

# Undocumented College Students in the United States: A category in need of further analysis

FRANCESCA DEGIULI \*

## Abstract

This paper concerns itself with a subset of undocumented immigrants, that of undocumented students in the United States. While many sociologists have engaged with undocumented immigration in general, not much attention has been paid to this growing group and when it has been done these students were treated as a unified and undiversified category. In this letter, instead, I intend to outline some of the ways in which the label of undocumented student and its consequences may vary greatly depending on a number of different elements, among them: the different legal status of various family members, the different methods of entry in the country, family structure, and the influence of the communities that surround them.

**Keywords:** Irregular immigration, undocumented students, education.

## Introduction

This paper analyses a subset of undocumented immigrants in the United States, that of undocumented college students. Undocumented students<sup>1</sup> in general are known in the literature as part of the 1.5 generation (Rumbaut 2004), because they fall somewhere between the first and the second generation. They are not first generation immigrants because they were brought to the US by their parents when they were minors and therefore did not start the immigration process, yet they cannot be considered second generation either, because they were born abroad and spent part of their childhood in other countries (Gonzales 2009). Technically they belong to two worlds, but in practice most of them grew up in the US, learned English, went to school with their peers, embraced American culture and absorbed most of the American values taught in schools. Often their only reluctance in defining themselves as Americans comes from the fact that the United States doesn't want to accept their presence. Their daily lives, in fact, continue to clash with their legal status, one that defines them as "illegal aliens." This label forces them to live parallel lives to those of their

---

\* Francesca Degiuli is an assistant professor in the SASW Department at CUNY College of Staten Island. E-Mail: [Francesca.Degiuli@csi.cuny.edu](mailto:Francesca.Degiuli@csi.cuny.edu).

<sup>1</sup> Personally I do not find the term *undocumented* appropriate to describe the legal status of these students. I believe, in fact, that there are more accurate terms like *irregular* or *unauthorized*. Nevertheless, the term *undocumented* is the one that the students have chosen to define themselves in response to more offensive terms like *alien* or *illegal*.



peers, lives where they cannot do things that we take for granted such as obtaining a driver license, travelling, obtaining state and financial aid for college or getting a job that pays more than minimum wage. Notwithstanding these difficulties, a growing number of them have struggled to gain access to higher education and are currently pursuing degrees in various disciplines at community, state colleges, and research universities.

8

In this essay I explore how some of these students, who are currently or have recently completed an undergraduate degree at a four-year university, were able to successfully gain access to higher education. Specifically I look at the lived experiences of these students in order to obtain a better understanding of what it means to be an undocumented student in the United States. Too often these students are conflated in a single category that erases all differences and layers of complexity from an experience that, instead, is greatly affected by different elements ranging from family structure, legal status of different family members, and the demographic of the communities where these students live.

This question fits in a larger study that engages with the current literature on the topic. In recent years there have been a growing numbers of studies that have addressed the situation of undocumented students in the U.S., but the majority of these studies focus on educational issues or on the analysis and effects of current legislation (See among others Abrego 2006, 2008, Gonzalez 2010, Lopez 2010, Huber Perez and Malagon 2007, Perez 2009.) In this initial exploration, instead, I intend to first move beyond the unified category of “undocumented students.” As an analytical tool the category is not useful: undocumented students are a diverse group that needs to be understood better in terms of their difference and how their difference affects the experience of being “undocumented.”

In addition, not much attention has been paid to the relationship that undocumented immigrants have with society at large. Sociological studies tend to focus on the relationship between undocumented immigrants and employers or between them and public services, but undocumented immigrants have a more complex relationship with the rest of society and this too need to be analyzed in order to have a better understanding of the fabric of society itself. We know that immigration, and specifically undocumented immigration, is a divisive issue, but if these students are here and though facing severe challenges still are able to succeed, who is supporting them and how?

Lastly, I plan to look at the strategies that these students implement in order to create a path for themselves in a society that refuses to grant them an official identity. Once again it is important to reiterate that undocumented students are not simply victims. They are also active agents who attempt to gain some level of control of their lives and create paths of resistance.

