

When he was five years old, Gabriel arrived in the United States with his mother and his siblings and started the second grade in the Chicago public school system. His father had arrived two years earlier from Mexico in 1987 to secure work and housing and to prepare for his family's arrival. In 2007, Gabriel is a bright, reserved, and motivated 21-year-old college student who would like to be a professional in the computer-science field. His undocumented status is a daily struggle.

Sometimes I go to sleep just aggravated, saying if it weren't for the fact that I'm illegal, everything would be so different right now. There's nothing I can do about it. (Gabriel)

Gabriel's undocumented status, as is the case for many youth, directly impacts his educational future.

People that are in my situation . . . It makes it a lot harder, especially if they don't know how to cope with it. It'll drive them insane. I mean it almost drove me insane. (Gabriel)

Constricted by punitive immigration policies that create "dead-end" futures, Gabriel is one of the estimated 11 million people living in the United States without documentation (Passel, 2005).

The U.S. government considers foreign-born individuals who are not naturalized U.S. citizens, such as Gabriel, "aliens." There are four categories that "aliens" or foreign nationals can fall into: persons seeking admission into the United States, persons admitted permanently as immigrants or permanent residents, persons admitted temporarily as nonimmigrants, and persons who are in the U.S. without the permission of the government and therefore are considered "illegal aliens" or undocumented (Yale-Loehr & Koehler, 2005). Undocumented persons enter the U.S. without being inspected by the government. They either cross the border or enter as nonimmigrants (most often tourists) that do not leave when they are supposed to, causing them to go "out of status" or become undocumented. Most undocumented persons in the U.S. are Latinos, with Mexicans comprising 57 percent of the undocumented population and other Latin American countries making up 24 percent.<sup>1</sup> In Illinois, with 1.5 million immigrants of which approximately 47 percent are Latinos, the status of those undocumented is desperate (Camarota, 2002; Illinois Coalition for Immigrant and Refugee Rights [ICIRR], 2004). The State of Illinois Board of Higher Education (IBHE) (2002) estimates that 500,000 undocumented persons reside in Illinois, or that about 3.5 percent of all Illinois residents are undocumented (ICIRR, 2004).

Available research suggests that 20,103 undocumented students live in Chicago, that 3,000 to 4,000 undocumented students graduate from high school each year, and that most undocumented students came to the U.S. at a young age with their parents (IBHE, 2002; Mehta & Ali, 2003). In Chicago, approximately 6.1 percent of all undocumented students are enrolled in a post-secondary institution (Mehta & Ali, 2003). Although there is limited research on this population, data indicates that youth, in particular, are under severe psychological stress. They are isolated because it is dangerous to share information about their status with others, and they are susceptible to exploitation as they can purchase expensive papers that are fake and of little use (Dozier, 1993; Johnston, 2000).

Through the collection of educational oral histories from students in higher education, this article—an initial snapshot from an ongoing research project—begins to explore the experiences of undocumented Latino students in Chicago to illustrate

common factors that enable this group to be educationally successful despite educational and immigration policies that seek both to criminalize every facet of their lives and to construct them to be simultaneously extraneous to schooling and essential to the service economy. By presenting struggles and strengths—for example, strategies to finance their college education—and descriptions of how to negotiate policies that are often constructed to actively erase their lives, this project aims to increase awareness of the lives of undocumented Latinos in higher education. Moreover, this project begins to highlight the significant failures of our immigration and higher education policies and works to suggest how these policies are interconnected to the criminal justice system. In this political moment when the U.S. is debating the “legitimacy” of amnesty and extending citizenship to those undocumented, and the mainstream media frequently circulates representations of “illegals” with the themes that these individuals are “lazy” or “illegal” and thus undeserving of rights, it is vitally important that the experiences of those undocumented are made visible.

Supporting those undocumented and working to change oppressive policies is an educational and political project that is close to both of our lives. As an Ecuadorian and a Canadian who were formerly “undocumented” and then “temporary resident aliens,” until recently acquiring our “status” and our green cards (that are not green), we are intimately aware that the experiences of those undocumented are rarely heard in public spaces because making oneself visible is too dangerous. Participants in this study cannot author a letter to the local paper complaining about negative media coverage surrounding “illegals” and “aliens,” violence perpetrated by border police, or unjust and unfair treatment by the Department of Homeland Security.<sup>2</sup> Nor can they make changes through the ballot box or through personal advocacy, yet their lives—and the labor and work of their families—support the economy of the nation. This population is highly vulnerable and therefore requires allies and researchers to bring their voices into the public and academic sphere. Yet this work is also politically dangerous for allies, where “aiding and abetting” those undocumented was potentially a crime as proposed in the House of Representatives Bill 4437 (The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 or the “Sensenbrenner Bill,”) that was passed by the United States House of Representatives on December 16, 2005 by a vote of 239 to 182.

