

**LEARNING FROM THE SHADOWS: AN EXPLORATION OF THE IMPACT
OF WASHINGTON STATE'S INSTATE TUITION POLICY ON
UNDOCUMENTED IMMIGRANT STUDENTS AND INSTITUTIONS
OF HIGHER EDUCATION**

by

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ABSTRACT

In 2003, Governor Gary Locke of Washington signed *HB 1079 The Student Residency Tuition Adjustment Act* into law. This law allows qualifying undocumented students to attend public post-secondary institutions as instate students for tuition purposes. Since then, students who have taken advantage of this opportunity have been faced with a number of issues unlike any other students on campus today.

Simultaneously, institutions serving these students have had to re-examine their policies, and procedures as they relate to this distinctive population. Through interviews with seven undocumented students currently enrolled in one particular university and through observations, interactions, and reflections as a university administrator working with undocumented and other at-risk students, this research explores the unique issues and implications of undocumented students attending university as instate residents and the impact of their attendance on the institution.

Keywords: Undocumented; tuition; instate; Latino; immigration; DREAM Act

Subject Terms: Instate tuition; undocumented students; DREAM Act; illegal immigration.

DEDICATION

I dedicate this work to participants of this study. It is your struggle and commitment to education that has so inspired me.

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CHAPTER 1: INTRODUCTION

In a country of immigrants, like the United States, immigration has always been a contentious and volatile issue. In light of recent world events, these issues have become increasingly complicated and difficult. The purpose of this study is to examine one particular issue within an increasingly complex landscape of immigration. The focus of this research is on higher education for individuals who have received the majority of their education in the United States but are in the country without proper authorization. This research will identify, describe and help to begin to understand the unique issues and concerns faced by undocumented students pursuing higher education. Further it seeks to understand the implications these issues and concerns have for the university.

It is estimated that in 2005, there were 715,000 students, between the ages of 5 and 17 without proper immigration authorization enrolled in school in the United States. There are an additional 360,000 individuals between the ages of 18 and 24, without proper authorization, who have already graduated from high school (Batalova & Fix, 2006). Because of their immigration status, these undocumented students are faced with extremely limited educational and economic options. While the courts have provided undocumented students with the legal means to attend elementary and high school, they have stopped short of providing the means or opportunity for undocumented students to pursue a post-secondary education. (National Immigration Law Center [NILC], 2005a).

In the United States, access to education was guaranteed for all students regardless of their residence or immigration status, by the 1982 Supreme Court decision in

Plyler v. Doe. This court's ruling provided access to free, public primary and secondary education for all children, reasoning that:

These children can neither affect their parents' conduct nor their own undocumented status. Public education has a pivotal role in sustaining our political and cultural heritage; the derivation of education takes an inestimable toll on the social, economic, intellectual, and psychological well being of the individual and poses an obstacle to individual achievement (*Plyler v. Doe*, 1982, p.457).

The decision, however, did not address the issue of universal access to higher education for many of these same students who lack the proper immigration status. In part, the decision did not extend to higher education because of the way higher education is funded in the United States. Unlike public elementary and secondary schools that are funded entirely through local tax dollars, public colleges and universities are funded through a combination of state tax dollars and student tuition. The state governments in each state control the administration of public higher education in the United States. The general philosophy is that because state taxes fund these institutions and residents of each state pay those taxes, residents of the state should not have to pay the full cost of their education within that state. This is why tuition at public colleges and universities is lower for students who are residents of that state, while non-residents or out-of-state students are required to pay a significantly higher rate of tuition.

Problem Statement

Each year nearly 65,000 students in the United States graduate from high school but have limited career and educational opportunities because they do not have the proper immigration documents (National Immigration Law Center, 2007a). As children with no influence on their parents' decision to immigrate, they have been raised and educated in the United States. They have assimilated into the American way of life; some have become honor students, athletes, and some have served in the U.S. military and call the United States home (Anderson, 2004; NILC 2007a). For all intents and purposes, these individuals are part of the American fabric. Many share the dream of their classmates to pursue higher education, but are faced with a number of obstacles unlike most any other students. The majority of undocumented immigrants in the United States are Latino (Passel, 2005) and therefore they face many of the same issues and concerns of other college-bound Latino students, including issues such as inadequate academic preparation, cost and finances, enrollment in college, lack of family support, and familiarity with higher education (Swail, Redd & Perna, 2003). In addition, undocumented students are faced with a lack of access to financial aid, concern for their safety and the safety of their family, and lack of understanding of the United States postsecondary education system (Erisman & Looney, 2007).

From the opening in 1636 of the first postsecondary institution in the American colonies, to the *First Morrill Act* in 1862 creating the means to establish a network of land-grant universities, to the *G.I. Bill* of 1944, through to development and growth of community college, the United States has a long, proud history of valuing of education, particularly higher education (U.S. Department of Education, 2006d). Washington State

also has a strong commitment to education. The constitution of the state provides for the education of all children within its borders (Washington State Constitution, 1889). In the 2006 report *Washington Learns*, the state reasserted its commitment to education (Washington Learns, 2006). This report outlines the goals and commitments for education for the state. Like the 2006 national report *A Test of Leadership*, commissioned by the U.S. Secretary of Education (U. S. Department of Education, 2006d), *Washington Learns* recognizes the changing economic landscape that globalization brings and the importance of education. “Education is the single most important investment we can make for the future of our children and our state” (Washington Learns, 2006, p. 4).

Washington State is committed to, “increase opportunities for everyone to get a postsecondary education” (Washington Learns, 2006, p. 6). In order to increase the opportunities for undocumented students in the state to pursue a postsecondary degree, in 2003 Washington passed the *Student Residency Tuition Adjustment Act, HB 1079* (Appendix A). This law made it possible for students who graduate from a state high school (or earn a GED in the state) and who have lived in the state for three years to attend any public postsecondary institution, and pay instate tuition rates regardless of immigration status if they sign an affidavit (Appendix B) promising to correct their immigration status as soon as they are able.

The problem for these students however is that not only do they face the same historic and social obstacles other Latino students face in pursuing higher education, but that they are also faced with a number of issues and concerns related to their immigration status.

HB 1079 is a state law; immigration status is a federal issue. The state law has no impact on a student's immigration status or ability to lawfully remain in the country. These students are still faced with the threat of deportation and the safety and security impact that may have on their family. There were no provisions in the legislation to provide financial support for these students. Furthermore even though many of these students come from low socioeconomic backgrounds, they are not eligible for federal financial aid (Passel, 2003; U.S. Department of Education, 2006a). What makes this especially problematic is the fact that the annual cost of education at a public four-year institution has doubled in the past decade making it even more difficult for these student from modest financial means (College Board 2007a). These students are faced with limited academic choices and educational opportunities because of their status and must deal with a political climate that is not always supportive of undocumented immigrants.

Institutions of higher education, if they are to fulfill their mission, are also faced with new concerns regarding these students. New laws, such as the *U.S. Patriot Act* give the Department of Homeland Security and Immigration and Custom Enforcement increased powers, which can pose a threat to undocumented students. It is up to the colleges and universities to strike a balance between state and institutional policies and the laws and policies of the federal government. But before this can happen more information is needed.

Research Questions

More information on the issues and concerns of undocumented students is needed on both sides of the equation, i.e. students need to be more familiar with the issues and

concerns they are likely to face so that they can better prepare themselves to face these challenges and institutions need more information to better understand the needs of this population and the implications that meeting those needs might have for the institution's ability to fulfill their mandate. The goal of this research is to help provide some of that understanding. To do this, this study asks:

- What are the unique issues and concerns faced by undocumented students as they pursue a Bachelor's degree at a public university as instate students under *HB 1079*?
- What are the issues and implications for a public four-year university that enrolls undocumented students as instate residents under *HB 1079*?

Social and Historical Context

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 has been an important piece of federal legislation impacting immigration in the United States. This comprehensive legislation addresses a number of topics from border enforcement to provisions regarding mail-order brides. Concerning immigration policy and higher education, *Section 505* of this legislation is of particular concern for this study. It specifically addresses the issue of access and tuition to public higher education for undocumented immigrant students:

IIRIRA - Section 505

(a) IN GENERAL.—Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of

residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident (IIRIRA, 505, 1996, p. 672).

Some state policy makers have interpreted this to mean that public colleges and universities cannot offer a discounted, in-state tuition rate to undocumented students in their state unless they offer the same discount to out-of-state students who are United States citizens or permanent residents (Badger & Yale-Loer, 2005; Olivas, 2004).

In recent years, however, several state governments have begun to challenge this interpretation of the federal legislation. These states have taken it upon themselves to increase the opportunity of higher education for undocumented students living in their states. In 2001, Texas became the first state to enact legislation that makes it possible for undocumented students who met certain criteria to attend public colleges and universities for in-state tuition rates, rather than the substantially higher out-of-state or international student tuition fees. By incorporating high school graduation and domicile rather than legal residency when considering in-state tuition eligibility, Texas' 2001 *HB 1403* made it possible for students who meet the following criteria to attend a public college or university as in-state students for tuition purposes:

1. Graduated from a Texas high school, or earned their GED in the state;
2. Have resided in Texas for three or more years and;
3. Sign an affidavit to become a permanent resident at the earliest possible opportunity (Texas Higher Education Coordinating Board, 2001, p. 13).

Following Texas in 2001, nine other states (California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Utah, and Washington) have passed similar legislation thus far. While these laws do provide a significant opportunity for undocumented students, it is also important to point out what opportunities they do not provide. None of the laws in any of the ten states do anything to change the students' residence status in the country. Nor do they make available any federal financial aid for these students. Except for Texas, Oklahoma, and New Mexico, none of the states provide state grants to undocumented students. This lack of financial aid must be considered in light of the fact that 76% of all full-time students attending four-year public colleges in the United States receive some sort of financial aid (U.S. Department of Education, 2006a). To further contextualize what this means for undocumented students it is important to note that undocumented families make up a disproportionate number of low-wage workers and students may have an increased need for such financial aid (Capps, Fix, Passel, Ort, & Perez-Lopez, 2003).

In 2003, Washington State's governor, Gary Locke, signed *HB 1079, The Student Residency Tuition Adjustment Act* into law. Using the Texas law as a template, Washington's *HB 1079* allows instate tuition based on a student's high school graduation and domicile rather than immigration status. Given the relatively short history of these laws, their profound impact and the implications for both students and institutions continues to unfold.

Institutional and Personal Context

Western Washington University (WWU) has long been committed to diversity in higher education. Most notably this commitment reveals itself within the institution's 2006 Strategic Action Plan where WWU recognizes diversity as one of its core values:

Western appreciates the importance of diversity of thought and people and seeks to become more diverse. We honor the contributions of all members of the campus community. We are committed to listening to all sides of an issue and opposed to any form of discrimination (Western Washington University, 2006a)

Another measure of Western's commitment to diversity is in its student body.

In 1980 Western had a student body of 10,616 with students of color making up 3.7% of that population (Western Washington University, 2007g). Today the undergraduate student population is 13,352 and students of color make up 17.6% of the population (Western Washington University, 2007h).

Western Washington University was one of the Founding Educational Partners of the Latino Educational Achievement Project (LEAP), and with the help of state legislators such as Phyllis Gutierrez Kenny, helped to propose, lobby, and support the passage of *HB 1079* in 2003. As a member of the Advisory Board for LEAP, I was actively involved in this effort and continue to be involved with the organization. From an institutional perspective, during the introduction and passage of this legislation I was the Assistant Director of Admission for Western Washington University (2000 to 2005). While I had a number of responsibilities within the Admissions Office, during this time the primary focus of my portfolio was that of multicultural student outreach. It was in this

capacity that I was able to identify and meet many of the first undocumented students to apply and enroll at Western. In 2005, I became the Director of Student Outreach Services at the university. Retention and persistence of low-income, first-generation and under-represented students are the main goals of this office. The focus of my efforts on campus switched from working primarily with prospective students to outreach for currently enrolled students and I began to work more closely with the undocumented students enrolled on campus. In this way I was able to identify and troubleshoot many of the unique issues and concerns as they arose for these students.

In more than twenty years of working in higher education, in a career that has focused on at-risk students, I have learned a great deal about the at-risk student population. Most undocumented students and all that participated in this study can be classified as at-risk, in that they are the first in their family to attend college in the U.S. and come from limited financial means. Like so many other Latino students, undocumented students are faced with a number of challenges when it comes to completing a bachelor's degree. Issues of financial aid, lack of rigorous academic preparation, lack of family support for and knowledge of college, greater financial responsibility to family, and enrolling in less selective institutions all put Latino students at risk of not completing their degree (Fry 2004). In addition, undocumented students are faced with concerns about deportation and their immigration status. Attending college may have an effect on them as well as their family's ability to remain in the country (Pew Hispanic Center, 2007). More than other Latinos, undocumented students are concerned with the issues surrounding the national debate on immigration and the various forms of racism and discrimination (Pew Hispanic Center, 2007).

As an institution, if we are to adequately fulfill our mission of providing education, there are a number of issues that need to be taken into account. For example balancing state and federal laws in identifying and tracking these students is problematic. To provide a quality education to all students it is necessary that the institution identify opportunities and obstacles that undocumented students might face. Issues such as majors that require federal background checks, educational leadership opportunities and how a student's undocumented status might affect those checks and opportunities are of concern.

More personally, my commitment to access and the value of higher education and to Latino students in particular has roots much deeper than Western Washington University, LEAP, or *HB 1079*. I come from a Mexican American family; with a long history of migrant and agricultural work, I have experienced the struggles for education, particularly higher education, first hand. As a first generation Chicano student who stumbled his way through his education, I have come to understand the importance of creativity, perseverance, resourcefulness and dedication, even when I was not sure what I was doing or why I was doing it. My experience has taught me that education and opportunities will often avail themselves in peculiar ways and that as educators and students we must always be open to them. I come from a social and personal background of low educational expectations and even lower educational achievements. A graduate of a predominately Latino high school, with a counselor who strongly recommended I attend a vocational school for auto mechanics, I am aware of the importance of a mentor, acceptance, and positive guidance.

Importance of the Study

All students face challenges when attending college that may prevent them from graduating. According to the United States Department of Education, just over half (52.6%) of all the students who start college at a four-year, public institution will earn a bachelor's degree within six years (National Center for Education Statistics [NCES], 2006). For Latino students, the likelihood of earning a college degree is much lower. With a graduation rate of 41.8%, more than half of all Latinos who start college will drop out before earning their bachelor's degree (NCES, 2006). Given the fact that the ethnic background of most undocumented individuals in the United States is Latino (Passel, 2005), this is an important factor to consider for this study.

There are only 10 states¹ in the country that have laws such as *HB 1079*. Without such laws many otherwise academically qualified students miss out on higher education. In Arizona for example nearly 5,000 students were denied in-state college tuition because of their undocumented immigration status (Wingett & Benson, 2007). By understanding the concerns of students and institutions around the issues of postsecondary education for undocumented students, more opportunities may be made available to these students.

Canadian universities such as Simon Fraser University do not charge a separate, higher tuition fee for Canadian citizens whose residence is outside of British Columbia (Simon Fraser University, 2008). Students who are not citizens or permanent residents of Canada do however pay a higher tuition fee. This issue of undocumented students attending colleges and universities has not reached the same level of concern in Canada as it has in the United States. Nevertheless with an estimated 200,000 immigrants living

¹ The 9 other states with laws similar to *HB 1079* are: Texas, California, Utah, New York, Oklahoma, Illinois, Kansas, New Mexico, and Nebraska.

in Canada without proper authorization it may soon become a concern (Jimenez, 2003). As the cost of higher education rises, the findings of this study may be of increased interest to Canadian institutions and students alike.

The purpose of this case study is to identify, describe, and understand the unique issues and concerns faced by undocumented immigrant students as these students navigate their way through the higher education system. By examining the issues and concerns of these students from a student affairs perspective, this study sheds light on areas of the institution that most directly impact these students. According to the National Association of Student Personnel Administrators (NASPA), the role of student affairs is to educate the whole student and integrate student life and learning (National Association of Student Personnel Administrators [NASPA], 2007). In other words, the commitment of student affairs is to provide students with the support and resources necessary for a successful and positive educational experience. In the case of undocumented students, this access to support and resources can play an even more critical role in their educational experience.

As of 2007, 32 states had considered laws that would allow undocumented students to receive instate tuition while 10 states have tried to pass laws to restrict these students from receiving instate tuition (Zaleski, 2007). In addition, there is legislation in both houses of the United States Congress that deals with undocumented students and higher education. The United States Senate is considering the DREAM Act (*Development, Relief, and Education for Alien Minors Act*), while the House of Representatives is considering similar legislation in the *Student Adjustment Act* (NILC, 2007b). Both have provisions that would help to overturn *Section 505* of IIRIRA and

make it easier for states to allow certain undocumented students to attend public postsecondary institutions at instate tuition rates, (but would not require states to do so). The results of this study can help to inform students and institutions in Washington and the nine other states with similar legislation of the issues and concerns faced by undocumented students in higher education. By identifying issues and concerns unique to undocumented students and how they may impact the institution, this study may also provide insight to policymakers, colleges, students, and their families in other states considering similar legislation, further increasing the importance of this study's findings. Finally this study will help to bring attention to this distinctive group of students, and the assets they have to offer society.

Given that *HB 1079* and similar legislation in other states is so recent, little research has been done on the issues and considerations for higher education related to providing instate tuition to undocumented students (Hamilton, 2006; Rincón, 2005). Undocumented students and the education administrators who work with them need to be aware of the issues, implications, and considerations that must be taken into account if individuals, institutions, and society are to take full advantage of this educational opportunity.

Definition of Terms

There are some jargon and legal terms that may be vague and unfamiliar. For the purposes of clarification, the following terms are defined:

Chicano/a – U.S. citizens of Mexican decent, born and raised in the United States. In accordance with the Spanish grammar, Chicana is used to refer to

females only, while Chicano is used to refer males and to a collective group of males and females.

College – This term is used interchangeably with university unless otherwise noted.

Coyote – A person who helps to smuggle immigrants without proper authorization across the border for a fee.

DREAM Act – *Development, Relief, and Education for Alien Minors Act*. Federal legislation that would allow undocumented immigrant students who were brought to the United States as minors, and who have grown up in this country, to apply for temporary legal status and eventually become eligible for citizenship.

HB 1079 – *The Student Residency Tuition Adjustment Act*. The 2003 Washington law that allows students who graduate from a state high school (or earn a G.E.D. within the state), and who have lived continuously in Washington for at least three years, to attend a public postsecondary institution as an instate resident for tuition purposes, without regard to immigration status.

HB 1403 – The 2001 Texas state legislation, first in the nation, allowing students who graduate from a state high school (or earn a G.E.D. within the state), and who have lived continuously in Texas for at least three years, to attend a public postsecondary institution as an instate resident without regard to immigration status.

ICE – Immigration and Customs Enforcement, formally INS (Immigration and Naturalization Services). ICE is a part of the U.S. Department of Homeland Security.

Instate Resident – A classification for tuition purposes. Instate residents pay substantially less tuition than out-of-state or international students. In Washington, a United States citizen or permanent resident of the country will qualify for instate tuition after one year of domicile in the state for purposes other than education (Western Washington University Bulletin, 2005). In most cases, out-of-state/international tuition fees are as much as three times higher than those of instate students. Out-of-state tuition is calculated on the total cost of education. The amount of that cost discounted for instate residents is decided by each institutions' Board of Trustees within certain guidelines set by the state legislature. Currently, for instate students, the appropriation received from the state is approximately 59% of the educational cost for a student; the additional 41% comes from tuition (WWU Bulletin, 2005).

IIRIRA – Illegal Immigrant Reform and Immigrant Responsibility Act.

Comprehensive immigration reform signed into law in 1996. This legislation addressed a number of issues concerning immigration. Most important for this study is *Section 505*.

IIRIRA, Section 505 – The section within the Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 that deals specifically with undocumented students, higher education and instate tuition.

Latino/Hispanic – These two terms are often used interchangeably when describing individuals whose origins are from Spanish speaking countries. The term *Hispanic* refers to all things related to Spain or the Spanish language; *Latino* is a more accurate descriptor when describing individuals from Central and South

America, the Caribbean, and Mexico. In this study, *Latino* will be the descriptor of choice.

Non-immigrant Residents – Aliens who were legally admitted temporarily to the United States, usually for specific time periods. Examples include students, intra-company transferees, exchange visitors, temporary workers, and North American Free Trade workers along with their family members (Hoefler, Rytina, & Campbell, 2006).

Undocumented/unauthorized residents – Foreign born, non-citizens without proper resident authorization. These may be individuals admitted temporarily who have stayed past their required date to leave or those individuals who entered the country without proper inspection, authorization, or permission.

Undocumented students – Foreign born, non-citizens who are in the United States without out proper resident authorization and are attending school in the United States, not as an international student.

Washington – Unless otherwise noted this will refer to Washington state. Washington D.C. will be used when referring to the United State’s capital.

Western or WWU – Western Washington University

Chapter Summary

Currently there are 715,000 undocumented students between the ages of 5 and 17 enrolled in school in the United States. An additional 360,000 undocumented students between the ages of 18 and 24 have graduated from high school and are living in the U.S. These young people were brought to the United States as minors without proper

immigration documentation by their parents and in many cases have lived most of their lives in the United States. Because of their immigration status, these students are faced with extremely limited educational and economic options. While the courts have provided undocumented students with the legal means to attend elementary and high school, they stopped short of providing the means or opportunity for them to pursue a post-secondary education. Federal legislation, in the form of *IIRIRA Section 505*, was passed in 1996 to actively discourage this pursuit. Since 2001, several states have taken it upon themselves to allow certain undocumented residents the opportunity to pursue a post secondary education by permitting them to attend public colleges and universities as instate residents for tuition purposes.

Since that time, more than thirty states have considered similar legislation, with ten states passing laws that use high school graduation and domicile rather than immigration status as criteria for instate tuition for students living in their states. The full impact of these laws has yet to be realized. Undocumented students who take advantage of these opportunities are faced with a number of unique challenges and concerns, unlike most any other students in college today. By enrolling these students, the institutions and state governments are faced with their own set of new concerns and considerations.

The purpose of this study is to examine the experiences of seven undocumented students at a mid-sized, master's degree-granting, public university in Washington. These students' experiences were overlaid across federal, state, organizational, and institutional policies to better understand the unique experiences and implications for students and institutions alike. To better flesh out the issues, concerns, and considerations that these and other undocumented students may face, personal observations, interviews, and other

unobtrusive means were used to collect relevant data for the study. These methods will be outlined in more detail in Chapter Three, the methodology section.

Organization of the Dissertation

This introductory chapter has presented the dissertation topic, the problem statement and research questions, outlined the social and historical context, situated the study within an institutional and personal context, identified the importance of the study, and defined selected terms to be used throughout the discussion. The next chapter, the literature review, further details the social, economic, historic, and legal context of Latinos and immigrant education in general with particular attention paid to Latino immigrant education.

Chapter Three lays out the research questions, procedures on how the data was collected, and the plan used to analyze the data. Participants are introduced and the data collected from the participants is presented in Chapter Four. Chapter Five gives an overview of the institution that the students attended, as well as data on the issues faced by the undocumented students enrolled there. Finally, the discussion in Chapter Six offers recommendations on how to address the needs and concerns of undocumented students, suggestions for further possible research, explorations of the limitations of the study, and a summary of this research.

CHAPTER 2: LITERATURE REVIEW

A major objective of this literature review is to help contextualize the issues of undocumented students in a higher education setting. To do this, this chapter:

1. Establishes a conceptual framework to help connect the issues of this particular population with the goals of the educational institution.
2. Examines the larger social and economic issues of recent immigration to the United States, particularly as these issues relate to undocumented immigration.
3. Establishes a historical framework of the education of Latinos in the United States.

This framework helps to ground the current educational issues addressed in this study in a broader, deeper context.

4. Considers federal and state legislation and legal challenges as they relate to undocumented students.
5. Positions undocumented students within the current framework of Latinos in higher education.

Conceptual Framework

This conceptual framework will ground the research and establish the foundation of educational theory and philosophy on which this research is based. One of the assumptions made in this study is that undocumented students, brought in as children and educated in the United States are by all intents and purposes part of that society, albeit an often-marginalized part. In *My Pedagogic Creed*, John Dewey (1897) outlined education as a remedy to marginalization within society:

I believe that education is the fundamental method of social progress and reform. All reforms which rest simply upon the law, or the threatening of certain penalties, or upon changes in mechanical or outward arrangements, are transitory and futile.... But through education, society can formulate its own purposes, can organize its own means and resources, and thus shape itself with definiteness and economy in the direction in which it wishes to move.... Education thus conceived marks the most perfect and intimate union of science and art conceivable in human experience (Article V, p. 79-80).

The conceptual educational framework of this study is closely aligned with Dewey's notion of education as a means of bridging the multiplicities of society and seeing that diversity as positive aspect of our modernity. The goals and mission of the Association of American Colleges and Universities (AAC&U) specify how this might be done in higher education through liberal education. In AAC&U's Statement on liberal learning they claim:

Because liberal learning aims to free us from the constraints of ignorance, sectarianism, and myopia, it prizes curiosity and seeks to expand the boundaries of human knowledge. By its nature, therefore, liberal learning is global and pluralistic. It embraces the diversity of ideas and experiences that characterize the social, natural, and intellectual world. To acknowledge such diversity in all its forms is both an intellectual

commitment and a social responsibility, for nothing less will equip us to understand our world and to pursue fruitful lives (AAC&U, 1998, p. 1).

In short there is great value in education and as institutions of higher education we must “[m]ake and keep a promise to all students who aspire to a college education, especially to those for whom college is a route, perhaps the only possible route, to a better future” (AAC&U, 2007 p. 1). The conceptual framework of this study is grounded in the personal, ethical, economic, and societal value found in increased educational attainment. It assumes that increasing access to education strengthens society as a whole. As a national organization AAC&U has a longstanding commitment to equity and inclusion. “AAC&U will vigorously challenge educational traditions and practices that, historically and today, steer less-advantaged students toward programs that teach narrow skills for an initial job, while more advantaged students reap the benefits and value of a liberal education” (AAC&U, 2007 Strategic Plan, Sec 1).

Latinos are the fastest growing ethnic group in the United States (Ramirez, 2004). The increase of Latinos attending college has not kept up with the overall growth and what increase there has been finds a disproportionate number of Latinos enrolled in 2-year colleges (NCES, 2003). “Our nation's economic and social success rests on the level of skills and knowledge attained by Hispanics, now the nation's largest minority population. Education, indisputably, is the key” (Hispanic Association of Colleges and Universities, 2007 p. 1). The Rand Corporation did a study to determine the effect of doubling the number of Hispanics graduating from college in 2010. In that study they found the public would realize an increase of \$13 billion (Vernez & Mizell, 2001).

However, access is only half of the equation. In order for an institution to be successful in its mission, effective retention and persistence toward graduation must be achieved. With that in mind this study also grounds itself in the work and theories of Vincent Tinto (1975, 1987, 1993) and Alexander Astin (1975, 1984).

Tinto (1975, 1987, 1993) in his student integration theory suggests that persistence and graduation are directly related to a student's motivation and academic ability and how they match with the institution's academic and social characteristics. In contrast, Astin (1975, 1984) asserts that there is a direct correlation between the amount of physical and psychological energy a student devotes to their academic experience and their level of success. Both of these models have complex and intricate components that distinguish them from one another and to help better sharpen their focus on student retention and persistence. Nevertheless what is at the core of each of these theories is the interaction between student and institution. It is through this lens of interaction that this study examines the issues of undocumented students. It is only through positive and supportive interaction that the institution will achieve its goal of providing an education that is of great value to both the individual and society.

Social and Economic Issues of Recent Immigration

Over the past several years, the debate surrounding immigration in the United States has become increasingly divisive. There is little that those on either side of the debate agree on, except perhaps that the issues surrounding immigration are in need of attention. Both sides of the debate agree that immigration laws, policies, and regulations

are complex and in need of reform. From the global economy to the local grocer, issues of immigration touch every aspect of our modern society.

Because of their immigration status in the country and the limited data available, it is difficult to get an accurate estimation of the number of unauthorized immigrant individuals (those who have entered the country without proper inspection or those who have overstayed a valid visa entry) living in the United States (Hoefler, Rytina, and Campbell, 2006). Nevertheless, given the limited information available, it is estimated that 10.5 million unauthorized immigrants resided in the United States in January 2005 (Hoefler, Rytina, and Campbell, 2006). This number is in line with the estimate of the Pew Hispanic Center, a nonpartisan research organization supported by The Pew Charitable Trusts, which calculated the number to be just less than 11 million in March 2005 (Passel, 2005). Both of these studies agree that Latinos make up the lion's share of these immigrants, with Mexico as the leading source (Hoefler, Rytina, & Campbell, 2006; Passel, 2005).

Over the past decade the number of newly arrived, undocumented immigrants have averaged between 700,000 and 800,000 each year, while the average net growth has been approximately half a million per year (Passel, 2005). The difference between new arrivals and net growth comes from those migrants who leave the country, die, or acquire legal status each year. It is estimated that Washington has an unauthorized migrant population of 200,000 to 250,000 (Passel, 2005).

The archetype of the undocumented immigrant is that of a young, single male motivated by economic opportunity. While this image is not entirely inaccurate, it fails to demonstrate an accurate account of the undocumented immigrant population in the

United States today (see Table 2.1, below). Sixty percent of undocumented immigrants in the United States are males between the ages of 18 and 39 (Passel, 2005). Important to this study are those individuals who make up the other 40%, particularly the number of undocumented immigrants who are children. It is estimated that 17% of all unauthorized individuals in the United States are under the age of 18. In other words, one out of every six undocumented immigrants to the United State is under the age of 18 (Passel, 2005). Assuming that Washington’s demographic breakdown is similar to that of the national average, we can estimate that 34,000 to 42,500 undocumented individuals under the age of 18 live in the state.

Table 2.1 Quick facts on immigrant population in the US

10-11.5 million	Undocumented individuals in the U.S.
500,000	Annual average increase of undocumented individuals to the U.S.
200,000 – 250,000	Number of undocumented individuals living in Washington
1.7 million	Number of undocumented individuals under the age of 18. About 1 in 6 of all undocumented individuals in the U.S.
34,000-42,500	The estimated number of undocumented individuals under the age of 18 living in Washington state.

A number of misconceptions surround new immigrants to the United States. One of the most pervasive immigrant myths is that they are a drain on public social economic structure and are lured to the country by the *welfare magnet* (Chomsky, 2007; Fix & Passel, 1994). That is the notion that immigrants are drawn to this country because of state and federal social benefits such as welfare or childcare. In actuality, the financial impact on the federal government by undocumented immigrant households is less than half of other households in the country. The impact that undocumented immigrants have

on social programs has more to do with education levels, rather than immigration status. In other words, lower education levels result in lower taxable incomes and lower tax payments rather than heavy use of social services (Camarota, 2004). Even immigrants who have entered the country through proper government channels are barred from receiving certain forms of welfare and public assistance for a fixed period of time (Fix & Passel, 1994). Data supports the notion that immigrants actually have a strong, positive impact on the tax base, as they help to spur job growth, add to the Gross National Product and reduce the cost of certain goods and services (Fix & Passel, 1994; Holzer, 2006; Massachusetts Taxpayers Foundation, 2006). Mark Everson, Commissioner of the United States Internal Revenue Service reported to the United States House Ways and Means Committee that undocumented workers using Individual Tax Identification Numbers (ITIN) contributed nearly \$50 billion dollars in federal income tax between 1996 to 2003 (Everson, 2006). This number does not include those workers who paid taxes, but did not file using an ITIN. In 2004, 2.5 million individuals filed federal tax returns using an ITIN, accounting for nearly \$5 billion in tax liability (Everson, 2006).

Some reports have undocumented workers contributing as much as \$7 billion a year to the Social Security system, money they are unlikely to ever benefit from (Porter, 2005). Moreover, administrators within the Social Security Administration factor this money in as a *surplus*, and in 2003 this added up to about 10% of the agency's overall surplus (Porter, 2005).

Another inaccurate perception of the new Latino immigrants is that they and their offspring are reluctant to learn English and assimilate in to American society. Studies by the Rand Corporation, the Mexican American Legal Defense Fund (MALDF), League of

United Latin American Citizens (LULAC), and others find this not to be the case (Smith, 2003; MALDEF & LULAC, 2004). These studies found that new Latino immigrants and their subsequent generations are eager to be a part of the American society. This can be seen in the generational increase in education and income, as well as language acquisition, marriage patterns, and living situations (Chavez, 1992; Chomsky, 2007).

Thus unauthorized individuals, their intentions, and the impact they have on society are largely misunderstood. A significant number (one in six) are children brought to the country by their parents. Their positive impact on Social Security and the federal and state tax base is in the billions of dollars, and their use of social services is less than that of other Americans. While a number of undocumented individuals return to their home country each year, research shows that those who stay are eager to assimilate (Chavez, 1992). Sound policy must be based on accurate evidence, and not on fallacious data or urban myth. It is hope that this study can provide an important contextualization for policymakers at a variety of levels (Federal, state, and institutional) as they work to address complex immigration issues.

