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SYMPOSIUM: LatCrit XI Working and Living in the Global Playground: Frontstage and Backstage: ARTICLE: IMMIGRATION: **Silenced Struggles:** The Experiences of Latina and Latino Undocumented College Students in California

NAME: Lindsay Perez Huber and Maria C. **Malagon***

BIO: * Lindsay Perez Huber and Maria **Malagon** are doctoral students in Social Science and Comparative Education with a specialization in Race and Ethnic Studies at the University of California, Los Angeles.

SUMMARY:

... **ABSTRACT:** Latina/o Critical Race Theory (LatCrit) exposes multiple forms of oppression Latina/o students experience, including race, class, gender, language, and immigration status. ... This Article utilizes a Latina/o Critical Race Theory (LatCrit) framework to examine how undocumented Latina/o students experience California public higher education. ... A discussion of the Latina/o college student experience cannot exclude the community college, especially in California where most Latina/o students begin higher education. ... The experiences of Latina/o undocumented students in California cannot be divorced from past legislation that has affected Latina/o undocumented students' access to higher education. ... This study employs an inductive qualitative approach that seeks to answer the following questions: (1) what are the critical transition factors necessary for moving more undocumented Latina/o students through the higher education pipeline? and (2) how can institutions support their Latina/o undocumented student populations? A purposeful sample of six students was collected from two different tiers of public higher education institutions in California. ... Ineligibility for federal and state financial aid programs creates yet another barrier for undocumented Latina/o students pursuing higher education. ... Financial aid offices should also create databases of scholarships and off-campus private internships that offer stipends for which undocumented student are eligible. ...

HIGHLIGHT: **ABSTRACT:** Latina/o Critical Race Theory (LatCrit) exposes multiple forms of oppression Latina/o students experience, including race, class, gender, language, and immigration status. We utilize this theoretical framework to examine critically the experiences of Latina and Latino undocumented college students in California public institutions of higher education. Through six in-depth interviews with Latina/o undocumented college students, this Article explores the unique experiences and obstacles these students encounter in their college careers. We offer several policy recommendations for California institutions to support better their Latina/o undocumented student populations under current legislative restrictions.

TEXT:

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I. Introduction

Research on the movement of Latina/oⁿ¹ students through the educational pipeline has found that a disproportionate number of Latina/o students are graduating from the high school, college, and graduate segments of the pipeline.ⁿ² In California, Latina/o students comprise almost half of the entire K-12 public school system; however, only fifty-two out of every hundred of these students will graduate high school. Only ten of the hundred will graduate from college, only four will graduate with a graduate or professional degree, and less than one student will receive a doctorate.ⁿ³ With educational attainment rates so low for a major segment of the state's population, it is crucial that researchers examine the Latina/o student experience and strategize ways to improve this pipeline.

The growing disparity between the knowledge-based California economy and the ability of the soon-to-be Latina/o majority population to accommodate [*842] the needs of such an economy is problematic.ⁿ⁴ While researchers have identified critical factors that will move more Latina/o students through the educational pipeline and into higher education, it is important to acknowledge that Latina/o students should not be discussed as a homogenous group.ⁿ⁵ Specific groups of Latina/o students experience additional barriers in their educational success. These specific groups must be recognized in order to work towards the improvement of educational attainment for all Latinas/os.

This Article aims to understand the experiences of six "undocumented"ⁿ⁶ Latina/o college students in California, a segment of students that are lost in the educational pipeline. This Article focuses on undocumented students who encounter greater barriers in their educational success because of their immigration status. This Article utilizes a Latina/o Critical Race Theory (LatCrit) framework to examine how undocumented Latina/o students experience California public higher education. A LatCrit framework is especially useful in this study as it exposes the multiple levels of oppression undocumented students experience including race, class, gender, language, and immigration status. Six in-depth interviews with Latina/oⁿ⁷ undocumented students have revealed that indeed, these students do experience additional obstacles in higher education than the general Latina/o student population. The qualitative data collected in this study provide researchers with a glimpse into the lives of students "living in the shadows," as one participant describes, within California institutions of higher education. This study uncovered several factors that were critical to these students' successful transitions throughout higher education: social support, financial aid, and campus climate.

This Article begins by discussing the critical factors that affect the ability of Latina/o college students to make successful transitions throughout higher education. The Article presents an overview of these factors for the general Latina/o student population as a foundation for additional critical factors specific to undocumented Latina/o students we present later in the Article. Next, the Article describes the undocumented Latina/o population in general and California students in particular. The Article then briefly discusses state legislation relevant to undocumented students' access to higher education. Utilizing a LatCrit theoretical framework, the Article analyzes and presents the findings of six in-depth interviews with Latina/o college students attending public college campuses. This framework exposes how undocumented Latina/o students experience multiple layers of oppression beyond those of most Latina/o college students. The Article argues that institutions, researchers, educators, and policymakers must acknowledge these unique experiences and work to support [*843] undocumented student populations better. Finally, the Article presents several policy recommendations that move towards this goal.

II. Critical Transition Factors for All Latina/o College Students

In a previous study, the authors of this Article, along with a research team, conducted a comprehensive literature review of factors that positively affect the academic success of all Latina/o K-12, college, and graduate students, focusing on California. The findings were published in a research report that articulated several critical factors necessary for Latina/o students to make successful transitions throughout the educational pipeline.ⁿ⁸ That report offered specific policy recommendations as ways to improve the educational success of Latina/o students at each segment of the pipeline. This Article provides a summary of those findings for Latina/o community college and four-year university students. In section IV, this Article will expand on these findings to include critical factors and recommendations specific to Latina/o undocumented students.

A. Transition from Community College to Four-Year University

A discussion of the Latina/o college student experience cannot exclude the community college, especially in California where most Latina/o students begin higher education.ⁿ⁹ While the community college serves several functions including transfer, vocational, and continuing education, research suggests many Latina/o students attend the community college with the intent to transfer to a four-year university.ⁿ¹⁰ Despite high aspirations to transfer, many are not able to make the critical transition to a four-year university. The disparity between Latina/o students' high aspirations to transfer and low transfer rates indicates that the community college system is not adequately preparing Latina/o students to transfer to four-year colleges and universities.