We are deeply aware of the political context for this work, and we argue that educators cannot afford to ignore immigration policy as an educational issue. In particular, research is required that interrupts an old practice in the U.S., to use “new” immigrants and people of color as scapegoats for economic anxieties in the U.S. The restructuring of the welfare state that has occurred since the 1980s in the U.S. produced (and required) the construction of an enemy (Duggan, 2003; Winant, 2004). In the last 30 years, under the rhetoric of downsizing and remaking big government, social services functions of the government have contracted, while the punitive and surveillance arms have expanded.<sup>3</sup> These concurrent shifts require the construction of particular identities in the public sphere. Changing welfare to workfare and from a right to a “perk” is required because of all the freeloaders and the shirkers who take advantage of the state’s generosity. Concurrently, the expansion of the punitive functions of the state is required to contain threats of imminent violence and chaos. This anger and fear is deeply racialized. Welfare “freeloaders” manifest in mass media as the “lazy black mother” or the “illegal alien families” (Hancock, 2004). Yet research consistently illustrates at least

the same rates of welfare use across race at every socio-economic level (Quadagno, 1994; Zucchini, 1999). “Less than 1 percent of surveyed immigrants move to the United States primarily for social services,” and confusion about eligibility and “fear of deportation” mean that immigrants are less likely to use state resources (Bohrman & Murakawa, 2005, p. 119). The impact of scapegoats, the simplistic but highly effective move to identify the wrong perpetrator or enemy and to make this person or persons take the fall for someone else’s mistakes, is an old story in the U.S.

The lack of accurate representations about the lives of those undocumented in the public and academic sphere is threaded throughout regressive public policies—the Personal Responsibility and Work Opportunity Reconciliation Act (PROWA), the Patriot Act, and the failed “Sensenbrenner Bill”—that target already marginalized populations. With the proliferation of detention centers and borders (including internal border checkpoints), the advent of raids such as Operation Return to Sender that result in the deportation of non-citizens,<sup>4</sup> and the militarization of border areas to reassemble large prisons, it is clear that intersections between criminalization and immigration persist, and border control is an integral part of the nation’s expanding prison industrial complex (Davis 2003, 2005).<sup>5</sup> While not materially incarcerated, or a part of the over two million and counting in the U.S. who are physically behind bars, the youth interviewed in this paper are virtually incarcerated. Gabriel’s behaviors, identities, and future are criminalized through public policies that are made possible because of public ignorance. Our research actively seeks to interrupt this scapegoating through exposing the interlocking relationships between education and immigration policies, and by making spaces in the public sphere for the voices of these youth.

### **Methodology and Participants**

Participants in this pilot project are Latinos who attended public U.S. high schools or passed the General Educational Development Test (GED) between 1990 and 1999, enrolled in a post-secondary institution, and self-identified as “educationally successful” (see Table 1). Due to the nature of the project and the political situation of the participants, we used a non-random process, a convenience sampling method, or we recruited participants through word of mouth. The first wave of interviews, from which this article is generated, took place in mutually agreed upon public locations such as libraries and coffee shops, lasted from 1 to 2 hours, and were conducted between January and March, 2005. Interviews focused on their educational histories, with a particular emphasis on the transition to post-secondary education. The interviews were semi-structured; a set of 20 questions was used, which functioned as a protocol, and in most cases the participants were eager to share their experiences. The interview protocol included questions that focused on decision-making processes, motivation, financial strategies and support, stress and feelings, and daily strategies used to address stress. Transcribed verbatim, the data was coded and analyzed using emergent themes (Guba and Lincoln, 1988): “Money,” “Whiteness and Latino/a Identity” and “Uncertain Futures.”

This article represents a pilot component of a larger research project. We are engaged in a study that is collecting data from 12 students (including the eight in this study) who are currently enrolled in post-secondary education and six students who are in

high school, from 2005 until at least 2009. Data collection is through the continuation of semi-structured interviews, on at least a semi-annual basis, and through our participant observation in events and community-based organizations across Chicago that work to shift immigration policy in the U.S. and to support those who struggle to flourish in the midst of annihilating policies. This methodology, *ethnographic longitudinality*, aims to capture the production of identities in a moment of massive changes in the surrounding culture and economy (Weis, 2004, 183). All of the participants are currently or formerly undocumented and are in the process of achieving academically as they negotiate their “legal” status in the U.S.<sup>6</sup> This article represents a “reporting out” on the first pilot stage of our work. Following this cohort in Chicago during our nation’s current immigration debates and through their transitions from high school into college will provide rich data on how these youth negotiate shifting U.S. immigration policies, and how these policies impact their academic achievement and life choices.

**Table 1**

Demographics of Participants in Pilot Group

“Name” <sup>7</sup>	Gender	Age	Country of Origin	Age of Arrival in U.S.	Current Immigration Status	Type of Institution Attending	Field Currently Pursuing
Gabriel	Male	21	Mexico	5	Undocumented	2-year public	Computer Science
Jackie	Female	20	Mexico	15	Is in process of adjusting status	2-year public	Accounting
Jose	Male	20	Mexico	7	Adjusted status at 16	2-year public	Medicine (Physician)
Roberto	Male	30	Mexico	17	Undocumented	2-year public	Business
Erika	Female	20	Mexico	16	Permanent resident	2-year public	Biology
Rosa	Female	20	Mexico	8	Undocumented –has a filed petition to adjust status	4-year public	Education
Jessica	Female	23	Colombia	4	Undocumented	2-year public	Nursing
Nancy	Female	24	Ecuador	3	Undocumented	2-year public	Nursing

