WHAT NOW? THE POST-GRADUATE PATH OF UNDOCUMENTED MEXICAN COLLEGE STUDENTS IN CALIFORNIA

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DEDICATION

This work is dedicated to undocumented immigrant youth all over the U.S., and especially to the ten individuals who shared with me their hopes, dreams, fears, laughter and tears. I am truly inspired by their stories of courage and motivation. I pledge to continue the dialogue of their plight until they are one day treated with equality in the country they have long called “home.”
ABSTRACT OF THE THESIS

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The purpose of this study is to explore the post-graduate path of undocumented Mexican college students in California, and examine the strategies they employ to cope with their plight. I will also address the contradiction between state and federal laws created to contribute to the assimilation of these students into the US society and larger economy. This topic is of increasing importance as high schools and colleges all over the country are producing greater numbers of graduates who are ineligible to formally partake in and contribute to the nation’s economy and overall well-being. Due to a near standstill of federal immigration reform, the struggles of these students will likely continue to be a major problem for many years to come. The research design was qualitative and included ten one-on-one interviews with undocumented Mexican immigrants residing in California who have earned either a Bachelor’s or Master’s degree from a California institution of higher education. Interview subjects (whose identity was kept confidential) shared information on topics such as: immigration experiences, educational and post-college trajectory, social identity, career goals, and perceptions of current and proposed legislation affecting the immigrant population. With this study I attempt to fill the gap in literature on immigration by focusing specifically on the livelihood strategies employed by undocumented immigrants after receiving a college education. The intended benefits of this study include an increased awareness and understanding of the struggles of undocumented immigrant youth, which should lead to political action granting legislation in favor of their equality and socioeconomic advancement.
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CHAPTER 1

INTRODUCTION

In 1982 the United States Supreme Court Case of Plyler v. Doe affirmed undocumented immigrant youth the right to K-12 education. The ruling made no mention, however, of undocumented immigrants having any right to higher education. In fact, some states have passed legislation since Plyler v. Doe to ban this population from colleges and universities. In the state of California, undocumented immigrant high school graduates are permitted to enroll at public institutions of higher education at the cost of in-state tuition rates. The door of opportunity closes, however, when they begin to seek careers in their field of study. There are a growing number of young adults residing in the US who are earning Bachelor’s degrees and beyond, but have no legal right to employment in a country they consider home.

According to Passel and Cohn (2010) approximately 11.1 million undocumented immigrants currently live in the United States. Eighty percent come from Latin America (60% from Mexico and 20% from other countries in Central and South America and the Caribbean). More than half of the total unauthorized population – 56% – is between the ages of 18 and 39 years old (Passel & Cohn, 2010). While access to higher education for this population may be attainable in some states, employment in the legal work force is not. This thesis explores the post-college graduation path and livelihood strategies of undocumented Mexican immigrant students in the state of California, as well as the role of state and federal laws in the assimilation of these students into the US society and larger economy. Because Mexican-origin immigrants comprise the greatest percentage of undocumented students in the state of California and in the country, this research draws upon cultural factors specifically characteristic of Mexicans in the US, and will identify common trends among the country’s largest unauthorized immigrant population. The topic of this thesis is of mounting importance as high schools and colleges all over the country are producing increasing numbers of graduates who are ineligible to formally partake in and contribute to the nation’s
economy and overall well-being. Due to a near standstill of federal immigration reform, the struggles of these students will continue to be a major problem for many years to come.

Each year approximately 65,000 undocumented immigrant youth, about two-thirds of which are of Latin American origin, graduate from high schools in the United States. In 2001, the California legislature passed state Assembly Bill 540 (AB 540), permitting undocumented high school graduates to pay in-state tuition rates at public institutions of higher education. While this was a huge victory for immigrant youth, it also has posed many complications, as these students have been ineligible to apply for federal financial aid as well as many private scholarships. The October 2011 passage of the California Dream Act, however, granted AB 540 students access to state-funded aid and private scholarships beginning in 2013. At present, AB 540 student enrollment remains low. According to a recent article in the state capital’s newspaper, The Sacramento Bee, undocumented students account for less than one percent of college enrollment in California (Ferriss, 2010).

The cost of making a college education more accessible to undocumented youth has been a major concern of legislators and university officials even before passage of AB 540. The Chancellor of the California State University system, Charles B. Reed, was quoted in Yachnin (2001), “This is a country that tries to improve everybody’s standing” but “the issue is really cost. No one knows what this might cost” (p. 3). The costs associated with not educating this population, however, may be even more detrimental to the state, as the youth could be pushed further into a lower socioeconomic class.

Under present federal legislation, acquisition of a Bachelor’s degree will grant nothing in terms of a path to citizenship. Without legal residency in the United States, AB 540 student graduates cannot legitimately join the nation’s work force. While some find “under-the-table” jobs or join their parents in the service sector, none can be employed in positions utilizing their degree in higher education.

Leo Chavez discussed the concept of “liminality,” in his book Shadowed Lives: Undocumented Immigrants in American Society (1998) when referring to the period of transition between illegally crossing the U.S.-Mexican border and settling in the United States. What may seem like a temporary phase, he says, can become a terminal condition of unsettlement, as U.S. society continues to see the immigrants as “illegal” and “foreign.” Liminality can also be aptly applied to AB 540 college graduates who are navigating through
a seemingly endless stage of transition, brought on by a contradiction between state and federal immigration laws. These youth complete many years of education in the U.S., yet their status as undocumented immigrants remains constant, so they find themselves in an obscure quandary from which they cannot move forward in pursuit of career paths within their field of study. At present, they have no reason to believe that their circumstance will change.

This study explores the “What now?” aspect of the lives of Mexican AB 540 students following graduation from institutions of higher education in Southern California. It investigates to what degree immigrant status structures choices made within the educational path of an undocumented Mexican student, and how this status affects the transition from college life to post-college life. More specifically, this study reveals the strategies that AB 540 students employ to integrate into the US economy and larger society upon completion of a Bachelor’s degree.

The most promising prospect for eliminating status constraints for these students is the federal DREAM (Development Relief and Education for Alien Minors) Act, which would grant conditional permanent residency to qualifying undocumented youth. According to the most recent version of the proposed legislation, qualifying candidates are those who have been brought to the United States more than five years before the Act passes, have entered the country at age fifteen or younger, and those who are able to demonstrate “good moral character.”

The DREAM Act has seen increasing support from Congress since it was first introduced in 2001. Despite this increasing advocacy from affected students and local and national organizations, relief for this growing population is barely in sight. The most recent votes took place in December 2010 when the bill passed in the House of Representatives but then failed to gain enough support in the Senate. Some scholars and legislators predict years may go by before the bill is again up for a vote. The potential for passage of the DREAM Act has created hope among many migrants and their children as they continue to pursue higher education.

The ten individuals selected to participate in this study are highly educated undocumented youth, struggling to succeed despite a broken immigration system that has constructed barriers preventing their physical and social mobility. The youngest participant
interviewed is “Pablo” who migrated to the U.S. at age thirteen after his mother feared her estranged husband would seek custody of the teenage boy and his sister. Four years later he became valedictorian of his San Diego high school and is now a few short months away from his college graduation. Other participants include “Ixcheel,” whose father brought his wife and two daughters to California to offer them a better future and keep them out of harm’s way after he was the victim of a carjacking in Mexico City. A nine-year-old when she arrived in this country, Ixcheel recently started graduate school in Los Angeles and dreams of becoming a medical physician. “Monica” crossed the US – Mexico border on foot at age four with her single mother and five of her eight siblings in an effort to escape her physically abusive father. She now holds a Master’s degree in Public Health and hopes to be a role model and educator for the Latina community. The mother of “Jonás” was eight months pregnant with him and living in Los Angeles when she returned to Mexico, only to cross the border back into the U.S. when Jonás was six months old. A talented soccer player, Jonás went to college in Fresno on a full athletic scholarship and would like to use his Bachelor’s degree in Social Work to help hospitalized children receive proper care. The enlightening personal narratives of these individuals and other current and former AB 540 students featured in Chapter Five will expose the reader to the realities of a growing population of undocumented immigrant youth whose future hinges on the actions of federal legislators.

This thesis addresses the following empirical questions based on research and analysis of qualitative data: What is the post-graduate path of Mexican-origin AB 540 students and what strategies do they employ to integrate into the US economy and larger society? What were the unintended consequences of AB 540 for undocumented students? The following theoretical question is also addressed: Do government policies providing access to education for undocumented Mexican immigrant youth contribute to their assimilation into US society or hinder their progress as contributory adults to their full potential? In other words, this study explores the internal contradictions of AB 540 and it determines to what degree in-state tuition policies and the proposed DREAM Act might create or prevent socioeconomic assimilation of Mexican immigrant youth. Moreover, the findings of this study contribute to existing research by addressing the lack of attention by scholars to the strategies employed by undocumented college graduates to cope with their plight.
The research and findings for this study will be broken down as follows: Chapter two offers a thorough historical account of legislation that has been proposed and/or passed to benefit California’s undocumented student population. Chapter three features perspectives of various literary scholars on Mexican immigration to California, experiences of immigrant youth educated in the United States, reasoning behind in-state tuition offered to undocumented students, and the social mobility and social identity of undocumented immigrant Mexican youth in California. Chapter four offers a detailed description of the qualitative research design and the manner in which informants were selected to take part in this study. Featured in Chapter five are the compiled stories of ten highly educated undocumented Mexicans living in California. Common trends among the informants are indentified. In addition, similarities between scholarly findings discussed in Chapter three and actual lived experiences of the ten informants are explored in this chapter. Chapter six, the final conclusion, includes a review of the contradictory state and federal policies affecting this population. Predictions for the future of California’s undocumented youth are also made in the conclusive chapter, as well as a call to action for policy makers to pass legislation permitting undocumented college graduates to legalize their status and gain employment in their respective fields of study.
CHAPTER 2

HISTORICAL FRAMEWORK

The United States receives more immigrants than any other country in the world, and California has a higher number of immigrant settlers than any other state. Southern California, in particular, has become home to more immigrants than any other metropolitan region. In fact, immigration has made the state’s population so diverse that California has become an ethnic “majority-minority” state, meaning ethnic minority groups comprise more than fifty percent of the state’s population (Rumbaut, 2008, p. 197). California is also the greatest receiver of unauthorized immigrants. The Pew Hispanic Center estimates a total of 2.5 million of the nationwide 11.1 million undocumented immigrants resided in California during the year 2009 (Passel & Cohn, 2010, p. 1). As of 2012, Mexicans account for the largest immigrant group in both the nation and in the state of California. Approximately sixty percent of the Mexican-born U.S. population resides in the country illegally (Suárez-Orozco, Suárez-Orozco, & Todorova, 2008, p. 5).

The immigrant population from Mexico and Central America that settled in California began to increase at a rapid rate during the late 1970s as a result of “an unusual conjunction of factors” (Rumbaut & Cornelius, 1995, p. 2). Most scholars who study immigration claim the driving force behind migration to the U.S. is the desire for better-paying jobs (Lacey, 2011, pp. 3-4). Rumbaut and Cornelius (1995) point to an economic boom in California and a nearly simultaneous Mexican economic crisis, which pushed many migrants to fill “hundreds of thousands” of newly created low-skill, low-wage, non-seasonal jobs in California. The majority of these migrants were considered “non-traditional,” meaning they originated in Mexican cities, as opposed to rural areas, and had little to no agricultural background. Women also started to join the main flow to the U.S., and Mexican states that in earlier eras experienced little to no emigration started sending their citizens northbound (Rumbaut & Cornelius, 1995, p. 2).

Within Central America, namely Guatemala, El Salvador and Nicaragua, “civil strife and violent repression” resulted in large numbers of refugees settling in major California
cities, according to Rumbaut and Cornelius (1995, p. 2). In addition, the 1986 Immigration Reform and Control Act (IRCA) provided amnesty to 1.5 million undocumented workers already residing in the U.S. Many of those workers with newfound legal resident status sent for their spouses and children to join them, often by entering the country illegally, and created permanent settlements in California. As a result of IRCA, the immigrant children population saw major growth in California during the 1980s with a 150% increase of “limited-English proficient students” (Rumbaut & Cornelius, 1995, pp. 2-3). These students, many of whom were unauthorized immigrants, were most populous in Southern California school districts, especially in the counties of Los Angeles, Orange and San Diego (Rumbaut & Cornelius, 1995, p. 33).

Undocumented immigrant youth are legally vulnerable and therefore “economically exploitable,” according to Rumbaut (2008, p. 199). They are often raised in poverty-stricken areas and are confronted with youth gangs and violence at school (Rumbaut, 2008, p. 199). Those who migrate at a later age are usually at a greater disadvantage, according to Nazario (2007), who claims that nearly half of all Central American children who arrive in the U.S. after age ten do not graduate from high school. The students whose stories are featured in this thesis represent the minority of undocumented youth who beat insurmountable odds to graduate with not only a high school diploma but also a four-year college degree.

The state of California is now home to approximately forty percent of undocumented students at all grade levels (Rincón, 2008, p. 110). Annually, an estimated 25,000 of those youth graduate from high schools located throughout the state. Less than 7,000 of those graduates enroll in California community colleges, and much fewer attend schools in the UC and CSU systems of higher education (Perez, 2009, p. xix). During the 2007-2008 academic year AB 540 students accounted for three-tenths of a percent of 220,000 students in the UC’s ten-campus system. At the twenty-three CSU campuses, 3,633 out of 440,000 students claimed AB 540 status during 2009-2010. Undocumented students, therefore, represent less than one percent of total enrollment in the UC and CSU systems (Ferriss, 2010, pp. 1-2). Low university enrollment of this population is not limited to California. As of 2010, only five to ten percent of undocumented high school graduates nationwide enrolled in college, a striking difference from their classmates who are U.S. citizens or legal permanent residents – 75% of whom attend college after their high school graduation (Colvin, 2010, p. 392). Of the
twelve states currently offering in-state tuition to undocumented students, only about ten percent of undocumented males and sixteen percent of undocumented females ages eighteen to twenty-four actually take advantage of it (Perez, 2009, p. xix).

Four million jobs are expected to become available in California between 2010 and 2020, as workers from the Baby Boomer Generation retire, according to Dowell Myers (2007), author of Immigrants and Boomers: Forging a New Social Contract for the Future of America. Myers (2007) predicts that the need for college-educated employees in California will increase, arguing that, “Only by elevating the educational level of the newest generation entering the workforce can the collision between demographic change and the economy be avoided” (p. 199). In order to meet the demand of filling positions in an economy that is more reliant on higher education, California must increase its college graduates by about twenty-five percent by 2020 (Myers, 2007, p. 204).

As of 2007, only one percent of Latinos in California had completed a Bachelor’s or more advanced degree, compared with 44.9 percent of Asian Americans, 36.7 percent of non-Hispanic whites and 18 percent of African Americans. Most other states are also expected to increase their number of college graduates if they plan to adequately replace the baby boomers, but California has an advantage “if it plays its cards right” (Myers, 2007, p. 202). As a result of having the largest population of recent immigrants, California is home to more young people than other states, mostly due to the growing population of Latino youth (Myers, 2007, p. 202). Many of these young Latinos are undocumented but are able to obtain a college degree through AB 540. Because of their legal status, however, they are unable to help fill the positions left vacant by the baby boomers, making it unlikely that California will increase its number of college graduates by even a fraction of its desired goal. The following sections of this chapter offer detailed information about proposed and existing policies designed to both help and hinder the achievements of the undocumented student population.

**HISTORY OF U.S. AND CALIFORNIA POLICY TOWARD UNDOCUMENTED STUDENTS**

A U.S. Supreme Court decision in 1982, Plyler v. Doe, affirmed undocumented students the right to a public education. The ruling, as cited in Rincón (2008) states that “without an education, these undocumented children, already disadvantaged as a result of poverty, lack of English speaking ability and undeniable racial prejudices…will become
permanently locked into the lowest socioeconomic class” (p. 1). This marked the first time that the High Court extended constitutional protection to undocumented immigrants (Rincón, 2008, p. 11).

Texas was the first state in the new millennium to create a law permitting undocumented students access to college at in-state tuition rates. House Bill 1403 (HB 1403) was put into effect in 2001. Those most supportive and influential in passing this law included immigrant students, educational institutions, and state legislators, particularly State Representative Nick Noriega from Houston (Rincón, 2008, p. 66). Since the passing of HB 1403, eleven states have followed suit and created their own in-state tuition policies for undocumented students. Those states include California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Utah, Washington, Maryland and Connecticut (National Conference of State Legislatures, 2011).

Throughout the late 1980s and the 1990s there were several lawsuits filed in California to determine whether or not undocumented immigrant students could be considered state residents for tuition purposes and financial aid eligibility. The *Plyler v. Doe* decision ruled that a person who entered the U.S. illegally would not be barred from obtaining residency within a state. This case, however, made no mention of such persons seeking higher education within their state of residence. University students and immigrant rights groups were working to establish in-state tuition policies to benefit the undocumented in California. One of the most influential advocacy groups was the Leticia “A” Network, which was named for the first student to challenge the UC system’s tuition and fee structure. A 1985 ruling in the *Leticia A. v. Board of Regents* case permitted undocumented students to pay in-state tuition fees at four-year public universities in California (CSU and UC systems) and made these students eligible to receive state financial aid. In 1991 Donald Bradford, a registrar from UCLA, challenged this policy in 1990’s *Bradford v. Board of Regents of the University of California*, and a Los Angeles County Superior Court ruled in his favor (Huber & Malagon, 2007, pp. 847-848).

