
RESEARCHING FROM A DEPORTATION ABOLITION ETHIC

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INTRODUCTION

In December of 2020, Rachel Davidson, then Managing Attorney for Policy & Special Projects at The Door, a youth community and social services center, reached out to Laila Hlass, an immigration law scholar, seeking advice and thought-partnership on how to assist an emerging group of youth, advocates, and academics. The group sought to build power with immigrant youth and, specifically, to challenge the backlog that many youth eligible for Special Immigrant Juvenile Status (“SIJS”)—a humanitarian immigration protection created by Congress in 1990—were facing.¹ The core benefit for those granted SIJS is a pathway to lawful permanent residence (“LPR”) status and eventual citizenship. For the first twenty years after Congress created SIJS, SIJS-eligible children were able to achieve LPR status on a relatively efficient timeline. However, a backlog began to form in 2016 due to rigid limits on some categories of immigrant visas.² As of 2023, more than one hundred thousand children with approved or pending SIJS petitions were stuck in legal limbo and had been so for years, waiting for permission to apply for LPR status.

Though this emerging group of youth, advocates, and academics came together primarily to address problems with SIJS, many of them also shared a deportation abolition vision. Deportation abolition refers to the movement to end expulsions based on national origin; it recognizes the structural violence of immigration policing, detention, and deportation.³ The movement calls for the transformation of carceral systems like the immigration enforcement system, not simply tweaks which entrench and solidify existing systems of violence.⁴

There were many reasons a law professor, and specifically Hlass, might have said “no” to the call, despite having interest in and alignment with immigrant youth communities. As an immigration law scholar and attorney, Hlass regularly received more requests than she could assist with from community members, journalists, and other researchers asking for immigration advice or commentary.

¹ E-mail from Rachel Davidson, Managing Att’y, Pol’y & Special Projects, The Door’s Legal Servs. Ctr., to Laila Hlass, Professor of Prac., Tulane L. Sch. (Dec. 16, 2020, 12:03 PM CST) [hereinafter First Davidson E-mail] (on file with authors).

² SIJS youth must utilize immigrant visas from the employment-based visa system, which is subject to rigid per-country and worldwide numerical limitations. See Rachel Leya Davidson & Laila L. Hlass, “*Any Day They Could Deport Me*”: *Immigrant Children in Legal Purgatory*, Ms. MAG. (Dec. 14, 2021), <https://msmagazine.com/2021/12/14/sijs-immigrant-children-special-immigrant-juvenile-status-backlog/> [https://perma.cc/QH2X-LH2B] (“Congress has the power to end the [SIJS] backlog now by amending immigration laws to exempt SIJS children from the per-country and world-wide employment-based visa limitations.”).

³ Angélica Cházaro, *The End of Deportation*, 68 UCLA L. REV. 1040, 1048, 1070-82 (2021) (defining deportation abolition and detailing violence inherent in deportation).

⁴ See Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform*, 108 CALIF. L. REV. 1781, 1842 (2020) (discussing how abolition in police context “necessitates fundamental transformation of society” and carceral system and “rejects efforts to repair the police as investments in an unequal status quo”).

At that particular moment, she had a non-tenure track clinical faculty role where research was considered beyond her core teaching, service, and administrative duties. Although she was a productive scholar, she was not currently researching the particular issue Davidson mentioned. And like many academic parents during the COVID-19 pandemic, she was otherwise stretched thin between teaching and service obligations, parenting two small children, caretaking for her elderly father, and mourning the loss of her mother.⁵ Like many public interest attorneys, Davidson faced steep capacity and funding constraints in her work; she had young people on waiting lists for her legal services and was working with youth and advocates trying to develop a broader strategy to address problems with SIJS. That said, she was casting a wide net to connect with advocates, youth, and academics committed to supporting immigrant youth. She was testing the waters to see if there was appetite for this fight.

In late December, Davidson and Hlass talked by phone, and Davidson explained how she was beginning a project to challenge the SIJS backlog. She anticipated members of Congress would ask for specifics about the size of the backlog as she advocated that they amend the law to end it. While anecdotally Davidson knew the number of youth impacted by the backlog was large, no one had any concept at that time of the actual scope, where in the country most impacted youth resided, how long these young people were waiting, and what was happening administratively at the U.S. Citizenship and Immigration Services (“USCIS”) during the years of limbo.

Davidson had represented many youth whose petitions were wrongfully denied by USCIS during the first Trump Administration and had been on the receiving end of hundreds of Requests for Evidence, Notices of Intent to Deny, and actual Denials. The young people who were unable to obtain LPR status for years due to the SIJS backlog remained vulnerable to policy changes while in limbo. In order to galvanize other advocates and policymakers, Davidson needed to get more specific. She had seen academic articles based on immigration records regarding SIJS that Hlass had published years prior.⁶ Therefore, she called Hlass hoping to gather current data to inform organizing and legislative efforts. By the end of the call, Davidson and Hlass decided to draft a Freedom of Information Act (“FOIA”) request, a query that would allow access to these public records, based on Hlass’s experience and familiarity with the SIJS database. Within a few months, they crafted a FOIA request for electronic

⁵ See generally Meera E. Deo, *Investigating Pandemic Effects on Legal Academia*, 89 FORDHAM L. REV. 2467, 2485-86 (2021) (detailing intensified pressures and challenges faced by law professors during COVID-19 pandemic and their consequences).

⁶ See, e.g., Laila L. Hlass, *States and Status: A Study of Geographical Disparities for Immigrant Youth*, 46 COLUM. HUM. RTS. L. REV. 266, 266-67 (2014) [hereinafter *States and Status*] (analyzing “trends over time and by state regarding the number of SIJS applications” and discussing how “factors such as states’ family laws, child welfare policies, and specialized legal resources may affect the ability of potential SIJS applicants to access protection”).

records relating to SIJS petitions filed from 2010 to 2021, and SIJS-based LPR applications filed between 2013 and 2021.⁷

Meanwhile, in early 2021, the authors and a steering committee of advocates from across the country formed the End SIJS Backlog Coalition (the “Coalition”), which grew to include more than one hundred organizations and impacted youth across the country.⁸ The Coalition’s mission is “to educate Congress, relevant administrative agencies and the public about the harmful impacts of visa caps on vulnerable immigrant children, and to advocate for an end to the backlog.”⁹ Integral to the mission and methodology is “center[ing] the voices and experiences of SIJS backlog impacted youth.”¹⁰ The Coalition was initially housed at The Door as part of Davidson’s broader policy work on issues impacting immigrant children and youth. As the project grew, so did the need for full-time staff and funding. In 2023, the Coalition received its first independent grant and then became housed at the National Immigration Project, which “envision[s] a world . . . where cooperative systems of support that honor human dignity in the experience of migration have replaced our current policies of enforcement, detention, incarceration, and criminalization.”¹¹

Over the course of four years, the Coalition grew and evolved in many ways. It pushed for policies that prevented immigration courts from ordering the removal of SIJS youth, and other policies to curtail immigration enforcement of SIJS youth who were merely awaiting a visa to adjust their status. The Coalition successfully advocated for the establishment of a deferred action policy for SIJS youth,¹² which protected youth from deportation and provided a basis for work authorization and for the introduction of the Protect Vulnerable Immigrant Youth Act.¹³ The Coalition developed a model of attorneys and impacted youth

⁷ SIJS Dataset (on file with authors).

⁸ *About the Coalition*, END SIJS BACKLOG [hereinafter *About the Coalition*], <https://www.sijsbacklog.com/aboutcoalition> [[https://perma.cc/ 7HPX-GE9Q](https://perma.cc/7HPX-GE9Q)] (last visited Sept. 4, 2025).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Who We Are*, NAT’L IMMIGR. PROJECT, <https://nipnl.org/about/who-we-are> [<https://perma.cc/7TJF-UESL>] (last visited Sept. 4, 2025).

¹² See U.S. Citizenship & Immigr. Servs., Policy Alert on Special Immigrant Juvenile Classification and Deferred Action (Mar. 7, 2022), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf> [<https://perma.cc/L7KT-UHAT>] (highlighting policy update that “[p]rovide[d] that USCIS automatically conduct deferred action determinations for noncitizens with [SIJS] who cannot apply for adjustment of status [to LPR status] solely because an immigrant visa number is not immediately available”). In June 2025, the Trump administration announced termination of the deferred action policy, which, as of the writing of this Essay, is being challenged in the courts.

