is often unclear who does more to shape the final representations that DACA requestors submit to USCIS—the lawyers or the clients. Requestors typically track down their documents themselves, in a process of self-documentation, but lawyers also influence this process by giving recommendations on which documents to seek out and which to avoid. Nevertheless, the goal of both lawyer and requestor is to submit a thorough and positive representation that will be favorably evaluated by the USCIS officer reviewing the case.

In crafting representations that are both thorough and positive, DACA-eligible young people and their lawyers have a delicate balance to strike. On the one hand, they need to provide the most complete life history possible to ensure that the nameless, faceless USCIS officials reviewing their requests will be convinced of their eligibility for the program. The decision of this unknowable official is discretionary, final and unreviewable. As the legal worker Yesenia told me, “Depending on how that one person [at USCIS] feels about the way you put your life together on a stack of papers, that’s it”—there is no second chance. For these reasons, lawyers and their clients are eager to submit any and all documentation that they think might be helpful in proving eligibility for DACA. On the other hand, requestors and their lawyers need to minimize the risk of sharing information that might be incriminating under the immigration policies of a future administration. This means choosing to leave out certain documents that could be used to demonstrate continuous presence, like tax records or pay stubs from work, since these employment papers also prove that the requestor has worked illegally in the United States.

People requesting DACA have to manage objectification by strategically selecting the documents that make up their case files. Accordingly, requestors—often with the help of their legal providers—deliberately construct archives of their lives that prove DACA’s requirements and form self-conscious representations that counter dominant, negative views of undocumented immigrants. People avoid submitting papers that draw attention to their unlawful status and instead include documents that represent certain types of citizenship and participation. In so doing, DACA requestors emphasize their personal

achievements, community service, and political involvement to differentiate themselves from immigrants who are “a burden on the system.”

### **The Documents Discarded**

Some lawyers are hesitant to include certain kinds of employment documents that evidence the under-the-table work activities of their clients, ostensibly out of concern that these papers bring unfavorable attention to their clients’ histories of illegal labor. Attorneys also worry that this information, which is in the government’s permanent possession once submitted, might result in penalties or harsher legal consequences should DACA ever be revoked. Lawyers Lisa and Melanie both told me that they avoid submitting certain work documents whenever possible.

*Lisa: I try to stay away from [tax records]. I try to stay away from pay stubs, because again it’s proof of a violation of the law. I try to stay away from all of that. But in a pinch, and if the client is okay with it, we’ve used those.*

*Melanie: We get requests for evidence. Sometimes they want more evidence, [and] we can submit that tax evidence that I wouldn’t love to give them.*

Lisa and Melanie’s resistance to including these documents is notable since the Form I-821D Instructions actually suggest using employment records to prove continuous presence (USCIS 2013d). Melanie submits tax records only if USCIS deems the first round of documents insufficient and requests additional evidence; otherwise she leaves it out, afraid that proof of illegal employment might hurt her client’s case.<sup>29</sup> Faced with the relatively opaque process of discretionary review, where the only “feedback” on the content of a request is the final ruling of approval or denial, lawyers have to devise their own rules about which documents harm and which help.

This is the filter of bureaucracy at work: lawyers determine what is “good” paperwork, editing or modifying DACA requestors’ attempts at self-representation. Lawyers’ rulebooks often exclude the use of undocumented labor paperwork, implicitly marking this materiality as inferior or invalid as compared to documentation for legal employment. In so doing, legal professionals shape the personal narratives of

DACA clients in ways that reflect their own ideas about who is deserving of relief from deportation (Coutin 1998).

### **The Evidence Included**

Just as lawyers filter out the documents that they deem illegitimate or unhelpful, they also encourage their clients to include evidence that demonstrates certain types of “worthy” actions and involvement, papers that legal professionals believe will be positively evaluated by USCIS officers. Young people requesting DACA search out “favorable” evidence too, often collecting documents that help to build a picture of their citizenship and participation in their schools, churches, and communities.

#### *Sergio*

Sergio strategically included documents that evidenced his various high school achievements in the file that he submitted to USCIS. Along with his school records, Sergio sent in a certificate of participation from Rotary International (Figure 2.5), awarded to him for completing the Rotary Life Leadership Conference in June 2008; a piano proficiency examination form from the Michigan Band and Orchestra Association (Figure 2.6); and a letter from the school superintendent congratulating Sergio on his participation on his high school’s state championship theater team in 2010 (Figure 2.7). In choosing to submit these papers as proof of his continuous presence, Sergio highlighted his positive contributions to his school and demonstrated his achievements.





Figure 2.5 Sergio's certificate of participation in the Rotary International Leadership Conference, submitted as evidence for continuous presence.

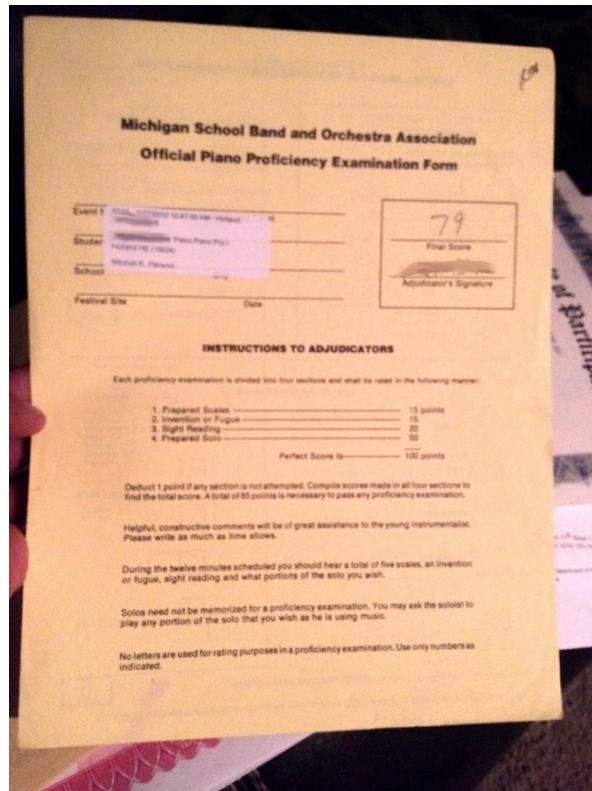


Figure 2.6 Sergio's piano proficiency exam, submitted as evidence for continuous presence.

Unlike the Facebook posts (Figures 2.3 and 2.4) that Sergio submitted to provide evidence for an otherwise undocumented time period after his high school graduation, all of this paperwork (Figures 2.5, 2.6, and 2.7) dates from when Sergio was still attending high school. That is to say, these documents act as supplements to the school transcripts that already prove Sergio’s continuous presence for this time period; they are not, strictly speaking, “necessary” for demonstrating his eligibility for DACA. Submitting these letters and certificates as extra proof for a time period that was already adequately evidenced suggests that these documents are meant to convey additional information about Sergio’s accomplishments and personal character that will help him to secure approval for DACA.

The role of lawyers in making decisions about what to include or not include complicates assertions of creative control in self-documenting processes. DACA requestors gather the papers that they will use as evidence, often imaginatively drawing on documentary resources—like Sergio’s piano proficiency exam—that their lawyers wouldn’t necessarily know about or think to use. But lawyers do provide important editing and guidance, and sometimes even write sections of the request form. The balance of creative control is probably different in each lawyer-requestor partnership. Someone like Sergio, who is active in immigrants’ rights circles and frequently speaks about the struggles and stereotypes that confront undocumented people, might be more knowledgeable about how to craft a positive representation than the average DACA requestor. Likewise, lawyers who process many DACA cases may have standby strategies that they use again and again to portray their clients in a particular light, an unofficial playbook that less experienced legal providers lack.

Regardless of how particular requestors and their lawyers share in managing the representation of their cases, it is clear that the contents of DACA files are far from haphazard. Sergio’s file contains an abundance of evidence to demonstrate his presence during high school. These papers prove not only that he was present, but also that he contributed positively to his community with his participation and achievement. Yet when it came to documenting his presence post-graduation, Sergio stayed away from any evidence of illegal employment and instead opted to send in Facebook posts.



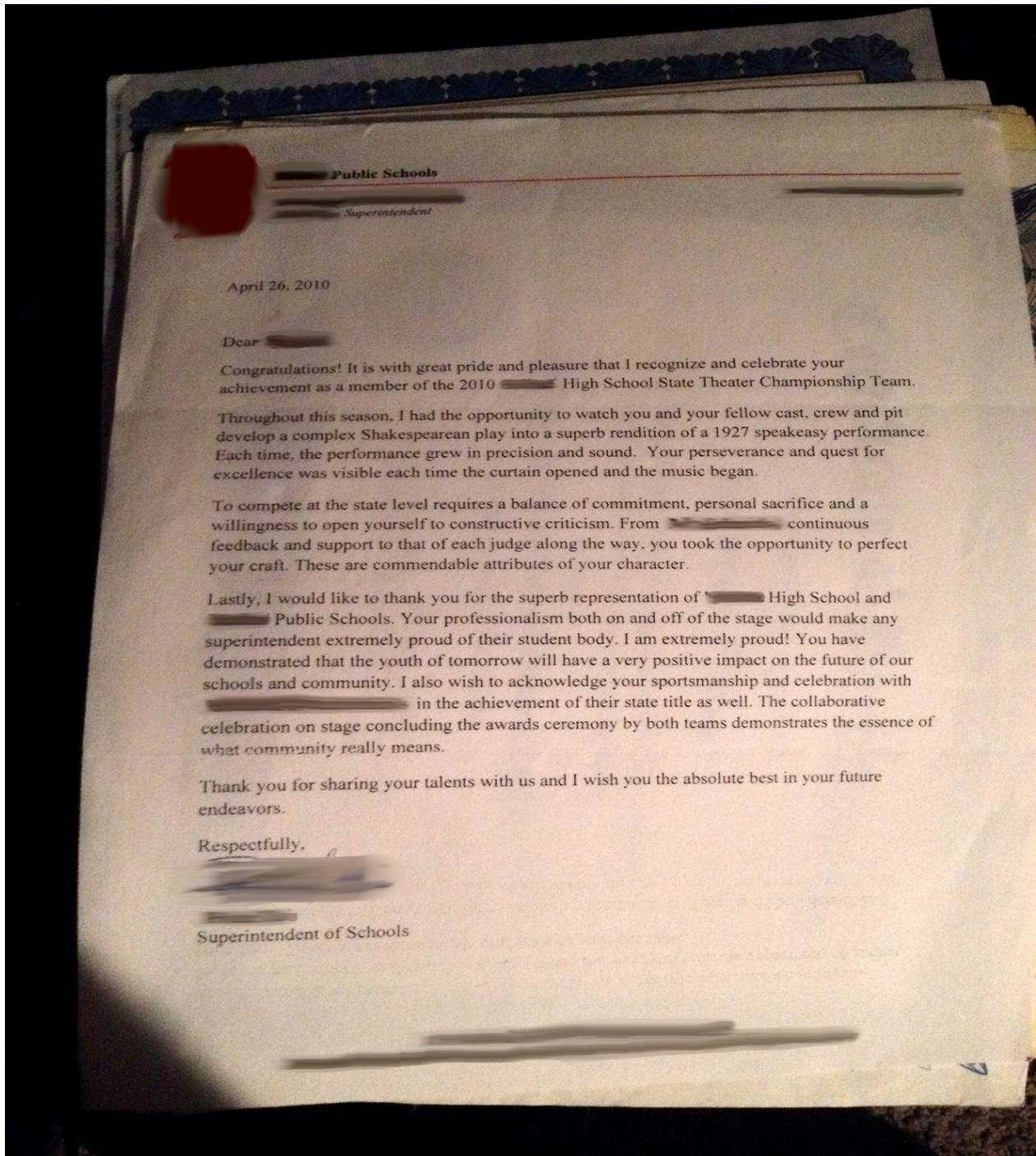


Figure 2.7 Sergio's letter of congratulations from the school superintendent, recognizing his participation in the high school state championship theater team.

