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(IL)LEGALLY EXHAUSTED

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(II) Legally Exhausted

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On October 5, 2022, the United States Fifth Circuit Court of Appeals announced its ruling on *Texas v. United States*, which found the Deferred Action for Childhood Arrivals (DACA) memorandum (and program) illegal. The Fifth Circuit Court of Appeals ordered the United States District Court for the Southern District of Texas to rule on the legality of the Biden Administration's Final Rule on the program, which the Department of Homeland Security publicized in late August and is under review and set to take effect on October 31, 2022. On October 14, the United States District Court for the Southern District of Texas also found DACA illegal. However, Judge Andrew Hanan extended the temporary order allowing current recipients to renew their permits until further notice. The future of DACA remains uncertain, yet the anxiety, exhaustion, numbness, and tiredness that stem from its legal terrorism remain real for those who benefit from the program. In this essay, the authors, two undocumented immigrant educators with DACA, reflect on their experiences with DACA, the meaning of the latest rulings, their futures, and the responsibility of higher education institutions to their undocumented immigrant students and professionals.

I am so tired of waiting,
Aren't you,
For the world to become good
And beautiful and kind?
Let us take a knife
And cut the world in two—
And see what worms are eating
At the rind.
— Langston Hughes, *Tired*, 1931

“... the migrant is not a thing, object, or even an identity. The migrant is a historically contingent, relational category imposed by the state.”
— Robin D. G. Kelley, 2021, xvii-xviii

Alonso R. Reyna Rivarola: What is one word that describes how you are feeling about DACA right now?

Felecia Russell: Probably anxious. I feel something in my chest. I would say exhausted too, but to be honest, when the Fifth Circuit Court of Appeals ruled on DACA two weeks ago, I didn't even have time to stop and tap into my physical body to *feel* how I was feeling. I knew that the Southern District Court in Texas decision wasn't drastically different from the one in Louisiana, so that is "good," I guess... I think that provides me with some sense of relief, but the uncertainty of it all is draining. So yeah, if I had to choose one word, it would be anxious. Sometimes I can even feel the anxiousness in my body—something feels unstable. My body feels heavy, and I must stop everything I'm doing to breathe and attempt to re/center myself, at least a little bit [long pause].

OK, I know I'm giving you more than one word, but the other one is numb. I also feel numb to it all. It's like, here we go again, another court hearing, another court ruling. And at the same time, I feel privileged because I have DACA, and despite the heaviness of it all, I still hold some form of privilege. I'm 31 years old, have a doctoral degree and some savings, and don't know what I would do if DACA is terminated, but I want to say that I would figure it out. But it's hard. This past year, I was thinking about buying a house, and every time I wanted to start the process, I would hear the news about DACA, which would stop me from pursuing my dreams of owning a home. My U.S. citizen friends tell me that I can always buy and sell it if things get uglier with DACA, but the idea of purchasing and then selling a home amid political chaos sounds like a lot to me, which also adds to the anxiety. It's a toxic cycle.

So, I gave you more than one word [laughs], but for me, the three words that come to mind are anxiety, numbness, and privilege. What about you?

Alonso R. Reyna Rivarola: For me, it's also more than one word, so maybe asking us to select one word each was silly [laughs]. It's wild how these words are not just reflective of our feelings, but our realities [long pause].

The first word I would use to describe how I'm feeling about DACA right now is exhausted. I'm exhausted from living life at the mercy of the law. I cannot even express what it feels like to wake up to the news on my phone or Twitter feed to find out one of the courts challenged DACA again. Or that some right-wing politician said something dehumanizing and factually inaccurate about undocumented immigrants. Or that some left-wing advocate or nonprofit organization just reduced our lives (those of undocumented immigrants with and without DACA), to our economic power and contributions to society to appeal to the voting population. It's revolting [ugh].