Our sample is not representative of the total population of undocumented youth or of the larger community of those undocumented, nor is it random. By necessity, it is a sample of convenience, and therefore has significant limitations as a research project in terms of generalizability. While the themes that emerge from interviews are consistent with the scarce data available from this population and are linked to our participant observations, with such a small, geographically constrained sample, we suggest that this research project is less about generalizability, and more focused on making the lives of those most impacted visible in the public sphere and beginning to track the intersecting imprint of education, immigration, and criminal justice policies on the lives of those undocumented. In addition, we focus on youth in this project, with some anxiety. Clearly, *innocence* is created through this linkage of our research questions with this particular sample of adolescents and young adults. We use *innocent* to mean free from guilt and lacking any criminal culpability, and in this project, most of the participating youth were brought to the U.S. as minors, by their parents. They are not responsible for the actions of their parents. In addition, they are “good” youth who completed high school, are working hard, and enrolled in a post-secondary educational institution. An interpretation of this research could be that the particular participants in this study, raised in the U.S., merit access to amnesty, and those older, who do not speak English, who are not enrolled in a post-secondary educational institution, who did not graduate from high school, are not “innocent” and, therefore, not merit-worthy. This is a risk of proceeding with such a small sample, and with selecting youth and young adults in post-secondary institutions as a sample to illustrate the collateral consequences of immigration and higher educational policies.

## **Findings: Collateral Damage**

### *Immigration Policies*

A petition for permanent legal residency can take decades to be processed. Foreign nationals can qualify for permanent residency by having a close family member or employer sponsor them (Yale-Loehr & Koehler, 2005). If the visa is approved, they are granted a foreign national registration card or “green card.” In addition to the multitude of issues (health, political affiliations, etc.) that can render one ineligible for permanent residency, the application process can take many years or decades. Most centrally, for many undocumented immigrants, current immigration policy makes it impossible to become legalized if one enters the country “illegally.” The following example, a too common scenario, illustrates the difficulties a child could encounter in becoming legalized. An 8-year old child arrives in the U.S. with his or her parents and the family files a petition for permanent legal residency on the basis of one parent having a sibling who is an American citizen. According to the visa bulletin published by the U.S. Department of State Bureau of Consular Affairs, for persons of Mexican nationality, visas for this category of family-based petition are now available for petitions filed in January of 1991. If the family above had filed in 1991, their 8-year-old child would now be 26, and would no longer be eligible for benefits since he/she is no longer a child under 21. This is considered “aging-out.” While the parents can finally become permanent residents after almost 20 years, the young child, who was brought here through no choice

of his or her own, remains undocumented. The parents, after becoming permanent residents, could petition for their child, but it would again take many years. Nancy explains that this happened to her.

My parents . . . applied for residency and two years ago they got their letter saying that they were going to be able to be legal in the United States. But when they filled out the application I was under 21 and when it got approved I was over 21 so I didn't get included. . . . It took them [INS] more than 10 years to reply and actually they replied after a couple of months that I had already been 21. (Nancy)

Nancy's parents had filed a family-based petition in 1990 when Nancy was only nine years old. Nancy's parents are now permanent residents, but Nancy, who was brought to the United States at the age of three, is not. Rosa speaks of a similar situation in which she will not receive the benefits of a petition filed for her, because she will soon turn 21.

I'm in the process of being a resident but it's going to take four years. But by four years I would have turn 21 already so if I turn 21 it'll take 10 more years. (Rosa)

This scenario is simply one example of how current immigration policies are broken and negatively impact innocent parties, who, through no fault of their own, find themselves in these circumstances. Regrettably, thousands of children are in the same situation as Nancy and Rosa in the United States. The scenario above is a hopeful one, as at least there is some possibility of becoming legalized after several decades, but for those who do not have a close family member living in the United States, current immigration policy provides basically no recourse for legalization.<sup>8</sup>

### *Undereducation*

Latino students face a number of barriers in their work to move from high school into post-secondary education: poverty, under-resourced schools, unsupportive educators who lack cross-cultural competencies, limited English proficiency, misinformation about higher education, and parental support but not parental knowledge (Swail, Cabrera, & Lee, 2004; "Education the Largest," 2003). These contexts frequently do not support Latino students to make successful, informed choices about higher education. Latino students who do transition to post-secondary education often have attendance characteristics that make them more vulnerable to not completing college. They tend to delay starting college, attend part-time, attend two-year institutions at higher rates, and are older (Fry, 2002; Immerwahr, 2003). Likewise, findings from a National Educational Longitudinal Study indicated that Latino students were more likely to attend more than one post-secondary institution, enroll at public institutions, and attend lower-cost institutions (Swail et al., 2004). Latinos attend two-year institutions at a higher rate than other ethnic groups, with 57 percent being enrolled in two-year colleges compared to 39 percent of all other students (Kao & Thompson, 2003).

Although Dozier's (2001) sample was narrow, she found that undocumented students initially expressed dreams of becoming lawyers, doctors, and teachers, but by their junior and senior years, they became aware of the limitations placed on them due to their status. "This realization appeared to strongly influence the decision of many students to leave school, or to quit applying themselves if they stayed" and immigration status "strongly influenced" the students' decision to leave school (Norrid-Lacy & Spencer, 1999, p. 12).<sup>9</sup> This data is confirmed by the 1990 U.S. Census, which showed

that 51 percent of all Latino “dropouts” were non-U.S. citizens, and that non-U.S.-born Latinos who were eligible for citizenship or legal residency accounted for only 7.7 percent of Latino dropouts (Norrid-Lacey & Spencer, 1999). Undocumented students work long hours with little time for studying, have limited access to needed tools such as computers, have restricted monetary support, and have persistent stress linked to worrying about future employment (Dozier, 2001).

Like in the study above, the young men and women interviewed for this research agonized over their ability to attend college. Immigration status directly influenced whether or not they thought they could transition to college, and some of the students spoke of being “unmotivated” in high school since they felt that college was out of the question for them. Nancy, Jessica, and Rosa arrived in the United States at very young ages, and all three are currently undocumented. For them the thought of a college degree during their high school years seemed like a goal they could not even begin to consider.

