

**Undocumented Hispanic Students Pursuing Higher Education in the US:  
A Dream Deferred**

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Undocumented Latina students in higher education in the U.S. face significant challenges in the current social, political, and economic climate that are unique to their status. Barriers include proposed immigration restrictions, the threat of arrest and deportation, and the failure of Congress to pass the proposed DREAM Act legislation, effectively limiting their access to higher education and to long-term employment and full participation in the larger culture, despite having grown up in the U.S. This article explores the shifting demographic patterns in the U.S. and specifically examines the relevant literature on undocumented Latina students in higher education in the U.S.

**Definitions and terminology:**

There is no single, agreed upon definition used to describe foreign-born non-citizens currently residing in the United States. In the past, such persons have been labeled in dehumanizing or derogatory terms such as “alien,” “illegal alien,” “illegal,” or “illegal immigrant.” These terms are misleading for at least two reasons. “Alien” implies that someone is strangely non-human. “Illegal” creates a criminalized stereotype, when in fact, under current immigration law, it is not a crime to be in the U.S. without proper documentation; rather, it is a civil violation (NAHJ, 2006). The preferred terms are “undocumented” or “unauthorized.” Hoefler, Rytina, and Campbell (2007) state that these are equivalent descriptors that refer to foreign-born persons who entered the country without inspection and valid documentation, or those who were admitted temporarily and stayed past the date they were required to leave.

In practical usage, "undocumented" refers to individuals who do not have federal government-issued documents to show that they can legally visit, work, or live in the U.S. The Citizen and Immigration Services, a division of the Department of Homeland Security, does not include "undocumented" or "unauthorized" designations in its glossary of terms (USCIS, n.d). The government uses the term "resident alien" to describe a foreign-born person who is not a citizen by naturalization or parentage, who entered the country legally, and who carries a registration card (aka "green card"). The NAHJ argues that descriptive terms should not be used as a noun (e.g., "illegals"). Thus, the adjective "undocumented" accurately reflects the status of these individuals without labeling them in ways that are often regarded as offensive or potentially racist.

According to Passel (2006), there are three broad categories of migrants: authorized, semi-authorized, and unauthorized (although these are not official government terms). Migrants in the authorized category have achieved Permanent Legal Residency or have Employment Authorized Documents. Migrants in the semi-authorized category have Temporary Protective Status and Extended Voluntary Departure. This designation includes people who have applied for asylum but have not had their cases adjudicated. Migrants in the unauthorized category are of two types: people who overstayed their visa or who entered without inspection. People in this group may have applied for Legal Permanent Residence and are waiting for authorization, either through a "green card" or as an immediate family relation to a legal resident. This article addresses unauthorized immigrants and/or their families.

The Census Bureau distinguishes race from ethnicity. "Hispanic" or "Latina/Latino" is a U.S. government distinction referring to people whose ethnic origins are in Spanish speaking countries (Pew Hispanic Center, 2012). These ethnic descriptors are considered equivalent, and

they may be used in reference to any race (U.S. Census Bureau, 2001). Latina/o or Latino refers to "a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture of origin regardless of race." An individual's ethnic identity can be designated as either "Latina/o or Latino" or "non-Latina/o or non-Latino." Typically, "Latina/o" is included in the racial category of "white" which designates people whose origins are from Europe, the Middle East, or North Africa. The five racial categories designated by the Census Bureau are white, black or African American, American Indian and Alaska Native, Asian, and Native Hawaiian and Other Pacific Islander.

**Latina and undocumented population:**

Obtaining demographic information on the undocumented population can be very difficult and results can vary widely (Gonzales, 2009). Neither the Census Bureau nor any other U.S. government agency specifically counts the undocumented immigrant population or describes it based on any specific criteria (Passel, 2006). The "residual method" is widely accepted for estimating the size and characteristics of the undocumented population. This method subtracts the estimated legal immigrant population (based on the Department of Homeland Security) from the total foreign-born population (based on the Census Bureau) and treats the residual difference as a source of data on the unauthorized migrant population (Hofer, 2006).

The U.S. population is becoming more diverse, and Latina/o-origin ethnicity is the fastest growing group. In 2009, the U.S. population was roughly 307 million people (USA QuickFacts, 2010). According to the Census Bureau, in 2010, the Latina/o population of the U.S. was estimated at 51 million, a 43% increase over the past decade; representing roughly 16% of the total population and 23% of those ages 17 and younger (Pew Hispanic Center, 2011). A

significant proportion of the Latina/o population is under the age of 18 as compared to the white population (Pew Hispanic Center, 2009b; Saenz, 2010). The percentage of Latinas/os in the general population is expected to double by 2050 (Pew Hispanic Center, 2009a).

Despite the prevailing stereotype, foreign-born and undocumented people living in the U.S. come from around the world. This group totaled 37 million in 2005, representing approximately 8% of the total population (Passel, 2006). One-third of the current population growth in the U.S. is caused by net immigration, with a significant percentage originating from Latin America (10 million), including Mexico (7 million) (US Census Bureau, 2010). In 2004, undocumented immigrants represented almost 30% of all foreign-born in this country (Passel, Van Hook, & Bean, 2004). Latinas/os account for 80% of the total unauthorized immigrant population: 58% from Mexico (Pew Hispanic Center, 2010a) and 22% from the rest of Latin America (Passel, 2006). Of Mexican-born immigrants within the past ten years, 80-85% are unauthorized.

