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Mediating Illegality: Federal, State, and Institutional Policies in the Educational Experiences of Undocumented College Students

Running Head
Mediating Illegality

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Abstract
Immigration federalism scholarship has established that state and local government policies can make federally defined immigration status more or less consequential. Drawing primarily on focus groups and interviews with 184 undocumented students attending the University of California, we suggest that institutional policies work alongside state and local efforts to mediate the consequences of illegality for undocumented students. We find that the Deferred Action for Childhood Arrivals program, state-funded financial aid policies, and university support programs all facilitate the integration of undocumented students by increasing access to higher education and enabling fuller participation. Although federal policies contribute to persistent barriers to academic engagement and professional development, we show that universities can intervene to improve educational experiences and opportunities. Ultimately, we argue that university policies are a key site for intervening in immigration policy and constructing immigrant illegality.

INTRODUCTION

> I remember when I was in community college, even though the tuition was way lower, it was a struggle because I didn't have [money]. This is pre-DACA, pre-[California] Dream Act, and it was all self-funded. … I switched over to UCLA and I was able to work on campus and get paid legally, have direct deposit, and just feel recognized. – Victoria

Reflecting on the changes she has seen over her six years as an undocumented college student, Victoria pointed to the deep impact of laws and policies on her educational experiences. In 2013, she received a work permit through the Deferred Action for Childhood Arrivals (DACA) program and access to state-funded financial aid through the California Dream Act. Prior to this point, she paid for college by working under the table at a restaurant on the weekends. These federal and state policies greatly facilitated access to higher education for Californian undocumented young adults. Yet, throughout her interview, Victoria also referenced institutional changes at UCLA that helped her succeed—staff members dedicated to working with undocumented students and new programs developed to meet their unique needs. Victoria's example demonstrates that federal, state, and university policies structure the educational incorporation of undocumented college students. In this article, we explore how these multiple levels of laws and policies work together to mediate the consequences of illegality for undocumented students.

Although Congress determines immigration policy, localities, states, and the federal executive branch share authority to make immigration status more or less consequential in the everyday lives of undocumented immigrants (Rodríguez 2008; Chacón 2012; Gulasekaram and Ramakrishnan 2016). States and localities mediate illegality by adopting pro-immigrant policies, such as providing in-state college tuition, driver's licenses, and municipal identification cards to undocumented immigrants and limiting cooperation with federal immigration authorities (Varsanyi 2006; Flores 2010; de Graauw 2014; Ramakrishnan and Colbern 2015; Armacost 2016; Chen 2016). Missing from this scholarship is attention to educational institutions as a site for intervening in immigration policy.

Drawing primarily on focus groups and interviews with 184 undocumented college students attending the University of California (UC), we explore how federal, state, and institutional policies mediate the consequences of illegality for a highly integrated subset of undocumented young adults. We find that DACA, state laws, and university resources facilitate educational access and belonging in distinct ways. Even in this supportive legal context, undocumented students face persistent barriers, including disrupted academic engagement and limited professional development. Though barriers cannot be fully eliminated without federal policy changes, institutional policies shape some of these consequences. In all, we argue that university policies help construct immigrant illegality and are a site for mediating its consequences.

THEORIZING MULTIPLE LEVELS OF IMMIGRATION POLICY

Theories of immigrant illegality shift focus away from individual-level documentation status to explore how federal, state, and local laws and policies make undocumented immigrants' everyday actions "illegal." It establishes that laws produce an undocumented immigrant category and make it a consequential source of social stratification by structuring undocumented

immigrants' everyday life and limiting their long-term incorporation (De Genova 2002; Abrego 2006; Gleeson and Gonzales 2012; Menjívar and Kanstroom 2014; Dreby 2015; Gonzales 2016b; Enriquez 2017a). An immigration federalism framework suggests that this is because the federal government holds ultimate authority to regulate the admission and expulsion of immigrants; however, state and local governments have the authority to enact legislation that regulates the livelihoods of their constituents, including undocumented immigrants (Varsanyi 2010; Chacón 2012; Motomura 2014; Gulasekaram and Ramakrishnan 2015).

Federal immigration policy is produced in two ways: congressional legislation and executive action (Gulasekaram and Ramakrishnan 2016). Despite external pressure, Congress has repeatedly failed to pass the federal DREAM Act to create a pathway to citizenship for undocumented young adults. Recent federal policy initiatives have come from exercises of executive authority. For example, President Barack Obama established the DACA program in 2012, which sought to lessen the consequences of illegality by providing eligible, undocumented young adults with temporary protection from deportation and employment authorization.[1] DACA recipients report improved high school and college completion rates, higher paying jobs with better working conditions, and access to bank accounts, credit cards, and driver's licenses (Gonzales, Terriquez, and Ruszczyk 2014; Wong and Valdivia 2014; Gonzales 2016a; Capps, Fix, and Zong 2017). They also have better psychological well-being than their peers without DACA (Patler and Laster Pirtle 2018). Essentially, the program mediates some of the most negative consequence of illegality in the everyday lives of undocumented young adults.

Like federal executive policy, immigration policies at the state and local level can alter the significance of illegality. For example, in 2010, Arizona made undocumented status more consequential by enacting SB 1070, which required local law enforcement officers to determine a person's immigration status if they had reason to believe they were undocumented, criminalized not carrying a valid identification document, and barred state and local agencies from restricting federal immigration enforcement (Magaña and Lee 2013). Exclusionary local policies required landlords to check renters' immigration status (Longazel 2016), denied business licenses or city contracts to employers who hire undocumented immigrants (Ramakrishnan and Wong 2010), and used public space ordinances to criminalize day laborers (Varsanyi 2008). Other state and local policies facilitated the integration of undocumented residents. California has implemented a steady stream of pro-immigrant laws providing undocumented immigrants access to higher education, healthcare, driver's licenses, and professional licenses; limiting cooperation with immigration enforcement officials; and preventing state and local governments from mandating the use of E-verify (Ramakrishnan and Colbern 2015). City-level sanctuary ordinances limited cooperation with immigration enforcement officials (Ramakrishnan and Wong 2010) and created municipal identification cards (de Graauw 2014).