*Rosa and Isabel*

Like Sergio, Rosa also found ways to strategically communicate her upstanding character and considerable community involvement to USCIS, both on the Form I-765 Worksheet and in the choice of documentation that she submitted as proof of presence.

The Form I-765 Worksheet is a document that DACA requestors must submit “to establish economic necessity” (USCIS 2013) for employment; they send it to USCIS along with their request for deferred action (Form I-821D) and their application for employment authorization (Form I-765). One section of Form I-765 Worksheet allows DACA requestors to provide additional information or explanation of their need for employment. Here, Rosa’s worksheet (Figure 2.8) includes an essay that talks about her life as a college student and her efforts to balance the financial demands of work and home life. Her essay frames DACA approval and the accompanying documentation as vital resources that will enable her to be a responsible daughter, student and citizen. The essay also says that Rosa wants a Social Security number and work authorization in order to “gain financial independence” and avoid becoming a “burden on the system.” With this statement, the essay explicitly differentiates Rosa from common negative stereotypes of illegal immigrants.

**Part 3. Additional Information**

If you would like to provide an explanation of the above information, please use the space below.

I am currently a college student and live at home with my parents who financially support me. I am applying for an Employment Authorization Document to enable me to apply for a social security number (so that I can apply for a Driver's License and obtain health insurance), as well as work to pay for school, transportation to and from work and school, and pay for my living expenses/contribute to the family expenses. I also want to gain financial independence so that I don't need to rely on others for support and/or become a burden on the system.

Figure 2.8 Rosa’s brief essay in the Additional Information section of Form I-821D.

Rosa's essay argues that she deserves to be approved for DACA because she is a socially and fiscally responsible, educated young person, who stands in stark contrast to the stereotype of the undeserving alien popular in the anti-immigrant imagination.

Again, as I mentioned in my discussion of Sergio's case file, the role that lawyers play in crafting positive representations complicates assertions of creative control in self-documenting processes. In the paragraph above, I refer to "the essay" rather than to Rosa because I am uncertain how much of the language belongs to Rosa and how much belongs to her lawyer, who helped her prepare the document and possibly edited the essay. That said, in my conversations with Rosa and Isabel, both women frequently talked about themselves as "people who do deserve to be here" and who "work hard to help the country, not just themselves." I can say with confidence that Rosa and Isabel genuinely do make implicit distinctions between their family and other immigrants, or at least between their family and pervasive stereotypes of exploitative immigrants. I am less certain that it was Rosa's idea to use the space provided in the "Part 3: Additional Information" section of the Form I-765 Worksheet to articulate this distinction for the benefit of the USCIS official reviewing her DACA request.

Both sisters—perhaps of their own accord, perhaps at the recommendation of their lawyer—further solidified the idea that they were particularly "worthy" of deferred action through the paperwork they submitted to prove their presence. Appearing "worthy" on paper meant sending in documents that demonstrated their benevolent involvement in their community and highlighted their generosity and charity in working for those less fortunate than themselves. Isabel and Rosa both included letters from the director of the church food pantry where they are regular volunteers as evidence of their presence in the United States on the day of the DACA announcement, as June 15, 2012 serendipitously fell on a Friday, the sisters' weekly volunteering day.

As the letter from the food pantry (Figure 2.9) was the only piece of evidence that Rosa had for being in the United States on that day (Isabel had an additional letter from the tutoring program where she was working), including this document in her DACA file was first and foremost an act of necessity. However, it is clear from the contents of the letter that this document—written by the pantry director, an



immigrants' rights advocate and a close friend of Rosa and Isabel's family—is intentionally crafted to do more than simply prove Rosa's presence. The letter helps to build a positive representation of Rosa by emphasizing her long-term commitment to the pantry, her “valuable” contributions to her community and her general good nature.

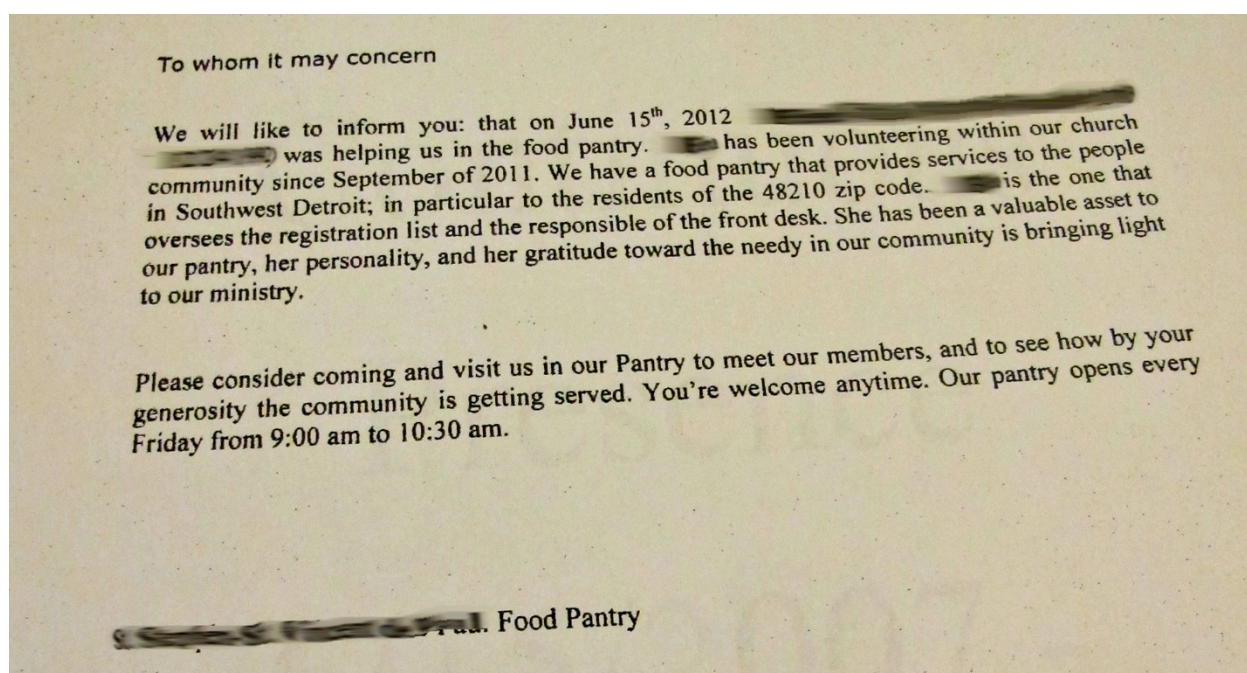


Figure 2.9 Rosa's letter from the food pantry director, submitted as evidence for presence on June 15, 2012.

Sergio, Rosa and Isabel, together with their lawyers, carefully selected documentary evidence that established not only their physical presence in the United States, but also their positive social presence in their communities. They did not rely solely on the documentation that was most convenient or accessible; they searched through old papers and awards, and they approached friends for approving affidavits in order to make deliberate document collections that recognized their high achievement.

This suggests that some DACA requestors and their lawyers see their task as more than simply proving eligibility. Rather, the objective is to document young people's “worthiness” for relief from removal by submitting papers that demonstrate that they are already good citizens who deserve to be recognized for their contributions. By including documents that exhibit certain non-legal dimensions of

citizenship, such as “civic involvement, social deservedness, and national loyalty” (Coutin 2000a: 587), DACA requestors implicitly argue that they are deserving of recognition as “full social and legal persons” (Coutin 2000a: 589), even though they know that no such status can actually be attained through the DACA program.

### *Luis*

Framing their documentation within a narrative of non-legal citizenship was common among the DACA requestors I spoke with, but not all of them conceived of citizenship in the same way. Luis used his DACA file to assert a different kind of citizenship, built on activism, social justice and civil disobedience. He smiled as he told me about the document that he used as proof of his presence in the United States on June 15, 2012: “The funny part is I actually used one of the newspaper clippings from when we were in the Obama office, the newspaper clipping from the day the announcement was made.” That is, as evidence for his eligibility for DACA, Luis sent in the newspaper article describing his involvement in the June 2012 occupation of Obama’s campaign office in Dearborn, MI.<sup>30</sup>

Luis clearly relished the thought of using this act of protest as his proof of presence; it allowed him to take advantage of relief under DACA, and, at the same time, to be openly critical of the Obama administration’s immigration policy. One of the immigration lawyers that I spoke to recalled other young people he had worked with who also used their involvement in immigrants’ rights activism as documentation for their DACA requests. These requestors submitted citations for ordinance violations for blocking traffic during protests as evidence of their presence in the country on the days that they were ticketed.

Like the DACA requestors who choose to send in certificates of achievement and volunteer records to prove their presence, Luis and other requestor-activists intentionally include specific documents in their DACA files to represent themselves to the government in a particular way. Many requestors, especially those involved in activism, see DACA as a temporary and inadequate fix to a problem that deserves far more political attention. Using news articles and traffic tickets reflective of their

participation in protests, young people make document collections that conform to the eligibility requirements outlined by USCIS while simultaneously expressing their frustrations with the status quo of U.S. immigration policy. This is another instance in which the dynamism of material culture is evident: things like traffic tickets and protest photos that seem to tell one kind of story can take on multiple, sometimes contradictory, meanings (Kopytoff 1986).

Young people requesting DACA strategically edit their document files to represent themselves in a particular light by sharing specific aspects of their personal stories. People engage in this selection process as a way of managing the contradiction inherent in objectification: the DACA files that young people create to enhance their functional personhood in the United States have the potential to become harmful rather than helpful, as in the hypothetical scenario where a future administration uses these files to track down and deport DACA requestors. DACA requestors and their lawyers try to minimize this oppressive potential of objectification by omitting certain documents from their files and including others. When a USCIS officer finally evaluates this collection of documents as evidence and uses them to make a determination on deferred action, the state joins in the production of identity through material culture. As they curate the materiality of their lives to make positive representations and attain deferred action, DACA requestors and their legal providers acknowledge that documents are most meaningful and convincing when assembled in relation to one another. Accordingly, they build constellations of documents that demonstrate how agency and power emerges from collectives of material culture.