Community colleges can ensure that the aspirations of their Latina/o students are validated by instilling a transfer culture on campus. A transfer culture is an institutional effort to normalize the transfer process at community colleges. Implementing a transfer culture ensures all students are provided with the resources, guidance, and preparation needed to make the critical transition to the university.ⁿ¹¹ To create a transfer culture on campus, community colleges should take several actions. First, community colleges should expand the Articulation System Stimulating Interinstitutional Student Transfer ("ASSIST") program, a computerized system that provides information on transferring course credit

among University of California ("UC"), California State University (CSU), and California Community College ("CCC") campuses. This system [*844] would serve as a form of virtual counseling where students would be able to receive academic advising online, be able to monitor their academic progress, and learn about campus requirements and deadlines on demand. Second, community colleges should provide a rigorous curriculum for all students by implementing the Intersegmental General Education Transfer Curriculum ("IGETC") as the default curriculum. This curriculum is composed of the required courses each student must take to transfer to a public four-year university in California. Third, campuses should develop and institute learning communities, or cohorts, that provide academic and social support to students while encouraging transfer.

B. Factors for Degree Attainment

Educational researchers have developed a body of research literature on the factors that encourage success and degree attainment among undergraduate Latina/o students. Based on this literature, it is possible to identify several critical factors and provide policy recommendations to move more Latina/o students towards a college degree. These recommendations are relevant to four critical factors significant to the undergraduate Latina/o student experience: the role of family, campus climate, role modeling and mentorship, and financial aid.

1. Role of the Family

Researchers have found that strong family ties are an important factor in the pursuit of postsecondary education for Latina/o students.ⁿ¹² Families, however, are rarely incorporated into college outreach efforts in any significant way. We recommend admissions officers and outreach staff build on parent's support of their college-going children and involve families in outreach efforts. Second, college materials should be disseminated in both Spanish and English, and outreach efforts should be engaged both on and off campus. Third, programs should build on expanding social networks for Latina/o families to include educators, college students, alumni, and other families, providing the opportunity for families to meet with each other to share college information.

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2. Campus Climate

Latina/o college students and other Students of Colorⁿ¹³ frequently encounter a negative campus climate, characterized by racial discrimination.ⁿ¹⁴ This negative campus climate can affect a student's persistence and desire to graduate, and may also discourage a student from continuing to pursue a graduate or professional degree. Improving the campus climate for Students of Color on a college campus benefits all students at an institution. To accomplish this goal, the institution must be committed to student equality and diversity. Campuses must institute a mission to reinforce this commitment that extends to academic and social equality among all students.

3. Role Modeling and Mentorship

Role modeling and mentorship is critical in the college careers of Latina/o students, especially as they are less likely than other groups to have knowledge about the college-going process.ⁿ¹⁵ Institutions should encourage faculty-student mentorship by implementing mentorship programs on campus that target [*846] Latina/o students and match them with committed faculty members who will support their research interests and dedicate time to provide academic and personal guidance. Faculty-student mentorship programs should have clearly articulated goals and purposes and must consistently be evaluated to determine program effectiveness.

4. Financial Aid

Financial aid is a determining factor in the persistence of Latina/o college students. As college tuition increases and family income remains the same, an affordable college education is not a reality for many Latina/o students. This phenomenon is critical for Latina/o college students attending public institutions in California, where annual budget crises have led to dramatic increases in fees. Nonresident fees, for students that have not lived in California for more than a year, are even higher. For undocumented Latina/o students, California Assembly Bill 540 ("AB 540") allows students to pay resident tuition fees; however, they still do not have access to state and federal financial aid programs. Section III of this Article discusses this issue further. The state must support public institutions during difficult financial times and avoid massive state budget cuts in higher education. Institutions must reconfigure awarding criteria for grants and scholarships to target students with the greatest financial need rather than students who will attend college regardless of

receiving an award. Furthermore, institutions must make specific efforts to allocate funds to financial aid programs that provide grants and scholarships to first-generation and low-income college students.

Although these recommendations were aimed at the general Latina/o college student population, all, with the exception of financial aid, are applicable to undocumented students. However, this study seeks to examine the additional barriers undocumented students encounter during their pursuit of higher education. In the next section we provide a brief overview of the Latina/o undocumented population in California to begin creating a picture of the undocumented Latina/o student experience.

III. Latina/o Undocumented Students in California

A. Census Statistics

While it remains a challenge to quantify the exact number of undocumented Latina/o immigrants residing in the U.S., current data estimates provide an accurate sense of the significance of this population in the U.S. and specifically in California. The U.S. Census estimates that in the year 2004, there were thirty-four million foreign-born immigrants residing in the U.S.ⁿ¹⁶ Of these thirty-four million people, almost fifty-three percent were Latina/o. This high proportion of Latina/o immigrants is mirrored within the state of California. In [*847] 2004 there were just over nine million foreign-born immigrants living in California, of which fifty-five percent were Latina/o. It is important to note that the Census does not report the legal status of foreign-born immigrants. In a recent report published by the Pew Hispanic Center, researchers estimate that there are only 11.5 to 12 million undocumented people living in the entire United States.ⁿ¹⁷ The researchers also report that the majority of the undocumented people living in the U.S. are from Mexico.

Every year, an estimated 65,000 undocumented students graduate from high schools throughout the nation, with the majority residing in the state of California. In 2001, it was estimated that between 5000 and 8000 students in California were eligible for resident tuition fees under AB 540.ⁿ¹⁸ Moreover, research indicates many undocumented students have excelled academically and have high aspirations to attend college.ⁿ¹⁹ These statistics demonstrate the urgency in addressing greater access to higher education for undocumented students throughout the nation, but especially in California.

B. Current State of the Law

The experiences of Latina/o undocumented students in California cannot be divorced from past legislation that has affected Latina/o undocumented students' access to higher education. California legislation is quite contradictory in providing greater access to higher education through in-state tuition fees, but restricting state financial aid programs to U.S. citizens and permanent residents. For many low-income undocumented students the costs of in-state tuition fees are a burden on them and their families. At the federal level, there has been ambivalence about whether education is a right or a benefit that can be regulated by the state.ⁿ²⁰ The Supreme Court ruling in *Plyler v. Doe* stated undocumented children could not be denied public education unless the denial "furthers some substantial state interest."ⁿ²¹ Thus, while *Plyler* allowed undocumented students access to education, the case did not establish the right to education. The state of California has also struggled with rights to education for undocumented students. In 1994, California voters passed Proposition 187, which banned all undocumented people in the state access to education, health, and social services. Fortunately, the courts issued an injunction to block its implementation and then found Proposition 187 unconstitutional.