State, federal, and judicial actors have been integral in determining the consequences of illegality for undocumented students pursuing higher education. In 1982, the US Supreme Court ruled in *Plyler v. Doe* that undocumented students could access K-12 education but higher education remained unaddressed (Olivas 2012). In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act and the Illegal Immigration Reform and Immigrant Responsibility Act which included requirements that states must enact laws to explicitly allow undocumented students to pay in-state college tuition (Olivas 2012). In 2001, Texas was the first state to pass legislation to this effect. California followed the same year with Assembly Bill 540 (AB 540). At the time of writing, fourteen other states had similar tuition equity policies (NILC 2017).[2] In 2005, Texas and New Mexico passed laws allowing

undocumented students to access state-funded financial aid. California followed in 2011 with the California Dream Act to provide AB 540-eligible undocumented students with access to institutional, private, and state-funded financial aid for public higher education. At the time of writing, three additional states provided state-funded financial aid (NILC 2017).[3] California has continued to legislatively expand access to higher education, establishing the California Dream Loan program in 2014 to allow undocumented students attending a participating public university to receive a loan. In 2017, California expanded AB 540 requirements to increase the number of eligible recipients. These educational access policies have mediated many of the direct and indirect financial barriers that undocumented status places on students' pursuit of higher education.

Universities similarly intervene in immigration policy as they determine if and how they will incorporate undocumented students. For example, Georgia's Board of Regents banned undocumented students from the state's most selective universities (uLead Network 2018a). After state-level tuition equity legislation failed, the Board of Regents for state universities in Hawaii, Michigan, and Rhode Island adopted institutional tuition equity policies (NILC 2017). The Oklahoma Board of Regents adopted institutional tuition equity policies after the state legislature ended the state-level provision of in-state tuition (uLead Network 2018b). Public university systems in California, Illinois, Michigan, Minnesota, Utah, and Hawaii provide institutionally and/or privately-funded scholarships to eligible students regardless of immigration status.[4] Additionally, many colleges and universities have developed programs to support undocumented students (Gildersleeve and Vigil 2015; Sanchez and So 2015; Chen and Rhoads 2016; Kring 2017).

The University of California has implemented extensive institutional policies aimed at addressing the needs of undocumented students. In 2012, UC Berkeley was the first university to establish an official program dedicated to supporting undocumented students (Sanchez and So 2015). In 2013, newly appointed UC President Janet Napolitano announced a five million dollar funding commitment to support the development of undocumented student resources (UCOP 2013). This funding facilitated concerted efforts across the ten UC campuses to develop institutionalized resources for undocumented students. A second wave of funding in the amount of 8.4 million dollars was announced in 2016 and included allocations for the DREAM loan program and the UC Immigrant Legal Services Center (UCOP 2016a). The UCs have made a unique commitment to meeting undocumented students' needs and host some of the most developed and well-resourced undocumented student support services.

Institutional policy is similar to state and local policy as federal primacy in enacting and enforcing immigration law limits what institutions can do, but they can still interpret and implement policies within their scope of power. Federal and state policy can impact institutions' willingness or ability to mediate illegality. For instance, President Trump's administration threatened to cut funding to universities that pledged to become sanctuary campuses (Heim 2017). Further, as a state institution, the University of California is accountable to state officials. The state also dictates some of its institutional policies. For example, the UC, California State University, and California Community College systems implemented the state educational access policies described above. Additionally, they are involved in enacting other immigration-related state policies, such as Senate Bill 54, which limits law enforcement's collaboration with immigration officials.

Notably, private universities have more freedom for institutional policymaking. For example, they can use institutional funds to provide full financial aid, regardless of state policies

(Anguiano and Guitérrez Nájera 2015; Flores 2016; Montiel 2016). However, they are still limited by federal threats to sue and/or suspend funding to sanctuary schools since they distribute federal financial aid. State governments may also intervene, such as in 2017 when the Georgia legislature passed a law preventing private universities from adopting sanctuary policies. Freedom University, a school dedicated to providing "rigorous college preparation classes, college and scholarship application assistance, and leadership development for undocumented students in Georgia" was able to avoid the regulation only because it is not an accredited, degree-granting educational institution and does not utilize or distribute state or federal funds (Freedom University n.d.).

Building on the immigration federalism framework, this article shows that educational institutions work alongside federal and sub-federal governments to intervene in immigration policy and mediate illegality. Institutions develop immigration policies that respond to the policy decisions made at the federal, state, and local level. They too are constrained and empowered by the dynamics of federalism. They too play a critical role in defining the consequences of illegality.

THE EDUCATIONAL EXPERIENCES OF UNDOCUMENTED COLLEGE STUDENTS

Undocumented students have difficulty accessing higher education. Although state-level tuition equity policies drove an increase the number of undocumented students in higher education (Flores 2010), structural barriers remain (Gonzales, Heredia, and Negrón-Gonzales 2015; Enriquez 2017b). Students often struggle to learn about educational access policies, particularly when they are first implemented (Gonzales 2010; Enriquez 2011; Negrón-Gonzales 2017). The absence of need-based financial aid leaves financial barriers unaddressed, which can prevent enrollment, force students to take time off, and push students out of college (Diaz-Strong et al. 2011; Terriquez 2015). Financial constraints can disrupt students' academic performance as they sacrifice study time to work (Terriquez 2015) and so financial aid can improve students' educational participation (Golash-Boza and Valdez 2018). Ultimately, a lack of employment authorization and no viable pathway to legalization can demotivate undocumented students by limiting their ability to use their degree to pursue a career and achieve upward mobility (Abrego 2006; Gonzales 2016b; Enriquez 2017b).

Educational access laws and policies can impact undocumented young adults' feelings of belonging. K-12 schools in particular are unique sites that have included 1.5-generation undocumented youth (Perry 2006; Abrego 2011; Gleeson and Gonzales 2012). As they transition out of K-12 education, they begin to realize the consequences associated with their undocumented status (Gonzales 2016b). Conflicting experiences of inclusion and exclusion can lead them to feel like they have no place to belong, compromising their mental and emotional health (Gonzales, Suárez-Orozco, and Dedios-Sanguineti 2013). However, inclusive educational access laws can foster feelings of belonging by imbuing students with a sense of legitimacy and deservingness (Abrego 2008). This sense of belonging is compromised in college when undocumented students are unable to access the same educational opportunities as their citizen peers (Burciaga 2016). Indeed, many feel excluded on college campuses due to anti-immigrant sentiment, microaggressions, and institutional neglect (Perez Huber and Malagon 2007; Teranishi, C. Suárez-Orozco, and M. Suárez-Orozco 2015; Burciaga 2016).