The Education of Latinos: An Historical Context

This section will help to contextualize the Latino educational experience by grounding it within a historical context. Mexican Americans or Chicanos are one subgroup within the larger Latino population. It is not surprising, given the shared border between Mexico and the United States, that individuals with ethnic ties to Mexico make up the largest percent of Latinos in the United States (Ramirez, 2004). Also, the histories of Mexico, Mexican Americans/Chicanos, and the American Southwest are closely tied.

Mexicans and Americans with ethnic ties to Mexico have played an important role in the early history of the Latino education experience in the United States.

This section begins by reviewing the conquest of the American Southwest and the conception of the first “Mexican Americans.” It goes on to discuss the discrimination, marginalization, and segregation of this group within the United States, the impact that it had on education and the legal responses put forth by Chicanos during the first half of the 20th century. Finally, it considers the legal challenges and legislation regarding the rights of undocumented immigrants and their effect on the education of that group.

Conquest - It can be argued that the “Mexican American” experience began in 1848, with the signing of the Treaty of Guadalupe-Hidalgo. The signing of this treaty ended the war between the U.S. and Mexico. By way of concession, it required that Mexico cede nearly half its territory (more than half a million square miles of land) to the United States. This territory became what are today the states of California, New Mexico, and Nevada, and make up large parts of Arizona, Utah, and Colorado. In addition, the treaty also agreed to the earlier annexation of Texas by the United States, which began the war. As part of this agreement, the United States annexed not only the land but its residents as well. Details written into the treaty mandated that after a year, those Mexican nationals still living in the annexed territory became United States citizens and thereby the first “Mexican Americans.” This was not the only time a border change resulted in a change in citizenship from Mexican to American (Crawford, 1999). A few years later, in 1854, James Gadsden, U.S. Minister to Mexico, was sent by the U.S. Government to

negotiate the purchase of an additional 30,000 square miles of what is now southern Arizona and New Mexico (Purvis, 1995).

Segregation and discrimination - As has often been the case in United States history, citizenship and equality have not always gone hand in hand. Mexican Americans, whether they crossed the border or had the border cross them, have been faced with a number of challenges and obstacles as residents and citizens of the United States. This section examines some of those challenges as they relate to the education of Latinos in the United States.

During the second half of the 19th century, as more of the west became part of the United States, school segregation was a way of life (Menchaca, 1995). The practice of segregation continued well into the 20th century. Segregation of Mexican Americans during the late 19th and early 20th centuries availed itself in a number of ways. Sometimes segregation was written into actual law, but often it was simply *de facto law* or a way of life (Rangel & Alcala, 1972). For example, restrictive local covenants were written that prevented the sale of real estate to persons of Mexican origin (and others), forcing them into *barrios* (Mexican ghettos) and *Colonias* (rural shantytowns). In other cases Mexican Americans were not allowed to interact with Whites in many public areas including restaurants, theaters, churches, and public parks. Nor could Mexican Americans serve on juries or join craft guilds or labor unions (Rangel & Alcala, 1972).

Many school districts reflected the segregation of Mexican Americans in a number of ways. Unlike the segregation of African American students in the pre-*Brown v. Board of Education* years, Native Americans with residential schools, or the Chinese

American where the segregation was strictly a matter of race, the segregation of Mexican American students was more complex (Donato, 1997). This segregation was couched within the issues of language and culture. As Donato writes in his book, *The Other Struggle for Equal Rights*, “State officials reasoned that Mexican children needed to correct cultural and linguistic deficiencies before mixing with their ‘American peers’ ” (Donato, 1997, p. 13).

The issues of language and culture play an important role in understanding how the segregation of Mexican and Mexican American students was different than the segregation of other racial and ethnic groups. Again, unlike the African American, Native American, or Chinese American students whose segregation was more or less permanent, the Mexican American student always had the promise of integration as a goal. Education officials often promised that as soon as a student was able to learn English well enough and became sufficiently *Americanized*, they would immediately be integrated with the “white” children. This, however, was rarely the case (Donato, 1997; Valencia, 2005). By 1930, a full 85% of Mexican American school children in the Southwest were segregated, whether by classroom or by school, from their white counterparts (Donato, 1997; Rangel & Alcala, 1972). Physical segregation was not the only way in which educational inequality for Latinos was practiced. *Mexican schools*, as they were often called, were often housed in substandard buildings, with poor equipment and inadequate resources (Gonzalez, 1990; Ubinas, 2004; Valencia, Menchaca, & Donato, 2002). The academic school year at the segregated *Mexican schools* was on average 2.4 months shorter than the school year at the White school (Rangel & Alcala, 1972). Furthermore, the issue of language was often used to promote student drop out. Large numbers of Mexican

American students were often classified as *retarded* and marginalized because of their limited English skills (Ferg-Cadima, 2004; Rangel & Alcala, 1972; Valencia, 2005).

Academic progression was another means of hindering Mexican students' progress. Typically a Mexican student's first year of school would be in a pre-primer class. The second year these students would advance to the primer class, and finally, in their third year, they would be placed in first grade. In this way, Mexican students were two years behind the average White student (Idar, 2000). The impact of this practice had a long-term effect on students and their ability to further their education. Donato (1997) points out an example of this practice in Texas where he found in Sugar Land, Texas in the 1930s, that Mexican American children made up 56.6% of the elementary school population in the district, but made up only 1.9% of those in eighth grade. This practice, of course, limited students' access to high school and beyond.

Harassment was another method used to help "push" Mexican students out of school. For example, teachers would conduct lice and tick inspections in front of the class, singling out Mexican students. Often students would be expelled for weeks at a time for being infected or on the suspicion of being infected (Rangel & Alcala, 1972).

For several reasons, the lack of attendance by Mexican students was often ignored. Little effort was made to enforce the compulsory attendance law on Mexican children. Some argue that one reason for not enforcing the attendance policies may have been that doing so would have interfered with the cheapest form of labor, and secondly, many school officials simply did not care (Ferg-Cadima, 2004).

Curriculum at the *Mexican schools* and in the segregated classroom focused less on the traditional academic subjects and more on assimilation through hygiene and language instruction (Donato, 1997; Rangel & Alcala, 1972). In the rejection of their native language, students would often weaken their connection with their parents, grandparents, culture, identity, and even impact their relationship with their own children. In addition to the Americanization of students, the curriculum leaned heavily on vocational training rather than academic subjects to prepare students for more manual jobs rather than the pursuit of a higher education (Gonzalez, 1990).

Legal challenges - The struggle for educational equality for Mexican Americans and other Latinos in the United States has a long and complex legal history. Much of this history and the details of the legal cases that came out of this struggle are far beyond the scope of this study save, of course, for how they help to contextualize the ongoing efforts to provide access to education for Latino students, particularly undocumented students, in the United States. This section will highlight the early legal challenges to school segregation in the first half of the twentieth century and the struggles to distinguish Latinos as a distinct, identifiable group. The legal issue of undocumented students attending public colleges and universities will be reviewed. Here the case of *Leticia A v. UC Regents and CSU Board of Trustees*, the case of David Bradford, and *Section 505* of the *IIRIR Act of 1996* will be examined. Finally, the issues of in-state tuition for undocumented students and the federal DREAM Act will be examined.

A number of legal challenges to school segregation pre-date the *Brown v. Board of Education 1954* Supreme Court decision. One of the first school segregation cases was

that of *Romo v. Laird 1925* in Tempe, Arizona. In that case the Tempe Elementary School District No. 3, Board of Trustees had designated the Eighth Street School to be restricted to children of Mexican origin only, while the Tenth Street School was reserved for White children only. The Eighth Street School was also the student teacher training facility for the Tempe State Teacher's College (now Arizona State University). The 1896 Supreme Court case *Plessy v. Ferguson* upheld the constitutionality of racial segregation. The court found that segregation was legal so long as the quality of the facilities and accommodations were equal. The plaintiffs in *Romo v. Laird* argued that the two facilities were separate, but they were not equal, as *Plessy v. Ferguson* required. The Maricopa County Supreme Court found that the school district had indeed failed in their duty to provide equally qualified teachers of the same high standard for both schools (Munoz, 2001). The school board began admitting Mexican children to the Tenth Street School, and it also began employing certified teachers at the Eighth Street School; however, it continued to segregate Mexican children (Munoz, 2001). The case was decided based on the 1913 Arizona Civil Code that required school districts to provide all school children the same level of education. Because the code did not address the ethnic background of the children, it did not set a legal precedent for desegregation (Munoz, 2001).

Other cases that addressed the issue of segregation of Mexican children were *Independent School District v. Salvatierra* (1930), *Alvarez v. Lemon Grove School District* (1931), and *Delgado v. Destrop Independent School District* (1948). Each of these cases challenged the notion of separate but equal in a way different than *Brown v. Board of Education 1954*. Whereas the plaintiffs in *Brown v. Board of Education* argued against the legality of the *separate but equal* doctrine, the challenge in these cases was to

determine on what basis the separation had occurred in the first place. The burden of proof lay in whether or not children of Mexican origin were to be considered White or members of a separate and distinct group. At the time, Mexican Americans were classified as Caucasian for census purposes, in which case the school districts had no basis for segregation (Ferg-Cadima, 2004). In addition, these cases attempted to determine how or if the Equal Protection Clause of the 14th Amendment should be applied. These desegregation cases were framed around the legal theory of “other White.” In other words, if Mexicans were not considered to be of a separate race, could they be excluded or segregated from other “White race” children simply because they were Mexican (Rangel & Alcala, 1972)?

It was this principle of “other White” that was used in the landmark desegregation case of *Mendez v. Westminster* (1946) in federal court. This class action lawsuit in Orange County California was the first successful constitutional challenge to school segregation (Rangel & Alcala, 1972; Valencia, 2005). Filed in U.S. Federal District Court, it argued against *Plessy v. Ferguson* (1896), that separate is not equal (Valencia, 2005). Like *Brown v. Board of Education* that followed, the plaintiffs used social science experts to outline what has been called “integrationist educational theory” to successfully argue that segregation actually caused harmful effects to students (Valencia, 2005, p. 391). The *Mendez* case “[f]orced the federal courts to consider the issue of ‘equal protection’ as it applied to the segregation of Mexican American students in the public school system” (Valencia, 2005, p. 401). *Mendez* and other Latino desegregation cases helped lay the groundwork and test legal theories that would play a critical role in the more widely known *Brown v. Board of Education*. They focused not on the equality of

the school facilities, but rather the idea that separate is inherently unequal (Ferg-Cadima, 2004).

Originally, under *Plessy v. Ferguson*, the equal protection law allowed for the government to treat two groups of people differently, based on race, as long as the treatment was equal (Ferg-Cadima, 2004). It was not until 1954 that the Supreme Court took up this issue as it related to Mexican Americans in *Hernandez v. Texas* (1954). Just weeks before the court ruled on *Brown v. Board of Education* (1954), it handed down its decision in *Hernandez v. Texas* (1954). While this case did not directly address the issue of education, it decided whether the 14th Amendment covered only two distinct classes people (Black and White) or whether it could be applied whenever a distinct class could be demonstrated. In other words, *Brown v. Board of Education* (1954) did not argue whether or not the 14th Amendment applied to African Americans (it assumed that it did), rather it argued whether or not segregation caused harm. Whereas in *Hernandez v. Texas* (1954) the question had less to do with segregation and more to do with whether or not Mexican Americans constituted a distinct and separate group, and if so whether or not the 14th Amendment applied to that distinct group (Ferg-Cadima, 2004).

While the court held in *Hernandez v. Texas* that the 14th Amendment did not simply apply to discrimination based on a “two-class theory,” it fell short of recognizing Mexican Americans as a distinct, identifiable group. It was not until the 1970s, through a series of cases including *Cisneros v. Corpus Christi Independent School District* (1970), *Keyes v. School District No. 1* (1973), and *Rodriguez v. San Antonio Independent School District* (1973), that Mexican Americans were recognized as a distinct, identifiable minority group suffering the same discrimination as Blacks (when compared to Whites)

and became eligible for the same protections made possible under *Brown v. Board of Education* (1954).

A number of legal challenges have affected educational equality for Latinos in the United States. Beginning early in the twentieth century, cases brought at the state level challenged the segregation of Mexican American students. These cases challenged the notion of separate but equal of *Plessy v. Ferguson* (1896) in a way that was different than *Brown v. Board of Education* (1954). At a time when Latinos were considered to be “White,” it was argued that there was no legal reason for Latino students to be educated separately from other White students. In addition, these cases attempted to determine how the Equal Protection Clause of the 14th Amendment to the Constitution should be applied. Finally, the first federal school desegregation case addressing this issue was filed in 1946. *Mendez v. Westminster* (1946) forced the courts to consider the issue of “equal protection” as it applied to Mexican American students in the public school system, all of which helps to contextualize the issue of education for undocumented students.

Education for undocumented students - In this section, some of the legal findings that relate more directly to issues of immigrant students, particularly those without proper documentation, are reviewed. First, in *Plyler v. Doe* (1982), the Supreme Court decision dealing with the rights of undocumented school-aged children to attend public school is considered. *Toll v. Moreno* (1982) is also considered as it relates to the rights of certain foreign nationals to qualify for instate tuition at a public, postsecondary institution. To further the discussion of tuition at public, postsecondary institutions the cases of *Leticia A. v. U.C. Regents and CSU Board of Trustees* (1986) and the *Leticia A.*

Law are examined. These are followed by *Bradford v. UC Regents* (1991) that challenged the outcome of the previous litigation.

From court challenges to legislation, this review considers the *IIRIR Act of 1996*. *Section 505* of this law is of particular interest as it directly relates to public college and university tuition rates for undocumented students. On the state level, the recent legislation passed by several states that allows for reduced, instate tuition for certain nonresident and undocumented immigrant students is considered. Finally, the pending federal legislation known as the Development, Relief, and Education for Alien Minors (DREAM) Act will be explored.

Plyler v. Doe (1982).- The court cases and legal precedents that address the rights of undocumented individuals to pursue a public education began to emerge during the 1970s. In 1975, the Texas legislature revised its education codes. Texas Education Code Ann. 21.031 authorized the State to withhold funds for the education of children who were not legally admitted to the United States. This revision also authorized school districts to deny enrollment to any child without proper documentation to be in the country (*Plyler v. Doe, 1982*). Two years later, in a U.S. District Court, a class action lawsuit was filed on behalf of a number of school-aged children who could not document their official status in the United States (*Plyler v. Doe, 1982*). The plaintiffs argued that the revised Texas Education Code violated these students' rights under the Equal Protection Clause of the 14th Amendment. In short, the equal protection clause states, "[n]o state shall deny to any person within its jurisdiction the equal protection of the laws" (U.S. Constitution).

The court found in favor of the plaintiffs (*Plyler v. Doe*, 1982). In 1982, the defendants appealed the case to the Supreme Court where the court found that, although undocumented resident aliens cannot be considered a “suspect class” under the 14th Amendment, the Texas statute would impose a *lifetime hardship* on a discrete class of children:

These children, can neither affect their parents’ conduct nor their own undocumented status. Public education has a pivotal role in sustaining our political and cultural heritage; the deprivation of education takes an inestimable toll on the social, economic, intellectual, and psychological well-being on the individual and poses an obstacle to individual achievement (*Plyler .v Doe*, 1982, 457 U.S. 202, p. 457).

While the Supreme Court decision in *Plyler v. Doe* (1982) set a precedent allowing for the education of undocumented students, it stopped short of comprehensive educational reform for immigrant students. *Plyler v. Doe* (1982) addressed the issue of *access* to public education through high school, but it did not tackle the issue of equal access to higher education for undocumented students.

Toll v. Moreno (1982). - That same year, the Supreme Court heard the case of *Toll v. Moreno*, 458 US 1 80-2178 (1982). The court took up the issue of nonimmigrant aliens’ eligibility for instate tuition for a public, postsecondary education. The court heard arguments surrounding the constitutionality of the University of Maryland’s policy to categorically deny domiciled nonimmigrant aliens instate status for tuition purposes. The

question in this case was whether the University's tuition policy of denying instate tuition to individuals officially admitted into the United States with G-4 visas² was invalid under the Supremacy Clause of the Constitution. During the course of the litigation, the University clarified its resolution regarding G-4 aliens' ability to establish domicile in Maryland for tuition purposes. Nevertheless, the court found that the policy in question did in fact violate the Equal Protection Clause as well as the Supremacy of the Constitution. What *Toll v. Moreno* had done was to raise the question of residency versus domicile. The court concluded that residency for tuition purposes has more to do with domicile, rather than with the immigration status in which the individual finds himself or herself in that domicile.

Leticia A (1986). The definition of residency as it relates to domicile seems to be what the California court used in deciding *Leticia A v. UC Regents and CSU Board of Trustees* (1986). In this case, before the state district court, a group of immigrant students won a court order which held that the California Education Code prohibiting undocumented students from establishing residency for tuition purposes was unconstitutional (Guillen, 2003). California Education Code § 68062(h) states: "An alien, including an unmarried minor alien, may establish his or her residence, unless precluded by the Immigration and Naturalization Act (8 U.S.C.1101, et seq.), from establishing domicile in the United States." From 1986 until 1991, the decision in the *Leticia A* (1986) case allowed undocumented students who could show that they met the standard

² G- 4 visas are issued to officers or employees of international organizations and members of their immediate family (U.S. State Department, 2007).

requirements of living in the state for at least one year and could show intent to make the state their residence, could be classified as an instate resident for tuition purposes.

Bradford v. University of California- In 1990, David Bradford, an employee of the University of California system, sued the Regents of University of California in an employment action. As a member of the Registrar's Office at a University of California campus, Bradford claimed he was forced to quit his job because he refused to follow the *Leticia A.* order, which allowed undocumented students to enroll as instate residents. His suit was followed by an injunction against the University of California system, where by the fall of 1991 all newly enrolled undocumented students would be classified as non-residents for tuition purposes. This new classification no longer qualified undocumented students for instate tuition. Following the University of California court decision, the forces behind the *Bradford* litigation filed suit against the California State University (CSU) system and won a similar injunction. The CSU system was unsuccessful in their appeal of the decision. Therefore, in the spring of 1995 the University of California system also began classifying undocumented students as non-residents (Abrego, 2003; Guillen, 2003).

In addition to the higher tuition for non-residents, the *Bradford* case had a compounding financial affect on undocumented college students. Undocumented students have never been eligible for federal financial aid, but under the *Leticia A.* ordered they were eligible for California State Need Grants. Following the *Bradford* decision, these funds were no longer available to them (Abrego, 2003; Guillen, 2003).

IIRIR Act of 1996-As the political debate surrounding immigration began to heat up in the 1990s, Congress passed the *IIRIR Act of 1996*. This comprehensive legislation on immigration had a number of objectives, including: increased enforcement authority, comprehensive provisions for deportation, new strict employment verification, and restrictions on the eligibility of aliens for public benefits (U.S. Department of Justice, 1996). Title V of *IIRIRA* addresses the issue of restricting benefits for immigrants. *Section 505* of *IIRIRA* is of particular interest to this study. In brief, *Section 505* limits what the lawmakers consider preferential treatment for undocumented students in regard to higher education. Specifically:

SEC. 505. LIMITATION ON ELIGIBILITY FOR PREFERENTIAL
TREATMENT OF ALIENS NOT LAWFULLY PRESENT ON BASIS OF
RESIDENCE FOR HIGHER EDUCATION BENEFITS.

(a) IN GENERAL—Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident. 8 USC 1623 (*IIRIRA*, 1996, p. 672).

Texas House Bill 1403 - With *IIRIRA Section 505* as a backdrop and accented by the *Bradford* case in California, pro-student activists in a number of states began working on legislation designed to help ensure all eligible students had an opportunity to pursue

higher education. In 2001, Texas became the first state in the nation to pass legislation that determined residency for instate tuition based on domicile and high school graduation, rather than on immigration status. Texas *HB1403* made it possible for students who graduate from a high school in Texas and have resided in the state for at least three years, and sign an affidavit that they will become a permanent resident at the earliest possible opportunity, to qualify for instate tuition at any public college or university. Specifically, the Texas *HB 1403* states:

Notwithstanding any other provision of this subchapter, an individual shall be classified as a Texas resident until the individual establishes a residence outside this state if the individual resided with the individual's parent, guardian, or conservator while attending a public or private high school in this state and:

- (1) Graduated from a public or private high school or received the equivalent of a high school diploma in this state;
- (2) Resided in this state for at least three years as of the date the person graduated from high school or received the equivalent of a high school diploma;
- (3) Registers as an entering student in an institution of higher education not earlier than the 2001 fall semester; and
- (4) Provides to the institution an affidavit stating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so. (Texas State Legislature, 77R, HB 1403, 2001, sec 54.052(j)).

California AB 540 - A few months later, the California state legislature followed suit and passed *AB 540*. The conditions set forth in *AB 540* were almost identical to those in Texas (NILC, 2003a). Since then more than thirty state legislatures have taken up the issue of in-state tuition for undocumented students. A total of ten states—California, Nebraska, Illinois, Kansas, New Mexico, New York, Oklahoma, Texas, Utah, and Washington—have passed legislation which allows undocumented students who meet the criteria set forth to receive in-state tuition rates (NILC, 2006b). Each of these laws has criteria similar to Texas and California; each requires that a student attend a school in the state for a certain number of years (Oklahoma and New York require two years; all others require three); graduate from a high school or earn a GED in the state; and sign an affidavit agreeing to legalize their status as soon as they are eligible (NILC, 2006b). For citizens and permanent residents of the United States, most states require that a student or parent reside only one year in the state in order to qualify for in-state tuition (College Board, 2007b).

Opposition - However, the state legislatures of Alaska, Arizona, Colorado, North Carolina, Utah, and Virginia have considered legislation to restrict undocumented students from receiving in-state tuition (Krueger, 2005). Until 2006, Virginia was the only state to have passed legislation to restrict access to higher education for undocumented students. In that state, legislation was approved by the legislature, but vetoed by the Governor in 2006 (National Conference of State Legislators [NCSL], 2006; NILC, 2006b). With the passing of Proposition 300 in 2006, Arizona became the only state to successfully restrict access to higher education for undocumented students. This citizen-

sponsored initiative requires that only United States citizens and legal residents be eligible for in-state tuition, fee waivers, and/or financial assistance (Arizona Secretary of State, 2006). In 2007, nearly 5,000 individuals were denied educational opportunities in Arizona under Proposition 300 (Wingett and Benson, 2007).

In addition to Proposition 300, there have been a number of legal challenges to the current in-state tuition laws. Lawmakers in Utah, Kansas, and New Mexico have grappled with efforts to repeal in-state tuition laws as they apply to undocumented students (Kronholz, 2006; Zehr, 2006), while law suits have been filed in federal court challenging the in-state tuition laws in Kansas, California, and Texas (Fischer, 2005; Robinson, 2006). A citizen's initiative to limit benefits to "illegal" immigrants was put forth unsuccessfully in Washington state that would have challenged its in-state tuition legislation (Turnbull, 2006). Meanwhile, some major scholarship foundations have been pressured not to award their scholarships to individuals who are not United States citizens or permanent residents (Allen, 2006).

The intent of laws allowing in-state tuition for undocumented students is to help those students who were brought to the United States as minors by their parents, have worked hard in school, and want to earn a college education. These laws do not change the student's immigration status nor do they make these students eligible for federal financial aid. Only in Oklahoma, New Mexico, and Texas are these students eligible for state need grants.

For the vast majority of the students eligible under these laws, the financial burden of higher education can be a nearly insurmountable hurdle. A large percentage of the members of undocumented families are low-wage workers. Low-wage immigrant

workers are often found working in service and agriculture industries. The mean annual income of these industries range between \$13,000 and \$17,800 (Capps, Fix, Passel, Ost, & Perez-Lopez, 2003). The average cost for a four-year public college is \$13,587 per year (College Board, 2007a).

The economic impact to the state and community is one of the primary concerns of those who oppose instate tuition for undocumented students (NCSL, 2006). However, studies show that money spent on education is an investment rather than a drain. For the individual, the economic difference for high school graduates versus college graduates can, over a lifetime be upwards of a million dollars, (Baum & Payea, 2005; Cheeseman-Day & Newburger, 2002). Some of these studies also argue, more broadly, that society and the economy will also benefit greatly from the investment through higher tax revenue and less demand on social support programs (Baum & Payea, 2005). Some estimate that for every new dollar a government invests to ensure students get in and graduate from college, a net return of three dollars will be realized (Brady, Hout, & Stiles, 2005).

Opponents argue that allowing instate tuition for undocumented students would block opportunities for United States citizens and permanent residents, especially during tight economic times (NCSL, 2006). Opponents also argue that providing instate tuition to undocumented students violates *Section 505 of IIRIRA*. The Federation for American Immigration Reform (FAIR) contends that by providing undocumented students instate tuition but charging United States citizens and authorized residents from other states higher, out-of-state tuition, are in violation of *Section 505 of IIRIRA* (FAIR, 2003).

Studies by the Massachusetts Taxpayers Foundation (MTF, 2006), New Mexico Fiscal Policy Project (2006), NILC (2006a), and the American Association for State

Colleges (2005) have found that providing instate tuition for undocumented students would actually add to the economy by increasing the tax base and reducing social services and crime. As far as instate tuition for undocumented students violating *Section 505 of IIRIRA*, advocates point out that these students have a much higher burden of proof for instate tuition than do citizens and permanent residents from other states. United States citizens or permanent residents must generally live in a state for only one year to be eligible for instate tuition, making it easier for them to receive instate tuition than for an undocumented student taking advantage of any of the instate tuition options (College Board, 2007b).

DREAM Act - The Development, Relief, and Education for Alien Minors (DREAM) Act (S. 1545) is a bi-partisan bill, first introduced in the United States Senate in 2003 by Richard Durbin (D-IL) and Orin Hatch (R-UT). However, the bill never made it out of committee (NILC, 2003b). In 2007 the DREAM Act (s. 774) was reintroduced in the Senate, but did not receive the 60 votes require to continue debate on the measure (NILC, 2007b). If this bill were made law, it would provide for young, undocumented individuals in a number of ways. First, it would qualify those individuals who were brought to the United States before the age of sixteen and at least five years before the bill was enacted for conditional, permanent resident status. Secondly, it would provide a pathway to U.S. citizenship. Finally, it would repeal Section 505 of *IIRIRA* (1996) and make it easier for states, but not requiring them, to provide instate tuition for undocumented students. The DREAM Act would not be a blanket proviso qualifying all undocumented minors conditional status. In order to qualify, individuals would have to

prove their good character by graduating from high school or earning a general equivalent diploma (GED) and enrolling in college. Those convicted of a deportable crime or proven to be a security risk would not be eligible for conditional permanent status (Feinstein, 2006; NILC, 2003b). Neither is the conditional resident status indefinite. There is a six-year time limit in which the individual must convert his/her conditional status to a regular, lawful, permanent resident status. In order to become a lawful, permanent resident, an individual must maintain good moral character, avoid lengthy trips abroad, and meet at least one of the following criteria within a 6 year period:

1. Graduate from a two-year college or vocational college, or study for at least two years toward a bachelor's degree; or
2. Served in the United States armed forces for at least two years; or
3. Performed at least 910 hours of volunteer community service (NILC, 2003b).

A companion to this bill in the House of Representatives has also received bipartisan support. *The Student Adjustment Act HR 1684* was introduced in the House of Representatives by Chris Cannon (R-UT), Howard Berman (D-CA), and Lucille Roybal-Allard (D-CA) in 2003. More recently the bill was reintroduced by Representative Howard Berman (D-CA) as the *American Dream Act (H.R. 1275)* (NILC, 2007a). It is estimated that if enacted, the DREAM Act could immediately benefit as many as 360,000 undocumented high school graduates between the ages of 18 and 24 by making them eligible for immediate, conditional legal status (Migration Policy Institute, 2006). The nonpartisan, independent Migration Policy Institute goes on to estimate that

approximately 715,000 unauthorized youth between the ages of 5 and 17 would be eligible sometime in the future (Migration Policy Institute, 2006).

Immigration and higher education - All students in college face a number of their own issues and concerns that challenge their ability to succeed and earn a degree. Individuals who are in the United States without proper authorization face a unique set of issues and concerns that can jeopardize not only their ability to succeed in college but also their safety, status, and ability to remain in the country. Undocumented college students must face both the stresses and pitfalls of normal college life and the dangers associated with their lack of immigration status in the country. While an in-depth analysis of all issues faced by undocumented immigrants is well beyond the scope of this study, several legal issues are worth mentioning here that apply to undocumented students and may impact higher education.

The most broad and overarching of these legal issues come from two laws: *Uniting and Strengthening of America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (U.S.A. Patriot Act)* PL 107-52 and PL 107-173 the *Enhanced Border Security and Visa Entry Reform Act of 2002 (BSA)* (May 14, 2002). These laws were passed in response to the events of September 11, 2001, and gave the government broad and expanded powers and authority, including expanded domestic surveillance and information collection powers, increased border protection, and enhanced immigration provisions.

Thirdly, there is the *REAL ID Act* 2005. While this law does not directly address undocumented students enrolled in college per se, the effect of it will have a definite

impact on them nonetheless. This law mandates sweeping changes in the ways identity documents are issued and used (Jernegan, 2005). The *REAL ID Act* contains standards for state-issued driver's licenses and identity cards. This bill can impact a person's ability to secure acceptable identification, which in turn could make it more difficult for individuals to do everything from driving a car to conducting banking and travel commercially. There is concern that the *REAL ID Act* will create a de facto national ID card, as well as an increased potential for misuse and fraud (McCullagh, 2007).

Another concern for undocumented students is the proposed legislation known as the *Sensenbrenner Bill*. If passed, this legislation would treat the mere presence in the United States without proper documentation as a felony, punishable by a year and a day in prison (Visalaw.com, 2007). It also provides for minimum sentencing for repeat offenders. Further, the *Sensenbrenner Bill* would make felons of anyone convicted of assisting those individuals in the country without proper authorization, punishable by up to five years in prison (Tumulty, 2006). In other words, any college or university staff, faculty, or administrator who assists undocumented students could be faced with jail time and a criminal record if this bill were passed.

At the local level, more than 80 municipalities across the United States have passed housing ordinances that restrict landlords' abilities to rent to undocumented immigrants (Pfaelzer, 2007). Other communities have used trespassing laws to charge immigrants for being in the country without proper documentation (Belluck, 2005).

More recently, the Office of Homeland Security released a series of reforms designed to address border security and immigration challenges. These reforms will increase the number of border agents to 18,300 and begin training hundreds of local and

state law enforcement officers to help address unlawful immigration in their communities. These reforms will also target employers who knowingly hire undocumented workers (U. S. Department of Homeland Security, 2007a).

Finally, the Minutemen Project is another source of concern for undocumented individuals. This is a project where citizens patrol the borders of the United States to identify and report suspected violators of the immigration policy (Lelyveld, 2006; Tumulty, 2006). The issues of the Minutemen, the United States Immigration and Custom Enforcement (ICE), and boarder surveillance have added significance for undocumented individuals and the participants of this study who are pursuing their education in Whatcom County. Whatcom County is home to Western Washington University and is located on the United States' northwestern border with Canada where there is significant level of ICE activity and an active chapter of the Minutemen Project.

The need to reform immigration policies of the United States is something that both sides of the debate can agree upon. As far as education goes, Stuart Anderson makes a compelling argument for expanded access in his article *The Multiplier Effect* (Anderson, 2006), pointing out the contributions in science and math made by immigrants to the U.S. and their children. In his study he considered math and science competitions such as the United States Math Olympiad, the United States Physics Team, and the Intel Science Talent Search, also known as the "Junior Nobel Prize." He found that an overwhelming number of the competitors and victors were either immigrants or the children of immigrants (Anderson, 2004). While many of the participants in Anderson's study appear to be immigrants here with proper documentation, the article does bring to mind the case of Carl Hayden High School's Science and Technology Club

in Phoenix, Arizona. Carl Hayden High School is a predominantly Hispanic school in Phoenix, Arizona with a large number of undocumented students. This inner city school, in a low-income area received recognition when its team of four undocumented students competed and won the National Robotic Competition in 2005 against well-funded schools including the Massachusetts Institute of Technology and Carnegie Mellon University (Davis, 2005; Stamberg, 2005). Dan-el Padilla Peralta is another example of the potential talent loss due to immigration status. This Princeton University salutatorian missed an opportunity to take advantage of the Sachs Scholarship for two years of study at Oxford University because of his undocumented status (Dwosh and Epstein, 2006). Numerous other honor students' and valedictorians' immigration status cuts short their potential as well (Bernstein, 2006; Freedman, 2004; Mead, 2004).

Latinos in Higher Education

To understand the context in which undocumented, immigrant students face the challenges of higher education, it is important to understand the current status of Latinos in higher education (see Table 2, page 61). When considering the undocumented, immigrant population in the United States today, we must take into account the fact that more than 80% come from Latin America (Passel, 2005). The best estimation of the size and characteristics of the undocumented population comes from Jeffrey Passel in a report for the Pew Hispanic Center (2005). In this report, data from the 2004 Current Population Survey (CPS), collected from the United States Bureau of Labor Statistics and the Census Bureau was used to make estimates on the number and characteristics of the undocumented population in the United States. Passel found that of the 11 million

undocumented individuals in the United States, an overwhelming majority of them come from Latin America (Passel, 2005). He also found that nearly one in six of these immigrants is a child.