Specific to higher education, the courts and the legislature have affected the rights of undocumented students to pay in-state tuition fees and to access [*848] financial aid.ⁿ²² In 1985, the ruling in *Leticia A. vs. Board of Regents* allowed undocumented students attending public four-year universities to pay in-state tuition fees on the same terms as U.S. citizens and be eligible for state financial aid programs (Cal Grants).ⁿ²³ However, only five years later, the *Leticia A.* decision was overturned in *Regents of the University of California v. Superior Court (Bradford)*, which held that undocumented students must pay out-of state tuition fees at all public higher education institutions.ⁿ²⁴ Moreover, undocumented students were no longer eligible for the state financial aid they were allowed under *Leticia A.* The Bradford order was fully implemented in all public institutions by spring 1995. For over a decade, undocumented students in California were required to pay out-of state tuition fees, approximately three times the amount of in-state fees. This was clearly unaffordable for many undocumented students. Fortunately, in 2001 students again found some financial relief with the passing of AB 540.ⁿ²⁵ Currently, AB 540 allows undocumented students to pay in-state tuition fees in public higher education as long as they have attended a California high school for at least three years, graduated, and sworn to file for permanent residency. AB 540, however, does not provide access to state or federal financial aid programs.

Since the implementation of AB 540, further contradictions have developed at the federal level in undocumented students' access to higher education. The Development, Relief and Education for Alien Minors Act ("The DREAM Act") was introduced as bipartisan legislation in late 2005 to provide undocumented students who grow up in the U.S. with a path to legal residency if they graduate from college or serve in the U.S. military. It could become law if passed by both the House and the Senate and signed by the President. The DREAM Act could have a tremendous impact on the lives of undocumented students. The introduction of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 ("H.R. 4437"), on the other hand, was a direct attack on undocumented immigrants as it proposed that any undocumented person residing in the U.S. be charged with a felony for their presence in the country and be barred from ever gaining legal status in the U.S. Such federal legislation has the potential to override state law.

It is clear that there has been and continues to be debate whether undocumented students should have the same rights to education as U.S. citizens and residents. In California higher education, undocumented students are accepted to an institution based on their own merit despite the tremendous barriers they have faced. However, the college dreams of many of these students have been shattered when access to the institution has been limited by state laws that do not provide undocumented students with the financial resources for a college education. This Article will tell the stories of some undocumented students that have, against all odds, succeeded to become college students but struggle daily to navigate through higher education.

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IV. Critical Transition Factors for Latina/o Undocumented Students

A. Theoretical Framework

To help examine the unique experiences of Latina/o undocumented college students in higher education, this Article utilizes a Latina/o Critical Race Theory (LatCrit) framework. Within the field of education, LatCrit is an appropriate theoretical lens to examine the racialized, classed, and gendered experiences of Latina/o students. More importantly for this study, a LatCrit analysis brings the intersectionality of race and other forms of oppression, such as immigration status, to the forefront. A LatCrit framework exposes how immigration status affects the educational experiences of Latina/o undocumented students in college. LatCrit is a branch of a broader theory, Critical Race Theory. While both theories have the same essential tenets that will be presented shortly, a LatCrit framework functions to address issues relevant to a coalitional pan-ethnic Latina/o identity.ⁿ²⁶ Moreover, a LatCrit framework exposes the intersections of various forms of oppression, such as immigration status and language, that Critical Race Theory does not. According to Solorzano and Yosso the five tenets of Critical Race Theory are as follows: (1) the centrality and intersectionality of race, racism, and other forms of subordination; (2) the challenge to dominant ideology; (3) the commitment to social justice; (4) the importance of experiential knowledge; and (5) the use of interdisciplinary perspectives.ⁿ²⁷ This framework reveals how these students negotiate and navigate through the multiple forms of subordination they experiences as undocumented Latina/o college students.

B. Methodology

This study employs an inductive qualitative approach that seeks to answer the following questions: (1) what are the critical transition factors necessary for moving more undocumented Latina/o students through the higher education pipeline? and (2) how can institutions support their Latina/o undocumented student populations? A purposeful sample of six students was collected from two different tiers of public higher education institutions in California. Two students attended a California Community College ("CCC") campus and four students attended a University of California ("UC") campus. Students were chosen from these two institutions to understand the experiences of undocumented students at a two-year and four-year university. The researchers designed a standard interview protocol to gain an understanding of the unique experiences undocumented Latina/o students encounter at their respective institutions, the specific obstacles they face as college students, and how they navigate the college experience. The interviews were approximately one to two **[*850]** hours in length and were audio-recorded. Following the interviews, the recordings were transcribed. The interview data were analyzed using a qualitative constant comparative method to reveal emerging themes.

All six interviews were conducted during the spring and summer of 2006. Participant arrival to the United States varied between the ages of three and eleven years old. Their ages at the time of the interviews ranged from nineteen to twenty-six. All students in the study were Latina/o. Four students were born in Mexico, one was born in Guatemala, and one was born in El Salvador. Four students were female and two were male. Parental education of these students varied.

Most participants had parents that had less than a high school education with the exception of two individuals who had at least one parent that had attended some post-high school vocational training. With the exception of one student whose parents owned a small successful business, most of the participants' parents hold low-wage jobs working as caretakers, sales representatives, restaurant workers, and hotel maintenance workers.

Interviews focused primarily on individuals' educational and life experiences in relation to their undocumented status. Students discussed the emotional and financial struggles tied to their undocumented status and how they employed various strategies to deal with these obstacles. These interviews are indicative of at least some of these students' educational experiences and how they manage to navigate through college in spite of many obstacles. These experiences lend to the focus of this research, which seeks to provide recommendations that can better able students to transition into and matriculate from institutions of higher learning.

C. Critical Transition Factors Identified

1. Social Support

Each of the six respondents in the study reported having some source of social support, either through a student organization, a peer, or a family member, that was able to offer guidance and share resources specific to undocumented college students. While research on Latina/o college students has identified social support to be an important factor in the college-going experience, this type of support is different for undocumented students. Latina/o undocumented students not only need information and guidance about the college-going process and experience, but they also need information about how their legal status will present specific barriers at an institution and about how to navigate through those barriers. Similar to previous research on Latina/o college students and family support, the students in this study consistently mentioned their families as a significant source of support and encouragement through their college experience. Carlos, ⁿ²⁸ a Latino undocumented student, described how his mother was a critical source of emotional support during his first year at a UC campus:

She's really proud of me and my accomplishments ... she really supports me financially ... and ... also emotionally, cause I felt like she was the only person that I could really talk to about ... how I was feeling and how I felt lonely. I guess she [*851] was the only person that could really trust, you know, and tell her about my experiences so far. ⁿ²⁹

This student described how he sought the support of his mother because he felt he could "trust" her to discuss his experiences as an undocumented student. His comments suggest that it was difficult for him to disclose this information to others at the university whom he may have felt he could not trust with this information.