The Department of Homeland Security (DHS) estimates that the unauthorized immigrant population in the United States increased 37% from nearly 8.5 million in 2000 to 11.6 million in 2006 (Hoefer, Rytina & Campbell, 2007). California remained the leading state of residence for undocumented individuals (2.8 million), Texas was second (1.6 million), and Florida was third (slightly less than 1 million), followed by Illinois, New York, Arizona, Georgia, New Jersey, North Carolina, and Washington (250,000-700,000 each). All other states together accounted for another three million people. Of this population, roughly 10% have obtained temporary legal authorization to live and work in the U.S., while 25-40% had overstayed their visa (Passel, 2006).

Undocumented immigrants come to the U.S. primarily to work. Other reasons may include joining family members or fleeing danger in their home country. In 2010, unauthorized migrants accounted for approximately 5% of the American labor force (Passel & Cohn, 2011). While undocumented immigrants are disproportionately young, few attend college, so they are more likely to work. The pace of unauthorized arrivals is rapidly accelerating: just over 80% of the undocumented population has arrived in the U.S. since 1990 (Passel & Suro, 2005), although there was a marked decrease in 2007-2009 compared to 2000-2005 (Passel & Cohn, 2010).

Texas reflects these national demographic trends. In 2009, the population of Texas was roughly 25 million people (USA QuickFacts, 2010). In 2009, Latina/o persons comprised 36.5 percent of the Texas population (Census Bureau, 2010), over twice the national average of 16%. In 2006, the undocumented Latina/o population in Texas was approximately 1.6 million (Census Bureau, 2010). While the proportion of unauthorized immigrants has dropped in the U.S. over the past two years, the proportion in Texas (as well as Louisiana and Oklahoma) has increased (Pew Hispanic Center, 2010a). This overall drop nationally is largely attributed to the so-called “Great Recession” and enhanced immigration enforcement measures.

**Undocumented immigrant family patterns:**

There is a wide variety of family composition among the undocumented population. In 2005, this population was comprised of 50% adult males, 35% adult females, and 15% children (Passel, 2006). While the vast majority of unauthorized adults are solo individuals, they often live with a partner or other adult relative who may be U.S. citizen or legal immigrant. Most (60%) of these families do not have children. In 2009, the number of children born to at least one unauthorized immigrant parent comprised 8% of all U.S. births (Pew Hispanic Center, 2010a).

“Mixed status” denotes families in which at least one parent is undocumented and at least one child was born in the U.S. Mixed status families comprise five out of six undocumented families with children. Of families with children, two-thirds of the offspring were citizens due to being born in the U.S. (Passel, 2006). In about one-quarter of all undocumented families, all of the children are born in the U.S. Another 7% of undocumented families have both U.S. citizen children and undocumented children. This trend is noteworthy since it encapsulates the population of undocumented students currently enrolled in Institutions of Higher Education (IHEs) throughout the US. This immigration pattern can create complicated family dynamics. Siblings within the same family may belong to different nationalities depending upon when the parents arrived in the U.S. and where the children were born. As a result, children within the same family may experience different barriers and opportunities, especially regarding access to higher education and to employment.

Until the 1980s, most of the undocumented immigrants who came to the U.S. were male seasonal workers. These individuals often came alone and left their families and children back in their countries of origin (Gonzales, 2009). However, during the past three decades, the number of labor migrations accompanied by settlement has steadily increased and dramatically altered the contours of contemporary immigrant patterns, particularly the immigrant family. The undocumented population now encompasses more women and children. Thus, children who were born abroad yet brought at an early age to live in the U.S. represent a relatively new but significant population. About two million children currently in the U.S. are undocumented immigrants (Gonzales, 2009).

Undocumented children are commonly referred as to the “1.5 generation” since they fit somewhere between the first and second generations (Gonzales, 2008). Undocumented children

do not belong to the first generation because they did not choose to migrate and often are not familiar with their country of origin. Similarly, they do not fit in the second generation because they were born and perhaps spent part of their childhood in their country of origin, even though they have adapted to the U.S. Members of the 1.5 generation have, for the most part, received much of their primary and secondary education in the U.S.

**Brief overview of immigration laws:**

Immigration laws in the U.S. are very complicated and date to the earliest foundations of this country (Ewing, 2008). While immigration is generally regarded as a function of the federal government, several states have enacted or are pursuing their own regulations. There are a number of laws and legal cases that are particularly relevant to undocumented students and their education, including higher education.

*Plyler v. Doe* is an especially pivotal case. Prior to 1975, Texas law allowed for tuition-free public education for all children of the appropriate age residing in local school districts, without taking into account citizenship status (Hutchinson, 1982). In 1975, the Texas legislature changed its education code to allow local school districts to deny enrollment to “alien” children who were not “legally admitted” to the U.S. or to charge tuition to such students. As an incentive to compliance, the law stipulated that state funds for the education of undocumented children would be garnered from local school districts. School officials in the town of Tyler in east Texas, under the direction of Superintendent Plyler, began charging about \$1,000 annual tuition for each undocumented student in accordance with provisions of the recent state law (Olivas, 2010), and many of the families with children enrolled in these schools could not afford this fee. In 1977, a class action suit was filed on behalf of children in the Tyler Independent School District who were charged tuition if they could not prove they had been legally admitted

to the U.S. A district judge issued a preliminary order requiring Tyler ISD to admit all students. In 1978, the same judge found that both the state law and Tyler's policy were unconstitutional, holding that they violated the equal protection clause of the 14<sup>th</sup> Amendment (Olivas, 2010).