I wasn’t motivated, I thought high school was it and then forget college. . . . I was going to go to school and get my degree and then kind of be stuck with a degree and nowhere to go with because of my illegal status. (Nancy)

I would rather not go to college and not even envision my dream, because I would never be able to attain that goal. (Jessica)

Since I’m undocumented, I thought that was going to be it for me. High school, and just like other people, start working. (Rosa)

Jose was undocumented but adjusted his status and became a permanent legal resident at the age of 16. Nevertheless, he recalls how he felt about college prior to becoming legalized.

It might take a couple of years to get my papers, so I’m just going to not care about school because by the time I get them, it’s going to be too late. So I kind of gave up on it. (Jose)

In spite of a college degree appearing unattainable or a waste of time, these students persevered. The participants’ motivation to continue and overcome their obstacles came from various external sources such as family and teachers. Roberto recalls how his brother helped him to “decide for education.”

I was talking to my brother. He really helped me a lot to realize what I want. . . . “You have to decide which one you’re going to go for. Do you want to work full-time extra hours and get the money that you want or do you want to focus more on your education.” It was like bottom line. He put it right there on the floor. . . . I decided for education. (Roberto)

Of the seven students who attended high school in the United States, six had teachers who encouraged them to go to college. High school counselors played a critical role in Gabriel’s decision to transition to college.

My advisor, she wanted me to go to college. She’s the one that convinced me to . . . apply, because I wasn’t going to apply. . . . So she actually convinced me to do it. (Gabriel)

Although, these students found support from teachers and counselors, only one student, Rosa, confided in a teacher about her immigration status. Rosa was able to open up to a particular teacher because of his ethnic identity. Thankfully, this teacher helped Rosa get connected to a university and assisted her with the application process.

I related a lot with him. I opened up to him because he was Hispanic. He always talked to his students with a lot of care. He was one of the few teachers that actually cared for his students. . . . When it was getting close to graduation, I talked to him because he knew about my situation. I told him I was scared, basically, and that I didn't know what to do. (Rosa)

Nevertheless, when Rosa was asked about her high school counselors and whether they provided assistance in transitioning to college she states:

I wasn't very familiar with the counselors, because they had so many bad counselors. . . . She [Rosa's own counselor] never gave me a lot of options. She never mentioned college that I would remember. (Rosa)

As in Rosa's case, Erika's counselor had less faith in her and advised her not to take a mainstream advanced algebra class since she would probably get a C due to the language barrier. Erika took on the challenge and ended up getting an A.

While it is difficult to assess the total and direct impact that immigration status has on the academic achievement rates of the foreign-born Latino population, approximately 1.7 million undocumented aliens are children under the age of 18 (Passel, 2005). According to Zehr (2002) 65,000 undocumented students graduate from United States high schools every year, and the number of undocumented that drop out is unclear.

### *Money*

Poverty is an obstacle for approximately one out of every four Latinos in the U.S., and approximately 30.3 percent of Latino children under 18 live in poverty, compared to 9.9 percent of non-Hispanic White children (Therrian, 2000). Children living in poverty attend schools that have limited resources, less qualified teachers, and low morale, and the guidance counselor to student ratio is extremely high (Suarez-Orozco, 2001). Lack of financial resources was a central barrier for all of the undocumented students. In order to qualify for financial aid, students must be citizens or permanent legal residents, and being undocumented disqualified these students from any federal grants or loans. Many schools "piggyback" on the requirements of federal financial aid for scholarship monies, disqualifying undocumented students from receiving most scholarships. Citizens and permanent residents are eligible for any federal money available through financial assistance programs. International students do not qualify for federal money and pay the higher international tuition rates, but do qualify for a work permit.<sup>10</sup> Undocumented students are not eligible for any type of federal financial assistance, do not have valid social security numbers, and are not legally allowed to work in the United States. Given the high cost of post-secondary education, it is no surprise that seven of the eight students were attending two-year colleges, and only one student was attending a public four-year university.

All of the students were receiving in-state tuition, provided through a policy in Illinois for students who attended school in the state for three years, graduated from an Illinois high school, and who sign an affidavit stating that they have applied to become legalized or will apply as soon as they are able. This policy made it possible for them to afford post-secondary education. Currently, nine states grant in-state tuition to undocumented students: Texas, California, Utah, Washington, New York, Oklahoma, Illinois, Kansas, and New Mexico ("Basic Facts," 2005). Jackie, who went to high school

in a Midwest state, left her parents and moved in with relatives in Illinois because of the in-state tuition policy.

Jessica, Jackie, and Gabriel had been offered scholarships but were either ultimately denied these scholarships or did not follow through to acquire the scholarships because of their status as not documented. Two were offered scholarships to private four-year universities but instead found their entrance into higher education through a community college where they were able to receive some type of scholarship. Jessica, Jackie, and Gabriel recount losing the scholarships.

I never took it, I was scared. . . I was just scared to fill out that piece of paper because if they say that I was not legal they're going to be like "you can't go to school here" so I'd rather work hard, harder, go to school longer pay for it myself and get through it. (Jessica)

One of the universities I really wanted to go to offered me a full scholarship room and board paid, everything. . . But I didn't have my green card so I had to deny the opportunity of attending school. (Jackie)

I got denied a scholarship because of my immigration status. . . I guess it happens but I was angry. (Gabriel)

In order to finance their education, five of the students work part-time or full-time while attending college. Nancy's father owns a retail store where she works as a salesperson approximately 20 hours a week. Jackie is in the process of adjusting her status to permanent residency and has a valid social security number. She works part-time at the college she attends and full-time preparing tax returns and assisting people who do not have valid social security numbers to receive an Individual Tax Identification Number (ITIN). The ITIN allows those without a valid social security number to properly file their tax returns. Gabriel works at a construction company and his employer allows him to have a flexible schedule. Roberto works approximately 35 hours a week. Jose works for extra money as a student aide at the college he attends, doing a variety of jobs on the side including modeling and DJ-ing. Jackie, Roberto and Nancy express concern about paying for college and frustration at not having enough time for their schoolwork due to their need to work.

I work, I save, during the summer I work double shift just to save some money aside. That's the way I've been doing it. Right now that I'm almost ready to move to the university one of my biggest concerns is how am I going to do it. (Roberto)

It's hard to study . . . you don't have enough time to sleep. (Nancy)

Right now I have to work a full-time job and I don't have a lot of time for school, to tell you the truth I'm struggling to keep up my GPA. But I see money coming for my college, that's my reward. . . . I'm still sad because I cannot read the chapters that the teachers set. (Jackie)

Jessica also works as a salesperson at a retail store and puts in 40 to 48 hours a week. When Jessica was only four years, her mother was given the opportunity by the Colombian government to work in the U.S. for eight years. At the end of the term her parents decided not to return to Colombia. This caused them to go out of status and become undocumented. Jessica has been working since she was fourteen. During her

junior year of high school, she joined a work program where she would go to school half the day and then leave school to go to work. Jessica's memory of this event is painful.

My sister was really not into sports so she really didn't care to leave school and go to work, but like all I remember is crying on the way to work. I do, I just hated going to work, I hated it. . . . I never had a chance to do anything fun in high school because I had to work. (Jessica)

For some of the participants, their family's financial support was essential in helping them pay for college. Four of the students received financial support from their families, not only for school but for other necessities as well.

Winter quarter my sister let me borrow the money and she is letting me borrow the money for the last quarter. (Nancy)

My sister has helped me a lot. She pays for my health insurance every semester . . . My sister and brother-in-law help me out with school . . . they always give me money and be like "here towards school." (Jessica)

Rosa, who arrived in the U.S. at the age of 8 and is the youngest of nine brothers and sisters, is the only one in her family who is pursuing a college degree. Rosa is the only student currently in our sample who attends a four-year public university. As Rosa states, her family's support is essential for her. "They pay for all of it. I couldn't do much without them."

Community colleges play a central role in enabling undocumented students to enter and finance their education. Seven of the eight students found their entrance into post-secondary education through a community college. Due to the financial obstacles that undocumented students face, the community college is the most affordable avenue. Jackie expresses her thankfulness for the community college.

The community college has given me my doors to open everything. . . . I'm not ashamed to say I'm at a community college. I think it's the best thing. I'll be ashamed if I told them I just worked and did nothing about it. That would be a shame. (Jackie)

Clearly, immigration status impacts not only the perception of the feasibility of financing college, but the ability to attend more expensive colleges and the students' choice of institutions.

### *Uncertain Futures*

While they had significant aspirations for their future, when asked what their plans were after they graduate, some of the students seemed taken aback by the question and were obviously anxious. Of the five participants who were undocumented at the time of the interviews, two of them, Gabriel and Roberto, spoke of using their education outside of the U.S. by possibly returning to their home country or going to the United Kingdom. The careers these students had chosen were computer science and business, and they recognized that they might have to leave the U.S. and their families to be legally employed in their chosen fields. Two of the undocumented students, Nancy and Jessica, were on track to be registered nurses. They each spoke of going to a lawyer and hoped to get a hospital to sponsor them to get a green card; however, neither knew whether this was a real possibility. Rosa, who was pursuing a teaching degree, was unsure of what she could do. She had a petition for permanent legal residency filed, but by the

time the visa becomes available she will have aged-out. Jackie was in the process of adjusting her status to be a permanent legal resident and should have a green card by the time she graduates. Nevertheless, her original plans of going to medical school had been altered to pursuing an accounting degree. Jackie reasons on her change of mind:

I know I couldn't attend medical school because you need to be a resident or citizen to attend medical school. That's my passion. . . . I have to be realistic now, because now like everything I have done since I started college now it's everything about business and everything. I know I have a better chance of acquiring a job there without a green card necessarily. (Jackie)

The two students who were legal residents had plans of continuing their education to achieve a doctoral degree. Jose plans to attend medical school to become a pediatric plastic surgeon. Erika is pursuing a degree in biology and is also interested in archeology. The undocumented students chose to go to accessible and affordable community colleges, whose shorter practical training programs might give them the skills and qualifications to work in another country or persuade a U.S. employer to sponsor their application for legal status. Goals are important for these students to offer a focus and a motivation. Jessica expresses how pride in what she is doing and a desire to complete what she has started keeps her going.

Like pride that keeps me going you know, I've come this far by myself why not finish. It's like running a marathon, I began, I started running, keep going. Why stop now? (Jessica)

While being undocumented limits your educational and professional horizons, education and work are the means for avoiding jobs such as mowing lawns and cleaning houses.