Carlos expressed the lack of support for undocumented students and felt something must be done to provide these students with a space on campus where they could feel comfortable, supported, and empowered. During his first year at the university, Carlos met another first-year Latina undocumented student, Marta. Carlos and Marta joined their efforts together to form the first student organization on campus to support undocumented students. The group was created to serve as a source of social support for undocumented students and is actively involved on campus and in the community to advocate for immigrant rights generally and educational rights for undocumented students specifically. Carlos commented:

Before classes started ... I got in touch with faculty and ... I asked them if they knew of any other AB 540 students and they told me that they didn't. So ever since then, I guess that was one of my goals - to find other AB 540 students and create some kind of support group, because I was positive that I wasn't the only one that was an AB 540 student, although at times, it seemed like that way, I knew I wasn't the only one. I wanted to form some kind of support group because of the lack of attention I was getting from the university, lack of resources too, you know, and I felt that it was really important for AB 540 students to have some kind of support.

Carlos described how this organization provides undocumented students with important social support and is also a way to share resources. It is important to acknowledge that this student organization was formed out of Carlos' and Marta's concern for the lack of support they received from the university.

Most of the students in this study did not have a formal social support network on campus for undocumented students, such as the student organization created by Carlos and Marta. However, they were able to turn to other student organizations to find support. For example, Luz, a third-year UC student, described how she found social support as a member of Movimiento Estudiantil Chicana/o de Aztlan ("MEChA").

We try to help each other [undocumented MEChAs] out ... we have that common, I guess, obstacle and so whenever I know of something, or when they know of a resource, or if they have a question about something with school, since I'm a third year and most of the students I know are second or first years, I think we try to help each other out with resources.

Luz explained how she was able to create a network for sharing "resources" with other undocumented student members of MEChA. While the MEChA organization was not directly concerned with providing undocumented students support specifically, it is an important source of social support for [*852] Latina/o students in general and serves as a space where Luz and her peers can feel comfortable to share information.

Most of the students in this study, however, were not able to be involved actively in student organizations on campus because they worked part-time or full-time jobs while attending school. Outside employment was the most common strategy students practiced to pay for their college tuition. For this reason, some students maintained more informal types of support with other undocumented students on campus. Alma, a third-year transfer student at a UC campus, described how it was important for her to keep in touch with her undocumented friends. Alma is a full-time student and devotes her free time as a volunteer tutor. Here, she discussed the limited yet important time that she spends with her friends. Alma explained:

Here at [UC campus] I know many [undocumented] students and I try to be in contact with them, you know. Sometimes there's really not much you can do but sometimes when you listen to other people's problems that helps a lot. Just being there, being a friend, you know, listening ... I know that some [undocumented students] are in worse situations than I am because some of them already have a deportation order, some of them - their families really cannot afford tuition so they struggle every quarter to make ends meet, to pay tuition, to pay room and board and all that. In a sense I'm lucky because I worked and I saved money ... so I don't have to worry about that right now ... I know it's really hard for a lot of students [whose] parents are just struggling, you know, and they have to work and they have come to school and they have to commute and they have to ... drive without a license and worry if they're gonna get pulled over on their way to school, you know, things like that. So, in a sense, I know there are other students that are in worse situations than I am. There's really nothing that I can do but to lend my support and my friendship ... just stay in touch with them, that's what I do.

Despite the limited time she is able to spend with her friends, Alma felt that "staying in touch" with other undocumented college students is very important. She described the many obstacles and emotional stress that undocumented students must endure during their college education and mentioned that staying in touch is a strategy she uses to ease stress and find some form of comfort. Each of the students interviewed identified a specific person or group of people that provided them with social support as they tried to navigate through the institution. The students also expressed that they needed to feel a sense of trust with the person or group whom they sought support. While a sense of trust may be important for all students seeking social support, undocumented students may feel especially vulnerable in sharing their experiences because of the potential repercussions they face if their undocumented status is revealed.

2. Financial Aid

Ineligibility for federal and state financial aid programs creates yet another barrier for undocumented Latina/o students pursuing higher education. While undocumented Latina/o California students are eligible to pay resident fees under AB 540, their families must be able to afford to pay their fees and other expenses with no assistance from state or federal governments. Through each of the six interviews, students were most concerned with the lack of access to [*853] financial aid and legal employment needed to fund their schooling. Moreover, they expressed concern about how their undocumented status would affect their career aspirations after college.

Some students described how they were initially unaware of AB 540 and their ability to pay in-state tuition fees. In the following excerpt, Laura, a third year Latina student at a community college, described how she felt when she had to make the decision not to attend a four-year university upon her graduation from high school:

Senior year came and I forgot how I found out [that] I can't go to any of the UC's because I won't [be eligible] for financial aid since I don't have proper requirements for that ... so I was pretty bummed. I kind of felt like my world collapsed. So what's the point? I came all this way and I was like - I don't want to graduate from high school anymore because in high school you feel a little sheltered and once you get out you're like - what's gonna happen? I was a bit scared and didn't know what to do ... none of my sisters went to community colleges, and I didn't know what to expect ... so then when it came to apply ... I didn't even bother because why am I going to apply if I can't even go? But then I applied to one of the Cal States to see if I would get in and I got into [CSU campus]. I wasn't aware of AB 540 back then; I decided not to go.

Here, Laura described how she saw a four-year university as inaccessible being unaware of AB 540. She thought she could not afford to pay tuition and was unsure as to whether there were any legal restrictions to attend due to her undocumented status. This brings into question how many students with similar experiences do not apply or attend four-year universities even when they are qualified because of the lack of information about AB 540.

Paying the high cost of out-of-state tuition does not stop some students from attempting to achieve their educational and career goals. Three of the students interviewed entered college without prior knowledge of AB 540 and began higher education paying out-of-state fees. Most of the students in this study find that their parents are unable to contribute or can only minimally contribute to help fund their educational costs. While knowledge about AB 540 ensures some form of access for undocumented students, many others are unable to enter and remain in college. For example, one student described how she was able to fund her first year at a top-tier UC campus through the sum of various small scholarships. Currently in her second year, she described how she was going to pay for her first quarter with money saved up from working. She was unsure how she was going to pay for tuition for the following terms. Most students in this study pay for their education through small scholarships that do not have citizenship requirements and through earned wages.

Five of the six students worked at least twenty hours a week. The sixth student had saved money working prior to transferring to a four-year university. One student, Joel, reported working anywhere from fifty to seventy hours a week in order to support his educational costs and living expenses which has consequently side-tracked him from transferring to a four-year university. The inability to obtain "legal" status leaves students with no choice but to obtain employment that does require documentation, often subjecting them to the service sector where they are not compensated for their skills as high school graduates and current college students. This adds a further burden these students [*854] must grapple with: seeking and maintaining employment where "legal" documentation is not required.

The inaccessibility to federal and state financial aid affects undocumented college students and their overall welfare in other ways. For example, Luz enrolls in extra classes as she rushes to graduate in four years because she cannot afford an additional year. This places further stress and limits on her studies as she struggles to balance thirty-two hours of work per week and twenty academic units of coursework per quarter. She also spoke to her inability to access free tutoring offered to low-income students because eligibility is verified through financial aid documentation. Even though undocumented students are eligible to receive some support services, they are still unable to access on-campus employment and paid-internships that are directly allocated through state monies.

