

# Common Reading Series:

## Luis Cortes on DACA and the Supreme Court

[MUSIC PLAYING]

KAREN WEATHERMON: I'll check. Is the mic on? OK. Good evening. Thank you so much for coming this evening. I'm so delighted that you could be here tonight for our talk by immigration attorney Luis Cortes Romero. I'm Karen Weathermon. I'm the director of first year programs. And one of those programs is our Common Reading Program. And in that program, every year, we select a common text, which then provides the springboard for a campus-wide conversation around a topic of importance.

This year, our topic is revolving from the book *Refuge*-- rethinking refugee policy in a changing world. And so we're looking broadly at issues of immigration, forced relocation, forced migration, borders, asylum, both contemporary and historical. Throughout the academic year, we offer at least one event per week, both spring and fall semester. You can find our calendar on the Common Reading website, which is [commonreading.wsu.edu](http://commonreading.wsu.edu), as well as on our CougarSync page. And we hope you'll be able to attend more events in the coming weeks of this semester.

If you're attending for course credit, that will occur through CougarSync. And I'll give you instructions at the end of how you can obtain credit at the conclusion of tonight's event. And before I introduce our speaker, I want to also let you know of a couple of upcoming events. Tomorrow at noon in Bryan 308, Mr. Cortes Romero will be speaking on campus at the Foley Institute's Pizza and Politics series. And there, he'll focus more directly on the details of the court case and its arguments. So if tonight's talk sparks an interest in you in learning more about this case, we invite you to come hear our speaker tomorrow.

Our semester is full of a variety of WSU faculty and staff speakers. And you can find those events, as I mentioned, on our website and on the CougarSync calendars. But I want to draw your attention to one speaker in particular, who will be later this semester. On Tuesday, April 14 at 7 PM in this very room, [Kira Craig O'Schneider] from the United States Holocaust Memorial Museum in Washington DC will be here speaking on "Waiting with Packed Suitcases-- the Jewish displaced persons crisis in Germany from 1933 to 1952." And she'll be a speaker who will help us recognize, I hope, that the issues of forced relocation and their impacts on people's lives have historic roots that continue to shape our current debates. So more about those events also can be found on our website.

Tonight of course we are very pleased to have Luis Cortes Romero with us. As you know, this past November, Mr. Cortes Romero was one of six attorneys at the table in front of the United States Supreme Court arguing to continue protection against deportation of people brought to the US as children. His role as part of counsel was especially significant, because Mr. Cortes Romero is himself a DREAMer. He shared at dinner that he started law school with no hope, at

that time, of even practicing law and certainly, I'm sure, did not think that he was going to be before the Supreme Court in really just a matter of years from his graduation from the University of Idaho.

Since-- I'm sorry. Since March, 2018, Mr. Cortes Romero has been a managing partner at the Immigrant Advocacy and Litigation Center in Kent, Washington, where he practices exclusively in immigration litigation, including high profile constitutional litigation involving equal protection and due process claims. He also represents clients in connection with governmental investigations. And in addition, Mr. Cortes Romero is an executive board member of the Dream Bar Association.

His ties to the Palouse are strong as well. He earned his Juris doctorate degree from the University of Idaho in 2013, and while in law school was a legal intern at a local law practice, a prosecuting board member at the Latah County Youth Accountability Board, a legal intern and tribal court-appointed special advocate with the Nez Perce tribe, and a student advocate for Moscow High School. So his roots here were broad and deep as well. And we welcome you back to the Palouse.

I would like to gratefully acknowledge our co-sponsors for Mr. Cortes Romero's return to the Palouse-- the University of Idaho College of Law, the Pullman League of Women Voters, and our own WSU Crimson Group, and newly formed Mariposa Undocumented Alliance. Now, please help me welcome Luis Cortes Romero.

[APPLAUSE]

LUIS CORTES ROMERO: Good evening, everybody. It's a pleasure to be here, back in the Palouse. I am always very reminiscent of my time here. Although I did study at the University of Idaho, I did spend a lot of time here at WSU, just to get a new change of scenery. I made a lot of new friends here. I was just sharing actually, on my way over here, that I remember during finals I was walking to try to study here in this area, where I very promptly slipped and fell and cracked my computer. And so I think about that every time I'm at WSU, my very fond memory.

I am very honored to be here and honored that you took the time today to come in and listen to my story about-- it's a story of not just me, but of hundreds of thousands of individuals, and their communities, which equals millions of people who are going to be impacted by the decision of the Supreme Court, whichever way it goes down. I will be talking a little bit about the case and how it came to fruition, though the specifics and the legal aspects of the case will be discussed more at length tomorrow. But there are some behind the scenes aspects of the case that I think you might be interested on.