By the Fall semester of 1991, officials at all of the eight UC campuses began to implement the exclusionary policies set forth by *Bradford*. Those students enrolled as of June 1991 were grandfathered into maintaining resident classification for tuition purposes, but newly enrolled undocumented students were classified as nonresidents. The California
Student Aid Commission stopped awarding financial grants to undocumented students. In 1992, the 108 schools comprising the California Community Colleges (CCC) applied the same Bradford policies to newly admitted undocumented students, but the CSU system did not. At these twenty-three universities, undocumented students were still classified as residents for in-state tuition purposes, but could no longer rely on state financial assistance. Anti-immigrant groups filed a lawsuit in 1995, the American Association of Women v. Board of Trustees of California State University. The judge in this case extended the changes made by the UC and CCC systems to include the CSU system, which was now no longer able to treat undocumented students as residents for tuition purposes. At the time, undocumented students comprised only 0.3 percent of all enrolled students system-wide, so few students were affected but continuing students could no longer be grandfathered (Rincón, 2008, pp. 53-54). While these court rulings did not officially bar undocumented students from pursuing higher education, it did so in essence by imposing the burden of nonresident tuition fees making higher education far out of their reach.

At this time California was also experiencing the immediate aftermath of Proposition 187, which appeared on the state’s 1994 voter’s ballot. Prop. 187 sought to deny social services, including public education at any grade level, and healthcare benefits to all “illegal aliens.” It was nicknamed the “Save Our State” initiative and was approved by fifty-nine percent of voters (University of California, Davis, 1994, p. 1). Prop. 187 targeted the Latino population and promoted anti-Latino, anti-immigrant attitudes. The goal of those voting to pass this measure was to push the federal government to do more about illegal immigration (Rincón, 2008, pp. 55-56).

Prop. 187 was met with resistance by many, especially those in the California school districts. Students at high schools and on college campuses across the state formed marches opposing its passage (Martin, 1995, p. 258). In response to lawsuits, The United States Supreme Court overturned the proposition in 1995, declaring the State’s actions to be unconstitutional, as the responsibility for legislation with respect to undocumented immigrants belongs solely to the federal government (Madera, 2008, p. 3). Although Prop. 187 was never actually implemented, some scholars agree that it has left a lingering shadow. According to Rincón (2008), “its passage and the challenges that followed show that while the issue of undocumented students’ access to public education had been settled in the legal
domain, its enforcement remains a subject of heated popular debate” (p. 56). Nearly two decades after Californians voted to pass Prop. 187, the issues that prompted the measure to appear on the state ballot are still heavily disputed.

**ASSEMBLY BILL 540**

Until Assembly Bill 540 took effect in 2002, there were multiple attempts to implement new in-state tuition laws, but also many setbacks. The first was AB 592, initiated in 1991 by Assemblyman Richard Polanco of Los Angeles. The measure would have enabled undocumented students to again establish residency for tuition purposes and for access to financial aid. It passed in both the California State Assembly and Senate, largely in response to the grassroots informational campaign formed by the Leticia “A” Network. When the bill reached Governor Pete Wilson’s desk, however, it was vetoed. The second attempt, AB 3525, also put forth by Polanco, came the following year. Rather than the students being able to establish residency themselves, this measure proposed to give that right to university campuses, in addition to the responsibility of overseeing Cal Grant requirements for undocumented students. AB 3525 was also vetoed by Governor Wilson (Rincón, 2008, p. 112).

The next attempt, AB 2114, was put forth by Assemblywoman Hilda Solis of San Gabriel Valley in 1993. This bill proposed to allow undocumented students classification as residents for in-state tuition purposes. Requirements for students, as listed on the website of the California State University (1993, para. 5), were as follows:

1. Be a graduate of a California high school.
2. Provide proof of having entered the country as a minor and of having attended high school in the state for at least three years.
3. Show evidence of having filed an application with the INS to adjust their immigration status.

The bill was approved by the Assembly Committee on Higher Education but failed to reach the governor’s desk. However, the language used to describe criteria for inclusion has become customary in most in-state tuition bills throughout the country (Rincón, 2008, p. 112).
In 1994, during the frenzy of Prop.187, efforts to support California’s undocumented youth took a step backwards with State Bill 1652. This bill, backed by state Senator Marianne Johnson, was the first of several attempts of this era to ensure that undocumented youth were not able to enroll in California institutions of higher education. That same year Assemblyman Mickey Conroy of Orange County proposed ABX 70, which would actually classify as criminals those students who are not able to demonstrate proof of citizenship or legal residence at the time of college enrollment. AB 3380, also sponsored by Conroy, sought to prohibit “any person from establishing residence in California for the purpose of paying in-state tuition unless he or she is a citizen of the United States,” as cited in Rincón (2008, p. 114). At the time, such a proposal would have excluded approximately 265,000 non-US citizens residing in the United States from becoming residents of the state of California. This number included the undocumented as well as those immigrants bearing legal status, both permanent and temporary, and refugees and students given amnesty by the federal government. The bill also proposed to increase non-resident tuition by 300 percent for students in the UC system, 550 percent for CSU students and 825 percent for those in the CCC system. The California Board of Governors, which oversees the operations of the CCC system, opposed the legislation, calling it unconstitutional due to the fact that it discriminates against immigrants solely because they are not citizens (Rincón, 2008, pp. 113-114).

In 1995, a ruling of the Los Angeles appellate court required that all California higher education students provide proof of U.S. residency. Those who could not do so would have to pay out-of-state tuition at all of the state’s systems. California Assemblyman Marco Antonio Firebaugh of South Gate, who eventually authored AB 540, first proposed AB 1197 in 1999. This bill was an attempt to reverse the 1990 Bradford ruling by providing in-state tuition access to students who had attended a California high school for at least three years, earned a high school diploma, and been admitted to a CSU or CCC campus. The UC system was not included in these provisions. At this time, the bill would have helped roughly 750-1,500 students to attend college at more affordable rates. It was not the intention of Assemblyman Firebaugh to re-define a California resident with AB 1197. When the bill reached the Senate, a requirement for students to have a pending application with the INS to legalize their immigration status was included. This seemed to serve as nothing more than a symbolic gesture, as most of the students have no means of legalizing their status, especially...
if they entered the United States illegally. AB 1197 passed through the California Senate with no opposition but was vetoed by then-Governor Gray Davis, who claimed that it was in violation of federal immigration law and expressed concern that the state would have to extend these benefits to out-of-state legal residents (Rincón, 2008, pp. 116-117).

An in-state tuition law for California’s undocumented students was finally realized with Assembly Bill 540, which passed in 2001 and took effect on January 1, 2002. It was initially implemented in only the CCC and CSU systems. The UC system was not bound to it at first, but later adopted and implemented it on June 2, 2002, following a student rally at UCLA, demanding that “the university open its doors to all students regardless of immigration status” (Rincón, 2008, p. 119). The requirements for undocumented students to be eligible for in-state tuition, as listed on an informational AB 540 website (New Partnership Foundation, 2010, para. 1), are as follows:

1. Have attended a California high school for 3 or more full academic years (between grades 9 through 12. They do not need to be consecutive years);
2. Have or will graduate from a California high school or have attained a G.E.D.; or received a passing mark on the California High School Proficiency Exam (CHSPE);
3. Register or be currently enrolled at an accredited institution of public higher education in California;
4. File or plan to file an affidavit as required by individual institutions, stating that he/she will apply for legal residency as soon as possible;
5. Not hold a valid non-immigrant visa (F, J, H, L, A, E, etc.).

AB 540 and HB 1403 differed greatly but both served as models for states that followed suit by creating their own in-state tuition laws for undocumented students. Arguments for passage of AB 540 and HB 1403 were actually quite similar. Specifically declared in section 1(a) of AB 540 is recognition of the fact that undocumented students have been present in the U.S. for a long time and of the limitations they will undoubtedly face in pursuit of higher education. Other reasons include demonstrated ability of students through their admittance into California universities, opportunities for the state to increase its “collective productivity and economic growth,” and the fact that families of undocumented students pay taxes and, therefore, their children should have access to educational benefits (Rincón, 2008, p. 120). Additionally, former President of Mexico Vicente Fox argued during a 2001 address before a joint session of the California Legislature that AB 540 was a way of recognizing immigrant contributions to the state’s economic success (Rincón, 2008, p. 120).
Despite the passage and implementation of AB 540, some undocumented students living in California are still charged out-of-state fees because many counselors and teachers in their high schools lack information about the policy (Huber & Malagon, 2007, p. 853). In 2006, a guidebook for AB 540 students was published by the Leticia “A” Network and the University of Southern California Center for Higher Education Policy Analysis. Titled “The College and Financial Aid Guide for: AB 540 Undocumented Immigrant Students,” it offers information about state and federal immigration laws, tips for being successful in college, and lists private scholarships for which some AB 540 students may qualify (USC Center for Higher Education Policy Analysis, 2006). While the guidebook provides this population with vital information for future success, most of the state’s undocumented high school graduates are not attending college. AB 540 student enrollment is still relatively low, as demonstrated by statistics listed previously in this chapter.

The low enrollment in institutions of higher education may be due to a lack of state-funded campaigns informing undocumented youth about in-state tuition policies rather than a lack of desire. Those undocumented students who are aware of AB 540, however, may choose to not take advantage of it because, since its passage, there has been no federal law passed to guarantee eventual legal residency and a legitimate career within the United States. In other words, four plus years of working toward a bachelor’s degree cannot produce legal employment within an AB 540 student’s field of study, as he or she does not possess valid documentation necessary to work in this country. For this very reason legislation like the DREAM Act has been proposed at the federal level on numerous occasions. While it has the potential to benefit hundreds of thousands of educated youth in this country, passage of the DREAM Act, or anything like it, experts say seems unlikely to occur in the near future.

**THE DREAM ACT**

The spring of 2001 was marked with widespread advocacy of national organizations for Congress to create a proposal granting legal permanent residence to undocumented students pursuing higher education and ensuring lawful employment upon college graduation. The first attempt was HR 1918: Student Adjustment Act, proposed in the U.S. House of Representatives by Howard Berman (CA), Chris Cannon (UT) and Lucille Royal-Allard (CA). The bill was to be voted on by the Subcommittee on Immigration on
September 12, 2001. After the events of September 11, the vote never took place, and public talks of education benefits for undocumented immigrants came to an abrupt halt (Rincón, 2008, pp. 176-177).

The DREAM (Development, Relief, and Education for Alien Minors) Act was introduced the following year. It stands to benefit those undocumented students who (Madera, 2008, p. 15):

1. Were brought to the United States more than five years before passage of the bill.
2. Entered the country at age fifteen or younger.
3. Are able to demonstrate good moral character.
4. Have been admitted to an institution of higher education in the United States and/or graduated from high school or received a GED in the United States.

If passed, the DREAM Act would make undocumented high school graduates eligible to apply for conditional permanent status; this would allow for legal residence for an indicated amount of time. Previous versions of the bill called for a six-year conditional period while the most recent version reflected an increase of ten years. Permanent residency would be granted to those who, at the end of the conditional term, had done one of the following: graduated from a two-year college, completed two years toward a four-year degree, or served at least two years in the US military (Madera, 2008, pp. 15-16). Those students who graduate college before the Act passes are still eligible to apply for the conditional permanent status as long as they do so before their thirty-fifth birthday (DREAM Act Portal, 2011).

The Senate Judiciary Committee passed the DREAM Act in June of 2002, but as focus that year shifted to the Iraq War, the proposal was no longer a federal priority. It was reintroduced to Congress in 2003 with amendments that made undocumented students ineligible for federal financial aid programs and at risk of being monitored by the Student and Exchange Visitor Information System (SEVIS), which was initially created to track international exchange students. These added proposals resulted in the Act not being passed and “ended up strengthening the anti-immigrant camp by repeating such arguments that favor governmental surveillance of immigrants who are portrayed as potential threats” (Rincón, 2008, p. 177). The presidential elections of 2004 interfered with efforts to pass the DREAM Act, and in 2005 controversy over the passage of HR 4437, the Border Protection, Anti-Terrorism, and Illegal Immigration Control Act, prevented DREAM from becoming a reality. The following year it passed in the Senate as part of the Comprehensive Immigration Reform
Act (CIRA) of 2006, but the House and Senate were unable to reach an agreement regarding potential benefits offered to immigrants as part of CIRA and the opposing anti-immigrant characteristics of HR 4437 (Rincón, 2008, p. 178).

Many immigrant rights organizations actually began to protest passage of the DREAM Act, as the original intent of the proposal shifted from education to national security. In 2007, it was attached to HR 1645, the Security Through Regularized Immigration and a Vibrant Economy (STRIVE) Act. The bill’s sponsor, Democratic Senator Richard J. Durbin of Illinois, acknowledged that it would be used to solve a military recruitment “crisis.” The STRIVE Act quickly gained support of the Pentagon but, according to Rincón (2008), “The original intent of opening up educational opportunities and a path to citizenship was now warped to satisfy the needs of the military” (p. 179). Once again, the bill did not pass, and presidential elections in 2008 prevented it from moving forward.

Within the last five years, the DREAM Act has seen increasing support from Congress as well as local and national student-based organizations, though recent attempts to pass it have remained unsuccessful. The latest proposal passed in the U.S. House of Representatives in December of 2010. One week later the support of 60 senators was required for the bill to move forward. After weeks of constant lobbying for the DREAM Act, Latino youth, some wearing caps and gowns, filled the Senate spectator galleries. According to New York Times journalist David Herszenhorn (2010), the youth “held hands in a prayerful gesture as the clerk called the roll” (p. 1). The bill’s sponsor, Senator Durban, made a plea to his fellow senators that was also quoted in Herszenhorn’s NYTimes article (2010):

I want to make it clear to my colleagues, you won’t get many chances in the United States Senate, in the course of your career, to face clear votes on the issue of justice. Thousands of children in America who live in the shadows and dream of greatness…they are children who have been raised in this country. They stand in the classrooms and pledge allegiance to our flag. They sing our ‘Star-Spangled Banner’ as our national anthem. They believe in their heart of hearts this is home. This is the only country they have ever known. (para. 11)

In another effort to convince senators to pass the bill, President Barack Obama commented (Herszenhorn, 2010):

It is not only the right thing to do for talented young people who seek to serve a country they know as their own, it is the right thing for the United States of
America. Our nation is enriched by their talents and would benefit from the success of their efforts. The DREAM Act is important to our economic competitiveness, military readiness, and law enforcement efforts. (para. 10)

The DREAM Act failed with a Senate vote of 55-41. Opponents of the bill expressed concern that it would grant amnesty to illegal immigrants (Herszenhorn, 2010). New Jersey Senator Robert Menendez, who voted in favor of the DREAM Act, was quoted in a separate New York Times article (Preston, 2011b) written about the crucial vote. He made reference to the 2012 elections and claimed that this vote “will not soon be forgotten by a community that is growing not just in size, but also in power and political awareness” (Preston, 2011b, p. 3).

CONCLUSION

For more than three decades undocumented students have been struggling to achieve equality in education and a right to legal employment in the U.S. This chapter has included an historical account of California state and federal legislation proposed to impact the educational trajectories and post-graduate opportunities for a growing demographic of unauthorized immigrants. The following chapter reviews existing academic works on the topic of undocumented youth in higher education and the contradiction between state and federal policies affecting this underrepresented population. Chapter five will feature personal reflections of undocumented Mexican-origin college graduates, selected for this study, on their lived experiences as AB 540 students and college graduates, the failure of the federal DREAM Act, and their hopes and goals for the future.
CHAPTER 3

LITERATURE REVIEW

Within the decade since the passage of Assembly Bill 540, several academic scholars have tackled the topic of undocumented Latino youth living and being educated in the United States. Among the most notable published research, such as Leisy Abrego’s *Legitimacy, Social Identity and the Mobilization of Law* and Lindsay Perez Huber and Maria C. Malagon’s *Silenced Struggles*, common themes include cultural and socioeconomic assimilation, social mobility and the social identity of those comprising this population. Many authors like Alejandra Rincón and William Perez discuss the logic behind offering in-state tuition to unauthorized immigrant youth, as well as the principal arguments for passing proposed federal legislation that may offer these students a path to citizenship in the United States.

ARGUMENTS FOR LEGISLATION BENEFITTING UNDOCUMENTED YOUTH

Opinions on immigration and ideas about how to best serve a growing population of undocumented immigrant youth are plentiful and diverse. There are three main cases that have been argued to justify enactment of AB 540 and to advocate for passage of the proposed DREAM Act – economic prosperity, cultural assimilation and crime deterrence. While the potential for major contributions to state and federal economies is the most frequently used contention among legislators and scholars advocating for immigrant students’ rights, the remaining two arguments have also been popularly debated at the national level. An examination of each of these three arguments is offered below.