Other students spoke to the further burden that their financial obstacles bring to their families. Luz funds most of her educational costs through the financial support of her parents' small business. She realized the limitations of her

parents' ability to fully fund their children's educational expenses when Luz's younger brother, also undocumented, was admitted to a four-year university during his senior year in high school:

My other brother ... his senior year he actually did get accepted to [UC campus] and he was gonna come here, but then, I mean his admission was withdrawn because he didn't really do that well his senior year. But part of the reason he didn't do that well was because he was really stressing out over what he was gonna do, like, you know, because my parents were already paying for my tuition and even though my parents, they were gonna be able to pay for his tuition, he didn't want to put that burden on my parents and he was just stressing out, so even though he was gonna get scholarships, that was one of the factors that affected ... [crying].

Luz became very upset recounting her younger brother's experience of being accepted to a UC campus but not attending because of the guilt he felt knowing his parents would have to pay for his additional college expenses. Luz later explained that she suspects her younger brother purposely underperformed in his classes his senior year so that his parents would not have to pay for his schooling.

Not being able to secure the adequate amount of financial aid also provides another burden as families struggle with additional factors. Alma, who had worked hard to save enough money to attend and live away from home, has been recently placed in a difficult situation:

My dad was telling me that he might pay for my entire tuition for next year, so that's going to help me a lot. We'll see ... my mom needs to have a surgery, we haven't been able to get insurance for her, Medicare denied her ... I told her I would give her my money that I have saved, she refuses because she says she will not take it, she would rather go back to Mexico ... she doesn't want me to stop school, because that means that I would have to stop school for an entire year to save money, so we'll see ... she needs to have [the surgery].

Alma explained the emotional pain that she feels as her mother suffers through her illness. This situation puts an additional burden on her educational livelihood. Students like Alma struggle with this type of guilt that results from [*855] spending all of their earnings on their education, unable to contribute to their families' income.

Among the students interviewed, financial support was the greatest obstacle in their college experiences. The ability to fund a higher education often becomes a deciding factor in whether undocumented Latina/o students attend college. Most of the participants mention the lack of information known about AB 540 among faculty, staff, and administrators. This lack of information leads to the institution's inability to provide AB540 students with any type of support. Institutional support cannot occur as long as faculty, staff, and administration remain unaware and uninformed about AB 540. Information is especially needed for officials in financial aid and registrar offices that handle student records. The most important issue that these students expressed was access to financial aid programs.

Despite the many obstacles Latina/o undocumented students may face, the interview participants continued to maintain a strong motivation to succeed. Several of these college students hold aspirations to attend graduate or professional programs. It is not enough for institutions to offer resident tuition fees for their undocumented students. The purpose of AB 540 was to create greater access for undocumented students who have worked diligently to overcome many obstacles and be admitted to an institution of higher education. While AB 540 does create greater access by providing resident fees to undocumented students, it is only the first step in creating greater access for these students. Only a very few of the many deserving undocumented students in California are attending college due to the great financial barriers they face. The lack of access to financial aid is part of the larger institutional neglect that these students face.

3. Campus Climate: Institutional Neglect

As discussed earlier in this Article, many Latina/o college students experience a negative campus climate in higher education institutions. These experiences can be characterized by encounters Latinas/os and other Students of Color have with racism by their peers, faculty, staff, and campus administration. Interestingly, most of the participants in this

study did not describe being victims of racial epithets or other forms of direct racism on campus. What the students did express was a different form of racism, rooted in dominant beliefs and ideologies about Latina/o immigrants in the U.S. that dehumanize and marginalize this group. These beliefs translate to the institutional climate and affect the experiences of undocumented Latina/o college students when their needs are not met, support is not provided, and information is not allocated. This form of racism, which can be called "racist nativism," is perpetuated by these institutional practices on campus.

In this study, students described and alluded to feelings of fear, criminality, and invisibility. Many times, they expressed an uncertainty about their futures - if they would be able to afford their college tuition next quarter or year, what they would do after they graduate, and if they would be able to find employment. In many of our interviews, students became overwhelmed with emotion when describing the feelings they experienced as a result of their legal status in the U.S. While campus climate, as described earlier in this paper, does [*856] address the marginalization of Students of Color within an institution, it cannot explain the profound pain and emotional trauma endured daily in the lives of these students.

Utilizing a LatCrit theoretical framework in the analysis of this critical factor has exposed how racism and immigration status intersect in the lives of these six Latina/o undocumented students. While these students may not have described experiences of racism directly, they expressed feelings that were a result of a racialized form of nativism - being an "other," not belonging, and scared to reveal their true identities. The students in this study expressed the emotional consequences of racist nativism.

Informed by the work of scholars such as Velezⁿ³⁰ De Genova,ⁿ³¹ Acuna,ⁿ³² Johnson,ⁿ³³ and Sanchez,ⁿ³⁴ racist nativism can be defined as "a form of racism that is specifically directed toward immigrants who can be racially identified as Latina/o."ⁿ³⁵ Racist nativism can be experienced by other groups of immigrants in the U.S., but dominant beliefs and associations of Latina/o immigrants with rising crime rates, the health care crisis, lower educational standards, and other social ills directs hostility toward this group in particular. As explained by Velez, it is also important to acknowledge that this form of racism can also be experienced by U.S. born Latinas/os who "are racially characterized as Latina/o immigrants."ⁿ³⁶ Thus, this form of racism is directly linked to the "non-native" status of Latinas/os, whether true or perceived. Racist nativism is ideologically rooted in White supremacy that constructs and perpetuates a false history that Whites are "native" to the land of the U.S., therefore deeming all non-Whites as "foreigners."

The failure of the institutions these students attended to acknowledge their presence on campus and support their pursuit of a college degree further confirmed feelings of marginalization and perpetuated the form of racism called racist nativism. We borrow from the conceptual work of the S.I.N. Collective to name this inaction institutional neglect.ⁿ³⁷ The students in this study felt marginalized and neglected from other student peers, administration, faculty and the institution as a whole. Sonya, a second-year Latina student UC student described how she, as an undocumented student, felt excluded during a campus event that provided information on programs and services for Students of Color:

[*857]

We had an event at [UC campus] called Scholars Day ... it's basically all the minority groups that come and they kinda tell you what they have for you, what they offer, [what] the school can offer the minority students [on campus] and a lot of the stuff ... well that really doesn't include me because um - like a lot of it was about financial aid and how you can get more out of your financial aid and like all this other stuff, and ... there really wasn't a connection at all. I really didn't feel like I was a part of that ... like a lot of the groups you don't fit in. You don't feel like you have a connection with - like even regular Latino people, it's like; it's just not the same.