The *Plyler v. Doe* case went to the Supreme Court in 1982. The Court ruled that undocumented children are "persons" under the Constitution and, according to the 14<sup>th</sup> Amendment, are entitled to equal protection under the law (Gonzales, 2009). The Court concluded that there was no empirical evidence to indicate that this policy would substantially benefit the state's interest, and it would have the counter effect of creating a permanent underclass (Ruge & Iza, 2005). Additionally, the Court held that states may not discriminate against undocumented children on the basis of their legal status in the provision of public elementary and secondary school education (Gonzales, 2009).

As a result of the *Plyler v. Doe* ruling, almost all undocumented children in the U.S. now attend elementary school. Thousands of undocumented students graduate from high school each year (Flores, 2010), although an exact graduation rate at the national or state level is difficult to ascertain. Since the 1990s, debates over *Plyler v. Doe* have shifted to the local school level. Some school boards in different states are requiring the student or parent to present a Social Security number or driver's license identification, additional "registration" for immigrant children, "safety notification" for immigrant parents, and separate schools for immigrant children (Olivas, 2010). A challenge to *Plyler v. Doe* included an Illinois school district that lost the case of *Joel R. v. Mannheim School District* in 1997. In this case, a U.S. citizen child who lived with his aunt, but had previously lived with his parents in Mexico, was considered a resident for the purpose of attending public school. A local school official erroneously told the aunt that she



needed to obtain legal guardianship in a U.S. court and that the child could not be admitted to the school if the child's mother was not a legal resident of the U.S.

Although *Plyler v. Doe* does not guarantee a higher education, it set the stage for a battle at the post-secondary level for undocumented students in the U.S. As a result, *Plyler v. Doe* has faced some challenges and more pushback against this case might be expected in the future. Studies of the *Plyler v. Doe* case shows that the practices of school districts in the U.S. to prohibit undocumented children from attending public schools have negative repercussions. Instead of protecting them from punitive immigration laws and possible deportation, such legal challenges threaten their enrollment status, undermine their academic performance and future economic potential, damage their social development, and limit their full participation in and contribution to the larger culture.

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Personal Responsibility and Work Opportunity Act (PROWORA), both passed in 1996, set federal guidelines for undocumented students in higher education (Olivas, 2004 & 2009). According to IIRIRA and PROWORA, undocumented students may attend private and public colleges, but states intending to enable these students to be eligible for in-state tuition must pass legislation allowing them to establish in-state residency. Specifically, section 505 of the IIRIRA mandates that “unauthorized aliens shall not be eligible on the basis of residence within a state for any postsecondary education benefit unless a citizen or national of the United States is eligible for the exact same benefit without regard to whether the citizen or national is such a resident” (Feder, 2010). The 505 provision from the IIRIRA appears designed to prevent states from offering in-state tuition to undocumented students enrolled at public institutions of higher

education. Since the enactment of Section 505, there have been debates about whether states should offer in-state tuition to undocumented students on some basis other than residency.

**Federal and state-level DREAM Acts:**

The Development, Relief, and Education for Alien Minors Act (DREAM Act) was introduced for the first time in the U.S. Congress in 2001. It has been proposed and defeated several times, most recently in December 2010. This federal law would have allowed undocumented students to get on a path toward citizenship and to gain legal employment by going to college or serving in the U.S. military (Flores, 2010). This legislation called for a federal level mandate that made in-state resident tuition available for undocumented students who attend an IHE. Therefore, the defeat of this legislation had a particularly negative impact on the prospects of higher education for these undocumented students.

The DREAM Act would have permitted undocumented students to obtain Legal Permanent Resident status based on multiple criteria (Gonzales, 2009). They would have been required to attend college or serve in the military and to satisfy certain additional conditions: 1) entered the U.S. at the age of 15 or younger and are under 35 on the date of the bill's enactment; 2) resided continuously in the country for at least five years prior to the bill's enactment; 3) obtained a high school diploma or its equivalent in the U.S.; and, 4) demonstrated good moral character. If undocumented students met these conditions, they would have been able to apply for six-year "conditional" legal permanent status that would eventually allow them to work, go to college, and/or join the military. If within this six year period, the DREAM Act beneficiaries completed at least two years toward a four-year college degree, graduated from a two-year college, or served at least two years in the military, they would have been able to change their conditional status to permanent and would become eligible to apply for citizenship. If it had

passed, the DREAM Act would have allowed approximately 360,000 undocumented high school graduates with the legal means to work and to secure additional economic resources for college (Batalova & Fix, 2006). In addition, it was considered likely that the DREAM Act would have provided incentives for another 715,000 youth between the ages of 5-17 to finish high school and to pursue a higher education.

The DREAM Act offered more than just a route of citizenship; it also represented an unfulfilled potential for the labor market and larger society. One of the most evident problems for undocumented youth is their limited career prospects once they reach adulthood. Today, no provision of current law permits the government to take any account of the inequities of the circumstances of undocumented students and or their potential contributions (Gonzales, 2009). On the contrary, undocumented students are subject to arrest and deportation regardless of how old they were when they arrived, who brought them here or under what circumstances, how much they have accomplished and contributed to the society, or how well they have conducted their lives.

Between 2006 and 2009, support for the DREAM Act grew among IHEs, including community and junior colleges; public and land-grant institutions; private, independent, liberal arts, and comprehensive institutions; and, minority serving institutions (Ortega, 2011). For the first time in its history, The College Board took an official position on a divisive issue and endorsed the legislation (Ramirez, 2009). The *Chronicle of Higher Education* ran numerous articles in support of the legislation. These organizations represented “a shared conviction that is vested in the value of opportunity and the continued assertion of the belief that higher education serves both public as well as individual ends” (Ortega, 2011, p. 51).

A persistent misperception is that the DREAM Act would have taken away places in IHEs and financial aid from native-born students (Gonzales, 2009). This argument is countered by two points: these students were raised in the U.S. so they are not very different from native-born students and if college admission is based on merit, then the most qualified students should be given the slot, regardless of individual immigration history. The underlying problem with undocumented students is that they are neither “non-resident aliens” (i.e., international and exchange students) nor “resident aliens” (i.e., “green card” holders). As a result, undocumented students are trapped by the imprecise application of immigration categories and different legal statuses (Olivas, 2009).

While Congress has not passed any form of the DREAM Act, ten states have developed state-level DREAM Acts in order to create in-state resident tuition policies. Each state is allowed to determine its own criteria for residency. For example, Texas defines residency based on domicile and other criteria, such as high school graduation, in order to qualify an undocumented student for in-state tuition (Salsbury, 2003). As of 2011, twelve states have granted in-state tuition to undocumented students: California, Connecticut, Illinois, Kansas, Nebraska, New Mexico, Nebraska, New York, Oklahoma, Texas, Utah, and Washington (Wisconsin revoked this provision in 2011 after approving it in 2009) (NCSL, 2011). Dougherty, Nienhuser and Vega (2010) analyze the limited research on the politics of in-state tuition in Texas and Arizona. They conclude that it is not clear why there was little opposition to in-state tuition legislation in Texas, a notably conservative state. Kansas granted in-state tuition status in 2004, a success attributed to proponents framing the legislation as a public education issue rather than as immigration policy (Reich & Mendoza, 2008).

**Issues in higher education:**

Texas enacted an in-state tuition benefit law in 2001, the first in the nation along with California. “Of all ten states, Texas has seen the largest increase in enrollment since enacting its tuition benefit law. . . . However, data indicate that many of the students who benefited from the Texas legislation were not unauthorized immigrants” (Ortega, 2011, p. 51). This is because the main criteria in most states for in-state tuition are high school attendance and graduation. As a result, U.S. citizens may benefit disproportionately since they may qualify for in-state tuition in other states, whereas undocumented students would not. In-state tuition is thought to lower the drop-out rate of undocumented Latina/o students since it gives them hope for higher education. This positive effect does not extend to employment, however, since undocumented immigrants are not eligible to work after they graduate, given current federal laws. As the nation prepares for the 2012 presidential election, immigration has once again become a central and contentious topic. Republican presidential candidate Rick Perry, the extremely conservative current governor of Texas, has been strongly criticized within his party for his prior support of in-state tuition at Texas public universities for undocumented students.

Other states have limited access to in-state tuition for undocumented students. In 2007, Oklahoma became the first state to retract its policy (Hebel, 2007). That same year, Arizona decided to no longer enroll undocumented students as in-state residents (Olivas, 2009). In Georgia, a waiver system had for years allowed each public college to accord in-state status to up to two percent of the undocumented student population; however, in 2007, a new statute took effect and, by 2008, undocumented students were unable to establish in-state residency (Olivas, 2009). In 2008, South Carolina became the first state to enact a statute barring undocumented students from attending state institutions, and Alabama has also enacted regulation to do the same (Olivas, 2009).

While state-level legislation has been a positive step toward ensuring access to higher education for undocumented students, it is not clear whether schools are adhering to the intent of these laws or the extent to which they provide equitable access to services (Contreras, 2009). The actual oversight of state level DREAM Act laws rely on the interpretation and implementation efforts of higher education administrators and staff. There is little information about the experiences of undocumented Latina students as they pursue higher education in states with DREAM Act policies. In addition, Flores (2010) notes that state-level DREAM Acts lack uniformity across the policies passed in the ten states. The policies have different residency requirements and varying criteria regarding the earning of a GED diploma. As is often the case, these laws are criticized, implemented unfairly, vulnerable to interpretation, and open to challenges (Salsbury, 2003). Further, IHEs often have their own policies on admitting undocumented students, regardless of state laws.

The cost of higher education is a significant barrier for many undocumented students. The federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) essentially states that no undocumented student may receive any post secondary educational benefit on the basis of residency in a state unless a citizen is eligible for the same benefit. Although some states offer in-state tuition to undocumented students if residency requirements are met, many require them to pay out-of-state tuition as an international student, which is often cost prohibitive. Many private scholarships require citizenship or other legal status, although some private colleges can offer scholarships or grants. There are also private scholarships that disregard immigration status, such as the Bill and Melinda Gates Foundation. Another issue related to access to and affordability of higher education is that, in general, undocumented students are ineligible for federal and/or state financial aid (Olivas, 2009). Texas is among one

of the more generous states toward undocumented students; it is one of only three states (along with New Mexico and Oklahoma) that allow access to state-level financial assistance (Olivas, 2009; Zota, 2009).

A significant challenge to in-state tuition laws occurred in California in 2008 in the case of *Martinez et al. v. The Regents of the University of California et al.* The plaintiffs argued that in-state tuition violated federal law by providing a benefit to undocumented students that was not extended to U.S. citizens. In 2010, the California Supreme Court ruled against this argument. As a result of this case, the Texas Attorney General, Greg Abbott, subsequently concluded that this ruling in California applied to Texas, and Texas would adhere to the ruling (B. Fly, 2011, personal communication).