The sub-federal policy context shapes undocumented students' educational experiences and belonging. Cebulko and Silver (2016) compare across hostile and hospitable state contexts to

show that variation in state policy has led DACA recipients to have diverging educational experiences. Specifically, DACA recipients who resided in Massachusetts were able to simultaneously access in-state tuition, increasing their access to higher education, pursuit of upward mobility, and sense of belonging. Those in North Carolina continued to be denied access to in-state tuition, limiting their potential to pursue higher education and upward mobility with DACA. Golash-Boza and Valdez (2018) focus on California to map "nested contexts of reception" and establish how local, state, and federal policies work together to shape educational trajectories. They suggest that state and local policies encourage educational access and belonging but federal policies, such as deportation threats and future uncertainty, pose threats to incorporation. This work confirms that federal, state, and local policies play an integral role in determining the salience of immigrant illegality for undocumented students' everyday educational experiences and trajectories.

DATA AND METHODOLOGY

We draw on data from the Undocumented Student Equity Project (USEP), a collaboration of undocumented and allied undergraduates, graduate students, and faculty that examines undocumented students' experiences to develop equitable educational practices. We draw on two sources of USEP data from the nine UC undergraduate campuses: qualitative focus groups and interviews with 184 undocumented students and an online quantitative survey of 508 undocumented students.

Data Collection

The first wave of qualitative data was collected between 2014–2016. One hundred fifty-four UC undergraduate students participated in either a focus group or a one-on-one interview. We conducted thirty-two focus groups, ranging in size from two to eight students, and twenty-nine interviews. Data were collected over two academic years with focus groups at four campuses during the 2014-2015 academic year and focus groups and interviews at all nine campuses during the 2015-2016 academic year. We interviewed a median of fourteen students per campus, with a minimum of six at one and a maximum of thirty-six at another. Participants were recruited via personal networks, snowball sampling, and listservs managed by each campus' undocumented student services staff member. We recruited additional participants who were not Latina/o/x or who were not DACA recipients from survey respondents who provided their contact information for future research purposes. All participants received $15. Focus groups lasted two to three hours and interviews averaged an hour using a semi-structured interview guide.

We administered a 125-question online quantitative survey of undocumented UC undergraduates in Spring 2016 via SurveyMonkey. We received 508 complete responses from the approximately 3,500 undocumented students enrolled at the UCs that academic year. We surveyed around 15 percent of each campus' estimated undocumented student population; a median of fifty-five students responded across campuses with a minimum of twenty-two on one campus and a maximum of ninety-five on another. The survey link was distributed via listservs managed by each campus' undocumented student services staff. We also asked campuses' undocumented student leaders to post the link to their organizations' listservs, private Facebook groups, and/or public Facebook pages. Survey respondents were also sent a survey link they

could forward to others. All respondents received $10. We systematically screened out fraudulent responses by reviewing each for short response time, duplicate IP addresses, internal inconsistency, consistently questionable open-ended responses, and odd or invalid email addresses; flagged responses were reviewed by three research team members and removed once consensus was reached.

A second wave of data collection included thirty additional interviews at one UC campus between March–June 2017 to investigate barriers to academic achievement. Participants were recruited via personal networks, snowball sampling, and the listserv managed by the campus' undocumented student services staff. Interviews lasted an average of one hour and focused on educational experiences, academic performance, and the use of academic support services. Participants were also asked to reflect on relevant descriptive data from the UC-wide survey. All participants received $20.

Sample Characteristics

All participants were self-identified undocumented young adults who migrated to the United States as children and were enrolled undergraduate students at a UC campus. The average education level of the undocumented young adult population is unknown but estimates suggest that 29 percent of the federal DREAM Act eligible population has attended college or received a college degree (Kerwin and Warren 2018).[5] The percentage is likely higher in states like California that offer in-state college tuition rates and financial aid.

Our data is largely composed of Latina/os/xs, DACA recipients, and women. 73 percent of all participants are from Mexico; this reflects larger patterns in the Californian undocumented population where 70 percent are from Mexico (Migration Policy Institute n.d.). DACA recipients make up 83 percent of all participants. Most participants who did not have DACA were ineligible to apply due to not having five years of continuous presence or having another type of liminal legal status at the time of DACA's implementation. Women are 71 percent of the sample; this may be partly driven by the fact that women, especially Latinas, make up a higher proportion of college students than their male counterparts (Lopez and Gonzalez-Barrera 2014; Santiago, Calderón Galeano, and Taylor 2015). Students were fairly evenly distributed by year in school and approximately a quarter had transferred from a community college. There are sufficient numbers of individuals who are not of Latin American origin, do not have DACA status, and men to make comparisons across these demographic characteristics. Table 1 provides demographic characteristics by data set.

Table 1. Demographic characteristics of participants.

		UC-wide Qualitative Sample (n=154)	Quantitative Sample (n=525)	Academic Qualitative Sample (n=30)
Area of origin	Mexico	72%	72%	70%
	Central America	7%	7%	7%
	South America	5%	4%	3%
	East Asia	4%	10%	13%

	Southeast Asia and Pacific Islands	6%	4%	3%
	South Asia	1%	1%	0%
	Middle East	2%	1%	0%
	Africa	1%	1%	3%
	Europe, Canada, and Australia	1%	1%	0%
	Not Reported	1%	0%	0%
Gender	Women	74%	70%	63%
	Men	26%	29%	33%
	Alternative gender identities	0%	1%	3%
Immigration status	DACA	81%	84%	63%
	Undocumented	18%	14%	33%
	Other temporary immigration status	1%	2%	3%
Year in School	First-year	26%	27%	37%
	Sophomore	27%	22%	17%
	Junior	22%	30%	26%
	Senior	25%	21%	20%
Transfer status	Transferred from community college	32%	24%	27%
	Enrolled in UC after high school	68%	76%	73%
	Not reported	1%	0%	0%
GPA	2.0 or less	1%	2%	3%
	2–2.4	5%	4%	10%
	2.4–2.8	18%	22%	7%
	2.8–3.2	19%	26%	47%
	3.2–3.6	32%	32%	20%
	3.6–4	16%	13%	10%
	Not Reported	10%	1%	3%

Data Analysis

Qualitative interviews and focus groups were recorded and transcribed verbatim. Transcripts were deidentified by removing identifying information and assigning a pseudonym. Three research team members conducted open coding of the first wave of focus groups and interviews using HyperResearch software. Coding included identifying all policies that impacted participants' educational experiences. This revealed DACA, the California Dream Act, and undocumented student services as the most commonly mentioned policies. Concurrently, exploratory analysis of the quantitative data identified two substantial barriers: disrupted academic engagement and limited professional development. Two research team members returned to the same interviews/focus groups and conducted discrete coding to identify the specific impacts of the three key policies and what was driving barriers to professional development. Two other research team members conducted discrete coding of the second wave of thirty interviews on academic experiences to establish what disrupted academic engagement.

