

The Fantastic Four

By Matt Alderton

Undocumented students fight against deportation—and win

Luis Nava had never thought of himself as Mexican. He immigrated to the United States with his parents as a two-year-old and grew up in Phoenix, where he attended American schools with his American peers, listening to American music, and reading American books.

"I was never sure of my status," Nava says of his legal standing. He'd grown up in the United States and had family members who were citizens, so it was easy to forget, he says. But in June 2002, he encountered a rude awakening.

Nava, then 18, was visiting Buffalo, N.Y., with a group of high-achieving Hispanic students from Wilson Charter High School, now Vicki A. Romero High School, located in one of the poorest sections of Phoenix. They were competing in an international solar-powered boat competition after placing second in a statewide contest.

"One of the teachers thought it would be fun to go see Niagara Falls from the Canadian side of the border," says attorney Judy Flanagan, who is co-counsel for

the students, "so they got in a van and went over to Niagara Falls." Before crossing the border, however, the students' teacher approached the visitors' center to ask if their student identification cards would suffice in getting them across.

Instead of an answer, the students got questions. Four students in particular—all undocumented, including Nava—got nine hours' worth. "They were accosted by U.S.

court battle against their deportation—and for their futures.

"Completely Afraid"

Vicki A. Romero High School is located in inner-city Phoenix, just off of Van Buren Street near Phoenix Sky Harbor International Airport, a stretch of road known for its high rates of prostitution, homelessness, and crime. The school opened in 1998 to fight the high dropout rate of Hispanic

officials in Buffalo called to tell her that the students were facing deportation. "That day was a total nightmare for everyone involved."

Juliano called an emergency meeting with school officials and parents to address the problem. "When I tried to talk to the immigration people, they were so intimidating and threatening," she says. "I talked to the supervisor there, and I tried to explain that they were just on a field trip, that they weren't doing anything wrong. She made this comment, like, 'Don't send your illegals to me'—very curt, very nasty, very frightening."

Meanwhile, at Niagara Falls, Nava says, he and his peers were subjected to confusing questions and derogatory comments.

"They were shocked and upset," says attorney Marianne Gonko, director of immigration services at Phoenix-based Friendly House, which provides social services for immigrants.

"When you're that young, you don't expect bad things to happen to you. They were completely afraid."

"Our job is to educate whoever comes in the door."

—Jane Juliano, Principal, Vicki A. Romero High School

immigration officials," says Flanagan.

Dubbed the "Wilson Four" by the media, Nava and his schoolmates Oscar Corona, Jaime Damian, and Yuliana Huicochea were detained without warning and, so their attorneys argue, without grounds. What resulted was a three-year

students at other larger area high schools.

The Wilson Four were part of its first graduating classes and among its top-performing students.

"They were great kids at school," says Principal Jane Juliano. She was shocked when immigration

Prepared for the Worst

Three months after their detainment, the Wilson Four appeared in a Phoenix courtroom to answer the immigration charges against them. Their lawyers asked for a continuance in order to build their case and to wait—with fingers crossed—for the timely passage of the “DREAM Act,” federal legislation that would allow their clients to stay in the United States.

“We needed to buy time for the students,” Gonko says. Their attorneys bought them almost three years, during which time the students prepared for the worst.

“They actually were preparing to leave,” Gonko says. Nava, in fact, hurried to finish a degree at Arizona State University within three years, before he would have to leave the country. “They were willing to go if they knew there was some window of chance they’d be back.”

The students’ case finally came to a head on July 21, 2005, as they filed into court for what was to be their final immigration hearing.

“I thought that our clients were going to have to ask for voluntary departure,” Flanagan says. But they didn’t. After a three-hour hearing, Judge John Richardson threw out the deportation cases against the Wilson Four on the grounds that the federal government violated their constitutional rights against illegal search and seizure.

Chasing Their DREAM

Despite their victory, the Wilson Four must continue their fight to stay in the United States.

“None of them have papers yet,” Flanagan says. “They’re still sort of in this limbo that they were in when this case started.” They’re joined, she adds, by thousands of students just like them. The Urban

Institute, a social policy research group in Washington, DC, estimates that 65,000 undocumented immigrants graduate from U.S. high schools every year.

“Schools don’t ask if kids have their citizenship or not,” Juliann says. “That’s not our job. Our job is to educate whoever comes in the door.” After that, she stresses, students are on their own with few options. “Teachers do their best at educating all their kids, not realizing that once [the undocumented ones] graduate they’re at a total dead end.”

One piece of legislation could change that. The “Development, Relief, and Education for Alien Minors (DREAM) Act” was first introduced in Congress three years ago. If passed, it would allow individuals who were brought to the United States as young children and who have lived here for

at least five years to apply for legal residency if they entered the country before they were 16, graduate from a U.S. high school, and pursue higher education or a career in the U.S. armed forces.

Nava has personally been lobbying for the legislation as part of Cadena Comite, a grassroots student organization in Arizona that was formed to promote passage of the “DREAM Act.” “These are students and they’re good people,” he says.

More than that, Flanagan adds, they’re Americans. “They think of themselves essentially as U.S. citizens,” she says. “They exist in both cultures, until it becomes time to get a driver’s license and a job. They came [to the United States] because their families were looking for a better life. They need this.” ■



The Wilson Four (from left) Jaime Damian, Yuliana Huicochea, Luis Nava, and Oscar Corona celebrate after hearing a verdict in their favor.