Because more than 80% of the undocumented immigrants affected by the legislation allowing in-state college tuition are Latino, this section examines the overall status of Latinos in higher education. As mentioned earlier, the issues and concerns of undocumented immigrants in the United States are unique to them; however, these issues are in addition to many of the same issues and concerns faced by other Latinos and students of color who are citizens and permanent residents of the United States. Still it is important to examine the challenges faced by Latinos in higher education to help understand and contextualize the challenges faced by undocumented college students.

Latinos make up a proportionately lower percentage and number of Americans with postsecondary education. According to the 2000 Census, Latinos made up nearly 13% of the population in the United States (Ramirez, 2004), but receive only about 6% of the baccalaureate degrees each year (Santiago & Brown, 2004). Today, 11% of all Latinos in the United States have a college education, compared with the national average of 25% (Ramirez, 2004). In other words, Latinos are less than half as likely to earn a bachelor's degree than the national average. The reasons for this are many and complex, in a study by the Pew Hispanic Center, Richard Fry (2004) put forth several likely explanations and factors. In his study, Fry points out that Latinos drop out of high school more often than the population at large and those who do graduate from high school tend to take longer than the national average to do so (Fry, 2004). In addition, Latino high school graduates often follow a less rigorous academic curriculum, fail to take the

necessary steps for admission to a four-year college or university, and generally have a lower level of knowledge about higher education than the national average (Fry, 2004).

Despite these factors, the number of Latinos enrolled in higher education has increased over the past few decades. Between 1996 and 2000, the Latino enrollment in undergraduate education increased 25%—the largest increase of any ethnic group (Santiago and Brown, 2004). Enrollment in college, however, is but one step when retention and graduation is the goal. One of the main tenets in Fry's study is that selectivity in college admissions matters. He asserts that selectivity in the college admission process and college graduation goes hand in hand. A majority of Latino student who enroll in higher education, including highly qualified students, are enrolled in non-selective colleges and universities with open or low admission standards (Fry, 2004). More than half of all Latinos, enrolled in higher education attend community colleges. When compared to their white counterparts, they are twice as likely to not transfer and complete a bachelor's degree (Fry, 2004).

Finances and financial aid have a significant impact on students' ability to successfully complete their degree. According to the United States Department of Education, more than 88% of all full-time undergraduate students attending, earning less than \$32,000 receive some sort of financial aid (Berkner, L., Wei, C. C., He, S., Lew, S., Cominole, M., Siegel, P., 2005). Latino students receive the lowest amount of any type of financial aid of any ethnic group, they have the largest average amount of student loan, the smallest amount of grants, and the lowest amount for work study (Santiago and Brown, 2004). Further, Latinos tend to feel a greater sense of financial responsibility to their family, live at home, and delay enrollment for financial reasons (Fry, 2004). All of

this can have a negative impact on a student’s ability to graduate (Planty, Bozick, and Ingels, 2006; Swail, Redd, & Perna, 2003; US Department of Education, 2001). Because undocumented students have even less access to financial aid than the average student the implications can be even greater.

It is also important to consider that Latinos are one of the fastest growing segments of the United States population and has a much larger proportion of young people than the population as a whole (Ramirez, 2004). When considering the population by age, 34.3% of all Latinos are under the age of 18, compared to 25.5% of the total population (Ramirez, 2004).

Table 3.1: Summary of Latino issues in higher education

Access/Preparation	Selectivity	Financial Aid
- High school dropout rate	- Enrolled in less selective schools	- Receive largest student loans - Smallest grants - Least work study
- Less rigorous high school curriculum	- More than half are enrolled in community colleges	- Greater sense of financial responsibility to family
- Failure to take necessary steps for college admission	- Twice as likely not to transfer to university	- Live at home
- Lower level of <i>college knowledge</i>	- Unfamiliar with policies and procedures	- Delay enrollment

Latinos in the United States make up a significantly lower percentage of Americans with a college degree. In general, Latino students tend to drop out of high school more often than the population at large, and those who do complete high school follow a less rigorous academic curriculum. Of those who graduate from high school and pursue college, Latino students tend to delay enrollment, live at home, and enroll in

community colleges, all factors that can have a negative impact of a student's ability to complete a bachelor's degree (Planty, Bozick, & Ingels, 2006; Swail, Redd, & Perna, 2003; U.S. Department of Education, 2001).

Broad Implications

As mentioned earlier the U.S. Patriot Act P.L. 107-56 (2001) gives the Department of Homeland Security broad and expanded powers. In the book *What the war on terror has meant for United States colleges and universities*, Michael Olivas (in Ehrenberg ed., 2007) talks about the issues colleges and universities in the United States are faced with since the passage of the USA Patriot Act P.L. 107-56. He discusses a number of legal initiatives—such as the Student and Exchange Visitor Information System (SEVIS) designed to track international students, the Interagency Panel on Advanced Science Security (IPASS) designed to screen foreign scholars, and Consumer Lookout and Support Systems (CLASS), a program that integrates crime data with immigration screening records—that are designed to locate and track international students and monitor their status.

More specifically the National Association of College and University Business Officers (NACUBO) released an advisory report that addresses the issue of compliance with new domestic security legislation. This report provides an “[i]n-depth review of key actions and responsibilities required by institutional officers or functions that are primarily affected by these new laws” (NACUBO, 2003, pg. 1). These laws gave the government new authority over educational records, increased monitoring of international students and compliance reviews by the Immigration and Customs Enforcement Office.

Given these new laws and regulations it is important to be reminded that this study is in regard to an institution within the United States (Western Washington University), it is being conducted and presented through Simon Fraser University, a Canadian institution that is not compelled by these U.S. laws. Had this study been conducted at an institution within the United States there may be additional considerations regarding the safety of the participants. The controversy surrounding the higher education of undocumented students should not be underestimated. Recently, three California Community College trustees lost their posts because of their support of undocumented students (Supiano, 2008).

Chapter Summary

Latinos are the largest and fastest growing segment of the immigrant population. Within this segment, immigrants from Mexico make up the largest subgroup. It can be said that the history of Mexicans in the United States began not when they crossed the border, but when the border crossed them. This history began with the annexation of more than half of Mexico in the middle of the 19th century, in the Treaty of Guadalupe Hildalgo. Since then Mexican Americans and other Latinos have struggled for what they perceive as equality in American society, particularly in regard to their education. *Romo v. Laird* was the first legal challenge to the segregation of Mexican children in United States schools was in 1925. Others followed, and in 1946 a class action lawsuit in Orange County California, *Mendez v Westminster*, became the first successful Constitutional challenge to the school segregation of children of Mexican origin (Rangel & Alcala, 1972; Valencia, 2005).

In regard to the educational rights of undocumented students, *Plyler v. Doe* (1982) addressed the issue of the rights of undocumented students to access public school education. While this Supreme Court decision opened the door to basic education for undocumented students, it stopped short of addressing the issue of postsecondary educational opportunities. Left to the states, California in *Leticia v. UC Regents and CSU Board of Trustees*, (1987) was the first to offer in-state tuition to undocumented students who met residency requirements. This decision was short-lived once David Bradford successfully sued the UC Regents in 1991 in an employment dispute that challenged the earlier decision (*Bradford v. UC Regents*, 1991). As a result, California was banned from allowing undocumented students to attend a public college or university for in-state tuition.

On a national level there is the *IIRIR Act* of 1996. *Section 505* of this comprehensive immigration reform act speaks directly to the issue of states allowing in-state tuition for undocumented students. This section of the law forbids states from offering any special consideration (including in-state tuition) to undocumented students that is not afforded to United States citizens or permanent residents.

In response to the needs of the state and its students, Texas, in 2001, became the first state to pass specific legislation that allows certain qualifying undocumented students to attend a public college or university for in-state tuition, regardless of their legal status in the country. Since then, nine other states have followed suit. While there have been some legal challenges to these laws, none have so far been successful.

The importance of addressing the issues of undocumented minors at the national level is evident in the bi-partisan legislation put forth in both houses of Congress,

collectively known as the *DREAM Act*. If passed, this act would help to provide a pathway to permanent residency, through education, for those young people brought to the United States as minors by their parents. In short, the *DREAM Act* would repeal *Section 505* of the *IIRIR Act* and make it easier for states to offer instate tuition for these students, and, at the same time, offer a path to permanent residency and citizenship to these students.

Like all college and university students, undocumented immigrant students face many of the same concerns. However, in addition to these concerns, undocumented students also face a range of legal and safety issues as a result of their immigration status. With the recent attention being paid to immigration reform in the United States, these students also must deal with the heightened security and government surveillance as part of the *U.S. Patriot Act*, *Enhanced Border Security Act* and the *REAL ID Act*. These laws pose a threat to undocumented students' abilities to remain in the country, not to mention the chronic emotional and psychological impact these stressors add. The students' ability to remain in the country is further threatened by recent immigration reforms, pending legislation that would make their mere presence in the country a felony, and by private citizen surveillance, such as the Minutemen Project.

This study focuses on the practical implications of undocumented students attending college. It considers the unique issues and concerns of undocumented students and how they may apply to an institution of higher education. Although this study addresses an issue, within an American institution it is being conducted through a Canadian university. There is a sizeable population of undocumented immigrants living currently living in Canada. While the issue of undocumented students attending

institutions of higher education within Canada has not reached the same level of concern as in the United States, some of these undocumented immigrants may want to pursue higher education in Canada and when they do it is worth considering the results of this study.

The next chapter details the methodology of this research, how the data were collected, and analyzed.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

Participants in this study meet the requirements for instate tuition set forth in *HB 1079*. They are undocumented individuals who have lived in Washington State for at least three years, graduated from a Washington state high school, have signed the required affidavit stating that they will file to adjust their status as soon as they are able, and have been accepted and are enrolled in a public college in Washington. Specifically for this study, participants are enrolled at Western Washington University, a mid-sized, Master's degree granting, public university in northwest Washington.

The primary purpose of this study is to identify, describe and gain a better understanding of the issues, and concerns faced by undocumented students enrolled in a four-year public university. These issues and concerns faced by undocumented students are described and are then used to examine the policies and functions of the Division of Student Affairs at the university. From these understandings, the findings can then be applied to institutional policies and practice. Undocumented students will also benefit from these findings by providing current and prospective students with information that will help prepare them to address the issues and concerns of being an undocumented student pursuing a university degree.

Since *HB 1079* became law, two full academic year classes have enrolled at Western Washington University. Because of the relatively short history of this legislation, the full implication of the law continues to be realized. A case study design allowed for an in-depth exploration of these issues as they continue to unfold.

Creswell (1998) describes a case study as “[a]n exploration of a ‘bounded system’ or a case (or multiple cases) over time through detailed, in-depth data collection involving multiple sources of information, rich in context” (p. 61). More specifically, an instrumental case study such as this is designed to shed light on the particular and unique issues faced by undocumented students attending an institution of higher education (Creswell, 1998; Stake, 2000).

The method of inquiry is a within-site, case study of seven individuals currently attending Western and living the experience of being an undocumented student at a public university. Multiple sources of data were used to obtain the rich information necessary for a holistic analysis. Data comes from one-on-one interviews with the participants, as well as documents and observations of these and other undocumented students during regular interactions in a student affairs context. By triangulating the data from these students’ interviews with expert understanding of student affairs (in particular) and the university system (as a whole), this study is also able to identify current concerns and to anticipate others for the future.

Research Questions

The following research questions formed the basis of this inquiry:

- What are the unique issues and concerns faced by undocumented students pursuing post-secondary education as instate residents in Washington State under *HB 1079*?

- What are the issues and implications for student affairs at a public four-year university that enrolls undocumented students as in-state residents under *HB 1079*?

Procedures

Participants - In order to develop a better understanding of the experiences and concerns faced by undocumented students, it is important that data on each participant be collected to provide a more contextual approach. Given the relatively small number (16) of undocumented students enrolled at the time the data were collected at Western Washington University, every effort was made to ensure a cross-section of this population was selected. Creswell (1998) suggests that when doing collective case studies, the researcher selects no more than four cases. For this study, and on the advice of the research committee, seven participants were chosen. This expanded number helps to provide a richer and deeper understanding of this emerging population.

To form a purposeful sample, the following criteria were used to select participants. Students selected:

1. Were not U.S. citizens, permanent residents, or legal nonresidents;
2. Have lived in Washington state for at least three years;
3. Graduated from a Washington state high school;
4. Were enrolled at Western Washington University at the time of the interview.

The focus of this study is on those students who are in the United States without official authorization, specifically those individuals brought to the country, at a young age, by a parent escaping social, economic, or political strife in Latin America.

Institutional Context - Western Washington University currently has 16 students who qualify for instate tuition under *HB 1079* (WWU Admissions Application Evaluator, personal communication, October 22, 2006). Of these 16 students, 12 met the criteria for *HB 1079* students as described. Seven students were selected from this group for individual in-depth, face-to-face interviews. The selection process included a review of all the undocumented students' records. The purpose of this review was to identify those students who were first year college students as well as transfer students, students from rural and urban areas, and males and females. Selected students represent a cross section of the *HB 1079* population to gain the broadest understanding possible. The seven participants were enrolled full-time at the time of the interview; they include two males and five females, as well as freshman and transfer students.

The research proposal for this study was submitted to and approved by the human participant review boards (Research Ethics) at both Simon Fraser University (Appendix D) and Western Washington University (Appendix E) to ensure the safety, wellbeing, and anonymity of the participants. Rapport with the research participants was already established through regular interaction with them in a student affairs role.

Data collection: Students - As stated before, *HB 1079* legislation and the students affected by it, have had a relatively short history. No single source of information will

allow a clear and comprehensive review of the experiences, issues, and concerns faced by undocumented students. For this reason data collected have been checked and compared with a variety of sources. Data from personal interviews with research participants were triangulated with other data sources such as memos, e-mail messages, meeting notes, personal communications, observations, and meeting minutes. These data were collected from not only Western Washington University but also from statewide organizations such as the Latino Education Achievement Project (LEAP), Washington State Commission on Hispanic Affairs, the Higher Education Coordinating Board of Washington, and Washington State Financial Aid. Additional information has been collected from observation of undocumented students and other students as they have addressed and navigated the daily life of a university student. I collected these observations and recorded them in a research journal. This research journal also included notes and emails from students. These personal communications served as reminders that these students were more than simply participants in a study. This research journal also includes the personal thoughts and assessments of those issues faced by undocumented students.

Finally, the bulk of the data surrounding the issues undocumented students face comes from unstructured, face-to-face interviews. The interviews with the seven participants were approximately 60 minutes each and were audio recorded with their informed consent. An interview guide (see Appendix B) was developed based on a review of the literature regarding Latino students, as well as from my previous experience working to promote the passage of the *HB 1079* legislation, administrative and personal challenges I faced in working with this population, and the daily university issues these and other at-risk students face. In general, participants were asked to share their thoughts,

concerns, hopes, and fears related to being a student without legal residency status. The intent of the interview was to explore, in more depth, the personal and family backgrounds of the participants as well as their personal history, goals, and the impact this legislation has had on their educational experience thus far.

Potential participants were contacted and invited for an initial discussion of the research and to assess their willingness to take part in the research. Prospective participants were assured that their willingness (or not) to participate would have no effect on our current relationship or on their status at Western Washington University. Those who expressed an interest in participating were given a general outline of the topics to be discussed so that they could make an informed decision as to the extent of their participation. A student's residency status can be a very sensitive issue, and the relationship I have developed with the undocumented students on campus, as a student affairs administrator may have caused them to feel somewhat obligated to participate. It is for this reason that an appointment for the interview was not made at the time of the initial discussion. Instead, students were asked to take time to consider what was discussed and to assess their own willingness to participate. A follow up e-mail, reassuring them of the voluntary nature of their decision, was sent several days later. This e-mail reviewed the purpose and context of the research. It spelled out the requirements and expectations of their participation, asked if they were still interested, and offered some possible dates and times to meet for the interview. The lack of direct interaction of an e-mail message allowed those students who were less willing to participate a relatively easy means to decline while "saving face." Still, all students contacted agreed to participate, and as sometimes happens, when other undocumented students learned of the

project, they contacted me to offer their help and assistance, sometimes known as “snowball” sampling (Kirby & McKenna, 1989; Merriam, 1988). This did not increase the number of formal interviews conducted, but it did allow for additional food for thought and perspectives that were included in my research journal. Following the research protocols established by Western Washington University and Simon Fraser University, students were asked to sign an informed consent form (Appendix C: Participant interview questions). Participants were also asked if they consented to have the session audio-taped and given the option to not have the interview audio-taped. All agreed to have their session recorded and later transcribed. The consent form outlined the handling of the recording and transcription. A copy of their interview transcript was given to the participants to review for accuracy. Participants were asked to strike out any part of the interview they were not comfortable sharing. They were also assured that care would be taken to remove any identifying statements or remarks from the final product and that all recordings and transcripts of the interview would be destroyed once the research was complete.

Data recording: Students - I, as the researcher, was the primary instrument for collecting and analyzing the data for this study. An audio recording device was also used to mechanically record the interviews to ensure accuracy in capturing the participants’ words and meaning.

I also used field notes and a research journal from October 2006 until January 2008, to capture ideas during routine interactions with students, especially those who qualify under *HB 1079*. In addition to student data and field notes, the research journal

was used to record comments, suggestions, and perceptions of other administrators, faculty, and individuals familiar with undocumented students and/or the issues they face. The field notes and research journal were created by collecting several types of unobtrusive data, such as documents, e-mails, personal communications, memos, reports, and meeting minutes for review. Personal journaling or writing was another method of inquiry. Laurel Richardson (2000) writes, "Writing is also a way of 'knowing' – a method of discovery and analysis. By writing in different ways we discover new aspects of our topic and our relationship to it" (p. 923). These writings are all included as part of my research journal.

My close association with the legislation, the students affected by it, my personal background, and my role within the university has obviously disposed me to certain assumptions and interpretation. My role and association within these areas has helped to inform this research and the direction it has taken, therefore it is important to be aware of my starting assumptions and preconceptions.

My years of work in higher education have instilled in me a strong appreciation of the value of a liberal education and a philosophy of open access to that education. My professional experience has also allowed me a firm understanding of student retention and persistence. From this understanding I am able to appreciate salient points of the various theories of student retention. While not subscribing completely to any single theory, I do understand the value of student involvement in retention.

I come to this research with a belief that education is a basic human right and that education benefits not only the individual, but society as well.

My close association with the *HB 1079* legislation and The Latino Education Achievement Project (LEAP) allowed me a solid understanding of the need to address the issue of college access for undocumented students at the state level. My work with students allowed me an understanding of the importance of addressing the need from an individual's viewpoint.

These experiences have led me to believe that the issues undocumented students faced were primarily one of resources and availability. As a trusted professional among undocumented students, their lack of immigration status was discussed matter-of-factly, albeit in confidence. I realize now that, prior to this research, I did not truly appreciate the degree to which their immigration status impacts their lives. I was aware that the status of these students would pose some obstacles but that most could be addressed with some creativity and a little luck.

Data Analysis Plan

Using a modified method of analysis for case studies proposed by Stake (1995), three forms of analysis, plus a fourth proposed by Creswell (1998), were used to analyze the data: categorical aggregation, patterns, naturalistic generalization, and description. Of these, the primary method of analysis for this research was naturalistic generalization. In short, the analysis consisted of a review of the data to ensure accuracy, an overall review of data to search for themes and patterns, and finally an analysis of emerging themes and patterns to identify those issues that will inform future students and the institutions that serve them.

The stated purpose of this study was to examine one particular issue within the increasingly complex landscape of immigration. The focus of this research is on higher education for individuals who have received the majority of their education in the United States but are in the country without proper authorization. To ensure the themes that emerged from this study are meaningful and can be transferred to a broader context, a secondary four-step analysis was conducted. This analysis included: (a) presenting the findings to the participants (participants were asked to check for accuracy of the information); (b) reviewing the data to search out and identify general themes (these themes were then collapsed into three broad categories and several sub-categories); (c) re-checking themes, categories, sub-categories, and specific comments of the participants against information collected through observations, memos, e-mails, meeting minutes, and notes on personal conversations kept in a research journal; and (d) writing detailed descriptions of the findings.

In addition, examining the patterns and themes that emerged from the study and checking the data against observations of routine interactions with documented and undocumented students alike, has helped to consider the transferability of the findings to other students and institutions. This was possible because of my role within the institution. As the Director of Student Outreach Services, I have daily interaction with students, particularly low-income, first-generation and at-risk students, categories in which most undocumented students fall. My position within the institution, my direct interaction with undocumented students, my role in the Latino Education Achievement Project (LEAP) and my personal cultural and ethnic background have predisposed me to many ideas and opinions regarding the topic, such as those mentioned earlier. I am of the

opinion that all individuals have the right to an education. I believe that undocumented students, by necessity, tend to be more motivated and more resourceful than most students and that they are a great asset to society, made even greater through a quality liberal education.

My personal and professional background afforded me a privileged insider position in which to gather the data. In collecting data from meetings, emails, personal communications and by recording my thoughts, ideas and considerations about these interactions in a research journal it allowed me to reflect more deeply on my suppositions. It helped me to recognize more completely my dual role as a university administrator who understands the workings and culture of the institution and my role as a Chicano who understands the Latino culture. It also helped me to understand that my insider status to the Latino community only extended as far as that of a Chicano. It did not extend to that of a Latino immigrant. An early entry in my journal was the first indication:

One of the undocumented students stopped by my office on Thursday morning. She stopped by to give me some *empanadas* she had made and thank me. I'm familiar with students stopping by with small gifts of thanks but I hope I never get used to it. In any case she just stopped by to say thanks for all the work I had done for her. I didn't think I had done all that much. I was able to help her with a couple of scholarships. She is graduating in winter and I was able to arrange for her scholarships to be distributed over two quarters instead of three so she didn't lose any of it. All in all she was pretty low maintenance.

I know that whatever I write here will not accurately capture the impact of the morning or the meaning of the hug. I doubt that I have ever had a more grateful or heartfelt embrace. I'm certainly glad the door to my office was opened wide. After a few seconds I patted her shoulder and mumbled something like "I'm glad I could help." She replied in a whisper, "You've helped more than you'll ever know."

It was all of it—the hug, the thanks, and even the simplicity of the *empanadas*. The fact that she made them for me, made it all the more powerful.

This event helped me to realize that although I have helped a number of students in this way, the impact it has on undocumented students is not always the same as is it for other students and is often much greater. It should also be noted that this interchange was one of the deciding factors for selecting this dissertation topic.

The conceptual bases for this research are bound within the framework and philosophies of liberal education and the value of education. The data collection and analysis were further guided by higher education retention theories. Works by Tinto (1975, 1987, 1993) and Astin (1975, 1984) were used as lenses to identify key issues that these participants faced. It was through an understanding of student persistence, involvement, and development that made it possible to recognize and assess the importance of the issues that these individuals expressed.

Credibility

This study used a number of systematic means to ensure the relevance and accuracy of the data collected. These strategies are as follows:

- Triangulation – The use of multiple methods to study a single problem. The use of a variety of data sources in a study (Janesick, 2000, p. 391);
- Member checking (participant review) – Participants reviewed the data and the emergent themes for relevancy and intent (Janesick 2000, p. 393);
- Reflexivity – The process of reflecting critically on the self as researcher (Lincoln and Guba, 2000, p. 183). This was done with the use of a research journal.
- Critique checklist (Stake, 1995) – a 20-question checklist for assessing a good case study (Appendix F).

Chapter Summary

This chapter has outlined the methodology for the inquiry—how the participants were selected, how the data were collected and reviewed, and how relevant themes and patterns were identified from the data. The next chapter presents the findings from the participant interviews.

CHAPTER 4: STUDENT FINDINGS AND ANALYSIS

This chapter discusses and analyzes the data collected from the unstructured, in-depth, face-to-face interviews with seven undocumented students attending Western Washington University under *HB 1079* legislation. In an effort to conduct a holistic case-study of undocumented students in higher education, additional data were collected from memos, e-mails, observations, and a research journal. These additional data were used to triangulate the students' experiences, to flesh out the most compelling findings, and to verify the findings.

This chapter will help to position these students and the institution into the larger context that is the state of Washington. It will begin by introducing the participants as a group, followed by a geographic, political and economic overview of Washington State. Individual participants will be introduced with brief profile. This will be followed by an analysis of the data from the interviews. Excerpts from the interviews are included to give depth, richness and understanding, of the issues and concerns, from the students' points of view. An extended excerpt has been included from a separate interview with one of the participants describing his deportation experience.

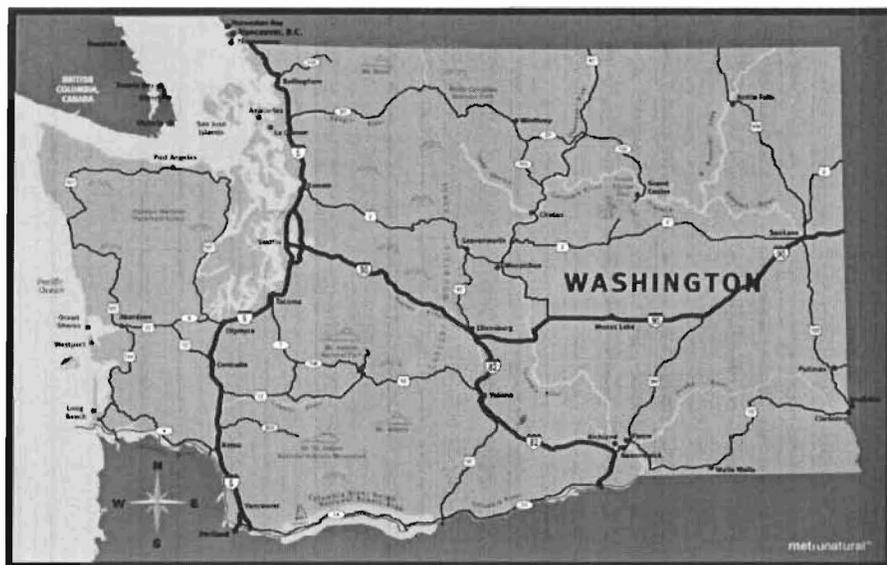
Students and State

All the participants interviewed are originally from Mexico and include five women and two men at various stages of their education. Of these seven students, five began their postsecondary education at Western as first-year students, while the other two transferred in after completing their Associate of Arts degree from a community college

elsewhere in the state. One student interviewed was completing her last quarter before graduation, one was in his third year, one in his second year, and four were in their first year at the time of the interview.

Washington is a diverse state with distinct economic and political divisions that divide eastern Washington from western Washington, with the Cascade mountain range marking the geographic east-west division (see Figure 4.1). Eastern Washington is less densely populated, more rural, more politically conservative, and dependent on an agricultural-based economy. Geographically, the region of western Washington is only about one-third of the state, but it makes up more than half the state's population.

Figure 4.1: Washington State



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This population is concentrated along the Interstate 5 corridor, with the bulk living in the greater Seattle–Tacoma metropolitan area of King and Pierce Counties. Industries such as Microsoft, Boeing, Costco, Starbucks, and a number of computer and internet-based companies drive much of the economy of the region (see Figure 4.1, page 76).

Three of the students selected for this research come from Eastern Washington, while the remaining four come from the western half of the state. Two of the three participants from the Eastern half of the state come from small, rural, agricultural communities, while the third comes from one of the larger, mid-sized metropolitan areas. Of those from western Washington, three are from the greater Seattle-Tacoma area while the fourth is from a smaller metropolitan region in the southwestern part of the state.

Table 4.1 summarizes the following information on student profile data. Prior to coming to the United States, the participants' families were nearly equally divided in terms of rural versus urban areas of Mexico. Three of the students came from urban cities in Mexico while the other four came from more rural settings.

Table 4.1: Participant profile summaries

Participant	Year in university	Entering admissions status	Age @ arrival	Grad began US education	Spoke Eng?	Method of migration (Visa or crossing [crx])	Reason for migration	# children in family	# of siblings born in US	Parents' education
Angela	1	Frosh	4	1	No	Visa	Econ	4	1	HS
Baca	3	Trans	7	1	No	Crx	Econ	2	0	HS
Cano	2	Frosh	8	1	No	Crx	Safety	3	1	No ed
Dolores	4	Trans	6	K	No	Crx	Safety	4	2	Elem
Estella	1	Frosh	2	1	No	Crx	Econ	2	1	HS
Flora	1	Frosh	11	4	No	Visa	Safety	5	1	College degree
Grace	1	Frosh	3	1	No	Visa	Econ (?)	2	1	Some college

The reasons for migration were also equally divided. While the economic incentive cannot be ignored, this was not the primary motivation for half of the families. Indeed, three of the families were motivated to move north out of financial need and three more were motivated by the threat of physical danger to their families. For the final family, it was unclear which of the reasons was the primary motivator, but the secretive approach the parents took with their children regarding their status, leaves reason to believe that the motivation was not entirely economic.

In contrast to the stereotypic idea of the young, single male immigrant, all but one of these participants came from an intact nuclear family. There are two primary means by which individuals are in the United States without proper documentation: either they entered the country on a valid visa and overstayed the time allotted, or they entered the country by covert means. Of the participants in this research, three families are currently in the country on expired visas, while the other four entered the country covertly, with the help of a coyote, a person hired to smuggle individuals into the country.

The age at which these students arrived in the United States ranged from two years old to eleven years old. All but one has completed their entire formal education in the United States. The one exception began her education in the United States in grade four. The education of these students' parents ranged from no formal education to one parent with a college degree from a Mexican college. None of the students interviewed spoke English prior to their arrival in the United States. All of the participants are currently over the age of 18 and are considered adults in the eyes of the law.

Because of the sensitive nature of the participants' immigration status and the potential risk it presents, pseudonyms have been used and the description of the student

profiles are intentionally vague. The student profiles are intended to give the reader a general idea of the participants without revealing too many identifiers as to bring undue attention to the students.

Student Profiles:

Angela: Angela comes from a small, rural, agricultural town in Eastern Washington. Angela's parents migrated to the United States while the participant was quite young, leaving the participant to be raised by an aunt in a major Mexican city. At four years old, prior to leaving for the U.S. she was employed in the family's souvenir store in Mexico. Her job was to call out the prices and attract the attention of passing tourists. Angela had a difficult time transitioning to the United States. In addition to having "strangers" for parents, there was also the challenge of learning English. Beginning with English as a Second Language classes before transitioning into a regular classroom, her entire formal education has taken place in the United States. School began as a struggle. Extremely shy she found reading a struggle during her early school years in the U.S. Even though college has long been a goal, in her opinion her high school experience did not provide adequate preparation for college. Being a positive role model to her nieces and nephews has been one of the main motivators for her to attend to college and do well for this participant. She is the first in their family to attend college.

Baca: Baca transferred to Western after earning an Associate of Arts degree from a community college. At seven years old, his family's first foray into the United States was nearly cut short because of his youthful excitement. After crossing the border that

separates the United States from Mexico, the family was in a large, open field. With helicopters and searchlights circling overhead, a desert squirrel attracted the child's attention. Excitedly, he called out his discovery to anyone nearby, including the immigration officials. The family's stay in the United States nearly ended as soon as it began. The participant is the first in his family to attend college.

Cano: Cano began as a first year student at Western. In flight from a seriously abusive domestic partnership, his mother brought the participant and his sibling to the United States. The participant was eight years old upon arrival in the United States. Because of Cano's inability to speak or understand English, he was required to begin in first grade and repeat his first three grades. Further, the distress from the abusive home life in Mexico and the migration north left him suffering from severe psychological and emotional trauma evident by the child's muteness until the age of eight. Cano comes from a small, rural, agricultural town in central Washington on the eastern side of state. The participant is the first in his family to attend college.

Dolores: Dolores graduated from Western shortly after the interview was conducted. This student comes from the Tri-Cities area of eastern Washington, an area that has a significant agricultural economic base and a healthy mix of industrial and commercial economy. Dolores transferred to Western after graduating from a community college in eastern Washington. She arrived in the United States at the age of six and began kindergarten there. The motivation to migrate appears to have been for safety of the family. She is the first in their family to attend college.

Estella: Estella began as a first-year student at Western and is from the greater Seattle-Tacoma area on the western side of the state. She arrived in the United States at the age of two, but made several trips back to Mexico, including one extended stay in a large Mexican city. During that time, she was enrolled in fourth grade in Mexico. She felt that the frequent transitions between Mexico to the United States limited her language development in both English and Spanish. She returned to the United States at the age of nine and has not been back to Mexico since. She is the first in their family to attend college.

Flora: Flora began as a first-year student at Western. Of all the participants interviewed, at eleven years old she was the oldest of the participants when first arrived to the United States. Threats to the safety her family were the primary motivating factor in the family's migration north. Through no wrong doing of their own, the family had to flee an otherwise comfortable, working class life in Mexico. Parents had some college education in Mexico. With no knowledge of English, Flora began school in the United States in grade four. She comes from the Greater Seattle-Tacoma metropolitan area.