It's like a dead end. You walk back and you check out your opportunities, which are being a maid, mowing the lawn, cleaning houses. It's a dead end. It's a dead-end life and I don't like it. (Jessica)

### *Whiteness and Latina/Latino Identity*

For some, the transition to post-secondary education was linked to a growing politicization and understanding about race, power, and privilege. The majority of the students in this pilot sample spoke English “without accent” and passed as U.S.-born Latinos; their understanding of their own identity as Latinas and Latinos in the U.S. is layered. Jose went to high school in a southern state with a largely White student population. He recalls that when he moved to a close suburb of Chicago and attended a community college with a large Latino population, he had to change the way he thought of Latinos. He had grown up largely around White people and explains how he had to lose the “White” in him.

I kind of had a feeling of being superior to others. . . . The idea that White people have of Hispanics—that they just come here to take a good job, that they are just bums and drink a lot and partying—do nothing good for the community and the for people. When I came here and I saw how much the Hispanic club did and all that stuff I was like wow, we were wrong. So I had to lose that, I had to lose the White in me. (Jose)

Jackie also attended a high school with a majority of White students. Jackie and Jose described being accepted by their fellow students, but explain that it was largely due to their ability to blend in.

By being a White society, you know they're very racial. I think the thing that really helped me out was that I knew English kind of like the same level they did. I learned the y'all slang and everything. So I think that kind of helped me out. (Jose)

I kind of jumped to their circle because I showed them that I could be the same as they were. I could do the same things and maybe even better than they could. . . . I know those people accept only a certain kind of people, people at the same level supposedly. (Jackie)

For many of the students interviewed assimilation, or in some cases invisibility, ensured survival. Often, this meant acting and looking "White" throughout high school. Most participants have an accurate knowledge of the racial landscape they live in and which groups have access to particular kinds of social and political capital. This insider knowledge about race and power was essential to their survival. For example, Jackie, who attended an all-White school, was well aware that her classmates accepted her because she looked White, and her sister, who was darker, did not fare so well.

So once they saw that I was not ignorant, that I was going to college like them, I was just like them. I was just Spanish, also. What happened when my sister came in, she's darker skinned. She's really smart. I can tell she's smarter than me, but she doesn't study for her tests. She's getting C's and B's and A's. Whatever comes, she accepts. They discriminated [against] her. They did. They were really insulting with her. They pushed her in the halls, like the first week. And then they knew she was my sister, and everyone was surprised. (Jackie)

Yoshino (2006) notes the difference between covering and passing. Passing requires one to actively fake or pretend to be something she is not, while covering requires that one simply cloak one's identity, appropriately, in the normative mantles. The very real political need to assimilate, to not stand out and too often to be invisible, requires an understanding of the prevailing racial ideologies, yet this assimilation strategy is clearly problematic for some of the participants. What are the long-term consequences of this legitimate political need to stay "under the radar" and be undetected and to fit in—what do these youth internalize? For which students is passing—or covering—feasible? These questions merit further attention.

### *Feelings as Political*

While emotions such as anger and depression are legitimate responses to institutions or a political state that systematically denies you the right to participate, it can be dangerous to have those emotions in public spaces. The feelings of anger, shame, and depression expressed by these youth who are actively oppressed by political structure are "outlaw emotions" as identified by feminist philosopher Jaggar (1989). These emotions are an important subject for analysis and inquiry. Jackie attended a suburban high school in a Midwest state, excelled in high school, and graduated number four in her class. Jackie had been accepted into three universities and had even been offered a full scholarship to one. Her teachers expected great things from her and did not understand her decision not to attend those universities. Jackie expresses her shame about not being able to tell them.

I feel ashamed that I didn't give them a reason that I just walked out. They worked so much for me that I didn't give them back. But they don't know why I did it. (Jackie)

Jackie moved to Illinois to attend college because she knew that Illinois offered in-state tuition for undocumented students. Her high school peers do not know that she attends a community college but believe that she is attending a four-year university. Jackie is afraid that if she tells them that she attends a community college, they will begin asking questions that she is not yet ready, or able, to answer.

They think that I am at a university. . . So I have to tell them that because they'll be like "why do you go there" and all those questions. And I have to tell them my whole story, and I cannot do that now (Jackie)

Roberto offers another story of how fear affects pursuing college. At the age of 17, Roberto decided to move to the U.S. A couple of years after arriving, he passed the General Educational Development Test (GED) and enrolled at a community college to take intensive English courses. When Roberto attempted to register for college courses, he was asked for a driver's license, which he did not have due to his status, and was not able to enroll. Out of fear of someone calling immigration he did not inquire further about his options but simply walked out. It took him several years to regain the courage and combat the fear of disclosure to come back to a community college.

I wanted to get into college . . . but I wasn't able to because they asked me for state ID. . . . I was just afraid, just no driver's license, oh okay. I didn't even bother to ask them "well what if I don't have it, what can I do about it." Just okay, thanks. . . . I had this idea of somehow they're going to call immigration. . . . I just quit. (Roberto)

Guilt and shame persist over not being able to be truthful to those who are trying to help. Jackie and Jessica express the conflict between having the need to keep their status a secret and also wishing that they could "scream" it out and share it with the world.

I have always been outspoken. I wasn't outspoken here because of the undocumented thing even though I wanted to scream "help me." (Jackie)

In a way I don't want anybody knowing, but in a way I want the whole world to know it. (Jessica)

Fear keeps the students from sharing this aspect of their lives, since the uncertainty of how others will react is often too risky. Often the fear stems from their parents who warn them about immigration coming or, as in Jackie's case, from experiences of seeing other people be betrayed or blackmailed.