¹³ The Protect Vulnerable Immigrant Youth Act seeks to “eliminate employment-based visa caps on abused, abandoned, and neglected children eligible for humanitarian status, and

advocating together, thereby creating a home for SIJS youth to organize. Davidson and Hlass, with pro bono counsel at Milbank LLP, filed a lawsuit through which they obtained more than two hundred thousand immigration records relating to SIJS youth.¹⁴ They, along with other collaborators and in partnership with impacted youth, published two law review articles,¹⁵ two policy reports,¹⁶ and two op-eds¹⁷ relating to challenges SIJS youth face in the immigration system and in support of advocacy efforts. During the appropriations process, youth delivered policy reports to congressional members and staff and shared their stories in large congressional meetings advocating for a change in the law. Davidson and Hlass presented their joint research at an academic conference and held two national press and community events, garnering hundreds of attendees and resulting in several national news stories.¹⁸ Hlass and Davidson also individually presented their work in a variety of academic, advocacy, and community spaces.

Ultimately, Hlass and Davidson, as well as many of the youth and lawyers working together to end the SIJS backlog, were driven by the belief that immigrant youth should not be subject to detention or deportation, and that the visa quota system was unjust and should be abolished, because it was based on racist and exclusionary country-based quotas. Throughout the years, the Coalition advocated for policies that undid reliance on detention and deportation based practices, they called for policies that protected SIJS youth from

for other purposes.” Protect Vulnerable Immigrant Youth Act, H.R. 7867, 117th Cong. (2022).

¹⁴ See Complaint at 10, *Hlass v. U.S. Citizenship & Immigr. Servs.*, No. 1:21-cv-02200 (D.D.C. 2021) (seeking order compelling expedited processing of FOIA request for information about SIJS adjudications and applications), *dismissed per stipulation*.

¹⁵ See generally Laila L. Hlass, Rachel Leya Davidson & Austin Kocher, *The Double Exclusion of Immigrant Youth*, 111 GEO. L.J. 1407 (2023) (detailing study of 153,374 SIJS petitions from 2010 to 2021 and 35,651 LPR applications between 2013 and 2021); Dalia Castillo-Granados, Rachel Leya Davidson, Laila L. Hlass & Rebecca Scholtz, *The Racial Justice Imperative to Reimagine Immigrant Children’s Rights: Special Immigrant Juveniles as a Case Study*, 71 AM. U. L. REV. 1779 (2022) (examining racialized harms arising from SIJS legal framework and proposing solutions to protect SIJS youth).

¹⁶ See generally RACHEL LEYA DAVIDSON, LAILA L. HLASS, KATIA LEIVA & GABRIELA CRUZ, FALSE HOPES: OVER 100,000 IMMIGRANT YOUTH TRAPPED IN THE SIJS BACKLOG 4-5 (2023) (presenting SIJS backlog data through visuals); RACHEL LEYA DAVIDSON & LAILA L. HLASS, “ANY DAY THEY COULD DEPORT ME”: OVER 44,000 IMMIGRANT CHILDREN TRAPPED IN SIJS BACKLOG 6 (2021) (summarizing key findings of SIJS backlog study using data obtained through FOIA request).

¹⁷ See generally Laila L. Hlass & Rachel L. Davidson, *100,000 Immigrant Kids Are in Limbo Because of a Technicality*, SLATE (Dec. 4, 2023, 4:14 PM), <https://slate.com/news-and-politics/2023/12/immigrant-kids-limbo-visa-process.html> (explaining SIJS backlog and Coalition’s efforts to address it); Davidson & Hlass, *supra* note 2 (discussing negative effects of SIJS backlog on impacted youth).

¹⁸ See, e.g., Jasmine Aguilera, *A Years-Long Immigration Backlog Puts Thousands of Abused Kids in Limbo*, TIME (Dec. 16, 2021, 11:25 AM), <https://time.com/6128025/abused-immigrant-kids-sijs-backlog/>.

government efforts of deportation and detention, and they worked to abolish the quota system that placed so many young people within the crosshairs of these deportation-focused policies. Altogether, this work is done in service of building a world where SIJS youth are free to live their lives without the violence of the carceral system. The political consciousness of the movement to end the SIJS backlog has evolved with the growth of the project including the intentional integration of directly impacted SIJS youth into the leadership structures of the Coalition over time, and its commitment to advocating for the freedom and safety of SIJS youth alongside the broader goals of the immigrant rights movement.

This Essay posits that the Coalition's work should be understood as non-reformist reform in furtherance of deportation abolition, a set of incremental steps that "build democratic power toward emancipatory horizons."¹⁹ Through its work focused on immigrant youth, the Coalition seeks to reduce the scale of immigration enforcement and detention, chip away at the legitimacy of the current system, and provide relief to undocumented immigrant youth who would otherwise be susceptible to enforcement and detention.²⁰ A major part of this work has been using transparency to delegitimize the racist immigration system impacting youth. Through its publications, the Coalition has sought to unearth and recount not only the history of SIJS, but also of the discrimination against and exclusion of immigrant young people.²¹ Hlass and Davidson have called out the rigidity and arbitrariness of visa caps which apply beyond SIJS youth, the racism that seeps into applications of country-based caps, and the disparities in adjudications based on national origin, state of residence, and gender.²² This transparency work ultimately chips away at the deportation state.²³ Furthermore,

¹⁹ Amna A. Akbar, *Non-Reformist Reforms and Struggles over Life, Death, and Democracy*, 132 YALE L.J. 2497, 2497 (2023) (introducing overarching goals of non-reformist reforms).

²⁰ For a practical discussion of reformist and non-reformist reforms in the immigrant detention space, see DET. WATCH NETWORK, ENDING IMMIGRATION DETENTION: ABOLITIONIST STEPS VS. REFORMIST REFORMS (2022), https://www.detentionwatchnetwork.org/sites/default/files/Abolitionist%20Steps%20vs%20Reformist%20Reforms_DWN_2022.pdf [<https://perma.cc/BKZ5-386P>].

²¹ See, e.g., DAVIDSON, HLAAS, LEIVA & CRUZ, *supra* note 16, at 30 ("The result of the SIJS backlog is that, for years, despite obtaining SIJS approval, many youth are kept in a form of legal limbo waiting to apply for their green cards until there is an available visa. [I]mmigrant youth may navigate this prolonged uncertainty while being confronted with racism and other forms of discrimination.").

²² See, e.g., Castillo-Granados, Davidson, Hlass & Scholtz, *supra* note 15, at 1791 (calling for a "racial justice analysis of the immigration legal system as it applies to children" and "offer[ing] specific prescriptions as interim steps to address the racialized harms and challenges [SIJS youth] face").

²³ See Press Release, End SIJS Backlog, The Door & Milbank LLP, Immigration Advocacy Coalition Files Lawsuit Against USCIS for Special Immigrant Juvenile Status Data (Aug. 18, 2021), <https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/>

the Coalition seeks to build power through youth development and leadership programs and train lawyers on how to better share power with youth.²⁴ Some deportation abolitionists may critique the movement because it is focused on just one portion of the immigrant community—young people seeking and granted SIJS. However, this Essay argues that the Coalition's transparency work including FOIA litigation and publications, as well as the power-building work with immigrant youth, furthers deportation abolition by delegitimizing the carceral and punitive immigration system and expanding immigrant community power—which supports immigrants' rights more broadly.

This Essay also surfaces the tensions and challenges of collaborative scholar-practitioner research in the context of deportation abolition and more broadly. Academic and advocate timelines are not always aligned. Academic articles can be too dense or inaccessible for the broader public and advocacy spaces. On the other hand, in academia, policy reports, op-eds, and collaboration with community partners might be benign or superfluous at best. At worst, they might be treated with skepticism or derision, particularly in formal retention, promotion, and tenure processes.²⁵ Furthermore, state and federal governments may take hostile stances against academia broadly,²⁶ as well as target specific professors who critique government officials or operations.²⁷ All of this weighs against practitioner-academic collaborations.

Despite these challenges, we argue that academics can and should practice academic solidarity alongside grassroots organizing and community advocates working towards deportation abolition. Practitioner-academic partnerships can disrupt the monopoly on access to knowledge that academia holds. This is

611cf9eef8f20c2054ea8268/1629288942639/PressRelease-SIJSFOIALawsuit-18Aug2021.pdf [https://perma.cc/8FBE-S5QJ] (announcing lawsuit seeking expedited processing of FOIA request for SIJS data and calling out USCIS for denying initial request for expedited processing “without reasoning or analysis justifying the decision”).

²⁴ *About the Coalition*, *supra* note 8 (highlighting accomplishments of Coalition's working groups).

²⁵ Nancy Levit, *Scholarship Advice for New Law Professors in the Electronic Age*, 16 WIDENER L.J. 947, 951-52 (2007) (discussing how tenure considerations may not align with certain scholarship).