Grace: Grace began at Western as a first-year student from the Greater Seattle-Tacoma metropolitan area. Originally from a large city in Mexico, she arrived in the United States at the age of five. With no English language skills, she began school in the first grade. The reasons and details of the family's migration are vague, at best. The reason for their migration was an issue not discussed in the participant's household. As a matter of fact, this individual was not even aware that the family was in the United States

without proper authorization until the age of sixteen, when she tried to apply for a summer job.

Findings from the Analysis of Interviews

Each of the interviews was approximately one hour in length and guided by a general framework of questions (Appendix B). Each interview yielded a wealth of information that required in-depth analysis and coding to draw out the most pertinent data by reviewing each transcript individually (see Figure 2, page 88). In all, 258 key words, phrases, and comments were identified and highlighted. Key words, phrases, and comments that were similar to one another were then grouped together, yielding broad, thematic codes. These codes were analyzed, and what emerged were three overarching categories: immigration status, education, and family. Each of the codes were reviewed once again, collapsed into 44 codes, and assigned to one of the three categories.

Seventeen codes were assigned to the immigration status theme; the education theme had 14, while the family theme was assigned 13 of the codes (Appendix G). Further consolidation of the themes was still necessary before the transcripts could be, once again, reviewed to glean meaningful information so one more review of the codes was undertaken.

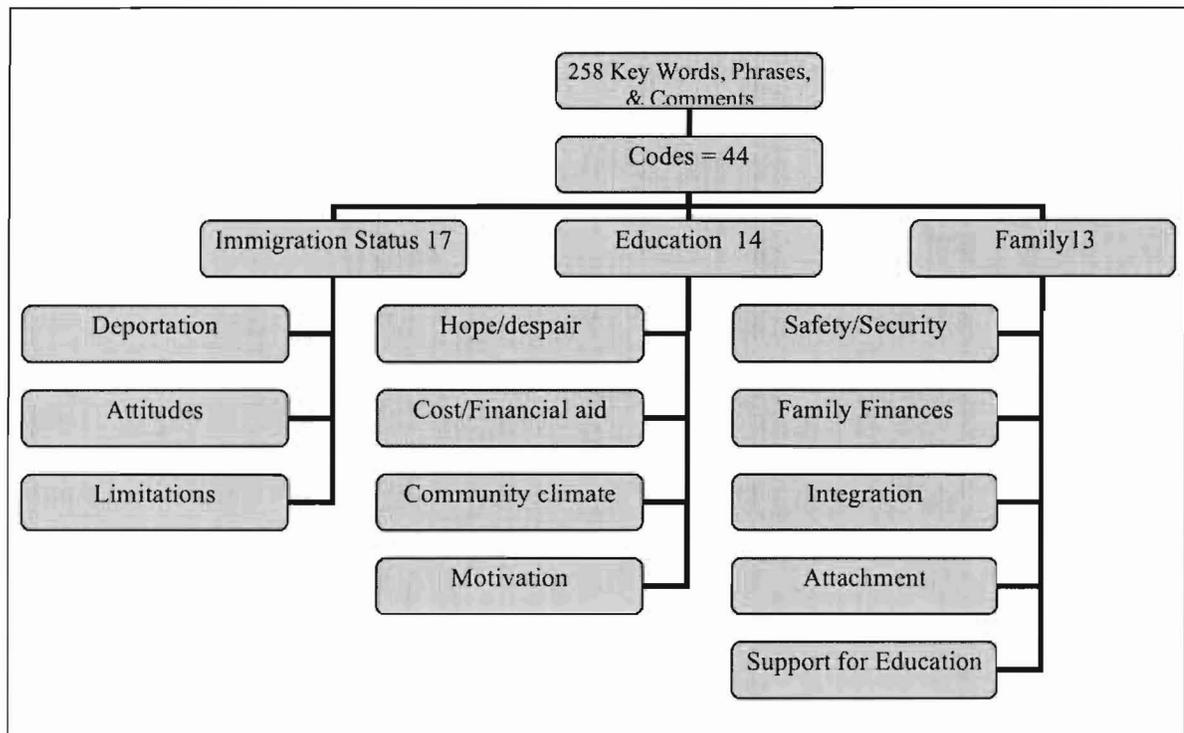
Sub-themes within each main theme were created. The revised codes (23 in all) were then assigned to each of the sub-themes. Using the sub-themes, each of the interview transcripts was reviewed once again to identify the most meaningful data. Passages within the interviews were highlighted and coded according to the described system.

The categories/themes that emerged were:

- 1) Immigration status
 - i) Deportation
 - ii) Attitudes
 - iii) Limitations
- 2) Education
 - i) Hope/despair
 - ii) Cost/financial aid
 - iii) Community climate
 - iv) Motivation
- 3) Family
 - i) Safety and security of family
 - ii) Family finances
 - iii) Integration
 - iv) Attachment
 - v) Family support for higher education

Figure 4.2 schematically represents the breakdowns of themes and codes as well as the number codes that were derived from the analysis of the interviews.

Figure 4.2: Breakdown of themes and codes



The trust and rapport necessary to conducting these interviews in such a way that the data collected would be candid and honest was founded on the extended relationship I have developed with each of the participants. These relationships began either prior to the students enrollment in the university or shortly thereafter. In my roles as Assistant Director of Admissions and Director of Student Outreach Services, I have had the opportunity to work closely with each of the participants. Much of our work together had to do with issues surrounding their immigration status.

The following section describes each of the main and sub-themes in more detail, including excerpts from the interviews that highlight the issues and concerns that each of the participants face. In an effort to highlight the seriousness of these students' concerns and the dangers that they face regarding their status, especially in regards to the issue of deportation, an additional interview was conducted with one of the participants. During the course of this study, one of the participants was detained and deported by Immigration and Customs Enforcement (ICE). Significant portions of the interview are included to dramatize one individual's experience with being deported and his journey back home to the United States. The three major categories are all closely woven together with one another. It would be difficult to discuss one without considerable overlap, on some level, with the other two. The categories are arranged in order by the number of codes assigned to them.

Immigration status - Within the immigration status category, each of the sub-issues are closely related to one another. Each is a tributary that feeds the students' concerns of

being in the country without proper documentation. Each adds to the unique issues these individuals face in being a college student.

Deportation - Of all the categories, deportation can have the most serious consequences for the participants. Each of the participants interviewed either knew someone who had been deported or had a story of a close call with ICE. "I've known lots of people [who have been picked up]. Immigration would go to job sites and farms and pick up tons of people" (Baca).

Whether the students had direct experience with ICE or just knew of someone who had, the threat had a definite impact on them and on the way they felt:

TN: "Have you known anyone who has been picked up?"

Estella: "Yeah three of my friends."

TN: "How did that make you feel?"

Estella: "Scared, really scared."

Flora: "The concern now is I hope I don't get deported before I finish school.

Right now it's so tense. There are raids everywhere."

As if to drive this point home during the course of this research study, one of the participants was detained and eventually deported from the United States to Mexico. The experience impacted the participant emotionally, economically, and psychologically and highlights how closely other two other subcategories - attitudes and limitations - relate to

the issue of deportation. The following are excerpts from an interview where the participant described his experience:

TN: Can you tell me about when you got picked up? Just go over everything from the time you got picked up until you got back.

Cano: I was waiting for the bus, and it was close to 9:00 PM, and I was talking to my mom on the phone in Spanish and I have been there [bus station] many, many times before.

TN: And this was the Greyhound you were waiting for?

Cano: Yeah, and the officer at other times had even sat next to me before and never said anything. And just because I was talking Spanish a Hispanic officer came and talked to me and actually told me he was being respectful to me by waiting for me to finish talking. He asked me if I was from Mexico and I said “yes” and then from there he asked me if I was a citizen and I said “yes,” just in case, even though I wasn’t, I still had the chance, because if I would have said no then something would have definitely happened. Hopefully there would be a miracle, but nothing happened. Then he said, “Well, let me see your card or your Social Security number.” I said, “I don’t really carry those things with me.” He said, “You know that’s against the law.” I said I didn’t know it. I really didn’t know. I said, “I actually go here to school and this is all I have with me,” and I showed him my school ID. He said, “Well, I don’t need that. All I need is your Social Security number. Give it to me.” And I said, “I don’t know it.” “Then just give me your name, your last name, and your mom’s name.” I was like, okay, so I did. Right then I told him I’m not a citizen, but I’m here going to school and I’m

actually trying to be somebody in life. “Oh, so you lied to me now?” I was like, “Well, what do you expect? Any Mexican in my situation would have done the same thing.” He was like, “Well, I have to take you in.” I was like, “Sir, seriously, I’m going to school. I don’t have any criminal record you can check my criminal record. I don’t have anything. I’m clean.”

He was like, “How do I know that?”

“Cause I’m going to school. If I were a criminal I wouldn’t be going to school.”

“No, I have to take you in.”

And the hardest part was when he made me turn around and he put those handcuffs on me. He put those handcuffs on me, and I guess he put them on wrong so they cut the circulation off on my hands. I still have the bruise and the scar. Then he couldn’t get them off either.

The participant explained that his confession about his status came from his fear that his mother and the rest of his family would be in danger of being picked up and her pending application for entry would be forfeited. The officers then searched and handcuffed the participant before driving him to the local detention facility. The processing took several hours:

Cano: They started searching me. They typically take about two hours to do the full paperwork process. But actually they pulled me into the station around 9:30 and I was out of there at like 1:30 in the morning, because I have no record what so ever.

TN: And they kept looking for a record?

Cano: Yeah so they really wanted to put me in jail or something, but they couldn't find anything.

Individuals who are picked up by ICE have several options when it comes to processing:

Cano: It was like I had three choices. I really can't remember. I guess one was I could talk to a judge, but they really strongly advised against it. They said that would take forever. The best one, he told me, was the VR, the voluntary removal. At that moment I didn't know what to do. I called my mom. She was pretty upset and she didn't want me to say any information that would lead them to my house, because she also had a deportation. But she had a voluntary. That meant that when she was caught they let her go and she had about three months for her and her kids to leave the country. But she never did, so she was afraid. So [unintelligible] worked and they made me sign a paper.

TN: They kept pushing the VR?

Cano: Yeah, they were like, "You need to sign this one. This will help you. The sooner you're out of the country the better." So I was like, "Okay, well I've never actually been arrested or never been in any trouble with the law." At that moment I really didn't know what to do. At one moment I was in the library studying for a final and the next moment I'm in jail.

At about 1:30 a.m., he was driven to the Northwest Immigration Detention Center in Tacoma. At the detention center, the participant's belongings were confiscated and cataloged. Any U.S. identification he had was destroyed. He was issued a jump suit, two

t-shirts, and a pair of tennis shoes. The facility had three levels of detention. Individuals were assigned to a particular level depending on their assessed level of risk and danger the participant was assigned to the lowest risk level. Nevertheless, he felt extremely intimidated by the other detainees:

Cano: I got there at breakfast time and everyone was waking up and I was the new one there. So they all started screaming. They were like, "Give me that hairy guy over here. I want to talk to him. I want to meet him nice and personal." I'm like "Oh, my God!" and they started scaring me. They were like, "Is this your first time here? You're going to be here a long time. You're going to be here forever. I've been here for nine months." I was like, "I've been here for like about an hour and I'm sick and tired of it." They were like, "Get use to it. You're going to be here for along time." I'm like "no!" I actually like started crying. I cried quite a bit. Damn. After a while I was like, I have to get used to this, because this is my new home. So it's either like it or don't like it. Make it the best possible or not, it's up to you.

He was told that he could meet with a caseworker to talk over his case.

Apparently there was a form he needed to fill out to get permission to meet with the caseworker.

Cano: Breakfast? I don't really remember. Some sort of like corn bread, with syrup or something and peas. It was nasty and the milk it was like spoiled. It was just horrible. When I got there the officers were like, "You can request to see a case worker," but they didn't tell me who it was or how to do it, or where to go to get those forms. I guess I was asleep when the guy [caseworker] came in. Then I

went to talk to the security guy in charge there. He said that guy just left. I didn't know what to do. And that was on Friday and they don't work on the weekends. And sometime not even on Monday. So I had to wait. And for me to make a phone call I had to buy a card, but I didn't have any money besides they only deliver [phone cards] once or twice a week. And so it was Friday though and they were bringing the stuff in, but I hadn't bought anything so I had to wait until next Tuesday, before I could even buy a [phone] card.

The participant went on to explain that he was confused and frightened by the whole process. He expressed concerned about his safety and that of his family. He also discussed his concerned about his academics. He was picked up the week before finals. All of this seemed to compel him to take risks:

Cano: I really didn't know what was happening. I was kind of scared and since I was going to school, I was going to miss all my finals and that was the worst thing of all. Because it is so difficult for me to go to school and with this... I was going to lose the whole quarter. So I did something that people shouldn't really do. I was pretending to make a phone call and there was a guy next to me with his card. I had a pencil with me and I copied his number. And I used that to call my mom.

The processing of the paperwork took several days. In the meantime the participant was able to make contact with his family; however, all of his immediate family are also undocumented and any contact from him was a threat to their safety and their ability to remain in the U.S. Finally, his family, through a network of contacts, was able to provide him with some money and connections to someone who could assist him

to get across the border again. When the paperwork was finally completed, he was escorted out of the country:

Cano: I was there until Monday. Then on Monday at midnight or Tuesday they took me to intake and from there I waited until noon the next day—12 hours—and from there they took us and they handcuffed us, from the waist and the ankles. I felt like a criminal, seriously like a criminal. I thought about it, a real serial killer wouldn't be treated like this. They took us to Seattle. From Seattle, they put us on a plane, a big, white plane. About 10 to 12 marshals came down. And, man, they cussed, they were like “Everybody get in a fuckin' line, or I'm going to fuck you up right now, I don't give a fuckin' shit.” And so all you had to do was listen and there was a guy in front of me who couldn't really walk and with those things on your ankles you couldn't really walk fast. So that guy couldn't and one of the marshals pushed him and he fell straight to the ground and he couldn't block his face. It was bad. From there we flew to Denver.

There were about 25 of us, and only about two VR (Voluntary Removals) on the plane. When we got to Denver that's when the whole plane filled up. From there they gave us Subways [sandwiches] and with a bottle of water, but that was the hardest thing to do, drink from it, because your hands are all tied up. No straw. It was almost useless.

A major concern of many of these students is being forced to return to a country and culture they are unfamiliar with. After spending the bulk of their lives in the U.S., the

prospect of having to return is at best frightening. To underscore this fact, the participant discusses his arrival back to a country, culture, and society he is unfamiliar with:

Cano: We were flown to El Paso and from El Paso I had to cross this bridge to Ciudad Juarez, which is a pretty dangerous place if you don't know. I haven't been to Mexico in 13 to 14 years. That bridge is where all the cars pulled in to check in to enter. I was walking on the left hand side of the bridge, and I guess that was for illegals, you know. So I crossed and I just walked through. And then I remember when I was at the detention center, some of the guys there, they told me not to trust anybody. It was around 4:30 in the afternoon. And I walked by this one guy and he said, "Stop!" in Spanish. I was like "Heck no, I'm not stopping." That guy started to chase me, started to walk behind me. He wasn't wearing a uniform or anything. He was just a little gangster, a little punk. Then he found another victim, a woman, so he just left me alone. So I just continued walking, but I had this on my mind, "Don't trust anybody." But I had to get a taxi to get to the bus terminal. This taxi driver pulls in and actually walked up to me, and he said, "I know you need a ride." "Yeah, I do. Can I trust you?" I actually asked him that, which was the stupidest thing to do, but I was kind of scared. He said, "Yes you can trust me. I'll charge you 200 pesos." And actually I really don't know how the currency works down there or the exchange rate. I had the money that they brought me in Tacoma, but they were big bills, and I didn't know how or where to exchange it. That's about \$20, but I figured that was about right because that place from the terminal was pretty far away. It's probably worth it. I took it

and it was probably a good thing, because once I got to the bus station I was like five minutes early for my bus; otherwise, I would have missed it.

The lack of understanding of the culture and desperation can leave individuals in a vulnerable state:

Cano: So I got over to Nogales [Sonora] about 4:00 in the morning. When I got off the bus I was supposed to call somebody and was supposed to say some code so that they knew who I was. I had to call but I didn't know how to use the phone and my cell phone wasn't working. I went inside the bus station in Nogales; everybody there works for people who jump people across the border. A guy comes up to me and says, "I know you want to go to the other side." I'm like, "No I don't. I'm here to visit family." He went away, and he came back like three times again. I was like, "Look, I don't need any help. I'm here to visit family." In the end I just gave up and was like, "okay."

"So who are you looking for?"

"For this person." And I showed him the paper.

He was like, "I know him. Here, here, use my cell phone and call him." So he took the paper from me and dialed the number himself. "Is this the number?" and shows me the phone with the number. "Yes, that's it." So he pulls the phone back to him and deletes it and calls somebody else. And the guy on the other side said, "Make sure the guy that's there with you is name Julio Luis." I was like, "Hey, what's your name." And the guy says, Julio Luis. Before that, the guy on the phone told me not to say anything. Then he was like "Yeah yeah, I heard his name. Go with him." So these guys, two fat ass guys, they take me to this shack

place. That place, there was a lot of security there, from their own people. So that nobody would actually go inside the place. If anyone would go inside the place that wasn't supposed to, they would shoot them. It was a big organization, from little kids to everybody had cell phones so if you tried to escape, even if you do, they'll call somebody and you'd be in trouble.

We spent 2 or 3 days there, I can't even remember. From there they took us way out, a two-hour drive into the desert. They put 25 of us into one van. Before we were leaving the guy says, "I don't really recommend you taking a lot of water. Because you guys are only going to walk a little bit." Then I saw them bringing in a whole bunch of water. So I guess he didn't want to use the water. He was saving it, I guess, for some other people. I was like, well, I'll still take it. I took a gallon of water. When we got out there after about two and a half hours, they dropped us off in the desert. Then after about half an hour of walking, the head guy said, "Everybody, I want to talk with you guys. How long did that guy tell you we were going to walk?" One of the guys from Oaxaca, just a little kid, he was like 16, he said, "He told me about 45 minutes." I was like, "There must be a catch because the guy told me it was going to be like around eight hours, and it was just behind some hill." Some other guy said, "They told me ten hours tops." The leader was like, "I'm sorry to break it to you guys, but it's going to be three days of walking, day and night. That's if you guys step it up. Otherwise it's going to be four days and three nights." This was in June and it's like over 100 degrees. He said, "It's all up to you guys. If you want to go back, just go back, but you're on your own." And as soon as he said that a big rattlesnake came out of the

bushes and almost bites one guy. After that we just started walking and walking all night. We walked and walked, and then the first day we couldn't walk it was too hot, over 100 degrees. It was like 7:00 in the morning, and we just hid under some brush.

Before departing the 'guy' took inventory of what we had and promised us to cross it over the line with the help of a legal individual, so I gave him all my belongings, money, my precious graduation ring, cell phone, and my watch. My belongings never did cross the line. So there I was hiding under a dry shade-less bush I didn't really know what time it was because they stole my watch.

I decided to go to sleep. I had less than a third of a gallon of water. I didn't know how far it was. When I looked at the bottle, I just found my life seriously diminishing. That was my life in that bottle. It just took forever and ever, the day just dragged on. Because I just had like a third of a gallon every sip that I would take seemed the faster I was going to die. I had to look at my gallon the whole day. I just kept looking at my gallon thinking, "I'm going to die." Seriously. This is life in this plastic gallon. I don't know how much longer we're going to walk. All of it was just lies from those guys. You couldn't really believe them any more. People were just getting mad; they just wanted to give up and go back. Some of them actually wanted to be found by the immigration. They were just desperate, because they thought they were going to die. Then it was like around 7:00 in the evening, and we found a little bit of water. It was the most nasty water ever. It was in one of those big containers, like those for cattle. That's what saved most of the guys, especially the fat guy who drank his gallon in like the first 30 minutes of

walking. He was just begging everyone for water and no one would give him any. And he was the slowest of them all. It was pretty hard.

That night around 12:00 or 1:00 in the morning, it was pretty dark. I was tying my shoe. I was like second to the last. And the fat guy was always the last guy. And I looked back. It was night and it was pretty dark I couldn't really see anything, but I thought I saw something move, because the moon was shining a little bit. I thought I saw something moving in the bush, and I thought, "It's the fat guy, I'll go back to try to help him, poor guy." Then as I got close to him, I noticed he was little bit skinnier and a little bit taller so as I turned, that guy grabbed me by the shoulder and put a gun to my temple and said, "You are going to die! You and all those guys you're with. I know you are the leader."

I said, "I'm not the leader. I'll talk to the guy. Don't do anything stupid."

"If *you* do anything stupid, I'm going to kill you and all those guys over there."

Seriously, that was pretty horrible. That was pretty bad. He was like, "All I want is water and food."

"Let me go and I'll tell them to stop."

"Don't do anything stupid, because seriously I will kill you first and then kill all those guys." So I went up to talk to the guy, the leader, and he actually stopped everybody and as the guy got closer he said, "Don't get close to me." He was afraid, the guy with the gun, that we were going to jump him or something. So I gave him half of my water. It was the nasty stuff that we had filled up from the container. I gave him some jalapeño peppers, some salted crackers that was all they gave us to eat. That was pretty scary. After that, we walked for like another

day. I can't really remember. We stopped during the day sometimes. Sometimes we just kept walking. So then we finally got there to the place we were supposed to be. The guy who was supposed to pick us up wasn't there. They called him; he was asleep and he didn't come. We had to hide in some old barn. I didn't even know where we were, but I found out that the place we were at had been raided by immigration many times. We had to be quiet and everything. When we got there, at the barn, people were really thirsty. We hadn't had anything to drink. There was this big gallon with yellow stuff. I was like "Apple juice, alright!" But one of the other guys beat me to it. He opened it, and it was pee. I was like, "Dude you can have it. It's all yours."

There is the issue of the cost to be returned to the U.S. In addition to the risk of being caught again, which could severely impact a person's ability to apply and be granted permanent residency, there was the actual monetary cost. In this student's case, the fee for a guided hike through the desert was \$2,500.

TN: The guy who crossed you over, did he ever tell you how much it was going to cost?

Cano: He never did tell me.

TN: How did they know you were going to pay them?

Cano: They don't really care. Because the guy that pays them [the *coyote*] is the guy on the other side. Most people were really pissed. I guess he was saying that he was going to charge them like \$1,400. Everyone else was charging them quite a bit more, so they choose this guy, but the guy who decided how much, was the other guy on the U.S. side. So when we got over to the U.S., the other guy said, "I

don't care what the other guy said, you guys are here and I'm in charge and we're charging \$2,500 for everyone, for each one of you. If you guys don't pay well, we'll take you out to the desert and you just imagine."

TN: How did you get the money to this guy?

Cano: Everybody has to send their money to Mexico, because if they do it here in the U.S., it's easy to track, just a lot of \$2,500, \$2,500, \$2,500. So they actually send it to Mexico.

TN: So each of the people that came over had to have somebody wire money to Mexico or else they were going to take them back to the desert?

Cano: Yeah.

Crossing the desert was only one step in the long journey to safety. The student still had to make contact with his family so that they could secure the cost of his passage. It had been nearly two weeks since he had last been in touch with his family:

My family thought I was dead because they hadn't heard from me for all those days. I lost contact with them for about two weeks. They knew I was okay when I finally called. Even then they didn't believe it was me. My own mom had to ask me personal questions to see if it was me, because after all that time in the desert I guess my voice had changed. Because what they do down there, they do a lot of that stuff, they pretend that they're you and make the family send the money and they [the family] have nothing.

In this student's case, even though he was back in the United States, for him he was still in a strange land where he knew no one. With no money and no contacts, part of

the agreement was that he would be delivered to Los Angeles. Still, the *coyotes* had to be sure the money was transferred before they would carry on:

The guys who were taking care of the house were C-R-E-E-P-Y. Really creepy, like rapists. I didn't want to be there. The guys that were there, they didn't care. That guy that was guarding us was really scary looking. About my size, but big, big army boots, army pants, chubby, with a big belly, hairy, a big moustache like Poncho Villa, bald with a .45 [caliber gun] tucked in his back. He would make fun of us and say, "If you guys want to escape I have a friend here waiting for you." And he patted the gun.

When we got there [Phoenix], they made us undress, down to just our underwear. They took all our clothes. We stayed there for about three days, with no clothes. They lied to us. They said "We need to collect your clothes because we're going to wash them for you." "Really?" I said, "Take my sweater too." Then about two hours later I was, "Hey, I need my clothes back." They said, "No, the guy that's washing them hasn't come back yet." The next day I said I need my clothes, and still they said, "that guy hasn't come back yet." I said "What!" He said, "Calm-your-ass-down!" And he meant it, so I did. They never did wash our clothes they just gave them back to us all dirty and smelly. It was just a way for them to make sure we didn't leave.

The guy that was in charge, he came in and said, "Okay, you guys are going to leave tomorrow." I was okay and I was happy because he brought chicken. But I didn't get anything; all the other guys ate it. They took my share so I didn't get anything to eat. The next morning the guy brought in some bread, like Wonder

bread, the cheapest kind they have, and baloney. Sick! That's what I had over there. It reminded me of the first time we crossed, when I was eight, that's all we ate, baloney and bread. That's why I don't like it. It's nasty stuff. So he was like "We're going to leave in the morning." And nothing happened. I was beginning to get worried. We finally left about 4:00 in the afternoon. That guy had a taxi, a regular taxi. He fixed it so if the cops or immigration would see him they'd think "Oh, just a taxi." Four of us get into the taxi, and he drives us around town. I don't know what he's doing. We go with him to go visit his family. Then we go down to this park and this new, black Suburban pulls up. We open the doors of the car, and he opens the doors of the truck, and we all just jump across in. Like in a movie. We drive off to another house and picked up some other guys. By the end, there were nine of us. The house he took us to didn't have any air conditioning, and it was hot. Even though it was night, it was hot in there. I had to strip down. No one had to force me, I did it myself. I slept inside the bathtub. I took a shower and even the cold water was warm. It was really humid and stuffy. The guys told us he'd be here in the morning. I didn't believe him, because all they told us was lies. Before, like around four times, they told us, "Okay, get ready, we're going to go." But we never did until the last time. It was so frustrating, and I was scared because I didn't want to get caught again, and I knew that place had been raided many times before. But this guy came back when he said he would. He was actually the best one of them all.

From there we went to Vegas. I've never been to Vegas. We went there just to drop off some guy. Then we went back. We went through Bakersfield, and then

we had to go to San Francisco, but I didn't want to go to Bakersfield or San Francisco. I needed to go to L.A. I wasn't going to get to L.A. until, like, the next morning. Before that we had to go through a checkpoint. I think it was one of those for agriculture. That guy that was driving was actually really scared because he saw some other guys that weren't suppose to be there. Guys dressed up in green. Those guys were the sheriffs. Every time he had been through there he had never seen them. When we got there, I was on the passenger side. I guess I looked more like a tourist or I didn't look as Mexican as the others. The sheriff guy started looking inside. He [the driver] told everyone to "lean together, pretend you're asleep, pretend you're family." The windows were dark, and I think they were looking for fruits and vegetables, not the people that pick them, so he let us go. I think the driver was even more scared than I was. Afterwards he said, "I'm never going to come this way again. Even if I have to go three hours out of the way I'm not coming this way again."

Despite the challenges Cano faced, he remains pragmatic:

TN: Were you nervous driving all over the country like that?

Cano: Not too bad. I don't know, when it's your turn and you have bad luck, something like that is going to happen. What happened to me was just bad luck. Just because I was talking Spanish.

TN: And what about your classes?

Cano: I got incompletes in all of them, but I finished them. I got a 3.1 GPA for that quarter.

This student's experience with ICE and his efforts to return home helps to illustrate the psychological, emotional, and physical fears that undocumented students face. These dangers are real and immediate for the student and their family. Being deported can have a significant impact on the student's and the family's emotional and financial well being.

The attitudes of how others perceive undocumented students are discussed in the next section, as well as the attitudes the students' themselves have around being undocumented. This participant's story of deportation and return further helps to illustrate the role and the consequence of attitudes, the importance of confidentiality, and what is at stake.

Attitudes - This sub-category is closely tied to the previous sub-category of deportation. "*El vivir en las sombras*" (Living in the shadows) is how undocumented people often describe their life in the United States (Chavez, 1992; Amnesty International, 2006). Like many undocumented individuals, these young people are guarded with regard to their status. They reveal it to only the most trusted individual[s] and/or only when necessary. They realize that their status in the country leaves them susceptible to a variety of dangers, exploitations, and discriminations. This realization causes them to be suspicious and extremely cautious. When asked about their status, one participant explained it this way: Flora: "Honestly, I've always been a little ashamed of it [status]. I just see it as one more weapon from an unknown enemy"

As it relates to attending college, this attitude plays itself out in the affidavit undocumented students are required to sign, under *HB 1079*, to be eligible for instate

tuition. *HB 1079*, as does the legislation in the other states with similar laws, clearly stipulates that one of the conditions for receiving instate tuition is that a student must sign an affidavit promising to apply for legal status as soon as they are able. Each of the students interviewed voiced their suspicion around this stipulation:

Cano: “I was afraid that on the first day of class they would pull me out of class and send me back to Mexico. They knew I was undocumented so I always had the fear that every time someone opened the door it would be some officer coming through.”

Dolores: “I wasn’t sure how the whole thing was going to be kept [affidavit]. I thought that what if they’re trying to get all of us to ‘fess up and then they were going to get us.”

Estella: “It sucked. I was like ‘dang,’ I have to let everyone know my business.”

Flora: “It was scary signing it. It’s just a document that can be used against you. It was just admitting that you are here without papers.”

Grace: “I showed it to my dad and he was so iffy about it.”

Still, many of the students interviewed took a pragmatic view of their status and the threat of being detained or deported:

Angela: “If it’s going to happen to you, it’s going to happen no matter where you are.”

Dolores: “I just stay calm and figure if something is going to happen, it’s going to happen. So I’m going to deal with it when it happens, not before.”

On a more personal level, students feared or at least were attuned to the attitudes and perceptions of others they had contact with, including roommates, friends, faculty, staff, and (potential) employers or anyone in perceived authority. It was felt that if these individuals were not sensitive to the immigration issues they faced, at best it would strain the relationship and at worst the information could be used to threaten, blackmail, or harm the student and their family.

Another issue that some of the students face is of being less than honest with their friends and classmates out of fear of how they may feel about undocumented immigrants. They often have to make excuses, rationalize, or simply lie to their friends and acquaintances to conceal their status. For example, the participants said:

Flora: “I had a friend in high school. She had some issues with another girl who knew her status. The other girl called immigration on her and they took her whole family because they knew she was undocumented.”

Baca: “I’ve known people who’ve tried to blackmail friends into doing something. Or if they get mad they’d call immigration. And a lot of people make fun of the fact that people are illegal. They constantly ridicule, made fun of, and put down ‘immigrants.’ ‘It’s a bad thing. They [immigrants] shouldn’t be here.’ I

would feel extremely uncomfortable telling them I'm illegal while they have that opinion about illegals. It makes me feel like crap sometimes.”

Baca: “I don't know how many times I've had to make up an excuse why I can't go to Canada. I'll be asked, 'Have you been to Canada?' and I'll say, 'Oh, no, I haven't.' 'You've been living here for a couple of years and you haven't been to Canada, it's only 20 minutes away.’”

Grace: “It was a total lie. That was when I had to start to lie. My senior year was the first year I had to start lying to friends about so many things. Like this year too, now I am faced with having to lie.”

Grace: “I'm not going to tell someone who doesn't support it [immigration issues]. Not because I think they are going to report me, but because they just don't understand.”

Flora: “I just wanted to be like the other kids. In middle school we had a field trip to Canada and I just told my friends that my parents wouldn't let me go. I didn't tell them why. It was sad, because I really wanted to go.”

Whatcom County in general and Western Washington University, in particular, enjoys the reputation of having an accepting and welcoming environment. Still, there are signs that racism is present within the community. While the participants of this study did not detail any personal accounts, in an editorial in the *Western Front*, Western's student

newspaper, an ESL instructor wrote about the racism some international students face at Western. She made a point that the racism does not happen to white international students, only those of color (Farmer, 2007). She goes on to share stories of racial slurs, threats, and derogatory comments made toward international students of color.

The attitude toward immigration and particularly unauthorized immigration of those around them can have a significant impact on undocumented students. These undocumented students are guarded about their status out of fear of how friends, staff, and faculty feel about immigration. Their lack of status in the country and the threat of deportation is a fear that makes them sensitive to the attitude of others and the amount of information they are willing to reveal about themselves.

These attitudes, coupled with the legal implication of their status, create a number of limitations for these students. In the next section, these limitations and the frustration they cause are discussed.

Limitations - These students' inability to travel to Canada was one of the most compelling and obvious reasons they gave for not being truthful with their friends about their status. This brings up the issue of other limitations placed on students on account of their status. In addition to international travel, these students were concerned with domestic travel, employment (both while in school and after graduation), housing, filing taxes, and voting.

Hemmed in by geography, they face limits not only in their travels north to Canada, but their family ties to Mexico also magnify this sense of restriction.