## **MAKING “CONSTELLATIONS” OF MATERIAL CULTURE**

By gathering and arranging various material objects—physical and digital, official and everyday—to create their DACA requests, young people and their legal providers recognize that material culture is most powerful as collectives. It is necessary to bring these papers together into one collection because, as Callon and Law (1995) demonstrate, things—human and non-human—do not act or exist independently. No individual requestor or single document has any agency on its own. Rather, it is when various papers and records and people are strategically assembled into a “hybrid *collectif*” that the



“interaction of the heterogeneous parts [...] perform agency” (Callon and Law 1995: 485). Accordingly, no single document proves a requestor’s eligibility for DACA; the evidence emerges from the documents as collective, just as disparate stars, once properly aligned, can give shape to a clear, meaningful constellation.

The opaque and discretionary nature of the DACA review process is one factor that motivates requestors and their lawyers to build collectives of documentary evidence as they craft their requests. USCIS officers make their determinations on DACA cases behind closed doors, in distant office buildings, so it is impossible for requestors and their lawyers to know which pieces of evidence will be accepted as “verifiable documentation” and which will be deemed inadmissible. Despite having processed dozens of requests for their firms and organizations since DACA was announced, lawyers are still unsure of exactly which documents most help their clients to win approval. At the end of the DACA process, young people receive only a simple letter from USCIS stating either that their request has been approved or denied. It is difficult to assess the strength or weakness of any specific pieces of documentation included in the DACA request from such a brief response.

The difficulty of determining which collective of documents will make for the most successful DACA request may be one of the primary reasons that many young people choose to work with some sort of legal provider. Although USCIS does not require that lawyers prepare requests, the agency’s nontransparent process for making determinations on DACA cases makes the guidance of an experienced legal provider particularly valuable. Nonprofit lawyer Lisa said that overseeing the gathering of documents and building a strong, convincing collective of evidence was her responsibility as the lawyer.

*Lisa: Fundamentally, the idea of proving your presence is a complicated issue. So, our responsibility was from 2007 to 2012. I would say 99% of the people who came to see me would bring in one document from 2007, one document from 2008... Well that doesn’t prove anything. Making sure that there was a sufficient blanket of evidence over that period of time—I think was my most vital role.*

Yet even with considerable experience processing DACA cases, legal providers are just as blind as the requestors themselves, in a sense. The limited feedback from USCIS means that lawyers can only

know if the total collection of documentation submitted for a particular request was adequate or inadequate, as a whole; they cannot not know which specific documents helped or hindered their clients' cases. As a result, every lawyer seems to decide the types and amounts of "verifiable documentation" to submit according to their own rulebook of USCIS standards, as defined through the successes and difficulties they have encountered in their personal experiences with DACA requests. Lawyer Armando described the careful process of assembling the best collective of materiality as a kind of legal artistry:

*Armando: You kind of tie little things together. A single scrap of paper doesn't work, but a constellation of them actually builds a document, because each one supports the other, and then you've built something out of that.*

Armando's approach to building a strong DACA case from a "constellation" of diverse "scraps" of material culture maps quite neatly onto Callon and Law's notion of the emergent properties of the hybrid *collectif*, whereby agency emerges from the relations at play in a particular "arrangement of bits and pieces" (Callon and Law 1995: 484). These theoretical notions of emergent properties of material culture are further substantiated by the actions of DACA requestors, who use material collectives to define their lives and to adequately self-document their eligibility. Young people work with their lawyers to determine which collective of material culture is most powerful—which collective will work best when surveyed by a USCIS official in the decisive moment when relief from removal is approved or denied.

## **SUMMARY**

Miller's theories of materiality (2010) are both informative and insufficient for understanding the DACA process. His concept of "objectification" is helpful in explaining why DACA requestors and their lawyers invest so much effort in constructing positive representations in their DACA files. This careful editing process is a way of managing the risks of objectification. However, the DACA process also demonstrates that, in particular sociopolitical contexts, Miller's notion of "the humility of things" proves too static. For undocumented people eligible for DACA, mundane materiality such as digital data and

records evolves from being humble to being life-changing overnight. One day a Facebook post is just a Facebook post; the next day, the same Facebook post is a critical piece of documentation.

The importance of objects as collectives, as opposed to single items, is another element of the DACA story that does not fit neatly with Miller's theories of materiality (2010). Though Miller holds that meaning is always made in relation, rather than isolation, he does not explore how agency emerges from collectives of relations (Callon and Law 1995). A single item does not have the power to prevent someone from being deported, but, gathered together with other bits of evidence, this once-inconsequential object can be assembled into a powerful collective that conveys a particular self-representation. From these meaningful constellations of material culture emerges the agency that asserts a DACA requestor's eligibility to remain in the United States.

Material culture thus has profound implications for how socially and economically marginalized people live and die (see De León et al. in press and Beck et al. in press for discussions of deceased border crossers and identification documents). For undocumented young people, materiality is a vital, politicized force that both helps and hinders their efforts to move into legitimacy and to participate fully in society. The importance of materiality in the lives of DACA requestors becomes even more evident after they are approved for deferred action by USCIS.

### CHAPTER 3: Living “DACAdmented”

One evening in October 2013, I went to visit Rosa and Isabel at their house in southwest Detroit. I had not seen either of the sisters for several weeks, and we sat around the kitchen table drinking bottled water and eating potato chips, chatting about the school where they work. After a hectic summer preparing for the school year, things had quieted down somewhat; their jobs at the school were busy but not overwhelming. Rosa and Isabel updated me on staff changes and told stories about new students, gossiping and joking with one another, translating snippets of Spanish into English for my benefit. After a half hour or so of catching up, I drove the three of us to a tiny, run-down diner a few blocks away to get some food.

After dinner, we went back to the house and sat around in the living room, where I asked the sisters for the latest DACA update. Isabel’s was discouraging: three months had passed since she had sent in her additional evidence to USCIS, and she was still waiting for her approval letter. Rosa, who had received her approval months before, in late February, was happy to have her work permit and her Social Security number, but she still had not gotten her driver’s license because she was too nervous to take the driving test. Isabel and I teased her about being lazy rather than afraid, and she laughed along good-naturedly. I jokingly asked if she had any official papers I could see, if she didn’t have a license. Rosa replied that of course she did, she had all of her DACA paperwork neatly together in a folder, and she went upstairs to her room.

A few minutes later, Rosa returned with a two-inch white binder labeled with her name, smiling as if proud to have proved her point. She opened the binder, explaining that it contained copies of all the documents that she had sent to USCIS along with her forms for DACA and for work authorization. Rosa flipped through the pages: photocopies of expired Michigan state identification cards; a letter from the food pantry where she and her family volunteer every week (see Figure 2.9); her student identification cards from each year of high school (Figure 3.1); her high school transcript and diploma; her first-year college transcript; her birth certificate, translated into English; her immunization record; her IRS individual taxpayer identification number (Figure 3.2); her *matrícula consular* (see Figure 2.2);<sup>31</sup> her

Mexican passport. Watching as she paged through thirty pages of black-and-white photocopies, it was hard to conceive of Rosa as a person “undocumented.”

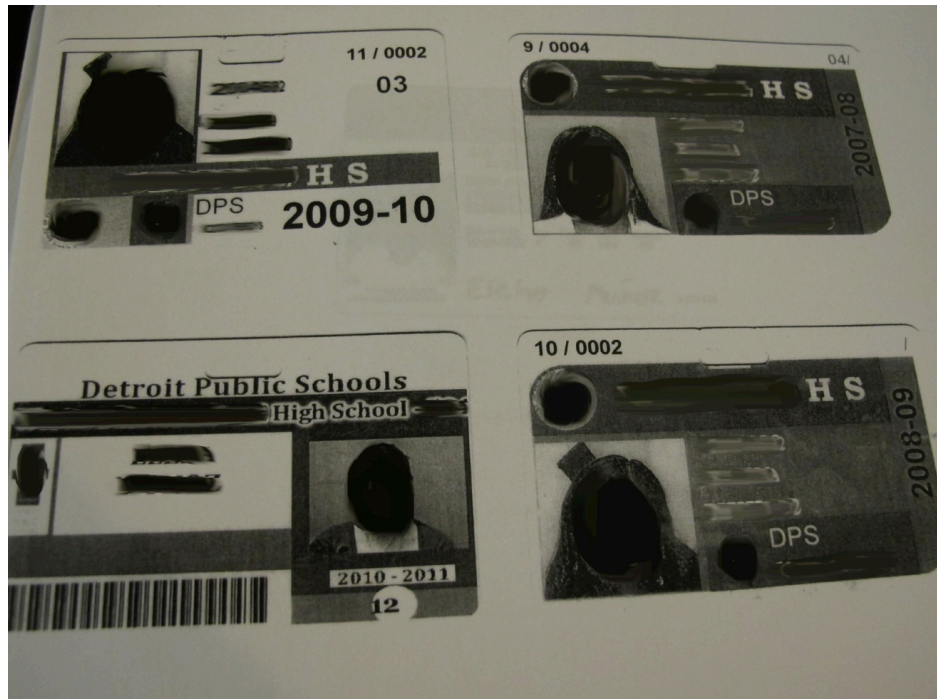


Figure 3.1 Photocopies of Rosa’s student identification cards from each year of high school, submitted as evidence of DACA eligibility.

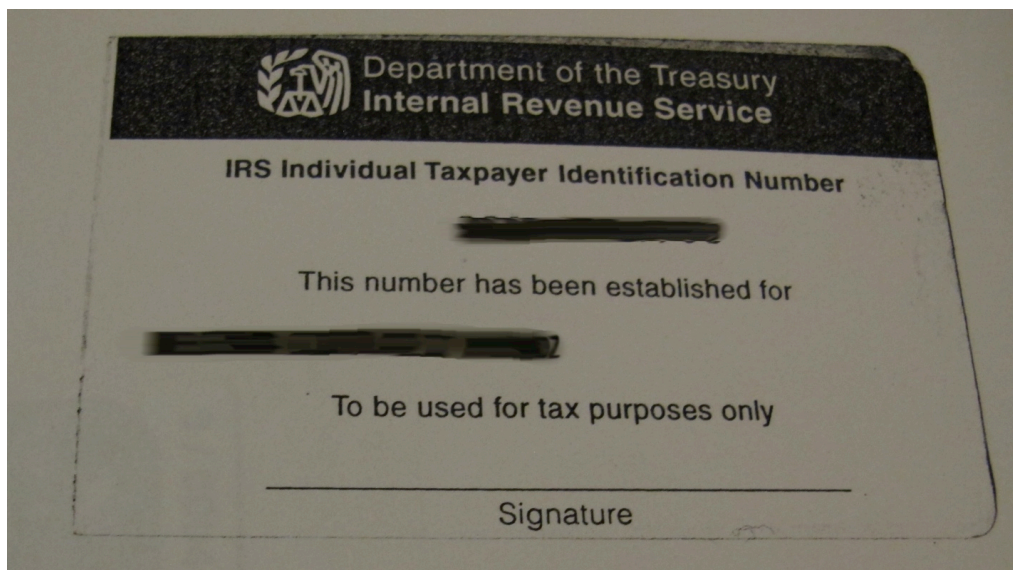


Figure 3.2 Rosa’s IRS Individual Taxpayer Identification Number, submitted as evidence of DACA eligibility.