I guess I'll start with my journey here in the Palouse back in 2010. I started at the University of Idaho in 2010 at the College of Law. And this is well before DACA. I was sharing a little earlier that I had no idea what my future would hold when I started my law school career. It wasn't

until my first year when I realized that, because of being a DREAMer, and because of not being born in the United States, I ultimately could not practice law even if I graduated law school.

And so it was my first year when I hit my very first crossroads in my legal career. Do I keep going and pursue an education in my Juris doctorate? Or do I end here? I remember being very torn. And I called my mom and told her I'd made up my mind. I will be quitting law school and properly returning to what I consider home, which is California.

And so she gave me a very stern talking to, and let me know that I would not be returning until I finished. She said, we don't know what's going to happen. But what we do know is that they can't unteach you what they will teach you there. You can't unlearn that. So continue moving forward. Let's have faith that things will work out. And then learn as much as you can while you're three years there.

Well, that stern talking to did it. And I continued to pursue a law education, but knowing the fact that I would not be able to practice law. So I became really involved in the three years that I could, in everything that I could, because this was the three years that I had to be a lawyer as I was a law student. And so I was finishing my-- it was the summer of my second year of law school. Law school is three years. So I'm about to embark in my third year. It's August.

And so now, summer is ending. The fall is starting. And I don't know what I'm going to do. I know that I'm finishing my last year of law school. And that's it. And then I have this final year to feel like an attorney and practice as a student. But that was it. And it was in August of 2012 where DACA was announced.

President Obama, at the time, stepped out into the Rose Garden and announced the program, Deferred Action for Childhood Arrivals, DACA. And in making this announcement, he said, we're doing this because it's the right thing to do. Now, from there, this is where it starts to really get crazy. After President Obama made his announcement-- and this is going to be important for later-- the Secretary of the Department of Homeland Security-- her name is Janet Napolitano, Secretary Napolitano-- issued what was essentially the DACA memo, or what is also known as the Napolitano Memo. And the Napolitano Memo issued out all the guidelines as to who would be eligible for DACA and who would not be.

Now, I think, as a starting point, it's important to know what DACA is. What DACA is, is a deal between the government and the recipient. The recipient will give over all of their information-- their address history, where they were born, where they've lived for years, where they've gone to school, how long they've been here, what their parents' information is. You have to go in and give them your fingerprints, give them your photo. And they will do a heavy background check. I mean, we're talking about the Department of Homeland Security.

In turn, if you have either graduated from a school, are currently in school, or served in the armed forces, and you have no serious criminal history, then the government will acknowledge that you're here, will categorize you as a low priority, and will give you work authorization, will

allow you to-- make it easier for you to work and allow you to stay. And they will do that for two year increments. Every two years, you have to renew, for them to recheck your situation, make sure, again, they're taking your fingerprints, your photo, and checking all your stuff again.

And so that's what we had. We had this deal with the government that, if we came out and gave them all the information, they would acknowledge us as part of our society, and would give us this ability to step out and not be afraid anymore. So it happened. Hundreds of thousands of people applied. 800,000 people applied. And their communities, which makes it millions of people, are relying on this program.

And at first-- I'm not going to lie-- I waited. I was like, you want me to do what? I am not going to give you my information right away. I want to see how this pans out. After I started seeing this program actually working was when I started to apply. And it truly felt like it fell from the sky, because it was about as I was about to finish law school when DACA was announced. And DACA, once I was entered into the program and was granted deferred action under the DACA program, it was what allowed me to practice law and advocate for my clients.

But it did more than just that. DACA is more about-- it's more than just the work authorization or the actual benefits that come with deferred action. There's a certain acknowledgment that comes from our society when the government accepts you and says, we will allow you to be here. And you can feel safe here. You can have a family. You can pursue your goals. You can pursue your dreams, so long as you play by the rules.

And so that-- I can't describe what it feels like to not be afraid to be exiled from the only place you know home. I came to the United States when I was one year old. I found out that I was undocumented when I was in sixth grade. And the way that I found out was that there was a trip to Europe that my sixth grade class was taking. And we had to fundraise for it. And we had to sell chocolates for it. And I hustled those chocolates hard.

And so I was able to raise enough money to go. And I explained to my parents, I raised enough money to go. And that's when it started. They said, you can't go, because you weren't born here. And I didn't really know what it meant. I mean, I'm in sixth grade. But I started to realize the consequences of being undocumented. And growing up undocumented means just that, learning what it means to be undocumented-- all the things we can't do-- by the time we can't do them-- and so just like I found out I wouldn't be able to practice law.

So having this recognition and this weight off my shoulders, knowing that I couldn't be deported, was so empowering. There's nothing that gives you that feeling. So I found myself now with DACA. I graduated from law school. And now, I moved out to Seattle, and working as an attorney.

Now, as you may know, as you may assume, lawyer hours are very long. And they are very demanding. But I loved every minute of it. It was what I was studying for and what I wanted. I never saw it as something I have to do. I saw it as something I get to do. I get to participate in

my community. I get to advocate for my clients. And I get to be part of our community, something that the DACA program really bestowed on us.

