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Out of the Shadows:

An inquiry into the lives of Undocumented Latino AB540 students

By

M.D. Carmen Martínez-Calderón

A dissertation submitted in partial satisfaction of the requirements for the degree of

Doctor of Philosophy

in

Education

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge

Professor Patricia-Baquedano-López

Professor Dan Perlstein

Professor David Montejano

Fall 2010

Out of the Shadows:
An Inquiry into the Lives of Undocumented Latino AB540 Students

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By

M.D. Carmen Martínez-Calderón

Abstract

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By

M.D. Carmen Martínez-Calderón

Doctor of Philosophy in Education

University of California, Berkeley

Professor Patricia Baquedano-López, Chair

This research project lies at the intersection of immigrant incorporation, academic institutions, urban politics and U.S. law. I am interested on the role of local, state, and federal laws and policies in creating institutional conditions and fostering social networks that influence democratic politics and levels of immigrant assimilation and incorporation. To that end, I investigate the social networking ability of academic institutional actors (specifically undocumented AB540 students) based on conditions created and fostered by state and federal policy within schools. I examine the role of schools and school activities in offering opportunities and creating (or not) fertile conditions for social networking that may ultimately lead to segmented patterns of academic achievement and/or social incorporation of immigrant students and I analyze the role of undocumented AB540 students within these networks in democratic politics, more specifically in creating, re-creating, and/or re-defining legality.

For over three years, I conducted brief and in-depth interviews with 20 undocumented AB540 students and executed monthly shadowing sessions and participant observations of 6 of these student participants. I also conducted archival research, including legislative histories of immigration and education policies, and analyzed the content of coverage in local mainstream and ethnic media, including newspapers and talk-shows. Based on this multi-method research design, I argue that local, state, and federal policies create institutional conditions that offer opportunities for undocumented immigrants to latch on to social networks that may affect their levels of academic achievement and social incorporation. This in turn, helps us to understand the varying and segmented patterns of academic achievement and social incorporation of immigrant youth that continue to maintain structures of social inequality.

This project expands upon the literature on immigrant assimilation and incorporation by analyzing the benefits and drawbacks of local, state and federal laws like Plyler vs. Doe and AB540 that grant undocumented youth opportunities for inclusion and incorporation through education yet, at the same time they set limitations that often lead to social and economic barriers and consequently end up sending mixed and conflicting messages. This project also contributes to the literature on the schooling of immigrant children and youth, particularly Latino youth. In the last half-century, schooling has emerged as both – “the first sustained, meaningful, and enduring participation in an institution of the new society” and “the surest path to well-being and status mobility” (Suarez-Orozco, C., Suarez-Orozco, M., Todorova, p. 2, 2008). In schools, immigrant youth forge new friendships, create and solidify social networks, and acquire the

academic, linguistic, and cultural knowledge that ultimately sustains them throughout their journey in the U.S. This said, my project also contributes to literature on social capital as it investigates how people's social capital responds to organizational conditions and supports research that argues that social networks are "sets of context-dependent relations resulting from routine processes in organizational context" and as a result "individuals receive distinct advantages from being embedded in effective broker-organizations that both, intentionally and unintentionally, connect people to other people, organizations, and their resources" (Small, p.vi, 2009). This research also shows that many practices, resources, and information available and offered to undocumented AB540 students often result from larger factors such as policies of the state, something far removed from these students' daily lived experiences. Furthermore, this project makes a contribution to the urban politics literature by highlighting that undocumented AB540 students are a distinct type of urban political actors with a presence and influence in local politics that is different from that of other immigrants, minorities, and underrepresented groups. Finally, I believe the results of this project will help shape our knowledge of the possibilities and challenges local, state, and federal legislations provide for how we define legality, citizenship, and belonging as well as how we analyze immigrants' processes of assimilation and/or incorporation to address the diversity challenges of America's sizable undocumented Latino population.

Dedication

In honor of my parents Ruben and Aurelian Martínez,
who taught me the meaning of hard work, determination, perseverance, respeto y humildad.
Gracias por su ejemplo. Los quiero mucho!

With love to my husband Cesar Calderón and to our two beautiful kids –
Cesar E. Calderón and Cassandra X. Calderón who have shared the process and learned with me
side by side.

Thank you for the love, support, patience, and sleepless nights!
Los adoro y siempre estarán en mi corazón!

In Memory of my brother and best friend Ruben A. Martínez,
whose life was taken in a cruel act of violence shortly before the completion of this dissertation.
Su Amistad fue una inspiración y su amor una bendición!

With respect and admiration to my Sister Ma. Guadalupe Martínez-Ramirez and My brothers J.
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Para todos los inmigrantes indocumentados que arriesgan sus vidas para obtener un futuro mejor.
Para todos los estudiantes indocumentados - por su lucha por la educación y justicia social
especialmente para todos los que participaron en este proyecto – por confiarme sus historias y
dejarme entrar en sus mundos de lucha diaria para ser reconocidos como seres humanos,
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Chapter One

Introduction

In June of 2010, Harvard biology undergraduate student— Eric Balderas, 19, was detained at a Texas airport following a visit to his mother. As a child with no influence on his parents' decision to immigrate, Balderas was “illegally” brought to this country where he has been raised and educated since the age of four. But despite over fifteen years of living in the U.S., Balderas had been unable to regularize his status and was faced with the possibility of deportation. His deportation was later deferred and he was allowed to remain in the country for an indefinite period of time. According to ICE spokesperson Cori Bassett, “ICE uses its discretion on a case-by-case basis, as appropriate and has the authority to grant a deferral of a removal action based upon the merits of an individual’s case and a review of specific facts” (Davila, 2010). However, Jessica Colotl, a political science undocumented student in Marietta, Georgia, did not have the same luck. She was arrested and held in a deportation facility for 37 days after a Kennesaw State University campus police officer stopped her for a minor traffic violation. A jury in Cobb County found her guilty for driving without a license and not guilty for impeding traffic – the original reason given to her for her detention by the arresting officer. The conviction included a mandatory minimum of 48 hours in jail and deportation proceedings were only deferred for one year – the time needed for her to finish her studies (Associate Press, *Jurado culpa a indocumentada de infraccion vial*, 2010, November 11). Like Balderas, Colotl’s case has become a flashpoint in the national debate on immigration.