Torn envelopes stuffed the pockets of the binder; Rosa pulled out the letters inside. She showed me all of the notices she had received from United States Citizenship and Immigration Services (USCIS), marking her progress through each stage of the request process: the confirmation that USCIS had received her paperwork; the notice for her biometrics appointment; the “courtesy notice” informing her that she had been approved for deferred action; the letter approving her work authorization application. Here material culture starts to act as historical markers of the DACA process, prompts that assist in triggering Rosa’s memories of her experience (De León and Cohen 2005).

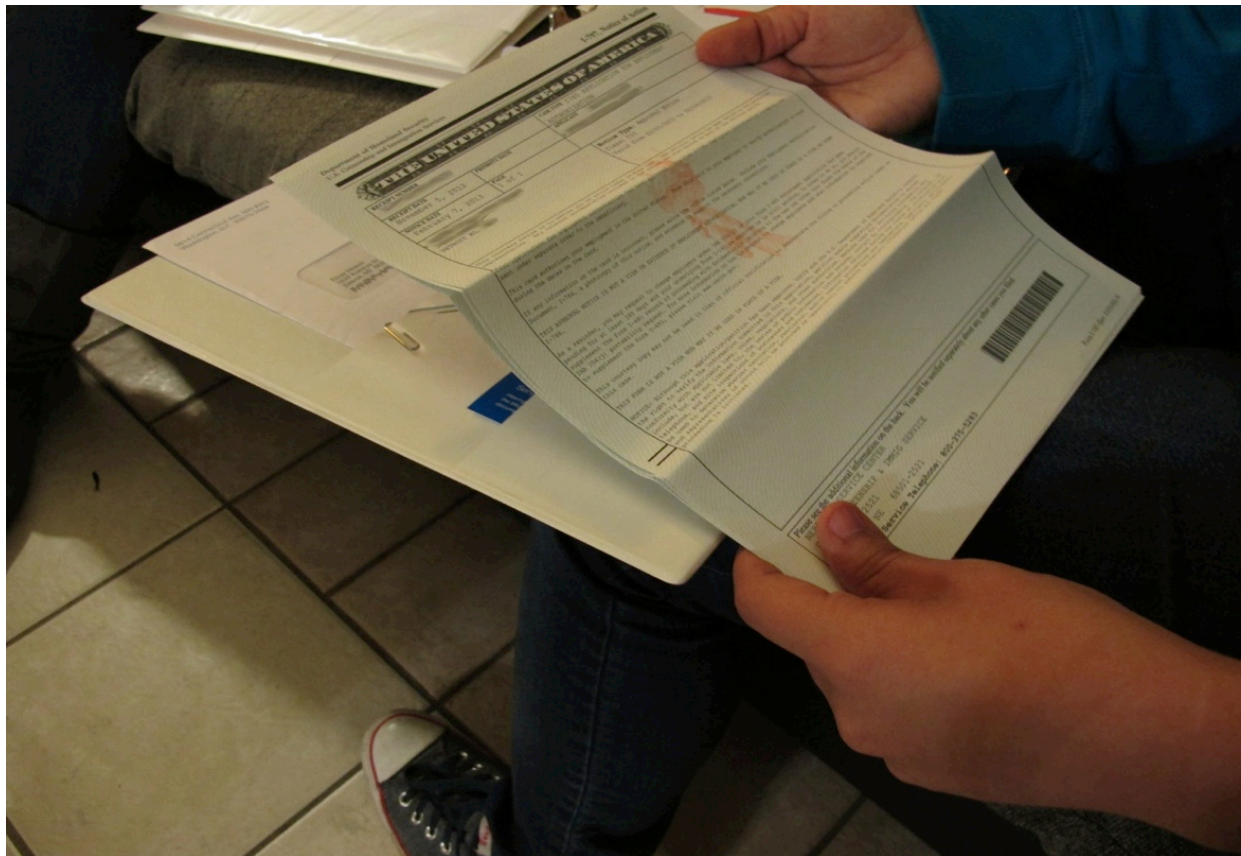


Figure 3.3 USCIS approval notices for DACA and Employment Authorization.



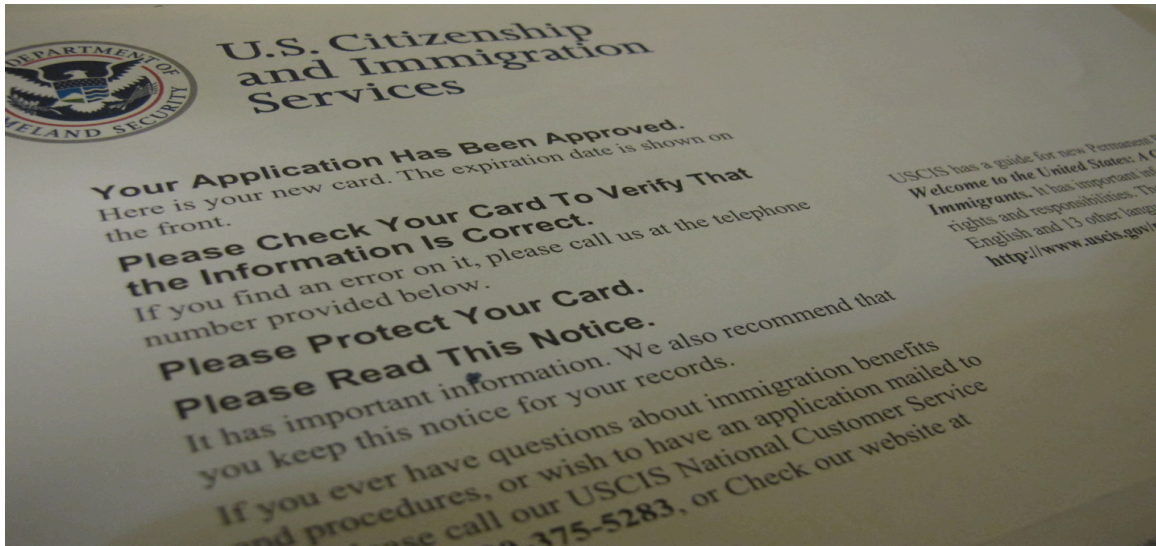


Figure 3.4 USCIS approval notice for Employment Authorization.

Then Rosa got out her wallet. She took her employment authorization card and her Social Security card (Figure 3.5) and her new Michigan state ID from their separate slots and held them out for me to see.<sup>32</sup>



Figure 3.5 Official documentation: Social Security Card and Employment Authorization Card.

These small pieces of paper and plastic made Rosa “documented” in a way that all of those other materials in the big binder, and the life they represented—her childhood in the United States, her education at American schools, her involvement in her community—could not. With these official objects in her wallet, Rosa is more able to participate in the world as a fully human person, not just in her interactions with an abstract government, but also in her daily encounters with other people, from police officers to bartenders to potential employers. Most people take these state-issued documents for granted; (formerly) undocumented people like Rosa have a better understanding of just how powerful these objects are, how crucial they are to negotiating everyday transactions and relationships.

In this sense, juridical status complicates Miller’s notion of the “humility of things” (2010). As discussed in Chapter 2, Miller’s theory of the “humility of things” contends that things shape our perceptions and behaviors more the less we are aware of them: “the more we fail to notice [material culture], the more powerful and determinant of us [it] turns out to be” (2010: 54). Yet people living in the United States without legal status arguably have a much keener awareness of state-issued documents—and a much more profound experience of their power to constrain and exclude—than the average U.S. citizen, who may ignore or dismiss such objects as “humble” things. Rosa’s experience of the DACA process suggests that the “humility of things” is not equally applicable to all people. Juridical status—and likely other sociopolitical statuses, such as race and class—impact how people interact with and are shaped by material culture.

Rosa’s heightened appreciation of the practical and symbolic values of her Social Security card, work permit, and state ID is precisely what made her so excited to show me these objects in the first place. This tangible recognition of her existence by the state, which allows her to work and open a bank account and pay taxes, puts Rosa one step closer to functional citizenship. But, as dissatisfied activists have punned, Rosa still is not really documented in the sense that a United States citizen or permanent resident is documented: Rosa is “DACAdmented” (see Mitchell 2013 and Gonzales and Terriquez 2013 for uses of “DACAdmented”).



Drawing on ethnographic evidence, I elaborate on the ways in which these distinctions—between being undocumented and DACAmented and documented—make themselves felt in the lives of the young people who are granted deferred action. In some ways, living DACAmented is markedly different from being undocumented. Official paperwork is practically convenient and symbolically validating for young people who have grown up thinking of themselves as Americans. But, happy as they are to have a little more freedom and legitimacy, DACA requestors do not feel radically transformed when they are approved for deferred action. From the big picture, long-term vantage point, life after DACA looks substantially the same. As the USCIS Frequently Asked Questions page repeatedly states, “deferred action does not confer any lawful status” (USCIS 2013b), and without lawful status, many needs and wants remain out of reach.

## **BECOMING DACAMENTED**

Just as material culture marks young people’s progression through each stage in the DACA request process, the arrival of papers delineates the moment of transition to the DACAmented life for people granted deferred action. The wait for the final approval notice from USCIS depends on a number of factors—the quantity and quality of documentation submitted, the presence of criminal history in an individual’s file, the caseload of USCIS officers—but it is invariably a tense time for young people who are eager to have official paperwork in hand. The shortest DACA request turnaround among my interviewees was just over two months; the longest was nearly eleven months. Requestors who are particularly anxious to hear back from USCIS sometimes take matters into their own hands. After several months in limbo, Luis wrote to his congressional representative, requesting that he make inquiries into the status of his case.

*Luis: It was taking long, so I had to get Congress involved and send in letters and just bug the crap out of them because they were taking forever. The average was 3-4 months for approval and I was already way beyond that. And so the thing that people would suggest was to reach out to a member of Congress that would reach out to the official that’s actually working on your paperwork. So I reached out to Gary Peters, and he was very helpful, he sent a letter and he called. And within three to four days later, I got a letter saying that I got approved.*

For the majority of DACA requestors, the approval process follows a more standard procedure. USCIS offers an online tracking tool and text notifications that allow requestors to monitor their progress through the stages of approval.<sup>33</sup> Sergio eagerly made use of the electronic system; he was very plugged in, both in his personal life and throughout the DACA process, as evidenced by the many Facebook screenshots and check-ins he used to prove his presence (see Figures 2.3 and 2.4).

*Sergio: I sent my application in on October 12, 2012.<sup>34</sup> I got a text notification that they received my application on October 18. That's when they told me they were going to accept it. Then they sent me a letter for my biometrics appointment for November 9.<sup>35</sup> I got approved on December 17.*

Sergio's approval process, just over two months, was by far the fastest of anyone I spoke to, possibly because he sent his request in relatively early, before the USCIS offices had a substantial backlog of cases. Lawyers estimate that the entire process from receipt to approval typically takes 3-5 months.<sup>36</sup> For DACA requestors who receive a Request for Evidence<sup>37</sup> from USCIS, the total time from the initial submission to the final determination can be much longer. As mentioned in Chapter 2, Isabel filed her request in January 2013 and received a Request for Evidence in July 2013. When I spent time with the sisters in October, Isabel was still waiting for a response from USCIS. Finally, in mid-November 2013, Isabel received her approval notice, eleven months after first submitting her paperwork.

As Rosa's eagerness to show off her USCIS letters and official documents suggests (see Figures 3.3-3.5), the material transition from being undocumented to being DACAmented is an exciting, proud and meaningful moment for approved requestors. Rosa recalled gathering her family in the living room when she received her envelope in the mail, so that they could open it together. When she found out that she had been granted deferred action, Rosa immediately texted her close friends—some of them awaiting their own letters from USCIS—to share her excitement at the good news. With her approval in hand, Rosa looked forward to the differences of DACAmented life.

## **DIFFERENCES AFTER DACA**

Being DACAmented leads to a number of changes in the lives of young people who are approved for the program. Many of the fears inherent in life as a paperless immigrant are eased or eliminated by official documentation. Having a driver's license means not needing to worry about being deported when pulled over for a broken tail light or speeding. Having a Social Security card means being able to open a bank account or purchase more affordable health insurance. Having a work permit means being able to apply for a wider range of better-paying jobs in careers that can support families and pay for school. For young people who are approved for DACA, these ordinary documents are far from “humble”—they are overtly and profoundly powerful.

### **Tangible Outcomes**

For Isabel, being approved for DACA meant freedom from the constraints that had limited her vision of her life's work. Much of the time that I spent with Isabel and Rosa was at the school where they work, a bilingual elementary charter school in southwest Detroit that opened in 2012. As part of the management team of this start-up school, the sisters handle issues ranging from ordering supplies and setting the school calendar to enrolling students and interviewing teachers. Isabel and Rosa also provide support services and assist with the supervision of the students. They help illiterate parents complete their children's medical forms, they talk to kids who are disruptive in class, and they supervise lunches and field trips and bus rides. Their boss is Maria, an older Mexican-American woman who is the founder of the school and the head of the company that manages it.

Isabel first started working for Maria several years ago, at her tutoring company. The tutoring program provided after-school help to high school students who needed additional support to succeed in their classes; it was funded by the state of Michigan in the wake of more rigorous graduation requirements. In her interactions with the tutoring students, Isabel realized that many kids struggled to read at the appropriate grade level, much less pass Algebra. She became passionate about high-quality early childhood education as a way out of this problem. When the state funding for the tutoring program

evaporated after significant cuts in education spending, Isabel decided that she wanted to help start a progressive elementary school that would give children a strong foundation for lifelong success, particularly kids from Spanish-speaking homes. With help from acquaintances more experienced with the charter school system, Isabel researched available charters and wrote an application to a state university.

However, without a Social Security number, Isabel couldn't be an official signatory to the charter school contract. Instead, Maria, her boss at the tutoring program, became the official leader of the school. As the school currently operates, Maria is the head of the management company that administers the school in accordance with the charter contract. Isabel and Rosa now work for Maria as employees of this management company.

*Isabel: Technically I applied for the school that [Maria] has. It was my application going in, and I was the one presenting to an authorizer. I was the one with the idea of opening the school. But the fact that I don't have a Social Security number—she provided that information, which made her the founder of the school.*

Despite Isabel's occasional irritation at having less input into the management of the school than she initially envisioned, her real frustration was with the limitations she encountered as she tried to move through the world without official documents. Now that DACA lessens some of these restraints, Isabel hopes to be able to achieve her career goals—to get her Masters degree, to earn higher wages at the school, and to have a greater sense of security at her work.

Yesenia, a legal assistant who grew up without official documentation, remembers that feeling of paralysis and frustration as she tried to realize her aspirations. She struggled to continue her education without access to financial aid or scholarships, despite her excellent grades and ambition. After graduating high school, she worked two or three odd jobs at a time to pay for one or two classes each semester at the local community college. At that rate, it would take her a decade or more to complete her undergraduate degree. Yesenia ended up getting married in her mid-twenties, and with her green card, she enrolled at the University of Michigan and graduated with a degree in sociology.

Yesenia: *I know personally what it means, to have an opportunity, at least, to jump. After high school, I could've had a full ride to college, but because I didn't have a Social Security card, I couldn't get it. I didn't end up coming to the University of Michigan until after I was married and I was an adult. I lost a lot of time. Right now, I could've had my Masters or my PhD done. My entire life was stalled. When you're a person that has ambition, and who has the drive to do stuff, you just like, feel like, completely held back, because you have no way out. You're completely trapped. That is just so debilitating. It eats you. It was really, really rough.*

Now, at thirty years old, Yesenia works as a legal assistant to an immigration attorney in southeast Michigan. While she gets satisfaction from “working within the legal system and fighting the battles that we can win” to help others escape the paralysis of life without official documentation, Yesenia is still haunted by her own “time wasted.”

### **Symbolic Meanings**

The tangible outcomes of DACA approval are helpful and convenient, essential to so many everyday needs—a driver's license to put in your wallet, a work permit to show to a future employer, a Social Security number to provide to the bank. But DACA means more than access and ease; beyond its practical value, this official documentation also has symbolic meaning in that it provides young people with a valuable sense of belonging. Though far from a warm welcome from the government, DACA is still an acknowledgement, ‘an affirmation of being,’ in the words of one lawyer, for young people who have spent most of their lives living, learning and working in this country. Without hesitation, all of the DACA requestors I spoke with defined themselves as an Americans. To finally receive some measure of recognition in return gives them a feeling of belonging that they've never had before.

Rosa differentiated her family from another class of unwanted and problematic immigrants, and she often talked about DACA as a validation her family's choices. Being approved for DACA meant being recognized as a person who contributed positively to society rather than being “a burden on the system.” The program was the government's way of acknowledging that she was “actually trying to do something, that there are people out there who do deserve to be here.”

Isabel agreed that DACA was an important step towards appreciating immigrants' contributions to their communities. By helping to start the charter school in Detroit, Isabel had created dozens of jobs for American citizens and educational opportunities for hundreds of students. For Isabel, it was discouraging and incomprehensible that her immigration status made it so challenging to open the school, given its positive impact on the community. She wanted U.S. lawmakers and citizens to realize that “there are young people out there that consider the United States their home and work hard to help the country, not just themselves.” While her DACA paperwork does not change the school situation—she has more security in her job there, but not more influence over the school's management—it at least gives Isabel hope that her future endeavors will receive more support and acknowledgement.

Immigration lawyer Lisa said that recognition from the government motivated many of her clients in their pursuit of deferred action. It also helped to explain why her DACA clients were so elated when they were finally approved, often calling her office, amazed and overjoyed to share the good news. Approval was not just a new level of access and ease in daily life; it was an official acknowledgement of their existence, a marker of their worthiness as members of society.

*Lisa: For some, I think [DACA] is an affirmation of who they are, and that they've done something right. It's recognition for what they've already done, that they are good citizens already. I think just the affirmation of being is huge.*

Armando, another legal professional who worked with DACA clients as both an attorney and an activist, shared this view of DACA as “an affirmation of being.” In recognizing certain young people as eligible for relief from the threat of removal, Armando suggested that the Obama administration was also gesturing toward the important presence of immigrant community as a whole. Armando described DACA as a small step toward admitting that, for decades, immigrants have come to this country at the invitation—explicit or implicit—of American citizens, corporations and government organizations. To encourage this migration in some ways and condemn it in others was to dehumanize millions of people by disregarding the importance of their contributions to the United States economy and society. Now, with

the official acknowledgement of DACA behind them, Armando hoped that a new class of young people would feel sufficiently accepted by society that they would be secure enough to share their stories.

*Armando: The process of immigration reform is legitimating. It is recognition of these people who are part of the fabric of our country now, and that they have been invited. And DACA is a step toward that. The DREAMers use the term 'coming out of the shadows'. I think DACA allows more of the DREAMers, the less bold ones especially, to come into the sunlight.*

“Coming into the sunlight” is a positive spin on the transition from life without official documentation to life after DACA, one that makes use of DREAMer rhetoric (see NIYA 2014 and United We Dream 2014 for examples of DREAMer language). Other activists did not share Armando’s metaphor-laden optimism. Sergio, Luis and Eduardo, always aware of the political motivations that made deferred action a high priority on the President’s pre-election to-do list, called DACA “small” and “inadequate” step toward resolving a vast and complex issue. They did not speak of DACA approval as a revolutionary moment in their own lives, and they certainly did not see DACA as a turning point in the movement for comprehensive immigration reform.

In line with this second perspective, young people experience the DACA process more as a repositioning than as a dramatic transformation. Having grown up in the United States, reciting the pledge of allegiance in their classrooms and singing the national anthem before sports games, DACA requestors already feel American long before they receive their notices of approval. Deferred action does not suddenly change requestors’ sense of their nationality; it affirms how they have thought about their relationship to the United States for most of their lives, despite the daily struggles that contradicted this belief. Miguel, a tuition equality activist who grew up without official documentation, described the internal shift in perspective that comes with the tangible identification cards and license and permits. He reflected on the significance of DACA approval in light of his own feelings when he finally received his green card:

*Miguel: Getting recognition from the federal government, in a way that provides you with a physical card, something that you can take places...there’s a real sense of identity that*

*comes along with that. You've been given some of your freedom back and you're given rights that you've never had before. For a lot of people it's an exciting and happy feeling, to be able to move on with your life, at least a little bit, for a little while.*

### **Everyday Ease**

In addition to fulfilling practical needs and symbolizing belonging, there are smaller ways that DACA approval reshapes young people's daily interactions with their friends and families. Sergio now feels like he has more freedom to go out to bars and clubs with his friends, without needing to worry about being questioned or turned away because of invalid identification.

*Sergio: Now when I go out...I feel safer. Before, when I was undocumented, you never knew... One time I went to a club with my friends, and they didn't let me in because my ID was expired, and that felt really embarrassing for me. Now that I have my DACA, I don't have to worry about having those uncomfortable moments. I give them my ID with confidence.*

Sergio's story illustrates how documents mediate relationships with the state not only in obvious public settings, like border checkpoints and social service offices and airport security lines, but also in private settings: night clubs, movie theaters, health clinics, banks. Bartenders conceivably ask to check IDs more frequently than police officers. When surveillance is being subcontracted to private entities like bars, who or what exactly is "the state"? As Susan Coutin shrewdly observes, the border between legality and illegality is constantly produced and policed in daily life through "a myriad of practices, usually carried out by people who have no connection to the government, [...] that constitute individuals as citizens, illegal aliens, legal residents, asylees, and so forth" (De Genova 2002: 426). Although Sergio's "DACAmendment" does not give him a legal status, having official papers does sometimes free him from the "space of illegality" he inhabited before being approved for DACA. In some of these private surveillance settings, Sergio's DACA papers are sufficient to make him feel like a normal twenty-one year old, and they have made his interactions with his friends more comfortable.

Rosa also became closer to some of her friends through the DACA request and approval process. As we once again paged through her binder of DACA papers and USCIS mailings, Rosa told me that when she and Isabel were growing up, their undocumented status was a secret; their mother insisted that



they never talk about it with friends or neighbors. Other mothers in the neighborhood must have been telling their children the same thing, because Rosa was surprised to see many familiar faces when she attended her first DACA workshops in southwest Detroit. Applying for deferred action became a shared experience for Rosa and these friends. They monitored one another's progress and exchanged texts with updates about their latest letters from USCIS. As mentioned earlier in this chapter, these friends were some of the first to know when Rosa received her final approval notice. After she opened the envelope with her family, Rosa snapped a picture of her new documents and sent it to her DACA friends.