Estella: “It’s frustrating because, like, when my grandma died I couldn’t go [to the funeral] and my grandpa is really old and I have a cousin down there... It’s frustrating, because like when I started getting into the whole college thing I really wanted to study abroad and stuff and I can’t. It’s frustrating and it really stresses me out.”

Flora: “I told my mom, ‘What if I mess up and accidentally end up in Canada?’ My mom had to bring me up here for the first few times. I had to make sure I was getting off on the right exit and not ending up going too far [north].”

A college education in the United States is about much more than academics, and these students’ lack of status leaves them unable to enjoy the full college experience in a number of ways.

Estella: “Even my boyfriend sometimes unconsciously says things and I feel really bad. ...he’s stupid and says, ‘Let’s go to Europe,’ or ‘We should study abroad,’ and then he’s, ‘I’m sorry.’ I went to Disneyworld once where they had all the little countries, that was fun.”

Baca: “Recently, one of my grandmothers passed away and it was virtually impossible to go visit or go to the funeral, because it is so expensive and dangerous and we don’t have the money at this point.”

Domestic travel also proved to be of concern for many of these students.

Dolores: “So if I have to go out of state to do my internship, I have to go out of state. The only problem with that is with the whole thing that they are trying to change where they require everyone to have a passport. I’m not going to be able to fly anywhere, even just in the U.S. I don’t even know how it’s going to be with me traveling by car, if they’re going to be that strict. Because that’s another thing. I was hearing on the news about needing a passport just to fly.”

Undocumented students’ lack of proper immigration status affects them in a number of ways, but none is/are more evident than those that have to do with money. This is particularly apparent in terms of their inability to work. More than 60% of all students at four-year public universities are employed to meet their educational expenses (U. S. Department of Education, 2006c). Since undocumented students in Washington are ineligible for federal or state financial aid and tend to come from lower socioeconomic backgrounds, their inability to work while attending college can have a significant impact on their lives. Such is the case for the participants of this study and is reflected in their remarks. Each expressed frustration and concern about not being able to work and/or about the obstacles they faced in trying to secure employment. In addition, there are serious concerns about whether or not they will even be able to use their degrees once they graduate.

When asked about Social Security cards/numbers and documentation, one participant stated:

Angela: “Yeah, but they [Social Security card] are fake.”

TN: "Did you have to buy them?"

Angela: "Yeah."

TN: "How much did they cost?"

Angela: "I don't know, my parents bought them for me, but they are usually around \$100. You just get a card and an ID."

Another student said:

Cano: "The owner, he knows, he knows that most of the people there are undocumented and the white people who work there quit after the second day and so to keep the restaurant running they need to have employees and so they know that the Social Security card and everything are fake, they know that... You pay quite a bit of money for those things. It comes in a package. You have to get a Social Security number and a card. Sometimes they are up to \$300 or \$400. Mine was like \$250."

When asked where someone would buy a fake Social Security card, the answers included:

Cano: "You know that they do that [sell fake Social Security cards] when you see them driving around in brand new trucks. Mostly those people that do that are drug dealers too most of the time."

Dolores: "It [Social Security card] has my name on it, but it's a fake one. Well, the numbers were actually given to my grandma when we first got here, the very first year my parents did their income taxes they had to give those numbers, but I think they messed up and gave her actual numbers."

Estella: “She [mom] has a Social Security number, a good one like me. She went with me and my sister and they [to the Social Security Office] gave her and me a real Social Security card.”

Baca: “I have a number and I have a fake one [Social Security card] back home. It has my name on it, but it’s someone else’s number. Just a made up number so that I can apply for a job. And that’s a complicated process. It could be potentially embarrassing. The employer could say, ‘Hey, this is fake.’ It’s a really scary process. It cost a couple hundred dollars.”

Grace: “I haven’t been able to get a job, and half of me is not even sure I want to try in case the DREAM Act happens. I don’t know what the specifics are, but are people going to judge me on account of my working [illegally]? Or am I better off having a clear and free record?”

Not having a Social Security number or permanent status can also pose a concern for these students in a number of other areas that most legal residents take for granted, including: driver’s licenses, health insurance, and even regular adolescent activities such as sleepovers at friend’s houses. Their lack of status also leaves them vulnerable to exploitation by employers. The following stories illustrate some of these concerns:

Dolores: “My sister had to go get her driver’s license and the lady asked for her Social Security card. She had it, but it was a fake one. The lady screened it under

this little thing and she was like, 'I'll be right back.' She goes into a back room, closes the door, and gets on the phone. I look at my sister and say, 'Are you happy now?' And she's like, 'What?'

'What do you think she is going to do?'

'She's not going to do anything she's just checking the card.'

'WHICH IS FAKE!'

'Oh, yeah, huh?'

Baca: "Even, for example, health care. It's very complicated and expensive. I had to see a specialist without insurance. That's been very hard and expensive. I'm paying for my prescription once a month and that's like \$70 a month. So it's becoming really hard financially because I'm not a resident."

Estella: "Another thing is like health insurance or medical insurance. I would really like for my parents to have that, but it cost too much and they ask for your papers. It's just not fair they let you buy car insurance but not health insurance. They let you apply for a credit card and stuff and screw your credit over, but you can't get health insurance"

Cano "I never spent the night over at someone's house. I never traveled anywhere hardly. So having my parents drop me off and leave me here at Western, that was the hardest thing for me to comprehend that I was there by myself."

Dolores: “There was a period of time when there were rumors about *la Radas* [the raids] and stuff like that. My dad told us ‘you know we have plenty of food so if you don’t have to go out don’t go out.’”

Angela: “The funny thing is I know a lot of people, like the bosses, they know that they’re fake, but they take them anyways so you can work, sweatshop work. They never pay overtime.”

TN: “You know that’s illegal?”

Angela: “Yeah, but they don’t care because we can’t do anything about it.”

Cano: “Seriously, I do the work of three people, and I get paid minimum wage. I’ve been there five years, but every time you leave, when you come back, you go back to minimum wage if you’re absent for more than two months.”

Cano: “So I guess if you haven’t really suffered, you don’t really know. You’re always wanting [expecting] the best, but when you have suffered so much, you know that you don’t really need that [luxuries] and that’s a plus.”

Education - Legal residency status can have a significant impact on a student’s educational experience. It is these impacts and the implications they pose to the students and the institutions that are at the heart of this research. In this section, the second theme is explored. Within the theme of education there are four areas of concern for these students: hope and despair, finances, community climate and motivation. First, as is the case for most first generation and low-income students, are the issues of hope and

despair. For undocumented students, the ambivalence and desire around college attendance is even more acute.

Secondly, these students have successfully, up to this point, wrestled with the issues of hope and despair, insofar as they have successfully completed high school, applied, been accepted, and are enrolled in higher education. Still, they face a unique set of challenges in financing the increasingly high cost of postsecondary education.

Thirdly, is the social and political climate that these individuals must face. Not only are these students dealing with increasingly polarized public opinions surrounding immigration issues, but they must also deal with a climate of conflicting attitudes toward college from within themselves, their family, and their home community.

Finally, there is motivation. Participants discussed what motivates them to pursue higher education.

Hope/despair - Deciding to pursue higher education, applying to colleges, selecting a school, and enrolling in college are the genesis of both hope and despair for many of these students. Attending college and all the choices that go along with it is often the single biggest decision many young people make by that point in their life. For undocumented students it is no different. Because of their immigration status, there are a number of additional layers and considerations they must be mindful of, such as the impact going to college will have on their family and the realistic value of the education. However, as with any student preparing for college, that preparation is fueled by hope; but, for these undocumented students that hope is tempered by a dose of despair, because of the cost of education, the risk it puts their family in, and the idea that they may never

be able to use their degree for employment in the U.S. Here, they speak about this combination of emotions:

Cano: “Since when I first came here [U.S.], since I started school that first day [in grade one] I went to school, I remember going into the cafeteria and waiting in line and the thoughts that were in my mind were, ‘Eventually I’ll be somebody in life, somebody important’ and now I’m in college and when I think back to that first day I’m like, ‘Well, I’ve come quite a ways.’”

Angela: “I always wanted to go to college for some reason. I don’t know why. I just knew like, ‘Yeah, I’m going to go.’”

Cano: “She (the high school counselor) would ask all the recruiters if there was any help or anything for undocumented people and none of them had any help, or they didn’t want to help or they didn’t know about it. I think it was just a big hassle for them and they didn’t want to deal with it. You feel scared sometimes, especially if you see someone else, you feel jealous, because they don’t have to worry about anything. They can be bums or the worst people ever, but because they were born here, they don’t have to worry. And we Hispanics who don’t have documents, we could be working so hard and doing all these wonderful things. Still, when you see that green truck [ICE] coming you got to run.”

Dolores: “I always knew I wanted to be a doctor. So that was always my big dream, and I was going to go to college. On graduation day is when I realized it was going to be really hard. I wasn’t even sure I was going to do anything... It was about that time I figured it out, and I was like, ‘I guess I’m not going to be able to go to medical school.’”

Estella: “I know education is important. Even if you don’t get anywhere, you still have to have it, but I feel like if I don’t succeed in what I really want to do *because* of my status, I’m going to be really sad. I’m in college and I don’t think it’s fair that I’m doing all these things and later on is it even going to be worth it?”

Flora: “I decided [to go to college] my sophomore year in high school. My freshman year I was really discouraged. Some of my friends, I had mostly Mexican friends...I always told them I wanted to be someone important in life. They were like ‘What are you talking about? You don’t have papers. You’re being dumb.’ My freshman year was awful. I didn’t want to go to school. I said, ‘Why should I go to school? I’m not going to use it.’ My sophomore year one of my teachers started encouraging me”

Flora: “I just decided, okay, if I can’t get a job after college, I still want to learn all the stuff that everyone knows. I still want to be educated. Even if I don’t get a job, I want to know everything. I want to be able to move around.”

Grace: “The first time it really hit me in the face was when I was applying to college. My dad was like, ‘I don’t know if you can go to college.’ I was like, ‘Why!? Everyone can go to college.’ That just broke my heart, because I have been working so hard. So many times I just felt like giving up.”

Cost and financial aid - Cost and how to pay for college are two primary concerns these students have about attending college. As stated previously, about 88% of all full-time undergraduate students, earning less than \$32,000 receive some sort of financial aid (Berkner, L., Wei, C. C., He, S., Lew, S., Cominole, M., Siegel, P., 2005).

Undocumented students tend to come from the lowest socioeconomic background. In general, 91% of all U.S. citizens and eligible non-citizen students attending college from this economic category receive financial aid (U.S. Department of Education, 2006c).

While the *HB 1079* legislation did make it possible for these students to attend college and pay in-state tuition, it did nothing to qualify them for any state or federal financial aid. It is a trifecta of sorts for low income undocumented students, they are unable to work, they do not qualify for federal or state financial aid, and are not eligible for education loans.

Estella: “And like how can we pay? I can’t apply for certain scholarships because you have to be a citizen. I can’t apply for financial aid, because you have to be a citizen. So what else is there to do but pay it from your own pocket? That’s why a lot of Hispanics don’t go to college.”

Flora: “Right now I don’t work and I know that next year I might not get as much in scholarships so I may be owing the school. I may need to try to find a job and that will be putting me at risk.”

Cano: “First of all my grandfather will never co-sign [a loan] for me. He’s the only one in my family with papers. He doesn’t trust me because I’m illegal and he

believes that he will end up paying. After what happened to me he went and told the whole town that I was a dumbass and all these things and he's my grandpa and I felt pretty bad because he said things that weren't true and as the story went from person to person it got so distorted to the point where I was a terrorist. Since then I haven't talk to my grandpa."

Nevertheless, there are billions of dollars available each year through private scholarships (U.S. Department of Education, 2006c). These scholarship dollars are made available to students through private donors, foundations, and corporations, each with their own set of conditions and requirements. These scholarships are in addition to institutional, government, and employer scholarships. For some of the participants in this study, the issue of immigration status and scholarships came up in a variety of ways. One student who was a finalist for a \$10,000 scholarship was disqualified because of immigration status. Of note in this case is the fact that this particular scholarship was from the Hispanic Achievement Program (HAP) in a region of Washington with a large Latino and migrant farm worker population. This particular student said:

Dolores: "Well, I missed out on a lot of opportunities. Scholarships I could have gotten but didn't apply for because they were asking for residency or citizenship, and I didn't apply for those. Also there was one scholarship called the HAP that I was a finalist for. That year it was a \$10,000 scholarship. I was competing with four people for the \$10,000 and the other three who didn't get it would get \$2,000, which would help a lot. That's the one I got. At the end they asked me about [Social Security number] that I left it blank. They said that because of that

technicality they couldn't give me that scholarship, but they were still going to help me if I promised I would get it fixed as soon as possible."

The cost of attending college is a concern for many students, particularly those students from families with modest means. Undocumented students tend to come from such households. Nevertheless, there are nongovernmental sources of financial aid available to students, but students are ineligible for some of these because of their status.

Flora: "Yeah it is so frustrating. I see all these scholarships and they are always asking for your Social Security number or if you're a citizen. I know some of them I would qualify for too, it a pain."

Baca: "I'm kind of lucky. The program I got into when I was in high school didn't ask about my status. We get a mentor and a small scholarship each year, but it's going to run out after next year and I don't know what I'm going to do. It's so hard to find scholarships that don't ask for your social security or status, believe me I've looked."

Community climate - Living on the hyphen might be one way to describe the challenges many students of color face when they begin the transition necessary to succeed in college. For many first generation Mexican-American, African-American, Asian-American, and Native-American students are faced with transitioning between two worlds; from (frequently) marginalized cultural backgrounds to that of college and higher education. Straddling the two cultures and communities can be challenging at the best of times, but for many undocumented students, this transition can be exacerbated by their immigration status in the country. As discussed earlier there is the challenge and fear of

being “outed” by friends, roommates, or anyone else who might know their status. Still, even if a student is able to successfully keep their status confidential, they are faced with an increasingly polarizing climate surrounding the immigration issue as a whole. For many in the educational institution, the debate is simply theoretical, but for these undocumented students the debate is deeply personal. Akin to the issue of immigration, many of these students are faced with the same issues of diversity that many students of color face when leaving the comfort zone of their own community to venture into a culture they are not entirely familiar with. In other words, undocumented students are faced with a sort of double alienation. On one hand their ethnicity puts them in the minority on campus and on the other hand their legal status make it difficult to form a the sort of common community that might support their success.

According to Tinto’s model, integration is an important part of a student’s successful transition to college life (Tinto, 1975, 1987). Developing a learning community where students can interact with staff, faculty, and one another is an important part of student success (Tinto, 1998). The perception of the campus community is an important part of the transition, for many students - regardless of status - and brings up the importance of core contact on campus. While core contact is an important part of any student’s transition to college, it plays a particularly important part in the lives of undocumented students. A core contact reveals itself in one of two ways: either through developing a core contact group of students or having a key staff or faculty contact that can be trusted and understands the issues surrounding their undocumented status.

In addition to the climate of the broader community and the campus community, undocumented students (many of whom are first generation) are faced with the climate of

their own personal community of friends and family. Many are not familiar with the importance of college, what it takes to succeed, and how it might change them. Even when the home community does value higher education, they often do not know what it means or what it takes to be supportive. When one participant told friends back home, who knew her status about her desire to go to college, they said:

Flora: “What are you talking about? You’re being dumb; you don’t have papers. You’re thinking that you can do something that is impossible.”

Many of the participants interviewed, as is the case with most undocumented students, come from communities that, if not predominately Hispanic, are significantly more diverse than that of Western’s campus.

TN: “What surprised you the most about college, about Western?”

Dolores: “I think, that there was no Mexicans. I kind of felt like a fly in a cup of milk. Back home even though we are considered a minority, we’re really not and over here we really are.”

Angela: “The lack of diversity. Like, they say it is diverse, but it isn’t. Well, it is and it isn’t. It isn’t when you compare it to back home...I was scared to leave home because it’s a small Latino population and I knew I was going to a place where there wasn’t any. I was scared about getting out of my comfort zone.”

Cano: “What surprised me the most was probably the diversity. Over in the eastside it’s mostly Hispanics. Coming here it’s very diverse (meaning mostly

White) and I really didn't know what to do... The hardest thing has been getting used to the place, the food, and the people. Over in [home town] I never spent the night at anyone's house."

In the next section, the impact of the family is discussed in a number of contexts, but for now the community climate the students have to deal with beyond their immediate family is examined. This climate can at times be supportive or discouraging, and the adjustment to living away from family can be difficult. The participants had this to say about living away from home:

Estella: "He [boyfriend] was a really big person who would help. He would threaten me, he would say 'I'm going to tell the principal or I'm going to call your PO (Probation Officer).' He made me go to class all the time."

Dolores: "I had never been away from home. I didn't realize how hard it was going to be.[Friend] even told me later on, she said, 'I really thought you were going to leave first quarter.'"

Flora "I was very concerned about leaving my family. I've never left my family. My dad never let me spend the night at anyone's house. It was really hard. In my dorm I was [home] sick for the first quarter. I wouldn't eat. It was so bad that my meal plan I had 40 meals left at the end of the quarter. I was sad for a really long time."

Cano: *(Discussing mom's interaction with her co-workers)*. "He goes to Western. And the ladies next to her were like 'Where, Western? No way that's impossible, because my daughter has papers and she wasn't admitted there.' And since then they don't talk to my mom. Every so often when I go back there and see them, they look at me kind of weird. So my mom, she feels kind of proud that I go to one of the best schools in the state."

Estella: "My mom thinks that it is easy to get an 'A'...she puts a lot of pressure on me. She constantly, no, they constantly call me and would say, 'This person called me today and asked me if you were pregnant or if you dropped out of school or if you've gone with your boyfriend yet. If you're planning to dropout then just kill me now.'"

Once on campus, students had to form new communities and support structures. These core contacts were made up of students and key professionals on the campus. For many of these students having a key contact on campus was an important part of their ability to succeed. Other research on undocumented students attending college talks about this as an "Encouraging Significant Other" (Hamilton, 2006). Participants in this research talk about the importance of core contacts and an Encouraging Significant Other.

Angela: "I met [admissions counselor]. I met people from other schools and kept in contact with them, but Ana was actually the one who helped me and was there for me. I got the confidence that I could count on her there. Then I met you."

Flora: “I had so many contacts here. I met you and I just got along with you really good. I could tell you that I am a 1079 student without being threatened, ‘Is he going to tell on me?’”

Baca: “Like I said it wasn’t until I met you my freshman year of college when you said it was possible that you could help us. If I wouldn’t have met you I can guarantee right now that I would not be in college. Guarantee!”

Cano: “I guess we undocumented people, we tend to click more, socialize more because we have more things in common”

Like for all students, it is important for undocumented students to develop a community and become integrated into the college campus. In addition to developing a network of friends and contacts, because of their lack of legal immigration status, these students found it important to also find a person they could trust. It is important that the community and individuals that they cultivate be supportive and understanding of their situation and the challenges they face at college.

Motivation - Each of the students had a variety of motivating factors that prompted them along in their quest for higher education. The notion that others were counting on them to succeed was a reoccurring theme. Each of these students seemed to be motivated by the sense of others, whether that is as a role model, helping others, or those *others* who helped to support them and make college possible:

Angela: “For me it was my nephews and nieces and like how they look up to me. I don’t know maybe it’s just like being a role model for them.”

Cano: “What kept me motivated was my mom basically. Because I see the way she wakes up at 5:00 in the morning and then comes back at 9:00 [pm], hardly ever sees me, and so I really don’t want to live that life. It hurts a lot when you don’t really ever see your mom and especially when you don’t have a dad, it’s pretty hard. What I’m trying to do is give her a life that she never had and to do so I need to go to college and be somebody in life”

Baca: “I have so many people depending on me. Aside from the fact that they’ve invested time and money to me being here I feel like [pause] I never really thought about failure to be honest. I never really pictured myself in that category. That’s the thing, I don’t have that option. I can’t fail.”

Estella: “Because the teacher there really gave me a second chance. I was like, all I have to do is go to school and I have all these opportunities.”

Dolores: “There’s been so many times I really felt like stopping, like my dad said, ‘It’s good enough,’ but then I think, ‘Is it?’ and it’s not. I always think about the people I’m going to end up helping. I think that’s what keeps me going. And then I think about all the people who have helped me get here, I can’t let them down.”

Estella: “I still mentor some of the girls who are in my high school. Sometimes I feel it is a responsibility. I’m like, if I fail, they’ll all be, ‘Estella. didn’t do it.’ I go back all the time. They think it’s pretty cool. Now instead of thinking, ‘Oh yeah, she beat up this girl.’ It’s like, ‘Estella is in college and she’s doing this and that,’ and it motivates me”

Flora: “I know that my sisters are looking up to me and if they see me fail college then they can say, ‘She can’t really demand anything from me if she didn’t do it.’ So my authority towards them is dependent on whether I do well in school or not.”

Family

In reviewing the transcripts of the interviews five sub-themes were identified under the category of family. These were: safety and security, family finances, integration, attachment and support for higher education. There is little doubt that for most students, family plays a significant role in their lives. For undocumented students the role of the family is intensified and often more critical for both the student and the family.

Safety and security of family -As mentioned earlier, it critical to understand that undocumented individuals “live in the shadows.” By drawing as little attention as possible to themselves and their status, they reduce the risk of being discovered and deported. By attending college, signing the affidavit, applying for scholarships, and

leaving the security of their home community, these undocumented students noted that they are stepping out of the shadow, no matter how careful they are. Undocumented individuals must be ever vigilant to protect their ability to stay in the United States. To be discovered, puts not only themselves in jeopardy, but can also threaten their entire family. Most families will develop routines, systems, and community to help them to avoid detection. When individuals leave the security of that community and venture into the world of higher education, they are faced with additional risks. Some of these worries include:

Estella: “I told him I don’t want to put my whole family at risk [by going to college]. This risk I’m taking by myself and if something goes wrong I don’t want my whole family to suffer.”

The sister of Cano who had just been detained by ICE asked, “I know this probably isn’t a good time to ask this, but do you think they will come after us now?” (Personal communication, June 7, 2007).

Family finances - The majority of low-wage immigrant families have household incomes that are in the lowest socioeconomic class, earning less than \$15,000 per year (Capps, Fix, Passel, Ost, & Perez-Lopez, 2003). The cost of attending college and these students’ inability to qualify for most financial aid has already been discussed. What is important to keep in mind is that like so many low-income families, undocumented families also depend on the income of the student to help support the family. Undocumented families are also faced with additional expenses that families with

appropriate immigration status are not. For example, there is the cost of securing documentation to work from outside sources, the cost of legal and immigration advice.

Students in undocumented families contribute to the household in a variety of ways. Like so many low-income families, the working age children in those families are expected to contribute financially to the household. When a student goes off to college, it can have a negative effect on the finances of these low-income families. Still, in most other cases, federal, state, and institutional financial aid will at least help to defray the cost of the education itself, which is not the case for undocumented students. Often in the safety and security of their home communities, these students are able understand that community's system, more easily assess the risk, and find work. To attend college, many of these students must move away from the security of their home community, thereby making it much more difficult, if not impossible, to find work. Nevertheless, attending college can have a serious fiscal impact on these students and their families. This was especially true of those students whose families run a small business:

Estella: "What I did was the piñata sale. It's like the whole process. Someone does the molds, someone does the cones, then someone puts the color on it, and then someone else puts the hanging strips on it. We would make like 100 piñatas a day. It was intensive work after school; I guess you could call it a job."

Baca: "What happened was that I contributed with my dad, not necessarily financially, but I would go in and work with him for free, not for money. Just because it is a responsibility everybody has with the family."

Undocumented students and their families are faced with a number of additional expenses due to their status that can have an impact on the student. Many of the families

are attempting to navigate the complex maze that is the immigration application process. With limited English skills and lack of familiarity with the system and how it works, participants report that the experience can be expensive and frustrating, and often requires the student to help translate and interpret. In the meantime, these families and students must work to support themselves. All of the participants had a Social Security card, Social Security number, and/or other working documents. Some were admittedly fake, others the participants weren't sure if they were legitimate or not, still they were not willing to investigate further and were content to leave well enough alone. In either case, securing these documents can be expensive. On average the participants reported the cost could range between \$100 and \$400. These documents appear to have been bought on the black market from less than scrupulous individuals. In addition to the cost securing illicit work documents, not to mention the risks and dangers of dealing with the black market, there was also the cost of trying to establish legal status through conventional means.

In discussing a student's recent deportation and reentry into the country, the cost was definitely an issue. The fee paid to the *coyotes* (smugglers) was more than \$2,500 (personal communication, June 25, 2007). In addition to the cost of simply getting back across the border, this individual still had to negotiate transportation and the cost to return to Washington.

Integration - Children of new immigrants to the United States and other countries have long played the role of the transitional generation. These young people are required to be the translator of the language and the interpreters of the culture for their parents and other family members. The role the participants of this research had to play is no different

then the generations of other immigrants before them. Again, the difference for these students is their immigration status in addition to the loss of support for their family.

What follows is what several of the participants had to say about this topic:

Baca: “I suppose they [my parents] were most affected from an educational stand point, because my mother was unfamiliar with a lot of things. I was constantly having to go over to her house and take her places and make calls for her. I’d have to go in and take care of the insurance policies, make sure everything is in order and that she is filing her taxes and that she gets into contact with the right people.”

Dolores: “I was always the main translator and now my sisters don’t always want to do it. But you know that really helped because I started translating even before I knew the language. It was kind of funny, it was just the little words that I had learned in school and they’d have me go to the store and they’d say, ‘ask for this.’ But I don’t know how to say that word, so I started by describing things like ‘the little round thing over there.’”

Estella: “I started school here, and I learned English really pretty fast, and I had to be the translator. Even now sometimes, they [parents] speak English but there are still a lot of words that they’re surprised of. I have to translate a lot for my family, my aunts and stuff. They call me and ask, ‘Can you come to the hospital or can you do this? Can you do that?’”

Attachment - The issue of attachment with parents was important for these students. In many of these cases, the parents had to leave their children behind with other family members so that they could come north to secure employment before sending for them. Depending on what age the child was when this happened the separation had a dramatic impact on the child and their relationship with the parent.

Each of the students talked about the adjustment that they had to make from Mexico - where many of them lived with a large extended family - to the United States, where they didn't have the same type of extended family support.

Grace: "Back in Mexico, I was raised by my grandma and my aunt, because my parents had to work so much. I remember I was always like 'When's grandma coming? When am I going to see grandma?' because she was the one I was closest to. That kind of led on to even when I got older. I was never really able to get close to my parents, because I think I missed that beginning bond."

Angela: "I didn't know my parents were my parents. I thought my aunt was my mom. I was an only child then. It took me until I was like ten to get used to my parents."

Baca: "Most of them are still in that same little town. My dad has ten brothers and sisters, and my mom has nine. My cousins are all down there, and there's a lot of them. I haven't seen any of them. I don't even recognize them any more and they don't recognize me. My grandma does. I would love to go back down there and just visit and see my family"

Gloria: “Mostly I remember being with my family. That was a big transition for me. I went from being around many people, like my cousins, my uncles, and my aunts to just being around my mom. It was a big change for me.”

Cano: “Seriously, one of my big dreams is to eventually go back to Mexico. I have so much family over there that I don’t even know.”

Support of higher education - preparing for college can be a complex and confusing experience for any student. Understanding the college admissions process; the entrance exams; college preparatory classes; and researching, selecting, and applying to college can be a confusing and complicated activity for the entire family. Research shows that access to this information is not always available (Erisman, & Looney, 2007; U. S. Department of Education, 2006d).

In addition to the preparation for college, families can play an important role in supporting a student fiscally and/or emotionally once they are enrolled (Berkner, Wei, He, Lew, Cominole, & Siegel, 2005; Pryor, Hurtado, Korn, & Sharkness, 2008). For many of these students, their families’ household income limits the amount of financial support that can be provided. While all the students in this study talked about their families being supportive of their educational goals, the reality did not always match seamlessly. Like so many other parents who never attended college and do not understand the college experience, they want to be supportive, but they often just do not know how:

Dolores: “At first my dad wasn’t too happy about me coming here. He actually said to me after I graduated from community college, ‘Why do you want to go to school? It’s like you’ve already had like two graduations, you’ve already achieved more than any of us will achieve.’ And then he looked at me and said, ‘You’re not working out in the fields. You have a good job... I don’t understand why you can’t be satisfied with what you have?’...It took me a while but he has been supportive.”

Dolores: (*On discussing being put on the wait list for graduate school*). “My parents were almost happy about it because I wouldn’t have to go away or whatever. I was mad because my sister opened my mail and they actually called me and said, ‘Yeah, I guess you didn’t get in.’”

Cano: “She [mom] was kind of joking, she said, ‘I really don’t want you to leave. Why don’t you just stay here and work, buy your own car, and just live here.’ I know she was joking, but I think a part of her really wanted me to.”

The lack of understanding of parents of the college experience may stem from unfamiliarity with higher education. Here is what one participant said about her parents’ educational experience:

Estella: “My dad, he dropped out when he was young like 15 or 16 [years old]. They didn’t really know about things in the U.S. They said ‘You’re the only one

that knows what you have to do.’ And I didn’t know what I was supposed to do because we had crappy counselors. The graduation rate is really low.”

Chapter Summary

In summarizing the data collected from the interviews with undocumented students attending Western Washington University, three broad themes emerged. These themes included immigration status, education, and family. While they have been categorized as separate themes, each is closely related to one another and each has a number of subcategories. It would be difficult to consider any of the broad themes or subcategories separately, as they intertwine closely to create the complex fabric that is these undocumented students’ lives as they attend college and make their way as adults. For example, to consider a student’s immigration status without considering the impact it might have on that individual’s education and the impact that education might have on the student’s family is difficult. A student’s immigration status can have a considerable impact on his or her education because of financial aid, threats of deportation, and the attitudes of the higher education community. Pursuing higher education requires these students to step out from the shadows. In doing so, they risk exposing their status as well as their family’s. When their status is exposed, it threatens the entire family’s ability to stay in the country.

From the institution’s standpoint, considerations have had to be made to comply with the *HB 1079* legislation. In light of *HB 1079*, institutions have had to re-think their outreach, application, and enrollment process. Retention of these students has also given

institutions cause to examine the resources and services available on campus. These will be discussed further in the next chapter.

CHAPTER 5: INSTITUTIONAL AND SYSTEMATIC ISSUES

The Constitution of the state of Washington is clear in its commitment to education. Section 1 of Article IX on education states, “It is the paramount duty of the state to make ample provision for the education of all children within its borders, without distinction or preference on account of race, color, caste or sex” (Washington State Constitution, 1889). With that statement as a backdrop, in 2001 Governor Gary Locke signed into law *HB 1079, The Student Residency Tuition Adjustment Act*. This legislation took into consideration an individual’s domicile and high school attendance when determining a student’s residency for college tuition purposes without regard to their immigration status. While this statute made it possible for certain undocumented students to attend a public college or university and pay instate tuition, it did nothing to adjust the individual’s immigration status nor did it provide for any educational financial aid.

The fact that students who take advantage of this opportunity are still in the United States without proper authorization is at the heart of this research. Without authorized immigration status, undocumented students are faced with a number of unique issues and concerns. This chapter discusses the issues and concerns of undocumented students attending Western Washington University and how they might relate to other institutions. In accommodating these students, the institution itself is faced with a number of implications from this legislation.

The practice of allowing certain undocumented students to attend public colleges and universities as instate residents for tuition purposes is only a few years old and is limited to a small number of states. The findings of this study come from one medium-

sized university with a relatively small population of undocumented students, and so while the data may be used to inform the broader dialogue, the study's conclusions should not be seen as generalizable to the broader population of undocumented students.

The Institution

Western Washington University was originally founded in 1899 as the New Whatcom Normal School. The mission of the institution has changed over the years and so has the name. The most recent change came in 1977 when it earned its status as a university. The university is located in Bellingham, Washington, within Whatcom County, in the northwest corner of the state. The United States/Canadian border runs along the northern border of Whatcom County and is approximately 25 miles north of Bellingham. The population of the county is approximately 186,000 with 90.5% being Caucasian (U.S. Census, 2007a). A medium-sized city, Bellingham had a population of just over 71,000 residents, approximately 88% of who are Caucasian (U.S. Census, 2007b).

With approximately 13,000 students, Western is the third largest university in the state (Western Washington University [WWU], 2007a). Western focuses primarily on undergraduate education, with 93% of its students enrolled in undergraduate studies (WWU, 2007a). Table 5.1, (p. 136) outlines some of the key demographics of the university. Western has also taken a proactive approach to diversifying its student body and currently has a student body that consists of 16% students of color (WWU, 2007a). The student to professor ratio at Western is 23:1, and 77% of all classes enroll less than 30 students (WWU, 2007a).

Table 5.1: Western Washington University overview

Location	Bellingham, WA Whatcom County
Enrollment	13,000 students
Undergraduate population	93%
Gender	54% female 46% male
Students of color	15.8%
Student/teacher ratio	23:1

With this in mind, it is understood that an institution of higher education is not a static edifice. As circumstances change, the implications of those circumstances must be realized if the institution is to adapt to the new environment. In the case of undocumented students in public institutions of higher education in Washington, many of the challenges students and institutions must face are still emerging. Of those concerns that have made themselves apparent, the most effective ways to address them must still be considered.