We also provide basic descriptive statistics of survey variables where relevant; the sample size for each survey item varies as we excluded responses from those who declined to answer when analyzing each item.

MEDIATING CONSEQUENCES OF ILLEGALITY: FEDERAL, STATE, AND UNIVERSITY POLICIES

Between 2012–2016, shifting policies at all levels improved the educational access and experiences of undocumented students attending the University of California. We trace how the federal DACA program, state-funded financial aid, and university-based resources and support structures created a multilayered policy context that mediated the consequences of illegality.

Federal Policy

Most participants did not discuss DACA as improving college access and/or affordability because state and university policies had already mediated most economic barriers. Instead, most participants who had received DACA shared that their ability to obtain formal employment had increased their access to educational opportunities while enrolled in college. Claudia, a fourth-year student, and Evelyn, a recent graduate, explained,

> *Claudia:* Before having a social I was working under the table. … Afterwards, I shifted … and I feel like even though I did work, I didn't really work a lot. I worked like a day, two days out of the week.

> *Evelyn*: A lot of these internships I ended up taking at companies, I wouldn't have been eligible to work with them, at least legally. And I think it really helped me to not only get these kind of experiences but really help progress where I really want to be in my career instead of having to settle for a job just for the sake of money. … Those really helped me to have a supplemental learning experience outside of the classroom setting. So that was great.

Claudia and Evelyn highlighted how obtaining a work permit enabled greater economic incorporation as they moved out of informal employment situations. This had short- and long-term educational benefits. In Claudia's case, she was able to work fewer hours and spent less time traveling to work off-campus, leaving her more time to focus on her classes and other extracurricular activities while also relieving stress. Others, like Evelyn, were able to explore career-related employment, which helped them determine their future career goals and pursue relevant opportunities.

DACA also provided students with a means to imagine a future after graduation. Luis, a third-year student, explained, "DACA encourages you to actually finish your degree in a sense. You might be able to find a job in your field. That's the goal." Of the survey respondents who had DACA and provided a response (n=429), most believed that the continuation of the DACA program was essential to their ability to use their future degrees: 89 percent agreed that they worried about if they would be able to use their degree if DACA were rescinded and 75 percent agreed that they would have to alter their career plans.

Finally, DACA facilitated social participation, which has implications for feelings of educational belonging. DACA recipients are able to access state-issued driver's licenses and ID cards, which allows undocumented college students to participate more comfortably in socializing with their peers. This came up in conversation during a focus group:

> *Omar*: I saw my social life blow up. I have money to go out now when I didn't before.
>
> *Luis*: Just to add on that social life thing, … it helped out in the aspect that you become more sociable. I was finally able to go out with some of my friends who I had not gone out with in a long time because for the most part, a lot of clubs or bars do not allow you to go in unless you have a California ID. ... You feel kind of human again. … When you don't have DACA, you don't feel included. You feel like you always have to step back whenever there's a social event happening because you don't want to be left out.

Omar and Luis connected DACA with enabling them to build social relationships with their peers because they were able to access formal employment that increased their discretionary income and also received state-issued IDs that allowed them to access age-restricted social spaces. Participating and feeling comfortable in social interactions with other students is critical for building broad and strong social networks that can facilitate access to future opportunities.

State Policy

The California Dream Act played an important economic role in ensuring the financial accessibility of higher education for undocumented students, as they are not eligible for federal financial aid. Prior to the California Dream Act, undocumented students had access to more affordable in-state tuition rates but had to muster funds to cover the full amount. This amount changed over time with fee increases and varies slightly by campus; at UC Irvine, for example, tuition and fees for the 2002–2003 academic year were $4,555, in 2007–2008 they were $8,275, and by 2012–2013 they were almost $13,970 (UCI 2002, 2007, 2012). Early research documenting the experiences of UC undocumented students shows that they often worked long hours at minimum wage jobs, commuted long hours from home to save money on housing, took multiple terms off to save funds, and/or maxed out units to finish faster (The S.I.N. Collective 2007; Madera et al. 2008; Monroy et al. 2012). At the time, there were few private scholarships open to undocumented students and informal fundraising efforts were common.

Older students remembered the implementation of the California Dream Act's state-funded financial aid in 2013 and the dramatic effect it had on their education. Suzy, who graduated from high school in 2009, and Antonio, who graduated in 2011, reported attending community college for four and three years respectively before transferring to the University of California. They described the impact of the state law:

> *Suzy*: Before the California DREAM Act, I wouldn't have even thought of going to a UC … I actually spent about four years in community college because of that, instead of most of you guys who come [directly] from high school.

> *Antonio*: Both times I applied [to the UCs] in community college and high school—because I also did get into UC as a freshman but it was in 2011 before Cal[ifornia] Dream Act came into effect so I couldn't basically afford it with my situation at the time.

Both Suzy and Antonio were previously accepted to UC campuses, but had to forego this opportunity due to their inability to pay. Community college offered a much more affordable option at $46 a unit with full-time enrollment totaling about $1,100–1,500 for a year in 2012–2013 (Bruckman 2012). Suzy worked in physically demanding jobs to afford community college tuition. Antonio added later that he was working full time to pay for community college while also saving money to be able to pay his future tuition at a four-year university. This lengthened their time in community college and pushed them to delay transferring to a four-year university. Upon the passage of the California Dream Act in 2012, both were finally able to make concrete plans to transfer to a UC.