So you could tell by our surprise, when President Trump won the election, there was a lot of nervousness as to what was going to happen. And so this is where I'll start to give you some of the behind the scenes scoop on this DACA case. So President Trump, at the time that he was running, made all sorts of statements, right? Some of them were about what he felt about immigrants, what he felt about the population of Mexico, the immigrants coming from Mexico, and really ran on that platform.

Well, that really switched once he got elected. Once he got elected, he was asked over and over again about the DREAMers, about DACA. And he said DACA is a very sensitive subject for me, is what he said. He says we're going to treat DREAMers with heart, and that it's a very difficult subject for him. And so that's a very change in tone as to what was happening with DACA. And it's not the platform he ran in.

That became troubling to his administration. He has a person who's been the head of his immigration policies. His name is by Stephen Miller. He's a young guy, Stephen Miller. And he used to work under then-Senator Jeff Sessions. He used to work with Senator Jeff Sessions. Once senator Jeff Sessions became the attorney general at the White House, he brought Stephen Miller with him. Stephen Miller is a young 30s, hard liner when it comes to immigration policies.

And President Trump's announcement, or now his comments about DACA being a very delicate subject for him, and it being something that he may not do away with, did not run well with Mr. Miller. Mr. Miller then, on his own, decided to end the DACA program. He came up with a memorandum and said, for all of these policy reasons, we're going to end the program. Now, this is all done behind the scenes.

And he then asked the Secretary of the Department of Homeland Security at that time, Secretary Duke, to sign off on the program. It's the Secretary of the Department of Homeland Security who ultimately implements or takes away the program, even though it's the president's decision or the executive's decision. Janet Napolitano issued the Napolitano Memo to put the program together. Now, Secretary Duke was asked to rescind that program.

Except, Secretary Duke had been a longtime career government employee. She had been there through many administrations, not just this one, and did not feel comfortable about rescinding the DACA program. And it's also, I think, important to keep in mind that statistically 80% of Americans across political aisles believe in the DACA program and support the DACA program, which, to me, is a bit astounding. I can't get 80% of people to agree on anything, let alone the DACA program. But we could all agree-- or at least 80% of Americans agree that the DACA program is a program that should stick around.

Well, then Attorney General Jeff Sessions announced that he wanted to do away with the DACA program, because he thought it was illegal to begin with, that President Obama should not have issued the program. The problem is that he didn't really explain why he thought it was illegal, or what about it was illegal. He just said it was illegal. And so when Secretary Duke ultimately signed the Duke Memorandum terminating the program, what she put down was, well, Attorney General Jeff Sessions is saying it's illegal. So I'm ending the program, because he said it was illegal. And that's what ended the program. And that's what started this fight.

The program ended on a Monday in September. By Tuesday, the state of California and the UC Regents-- like UCLA, UC Berkeley-- they all started to file lawsuits in order to defend the program. And I quickly realized that there was no lawsuit that was going to represent the actual DACA recipients, the people impacted by this. Their stories are not going to be told.

And so myself and a group of other lawyers got six DACA recipients-- a Harvard educated doctor, a lawyer, a clinical psychologist, a special ed teacher, a school counselor, an elementary school teacher. The six DACA recipients got together. And they represented the DREAMers. And they sued in order to keep the program in place.

Now, you may ask, well, what is the big deal on this program? What is the fight? If President Obama issued the program, can't President Trump take away the program? Isn't that how it works? Well, there is a very nuanced part of the law called the Administrative Procedures Act, or the APA. And the APA is not very exciting. It's the boring type of law that you see. But it's important.

And what it says is that, if an administration is going to switch a policy, at minimum, it needs to explain why. Tell us the reasons. Why do you want to do it? And you have to have a-- it doesn't even have to be a good reason. It just has to be an explained reason.

But here, the Trump administration said, we have to end the program, because we think it's illegal. We have no choice. We have to end it. And that's what started the fight. If we could prove that DACA was legal to begin with, then the reason to end the program-- that it's supposedly illegal-- ends up being an invalid reason. And so we started now our fight to show that the DACA program was legal.

And we'll get into this more tomorrow, for those of us who can join tomorrow. But programs like the DACA program have been used across several administrations dating back to Eisenhower. And so to all of a sudden say, without much of an explanation, that the DACA program was illegal, didn't seem to hold much weight. We won at the district court level. We won. And we kept DACA in place for now. Then the government appealed it. We won at the appeal, too. And then the government was making its way to the Supreme Court.

Once we found out the government was making its way to the Supreme Court, I had to take a step back, because I couldn't believe that I was now part of a case that not only shaped who I was, but shaped hundreds of thousands of people. If it wasn't for DACA, I would not be able to

practice law. I would not be able to feel so empowered to be an advocate for my community. And now, I'm defending the program that has given so much back to me. And so it was really an incredible experience to even get that far.