²⁶ See, e.g., Josh Hiller et al., *Trump's Assault on US Universities: Five Views from the Chainsaw's Teeth*, TIMES HIGHER EDUC. (Mar. 12, 2025), <https://www.timeshighereducation.com/depth/trumps-assault-us-universities-five-views-chainsaws-teeth> [https://perma.cc/4Gu9-MFE3] (gathering professors' perspectives on second Trump Administration's executive orders targeting higher education).

²⁷ See, e.g., Piper Hutchinson, *Louisiana Governor Wants LSU Law Professor to Be Punished for Election Comments*, LA. ILLUMINATOR (Nov. 26, 2024, 2:38 PM) (discussing Louisiana Governor's call for discipline of law professor for recorded comments made in class about result of 2024 presidential election); Alyse Pfeil, *LSU Law Professor Pulled from Classroom: Lawyer Says It Was for Political Comments*, NOLA.COM (Jan. 27, 2025), https://www.nola.com/news/politics/lsu-law-professor-removed-from-teaching-after-political-comments-attorney-says/article_90a4f0ee-dcdb-11ef-bc69-ef07415df5f4.html (detailing removal of tenured law professor from classroom over comments made about 2024 presidential election to class of first-year students).

particularly true in the realm of immigration law and the deportation abolition movement. Scholarship developing the theoretical framework of abolition in the immigration context has proliferated in recent years.²⁸ Deportation abolition has been applied to lawyering theory, articulating how lawyers committed to a deportation abolition ethic may forward efforts “to dismantle immigration prisons and policing and reimagine a new and just future for immigrant communities” while practicing immigration law, including removal defense.²⁹

This Essay, using the Coalition as an example, considers research methodologies that scholars with a deportation abolition ethic might adopt in their scholarship and builds upon principles of “movement law.” Scholars Amna Akbar, Sameer Ashar, and Jocelyn Simonson outline movement law as “an approach to legal scholarship grounded in solidarity, accountability, and engagement with grassroots organizing and left social movements.”³⁰ Along these lines, Rachel López has called on legal scholars to engage in participatory legal scholarship by working with impacted community members to produce scholarship that centers “lived experience in law’s injustice” and disrupts the prevailing narratives “undergirding the law.”³¹ This effort often, but not always, emerges from taking a “clinical stance” and producing scholarship with critical theoretical insights drawn from practice and grounded in client experience.³²

This Essay builds upon the work of deportation abolition scholars who apply this ethic to their research methodology and calls upon immigration scholars more broadly to chart new paths alongside impacted communities and organizers moving towards deportation abolition. Using the Coalition as a case study, the Essay demonstrates how a practitioner-academic research project co-generated theories with direction from impacted communities, shined light on government abuses, and excavated data revealing the operations of the immigration system. All of this work, done alongside impacted youth sharing stories of their experiences, was essential to challenging the systems that were causing immigrant youth harm. Academics have access to resources that can

²⁸ See, e.g., Cházaro, *supra* note 3, at 1045 (“[I]ntroducing deportation abolition as a possible horizon for immigrant scholarship and advocacy [in order to] push[] legal scholarship to focus on what might be required to end deportation.”).

²⁹ Laila L. Hlass, *Lawyering from a Deportation Abolition Ethic*, 110 CALIF. L. REV. 1597, 1602 (2022).

³⁰ Amna A. Akbar, Sameer M. Ashar & Jocelyn Simonson, *Movement Law*, 73 STAN. L. REV. 821, 821 (2021).

³¹ Rachel López, *Participatory Law Scholarship*, 123 COLUM. L. REV. 1795, 1805, 1807 (2023). For an example of such scholarship, see generally Lindsay M. Harris & Yalda Royan, *Afghan Allies in Limbo: Discrimination in the U.S. Immigration Response*, 61 SAN DIEGO L. REV. 863 (2025) (exemplifying scholarship created from partnership between immigration law professor and impacted Afghan immigrant).

³² Wendy A. Bach & Sameer M. Ashar, *Critical Theory and Clinical Stance*, 26 CLINICAL L. REV. 81, 82 (2019) (describing overarching features of work produced by those engaged in “clinical scholarship”). For examples of clinical scholarship, see generally Sarah Sherman-Stokes, *Third Country Deportation*, 53 IND. L. REV. 333 (2020) and Valeria Gomez, *Geography as Due Process in Immigration Court*, 23 WIS. L. REV. 1 (2023).

force multiply the ability of organizers and communities to document government abuses and build internal capacity to use data and research towards abolitionist goals.

First, this Essay provides a case study of research produced by the co-authors and the Coalition. Second, the Essay identifies the movement law methodology in this example. The collaboration between the Coalition and Hlass demonstrates how scholars might research with a deportation abolition ethic, building upon the framework introduced in *Movement Law* and incorporating ideas from *Participatory Legal Scholarship*.³³ Next, the Essay draws out challenges and critiques of this research approach, particularly during an increasingly politicized and precarious moment for higher education. Ultimately, the Essay urges immigration scholars, including those working with young people,³⁴ to practice a deportation abolition ethic in their research and provides recommendations for developing this practice.

I. END SIJS BACKLOG COALITION CASE STUDY

Immigrant youth have long been a critical part of immigrant rights social movements,³⁵ confronting immigration enforcement both with and without support from advocates and lawyers.³⁶ Mobilized youth successfully pushed for the creation of the Deferred Action for Childhood Arrivals (“DACA”) program, advocated for its expansion hoping to protect parents of DACA recipients from deportation, and engaged in civil disobedience to disrupt the immigration deportation system.³⁷ For example, in 2010, undocumented youth set out on what they called a “Trail of DREAMS,” sharing their fears and insecurities related to expanding criminal-immigration entanglements and deportation expansion.³⁸ Moreover, in 2017, another group of youth staged sit-ins, including

³³ See Akbar et al., *supra* note 30; López, *supra* note 31.

³⁴ We join a broader call for youth movement law. See Sarah Medina Camiscoli, *Youth Movement Law: The Case for Interpreting the Constitution with Mobilized Youth*, 26 U. PA. J. CONST. L. 1558, 1565 (2024) (defining youth movement law as “an emerging branch of movement law that maps the limits of current jurisprudence for marginalized youth and advances youth movement demands to expand the landscape of law”).

³⁵ *Our Story*, UNITED WE DREAM, <https://unitedwedream.org/who-we-are/our-story/> [<https://perma.cc/K36T-XAVX>] (last visited Sept. 4, 2025) (telling story of United We Dream, a national youth movement promoting immigrant rights).

³⁶ See generally Sameer M. Ashar, *Movement Lawyers in the Fight for Immigrant Rights*, 64 UCLA L. REV. 1464 (2017) (detailing lawyers’ involvement in youth movements for immigrant rights from 2009 to 2012).

³⁷ See Jennifer J. Lee, *Immigration Disobedience*, 111 CALIF. L. REV. 71, 81 (2023) (“After the creation of the DACA program in 2012, undocumented youth, along with other activists, increasingly engaged in direct actions that sought to end deportations more broadly for all immigrants from 2013 to 2015.”).

³⁸ Ashar, *supra* note 36, at 1474 (describing “Trail of DREAMS” movement).

in the Senate building, to protest attacks on immigrant rights during the first Trump Administration.³⁹

The Coalition formed in response to the legal limbo that scores of immigrant youth were facing as they navigated the legal system seeking permanent residence. Within the legal system, SIJS is of particular importance for children, as it is the only child-specific protection within the Immigration and Nationality Act.⁴⁰ Special Immigrant Juvenile Status, established in 1990, is a humanitarian immigration protection for children who have faced parental abuse, abandonment, or neglect.⁴¹ Unique in the immigration realm, before conferring status, the immigration agency requires review of state courts' judgements about the harm children suffered and whether the children's best interests are served by returning to their country of origin.⁴² Those findings, along with Immigration Form I-360 and supporting evidence, are reviewed by the immigration agency to consider whether to award status as a Special Immigrant Juvenile.⁴³ The core benefit of SIJS is the ability for beneficiaries to seek Lawful Permanent Residence and work authorization so that these young people can be fully integrated into society.⁴⁴ In 2016, twenty-five years after the status was created, a problem arose due to a limited number of employment-based immigrant visas. Under immigration law, SIJS youth must use immigrant visas allocated to the employment-based visa system in order to become LPRs and, due to rigid caps, there are growing numbers of impacted youth who face yearslong indeterminate waiting periods before their LPR applications can be even considered.⁴⁵

Before the formal inception of the Coalition, Rachel Davidson—then working at a youth center called The Door—was trying to determine how many young

³⁹ UNITED WE DREAM, *supra* note 35.

⁴⁰ Laila Hlass, *Adultification of Immigrant Children*, 34 GEO. IMMIGR. L.J. 199, 206, 209-14 (explaining that Immigration and Nationality Act is not designed to help children and nature of Special Immigrant Juvenile Status provisions). DACA, while often thought of as a youth protection, is only available to those who were physically present in the United States in 2007 and thirty-one or younger in 2012. Therefore, children who were born after the physical presence date are categorically ineligible. *Id.* at 214 n.109 (noting limitations of DACA).

