

**Exploring Undocumented Students' Understandings of the Role
Of Higher Education during the Trump Era**

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Abstract

Law pertaining to immigrants is conceptualized as legal violence (Menjívar and Abrego 2012). Deferred Action for Childhood Arrivals (DACA) is an executive policy with an uncertain future under the Trump administration. In California, many DACA beneficiaries are students at public colleges and universities. This paper conceptualizes DACA as another form of legal violence and draws from 30 in-depth interviews with undocumented students to explore the ways in which undocumented students believe the role of their college/university is to mitigate the legal violence stemming from the liminality of DACA. Some participants believe their colleges/universities should provide safety, specifically via the designation of sanctuary campus status for its symbolic importance, others believe their colleges have a responsibility beyond intellectualism sharing they should be progressive leaders against xenophobia, while others expressed cynicism, describing institutions of higher education as corporations interested in their brand rather than in being immigrant rights advocates on behalf of their students. This study serves as a way for institutions of higher education to learn how undocumented students perceive their roles and duties. At the end of this paper, the author suggests how colleges and universities can work towards mitigating legal violence in the lives of undocumented students.

Introduction

The Trump Era has ushered in fears about detention and deportation for undocumented immigrants. Many of those in fear are young undocumented students who benefit from Deferred Action for Childhood Arrivals (DACA) and who attend colleges and universities in the California public system. In September 2017, ex-Attorney General Jeff Sessions, announced the repeal of DACA and since then, the rescission has since been met with multiple legal challenges leaving the future of DACA recipients in limbo. Given the threat to DACA, undocumented students are likely to face the effects of legal violence. Legal violence is defined as the instability that immigrants with tenuous legal statuses experience in their daily lives due to current immigration law (Menjívar and Abrego 2012). Centering the voices of 30 undocumented students (29 with DACA and 1 without DACA), this paper discusses students' understandings of the role of their institution of higher education during the Trump Era. Some undocumented students express the need for their college to have a responsibility for their general safety and for anti-xenophobic progressivism while others convey cynicism about higher education, arguing that institutions of

higher education are self-interested corporations not likely to be leaders in undocumented student equity without student pressure. This analysis is critical in chronicling student experiences as a way to encourage institutions of higher education to think about their roles as important social institutions during an overtly xenophobic presidential administration that hopes to threaten the livelihood of some of their current and future students.

Undocumented Student Experiences in Higher Education

Many undocumented youth experience higher education as more of a revolving door than as a dependable conduit for social mobility and incorporation patterns in the U.S (Abrego and Gonzales 2010; Gonzales 2016; Bjorklund Jr. 2018). For many, paying for college is difficult even after passage of in-state tuition and financial aid for some undocumented students (Abrego 2006, 2008). Financial hardship and excessive stress cause some to withdraw with the intention of returning in the future (Abrego 2006, 2008; Terriquez 2014). Undocumented students' race, class, gender, and (often) first-generation college student status, and immigration status work together to push out undocumented students from college (Enriquez 2017). Those able to attend university experience feelings of isolation and are concerned about how tenuous legal statuses and immigration laws may affect their future in the country (Abrego 2008; Gonzales 2016; Terriquez 2014).

Although the 2012 executive order DACA has provided a sense of stability, employment opportunities and other benefits for some undocumented youth, recent threats to end DACA, and an overt anti-immigrant context under the current presidential administration have reinforced uncertainties about their livelihood in the United States. New research has begun to recognize the importance of the institutional side of educational incorporation for this population. Golash-Boza and Valdez (2018) argue that favorable California state laws that provide in-state tuition and financial aid for some undocumented students combined with a welcoming university climate with peer, staff, and faculty support networks reduced the stigma of undocumented status and promote a sense of pride in their status. These factors facilitate a sense of belonging, legitimize undocumented students' presence at their university, and position them in favorable conditions for educational success compared to their counterparts outside of California or those who had come before them. However, this did not erase students' fears of deportation of themselves and family members (Golash-Boza and Valdez 2018). This literature demonstrates that institutions of higher education have historically excluded undocumented student populations and how those in California are now beginning to implement inclusionary measures. In the following section, I explain what legal violence is and how DACA fits within its theoretical framework.

Legal Violence

Menjívar and Abrego conceptualize immigration law as legal violence (2012). Responding to Mary Jackman's call (2002) to examine forms of violence that are not intentional acts meant to inflict direct pain on others, Menjívar and Abrego argue that legally sanctioned social suffering exists. With the convergence of immigration law and criminal law in recent times, legal violence stems from a United States legal system that says it is meant to protect the country. However, this protection has come in the form of draconian immigration laws. Legal violence is structural in that it is exerted via laws and symbolic in that it is held up by the social order and normalized. Such a lens assists in understanding how structural, symbolic and legal violence reinforce each other and harm immigrants with tenuous legal statuses.

In their study, Menjívar and Abrego (2012) focus on how legal violence affects the work, family, and school lives of Central American immigrants and manifests in blocked paths of mobility. In particular, they include Temporary Protected Status (TPS), Immigration Reform and Control Act (IRCA) of 1986, 287g agreements, among others in their examination. At the time of their data collection, DACA was not a policy in place. I argue that because it offers temporary protection, no pathway to legalization, and President Trump has threatened to end it, it is also part of immigration law that inflicts legal violence on the undocumented young adult population by placing them in legal limbo that affects many realms of their lives. This is important because it is this perspective, that of experiencing legal violence, that informs the undocumented students' understanding about institutions of higher education in the current socio-political context.

Methods

The data for this study comes from a larger study about institutional support for undocumented students across the California public university and college system. This tripartite system is made up of community colleges, state universities and University of California campuses. I gained access to one of each type for a total of three research settings and recruited student participants predominantly at campus Dream Resource Center programming and events and via snowball methodology. I engaged 10 students from each research site in approximately 1-hour long semi-structured interviews for a total of 30 interviews. All but one student interviewee identified as Latino. The non-Latino student interviewee identified as Asian American. During the time of their interview, all but one were DACA beneficiaries. This sole student was not protected by any temporary legal protection.

Data collection took place from April 2017 to June 2018. Interviews often took place in rooms in the campus Dream Resource Center, nearby student affairs offices, coffee shops, and my university graduate student office when that proved convenient for both parties. My proximity in age to many of the student participants also enabled for candid conversation.

I obtained institutional review board (IRB) permission from my home institution as well as inter-institutional IRB permission from the state university and the UC campus. Since community colleges do not have IRB offices, I obtained official permission from their Office of Institutional Effectiveness and Office of Student Services. All three sites have the largest population or near the largest population of undocumented students of their respective systems.

Given the three comparative cases, I employed constant comparison throughout and after data collection (Glaser and Strauss 1967; Corbin and Strauss 2015). Interviews were transcribed verbatim, read multiple times, and coded line-by-line for recurring themes. I also engaged in memo writing to capture coding processes and coding choices (Saldaña 2013). The coding categories were informed by the research questions and later by emerging themes from interviews, field notes, and memos. Additional rounds of coding of all data ensured that my thematic coding remained consistent. Themes that were consistent across all three research sites are reported here. All names of participants were changed to pseudonyms to protect students' identities.

Findings

Three patterns emerged in this study that asked how undocumented students' understood the role of their college/university during the Trump Era. First, some undocumented students understand the role of their college/university as a place that is supposed to provide them with safety. For them, a sense of safety can be fostered by university statements like the declaration of

campus as a sanctuary.¹ Although designation of sanctuary status does not stop ICE from coming into campus completely, the symbolism of the status signifies the campus' commitment to protecting their students by limiting their cooperation with officials. Second, others believe that colleges and universities could be progressive leaders against xenophobia. Third, other students argue that institutions of higher education are corporations preoccupied with abiding law and promoting their brand and thus not truly interested in shielding undocumented students from legal violence.

Declaring Sanctuary Campus Status for Symbolic Significance

Undocumented students believe that it is the role of their institution of higher education to provide safety for them. Many reason that it was the institution's responsibility to ensure that they could be students without worrying about threats of detention and deportation. Elisabeth, a student at the community college recounted when a rumor that ICE was on campus led students to understand that campus safety may not be an automatic given but rather something that the institution needs to work to provide. Elisabeth explains the shock and fear she felt when she heard about the news that ICE was reported on campus:

And then he [staff member at the Dream Resource Center] told me and I was all "Oh, my God!" and then I remember my heart started beating fast and like, that's scary, but like, it's not true, right? And I like, after I heard I was calm but I feel like if I would've known when I was out, I would be more like, "Oh, my God," panicking, you know. But I do feel like, in a sense, it is scary because you don't know if it could actually happen.

Although the news that ICE was on campus ended up being an online rumor that had reached staff members and students, Elisabeth's quote shows that ICE appearing on campus is a genuine fear for undocumented students. Elisabeth and other students at her college shared that they want to feel secure in knowing ICE would not be on campus. For these students, the symbolic meaning of the declaration and designation was of the utmost importance given that the college had a large undocumented student population. Samuel expressed the importance of sanctuary campus designation:

How can we protect students? Even for [community college campus], they didn't want to have it on paper—that it was sanctuary because they might lose funds. Okay, we might lose funds but we need to protect students. I was working with [student body government]. We talked to the president of [the college]. We had meetings. The board created a committee. How can we improve this protection? How can we improve this thing we are trying to write. We need something to let people feel like they are safe and they can just focus on school.

Samuel wanted the district to publicly declare they would not work with ICE in detaining people. The designation of sanctuary campus does not equate to zero possibility of ICE entering campus and detaining students but the declaration would show a commitment that the district was doing everything it its power given legal limitations to protect its own students. Designation

¹ Sanctuary status designation may include denial of county funds toward enforcement based on immigration status, refusal holding of ICE detainees, or refusing to let ICE agents into public spaces without judicial warrant. ICE can still detain and deport but may have less support from localities. <https://law.stanford.edu/2018/03/09/undocumented-immigrants-sanctuary-jurisdictions-law/>

is critical because it allows students to experience mental ease and to focus on their academics knowing that their campuses will not cooperate with ICE without judicial warrant. The designation represents a public distancing and political disagreement with the federal government in power.

Along with Sam and Elisabeth, other undocumented students argued that since they pay for their education, this should guarantee their safety on campus. Alejandra, a University of California student expressed the following about her college's responsibility to provide safety:

If they're accepting the [undocumented] students into the campuses, it's because they wanted them there. I feel like they shouldn't just be like, I wanted you there because all these things on your application, but now that you're seeing that you're undocumented, now that you're seeing this, well figure those struggles out on your own. I feel like whatever students are accepting, they have a responsibility to make sure that they have spaces for the students, make sure that they're providing safety for those students in a sense, yeah.

Alejandra voices that undocumented students may feel as if their college campuses are seeking to be diverse places that do not seem to advocate for the well-being of students with tenuous legal statuses when the political context changes. This means that some students expect their institution of higher education to be an advocate for them and to not just place value on their personhood when DACA is intact. Undocumented students like those aforementioned want their institutions of higher education to move forwards with actions like sanctuary campus designation and legal resources. Linked to this argument that colleges and universities should provide safety for their undocumented students is the belief of many students that these institutions have a responsibility for anti-xenophobic progressivism.

Responsibility For Anti-Xenophobic Progressivism

Students also shared that they believed their institutions of higher education had a responsibility to promoting progressivism, specifically anti-xenophobia. For example, Daisy, a student at the University of California, expressed that an educational setting meant to produce intellectuals and good citizens, like that of her college, should also confront social problems. She states:

The goal is for university not only to produce intellectuals, but also people who are good citizens, so ... How can I say this? Right now, the situation that we're in with the political climate and all that stuff, we have students of Muslim backgrounds, LGBTQ backgrounds, people of color who are being attacked and so if the school themselves do not recognize these issues and don't provide support for them or even advocate, they're not providing that justice. Yes, they are providing great professors. Maybe super extreme faculty who have gotten like, I don't know, Nobel Prizes. I guess that would seem ideal for the student because in a sense, they are fostering a very high educational institution here, but if they ignore these social problems, they're not creating the sense of justice.

Daisy understands that legal violence is indeed happening under the Trump administration through law and explains that marginalized populations are feeling "attacked." In the above quote, Daisy recognizes that the university values intellectualism by noting that they have ac-

complished faculty who are points of pride for the university. She shares that the university should not just care about academics but also have interest in providing institutionalized support and producing good citizens which she defines as advocates for populations being targeted by the Trump administration. She believes the role of her university is to promote progressive leaders against xenophobia.

In addition, Erika, a student at the Cal State University conveyed that by taking a stance to support undocumented students and undocumented immigrants more broadly, the university could have an anti-xenophobic oriented ideological impact on its students. She says:

Maybe someone that was neutral on immigration reform that they didn't know, which side to turn, they could come here and they can see, well actually, they're not the bad hombres that people are categorizing them.

Erika's understanding of her college having a responsibility for progressive was about the college's potential to make powerful statements through their public statements and institutional support for their undocumented students. She believed that these actions could shift broader cultural understandings of immigrants for other students on campus. A shift in these cultural understandings of immigrants could decenter the criminalization of immigrants as well as reduce the effects of legal violence. Just as there were students who believed that institutions of higher education should provide safety and reduce legal violence for undocumented students, there were also students who believed that institutional interest prioritized law and their corporate brand.

But Do They Really Care?

Some students had a critical view of their institutions of higher education and questioned if they really cared about their undocumented students and immigrant rights more generally. They were skeptical of institutions of higher education's interest and capacity to mitigate effects of legal violence for their undocumented students. When asked if he believed his campus would act to protect students if ICE was on campus, Max, a student at the California State University proclaimed the following:

Not really. Only because to the university the law comes first. And the law doesn't equate to justice, especially since the university wants to play the galleries before standing against the law itself. So for example, or I guess to simplify that is like, they're okay ... They're not okay with ICE and border patrol coming in on campus, right? But they are okay if they had a search warrant or an arrest warrant for an individual. And they're not okay with giving out that information open-handedly, unless the search warrant is given to the campus police or they are allowed to search the campus for a student.

In the quote, Max pointed out that the university placed value in following the law and that in some way or another, they would not protect their undocumented students from the state's hands. Max and other students had little faith in higher education to follow through in ensuring safety and advocating for the immigrant population. By saying that the university abides by the law, Max is implying that institutions of higher education are perpetuating legal violence. In his perspective, campus may just be an arm of ICE.

Similarly, Lola, a student at the University of California, feels that any type of support in place for undocumented students has been to make the university and its brand look progressive

rather than an honest intent at being a progressive supporter of undocumented students. She asserts:

Well, I think first of all, the only reason [Dream Resource Center] or the space exists is because students fought battles for those. They wouldn't have been created otherwise. And if they wouldn't have been created otherwise, that means that the university doesn't really care. The university isn't driving the change. It's people who are having conversations and pushing administrators to even think or talk about because otherwise they won't. So it's like if you want someone to do something they don't really want to do it but you are pushing them to the edge so they do it and they do it, does it mean they care? Absolutely not. [UC campus] is a corporation, it cares about its brand, it's all about the brand, it cares about its name. it's a personified institution, who is UC [campus]? Does [UC campus] care?

Lola understands the role of institutions of higher education as a corporation that is concerned with its brand. She underscores that it is student activists that have advocated for student support services like her on-campus Dream Resource Center and not administration leaders. Her understanding resonates with scholars who argue that colleges and universities participate in neoliberal market-driven discourses (Giroux 2002; Gaffikin and Perry 2009). Lola and other students' understanding of the role of higher education during the Trump Era is one that does not believe they have an interest in combating legal violence without added student pressure.

Discussion

As Menjívar and Abrego discuss, legal violence is a pervasive force that affects the daily lives of immigrants with tenuous legal statuses. This study explores how undocumented students understand the role of institutions of higher education during the Trump Era, a time when legal violence has intensified due to a highly xenophobic administration. For most of the students in this study, their college/university was more than just a place where they took classes for a degree. It was clear that students had expectations of their university. Many expect their college/university to mitigate legal violence directed toward them. Given the history of undocumented students' exclusion and challenges at institutions of higher education, expectations of safety and progressivism may not seem reasonable upon initial consideration. Yet, there is reason for California colleges and universities to make progress towards these expectations given they are the home of the largest population of undocumented students in the country and, whether or not DACA is officially terminated, will continue to be for incoming undergraduate and graduate classes thanks to state laws like the California Dream Act.

Some students believe that safety had to be provided by their colleges and universities. Interestingly, it was not something assumed but rather something that these institutions had to work to provide. They spoke about their campus as a place where being detained was a reality and believed it was their college's role to protect them from this form of legal violence. This led to students advocating for sanctuary status designation for their campus. For them, the symbolic significance demonstrated that their college was doing what was legally possible to protect them from ICE. Such designation may bolster a welcoming local context for students' educational access and attainment as Golash-Boza and Valdez find in their study (2018). Others believed that their role was linked to a responsibility for progressivism. These students believed their colleges could advocate for immigrants targeted by the Trump administration. This included playing a

role in informing students' cultural understandings of immigrants by conceptually disentangling categorically immigrants from criminals. This ideological decoupling disrupts social norms of legal violence. Lastly, some students understood institutions of higher education as self-interested corporations that required internal forces, in the form of students, to make institutional changes meant to support undocumented students. In this group's view, the role of institutions of higher education was not imagined to be one of mitigating legal violence. However, undocumented students expect them to take on a protective role that advocates for their livelihood in the United States. I note some ways in which institutions of higher education can realistically move towards this direction in the following section.

Conclusion

This article encourages colleges and universities to think about their role in the way that their undocumented students do so during the Trump Era. Students are calling for safety for their well-being on their campuses. They are also challenging their colleges/universities to be progressive leaders in behalf of marginalized populations. In this sense, colleges and universities should fight against neoliberal logics by embracing students' calls to action and demonstrating a true institutional commitment for social equity. This is a critical time in history given that the (1) future of DACA is uncertain and (2) even if it remains in place it provides no path to citizenship.

Although it is often believed that institutions of higher education are solely involved in the academic realm, students believe these institutions have a duty to be on the right side of history in reducing social suffering. Different avenues exist to move in this direction. This includes providing institutional spaces of support like Dream Resource Centers which provide legal, financial, and academic assistance to undocumented students. Some public colleges and universities in California have instituted them or have designated a staff person with legal expertise to assist undocumented students. The students in this study attended colleges that had Dream Resource Centers or similar programs. This means that institutional support is not the only step that colleges and universities can take in being allies. Secondly, there should be additional scholarships for DACA students since research finds that DACA status does not eliminate financial struggle for students. Thirdly, non-DACA/non-AB-540 undocumented students are often forgotten in these discussions. These populations are not legally protected in any way and do not qualify for the same benefits as their DACA/AB-540 counterparts. These students should be financially supported through scholarships and should not be forgotten in discussions related to undocumented students as they are an extremely vulnerable population.

Lastly, colleges and university leaders should continue making public statements about their support for their undocumented students. These statements are expressions of resistance against xenophobia that are meaningful to not just undocumented students but that also maintain pressure on local, state, and national politicians to mobilize collectively towards providing a secure future for immigrants in the form of a pathway for legalization.

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