And so the day of the Supreme Court, as you could-- for those of you who have ever been to DC and have ever seen the Supreme Court, it looks really big from the outside. But it's actually quite small once you make it to the inside. And one story that really sticks with me of the Supreme Court is, once you make it in past the tons of security that's there, there is a small room called the Lawyers' Lounge. And it sounds fancier than it is.

And really, it's a room with a bunch of chairs. You're not allowed to have your phone. They made that very clear. And it's a place that you can hang out and zen in before the arguments start. So we go in there. And it's a room with a lot of chairs. And I am starting to panic a little bit. I start to get very nervous.

And I'm starting to think, OK, well, what-- I'm starting to think a whole bunch of different things. What if this doesn't go our way? What if we didn't prepare well enough? I don't know what's going to happen. So I'm trying to catch my breath. And I find a little corner. There's a lot of chairs, empty chairs. So I find a corner where no one is going to sit next to me. And I start to just find my center.

Well, very soon thereafter, someone sits right next to me, which I then get a little annoyed by. I'm like, there's a lot of chairs around to be sitting next to me. So I have my eyes closed. And I continue to just keep trying to focus on my breathing, that zen. And I start hearing the clicking of a cell phone. I'm like, oh no. Why? We're not supposed to have cell phones in here. And now, you're just ruining my vibe.

But I still keep my eyes closed. And I'm trying to just focus on myself. Then the person sitting next to me starts to have a very loud conversation with someone else who just walked in. I'm like, oh no, lady, come on. I am trying to catch my zen here. Eventually, I realized, OK, this is a big distraction. I am going to move away.

So I opened my eyes. And I'm going to give her a quick side eye to be like, lady, come on, before I move. And then I realized that it's Janet Napolitano, the one who wrote the DACA memo. And she happened to be sitting next to me. And so she is the president of the UCs in California. She's the UC Regent President. And so it's her case. It's part of her case.

And she is one of the interested parties there. And that's why she's there. I don't think she knew who I was. I definitely knew who she was. And so I very nervously introduced myself. All of a sudden, my annoyance just went away. I was like, you can you can type all you want. You can type it louder, if you want.

And so I introduced myself very nervously. We did that thing where she went in for a handshake, and I went in for a hug. And we did that whole thing. And it was a very full circle

moment, in that not only was I representing a program that had given so much to me, but I was now standing next to the person who penned it, who authored it. And it seemed very much like something out of a movie. And so I really wanted to ask for a photo. But I had put my phone away, because I followed the rules. And so I just decided to take a mental photo.

The Supreme Court itself was an amazing experience, in that we had nine people who were going to decide the fate of millions. And again, we're talking about the 800,000 DACA recipients and their employers, their communities. Our plaintiffs including doctors. So it's doctors and their patients; teachers and their students; psychologists and their patients; people who relied on this program; and people who relied on the promises made not just by the government, but also by this administration, who said, I will keep DACA moving forward. President Trump said that. And so we believed these promises. And he said, as long as you play by the rules, this program will continue. So people applied, and reapplied, and renewed, and gave all their information time and again.

So defending this program is extremely important for us, because this is more than just a case about DREAMers. This is a case about the rule of law and that, when the government makes a promise, and they say that they're going to do one thing, to hold that accountable. That's really what this case comes down to. And it's involving hundreds of thousands of people on a very important decision making policy.

DACA itself, I think, is really, I think, a strong example of what student activism can do. And I think what is important to know is that, although President Obama and Secretary Napolitano, who apparently texts really loud, issued this DACA memorandum, it wasn't a brainchild of President Obama or Janet Napolitano. This occurred after activism happened from students. It was during Obama's first and second term of running, where he ran under a platform that he would help protect immigrants.

Now, as we know, and as what history bears out, President Obama's administration deported more people than any other administration. And so by the second term, a lot of young student activists wanted to hold him accountable, politically accountable. So what occurred? During his second term, they had sit-ins, demonstrations, protests. People went to his Chicago office and sat-in, went and sat-in at his rallies, were loud. And they made it known that they were not going to be forgotten, that he ran to get the Latino vote and the immigrant vote on this promise that there was going to be protections for immigrants. And that had not yet beared out.

So when he felt this hot pressure from these activists, it's when they announced DACA. DACA is very much a political concession from the Obama administration from the result of activism. And one thing that I believe very strongly-- we've seen this with the Civil Rights Movement. We've seen them with the Women's Rights Movement-- is that it's always activism that leads and the law that follows, always.

And we're seeing this now. And we're seeing this now unfold from a population who has very little voting power. If you think about it, undocumented populations cannot vote. They cannot



vote. If you're not a US citizen, you can not vote. Yet, they have such a political stronghold on the way policies are made. And it's because of student activism, young people activism, who are holding politicians accountable to the promises made.

And so one of the things that, I think, we really need to know about DACA in the cases moving forward is that it's really a result of young people achieving such a community of activism and a community of hope, and not just having hope, but being hope to others. And so I know one of the questions that I get a lot is, what happens-- what is going to happen in the future? Is DACA going to stick around? Do you think that the Supreme Court will do away with the case?

The honest answer is that I don't know. But what I do know is that, because of this activism, and because of the communities coming together, we now have a lot of very important people who have our back. Apple submitted an amicus brief, which is a friend of the court brief, outlining the importance of what DACA recipients means to Apple. So did Microsoft. So did many other Fortune 500 companies. So did 37 universities.

And so we could tell-- and Justice Breyer said this during the oral arguments. He asked the government, we had dozens of briefs, dozens and dozens of briefs of a lot of different entities that explained to us how important this program was to us-- or to them. Why would you want to do away with this program? Where at all did you consider this when you were ending the program? It didn't seem like you considered it. It just seemed like you said that the program was illegal.

One final thought that I think is very telling is that the Trump administration really could do away with the DACA program, if they wanted, if they just change their rationale a little bit. Right now, and what they've been standing with is the DACA program is illegal. And so we have to end it. And the courts, time and again, have said, yeah, it doesn't really look like DACA was illegal.

Now, if President Trump and his administration wanted to, they could say, we want to end the program, because we dislike it. We want to end the program, because we think it's a bad program, or whatever, because we want to. And that probably would be more difficult to challenge. But they have refused to this entire time, because I think they know of the political backlash, particularly in an election year. And so I think it's very telling for what this administration isn't doing. And they're not saying they want to get rid of this program. And so they're trying to somewhat clean their hands, and saying that we have to end this program.

I think, if we're reading the tea leaves, we're likely going to get a response from the Supreme Court, but at the very end of the term. The Supreme Court has until June to issue a decision. And we suspect that they're probably going to wait until the very end, probably to give the political branches an opportunity to figure this out before then. I think currently that's putting slightly too much faith in the political branches in order for them to figure out anything. But that would be my suspicion, is that the program will at least the ground till June, though that's just me reading the tea leaves as to what the Supreme Court might do.

The other thing to consider-- and this is a question I get asked a lot-- is, what would happen if-- what would it look like if the DACA program ends? Is it all of a sudden, everybody's getting deported? Is it that they will-- that this program can't exist ever again? What are some of the potential consequences if DACA ends?

Well, I think that, if the Supreme Court does away with the DACA program, there's been some mixed messages about what the government intends to do with the DACA recipients. At first, they said the DACA recipients are very, very low priority. And therefore, we will not start deportation proceedings. And we'll stop. However, very recently, the head of the Department of Homeland Security has said otherwise. And they said, well, if we have their information and DACA is done away with, then we will initiate deportation proceedings against all 800,000 of them. So we're starting to see that the fire is starting to heat up a little bit.

But here's the other thing to consider. If the Supreme Court says DACA-- the decision to start or end DACA is completely up to the political branches-- and so President Trump can end it. And that's fine with us. And there's nothing that we can do about it, because that's only his decision-- then that will give a little bit of room to if there's a change in administrations in the future. Let's say there is a change in the presidency in this upcoming election. And we get Present Whomever that's not President Trump. And this new president decides to reinvent DACA, a DACA 2.0.

And if the Supreme Court ultimately ends up saying, well, this is something for the political branches, this is something the executive can do, we can't do anything about it, then it might give that insulation to the next administration to put a DACA 2.0 without being afraid of being sued. So a bit of a soft landing, if you will. But that's, again, assuming that the current administration changes, and there's a change in the presidency come election time.

So there's a lot riding on this election, because it ultimately can decide the fate of a lot of people, at least as it pertains to DREAMers. So I did want to make sure that I left some questions-- some room for questions as we're moving forward. And then I'll tie it up at the end. So I welcome any questions that you guys might have.

AUDIENCE: [INAUDIBLE]

AUDIENCE: Can you hear me? Perfect, OK. So you mentioned you went through school as-- you didn't have DACA. And you went through that struggle. And you know the real struggle. So as a DACA recipient, I feel privileged to have been able to come, and do my university, and attend with all the resources. We also have support groups on campus. We have Crimson Group. We have Mariposas Undocumented Alliance.

And having these support groups on campus has helped us so much. But there is a big wave of students who are coming without DACA, and that weren't able to apply to the program, or didn't qualify at the moment. What do you advise universities, colleges around the state to

provide for their students? Although we do have these support systems, work in the universities and colleges do to support these students?

ROMERO: Right. That's a great question. And so I guess, speaking from some experience, the one thing that I found out just navigating through the university system is that there is a difference between public funds, right? You have the Washington State funds that are coming from tax dollars and all these other things. But there's also a lot of private funds that the university gets, like alumni.