Immigration has been a momentous social force throughout American history and is critical to understand as both discourse and practice (Chavez, 2001). Native Americans in this country were joined by four different human flows – the original colonists, the involuntary transfer of African slaves, the great trans-Atlantic diaspora, and most recently- the flow from developing countries in Latin America and Asia. These human flows set the stage for the current realities of U.S. immigration. Like back then, these serve as a social force shaping people’s perceptions of self and the world they live in and in turn the social and political agendas that will declare the direction of immigration and immigrant policy in this country for generations to come. Today, the challenge of integrating these large numbers of immigrants remains strong as legal reformers and immigrant advocates publicize death tolls of immigrants trying to enter this country. Stories, like those of Eric Balderas and Jessica Colotl that may result in deportation and consequently in broken families, are also highlighted to bring attention to this issue. These stories are publicized as a way to draw attention to what many believe is a problem in American immigration policy. Reformers argue that the nation’s sovereign right to determine the conditions under which foreigners enter and remain in the country runs into trouble when the government expels people who have built their lives and excelled in this country and who have the potential of making great contributions to the United State’s well being. These stories are compelling to some policy makers and immigrant rights advocates as they reflect embedded normative judgments that esteem immigrant’s integration into society. Deportation, which devalues and/or cancels assimilation (Suarez-Orozco, C. Suarez-Orozco, M. & Todorova, 2008), separates families and may seem like a draconian punishment for immigrant rights advocates who struggle and fight for the rights of young immigrants who excel in this society through schooling and education.

This dissertation looks at the role of the state in shaping undocumented AB540 students' daily experiences and in creating, defining, challenging, and/or re-defining notions of legality, citizenship and belonging. I argue that local, state, and federal policies create institutional conditions that offer opportunities for undocumented immigrants to latch on to social networks that may foster academic achievement and social incorporation while shaping their perceptions about themselves and the world they live in. This, in turn, illuminates the varying and segmented patterns of academic achievement and social incorporation of immigrant youth that continue to maintain structures of social inequality.

This dissertation expands upon the literature on immigrant assimilation and incorporation by analyzing the benefits and limitations of local, state and federal laws and court cases like *Plyler vs. Doe*¹ and Assembly Bill 540 (AB540)². These grant undocumented youth opportunities for inclusion and incorporation, yet, at the same time they also set limitations that often lead to social and economic barriers and consequently send mixed and conflicting messages. It also contributes to the literature on the schooling of immigrant children and youth, particularly on Latino youth. In the last half-century, schooling has emerged as both - "the first sustained, meaningful, and enduring participation in an institution of the new society" and "the surest path to well-being and status mobility" (Suarez-Orozco, C., Suarez-Orozco, M., Todorova, p. 2-3, 2008). In schools, immigrant youth forge new friendships, create and solidify social networks, and acquire the academic, linguistic, and cultural knowledge that ultimately sustains them throughout their journey in the U.S.

Thus, this dissertation further contributes to literature on social capital as it investigates how these students' respond to organizational conditions. Building on research that define social networks as "sets of context-dependent relations resulting from routine processes in organizational context," this study demonstrates that "individuals receive distinct advantages from being embedded in effective broker-organizations that both, intentionally and unintentionally, connect people to other people, organizations, and their resources" (Small, p.vi, 2009). In short, this dissertation shows that many practices, resources, and information available and offered (or not) to undocumented AB540 students often result from larger factors such as policies of the state, something far removed from these students' daily lived experiences.

Problem Statement

Our understanding of experiences of immigrant children and youth remains limited (Suarez-Orozco C., Suarez-Orozco, M, Todorova, 2008), especially of undocumented Latino AB540 students. Researching and documenting their experiences is paramount given that immigrant youth are the fastest growing segment of the youth population in the U.S. (Landale and Oropesa, 1995) and represent the future of this country (Suarez-Orozco C., Suarez-Orozco, M., Todorova, 2008). In the year 2000, there were approximately 2.5 million undocumented

¹ Court case where the Supreme Court ruled that public schools were prohibited from denying immigrant students access to a public education. It stated that undocumented children have the same right to a free public education as U.S. citizens and permanent residents. Thus undocumented students are obliged, as are all students, to attend school until they reach the age mandated by state law.

²Assembly Bill 540 (AB540) is a state law that was passed in 2001 and allows qualifying undocumented students to pay in-state tuition at state colleges.

youth under age 18 living in the U.S. (U.S. Census Bureau, 2000). Rong and Preissle (1998), projected that by 2010, one in three children would be growing up in an immigrant household.

Today there are an estimated 12 million undocumented immigrants living in this country, 78% of whom emigrated from Mexico and other parts of Latin America (Passel, 2006). One-point-eight million of these estimated 12 million are also reported as being children under 18 years of age (Gonzalez, 2008). This reflects a decrease of 0.7 million from the estimated 2.5 million in 2000, whom may have grown into adulthood and moved on into the labor market or into the system of higher education in pursuit of a higher college education.

It is estimated that over 65,000 undocumented students graduate from U.S. high schools every year, of whom only 5 percent ever attend college (Passel, 2003). Undocumented Latino students face the same historic and social obstacles as other Latino students in obtaining access to and pursuing a higher college education, but they are also forced to deal with a number of issues and concerns related to their immigration status, about which we know little. In California, this should be of particular concern and interest given that Latinos now make up the majority of its public school students. Data released by the state Department of Education reports that Latino/Hispanic students made up 50.4% of the state's student population in the 2009-2010 academic school year (2010) and a recent guide developed by the Center for Higher Education Policy Analysis in collaboration with the Salvadoran American Leadership and Education Fund, and Malou Chavez (2010), reported that 40% of all undocumented students live in California.

Undocumented students are often members of mixed-status families. Irrespective of formal status, they pursue social inclusion, make claims of belonging and engage in society through a variety of academic and non-academic activities. But in many cases, academic institutions lack the knowledge, information, resources, and training to respond adequately and effectively to these students' needs. Therefore, given their exponential growth, education institutions, especially postsecondary institutions and community colleges in particular, must be prepared to serve them (Hagedorn & Cepeda, 2004). Failing to do so may result in a lost opportunity to nurture the talents and aspiration of these students (Perez, et.al., 2006) who may ultimately determine and lead the future of California and the U.S. and even if they don't lead, it may consequently result in greater social and economic problems that may arise as a result of having a large segment of un-educated youth within California and the greater U.S.