Economic Prosperity

It is often argued by immigrant scholars and advocates for immigrant rights that without access to higher education and legalization of immigrant status, this population will never be able to make formal economic contributions to their new country. According to Robert Crosnoe, author of *Mexican Roots, American Schools: Helping Mexican Immigrant*
Children Succeed (2006), “American society will be damaged economically by a growing pool of workers who lack appropriate education and training for many sectors of the labor force, and by an expanding burden on social programs” (p. 93). Generally speaking, in order to ensure that individual states maintain economic prosperity the state governments invest in K-12 education and provide lower in-state tuition costs to their permanent residents. This prevents a massive brain drain of young, motivated individuals to other states. According to Kyle William Colvin (2010), the author of “In-State Tuition and Illegal Immigrants: An Analysis of Martinez v. Regents of the University of California,” one legitimate reason for offering in-state tuition to undocumented students is that they are usually committed to living and working in that same state, and are less likely to migrate to other states.

While most AB 540 college graduates choose to remain in California, some may choose to leave the state or the country. Ralph W. Kasarda (2009), author of “Affirmative Action Gone Haywire,” opposes the claim made by Colvin. He argues that the state offering in-state tuition to the undocumented does not guarantee that the students will remain in the state, and therefore such policies present too much of a financial risk. However, even when states invest in the education of U.S. citizen students, they are taking a risk because there is no guarantee that the graduated students will remain in the state that funded their education and the state “will not gain any further economic benefit” from their investment (Colvin, 2010, p. 395). Kasarda fails to acknowledge this point and argues that states should “mercifully be spared this unnecessary expense” because the Plyler v. Doe ruling did not mandate providing college education to “adult illegal aliens” (2009, p. 202).

State economic prosperity is the primary goal of in-state tuition policies and the twelve states that have passed such legislation are on the right track to fulfilling this policy objective. The concept of economic prosperity, however, must be distinguished from socioeconomic assimilation of undocumented immigrant youth into the country’s middle class. Socioeconomic assimilation focuses more on the individual success of those comprising this population and less on their contributions to a prosperous economy. While California Governor Gray Davis was signing AB 540 into action, he said, “Kids who grew up and graduated from high school here should not be priced out of a future” (Gehring, 2001, p. 19). Davis shared a concern for equal opportunity to social mobility, by means of
education – a common argument among immigrant rights advocates that is less popular with lawmakers.

For the past decade, undocumented youth have been able to pursue higher education in California at reduced tuition costs but for many, meeting the expenses of in-state tuition is still out of reach. Furthermore, a lack of higher education and subsequent socioeconomic assimilation of this population will be financially harmful to the state. Crosnoe (2006) argues that a growing population of undereducated workers, unable to formally partake in the various sectors of the labor force, will cause “an expanding burden on social programs” and will in general cause further economic harm to American society (p. 93).

The U.S. population of young, undocumented individuals is growing, and therefore their struggles are of increasing importance to the entire nation. There are certain areas of the country, however, that will be most affected by the manner in which our policy makers decide to handle their plight. The states of California, Florida, Illinois, New Jersey, New York and Texas house two-thirds of all immigrants in the nation. Perez (2009) rationalizes the federal government providing legal immigration status to undocumented youth in these parts of the country:

These states in particular have much to gain economically from their population of undocumented students. They have invested state resources in educating them up to the high school level and have nurtured them into becoming self-sustaining individuals. Without legalizing undocumented students, these states cannot get the return on their educational investment. (p. xxv)

Rincón (2008) acknowledges arguments like the one made by Perez, but ultimately disagrees. She claims that the perspective of passing the DREAM Act in order to provide socioeconomic assimilation and re-pay state educational investments is “well intended” but flawed. “Such logic,” she contends, “accepts the misrepresentation that millions of working undocumented immigrants – the overwhelming majority of whom lack a college education – are not productive and are a burden on society” (Rincón, 2008, p. 201). The author is supportive of policies benefitting this population, but feels that fairness and equality should be the overarching reason for passing such legislation, as opposed to the potential for economic gains. While many immigration scholars agree that these youngsters have earned the right to fair and equal treatment, they rarely mention egalitarianism as a reason to support in-state tuition policies and/or the DREAM Act.
Cultural Assimilation

In addition to funneling immigrant youth into U.S. universities and later into the formal workforce, many supporters of legislation benefitting this population hope to see an adoption of American culture. Rubén Rumbaut and Wayne Cornelius (1995) define assimilation as “the process whereby individuals of one society or ethnic group are incorporated or absorbed culturally into another” (p. 90). In its most extreme form assimilation implies that one’s former identity will be replaced with a new identity and previous cultural practices and beliefs will be limited. This term should not be confused with acculturation, which is defined as “a process of culture change and adaptation that occurs when individuals of different cultures come into contact” (Rumbaut & Cornelius, 1995, p. 90). Immigrant parents often encourage their children to acculturate but prefer that they avoid assimilation. The notion that their children will become completely Americanized often causes uneasiness among immigrant parents but at the same time they acknowledge that a certain degree of assimilation may be necessary for their children to be successful in a new country (Rumbaut & Cornelius, 1995, p. 90).

The U.S. public education system, according to Rumbaut and Cornelius, favors assimilation. In a study of high school teachers of immigrant youth, they found that many teachers felt it was their responsibility to make sure immigrant students adapt as quickly as possible, and some teachers regarded social acceptance as a major indication of a successful high school experience. Rumbaut and Cornelius (1995) quoted one teacher in the study, who expressed her opinion about assimilation as it relates to Mexican American students living in California:

In the sense that I would not want to lose myself when I joined [learned] another culture, I would hope that the students would not feel the need to, nor be forced to, lose their own identities, their language, their unique cultural advantages. And yet I would hope that they would be able to understand the Caucasian culture, the California culture, the beach culture… (p. 102)

This teacher’s comments demonstrate a preference for promoting acculturation in schools (rather than cultural assimilation) which Rumbaut and Cornelius (1995) claim is the less popular method of educating immigrants in California. With respect to immigrant youth learning the English language, Portes and Rumbaut (2001) discuss the benefit of selective acculturation, the process whereby the language and culture of a new country are adopted.
without losing one’s native tongue or customs. Those youth who are able to achieve this generally maintain higher self-esteem and are expected to perform well academically and on the job. Overall, they “have a much better understanding of their place in the world” (Portes & Rumbaut, 2001, p. 274). Bilingual immigrant youth are less likely to feel embarrassed by their parents and their cultural background, and “are able to bridge the gap across generations” by valuing the goals and cultural customs of their elders (Portes & Rumbaut, 2001, p. 274). This multi-cultural, multi-talented population will be able to choose from a larger job pool, as bilingualism has become a pre-requisite for most job applications in global cities, and therefore be able to make a greater impact on society. Selective acculturation is unpopular among many politicians for the reasons outlined below by Portes and Rumbaut (2001):

For nativists and assimilationists alike, anything that reeks of preservation of foreign ways is suspicious and should be made to disappear. For assimilationists, this is accomplished by the surrender of immigrants’ language and cultures; for nativists, by the removal of the immigrants themselves. (p. 274)

Many immigration scholars agree with Portes and Rumbaut, that selective acculturation is most beneficial to immigrant youth, but acknowledge that it is usually discouraged in the political atmosphere and within the U.S. public school system (Portes & Rumbaut, 2001, p. 274).

Those who oppose legislation that is said to benefit undocumented immigrant youth are often fearful that immigrants will not assimilate to U.S. culture. DREAM Act supporters have gone out of their way to appease the opposition by noting that, as stated in the legislation and cited in Rincón (2008), the DREAM Act would merely permit some immigrants “who have been acculturated in the United States the privilege of earning the right to remain” (p. 203). One advocate of in-state tuition for this population was quoted in Rincón (2008) pleading his case that these students “speak unaccented English [and] consider themselves Americans” (p. 203). Rincón retorts that these kinds of arguments fail to recognize the richness that cultural diversity brings to the United States. To force these youth to adapt to a new way of life for the primary purpose of reaping legal and educational benefits is unfair. She claims, “the presentation of these students as uniformly talented, assimilated, academically gifted, English speaking, and flag waving is problematic and reinforces the idea that only those who meet these criteria are deserving of benefits” (Rincón,
2008, p. 203). The author does make a valid point but the reality is that the DREAM Act is far less likely to pass if legislators assume the affected population will remain attached to the language and culture of their home country.

Whether or not cultural assimilation is being forced upon immigrant youth in schools or by legislators, or if they choose the path of assimilation themselves, it is true that the majority of undocumented Mexican-origin students are well-adapted to U.S. culture. According to Perez (2009, p. xxiv), most immigrant children and youth have spent the majority of their formative years in the U.S. and they self-identify as Americans. Leo Chavez, author of *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (2008), points out that if seeing Latino migrants integrate into U.S. culture will make our society happier, then why are we so reluctant to pass something like the DREAM Act that would likely do just that for the 1.5 immigrant generation (those who migrated to the U.S. prior to age fifteen) who are “undocumented but educated” in this country (Chavez, 2008, p. 68). Naturally in-state tuition policies are causing further cultural assimilation of immigrant students, as more and more, they are being exposed to American college life. Chavez and many other immigration scholars agree that the DREAM Act would advance this process by introducing undocumented immigrants to the culture of the formal American workforce.

**Crime Deterrence**

As mentioned above, the cost of educating undocumented immigrant youth is a major concern for critics of in-state tuition policies. The public expenses associated with under-educating this population, on the other hand, could be much greater if the immigrant youth grow into adults who are dependent upon social services, and/or if they fall into a life of crime which may lead to incarceration (Suárez-Orozco et al., 2008, p. 366). When pushing to pass Texas in-state tuition law, one memorandum included in Rincón’s (2008) book stated that denying higher education to this population was equivalent to “creating a second class of citizens who would be a burden on our social services and criminal justice systems” (p. 207). Rincón (2008) argues that the idea of greater access to higher education deterring undocumented youth from engaging in criminal activity is “perhaps the most extreme argument brought to bear on the question of in-state tuition laws” because it “casts education as a form of crime prevention, promoting the shocking proposition that it is cheaper
educate undocumented youth than it is to incarcerate them” (p. 203, 205). Such an argument is derived from “criminal class” theories of the nineteenth century in which working-class individuals, or in this case immigrant youngsters, are regarded as “criminals to be” if not formally educated (Rincón, 2008, p. 206).

Some opponents of laws benefitting unauthorized youth, like Roy H. Beck who is president of Americans for Better immigration, maintain that these youth are already criminals. Their illegal presence in this country is a consequence of their parents breaking the law to bring them here, he claims, and every day they are in the United States the youth are perpetuating the law-breaking cycle (Yachnin, 2001). Kasarda (2009) argues that once illegal minors become adults then they are responsible for their actions “and they acquire the ability to conform their conduct to societal norms even if this means removing themselves from the State’s jurisdiction” (p. 202). Their status as “illegal” therefore becomes the product of their own conscious decision. This results in “the weakening of the rule of law,” he claims, because they must often use illegal means to acquire employment (Kasarda, 2009, p. 244). Such methods may include identity theft or use of falsified documents (Kasarda, 2009).

Kasarda also expresses concern that offering in-state tuition to undocumented students will attract further illegal immigration and feels it is unfair that these students will be competing with U.S. citizens for acceptance into universities and colleges (Kasarda, 2009, p. 243). This is a commonly made case by immigration critics, but one in which Rincón (2008) refers to as a “scare tactic” (p. 198). An article by Passel and Zimmerman (2001) discusses the probability that states offering social services to unauthorized immigrants act as “magnets,” attracting increased migrant settlers. The authors focus primarily on welfare and ask, “Will immigrants be drawn to those states that make their safety nets more accessible to them?” (Passel & Zimmerman, 2001, p. 3). Using data from population surveys and the Census Bureau, the authors conclude that job opportunities play a greater role in choosing settlement states than access to social services like welfare. They point out that although California “has made perhaps the most generous choices toward immigrants by providing substantial state-funded assistance,” many Mexicans see the state as a jumping-off point in their migration journey (Passel & Zimmerman, 2001, pp. 17-18). After initially settling in California and gaining skills and knowledge, more-established Mexican migrants sometimes
move to other states, seeking better job opportunities and/or more affordable housing. Unfortunately, similar research regarding likelihood of increased migration to states offering in-state tuition to the undocumented is not readily available. Based on previous assumptions, it is probably safe to conclude that most immigration scholars would maintain their position of increased job opportunities, rather than in-state tuition, being the reason for most Mexican migration to the United States.

**SOCIAL MOBILITY**

In order for settled immigrants to establish themselves and increase their social mobility, they must often demonstrate acquired knowledge, wealth and community involvement. Dowel Myers, author of *Immigrants and Boomers: Forging a New Social Contract for the Future of America* (2007) points out what he claims are the primary indicators of immigrant advancement and incorporation: high school completion, English proficiency, income above the poverty level, homeownership attainment, citizenship and voting (p. 109-111). As demonstrated by the participants interviewed for this study, the social mobility of immigrants is greatly affected by their legal status and undocumented students have an especially difficult time navigating through life. According to Rumbaut (2008), “The prospects for socioeconomic mobility among children of immigrants hinge on their access to public colleges and universities” (p. 232). Crosnoe (2006) agrees, calling education the “primary ‘conveyor belt’” to upward social mobility (p. 93). English language acquisition is listed by Rumbaut (2008, p. 219) as the second most critical factor for success among immigrant youth. He has written extensively on the topic of second generation immigrants in California and claims the future of the state will weigh heavily on the destinies of this upcoming population (Rumbaut, 2008, p. 232).

Perez (2009) discusses the difference between undocumented youth today and immigrants throughout US history, noting that until undocumented youth are able to gain full legal rights, they will not have the same access to traditional paths of upward mobility available to immigrants of previous generations. He makes a plea for passage of the federal DREAM Act with the following statement from *We Are Americans: Undocumented Students Pursuing the American Dream* (Perez, 2009):

…the inescapable reality for undocumented students is that without the prospect of normalizing their immigration status, the education they receive is useful for
personal growth, but is of little consequence because they remain unable to participate in our democratic society. From an economic standpoint, denying legal status to undocumented students creates a subclass of citizens who otherwise are fully capable of becoming successful individuals (i.e., skilled professionals) and, thus, significant taxpayers. Without legalization, undocumented students are permanently locked into the lowest socioeconomic class, perpetuating poverty among immigrant communities. (p. xxv)

Frum (2007) shares Perez’s assertion regarding the unequal path to success between immigrants of various generations. She claims that today, a high school diploma creates less job opportunities for those entering the job market than during the time of Plyler v. Doe. Instead, social and economic mobility are heavily influenced by a college degree today. Echoing the concern of Perez, Frum (2007) states:

While in 1982 the Supreme Court sought to prevent the creation of an underclass of undocumented individuals by assuring access to free public K-12 education, the new educational “ticket to the middle class” may well be a college degree. By today’s standards, then, not extending similar protections to undocumented students once they reach college age may create the very socio-economic chasms the Court had originally sought to avoid. (p. 83)

Perez (2009) and Frum (2007) argue that a college diploma and a path to citizenship are two of the most important factors in determining an immigrant’s upward social mobility. Current immigration policy in most of the U.S. makes these goals difficult to reach. The contradiction between what is necessary for undocumented students to succeed and what is available to them will be explored later in this chapter.

For most individuals, a college degree can lead to the ideal “American Dream” scenario. In addition to gaining personal enrichment, college graduates are able to choose from a larger pool of employment opportunities, therefore increasing their likelihood of earning salaries well above the poverty level and of owning a home. However, this is an unattainable outcome for most youth who possess a Bachelor’s degree but lack legal immigration status. Jay Macleod, author of Ain’t No Makin’ It: Aspirations and Attainment in a Low-Income Neighborhood, argues that the American Dream does not apply to everyone, despite the fact that it is “held out as a genuine prospect for anyone with the drive to achieve it” (1995, p. 3). The author maintains that according to a socially perceived achievement ideology, American society is ridden with fair and equal opportunities for success. “In this view,” he posits, “success is based on merit, and economic inequality is due to differences in ambition and ability. Individuals do not inherit their social status; they
attain it on their own. Since education ensures equality of opportunity, the ladder of social mobility is there for all to climb” (MacLeod, 1995, p. 3). Undocumented college graduates demonstrate unwavering ambition, but factors beyond their control prevent them from succeeding to their fullest potential.