Sonya expressed how she felt marginalized from this event because campus groups did not provide information specific to undocumented students. It is especially disturbing that Sonya felt excluded at an event that catered to the needs of Students of Color, including Latinas/os at the institution. During the interview, Sonya mentioned that she felt no "connection" to the event or to the other "Latino" students participating in the event. In fact, she described these students as "regular Latinos" where she inadvertently implies that she is somehow not a "regular" Latina student. Describing herself in this way demonstrates how Sonya feels she is perceived as an "outsider" or "foreigner" within the institution, similar to the way dominant society perceives Latina/o immigrants in the U.S. via racist nativism. This event, as a representation of what the institution had to "offer" its students, became symbolic of the neglect that Sonya and other students in this study experienced at their respective institutions.

The students in this study experienced racist nativism years before college. Feelings of being an "other" within U.S. society often times began during childhood. Alma expressed how she thinks her life would be different if she lived in Mexico, the country where she was born:

Where we live in . . . a predominately White [town], you know, there were not that many Latinos there, so people would ask, how did you get here? How did you come? And we had to make up stories, you know, lie, and in a sense, we [Alma and her siblings] were kind of forced to grow up fast, you know, our childhood in a way ... it wasn't innocent, you know, and there was always this like, fear, you know, of what was gonna happen. Who am I? What am I doing here? I know that I wouldn't have to live like a criminal - like I feel sometimes, how I live like, hiding [pause] not being able to do a lot of things, you know [crying].

Here, Alma clearly expressed the pain and emotional trauma that she experienced and feelings of being a "criminal" because she is not able to participate in many of the daily activities U.S. citizens take for granted. For example she commented:

I can't travel, you know, I can't drive, I can't vote, I can't be involved in many social activities because of it [her undocumented status], I can't apply for scholarships, I can't apply for financial aid, I can't apply for loans, I can't buy a home, I can't do anything, you know, I'm just like, like I'm non-existent in a way, you know what I mean? As my senior year approaches, I'm like, what am I gonna do?

Similar to Alma's comments, Laura explained how she sometimes feels "embarrassed" about her legal status.

I guess ... with the whole anti-immigrant thing, sometimes you know, at first ... I guess you could feel a bit, um, embarrassed ... 'cause ... maybe I won't be accepted because they think I'm this whole, you know - whatever. But then ... I'm just like, [*858] you know ... what do you call this? I'm not strange or anything. It's just, you know a status kind of a thing and you'll like ... everybody else, you just don't have this actual thing [documentation papers]. I mean, you feel, affected in a way of not being able to do certain things ... it's hard.

Here, Laura seemed to have difficulty expressing her feelings about being undocumented. Other students in this study also expressed this same uneasiness when talking about their undocumented status. It is understandable that some students would feel uncomfortable speaking openly about their status, perhaps because of the possible consequences of participating in an interview, or because of the emotional difficulties in associating herself with dominant perceptions of Latina/o undocumented immigrants.

Institutions must comply with the symbolic efforts of AB 540 to grant greater access to higher education for undocumented students by meeting the needs of these students once they enter the campus. Students are continually marginalized and experience additional barriers beyond those of the general Latina/o student population as they navigate through higher education. The failure of the institution to acknowledge these barriers results in the inability to provide services that will support Latina/o undocumented students. This lack of support is antithetical to the state's efforts to create greater access to higher education by meeting the needs of its undocumented student populations that enter under AB 540. The failure to support these students contributes to the larger injustices of society that purposefully exclude Latina/o immigrants from life opportunities, maintain their oppressed position, and inhibit social mobility. Institutions of higher learning can no longer remain complicit to the further marginalization of this population of students. As student demographics change in California and more undocumented students enter higher education, institutions need to respond to meet the needs of this new student population.

V. Recommendations

While the passage of AB 540 provided some form of financial access for undocumented students in terms of affordability, it also staged a symbolic message asserting that these students, regardless of their immigration status, have the right to access California public institutions of higher education. Institutions must ensure greater access by providing more support for this population of students. This section offers several recommendations to colleges and universities to encourage and support students to enter and matriculate from college. Drawing from the critical factors found in this study, these recommendations help better facilitate the transition into college and provide suggestions to improve persistence; these recommendations include improving the campus climate, increasing social support services, and providing greater opportunities for financial aid.

A. Improving the Campus Climate: Advocating for Undocumented AB 540 Students

Undocumented Latina/o students are affected by the racist nativist climate reflected by larger society. These feelings carry forward when this population of students finds that it must navigate through college without the acknowledgement [*859] and understanding of the barriers it faces. Colleges and universities must strive to assure a more welcoming and safe environment by improving the campus climate. Universities must establish this form of legitimacy and validation through their mission statements. On a macro level, universities must take affirmative plans to support current legislation that supports undocumented students. This includes, for example, taking stances against measures such as H.R. 4437 and support efforts for access such as the DREAM Act. Institutions of higher learning cannot continue to take neutral stances in the effort to provide equitable access for students.

B. Support Services: Creating Task Forces to Improve Student Services

Universities and colleges must make attempts to ameliorate additional problems that undocumented students face. Universities must establish task forces focused on the retention of undocumented AB 540 students centralizing the support services that these students can access. These task forces must consist of several academic affairs and academic units. These units must designate at least one staff member per unit that would be trained on AB 540 along with information that informs employees on the limitations and services offered to these students. Universities should create and distribute memos within these units so that staff members are aware and knowledgeable of the issues this population of students encounters (i.e. immigration policies, etc.). These trainings and memos must emphasize confidentiality of student information. In addition, universities must create centralized support centers or offices where students can attain all of the information they need on how to deal with and approach certain situations that they may face. Universities must create and distribute information packets that include the various services offered at the institution. Recruitment, retention, and academic enrichment programs must incorporate components that inform incoming and existing students with related information that can help make their transition to college easier.

C. Financial Support: Increasing Opportunities and Information for Financial Aid

While undocumented students cannot directly receive federal and state monies, universities should still make other information and services readily available. Undocumented students can still benefit from university services such as academic enrichment programs, university loans, and free housing. While institutions may not be able to directly allocate funds that specifically target this population, they should make undocumented students aware of their eligibility to apply for and receive these services. Services that use financial aid information as criteria for eligibility for certain resources should be sensitive to these issues that undocumented students encounter. For example, certain on-campus tutoring services use FAFSAⁿ³⁸ information to determine eligibility. Undocumented students should be able to demonstrate financial need by alternative means.