Legislation and Terminology

Being "undocumented" means residing in the U.S. without the legal permission of the federal government. Obtaining access to education has been a long struggle for undocumented immigrants. The 1970s marked both the beginning of state-level anti-immigration legislation in the education sphere and the emergence of legal challenges to state statutes that prohibited non-citizens from being classified as residents for tuition and financial aid purposes (Rincon, 2008). However, in 1982, in the landmark case *Plyler v Doe*, the United States Supreme Court ruled in favor of undocumented children and asserted that they are "persons" under the 14th Amendment of the Constitution and cannot be denied access to public elementary and secondary education on the basis of their legal status (Olivas 1984). Its primary reason for asserting this was 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.547)

While holding that education is not a fundamental right, the Court stressed that denying K-12 education to undocumented children amounted to creating a “lifetime of hardship” and a permanent “underclass” of individuals. However, this decision did not address the issue of universal access to higher education and may be the reason why many undocumented students, today are struggling to obtain access to a higher college education. The decision not to extend this legislative coverage to undocumented student in higher education may be due to the way higher education is funded in this country. Public elementary and secondary schools are funded entirely through local tax dollars, while public colleges and universities are funded through a combination of state tax dollars and student tuition. As a result, individual state governments control the administration of public higher education and posit that residents in each of these states should not pay the full cost of their education given that they contribute to and pay state taxes. Consequently, tuition at public colleges and universities is lower for students who are residents or meet the residency requirements within each state, while out-of-state students are required to pay significantly higher tuition rates.

Prior to the passage of this legislation, there had been three other attempts to secure in-state tuition for noncitizens. These included the 1974 suit in Mississippi known as *Jagnandan vs. Giles*, *Wong v. Board of Regents* in California in 1975, and the 1977 litigation which originated in New York documented as *Nyquist v. Mauclet* (Rincon, 2008). But it wasn’t until 2001 that undocumented students were first granted this opportunity in the State of Texas. Texas became the first state to enact legislation that makes it possible for eligible and qualified undocumented students to attend public colleges and universities at in-state tuition rates. California and eight other states, including Washington, Utah, New Mexico, New York, Illinois, Kansas, Nebraska, and Oklahoma, soon followed. Yet, only four of these states (Nebraska, Oklahoma, New Mexico and Texas) offer state financial aid to undocumented AB540 students – an important fact to consider when studies reveal that 39 percent of undocumented children live below the federal poverty level (compared to 17 percent of native-born children) and that the average income of an undocumented immigrant’s family is 40 percent lower than that of either native-born families or legal immigrant families (Passel, 2005).

California passed Assembly Bill 540 (AB540) in October of 2001 and implemented it in January 1, 2002. This piece of legislation further opened the door to access a higher education by granting qualified students the opportunity to pay in-state tuition at public colleges and universities. Thus, “*undocumented AB540 students*” are students born outside of the U.S. (many of whom have lived in this country for most of their lives) who reside in California without proper authorization from the federal government, are attending state public education institutions, and are qualified for and are paying in-state tuition.

To qualify for and take advantage of AB540, a student must have attended a high school in California for at least three years (which need not be consecutive), must have graduated from a California high school or received an equivalent degree (i.e. GED), and file an affidavit with the academic institution stating that she/he will apply for legal permanent residency as soon as he/she is eligible (Bernstein, 2006). However, it is important to note that not all students who apply as AB540 are undocumented (Huber, Malagon, and Solorzano, 2009). Any student that

qualifies under the requirements of this bill can be granted exemption from out-of-state tuition. For example, students who graduated from a California high school and moved out of state who wish to return to attend a California public college or university are eligible and may apply for AB540 status.

The AB540 benefit may not be recognized and/or acknowledged by individuals and anti-immigrant groups who have and continue to challenge this legislation in court. For example, the Federal Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 has been utilized to formulate arguments against legislations like AB540. This comprehensive legislation addresses a variety of topics ranging from border enforcement to provisions regarding mail-order brides and immigrants' access to higher education. Section 505(a) of IIRIRA specifically addresses the issue of access and tuition to public higher education for undocumented immigrants. It states,

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)

Anti-immigrant groups and individuals, including some state policy makers, have interpreted IIRIRA 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 (Olivas, 2004). As a result of these interpretations there has been a number of attacks against legislation like AB540. For example, California has struggled with the rise of anti-immigrant laws like Prop. 187. This proposition sought to ban all undocumented immigrants in the state from accessing health care, education, and other social services, but upon its passage, the courts issued an injunction to block its implementation and later found it unconstitutional. Yet, the most recent defense of AB540 was the *Victor v. UC Regents* case. On November 15, 2010 the California Supreme Court overturned an earlier provision which had held that AB540 violated state and federal law. The Supreme Court concluded that claimed violations were invalid "Because [in-state tuition] exemption is given to all who have attended high school in California for at least three years (and meet the other requirements), and not all who have done so qualify as California residents for purposes of in-state tuition, and further because not all unlawful aliens who would qualify as residents but for their unlawful status are eligible for the exemption, we conclude the exemption is not based on residence in California. Rather, it is based on other criteria... We reverse the judgment of the Court of Appeal, which had found section 68130.5 invalid on each of these grounds" (*Martinez v. UC Regents*, S167791, 2010, p.2)

It is important to note that although these laws and court rulings (*Plyler v. Doe* and AB540) offer greater access to education for undocumented students, they do not however, offer access to financial aid (with the exception of Texas, Oklahoma, and New Mexico, which offers state grants), legalization, or a path toward citizenship.

Significance of this Study

As marginalized and excluded peoples in the lower strata of society and polity of this country, undocumented AB540 students remain unambiguously situated between the boundaries of formal membership and social legitimacy while they wait and hope for the possibility of full participation. They are at once welcomed and unwelcomed. Local, state, and federal policies like the ones mentioned above send mixed and conflictive messages that all too often encourage and force them to view law and legality as a “game.” A game they perceive to be set up by the state where, with the use of resources and social capital (which may be generated from conditions created by these laws), they may at times win (like Balderas), or loose to deportation proceedings (as will Colotl).

This dissertation is situated with other studies that have documented the incorporation and assimilation processes of immigrant students – with a special emphasis on the role played by state mechanisms in shaping and/or affecting their academic achievement, college going and college completion rates, their processes of social, economic, and political participation and in turn, their self-perceptions, and notions of citizenship and belonging. It is a multi-method research project that addresses the complexities of living as an “undocumented” AB540 youth in the U.S. and explores the issues they face which arise out of conditions and perceptions created and influenced by local, state, and federal policies. This research project specifically lies at the intersection of immigrant incorporation, academic institutions, urban politics and U.S. law.

It is critical to explore and understand immigration, immigrant law, and immigration laws and policies as discourse and practice (Chavez, 2001), particularly as it applies to Mexican and Latin American immigration given that these groups come to be perceived as a national security threat in popular discourses. Thus, preoccupation has focused on the U.S.-Mexico border and on undocumented immigrants from Latin-America and Mexico, “suggesting that race and illegal status remain closely related” (Ngai, 2004, p.2). Understanding these types of policies as both discourse and practice acknowledges that “immigration is both material and ideological, and it also underscores the methodological and analytical imperative of recognizing this interconnection” (Negron, 2009, p.7).

Moreover, as discussed by Chavez (2001), these notions do not develop in a vacuum, but “emerge from a history of ideas, laws, narratives, myths, and knowledge production” (p.22). Yet, scholars who have emphasized how ideology and discourse shape policy have paid little attention to the ways that laws and policies, which are “shaped by and through discourse, in turn shape the way that people think about themselves and the world they live in” (Negron, 2009, p.7). This dissertation address these and other issues by investigating the role of state mechanisms in creating conditions that impact and/or influence processes of assimilation and/or incorporation of undocumented AB540 students.

The words and experiences of participants in this study demonstrate the complex circumstances and different situations that enable some Latino undocumented AB540 students to pursue and complete a college education. They show how students, whose lack of legal status places them at risk of arrest and deportation, can effectively negotiate and avoid the various obstacles that all too frequently push Latinos out of schools and relegate them to live a life in “the shadows” and lower strata of society. This dissertation addresses literature that claims that Latinos, and more specifically Mexicanas/os, do not value education and refuse to assimilate, and will prove that the experiences of Latino undocumented AB540 students are far more

complex than what can be explained through dichotomous typologies of success and failure adopted by assimilation models.

Through this dissertation, I challenge this prevailing dichotomy and present instead a more complex examination of how Latino undocumented AB540 students who come from rural backgrounds understand schools, schooling, law and legality, and their social position within U.S. society. Also, in addition to revealing shortcomings in the literature on Latino youth achievement this project proposes additional factors, including the importance of the role of the state and legal status, that must be highlighted when developing theories that seek to explain Latino youth achievement and trajectories of immigrant assimilation and incorporation. This dissertation shows the mixed messages sent by the state through varying laws and policies and depicts the potential impact legislation like the federal Dream Act (that seeks to enhance access to higher education and provide a path toward citizenship), can have not only on individual lives, but on an entire nation whose Latino population (many of who are “undocumented”) is expected to outnumber other foreign ethnic communities and native-born whites.

The results of this project will help shape our knowledge of the possibilities and challenges local, state, and federal legislations provide for how we define legality, citizenship, and belonging as well as how we analyze immigrants’ processes of assimilation and/or incorporation. It will highlight the resources (or the lack thereof) available and utilized by immigrants to help ease transition and incorporation processes, and it will help us better understand how to address the diversity challenges of America’s sizable undocumented Latino population, especially of its growing Latino undocumented youth, while it highlights the potential for doing so.

Research Questions

For immigrant children, the migration experience fundamentally reshapes perceptions and lives as familiar patterns and ways of relating to other people dramatically change. With no influence on their parents' decision to immigrate, they are forced to adapt to a new country and a new culture where they are ultimately raised and educated. Undocumented AB540 students have typically assimilated into the American way of life. Reports reveal that they call the U.S. their home and have become honor students, valedictorians, athletes, and even served in the U.S. military (NILC 2007). Yet, these students are faced with a lack of understanding and access to a postsecondary education, to financial aid, and with concerns for their safety and the safety of their family (Erisman & Looney, 2007). As a result, these students are faced with limited academic choices and educational opportunities. They must also deal with a political climate that is not always supportive of undocumented immigrants and negotiate varying and different forms of legal consciousness and mixed messages sent by the state that ultimately shape their experiences. Given their high and growing numbers, it is critical that we make a good effort to understand their needs and find ways to develop humane and just policies for immigrant generations to come. To this end, this dissertation asks:

How do state mechanisms influence, shape, and affect the lived experiences of undocumented AB540 students?

What are the unique issues and concern faced by undocumented AB540 students pursuing a higher college education? and what strategies do they utilize to deal with and overcome these?

By addressing these questions, this dissertation seeks to shed light on social and political means, opportunities, and/or alternatives on how to better address the needs of, and in turn incorporate, this subgroup of America's youth population. In order to do so, this study examines the experiences of successful undocumented AB540 students and adds to the growing evidence suggesting that institutional and environmental resources facilitate academic success and social incorporation among immigrant youth.

Outline of Dissertation Chapters

Chapter two provides a research narrative followed by information on research site and subjects. It presents information on participant demographics, recruitment and sampling, and is followed by a review of the ethnographic research methods utilized to gather data for this dissertation. It discusses the data sets and the type of analysis used, and concludes with a discussion addressing my role as a researcher and first generation low-income immigrant student.

Chapter Three examines the role that schools and school activities as state mechanisms, play in offering opportunities and creating (or not) fertile conditions for social networking that may ultimately lead to segmented patterns of academic achievement and/or social incorporation of immigrant students. I situate this chapter within sociological literature that theorizes notions of social capital. In particular, I use Mario Luis Small's model of the "organizational embeddedness perspective," for understanding how AB540 students "latch on" to specific social networks that provide them with valuable resources to pursue and complete a higher college education.

Chapter Four is situated in the literature on gender in immigrant studies and it investigates and analyzes the role that legal status and gender play in the gendered socialization gap. This chapter specifically looks at and analyzes how legal status coupled with gender exerts a powerful force in shaping undocumented AB540 students' experiences in different contexts/locales such as family and school. It examines the tensions that Latina/o³ undocumented AB540 students struggle with as they bring their own values and practices into and from school sites to their homes. It also offers an analysis of how they face oppressive circumstances that arise from the intersection of culture, gender, and their "undocumented" experiences that all too often lead to segmented patterns of social and educational adaptation, assimilation, and incorporation.

Chapter Five of this dissertation makes a contribution to the urban politics literature by exploring the different and varying forms of legal consciousness of undocumented AB540 students. It posits that undocumented AB540 students are a distinct type of urban political actors, with a presence and influence in local politics that is different from that of other immigrants, minorities, and underrepresented groups. I specifically make use of Patricia Ewick & Susan Silbey's model of the lived experiences of legality (which includes three types of expressions and forms of legal consciousness – before the law, with the law, and against the law), but put emphasize the second one (with the law) to map and understand the varying forms of law's presence in the everyday life of undocumented AB540 students. I also analyze the role these

³ Note: In this chapter only, the term Latino or Latinos will be used to refer to male Latino students and Latina or Latinas will only encompass females of Latino descent.

students play within social networks (inside and outside schools) in democratic politics, more specifically in creating, re-creating, and/or re-defining legality.

Finally, I conclude with chapter six, which offers recommendations on how to address the needs and concerns of undocumented students based on this study's examination of the state's role in shaping daily lived experiences. It also offers an explanation on how these can serve to inform school personnel, students, and politicians and thus help in finding better ways to ease the transition and incorporation of immigrants into this country and to develop humane immigration laws and policies that may help lead to a more equitable and just society.

Chapter Two

Research Sites, Participants, and Research Methods

A Research Narrative

This research began in the spring of 2006 and ended in the fall of 2009. In March of 2006, just before this research project commenced, thousands of high school students across the country walked out “in support of better-quality schools” (Perez, 2009, p.xi) and in protest against “an immigration bill before congress that would strengthen enforcement of immigration laws” (ABC7, 2006). These students were among the thousands of people demonstrating across the United States for the right of undocumented immigrants and against the proposed Border Protection, Antiterrorism, and Illegal Immigration Control Act, otherwise known as H.R. 4437. If passed, H.R.4437 would have charged undocumented immigrants with a felony for residing in the U.S. without proper U.S. documentation and barred them from ever regularizing their status.

This research is concerned with the ways undocumented youth have been affected by their immigrant categorical standing and by immigration laws. It analyzes how these students have affected political views and agendas within U.S. society. It pays particular attention to educational adaptive processes and illustrates how state and federal policies create institutional conditions that facilitate the creation of social capital critical to their academic achievement, social incorporation, and in turn social mobility. It also addresses issues around the gendered socialization gap which was found to widen as a result of parental concerns over their children’s legal status and the possibility of having them deported to Mexico in a time when the Mexican-U.S. border is considered one of the most dangerous and violent area in the world. Another critical part of this research focuses on the struggles and negotiation processes between law and legality, survival strategies, and conflictive state mechanisms that ultimately develop, define, re-define, and/or challenge notions of law/legality and citizenship and belonging.

My original research goal was to focus on the experiences of successful undocumented AB540 Latino students pursuing a college education in order to explore and analyze school factors contributing to their academic success and thereby help in battling the astounding school attrition rates within this growing community. However, this quickly changed to a broader scope given that issues of “legality” and law constantly arose as a center topic within conversations with participants. Also, early in my research, like previous scholars, I confirmed that factors outside academic institutions also played a critical and equal, if not greater, role in the academic achievement and persistence patterns of Latino students. Thus, the third chapter of this dissertation focuses on my original and primary interest and is followed by chapter four and five which examine the experiences of participants outside of schools.

In the third chapter, I focused on and identified problems faced by undocumented AB540 students in graduating from high school and pursuing a higher college education. I also identify factors that facilitated and allowed these students to pursue and complete a college degree, including institutional conditions created by court rulings and laws such as Plyler vs. Doe and Assembly Bill 540 (AB540). I described how they made use of these and examined what they did about potential legal problems, obstacles, and situations they encountered within academic institutions. In seeking answers to specific albeit important questions, that yielded the findings to this first chapter, I started to ask deeper questions regarding the meaning and role of law in the lives of undocumented AB540 immigrant students outside of school. This led me to pay

particular attention to and analyze data on or related to the meaning of legality and to the effects of law not only on their experiences inside schools, but also at home, with their friends and families, at their employment sites, and other public spaces. As a result, I spent over three years exploring, documenting, and analyzing the lived experiences of undocumented AB540 students across a variety of settings. This resulted in a longitudinal, qualitative study that lasted over three years, which provided me with enough research data to develop the second and third chapters of this dissertation that focus and deal with gendered socialization and legal consciousness.

Research Sites and Subjects

The study's primary site was Napa County which is located approximately one hour north of San Francisco, California. According to the U.S. Census, the County of Napa has a population of 134,650 residents, 30.8% of whom are reported to be persons of Hispanic or Latino origin (U.S. Census Bureau, State and County Quick Facts). Eighty-point-four percent of its population 25 years or older has graduated from high school, but only 26.4% hold a Bachelors degree or higher.

Napa County was selected due to its high density of Mexican rural immigrants who come from major traditional sending states in Western Mexico (eg. Jalisco, Michoacán, and Zacatecas). I have lived in this county for over 20 years and have come to know its Latino geographical composition first-hand through my active participation in a variety of spheres including the academic sphere as a former advisor and professor at a local college, professional sphere as a former corrections officer in the criminal justice system in this county, and through the non-profit sector specifically serving the Latino community of this region through the Napa County Hispanic Network, Puertas Abiertas, Spirit of Unity, La Federacion Michoacána Del Norte De California, and through religious groups.

In addition, this county is also a Bay Area tourist destination renowned for its wine industry which plays an important role in the agricultural economy of not only the state but the nation. Immigrants can easily blend into the agricultural and service sector or informal economy in this geographical area. However, while this "social invisibility" provides some protection for many immigrants, some choose to abandon the "shadows" in order to obtain a college education and to participate in political actions that demand better-quality schools and to fight for immigrant rights. Thus, in addition to Napa Valley, the site of this research includes the larger Bay Area, as the majority of the students interviewed transferred to major universities in this area and participated in larger state political actions.

Participant Demographics, Recruitment and Sampling

Participants for this study included 20 undocumented female and male students and (post graduate) professionals between the ages of 18 and 35. All participants were, at some point, residents of the County of Napa⁴. Five of the 20 were undocumented Mexican high school seniors who resided in Napa County and planned on attending college right after graduation; five were undocumented Mexican junior college students who lived in Napa County and were enrolled at Napa Valley College getting ready to transfer; five were Bay Area undocumented

⁴ i.e. the County of Napa had been their receiving geographical area upon arrival to the U.S. where they resided up until they transferred to a four year educational institution at which point they either moved temporarily or in a few cases permanently.

Mexican immigrant students who were in the process of completing and or had successfully completed a Bachelor's degree or higher (Master's degree or Ph.D.); and five were professionals or post graduates who were undocumented as students. All students arrived in the U.S either as infants or as young teenagers (not older than 13).

Only young undocumented Mexican students who migrated from rural areas (i.e. ranchos or small communities) of Mexico or whose parents came from these areas were recruited to participate in this study. I chose to study this population for three reasons; first, because large segments of Mexico's peasant population have been displaced as a consequence of U.S. foreign policy and pressure from the U.S. to modernize parts of Mexico and in spite of this trend, Latino/Chicano scholarship has had a distinctly urban emphasis (Gonzalez & Fernandez 2003, p. xi). I hope to refocus scholarly attention on the experiences of rural Mexicanos/as. Second, I chose Mexican immigrant students from rural backgrounds as the focus of this study because they, like their parents, often lack the resources that have allowed other recent groups of newcomers to the U.S. to thrive. Rumbaut and Portes (2001) write, "On average, adult immigrants have only a few years of schooling, limited urban skills, and little or no knowledge of English" and lack the web of "organizations and social practices that have allowed specific groups to utilize traditional culture to help children achieve" (p. 57). Last, undocumented students have the discipline, desire, and motivation to pursue and succeed in obtaining a college education (Gibson, 1997).

I used a snowball sampling method to recruit participants for this study. It is especially useful when trying to reach populations that are inaccessible or hard to find (Trochim, 2006). This form of sampling allows the sampled units to provide information not only about themselves but also about other units (Frank and Snijders, 1994). In this dissertation research project, it included asking college academic counselors, students, and other community contacts to help in the recruitment process by asking undocumented students they knew for their permission to be contacted by me. I also provided them (counselors, students, and other community members) with my personal contact information to distribute to students who fit my selection criteria and who were interested in participating. In addition, in order to get a more complete representation of these students' experiences within higher education, I used purposive sampling to recruit participants who were at different levels of their academic trajectory. With purposive sampling, you have a purpose in mind and my purpose was to recruit participants who were at different levels in their educational career. This type of sampling is very useful for situations when you want access to a particular subset of people quickly and where sampling for proportionality is not the primary concern (Trochim, 2006). According to an article by Wadsworth Cengage Learning, when the desired population for the study is rare or very difficult to locate and recruit for a study, purposive sampling may be the only option (2005).

Research Tools

Interviews

The study used in-depth face-to-face, audio recorded interviews with 20 undocumented AB540 students and were semi-structured and designed in a manner that allow participants the freedom to express their own thoughts, feelings, and experiences without feeling pressured or forced to give specific answers to questions asked. Written notes were also taken throughout interviews. Question asked were typically open-ended as they allowed participants to interpret them (Fetterman, 1998) vs. closed-ended questions which can "force people to choose among

offered alternatives instead of answering in their own words” (Converse & Presser, 1986, p.33). They were conducted, usually in the respondent’s home or in library study rooms, at parks, designated school offices or other public areas. Interviews were critical in obtaining a more organic and holistic understanding of participants’ lives and their experiences here in the U.S. They were important in identifying their motives for opting to pursue a higher college education and in allowing participants the opportunity to reflect, theorize, and analyze their lived experiences.

Initial interviews focused on the individual, his/her background, and reasons for both-immigrating to the U.S. and residing in the U.S. for a long period of time. During this first interview, I asked superficial and general questions on why they chose to pursue a higher college education and who or what they felt had influenced or affected them, their educational goals, and educational trajectory. The questions had a specific focus on their educational experiences (both in their native country and here in the U.S. when applicable) and on the significance they believed obtaining an education would have in their lives. Some questions were related to family’s educational antecedents and how they believe obtaining a college education would affect their lives in comparison to previous generations. Given that the effects of their legal status indicated to have a great impact on their education, daily lives, and future plans, follow-up interviews shifted to included a focus on the meaning and role of law in their lives in and beyond academia.

Through these different focal points, follow up interviews were more structured and allowed me to acquire more specific and in depth information about what it is like to live in the U.S. as a young undocumented student, scholar, or professional – i.e. information that reflected their fears, triumphs, and daily struggles to survive in the U.S. as undocumented immigrants. Participants were asked about ordinary, daily events and transactions they felt were affected and/or shaped by their legal status, law, or notions of legality and how they perceived and responded to these. I inquired about a range of situations and relationships including education, employment, housing, credit, medical services, community matters, relations with other public institutions as well as their social networks – including family and other moral, emotional, and economic connections they had.

Interview data along with field notes and observations were organized by individual participants, which aided in depicting a form of life history of each participant. This was useful when comparing life histories of participants and when ascertaining possible patterns in the life and educational experiences of undocumented immigrants. Interviews played a critical role in discovering and highlighting common topics or “threads” relating to race, class, ethnicity, gender etc.

In addition, information in interviews about years prior to participants’ arrival shed light on the significance and value of education for participants and their families and of connections they had which facilitated their migration and settlement processes. Information about family origin, family composition, family values and genealogical information was also gathered in order to identify possible transnational links and ties which were important in examining whether participants ever considered going back to their native country once they complete their college education. This information was also important in determining whether “interracial” marriages were occurring in my sample group. This was particularly important given that this is one of the primary factors in the literature used to determine the level of assimilation and incorporation of immigrants residing in the U.S.

All interviews were recorded, transcribed, and coded. Coding involved identifying themes that appeared recurrently. The primary method used for coding is best known as “thematic content analysis,” which was adapted from Glaser and Strauss’ grounded theory approach and from various works on content analysis (Burnard, 1991). According to Burnard (1991), the primary aim of this method approach is to produce a detailed and systematic recording of the themes and issues addressed in interviews in order to understand other people’s perceptions. This involves fourteen stages that range from making notes after interviews and writing analytical “memos” (Field & Morse, 1985) about ways of categorizing the data, and creating categories and sub-headings, to deciding whether or not to link the data examples and commentary to the literature (Burnard, 1991) .

For example, all students talked about how school activities and course requirements played a critical role in “making and meeting friends” who ended up providing them with college information. Any reference to making new friends or meeting people who helped them in any way, whether it was explicit or embedded in their narratives was coded as [connection] with an S for school connection [S Connection], C for community connection [C connection], and F for connections made through family or existing friends [F connection]. All these were later grouped under a heading titled “Social Capital/Connections” and were later tied to literature on social capital and social networks. References to social issues concerning their legal status was coded [legality] and institutional and/or structural related obstacle faced as a result of their legal status was coded [residency documents]. Data referencing their perceptions, understandings, and contradictions with regards to laws and legality was coded [law] and was tied to literature on legality and legal consciousness. This coding format was also used in all field notes.

Pseudonyms were used and replaced all real names in order to maintain confidentiality and abide by human subjects protocol. All information containing personal names and/or direct references to participants was destroyed upon completion of transcripts. This included taped interviews which could potentially be used to identify participants through voice recognition.

Participant Observations, Shadowing, and Fieldnotes

Participant observation (Fetterman, 1998) and shadowing (McDonald, 2005) techniques were employed in order to gather data that may not have come through interviews due to complacency and familiarity of participants to their surroundings. Participant observations combines participation in the lives of the people under study with maintenance of a professional distance that allows adequate observation and recording of data (Fetterman, 1998). Furthermore, shadowing is the process of gathering ethnographic data by following another individual throughout one or more days for the purpose of acquiring knowledge on the daily routines and activities of that individual. It is a way of acquiring data that is rich, dense, and comprehensive and that provides a detailed, first-hand and multidimensional picture of the lived experiences of persons being studied (McDonald, 2005). These provided access to more in-depth data on the daily obstacles and struggles undocumented AB540 students faced. In other words, they provided me with the opportunity and access to both the “trivial or mundane and the difficult to articulate” (McDonald, 2005, p.457). They also gave me access to their social ties and to witness and examine the ways in which these youth “latched” on to necessary social networks that not only facilitated their process into and through academia, but also their overall general survival as undocumented individuals living in a time of strong anti-immigrant ambiance.

Through my participant observations and shadowing sessions, I came to understand how these students' set of school organizational ties resulted from institutional and ad-hoc arrangements. I came to know how the many classroom and team sports' rules, regulations and requirements shaped interactions among students and students' parents. Research assignments on career exploration like the "senior project," allowed students with similar career interest to come together and share resources in order to meet a course and graduation requirement. Resources for this type of projects often came from parents and parent connections allowing for broader interactions and possible connections to people outside of school sites.