For approved requestors with family members who don't qualify for relief under DACA, this new differentiation between their status and that of the rest of their family can be strange or arbitrary. There are cases where the younger siblings of a family can request deferred action, but the eldest cannot, because they were older than 16 when they arrived in the U.S., or they were over 30 when the government instituted DACA. Yet no one I spoke with felt that the policy created tension in their homes or communities by granting relief to some and not to others. Parents and other relatives were happy and comforted to see a greater measure of security for their loved ones. Even without being granted relief in the form of official documentation, these family members could experience an easing of some of the stressors and anxieties in their own lives.

Usually, when Isabel and Rosa go to dinner with the family at their favorite Mexican restaurant or go to the school in the morning, their dad does the driving. Now the daughters can take over that responsibility, which gives the entire family a greater degree of protection, should they ever be pulled over. Isabel was also able to help her parents renew the license plates on their car, and she would be able to provide a real Social Security number if the family ever needed to present for credit. For a family as close as Isabel and Rosa's, living in the same household and spending much of their time together, having two officially documented children makes life easier for everyone.

## Sustaining Hope

Seeing the DACAmented young people take a step toward belonging gives many people in the immigrant community greater hope that some form of relief will also be available to them in the future. The activists I spoke with do not view DACA as a potential fracturing point within the immigration reform movement; they insist that the struggle for rights and protection would continue at full force until the entire immigrant community gained recognition from the government. By giving more young people the security and confidence to become advocates, some activists believe that DACA could actually strengthen and expand the movement started by the more radical DREAMers.

*Armando: Part of what this enables is voice, for this community. The DREAMers have been some of the most vocal. And there's a lot of reasons for that: they grew up here, they're functionally citizens, they're bilingual, so they're able to speak to the press in English and use points of reference that folks here understand. And so, you had the first DREAMers [...] people who have been willing to take chances, you know, people who have staged sit-ins in the office of senators, blocked traffic in Chicago, and been willing to be arrested, or to do other kinds of dynamic actions. But I think there's another group behind them who are not quite as bold but who may also now enter the discussion in a more public way, if they have some sort of protection.*

DACA affords a glimpse into the possibilities of future reform not just for the immigrant community, but also for the nation as a whole. Cecilia Munoz, the Director of the White House Domestic Policy Council, talked about DACA as a small-scale version of what broader policy changes could look like, in terms of the program's structure and administration. And, for American citizens who are opposed to immigration reform and worry about the impact of such a policy shift on the country's economy and society, the DACA program offers an alternative vision.

*Armando: You see these half million people moving into some form of legitimacy and the sky isn't falling. This is also kind of a demonstration. These people, they're not here to burn flags and destroy things. This is their home, this is where they want to be, this is where they grew up. I think that, given time, that will calm the nerves of the most nervous.*

In ways big and small, practical and symbolic, DACA changes the lives of requestors and their families. It brings hope to communities and affords an opportunity to reimagine what immigration reform

could mean for the United States. Yet the program is far from being a perfect or complete solution, as requestors, lawyers and activists continually reminded me. For every limitation that has lessened, another barrier still stands—to education, to travel, to citizenship. Especially considering the DACA program’s temporary duration and politically precarious nature, young people continue to face daily frustrations and constraints even after approval.

### **POST-DACA: MORE THINGS STAY THE SAME**

Even though Rosa and Isabel are both DACAmented now, their daily life looks much the same as it did when I first met them. Isabel spends most of her waking hours (and many of the hours that she should be sleeping) working on the management of the school: writing checks for employee salaries, coordinating the students’ schedule with the transportation workers and the food service staff, interviewing potential teachers, ordering furniture and supplies, submitting necessary paperwork to the state education department. Rosa squeezes shifts at the school into her life as a full-time college student, often riding the bus with the students during pick-up in the early morning and or drop-off in the afternoon.

Rosa and Isabel’s shared work often follows them home after the school day, sometimes as a to-do list to be completed, other times just as a topic of conversation. The sisters live together with their parents in a modest, well-kept house a short drive from the school. Their small street is made narrower by the eclectic array of fences that extend protectively all the way to the edge of the sidewalk—white plastic picket imitations next to tall wrought iron next to faded wood; each encloses a different family’s yard. Inside, the family often gathers around the kitchen table, chatting as they prepare meals. Their parents speak Spanish to one another and to their daughters, but Isabel and Rosa constantly shift languages in their conversations, sometimes from sentence to sentence. With each other, they often speak in English. As a family, they spend a great deal of time together—at home, at church, volunteering at the food pantry. It was not at all unusual to find either of their parents sitting in the school office where the sisters worked, watching the activity and occasionally helping to supervise students or answer parent questions. Rosa

described this closeness as typical of Mexican families, but I imagine that the difficulty of finding secure, regular employment without official documentation also factored into their parents' frequent presence at the school during typical work hours. Most days, their mother operated an unofficial daycare in the family's home, babysitting neighborhood children while their parents worked. Their father did odd jobs at the school as they came up, and he sometimes monitored the morning and afternoon bus routes.

The flow of Rosa and Isabel's everyday lives, and the lives of their parents, has continued largely unchanged since the sisters received their DACA approvals—Rosa in February 2013, Isabel in November 2013. There are moments, of course, when having official documentation matters, as in the situations described earlier in this chapter: presenting for credit, driving, renewing license plates, getting regular paychecks. And, psychologically, both women feel more confident, more secure. Their “DACamentation” is a symbol of welcome and belonging in the country they have always thought of as home.

Yet many of the sisters' greater aspirations remain out of reach. DACA does not allow Rosa to travel to their hometown in Mexico to meet the grandmother that she is named after. DACA does not give Isabel eligibility for student loans to help her afford enrollment in a masters program. And, as happy as they are with their driver's licenses and work permits, the sisters cannot help but wonder what will happen in two years, in four years, when the DACA program faces renewal. Rosa and Isabel are conscious that their newfound security and ease could be revoked as quickly as it was granted. In the meantime, their temporary relief from removal does not erase the possibility that parents or friends could be deported at any moment, a threat that looms over Rosa and Isabel's close-knit family. Many people expressed similar frustrations with the limitations of DACA. With so many needs and wants still out of reach for DACamented young people, life after approval as life undocumented.

## **Education**

Like many immigration rights' activists, Miguel finds it frustrating that DACA does nothing to change the accessibility of higher education for young people. The program does not include eligibility

for federal loans or guarantee in-state tuition, one of its biggest shortcomings from the perspective of requestors and activists alike. Although universities across the country are beginning to revise their tuition policies to make in-state tuition accessible to undocumented students who have attended state secondary schools, these changes are still happening one school and one state at a time. For young people with DACA approval, the official documentation that gives them new freedoms in other areas of their life—driving cars, opening bank accounts, obtaining credit cards—proves useless when it comes to continuing their education on their own terms.

*Miguel: For the young people that are looking to college, they are still feeling incredibly hopeless. They still are helpless in that there's not much that they can do to force their universities to give them in-state tuition. These students still don't qualify for financial aid, so they're still going to be relegated to community college, even if they're accepted to amazing universities.*

Miguel understands this struggle firsthand. He was accepted at the University of Michigan after graduating from a Michigan high school, but his lack of official documentation meant that he would have to pay out-of-state tuition at the University. Since his status also made him ineligible for many loans and scholarships, Miguel could not afford to enroll in classes in the fall. He deferred his acceptance and spent the next year working with an immigration attorney, fighting for his green card. With his green card and permanent status, Miguel was able to qualify for in-state tuition and financial aid. Now a third-year undergraduate at the University of Michigan, Miguel leads an organization that fights for in-state tuition rights for undocumented students.<sup>38</sup>

DACA requestor-activists Luis, Sergio, and Eduardo all agree with Miguel; being approved for deferred action does not help young people to continue their education after high school. Motivated students struggle to pay college tuition out of pocket while contributing to family expenses. They “really want to be able to get financial aid” so that they can graduate faster and find higher-paying jobs in their chosen careers.

Activists stress the inadequacy of DACA with respect to higher education access as they continue to push for the DREAM Act and comprehensive immigration reform and try to keep people passionate about fighting for a pathway to citizenship for all undocumented people. Although none of the community organizers that I spoke with explicitly expressed worries that DACA might make some advocates more complacent with the status quo, their constant chorus of “This is not enough, we’ve got to keep fighting!” suggested a subtext of concern for continuing the energy behind the comprehensive reform movement.<sup>39</sup>

## **Travel**

It has been nearly three years since the deportations of his father and older brother forcibly separated Sergio from his parents and siblings. Sergio is still in west Michigan, where his family settled after crossing the border in the early 2000s; he spends some time at the homes of family friends, but otherwise lives alone. When we met, Sergio was about to leave Michigan for a fresh start in Nevada, where he hoped to get a job working with kids while he established residency, which would make him eligible for in-state tuition. Sergio is eager to finally start college; his father’s deportation occurred just as he was about to begin his first semester of classes, in the late summer of 2011, so he had put his education on hold. In making this move across the country, Sergio hopes to take advantage of all of the opportunities that DACA approval permits him; he hopes “to start a life here and accomplish goals.” As determined as he is to remain in the United States and to make the best of his situation, Sergio wishes that he could travel to Mexico to visit his family. For all of the possibilities that DACA does offer him, Sergio’s new driver’s license, Social Security Card, and work permit do not give him freedom of movement across the border.

*Sergio: With DACA, we cannot travel outside the U.S. You can travel for a short period of time if it has to do with college or work or an emergency, but you have to apply and spend money on that again. Being able to see my family, that’s one of the things that I wish I could do with DACA, just travel and go see my family.*

Young people approved for DACA can only travel outside the United States with permission from USCIS. They must submit an application for a travel document and a \$360 dollar processing fee in order to request advance parole. USCIS then determines whether the reason for travel is justifiable on a case-by-case basis, although the USCIS website and the instructions to Form I-131, Application for Travel Document, advise that approval is typically granted only for “travel abroad in furtherance of educational purposes [study abroad, research]; employment purposes [assignments, conferences, trainings]; and humanitarian purposes [medical treatment, funeral services, visitation with sick family members]. Travel for vacation is not a valid basis for advance parole” (USCIS 2013d). The cost and time of the application process is prohibitive for many DACA recipients, so most are unable to leave the country, even if “justifiable” reasons for travel arise.

DACA requestors have varying relationships to their countries of origin—some left as infants, others as teenagers— but most grow up away from their birth countries, often separated from extended family. In the intervening years, as they become aware of their immigration status and the possibility of deportation, some young people begin to see their countries of origin as places of fear; traveling there would be a punishment, a forced transplant to a foreign place. Just as DACA approval shifts young people’s perception of being American by affirming their sense of belonging, it also allows them to re-envision the places they come from.

*Isabel: Before, you see Mexico as a fear. [DACA] changes your mentality. I know that I’m not just going to be thrown down there. I’m not just going to end up there by myself. It would be a choice to go.*

For many DACA recipients, curiosity about their personal histories overcomes this “fear” once approval lessens the threat of deportation. Most of the young people I spoke with expressed a strong desire to make a trip across the border, to Mexico, as a way of reconnecting with their pasts.<sup>40</sup> They are eager to learn more about the people and the way of life that their families left behind. Manuel wants to visit his grandma; Luis is curious to see where he was born, the town where his family lived; Rosa longs

to meet the grandmother who shares her name. For Sergio and Eduardo, the pull to return is even stronger, since their immediate family is living in Mexico.