## The Current Legislation

The current legislation defined by the *Plyer v. Doe* case<sup>2</sup> protects the education rights of undocumented students up until 12<sup>th</sup> grade. After that, things become more complicated. In truth, there is no federal or state law that prohibits admission of undocumented students to US colleges and Universities, but institutional policies vary from school to school. Some colleges refuse to accept them when they lack proof of residency and others treat them as foreign students making them pay fees at times three times higher than the in-state ones (Gonzales 2009.)

As of today only ten states out of fifty in the United States have passed state legislation that allows undocumented students to pay in-state tuition at their local universities and colleges: California, Illinois, Kansas, Nebraska, New Mexico, New York, Texas, Utah, Washington, and Wisconsin (NILC 2010.) Out of fifty states only two, New Mexico and Texas allow undocumented students to be eligible for financial aid. In most states legislation regarding in state tuition for undocumented students is pending but some states like Arizona, Colorado, Georgia, and Oklahoma have passed legislation that bars undocumented students from in-state tuition benefits. In 2008, South Carolina barred undocumented students from enrolling at all in its public colleges, and North Carolina banned them from its community colleges in 2007 (Wood 2009).

In California, where I have conducted my study, undocumented students are able to access in-state tuition thanks to Assembly Bill 540 passed in 2001. Nevertheless, the number of enrolled students continues to remain relatively low. According to Perez (2009) approximately 25,000 undocumented students graduate from high school each year, yet fewer than 7,000 enrol in community colleges and less than approximately 1,700 enrol at the University of California campuses and in the California State System (Freedberg 2006.) Costs vary from \$9,285 per year at the UC campuses, \$4,230 in the Cal State System, down roughly to \$814 for a community college. These fees, however, do not include room and board, books and supplies, personal needs and transportation, which raises the yearly costs to 26, 985 for the UC and 10,320 for community colleges.

Cost, however, is not the only element that discourages undocumented students from pursuing higher education. They must also struggle with the rationale behind their choices. With the current legislation only an estimated 5 to 10% of these students will gain a path to citizenship (personal conversation with immigration lawyer), all the others will face, unless they return to their country of birth, a lifetime of unskilled low wage jobs and no ability to use their degrees. For many it becomes difficult to justify the cost

---

<sup>2</sup> In the landmark Supreme Court case *Plyer v. Doe* of 1982 – 14<sup>th</sup> amendment, the Court held that denying such an education would punish children for the acts of their parents and would perpetuate the formation of an underclass of citizens.

effectiveness of their choice, taking into consideration that their families, who often pay for these studies, undergo serious hardships to put them through school.

Notwithstanding all these difficulties, a small percentage of these students manage to gain access to four-year universities and to pursue an undergraduate degree. These students are the core of this paper.

## Methods

The paper is based on interviews conducted with thirteen undocumented students at a four-year research university in California and is part of a larger project that will also include interviews with students enrolled in community and state colleges. The process has been relatively slow because it is difficult to gain access to this population and even more difficult is to gain their trust. I started with a small sample because I wanted these students to be comfortable with the project and its goals. Thanks to a former student of my mine, Laura, who has been a vital resource for this project, I was able to get in touch with a group of undocumented students involved in BELIEFS, a support network for students who were able to take advantage of Assembly Bill 540, and to interview them. Ten of these interviews are with students that belong to the support network and three of them were done with students who do not belong to the network and are either in the process of transferring to the university or had to transfer to a community college. The students involved in BELIEFS are all politically active and belong also to a larger network called California DREAM network, a state and nationwide network of student based organizations whose goal is to create and advance public policy. Eleven of thirteen students were born in Mexico, the other two, in Peru and Belize. The majority of them entered the country between the age of six months and eight years, while only two arrived in their early teens. Eight of these students are females and five are males, and all of them are between the ages of eighteen and twenty-two.

The interviews were all conducted by phone and with all of them I employed an informal interview schedule, one that Robert Burgess describes as a conversation with a purpose (1984). While before beginning the interviewing part of my project, I had devised an extensive list of areas that I wanted to touch upon during the interviews, I never used it as a strict guideline for the interviews. Rather the questions I wrote in advance served only as points for departure, which allowed my interviewees to gain some agency in guiding the conversation and to emphasize what they thought as relevant for the discussion. The interviews ranged from 45 to 90 minutes. Due to the sensitive nature of the subject, the names of all of the respondents and of the organization they belong to have been changed.