Since the implementation of the California Dream Act, enrollment has risen dramatically. Although we do not have access to complete institutional data on the number of enrolled undocumented students, our conversations with an undocumented student services staff member at one of the campuses revealed that enrollment increased over 450 percent from the 2012–2013 academic year, when there was no access to financial aid, to the 2016–2017 academic year. It is possible that DACA's implementation in 2012 also contributed to this increase in enrollment but interviewees suggest that financial aid was the driving factor.

Younger students, who had always been able to avail themselves of the California Dream Act, reported receiving substantial financial support that made the University of California affordable. Amelia, a first-year student who graduated high school in 2015, explained that it allowed her to attend college right after finishing high school:

> I receive a lot of financial aid from the school because my parents, they don't make a lot of money and they weren't able to help me a lot. The school did provide a lot of financial aid. … I got some money back from the school [after tuition and fees were paid].

Like Amelia, almost all the students we spoke to reported coming from low-income households and receiving state and institutional grant aid that covered all of their tuition and fees and some additional aid to help cover other educational expenses. Essentially, their aid was equivalent to that of their citizen peers. These stories contrast sharply with those of earlier cohorts of undocumented UC students, their undocumented peers at California State Universities who have less institutional aid available to them, and undocumented students in other states who do not have access to substantial state or institutional aid.

For most undocumented UC students, their financial aid is not enough to fully cover the additional costs of housing and educational materials. Many, like David, Omar, and, Amelia, who attended different UC campuses, reflected on persisting financial struggles:

> *David (second-year)*: I feel like the financial aid is not enough but I'm grateful that at least they are giving us some financial aid. … [It] is not covering the books and some of the classes require a lot of books and they're not that cheap. … At least it's better to pay at least $300 for all the books [rather] than paying them the whole tuition.

Omar (third-year): [My living situation,] it's bad. I am currently paying $550 to share a room. It's tiny. …There's not privacy at all … Berkeley is getting more and more expensive as San Francisco becomes more gentrified, Oakland becomes more gentrified.

Amelia (first-year): The days when I didn't have enough to eat, I was constantly thinking about food and things like that. … And it did affect some of my classes because I was really stressed and really focused on what would I eat today? If I'm going to have enough for this [food]. What if I don't have anything to eat today?

All the students recognized the importance of full tuition coverage, but noted that other expenses remained. Amelia's struggle with food insecurity was particularly salient as 64 percent of survey respondents reported food insecurity. Like Omar, 46 percent of survey respondents reported difficulty paying rent. As David pointed out, these particular financial gaps can negatively impact academic performance as students may also forego or delay purchasing books, or may not have adequate study space at home. Indeed, 50 percent of survey respondents agreed that their limited financial aid hurt their academic performance. Further, as Omar pointed out, these financial barriers can vary by institution due to their particular local contexts and the availability of affordable housing and groceries.

University Policies

Building on the educational access facilitated by DACA and the California Dream Act, the University of California Office of the President committed to funding institutional support for undocumented students. UCOP's 5 million dollar funding commitment from 2013 to 2016 went to three main resource areas: (1) the hiring of at least one designated undocumented student services staff member on each campus; (2) the creation of undocumented student centers on some campuses; and (3) expanded programming dedicated to serving undocumented students. These institutionalized services facilitated undocumented students' access to information, resources, and support, which increased their educational incorporation.

The hiring of undocumented student services staff members was instrumental in improving students' feelings of belonging on campus. Several students cited friendly interactions with these staff members during their campus visit as the deciding factor in choosing their campus. Among survey respondents, 60 percent reported that the presence of an undocumented student services staff member increased their feelings of belonging and 79 percent felt better that dedicated staff members were present on their campus even if they did not directly interact with them. Aurora, a third-year student, explained, "They've been really supportive in not just asking about school or finances or home but just asking about myself and how I'm doing." This resulted in her "feeling valued in a space." Similarly, Lizabel, a recent graduate, explained, "[The undocumented student services staff member] knows what we're going through and she's been incredibly helpful. … I always felt welcome and I always felt like I belonged here, I felt wanted." For most, these staff members were the first people they had encountered in their education whose specific purpose was to support them. In turn, students felt that the institution cared about their success and that they were valued members of the campus community. Although these positive connections were sometimes present with faculty or other staff,

undocumented student services staff stood out across our interviews as key people that positively shaped feelings of belonging.

Undocumented student services staff also facilitated access to resources and accurate information. Most campus staff members are not able to accurately answer questions pertaining to undocumented status: 56 percent of survey participants reported being given inaccurate or incorrect information about how to complete a university procedure as an undocumented student. Further, 49 percent of respondents reported that it takes a lot of time to get an answer about something related to being an undocumented student and 67 percent reported that it is stressful to get an answer. Kim, a third-year student, explained,

> [The financial aid office] tell[s] you one thing one day but they tell you another thing if you go to a different person. So, you don't really know who to talk to. … When I went to the study abroad center for the first time, they were like "Ohhh, you're undocumented?" They referred me to [the undocumented student services staff member]. I was like, might as well have gone to [them] in the first place. ... So, it's kind of like no one really knows how to handle you.

While campus offices are designated to provide specific services, most undocumented students consulted undocumented student services staff because they were best prepared to quickly and accurately answer immigration status-specific questions.

Undocumented student centers also function as spaces that facilitate students' access to information and feelings of belonging. Amelia, a first-year student at UC Davis, spoke about how she turns to staff and other undocumented students she met at the undocumented student center:

> I don't know a lot of people on campus and sometimes I don't really know everything or where to go. The people that I know, most are the people from the undocumented center. Those are the people I'm really close with. I feel better when I ask them for help. If they can't help me with something, they just tell me where to go and who to ask.

UC Davis' AB 540 and Undocumented Student Center has its own space located in the campus' student community center. It functions as a centralized location to access resources and meet with staff members tasked with serving undocumented students. It also offers a common space where students can hang out, heat up or refrigerate food, and study. As Amelia noted, having this centralized location uniquely encourages students to build connections with the campus' undocumented student community, expand their social networks, and increase their sense of belonging on campus.

Students also reported that the programming offered by the undocumented student services staff and centers improved their educational experiences.

> *Deborah (first-year)*: Dream Scholars, it's a class for undocumented incoming freshmen. ... Most of my friends that I had [before] were documented. … Now [because of that class] I have like six really close [undocumented] friends that I feel like I can rely on for the next four years I'm at UCI. So, it's been a really helpful class that's just been able to make you feel like you're not alone. Like there's other people in the same situation as you. And you can make it together.

Cristela (fourth-year): The [undocumented student] center has like a group therapy kind of thing. … I started going there and it's different undocumented students [and] a couple of counselors that get together for an hour and a half and talk about a different topic or something. And there is a licensed counselor there. And afterwards, they also offer their services for anything. … I've met other people who understand. Because they've also been where I am. So yeah. That's been pretty helpful.

Alejandro (third-year): My concerns were just whether I would have enough for rent for five months, food, and also books. So, for books, I didn't really have a lot of money left over to buy them. So, I had to use the Dream Lending Library here at Berkeley.

Undocumented student programs facilitated access to a variety of social, mental health, and well-being support services tailored to undocumented students. Students also reported accessing critical academic resources such as book loan programs, tutoring fee waivers, or referrals to services, such as food pantries, to help provide for their basic needs. Receiving resources and programming spilled over to positively impact students' academic success as 47 percent of survey respondents agreed that having an undocumented student services staff member on campus helped them academically. For students who identified that their campus had an undocumented student resource center (n=374), usually an indicator of higher-resourced and more developed programs, 89 percent reported that it positively impacted their academic success, with 47 percent reporting a strong or very strong impact.[6]

One unique program available on all UC campuses is the UC Immigrant Legal Services Center, which provides free immigration-related legal services to students and their immediate family members. Coordinated by the UC Davis School of Law, the Center employs ten lawyers who provide legal services at one or more assigned campuses. At the time of the survey, this program was still being developed but 35 percent of respondents reported that they had used these legal services. Most had received help with DACA applications and renewals or legal consultations to screen for more permanent forms of immigration relief. The Center's Executive Director estimated that they handled over eight hundred cases during the 2016–2017 academic year; more than double the previous year (Watanabe 2017). These legal services ultimately help students make informed decisions about their legal options and guide them through complex legal processes. This can relieve stress and allow students to focus on their education. Further, Eduardo, a third-year student, shared how access to legal services had directly affected his educational opportunities: "[There was] a workshop put on by the legal team for study abroad. I attended and they gave me information that really helped me make the decision to decide to study abroad as well as pursue advanced parole." Following this workshop, Eduardo began preparing to study abroad, including applying for and receiving advance parole, a process that allows DACA recipients to travel outside of the U.S. for specific reasons, including educational opportunities.[7]

PERSISTING BARRIERS FOR UNDOCUMENTED STUDENTS

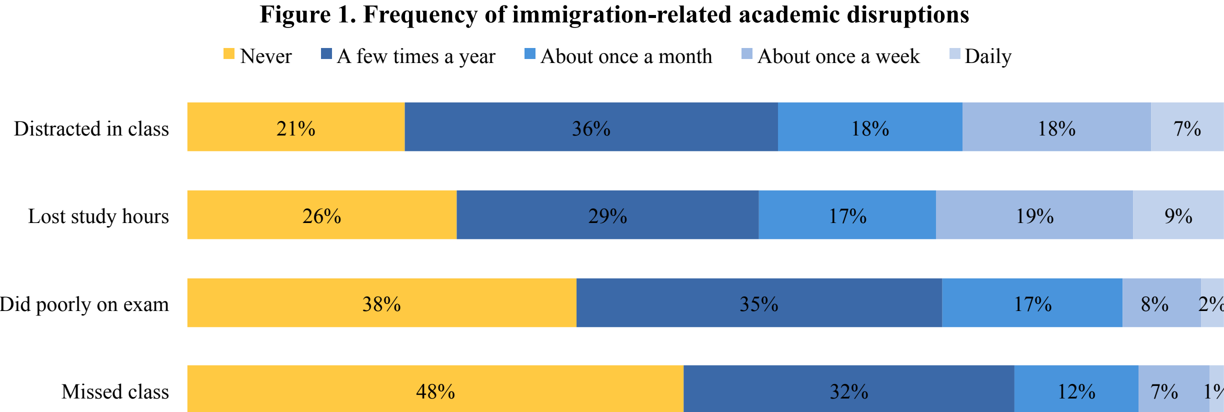
Federal, state, and university policies have all significantly increased educational incorporation by improving access, retention, participation, and feelings of belonging. Yet, significant gaps remain as federal immigration policy continues to disrupt academic engagement

and limit professional development. These remaining educational gaps suggest that full educational incorporation is contingent upon federal immigration policy changes, including providing a pathway to permanent legal status. However, we find evidence that university-level policies can mediate some of these remaining consequences of illegality.

Disrupted Academic Engagement and Performance

Students reported that their immigration status impacted their ability to remain academically engaged, and at times hindered their academic performance. Among survey respondents, 79 percent reported being distracted in class due to issues related to their own or a family members' immigration status, 74 percent lost needed study hours, 62 percent did poorly on an exam, and 52 percent missed class. Of those who experienced these academic disruptions, 38 to 61 percent reported that they happen relatively frequently at once a month or more (see Figure 1). These distractions pile up to limit academic engagement and often result in poorer academic performance.

Figure 1. Frequency of immigration-related academic disruptions



Interviews suggest that these distractions are most often triggered by federal immigration policies. Cassandra, Dolores, and Melody provide examples:

> *Cassandra (first-year)*: There was this one time there was a *reten* [raid] in [my home city]. I was calling my mom because I know that she goes in that street to buy stuff for her tamales that she sells. And she wasn't answering so I was really worried. I was like oh my god, what if she got detained! It turned out that she was just asleep. But I remember I had bio after that so I wasn't paying attention in class. That's all I was thinking: my mom, my mom, my mom.

> *Dolores (third-year without DACA):* I'm trying to stretch out my studies as much as I can. Just because I know that at the moment, I can't just go out and work [without a work permit]. *Do you think these feelings have impacted your academic performance?* Not necessarily my performance but my emotional—I guess my emotional status. There [are] times where I should be focusing on doing my homework and instead, I'm just thinking: What's this going to do if I can't even get a job after college?

Melody (second-year): After the [2016 presidential] elections, I didn't really want to go to class. I felt like my place was back home with my family. … A lot of people were being very openly anti-immigrant now and very openly agreeing with everything Trump was saying. … I didn't really feel comfortable here.