Participants in this study have identified and expressed their concerns over the issues most important to them. These findings were divided into three broad categories: immigration status, education, and family. While there are a number of particular issues and concerns within each of these broad categories that may be best addressed at the federal, state, community, and family level, the focus of this discussion will be on the institution. More specifically this discussion will concentrate on the Division of Student Affairs within the institution.

In short, this research is a study on the access and retention of undocumented students in higher education and the role of Student Affairs. Graduation from college begins well before a student sets foot on a college campus. Persistence and retention at college has at least as much to do with outside influences as it does with an individual's

academic ability or institutional structure (Swail, Redd, and Perna, 2003). In the ASHE-ERIC Higher Education Report *Retaining Minority Students in Higher Education: A Framework for Success*, the authors identify four critical junctures in students' graduation from college: 1) academic preparation for college, 2) graduation from high school, 3) enrollment in college, and 4) persistence in college to bachelor's degree completion (Swail, Redd, & Perna, 2003).

Of these four junctures, the latter two hold the most sway in this study. The commitment of student affairs is to provide students with the support and resources necessary for a successful and positive educational experience and it is the role of student affairs to educate the whole student and integrate student life with learning (NASPA, 2007). When institutions provide the support and resources necessary to ensure a successful and positive educational experience, students will persist to graduation. While retention is primarily a responsibility of Student Affairs, Student Affairs does not have sole responsibility for student retention, faculty and the Academic Affairs Division also have a stake in student retention.

Discussed first is the juncture of enrollment in higher education. Considered here are those issues surrounding the application and enrollment process. The areas within Student Affairs most affected by these two issues are the Office of Admissions and the Office of the Registrar. Next, the discussion moves to persistence and retention. At this juncture, the focus is on those areas that provide the resources and support students rely on once they enroll on campus. Those areas within student affairs most relevant to this study include Financial Aid, Residence Life, and Student Life. Finally, although the university's External Affairs Division does not directly impact student retention per se it

is still worth mentioning the impact they may have on undocumented students. Table 5 (page 141) lays out the themes and where they intersect for the students and institution.

After reviewing and coding the interview transcripts for themes and sub-themes it was necessary to identify areas within the institution that are or may be affected by the enrollment of undocumented students. The Western Washington University Bulletin was used provided a general outline of the main categories. After an introduction to the university the bulletin is broken down into the following sections: Undergraduate Admissions, Registration, Tuition and fees, Financial aid, University Residence, Student Affairs and Academic Support Services (WWU, 2005 p. 3). These sections were reduced to two main categories: Enrollment and Retention. Student Life as part of retention included three subsections. These subsections were decided by reviewing the section in the bulletin that dealt with Student Affairs and Academic Support Services and University Academic Policies. While the first four sections addressed specific offices the subsections under Student Life were needed to capture the impact and responsibility of several offices and departments on campus.

After cross-checking the student interview codes with the university sections I reviewed my research journal, university policies, and reflected on previous conversations with students and staff to try and identify other areas that might not have been captured in the interviews. It was then that the section for External Affairs and other concerns and considerations was added.

Table 5.2: Themes and concerns

	Enrollment	• Admissions	• Registrar	Retention	• Financial aid	• Residence life	• Student Life	➤ Leadership	➤ Academic support	➤ Judicial Affairs	External Affairs	• University Police	• Other concerns & considerations
Immigration/ Status													
Deportation		X	X				X			X		X	X
Attitudes		X					X		X	X		X	
Limitation							X	X	X	X			X
Education													
Hope/Despair		X			X		X	X	X				
Cost/Fin. Aid					X	X	X	X		X			
Community climate						X	X			X			
Family													
Safety & security		X			X		X					X	X
Economic issues					X	X	X						
Attachment													
Support for higher ed.		X			X								

For these undocumented students, their immigration status is a personal characteristic that is best kept well-guarded. The fear of blackmail, exploitation, and deportation motivates them not to share this information too freely. Each of the participants knew someone who had been deported from the country by the United States' Homeland Security ICE division. Being detained by ICE not only jeopardizes the individual's ability to stay in the country, but it can also threaten the entire family. For undocumented students attending Western, the threat from ICE is more acute. Because of the university's proximity to one of the busiest border crossings districts in the country, there is a high concentration of ICE agents. As discussed earlier, during the course of this research, ICE detained and deported one of the participants. In contacting the several

other public universities in the state (Eastern Washington University, Central Washington University, Washington State and the University of Washington) and the Latino Education Achievement Project Director I found that this was the first known case of an enrolled *HB 1079* university student to be deported. However, it was not an isolated case of enrolled students from Whatcom County being deported. A 17-year-old high school student was recently detained by ICE and eventually deported to Mexico (Stark, 2007).

Whatcom County is not alone in its increased patrol by Immigration agents. Since September 11, 2001, border security across the country has increased dramatically along with the number of federal agents (U.S. Immigration and Customs Enforcement, 2006). In December 2006, federal agents detained 1,300 workers in a six-state crackdown on undocumented workers (Swarns, 2006). In June 2007, more than 270 immigrant workers and children were arrested in raids in Texas (Texas: 274 immigrants, 2007). More than 100 federal agents arrested over than 165 workers at the Fresh Del Monte Fresh Produce plant in Portland in June 2007 and (More than 165 workers, 2007) and Colorado congressman and former presidential hopeful, Tom Tancredo called on ICE, to raid a student demonstration marching in support of the DREAM Act to arrest undocumented protesters (Kim, 2007). Institutions should be aware that they could become a target of ICE raids.

Enrollment

If institutions are to adequately and sincerely serve this student population, it is important that they understand the culture of fear undocumented students must live in and how this affects them. When considering the application and enrollment process, there

are a number of issues to keep in mind. Those offices responsible for reaching out to prospective new students must decide the best approach given the sensitivity of a student's status. Institutions interested in serving these students should decide on a secure system to identify, verify, and track these students while ensuring their status is protected. To do this, a review of forms, policies, and procedures are necessary.

Admissions - The Office of Admissions at Western is responsible for the recruitment of students, the review of applications, and admission to the university. Along with the Registrar, these two offices are primarily responsible for enrollment management of the university. The following data were collected from personal experience as the Assistant Director of Admission for Student of Color Outreach from 2000 to 2005. To ensure accuracy, these data have been presented to the Director of Admission for verification.

After passage of *HB 1079*, the university had to make a number of decisions regarding the recruitment, admission, and tracking of eligible undocumented students. Each of the participants in this study voiced concern over the requirement to sign and submit an affidavit agreeing to apply to change their immigration status. The concern was not so much around being required to change their status (each has a goal of achieving permanent residence status in the U.S.). Rather their concern had more to do with formally admitting their status and thus making themselves vulnerable to identification and deportation. Anticipating the concerns students may have surrounding their immigration status and their willingness to share that information openly led to a number of questions within the Office of Admissions: How would qualified students be

identified? How would their eligibility be verified? What is the university's responsibility for tracking, handling, and archiving students' immigration status information?

In formulating a response to these questions, the Office of Admissions adopted several procedures and changes to the admissions process. *HB 1079* was signed into law in April 2003 and since April is well into the admission's application cycle, the first issue to be addressed was how to verify a student's eligibility.

The application for admissions at that time asked two questions concerning a student's residency. First, applicants were asked whether or not they were a Washington state resident. The second had to do with citizenship. The application asked students if they were a U.S. citizen or permanent resident. It was decided that if a student did not indicate that they were a U.S. citizen or permanent resident, but their high school or college transcript indicated that they were or had been enrolled in a Washington high school and had at least three years of course work in the state, they would be sent a letter explaining *HB 1079* and a copy of the affidavit to sign and return.

The following year several changes were made to the application for admissions, while other parts of the application took on new meaning. The application asked:

Are you a resident of Washington State? No Yes (If yes you must provide dates). To be a resident for tuition purposes, you must have resided in Washington for 12 months prior to enrollment and fulfill requirements in instructions.

To the following section, that asks whether an applicant is a U.S. citizen or U.S. permanent resident, a new *HB 1079* option was added:

If you have continuously resided in Washington State for three (3) years prior to receiving a high school diploma from a Washington high school and you are not a U.S. Citizen you may be eligible to pay resident tuition, in accordance with *HB 1079* (WWU, 2007b).

Students who indicated that they were *HB 1079* eligible were sent a letter describing *HB 1079* in more detail and the required affidavit to sign and return.

Applicants who applied for instate residency under *HB 1079* were assigned to the Admissions Evaluator responsible for international student applications. It was this person's responsibility to verify and track *HB 1079* students through the application process. One of the key issues of tracking of undocumented students is the creation of a unique identifier for each student.

Roughly half of the higher education institutions in the U.S. use a student's Social Security number as their primary identification number (Epstein, 2007) which can be a problem for undocumented students. While Western is not one of those institutions that use Social Security numbers as primary identification, there is a section of the application that asks for the applicant's Social Security number with the following disclaimer:

By law, providing your Social Security Number is optional, but it speeds up the processing of your admission and financial aid applications. It may also be used for educational research purposes. Releasing student information will be in accordance with all appropriate state and federal laws. Western does not use social security number as the students identification number (WWU, 2007b).

Nevertheless, the issue of Social Security numbers/cards is a sensitive issue to undocumented students. For these students anytime an application requires a Social

Security number, whether it is for a job, admission to college, or a scholarship, they must weigh the benefits and dangers of providing a number.

Registrar - Once enrolled, the Registrar's Office does use a student's Social Security number to activate their electronic universal account, necessary to conduct university business. This account provides students with a number of services, including an e-mail address and the ability to register for classes. Messages sent to this e-mail address by the university are considered official communication by the institution. For students without a valid Social Security number, their six-digit birth date is used as a substitute to activate their account. Nevertheless, the information regarding the alternative means of activating the student account is currently not readily available to students, and they must know to contact a university official to get this information.

Most college applications will have a section that asks applicants to certify the accuracy of the information they are providing. In section three of Western's application, applicants are asked to attest to the following statement:

All information included in the application for admission is accurate and complete, and may be verified with an official source. I understand that falsified information or misrepresentation will jeopardize my admissions status and enrollment privileges.

This turned out to be an issue for one of the participants. Being unfamiliar with the *HB 1079* legislation at the time of application, this participant simply ignored section of the application that asked about residency and citizenship. The application was processed and the participant was admitted without that information as an instate student.

The student came to me after speaking with an immigration attorney. The attorney informed her that not indicating her status on the application could be an issue when she applied for permanent residency. She was told that by not answering the question she had falsified the application and if this came up during her application for permanent residency process it could reflect badly and jeopardize her chances.

Another section of Western's application, which is not as common on other college applications, is a question regarding criminal conviction. If an applicant has been convicted of an offence or has criminal charges, other than a minor traffic violation, they are asked to submit a letter of explanation. Further they are instructed that, "If circumstances arise in the future that render your answers to the above question inaccurate, misleading or incomplete, you must provide the Office of Admissions with updated information" (WWU, 2007b). While this section was added to the application for reasons that had nothing to do with undocumented students or *HB 1079*, it nevertheless may have some unintended implications for undocumented students. For example if a student is deported, has he or she committed a crime? And if, after being deported, that student returns, by law they have committed a felony. Institutions with this type of clause in their enrollment policies should consider if such information needs to be reported to the Admissions Office, and if so, what the implications are for the student's status at the university.

Retention

According to Tinto (1998) when it comes to the retention of student in higher education involvement matters. "The more academically and socially involved

individuals are – that is, the more they interact with other students and faculty – the more likely they are to persist” (pg 167). Astin (1984) theorizes that “the greater the student’s involvement in college, the greater will be the amount of student learning and personal development” (pg 308). There are number of areas within the institution that affords students the opportunity to become involved and integrate into the university. For undocumented students these opportunities are not always as available. This section will look at some of the ways a student’s immigration status might interfere with their ability to get involved.

Financial aid - As is the case for many students pursuing higher education, a primary concern for the participants in this study was the cost and the funding of their education. The intent and reality of which individuals benefit most from this legislation are those undocumented students who are recent high school graduates. By definition of the U.S. Department of Education students who are less than 27 years of age, and are unmarried and have no dependants are considered dependents of their parents (NCES, 2007a). All the participants in this study and all the undocumented students enrolled at Western would be considered dependent students based on Federal Financial Aid guidelines and are full-time undergraduate students.

With the definition of a dependent student in mind, it is important to understand that nearly 64% of all dependent, full time undergraduate students in the United States receive some sort of financial aid to attend college (Berkner, L., Wei, C. C., He, S., Lew, S., Cominole, M., Siegel, P. 2005). At Western, more than 60% of all undergraduate students receive financial assistance (WWU, 2007c). The median family income for

Hispanic immigrants in the United States is \$37,2000 (Logan, 2003). For undocumented families, household income can often be much less (Passel, 2005). More than 88% of those full-time dependent undergraduates students, whose income level is less than \$32,000, receive some sort of financial aid (Berkner, L., Wei, C. C., He, S., Lew, S., Cominole, M., Siegel, P. (2005). While these figures would suggest that a large percentage of HB 1079 students would be eligible for aid, their undocumented status means that they have far less access to financial aid (as described in the following pages), which carries with it serious implications for student retention.

To clarify my understanding of the financial aid process, several conversations were had with the Director of Financial Aid at Western. One thing that all financial aid programs and scholarships have in common is the fact that they all have eligibility requirements. For the most part, all state, federal, and institutional aid requires that students be United States citizens or eligible non-citizens³. The first step in applying for financial aid for most students is to complete the Free Application for Federal Student Aid or, as it is commonly known, FAFSA. The FAFSA has two primary functions. First, it determines a student's Expected Family Contribution, or EFC, that is used to determine a student's financial need in awarding Federal need-based aid programs such as Pell grants and subsidized student loan programs. Second, FAFSA information allows institutions to determine a student's eligibility for other non-federal student aid. In addition to the federal grant and loan programs, there are state and institutional resources available to most students, as well as private scholarships and loans. Financial Aid offices

³ An eligible non citizen must have an Arrival-Departure Record from the U.S. Citizenship and Immigration Services (USCIS) showing one of the following designations: Refugee, Asylum Granted, "Cuban-Haitian entrant, status pending, Conditional entrant or Parolee (U.S. Department of Education 2006)

put together award packages (are made up of federal, state, institutional and private funds) for eligible students based on data included in the FAFSA. By completing a FAFSA, students are establishing and notifying their institutions that they are interested in receiving financial aid. If a student does not complete a FAFSA, the financial aid office will generally, have no way of knowing whether a student is eligible for or would like to be considered for financial aid. In the case of undocumented students who cannot complete a FAFSA the Financial Aid office will have no way of knowing that these students need or should be considered for aid.

Gift aid, scholarships, and grants - Each year the state of Washington earmarks more than \$159 million for student financial aid (Washington Higher Education Coordinating Board, 2007). This aid is distributed through several programs, including: State Need Grant, Educational Opportunity Grants, and Washington Scholars. Each of these programs requires that students be a resident of the state of Washington. Although the Revised Code of Washington (RCW 28B.15.012) has ten classifications of “resident student,” including the one that makes undocumented students eligible for in-state tuition, only four of these classifications are eligible for state need grants. Not one of these four classifications allows undocumented students to be considered residents for aid purposes (Higher Education Coordinating Board, personal communication, July 31, 2007).

Financial aid officials at the some four-year public institutions in Washington believed undocumented students were ineligible for state funds and thought that it may be “illegal” to use the state funds for undocumented students. In fact, “[n]one of the other four-year public institutions in the state of Washington are awarding 3.5% funds to 1079 students. They’re saying it’s illegal.” (WWU Financial Aid, personal communication,

October 24, 2005). The 3.5% funds she refers to are the calculations in the legislation that earmark state need grants (RCW 28B.15.820, Section 1, 2007).

Private aid - In 2003-2004, according to the National Postsecondary Student Aid Survey (NPSAS), a national survey conducted by the National Center for Educational Statistics at the U. S. Department of Education, more than 1,276,000 students received more than \$2.5 billion worth of private scholarships dollars (U.S. Department of Education, 2006c), and these scholarships do not include employer or institutional scholarships (such as athletics scholarships). While 1.2 million students receive these funds, this number makes up only 6.7% of the undergraduate students enrolled in college in the United States. The average scholarship amount was \$1,982 (U.S. Department of Education, 2006c). The total estimated cost to attend Western is nearly \$17,000 per year (WWU, 2007c).

Many of these scholarships have restrictions that can hinder undocumented students' ability to receive them. Fastweb is an extensive, web-based scholarship search service that allows students to use a variety of search criteria to identify scholarship and financial aid resources. This service allows individuals to use specific criteria to search more than 1.3 million scholarships worth more than \$3 billion (Fastweb, 2007). The Fastweb database was searched to get an idea of what sort of private aid was available to undocumented students (see Table 6, page 153). To narrow my search, I constructed a student sharing similar traits to the students in this research (i.e. first generation, bilingual, 3.3 GPA, general interest, non-citizen) the program yielded 41 scholarships. After carefully reviewing these resources, I found that ten did indeed require that

applicants be United States citizens or permanent residents, while six others were contests rather than scholarship competitions, leaving only 25 applicable scholarships.

Of 101 national scholarships for Latino students provided by the Congressional Hispanic Caucus Institute, undocumented undergraduate students in Washington would likely be eligible for about 25% of those listed (Congressional Hispanic Caucus, 2007). In analyzing these scholarships, those that required applicants to be United State Citizens or permanent residents were eliminated first, followed by those reserved for non-undergraduate students. Finally, scholarships reserved for specific institutions or residents of states other than Washington were removed. Nearly half of the scholarships listed by the Congressional Hispanic Caucus Institute required that the applicants be United States citizens, permanent residents, or had institutional restrictions, while another 25% were reserved for graduate students. Of the 28 scholarships that are not restricted to United States citizens, permanent residents, graduate students, or those attending a specific school, seven have financial need as a condition of their award. While the information in the listing did not say how financial need would be determined, if need is based on FAFSA information, undocumented students would be ineligible for these scholarships as well.

The Mexican American Legal Defense and Education Fund (MALDEF) has identified more than 100 private scholarships that do not require a social security number, legal residency, or U.S citizenship (MALDEF, 2007). However, more than 36 of these scholarships require that applicants be a resident of a state other than Washington or attend college outside the state of Washington. Of the remaining scholarships, 11 are awarded based on a student's financial need. Table 6 categorizes the scholarships

available or promoted through the above organizations. The first column is the total number followed by the number of those scholarships available for each category of student.

Table 5.3: Sample of scholarship awards available to undocumented students

	Total	Graduate school	Legal status or residency restricted	Institutional restrictions	Financial need	Contests/Sweepstakes	Possible scholarship
Congressional Hispanic Caucus	101	25	42	6	7	--	21
MALDEF	108	4	36	11	11	--	62
FastWeb	41	-	10	--	--	6	25

It is important to keep in mind that none of these scholarships are restricted to only undocumented students. Therefore, undocumented students applying for these awards will be competing against all other applicants regardless of status.

Nationally, there is the Hispanic Scholarship Fund, whose vision is “[t]o strengthen America by advancing higher education for Hispanic Americans” (Hispanic Scholarship Fund, 2007). In 2006-2007, this organization awarded more than 4,200 scholarships worth more than \$26.5 million (Hispanic Scholarship Fund, 2007). The Hispanic Scholarship Fund supports talented and underprivileged Hispanic youth with scholarship opportunities. Nevertheless, each of the scholarships offered through this organization requires that students be United States citizens or permanent nonresidents (Hispanic Scholarship Fund, 2007). Similarly, one of the participants in this study had qualified for a \$10,000 scholarship from the Hispanic Achievement Program, but did not receive it – possibly because of her status (see page 122).

The Washington-based College Success Foundation is one organization that has made available financial support for undocumented students. Its mission is to provide

college scholarships and mentoring opportunities to low-income, high potential students, including some of the undocumented students in this study (College Success Foundation, 2007). One of College Success Foundation's largest and most successful programs is the Washington State Achievers Program. The goals of the program are multi-pronged and include school redesign and reducing the barriers to college for low-income students. The College Success Foundation and its Washington State Achievers Program is the single biggest outside contributor in supporting undocumented students on Western's campus and could serve as a model for other funds interested in supporting such students. To be eligible for this scholarship program, the student must attend one of 16 selected high schools in the state, apply to the program, be selected and enroll in a college or university in the state. Students selected for this program are assigned a mentor, provided academic and personal support, and receive an average of \$5,000 per year (College Success Foundation, 2007). The 2007-2008 academic year saw a sharp increase in the number of undocumented students participating in this program enrolled at Western although even with the financial support of the Washington Achiever's program, these students were unable to meet their financial commitment to the university.

Even when these students do obtain such aid, the distribution of scholarship funds may be an issue for institutions. For financial aid offices to accurately administer students' financial aid award packages, it is important that they keep track of all scholarships awarded. A common practice in doing this is to have all scholarship monies deposited into the financial aid office's scholarship general account for distribution. The office then administers the scholarship funds to the students through this account. A financial aid administrator speaking at the 2006 Tomas Rivera Education Conference,

suggested that the money in an institution's general scholarship account could be interpreted as state money, thereby making undocumented students ineligible to receive it (personal journal, November 11, 2006).

Another issue concerning the awarding of scholarships to undocumented students comes at the other end of the award. Universities are required by law to issue students and the Internal Revenue Service (IRS) a 1098-T form. This form notifies the student and the government how much grant and scholarship money an individual received for any given calendar year. "You must file for each student you enroll and for whom a reportable transaction is made" (Internal Revenue Service [IRS], 2007). Failure to file or furnish the correct forms can result in penalties by the IRS for the institution; however, there are some exceptions to this requirement that might protect undocumented students. Unless requested by the student, an institution does not have to provide a 1098-T to nonresident alien students (IRS, 2007); however it is unclear whether or not undocumented students under *HB 1079* fit this category and if, state auditors would penalize institutions for awarding scholarships awarded to these students without filing a 1098-T. Another option may be the use of an Individual Tax Identification Number (ITIN). As mentioned earlier these numbers are issued and used by the IRS in much the same way as a social security number. To be eligible for an ITIN individuals must have a [tax] filing requirement and file a valid federal income tax return to receive an ITIN, unless they meet an exception (IRS, 2005). While ITIN policies do make an exception for foreign students, the documentation required for this exception include a "passport showing a valid visa issued by the U.S. State Department and a letter from the Social

Security Administration” (IRS, 2008, p. 7). None of the participants in this study has an ITIN.

Self-help aid, student loans, and employment - Educational student loans play an important role in making college affordable for many students. There are several federal student loan programs available to undergraduate students and their families who are United States citizens or eligible non-citizens, including the Federal Perkins Loans, Stafford Loans, and the Parent Loan for Undergraduate Students (PLUS). In 2000, nearly 60% of all graduates with a bachelor’s degree from a four-year public college had taken advantage of at least one of the federal student loan programs (U.S. Department of Education, 2001). The average cumulative amount borrowed by these graduates totaled more than \$16,000 each (U.S. Department of Education, 2001). Since all federal college loan programs require students to be U.S. citizens or permanent residents, undocumented students are not eligible for any of these loan programs.

Still, like other forms of financial aid, there are a number of private agencies willing to help students finance their education, although each institution has their own set rules and regulations to govern the awarding of these loans. The Education Resource Institute (TERI) is the largest, nonprofit sponsor of private loans for education in the United States. TERI has helped to guarantee more than \$9 billion worth of private education loans to “credit-worthy” borrowers; however to be considered “credit worthy” a student must have satisfactory credit, a residence, an employment history of at least two years, and be a United States citizen or permanent resident. While these requirements would bar undocumented students from individually accessing these loans, funds can be

released if the student has a cosigner who does meet the requirements (The Education Resource Institute, 2007). Even so, this money is offered as a loan and repayment (plus interest) is required—which is an important issue for students who may have limited access to the higher paying careers available to other college and university graduates.

Employment - In 2000, the average tuition at four-year public colleges in the United States was more than \$4,000 per year (U.S. Department of Education, 2001). When adjusted for inflation, this represents more than a 40% increase over the previous ten years (Lumina, 2002). Given this rise in tuition and the rise in the cost of other aspects of education, more and more full-time college students find it necessary to work while attending college. In 1970, 33.8% of all full-time college students worked while enrolled in college; in 2005, nearly half (49.1%) were employed (NCES, 2007b). As discussed earlier, the need to work to pay for educational expenses can be particularly problematic for undocumented students.

The students in this study noted that because it was difficult to establish secure ties within the local community they had to depend on working at home, during breaks, where it was safer for them to do so.

At the same time, some participants noted that not having proper immigration status set them up for exploitation (see p.114). Nevertheless the participants in the study talked about their willingness to deal with the exploitation simply to have a job and as a motivation to pursue their education.

Due to tight governmental regulation, on-campus jobs are out of the question for students without proper documentation. Work-study jobs, for example, are tied to federal

funding and students must qualify using the FAFSA. International students with an F1 Visa can work up to 20 hours a week on campus (EducationUSA, 2008) however undocumented students, are not eligible to work on campus as the university and its vendors must strictly adhere to the federal I-9 Employment Verification (Appendix H). This verification is part of the Immigration Reform and Control Act of 1986 (IRCA) which mandates that all employers must verify the employment eligibility status of newly hired employees (U.S. Department of Homeland Security, 2005). Failure to properly verify employee verification status can result in fines of up to \$11,000 per violation and up to six months in prison (U.S. Department of Homeland Security, 2005).

The cost of attending college can have a tremendous impact on a student and his or her family. The lack of traditional financial aid often magnifies this impact. Many undocumented students are the first generation of their family to go to college or are the first to go to college in the United States. The college process can be a challenging experience for any family, even when the parents are college graduates (U.S. Department of Education, 2006d). Nevertheless, families of undocumented students must deal with an additional financial burden when their children go off to college. Many of these families often depend on the student's income for support. In this study that dependency played out in two ways. By quitting their jobs and going to college; Cano, Dolores and Flora could no longer financially contribute to their families. The families of Baca and Estella support themselves with small independent businesses. Their going away to college reduced the amount of help they could provide their families and in doing so reduced the amount of income their families could generate.

Residence Life

At Western, 93% of all first year students and 30% of transfer students live on campus (WWU, 2006b). The office of Residence Life, on any college campus, works to create a safe and educational living and learning environment. In doing so, Residence Life must concern itself with a number of unique issues and concerns with regard to undocumented students. For the institution, undocumented students living on campus may cause some unique safety and security challenges, as well as some practical and legal concerns.

Residence halls provide learning and leadership opportunities that go far beyond that of the typical classroom experiences for students. In providing student housing and the opportunities that it brings, the university is faced with a set of responsibilities that extends beyond that of typical academic learning. Residence hall officials must be sensitive to personal and social issues of students and the implications that these may bring.

Roommate, friend, and hall mate conflicts are not uncommon in resident halls. Data from the student interviews shows serious concern about revealing their undocumented status on campus. Even if the student can generally conceal their status on campus they still face the risk of discovery. Recently, after a romantic breakup, a former partner made threats against the one of Western's undocumented students and threatened to notify ICE about this student's status. The University Police Department noted that while that the student's safety was paramount, and while they could take precautions to safeguard the student from the former partner, there was nothing the university could do to prevent ICE from coming on to campus if the threat was acted upon.

Another issue students and universities might face regarding housing is highlighted by local ordinances passed in some communities. Hazelton, Pennsylvania; Riverside, New Jersey, and 80 other communities across the country, have passed local ordinances making it illegal for landlords to rent to undocumented immigrants (Pfaelzer, 2007). Hazelton landlords are faced with fines of \$250 a day, while in Riverside, landlords can face up to \$1,000 a day for renting to undocumented immigrants. If such an ordinance were passed in Bellingham or other university communities, universities could face large fines for housing undocumented students in their residence halls.

Leadership and Student Life

Leadership opportunities and student life activities can increase retention (Pascarella and Terenzini, 2005), and while not every student chooses to take advantage of these options, undocumented student access to such opportunities highlights an important issue that can serve to alienate these students from the community designed to support them.

Western offers students a wide range of leadership opportunities and student life activities. There are student government, academic, athletic, employment, volunteer, and scholarship opportunities for students. Although these opportunities are, for the most part, open to all students, there can be requirements that make it difficult or impossible for undocumented students to participate—and consequently their retention rates could be affected.

Student government - The leadership opportunities within Associated Students (student government) and Residence Life are well known. However, because of policies that have little to do with the opportunities themselves, the ability for undocumented students to participate is limited. In both cases, these leadership opportunities are employment opportunities as well. Residence Hall Assistant and the positions on the Associated Students Executive Board are funded student staff positions and vulnerable to the employment issues highlighted earlier.

Under the policies and regulations addressing participation in the Associated Students Executive Board there is nothing that specifically bars undocumented students. However, since members of the Associated Students Executive Board are required to become university employees, they must satisfy the I-9 employment verification that every university employee is required to complete (Appendix H). This form requires that an employee show proof of their authorization to work in the United States and consequently would bar undocumented students from participation.

Further, Western's recent background check policy, POL-U5400.08 (Appendix I) that went into effect January 1, 2008, may further limit undocumented students' opportunities to participate in activities on campus, even as volunteers. POL-U5400.08 requires background checks for all external applicants for employment and some non-employees, which includes students working in security sensitive positions, volunteers, and internship placements. "Background check information will be released to personnel and external agencies on a need to know basis or when consistent with applicable law" (POL-U5400.08). Because of this policy, if the position requires a background check, an

undocumented student maybe unable to take the position even if they volunteered to do the job without pay.

Resident advisor - Residence Life provides students with other opportunities to develop their leadership skills. Resident Advisor (RA) is one of those opportunities. A Resident Advisor is an undergraduate student who is the primary resource for students living on campus. Students selected to become an RA enroll in a credit bearing class and participate in a variety of leadership training workshops. Important to this study, RAs are also state employees who receive a stipend and are compensated the cost of their room and a meal plan (WWU, 2006c).

One of the undocumented students in this study was approached by the Resident Director and asked to consider applying to become an RA. Since employment on campus is difficult for students without proper documentation the possibility of having the student “volunteer” as an RA was discussed with University Residence. The student would not be paid, but would receive the cost of the room and meal plan for their efforts. Initially, the possibility looked promising, but as the layers of the process were peeled back, roadblocks were found including the background check policy (WWU Policy POL-U5400.08). Another roadblock lay not with the university, but with the insurance company that insured the employees of University Residence. University Residence must insure all employees who have direct contact with students. According to a University Residence official, the company that provides the insurance will only insure university employees (University Residence official, personal communication, July 8, 2007).

Consequently, the student missed out on an outstanding leadership opportunity (and much needed financial support).

Other areas on campus—Admissions, Academic Advising, Tutoring Center, and New Student Program—also provide peer mentor leadership/employment opportunities and face similar concerns in providing opportunities for undocumented students.

Institutional programs - Another leadership program, Viking Leaders, recently began on Western's campus. Viking Leaders is designed to identify and support low-income, first generation students who have demonstrated outstanding leadership and help them to further develop those skills while being successful students. Some of these resources include personal mentoring and opportunities to meet and interact with upper level administration, trustees, and other key faculty and staff members. Although a number of undocumented students were initially identified for this program, none were selected since selection for this program provides students with full tuition and fees (Admissions Counselor, Viking Leaders Program, personal communication, June 21, 2007). This support is offered by first awarding students their full Pell grant and State Need Grant, and any other qualified scholarships with the university "topping up" the remainder with additional scholarship money or tuition waivers. Since undocumented students are not eligible for either federal or state grants and the university would have to bear the full brunt of the cost of tuition. Therefore taking into account the limited funds available to help low-income students it was decided that it would be more effective to help a number of students with a smaller investment rather than a few students with a large investment.

Extra-curricular activities - Participating in athletics, school clubs, student organizations, and other activities has often been a way for students to develop their personal leadership skills. Western is a member of the Great Northwestern Athletic Association. While the institutional members of this association are all schools within the United States, Western does take advantage of its location and competes against some outstanding Canadian universities, such as Simon Fraser University, located in Burnaby, British Columbia. As well, there are a number of recreational teams and club sports that compete in international competitions outside the U.S. Because undocumented students would be unable to cross the border, participation on these teams and clubs would be effected.

In addition to varsity athletics, students have a broad range of other extracurricular opportunities on campus. There are competitive club teams such as rugby, lacrosse, cycling, and debate that often travel to Canada to compete. There are also numerous academic, social, and cultural clubs and organizations on campus, and many of these organizations have regional, national, and international affiliates that have annual tournaments, meetings and conferences requiring travel, both domestic and international, making it difficult or impossible for undocumented students to participate.

While international travel can create a vexing challenge to undocumented students, so can the increased security for domestic travel through airports, bus and train stations. Participants in this study talked about their concerns related to traveling, even domestically. It should be remembered that the participant who was deported was at the bus station waiting for a bus. The REAL ID Act has made it increasingly difficult for undocumented individuals to obtain valid identification, greatly complicating their travel

(Jernegan, 2005). Whether undocumented students are traveling for athletics, academics, or personally they are concerned if they will be required to present identification and if so what sort of identification is acceptable.