⁴¹ Hlass, *States and Status*, *supra* note 6, at 335 (describing history of SIJS statute and amendments).

⁴² 8 U.S.C. § 1101(a)(27)(J) (defining eligibility for SIJS).

⁴³ See I-360, *Petition for Amerasian, Widow(er) or Special Immigrant*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/i-360> [<https://perma.cc/926B-6MSJ>] (last visited Sept. 4, 2025) (explaining form).

⁴⁴ See Hlass, *supra* note 40, at 214, 243 (noting SIJS's benefit of enabling pathway to permanent residence).

⁴⁵ Rachel Leya Davidson & Laila L. Hlass, "Any Day They Could Deport Me": Over 44,000 Immigrant Children Trapped In SIJS Backlog, END SIJS BACKLOG & THE DOOR, Nov. 2021, at 5-6.

people were harmed by the backlog and how to go about advocating for its end.⁴⁶ The SIJS backlog was the biggest systemic issue impacting the young people she represented. As she built out the policy goals of The Door in consultation with impacted youth, the SIJS backlog rose to the top time and time again.⁴⁷ The Door's Legal Services Center is unique in its structure; it is a legal practice focused mainly on representing youth in civil matters, including immigration, embedded within a youth center.⁴⁸ Young people who are represented by The Door become members of the broader organization and can receive social and health services. The Legal Services Center is considered a "holistic" model of youth representation.⁴⁹ When Davidson formed the policy arm of the legal services center, the agency was primarily engaged in direct services. Anchoring The Door's policy work in an expanded vision of holistic representation, Davidson sought youth engagement in the development of the goals of the new project from the outset, and began to think of ways to integrate them into advocacy on issues impacting their cases and their lives.

In late 2020, Davidson reached out to a law firm to see if they would conduct a research project on how to end the SIJS backlog.⁵⁰ At that time, she was unsure if the SIJS backlog could be abolished through litigation, or if it required legislative advocacy or other tactics. In December 2020, she reached out to immigration law scholar Laila Hlass to talk about how she and other advocates could challenge the backlog SIJS youth faced and obtain public records to understand the number of impacted youth.⁵¹ By February 2021, The Door and the law firm it engaged convened with hundreds of advocates and youth to share out the results of the research and begin to think about pathways forward.⁵² Out of that initial gathering, the Coalition was formed.⁵³ Hlass and Davidson begin communicating regularly by phone call, Zoom, and e-mail with the focus of

⁴⁶ *About the Coalition*, *supra* note 8 (explaining history of Coalition and efforts to end backlog); *USCIS SIJS Data Transparency Advocacy: Coalition Members File Lawsuit Against USCIS for data on SIJS*, END SIJS BACKLOG [hereinafter *USCIS SIJS Data Transparency Advocacy*], <https://web.archive.org/web/20240711024457/https://www.sijsbacklog.com/legal-advocacy> [https://perma.cc/PBR8-3MSX] (last visited Sept. 4, 2025) (detailing Rachel Davidson's involvement).

⁴⁷ See *USCIS SIJS Data Transparency Advocacy*, *supra* note 46.

⁴⁸ *Legal Services*, THE DOOR, <https://www.door.org/legalservices/> [https://perma.cc/56C6-G55D] (last visited Sept. 4, 2025).

⁴⁹ *Id.*

⁵⁰ *Immigration Advocacy Coalition Files Lawsuit Against USCIS for Special Immigrant Juvenile Status Data*, MILBANK (Aug. 18, 2021) [hereinafter *Coalition Files Lawsuit*] <https://www.milbank.com/en/news/immigration-advocacy-coalition-files-lawsuit-against-uscis-for-special-immigrant-juvenile-status-data.html> [https://perma.cc/994R-Q5Y8].

⁵¹ See First Davidson E-mail, *supra* note 1 (Rachel reaching out to Laila); E-mail from Rachel Davidson, Managing Att'y, Pol'y & Special Projects, The Door's Legal Servs. Ctr., to Laila Hlass, Professor of Prac., Tulane L. Sch. (Jan. 13, 2021, 12:28 PM) [hereinafter Second Davidson E-mail] (on file with authors) (explaining public records search).

⁵² *About the Coalition*, *supra* note 8 (detailing advocate meeting in February 2021).

⁵³ *Id.*

obtaining relevant public records with critical input from advocates. Hlass drafted a FOIA request based on her prior academic work with this data set, incorporating questions and feedback from advocates.⁵⁴ In April 2021, Hlass filed the FOIA request, while Davidson secured pro bono counsel to help litigate the request in case records were not provided per federal law.⁵⁵

Between 2020 and 2025, Hlass and Davidson collaborated alongside mobilized youth, immigration attorneys, data analysts, and law firm pro bono attorneys to push for the rights of youth impacted by the SIJS backlog. This practitioner-academic collaboration included litigation and settlement of the SIJS FOIA request, holding two national webinars, presenting in numerous academic and community spaces about the research, and publishing two law review articles, two policy reports, and two op-eds.⁵⁶ Critically, mobilized youth were engaged in a variety of ways with this work as well. For example, Davidson engaged impacted youth in the research and writing of their first report.⁵⁷ She worked with a social scientist to train SIJS youth to interview other impacted youth about their experiences navigating the SIJS backlog.⁵⁸ These narratives were the heart of the report. Later, Davidson wove the first person stories of SIJS youth through the data that she and Hlass had obtained through the FOIA litigation.⁵⁹ When the report was published, youth collaborators shared their narratives and those of their peers in news stories and at the launch of the report.⁶⁰ Impacted youth presented alongside Hlass and Davidson in national webinars and provided feedback on law review articles and reports.⁶¹ Youth distributed the reports of Hlass and Davidson in the halls of Congress while advocating for a change in the law, wrote to Congressional members, and provided testimony on the Hill.⁶²

⁵⁴ See *Coalition Files Lawsuit*, *supra* note 50.

⁵⁵ *Id.*

⁵⁶ See *id.* (detailing litigation); sources cited *supra* notes 15-18 (citing two law review articles, two policy reports, two op-eds, and national news story covering SIJS backlog research and its impact).

⁵⁷ *About the Coalition*, *supra* note 8 (“We aim to center the voices and experiences of SIJS backlog impacted youth, whose stories are the heartbeat of our work and best illustrate how ending the backlog can restore the purpose of the statute.”).

⁵⁸ See *id.* (listing social workers as part of steering committee).

⁵⁹ See Davidson & Hlass, *supra* note 2 (detailing costs to children of SIJS backlog).

⁶⁰ See, e.g., END SIJS BACKLOG & THE DOOR, ABOUT THE YOUTH RESEARCHERS 1 (detailing youth researcher-advocate’s reflections on working with the Coalition); Press Release, Milbank, New Report Shows More Than 100,000 Youth with SIJS Caught in Legal Limbo (Dec. 4, 2023), https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/656671c8a332be611d489fac/1701212616393/2023_Press+Release-False+Hopes.pdf [<https://perma.cc/LN29-Q7TZ>].

⁶¹ See, e.g., END SIJS BACKLOG & THE DOOR, *supra* note 60; Press Release, Milbank, *supra* note 60.

⁶² See *Youth Organizing*, END SIJS BACKLOG, <https://www.sijsbacklog.com/yowg> [<https://perma.cc/3F62-Y7VH>] (last visited Sept. 4, 2025) (explaining how “youth leaders advocate[d] with members of Congress”).

This collaboration was a critical part of the work of the larger Coalition, whose advocacy model is anchored in a praxis of attorneys and impacted youth advocating together for systemic change. In doing so, this work created space for youth to use their voices in advocacy spaces not designed for them. There were many substantive accomplishments that stemmed from this advocacy model, including successfully advocating for Deferred Action for SIJS youth, which created an avenue for youth stuck in legal limbo to legally work and be protected from deportation, as well as other changes in policies impacting SIJS youth. By engaging direct representation immigration lawyers in the political process alongside youth, the Coalition succeeded in introducing legislation that could end the SIJS backlog in three Congresses: The Protect Vulnerable Immigrant Youth Act. Beyond this achievement, the long term impact of training of lawyers and youth to advocate together for change has the potential to be one of the movement's most significant outcomes.