In addition to preventing upward social mobility, a lack of legal immigration status can cause serious emotional turmoil. According to a study published in 1993 by S. B. Dozier cited in Perez, Espinoza, Ramos, Coronado and Cortes (2009), the three primary emotional concerns among undocumented college students are fear of deportation, loneliness and depression. Other stressors related to an illegal immigration status include strained personal relationships, housing troubles, difficulty learning the English language and adjusting to a new system of education, adjusting to new roles within families, negotiating ethnic identities, navigating through the acculturation process, and constantly seeking means of obtaining legal documentation (Perez et al., 2009, pp. 150-151). In order to cope, many immigrants demonstrate what David Spener (2010) describes as rascuachismo, a term originating in the field of Chicano/Chicana studies which “refers to the celebration of the sensibility of los de abajo (the underdogs), whose resourcefulness and ingenuity permit them to overcome adversity by stitching together the tools needed to survive from whatever materials they have at hand” (p. 9). Rascuachismo is most observable in working-class Mexicans residing on both sides of the U.S.-Mexico border who possess the same “attitude, sensibility, worldview and orientation toward action” (Spener, 2010, p. 30). Chapter five will reveal rascuachismo within the stories of perseverance of each of the ten individuals participating in this study.

**SOCIAL IDENTITY**

The conflicting social identity of immigrant students is another factor heavily influenced by their unauthorized status. In both social and legal situations, undocumented immigrants are referred to as ‘illegal aliens.’ As such, they are rarely seen by mainstream society as having any form of legal rights (Abrego, 2008, p. 713). Rincón (2008), who expresses the term “hostages” as being more appropriate than “illegals” when referring to this population, notes a particular comment made by a judge in the *Plyer vs. Doe* case:

> Whatever his status under the immigration laws, an alien is surely a ‘person’ in any ordinary sense of that term. Aliens, even aliens whose presence in this
country is unlawful, have long been recognized as ‘persons’ guaranteed due process of law by the Fifth and Fourteenth Amendments. (p. 26)

The law implies that unauthorized immigrants are humans and should be treated as such. That does not necessarily mean that the members of this population feel welcome or included in American society. Leisy Abrego (2008) discusses ideas of meritocracy and legal consciousness in “Legitimacy, Social Identity and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California.” She defines meritocracy as a worldview that “endorses the belief that anyone, regardless of their social location, is free to be successful through their own merits” (Abrego, 2008, p. 711). Legal consciousness is the manner in which individuals understand and interpret laws based on their own “lived experiences” (Abrego, 2008, p. 712). The author claims that this population has a unique perspective when interpreting and mobilizing the law, as they are “simultaneously included and excluded from U.S. society” (Abrego, 2008, p.715). They are granted legal access to K-12 public education but lack legal documentation and are thus criminalized for residing in this country.

Abrego’s (2008) study revealed that before passage of AB 540, undocumented youth felt shame and embarrassment as a result of their legal status, which was “a constant reminder that they were different, vulnerable, and considered suspect” (p. 723). After the law passed, students in Abrego’s (2008) study expressed a “newfound confidence” when discussing their situation. Most undocumented students, she says, now prefer the label “AB 540 student” as it “helps conceal their illegal migratory status” (Abrego, 2008, pp. 724, 726). One student interviewed for Abrego’s study was quoted, “I use [the term] because it’s cool that it fills in the blank for ‘undocumented’” (Abrego, 2008, p. 726). The neutral term contributes to enhancing the meritocratic worldview of this population by concealing their marginal status and allowing them to legally claim new rights in an atmosphere of greater acceptance (Abrego, 2008, p. 727).

Success in mobilization efforts of undocumented students to push for in-state tuition policies and other laws beneficial to the immigrant community has helped this population develop a sense of empowerment. Portes and Rumbaut (2001) compare student activism before recent DREAM Act votes to the outpouring of opposition after Prop. 187. They say the process of forming an ethnicity to “perceived threats, persecution, and exclusion” is relatively common (Portes & Rumbaut, 2001, p. 148). According to the authors, “Ethnic
identification begins with the application of a label to oneself in a cognitive process of self-categorization, involving not only a claim to membership in a group or category but also a contrast of one’s group or category with other groups or categories” (Portes & Rumbaut, 2001, p. 151). Through organizing protests and sharing the neutral label of “AB 540 students,” undocumented youth are forming psychological bonds and protective relationships with one another. With the support of each other, many courageous undocumented students “came out,” revealing their immigration status prior to the most recent DREAM Act vote, in an effort to demonstrate that they are real humans affected by a broken system (Portes & Rumbaut, 2001, p. 151).

Despite the positive impact of having a unified group of “DREAMers,” many undocumented youth struggle with self-esteem. Some of the participants interviewed for this study expressed shame and a lack of confidence. Portes and Rumbaut (2001) interviewed parents of undocumented students. The mother of student Alberto Díaz said of her son, “no cree que él tiene valor” – “his illegal status undercuts his sense of self-worth” (Portes & Rumbaut, 2001, p. 195). Both Alberto’s mother and father support their son and encourage him to continue his education, despite his shamefulness over his immigration status. They want him to have multiple job opportunities, and not struggle as they have. His father said, “Si él le echa ganas, puede lograr lo máximo” – “if he has the desire, he can achieve anything” (Portes & Rumbaut, 2001, p. 195). They did not mention any particular career path that they would like Alberto to follow but rather stressed that they did not want him to follow in their footsteps. His father hoped for “cualquiera menos cortar zacate como yo” – “anything but cutting grass like me” (Portes & Rumbaut, 2001, p. 196).

**CONTRADICTION BETWEEN STATE AND FEDERAL LEGISLATION**

For immigrant students who are fortunate to be able to afford in-state tuition university costs, the window of opportunity closes at their college graduation. In a study conducted by Lindsay Perez Huber and Marica C. Malagon (2007) on the educational experiences of California’s Latino and Latina undocumented college students, all interviewed students expressed anxiety about finding work after college that would meet their career aspirations. AB 540 graduates are left with no choice but to find employment that does not require legal documentation, usually in the service sector “where they are not compensated
for their skills” (p. 853). Many scholars, like Frum (2007), express concern that without passage of the DREAM Act, undocumented high school students may be less likely to bother with postsecondary education, because their career opportunities will be limited to unskilled labor positions. Some may be so discouraged, she claims, that they end up dropping out of high school (Frum, 2007, p. 91).

William Perez (2009) states that legalization, in the form of the DREAM Act, could serve as incentive for students to work hard and complete their high school education. He also argues that it is senseless for states to pay for postsecondary education for these students when they will be unable to work legally in the United States. “Even though the states are taking steps in the right direction,” he claims, “their hands are tied until Congress allows undocumented students to legalize their status” (Perez, 2009, p. xxii). After Texas passed HB 1403 in 2001, Houston activists expressed concern about the students’ futures upon graduation and were quoted in Rincón (2008), “It would be fitting to consider future actions to help these students be able to [practice] their profession” (p. 176).

State efforts are blocked by a near standstill on immigration reform in Washington, D.C. Recent attempts to pass the DREAM Act failed and scholars have pointed out that undocumented students remain caught in a contradiction between state and federal immigration policies. The following is an excerpt from the story of Julieta, as featured in Perez’s We Are Americans: Undocumented Students Pursuing the American Dream (2009):

Julieta continues to cling to the hope that someday she will be able to use her earned degree to teach at the high school or community college level. She says, “Ten years from now I will be teaching. I might be teaching at community college or I might still be teaching at a high school.” She feels sad that after all her hard work, she still cannot move forward with her career, and continues to wait. Despite her situation, Julieta’s faith in getting an education does not waiver: “[I’d] rather be undocumented and educated than documented and uneducated.” (p.105)

In the meantime, undocumented university students and graduates in the twelve states offering in-state tuition remain in limbo. They are caught between a state that recognizes their right to higher education and a federal government that prevents them from fulfilling their dreams. In most cases, these individuals have no means of pursuing legal immigration status and often live in fear of deportation (Rincón, 2008, p. 175). More personal reactions, like that of Julieta, to the contradiction between state and federal immigration laws fill be featured in Chapter Five.
CONCLUSION

Due to the controversial nature of immigration in the U.S., opinions about unauthorized youth obtaining and utilizing U.S.-based higher education vary greatly. Among the perspectives of authors mentioned above, there are many similarities. The overall framework of arguments used to pass in-state tuition laws points to economic, cultural, fiscal and social reasons that stand to benefit society more than the students themselves. While many scholars featured in this chapter undoubtedly support equal access to higher education for the young undocumented U.S. population, most neglect fundamental human and civil rights as the primary basis for granting access.

A college diploma and a path to legalization are the two most important factors in determining upward social mobility of this population. Their plight is ridden with emotional issues, namely depression, loneliness and a fear of deportation, as they navigate through a paradox of federal and state laws both favoring and hindering their progress. Many undocumented college students take comfort in their new label “AB 540 student,” which disguises their migratory status and allows them to claim new rights. My study adds to the current dialogue by providing a descriptive analysis of the strategies employed by AB 540 graduates who are trying to navigate through conflicting ideas of social identity, progress and setbacks in upward social and economic mobility, and a broken immigration system.

Chapter Four includes a detailed description of the research design and the methodology used for this study. It will cover recruitment methods and subject characteristics of those who participated in interviews, and set the stage for thorough findings found in Chapter Five.
CHAPTER 4

METHODOLOGY

The research design for this study is qualitative in nature and utilizes interviews as the primary method for investigation. One-on-one interviews with ten participants helped to produce a descriptive analysis of the post-graduate path of Mexican AB 540 students. Because Mexican-origin immigrants comprise the greatest percentage of undocumented students in the state of California and in the country, all interview subjects are of Mexican descent. This is not to discount or devalue the significant experiences of other minority undocumented student populations whose stories are also of major importance. As noted earlier though, this research draws upon cultural factors specifically characteristic of Mexicans in the US in order to highlight common trends among the country’s largest undocumented immigrant population.

The rationale for the study is to demonstrate the growing predicament of highly educated undocumented immigrants residing in the United States and to determine whether state and federal legislation is helping or hindering their socioeconomic assimilation. The data gathered from the interviews serves as a basis for comparison between what has been written about former AB 540 students and what they describe to be their actual lived experiences. Responses to interview questions aid in distinguishing idiosyncratic differences and discerning structural-related struggles among the sample population. Because this thesis is not a scientific study but rather a descriptive analysis, no formal hypothesis is provided.

SUBJECT RECRUITMENT

Three different points of entry were used to recruit interview subjects. Most interviewees were recruited by a mass e-mail sent to members of the California Dream Network, a statewide support system comprised mostly of university student groups and political activists advocating for immigrant rights. Three participating individuals are personal acquaintances from Education Without Borders, an AB 540 student support group at San Diego State University. A friend identified and contacted one final participant who
willingly agreed to take part in an interview. See the recruitment letter, informed consent, interview questions, and the researcher fieldnote template in the Appendix.

**SUBJECT CHARACTERISTICS**

All interview subjects are current or former AB 540 students of Mexican origin. Nine of the participants have earned a Bachelor’s degree. Two subjects have also completed Master’s programs, while another two are current graduate students pursing Master’s degrees. One subject is an undergraduate student in senior standing. The ten participants include three males and seven females. Ages of the participants range from 21 to 39. Subjects represent five different universities including four public schools (San Diego State University, CSU San Marcos, CSU Northridge, and CSU Bakersfield) and one private school (Fresno Pacific University). Attendance of AB 540 students at public universities is far more common than at private universities, due primarily to cost. The one participant attending a private school was able to do so with a full athletic scholarship. Major subjects of study among the participants include Biology, Psychology, Chemistry, History, Criminal Justice, Anthropology, Business Management, Social Work, Public Health and Latin American Studies. All participants migrated to the United States from various locations in Mexico. Ages upon arrival range from six months to eighteen years with ninety percent representing the 1.5 generation (those who immigrate before the age of fifteen) and only one individual representing the first generation of immigrants. Three of the ten participants are married and one is a parent to a young child. Table 1 shows a chart indicating the age, sex, generation, and university attended for each informant. In order to maintain subject confidentiality, pseudonyms are used.

**INTERVIEW PROTOCOLS**

I conducted all one-on-one interviews in both private and public locations including coffee shops, parks, a private home, and at the office of the Educational Opportunity Programs and Ethnic Affairs at San Diego State University. I made every attempt to maintain subject privacy and confidentiality in each circumstance. Each subject granted me permission to use a portable recording device to document his/her responses. All interviews lasted approximately one hour. Subjects responded to a series of open-ended questions about their immigration experience, education, job history, family life, personal struggles, and
Table 1. Subject Characteristics

<table>
<thead>
<tr>
<th>Pseudonym</th>
<th>Sex</th>
<th>Age</th>
<th>Age Upon Arrival</th>
<th>Mexican State of Origin</th>
<th>University</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yadira</td>
<td>Female</td>
<td>28</td>
<td>5</td>
<td>Zacatecas</td>
<td>CSU Northridge</td>
</tr>
<tr>
<td>Esperanza</td>
<td>Female</td>
<td>24</td>
<td>12</td>
<td>Guerrero</td>
<td>CSU San Marcos</td>
</tr>
<tr>
<td>Memo</td>
<td>Male</td>
<td>39</td>
<td>18</td>
<td>Mexico City, Mexico</td>
<td>San Diego State University</td>
</tr>
<tr>
<td>Ixcheel</td>
<td>Female</td>
<td>21</td>
<td>9</td>
<td>Mexico City, Mexico</td>
<td>CSU Bakersfield/ Cal State Los Angeles</td>
</tr>
<tr>
<td>Marcela</td>
<td>Female</td>
<td>23</td>
<td>2</td>
<td>Oaxaca</td>
<td>CSU San Marcos</td>
</tr>
<tr>
<td>Lucía</td>
<td>Female</td>
<td>28</td>
<td>5</td>
<td>Jalisco</td>
<td>San Diego State University</td>
</tr>
<tr>
<td>Denise</td>
<td>Female</td>
<td>26</td>
<td>8</td>
<td>Mexico City, Mexico</td>
<td>San Diego State University</td>
</tr>
<tr>
<td>Monica</td>
<td>Female</td>
<td>27</td>
<td>4</td>
<td>Michoacán</td>
<td>San Diego State University</td>
</tr>
<tr>
<td>Pablo</td>
<td>Male</td>
<td>21</td>
<td>13</td>
<td>Nayarit</td>
<td>San Diego State University</td>
</tr>
<tr>
<td>Jonás</td>
<td>Male</td>
<td>23</td>
<td>6 months</td>
<td>Colima</td>
<td>Fresno Pacific University</td>
</tr>
</tbody>
</table>

future goals and expectations. All participants agreed to be contacted by e-mail or phone, should further clarification of their responses be required.

**Statistics**

Information about current and former AB 540 students is difficult to acquire as the very nature of their status keeps them from being included in most documented statistical research made available to the public. In addition, universities take extreme measures to keep such information confidential. The majority of the data I was able to obtain is from San Diego State University, where I am a graduate student and from where half of my informants were recruited. One administrator on campus at SDSU, who preferred that his name and departmental office remain anonymous, was able to offer some statistical data. He said that since implementation of AB 540 in 2001, SDSU has produced 133 AB 540 graduates – 100 with Bachelor’s degrees and 33 with Master’s degrees. At the time of our meeting, during the spring 2010 semester, he said there were 148 undergraduate and 25 graduate AB 540 students enrolled at SDSU.

The university began tracking information on AB 540 student enrollment, majors, grades, gender, ethnicity, etc., during the fall 2006 semester. Since 2006, fewer than thirty-
five AB 540 student freshmen have enrolled annually at SDSU. Although statistics are not available for the first five years following the implementation of AB 540, it is probable that as high school students, teachers and administrators gradually became aware of this opportunity for undocumented youth, enrollment of AB 540 students gradually increased each year. The number of incoming freshmen rose from twenty-three in 2006 to thirty-three in 2008, but dropped to as low as eleven in 2010. Transfer student enrollment also climbed steadily until 2009, and the following year it was nearly cut in half. The sudden decrease in enrollment is likely a result of the sudden increase in costs of tuition, largely due to the global financial crisis that began in 2008. Although this population no longer bears the burden of paying out-of-state tuition in California, many college students (both traditional and AB 540) still struggle to acquire funds to pay in-state tuition fees. A spike in tuition costs could easily deter undocumented high school graduates from furthering their education. The enrollment of freshmen and transfer AB 540 students at SDSU between 2006 and 2010 is depicted in the chart shown in Figure 1.

Figure 1. AB 540 Student enrollment at SDSU.

Information regarding the percentage of enrolled AB 540 students who complete their program of study and graduate at SDSU was not available. The administrator did mention that the average graduation rate among undocumented students was six years, as opposed to
the traditional four-year track. Continuation rates appear to indicate that many students were forced to take leaves of absence during their studies – probably to work, which is common among AB 540 students who need to earn money to pay for classes each semester.

At SDSU, 73% of undocumented students enrolled in the 2009-2010 academic year self-identify as “Hispanic.” Sixty-one percent of graduate and undergraduate AB 540 students during the Fall 2010 semester were female and 49% were male. Majors most popular among the university’s AB 540 undergraduates are Biology, Economics, Business Management, International Business and Social Work. The mean grade point average for undergraduate AB 540 students during the 2010-2011 academic year was 2.92. Other California Universities may or may not share similar statistics.

There are a few conclusions that can be drawn from the information provided by SDSU: (1) The ten subjects who participated in this study identify with the ethnic majority of undocumented students at SDSU; (2) The female majority of informants (seven females and three males) closely resemble the female majority of AB 540 students at SDSU; and (3) Three of the ten participants’ fields of study are among the most popular AB 540 majors at SDSU.