Over three years, I regularly walked, shadowed, observed, and took detailed notes and sometimes recorded one-on-one conversations on tape. All of this allowed me to examine these students' level of assimilation and incorporation into their communities and to examine the role played by their social networks in these processes. For example, I was able to understand how their social networks served as information channels while at the same time they provided opportunities to engage in and participate in community and other social activities. I was also able to witness and examine these students' level of "social visibility" or the extent to which they continue to live "in the shadows" by taking note of the number and kind of activities they would choose to become involved with as well as their role within each activity – i.e. observer, participant, organizer etc... This data was further useful in analyzing different factors that influenced the educational experiences and level of incorporation and assimilation of participants (such as race, class, gender etc.). For instance, I came to understand that gender coupled with legal status played a key role in socialization processes and in widening gender gaps within the family that often resulted in stricter curfews and stronger regulation of females, which in turn limited girls from participating in activities that could potentially gain them valuable social ties. However, this also increased time available for them to dedicate to homework and studying. Additionally, through participant observations and shadowing sessions, I witnessed girls making use of school connections to gain more freedom from parental monitoring and to acquire information and other resources.

I chose six key informants from my sample and followed them once per month for the duration of the study. I was interested in their interactions with other students, family, school personnel, and coworkers, the way they organize their day, their choices of classes, their lecture notes, the kinds of jobs they obtained, their after school activities and responsibilities, etc. For example, I wanted to see if there was a distinct difference in the experiences between female and male participants. To date, assimilation and incorporation models, including the Segmented Assimilation model, have not taken sufficient account of the role that gender plays in shaping student identity, school experience, and academic performance (Gibson, 1997). Additionally, I wanted to know if and how socioeconomic status coupled with legal status influence students' decision to get involved in extra-curricular activities as well as the kind of extra-curricular activities they chose to participate in and for what purpose. Detailed field notes were gathered of participants' schools, homes, employment sites, "hangouts," and of friends, family members, and people they came in contact with. Overall, these methods were useful and fruitful in documenting complex, trivial, and mundane experiences and social and structural relations between students and other people and institutions.

Archival and Formal and Informal Media Data Collection

Documentary and archival data allowed the contextualization of contemporary regimes of and around undocumented immigrants and undocumented AB540 students in the U.S. and more specifically in California. Some policies and documents that were analyzed included the Johnson-Reed Act of 1924, IIRCA of 1986, AB540 of 2001, the HR4437 of 2005, Chairman Arlen Specter's "Comprehensive Immigration Reform Act of 2006" which, at that time, included the DREAM Act, The California Dream Act, and the "Secure America and Orderly Act" of 2005 by Senators John McCain and Ted Kennedy among others.

Currently, as in the past, there is much political and public discussion around undocumented immigrants and on undocumented students. Propositions and bills such as the "DREAM Act" and Arizona's SB1070 are discussed and debated not just at the white house but also in every TV channel and major newspaper across the U.S. Thus, I specifically took detailed field notes on media presentations, debates, and talk shows in order to provide a large context and backdrop to current immigration issues. This also provided access to a larger nation-based public opinions and debates on immigration laws, policies, and possible future immigration law reforms. This was also useful in gathering data of the larger immigrant community and on their demands, thoughts, and feelings on the political and social climate throughout the U.S.

Data Analysis and Coding

Analytical memos and reflections of fieldwork observations which began in 2005 (when I conducted an initial pilot study/preliminary work) were written. Additionally, triangulation and the theory-driven approach of the extended case method were utilized for qualitative data analysis. "Triangulation," as Fetterman (1998) states, "is at the heart of ethnographic validity" (p. 93). I used triangulation to test one source of information against another in order to strip away alternative explanations. For example, in a paper published through the ISSC (2009), I used triangulation not only to verify student claims about how they view schools but also to discern the roles students play in their schools and larger communities. Triangulation not only improved the quality of the data, but also contributed to the accuracy of the ethnographic findings.

Lichterman (2002) writes that the theory driven project "aims to address a theory, rather than to elucidate a substantive topic or field site with perhaps several theories" (p. 122). I adopted a similar approach for this study: A central aim of this study was to challenge the adequacy of segmented assimilation theory for explaining the experiences of undocumented students. This theory offers a framework for understanding the process by which the children of immigrants become incorporated into the system of stratification in the host society and the different outcomes of this process (Zhou 1999, p. 1). However, segmented assimilation as it stands today pays little attention to the role of legal status and the role of the state in shaping immigrant experiences and assimilation and incorporation patterns. Finally, this dissertation project adopted an extended case method which, following Burawoy (1998), seeks to "extract the general from the unique, to move from the 'micro' to the 'macro,' and to connect the present to the past in anticipation of the future, all by building on preexisting theory" (p. 5). The extended case method allows the researcher to highlight everyday processes – the "how" – just as field driven participant observation does. Researchers who use the extended case method seek to learn "'how' institutional forces, social and cultural structures, shape action into our particular field sites" (Lichterman 2002, p. 123). For example, in the published paper mentioned above, I

analyzed undocumented students' perceptions and understandings of schools, schooling, and their social standing. I did this to better theorize how institutional forces enable or constrain the collective views that this group affirms. This method was also useful in finding anomalies within the data that were inconsistent with the corresponding theoretical lens – in this case segmented assimilation theory (Zhou 1997).

Coding of data (as previously discussed in the interviews section) was used throughout all stages of data collection. This allowed coding categories and groups to emerge from what was salient in the data and was applied accordingly throughout. My analysis of data expanded on patterns I observed in my field notes, artifacts, and transcripts. In order to focus on the mode of embodiment, transcripts included detailed descriptions of embodied actions, expressions, gestures, postures and forms of comportment etc. (e.g., using a quieter tone of voice when speaking of legal status in public spaces or when describing how they obtained their forged social security number and green card).