Attorneys, conditioned to see themselves as having more knowledge and power than their youth clients, are learning to step back and follow cues from SIJS youth as they lead efforts. Over the years, impacted youth shared their stories in congressional appropriations advocacy meetings, which are spaces where impacted youth are often excluded.⁶³ At one meeting, a SIJS youth stood up, shared their story and then advocated that government funding should be prohibited from being used to detain and deport SIJS youth like them. While the policy aim was specifically to protect SIJS youth from immigration enforcement, in standing up and speaking directly to lawmakers about the impacts of detention and deportation on immigrant communities, this young person's words served the broader deportation abolition movement, which seeks to defund immigration detention through the appropriations process. This young person was the only directly impacted person to present in a room full of lawyers and congressional staff. While the Coalition is a space where youth are activated, it also a generative space where advocates and youth are able to build community while doing urgent work that often can be quite draining.⁶⁴ Through this, youth come to see these lawyers and academics as their allies in a fight for their protection and safety. Lawyers come to understand SIJS youth not just as their clients in a service model, but as colleagues and comrades in a joint struggle. In Coalition spaces, SIJS youth articulate how their age, race, immigration status, gender expression, and other aspects of their identity are used against them as they navigate the immigration system in its attempts to subordinate them. They argue for abolishing the backlog, curtailing immigration enforcement, and expanding protection within and beyond the immigration legal

⁶³ *See id.*

⁶⁴ Although burnout among immigration lawyers broadly has not been studied significantly, a 2020 national study of asylum attorneys found high levels of secondary trauma and burnout. Lindsay Muir Harris & Hilary Mellinger, *Asylum Attorney Burnout and Secondary Trauma*, 56 WAKE FOREST L. REV. 733, 736 (2021). *See About the Coalition*, *supra* note 8 (detailing how Coalition works on both advocacy and community building).

system. Specifically, the Coalition has advocated that young people should not be deported, leading to not only the 2022 SIJS deferred action policy, but also a number of immigration court specific policies specifically naming that SIJS youth should not be prioritized for deportation. At the time of writing, many of these policies, including deferred action for SIJS youth, that were so hard fought and won have been terminated by the Trump Administration.⁶⁵ Youth, lawyers, and movement law scholars work to build power with and for mobilized youth while disrupting the violence of the deportation state. Their vision is one of a world where SIJS youth and their loved ones can live freely and flourish without fear of the deportation; it is a deportation abolition ethic.

II. MOVEMENT LAW AND DEPORTATION ABOLITION

Some scholars have articulated a “movement law” approach to their work, which seeks to address inequities often exacerbated and calcified in legal systems and to further justice broadly across society by “producing scholarship in conversation with movements.”⁶⁶ This approach is distinct both from movement lawyering, which is a lawyering model intended to support social movements, and from law and social movements scholarship, which seeks to study the relationship between social movements and the law.⁶⁷ In a movement law approach, scholars cogenerate ideas and “writ[e] in solidarity” with those engaged in grassroots organizing to center “collective processes of ideation and struggles for social change.”⁶⁸ This creates space in legal scholarship to research, think and develop theory alongside social movements. Legal scholars have critiqued how legal scholarship at times mystifies the meaning of the law by its focus on inscrutable theory or technicality which serves to “propagate hierarchy” of legal thought.⁶⁹ Movement law challenges those aspects of scholarship and builds upon the work of jurisprudential sub-disciplines, including critical race theory, critical legal studies, feminist legal theory, queer legal theory, LatCrit, and other critical theories.⁷⁰

Meanwhile, within the immigrant rights community, deportation abolition has taken hold of organizing efforts across a variety of local, regional and national stages. Deportation abolition refers to the movement to abolish immigrant detention and deportation, understanding these practices as part of a larger racist

⁶⁵ See, e.g., Press Release, End SIJS Backlog, Immigrant Youth and Legal Services Providers File Class Action Challenging Government’s Unlawful Termination of Deferred Action for Immigrant Children and Youth (July 17, 2025) <https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/68791e1d88dd9e3358cd8d24/1752768030347/sijs-da-press-release.pdf> (describing reversal of SIJS Deferred Action Policy and subsequent litigation brought against this action).

⁶⁶ Akbar et al., *supra* note 30, at 829-30.

⁶⁷ *Id.* at 826.

⁶⁸ *Id.* at 821-22 n.*.

⁶⁹ Lopez, *supra* note 31, at 1808.

⁷⁰ See Akbar et al., *supra* note 30, at 826.

carceral system.⁷¹ Scholars have begun to define the contours of deportation abolition theory,⁷² including articulating a lawyering praxis,⁷³ critiquing forms of immigration incarceration,⁷⁴ connecting theory to a disability rights framework,⁷⁵ relating need for abolitionist investments to address extractive migration policies,⁷⁶ centering the role of free speech to further deportation abolition,⁷⁷ and integrating it within broader carceral abolition theory.⁷⁸ Distinctly, much of this scholarship arises out of the cogeneration of ideas with social movements, although it was perhaps not explicitly articulated as a movement law methodological approach.

Researchers theorizing and documenting violence within the deportation legal system may use a variety of legal research methods in their scholarship including

⁷¹ See Cházaro, *supra* note 3 (introducing and defining deportation abolition).

⁷² See, e.g., *id.*; Daniel I. Morales, *An Immigration Law for Abolitionists (and Reactionaries)*, 13 U.C. IRVINE L. REV. 1291, 1319-20 (2023) (explaining problems with proto-abolitionsim).

⁷³ See Hlass, *supra* note 29, at 1636-37.

⁷⁴ See, e.g., Lauren Bartlett, *Towards the Abolition of the Immigration Detention of Children in the United States*, 59 U.S.F. L. REV. (forthcoming 2025) (detailing how child detention violates human rights laws); Shiu-Ming Cheer, *Moving Toward Transformation: Abolitionist Reforms and the Immigrants' Rights Movement*, 68 UCLA L. REV. DISC. (LAW MEETS WORLD) 68, 71-73 (2020) (detailing abolitionist reforms pertaining to immigrants' rights); César Cuauhtémoc García Hernández, *Abolishing Immigration Prisons*, 97 B.U. L. REV. 245, 249-50 (2017) (advocating for abolition of immigration prisons); Sarah Sherman-Stokes, *Immigration Detention Abolition and the Violence of Digital Cages*, 95 U. COLO. L. REV. 219, 234-36 (2024) (explaining ICE's growing surveillance as alternative to detention).

⁷⁵ See, e.g., Nermeen Arastu & Qudsiya Naqui, *Standing on Our Own Two Feet: Disability Justice as a Frame for Reimagining Our Own Ableist Immigration System*, 71 UCLA L. REV. 236, 296-97 (2024) (explaining how abolitionism and disability justice share intersectionalities).

⁷⁶ See, e.g., RAGINI SHAH, *CONSTRUCTED MOVEMENTS: EXTRACTION AND RESISTANCE IN MEXICAN MIGRANT COMMUNITIES* 131-33 (Robyn Rodriguez & Leticia Saucedo eds., 2024) (calling on U.S. and Mexican governments to provide reparative compensation to Mexicans impacted by labor exploitation and violence within U.S. immigration enforcement).

⁷⁷ See, e.g., Alina Das, *Immigrant Detention and Dissent: The Role of the First Amendment on the Road to Abolition*, 56 U. GA. L. REV. 1433, 1458 (2022) (drawing parallels between suppression of free speech and legalized chattel slavery).

⁷⁸ See, e.g., Matthew Boaz, *The Migration of Abolition Theory*, 103 N.C. L. REV., 385, 427-28 (2025) (incorporating normative justifications from criminal abolition theory).

historical accounts,⁷⁹ doctrinal interpretation,⁸⁰ empirical analysis,⁸¹ and critical analysis.⁸² Any or all of these methodologies may be part of a movement law approach as long as other key elements are present. First, movement law scholars identify “modes of resistance” by connecting with social movements and local organizing.⁸³ Secondly, scholars must seriously examine and seek to understand the strategies of these movements and incorporate a variety of approaches in their scholarship, including those not grounded in “law.”⁸⁴ Third, scholars must center and expand their knowledge base around the narratives of those directly impacted and social movement history instead of having a narrow view of law stemming from existing legal systems.⁸⁵ Lastly, movement law scholars “embody an ethos of solidarity, collectivity, and accountability with left social movements rather than a hierarchical or oppositional relationship.”⁸⁶ This approach disrupts usual hierarchies that privilege lawyers and the legal system and marginalizes those who are most impacted by it.

A. *Locating Resistance*

The first element of movement law, locating resistance, involves the engagement of a law scholar with a social movement. In the immigrant rights space, many collectives and organizations have embraced deportation abolition as a part of the broader deportation abolition movement.⁸⁷ Depending on a group’s specific mission and needs, deportation abolition initiatives might seek engagement with lawyers or specifically law scholars to pursue a variety of

⁷⁹ See, e.g., CÉSAR CUAUHTÉMOC GARCÍA HERNÁNDEZ, *MIGRATING TO PRISONS: AMERICA’S OBSESSION WITH LOCKING UP IMMIGRANTS* 21-77 (2019) (examining history of incarcerating immigrants).