## Findings

The thirteen interviews I have conducted already provide some insights on the need to re-conceptualize the category of *undocumented students*. The status of “undocumented”, in fact, does not encompass a uniform experience and it is affected by a number of different elements, among them: the different legal status of various family members, the different methods of entry in the country, family composition, and the communities where these young women and men came from.

First of all the interviews revealed that these students come from families that may have very different legal status as far as immigration is concerned. In the same family some members could be citizens (as in the case of a younger sibling that were born in the United States), while others may still be in the process of obtaining permanent residency (as in the case of parents or older siblings who applied for an *adjustment of status* before April 30, 2001<sup>4</sup>.) The presence of different legal statuses in the same family has a number of different effects on the students. Blanca, for example, explains:

*Well, my dad became a resident five years ago and so we know, my dad and I know that I'm gonna to become a resident at some point, we don't know when because the system is broken and it takes years for people to become residents. We know that it is going to happen we just don't know when... [And because] it's in the plans for me, since my father is a resident I feel protected because I'm the daughter of a resident and that is also why I don't fear being out there and being outspoken about it.*

Her words show how for some the label *undocumented* may only be a temporary one, one that may not necessarily affect their ability to use their education. The sense of being only temporarily *undocumented* even when it is only a hope and not a certainty allows these students to better manage their current struggle for education and their outlook on the future. Some students like Blanca exhibit less concern about the possible repercussions of being *undocumented* and tend to be more outspoken about it and less guarded with both peers and the university community at large, allowing them to experience college more fully than their peers who are not in the same situation. Students who come from families where all members are undocumented instead are much more guarded about their situation. Tomas states:

*In my family, I mean in my immediate family we are all undocumented... And for me being undocumented was, until not long ago, something I thought I*

<sup>4</sup> The 245(i) Amendment allowed some unauthorized immigrants who are out of status, entered the U.S. without inspection, or violated the terms of their non-immigrant visa to apply for adjustment of status after their immigration petitions are approved. The last deadline for this *adjustment of status* was April 30, 2001.

*needed to hide from my peers, my teachers, everybody. There was a component of shame almost. It was only when I came in contact with DREAMS that I became somewhat comfortable with who I am, but even today I do not tell people...*

12

Similarly, there is a difference between students who have become *undocumented* because of overstaying their visa as opposed to those who did so by crossing the border. While the first group still has some options, albeit limited, to pursue a path of legalization, the second group, under the current legislation, has no feasible option to change their status. These different positions vis-à-vis the immigration status and future opportunities, in turn, generate very different experiences and overall life outlooks on students that tend to be conflated in the same category. While the first group still maintains some degree of control in influencing their prospects, the second group has to struggle on a daily basis to maintain an optimistic outlook on what the future will hold for them both in terms to make use of their education, but also to be able to stay in the country. Education for this second group becomes both a source of anxiety and a way to affirm their willpower against their inability to control their legal status and therefore their lives.

Varying legal statuses within a same family may also affect students' access to economic resources and, therefore, to the kind of higher education they will be able to pursue. In families where only one or two siblings are *undocumented* instead of four or more, students will have greater opportunities to access higher education or go beyond community colleges than in cases where all the siblings are undocumented. As mentioned before the cost of college is very high and families often struggle to provide the same opportunities to all family members. Florinda clarifies:

*I am one out of five. I have an older brother and three younger ones. The older brother is at a community college. Two of the middle ones are still unsure of the path they wanna go but they are gonna start off at community college, and the youngest one was born here so he doesn't have a problem.*

*[...] My older brother, he is two years older than me, and he has been going to community college for a while ... and he still hasn't transferred and for a big part it has been his grades, but now sometimes when I go home I feel that there is a little bit of resentment towards me because my parents have spent so much money on my education and not on his education and now that he is ready to be transferred I feel that maybe he is a little more hesitant towards transferring because of the money situation.*

Access to economic resources to pay is also at the centre of another element that influences the different experiences of undocumented students: family composition. Students who come from families where two

parents are working have a better chance of completing an education at a four-year university than those who come from single-parent households. Florinda continues:

*Although I am undocumented I have the privilege to have both parents who are working, who were able to take a mortgage [to finance my education] because my ex-boyfriend although he is a legal resident now, he comes from a single parent family, a single mom, she is not undocumented, but she cannot afford to help him out.*

According to all interviews working parents remain the main sources of financial support in these students' pursuit for higher education. In all instances the presence of two parents working an average of two jobs each and possibly able to refinance a mortgage were central to these students' ability to pursue a degree. Luisa explains:

*My dad, he has three jobs: he is a garbage collector, he delivers magazines, and on Sundays he places the real estate signs, the open houses signs and my mom and my sister help with that. My mom is a full time nanny, and she also cleans offices on Saturdays and works as a part time nanny as well. Thanks to them both me and my sister are at four-year universities.*

Both quotes highlight the fact that often the major struggle in pursuing higher education in the U.S. is not necessarily linked to legal status but to the ability to secure enough funding for it. This struggle is one shared by both documented and undocumented students alike, but undocumented students feel that because of their legal status their economic foundation is more tenuous. Their parents' jobs are highly disposable and, often, their lives and prospects for education may change in a matter of days. Izel states:

*When my father lost his main job, they didn't ask me to leave the school, but it was obvious that my tuition was affecting their daily lives, it was clear that it was a matter of school versus feeding, clothing, and sheltering the rest of the family. So I did it myself, I told them that I wanted to be closer to home and that I would transfer back to the community college. It's hard, I miss the education, and I also miss the overall ability to be proud of myself, but, at least, I don't have to worry about my family.*

The ability to gather enough money for tuition, however, does not depend exclusively on families. Another element that largely affects the chances that undocumented students have to pursue an education, to build a positive image of themselves, and to handle their difficult legal situation is society at large, in the specifics of the communities in which they live in, the schools they attend, and the non-profit organization that they encounter on their path. These too are elements that greatly affect the experience of un-



documented students and that once again cannot be captured by looking at these students as a single unified category. When asked how he felt about his status as *undocumented* while growing up Santiago recalls:

*Before turning sixteen, when being undocumented all of a sudden hit me like a wall for me because I couldn't get a driver's license, I couldn't get a job, and I learned about the difficulties related to going to college, being undocumented was what everyone did...because in the area where I live in LA [Los Angeles] a lot of people are immigrants so to me it wasn't like weird, it was natural, a lot of people were in the same situation, it seemed to be okay*

14

While Juan, on the other hand, remembers:

*I didn't know that I was undocumented until I turned sixteen and I asked my parents about my social security number and they told me that I didn't have one. I couldn't believe it. It was such a shock that I thought it was a mistake and I even went to the DMV to try to get a driver's license there and the lady told me that I needed a SSN. I was crushed. That's when I started paying attention to the ways in which undocumented were portrayed and I started to internalize those ideas. It didn't help the fact that we were living in a very racist community...I lived in Casalito<sup>4</sup>, a very racist community, that is very well known for its anti-immigrants views.*

Both quotes highlight how the process of becoming aware of what it truly means to be an *undocumented* in the United States happens over a brief span of time, usually the last two years of high school. According to all interviewees those years are the most difficult in their process of becoming aware of the extent and complexity of their legal status: this is the time when they suddenly become aware of their inability to live like all their peers and of all the limitations inherent to their legal status, as, for example, not being able to get a job, a drivers license or apply to college like all their peers. The community that surrounds them shapes the experience.

Santiago and Juan's quotes also show how two undocumented students can perceive their situation quite differently depending on the communities they live in. While Santiago and Juan's experiences are at extreme opposites, most interviewees' experience fell in between demonstrating how broad the experience of being *undocumented* can potentially be. Students living in more conservative communities, even if in some cases immigrant communities, had the strongest difficulties. Living in these communities affected not only how these students handled their immigration status, which for many became an identity because they internalized many of the negative

---

<sup>5</sup> To protect the identity of the interviewee the name of the town has been changed to a fictional one.



stereotypes that were reproduced in society, but it also limited access to key information on how to pursue higher education as an undocumented student because of the lack of a support network for this population in their schools. It even affected their ability to “dream” about college: many students, in fact, when the parents are unable to cover their tuition or cannot manage to do it completely, come up with very creative ways to fundraise for themselves. Some of these activities, as for example sending letters to local businesses to request individual sponsorships, running food sales in private homes or schools, organizing raffles, car washes and house parties (See Appendix I) often require the direct participation of their own communities and for these students to be able to be visible without risk. *Undocumented students* who live in anti-immigrants areas are not able to participate in these activities and have to rely exclusively on more distant communities, a fact that often reduces their chances to obtain support for college.