Academic support - Employment and activities are not the only way in which lack of proper immigration status can prevent undocumented students from fully participating in the college experience. There are a number of federal programs designed to help low-income, first generation students to succeed in college. The eight programs that make up the federal TRiO programs are perhaps the best known, particularly Upward Bound, Educational Talent Search, and Student Support Services. Other programs such as GEAR-UP (Gaining Early Awareness and Readiness for Undergraduate Programs) and CAMP (College Assistance Migrant Program) have also helped a number of students to succeed in college who might not have otherwise. Even though many undocumented students could benefit from these programs and would be otherwise eligible to participate in them, they are unable to participate because, like all federal educational programs, they are restricted to United States citizens and permanent residents. As one of the students (Cano) in this study noted:

I was never in one of those migrant programs either, because I had never gone anywhere. Because when I thought of migrant I thought it was somebody from Mexico and I thought, ‘ Hey why don’t they include me in those programs, I’m Mexican’ but they never did.

State aid offers another complexity for university administration. In the 2007-09 Washington State Biennium budget, the university was awarded \$500,000 to help

increase the retention of low-income and/or first generation college students. While undocumented students could be seen as an important subgroup within this population, there is also the possibility that aggressively pursuing these students would result in a political backlash due to limited award opportunities (Personal Journal, April 20, 2007). However, this concern may be overstated considering that RCW 28B. 15.012 (2e) clearly defines undocumented students who qualify for instate tuition under *HB 1079* as resident students.

Academic Advising and Career Services - One of the areas within Student Life Division that matches most closely with an undocumented student's sense of hope and despair has to do with major and career choices after graduation. While the idea of earning a college degree is hopeful, the reality of their situation is distressful. With regard to academic majors and career choices, undocumented students are faced with some unique concerns. For example, undocumented students are particularly challenged if they are interested in pursuing a teaching career. In addition to the requirements for admission, "Students admitted to the Woodring College of Education must meet specific requirements throughout the course of their teacher education program to remain in the program" (WWU Bulletin, 2005, p. 319) including completing the *Institutional Application for a Teacher's Certificate, Character and Fitness Supplement*, and *Background Check*. The Washington Administrative Code requires that anyone applying for a Teacher's Certificate give proof of his or her "good moral character and fitness." To do this, a fingerprinting process has been set up with the Washington State Highway Patrol and the Federal Bureau of Investigation. This requirement makes it extremely

difficult for undocumented students to major in education and impossible to earn a teacher's certificate from the state of Washington without jeopardizing their ability to remain in the country.

Academic Advisors at other institutions, with state-certified professional programs (such as nursing, physical therapy, and child care) that may require similar background checks, must also be aware of these implications if they are to accurately advise students. It must be considered that admission to these professional and academic programs generally occurs after at least two years of prerequisite course work. If students do not have the proper advising in their first two years, they may belatedly discover their chosen professional path is unattainable because of their immigration status. Such was the case with a recent transfer student. After spending three years at a community college preparing to transfer into the College of Education and study to become a bilingual elementary teacher, she learned of the background check requirement. After exploring a number of other options, academic advisors from Student Outreach Services and the Human Services program within Western's Woodring College of Education determined that the student could earn a Bachelor of Arts in Human Services rather than her desired degree in Elementary Education (research journal, June 18, 2007). Although the Human Services program within the College of Education also requires a criminal background check, this is an institutional requirement, and they were able to do a localized background check rather than the national FBI check required for the state teaching certificate. Career Services and counseling professionals need to be aware of the options and limitations undocumented students face to help them make appropriate scholarly and career decisions.

Graduation - A student's immigration status in the United States is not affected at all by the *HB 1079* legislation. Nor does attending college or completing a degree have any direct impact on a student's immigration status. After graduation, undocumented students, like most other college graduates, are faced with three basic choices: employment, unemployment, and graduate school.

If an undocumented student chooses to continue his or her education, graduate school may still offer some unique additional challenges. Similar to pursuing a bachelor's degree, the first hurdle a student must clear is that of admission. *HB 1079* does not stipulate specifically that students who qualify for instate tuition are limited to an undergraduate degree, but this does not mean that all the barriers regarding graduate admissions have been addressed. As one of the participants of this study prepared for graduation and graduate school, it was discovered that none of the graduate schools contacted in the state were familiar with *HB 1079*. Another issue this student will have to face in graduate school is that of practical experience. The graduate program she is interested in is in the health field and requires three internships. It is likely that these internships will require a background check or some other personal verification.

Like undergraduate admission, many graduate degree programs require students to sit for standardized tests, such as the Graduate Record Exam (GRE), Medical College Admission Test (MCAT), and Law School Admission Test (LSAT). The GRE is an example of an exam where undocumented students may find cause for concern. The GRE registration form asks students to include a Social Security number as well as information regarding their citizenship (Educational Testing Service, 2006). According to the *Information and Registration Bulletin* for the GRE, if a student is testing outside their

country of citizenship they are instructed that they “MUST PRESENT YOUR PASSPORT [sic] as your primary identification document. If you do not meet this requirement ETS will automatically cancel your scores” (Educational Testing Service, 2006, p. 11). Therefore, because undocumented students may lack adequate identification, pursuing a graduate degree may be difficult if the GRE is a requirement.

In addition to these obstacles however, there are opportunities regarding graduate school worth exploring for undocumented students from Washington and neighboring states. For example, public universities in the state of Washington are members of the Western Interstate Commission on Higher Education (WICHE). This commission is comprised of 15 states in the western half of the United States who, “[w]ork together to assure access and excellence in higher education for all citizens of the West” (Western Interstate Commission on Higher Education, 2007). The Western Regional Graduate Program (WRGP) is one of a number of programs this commission makes available for students of the member states. The Western Regional Graduate Program makes available some high-quality graduate programs to students from member states at a reasonable cost, usually that of in-state tuition. The Professional Student Exchange Program (PSEP) is a similar program for graduate students in the professional fields. The Western Undergraduate Exchange Program (WUEP) allows undergraduate students the opportunity to attend a participating institution out of state and pay 150% of in-state tuition instead of the much higher out of state fees. This could mean that undocumented students in a participating state that does not have a law similar to *HB 1079* may be able to attend college in Washington, for a reduced rate. Further understanding of the policies

and requirements for WRGP, PSEP, and WUEP as they relate to undocumented students is still necessary.

Judicial Affairs - Most successful students will complete their entire academic career without ever having to deal with the Office of Judicial Affairs. Still, there are a number of issues under the Judicial Affairs purview that are worth considering in regard to undocumented students.

Two of the issues are conduct and personal emergencies. All colleges and universities have codes of conduct that address student behavior both on and off campus. In the statement of student responsibility, the Judicial Affairs Office at Western explains that:

Western Washington University students enjoy the basic rights of all members of society. At the same time, students have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. The student is expected to abide by University policies and regulations, as well as all applicable federal, state, and local laws.

Those who are charged with a violation are assured a fair judicial process and, if found in violation, appropriate disciplinary action (WWU Judicial Affairs, 2007e).

Furthermore,

516-23-330 Student violation of law: Students are expected to abide by federal, state, and local laws while on the university campus or at related programs and activities. Failure to comply with the law is a violation of the code. The university

reserves the right to take action on criminal behaviors that have an impact on the educational or administrative functions or the general well-being of the university and its members (WWU Judicial Affairs, 2007e)

This does not mean, however, that committing a crime—even a federal felony—is automatic grounds for dismissal for a student. The university, according to section 516-23-330 of the student conduct code, *reserves the right* to take action on criminal behavior, but does not require it. This is an important caveat. For example, the when Cano returned to Western after being deported, he in theory broke the law, however the university was able to exercise restraint and allow him to complete his coursework.

The issue of personal emergencies, as it relates to undocumented students, brings up some unique considerations within Judicial Affairs. Judicial Affairs is the office with the primary responsibility for emergency leaves for students. Students who are faced with a personal emergency that prevents them from completing a class or the quarter must contact Judicial Affairs to arrange to receive an incomplete or to withdraw from classes. At Western, the policy that addresses incompletes or a “K” grade is as follows:

Normally it is given only to a student who has been in attendance and has been doing passing work until the final two weeks of the quarter when extenuating circumstances beyond his or her control make it impossible to complete course requirements on schedule” (WWU Bulletin, 2005, p. 35).

The policy goes on to explain that a student must obtain a contract form from the department and negotiate a formal agreement with the instructor regarding the work to be done and a timeline. For an undocumented student detained by ICE there is the additional obstacle of communicating with faculty while being detained. The student also runs the

risk of having to reveal their immigration status to the faculty member. This once again highlights the importance of a trusted campus contact. This person could serve as an advocate for the student and help to negotiate university policies with minimum additional risk to the student.

When Cano was detained and deported the week before finals of spring quarter, it was well past the deadline to withdraw from classes. In this student's case, administrators who knew of his the situation were able to negotiate incomplete grades without revealing too many details about his status. Arrangements were made for the student to receive "K" (incomplete) grades, and the student was given a year to make up missed work.

Had this been the student's final quarter prior to graduation, the resolution might not have been so simple, however. According to Western's policies:

A student who receives an incomplete, in a required course the final quarter before graduating must complete the course within two weeks of the end of the quarter in order to graduate at that time. If the course is completed after the two weeks, the prospective graduate is subject to resubmitting the degree application, payment of another degree application fee, and registration in another course to satisfy the final-quarter-residence rule (WWU Bulletin, 2005, p. 35).

Deportation cases can sometimes last for years (U.S. Department of Homeland Security, 2007b). Undocumented individuals detained by ICE are not afforded the same rights, privileges and due process as those detained by other law enforcement agencies (National Immigration Forum, 2007). Even swift resolution of deportation cases can often take much longer than the two-week grace period allowed by the university policy,

These additional fees and tuition can put a strain on an already tight student budget and delay graduation.

Regardless of the politics and legal ramifications of this deported student's experience, there were some practical implications to this situation. This individual had completed nine weeks of a ten-week academic quarter. Like many college level classes, the final exam weighed heavily on the student's final grade. Without the final exam, the student would not only lose the credits for the quarter, but would also be penalized on their overall grade point average (which, in turn, could have an even more negative effect on admission into a major, admission to graduate school or even to just remain in good academic standing at the university). The potential loss of credit could also entail additional tuition cost and other fees related to making up lost courses.

This student's case shines a light on some of the broader issues of university policy, but it neglects some of the more subtle concerns around attendance, missed exams/assignments, emergency leaves of absence, withdrawing from a course, or withdrawing from the university that may be affected by a student's immigration status, any of which may come into effect if a student is detained or deported. Most of these policies were designed with health issues and more traditional family emergencies in mind.

External Affairs

University Police Department - Having a student detained and/or deported by ICE helps to illustrate some other possible implications for the institution that need to be considered. Just as immigration agents are familiar with the fact that a number of

undocumented workers were employed at Fresh Del Monte Fresh Produce plant when it was raided in the spring of 2006, it is likely that the Immigration and Custom officials in the state are familiar with *HB 1079*. While the likelihood of United States immigration agents conducting a raid on a university's campus seems slim, it remains a possibility that institutions should prepare for. Further, recent changes to border security proposed, among other recommendations, to train hundreds of state and local law enforcement officers to "arrest undocumented immigrants in their community" (U.S. Department of Homeland Security, 2007b). It is possible that the university administration could be involved in actions targeted at undocumented students or staff at the university, particularly since *HB 1079* creates something of a safe haven for these *adult* students. According to the Washington State Higher Education Coordinating Board, universities are required to keep students' general records for a minimum of six years (Higher Education Coordinating Board, personal communication, July 31, 2007). These include the records of applicants, as well as current, and former students, and may be accessible to judicial officials. While students generally have their privacy protected under the Family Educational Rights and Privacy Act, the extent to which this act extends protections to undocumented students, as well as who has legal access to student records, how easily they can be subpoenaed, and how are they disposed of, must also be considered by universities knowingly enrolling undocumented students.

Other Concerns and Considerations - Undocumented students and their families have developed complex methods and means to function undetected in society. These strategies require trust and understanding within a tight knit community. Applying to

college takes these students out of that community and may put them and their families at risk. All students interviewed for this research expressed concern and skepticism about the application process. They were especially concerned with the affidavit they had to sign. By signing this affidavit, students agree to file an application for permanent residency as soon as they are able (and the affidavit stays in the public sphere for up to 6 years after they leave the institution), but they also expose themselves and their family to authorities as being undocumented. In addition, while almost anyone without a criminal record is eligible to apply for permanent residence in the United States, currently, for unmarried, nondependent, adult individuals like these students, applications for permanent residency must be made from their *home* country. If taken literally, by signing the affidavit a student could be agreeing to return to their country of birth (where many have not lived for years) to submit the application for permanent residency, a process that can often take years.

Chapter Summary

The Constitution of Washington affirms the state's commitment to education for all students. The State's *Student Residency Tuition Adjustment Act, HB 1079* is a logical extension of that commitment. A goal of this study was to examine the impact of this legislation on undocumented students attending Western Washington University. Data collected from interviews with seven students revealed three major areas of impact for these students: immigration status, education, and family. Each of these main areas had several subcategories that more finely defined the participants' concerns, including deportation, attitudes, and limitations under immigration status; hope/despair,

cost/financial aid, community climate and motivation, under education; and safety/security, family finances, integration, attachment, and support for higher education under family.

In addition to the issues that undocumented students face, this study also used a variety of methods to collect additional data to identify major areas of impact for the institution. The three broad areas of impact for the institution were categorized as enrollment, retention, and external affairs. As with the participants' major areas, these too had several subcategories that brought more clarity to the issues.

There were several junctures where the issues of the participants and the institution intersect. Because undocumented students tend to come from lower socioeconomic backgrounds, the broadest of these intersections had to do with the cost of attending and financial aid. Undocumented students are ineligible for federal financial aid programs and state need grants in Washington. This lack of aid creates financial obstacles unlike those faced by most other students. For both the students and the institution, the fact that undocumented students are unable to submit a FAFSA creates a complex ripple effect when applying for or being considered for other scholarships.

Another important juncture is around the students' immigration status. For undocumented students, their immigration status is a well-guarded secret. For them this information, in the wrong hands, can put them and their entire family in jeopardy. The decision to admit their status is not taken lightly. Institutions, on the other hand, must have this information if they are to allow these students to take advantage of in-state tuition. Changes to the recruitment, admission, and enrollment procedures had to be made by the university to accommodate these students.

Another juncture came at the intersection of limitations placed on the student because of their immigration status and the institution's retention efforts. The ability for an undocumented student to fully participate in the college experience is hindered by their status. These students are unable to participate in some of the leadership and educational opportunities, academic majors, and extracurricular activities. Opportunities after graduation are also limited by their status, even as *HB 1079* might also open other doors.

Students and institutions alike must concern themselves with Judicial Affairs issues. Undocumented students face the threat of deportation, and the institution must consider how the policies set forth to address personal emergencies are applied when deportation circumstances occurs. Further, there is the issue of personal conduct. Again, institutional policies address personal conduct and criminal behavior. The university's role and responsibility when this behavior involves the illegal immigration of its students must be clarified. Similarly, there is the issue of the United States Office of Homeland Security and ICE. As this agency expands its role, the university must consider to what extent the institution will participate and cooperate with immigration authorities.

The geographical location of Western puts it in a unique situation in relation to the immigration issues of undocumented students. The faculty, staff, and students are able to take advantage of its proximity to Vancouver, Canada. The campus is located approximately 25 miles from one of the most heavily trafficked border crossings in the Northwest, and because of this there is a high concentration of ICE activity, which increases the threat for undocumented students at the university.

CHAPTER 6: DISCUSSION

“But owing to the absurd American Custom of having public-schools, the children of this population learn to speak English and even read it. So that they become too good for their lot in life” (From King Coal, Upton Sinclair, 1917 p. 36).

Rarely can a society benefit from denying its members education. More often than not, students who are seeking higher education in the United States and who are in the country without proper authorization have known only the customs and culture of the United States. Legal authorization notwithstanding, these young people have been raised and educated in the United States and, for all intents and purposes, are members of that society. In examining the issue of U.S. colleges and universities enrolling students who are in the country without proper authorization, it was understood that they faced a number of legal, social, political, and historic considerations. What is at the core of this study, however, is the lived experiences of current students and the implications for an institution of higher education to fulfill its mission. In the end it was surprising to learn from this study the extent to which these considerations impacted these students and their families. I understood that the status of an undocumented individual is guarded information. In concluding the study, I was able to understand just how guarded information is and how serious the impact of its release could be.

A common perception of undocumented immigrants in the United States is that of the young single male coming north, motivated by economic pressures. This research helps to show that this is not always the case. More than 16% of undocumented immigrants in the United States are under the age of eighteen (Passel, 2005). What was

even more surprising was that economics was not always the primary motivator for immigration. In this study a number families were motivated more by the safety of their family than by economics. This concern for the family had other unexpected impacts as well.

The role of the family and the issues of (emotional) attachment some of these students had with their family was another unexpected finding. The issues of attachment revolved around the fact that parents of immigrant children must often leave them behind, at a very young age, with extended family member until the parents could establish themselves in the United States.

From an institutional point of view *HB 1079* initially, aside from a few limitations, appeared to be a rather straight forward piece of legislation; students who met a certain set of criteria would qualify for instate tuition. But as this investigation began to evolve I quickly realized that there was much more than met the eye. The issues faced by undocumented students and institutions are like the proverbial iceberg—with the bulk of the issues hidden below the surface. From scholarships and employment opportunities to leadership and academics, just how pervasive the impact of their immigration status was is enlightening.

Western Washington University, like most public universities in the state, is committed to providing students with a strong, quality, liberal arts education. A part of that commitment is the university's membership in the American Association of Colleges and Universities (AAC&U). This leading national association is concerned with the "quality, vitality, and public standing of undergraduate liberal education" (American Association of Colleges and Universities, 1998).

It is not long in any discussion about the postsecondary education of undocumented students before the question, “What’s the use?” is raised. The question is usually couched in the logic of, “If the student is undocumented and a degree will not affect his/her immigration or employment status in the country, then what’s the use?” AAC&U’s Statement on Liberal Learning may best address this question. In part, it says:

A truly liberal education is one that prepares us to live responsible, productive, and creative lives in a dramatically changing world. It is an education that fosters a well-grounded intellectual resilience, a disposition toward lifelong learning, and an acceptance of responsibility for the ethical consequences of our ideas and actions. Liberal education requires that we understand the foundations of knowledge and inquiry about nature, culture and society; that we master core skills of perception, analysis, and expression; that we cultivate a respect for truth; that we recognize the importance of historical and cultural context; and that we explore connections among formal learning, citizenship, and service to our communities.

The ability to think, to learn, and to express oneself both rigorously and creatively, the capacity to understand ideas and issues in context, the commitment to live in society, and the yearning for truth are fundamental features of our humanity. In centering education upon these qualities, liberal learning is society’s best investment in our shared future (AAC&U, 1998).

What this statement asserts is that education is about more than any one particular field of study or a career path. Instead, education is about the pursuit of knowledge and

about understanding the world around us. Educated in this way, individuals are able to do their part within that world and enjoy a life that is fuller, regardless of their occupation.

There is little doubt that education benefits society. A study by Baum and Payea (2005) for the College Board found that college graduates tend to have lower rates of smoking and unemployment. College graduates have higher levels of civic participation and do more volunteer work, they use fewer public services, and they are less likely to spend time incarcerated.

The stated purpose of this study was to identify, describe and seek to understand the unique issues and implications for higher education of allowing undocumented students to enroll as instate students for tuition purposes. Undocumented students pursuing a college degree are faced with a number of issues. In addition to the issues and concerns faced by all students, undocumented students by and large are Latino and must also face the issues of that population (Passel, 2005). Latino students tend to be less prepared for college, have lower grade point averages, score lower on standardized tests, enroll in less competitive colleges, enroll part-time, delay enrollment, and have a lower graduation rate than the population at large (Planty, Bozick, & Ingles, 2007; Swail, Redd, & Perna, 2003; U.S. Department of Education, 2001). As Latino students, they are also faced with the historical and political fallout from generations of overt and subtle oppression, segregation, and racism, especially in regard to education. Across the United States undocumented students continue to face a unique set of challenges and barriers regarding access to, and success in higher education.

Public institutions, if they are to fulfill their obligation to prepare all students *to live responsible, productive, and creative lives in a dramatically changing world*, are also

faced with a unique set of issues and concerns with regard to helping undocumented students realize these outcomes.

The issue of immigration in the United State today is extremely complex and vexing. Education, particularly higher education, is but one small piece of a much larger national concern. The Latino population is one of the fastest growing segments in the United States (Ramirez, 2004; U.S. Census 2007c). Much of this growth can be attributed to that of new immigrants. Undocumented immigration is growing the population by an estimated 500,000 to 700,000 per year, with the bulk of this immigration coming from Latin America (Passel, Capps, & Fix, 2004). Of the estimated 12 million immigrants in the United States without proper authorization, nearly 16% are under the age of 18 (Passel, 2005). Undocumented immigrants have contributed more than \$50 billion in federal taxes between 1996 and 2003 (Everson, 2006).

Washington, unlike some other states, does not have a state income tax system. Instead, the state's principal tax source is a retail sales tax (Washington Department of Revenue, 2007). Therefore, all residents of the state, regardless of immigration status, contribute to the state's treasury. This revenue is used to fund, among other things, higher education. Contributing to the state tax base is the reason why state residents are charged a lower tuition rate to attend a college or university in Washington than students from other states.

In Washington, public colleges and universities are therefore ethically and legally obligated to allow qualifying undocumented students to attend as instate residents for tuition purposes. *HB 1079* and similar laws in nine other states across the country have provided some undocumented students with a limited opportunity to attend college and

earn a degree. While these laws have opened the door to possibility, more needs to be done if these opportunities are to be fully realized. Institutions of higher education are not in the position to directly impact the law. At best, college and universities can only be expected to follow the law. As is often the case with immigration laws, they can seemingly be at odds with other state and federal laws. We only need to look at the the IRS for an related example. On one hand, this federal agency recognizes that there are some taxpayers who are working without the proper documentation. On the other hand, they are mandated to collect the tax on individuals' income with or without proper documentation. The Individual Tax Identification Number (ITIN) was developed specifically to allow undocumented employees to file and pay their federal and state income tax. The current system is not as formal, but is similar to the *Bracero* Program of the 1940's where the Immigration and Naturalization Services joined forces with the U.S. Department of Labor and the State Department to provide farmers with cheap Mexican labor (Gamboa, 1990).

This study has fleshed out a number of issues and concerns regarding the education of undocumented students within one segment of higher education. The remainder of this discussion will explore in more detail some of those issues when the concerns of the student intersect most directly with those of the institution, particularly as they affect the division of Student Affairs. The following recommendations will help both students and institutions better consider the issues and concerns that they face.

Recommendations

In 1983, the Supreme Court, in *Plyler v. Doe*, mandated elementary and high schools across the country to educate all students regardless of their immigration status. Since 2001, ten states across the country have passed laws that allow certain students without proper immigration documentation to attend public colleges and universities as in-state residents for tuition purposes. In order for colleges and universities to do their job effectively and for students to be able to take advantage of the legal opportunities available to them, several changes need to be made.

In 2006, Margaret Spelling, the Secretary of Education formed a commission which reported on the future of higher education in the United States. While the report, *A Test of Leadership: Charting the Future of U.S. Higher Education*, is a comprehensive look at the state of higher education in the United States, several of the observations and recommendation it puts forward are also appropriate for this study (U.S. Department of Education, 2006d). The following are five recommendations stemming from data collected during this study that may help colleges and universities better serve their students and help students better prepare for their education.

First, the report recommends that, “Every student in the nation should have the opportunity to pursue postsecondary education” (U.S. Department of Education, 2006d, p. 17). The commission sees access as one of the most vexing problems facing higher education today. This problem is particularly troublesome for low-income, minority, and nontraditional students; the report states, “Many students and parents don’t understand the steps needed to prepare for college and the system fails to address this information gap” (U.S. Department of Education, 2006d, p. 18).

Recommendation I:

Increase the awareness of students, families, and institutions of the challenges faced by and opportunities available to undocumented students pursuing higher education. The students who qualify for instate tuition under *HB 1079* and similar legislation tend to be low-income, ethnic minority, and often nontraditional college students. This study shows that these students are faced with nonacademic barriers unlike many other students on campus. In addition, legislation allowing undocumented students the opportunity to pursue higher education is relatively new and many students, parents, and school officials are not aware or are unfamiliar with the law and exactly what it provides. If public colleges and universities of the state are to meet the directive of the state's Constitution, (i.e. "It is the paramount duty of the state to make ample provision for the education of all children within its borders, without distinction or preference on account of race, color, caste or sex" [Washington State Constitution, 1889]), it is important that students, parents, and education officials be made aware of the opportunities and options available.

This can be done in a variety of ways. The University of Southern California Center for Higher Education Policy Analysis has published *The College and Financial Aid Guide for AB 540 Undocumented Immigrant Students* to educate students, families, and school officials about the opportunities and options available to undocumented students in that state (Olivérez, Chavez, Soriano, & Tierney, 2006). A similar publication related to *HB 1079* should be created to outline the issues and concerns of Washington's undocumented students. This publication should also be made available online and in print to counselors, teachers, and families, in both English and Spanish.

Public service announcements should be made through various ethnic media outlets. These announcements would highlight the legislation and direct the audience where to go for further information. These announcements, along with press releases, should be strategically timed to coincide with the academic calendar. (For example, at registration time to bring awareness to the importance of academic preparedness; early in the calendar year to remind students of financial aid and scholarship deadlines; and at the end of the school year as high school students begin to prepare to attend college). In addition to information on *HB 1079*, information on financial aid, scholarships, and other college resources and strategies should be provided.

State, regional, and national professional organization can help inform education officials of the opportunities and options available to undocumented students through newsletters, journals, meetings, and conferences.

Recommendation II:

Restructure the financial aid and student accounting system to take into account the limitations placed on undocumented students due to their immigration status. Once again, the Spelling Commission recommends that “[t]he entire financial aid system be restructured” (U.S. Department of Education, 2006d, p. 19). The Spelling Commission is not alone in recognizing the importance of cost and financial aid. There are countless studies that support a strong link between ability to pay, college attendance, persistence, and graduation (Choy, 2000; NCES, 2002; Swail, Redd, and Perna, 2003).

Not surprisingly this report identifies that cost and financial aid are the biggest concern and obstacle for undocumented students pursuing a college degree. To begin to

address this issue more financial aid and resources should be made available to undocumented students. To do this organizations, institutions, state and federal governments could:

- Develop methods, in addition to the FAFSA, to determine financial need. In doing so, financial aid offices will be better able to identify those students in financial need similar to what is being done in Oklahoma, and Texas where separate applications have been developed to determine financial need for those student not eligible to complete a FAFSA. In doing so, financial aid offices will be better able to identify those students in financial need who are unable to complete the FAFSA, but are eligible for non-federal need based financial aid programs.
- Make state need grants available to undocumented students. Expanding the eligibility for the state need grant program in Washington is not a new idea. Several studies including *Washington Learns (2006)* a comprehensive review of the state's entire education system, as well as *The state of the state for Washington Latinos (Whitman College, 2006)*, and the *Washington State Commission on Hispanic Affairs Annual Report (2005)* all recommend that state need grant program be expanded. These funds are generally reserved for state residents with the understanding that these residents have contributed to the state tax base. Since that tax base is principally funded by retail sales tax, undocumented individuals have contributed equally to that base.
- A clearinghouse of scholarships could be created and maintained by a national organization such as the National Immigration Law Center or Hispanic

Scholarship Fund. This clearinghouse would consist of scholarships and educational opportunities that do not require that the recipient be a U.S. citizen or permanent resident and categorized by state. This information could be made available on a website for easy access.

- A concerted effort should be coordinated by a statewide organization such as Latino Education Achievement Project (LEAP) that could be expanded to a national effort, where by students, teachers, counselors, institutions and other organizations could educate those scholarship providers who require U.S. citizenship or permanent residency. These scholarship funds should clarify their policies for dealing with undocumented students and encouraged to consider the most qualified applicant regardless of immigration status.
- Once again a statewide organization such as College Success Foundation, whose mission it is to provide college scholarships and mentoring to low-income, high-potential students (College Success Foundation, 2007) could work with donors to develop scholarships specifically for students with financial need, but who are unable to qualify for federal and state financial aid.
- Latino families in general, have a less understanding of college than the population as a whole (Fry, 2004; Tornatzky, Cutler & Lee, 2002). For recent immigrants that understanding is likely to be even less. There are a number of ways in which a student can reduce the cost of his/her college education, such as Advance Placement classes, Running Start (college while in high school), credit load, and through coursework at community college. By educating

students, parents, and school officials about cost saving measures, undocumented students' ability to afford the cost of their education could be increased.

- The majority of Latinos in higher education are enrolled in community colleges (NCES, 2002). Community colleges offer an economical alternative to higher cost of university tuition. Community colleges and universities could strengthen and streamline their articulation agreements saving students both time and money.
- Developing a network of key support individuals at both colleges and universities could help undocumented students transition more easily from one institution to another and take advantage of other educational resources.
- Colleges and universities could design more efficient and effective payment plans for students. These weekly, bi-monthly or monthly payment plans would allow students to make smaller more regular payments and help them avoid the additional cost of late fees and interest payments.
- Banks and lending institutions could reconsider educational loan requirements and develop a program similar to the one for home mortgages run by LAT Money Centers and the Hispanic Real Estate Professionals. In this program lending institutions use an Individual Tax Identification Number and a Matricula Consular Identification instead of a Social Security number for the loan application (Hispanicpr.com, 2006). A similar practice could be used for educational student loans, so that undocumented students and their families who may qualify for the loans could then access the funds.

The cost of higher education is of concern for college most students. The system is confusing and cumbersome at the best of times. For undocumented students, because of the lack of available aid, cost is of even more concern. If institutions of higher education are going to serve these students, additional considerations need to be made. Undocumented students come from some of the lowest income families; efforts need to be made to make available to them federal, state, institutional, and private aid. Students and families need to be made aware of cost and time saving opportunities, while institutions need to consider variety of payment options.

Recommendation III:

Colleges and universities should fulfill their mission as institutions of higher education to educate all students. Institutions of higher education have a responsibility to educate their students. Federal law requires that educational institutions shall provide equal access and opportunity to all students without regard to race, color, religion, national origin, sex, or age (U.S. Department of Education, Office of Civil Rights, 2007). It is important that all students be able to pursue the education and major of their choice. The following recommendations will help the institution achieve these goals:

- Research into the type and degree of background checks required by state law and conducted by the Federal Bureau of Investigation necessary for teaching should be done. Does this background check automatically connect with ICE, putting individuals in jeopardy of deportation?
- Colleges and universities should review their student codes of conduct to resolve the inherent conflict between policies specifying strict adherence to

the law and state legal mandates giving undocumented students access to these institutions.

- Admissions advisors, academic advisors, career services professionals, and other student affairs professionals should be educated on the restrictions undocumented students face regarding courses, majors, and career options so that they are able to advise students more effectively.
- Participants in this study acknowledge the importance of having a trusted professional at the institution in which to confide. Institutions should not rely on someone taking up this role on their own accord. Instead institutions should designate an office, within Student Affairs to take lead responsibility for undocumented students. Within that office at least one position should have the responsibility of serving undocumented students as part of their job description. This position would serve as a resource for other staff and faculty with regard to the issues and concerns of undocumented students. This position could also serve to develop support network and safe community for these students.
- Institutions should review their policies and regulations to ensure they adequately address the unique needs and concerns of undocumented students. Policies concerning issues such as emergency withdraw from classes, tuition payment plans, and financial aid distributions are of particular concern. This review should result in new policies that take into account emergencies other than health and family concerns.
- Institutions should consider the role of University Police Departments in

enforcement of immigration laws. With guidance from the institution's Attorney General, colleges and universities should develop clear and concise policies in working with ICE. By not developing such policies, institutions may be facing similar legal liabilities and challenges to those faced by AT&T and several other major telecom carriers for their part in cooperating with Homeland Security to conduct warrant-less surveillance (Lichtblau, 2007). The National Association of College and University Business Officers and the American Council on Education have put together an advisory report to help institutions comply with the domestic security legislation (National Association of College and University Business Officers and American Council on Education, 2003). This report is designed to provide senior administrators with an overview of the new legislation and how it may impact intuitions of higher education. It could be used as springboard to begin developing such policies.