LIMITATIONS

The number of subjects who participated in this study is too small to produce results reflective of all graduated AB 540 students. I will be able to make some assertions on the 1.5 immigrant generation, represented by nine of the ten participants. Because only one participant is a first generation immigrant, I cannot make solid claims about other first generation AB 540 graduates, but rather share some preliminary thoughts. Further analysis of the lived experiences of this population should include interviews with of a much larger sample of undocumented college graduates in California, as well as in the eleven other states offering in-state tuition to undocumented immigrants.

CONCLUSION

This chapter has included information on the recruitment of informants for this study, as well as specific details about the interview process. General characteristics of the informants, including age, gender, and major field of study are also mentioned. In order to gain a better understanding of AB 540 student populations, statistics are provided from San
Diego State University that may be similar to statistics at other schools in the CSU system. The following chapter will reveal the findings of interviews conducted with the ten informants, drawing parallels between what has been written about this population and what they claim are their actual lived experiences. The reader will be exposed to the human side of an escalating predicament through the compelling life stories of ten AB 540 students and college graduates.
CHAPTER 5

DATA

Illegal immigration is a controversial and sensitive topic in many parts of the world and Americans are inundated with media stories of illegal border crossings, immigrant crime, and various (often negative) ways in which immigrant settlements have influenced the American way of life. Latinos, in particular, are seen as resistant to acculturating into U.S. society and often as a threatening and invasive force, according to Leo R. Chavez (2008), author of *The Latino Threat: Constructing Immigrants, Citizens, and the Nation*. Chavez (2008) says the media objectifies and therefore dehumanizes Latinos, making it “easier to lack empathy for those objects and pass policies and laws to govern their behavior, limit their social integration, and obstruct their economic mobility” (p. 6).

The average U.S. citizen, having little to no interaction with undocumented immigrants, fails to see the human side of their struggles. He or she may be exposed to only information provided by the media on border crossings, apprehensions and deportations. Such statistics and negative portrayals, rather than in-depth social research, are what seem to influence American public opinion and the laws affecting this population. Information contained in this chapter will demonstrate the human side of a growing population of undocumented immigrant youth who are anything but threatening or resistant to acculturation.

Emotional and compelling interviews provide the basis for the information found in this chapter, which explores the unique experiences of undocumented Mexican immigrants who have college degrees from universities in California. The ten current and former AB 540 students interviewed discuss their motivation for pursuing higher education and major obstacles associated with life as an undocumented college graduate. They provide individual opinions on the effectiveness of AB 540 and the importance of the DREAM Act. Most importantly, the informants demonstrate their inability to utilize the skills and knowledge they acquired as university students, and how they are coping with the resulting
disappointment. All quotations found in this chapter were taken directly from interviews with the informants.

**Why College?**

There are countless reasons why high school graduates choose to go to college – to meet the requirements for certain careers, motivation from school mentors, family pressure, or simply the desire to further one’s education. Undocumented students are no different. One reason that may set this population apart from their non-immigrant peers, however, is the desire to assimilate into the mainstream America culture. Memo, the eldest of the informants interviewed for this study, migrated to California from Mexico City when he was eighteen years old. A self-described “hippie,” Memo says he came to the U.S. on his own free will, not necessarily to find work. He claims he has always valued education and felt that the sooner he assimilated in this country, the more opportunities would be available to him.

Other informants did not directly mention “assimilation” as a reason for pursuing higher education, but acknowledged that a college degree would open more doors. Lucia, who is currently working on a Master’s degree in Anthropology, said she knew while attending high school in Orange County that she would need to go to college if she planned to one day have a good job. Some of the informants, like Ixcheel, had particular careers in mind since a very young age and knew that a college education was a necessity. Ixcheel has always dreamed of becoming a physician, so she majored in Chemistry, with the intentions of later attending medical school. Unfortunately circumstances associated with her immigration status have prevented her from pursuing this path, so she is exploring other educational opportunities.

Most informants say they felt overwhelming family pressure to succeed – not only because their parents expected them to do well in school, but also because the informants felt indebted to their family members, who made sacrifices on their behalf. When Esperanza was eleven years old and living in the state of Guerrero, Mexico, her mother passed away. Esperanza’s two older sisters wanted to give their three younger siblings a better life, so they migrated to California. Their father, who today remains estranged, stayed behind. She explains how her childhood in Mexico inspired her to pursue higher education:
Where I grew up, you only get to go to school until a certain level. Like, probably...if you finish grade school you are really, really lucky, because a lot of kids are kind of...not forced, but you know...the kids would go to work in the fields. So sometimes they would skip school. So for me, being here, having access to an education I felt that...I have to take advantage of it, ya know? Cause I’m being given an opportunity that many of my peers didn’t have. So I saw education as a privilege, but I also saw it as an opportunity to improve myself. My mom always emphasized that, coming from a traditional village...she wanted us to be independent financially and she saw education as a way to do that. And she didn’t want us to be dependent on a man because that would create another set of deals like domestic violence, and stuff like that, ya know...being dependent, being stuck. And because she passed away, too, I felt that I was not doing this just for myself, but if she were alive she would be very proud that one of her many daughters was striving to improve herself. (“Esperanza,” personal communication, May 5, 2011)

Esperanza describes various motivations behind her decision to attend college. She feels an obligation to take advantage of the opportunities afforded to her in this country, acknowledging that those who remain in her Mexican village do not have such luxuries. She also expresses a desire to better herself, as her mother had hoped, so that she could be financially independent. More notably, although her mother is no longer living, Esperanza feels an obligation to make her proud.

The parents of Ixcheel also instilled the value of education in their daughter at a young age. They led by example – both her mother and father attended universities and had lucrative careers in Mexico. Coming to the U.S. was a humbling experience for them, as their Mexican degrees were of little value in their new country and in order to support their family they were forced to resort to service-sector jobs typically occupied by foreigners. Despite the inability to utilize their own education in careers of their choosing, the parents of Ixcheel remained in the U.S. in an effort to give their two daughters a better life. Ixcheel said that academics have always been important in her life, and that not attending college after high school was “not even optional.” She knew it was the next logical step, and vowed to continue with her education, saying “I’m always gonna do it for my parents...because all their sacrifice was for us. I mean, how could you even think of not using the opportunity that you have once you’re here?” Similar sentiments were echoed by most of the informants. Their parents strongly encouraged them to go to college, as do the parents of many of America’s youth. What sets this population apart, however, is that their parents migrated to this country often for the sole purpose of providing better educational opportunities for their
children. The children then feel an extreme sense of obligation to fulfill the goals set forth by their parents.

In some instances, it was less parental pressure and more encouragement from teachers and mentors that led these youth to choose a path of higher education. Lucia specifically remembers an elementary school teacher, Mr. Lowe, a graduate of USC, who instilled in her the importance of going to college. Pablo, who was his high school’s valedictorian, recalls a teacher, who he did not know at the time, pulling him out of class one day to discuss his limitless potential. She has remained an important influence in his life, and, as will be discussed later in this chapter, she has even helped finance Pablo’s education.

Institutional support has been another major factor influencing undocumented students to pursue postsecondary education. During their middle school and high school years, many of the informants became involved in programs like AVID (Advancement Via Individual Determination) and Upward Bound, both of which help to foster individual achievements and promote college readiness. “Marcela,” who came to California from the Mexican state of Oaxaca when she was two years old, says that as a Latina immigrant, she didn’t know anything about college. She disclosed her immigration status to her AVID teacher when she was a sophomore in high school. The teacher informed Marcela about AB 540 and pushed her to go to college. “Monica” and “Denise” also took advantage of the AVID and Upward Bound programs at their high schools, where they received logistical support. Emotional support, they say, came from their families.

A recurrent trend among all ten informants was an expression of a deep appreciation for learning. “Yadira,” who came from “very humble beginnings” in Zacatecas, Mexico, had no pressure from her parents to attend college. She enjoyed being in an academic environment and claims that since elementary school, she knew she would someday go to college. Others shared similar stories about their passion for books and their thirst for knowledge. While they lacked information on how to go about preparing and applying for college, they maintained good relationships with their teachers and sought out means of reaching their educational goals.
BARRIERS OF IMMIGRATION STATUS ON STUDENTS

Despite each student’s determination, the paths to their college graduation have been ridden with obstacles, including emotional and financial hardships, family strife, and problems within their individual programs of study. All of these examples were mentioned at some point during each of the ten interviews. Members of this population face very similar hurdles, yet the ways in which they affect each individual are unique. Below is an examination of the most commonly mentioned hindrances associated with being an undocumented college student.

Family

For the most part, the informants discussed their families in very positive contexts. The issues most commonly dealt with by the informants were parents lacking information about higher education and personal feelings of jealousy toward siblings who are legal residents or U.S. citizens. Although the majority of the informants’ parents pushed their children to go to college, they were not able to offer advice or direction on how to do so. Fortunately, teachers and mentors were able to guide the students, as mentioned above. One informant mentioned a lack of parental support in furthering her education. When Lucia told her parents of her plans to attend a four-year university, her father said, “Well why do you want to do that? You’re just going to get married and have kids anyway.” Although she was the only one of ten informants to mention negative parental feedback, her father’s reaction is not necessarily unique. Within traditional Mexican culture, women often get married at a young age and their primary role throughout life is to care for their children, their husband, and their elders. The comment made by Lucia’s father was based on a more traditional philosophy on gender roles – he probably would not have reacted so negatively if his son were planning to go to college.

Several of the informants have siblings who were born in the U.S., some who are very close to them in age. Jonás recalls exploring his limited options after high school while his sister, who was born in the U.S., was applying to various universities. Pablo also has a sister native to the U.S., and talks about how different his life could be if he were in her shoes. He resents that she is not taking full advantage of the opportunities afforded to her. Despite mild
jealousy on the parts of Jonás and Pablo, both say they are grateful that their siblings do not have to face some of the hardships they endure on a daily basis.

**Depression**

Feelings of depression and shame were common among several informants. Esperanza has been battling depression for years, a condition for which she has been taking medication and seeking help from a counselor. In addition to her daily struggles of living in the U.S. without proper legal documentation, she is disheartened by her inability to realize her dreams after college. Most of the informants shared similar feelings of dejection. Esperanza’s depression is not necessarily caused by her immigration status but may be exacerbated by it. Yadira expressed an overwhelming sense of shame that she has felt since childhood. Humiliation over her immigration status has prevented her from seeking any kind of employment as an adult.

**Fear**

Foremost among emotional barriers discussed by the informants was an overwhelmingly feeling of fear, especially of deportation. Yadira remembers being in sixth grade in San Fernando when Prop. 187 passed. She says it was the first time she felt fear as an immigrant. Today she fears almost daily that her unauthorized status will be revealed and she will be separated from her U.S. born son. Ixcheel expresses a desire to become involved in activism for the undocumented immigrant student population but she is afraid to “come out” and possibly be arrested. Lucia is one of the few informants who left home to go to college at SDSU. She rarely saw her parents in Orange County throughout her undergraduate years as they were apprehensive about crossing an immigration checkpoint into northern San Diego.

Memo is the only AB 540 graduate interviewed who did not express fear of deportation, presumably because he came to the U.S. after completing high school in Mexico, and has a good recollection of his home country. Pablo, too, immigrated at an older age and said that while he gets nervous about coming into contact with immigration authorities, he knows that if we were sent back to Mexico, his U.S. education would take him far. He is more concerned about backlash over his sexuality in his small farming community of Nayarit. Pablo is openly gay and says that if a situation of deportation arose, he would be
forced to move to a more metropolitan area, like Mexico City, where people would be more accepting of his lifestyle.

**Transportation**

Transportation to and from campus was extremely difficult for most of the informants. Living on campus was expensive so most of them lived at home with their families. Public transportation has not been their best travel option, as immigration enforcement officers have been known to patrol transit systems, especially in San Diego. In addition, travel times on buses and trolleys can be incredibly long. Esperanza rode a bus home for three hours each evening after long days of classes and studying at Cal State San Marcos. Although they are not legally permitted to drive, many have learned to do so and have even purchased their own cars. Denise claims to obey the traffic laws far more than the average citizen, as she is constantly fearful of being stopped by a police officer.

**Funding College**

With few options for state-funded and private financial aid, and zero access to federal aid, undocumented youth who are persistent in pursuing higher education must seek other resources. Ixcheel considers herself to be “very lucky,” for being awarded a full athletic scholarship to CSU Bakersfield. Also a talented athlete, Jonás feels extremely fortunate that an athletic scholarship covered his tuition at Fresno Pacific University. The triumphant stories of Yadira and Pablo inspired a couple of their high school teachers to fund portions of their college education. Yadira’s tenth grade English teacher paid her first semester at a community college and housed Yadira during that time so that she could avoid a long commute from her parents’ house. Pablo formed a close relationship with a high school teacher who surprised Pablo at his graduation with a fund she set up to cover four years of college tuition. A college professor at SDSU, with whom Pablo has built rapport, pays for Pablo’s textbooks each semester. With the rising cost of higher education in California, the fund set up by his high school teacher ended up covering about seventy-five percent of Pablo’s total tuition fees. Additional private scholarships and help from family members allowed Pablo, Ixcheel and Yadira to complete their Bachelor’s degrees without having to seek employment.
Employment

Many AB 540 students must resort to finding some kind of work in order to pay their tuition expenses. Despite the fact that their immigration status prevents them from being legally employed, seven of the ten informants found ways to earn money while in college. Most of the jobs they obtained – construction, house cleaning, baby-sitting, and working in a fruit-packing house – are considered immigrant jobs because they are dominated by foreigners. Some were able to tutor or find internships where they were paid under the table. During graduate school, Monica completed a paid internship doing cancer research at a prestigious university. The funding for her paychecks came directly from the university where it was not necessary for Monica to provide a social security number, precluding her from having to reveal her immigration status to her supervisor and co-workers. She said it was the closest she came to having a “real” paying position, and continues to volunteer there. Jonás interned in the oncology department of a children’s hospital, a position that was supposed to be paid but because Jonás could not provide a social security number, he was not included on the payroll. He enjoyed his time working at the hospital, despite the fact that he was not rewarded financially, and both he and Monica were offered full-time paid positions upon completion of their internships. Regrettably, they had no choice but to decline.

A few informants shamefully admitted to using false documents to secure jobs at stores and restaurants during their college years. Esperanza cleaned houses with her sisters for years, but for a short time she was employed illegally at a fast food restaurant. “It didn’t feel right,” she says, and went back to cleaning with her sisters. On two separate occasions Marcela used false documentation to gain employment – once at a smoothie shop and once at a department store. A co-worker at the smoothie shop questioned her immigration status and she was forced to leave. While working at the department store, Marcela heard on the news that employers were reviewing employee records and immigration authorities would be contacted if they found discrepancies. She decided to leave that job too. In both instances her supervisors and co-workers were sad to see her go, as they felt she was a hard-working, quality employee.

For various reasons, other informants chose not to work at all while in college. Pablo, who was a senior at SDSU at the time of his interview, knew that a job might be too much to juggle with school and his already hectic life. He says, “I can definitely work, but the money
that I would get…it would be the minimum, and it would require a lot of effort from me that at some point would distract me from my studies.” Ixcheel agreed that school should be her top priority. Because she was awarded a scholarship for track & field, she says, “I felt like running was my job.” Yadira chose not to work out of overwhelming fear and shame of her immigration status. After completing her first semester at a community college which was paid for by her high school teacher, Yadira borrowed money from her father to cover tuition costs. After transferring to Cal State Northridge, she met her husband and he started to take over Yadira’s education expenses as soon as they were married. A few other informants felt very fortunate that their parents were able to help finance their education. Denise worked at her father’s auto mechanic shop in exchange for tuition money. Much like Yadira, when Denise got married, her father expected her husband to take over tuition payments. Denise still works for her father and he pays her under the table. She recently started a graduate program, so now she uses her pay toward school expenses and to help her husband pay bills.

Choice of University

In addition to emotional and financial stress, the informants ran into obstacles within their education paths, which is extremely common among the AB 540 student population. Four of the students were forced to decline acceptance from their top choice universities because of higher tuition and/or housing costs. After going on a college tour with AVID, Denise decided she’d love to attend CSU Monterey Bay, but opted not to apply when she learned how much it would cost to live away from home. Ixcheel was accepted at all the schools to which she applied and she dreamed of going to UCLA. Knowing that tuition fees were high, she asked for donations to attend UCLA at her high school graduation party. When she didn’t raise enough money, she attended Riverside Community College in her hometown, and was later picked up by a running coach at CSU Bakersfield. Most AB 540 students are limited to community colleges and schools within the CSU system, located near their families. This usually ensures lower tuition and housing costs. Ixcheel is one of only two informants who left her California county of residence to attend college. Out-of-state schools were not an option for any of them, though Yadira dreamed of going to college in New York City. Ixcheel has also researched out-of-state graduate programs, and was even offered a graduate internship at a university in Montana. When Ixcheel disclosed her
immigration status, a representative from the university said they would actually not be able to offer her funding.