Like Cassandra, many students worried about increased federal immigration enforcement practices, particularly the threat they posed to undocumented parents and family members. Students like Dolores, who did not have DACA, worried about their uncertain futures. Melody and others reported emotional turmoil as they worried about cascading federal policy changes, particularly the threat of DACA rescission. Students also reported missing class to attend meetings and appointments related to their immigration status—DACA biometric appointments, meeting with lawyers, or attending immigration court hearings. Until immigration policies holistically and permanently address legal vulnerability, uncertainties related to immigration status will continue to create academic distractions.

Although federal policies often undermine the performance of undocumented students, undocumented student programming can moderate the impact of legal vulnerability and uncertainty. For instance, following the election of President Trump, the UC system, "announced that it will vigorously protect the privacy and civil rights of the undocumented members of the UC community and will direct its police departments not to undertake joint efforts with any government agencies to enforce federal immigration law" (UCOP 2016b). Undocumented student services staff members and programs also helped students navigate shifts in federal policies. For example, Amy, a DACA recipient in her first year, discussed the positive impact of programming offered shortly after the election:

> A big one was with the "Know Your Rights" thing. You know how right after Trump got elected, [the undocumented student services staff] gave us that one PowerPoint [about interacting with police and immigration enforcement]. And I made this point of whatever she'd say, I would go back home and I would preach it that exact same way to them [my family].

With Trump's election, many undocumented students reported stress and fear regarding increased threats of deportation for themselves and family members as well as threats to the DACA program. The campus' undocumented student services staff provided emotional support and programming that helped students understand the threats and gain tools to deal with them. This helped students manage fears that could pose academic distractions.

Universities can develop additional institutional policies to limit the negative academic consequences of immigration-related issues. For example, Bryan, a second-year student who did not have DACA, explained that he failed a class during Fall 2016 because of penalties for unexcused absences. He missed three classes, "right after the [2016 presidential] election. I didn't go that whole week." Like most students, the 2016 presidential election and other events that threatened to shift the federal policy context increased emotional strain, often leading students to miss class. University policies that treat immigration-related issues as excusable absences could minimize the consequences for academic performance. Further, many students discussed limited access to professional mental health services and counselors who were

equipped to help with immigration status-related distress. For example, Beatrice, a student in her fourth year who did not have DACA, shared,

> I would go and talk to a counselor, [a] therapeutic counselor. And sure, she helped me deal with my emotions and everything like that but whenever I distressed about me not having papers, she would be like oh, yeah, I don't know how I can help you with that. I was like, all right. I thought maybe you would have any knowledge whatsoever.

In her case, having access to a knowledgeable counselor could have helped her limit the negative consequences of immigration policies on her wellbeing and academic engagement. In all, university programming and policies can help students process shifts in federal immigration policies and mediate the effects of exclusionary policies on academic engagement and performance.

Limited Professional Development

Like most college students, undocumented students expect that their college experiences will include opportunities to identify and prepare for their desired careers. Yet, their undocumented status limits access to professional development opportunities. Less than half of survey respondents (44 percent) had accessed at least one professional development opportunity: 23 percent reported that they had participated in a paid internship, 26 percent in an unpaid internship, and 20 percent held a career relevant job.[8] In most cases, opportunities were limited by a lack of work authorization and/or permanent legal status.

Most undocumented students worried about how federal immigration policy would limit their ability to pursue their desired careers after graduation. Students who had received DACA worried about losing their work authorization and those who did not have DACA feared that they would not obtain it. Maité, who had DACA, and Sandy who did not, shared,

> *Maité (third-year):* I feel like I can't really make any future plans because I am a DACA recipient but the program isn't permanent. And [presidential] elections are coming up. [It] doesn't look good. So, it's like this program can be removed at any time and then what do I do? I can't work. Even if I end up getting my bachelor's degree, I can't work. I feel like I can't really make any future plans. It has to coincide with current events.

> *Sandy (first-year):* I'm just like okay, I'm going to graduate college but what do I do after? I don't have the work permit. So, it's really stressful and it's just hard.

Regardless of their current protections, students uniformly expressed concerns about the instability of federal immigration policy and their uncertain post-graduate opportunities.

Lacking employment authorization and/or permanent legal status or citizenship constrains undocumented students' ability to prepare for their desired careers. Eddie, Berlyn, and Julie, all from different campuses and majors, discussed challenges accessing internships:

> *Eddie (second-year DACA recipient majoring in physics)*: I had an opportunity to be an intern for one of the big companies [in aerospace engineering]. … And I wanted to get

into that but … basically I wasn't able to do it because of my status. I feel like stuff like that's really crucial for developing those skills to go into the industry. … Get the experience and get to know the field and the type of environment you're going to be working in.

Berlyn (fourth-year DACA recipient majoring in neuroscience): I was trying to volunteer at [a hospital]. But then when I applied, they were like, are you a citizen or resident? And they rejected me because they didn't know about DACA. So, then I just stopped trying to volunteer there. I haven't done anything medical related.

Julie (third-year without DACA majoring in business): I'm not allowed to get internships with corporate companies. But I've definitely taken advantage of the different professional development opportunities that they offer. For example, … shadowing career opportunities. Also, conferences, stuff like that. But it's super short term, one or two days, or even a few hours. But nothing like an actual internship.

Although DACA recipients were more likely to be able to access internships because of their work authorization, Eddie, Berlyn, and others confirmed that it did not open all doors; funding sources, lawful permanent resident or U.S. citizenship requirements, background checks, or limited understanding of DACA prevented access. Students who did not have DACA, like Julie, struggled the most to access meaningful and long-term career preparation experiences. Overall, undocumented students were at risk of being unprepared to pursue their desired careers.

Undocumented student programming can alleviate some of the challenges of identifying accessible opportunities. Naadir, a fourth-year DACA recipient, shared her experience securing an internship:

> Last year I was reading the [undocumented student program's weekly] email and there was this opportunity for a fellowship [in local government]. … I got an internship through that and I was there for a year. It was paid and it was for undocumented students. They give you professional resources, professional development, and also work experience in different fields, whether it was networking, legal affairs, or office management. So that was really helpful and I'm still in contact with them. I have mentors now. And they're still helping me see other job opportunities.

The undocumented student program was critical in enabling Naadir to identify and successfully participate in an internship that aligned with her desired career in politics. The staff compiled opportunities open to students regardless of immigration status and built relationships with different organizations in the area that would accept undocumented student interns. This helped undocumented students easily identify accessible opportunities. Students, like Naadir, who were able to access these opportunities, where then able to confirm their desired career choice, feel more prepared, and develop networks that they could use to obtain a job after graduation. Indeed, this internship paved the way for Naadir to obtain a full time, career-relevant job upon graduation.