So anybody who's graduate from college, you know that they will call all the time asking for donations. And so that is private money. And the universities are permitted, without violating any law, to provide private money to students, regardless of immigration status. There might be some hangups about providing public money. That's what's being debated right now at the legislature. But the universities, almost all universities have private money from private donors- - Bill Gates is in Washington. I know he's a big philanthropist when it comes to colleges.

And so looking for where the private money is, is a good resource. Now, it's not the best resource, because it's very scarce. Everybody's fighting over money generally. And so when you're trying to only look for private money, it can be somewhat difficult to find. But it is there. And so not having DACA, for those who didn't get to apply because the program ended before you could get to apply, doesn't mean that you're completely x'ed out of it.

One of the other things that I was sharing actually a little earlier is that there's also private scholarships, scholarships provided by family foundations, donors that you can apply for. And my advice would be to think outside the box, and maybe outside of the department that you're majoring in. When I was in undergraduate school, and even when I was in law school, I would apply for scholarships even when they were not law-related, right? I would look at the English departments. And I would look at the literature departments. And I would look at any other department.

| long as I met the criteria, sometimes it would be a graduate student who can apply for-- can apply for this scholarship, so long as they like write this essay. And it didn't really have what you were majoring in, or what you were getting your graduate study in, so long as you were a graduate student. I'm like, oh, I'm a graduate student. And so the next thing you know, I'm writing a poem in order to try to get a few dollars here and there.

And so you have to get a bit creative to try to figure out where the funding is. And sometimes, that helps. The other thing, too, is-- and this, I think, was a great resource for me-- is that the funding doesn't always have to be an exchange for dollars. Sometimes, there is a way that you can participate in a certain department, or work at a library, or something like that. And instead of giving you money, because you might not have the work authorization, they might just be able to discount that from your tuition.

And so there's no just direct cash in there. They might be able to take that away, or put it into your student account, if you have dining dollars or anything like that at the dorm. And so those are creative ways to think about it. And I think universities really can support undocumented students by providing this flexibility. And so they volunteer at the Resource Center. And instead of giving you a paycheck, which they might not be able to do, they can discount it from your tuition, or they can give you some dining dollars, or something like that.

And these workarounds, I think, can be very helpful for undocumented students, particularly those who didn't get a chance to apply for DACA. So these are some of the things I'm thinking about out loud. And I think that, as times move forward, one of the things that's going to be very important is for university administrators to meet with undocumented students to know what restrictions they have, to know how to navigate around that. Hi.

AUDIENCE: You were really explaining what DACA is. But I question. When DACA was passed, after every two years-- let's say after two, or four, or six years, you had to reapply. You said after every two years.

LUIS CORTES ROMERO: That's right.

AUDIENCE: Is there a pathway towards citizenship at all, or any kind of permanent residency, or something like that? For example, people on work visas, they can apply for a green card. I would think that should apply for DACA, too.

LUIS CORTES ROMERO: I thank you for your question. And I agree with you 100%. When someone comes in here with a work visa, depending on the type of work visa, sometimes that can lead into a green card, and eventually US citizenship. And so for individuals who come with a work visa, those options are-- there's a pathway. And there's an option there for them. For people with deferred action, there isn't.

The only thing you have is the next two years in front of you. And the deal was, so long as you play by the rules-- so you don't get into any trouble. You finish your studies. You keep working-- you just get another two years, and then another two years, and then another two years. And so unfortunately, that's all we get. And at the time, really, that was all we were asking for, because before then, we were subject to get deported at any moment from the only place we called home.

Many of us didn't find out that we were undocumented until we were adults, until we tried to apply for driver's licenses. And the state wouldn't allow driver's licenses for people who were undocumented, until it was time to get a passport. And so it's really a common experience for people to not know they were undocumented until much, much later. And so all we had were these two year protections.

And so the DREAM Act has tried to-- has been introduced in the US legislature many, many times. The DREAM Act was supposed to provide a pathway to citizenship. And it just never

passed. It just never passed. So what we have is DACA, which is just allow us to be here, allow us to work, and then please don't deport us. And that's it. If there was a way to apply for a more permanent status, we would apply in an instant.

We want to be part of your community. We want to be part of our community. And there's just no legal way to get there, because we're Americans in all senses of the word, except on paper. And so one of the things that I think about when I think about DACA is-- and I'm thinking about myself, and my community is-- how do we define American? How do you define American?

And to me, and for a lot of DACA recipients, I think that we would include ourselves in that definition, in the way that we would define American, because I definitely wouldn't define American by a piece of paper. And so we are hoping that the government gives us a chance, because I think what we've seen is that, once we were given an opportunity to show ourselves, we did that with flying colors.