**Choice of Major**

Having limited school choices is one of many obstacles experienced by AB 540 students throughout their college experience. Several informants reported that their immigration status played a role in choosing their major field of study. In fact, five of the ten informants stated that they settled on a major that was not their first choice. Pablo is majoring in Business, though his true passion is Political Science. “I do not like business,” he says, and claims he watches C-SPAN and reads political books in his free time. He has a working knowledge of political science but says, “I just won’t have the degree.” A high school mentor advised Pablo against majoring in Political Science, despite his desire to one day run for public office, because of the limitations presented by his immigration status. The mentor wanted Pablo to be prepared for any scenario including the possibility that he may one day find himself back in Mexico. If so, she said a degree focusing primarily on U.S. politics would not necessarily serve him well in Mexico. Instead, she advised him that a business degree from San Diego State University, in addition to his knowledge of political science, fluency in Spanish and English and his bi-cultural lifestyle, would make him the perfect candidate for any Mexican company wanting to go into business with the United States or other countries.

Esperanza and Yadira both dreamed of becoming teachers. Fearful that she would have to undergo a background investigation, Esperanza majored in Human Development instead of Education, and now hopes to become a marriage and family therapist. Yadira majored in Biology and still hopes one day to teach science to high school students, yet she knows she cannot obtain a teaching credential if she is not a legal U.S. resident. Ixcheel’s hope is dwindling that she will one day become a medical physician. After completing her Bachelor’s degree in Chemistry, Ixcheel planned to go to medical school but did not have the funds or a valid identification card needed to take an entrance exam. In the meantime, she has settled on pursuing a Master’s degree in Chemistry. A running coach at Cal State Los Angeles has offered to pay partial tuition for graduate school if she uses her remaining two years of athletic eligibility. She explains, “Graduate school was already a second choice for
me, and then even that is like…it’s not working, ya know? It’s not gonna work. I just feel like everywhere you look around, you can’t move…you can’t do anything.” She recalls feeling heartbroken when she saw the photo of a former classmate from community college on a popular social networking website. He was wearing a lab coat and the photo’s caption read, “I’m going to be a doctor.” Ixcheel was extremely upset that she could not be in the same position solely because she is lacking “a piece of paper.”

**Missed Opportunities**

AB 540 students are often ineligible to participate in various educational opportunities, like studying abroad or certain internships. Denise laments about occasions throughout the years when her immigration status prevented her from being included in extracurricular activities, beginning with a trip to Washington, D.C. with her eighth grade class. After selling candy with her classmates to raise money for the trip, Denise learned that she did not have the required documentation to fly across the country. She recalls when her mother told her she would not be able to participate.

> I just remember being so heartbroken because…I had sold all my candy…and all this stuff. I think that’s when it really hit me…like, there’s certain things I just was not going to be able to do, regardless of how hard I’ve worked in school, how much candy I sold [Laughter]…it just didn’t matter. (“Denise,” personal communication, August 22, 2011)

From a young age, Denise was set up for disappointment. In college, the History Department at SDSU highly recommended to Denise that she take advantage of a study abroad program in Greece or Italy, and several students within her department were able to do so. She was forced to opt out of this opportunity as she is not be permitted to return to the US if she exits the country. On another occasion a professor asked her to apply for an internship within the History Department. When Denise found out it was a paid internship, she knew she was ineligible. “Overall I can still get my units and I can still get it done,” she says. She knows she followed all of the necessary steps to earn her Bachelor’s degree but wishes her educational journey could be enhanced by work and travel opportunities. As a result of missed opportunities, Denise feels like she doesn’t measure up to her classmates and that her resume looks “pathetic” compared to those of her peers.
AB 540 Effects

If not for the passage of AB 540, many of these students Pablo speaks of could not afford to go to college, much less remain in college for several years. Four of the informants – Memo, Pablo, Marcela and Yadira agree that they probably would not have attempted to further their education beyond high school if they could not pay in-state tuition. Monica says she would have started taking classes at a community college, where fees are much less expensive, and later transferred to SDSU. Denise and Esperanza say they still would have pursued a four-year degree if AB 540 had never passed but they would take only one class at a time, extending their graduation rates by several semesters. Jonás is not sure what path he would have taken if he had not earned a scholarship to attend Fresno Pacific University. He says:

Who knows what I would have done? If it weren’t for [his immigration status], who knows what kind of a person I would be? Maybe I wouldn’t care about school. Maybe I would take everything for granted. Maybe I would be a bum. As crazy as it sounds…I’m thankful that I am in this situation because it’s made me who I am. (“Jonás,” personal communication, August 20, 2011)

Ixcheel expresses similar feelings about her life’s trajectory.

My experience…it hasn’t been a good one…like probably not one that people wanna go through, but it makes you a really strong person. It makes you seek different paths, like how would I have known that I was going to get into running? (“Ixcheel,” personal communication, August 8, 2011)

Both Jonás and Ixcheel try to focus on the positive affects that AB 540 has had on their lives.

Most of the informants agree that being able to refer to themselves as “AB 540,” as opposed to “undocumented” or “illegal” gives them a sense of empowerment. Pablo, however, is less concerned with such details. Regarding the various terms used to indicate his immigration status, Pablo says, “Who cares? You can either take it or leave it but I’m gonna move forward.” He seems slightly ashamed to admit that he has used his immigration status to get ahead in life. He explains, “Once you’re in this situation, you need to know your cards, and you need to know how to play them well. Why? Because if you don’t have a strong…set of cards…you’re not going to be able to make it.” When applying to be considered for various private scholarships and internships, Pablo has included essays about his experience as an AB 540 student – not just to gain sympathy, but also to demonstrate how
far he has come in life, despite so many cards being stacked against him. For the most part, this tactic has helped him to acquire extra funds and to be selected for a prestigious fellowship in the state capital.

Surprisingly, the students’ immigration status had little effect on their college graduation rates. On average, undocumented students at SDSU complete their Bachelor’s degree programs in six years. Those who participated in this study graduated in an average of 5.25 years. This number is actually not far off from the graduation rates for all students at SDSU and within the CSU system. According to a California government website providing data on postsecondary education, the majority of students at SDSU and all California State Universities require five years to complete their degree. The fact that these undocumented students are able to keep up with state university graduation averages is remarkable, especially considering the many obstacles they face. Some informants reported having to take less than a full course load, and/or a leave of absence in order to save money for tuition. Still, they completed their undergraduate degrees in a timely manner.

**Post-Graduate Paths**

Unfortunately, the individual success AB 540 students experience after college is extremely limited. Because members of this population lack legal documentation to reside in this country, traditional avenues to success are blocked. Some find informal jobs unrelated to their field of study, while others remain in college – all of them hoping for a change in immigration law that will allow them to live as they choose. As time goes on they become less optimistic and some decide that moving out of the US may be their best option.

The concept of livelihood strategies is used in this section to best understand AB 540 students’ post-graduate trajectories. According to a study conducted by Adugna Eneyew on survival methods in rural Ethiopia, the term “livelihood strategies” is defined as “the range and combination of activities and choices that people make in order to achieve their livelihood goals” and “are composed of activities that generate the means of household survival and are the planned activities that men and women undertake to build their livelihoods” (Eneyew & Bekele, 2008, p. 5) In order to make a living, AB 540 graduates are forced to choose post-graduate paths not typically taken by their peers who are legal residents and citizens of the United States. Four major livelihood strategies were identified among the
informants who participated in this study – underemployment, illicitness, acquiring additional capital and strategic repatriation. Each of these strategies is examined below.

**Underemployment**

Foremost on the list of obstacles faced by AB 540 students after graduation is the inability to acquire a legitimate job. While most of the informants are currently working in some capacity, none of them are on track to acquiring a paid position appropriate for their level of education. The chart shown in Table 2 indicates each informant’s degree obtained, current job (if any) and the position to which he or she most aspires.

**Table 2. Subject Education Levels and Occupations**

<table>
<thead>
<tr>
<th>Name</th>
<th>Degree</th>
<th>Aspired Career</th>
<th>Current Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Esperanza</td>
<td>BA (2009) in Psychology</td>
<td>Marriage and Family Therapist</td>
<td>Baby-sitter/ House cleaner</td>
</tr>
<tr>
<td>Memo</td>
<td>BA (2010) in Latin American Studies</td>
<td>Professor of Latin American Studies</td>
<td>Construction worker</td>
</tr>
<tr>
<td>Ixcheel</td>
<td>BA (2011) in Chemistry; MA (in progress) in Chemistry</td>
<td>Medical Physician</td>
<td>None</td>
</tr>
<tr>
<td>Marcela</td>
<td>BA (2009) in Criminal Justice</td>
<td>Police Officer</td>
<td>Baby-sitter</td>
</tr>
<tr>
<td>Lucia</td>
<td>BA (2007) in Anthropology; MA (in progress) in Anthropology</td>
<td>Professor of Anthropology</td>
<td>Substitute teacher at school for under-privileged youth</td>
</tr>
<tr>
<td>Denise</td>
<td>BA (2011) in History; MA (in progress) in History</td>
<td>Professor of History</td>
<td>Admin. Assistant at father’s auto shop</td>
</tr>
<tr>
<td>Pablo</td>
<td>BA (in progress) in Business Management</td>
<td>Politician</td>
<td>None</td>
</tr>
<tr>
<td>Jonás</td>
<td>BA (2009) in Social Work</td>
<td>Hospital social worker</td>
<td>Cold storage fruit handler</td>
</tr>
</tbody>
</table>

Based on the information provided, it is evident that these ten individuals are not using their college degrees in their current occupations. Esperanza, Memo, Marcela, Monica and Jonás are all performing jobs typically occupied by teenagers or low-skilled foreigners. Denise is unchallenged by the administrative work she does at her father’s auto repair shop. Only one of them, Lucia, holds a job somewhat related to her field of study. Yadira is too
overwhelmed by fear and shame to look for a paid position, and Ixcheel and Pablo are full-
time students choosing to not seek employment at this time. Current immigration law forbids
all of them from pursuing their aspired career, and at this time they have no reason to believe
that they will one day secure their dream job.

The informants have mixed reactions to the circumstances in which they find
themselves. Esperanza tries to maintain a positive attitude. She feels her experience baby-
sitting for families with children of various age groups is something she can add to her
resume. Many families, she says, are seeking to hire nannies that have college degrees, so she
feels that she has somewhat of an advantage in this field. She loves children and says her
work experience is helping her to better understand child development. Marcela helps her
mother with her in-home baby-sitting job but says, “it doesn’t feel good” to settle, when she
has been educated for a career within the field of criminal justice.

A few of the informants have received actual job offers that they were forced to
decline. Monica still volunteers at the university cancer research center where she completed
an internship and was later forced to turn down a job offer. She helps with training of interns
and new employees. One employee asked her, “Why don’t you work here? You’re so good
at this…you could be a coordinator! I hear you are baby-sitting instead.” Monica, careful
not to disclose her immigration status to anyone, made up a lie in response to the girl’s
question. She has become accustomed to the frustration and tries to maintain a positive
attitude. Jonás, who had to turn down multiple job offers after completing his internship at a
children’s hospital, currently works in a cold storage unit alongside other undocumented
workers. He says, “I’m heartbroken…here’s these great opportunities and I can’t do
anything about it.”

**Illicitness**

Five of the informants admit to currently or at one time using illegal means to secure
employment. Esperanza and Marcela have both possessed false documents but were terrified
to use them. Lucia maintains that she will likely use false documents to find work after she
completes her Master’s degree. “What other choice do I have?” she asks. She is fearful,
however, that all California employers will begin using E-verify, an internet-based system
provided by U.S. Citizenship and Immigration Services that provides businesses with the
ability to determine employee eligibility, based on citizenship status. She says, “If that happens, I am screwed!”

Some of the informants, like Memo and Jonás, have been able to get away with providing their Individual Taxpayer Identification Number (ITIN), instead of a Social Security Number to employers. Memo obtained an ITIN several years ago from the Internal Revenue Service so that there would be a record of him paying taxes. Pablo’s mom did the same for herself and for her children “because she knows that’s the right thing to do…because she knows that in the future if she ever wants to get papers, there will be a record of that.”

In fact, nine of the ten informants have ITIN numbers for purposes of taxation. Lucia pays taxes using a legitimate social security number but her card reads “Not valid for employment.” Esperanza’s older sisters file taxes every year and claim her and her younger siblings on their tax forms. She says, “That’s the funny thing because…we’re allowed to pay taxes but we don’t receive any benefits…I think it’s just a misconception [that undocumented immigrants don’t pay taxes].” All of the informants are trying to do what they feel is “right,” however most admit that it may become necessary for them to seek work illegally in order to survive.

**Acquiring Additional Academic Capital**

Continuation to graduate school was popular among the informants – five of them went on for a Master’s degree while the others express interest in doing so. Monica admits seeking further education after earning her Bachelor’s degree because she knew there were no jobs available to her. Denise says of her Bachelor’s degree, “Either I do nothing with it, or I go to grad school and get something else.” Despite the fact that graduate courses are usually expensive, the informants maintain their AB 540 status and are still able to pay in-state fees. Pablo, who is still considering his options after his college graduation, says, “I see some undocumented kids who stay in school because they have nothing else to do and they see that education is the way to go, and they prefer to be in school [rather] than be working [at] some minimum paid job.” He has observed other AB 540 students who choose to double-major as undergraduates, and it takes seven or eight years for them to graduate. “In the real world, that’s not necessary,” he claims. These students are not necessarily furthering
their education to increase their job marketability, but rather biding time because their post-graduate career options are so limited.

When asked if they value their higher education, despite their inability to use it in the formal workforce, most of the informants said “yes.” Memo says, “Of course acquiring a higher education has helped!” Not only does he claim to be more politically, socially, culturally and economically aware, but also as a result of his college education claims, “Now I can express myself with confidence and without any remorse of knowing that I speak with an accent.” Esperanza is extremely grateful that she was able to go to college. She boasts, “For me, just getting a degree was like a dream…and so it’s like a dream come true!” Lucia says her experience in college was absolutely worthwhile, “because what I’ve learned at school…and I’ve learned a lot…nobody is gonna take that way from me, like nobody!”

Some of the informants have heard rumors that AB 540 students do not receive actual diplomas, which is untrue. Lucia says, “Even if they take away my degree, they could never take away my knowledge.” Yadira echoes the sentiments of Memo, Esperanza and Lucia, and says she is thankful that her parents brought her to the United States. She feels sorry for undocumented students that cannot afford to pay even in-state tuition. Of her own educational experience, she says, “I don’t think I would have taken any other route.”

Others struggle to stay so positive about the time, energy and money they invested in their education, since their degrees are practically useless to them at this point. “I think about it everyday,” says Marcela. Her boyfriend, who is Mexican-American and a U.S. citizen, tells her, “Ya know…if you had saved all that money, you could have a car right now.” She feels somewhat guilty that she spent so much money on her college education, but says, “at the end you have so much more…you have an education. You have a degree. That degree will help me out.” A professor once told her that a person can go throughout the remainder of his or her life without anyone knowing that he or she has a college degree, so it is important to demonstrate one’s knowledge by putting that degree to use. While she is not able to work in her chosen field, she is constantly showcasing what she has learned when she is among family and friends. She says that graduating college was the best day of her life, but the excitement quickly subsided when she realized, “Now what?”

When Jonás was asked if he values the time he spent in college, he answered with tears in his eyes. “I’ve given that question thought once…or I guess I allowed the thought of
my four years there being wasted…I allowed it to enter my mind one time and then I told myself that was stupid.” Jonás met his wife while in college, and is grateful for his experience at Fresno Pacific University, but his frustration over the his inability to become a social worker is getting the best of him. “I think if you would have asked me this question right after I graduated, I’d say, “Of course it was worth it!” He acknowledges that earning a degree has helped him to grow as an individual. Jonás graduated with honors at the top of his class. He says a former professor recently created a web page on a social networking site, depicting his former classmates and the success they have had with their degrees. “Now it’s been two years since I’ve graduated and it sucks cause I mean…I spent four years investing in this and I can’t use it at all and it’s going to waste. I just feel like…like I’m so ready for my life to start.”

**Strategic Repatriation**

For many undocumented college graduates, the start of their life means finding a career within their field, in their state of residence near their family members and friends. Half of the students interviewed for this study agreed that they are unlikely to ever willingly move back to their country of origin. Ixcheel, Marcela, Monica and Yadira all expressed fear of returning to a life in Mexico – a country they barely remember that is portrayed so negatively in the U.S. media. “The current climate in Mexico is awful,” says Yadira. Ixcheel is convinced she could not have a good life there. For a short time, she considered attending medical school at a Mexican university but changed her mind when she realized that she could not practice medicine in the United States with a Mexican degree. Marcela is saddened by the fact that she cannot visit her parents’ home state of Oaxaca.