Eduardo has not seen his dad for seven years; he returned to Mexico when Eduardo was 18 years old. Despite this long separation, Eduardo credits his dad for encouraging him to attend college and for inspiring him to dedicate his energy to immigration reform. His father's "very spiritual, New Age-y" sense of karma motivates Eduardo in his activist work: "He always told me, 'Whenever you're working for good things, you're always going to be blessed.'" Even with such a positive outlook, the restrictions on travel strain Eduardo's resilience; every year that passes intensifies his feelings of isolation.

*Eduardo: I really miss my dad. And my great grandmother passed away two years ago, and I was not able to go to her funeral in Mexico, because we were not going to be able to come back. My grandma on my dad's side of the family, she's been living with cancer for almost twenty years, and I'm scared that any day she could die, but I cannot go visit her. And one of my closest cousins just got married in May, and I was not able to go to the wedding. And we were like brother and sister, her and I.*

While official DACA documentation helps to integrate young people into mainstream society in significant ways, exclusion persists. Having DACA does not entirely allow people to experience the world like "normal" young adults, which is what many of them want most. As much as they value protection from deportation and expanded opportunities for work, young people also want to feel ordinary. They want to be a part of their friends' weddings; they want to spend time with their parents and grandparents. They want to be able to travel, not just to visit the towns and cities where they were born, but also to explore unknown places the world over, as many young adults do after graduating from high school or college.

Missing out on these opportunities diminishes the symbolic value of official documents as material markers of humanity and belonging. Young people who want to travel or continue their education confront the bureaucracy of immigration law, a reminder that someone else—the state, the Obama administration, the USCIS officer who reviews their application—retains the power to make decisions in their daily lives. DACA recipients, officially documented as non-citizens, have to "justify"



their needs and wants to an inscrutable authority, with no legal right to appeal this authority's rulings. Having grown up in the United States, these young people are aware that their citizen friends and classmates and neighbors are not subject to the same level of state interference in their personal lives. As dreams outstrip possibilities, the pieces of paper that signified a different kind of life begin to lose some of their meaning. The short-lived, uncertain nature of DACA resurfaces when young people come up against the program's boundaries. Already DACA is not enough, and this relief is only promised to them for two short years.

### **Long-Term Security**

All but one of the DACA requestors that I spoke with want to become United States citizens. For the same combination of practical value and symbolic meaning that they gain from DACA documents, most young people are eager to obtain another class of official papers that will win them more freedoms, greater stability, and a deeper sense of belonging. Young people want long-term security; they realize that DACA is a provisional program, subject to revocation at any time and highly susceptible to the politics of the moment. As they encounter needs and desires that their DACA documents cannot fulfill, people attach their hopes to other forms of materiality: green cards and citizenship papers.

*Luis: I think the big hope [for most DACA requestors] is to get a green card.*

*Sergio: I want either legal residency or U.S. citizenship. With DACA, we do not have legal status, we do not have permanent residency.*

*Eduardo: I would like to become an American citizen, in paper. Because I already feel American. I tell [fellow activists] all the time, every time we do an action, let's say the pledge of allegiance, let's sing the national anthem. So that people see we feel just as American as they are.*

Eduardo's desire to be "an American citizen, in paper" echoes Miguel's comment (see pg. 59) that tangible recognition from the government, "in a way that provides you with a physical card" gives people a "real sense of identity." In addition to its greater symbolic value, citizenship also addresses pressing practical needs. With DACA alone, young people can do nothing to increase the security of their

parents and siblings who do not qualify for the program. The brief period of security that DACA gives to these young people is all the more inadequate because they still must worry about the possible deportation of their loved ones. Being an American citizen would also allow these young people to help the rest of their immediate family members move into the space of legality, since citizens can petition for their parents and siblings to become lawful permanent residents (USCIS 2011a). Accordingly, many young people approved for DACA still long for United States citizenship.

Luis was the only person I spoke to who did not plan to pursue citizenship if that option became available to him. He explained that he and other “radical” activists do not see citizenship as the magic solution for the struggles of the immigrant population in the United States; citizenship does not guarantee more justice or put an end to prejudice.

*Luis: We don't really see citizenship as something that's going to make our lives any better, because there are people here who are citizens and they're still treated as underclass, lower class. So even if you have your citizenship, you're not going to be any better than anybody else.*

Despite his negative assessment of citizenship, Luis admitted that he still wanted something more than DACA, a status that would give him more security and mobility. Luis felt that he would have a sufficient amount of freedom if he could obtain another immigration document: a green card.

*Luis: Realistically, at least a green card would be something I would want. I want to be able to travel freely back and forth between the United States and wherever else I want to go. As long as I'm able to work, drive, and leave the country and come back, that's all I really want.*

## **SUMMARY**

For young people who grew up undocumented, becoming DACAmented leads to appreciable, meaningful differences in their daily interactions, from driving to work to opening a bank account to ordering a drink at a bar. Official, government-issued documentation provides young people with a measure of security, freedom, and recognition that they have never before experienced. In this transition from undocumented to DACAmented, DACA-eligible young people prove themselves to be acutely

aware of the power of certain types of documents, a power to which many other people, privileged with a more permanent legal status, are ignorant or oblivious. The DACA process thus suggests that juridical status makes a difference in how people interact with and are shaped by material culture.

Living DACAdmented is different from living undocumented in important ways, but it is also markedly different from living documented, as a lawful permanent resident or a United States citizen. Young people approved for DACA continue to struggle with many of the same constraints that frustrated them before they had official papers. Big picture wants and needs, like the ability to reconnect with family in Mexico or to pursue a college education, remain stubbornly out of reach. And the precarious nature of DACA means that young people still live under the threat of deportation, even if the immediacy and likelihood of removal has decreased. Happy as they are to have more freedoms and fewer fears in their everyday lives, DACAdmented young people still keenly feel the ways that they are “less than” their neighbors and co-workers and friends with permanent legal status.

## CONCLUSION

In this thesis, I have argued that the DACA process reveals the critical significance of material culture in the lives of people we typically think of as “undocumented.” In a society of automated records, social media, and digital databases, even those people who consciously try to remain unnoticed inevitably produce electronic and paper trails of their lives. For young people who grew up without official paperwork, these material traces of their presence in this country become vitally important when they engage in the DACA process. These young people carefully and creatively curate the everyday objects of their lives to submit as evidence of their eligibility for deferred action. Through the assembly and selection and submission of this ordinary material culture, everyday things become official, verifiable documentation with the power to allow young people to legally remain in the United States.

In Chapter 1, I detailed how and why people request DACA. Fear of removal simultaneously motivates and discourages people who are eligible to engage in the DACA process, which requires them to document their unlawful presence in the United States and then present this potentially incriminating information to the government that has the power to arrest, detain, and deport them. Young people seek out and work with legal providers they trust to help them decide whether the opportunity to obtain two years of deferred action and work authorization outweighs these risks. If and when they do decide to file, young people rely on the guidance of their lawyers or other sources of legal advice to help them navigate the bureaucracy of immigration law and craft convincing DACA requests.

In Chapter 2, I examined how young people represent themselves in their DACA requests and how they use material culture to support their claims of eligibility for relief from deportation. DACA-eligible young people, many of whom have little state-issued paperwork, need to be creative in how they interpret the government’s request for “verifiable documentation.” In a resourceful process of self-documentation, they gather the ordinary materiality of their lives and use these items to supplement or substitute for the official documentation that they lack. Together with their lawyers, young people edit these everyday objects into intentional collectives that convey positive representations of their cultural citizenship and societal involvement, while also providing sufficient proof of their eligibility for relief

under DACA. In presenting these constellations of material culture as evidence, young people moving through the DACA process highlight the dynamism of materiality and its power when assembled in collectives.

In Chapter 3, I described how young people's lives change—and stay the same—after they are approved for DACA. To a certain extent, having official documentation means experiencing more freedom and less fear in everyday life. Young people approved for DACA drive and work and socialize more confidently than ever before. But living DACAmented also affirms many young people's shared belief that legal citizenship is the only path to full personhood if they continue to live in the United States. Without permanent legal status, the official documentation of DACA is only as good as its expiration date, which comes too soon and is always subject to being changed or revoked according to the politics of the moment.

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Writing nearly two years after Obama's June 2012 announcement of DACA, as the program approaches its first renewal in August 2014, I contend that Sergio was right to be skeptical about DACA. When he first heard about Obama's policy change in the text message from his friend, Sergio felt sure that the promise of reprieve was too good to be true. My ethnography of the DACA process confirms this impression. While deferred action does bring small, meaningful elements of welcome relief to the young people eligible for the program, DACA is a completely inadequate response to both the immediate concerns and the long-term needs of undocumented young people and their families. People who pursue deferred action invest substantial effort and significant expense in the process, only to emerge with time-limited documents and a politically precarious promise that they will not be deported.

The insufficiency of DACA raises the question: who does DACA truly help? Granting deferred action to DREAMer youth through the exercise of prosecutorial discretion was an option fully within the powers of the presidential administration from Obama's first day in office. After the failure of the DREAM Act in 2010 and the restructuring of immigration enforcement priorities in accordance with the

2011 Morton memos, an entire year passed before the administration implemented a policy that would ostensibly provide relief to undocumented youth. The DACA process arrived on the scene five short months before the 2012 presidential election, alongside escalating protests by DREAMer youth and immigrants' rights organizations that threatened to destabilize Obama's critical Latino and Hispanic voter base. Coming at this moment, the DACA process looks more like a political tool to secure votes than a meaningful change to help undocumented young people.

Despite its politically expedient and swift implementation on the eve of the 2012 election, the DACA process may prove influential in the design and execution of future comprehensive immigration reform for years to come. Any change in United States immigration law that allows some percentage of the undocumented population to move into a space of legal presence or legal status will require documenting the "undocumented." The DACA process will likely be a model for making this transition, both for the government agencies deciding how to implement legalization and for the undocumented people trying to trace out evidence of their eligibility. Accordingly, it is important to note the ways that DACA—which is policy rather than law and does not even provide a legal status—already tends to favor particular kinds of people while discriminating against others. Those people who cannot afford to hire a lawyer or to take time off work to collect papers for proof, or those who do not have access to a car or a computer, would be distinctly disadvantaged in proving their eligibility in a process similar to that required for DACA. Any process of legalization that might emerge from future comprehensive immigration reform will also have to be substantially modified for people without the significant cultural citizenship of DREAMers.

In addition to its implications for the politics of immigration reform, DACA also holds significance for how we understand and experience citizenship. By demonstrating the profound ways that people experience and enact their juridical status through material culture, the DACA process illuminates how both documents and citizens are made. The ability to possess and present certain kinds of materiality produces the boundary between citizen and non-citizen not only in formal interactions with uniformed officers of the state, but also in everyday encounters, with a bank teller or a bartender or a prospective

boss. Being a citizen means having full personhood in both of these situations, the official and the everyday.