The other word is suffocating—or suffocated. I feel like I'm stuck in place, unable to move freely, unable to breathe fully, and this is due to the geopolitical immobilization we experience as undocumented immigrants (Waila, 2021). I have become used to thinking and expressing myself freely, to some extent, in the proper contexts. When it comes to my physical being, however, I feel like I am stuck. I feel trapped, and I do not like the feeling of being trapped. Ever since I was a child, I have liked movement, and I want to be able to move freely around the world, and I cannot, which is saddening.

I am also tired. I am tired of people telling me that I need to be patient and that I need to wait a little longer for a legislative solution. So many people have tried to be helpful by saying things like, "One day, you'll have papers and be able to travel the world." But I have been waiting some 20-odd years for papers to validate my existence, which is just wrong. Like the 1931 Langston Hughes's poem says, "I'm so tired of waiting." Plus, why do we even need papers in the first place? [Ugh]. Sorry, that worked me up. I clearly have a lot of feelings about this topic because it's not just hypothetical for us (like it is for some non-undocumented immigrant scholars); it's our reality.

So, if I had to summarize how I'm feeling right now about DACA, it's exhausted, suffocated, and tired.

Felecia Russell: That leads us to the following question: What would you do if DACA ended? Have you thought about that?

Alonso R. Reyna Rivarola: This might be a strange way to answer this question, but I hope it makes sense. I grew up gay and closeted in Lima. This meant that, as a child, I could not live life to the fullest. This also meant that I grew up very anxious about my future. Would I one day live a full life as a queer adult? Or would I be forced to live a life that was not mine? Then, when I migrated to the United States, my marginal(ized) social positions multiplied. In addition to being queer, I became part of a minoritized ethnoracial group (read: Latino) and illegalized in the U.S.-social imaginary (Sati, 2017). So, my anxiety about the future grew.

Years later, and after much reflection, I shifted my perspective. When it comes to DACA, I have somewhat stopped caring about what “the future” looks like because I can no longer afford to care (mentally, physically, and spiritually). I think there is a tremendous sense of privilege in my response because my immediate family members are U.S. citizens, so if something were to happen to DACA, I would be the only one directly impacted.

Honestly, I don't like to think about the future too much. I also do not feel afraid of what will happen next because I know many people in my life have lived undocumented for decades. My mom did it for years. I think about my closest friend and his parents, who are also in the same boat, and still find ways to live, love, and thrive with their families, friends, and community. For me, I rather focus on what I *can* do—and that is the reason why if DACA is taken away, I can see myself adjusting to the situation despite how difficult it might (or will) be.

Felecia Russell: Do you feel like you do not think about what would you do if DACA ended because that gives you some safety?

Alonso R. Reyna Rivarola: Oh, I never thought about it that way, but I guess that's true. Perhaps it's just my subconscious trying to protect me. I will have to think about this one more deeply. How about you? What would you do if DACA ended?

Felecia Russell: I think that is true for me also. I first want to go back to what you said about being queer and undocumented and keeping that a secret. For me, it has been very similar. I think there is a lot of safety in not thinking about tomorrow; you can enjoy the present, which is all we have control over, right? The past has already happened; there's nothing we can do to change it. And the future is uncertain, so all we can worry about is the present. A scripture talks about today's worries being enough for today. Why worry about tomorrow? I keep that one close to my heart for moments like these.

When I first asked you that question, I thought about it for myself, and I want to say I am brave enough to start anew in another country or my country of birth, but I do not even want to say that aloud because I do not think that's true. This is my home! As I mentioned earlier, I'm anxious to the point where I dreamt about DACA ending. I dreamt about the possibility of something terrible happening. I do not even want to think about that. The only thing I want to think about is the here and now and how I continue to plan positively for my future, and it does not include not being here. So yeah, I do not know. So, I guess, similar to you, I do not want to think about that. And again, I agree that today's worries are enough for today.

Alonso R. Reyna Rivarola: It's hard to think about this, for sure [sigh]. OK, let's shift gears a little bit to something that we can control. How can institutions of higher education support undocumented immigrant employees?

Felecia Russell: I appreciate you framing the question around employees because I feel we have a lot of support for students, which is, of course, our priority, but we also need to know how to best support undocumented immigrant employees on our college campuses. Unfortunately, I am unaware of many colleges that are doing much to support undocumented immigrant employees with and without DACA. My current

institution does a lot to support our undocumented students, which is our priority, and I love that.

However, higher education institutions need to create support groups on our college campuses, just like we have other affinity groups for minoritized communities. I think higher education institutions can also offer structures for undocumented immigrant employees to connect—even if it's to have fun. I would love to build a community with groups of undocumented immigrant professionals with and without DACA in higher education—and we need to do a better job at acknowledging the ongoing uncertainty with the court cases, which affect students, but also staff, faculty, and administrators. I wish more schools had put out statements and action plans when the court struck down DACA. How about you?

Alonso R. Reyna Rivarola: I am grateful that my institution has been intentional about supporting us. For example, members of our senior leadership identified a pocket of funding from where we can reimburse full- and part-time employees (i.e., faculty, staff, and administrators) for our DACA renewal, which is fantastic. And yes, we have lots of support for students, including DACA renewal reimbursements through a partnership with a nonprofit association in the area, access to mental health counseling, and scholarships, among others. Yet, as you mentioned, higher education institutions pay less attention to supporting their employees who are undocumented with and without DACA.

I wrote about this in *My Undocumented Life* (Reyna Rivarola, 2021), but I urge higher education institutions and leaders to think about how we can support our students and their families. For example, how can we support local knowledge holders and merchants in our communities by contracting with them as independent contractors or vendors? There are many legal ways to do this and return money from the institution to the community. The second one is, like you mentioned, finding ways to provide undocumented immigrant employees with the space to process all the news. Sometimes I wish I would be encouraged to take time off to vent and process. And for

each of us, that is different; for some, it might be treating ourselves to a cup of coffee, tea, boba, or chicha morada. Maybe it's a meal, dancing, painting, whatever that might be [sigh].

Also, I need more non-undocumented immigrant higher education practitioners and scholars who work with and write about undocumented immigrants to consider this: What would you do if DACA ended? [pause]

OK, so I know we are running out of time, but this last question is also important: What is one thing you wish to share with other undocumented immigrants?

Felecia Russell: One thing I want to tell other undocumented immigrants is to share your story. I have found a sense of relief in sharing mine. Yes, there are many risks, and you must weigh your options, but for me, the reward has been greater than the risk. I have found relief in not carrying it all by myself anymore—it's the same reason why people go to therapy. After you share your story, you feel lighter, like you are no longer carrying the weight of the world on your shoulders.

I also want more Black people to share about being undocumented so that Black organizations not focused on undocumented immigrant issues can start uplifting Black undocumented stories. I wrote about this in my dissertation (Russell, 2022). I want more Black undocumented immigrants to share their stories and for Black people who are U.S. citizens and residents who know Black undocumented immigrants to listen and share these stories. I think proximity to someone who has experienced illegality changes your perspective. I have seen how once my friends learned about my status, they tried to learn more about the issues impacting us, and their tone about immigration has completely changed. It's so powerful, and I just want more undocumented immigrants to share their stories and allies to LISTEN.

What about you; what do you want to tell other undocumented immigrants?

Alonso R. Reyna Rivarola: I love that. For me, it's returning to the idea that documentation will not lead to our liberation. It's powerful and an important reminder because sometimes we get stuck in the idea that we need documents to thrive, and that's just not true (Reyes, 2017). It's so oppressive to think that's the only way to live life—one where papers validate us, which is not right. I want to move away from those ideologies and sentiments.

Finally, I offer a reflection activity for non-undocumented immigrants who are self-proclaimed “allies” in this struggle: How are you re/affirming your commitments to undocumented immigrants with and without DACA when nobody is watching?

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