[*860] Financial aid offices should also create databases of scholarships and off-campus private internships that offer stipends for which undocumented student are eligible. Financial aid and student accounting offices should also inform students and scholarship donors about check distribution processes. Checks made out to both the university and the student present a challenge for some distribution systems because the university sometimes needs to withhold federal taxes for non-U.S. residents in which the students must have a Social Security number ("SSN") or an Individual Taxpayer Identification Number ("ITIN"). Students and donors should be made aware that checks should be drawn only in the student's name to avoid delays. This must be done early in the process to ensure that students' monies are available to them in order to pay their expenses in a timely manner. Undocumented students should also be made aware of flexible payment plans and university loans that they may be able to access. This information should be made available early on in these students' college careers. Colleges and universities should also provide financial aid orientations for

undocumented students. While financial aid becomes a major deciding factor for entering and persisting in college, institutions must acknowledge this potential barrier and increase financial aid information and opportunities as part of the efforts to support undocumented Latina/o students.

These institutional recommendations offer limited support for undocumented Latina/o students given the current political climate. As mentioned earlier, this raises the concern in light of the recent legislative strategies aimed at criminalizing undocumented people living in the U.S. along with those who seek to assist this population. Proposals such as H.R. 4437 further limit access to higher education for undocumented students. For these reasons, institutions of higher learning must join in the efforts that advocate for these students and provide the necessary support for this population.

VI. Conclusion

This study has examined the unique experiences of six Latina/o undocumented students attending public institutions of higher education. Using a LatCrit theoretical framework, this Article has acknowledged, documented, and analyzed these experiences to reveal critical factors that are needed to support undocumented Latina/o students at an institution of higher learning. The critical factors identified in this study included social support, financial aid, and campus climate, which can be characterized as institutional neglect. The institutional neglect students experienced at their respective campuses contributes to practices of racist nativism that reflect larger societal injustices targeted at Latina/o immigrants. Beyond the barriers the general Latina/o college student population experiences, undocumented students encounter additional barriers that limit their ability to continue and succeed in higher education. This study does not intend to generalize the experiences of these six students to all undocumented Latina/o students. Student experiences can vary based on a number of factors such as the institution they attend, the resources they have access to, and the social support they receive. However, the information obtained from the six students in this study provides important insight to the lived experiences of Latina/o undocumented students in higher education.

[*861] Lastly, this Article provided several recommendations for institutions to better support their Latina/o undocumented student populations that can provide a model of social justice for undocumented immigrant populations in the U.S. The stories of these six students demonstrate the determination, strength, and resiliency they possess as they navigate through the higher education pipeline despite the many obstacles that serve to divert them from achieving their dreams. It is our hope that future research will continue to examine the experiences of this population of students and find ways to improve their experiences throughout the educational pipeline.

Legal Topics:

For related research and practice materials, see the following legal topics:

Education Law Administration & Operation Student Financial Aid Eligibility Education Law Administration & Operation Tuition Residency Classifications Immigration Law Duties & Rights of Aliens Education

FOOTNOTES:

n1. " The term Latinas/os refers to a non-homogenous [racial] group of persons of Mexican, Puerto Rican, Cuban, Central American, and South American heritage. It should be mentioned that while most studies use the term Latina/o as a homogenous category, there are differences among and within various Latina/o subgroups." Lindsay Perez Huber et al., UCLA Chicano Studies Research Center, *Falling Through the Cracks: Critical Transitions in the Latina/o Educational Pipeline* 12 n.1 (2006).

n2. *Id.* at 2.

n3. *Id.* at 1-2; U.S. Census Bureau, United States Census 2000: Summary File 4 (SF4), <http://www.census.gov/main/www/cen2000.html> (last visited Aug. 26, 2006).

n4. David E. Hayes-Bautista, *La nueva California: Latinos in the Golden State* 222 (2004).

n5. Perez Huber et al., *supra* note 1, at 4-5, 12 n.1.

n6. We use quotations for the term "undocumented" to acknowledge that this word has and continues to be strategically used to construct negative perceptions of Latina/o immigrants living in the U.S. However, due to the limitations of language to provide an alternative term, we cautiously use the word undocumented to describe persons living in the U.S. without legal authorization. See generally George Lakoff & Sam Ferguson, *The Rockridge Institute, The Framing of Immigration* (2006), <http://www.rockridgeinstitute.org/research/rockridge/immigration>.

n7. The six Latina/o students in this study were born in Mexico, El Salvador, and Guatemala.

n8. Perez Huber et al., *supra* note 1, at 4-5.

n9. California Postsecondary Education Commission, *Quick Data: Characteristics by Ethnicity*, <http://www.cpec.ca.gov/OnLineData/Characteristics.asp> (last visited April 17, 2007).

n10. Perez Huber et al., *supra* note 1, at 5-6.

n11. *Id.* at 7. See also Armida Olivia Ornelas, *An Examination of the Resources and Barriers in the Transfer Process for Latina/o Community College Students: A Case Study Analysis of an Urban Community College* (2002) (unpublished dissertation, University of California, Los Angeles) (on file with author).

n12. Miguel Ceja, *Chicana College Aspirations and the Role of Parents: Developing Educational Resiliency*, 3 *J. of Hisp. Higher Educ.* 338 (2004); Alberta M. Gloria & Ester R. Rodriguez, *Counseling Latino University Students: Psychosociocultural Issues for Consideration*, 78 *J. of Counseling & Dev.* 145, 149-50 (2000); Aida Morales, *Barriers, Critical Events and Support Systems Affecting Chicanas in Their Pursuit of an Academic Doctorate* (1988) (unpublished doctoral dissertation, East Texas State University); *The Institute for Higher Education Policy, Getting Through College: Voices of Low-Income and Minority Students in New England: The New England Student Success Study* (2001); Marisela Rosas & Florence A. Hamrick, *Postsecondary Enrollment and Academic Decision Making: Family Influences on Women College Students of Mexican Descent*, 35 *Equity & Excellence in Educ.* 59, 63-66 (2002); William G. Tierney & Susan Auerbach, *Toward Developing an Untapped Resource: The Role of Families in College Preparation*, in *Preparing for College: Nine Elements of Effective Outreach* 29-48 (William G. Tierney et al. eds., 2005).

n13. "Students of Color" is intentionally capitalized to reject the standard grammatical norm. Capitalization is used as a means to empower this group and represents a grammatical move toward social and racial justice.