Recommendation IV:

Create more opportunities and options for undocumented students to pursue higher education. One of the best ways to increase opportunities for undocumented students and the nation is to pass the DREAM Act. This legislation will help to ensure qualified students earn a path to permanent residence and citizenship. Short of a comprehensive reform of the nation's immigration policies, the DREAM Act is the best hope for undocumented students. In short, if this act were to become law, it would allow those student brought to the U.S. before the age of 15 and who have been in the country for

more than five years a path to permanent residency and citizenship in the U.S. After graduating from high school, an individual would have to apply for conditional status, which would authorize them up to six years of legal residency. During that time the individual would be required to complete up to two years of college, or serve in the U.S. Military for at least two years, or participate in 1090 hours of community service. Individuals must also demonstrate good moral character by having not criminal record (NILC, 2007a). At last count, in 2005, nearly 1,000 organizations and association supported passage of the DREAM Act, including the National Association of College Admissions Counselors, the National Education Association, American Federation of Teachers, and the National PTA (NILC, 2005b). Institutions and individuals could do more by actively lobbying their congressional representatives and encourage them to support the act. Student groups could organize letter and email writing campaigns to state and federal members of congress. Staff and faculty could offer testimony and personal expertise in support of the bill. Institutions, through their boards of trustees, could pass resolution in support of the DREAM Act.

Recommendation V:

Resolve and clarify legal issues related to the status of undocumented students. This study identified numerous areas where state, Federal, and institutional policies conflicted, included completion of the Federal 1098-T, the ability of institutions to disperse funds to undocumented students, access to institutions in other states through WICHE and similar programs, and tensions between FERPA and ICE regarding access to student records.

Suggestions for Further Studies

This study examined the experiences of seven undocumented students attending one medium-sized university. This study was contextualized by the size, location, and type of institution selected, as well as the number of participants, the timing, and the duration of project. The legislation that allows undocumented students to attend postsecondary institutions as instate students for tuition purposes is relatively recent and is limited to only a handful of states, each with their own set of laws, regulations, and governing bodies. To get an accurate and complete understanding of the challenges and circumstances facing undocumented college students and the institutions that educate them, further research will be required. The following are a few areas for further consideration of study and which could provide students, families, and educators alike with a better and more complete understanding of the issues and concerns around the postsecondary education of undocumented students. It is also important to watch how the legislation regarding the education of undocumented students in the state and the nation is implemented and develops over time.

- Community colleges and technical school: The current study focused on students attending a medium-sized, master's degree-granting public institution. *HB 1079* made it possible for qualified undocumented students to attend any public college or university for instate tuition. Community colleges and technical college will have their own unique set of rules, regulations, issues, and concerns. Further study examining undocumented students in these institutional settings is needed to better understand the concerns and implications for students and institutions. Among other things, further

research could help develop partnerships between high schools, colleges, and universities.

- Graduate school: *HB 1079* was signed in to law in April 2003. The first cohort of freshmen who were eligible to benefit from the law began in fall 2004 and has not yet completed a full, four-year academic cycle. As with all successful undergraduates, graduate school maybe an option for some of the *HB 1079* students. Studies examining the experiences of undocumented students in applying to, attending, and completing graduate school are a next logical step. Graduate schools and professional schools, with their own set of policies, rules, and regulations, need to be explored if there is to be a comprehensive understanding of undocumented students in higher education.
- Employment opportunities: *HB 1079* does nothing to change a student's immigration status and neither does a college degree. If students are to fully comprehend their options, studies on immigration law needs to be done that will help develop a more thorough understanding of the opportunities and limitations undocumented college graduates face.
- Retention: As highlighted by this research, undocumented students face unique obstacles in related to their retention and persistence in college. Their road to graduation may offer insights to the retention of other students with similar experiences, specifically low-income, first generation students and students of color. The ways in which the experiences of these populations might be similar and different should be explored.

- Longitudinal study: This study provided a snapshot of seven students' lives at one particular point in their academic career and the issues faced by one administrator in one institution. A longitudinal study that follows one or more students from high school through college and beyond might offer new insights to the issues and concerns and how they might best be addressed.
- Other undocumented non-Latino students: The focus in this and other studies has been on Latino students. Considering that there are approximately two million non-Latino immigrants without proper documentation, their experiences should be examined as well (Passel, 2005).
- Athletics: Currently, none of the undocumented students attending Western are on any NCAA varsity teams, but it is possible that some future undocumented student could be recruited to play. At which time National Collegiate Athletic Association (NCAA) policies and rules will have to be examined to determine eligibility. A study to explore the opportunities and obstacles of undocumented students playing varsity sports would shed light on the national policies of NCAA as they impact undocumented students as well as the impact these students might have on an institution's sports program. Scholarships, travel and eligibility are all areas worth investigating.
- U.S. Citizens of undocumented parents: Children born in the United States are citizens of the country. With more than 12 million undocumented immigrants in the United States, there are a number of students legally in the country who are the dependants of parents who are not. Considering the complexity of

financial aid policies, as well as other federal, state, and institutional policies, these students may bring with them their own unique set of circumstances.

- **Policies:** As is evident in this study, institutional, state, and federal policies can have a substantial impact on undocumented students. In this study, much of these impacts were scenario-based, and a comprehensive policy analysis could provide a more complete and accurate legal opinion, providing institutions with grounding, ethics, and guidelines when working with undocumented students.
- **Private colleges and universities:** This research focused on a public, postsecondary institution. Private college and universities do not have separate tuition fee rates based on residency, and many of these institutions have substantial financial resources for financial aid. Future research might consider the issues and implications of undocumented students attending private colleges and universities.
- **Other States:** Currently 40 states in the United States do not provide instate tuition for undocumented students. However, this does not suggest that undocumented students are not earning college degrees in these other states. Research on who these students are, how they manage, and what motivates them would be a compelling study. These findings would benefit students and institutions alike and add a new dimension to the broader field of retention in higher education.

Limitations of the Study

Once again, the relatively short history of *HB 1079* and similar legislation is a limitation of this study. The fact that *HB 1079* was signed in to law in April 2003, and the application deadline for admission for the 2003-2004 academic year for most public universities in Washington was March 1, 2003, means that the 2004-2005 academic year was the first school year students would have been able to take full advantage of this law. Students who began college as freshmen that year have not had the opportunity to complete a full, four-year academic cycle. It should also be noted that the average Latino student earning a bachelor's degree takes almost 60 months to complete it, while the average student from the lowest socioeconomic background takes 55.9 months (NCES, Table 26, 2006). To this end, there may be other issues, implications, and concerns that have yet to be realized. Since this study is not longitudinal, it can only represent a snapshot of the experiences that these particular students and the institution have faced thus far.

Academically, the participants selected for this study do not represent a comprehensive sample of all the majors available. Since each major and academic department has different requirements for admissions and graduation, requirements can significantly limit an undocumented student's ability to be admitted to a major or fulfill the requirements for graduation. Another significant factor mentioned but not exhaustively addressed is that of licensing and/or professional membership for particular professions. The ability to be licensed or granted professional membership in some professions might be affected by an individual's immigration status in the United States. As students move through the postsecondary educational system toward graduation,

graduate school, and careers, there will inevitably be further issues and implications that have not been considered in this study.

Similarly, this study focuses on experiences at one university and the issues and implications for that institution, and it does so from a student affairs point of view. *HB 1079* makes it possible for undocumented students to attend any public, postsecondary institution: community colleges, technical schools, and universities. There are likely to be a variety of issues and implications for students at community colleges, technical colleges, and other universities that will differ from those examined here.

State governments are responsible for public higher education and although the regulations of these institutions have many similarities from state to state and many of the findings of this study can inform policy in other states, the focus on this study is limited to Washington state and particularly to one mid-sized, masters degree-granting university.

Finally, because of the way the law is written, nonimmigrant residents including international students, intra-company transferees, international exchange students, and temporary workers and their families may also be eligible under *HB 1079*. These students will have their own set of unique experiences, concerns, and issues, but they were not considered for this study.

Chapter Summary

Individuals brought to the United States as children without proper authorization, who desire a postsecondary education, are faced with a number of challenges. Given that the majority of unauthorized immigrants are from Latin America, primarily Mexico, they

are faced with many of the same historic and cultural challenges other Latinos in the country face. Some of these challenges include the historic lack of access to education, the lack of college preparation, and high drop out rates. These unauthorized immigrants come from families of low-wage workers and are often the first in their family to attempt college. Therefore, they are faced with the same challenges other low-income, first generation students face. But unlike their Latino and first generation, low-income contemporaries in college, undocumented students are faced with challenges unlike many others. In addition to the struggles that come from history, preparation, and income, these students are also faced with the threat of deportation and their constant unauthorized status. This threat is against not only themselves but also their families. Many of these students are required to step out of their comfort and safety zone to pursue a college degree, and when they do, they put themselves and their family at risk. A misstep with their immigration status information and they and their family can find themselves in a country, culture, and society with which they are no longer familiar.

The rising cost of attending college is a national concern, one with a negative effect on access, persistence, and graduation (U.S. Department of Education, 2006d). While other students and their families have access to state, federal, and institutional student financial aid, financial support available for undocumented students, is at best, limited. The barriers they face in obtaining grants, scholarships, and even employment puts a significant strain on their ability to complete their degree. Low-income families often depend on the contributions of all family members to make ends meet.

Undocumented students' families face many of these same issues, as well as, additional

financial obligations, such as legal fees to file for their status and obtaining employment documents.

Academically, these students are also faced with limited choices. There are majors, graduate programs, and educational, extracurricular, and leadership opportunities that are unavailable to them. Still, they persist and, perhaps as more federal, state, and institutional leaders begin to see the talent and perseverance of these students as an asset to be fostered, rather than a liability, institutions will become aware of the needs and challenges they face and work to ease these obstacles. In doing so, the institutions will need to become aware of how they need to change and adapt to this new landscape. By developing policies and opportunities that are more sensitive to these students' needs, institutions will simply be fulfilling their role in society.

In conclusion this study will hopefully do for the reader what it has done for me. Personally, I am moved and inspired by the commitment, desire and perseverance of these brave individuals.

The people in flight from the terror behind—strange things happen to them. Some bitterly cruel and some so beautiful that the faith is refired forever” (Grapes of Wrath, Steinbeck, 1939, p.132).

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APPENDICES

Appendix A – Washington State House Bill 1079

State of Washington 58th
Legislature 2003 Regular Session By Representatives Kenney, Cox, Fromhold, Jarrett,
McIntire, Chandler, Miloscia, Quall, Sullivan, Veloria, Chase, Hunt, Pettigrew, Darneille,
Conway, Cody, DeBolt, Delvin, Hudgins, Lantz, McDermott, Haigh, Kagi and Mastin

Read first time 01/15/2003. Referred to Committee on Higher Education.

1 AN ACT Relating to resident tuition at institutions of higher
2 education; and amending RCW 28B.15.012.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 Sec.1. RCW28B.15.012and2002c186s2areeachamendedtoread
5 as follows:

6 Whenever used in chapter 28B.15 RCW:

7 (1) The term "institution" shall mean a public university, college,
8 or community college within the state of Washington.

9 (2) The term "resident student" shall mean:

10 (a) A financially independent student who has had a domicile in the
11 state of Washington for the period of one year immediately prior to the
12 time of commencement of the first day of the semester or quarter for
13 which the student has registered at any institution and has in fact
14 established a bona fide domicile in this state primarily for purposes
15 other than educational;

16 (b) A dependent student, if one or both of the student's parents or
17 legal guardians have maintained a bona fide domicile in the state of
18 Washington for at least one year immediately prior to commencement of

Page 2

1 the semester or quarter for which the student has registered at any
2 institution;

3 (c) A student classified as a resident based upon domicile by an
4 institution on or before May 31, 1982, who was enrolled at a state
5 institution during any term of the 1982-1983 academic year, so long as
6 such student's enrollment (excepting summer sessions) at an institution
7 in this state is continuous;

8 (d) Any student who has spent at least seventy-five percent of both
9 his or her junior and senior years in high schools in this state, whose
10 parents or legal guardians have been domiciled in the state for a
11 period of at least one year within the five-year period before the
12 student graduates from high school, and who enrolls in a public
13 institution of higher education within six months of leaving high
14 school, for as long as the student remains continuously enrolled for
15 three quarters or two semesters in any calendar year;

16 (e) Any student who has graduated from high school in this state or
17 received the equivalent of a high school diploma in this state and who
18 has attended at least three years of high school in this state, however
19 a student who is not a citizen of the United States of America shall
20 submit an affidavit to the institution stating he or she has filed or
21 will file an application for permanent residency in the United States
22 at the earliest opportunity he or she is eligible to do so;

23 (f) A student who is on active military duty stationed in the state
24 or who is a member of the Washington national guard;

25 (((f))) (g) A student who is the spouse or a dependent of a person
26 who is on active military duty stationed in the state;

27 (((g))) (h) A student who resides in the state of Washington and is
28 the spouse or a dependent of a person who is a member of the Washington
29 national guard;

30 (((h))) (i) A student of an out-of-state institution of higher
31 education who is attending a Washington state institution of higher
32 education pursuant to a home tuition agreement as described in RCW
33 28B.15.725; or

34 (((i))) (j) A student who meets the requirements of RCW
35 28B.15.0131: PROVIDED, That a nonresident student enrolled for more
36 than six hours per semester or quarter shall be considered as attending
37 for primarily educational purposes, and for tuition and fee paying
38 purposes only such period of enrollment shall not be counted toward the

Page 3

1 establishment of a bona fide domicile of one year in this state unless
2 such student proves that the student has in fact established a bona
3 fide domicile in this state primarily for purposes other than
4 educational.

5 (3) The term "nonresident student" shall mean any student who does
6 not qualify as a "resident student" under the provisions of RCW
7 28B.15.012 and 28B.15.013. Except for students qualifying under
8 subsection (2)((h)) (i) of this section, a nonresident student shall
9 include:

10 (a) A student attending an institution with the aid of financial
11 assistance provided by another state or governmental unit or agency
12 there of, such nonresidency continuing for one year after the completion
13 of such semester or quarter.

14 (b) A person who is not a citizen of the United States of America
15 who does not have permanent or temporary resident status or does not
16 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
17 States immigration and naturalization service or is not otherwise
18 permanently residing in the United States under color of law and who
19 does not also meet and comply with all the applicable requirements in
20 RCW 28B.15.012 and 28B.15.013.

21 (4) The term "domicile" shall denote a person's true, fixed and
22 permanent home and place of habitation. It is the place where the
23 student intends to remain, and to which the student expects to return
24 when the student leaves without intending to establish a new domicile
25 elsewhere. The burden of proof that a student, parent or guardian has
26 established a domicile in the state of Washington primarily for
27 purposes other than educational lies with the student.

28 (5) The term "dependent" shall mean a person who is not financially
29 independent. Factors to be considered in determining whether a person
30 is financially independent shall be set forth in rules and regulations
31 adopted by the higher education coordinating board and shall include,
32 but not be limited to, the state and federal income tax returns of the
33 person and/or the student's parents or legal guardian filed for the
34 calendar year prior to the year in which application is made and such
35 other evidence as the board may require.

--- END ---

Appendix B – HB 1079 Affidavit

Washington Higher Education Residency Affidavit/Declaration/Certification

Effective July 1, 2003, Washington state law changed the definition of “resident student.” The law makes certain students, who are not permanent residents or citizens of the United States, eligible for resident student status – and eligible to pay resident tuition rates – when they attend public colleges and universities in this state. The law does not make these students eligible to receive need-based state or federal financial aid. To qualify for resident status, students must complete this affidavit/declaration/certification if they are not permanent residents or citizens of the United States but have met the following conditions:

Resided in Washington State for the three (3) years immediately prior to receiving a high school diploma, and completed the full senior year at a Washington high school,

or

Completed the equivalent of a high school diploma and resided in Washington State for the three (3) years immediately before receiving the equivalent of the diploma,

and

Continuously resided in the State since earning the high school diploma or its equivalent.

Print full name

Date of birth (mo/day/yr)

Student Identification Number (if available)

Relationship to the college or university: Applicant Current Student

Name of high school: _____

I certify that:

I will file an application to become a permanent resident of the United States as soon as I am eligible to apply. I am also willing to engage in activities designed to prepare me for citizenship, including citizenship and civics review courses.

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signature

Date

Place (city, state)

To the student: Please submit the original copy of this completed affidavit to the admissions office of the college or university to which you are applying. Faxed or e-mailed forms, or forms without an original signature, are not acceptable.

June 25, 2003 -- HECB form No. 03-01-HB1079

Appendix C – Participant Interview Questions

Participant Interview

Identifier: _____ Age: _____ Gender: ___ M ___ F

Application status: ___ Freshman ___ Transfer

Current year in school: ___ Freshman, ___ Sophomore, ___ Junior, ___ Senior

Questions:

Family

- Can you tell me a little about your family and their journey to the U.S.?
 - This question was to get a sense of their family and the role the family plays in their life. It also helps to determine the reasons for migration e.g. economical, safety, etc and the means of migration e.g. expired visa or covert crossing.
- How old were you when you came to the U.S.?
 - The length of time in the country relates directly to the feeling of belonging and being part of the society and the sense of “home” in terms of country.
- What does your family think about you going to college?
 - Family has a profound impact on students’ commitment to college. Families who are first generation may not always understand the importance of higher education and even when supportive may not always know how to best provide that support.

Status

- Can you talk a little about what you remember about your life before you came to the U.S.?
 - Try to determine a sense of belonging to birth country verses the U.S.
- What grade were you in when you started attending school in the U.S.?
 - Length of time in the U.S. Education system.
- How much of an issue was your status during high school?

- To find out if there were any issues prior to college that would prepare them for issues they may face in college.
- I know that a person's status can be a very sensitive issue; can you tell me how you deal with the issue when it comes up?
 - To get a sense of how discrete they are about their status and to learn of specific situations where it is of concern.
- What are your biggest concerns about your status?
 - What does the student see as the issues
- You signed an affidavit saying that you would file an application to become a permanent resident of the United States as soon as you are eligible to apply. Tell me what that means to you.
 - By signing this official document students are admitting their status. That must have some impact on them. Is their education more important than the risk this admission would bring?
- Have you ever been picked up? Do you know any one who has? Tell me more about that.
 - To gain an undocumented student's perspective of ICE and to try and learn of first hand experiences.

College

- What made you decide to come to college? To Western?
 - To learn about motivation and college selection process.
- When did you decide to come to college?
 - Goals and commitment for college. Commitment and stamina is important because of the obstacles they face.
- What were the things you most concerned about before you got here?
- How did you deal with them?
- How have those concerns changed?
- Tell me about the one thing that surprised you most about college.
 - These questions were trying to find out what the students saw as issues and concerns, how they addressed them and how accurate those concerns were.

Finances

- Financial aid and paying for college is a concern for most students on campus. Because of your status you are ineligible to apply for financial aid, how do you pay for school?
 - Money is a major concern for most students even with Financial Aid, The cost of college is of particular concern for these low-income students without access to financial aid.

- Do you have a job? Did you have a job back home? Tell me a little about how that works?
 - I knew most undocumented students work or have worked this question was to gain an understanding of how.

Graduation

- You know that the way the law is written now, even when you do graduate you still will not be eligible to get a job or change your status; why go to school?
 - Goals, motivation and plans.

What are your plans for after graduation?

Appendix D – Informed Consent Form

Informed Consent Form

Study: Undocumented instate students

Researcher: Tom Nerini

The purpose of this study is to learn and understand more about the issues, concerns and characteristics of undocumented students at a four-year public institution.

The research being conducted includes informal face-to-face interviews. Participants should feel free to conclude the interview at anytime, reserve the right not to answer any question and add any detail they feel is relevant. Interviews are approximately one hour in length and will be recorded with the permission of the participant. Interviews will be conducted in a setting selected by the participant, therefore no discomfort or undo risk is expected.

HB 1079, legislation that makes it possible for qualified undocumented students to attend a public postsecondary institution with instate tuition benefits, was passed in 2003. Since then the students who have taken advantage of this opportunity have had to face a unique set of challenges. This research is designed to explore those unique challenges in more detail. Results of the study can be obtained by contacting Tom Nerini at (360) 650-7424 or (604) 542-5559 or tom.nerini@wwu.edu.

By contacting Geri Walker, WWU Human Protections Administrator (HPA) at (360) 650-3220 or the Director, Office of Research Ethics at Simon Fraser University, hweiner@sfu.ca (778) 782-6593, participants may have their questions concerning procedures answered.

Participation in this research is voluntary. Participant is free to withdraw his/her consent and discontinue participation at anytime, without penalty or loss of benefits to which they are entitled. If you feel, in any way, compelled, coerced or obligated to participate in this study please check the “choose not to participate” box below. Your decision will be respected and in no way affect the services, mentoring and advising you receive.

Participants will be asked to have interviews audio recorded. If consent is given the audio recording will be transcribed with any indication of names or identifying remarks removed. Once the research is concluded the researcher will destroy these recordings. Any information that is obtained during this study will be kept confidential to the full

extent permitted by the law. Knowledge of your identity is not required. You will not be required to write your name or any identifying information on research materials. Materials will be maintained in a secure location outside the United States. I understand the risks and contributions of my participation in this study, I am at least 19 years of age and I:

agree to participate or choose not to participate:

Last Name		First Name (please print)		
City	State	Zip	Phone	
Signature		Date: mm/dd/yyyy		

Permission to use personal correspondence

I _____ have reviewed the correspondence, records and information to be used in the research by Tom Nerini. I understand that all identifying information will be removed prior to publication. I hereby give Tom Nerini permission to use my correspondence, records and information in his research.

Print Name
Signature

Appendix E – SFU Ethics Approval

FOR CONTACT IN REFERENCE TO THIS REVIEW

Application Number: 36195

Dr. H. Weinberg
Director, Office of Research Ethics
Voice: (778) 782-6593
Fax: (778) 782-6785
Mobile: (778) 999-7251
email: hai_weinber@sfu.ca

B. Ralph, Ethics Officer
Voice: (778) 782-3447
email: braiph@sfu.ca

Reference Ethics Policy 20.01: <http://www.sfu.ca/policies/research/r20-01revised.htm>

Notification of Application Status

Investigator Surname	Nerini
Investigator First Name	Tom
Investigator Department	College of Education
Investigator SFU Email	tnerini@sfu.ca
Investigator Position If Other	Graduate student, EdD Program
Title Of Research	In-state tuition for undocumented immigrant students: Implications for higher education
Supervisor Surname	Laitach
Supervisor First Name	Den
Supervisor SFU Email	dlaitach@sfu.ca
Co-Investigators	
Risk	Minimal
Approval Status	Pending REB (Blue)
Approval Date	March 14, 2007
Approval Start Date	March 14, 2007
Approval End Date	March 14, 2010
REB Date	00/00/00

<u>Grant Information</u>	
Submitted To Agency For Review	No
Approved Subject To Ethics Approval	No
Reviewed By Any Other Agency	No
Title Of Grant	n/a
Granting Agency	n/a
Grant Number	n/a
Granting Agency Program	n/a
Date Granting Agency Approval Began	00/00/00

Page: 1

Appendix F – WWU Ethics Approval

WESTERN WASHINGTON UNIVERSITY

Office of Research and Sponsored Programs

MEMORANDUM

TO: Tom Nerini, Student Outreach Services, MS 9019

FROM: Geri Walker, Director 
Office of Research and Sponsored Programs, MS 9038

DATE: April 15, 2008

PARTICIPANT : Human Participants Review – Exemption Approval

Thank you for submitting a human participant research exemption request for your research project “In-state tuition for undocumented immigrant students: the implications to higher education” for review by the Human Participants Review Committee (HSRC). The HSRC has reviewed the materials you submitted and found the project described falls into category #2 (research involving survey or interview procedures). This category is exempt from full HSRC review per 45 CFR Part 46.101(b)(1).

If the involvement of human participants changes over the course of the study in a way that would increase risks, please submit a revised protocol. If you have any questions, please feel free to call me at 650-3220.

cc: Susanna Yunker, Assistant Vice President, Student Affairs

Appendix G – Stakes Critique Checklist

Stakes Critique Checklist (Stakes, 1995, p131)

1. Is the report easy to read?
2. Does it fit together, each sentence contributing to the whole?
3. Does the report have a conceptual structure (i.e., themes or issues)?
4. Are its issues developed in a serious and scholarly way?
5. Is the case adequately defined?
6. Is there a sense of story to the presentation?
7. Is the reader provided some vicarious experience?
8. Have quotations been used effectively?
9. Are the headings, figures, artifacts, appendixes, and indexes used effectively?
10. Was it edited well, then again with a last minute polish?
11. Has the writer made sound assertions, neither over- nor under-interpreting?
12. Has adequate attention been paid to various contexts?
13. Were sufficient raw data presented?
14. Were data sources well chosen and in sufficient number?
15. Do observations and interpretations appear to have been triangulated?
16. Is the role and point of view of the researcher nicely apparent?
17. Is the nature of the intended audience apparent?
18. Is empathy shown for all sides?
19. Are personal intentions examined?
20. Does it appear that individuals were put at risk?

Appendix H – Participants' Themes

Family

- a) Translator/interpreter
- b) Support of education
- c) Impact of education on family
- d) Education putting family at risk
- e) Reason for migration
- f) Extended family in Mexico
- g) Residence urban/rural
- h) Method of migration
- i) Role within family
- j) Life with extended family
- k) Parents' level of education
- l) Family's immigration status
- m) Additional financial responsibilities

Education

- a) Elementary/high school experience
- b) ESL & English speaking abilities
- c) Held back in elem. school
- d) Major in college
- e) Freshman/transfer
- f) Goals and aspirations
- g) Paying for college
- h) Jealousy
- i) Sense of belonging
- j) Motivation/hope internal/external
- k) Campus contact
- l) helplessness/hopelessness
- m) Campus diversity
- n) Attending at all

Status

- a) Fear of blackmail
- b) Deportation
- c) Avoid suspension
- d) 1079 affidavit
- e) Social security card/identification
- f) Travel
- g) Graduate school
- h) Canada
- i) After graduation
- j) Safety in the US
- k) Authority

- l) Blissful ignorance
- m) Marriage as an option
- n) ICE
- o) Exploitation
- p) Trust
- q) Lying to friends

Appendix I: I-9 Employment Eligibility Verification

OMB No. 1615-0047; Expires 06/30/08

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-9, Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- A citizen or national of the United States
- A lawful permanent resident (Alien #) A _____
- An alien authorized to work until _____
(Alien # or Admission #)

Employee's Signature	Date (month/day/year)
----------------------	-----------------------

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____	OR	_____	AND	_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____				

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may until the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Birth (month/day/year) (if applicable)
-----------------------------	---------------------------------------------------

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.

Document Title: _____	Document #: _____	Expiration Date (if any): _____
I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.		
Signature of Employer or Authorized Representative		Date (month/day/year)

Form I-9 (Rev. 06/03/07) N

What Is the Filing Fee?

There is no associated filing fee for completing the Form I-9. This form is not filed with USCIS or any government agency. The Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at 1-800-870-3676. Individuals can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at 1-800-375-5283 or visiting our internet website at www.uscis.gov.

Photocopying and Retaining the Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Forms I-9 for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

The Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR § 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of U.S. Immigration and Customs Enforcement, Department of Labor and Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

Paperwork Reduction Act

We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: 1) learning about this form, and completing the form, 9 minutes; 2) assembling and filing (recordkeeping) the form, 3 minutes, for an average of 12 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0047.

**EMPLOYERS MUST RETAIN COMPLETED FORM I-9
PLEASE DO NOT MAIL COMPLETED FORM I-9 TO ICE OR USCIS**

Form I-9 (Rev. 06/05/07) N Page 2

LISTS OF ACCEPTABLE DOCUMENTS

LIST A Documents that Establish Both Identity and Employment Eligibility	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Eligibility
1. U.S. Passport (unexpired or expired)		1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		1. U.S. Social Security card issued by the Social Security Administration <i>(other than a card stating it is not valid for employment)</i>
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		2. Certification of Birth Abroad issued by the Department of State <i>(Form FS-345 or Form DS-1330)</i>
3. An unexpired foreign passport with a temporary I-551 stamp		3. School ID card with a photograph		3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)		4. Voter's registration card		4. Native American tribal document
		5. U.S. Military card or draft record		5. U.S. Citizen ID Card <i>(Form I-197)</i>
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer		6. Military dependent's ID card		6. ID Card for use of Resident Citizen in the United States <i>(Form I-179)</i>
		7. U.S. Coast Guard Merchant Mariner Card		
		8. Native American tribal document		
		9. Driver's license issued by a Canadian government authority		7. Unexpired employment authorization document issued by DHS <i>(other than those listed under List A)</i>
		For persons under age 18 who are unable to present a document listed above:		
		10. School record or report card		
		11. Clinic, doctor or hospital record		
		12. Day-care or nursery school record		

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

Appendix J – Western Washington University - POL – U5400

WWU, BFA, HR	Page 1 of 4
POLICY	
Effective Date: 1/1/08	Authority: RCW 9.96A020, 43.43; WAC 162-12, 357-19; 446-20; 11USC525; 15USC1681; 20USC1232
Approved by: President's Council	49CFR40; 42CFR73; EEOC Guide Sec 15
Cancels: POL-U5400.08	See Also: FRM-U5400.08
Criminal Conviction Verification For Employment	Criminal Conviction Verification Form

POL-U5400.08 CONDUCTING BACKGROUND CHECKS

This policy applies to all external applicants for employment and certain non-employees.

Definitions:

Minors – children under the age of sixteen.

Non-employees - individuals who receive no financial compensation from WWU but have a need to access university resources (e.g. phone extension, email, office space) to conduct services.

Security Sensitive Positions – positions determined to have a higher level of risk warranting a more significant background check.

Select Agents – biological agents or toxins deemed a threat to the public, animal or plant health, or to animal or plant products.

Unsupervised – when not in the presence of an approved Western employee or volunteer, or any relative, guardian of a minor or vulnerable adult to which a person has access during the course of his or her employment or involvement with the university.

Vulnerable Adults – adults of any age who lack the functional, mental, or physical ability to care for themselves.

1. Vice President For Business And Financial Affairs Will Ensure Background Checks Are Conducted

Appropriate and legal background checks will be conducted on selected:

- a. Permanent and temporary faculty hires,
- b. Permanent and temporary FLSA exempt and non-exempt professional staff hires,
- c. Permanent and temporary classified staff hires,
- d. Student employee hires in security sensitive positions,
- e. Designated volunteers and internship placements, and
- f. Other non-employee situations deemed appropriate by the university.

POLICY

Background checks will be coordinated by Human Resources in consultation with the hiring authority if applicable. At a minimum the following background checks will be conducted for employment purposes

- a. Name based criminal background check (in state or out of state as appropriate)
- b. Employment and personal reference check
- c. Required credential verification
- d. Legally required background check (e.g. police officers; select agent users)

Exception: A vice president or the President may waive background checks for some or all volunteers and/or temporary employees during an emergency situation declared by the President.

2. Vice President Of Business And Financial Affairs Will Ensure Sensitive Positions Are Identified

Human Resources, in consultation with the hiring authority, will identify security sensitive positions and determine additional background checks to be conducted based on business necessity and the safety of the university community.

Each position will be reviewed based on the level of risk and certain criterion which include but is not limited to

- a. Unsupervised contact with minors or vulnerable adults (e.g. youth programs and speech clinic clients),
- b. Access to cash,
- c. Access to confidential, critical and/or secured data (e.g. information systems professionals),
- d. Access to residence halls (e.g. custodians and youth camp counselors),
- e. Public protective safety (e.g. police officers),
- f. Operation of commercial vehicles,
- g. Access to or responsibility for pharmaceuticals, controlled substances, or select agents, or
- h. Other criteria deemed high risk to safety and security.

The security sensitivity designation and required background checks for a position of employment will be published in the approved job description.

3. Vice President For Business And Financial Affairs Will Ensure Appropriate Authorizations Are Obtained And Notifications Are Provided

Human Resources will obtain written authorization and provide notification for background checks as required by law.

Individuals who refuse to provide written authorization are ineligible for employment and/or access to university resources.

POLICY

Applicants and certain non-employees subject to background checks are required to disclose any information sought for that purpose.

Exception: Individuals are not required to disclose information regarding criminal records that have been sealed, expunged, or statutorily eradicated by a court.

4. Recipients Shall Use Background Check Information in Confidential Manner

Background check information will be released to personnel and external agencies on a need to know basis or when consistent with applicable law.

All recipients of background check information will use the information

- a. In a confidential manner,
- b. For business purposes only, and
- c. Sharing only with those who have a need to know.

Documentation collected will be maintained by Human Resources in a secured manner separate from an employee's official personnel file.

5. Hiring Officials Will Ensure Reference Checks Are Conducted

Offers of employment may not be extended to an applicant until the required reference checks, as stipulated on the job announcement, have been completed.

6. Employment Is Contingent Upon A Satisfactory Background Check

All letters of offer for employment are to state that employment is contingent upon a background check satisfactory to the university. A vice president may deny or immediately revoke employment and/or access to university resources when a background check indicates an individual would be unfit for the position or situation in question.

Any material misrepresentation or omission of relevant information is grounds for rejection of the application or termination of any subsequent employment with the university or access to university resources.

All determinations will be made on a case by case basis with regards to business necessity and in accordance to law. A criminal conviction shall not automatically exclude a person from consideration for employment or access to university resources.

7. Executive Officers And Directors Will Ensure Internal Procedures Are Established

Executive officers and directors will ensure that internal procedures are established for their respective areas in order to be in compliance with this policy by January 1, 2008.

POLICY

8. Human Resources Director Will Ensure Training Is Provided

Human Resources will provide training to all hiring departments on the Conducting Background Checks policy and procedures.