My mom talks to me about all the fields and where she worked and how people are different…it sounds very pretty and very nice how life sounds so simple over there. And of course I want to go see it. And it makes me sad that I can’t go, and that relatives are passing away, and I can’t go. (“Marcela,” personal communication, August 13, 2011)

Marcela’s grandfather passed away recently and she was unable to attend his ceremony, because if she traveled to Mexico she would not be permitted to legally re-enter the United States. She says she would love to visit Mexico if she were able to one day legalize her immigration status, but she prefers to live in California. There was almost no mention among the informants of moving to another state within the U.S., unless a university
outside of California offered funding for graduate studies. Yadira points out that California is a more liberal state and more accepting of immigrants than other states. Most of the informants have never been able to leave the state of California, for any reason, since migrating from Mexico.

Somewhat surprisingly, the other half of the informants revealed a desire to either return to Mexico or to relocate to another country, where their U.S.-based college degree will be of much value. Memo dreams of completing a Master’s degree in Latin American Studies, and has seriously considered returning to a university in Mexico City to start a program in Chicano Studies. He says he has no fear of deportation because he knows he could live fairly successfully back in his home country. Denise has had several discussions with her husband, a U.S. citizen, about returning to a life in Mexico. She would prefer to stay in the U.S., where she grew up, but is tired of living in fear. “If I’m gonna struggle, I’d rather struggle in my own country where I’m not gonna be afraid to drive down the street.”

Jonás has decided to take drastic measures to possibly be considered for legal residency within the United States. Because he is married to a U.S. citizen, he has the option of filing paperwork to legalize his status but in the meantime he must return to Mexico and wait for an indefinite period of time. According to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, immigrants who entered the U.S. illegally and remained in the country for more than 365 days must go back to their country of origin and wait for up to ten years, unless they obtain a waiver to legally re-enter. Jonás says his wait period could last a minimum of ten months, but is concerned that he may have to remain for many years, possibly even the rest of his life if his re-entry is denied. Denise and her husband have also considered this option, but decided against it after an immigration lawyer told her how long she might have to stay in Mexico. “What’s the point of me having this marriage if I’m not even gonna be around?” she asks.

At the time the interview was conducted with Jonás, he had already filed the necessary paperwork and was waiting to receive orders to return to Mexico. He plans to stay in Colima, Mexico with estranged family members but will need to make several trips to Ciudad Juarez, where his paperwork will be processed. He would like his wife to join him but he fears for her safety in Mexico, especially in Ciudad Juarez, a city notorious for drug-related violence. There is no guarantee that the U.S. government will agree to allow him to
come back, and in the end, he may be stuck in Mexico. His wife says, “You can’t prepare yourself for him being denied…like you can’t prepare yourself for a death. It just happens and you have to go from there.” The couple agrees that they would never move to Mexico by choice but if his case is denied, they will adapt by either staying there or Jonás will attempt another illegal border crossing into the United States.

Esperanza and Pablo both acknowledge that a move out of the United States might be the most logical career step for them. The following excerpt comes from the interview with Esperanza, when she was asked about a possible return to her home country:

Well Mexico…no, it’s not my…my thing (laughter). I don’t know if I wanna go back over there, especially because it seems like it’s so dangerous with this whole drug war, or whatever is going on. But I actually thought about…ya know eventually, if things don’t change here, I will get tired of aging and not being able to pursue my goals and dreams…because I’m 24, but I’m getting older, and later on, I mean, if I might want to consider possibly getting married or have children, and I wouldn’t want my status to have an impact on those relationships…or have a child and potentially have their mother be deported. So I thought about, if things don’t change here, I might just go back to Mexico temporarily, and then try to apply [for an immigrant visa] to go to another country…like, possibly Australia. Cause it’s like…I don’t have to stay here. I mean recently one of my friends got deported and so he’s actually considering ya know, going back to school in Mexico. I mean, why not? Maybe I could go back and get a master’s over there cause… I don’t have to be dealing with all of this, ya know…it’s…it’s overwhelming. (“Esperanza,” personal communication, May 15, 2011)

Esperanza, who came to the U.S. with only her siblings after her mother’s death, has not discussed these intentions with any family members. She says it is too sad to bring up, but she needs to take care of herself. She feels that because this is not the first time she has been separated from her family, she would be strong enough to do it again.

Pablo says he can definitely see himself pursuing something in Mexico or in another country in South America or Europe. He has seriously begun researching his options, including graduate programs in Barcelona and Mexico City. He asks, “Why am I staying here if I know I can be better off somewhere else…not better off economically, but on a personal level. In Mexico, I might not get the job that I want, but I know that I’ll be okay.” He adds, “For some people, the American Dream is not in America. It’s back in their home country.” Pablo goes on to explain a book he’s reading, which states that the time immigrants spend in the United States and the education they receive here is all preparation for them to live out the American Dream in their country of origin.
Because of a government gridlock on immigration reform at the federal level, the dreams of these young, bright Americans remain far from reach.

**FEELINGS ON THE DREAM ACT**

Within the U.S. immigrant population, support for the federal DREAM Act is not unanimous. There is a great deal of controversy surrounding the military component of the legislation. Opponents feel that undocumented immigrants should not have to put themselves in harms way by joining the U.S. military and potentially being sent to war – all so that the country they have lived in for many years will recognize them as legal residents. However, those individuals who would most benefit from this vital piece of legislation tend to accept it as is. The ten informants agree that with or without the military component, DREAM Act passage would be the answer to most of their troubles. Regarding the requirement to spend two years in the military or two years in college, Ixcheel says, “It’s your choice what you want to do, what path you want to take if the DREAM Act comes around.”

Two informants did express some concern about potential outcomes if the DREAM Act were to pass. Linda worries that the overall anti-immigrant sentiment in this country would increase. Pablo fears that if passed, the DREAM Act could later be amended to somehow revoke conditional permanent residence for this population. He fears for himself and all the students who would have to try to return to the shadows after their immigration status has already been publicly revealed.

The disappointment over the most recent DREAM Act vote was overwhelming for most of the informants. There were lots of tears and feelings of hopelessness. In the weeks leading up to the vote Jonás encouraged his family and friends to join him in calling Senators to push for its passage. “I’ve never done anything like that in my life,” he said, as he doesn’t usually take an interest in politics. “I was really hopeful.” He learned of the negative vote while riding in the car with his wife. “My soul was crushed. And I was like, ‘Okay this is it.’ That’s when I knew that I could no longer depend on the government to pass any sort of policy that would favor me or anybody in my situation.” He and his wife decided in that moment that their only option was for him to file the paperwork to return to Mexico and try to gain legal residence in the United States.
Monica remembers working on her Master’s thesis while watching the Senate vote live on the Internet. She was on the edge of her seat as it came close to a tie. In the end, when it did not pass, she decided to take the rest of the day off. She called her sister, who is also an AB 540 student. “There were a lot of tears…you’re depending on this law to literally change your life in a heartbeat…like, ‘Okay…oh my gosh!’ Now you can look into jobs, now you can look into grad programs, now you can look into financial aid and you can actually think about what you want to do in life.” Yadira echoes similar sentiments, and she became emotional when asked to speak about her disappointment over the DREAM Act. “It’s our lives,” she says through tears. “They forget that we’re humans and that there are people behind these laws.”

Looking into the future, the informants share mixed feelings about the potential for legislation that may further benefit their population. Denise supports the DREAM Act, but says she is a realist, and feels “No one is gonna help ‘illegals’” in the present political and economic climate. She acknowledges that most Americans don’t view the undocumented population in a positive light, and doubts that anything like the DREAM Act will pass in the near future. Jonás agrees, and says he’s tired of waiting around for “some stupid policy.” He thinks it will be ten years or more before undocumented youth will be able to see a light at the end of the tunnel. He is trying to be more active in determining the best path for himself and his wife. Marcela says, “I’m not really holding my breath for it to pass. I mean if it passes it would be the happiest day of my life but, other than that, it’s just like…I’d rather not think about it cause the more I think about it, it’s like, it’s never gonna happen.” She used to have high hopes about the DREAM Act passing but now realizes that in the current political climate, things are unlikely to change.

Not all of the informants were so pessimistic about the DREAM Act. At the time of his interview, Pablo believed there was a possibility of it passing within the next three years. “However,” he says, “the way it will pass…or the way it will actually affect the community, is not as positive as it should be.” Pablo is referring to the fact that the DREAM Act has most recently been attached to a defense bill, and is being used more as a military recruitment tool than as a motivator for undocumented youth to attend college. Monica, too, is optimistic that the DREAM Act or something like it will pass to legalize her status. She says that in general, families like hers have many preoccupations – wondering if they will be
able to pay rent each month, helping younger siblings with school work, helping parents with translations, and coming together to assist undocumented family members who find themselves in trouble with the law. As a result, she says she has learned to be resilient and optimistic about her own life. Lucia, Yadira and Esperanza are not convinced that the DREAM Act will pass in the near future, but they all remain very hopeful. “For myself, hope is the last thing to go, so there’s always hope,” says Esperanza.

In the meantime, this growing population continues to live in the shadows, despite the fact that they have grown up in the United States and very much feel like they belong in this country. During the interviews, the informants were asked a question taken from the book *Learning a New Land: Immigrant Students in American Society* by Suarez-Orozco, et al. (2008, p. 83):

Do you feel:

a. Completely from your country of origin?

b. Mostly from your country of origin and a little American?

c. Somewhat American and somewhat from your country of origin?

d. Mostly American and a little from your country of origin?

e. Completely American?

Eight of the informants answered “c,” all of them indicating that they feel equal parts Mexican and *Estadounidense*. One informant answered “e,” and another felt that he did not belong in any category. Their individual responses are found below:

**Memo:** “Right down the middle…I am no more or less than anybody else. I am as smart as any other American wishing to have a higher education.” (“Memo,” personal communication, April 28, 2011)

**Pablo:** “During the world cup games…I always follow [the teams of] Mexico, Spain, Germany and the U.S. I was [watching] with all of my friends and I said, ‘Oh we are losing’ and they were like, ‘Mexico isn’t playing,’ and I was like, ‘No – the United States’ (laughter). I do feel American…I do feel that, ya know, I embrace the whole ‘Land of the Free.’ And I know the laws, but I know that in the end I’m not in America legally. I feel right there in the middle.” (“Pablo,” personal communication, April 29, 2011)

**Esperanza:** “I feel somewhat from here, but mostly from over there. Because my roots are over there, ya know? I was born there in a small village. I’ve been half of my life here and half of my life over there. Part of my values and part of my belief system has to do with how I was raised….being exposed to this culture, though, I have become somewhat Americanized.” (“Esperanza,” personal communication, May 5, 2011)
**Linda:** “I’m too Mexican to be white and too white to be Mexican.” (“Linda,” personal communication, August 8, 2011)

**Ixcheel:** “Even though I have some roots there, I’m not from there anymore…it’s different, you change. So I feel like I wouldn’t fit in there anymore.” (“Ixcheel,” personal communication, August 8, 2011)

**Denise:** “I think I’m pretty much half and half, because there’s this very rich culture that I’m from, and I’m proud of it. I’m never ashamed to say where I’m from. But I also see the problems that my country is going through and I’m glad I’m living here because…there’s stuff I’ve been able to do that a lot of people can’t do that are down there.” (“Denise,” personal communication, August 22, 2011)

**Monica:** “Good question…because I consider myself bicultural, bilingual…I have a strong sense of ethnic identity. My family…we have respect for holidays in both cultures. I function well in both cultures. The food that I eat, it’s Mexican. And I also have appreciation for American food – I like pizza and hamburgers, I like going to the beach and cook-outs and the Fourth of July. I want to feel like this is my country, but I often feel rejected here.” (“Monica,” personal communication, August 29, 2011)

**Yadira:** “My roots started there and I’m just branching out over here. I’m as American as the next person, I just don’t have the little certificate that tells me I am. I think…most of the people think that an undocumented immigrant is someone that is right there on the corner looking for work. They never think of the ones that grew up here and that have assimilated and that are just as American as you.” (“Yadira,” personal communication, September 11, 2011)

**Marcela:** “I know more about this culture than the Mexican culture. The way I see it is like, Mexico is my birth mother and the United States is my adoptive mother. My boyfriend calls me a coconut – brown on the outside and white on the inside.” (“Marcela,” personal communication, August 13, 2011)

**Jonás:** “There’s a saying in Spanish…it goes, ‘Ni de aquí, ni de allá.’ That’s how my entire life, I’ve grown up describing it – ni de aquí, de de allá. Like you’re neither from here nor from there because…you don’t know your country of origin, and the people that you’re living with don’t accept you as one of them so…where do you belong?” (“Jonás,” personal communication, August 20, 2011)

The informants’ responses demonstrate that they have most definitely assimilated into the U.S. culture, some retaining the Mexican culture more so than others. Although many say they feel unwelcome here, they all desire to achieve success through their own merit, and an opportunity to contribute to the U.S. economy through legal employment within their field of study.

Passage of the DREAM Act would be life-changing for this population. Ixcheel says it would allow her to pursue her dream of going to medical school and to finish her degree.
“in a school where I want [to go], not at a school that has been chosen for me.” Memo acknowledges that at thirty-nine years old, he is no longer eligible to gain legal residency under the DREAM Act if it were to pass. However, he remains undeterred, and participates in activism, saying it would mean a great deal to him to see it pass for the younger generation. Yadira, who cares for her young son and has still never worked one day outside of her home says, “I would be able to develop myself professionally, something that I have not been able to do. I would be able to complete my dreams. I would feel completely human…because right now I feel sub-human.”

**CONCLUSION**

The post-graduate circumstances of the ten informants are clear indications that not only the informants themselves are suffering, but so is the economy of the state of California and the United States as a whole. California and the other eleven states with in-state tuition policies for undocumented students are not reaping the benefits of their investment in the education of this population. These college graduates are unable to seek legal employment and contribute to their state’s economic wellbeing; some are deciding to return to Mexico or pursue legal migration to other countries where they can put their skills and knowledge to use. Without legislation like the DREAM Act in place, the states offering in-state tuition are squandering their money while the U.S. is losing valuable manpower.

The informants have demonstrated that the hindrances associated with having an illegal immigration status are devastating for college graduates. Feelings of depression and fear would be enough to deter most people from pursuing their dreams. The ten individuals who participated in this study continue to push forward despite the fact that they have no legal avenue to achieve their goals. In the face of such devastation, they maintain relatively positive attitudes, as they wait and hope for change.

It is not the intention of this study to generalize the experiences of these ten informants with all undocumented youth in the U.S. who hold college degrees. Various factors can influence the lives of those comprising this population, including country of origin, state of residence, culture, language, race, institution attended, access to financial resources, and family support. However, the information provided by the ten informants helps to shed light on a growing predicament affecting hundreds of thousands of America’s
youth. The final chapter will draw conclusions between assertions made about this population and their actual lived experiences.
CHAPTER 6

CONCLUSION

Immigrants today have great ideas that can change the world. The question is whether they will develop them in the United States or somewhere else. Our immigration system should be designed to encourage talented people to study in the United States and start companies here.

--Austan Goolsbee
Chairman of the Council of Economic Advisers
“Quote of the Day” on the Facebook page of President Barack Obama
July 28, 2011

The purpose of this study has been to shed light on an escalating predicament in the United States by addressing the coping strategies of undocumented immigrants upon graduating from a U.S. institution of higher education. Although Mexican immigration to the U.S. has slowed during the economic crisis of recent years, the number of undocumented youth graduating annually from U.S. high schools and colleges continues to grow. Economic prosperity, cultural assimilation and crime deterrence are used as the three principle arguments for giving California’s undocumented student population greater access to higher education through Assembly Bill 540. The life stories shared by the informants in this study demonstrate certain aspects of these arguments, but for the most part their college experiences have not produced a more fruitful economy or a more “blended” culture. Nor is there any evidence indicating that time spent in college is responsible for preventing the informants from engaging in criminal activity.

All ten of the informants expressed an unbridled eagerness to begin a career in a field where they can put their college degree(s) to use. They are seeking further personal growth and the ability to make greater financial contributions to the wellbeing of their families. While none of the informants mentioned outright that they wish to give back to the state that helped fund their education, it was implied in some of their responses. Overall, their goals are geared more toward personal financial success than a prolific economy for the state of California. More importantly, until there is legislation in place to give these individuals a path to U.S. citizenship, they will remain unable to participate in any economic prosperity brought forth by the formal workforce of California and the United States.
A goal of legislators responsible for writing in-state tuition policies and proposing the DREAM Act is to see the young immigrant population become more “Americanized” through cultural assimilation. Ironically, most immigrants who are able to take advantage of these policies already feel adequately assimilated into U.S. culture. As William Perez points out, the majority of their formative years are spent in the U.S. Upon arrival, they quickly learn to speak English and are exposed to the American way of life. From their non-immigrant peers, they learn about American food, music and pop culture, and are introduced to commonly used slang terms. At home, they usually speak Spanish, eat their mothers’ Mexican cooking and celebrate the holidays of their birth country. They acquire the ability to easily adapt to their environment and “fit in” well with both their classmates and their traditional Mexican family members. Only one informant, Memo, mentioned cultural assimilation as motivation for going to college, primarily because he migrated to the U.S. at age eighteen and had no prior exposure to American academia. The other nine informants were much younger when they migrated to California and had several years in junior high and high school to acculturate. None expressed that having a college education or a legal immigration status would make them more familiar or comfortable with U.S. culture. The informants did say that these two factors would make them feel more welcomed by U.S. society, and they would therefore be more likely to integrate and perform well in the American workforce.