### **Undocumented Latina students in higher education**

Although Latinas are increasingly gaining access to higher education, they achieve a lower college graduation rate. The percentage of 25-29 year old Latinas/os with a college degree was 10% in 2002, as compared to African-Americans (18%) or Whites (34%) (Arbona & Nora, 2007). Extrapolating from Department of Education (2010) statistics, between 2008 and 2010, the Latina/o graduation rate from college was 16% in both Texas and at the national level. In contrast, the graduation rate for "non-resident aliens" was 23% and 25% respectively. It is most likely that the "non-resident alien" population does not include any undocumented students, unless they have overstayed their visas. Second-generation Latinas are enrolling in college at the same rate (46%) as third-generation non-Hispanic white women. However, they are not completing their education at a comparable rate, largely because of family, work, and economic reasons (Migration Policy Institute, 2011).

Undocumented Latina students who successfully persist to the point of higher education represent a marginalized group compared to the number of undocumented students enrolled in the kindergarten through twelfth grade (Contreras, 2009). There are an estimated 1.5 million undocumented students currently residing in the U.S., of which approximately one-half arrived in the U.S. prior to age sixteen (Passel & Cohn, 2009). According to research by the Urban Institute (Passel, 2003), it is estimated that 80,000 undocumented children have lived in the U.S. for at least five years or longer. Of this number, in 2000, only one-sixth to one-fifth failed to complete high school, leaving an estimated 65,000 undocumented students who graduate from high school each year. Amaya *et al.* (2007) noted that many of these undocumented students are honor students, athletes, student leaders, and aspiring professionals. Yet, because of their immigration status, the majority of these young people are unable to access higher education. Even if they go to college, they are not legally able to obtain employment upon graduation.

The number of undocumented students decreases as they reach a higher level of education, specifically after the twelfth grade. These students are less likely to be skilled in navigating the college admission process or to even be aware that they are eligible to go on to higher education (Contreras, 2009). Accordingly, it is not surprising to see fewer undocumented students attending IHEs in the U.S. Of the estimated 65,000 undocumented high school graduates, around 13,000 enroll in public IHEs across the country (Passel, 2006). It is not known how many of these students actually graduate, since it is extremely difficult to track this demographic group. Part of the difficulty is that undocumented students are a vulnerable group whose identity must be protected, as they are at potential risk for deportation. Abrego and Gonzales 2010 point out that the barriers to higher education place this vulnerable population at risk for a life time of poverty and hardship.



It is difficult to estimate the number of undocumented students currently living in Texas. In primary and secondary public education, federal guidelines prohibit questions of legal status; while for higher education, residency is established by how long an individual has lived in a state, not by legal status (Combs, n.d.). As the Texas Comptroller of Public Accounts, Combs estimates that there were 135,000 undocumented children in Texas public schools in 2004-2005, or about 3% of the total school population. “The number of undocumented immigrants attending college in Texas also is unknown, as is the number of those paying in-state tuition rates.” Flores (2010) states that Texas and California have the largest groups of undocumented students enrolled in IHEs: 24% in California and 14% in Texas. A steady yearly increase in the overall number of undocumented students and in their percentage of the total student enrollment in Texas, particularly in community colleges, may provide a safer and more supportive environment (Jauregui, Slate and Brown, 2008). Szelenyi and Chang (2002) found that community colleges are open-admission institutions that educate a greater majority of underrepresented student populations; therefore, Latinas comprise the group with the largest percentage of enrollment in community colleges. Since community colleges are a major source of students who go on to enroll in four-year universities, they may provide an important transition stage for undocumented students.

### **Research on undocumented Latina students**

Despite a lack of research on the undocumented student population in the U.S. (Russell, 2007; Gonzales, 2008; Perez *et al.*, 2009), several recent studies explore the experiences of undocumented students in higher education. Dozier (2001) found that undocumented students had higher grade point averages and fewer academic problems and recommended that these students should be treated as two separate groups since they face very different opportunities and

challenges. Levin *et al.* (2010) studied California community colleges to identify programs that have demonstrated success at improving academic and overall achievement and emphasized the critical role of faculty and program personnel.

Some recent research focuses on resilience. Perez *et al.* (2009) found that students with high levels of protective factors reported more academic success than students with similar levels of risk factors but lower levels of protective factors. Further, Perez *et al.* (2010) reported that, despite being marginalized, undocumented Latina students were civically engaged, particularly Latina students with higher academic achievement and extracurricular participation. Stebleton, Huesman, and Kuzhabekova (2010) that immigrant students indicated a much lower sense of belonging and satisfaction compared to native college students regardless of their age upon arrival. Pérez, *et al.* (2010) conjectured that because undocumented Latina college students face a “triple minority status” (ethnic origin, lack of documentation, and economic disadvantages), they experience greater socioemotional distress. Regarding the support undocumented students receive while in college, including many Latinas, a study from Enriquez (2011) found that these students receive emotional, as well as financial support from their families, peers, teachers, and from other undocumented students, rather than from traditional institutional agents.

An important emerging literature focused on interviewing these students to examine their own stories. Contreras (2009) noted that, despite a range of backgrounds, students shared common themes around living in fear, financial barriers, campus experiences, and future concerns as well as being described as determined, hard working, engaged, and optimistic. Muñoz and Maldonado (2012) revealed that these students use their stories to develop a positive self-image that allows them to pursue academic aspirations, to persist in college, and to envision the possibility of success. In addition, the authors argue that the narratives of Latina students

reproduce and/or reinstitute elements of oppressive discourses of race, class, and gender in contemporary U.S. culture. Additional studies report similar value in encouraging these students to explore their lived experience through telling their stories (e.g., Castro-Salazar & Bagley, 2010; Morales *et al.*, 2011) as a means to cope with adversity.

### **Conclusion**

Undocumented Latina students in the U.S. face unique challenges and barriers to higher education. They experience risks that set them apart from other student groups (including native-born Latinas) and that requires a response from IHEs that meets their particular needs. The social and political context of higher education for these students often brings out their strengths and they persistence despite the threat of possible deportation to a place that may be quite foreign to them. There is a growing scholarly literature addressing this vulnerable population, which may facilitate advocacy to better assist these students in achieving a higher education and fulfilling their potential contribution to American society.

A recent policy change through the U.S. Department of Homeland Security may affect the dream of citizenship and full participation for many undocumented Hispanic students pursuing higher education in the U.S. On June 15, 2012, President Obama announced the Deferred Action for Childhood Arrivals (DACA) program. DACA applies to individuals who entered the U.S. as children and meet additional key criteria related to age, residency, educational or military status, and criminal record (Homeland Security, 2012). Effective on August 15, 2012, eligible individuals may apply on a case-by-case basis for a discretionary determination to defer the threat of deportation for a period of two years, subject to renewal, as well as potential eligibility for employment authorization, depending upon economic necessity (USCIS, 2012).

While DACA may seem on the surface to have at least short-term benefits for undocumented university students, the long-term implications are not clear. This process does not convey lawful status or a path to permanent residency or citizenship. The political climate in the country could change dramatically in the next two years, leaving many students who applied for this status for visible and vulnerable. Further, this program does not represent any significant movement toward comprehensive immigration reform, including enactment of the DREAM Act by Congress.

**References**

- Amaya, L., Escobar, W., Gonzales, M., Henderson, H., Mathay, A., Ramirez, M., Viola, M., & Yamini, N. (2007). Undocumented students. Unfulfilled dreams... *UCLA Center for Labor Research and Education*. 1-16.
- Abrego, L.J. & Gonzales, R.G.(2010). Blocked paths, Uncertain futures: The postsecondary education and labor market prospects of undocumented Latino youth. *Journal of Education for Students Places at Risk*, 15, 144-157.
- Arbona, C. & Nora, A. (2007). The influence of academic and environmental factors on Hispanic college degree attainment. *The Review of Higher Education*, 30(3), 247-269.
- Batalova, J., & Fix, M. (2006). New estimates of unauthorized youth eligible for legal status under the DREAM Act. Washington, D.C.: Migration Policy Institute.
- Castro-Salazar,R. & Bagley, C.(2010). ‘Ni de aqui ni from there’. Navigating between contexts: Counter-narratives of undocumented Mexican students in the United States. *Race Ethnicity and Education*, 13(1), 23-40.
- Combs, S. (n.d.). Window on state government. Texas Comptroller of Public Accounts. Undocumented Immigrants in Texas. Retrieved on April 25, 2011 from <http://www.window.state.tx.us/specialrpt/undocumented/3education.html>.
- Contreras, F. (2009). Sin papeles y rompiendo barreras: Latino students and the challenges of persisting in college. *Harvard Educational Review*, 79(4), 610-631.
- Dougherty, K. J., Nienbusser, H.K. & Vega, B.E. (2010). Undocumented immigrants and state higher education policy: The politics of in-state tuition eligibility in Texas and Arizona. *The Review of Higher Education*, 34(1), 123-173.

- Dozier, S. B. (2001). Undocumented and documented international students: A comparative study of their academic performance. *Community College Review*, 29(2), 43-53.
- Dreamer, R. (2010, February 26). My name is Robert and I am undocumented. Retrieved on January 26, 2010 from [http://immigration.change.org/blog?category\\_id=undocumented\\_student](http://immigration.change.org/blog?category_id=undocumented_student)
- Enriquez, L.A. (2011). ““Because we feel the pressure and we also feel the support:” Examining the educational success of undocumented immigrant Latina/o students. *Harvard Educational Review*. 81(3), 476-499.
- Ewing, W. A. (2008, November 25). Opportunity and exclusion: A brief history of U.S. immigration policy. Immigration Policy Center. Retrieved on October 11, 2011 from <http://www.immigrationpolicy.org/issues/history>
- Feder, J. (2010). Unauthorized alien students, higher education, and in-state tuition rates: A legal analysis. *Federal Publications Paper 773*. Retrieved on March 3, 2011 from [http://digitalcommons.ilr.cornell.edu/key\\_workplace/773/](http://digitalcommons.ilr.cornell.edu/key_workplace/773/)
- Flores, S.M. (2010). State DREAM Acts: The effect of in-state resident tuition policies and undocumented Latino students. *The Review of Higher Education*, 33(2), 239-283.
- Gonzales, R. G. (2008). Left out but not shut down: Political activism and the undocumented student movement. *Northwestern Journal of Law and Social Policy*, 3, 1-22.
- Gonzales, R. G. (2009). Young lives on hold: The college dreams of undocumented students. *College Board Advocacy*, 1-27.
- Hebel, S. (2007, November 2). Arizona’s colleges are in the crosshairs of efforts to curb illegal immigration. *Chronicle of Higher Education*, pp. A15.

- Hoefler, M. (2006, November). Estimating the immigrant stock in the United States by legal status using administrative and census data. Retrieved on October 12, 2011 from <http://unstats.un.org/unsd/demographic/meetings//DOC%2016%20USA-Hoefler.pdf>
- Hoefler, M., Rytina, N., & Campbell, C. (2007). Estimates of the unauthorized immigrant population residing in the United States: January 2006. Washington, DC: Office of Immigration Statistics. Population Statistics.
- Homeland Security (n.d.). Secretary Napolitano announces deferred action process for young people who are low enforcement priorities. Retrieved on August 30, 2012 from <http://www.dhs.gov/deferred-action-process>
- Hutchinson, D.J. (1982). More substantive equal protection? A note on *Plyler v. Doe*. *The Supreme Court Review*. Vol. 1982, 167-194.
- Immigration Policy Center (2010, October 12). Giving facts a fighting chance: Answers to the toughest immigration questions. Retrieved on April 22, 2011 from <http://www.immigrationpolicy.org/special-reports/giving-facts-fighting-chance-answers-toughest-immigration-questions>
- Jauregui, J. A., Slate, J. R., & Brown, M. S. (2008). Texas community colleges and characteristics of a growing undocumented student population. *Journal of Hispanic Higher Education*. 7(4), 346-355.
- Levin, J. S., Cox, E. M., Cerven, C. & Haberler, Z. (2010). The recipe for promising practices in community colleges. *Community College Review*, 38(1), 31-58.
- Migration Policy Institute (2011, November). Up for grabs: Second-generation Hispanic women enroll in college at same rate as third-generation White women but lag in Completion.” Retrieved on May 22, 2012 from [http://www.migrationpolicy.org/news/2011\\_11\\_15.php](http://www.migrationpolicy.org/news/2011_11_15.php)

- Morales, A., Herrera, S., & Murry, K. (2011). Navigating the waves of social and political capriciousness: Inspiring perspectives from DREAM-eligible immigrant students. *Journal of Hispanic Higher Education, 10*(3), 266-283.
- Muñoz, S., & Maldonado, M. (2012). Counterstories of college persistence by undocumented Mexicana students: Navigating race, class, gender, and legal status. *International Journal of Qualitative Studies in Education, 25*(3), 293–315.
- National Association of Hispanic Journalists (NAHJ). (2006, March). NAHJ urges news media to stop using dehumanizing terms when covering immigration. Retrieved on April 22, 2011, from <http://www.nahj.org/nahjnews/articles/2006/March/immigrationcoverage.shtml>
- National Conference on State Legislatures (NCSL). (2011, October). Undocumented student tuition: State action. Retrieved on October 14, 2011 from <http://www.ncsl.org/default.aspx?tabid=12846>
- Olivas, M. (2004). IIRIRA, the DREAM Act, and undocumented college student residency. *Immigration & Nationality Law Review, 25*, 323.
- Olivas, M. A. (2009). Undocumented college students, taxation, and financial aid: A technical note. *The Review of Higher Education, 32*(3), 407-416.
- Olivas, M. (2010). *Plyler v. Doe*: Still guaranteeing unauthorized immigrant children’s right to attend US public schools. Washington, D.C. *Migration Information Source. Migration Policy Institute. 1-6*. Retrieved on February 10, 2011 from: <http://www.migrationinformation.org/Feature/display.cfm?ID=795>
- Ortega, N. (2011). The role of higher education associations in shaping policy



that connects immigration to educational opportunity: A social capital framework.

*Journal of Hispanic Higher Education*, 10(1), 41-65.

Passel, J.S. (2003). Further demographic information relating to the DREAM

ACT. Washington, DC: Urban Institute. Retrieved on April 22, 2011 from

[http://www.nilc.org/immlawpolicy/dream/dream\\_demographics.pdf](http://www.nilc.org/immlawpolicy/dream/dream_demographics.pdf)

Passel, J.S., Van Hook, J. & Bean, F. (2004). *Estimates of the legal and unauthorized foreign-born population for the United States and selected states. Based on Census 2000 Report to the Census Bureau*. Washington, DC: Urban Institute.

Passel, J. S. (2006, March 7). *The size and characteristics of the unauthorized migrant population in the U.S.: Estimates based on the March 2005 current population survey*. Washington, D.C.: Pew Hispanic Center. Retrieved on April 22, 2011 from <http://www.pewhispaniccenter.org/files/reports/61.pdf>

Passel, J. S. (2011, February 1). *Unauthorized immigrant population: National and state trends*. Washington, D.C.: Pew Hispanic Center.

Passel, J. S. & Cohn (2009, April 14). *A portrait of unauthorized immigrants in the United States*. Washington, D.C.: Pew Hispanic Center.

Passel, J. & Cohn, D. (2010, September 1). *U.S. unauthorized immigration flows are down sharply since mid-decade*. Retrieved on October 12, 2011 from <http://pewhispanic.org/reports/report.php?ReportID=126.pdf>

Passel, J.S. & Suro, R. (2005, September). *Rise, peak and decline: Trends in U.S. Immigration 1992-2004*. Washington, D.C.: Pew Hispanic Center.

Perez, W., Espinoza, E., Ramos, K., Coronado, H. M., & Cortes, R. (2009).

Academic resilience among undocumented Latino students. *Hispanic Journal of Behavioral Sciences*. 31(2), 149-181.

Perez, W., Espinoza, E., Ramos, K., Coronado, H. M., & Cortes, R. (2010). Civic engagement patterns of undocumented Mexican students. *Hispanic Journal of Higher Education*, 7(4), 346-355.

Pérez, W., Cortés, R.D., Ramos, K., & Coronado, H. (2010), “Cursed and blessed”: Examining the socioemotional and academic experiences of undocumented Latina and Latino college students. *New Directions for Student Services*, no. 131, 35-51. DOI: 10.1002/ss.366

Pew Hispanic Center (2009a, December 07). Hispanics in the news: Events drive the narrative. Retrieved on April 22, 2011 from

[http://www.pewtrusts.org/our\\_work\\_detail.aspx?id=214](http://www.pewtrusts.org/our_work_detail.aspx?id=214)

Pew Hispanic Center (2009b, December 11). Between two worlds: How young Latinos come of age in America. Retrieved on April 22, 2011 from

[http://www.pewtrusts.org/our\\_work\\_detail.aspx?id=214](http://www.pewtrusts.org/our_work_detail.aspx?id=214)

Pew Hispanic Center (2010a, February 2). Unauthorized immigrant population: National and state trends, 2010. Retrieved on April 22, 2011 from

<http://www.pewhispanic.org/reports/report.php?ReportID=133.pdf>

Pew Hispanic Center (2010b, August 11). Unauthorized immigrants and their U.S.-born children.

Retrieved on April 22, 2011 from [http://www.pewtrusts.org/our\\_work\\_detail.aspx?id=214](http://www.pewtrusts.org/our_work_detail.aspx?id=214)

Pew Hispanic Center (2011, March 25). Hispanics account for more than half of nation’s growth in past decade. Retrieved April 22, 2011 from

[http://www.pewtrusts.org/our\\_work\\_detail.aspx?id=214](http://www.pewtrusts.org/our_work_detail.aspx?id=214)

- Pew Hispanic Center (2012, April). When Labels Don't Fit: Hispanics and Their Views of Identity. Retrieved May 25, 2012 from <http://www.pewhispanic.org/2012/04/04/when-labels-dont-fit-Hispanics-and-their-views-of-identity/>
- Ramirez, E. (2009). College Board backs bill to legalize undocumented students. On Education. U.S. News. Retrieved January 30, 2011 from <http://www.usnews.com/blogs.on-education/2009/04/22>
- Ramirez, P. (2010, December 8). Top five immigration stories of 2010, #2: The DREAM Act. Retrieved on January 26, 2011 from <http://multiamerican.sepr.org/tag/pedro-ramirez/>
- Reich, G. & Mendoza, A. A. (2008). 'Educating kids' versus 'coddling criminals': Framing the debate over in-state tuition for undocumented students in Kansas. *State Politics & Policy Quarterly*, 8(2), 177-197.
- Ruge, T. & Iza, A. D. (2005). Higher education for undocumented students: The case for open admissions and in-state tuition rates for students without lawful immigration status. *Indiana International and Comparative Law Review*, 15(2), 1-22.
- Russell, A. (2007, August). *In-state tuition for undocumented immigrants: States' rights and educational opportunity*. American Association for State Colleges and Universities. Retrieved on April 22, 2011 from [www.aascu.org](http://www.aascu.org)
- Saenz, R. (2010). Latinos in the United States. Population bulletin update. Population Reference Bureau. Retrieved on March 2, 2011 from <http://www.prb.org>
- Salsbury, J. (2003). Evading "residence": Undocumented students, higher education, and the states. *American University Law Review*, 53(2), 459-490.
- Stebbleton, M. J., Huesman, R. L. & Kuzhabekova, A. (2010). *Do I belong here? Exploring immigrant college student responses on the SERU Survey sense of belonging/satisfaction*

- factor*. Research and Occasional Paper Series. Center for Studies in Higher Education. Berkeley: University of California. p. 1-2.
- Szelenyi, K. & Chang, J. C. (2002). ERIC Review: Educating immigrants: The community college role. *Community College Review*, 30(2), 55-73.
- USA QuickFacts, U.S. Census Bureau (2010, November 4). USA: People Quick Facts. Retrieved on April 22, 2011 from <http://quickfacts.census.gov/qfd/states/00000.html>
- U. S. Census Bureau. (2001, March). Overview of race and Hispanic origin. Retrieved on April 22, 2011 from <http://www.census.gov/prod/2001pubs/c2kbr01-1.pdf>
- U. S. Census Bureau. (2010). Hispanics in the United States. A presentation that highlights past, present and future trends of the Hispanic population. Retrieved on April 20, 2011 from <http://www.census.gov/>
- U. S. Census Bureau (n.d.). *Population profile of the United States*. Retrieved on April 22, 2011, from <http://www.census.gov/population/www/pop-profile/natproj.html>
- U. S. Citizenship and Immigration Services (USCIS). (n.d.). U. S. Department of Homeland Security. Glossary of terms. Retrieved on April 22, 2011 from <http://www.uscis.gov/portal/site/uscis/menuitem.glossary>
- U. S. Department of Education. (2010). Institute of Education Sciences. State Education Data Profiles. Postsecondary Education. Data from IPEDS 2008-2009 & 2009-2010. Retrieved March 2, 2011 from <http://nces.ed.gov/programs/stateprofiles/result.asp?mode=full&displaycat=4&s1=48>
- Zota, S. (2009, Spring/Summer). Unauthorized immigrants' access to higher education: Fifty states, different directions. *Popular Government*, p. 46-54.