It's really sad, but I think that not trusting—I think I really don't have a lot of close friends. I have seen a lot of people who tell, and then they're betrayed. And then they call like immigration or they're just attacking with that, like attacking—if you don't do this, I'll call blah blah blah. Or they're discriminating [against] you, embarrassing you. (Jackie)

Undocumented students are not able to share their most significant obstacle due to fear of being betrayed or having it used against them. When Jackie was asked how it made her feel not to be able to share this part of her with others she stated, "It made me feel like a stranger, like an alien." The need for secrecy, even with those who are close to them, serves the purpose of making them feel as they are called by the U.S. government, "aliens."

### **Conclusion: Resistances, Policy Recommendations, and Theoretical Moves**

U.S. immigration policy shaped every aspect of the students' lives. Many of them felt U.S. immigration policies were a personal attack on them, and one student expresses it with the following comment:

Nobody has ever put me down, nobody has ever made fun of me because I'm Hispanic. But the fact that I am going to school and I am paying for it and I know that at the end I'm not going to get hired because I don't have that one document that makes me legal then I feel belittled, then I feel criticized, then I feel judged, then I feel every slap in the face I have never had before, then I feel it all at once. (Jessica)

Although they found the law to be unfair, several express satisfaction at being able to rise above it.

Not giving the opportunity to go to college, I think it's really a mistake. . . . But in a way it's really, really, really ironic . . . I give them thank you. Thank you that you make me strong. Thank you that because of your mistake I'm stronger and I have my feet on earth and I value every single day. And even though you don't appreciate my effort or you don't see it, I can see it. (Jackie)

Being undocumented impacted every aspect of their movement into higher education, from whether they saw college as attainable to the challenges they experienced in their transition to post-secondary education and their plans for the future. The obstacles they faced revolved around their immigration status and included lack of financial resources and psychological stress; yet these students still struggled to pursue their professional and academic goals.

Preliminary findings from this project work to further contextualize and dismantle the persistent myth that Latino parents do not value education, and therefore contribute to the "achievement gap," despite research that documents how much Latinos value education. In fact, 65 percent of Latino parents stated that a college education was necessary to be successful, while only 32 percent of non-Hispanic White parents and 44 percent of African-American parents felt that it was necessary (Immerwahr & Foleno, 2000). Parents may not have been able to assist with the process of transitioning to college due to lack of language skills and lack of knowledge of the U.S. educational system, and they could not assist their children in selecting an institution, completing the paperwork, or navigating their undocumented status. When asked about how they found out about the process, students mentioned high school counselors, teachers, friends, and college fairs. Several students mentioned that they had to educate their parents about the process of getting into college. Jackie shares how she had to educate her parents about the U.S. educational system:

I had to educate them in high school, because my mom doesn't know English. My dad knows a little bit. But I went to a college fair and I was just watching what things my classmates were doing. So I told my mom, oh I have to [do] this and that. . . . So that's how I did it. I told them I have to do this; this is how the system works. (Jackie)

Though the families were unable to assist them with the process of attending college, their emotional and verbal support played a critical role in the lives of the students.

Despite the small size of this pilot study, the similar themes that emerged from the participants support several concrete recommendations for immigration and higher

education policy changes. First, the students' experiences in this study strongly support the need for at least a version of the Development, Relief, and Education for Minors (DREAM) Act and the Student Adjustment Act. The DREAM Act was bipartisan legislation that would provide amnesty for young persons who were brought to the U.S. as children, have grown up in the U.S., stayed in school, and stayed out of trouble ("Dream Act," 2005). The DREAM Act potentially permitted certain minors of "good moral character" to receive six years of conditional residence upon graduating from high school during which time they would have to graduate from a post-secondary institution ("Dream Act," 2005). Upon meeting this requirement, the student would be granted permanent residence ("Dream Act," 2005). The Student Adjustment Act is similar but would allow students to be eligible for Pell grants, enabling thousands of students to pursue higher education ("Dream Act," 2005). We recommend, at the least, that these bills be reintroduced and passed by Congress. Another recommendation is that the "aging out" rule be reviewed and modified. Students such as Nancy and Rosa who have lived in the United States for so long should not "age out" of petitions filed by family members.

In-state and in-district tuition significantly shaped how each of these students participated in higher education. Without this benefit, college is prohibitively expensive. Participants in this study were deeply impacted by this policy, and undocumented students would benefit from all states passing in-state and in-district tuition policies for undocumented students who are residents of their states. The DREAM Act and Student Adjustment Act would also eliminate a provision that requires states giving in-state tuition rates to undocumented students to provide the same benefit to any U.S. citizen or permanent resident who is not a state resident ("Dream Act," 2005). Moreover, post-secondary institutions and other organizations need to create scholarships that are not conditional on the status of the students, enabling more undocumented students to qualify for scholarships and transition to post-secondary education.

More broadly, this research also begins to create a framework for educators to conceptualize immigration and educational policies as interconnected with an expanding prison industrial complex. Punitive immigration, employment, and citizenship laws—laws not typically viewed as "criminal"—deeply shape how specific communities participate in labor markets (Salazar-Parreñas, 2001).<sup>11</sup> While it is critical to pay attention to the production of "flexible" workers outside the U.S., for example the growth in *maquiladoras*, or factories in Mexico, generally close to the U.S. border that are owned by U.S. or non-Mexican companies (Martin, Lowell, & Taylor, 2000), it is equally important to acknowledge the myriad ways in which these same laws also function to produce flexible and cheap labor within U.S. borders. Again, this is an old story. New immigrants, "illegal" foreign nationals, or those disenfranchised by our criminally unjust system—largely people of color—often do the low-paid service industry work identified by Jessica "being a maid, mowing the lawn, cleaning houses." The youth in this study, while resisters, are aware that the intersections of immigration and educational policies create "dead-end lives" (Jessica).