The DACA program has been an unqualified success. It's created billions in the economy. It's created tons of jobs. It's gotten the support by people across the political aisles. We just want something slightly more permanent. And in the meantime, we just want this program to stick around while the political branches figure it out. And so unfortunately, no, there's no pathway for anything else under the DACA program, like there would be on a work visa. But we are trying to fight for something like that. So yeah.

AUDIENCE: [INAUDIBLE]

LUIS CORTES ROMERO: That's right.

AUDIENCE: [INAUDIBLE]

LUIS CORTES ROMERO: That's a great question. The question was, if under federal law marijuana continues to be illegal, but Washington state has taken a lot of steps to decriminalizing and actually legalizing marijuana, is there anything analogous that could be done where the state can take slightly more control over the immigration statuses? The answer is kind of.

When it comes to actually providing lawful status, like you are a green card holder, or you are a US citizen, that is only left up to the federal branches. So only the feds can do that. But the states can do a lot to provide resources to the undocumented community that otherwise wouldn't be provided to them, like driver's licenses, professional licenses, like the licenses to become a doctor or a lawyer, no matter what your immigration status is, so long as you're qualified.

And it has done so with many other-- and I think that's one of the things, looping back around, to be able to provide financial aid no matter what your immigration status is. So Washington State is doing a lot to try to knock down some of the barriers of the immigration status. But as it

comes down-- and I mean, in doing so, I think it does a lot to a community. It recognizes as this part of the community. It recognizes this as part as Washingtonians, people who grew up in Washington, are going to the Washington State University, and want to be part of Washington, and then want to use their skills, and then give back to Washington.

But when it comes down to the most important thing, which is the lawful status, that is up to only the federal branch, for better or for worse. And so we're hoping that something passes. But I think Washington is doing a great job in trying to knock down some of these barriers for all community members, regardless of community status. And once all of a community does better, we all do better, too, right? And so I think we're well on our way. But unfortunately, it's only the feds who can bestow upon us the lawful status. And so we're hoping that that happens soon. Any other questions?

AUDIENCE: [INAUDIBLE]

LUIS CORTES ROMERO: Sure.

AUDIENCE: OK. This is slightly off the DACA topic. But I know you represent many clients who are at the Northwest Migrant Detention Center. And I will tell you, every year, running the Common Reading Program, I learn so much. And I find that I have been just blinded to things all around me, whatever the topic is every year. And this year, for me, one of the oh my goodness moments was early on. The book was chosen in the summer. I'm doing preparatory work. And I'm on a UNHCR site, the United Nations Refugee-- High Commission Refugee website.

And somehow, I link here, link there. I end up on a map of ICE detention centers. And I'm thinking those are all along the Texas border, that they're all along-- I mean, and there's one in Washington State. I had no idea. And there it is Tacoma. And I click on that. And it says it's one of the largest detention centers in the country. And I think, how am I a resident of the state of Washington and I have no idea that that facility is-- it's on the Tideflats, I think, in Tacoma.

I mean, I went to the Glass Museum out on the Tideflats in Washington. I had no idea there was a detention center there. And I understand that's a private facility. So part of my questioning is, it seems hidden from view for residents of the state. And I'm wondering what your experience is representing clients there, what your experience is of the conditions there. How many people are in the Migrant Detention Center in Tacoma?

LUIS CORTES ROMERO: Yeah. Yeah, man, we can go with us for another hour.

AUDIENCE: I don't want to do that, but--

LUIS CORTES ROMERO: In Tacoma, the is a Northwest Detention Center is a detention facility for immigrants. And it houses anywhere, at any given time, between 1,500 to 1,700 people at any given time. Although it's housed for immigrants, it is often-- or it is run by GEO, which is a

private company. And so I will discuss a little about GEO a little bit more. But let me just talk to you about just the infrastructure and the mechanics.

It's about 1,500 people there at any given time. But there's only seven rooms to visit with attorneys. So that means that, if eight attorneys go, some of us are waiting for hours in order to visit with our clients. And so we start there. And just the way that the infrastructure works with immigration law, immigration law has often times been referred to as like deciding death penalty cases in traffic court, because things move so quickly. And the decisions are dire.

And in this type of setting, there is no right to counsel. Immigrants do not have a right to an attorney. And so many immigrants move forward unrepresented, because they don't have a right to an attorney. Now, you can get an attorney if you can. But most of the people at the detention center move forward without a lawyer.

And so the detention facility is run by the GEO Group, which is a private company. And the way that they make a profit is that they have the facility. They rent it out to ICE. So ICE pays them rent. There is a contract about how many beds need to be filled. Otherwise, ICE gets fined. So ICE has an incentive to make sure that these beds are filled. But it takes people to run the facility. Someone has to clean. Someone has to cook. Someone has to do all that.

So they make the detainees do it. They make the detainees do it. They do the cook the cleaning. They do the cooking. They do the laundry. They paint. They repair. And they pay them. And these are eight hour days. And they pay them \$1 a day in order to do that. And so GEO is seeing massive profits, because they are benefiting from the labor of the immigrants detained there.

Now, there has been many credible allegations, because there's currently litigation there. And the court has found that there's many credible allegations that, if these detainees refuse to work and be paid \$1 a day, then they will be punished by being kept in solitary confinement. And so they will put you in the hole, as it's called, if you decide not to work. And the Northwest Detention Center has been the hotbed for many protests, many-- what are they called? The protests where you don't eat. Fasting, fasting, many fastings, in order to show the protest of the conditions, and also being forced to work.

And then they are placed in the administrative segregation in solitary confinement, in order to dissipate that. And so the Northwest Detention Center has been a hotbed for many controversies. I am at the Northwest Detention Center at least twice a week visiting with clients. And it's one of the largest in the US, is the Northwest Detention Center in Tacoma.

Now, it's a bit hidden. So you have to intentionally get there. It's hard to just stumble upon. But once you're there, you feel the weight of the environment that's there. Some people are they are detained for years, for years, as they're fighting their cases. And unlike a jail, where people are detained because they might have committed a crime, or the they may pose certain dangers to the community, people at the Northwest Detention Center are detained just because they're immigrants.

Sometimes, they're detained because they're poor. The average bond, which is cash bond-- you have to pay all of it upfront-- is about \$10,000 to be able to get out. I've seen bonds go up to \$40,000, when you have to pay \$40,000 upfront right now. And the thing with being apprehended and being put in a detention center is that it happens all of a sudden. If someone were to pick me up today and ask me to give him \$40 grand, I would be in there still.

And so there's a lot of controversy going at the Northwest Detention Center. And one of the things that we strongly recommend community members to do, if they're in the area, is to visit detainees. The thing is that, when we look at geographically the area, both from Eastern Washington, Idaho, Alaska, Oregon, people who are apprehended by ICE there are all taken to this facility. So many of them are really far away from home with no one to visit.

And unlike jails, where there's GED programs and all these other programs, working programs, there's nothing that you can do there. So you just sit there. And you think about your case all the time. And hopefully, you can have a lawyer, if they can get past the seven visitation rooms that are there for the 1,700 people who are there. And so the infrastructure there is meant to make people lose hope and leave.

If you make it hard for them to get an attorney, if you make it hard for them to reach their families, if you can make it hard for them to get out, it's not uncommon for clients to tell me, if I have to be here any longer, I'd just rather go, because it's better to be away from my family, but at least in the outside, than to be away from a family on the inside. And so it's very much a part a cog of the overall machine.

And I do want to note that this has been happening for administrations across the board. This isn't just a President Trump thing. This has happened under President Obama, too. And when President Obama was around, we sued him, too, for the unlawful practices. Though they have seen an uptick under this current administration, these are practices that have been happening for a while.

And so one of the things that I do for my practice is try to challenge these unlawful detentions, people who've been sitting there for years, showing that you can't hold them there for that long. We've had clients there for five years trying to fight their case. We've had clients there, because they were too poor to pay bond. And so we sued in order to make it just affordable in order for them to pay, to be able to be released.

So it's subject to a lot of challenges. And you're right. Many people in Tacoma don't know it's in Tacoma. So it's a bit of a-- it's a bit of a situation there. But if you ever find yourself in Tacoma and you want to go, or you want to try to be more active, being able to visit there, there's great organizations providing help to visit detainees. And you'd be surprised how many of them are so welcome to talk to somebody outside, and just to have a conversation.

And so researching some organizations who are there, if you're looking for an alternative spring break and things like that, and you have to do some community service hours or whatever it is,



that would be a good place to do it, if you ever find yourself on the West Side. But putting it on a slightly more uplifting note, for all of these conditions, there's a lot of people doing great work trying to challenge this. There's a strong counterculture battling this, a lot of allies, too.

And I can't underestimate really the power of allies, right? People who are US citizens, people from Tacoma, people who are not immigrants, who come out every Saturday. And there's this great group of people. I don't know if they are a formal group. I honestly don't even know how they know each other. But they set up a table. And they come out and bring pastries and coffee for family members who are coming from really far to visit. And they just give them free pastries and say, this is the least we can do to help some of this, your trip from here and going back.

And so they just sit there. And they provide smiles and some pastries. It's something. But it's part of the community, the community reacting. And I think, oftentimes, we can judge the community by their reaction, rather than the action. And so there's a lot of good work being done, and a lot of people trying to challenge the length of the detentions, and the amount of detentions, and trying to do that. There's a lot still that needs to be done. But there are good people doing great work there.

Yeah. Any other questions? Thank you, everybody. Thank you.

[APPLAUSE]

KAREN WEATHERMON: Thank you so much.