⁸⁰ See, e.g., Jennifer Lee Koh, *Crimmigration Beyond the Headlines: The Board of Immigration Appeals’ Quiet Expansion of the Meaning of Moral Turpitude*, 71 STAN. L. REV. 267, 268 (2019) (examining impact of Board of Immigration Appeal’s decisions regarding moral turpitude).

⁸¹ See, e.g., Ingrid Eagly & Steven Shafer, *Detained Immigration Courts*, 110 VA. L. REV. 691, 775 (2024) (looking at statistics around gender composition and background of judges presiding over detained courts as compared to other immigration courts).

⁸² See, e.g., Angélica Cházaro, *Due Process Deportations*, 97 N.Y.U. L. REV. 407, 411 (2023) (arguing that since majority of deportations occur outside of immigration courts, expanding federal funding for immigration counsel is not complete answer rather, efforts should focus on dismantling immigration enforcement). For a bibliographical narrative of deportation’s long-term consequences that includes various research methods, see generally BETH CALDWELL, *DEPORTED AMERICANS: LIFE AFTER DEPORTATION TO MEXICO* (2019).

⁸³ Akbar et al., *supra* note 30, at 848.

⁸⁴ *Id.* at 852-59 (explaining benefits of expansive approach to lawyering that looks beyond traditional legal strategies).

⁸⁵ *Id.* at 859-60 (explaining importance of drawing knowledge from social movement history).

⁸⁶ *Id.* at 821-22 n.*.

⁸⁷ Hlass, *supra* note 29, at 1624 n.183 (discussing different deportation abolition groups such as Just Futures Law and Detention Watch Network, among many others).

goals. In the Coalition example, Davidson's conversations with young people while developing the policy goals of The Door's policy and advocacy department was the beginning of the location of a nascent resistance.⁸⁸ Through these conversations with impacted youth about their biggest concerns, the need to address the SIJS backlog emerged as a site of necessary resistance. Davidson and Hlass' initial e-mail and phone exchange marked the next step towards actualizing that resistance. In this case, the resistance formed alongside their collaboration. Indeed, these movements not only draw from existing social organizations such as Black Lives Matter, but also from local organizing groups and collections of community members.⁸⁹ By engaging with social movements, movement law scholars purposefully work to expand and democratize legal scholarship by incorporating varied voices within legal scholarship.⁹⁰

In this first step and the following ones, movement law scholars should be aware of their positionality. Movement lawyers must be integrated into movements "not as leaders but as fellow advocates"⁹¹ and be accountable to movements by "taking instructions . . . in a client-centered fashion."⁹² In a similar fashion, movement law scholars must introduce themselves to community groups and other social movements in a way that does not dictate the direction, drain capacity, or distract from ultimate movement goals.⁹³ Davidson's insistence on hiring impacted youth researchers as co-authors in report writing introduced the voices of impacted youth into the academic collaboration and marked the trajectory of the way Davidson and Hlass co-created for the next four years.

B. *Co-Generating Strategies and New Visions of Justice*

Once a scholar has identified a partner to collaborate with, or vice versa, the second element of movement law is the co-creation of strategies and theories of justice. Movement law scholars should study campaigns and tactics, including and beyond those considered "legal," so that they may develop new "pathways and possibilities for justice."⁹⁴ Social movements often engage in deep questions around meaning of law, guiding principles, and critiques, as well as creative envisioning of a more just society. Movement law scholarship may include works of participatory legal scholarship, which prescribes a specific

⁸⁸ See First Davidson E-mail, *supra* note 1; Second Davidson E-mail, *supra* note 51.

⁸⁹ See Akbar et al., *supra* note 30, at 829.

⁹⁰ *Id.*

⁹¹ Lani Guinier & Gerald Torres, *Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements*, 123 YALE L.J. 2740, 2749 (2014).

⁹² Scott L. Cummings, *Movement Lawyering*, 27 IND. J. GLOB. LEGAL STUD. 87, 130 (2020).

⁹³ See Eduardo R.C. Capulong, *Client Activism in Progressive Lawyering Theory*, 16 CLINICAL L. REV. 109, 113 (2009) (describing models of movement lawyering and calling for lawyer-client relationship to be non-hierarchical).

⁹⁴ Akbar et al., *supra* note 30, at 848.

methodology of co-authorship with an impacted community member to “ensure shared decisionmaking in developing the descriptive account of their own realities, the normative assessment of how things should be, and the prescriptive analysis of what is needed for social change.”⁹⁵

In the Coalition example, Davidson and Hlass, along with other advocates, youth, and lawyers, began a conversation about the harms SIJS youth faced, as well as the strategies to address those harms, including but not limited by legal strategies.⁹⁶ At its core, Davidson and Hlass’ collaboration started as a data excavation project to understand more about the adjudication and administration of immigrant youth’s SIJS petitions and LPR applications. Hlass and Davidson filed two FOIA requests and conducted subsequent litigation to shine light on opaque legal systems, while providing broader context to youth narratives defining the problems of the SIJS backlog.⁹⁷ Meanwhile, impacted youth working with Davidson identified the major harms and challenges youth experience as they remain in legal limbo—from accessing health care and higher education to traveling to see family and friends—which were then further explored in jointly written reports and law review articles. Many of these harms were not articulated before in non-movement law accounts of SIJS and impacts of the backlog. Even to the extent such harms were raised, it was not through the impacted youth peer-to-peer interview model that Davidson and Hlass championed. Using a movement law approach ensured the inclusion of these practical and critical issues in directly impacted youth’s own words.

C. *Shifting the Knowledge-Base*

A third element of the movement law approach is shifting the knowledge-base and understandings of law by taking seriously “social movement epistemes as a way to denaturalize the status quo, refuse the abstraction of the violence of everyday law, make clear the contingency of our political, economic, and social relationships, and gesture at new possibilities.”⁹⁸ Participatory legal scholarship centers counternarratives to dominant storytelling “by evoking lived experience as evidence and developing legal meaning alongside social movements.”⁹⁹ Ultimately, this genre of scholarship articulates a related transformative goal¹⁰⁰ to not just produce knowledge, but to reimagine legal systems from the

⁹⁵ López, *supra* note 31, at 1815.

⁹⁶ See, e.g., NAT’L IMMIGR. PROJECT, FALSE HOPES 41 (2023) (proposing that impacted youth be invited into spaces to set agenda for immigrant youth and be treated as experts by legislators, administrators, journalists, and fellow advocates).

⁹⁷ See Complaint, *supra* note 14.

⁹⁸ Akbar et al., *supra* note 30, at 861.

⁹⁹ López, *supra* note 31, at 1807.

¹⁰⁰ For example, reparations are a transformative change—one that builds power for marginalized people, documents state violence, and moves resources from the state to people. See also Sarah Sherman-Stokes, *Reparations for Central American Refugees*, 96 DENV. L. REV. 585, 588 (2019) (arguing that meaningful reparations may manifest as legislative carve outs protecting marginalized groups).

perspective of those most marginalized by the law.¹⁰¹ In this way, movement law and related participatory legal scholarship can be understood as variations of demosprudence in academic scholarship—democratizing research in ways that “inform and are informed by the wisdom of the people.”¹⁰²

While working with the Coalition and hearing from mobilized youth, Hlass and Davidson wrote a series of law review articles theorizing about the limits of SIJS protection and how the law introduces and exacerbates indeterminacy for youth.¹⁰³ Co-authored with members of the Coalition, Dalia Castillo-Granados and Rebecca Scholtz, Hlass and Davidson drew out the distinct racial harms that children experience in the immigration system with a particular focus on SIJS in *The Racial Justice Imperative to Reimagine Immigrant Children’s Rights*.¹⁰⁴ As part of that article, they detailed immigration histories that provide new ways of understanding how law discriminates on the basis of childhood alongside other marginalized identities.¹⁰⁵ This is aligned with deportation abolition scholarship, which has identified how immigration law has relied on building racial hierarchies, as well as expanding policing, surveillance, and detention.

Next, along with social scientist and researcher Austin Kocher, Hlass and Davidson theorized that immigrant children seeking SIJS are subject to a “double exclusion,” as they are often not allowed to simply exist as children, while they are also excluded from fully coming of age into adulthood. This article relied on original administrative records, including the more than two hundred thousand SIJS petitions and SIJS-based LPR applications obtained through a FOIA request and later lawsuit, and drew from advocacy reports with youth narratives.¹⁰⁶ Based on those accounts and the data analysis, the article argued that the SIJS program protracts children’s precarity during a crucial and formative point in their lifespans due to temporal processing delays, the backlog, disparities in access to quality representation, political whims, and aggressive immigration enforcement.¹⁰⁷ Each of these articles included firsthand stories of impacted youth. Youth reviewed drafts to provide input before publication. Lastly, after listening to young people’s accounts of exclusion and uncertainty in the backlog and building upon the description of precarity from the earlier article, Hlass argued in *The Slow Death of Childhood for Immigrant Youth* that the SIJS backlog is “a site of and trigger” of slow violence—harm spread over

¹⁰¹ López, *supra* note 31, at 1817 (acknowledging movement law’s “central epistemological focus on disrupting the narratives that undergird the law”).

¹⁰² Lani Guinier, *Demosprudence Through Dissent*, 122 HARV. L. REV. 4, 15-16 (2008).

¹⁰³ See, e.g., Laila L. Hlass, *Slow Death of Childhood for Immigrant Youth*, 19 HARV. L. & POL’Y REV. 539 (2025) [hereinafter *Slow Death*].

¹⁰⁴ Castillo-Granados et al., *supra* note 15.

¹⁰⁵ *Id.* at 1781 (explaining article “surfaces the distinct and varied racialized harms that children experience in the immigration system”).

¹⁰⁶ See generally Hlass et al., *supra* note 15.

¹⁰⁷ *Id.* at 1415-17.

time space—including both short and long term health, wealth, and social impacts.¹⁰⁸

In addition to those law review articles, Hlass and Davidson have produced related advocacy reports,¹⁰⁹ op-eds,¹¹⁰ trainings, and presentations.¹¹¹ In a new project, Davidson, in partnership with impacted youth, has begun training lawyers on lawyer-client advocacy models and sharing power with immigrant youth. The Coalition also recently launched a youth leadership council and a train-the-trainer program where SIJS youth are trained to provide know your rights presentations for their peers, shifting knowledge of how to stay safe—in an immigration policing encounter—from lawyers to directly impacted youth. Davidson and Hlass have begun discussing the contours of this advocacy model, how to expand its use through a toolkit, and how to situate it within deportation abolition theory through a law review article. All of these varied formats of research and collaboration are means of shifting the knowledge base.

D. *Solidaristic Stance*

Lastly, movement law demands a “solidaristic stance,” which requires flexibility, creativity, and an ethos of collectivity.¹¹² This approach can be conceptualized as a conversation between lawyers and actors within social movements, instead of scholarship that studies social movements as a critique from above. The outcomes of these relationships are not prescribed; they are fundamentally not transactional but instead are about coming together with a commitment to larger shared values to work towards a more radical horizon of justice. This may mean that scholar and movement collaborators have different skills, experiences, and perspectives which inform the generation of ideas and strategies together.

In the Coalition example, the partnership began as simply a conversation about how to excavate data regarding SIJS youth impacted by the backlog. Then it grew into a joint FOIA request, litigation strategy, media campaign, policy reports, and law review articles. The collaboration was dynamic and drew on the varied skills, resources, and perspectives of the scholar and the movement advocate. In the second report and campaign, Hlass helped marshal resources and supporters from Tulane’s Immigrant Rights Clinic, involving research and writing support from then-law student Katia Leiva and clinic staff attorney Gabriela Cruz, as well as financial support to retain a graphic designer and to publish physical copies of advocacy reports. Davidson worked with youth who advocated with congressional staff and shared the reports. Some youth joined Davidson and Hlass in an online education event and in the media campaign.

¹⁰⁸ *Slow Death*, *supra* note 102, at 545-52.

¹⁰⁹ See, e.g., Davidson & Hlass, *supra* note 45.

¹¹⁰ Hlass & Davidson, *supra* note 17.

¹¹¹ Laila L. Hlass, Tulane L. Sch., Presentation at the Law and Society Association: Legal Violence, Precarity, and Migrant Youth (June 3, 2023).

¹¹² Akbar et al., *supra* note 30, at 864.

For Davidson and the Coalition, collaborating with a scholar has helped increase capacity, create space for deeper reflection, provide technical support in obtaining public records, and broaden receptiveness to Coalition reports. In addition to providing an ongoing sense of accountability, Davidson and mobilized youth expanded Hlass' understanding of the scope of harm SIJS youth faced and facilitated reimagination of the future for and with immigrant youth.

III. CHALLENGES TO MOVEMENT LAW

Movement law approaches are not without their detractors and challenges, which can be particularly heightened in certain political moments. First, some scholars have criticized critical disciplines of scholarship, in which movement law and participatory legal scholarship are situated, as not being objective or rigorous.¹¹³ Secondly, conservative federal and state governments have taken significant steps to quash educators who draw on historical accounts and promote equity.¹¹⁴ Furthermore, the second Trump Administration has taken drastic actions to dismantle higher education, including targeting faculty.¹¹⁵ Lastly, there are inherent challenges to movement law approaches, particularly with youth, due to power differentials between lawyers and organizing agents, which may be pronounced with young people.

One challenge to movement law arises from skepticism about scholarship that makes its position on an issue clear. Since the emergence of so-called "outsider" legal scholarship there have been critiques of it, arguing that a neutral or objective stance in scholarship is both achievable and desirable.¹¹⁶ This Essay supports the view of scholars who have argued all legal scholarship is biased, subjectivity is unavoidable, and therefore scholars must be aware of their own

¹¹³ See Elaine McArdle, *The Influence of Critical Legal Studies*, HARV. L. BULLETIN (Aug. 11, 2021), <https://hls.harvard.edu/today/the-influence-of-critical-legal-studies> [<https://perma.cc/S2EM-2Y43>] ("Vilified by the political right, CLS was derided as a 'misplaced monster of prehistoric radicalism' by President Ronald Reagan at a 1988 meeting of the Federalist Society, but legal liberals were no fans either.").

¹¹⁴ Jennifer Schuessler, *Bans on Critical Race Theory Threaten Free Speech, Advocacy Group Says*, N.Y. TIMES (Nov. 8, 2021), <https://www.nytimes.com/2021/11/08/arts/critical-race-theory-bans.html> ("Over the past year, critical race theory has gone from arcane legal concept to potent political rallying cry, as Republican legislatures have rushed to introduce bills banning it and other 'divisive concepts' in public schools.").

¹¹⁵ See, e.g., Eric He, *Trump Administration Begins Interviewing UC Faculty as Part of Antisemitism Probe*, POLITICO (Apr. 10, 2025), <https://www.politico.com/news/2025/04/10/trump-administration-begins-interviewing-uc-faculty-as-part-of-antisemitism-probe-00282965>.

¹¹⁶ See Tarunabh Khaitan, *On Scholactivism in Constitutional Studies: Skeptical Thoughts*, 20 INT'L J. CONST. L. 547, 548 (2022) (arguing that combining scholarship with activism in pursuit of "specific material outcomes" is less justice-maximizing than adherence to traditional scholarly roles).

biases, transparent about their positionality (including their political commitments), and make clear which claims are normative.¹¹⁷

A second challenge stems from the fact that academics and institutions of higher education are in the crosshairs of the second Trump Administration,¹¹⁸ which has threatened withholding promised funding,¹¹⁹ launching investigations,¹²⁰ and attacking research funding,¹²¹ academic freedom,¹²² and programs supporting equity, diversity, and inclusion.¹²³ Under this incredible pressure, universities and law schools have responded with a variety of actions, including laying off researchers,¹²⁴ putting faculty on leave,¹²⁵ and acquiescing to unlawful encroachment on academic freedom.¹²⁶ These broad attacks on universities, scholars, and those who promote equity may pose challenges to movement law scholarship—particularly for those who are vulnerable due to

¹¹⁷ Akbar et al., *supra* note 30 at 872-73 (surveying earlier scholarship's recognition of and suggested remedies for bias in legal thought).

¹¹⁸ See, e.g., Alan Blinder, *Trump's Battles With Colleges Could Change American Culture for a Generation*, N.Y. TIMES (Mar. 20, 2025), <https://www.nytimes.com/2025/03/20/us/trumps-battles-with-colleges-could-change-american-culture-for-a-generation.html> (describing Trump administration's efforts to alter higher education landscape).

¹¹⁹ See, e.g., Alana Wise, *Trump Suspends \$175 Million in Funding to University of Pennsylvania over Trans Athletes*, NPR (Mar. 20, 2025), <https://www.npr.org/2025/03/20/nx-s1-5333675/university-pennsylvania-upenn-trump-suspends-funding-trans-student-athletes> [<https://perma.cc/G3YY-X4CQ>].

¹²⁰ See, e.g., Collin Binkley, *More than 50 Universities Face Federal Investigations as Part of Trump's Anti-DEI Campaign*, ASSOCIATED PRESS (Mar. 14, 2025), <https://apnews.com/article/trump-dei-universities-investigated-f89dc9ec2a98897577ed0a6c446fae7b>.