As the youth in this research project articulately identify, in order to adequately understand and shift school failure, conceptions of educational policy and school reform must "realign," as Anyon (2005) suggests. A focus on school-based practices as mechanisms for educational improvement and reform is useful, but those invested in high educational outcomes for all students may need to widen the framework to examine the

interconnected relationships between schools and other institutions. For the students participating in this project, educational success is constrained not by curriculum or teacher quality, but by policies that actively restrict their achievement.

If, as I am suggesting, the macro-economy deeply affects the quality of urban education, then perhaps we should rethink what “counts” as educational policy. Rules and regulations regarding teaching, curriculum, and assessment certainly count; but perhaps policies that maintain high levels of urban poverty and segregation should be part of the educational policy panoply as well—for those have consequences for urban education at least as profound as curriculum and pedagogy. (Anyon, 2005, p. 3)

Examining policies that contribute to, if not create, poverty and under-education should “count” as educational policy. Building from Anyon’s argument, when states and the federal government expend more resources on mechanisms of punitive surveillance and detention than on education and build more fortified borders and jails than classrooms, connecting urban school failure to immigration policy expands the landscape for educational reform.

### Notes

<sup>1</sup>Approximately 9 percent are from Asia, 6 percent from Europe and Canada, and 4 percent from Africa and other countries, and approximately 1.7 million undocumented immigrants are children under 18, or one in every six undocumented persons are children (Passel, 2005).

<sup>2</sup>The services and functions of the U.S. Immigration and Naturalization Service (INS) transitioned into the Department of Homeland Security (DHS) as the U.S. Citizenship and Immigration Services (USCIS) in March 2003.

<sup>3</sup>Budgets of the Drug Enforcement Agency, the Bureau of Prisons, and the Department of Homeland Security have swelled at least 10 percent a year, while funding for social welfare programs, for example housing, unemployment compensation, and food and nutrition assistance, decreased significantly since 1975 (Bohrman & Murakawa, 2005). In immigration services, most of the growth has been in the enforcement staff, which has increased by 450 percent since 1975 and now constitutes 75 percent of the total INS staff (Bohrman & Murakawa, 2005).

<sup>4</sup>*Return to Sender* is not unique, as after 9/11 the U.S. implemented *Operation Tarmac*, *Operation Safe Skies*, *Operation Glow Worm*, and many other domestic programs to place under surveillance and to arrest immigrants who work in airports, chemical plants, or other “sensitive” sites (Nieves, 2006).

<sup>5</sup>The shared uses of punitive tactics and the overlapping policies, for example the cross-deputization of personnel, indicate that the federal government views immigration services as an expanding, *policing* function (Bohrman & Murakawa, 2005).

<sup>6</sup>We fully expect that an amnesty bill that positively addresses each of their status situations will be passed in the U.S. during this time period.

<sup>7</sup>To ensure confidentiality, all participants have been assigned pseudonyms. This research, emerging from a larger project that addressed new immigrants and access to higher education, was approved by Northeastern Illinois University’s Institutional Review Board in May, 2005.

<sup>8</sup>A false impression also exists that if one marries a U.S. citizen, one automatically becomes a resident. In the last few years, due to the repeal of Section 245(i) of the Immigration and Nationality Act, marriage to a U.S. citizen has also become a tricky option. Section 245(i) allowed undocumented persons who entered the U.S. unlawfully to file for adjustment of status and remain in the United States upon payment of a \$1000 fine. With the repeal of section 245(i),

undocumented persons must leave the United States and file for adjustment of status in their country of origin. This then places them in a difficult position because once they leave the United States, a 10-year ban on reentering the U.S. is placed on them for having lived in the U.S. illegally. As a result, it is an attractive option to simply have the undocumented spouse remain in the U.S. as undocumented, rather than risk being banned from reentering the country (See Purkayastha 2000).

<sup>9</sup>In a study that compared international students with undocumented students, Dozier (2001) found that undocumented students had lower academic performance. According to the study, 69 percent of international students attended college full-time, while 48 percent of undocumented students had mixed patterns of attendance (Dozier, 2001) Additionally, the mean GPA for international students was 2.88 and 85 percent had a GPA above 3.0, while the mean GPA for undocumented students was 2.43 and 31 percent had a GPA above 3.0 (Dozier, 2001).

<sup>10</sup>In order to qualify for an international student visa, students must petition from out of the country, which means that undocumented students cannot qualify for a student visa.

<sup>11</sup>Linking immigration policy to the economic needs of the nation and to White supremacy is hardly a new practice. For example, prior to 1965 immigrants were primarily “White” European due to quotas based on explicit country of origin that racialized immigration, yet currently over 50 percent of new immigrants to the U.S. are from Latin America (Suarez-Orozco, 2001). From the Chinese Exclusion Act of 1888 to the current HI-B “foreign guestworker” regulations, the Department of Homeland Security plays an important role in regulating the labor force (Yoon Louie, 2001; Salazar-Parreñas, 2001).

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