n14. Patricia Gandara, *Over the Ivy Walls: The Educational Mobility of Low-income Chicanos* (1995) [hereinafter Gandara, *Over the Ivy Walls*]; Daniel G. Solorzano & Octavio Villalpando, *Critical Race Theory, Marginality, and the Experience of Students of Color in Higher Education*, in *Sociology of Education: Emerging Perspectives* 211-224 (Carlos Alberto Torres & Theodore R. Mitchell eds., 1998) [hereinafter Solorzano & Villalpando, *Critical Race Theory*]; Daniel G. Solorzano, *Role Models, Mentors and the Experiences of Chicana and Chicano Ph.D. Scientists, in Diversity in Higher Education: Examining Protege-Mentor Experiences* (Henry T. Frierson, Jr. ed., 1998) [hereinafter Solorzano, *Role Models*]; Patricia Gandara, *Passing Through the Eye of the Needle: High-Achieving Chicanas*, 4 *Hispanic J. of Behav. Sci.* 167, 168 (1982); Sylvia Hurtado et al., *Enhancing Campus Climates for Racial/Ethnic Diversity: Educational Policy and Practice*, 21 *Rev. of Higher Educ.* 279 (1998); Sylvia Hurtado & Deborah Faye Carter, *Effects of College Transition and Perceptions of the Campus Racial Climate on Latino College Students' Sense of Belonging*, 70 *Soc. of Educ.* 324 (1997); Sylvia Hurtado et al., *Latino Student Transition to College: Assessing Difficulties and Factors in Successful College Adjustment*, 37 *Res. in Higher Educ.* 135, 135-38, 145-52 (1996) [hereinafter Hurtado, *Latino Student Transition*]; Deborah Ramirez Lango, *Mexican American Female Enrollment in Graduate Programs: A Study of the Characteristics That May Predict Success*, 17 *Hispanic J. of Behav. Sci.* 33, 34 (1995); Daniel G. Solorzano, *Critical Race Theory, Race and Gender Microaggressions, and the Experience of Chicana and Chicano Scholars*, 11 *Int'l J. of Qualitative Stud. in Educ.* 121, 127-32 (1998) [hereinafter Solorzano, *Critical Race Theory*]; Daniel Solorzano et al., *Keeping Race in Place: Racial Microaggressions and Campus Racial*

Climate at the University of California, Berkeley, 23 *Chicano-Latino L. Rev.* 15 (2002) [hereinafter Solorzano et al., *Keeping Race in Place*]; Daniel G. Solorzano & Tara J. Yosso, *Toward a Critical Race Theory of Chicana and Chicano Education*, in *Charting Terrains of Chicana(o)/Latina(o) Education 35-65* (Corinne Martinez et al. eds., 2000); Melba J. T. Vasquez, *Confronting Barriers to the Participation of Mexican American Women in Higher Education*, 4 *Hisp. J. of Behav. Sci.* 147, 154-55, 159-60 (1982).

n15. Gloria Holguin Cuadraz, *Experiences of Multiple Marginality: A Case Study of Chicana "Scholarship Women,"* in *Racial and Ethnic Diversity in Higher Education 210-22* (Caroline Turner et al. eds., 1996); Gandara, *Over the Ivy Walls*, supra note 14.; Hurtado, *Latino Student Transition*, supra note 14, at 139, 147, 153; Morales, supra note 12; Solorzano, *Critical Race Theory*, supra note 14, at 128; Solorzano, *Role Models*, supra note 14; Solorzano et al., *Keeping Race in Place*, supra note 14; Solorzano & Villalpando, *Critical Race Theory*, supra note 14.

n16. U.S. Census Bureau, *United States Selected Population Profile: Total Population (2004)*, available at <http://factfinder.census.gov/servlet/IPCharIterationServlet?lang=en&ts=201039879280> and select "Total Population" from the menu.

n17. Jeffrey S. Passel, *Pew Hispanic Center, The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey (2006)*, available at <http://pewhispanic.org/files/reports/61.pdf>.

n18. USC Center for Higher Education Policy Analysis, *The College & Financial Aid Guide for: AB 540 Undocumented Immigrant Students* (Paz M. Olivarez et al. eds., 2006), available at <http://www.usc.edu/dept/chepa/pdf/AB%20540%20final.pdf>.

n19. *Id.*

n20. Loucas Petronicolos, *Anti-immigrant Legislation, Social Justice, and the Right to Equal Educational Opportunity*, 36 *Am. Educ. Res. J.* 373, 374 (1999).

n21. 457 U.S. 202, 230 (1982).

n22. See *Leticia A. vs. Board of Regents*, No. 588982-4 (Cal. Super. Ct. 1985); Cal. Educ. Code B 68062(h) (West 2003).

n23. No. 588982-4 (Cal. Super. Ct. 1985).

n24. 276 Cal. Rptr. 197, 201 (Cal. App. 1990).

n25. Cal. Educ. Code B 68130.5 (West 2002).

n26. Dolores Delgado Bernal, *Critical Race Theory, Latino Critical Theory, and Critical Race-gendered Epistemologies: Recognizing Students of Color as Holders and Creators of Knowledge*, 8 *Qualitative Inquiry* 105, 108 (2002).

n27. Daniel G. Solorzano & Tara J. Yosso, *Maintaining Social Justice Hopes Within Academic Realities: A Freirean Approach to Critical Race/LatCrit Pedagogy*, 78 *Denv. U. L. Rev.* 595, 596 (2001).

n28. All names used in this study are pseudonyms created to protect the identities and anonymity of our participants.

n29. Quotations from student interviews are taken directly from audio recordings. Inconsequential language such as pauses, stutters, or repetitions are removed from the quotes where appropriate for the ease of the reader; however, the meaning has not been altered.

n30. Veronica Velez et al., *Battling for Human Rights and Social Justice: A Latina/o Critical Race Theory Analysis of Latina/o Student Youth Activism in the Wake of 2006 Anti-Immigrant Sentiment*, *J. of Soc. Just* (forthcoming).

n31. Nicholas De Genova, *Working the Boundaries: Race, Space, and "Illegality" in Mexican Chicago* (2005).

n32. Rodolfo Acuna, *Occupied America: A history of Chicanos* (4th ed. 2000).

n33. Kevin R. Johnson, *The New Nativism: Something Old, Something New, Something Borrowed, Something Blue*, in *Immigrants Out! The new nativism and the anti-immigrant impulse in the United States 165-89* (Juan F. Perea ed. 1997).

n34. George J. Sanchez, *Face the Nation: Race, Immigration, and the Rise of Nativism in Late Twentieth Century America*, *31 Int'l Migration Rev.* 1009 (1997).

n35. Velez et al., *supra* note 30.

n36. *Id.*

n37. See generally S.I.N. Collective, *Without Shame ... Sin Verguenza! Students Informing Now (S.I.N.) Challenge the Racial State in California*, *Educ. Found.* (forthcoming).

n38. The Free Application for Federal Student Aid ("FAFSA") is the application used to determine a student's eligibility for federally subsidized loans, grants, and work-study funds. It is also used by state and local governments as well as private organizations.