¹²¹ See, e.g., David Knowles, *University Professors Face Uncertain Future After Research Grants Terminated by Trump*, YAHOO! NEWS (Mar. 13, 2025), <https://www.yahoo.com/news/university-professors-face-uncertain-future-after-research-grants-terminated-by-trump-211348749.html> [<https://perma.cc/6FP8-7VVS>].

¹²² See, e.g., Christopher L. Eisbruger, *The Cost of the Government's Attack on Columbia*, ATLANTIC (Mar. 19, 2025), <https://www.theatlantic.com/ideas/archive/2025/03/columbia-academic-freedom/682088/>.

¹²³ See, e.g., Erin Gretzinger, Maggie Hicks, Christa Dutton & Jasper Smith, *Tracking Higher Ed's Dismantling of DEI*, CHRON. HIGHER EDUC. (Mar. 28, 2025), <https://www.chronicle.com/article/tracking-higher-eds-dismantling-of-dei>.

¹²⁴ See, e.g., Evan Bush, *Johns Hopkins University to Let More than 2,000 Workers Go After Trump's USAID Cuts*, NBC NEWS (Mar. 14, 2025), <https://www.nbcnews.com/health/health-news/johns-hopkins-cuts-staff-trump-usaid-rcna196512> [<https://perma.cc/FG32-6J7E>].

¹²⁵ See, e.g., Sara Cline, *Judge Orders LSU to Reinstate Professor Who Was Removed from Class Following Political Comments*, ASSOCIATED PRESS (Feb. 12, 2025), <https://apnews.com/article/lsu-professor-louisiana-landry-trump-571c90b3c939ca2d187120957318777a>.

¹²⁶ See, e.g., Joseph Ax & Jonathan Allen, *Columbia University Agrees to Some Trump Demands in Attempt to Restore Funding*, REUTERS (Mar. 21, 2025), <https://www.reuters.com/world/us/columbia-research-takes-immediate-hit-trump-funding-cuts-2025-03-21/> [<https://perma.cc/F9UP-GT6E>].

their faculty status, location in a particularly hostile region, or affiliation with an institution more susceptible to political pressure. This Essay acknowledges these threats and honors those who are under more pressure with less protection. That said, the extent of state and private interest interference and retribution makes the case for stronger social movements and resistance.

Finally, a significant challenge to practitioner-academic partnerships such as this one is the power differential that exists. For example, when the practitioner or organizer is strapped for support and dependent on the academic partner, the solidaristic stance and the necessary non-hierarchical engagement may be undermined. Furthermore, working alongside impacted youth whose participation is necessary poses particular tensions of consent and compensation. Impacted youth are often in survival mode, going to school, working full time, and trying to stay safe. Both the scholar and the practitioner are paid full-time for their work on these projects, whereas the impacted youth are not—navigating the line between extraction and meaningful participation is complex. Extraction can occur not only around unpaid labor but also when research “mines communities for information and stories that can be presented as ‘evidence’ to academics, jurists, and policymakers” without proper attribution or benefit to the impacted partner.¹²⁷ That said, impacted youth will often prefer to remain anonymous even if attributed because they may be undocumented and fear retaliation for speaking out.

In the Coalition, we have taken a multifaceted approach to address these issues, including transparency and ongoing conversations, ensuring mobilized youth are advised by their lawyers about risks of participating, training youth and lawyers on effective collaboration, and finding ways to support youth for their participation, including through paid internships, gift cards, stipends, and other tangible expressions of gratitude and acknowledgment. In the last year and a half, the Coalition has built a base of youth leaders by hiring a youth organizer who conducts one-on-ones, runs trainings, and does the relational work that is required to bring youth in deeper connection to the Coalition. In April of 2025, the Coalition launched a youth leadership council, a reflection of the Coalition’s commitment to integrating youth into the Coalition’s strategy-building and leadership structure. It also launched a Know Your Rights Training Program for SIJS youth, galvanizing youth leaders to engage in the work of keeping each other safe in encounters with immigration enforcement, and ultimately reducing the numbers of SIJS youth who are detained and deported. These are critical moves to ensuring power building of youth, led by youth, but it is just the beginning.

CONCLUSION

The research collaboration between Hlass and the Coalition can be understood as an example of deportation abolition scholarship using a

¹²⁷ López, *supra* note 31, at 1811.

movement law methodology. Movement law scholarship, specifically such scholarship situated within a deportation abolition framework, can be a demanding process. It requires unlearning so much of what academics and lawyers are conditioned to believe about themselves, about knowledge, and about the relationships between themselves and the people they represent (for lawyers) and their “subjects” of research (for academics). For Davidson, the opportunity to step back and reflect on the work through her collaboration with Hlass has given her the space to ask some of the broader reorienting questions about the work and be more intentional, rather than purely responsive. The toxicity of a culture of purely reactive lawyering, which can feel like a requirement of the political moment when everything is so urgent, is shortsighted if the goal is ultimately about dismantling oppressive systems and building the power of impacted communities.

These last four years of work have laid the foundation for a new era of the Coalition’s work. While there has always been meaningful engagement of youth leaders—and, as the Coalition’s mission statement articulates, the stories of backlog impacted youth are “the heartbeat of [their] work”—building a base of trained and empowered youth leaders takes time and resources.¹²⁸ The first phase of this work was represented by Hlass and Davidson’s engagement of youth researchers in their policy report writing. From there, Davidson hired impacted youth interns who created resources for their peers and advocated in Congress. Once the Coalition moved over to the National Immigration Project, the second phase of youth power-building began and involved hiring a youth organizer who leads relationship building with impacted youth, as well as oversees leadership trainings for SIJS youth. In fact, in fall 2024, Davidson and another Coalition attorney, along with the Coalition’s youth organizer Alejandra Cruz, gave a presentation on how lawyers can cede power to impacted youth in advocacy spaces at the National Immigration Project’s conference held at Tulane University.¹²⁹ At the time of writing, the Coalition has built a base of over five hundred activated SIJS youth. Phase three of the work began with the launch of the Coalition’s youth leadership council designed to place youth at the core of the Coalition’s decision-making and train youth to take on bigger leadership roles. A parallel goal is to engage youth in the process of building a joyful community for each other during a time when SIJS youth are under attack, feeling isolated, and in danger of deportation. The Coalition’s train-the-trainer program for SIJS youth gives young people the information they need to be able to advocate for themselves in an ICE encounter and simultaneously democratizes knowledge so that youth can train each other instead of solely relying on lawyers to disseminate this information.

¹²⁸ *About the Coalition*, *supra* note 8.

¹²⁹ Alejandra Cruz, Youth Organizer, End SIJS Backlog Coal., Presentation at CLE Seminar, Immigrant Power-Building in a Time of Rising Fascism: Experts in Our Own Lives: Ceding Power to Immigrant Youth in Advocacy Spaces (Oct. 9, 2024).

Youth power-building is a key part of building towards a deportation abolition ethic, moving lawyers and academics out of the spotlight and undoing their monopoly on legal information in order to build meaningful power and knowledge in the directly impacted community. It is also representative of the Coalition's desire to remain accountable to its youth base. The notion that every member of such a broad-based Coalition will identify with a deportation abolition philosophy is neither practical nor necessary. The Coalition is part of a broader movement for immigrant rights and while its explicit goal is to ensure that SIJS youth are able to remain safely and permanently in the United States, it is committed to advocating for this goal in a manner that supports the goals and needs of a broader movement that is seeking freedom for all immigrants.

As a growing number of legal scholars have critiqued the carceral immigration system and defined deportation abolition, some have begun to engage in movement law as a methodology in that work. This entails collaborating with community groups, workers' collectives, and immigrant movements to cogenerate ideas and theory, which are formalized into a variety of expressions, including legal scholarship. While deportation abolition is undergirded by a normative claim regarding the urgency of transformative change in the immigration legal system to disrupt the carceral system, it is also a praxis. Lawyers practicing a deportation abolition ethic "by following an antiracist orientation, building community power, and insisting on structural change and non-reformist reforms . . . mitigate daily harms in the immigration legal system while also holding broader visions to dismantle immigration enforcement and detention."¹³⁰ Similarly, scholars can research with a deportation abolition ethic by engaging in conversation with movements aligned with deportation abolition. This involves locating partners resisting the carceral state, engaging in conversations grounded in perspectives from impacted people, broadening epistemes, and ultimately writing in solidarity with and with accountability from movement collaborators. This Essay urges immigration scholars to play their part in dismantling the racist immigration carceral state and to cogenerate ideas with deportation abolition movements in their research, moving toward the horizon of a society grounded in liberation, mutual care, and justice.

¹³⁰ Hlass, *supra* note 29, at 1658.