Institutions are also able to facilitate students' access to on-campus professional development opportunities. Given the shifting and complex nature of students' immigration statuses, UC Irvine created professional development programming that serves all undocumented

students, regardless of work authorization. An undergraduate program provides participants with on-campus internship opportunities to build professional skills and provides informational and skill-building workshops such as writing cover letters, interview and networking skills, conducting research, and post-graduate education. Another undergraduate program guides students through understanding entrepreneurship as a form of potential future employment. A graduate program creates professional development opportunities for undocumented graduate and professional school students to mentor undergraduate students. All programs directly address issues of work authorization, or lack thereof, to help students understand and prepare to navigate this barrier. Further, in recognition of their participation, all undergraduate participants receive scholarships and graduate participants receive fellowships. These programs bridge gaps by providing professional development opportunities to those who would otherwise face barriers to building these skills.

CONCLUSION

Congress' failure to create a path to legalization has fostered the growth of an increasingly marginalized undocumented immigrant population. For undocumented students, the inability to secure employment authorization, deportation threats, and other immigration status-related regulations undermine their academic engagement and professional development. Yet Congress does not construct immigration policy alone. Immigration federalism scholarship has illuminated the role that state and local governments play in mediating the consequences of illegality (Varsanyi 2006; Rodríguez 2008; Flores 2010; Varsanyi 2010; Chacón 2012; de Graauw 2014; Gulasekaram and Ramakrishnan 2015; Armacost 2016; Chen 2016; Gulasekaram and Ramakrishnan 2016). In this article, we have shown that educational institutions are also a key site for intervening in immigration policy. Much like with states and localities, institutions are limited in their scope of impact. However, they consistently work alongside their sub-federal counterparts to determine the meaning of immigration status in the everyday lives of undocumented immigrants.

The immigration federalism framework needs to encompass policies and practices that dictate the significance of illegality in everyday social institutions. This should include schools and universities, hospitals and clinics, churches and other community organizations, and workplaces. Future work should study other institutions, especially those that operate more independently of federal and state government, to provide a deeper sense of role and scope of institutional policy in constructing and mediating illegality. Scholars should also examine how this multilayered policy context operates when there is more conflict between the multiple policy levels.

Our findings show that universities can implement policies to facilitate the educational incorporation of undocumented students. The University of California is leading this movement by providing dedicated staff members, resource centers, legal assistance, and targeted programming for undocumented students. Yet, the UC system is only charged with educating the top eighth of graduating high school seniors and has only a few thousand undocumented students enrolled. Other California institutions, like the California State University and California Community College systems, have larger numbers of undocumented students but lack the funding to implement such extensive institutional support services. Undocumented students attending selective private institutions have access to substantial institutional resources but have to meet extremely high standards of academic excellence to access these spaces (Anguiano and

Guitérrez Nájera 2015; Flores 2016; Montiel 2016). Meritocracy plays a central role in determining which undocumented immigrants are worthy of institutionally-mediated illegality and relief from exclusionary federal policies. University leaders should consider ways to broaden their impact beyond an elite group of undocumented students and disrupt logics of deservingness.

Overall, we shed light on opportunities to mediate illegality at more local levels. With the announced rescission of the DACA program in September 2017, the multiple levels of immigration policy have become even more apparent and important. State governments, including California, as well as institutions, including the University of California system, filed lawsuits challenging DACA's rescission (Gerstein 2017; Savage 2017; UCOP 2017). States implemented initiatives to provide DACA recipients with funds to cover DACA renewal fees prior to the final filing deadline (Bernal 2017; Ulloa 2017). Educational institutions organized DACA renewal clinics (Agrawal 2017). Rising deportation threats have pushed city governments to establish funding for legal representation in deportation proceedings (Robbins 2017). State, local, and institutional policies will be key in further mediating the consequences of illegality as the federal context becomes more exclusionary.

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[1] Eligibility criteria includes: (1) being under thirty-one when the program was announced on June 15, 2012; (2) entering the United States before age sixteen; (3) continuously living in the United States since June 15, 2007; (4) currently attending high school or having a high school diploma or GED; and (5) having no significant criminal record. President Donald Trump's

administration rescinded the DACA program in September 2017 (Duke 2017). At the time of writing, its future remains entangled in the courts.

[2] Sixteen states have laws allowing undocumented students who meet specific residency requirements to pay in-state tuition rates at public postsecondary institutions: California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Texas, Utah, and Washington. The District of Columbia has a similar policy.

[3] Nine states (California, Connecticut, Maryland, Minnesota, New Jersey, New Mexico, Oregon, Texas, and Washington) and the District of Columbia provide access to state financial aid to undocumented students who meet certain criteria.

[4] California AB 130 allows universities to distribute non-state funds (i.e., privately funded institutional or external scholarship aid) to undocumented students. Illinois established the Dream Fund to fund and distribute private scholarships. The University of Michigan offers limited, need-based institutional aid for undocumented students who qualify for in-state tuition (https://finaid.umich.edu/undocumented-students). Minnesota and Utah have laws that allow public universities to offer private institutional scholarships to students who pay in-state rates or graduate from their high schools. The University of Hawaii also offers financial assistance to eligible students (https://www.nilc.org/issues/education/basic-facts-instate).

[5] This estimate includes undocumented young adults who arrived to the United States before 2013, arrived when they were under age eighteen, and either graduated from high school or are enrolled in school. Another estimate, from 2008 data, suggests that of undocumented young adults aged 18–24 who arrived to the United States before the age of fourteen: 28% do not complete high school, 39% complete high school but do not attend college, and 44% were in or attended college (Passel and Cohn 2009).

[6] Some students surveyed identified that their campus had an undocumented student center even though there was not an official center. Interviews and focus groups revealed that this is because students often thought of the undocumented student services' office as a center.

[7] Advance parole is no longer available to DACA recipients as of September 5, 2017 (Duke 2017).

[8] Fifteen students did not provide a response to all three questions, n=493. The percentages for each types of opportunity do not add up to the total percentage who had accessed a professional development opportunity because students could report accessing multiple types of opportunities.