For most of their lives, young people like Sergio and Rosa and Isabel have known only a fractured, incomplete personhood. Having DACA has not substantially changed this feeling of living “in between,” in a strange space of social belonging and legal exclusion. Culturally as American as their citizen next-door neighbors, these young people grew up reciting the pledge of allegiance to the flag in their elementary school classrooms and obsessing over the latest Pixar movie, wearing Detroit Tigers baseball caps and taking standardized state tests. Today they navigate fluidly between languages and command social media with the same skill as their citizen peers. They are active members in local churches, schools and nonprofits, making them intimately integrated into the social fabric of their communities.

Yet, legally, even after DACA, Sergio and Rosa and Isabel—and millions of other people like them—continue to inhabit a status-less non-existence radically different from the life of a lawful permanent resident or citizen. Until there is a path by which undocumented or DACAmented young people can use their cultural citizenship as a legitimate and sufficient basis for asserting their right to legal citizenship, they will be relegated to being less than fully human people. Indeed, even if such a path is established, inequality will surely persist; as Luis shrewdly observed, “There are people here who are citizens and they’re still treated as underclass.” Although immigration law and policy cannot be expected to eradicate all unfairness in the United States, it can and should aim to give all Americans—with or without official documentation—the freedom and security to live life fully in the country they call home.

## NOTES

<sup>1</sup> As of February 2014, the Obama administration had deported nearly two million people; in 2013, the government deported 369,000 undocumented migrants—nine times more removals as compared with twenty years ago (The Economist 2014).

<sup>2</sup> I detail the specific eligibility criteria for DACA in Chapter 2.

<sup>3</sup> According to one immigration attorney I spoke with, there are approximately 12,000 individuals DACA-eligible individuals who live in Michigan. A study by the Immigration Policy Center (IPC) estimates that there are as many as 14,903 potential beneficiaries of DACA living in Michigan (IPC 2012). Approximately 9,660 people, or sixty-five percent, of the estimated 14,903 potential beneficiaries of DACA living in Michigan are of Mexican origin (IPC 2012). Legal providers I spoke with worked almost exclusively with DACA requestors from Mexico.

<sup>4</sup> Many lawyers said that screening for DACA helped them to identify clients who qualified for more substantial forms of humanitarian relief that could potentially provide a path to becoming a lawful permanent resident (USCIS 2011b).

<sup>5</sup> After several months, the clinic stopped mailing applications on behalf of their clients because of the additional time and cost involved. At the end of the clinic, clients received a completed copy of their file to mail to USCIS.

<sup>6</sup> USCIS may issue a Request for Evidence “to allow [requestors] to submit additional documentation that supports [their] claimed continuous residence [...] if gaps in [their] documentation raise questions” (USCIS 2013b).

<sup>7</sup> DACA requestors pay a total of \$465 to USCIS to file for DACA. There is no cost to file Form I-821D, “Consideration of Deferred Action for Childhood Arrivals.” It costs \$380 to file Form I-765, “Application for Employment Authorization.” DACA requestors filing for employment authorization must pay an additional \$85 for the biometrics services fee, for a total cost of \$465. (USCIS 2013e).

<sup>8</sup> “Deportation can result in permanent banishment from the United States or punishment in the form of a ten-year period during which the apprehended is ineligible to petition to adjust her legal status. If one is apprehended a second time before the ten-year period expires, the result is a punishment of a year or more in jail” (Talavera et al. 2010: 173).

<sup>9</sup> The National UnDACAmented Research project is a long-term sociological study of the impact of DACA. The preliminary findings draw from a national survey of 1,402 young adults ages 18-31 who were approved for DACA through June 2013 (Gonzales and Terriquez 2013).

<sup>10</sup> Under current policy, the information provided to United States Citizenship and Immigration Services (USCIS) in a DACA request is not shared with U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) for the purpose of immigration enforcement proceedings “unless the requestor meets the criteria for the issuance of a Notice To Appear” (USCIS 2013b). Additionally, young people who are denied relief under DACA are not referred to ICE for deportation. However, “the information may be shared with national security and law enforcement agencies, including ICE and CBP, for purposes other than removal, including for assistance in the consideration of deferred action for childhood arrivals request, to identify or prevent fraudulent claims, for national security purposes, or for the investigation or prosecution of a criminal offense” (USCIS 2013b). This information



sharing policy applies both to the DACA requestor and to their family members and guardians. Importantly, this policy can be changed at any time without notice.

<sup>11</sup> U visas are for victims of certain kinds of crimes who aid law enforcement in the investigation or prosecution of a crime. Under the Violence Against Women Act (VAWA), victims of domestic violence are also eligible for immigration relief. Recipients of both of these forms of humanitarian relief are potentially eligible to adjust their status to lawful permanent resident. (USCIS 2011b)

<sup>12</sup> As I described in the Introduction, DACA is an administrative policy based on the exercise of prosecutorial discretion, and as such it is subject to change at any time by the acting presidential administration.

<sup>13</sup> Again, these wide-ranging fees are solely for legal services. All DACA requestors pay a \$465 filing fee to USCIS, in addition to whatever fee they pay to the lawyer that helps them with their request. See Footnote 8 for more details on the USCIS filing fee.

<sup>14</sup> As of June 2013.

<sup>15</sup> As of July 2013.

<sup>16</sup> As of June 2013.

<sup>17</sup> Estimates vary for the number of people potentially eligible for relief under DACA. According to a study by the Pew Hispanic Center (Passel and Lopez 2012), 1.7 million young people are potentially eligible for DACA. Of these 1.7 million people, 950,000 are eligible immediately and an additional 770,000 could become eligible by obtaining a GED or by aging into program eligibility (requestors must be at least 15 years old to file for DACA). A similar study by the Migration Policy Institute (Batalova and Mittelstadt 2012) estimates that 1.76 million people are potentially eligible for DACA.

<sup>18</sup> Detroit Hispanic Development Corporation (DHDC) is a non-profit organization in southwest Detroit that provides comprehensive, bilingual programs and services to Hispanic families.

<sup>19</sup> My conversations with Isabel did not give me a clear idea of exactly how this arrangement occurred. It is possible that Isabel asked her employer for financial support through the DACA process. It is also possible that her boss, Maria, offered to pay for Isabel as a favor to her family and as an investment in a valuable employee.

<sup>20</sup> The REAL ID Act of 2005 modified federal law with regard to standards for state driver's licenses and identification cards. Under the REAL ID Act, people now must provide documentation of legal status and a Social Security number in order to obtain a driver's license or a state ID, which makes it impossible for undocumented people to obtain these official papers. (DHS 2005)

<sup>21</sup> Eduardo's unawareness about his outstanding warrant is pretty normal. Warrants are automatically issued for a failure to appear (FTA), but they are not automatically scrubbed from the system once a person appears for a court date.

<sup>22</sup> Initially, both Diocese offices charged \$120 per DACA client. Susan, the director of the Grand Rapids program, said that the Diocese raised the cost to \$150 to cover an upgrade to their case management system.

<sup>23</sup> See Chapter 1 for more details on the three forms that DACA requestors must submit to USCIS and their attendant filing fees.

<sup>24</sup> Most of these eligibility criteria hinge on June 15, 2012, the date that the Obama administration announced DACA. In addition to proving their eligibility in each of these six categories, DACA requestors must also pass a background check that confirms that they “have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety” (USCIS 2013d).

<sup>25</sup> DACA requestors do not need to submit original documents unless USCIS specifically asks for them; copies are sufficient. (USCIS 2013d)

<sup>26</sup> U.S. Immigration and Naturalization Services (INS) was abolished and its functions placed under three agencies—U.S. Citizenship and Immigration Services (USCIS), U.S. Customs and Border Patrol (CBP), and U.S. Immigration and Customs Enforcement (ICE)—within the newly created Department of Homeland Security (DHS) in 2002. (USCIS 2014b)

<sup>27</sup> According to a 2006 study, approximately 40-45% of the 11.5-12 million unauthorized migrants living in the United States entered the country legally through ports of entry, using nonimmigrant visas or Border Crossing Cards. The remaining 55-60% of unauthorized migrants entered illegally without inspection. (Pew Hispanic Center 2006)

<sup>28</sup> USCIS officials may issue a Request for Evidence if they have questions about gaps in a DACA requestor’s documentation of their continuous presence. See Footnote 6 for more details on Requests for Evidence.

<sup>29</sup> See Notes 6 and 29 for more details on USCIS Requests for Evidence.

<sup>30</sup> See Chapter 1 for more details on the Dearborn, MI campaign office occupation in June 2012.

<sup>31</sup> See Chapter 2 for more details on the *matrícula consular*.

<sup>32</sup> When approved for deferred action and work authorization, DACA requestors receive a two-year employment authorization card from USCIS. They can use this card to apply for a Social Security number. With these an employment authorization card and a Social Security number, approved DACA requestors can then apply for a state ID or, in most states, for a driver’s license. Arizona and Nebraska have excluded employment authorization documents (EADs) obtained by DACA recipients from the list of acceptable identity documents for the driver’s license application, while continuing to accept EADs from other people. In these states, DACA recipients are not eligible for a driver’s license. Michigan state officials implemented a similar exclusion, but the Michigan Secretary of State reversed the policy February 1, 2013 in response to vocal objection from the immigrants’ rights community and challenges in litigation (NILC 2013).

<sup>33</sup> About half of the requestors I interviewed used one or both of these electronic systems.

<sup>34</sup> Forms and evidence are mailed to one of three USCIS Lockbox Facilities depending on the state where the requestor lives. Michigan DACA requests are sent to the Chicago facility. (USCIS 2012)

<sup>35</sup> Due to a change of address, Sergio actually missed his November 9 biometrics appointment and had to reschedule for November 26. Biometrics appointments, where requestors are fingerprinted as part of a criminal background check, take place at USCIS Application Support Centers. There are four USCIS Application Support Centers that service Michigan, two of which are in the state. One is located in Detroit; the other is located in Kentwood. (USCIS 2014c)

<sup>36</sup> One lawyer was able to provide me with statistics about the processing time for DACA applications submitted by her office in Grand Rapids. In 2012, receipt to approval for DACA applications took from 39-95 days, with an average time of 65 days.

<sup>37</sup> See Notes 6 and 29 for more details on Requests for Evidence.

<sup>38</sup> In July 2013, largely due to the efforts of the University of Michigan Coalition for Tuition Equality and other immigrants' rights organizations, the University of Michigan changed its tuition policy to allow any student who completed two years of middle school and three years of high school in Michigan to qualify for resident tuition, regardless of immigration status. (Eggert 2013)

<sup>39</sup> Interestingly, the Obama administration appears to share this mixed assessment of the DACA program, at least on the DACA Frequently Asked Questions (FAQ) page of the USCIS website. The FAQ page includes several question-answer pairs that clearly outline the shortcomings of DACA as compared to the DREAM Act and resolutely proclaim the administration's continued commitment to comprehensive immigration reform. The page also includes two not-so-subtle insinuations that it is Congress—not the Obama administration—that is depriving undocumented young people of “the certainty that comes with a pathway to permanent lawful status” (USCIS 2013d).

<sup>40</sup> As I stated in the Introduction, all of the DACA requestors that I spoke with were of Mexican origin.

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