Citizenship for the Worthy Children

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Elizabeth Keyes, *Defining American: The DREAM Act, Immigration Reform and Citizenship*, 14 **Nev. L. J.** 101 (2014).

Immigrant children are the subjects of varying narratives. To some, immigrant children fleeing Central America are invaders, while others view these children as innocent bystanders who are reaching out to the United States for protection from unimaginable violence. The narrative matters and it influences public perception. In *Defining American: The DREAM Act, Immigration Reform and Citizenship*, Elizabeth Keyes takes a close look at the narratives pursued in support of the DREAM Act and identifies danger posed by a narrative that promotes legal status and eventual citizenship for *worthy* and *blameless* immigrants. Keyes takes a narrative that seems unobjectionable and uncovers a major negative consequence. Creating the *worthy* category necessarily creates a category of individuals *undeserving* under the law.

The Development, Relief, and Education for Minors Act, or DREAM Act, has been on the congressional agenda for almost 15 years, but has yet to make its way to the President for signature. The DREAM Act would put certain individuals who currently lack legal immigration status on a path to legal status, with the potential of eventual US citizenship. The criteria generally include entrance to the United States before the age of 16, achievement of certain educational milestones or military service, continuous residence in the United States, and possession of "good moral character." In the face of legislative defeat of the DREAM Act, the Obama administration used similar criteria to implement the Deferred Action for Childhood Arrivals (DACA) program, which does not provide legal immigration status but does provide work authorization and a promise that the US government will not pursue deportation for two years.

Keyes focuses her attention on a narrative used to promote the DREAM Act and its policies of inclusion and formal recognition of attachment to the United States. Keyes identifies a "strategy of citizenship based on worthiness," and then examines the hidden costs of that strategy. Keyes argues that promoting the DREAM Act as benefitting blameless immigrant youth with stories that connect with the traditional American dream narrows the category of those who generally are deemed worthy of citizenship.

By examining the efforts of those supporting the DREAM Act, Keyes identifies an overarching narrative that connects the story of DREAM Act eligible youth to the quintessential story of the American dream. Keyes explains that the "typical DREAMer narrative is one of success against great odds." Immigrant youth, through no fault of their own, were brought to the United States without permission. Despite these beginnings, the DREAM Act would recognize those who have overcome the odds and achieved a high school diploma or more. These immigrants played no role in creating the fact of their illegal status—they are blameless—and their commitment to the American values of success and hard work establishes their worthiness as well. Keyes also notes that this narrative emphasizes the patriotism of the youth, either through qualifying military service or more generally through attachment to the United States. Those arguing in favor of the DREAM Act focus on how these immigrant youth already feel

American and that their lack of citizenship is a formality. The idea is that these individuals are already citizens in their hearts, if not in the formal records of the US government. The narrative also promotes virtue by excluding all of those with criminal backgrounds except for the most minor offenses.

While Keyes recognizes that this narrative is not disingenuous and that it serves the noble purpose of pushing for legal status for a deserving and racially diverse group of foreign nationals, Keyes opens our eyes to the danger of pursuing a narrative that divides immigrants into categories of worthy and not worthy. In Keyes' words: "The worthiness narrative that makes the DREAM movement compelling raises a challenging question: If worthiness is the way that these immigrants of color are able to claim citizenship—if the politics demand that high burden—does that open the door to denying citizenship to those deemed unworthy?"

This is, indeed, a challenging question, and Keyes guides us throughit. Keyes points out that the DREAM Act narrative of blameless children inherently creates a category of parents who are to blame, and generally sets a high bar for sorting immigrants worthy of gaining legal status from those who are unworthy. This has consequences for the debate over immigration reform generally, which would potentially provide a path to legal status for a wider group of individuals, including those who are arguably "to blame" for their current illegal status. Also, Keyes explains that the narratives of worthiness, virtue and patriotism make it possible to argue that those who have not achieved educational objectives or whose connections to the United States are not as lengthy are too different from the deserving group, the DREAM Act kids, to merit their own path to legal status. Keyes is not optimistic that the DREAM Act narrative will have positive trickle down effects for other immigrant groups. She views any coattails as very short.

Keyes presents us with a conundrum worthy of further inquiry. The dangers Keyes identifies illuminate the difficulties of line drawing once immigration advocates accept the broad proposition that some are more or less worthy of formal status within American society. As Keyes identifies, this phenomenon affects more than just the debate over who should be eligible to earn legal status. It also implicates birthright citizenship, as proponents of eliminating birthright citizenship have seized upon a narrative that those who benefit from US citizenship at birth simply because of geographic location in the United States at birth are not as deserving as those who earned US citizenship through perceived greater connections to the United States.

Keyes' article leaves unanswered the question of where Keyes would draw the line between worthy and unworthy, or whether she would not draw a line at all. Keyes leaves us to wonder what alternative narratives DREAM Act proponents should pursue. Nevertheless, Keyes' article opens our eyes to the downsides of the DREAM Act narrative and puts us in a position to examine questions that naturally follow her analysis. While political effectiveness may demand narratives that make immigration reform more palatable for some, Keyes reminds us that powerful narratives may have powerful unintended consequences.

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