## Conclusion

In this paper I have outlined the need to go beyond the simple category of *undocumented college students*. While the category may be useful to provide a broad understanding to the larger public of who these young men and women are and how they ended up being labeled as irregular immigrants, the category is not very useful to provide a satisfactory analytical tool for sociologists interested in understanding irregular immigration in general. The experience that the label *undocumented student* encompasses is much more complex than the category suggest and tend to hide very important elements that influence the experience of being an *undocumented college student* in the United States. These students, in fact, do not live in a vacuum but are part of larger communities that intersect and interact in different ways, thereby affecting or enhancing their ability to pursue their goals.

## Appendix: List of fundraising activities pursued by undocumented students to support their higher education

Donation letters campaign to community businesses requesting individual sponsorship.  
Food sales in students' homes or in their respective schools  
Yard sales  
Raffles  
Car washes  
House parties  
Dinner Parties

Banquets organized by students' organizations.

Students establish face book invites or actual websites/blogs where they share their testimony and ask people for donations.

Students establish pay pals so that people are able to make online money transactions

Students share their experience via video through non-profit organizations' websites and establishing donations accounts.

Seeking personal support from parents' or personal former employers

## Acknowledgement

I would like to acknowledge the support and commitment of LF, without whom, this paper would not have been written. In addition, her dedication to the cause of immigrants' rights has been and still is a constant inspiration to me. I also want to thank all the undocumented college students who took the time to share their experiences with me for their generosity, patience, and great insights. Thanks also to the editors of this issue for their helpful comments and valuable suggestions.

## References

- Abrego Leisy (2008) "Legitimacy, social, identity, and the mobilization of law: The effects of Assembly Bill 540 on undocumented students in California" In *Law and Social Inquiry*, Vol.33, n.3. Pp.709-734.
- Burgess, Robert (1984) *In the Field: An Introduction to Field Research*. New York: Routledge.
- Gonzales, R. (2009) *Young Lives on Hold: The College Dreams of Undocumented Students*. College Board Advocacy. Available at: <http://professionals.collegeboard.com/profdownload/young-lives-on-hold-college-board.pdf>. Retrieved on June 15, 2010.
- Gonzales, R. (2007) "Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students. Immigration Policy in Focus. Available at: <http://icirr.org/sites/default/files/IPC%200710%20wasted%20talent.pdf>. Retrieved on July 7, 2010
- Lopez, Janet K. (2010) *Undocumented Students and the Policies of Wasted Potential*. El Paso, Texas: LFB Scholarly Publishing
- National Immigration Law Center (2010) *Basic Facts About In-State Tuition for Undocumented Immigrant Students*. Available at: <http://www.nilc.org/immlawpolicy/dream/instate-tuition-basicfacts-2010-03-10.pdf> Retrieved on June 2, 2010
- Perez Huber, L. and Malagon, Maria C. (2007) "Silenced Struggles: The Experience of Latina and Latino Undocumented College Students in California." In *Nevada Law Journal*. Vol.7 n.3 pp.841-861
- Perez, William (2009) *We ARE Americans: Undocumented Students Pursuing the American Dream*. Sterling, VA: Stylus Publishing
- Rumbaut, R.G., (2004) "Ages, Life Stages, and Generational Cohorts: Decomposing the Immigrant First and Second Generations in the United States," in *International Migration Review* 38, n. 3, pp.1160-1205.
- Wood, David (2009) "States move against in-state tuition for illegal immigrants" in *The Christian Science Monitor*, April 3, 2009. Available at: <http://www.csmonitor.com/USA/2009/0403/p02s01-usgn.html> Retrieved on June 2, 2010