Rumbaut and Cornelius (1995) discuss the values of selective acculturation, as opposed to outright assimilation, in ensuring higher self-esteem, better performance at school, and a plethora of job opportunities for young immigrants. Those who maintain their native cultural values but adapt well in their new environment are generally more well-rounded individuals who have great potential to make an impact on society. Each of the ten participants interviewed for this study have followed this process of selective acculturation, but are unfortunately unable to reap the benefits outlined by Rumbaut and Cornelius.

A high school teacher quoted in the book by Rumbaut and Cornelius (1995) mentioned the importance of young immigrants maintaining their native language and embracing the uniqueness of their native culture while also acclimating to the “Caucasion culture, the beach culture” (p. 102). The teacher’s wish is reflected in the responses given by several informants to the question inquiring about their cultural identities. For the most part,
the informants say they feel equally Mexican and American. Monica speaks Spanish with her family and eats Mexican food at home but says she loves going for pizza and hamburgers with her friends and spending the Fourth of July at the beach. Pablo says he felt the same loyalty to both the Mexican and U.S. soccer teams during the 2011 World Cup games.

Alejandra Rincón (2008) dislikes the idea that those immigrant youth that are most assimilated are more deserving of legislation offering educational benefits and a path to U.S. citizenship. Based on the responses given by the informants in this study, however, one can conclude that those undocumented youth who take advantage of in-state tuition policies and who would reap the benefits of the DREAM Act are already quite assimilated into U.S. culture. Their level of assimilation or acculturation is a mere consequence of the time they have spent in this country, and does not appear to be embellished to ensure eligibility for educational and legal opportunities.

The argument that in-state tuition policies will deter undocumented youth from engaging in criminal activity is questionable, as all the informants in this study demonstrated a propensity toward furthering their education, with or without AB 540. It is difficult to say what paths they would have taken if they had not gone to college but based on their strong family backgrounds and their lofty personal goals, it seems unlikely that they would have fallen into lives of crime. There does appear to be some truth, however, in the comment made by Ralph Kasarda (2009) about undocumented youth being forced to resort to law-breaking to move forward with their lives. Some of the informants admit to using illegal means to obtain employment during their college years and after graduation. If the federal DREAM Act does not pass soon, more and more former AB 540 students may be forced to seek employment illegally. Kasarda’s concern about the DREAM Act attracting further illegal immigration, however, is invalid. The legislation is written to benefit only those youth who entered the United States five years before its passage. None of the informants mentioned this scenario as a possible consequence of the DREAM Act.

Several scholars cited in this study agree that education is the means by which immigrant youth will be most successful. Rumbaut (2008) said, “the prospects for socioeconomic mobility among children of immigrants hinge on their access to public colleges and universities” (p. 232). Access to higher education has not been an issue for the ten informants in this study, nor for undocumented youth in the other eleven states offering
in-state tuition for this population. However, limited access to financial aid, certain schools and majors, and ineligibility to be considered for certain internship and study abroad opportunities, hinders the progress of these individuals and sets them apart from their peers who are presented with a plethora of options throughout their educational trajectory.

The emotional impact of an unauthorized immigration status on a college student can be profound, as indicated by scholars cited in Chapter Three and by the informants themselves. The three most common sentiments are fear, depression and loneliness, according to an article by Perez et al. (2009). Among the informants, nine out of ten admitted to either constant or occasional sentiments of fear and depression. The term “loneliness” was not mentioned outright by any of the informants, but at times was implied, like when Jonás and Ixcheel both said they felt disheartened and “left out” after seeing photos and comments made on a social networking website about the success of their former peers.

Some of the informants agree with Leisy Abrego’s (2008) position that being able to identify with the term “AB 540” gives them a sense of empowerment. The labels given to them by society – like “illegal” or “undocumented,” cast them in a negative light and imply that they are unwelcome and have little or no legal rights. The term “AB 540,” however, is derived from the actual law that grants this population a legal right to higher education in California. This creates a greater sense of belonging, especially among those AB 540 students who join on-campus immigrant support groups and meet other students in their same situation.

At the same time feelings of empowerment and belonging associated with AB 540 are inconsistent and may be fleeting. The final quotes given by Jonás, Pablo and Monica in Chapter Five all reflect a contradictory sense of belonging in this country. Abrego (2008) discusses how these students are “simultaneously included and excluded from U.S. society” (p. 714). While on campus, they feel safe and are on equal footing with their peers. When they exit campus, they must be on guard, because while the term “AB 540” grants them educational rights, it does not protect them from federal immigration laws. They are residing in this country illegally, and therefore still at risk of being detained and possibly deported. In addition, upon graduation from college, the students are no longer associated with a legal term granting them rights, unless they decide to return for post-graduate studies. This may
partially explain why so many undocumented students decide to further their studies beyond a Bachelor’s degree.

Despite the educational and emotional constraints brought on by their immigration status, the informants all displayed an unyielding sense of rascuachismo, a term used by David Spener (2010) to describe underprivileged immigrants as “under dogs” whose “resourcefulness and ingenuity” help them to overcome adversity (p. 9). Some informants demonstrated more rascuachismo than others, like Pablo who admits to knowing how to “play his cards,” and Jonás who refuses to “sit around and wait” for the DREAM Act to pass. Overall, rascuachismo was present in the stories of all of the informants – from the time they crossed the border into the United States until they graduated from a university in California. Relentless in their pursuit for success, each of the ten informants remarked that they will continue to fight for their equality; in the meantime, they will make the very best of their situation at hand.

Most notably, this study shows that AB 540 students are not able to capitalize on their investment of time, money and effort put forth during their college years. An overwhelming majority of the jobs performed by undocumented college graduates do not reflect their exceptional knowledge and skills, and many of the scholars cited in this study attest to this fact. The information found on the chart provided in Chapter Five clearly indicates that the informants are not utilizing their college degrees in their current occupations. Lucia is the only informant with a valid social security number (though it is not to be used to procure employment) and has therefore been able to acquire part-time positions that are tangentially within her field of study. The remaining nine informants are either unemployed or working in jobs typically occupied by first generation migrant workers, like their parents, where Huber and Malagon (2007) say, “they are not compensated for their skills” (p. 853).

It is the contradiction between state and federal immigration legislation that forces this young, educated population to seek work in the service sector. Preventing them from attaining success in the formal workforce merely perpetuates a cycle of poverty and shatters their hopes of attaining the American Dream. The intentions behind AB 540 and other in-state tuition laws are to offer equal opportunity to higher education for the betterment of the individual, the state, and the nation. However, none of these intentions will be achieved until
the federal government passes legislation that enables this population to work legally in a county they consider to be their home.

As the DREAM Act hangs in waiting, the population of educated undocumented immigrant youth continues to grow in California and throughout the United States. Their anger and frustration over their situation is mounting, as was evident during each of the ten interviews. Dowell Myers, author of *Immigrants and Boomers*, agrees with the informants who feel there is little to no relief in sight – at least for a few more years. Myers (2007) says elected officials are “chronically slow to address the future so rapidly approaching” (p. 20). He claims that because of their short political lives and election seasons approaching every two to four years, “politicians seek rapid rewards to ensure popularity and electability” (Myers, 2007, p. 20). Because immigration is a sensitive subject among members of both political parties, politicians usually steer clear of proposing reform when they are hoping for re-election.

In August of 2011, a new plan was unveiled by the Obama administration to halt deportations of immigrants who came to the U.S. illegally but have otherwise clean police records. The goal of Homeland Security officials is “to quickly identify non-criminals on swollen immigration court dockets and close those cases, clearing the way for speedier removals of gang members, drug traffickers or foreigners who repeatedly return after being deported” (Preston, 2011c, p. 2). This plan would also relieve young undocumented immigrants (who may be eligible for the DREAM Act) who are currently facing deportation. It would not, however, prevent undocumented youth from being detained in the first place, as it offers no path to legal residency and their presence in the United States would therefore still be “illegal.” The plan would also not give this population any right to legal employment.

Knowledge of this growing predicament should lead to a call to action for political leaders to change policies so that highly educated immigrant youth, who have come of age in the United States, should not be excluded from fulfilling their dreams. The Obama administration admits that deporting undocumented students is not a priority, and that “they would prefer to avoid the furor that would follow if one of them was detained,” but the Department of Homeland Security continues to “reject any broad moratorium on deportations for those students” (Preston, 2011a, p. 2).
Interviews given by ten courageous and determined individuals represent the stories of hundreds of thousands of immigrant youth anxiously awaiting opportunities to contribute to the progress of their new nation. California and eleven other states have recognized that they should have access to education. Now, to ensure that the states and the individuals reap the benefits of their investment, a change in federal immigration policy must be implemented to create an opportunity for this population to utilize their skills and knowledge.


APPENDIX

RECRUITMENT LETTER, INFORMED CONSENT, INTERVIEW QUESTIONS, AND RESEARCHER FIELDNOTE TEMPLATE
RECRUITMENT LETTER

Dear (name of organization leader):

I am conducting research for my master’s thesis and am seeking your assistance in recruiting individuals who may be interested in participating in my study. My research will follow the post-graduate path of undocumented Latino AB 540 students who have either graduated with a Bachelor’s degree, or who are currently enrolled as seniors at a California institution of higher education. One goal of this study is to demonstrate the need for legislature that will help provide means of formal employment and a path to citizenship for current and former AB 540 students. Participants will be asked to complete a one-on-one interview lasting approximately one hour in duration. If you are acquainted with any individuals who fit the above description and may like to partake in this study, please have them contact me. In addition, I would greatly appreciate it if you could make an announcement about this study at your organization’s next scheduled meeting. All interested parties should contact me directly, if possible by (date – approx two weeks after message is sent). Please see my contact information below.

Many thanks, in advance, for your assistance.

Lauren Toms
703-350-6578
Ltoms1119@yahoo.com
INFORMED CONSENT

San Diego State University

Consent to Act as a Research Subject

“What Now?” The Post-Graduate Path of Latino AB 540 Students

You are being asked to participate in a research study. Before you give your consent to volunteer, it is important that you read the following information and ask as many questions as necessary to be sure you understand what you will be asked to do.

Investigators: Lauren Toms, candidate for a Master of Arts degree in Latin American Studies at San Diego State University, is the sole investigator. Research will be supervised by Dr. Jill Esbenshade of the Department of Sociology at San Diego State University.

Purpose of the Study: This study is designed to learn about the lived experiences and struggles of former AB 540 students. It will also examine whether or not Assembly Bill 540, designed to provide access to education for undocumented students, is actually helping or hindering the progress and post-academic success of this population. Eight to ten individuals will be recruited for this study. They must be former AB 540 students who have graduated with a minimum of a Bachelor’s Degree or current AB 540 seniors. All subjects must either hold a degree from or be a student at a California institute of higher education. Subjects may be male or female, but must be of Mexican or Central American origin and range in age from 21 to 30 years old.

Description of the Study: You will be asked to take part in a private interview conducted by Ms. Toms, in which you will be asked to answer questions similar to those found below:

1. Describe your immigration experience – at what age did you migrate to the US and from where?
2. Did your immigration status play a role in you choosing your education path after high school? Did it affect the type of college in which you enrolled and/or your major field of study?
3. What barriers has being undocumented created in your education?
4. Aside from being eligible to pay in-state college tuition fees, how did the passage of AB 540 affect your educational and career path?
5. How did you pay for college?
6. How many years did it take you/will it take you to complete your degree? Did you have to take time off?
7. What motivated you to pursue higher education?
8. What are your career goals?
9. Were you able to work during your high school and/or college years? If so, what jobs did you hold?
10. What is your experience with finding work in either the formal or informal economy after college graduation?
11. What methods have you employed in order to acquire a job after college graduation?
12. Do you feel getting a college education has helped you? If so, how?
13. Do you support passage of the federal DREAM Act?
14. Specifically, how would passage of legislature like the DREAM Act affect your educational, career and personal goals?

The interview will take place in a private conference room within the office of the Educational Opportunity Program at San Diego State University. If you find this location to be unsuitable, please provide another location of better access to you and/or in which you would feel more comfortable. The interview will last approximately one hour. At your discretion, a portable recording device will be used to record your responses.

What is Experimental in this Study: None of the procedures [or questionnaires, if applicable] used in this study are experimental in nature. The only experimental aspect of this study is the gathering of information for the purpose of analysis.

Risks or Discomforts: Interview questions are personal in nature, and you may experience discomfort when discussing your personal experiences and your immigration status. If you begin to feel uncomfortable you may discontinue participation in this study, either temporarily or permanently.

Benefits of the Study: Potential benefits from participating in this study cannot be guaranteed.

Confidentiality: Confidentiality will be maintained to the extent allowed by law. The investigator will have sole access to collected data. Names and personal information or subjects will not be used during any part of this study. The electronic recording device and any notes taken during interviews will be transported from the interview site to the researcher’s home in a locked file box. Once in researchers home (when no other persons are present), the recorded interview responses will be transcribed to a password-protected Microsoft Word file. Notes taken
during interview will be typed onto the same password-protected Microsoft Word document containing transcribed interviews, and original notes will then be destroyed in a paper shredder. Once interviews are transcribed, corresponding recordings will be deleted from the electronic recording device. Recordings will remain on electronic device for no longer than 48 hours. During this time, the recording device will be kept inside locked file box, except when in use for transcribing purposes. Microsoft Word document will remain on researcher’s computer and on external hard drive until thesis writing is complete (approximately three months after completion of interviews), at which time the document will be deleted from both locations. If at any time you wish to review or edit the data from your interview, you will be able to do so by notifying the investigator.

Federal regulations require that the Institutional Review Board (IRB) periodically review all approved and continuing projects that involve human subjects. To ensure that your rights as a subject are being protected in this study, it is possible that representatives of the Institutional Review Board may come to this research site to inspect study records.

Incentives to Participate: You participant will not be paid to participate in this study.

Compensation for Injury: If any complications arise as a direct result of participation in this study, we will assist you in obtaining appropriate attention. If you need treatment or hospitalization as a result of being in this study, you are responsible for payment of the cost for that care. If you have insurance, you may bill your insurance company. You will have to pay any costs not covered by your insurance. San Diego State University will not pay for any care, lost wages, or provide other financial compensation. However, if you feel you have a claim that you wish to file against the State, please contact Graduate and Research Affairs - Division of Research Administration at (619) 594-6622 to obtain the appropriate claim forms.

Voluntary Nature of Participation: Participation in this study is voluntary. Your choice of whether or not to participate will not influence your future relations with San Diego State University. If you decide to participate, you are free to withdraw your consent and to stop your participation at any time without penalty or loss of benefits to which you are allowed.

Questions about the Study: If you have any questions about the research now, please ask. If you have questions later about the research, you may contact Lauren Toms at 703-350-6578.
If you have any questions about your rights as a participant in this study, you may contact the Division of Research Administration San Diego State University (telephone: 619-594-6622; email: irb@mail.sdsu.edu).

**Consent to Participate:** The San Diego State University Institutional Review Board has approved this consent form, as signified by the Board's stamp. The consent form must be reviewed annually and expires on the date indicated on the stamp.

Your signature below indicates that you have read the information in this document and have had a chance to ask any questions you have about the study. Your signature also indicates that you agree to be in the study and have been told that you can change your mind and withdraw your consent to participate at any time. You have been given a copy of this consent form. You have been told that by signing this consent form you are not giving up any of your legal rights.

______________________________
Name of Participant (please print)

______________________________   ______________________
Signature of Participant                Date

______________________________   ______________________
Signature of Investigator                Date
INTERVIEW QUESTIONS

1. Describe your immigration experience – at what age did you migrate to the US and from where?
2. Did your immigration status play a role in you choosing your education path after high school? Did it affect the type of college in which you enrolled and/or your major field of study?
3. What barriers has being undocumented created in your education?
4. Aside from being eligible to pay in-state college tuition fees, how did the passage of AB 540 affect your educational and career path?
5. How did you pay for college?
6. Were you able to work during your high school and/or college years? If so, what jobs did you hold?
7. How many years did it take you/will it take you to complete your degree? Did you have to take time off?
8. What motivated you to pursue higher education?
9. What are your career goals?
10. Are your plans to remain in California? Have you considered moving to another state/country?
11. What is your experience with finding work in either the formal or informal economy after college graduation?
12. What methods have you employed in order to acquire a job after college graduation?
13. Do you feel getting a college education has helped you? If so, how?
14. Do you support passage of the federal DREAM Act?
15. Specifically, how would passage of legislature like the DREAM Act affect your educational, career and personal goals?
16. (from Suarez-Orozco, Learning a New Land): Do you feel (a) completely from your country of origin, (b) Mostly from your country of origin and a little American, (c), Somewhat American and somewhat from your country of origin, (d) Mostly American and a little from your country of origin, (e) completely American
Interview Fieldnotes – Lauren Toms

Interviewee Name:

____________________________________

Pseudonym:

____________________________________

Date and time of interview:

____________________________________

Key Points:

Interesting Quotes:
Overall Observations:

Post-interview Reflections: