Reclaiming Justice and Eliminating Inequality through Compassionate Migration: The Relentless Struggle of Migrants Living in the Shadows

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Abstract

This article elaborates on the emerging concept of "compassionate migration" as a counter-hegemonic response to the institutions and systems that criminalize unauthorized immigration, including the assistance provided by those who aid such migrants out of a sense of compassion. In the name of human dignity, it is imperative that those who live in the shadows of United States immigration law and its enforcement system sense that social justice is a tangible possibility, and that they indeed may be able to free themselves from the structures that criminalize them and render them vulnerable to various forms of discrimination and other human rights abuses.

Introduction

> *The individual is capable of both great compassion and great indifference. He has it within his means to nourish the former and outgrow the latter.*
>
> —Norman Cousins

> *When any person suffers for someone in greater need that person is a human.*
>
> —Cesar Chavez

For the more than 11 million unauthorized immigrants who live in the shadows in the United States, justice is an elusive if not allegorical objective. Their success is measured by how well they can endure the direct, structural, and cultural violence within which they are entrapped. This group of immigrants is forced to struggle for dignity, rights, social justice, and other forms of justice within juridico-political and socio-economic institutions that exacerbate intolerance and xenophobia. Although these institutions treat unauthorized immigrants as a threat to the ever more elusive "American Dream," in reality they are caught in a *de facto* system of

spatial segregation produced by a juridical and political economy of social inequality.

This article explores these structures as it attempts to elaborate on "compassionate migration," an emerging concept—and, in this author's ideation, a counter-hegemonic response to the aforementioned institutions and systems that criminalize unauthorized immigration, including the assistance provided by those who aid such immigrants from a sense of compassion. In the name of human dignity, it is imperative that those who live in the shadows of United States immigration law and its enforcement system sense that justice is a tangible possibility, indeed that they may be able to free themselves from structures that criminalize them and render them vulnerable to various forms of discrimination and other human rights abuses.

I.   FRAMING THE STRUCTURES OF VIOLENCE, INEQUALITY, AND INJUSTICE

Many immigrant groups within the United States, particularly unauthorized immigrants from certain linguistic and national origins, are subject to a constant state of deep and chronic social injustice that Johann Galtung called "structural violence." "[T]he violence is built into the structure and shows up as unequal power and consequently as unequal life chances" (Galtung, 1969, p. 171). In contrast with direct violence, structural violence is a concealed form of violence whereby certain social groups are deliberately marginalized by the state. Indeed, they are separated from the socioeconomic, sociopolitical, and legal structures from which they could achieve their basic needs—including their fundamental human rights—and realize their potential as individuals and collectives (Galtung, 1969; Ho, 2007).

As a distinct form of violence, structural violence is built on systems of interaction that are deeply rooted in historically-dominant political, legal, and cultural institutions of states. According to Leighton and Winter, "structural violence is almost invisible, embedded in ubiquitous social structures, normalized by stable institutions and regular experience" (2001, p. 99). Structural violence reproduces oppressive relations and other inequalities. This form of violence is so deeply rooted within dominant social and institutional structures that it is not always readily apparent. Indeed, it seems that only random acts of direct violence or uses of excessive force by state authorities against unauthorized immigrants—e.g., expressions of hate, brutality, or abuse of power—tend to capture the mass media's attention.

Structural violence is particularly troubling in the U.S. post-September 11, 2001, as migration has been securitized. With stricter laws, harsher detention practices, the increasing militarization of its southern border and the ongoing construction of the U.S.-Mexico border fence, the regulation of

migration is now an intricate part of U.S. National Security (Ghughun-ishvili, 2010; Guild, 2009; Kirkham, 2011; Lyon, 2003; Martinez, 2009). A major effect has been the narrowing of the scope regarding the application of core international human rights as well as certain constitutional rights pertaining to the Bill of Rights (Sayler, 2009; Tavares, 2007). For unautho-rized immigrants coming from the south, the U.S.-Mexico border fence has meant having to choose more dangerous routes through the desert, which has resulted in more deaths, as well as an increased risk of falling prey to human trafficking, gang violence, and higher barriers to justice (Amnesty International, 2013, pp. 288-90; U.S. General Accountability Office, 2006).

At the institutional level, unauthorized immigrants, as well as those who assist them to ease their suffering, are subject to harsh punitive mea-sures, including criminalization of their immigration status (American Civil Liberties Union [ACLU], 2010). Undocumented immigration in the U.S. is criminally punishable with up to two years in prison when an undocu-mented immigrant has been previously deported or removed from the U.S. and later returns without the proper authorization (Reentry of Removed Aliens, 8 U.S.C. § 1326). In the post-September 11 U.S., many state and local governments have also tried to impose criminal penalties on undocu-mented immigrants (ACLU, 2010). Moreover, 8 U.S.C. § 1324, Bringing in and Harboring Certain Aliens, provides for severe penalties that may be applied to anyone who is willing to assist unauthorized immigrants by attempting to "transport them, conceal, harbor, or shield them from detec-tion," (§ 1324(a)(1)(A)(iii)) or who might "encourage or induce" a migrant to come into the U.S. without proper documents (§ 1324(a)(1)(A)(iv)). Though these articles focus on human trafficking, they are written in a man-ner that allows for the criminalization of travel by families of unauthorized immigrants, including minor children traveling with parents, and the actions of those who would provide such people with "sanctuary." Furthermore, these articles ignore the fact that most unauthorized immigrants are forced to leave their places of origin due to deep conditions of structural violence.

When unauthorized immigrants are openly considered a threat to the dominant institutions and construed as "other," the media, the state appara-tuses in charge of dealing with immigration, and other social forces suc-cumb to structural violence and reinforce "cultural violence," which is "the symbolic sphere of our existence exemplified by religion and ideology, lan-guage and art, empirical science and formal science (logic, mathematics)—that can be used to justify or legitimize direct or structural violence" (Gal-tung, 1990, p. 291). These symbolic spheres are part of what Galtung refers to as "the direct-structural-cultural violence triangle" in which "violence can start at any corner . . . of the triangle and is easily transmitted to the other corners" (p. 302).

The easy expression of direct, structural, and cultural violence through the dominant sociopolitical, socioeconomic and politico-legal structures that institutionalize and internalize the three "corners" of this "triangle" of violence requires a more basic set of social and political agreements that legitimize, in political and moral terms, violence towards the "other" (Galtung, 1990, p. 292). Charles Mills focused on the historical political and moral norms that have constituted the nation's dominant "social contract." Although it may be more difficult to clearly identify the racial and class inequalities in the language of most political and legal contracts derived from state or local governments, Mills notes that "the economic dimension of the Racial Contract is the most salient, foreground rather than background, since the Racial Contract is calculatedly aimed at economic exploitation" (1997, p. 32). As an intricate part of such a Racial Contract, immigration laws, though written as mere pragmatic and color-blind set of rules meant to regulate migration flows, ensure the moral and political maintenance of the political economy of social exclusion and exploitation.

In theory, all general laws apply equally and are to be enforced on an equal basis toward all individuals; they do not target specific populations or traits for differential treatment. However, reality is quite different, as we know that the nationality of certain immigrants may trigger different patterns of behavior from law enforcement agents and agencies (Guild, 2009), as well as different institutional preferences in terms of permission for entry and residency. As discussed later in this article, a second tier of laws and policies in the U.S. context deals with unauthorized immigrants; these laws and policies contradict constitutional principles regarding equal protection under the law, which rest on "territorial personhood," not on how one came to be present within U.S. territorial jurisdiction (Motomura, 2006).

The media, political pundits, and other social forces also apply their own standards in determining the threat that certain nationalities pose to dominant cultural values and social norms. In the U.S., Mexicans and other Hispanics and Latinos are routinely subject to structural violence simply on the prejudicial suspicion that they might be unauthorized migrants. However, certain unauthorized migrants from nations with similar values or ascribed racial or cultural traits as those from the host country's dominant culture—in this case, that of the U.S.—are not subject to structural violence, despite having to go through the same regulatory frames (Arrocha, 2011; Cuauhtémoc, 2012; De Genova, 2009; Guild, 2009).

From a capabilities-focused social justice approach, the question we always have to ask ourselves when referring to the need to reach social justice for all is: what can all human beings actually do and become in a specific socioeconomic and political structure so as not to lose their human dignity (Nussbaum, 2002, p. 129)? Unauthorized immigrants, who are per-

ceived as inferior in the dominant social stratum, or as a threat to the domi-
nant culture's core values and norms, are excluded from those
socioeconomic and sociopolitical institutions that could help them fulfill all
of their capabilities as social beings, not just those capabilities strictly
linked to their survival as they live in the shadows.

Although many unauthorized immigrants from various sender states
suffer from social exclusion, Hispanic and Latino populations in general,
and Mexican migrants in particular, arguably suffer most from the present
conditions of structural violence (Arrocha, 2011; Cuauhtémoc, 2012). Spe-
cifically, they are ensnared in structures whereby they are "othered" as
"illegal aliens" and, on that basis, detained, punished, and deported—in
some cases, hunted and shot (Arrocha, 2011). Yet the presence of these
particular migrants brings out a powerful paradox: on one hand, their labor
is in great demand; on the other hand, their presence is perceived by many
as a serious threat (Arrocha, 2011).

This paradox is apparent when state and local governments have put in
place anti-immigrant laws such as Arizona Senate Bill 1070 in 2010 (and
similar laws in Alabama, Georgia, Indiana, South Carolina and Utah) and
local-level ordinances like the Hazleton (Pennsylvania) Illegal Immigration
Relief Act of 2006 and the 2008 Farmers' Branch (Texas) Ordinance 2952
Requiring That All Renters Obtain Occupancy Licenses Verifying Their
Citizenship Status. These legislative regimes, which federal courts now
largely or entirely deem unconstitutional, seek to exclude the unauthorized
immigrants even as there is an implicit recognition that unauthorized immi-
grant labor is needed for the survival of certain economic sectors and indus-
tries (Burruss, 2010; Immigration Policy Center, 2012; Sols, 2010).
Moreover, federal programs like the Immigration and Customs Enforce-
ment Secure Communities ("Secure Communities"), which is mandatory
for all jurisdictions (Secure Communities, n.d.) and the Delegation of Immi-
gration Authority Section 287(g) Immigration and Nationality Act ("INA
§ 287(g)"), which is applied on a voluntary basis (INA § 287(g), n.d.)—
coerce federal agencies, state and local authorities, and even private actors
to engage in direct violence against unauthorized immigrants.

Although U.S. courts have expressed difficulties in determining the
constitutional status and protections afforded to unauthorized immigrants
(Nelson, 2013, p. 877), a general consensus exists that these persons are
entitled to at least some protections under the First, Fourth, Fifth, Sixth and
Fourteenth Amendments (Cole, 2003; Millhiser, 2011; Motomura, 2006;
Nelson, 2013). For example, the Fifth and Fourteenth Amendments' Due
Process and Equal Protection guarantees, and the Sixth Amendment's guar-
antees of rights related to criminal prosecutions, extended to all "persons"
present in the U.S. (Cole, 2003, p. 370). Furthermore, the First Amend-

ment's protections of political speech, petition and assembly, association, the press, and religious freedoms, and the Fourth Amendment's protection of privacy and liberty, apply to "the people," which also suggests their full application. Chief Justice Rehnquist stated "'people' refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community" (*United States v. Verdugo-Urquidez*, 1990). According to Nelson, those immigrants who have established some connection with their community might thus have access to "specific rights under the First, Second, and Fourth Amendments" (2013, p. 808).

Although unauthorized immigrants cannot fully express their political connections with the U.S., or indeed in the communities where they work, study, and participate (which, also grants them certain social rights and obligations), it is difficult to accept the proposition that they are not part of that "class of persons" whom Chief Justice Rehnquist described. Yet many individuals who could be considered part of that larger "class of persons" are faced today with new forms of spatial segregation that prevent them from maintaining and expanding their connections to this country. One such form of spatial segregation is the justified fear in which many unauthorized immigrants live, due to increasing risks of detention and deportation under Secure Communities and § 287(g) (Arrocha, 2012, 2013).

Unauthorized immigrants, or the "alien invaders," as referred to by nativist groups and popular political pundits like Lou Dobbs (Arrocha, 2011), are also subject to direct violence that ignores constitutional provisions (Chiu, Egyes, Markowitz, & Vasandani, 2009). Examples of such direct violence include:

- Raids conducted by Immigration Customs Enforcement ("ICE"), which may involve the detention and/or removal of parents or children without serious consideration of their family ties ("Parental Interests Directive", n.d.);
- Application of immigrant and racial profiling;
- Denial of movement through denial of access to official ID cards, driver's licenses or permits, and denial of use of consular cards (National Immigration Law Center, 2008; Transportation Security Administration, 2003);
- Denial of legal assistance;
- Denial of protection or assistance by other members of society;
- Denial of public services that are critical for well-being; and
- Usage of shackles and other conditions of harsh and inhumane incarceration (Chiu et al., 2009; Young, 2011).

As a result, so-called "illegal immigrants" are arguably the lowest-ranking members of U.S. society—if they are considered members at all.

Their movement, labor, wages, and even living conditions are subject to control by employers who often exploit them at-will as long as they themselves are not caught by immigration authorities (Arrocha, 2011; Chacon & Davis, 2006; De Genova, 2004). Entrapped "in a chain of interlocking feudal relationships," these immigrants are deprived of opportunities to fulfill their capabilities (Galtung, 1969, p. 177). As Galtung states, "they are deprived because the structure deprives them of chances to organize and bring their power to bear against the topdogs, as voting power, bargaining power, or violent power—partly because they are atomized and disintegrated, partly because they are overawed by all the authority the topdogs present" (p. 177). Indeed, in most ways, unauthorized immigrants hold none of these powers.

Thus, these persons are in an endless state of structural violence, even direct violence, undergirded by laws that criminalize their presence as well as their work (Arrocha, 2012; De Genova, 2004), which in turn are backed by enforcement practices that treat these fellow humans as criminals, invaders, and—perhaps most cruelly and inhumanely—inferior beings. For these persons, justice is an elusive ideal, something out of their own reach. Their success is measured by how well they can endure this violence in pursuit of the American Dream (Peterson, 1995; Ehrenreich, 2011).

Ironically, the mere possibility of this dream, let alone its attainment, persists through the cheapness and docility of their ongoing labor. Here we see that structural violence alone cannot maintain high levels of exclusion and repression; a hegemonic discourse that constantly manufactures consent to its most repressive practices is also needed. This discourse expresses cultural violence, which "makes direct and structural violence look, even feel, right—or at least not wrong" (Galtung, 1990, p. 291). Cultural violence persists when the culture of "others" is considered inferior or threatening to the dominant culture. As a consequence, the state, which aligns with the dominant classes, will attempt to suppress the culture of "others" through systematic application of cultural violence, including denial and exclusion of "others" from the social and institutional spaces where they might create and reproduce their culture.

As is the case of most nation-states, the ideology of American Nationalism has been able to maintain over time certain core values that grant it uniqueness but also expose its contradictions. On one hand, there is an almost religious reverence from political elites and the dominant media towards the idea that the U.S. is an exceptional nation endowed with the most advanced constitution and democratic institutions (Hodgson, 2009). On the other hand, a prevailing chauvinism (meaning: extreme partisanship of exaggerated patriotism) holds that specific cultural values underpin these democratic institutions, and furthermore that these values are ones that only

certain people—as based on citizenship, but not even all citizens—hold. Thus, this chauvinism is strongly hostile both to foreigners and minorities who are considered not to share these values (Lieven, 2012).

This structure of exclusion, which is inherent in the formation of dominant ideology and concomitant ideas about the acceptable parameters of national identity, also inevitably generates legal and political structures whereby those who are considered unacceptable are designated as "others" and held under ongoing suspicion of being a threat. On that basis, they remain subject to deportation, *even* if they attempt to assimilate by embracing key components of the dominant culture (Kanstroom, 2007; Ngai, 2005).

In these and other ways, migration and immigrants are securitized as a risk to the state and the hegemonic constructs of the dominant collective identity of the polity (Bigo, 2002; Guild, 2013; Huysmans, 2006). Moreover, the concept and politico-legal parameters of what constitutes citizenship and what rights it confers remain subject to revision and reconstitution in order to regulate the inclusion or exclusion of the "other" (Guillaume & Huysmans, 2013; Heisler, 2001; Kanstroom, 2007; Maas, 2013; Pickus, 1998; Schuck, 2008).

Samuel Huntington, a respected conservative theorist of American political and social systems, argued that in order to become an American, one must embrace the Anglo-Saxon Protestant nature at the core of American Nationalism and its "exceptionalism." "Throughout American history, people who were not white Anglo-Saxon Protestants have become Americans by adopting America's Anglo-Saxon Protestant culture and political values, benefitting them and the country" (Huntington, 2004, p. 61). Quoting Benjamin C. Schwarz, Huntington notes that American national identity and unity is "derived from the ability and willingness of an Anglo elite to stamp its image on other peoples coming to this country" (p. 61). This statement focuses on the idea that the "unity" of the nation, and therefore the survival of the state and its much-cherished institutions, cannot endure if immigrants are unwilling or unable to embrace a national culture and set of ideals with which Huntington identifies white Anglo-Saxon-Protestantism.

Of course, Huntington is merely the academic *porte-parole* of what many in the dominant media, political punditry, and wider populace have embraced as the ideal type, regardless of the rapid demographic changes that have taken place in the U.S. since the 1960s forward (Hayworth, 2006; Kaufman, 2004; Tancredo, 2006). For those who have embraced such discourse, Mexican and Latino migration, in particular, is fearsome because the White Anglo-Saxon Protestant elite has not been able "to stamp its image" on it; this is cannot do because the former cannot assimilate to the

ideal type and core values of what constitutes American Nationalism (Huntington, 1990, p. 230).

So great was his fear of how Mexican mass migration might change America that Huntington warned against the danger posed by a Mexican-American middle class: "If Mexican-Americans achieve middle-class status within the Mexican–American community, their inclination to reject American culture and to adhere to and to attempt to propagate Mexican culture might be enhanced" (Huntington, 1990, p. 245). From this statement, it is clear that the realization of the individual and the social capabilities of Hispanic and Latino immigrants, particularly those of Mexican origin, is always at risk as they somehow represent latent threats to American Nationalism and exceptionalism. Such statements and their legitimization are part of "cultural violence," as the statements promote exclusion of a complete population and justify the use of structural violence against that population. Once this fundamental conflict-of-cultures and resultant necessity for exclusion have been established, the mechanisms of direct violence are set in motion through federal, state, and even local laws that assist stopping such threats to the perceived national unity. These laws and regulations have empowered anti-immigrant groups such as the Federation for American Immigration Reform ("FAIR") to propound legal and social structures of violence that have as their ultimate goal the legitimization of direct violence, particularly on the U.S.-Mexico Border (Southern Poverty Law Center [SPLC], 2001, 2012).

As it now difficult to fully exclude and marginalize those Mexican-Americans and other Hispanics and Latinos who are successful citizens, indirect and direct violence has shifted toward those from these demographic groups who are labeled "illegal immigrants" (a rhetorical conflation with federally-defined "criminal aliens") or "alien invaders." The result is an expression of cultural violence that permits the use of direct and structural violence, as discussed above, and in the forms of immigration enforcement raids and harsh detentions. These uses of direct and structural violence include punitive methods of physical restraint accompanied by offensive language (Arrocha, 2011, 2012), detention conditions where the mental and physical health of immigrants is at risk (Young, 2011), and mass deportations whereby more than 400,000 people removed from the U.S. in 2012 alone ("News Releases," 2012).

What results from this triangle of direct, structural, and cultural violence is a political economy wherein immigrants of Mexican and other Hispanic and Latino origins arguably constitute the lowest stratum of society, regardless of the successes of the few. They tend to work in lower paying jobs (Carnevale & Stephen, 2001) and must confront federal, state, and

even local laws that may trigger racial and immigrant profiling, as well as abuses of power from emboldened yet all-too-often ignorant authorities.

II.   A Political Economy Forged and Sustained by Structural and Cultural Violence

The fate of those immigrants who are not accepted by the White Anglo-Saxon Protestant ethos, regardless of their individual and collective efforts, are for now forced into structures of violence wherein their struggle to realize their capabilities, both as individuals and as a community, is a Sisyphean undertaking. Yet if we treat the direct manifestations, structures, and culture of violence against unauthorized immigrants as paradoxes of a system that is ideologically oriented to democratic participation and freedom for all, then we ignore the fact that the political economy of this state was founded on social inequalities (Zinn, 2010).

From the early historical development of the U.S., the dominant classes put forward an ideology of expansion, supported by the idea enshrined in Manifest Destiny that the state had to expand beyond its original boundaries. With support of the state, the expansion of capital continued to ensure new sources of cheap labor and resource markets through a new international division of labor and investment supported by the development of violent, even imperial structures (Delgado, 2013; Gindin & Panitch, 2012; Sassen, 1990).

Today, a combination of military, economic, and ideological power (as "soft power") constantly reinforces such structures (Buhle, Konopacki, & Zinn, 2008; Chalmers, 2004; Galtung, 1971; Nye, 2009). Consider, for example, that after the tragic events of September 11, 2001, the U.S. declared a "Global War on Terror," which the Obama Administration subsequently redubbed the "Overseas Contingency Operation." Despite its innocuous-sounding new name, it is a war without articulated geographical boundaries or timeframes, it does not contemplate victory in the traditional sense (Angstrom & Duyvesteyn, 2006), and certain basic human rights are in jeopardy—for example, insofar as the U.S. asserts the sovereign right, based on national security interests, to kill potential enemies and even U.S. citizens without a trial (Duffy, 2005; Nedra, 2012). This war sustains, and is sustained by, a Military-Industrial-Complex ("MIC"), in which many of the most powerful U.S. transnational corporations participate. Their participation in private organizations like the Business Executives for National Security ("BENS") or the Trilateral Commission, which influence political and legislative agendas, in turn shapes international structures of violence (Arkin & Priest, 2010; Gill, 1992; Lofgren, 2014; Public Intelligence, 2009).

Through this war and its effects, the U.S. and many other states have moved to securitize migration and treat immigrants as potential terrorism suspects (Guild, 2009). This war also continues to redefine concepts and rights of citizenship, in part by canceling or making access to justice more difficult for citizens and noncitizens alike (Cole & Mullard, 2007). Under the USA PATRIOT Act (2001), for example, the state has the power to detain suspects without charges and remove any noncitizen considered a national security threat (Kelly, 2002).

As result of the foregoing, a political economy of fear, not just legal status, determines the levels of immigrant exploitability in terms of their labor that the more basic securitization of migration. Immigrants, particularly unauthorized ones, who are part of the Mexican, Hispanic and Latino, Arabic, and Muslim communities, have been the main targets of intrusive, aggressive uses of force by the U.S. Department of Homeland Security ("DHS") as exercised through ICE, some of which involve state and local public safety forces working with ICE (Akram & Johnson, 2009; Chavez, 2009; Dole, 2009). In sheer numbers of raids, detentions, and expulsions, unauthorized immigrants, particularly those from Mexico and Central America, have been the most punished of all those who are considered to be a threat to the state (Pew Hispanic Research Center, 2011, p. 12).

Yet the state's targeted use of repressive measures is also alienating specific populations, such as Asian Americans and especially Hispanics and Latinos, who can now strongly influence and perhaps even determine the outcome of local, state, and federal elections. So, in order to find a balance between hard power and soft power, the dominant discourse has shifted from being openly anti-"illegal alien" to signaling an apparent conditional acceptance. In one vision, immigrants who have exceeded their permitted duration of entry or who entered the U.S. without authorization might be accepted as permanent residents if they first accept their guilt and corresponding punishment for having broken U.S. immigration laws:

> People who are in America illegally have a responsibility—to pay their back taxes and admit responsibility for breaking the law, pay a penalty, learn English, pass criminal background checks, and get right with the law—or face removal—before they can get in line and eventually earn their citizenship. (President Barack Obama, 2010)

This harsh stance, which is also reflected in the current bipartisan Senate proposal for immigration reform (Border Security, Economic Opportunity, and Immigration Modernization Act, S.744 of 2013) dismisses the fact that unauthorized immigrants constantly contribute to societal wellbeing through the provision of cheap, flexible, and docile labor, and through the

income- and consumption-based taxes they pay (Hanson, 2009). Though the President's call has not yet gone into effect, and "immigration reform" remains stalled, unauthorized immigrants, and those who are suspected of being such, remain subject to myriad uses of hard power, including raids on homes and workplaces and the increasing militarization of the U.S.-Mexico border.

For young people who are unauthorized immigrants, there is perhaps more hope for consideration so long as they meet certain criteria. However, the Deferred Action for Childhood Arrivals (2012) ("DACA Guidelines") only applies to immigrants who came into the U.S. while under the age of 16 and who currently are no older than 30. Moreover, they must have been present in the U.S. for at least five years prior to the publication of the Deferred Action Process. While in the U.S., they had to have been attending school, "have graduated from high school, have obtained a general education development certificate, or have been honorably discharged veterans of the Coast Guard or Armed Forces of the United States" (DACA Guidelines, ¶ 6); finally, they cannot "have been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or otherwise pose a threat to national security or public safety" (DACA Guidelines, ¶ 7). According to the DACA Guidelines, a significant misdemeanor is a misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less, but greater than five days) and as follows:

> Regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; or, if not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence.

Considering these requirements and definitions, two conditions stand out. The first is the explicit acknowledgement that an individual's immigration status does not seem to be a problem when it comes to recruiting members for the U.S. Coast Guard and Armed Forces. The second is that significant or multiple misdemeanors, including nonviolent offenses like "unlawful possession of drugs" or "driving under the influence of alcohol or drugs," will automatically disqualify an individual from having her or his removal deferred.

That these requirements and definitions should condition eligibility for Deferred Action is unfortunate. Nonviolent offenses can be common among individuals who meet all the other DACA criteria, and such individ-

uals may be otherwise outstanding students or community members. Yet these individuals are subject to removal and deportation to a country that perhaps they do not even know and in which they may have little-to-no "ties." Alternatively, as will be the case for many, the conditions of structural and cultural violence encourage these individuals to remain living and working in the shadows until ICE or state or local police apprehend them. In addition, the DACA program excludes families as well as the millions of individuals who do not meet its criteria yet whose labor sustains many of the U.S. economic sectors.

In political economy terms, however, the DACA program is highly successful, for while it seems to indicate ways of attaining the American Dream it does not actually permit those whose removal is deferred to request any category of migration status that could potentially put them on the path towards citizenship. This conundrum represents how administrative law has been used to trump and circumvent constitutional law protections. The Memorandum that establishes the guidelines for the Deferred Action clearly states that the program "confers no substantive right, immigration status, or pathway to citizenship" (U.S. Department of Homeland Security, 2012). Indeed, after a complex process in which each individual must undergo a security background check, those who seek Deferred Action may receive a two-year deferment on removal, subject to the discretionary power of an immigration agent. A work permit may be granted for the duration of the deferral period; this permit can be renewed indefinitely for as long as the executive order stands and the individuals meet all the DHS' eligibility criteria, including no convictions on specified misdemeanor offenses. Yet this legal status is tenuous at best, and there are now 1.4 million young people who find themselves in it as their best-case scenario (Pew Hispanic Research Center, 2012). These individuals also form a pool for supplying cheap and docile labor, including low- and medium-skilled labor, to those sectors that need it.

The success of hard power approaches applied to immigration control has reached historical levels: In the fiscal year of 2012 alone, there were nearly 410,000 removals added to the 1.5 million under the present Administration (ICE, 2012). Incarceration totals of unauthorized immigrants also soared across the country, with 270 federal, state, and private prisons documenting increases from 250,000 incarcerated subjects in 2005 to almost 400,000 in 2012 (Detention Watch Network, n.d.; National Immigration Forum, 2012; U.S. General Accountability Office, 2011). It is not surprising then, that the fastest growing number of incarceration centers in the country are those being built to detain unauthorized immigrants (Gavett, 2011), and that the conditions of incarceration include families with children being detained alongside criminals and being held in very poor condi-

tions where emotional, physical, and sexual abuse problems are chronic (Young, 2011).

The detention process, which in many cases breaks families apart, seems to be designed to make unauthorized immigrants feel as though they themselves were convicted criminals. As Mark Flemming, Attorney for the National Immigrant Justice Center remarked in an interview for PBS on the detention centers:

> ICE establishes these facilities mainly to make sure that they show up for their hearing, and if they're ordered removed, to effectuate that removal. It's not supposed to be punitive. And yet in every way, shape or form, it was punitive. It was a criminal setting. They wore uniforms as inmates. The officers had very much a criminal justice mentality. (Young, 2011)

These immigrant detainees are placed in county jails, state prisons, or even for-profit detention centers, surrounded by barbwire, with officers who act as if they were in a criminal setting. They must wear uniforms rather than their own clothing. They are not informed of the status of their case until they are taken, in shackles, to be removed from the country. Those who are removed are not allowed to communicate with their family members before removal. In these and other ways, the process falls well short of the Due Process rights that even convicted criminals receive. Indeed, unauthorized immigrant detainees may only receive legal counsel if they can afford to provide it for themselves or if a public defender happens to be available to assist (Levy, 1970; Young, 2011). As Anthony Romero, Executive Director of ACLU states regarding their defenselessness: "We hold people. We handcuff them. We detain them. We take away the basic right to liberty. And the right to due process . . . ." (Young, 2011). Or as Cuauhtémoc (2012) points out: "Prisons . . . are immigration law's necessary purgatory, the physical in-between space that must exist to facilitate the welcoming embrace of the 'good immigrant' and DHS's concerted efforts to remove unwanted immigrants" (p. 358). Many detainees are apprehended and removed by systematic practices, such as aggressive raids that violate the Fourth and Fifth Amendments, despite the Fourteenth Amendment's protection of all individuals within U.S. territorial jurisdiction (Bosniak, 2008; Chiu et al., 2009; Motomura, 2006), as well as Due Process rights under the Fifth and Fourteenth Amendments.

The annual number of raids, and record levels of immigrants to who are detained and removed, are direct results of the nation's most aggressive migration enforcement programs since it implemented the 1996 Anti-Terrorism and Effective Death Penalty Act ("AEDPA") and the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA"). These acts focused on the detention and removal of undocumented immigrants and

radically transformed U.S. immigration laws by concentrating on those who were "unlawfully present" (Arrocha, 2012). Both acts "increased the number of criminal offenses that could result in removal, drastically expanded the severity of removable offenses to include relatively minor crimes, provided the legal authorization for local governments to police immigration law through cooperative agreements with the federal government, and eliminated relief that had been part of immigration law for decades" (Cuauhtémoc, 2012).

Secure Communities and INA § 287(g) are the leading cooperative programs under the umbrella of ICE's Enforcement and Removal Operations. These programs use federal and local police enforcement agencies to share biometric information to identify and detain unauthorized immigrants (Secure Communities, n.d.; INA § 287(g), n.d.). Along with these programs, more than 20,000 ICE staff are spread across the country ("Overview," n.d.) while the vast majority of Border Patrol Agents (increased in number from 4,028 in 1993 to 21,391 in 2013) are stationed at the U.S.-Mexico border (U.S. Customs and Border Patrol, 2014).

In this structure of violence, there is very little consideration given to the most vulnerable persons—children and their parents, women, and the elderly. Particularly not if they should be Mexicans or otherwise Hispanics or Latinos (Cuauhtémoc, 2012) who, if they caught within the U.S. without the proper documents or having outstayed their visas, are subject to legal chastisement and punishment. They are not granted Due Process; they may be incarcerated or removed and permanently excluded from the country, regardless of the fact that many will leave behind their children, parents, or entire families in the U.S.

Yet even for those who do come with temporary work permits, the ordeal is far from over, because they still face discrimination and exploitation. Although the state has established working visas for immigrants that grant them certain labor rights, most workers who are present under the H-2A visa programs suffer similar vexations and human rights harms as do unauthorized immigrants. Migrant workers, and their families, who fall under the H-2A, or "guest worker" program, routinely suffer high levels of exploitation. The program provides temporary working permits to farmworkers and non-farm laborers in a variety of low- to mid-skilled industries. The workers under the H-2A program are supposed to receive the protection of U.S. wage laws, workers' compensation, and other standards. Yet, in reality these workers are routinely subject to serious violations of federal and state labor laws, as human rights abuses from state authorities, employers, and the agencies that work as the brokers between the employers and workers. All too frequently these workers are "held virtually captive by employers or labor brokers who seize their documents;

subjected to human trafficking and debt servitude; forced to live in squalid conditions; and denied medical benefits for on-the-job injuries" (SPLC, 2013). A new frame, based on humane and equitable principles for H-2A visa workers, is needed to ensure that labor rights, including those from labor conventions that have been signed and ratified by the state, are applied with no distinction as between migrant workers and citizens working in similar jobs (Lyon, 2010).

To summarize, today's Mexican, Hispanic, and Latino immigrants, as well as other immigrants, regardless of their immigration status, are considered a threat to the core values of the state. They suffer from high levels of intolerance, xenophobia, and spatial segregation. These immigrants confront restrictive and punitive federal, state, and local laws, as well as abuses of authority and excessive use of force by U.S. border enforcement agents, as well as ICE agents (Sherman, 2013; ACLU, 2008, n.d.). Added to these vexations, many working migrants and their families, regardless of their authorization status, have to deal with routine, even constant abuses in the workplace. Moreover, as Congress and the Executive branch plan to increase the militarization of the U.S.-Mexico border, it is almost certain that the risks involved in crossing it from the south will increase, thus resulting in more deaths, more human smuggling and human trafficking, and more social tensions at the border. Finally, in addition to the problems of direct violence, the structures and culture of violence have deepened as result of a political economy that has exacerbated social and economic inequality. It is therefore imperative to work towards the establishment a framework for actions and policies shaped around a vision for "Compassionate Migration," (Bender, 2011; Bender, Arrocha, & Shuford, 2016) which is the work of the next section of this article.

III.   THE NEED FOR "COMPASSIONATE MIGRATION"

On October 3, 2013, more than 360 migrants, many of whom had already been "raped and tortured," found their tragic fate off the shores of the Italian island of Lampedusa, Italy, when the boat in which they had traveled from Libya capsized after a fire onboard (BBC, 2013). As the world looked on in shock, former UN Secretary-General Kofi Annan cried out, "It is time we show some compassion for migrants." Annan reminded governments that they "should view migration as a profoundly binding dimension of the human experience" because "[t]hrough migration, human beings share an understanding of sorrow, hope, and compassion" (Annan, 2014). Although such calls for compassion towards immigrants are not new, this tragedy and so many others, including the approximately 5,600 people since 1998 who have died trying to cross the U.S.-Mexico border

(Anderson, 2013; Binational Migration Institute, 2013) have pushed leaders worldwide to call for compassion toward all migrants.

Pope Francis, in his Message for the World Day of Migrants and Refugees (2013) and speaking on the theme "Towards a Better World," sharpened the call for compassion toward global migrants: "The reality of migration, given its new dimensions in our age of globalization, needs to be approached and managed in a new, equitable and effective manner; more than anything, this calls for international cooperation and a spirit of profound solidarity and compassion" (§ 8). Furthermore, His Holiness is clear about the kinds of conditions that cause these "new dimensions" of global migration and what obligation arises for all people of conscience:

> [W]e cannot remain silent about the scandal of poverty in its various forms. Violence, exploitation, discrimination, marginalization, restrictive approaches to fundamental freedoms, whether of individuals or of groups: these are some of the chief elements of poverty which need to be overcome. Often these are precisely the elements which mark migratory movements, thus linking migration to poverty." (§ 7)

Indeed, His Holiness (2013) condemned the worldwide prevalence of debt bondage and similar forms of exploitation: "Nowadays, slave labour is common coin!" (§ 3)

For Pope Francis, it could be said, today's dominant economic policies undergird the structural and cultural violence of the present. In the first Apostolic Exhortation *Evenagellii Gaudium (Joy of Gospel),* which outlines the Papacy's vision for the Church's long-term missionary work, Pope Francis denounced present neoliberal policies, which His Holiness refers as the "economy of exclusion" (2013, p. 45), and the problem of complete lack of empathy toward individuals in general as well as those who suffer from such policies. Pope Francis states that

> some people continue to defend trickle-down theories which assume that economic growth, encouraged by a free market, will inevitably succeed in bringing about greater justice and inclusiveness in the world. This opinion, which has never been confirmed by the facts, expresses a crude and naïve trust in the goodness of those wielding economic power and in the sacralized workings of the prevailing economic system. Meanwhile, the excluded are still waiting. To sustain a lifestyle which excludes others, or to sustain enthusiasm for that selfish ideal, a globalization of indifference has developed. Almost without being aware of it, we end up being incapable of feeling compassion at the outcry of the poor, weeping for other people's pain, and feeling a need to help them, as though all this were someone else's responsibility and not our own. (2013, p. 46)

The Charter for Compassion ("Charter"), officially launched in November 2009, comes from the labor of Karen Armstrong with backing from Technology, Education, Design ("TED"), which promotes "ideas worth spreading." Today, the Charter, which has been translated into 30 languages so far, draws signatory support from more than 106,200 individuals (including His Holiness the Dalai Lama and Archbishop Desmond Tutu) and organizations (e.g., universities, civic and civil society organizations, and entire major religious denominations), plus contributions from thousands of partner organizations, participation by some 205 cities worldwide, and adoption by whole countries (Charter for Compassion International, n.d.).

As such, the Charter is one of the largest and fastest-growing contemporary efforts to reignite a very old idea, the Golden Rule, which it considers to be variously and equally stated across human history yet explicitly a *principle of compassion* that is common to all the world's major religious, ethical, and spiritual traditions. The Charter is a proactive response to the kinds of direct, structural, and cultural violence, as well as basic indifference, which excludes or marginalizes the "other" and treats the "other" as a threat to society and the state. As a global network, movement, forum, and basic text, the Charter emphasizes the urgency "to make compassion a clear, luminous and dynamic force in our polarized world." It calls upon us to recognize and affirm that "Born of our deep interdependence, compassion is essential to human relationships and to a fulfilled humanity. It is the path to enlightenment, and indispensable to the creation of a just economy and a peaceful global community" (Charter, 2009).

Contemplating how to address the injustices behind global migration and improve the life circumstances of migrants worldwide, perhaps the most powerful tool that the Charter could offer is its organizational capacity for forging and leveraging partnerships with a broad set of public, private, and non-profit actors, including cities and entire nations, in ways that link the global and local levels. The International Campaign for Compassionate Cities ("Compassionate Cities"), which is one of the young organization's most ambitious and successful efforts to date, has the main goal of connecting the leadership of cities with other social actors "to create and bring together efforts towards increasing compassion through local initiatives, policy, and projects" (Compassionate Cities, n.d.). Looking forward, coordinated actions taken through the Compassionate Cities network—various compassionate collaborations between key cities in migrant sending, receiving, and transit nations—could yield great local-to-global impact toward empowering unauthorized immigrants, as well as those social actors who work closely with them to ensure the protection of their fundamental human rights.

Yet as leaders like Annan, Armstrong, and Pope Francis all acknowledge, any organization or movement that calls forth and seeks to ignite compassionate action faces the challenges of direct, structural, and cultural violence as entrenched in a deeply dehumanizing political economy. Therefore, movements to inspire and spread compassion toward migrants should focus on the need to dismantle the triangle of violence. One way to do so would be to develop policy priorities that, from bottom-to-top, link local, state, national, and global organizations specifically to push legislative bodies to eradicate or reform those laws, policies, and practices that sustain unjust social contracts against global migrants—particularly unauthorized immigrants.

Perhaps the most comprehensive policy recommendations yet articulated toward promoting social justice and human dignity by addressing the structural causes of unauthorized migration can be found in the Interfaith Immigration Coalition Policy Recommendation on Principles for Compassionate Immigration Reform (IIC, 2012). This document outlines numerous "legislative principles" that can provide beginnings for a "compassionate migration" framework in the U.S., including:

- Work to "help reshape financial systems that unduly burden vulnerable populations—including U.S. trade policies, international financial institutions, and local economies in sending countries—toward models that support those in need";
- Protect workers' rights, including agricultural workers;
- Place humanitarian values at the center of enforcement policies;
- End Secure Communities and INA § 287(g) agreements, as these programs cause undue suffering, break up communities, and endanger public safety;
- Expand the protections under DACA to the family members of those who meet the Deferred Action criteria;
- Protect refugees and migrant survivors of violence;
- Reform detention practices, as based in less punitive alternatives that restore Due Process;
- Enact the Development, Relief, and Education for Alien Minors ("DREAM") Act; and
- Keep families together.

Besides pursuing the IIC Policy Recommendation, many other steps can be taken that may help to elaborate a robust "compassionate migration" framework for justice and equality. For example, some of the world's most important news organizations have advanced efforts to restore migrants' human faces by changing the way that we discuss and address them in dominant discourse. The Associated Press ("AP") took a big first step toward breaking down the discourses of othering and demonizing unauthorized

immigrants when it announced that the *Stylebook and Briefing on Media Law* would eliminate the terms "illegal" and "illegal immigrant" to refer to a migrant without proper immigration documents (Colford, 2013). This critical decision reshaped mainstream media practices; thousands of U.S. newspapers and news websites follow the AP's editorial rules.

A further positive step toward dismantling cultural violence and promoting compassion through mainstream media institutions involves including a diverse group of people who can break down content-discrimination and offer alternative points of view (World Migration Report, 2011). Pope Francis makes a similar point, framed in terms of professional and social responsibility:

> The communications media have a role of great responsibility in this regard: it is up to them, in fact, to break down stereotypes and to offer correct information in reporting the errors of a few as well as the honesty, rectitude and goodness of the majority. (2013)

The International Organization for Migration ("IOM") agrees and goes the further step of recommending the inclusion of unauthorized immigrants as active agents of communication (World Migration Report, 2011, p. xviii). Mainstream news organizations and other social institutions that shape or influence public policy should go beyond simply informing the public on immigration issues to actually inviting immigrants, including unauthorized immigrants, to discuss—in a safe environment—the deeper causes of the social, economic, and political concerns that create negative perceptions towards immigrants.

Further to understanding these concerns, it is important to build "open, balanced and comprehensive migration discourse" (World Migration Report, 2011, p. xvi). The focus should be on shifting the constant emphasis on problems caused by migration—both real and perceived—and creating open, safe spaces for constructive dialogues that include all stakeholders. These spaces should be expanded to include multilateral fora such as the International Dialogue on Migration (which is the regional consultative process on migration) and the Global Forum on Migration and Development (World Migration Report, 2011, p. xvi).

Such spaces for constructive dialogue should address the pressing need for sending and receiving states to share policies that, driven by compassion, are accompanied by the application and proper coordination of international norms to protect immigrant workers and their families. Pope Francis has noted that "Cooperation at different levels is critical, including the broad adoption of policies and rules aimed at protecting and promoting the human person" (2013), and has called for means of assuring that inter-

national law norms are applied at domestic levels. Quoting Pope Benedict XVI, who "sketched the parameters" of such policies, Francis calls for policies that

> should set out from close collaboration between the migrants' countries of origin and their countries of destination; they should be accompanied by adequate international norms able to coordinate different legislative systems with a view to safeguarding the needs and rights of individual migrants and their families, and at the same time, those of the host countries. (2013)

In order to accept and include the agency of immigrant perspectives and communities as key tools for such constructive dialogue, mainstream media must also change the "us versus them" narrative and discourse on immigration that polarizes society and generates fear towards certain immigrants in particular and immigration in general. By establishing a more inclusive narrative and discourse, media outlets can promote social empathy toward migrants of all backgrounds and legal status. They can also foster, or at least helpfully inform, the development of a critical mass which can in turn advocate for and support compassionate policies and actions.

The importance of compassionate media and communications mechanisms also underlines the pressing need to address other structural and cultural conditions that increase the economic and social divide within immigrant-receiving states and thus contribute to intolerance, xenophobia, and other destructive behaviors (Hoffman, 1984; Segal, 2007; World Migration Report, 2011, p. 56). Civil society organizations that struggle to enact social justice, in particular, must make concerted efforts to increase awareness and deepen understanding of the conditions of migrants in society. For although migrants are present in the daily lives, and to some extent the imagination, of almost every citizen, they are not yet perceived—let alone perceived positively—as full members of the U.S. workforce, local communities, and the body politic. Moreover, the cultural differences that accompany immigrants, regardless of their legal status, have yet to be valued as unique, rich, complex, contributions to the advancement of a more diverse and tolerant society.

While an "open, balanced and comprehensive discourse" is essential toward establishing compassion and the social empathy that underlies it, any action or policy initiative for compassionate migration should also include and build upon the fundamental principles found in core international human rights instruments—and, it should be noted, their harmonization with and support from the various non-legal sources discussed above. From the 1948 Universal Declaration of Human Rights ("UDHR"), now an

integral part of the International Bill of Rights,[1] to today's "core" international human rights instruments,[2] two foundational principles anchor compassionate migration. The first is the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." The second is that "All human beings are born free and equal in dignity and rights" (UDHR, 1948). Although the UDHR is not a binding document, its foundational principles go beyond Westphalian notions of sovereignty, thereby allowing for the formation of mutually-agreed-upon standards for all nation-states to protect not only their own citizens but also all people under their jurisdiction (Falk, 2008). Moreover, the UDHR urges states to extend such protections universally towards "humanity," understood as the condition of being human, rather than as limited according to "some fragmentary sense of privileged or denigrated identity associated with religion, race, nation" (Falk, 2008, p. 199).

On December 18, 1990, the UN General Assembly passed the resolution to create an International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ("ICMWR"). The ICMWR can be thought of as comprehensive, insofar as it integrates the fundamental principles of several other "core" international human rights instruments, as well as those pertaining to labor rights that are already recognized by the International Labor Organization ("ILO") (Lyon, 2010). The ICMWR recognizes that lawfully present immigrants have the legitimacy to claim more rights than do unauthorized ones, yet it also stresses that all migrant workers and their family members have fundamental human rights which all nations—sending, receiving, and transit—must respect (UNESCO, 2005).

Indeed, the ICMWR articulates a more extensive set of rights for unauthorized migrants than those that the U.S., which is not a party to the ICMWR, has meant to extend and protect as based on the "territorial personhood" standard. However, as the U.S. has not yet shown much interest in ratifying the ICMWR, it is important that experts in U.S. immigration law, U.S. constitutional law, and international human rights law engage in meaningful dialogue to identify the compatibility or possible harmonization of key international human rights standards with applicable bodies of American law. Some of the key protections under the ICMWR that would be appropriate and important to consider in such dialogue are:

- Freedom from torture or cruel, inhuman, and degrading treatment or punishment (Art. 10);
- Legal protection against any arbitrary or unlawful interference with privacy (Art. 14);

- Treatment with humanity and respect for one's person and culture when in detention (Art. 17);
- Being treated as an innocent person when in detention (Art. 17);
- Being kept separate from convicted persons (Art. 17);
- Juveniles being kept separate from adults when in detention (Art. 17);
- Freedom from mass expulsions (Art. 22); and
- Recognition as a person before the law (Art. 24).

Furthermore, "migrants who are detained should have the same rights as nationals for visits by members of their families" (Art. 17). So, whenever one as a migrant worker is deprived of one's liberty, the competent authorities of the state concerned shall pay attention to the problems that may be posed for that person's family, in particular for spouses and minor children. Finally, the ICMWR stresses that all migrants have the "right to hold opinions and the freedom of expression" (Art. 13).

If we are concerned with promoting compassion for all migrants within the U.S., as matters of law and policy, then it is critical that the U.S., as well as other migrant-receiving states, sign and ratify the ICMWR. Meanwhile, it is essential that the U.S. Bill of Rights be fully extended to all people within the U.S., regardless of their immigration status, particularly the guaranteed freedoms of speech and assembly found in the First Amendment and those pertaining to Due Process and Equal Protection under the Fifth and Fourteenth Amendments. Moreover, "a shift is needed from the coercive and punitive nature of immigration laws and policies, particularly those of the U.S., to a more coordinated, forward-looking, and compassionate vision of regional migration policies that recognize the structural nature of the push and pull factors of the South/North migration flows as well as the demographic and societal realities of hemispheric migration today" (Bender et al., 2016).

CONCLUSION

Today, the Executive branch and each house of Congress is putting forth competing blueprints for so-called "immigration reform." Despite their respective differences, each hegemonic design fixates on increasing the militarization of the U.S.-Mexico border, ensuring that unauthorized immigrants who want to be accepted as law-abiding individuals repent and pay for their audacity via fines and back taxes, and demanding that they "go to the back" of a line that does not exist anywhere under current immigration law. Absent from these proposals is any compassion, and the empathy on which it would rest, for those who toil in the fields and factories to feed our families, work in our homes taking care of our children, or engage in

many of the most difficult jobs that we no longer value as worthy for true Americans.

The leadership of compassion will have to come from all those who are engaged in the global struggle for a more just, humane, and equal world. In the meantime, the young DREAMers who passionately fought for the DREAM Act, which remains stalled in a deeply divided Congress, are keeping up their struggle. They seek to ensure that one day their dreams of educational access, economic empowerment, full participation, acceptance as any other young American, and a more just and compassionate society will indeed come to pass. The DREAMers, who have reshaped the immigrants' rights debate, are part of a powerful movement that will not stop until they see conferral of and respect for human rights and constitutional rights, not only for themselves but also for their parents, siblings, and all who live in constant fear (Nicholls, 2013; "History", n.d.). For young unauthorized immigrants like the DREAMers, the Deferred Action program gives them an important victory, as well as hope and fortified solidarity for their struggle. Though their struggle is far from over, they know that the battle continues; the program is but one small concession within a system that shows little compassion toward unauthorized immigrants, particularly those of Hispanic and Latino origins. If the spirit of the "Golden Door," of which Emma Lazarus wrote, is to remain open, indeed welcoming and embracing of the tired, the poor, and the huddled masses who yearn to breathe free, then—by the power of compassion—the Hadrianesque wall that separates the U.S. and Mexico, and so much more, must be dismantled and rendered an aberration in the relentless struggle of immigrants for human rights, justice, and dignity.

NOTES

1. The International Bill of Human Rights consists of the Universal Declaration of Human Rights ("UDHR") and the International Covenants on Human Rights (the International Covenant on Civil and Political Rights (1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (1966)).

2. Today the UN considers the core international human rights instruments as consisting of ten international human rights conventions. For all core conventions see UN Office of the High Commissioner for Human Rights at: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx.

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