Positionality as a Researcher and First Generation Low-Income Immigrant Student

This project grew and matured out of my personal, professional, and intellectual trajectory. My experiences as a first generation-low income immigrant student encouraged me to believe that when people gain an understanding of the ways of life of those that are different from one's own, they may enhance their understanding of abstractions and generalizations about universal categories of human behavior that all too often are forgotten in conversations and political processes that dehumanize and criminalize immigrants. As an eight-year old Mexican rural girl arriving to a foreign country, it was hard to understand the complex and contradicting world I was forced to muddle with on a daily basis. I can recall the teasing and bad jokes made about the way I dressed, the food I ate, the way I did my hair, and the music I liked. I can still smell the difference between my father, who had rushed to the bank after a long day's work picking grapes in the fields, and the bank teller who rudely commented on his appearance as he walked away refusing to provide service to him. And of the day my mother was offensively advised to have a hysterectomy by a doctor who suggested that all that Mexican women knew how to do was to bear children. Thankfully however, the constant struggles, negotiations, and growing support of family, teachers, mentors and friends allowed me to survive and to succeed socially and academically. The desire to defend myself and my family from the nagging realities of being treated as undeserving racialized "foreigners" while bearing witness to the differential treatment of and violence enacted on Latino immigrants compelled me to engage in activities that advocated and address the needs of this community in the U.S. Organizing and marching against Prop. 187 was the first of many activities I took part in within the struggle for immigrant rights and access to education. These led me to further develop a hunger for knowledge that ultimately paved the way for this research project.

In this research project, I was both an insider and an outsider. As a former undocumented immigrant who managed to successfully go through the "legalization" process, I share many experiences with the subjects in this study. Providing a brief background statement about myself including the reasons that compelled me to develop and engage in this research project allowed me to gain subjects' trust very quickly. However, my privilege as a university researcher and my acquired citizenship status also marked me as an outsider. I no longer share the challenges nor have to face the obstacles that arise out of being undocumented as many of these students do.

Being an insider offered many benefits, but it also created complications that I needed to pay close attention to. As someone who understood and experienced the complexities of being undocumented, who cares deeply about these issues and the students involved, I had to work hard to remain as neutral as possible. I developed a close and personal relationship with students and therefore, I had to be highly attuned to and remind them that I was conducting research and that they need not assume that I knew the meaning of their actions, experiences, and/or statements. I also had to be cognizant about not stepping over my boundaries as a researcher by providing too much information or guidance on issues related to access to education and resources. Doing so, for instance, would have hampered my ability to observe and gather data on the ways these students gain access to information about college and of the ways they acquire, develop, and/or utilize social capital. I also had to work hard at remaining critical in my reflections and in making sure I was not overlooking things due to complacency or familiarity with subject matter. To address and minimize the risks inherent in my positionality, I adapted the triangulation method and remained connected with colleagues and members of my dissertation committee. I also asked students to read over transcripts and some reflective memos in order to make sure I was not misrepresenting or portraying things incompletely.

Chapter Three

Breaking Through: Academic Institutions and the Creation of Social Capital

It is clear that the real intellectual wealth of the individual depends entirely on the wealth of his real relationships. (Karl Marx, 1967, p.429)⁵

[U]nderstanding people's connections – and how much connections generate social inequality- requires understanding the organizations in which those connections are embedded. It requires conceiving of people as organizationally embedded actors, as actors whose social *and* organizational ties- and the resources both available and mobilized through them- respond to institutional constraints, imperatives, and opportunities. (Small, 2009, p.5)

Plyler vs. Doe and Assembly Bill 540 (AB540) are examples of mechanisms that illustrate the complexity and tension within and between the state and the social networks that support undocumented immigrants. More specifically, they create academic institutional conditions which ultimately shape undocumented⁶ students' networks and lived experiences. AB540 students' social networks are “not merely *in* academic institutions, but in many ways *by* them” (Small, 2009). In his work on childcare centers and social capital, Mario Luis Small describes academic institutions as “formal organizations with norms, rules and practices that, by guiding the behavior and interactions of [their] participants, inevitably shapes their networks” (p.3, 2009). Similarly, in this chapter, I argue that people's social capital “depends fundamentally on the organizations in which they participate routinely” and that students' regular participation in academic institutions “results in the reproduction of network advantages they may not expect or even have to work for” (Small, 2009, p.5). Therefore, understanding undocumented immigrant students' connections and how much these connections generate segmented patterns of assimilation and incorporation and in turn social inequality- requires understanding the organizations in which those connections are embedded. As Small would argue, it requires conceiving of immigrants as “organizationally embedded actors, as actors whose social and organizational ties- and the resources both available and mobilized through them- respond to institutional constraints, imperatives, and opportunities” (Small, 2009, p.6).

This chapter utilizes Small's model of the “organizational embeddedness perspective,” for understanding how undocumented AB540 students “latch on” to specific social networks that provide them with valuable resources to pursue and complete a higher college education. I specifically support Small's argument that mechanisms by which organizations broker social and organizational ties can be studied systematically and that academic institutions represent ideal sites in which to identify many of these mechanisms (2009). As a result, the primary task at hand is to shine light on how undocumented AB540 students “latch on” to the social networks that facilitate their trajectory into and through the system of higher education. This said, the

⁵ *Writings of the Young Marx on Philosophy and Science*, translated and edited by Lloyd D. Easton and Kurt H. Guddat (New York: Doubleday & Co., Inc., 1967).

⁶ The terms “undocumented student” and “AB540 student” will be used interchangeably to refer to students who do not hold a U.S. Permanent Residence Card, U.S. Citizenship status, or who do not have permission from the Department of Homeland Security to be in U.S. territory.

following three questions are central to this chapter: *What* aspects of people's networks are affected by organizational conditions? *how* are they affected? and *why*? I chose academic institutions as ideal institutions in which to examine these questions for the same reasons that Small chose childcare centers -- they tend to be effective brokers while nonetheless differing dramatically in their effectiveness, and because they exhibit a remarkably wide array of mechanisms by which both social and organizational ties are brokered.

Academic institutions can shape the nature of the ensuing relationships, including their quality, strength or weakness, and the resources available through them. For example, they can shape these through the influence of actors like counselors and teachers and/or by implementing institutional norms and practices such as requiring participation in "freshmen orientations," "learning community" cohorts, or "senior projects."

To fully understand how academic institutions matter to not merely the size, but also the nature, quality, and usefulness of people's networks, this chapter is broken down into four main sections. First, I present a brief review of the "grammar" of schooling and how this "grammar" became the core of how schools are organized for instruction today. As discussed by Tyack and Cuban (1995), "much of the grammar of schooling has become taken for granted as just the way schools are. It is the *departure* from customary school practices that attracts the attention (as when schools decide not to issue student report cards)" (p.85). This grammar shapes what Plyler and AB540 add to schools and helps to understand how and why they affect institutional outcomes, particularly of Latinos.

Second, the social capital perspective argues that people do better when they are connected to others because of the goods inherent in social relationships. This perspective is useful in explaining varying forms of social inequality, but it does not address how people form those ties or what mechanisms give rise to them (Small, 2009). For example, it does not explain how students, who have more connections over others, acquired them in the first place. Thus, a critique of the social capital perspective as it relates to Latino academic institutional outcomes is presented. I identify the questions that this theoretical framework has failed to answer and explain the consequences of that failure. Third, I identify some assumptions of the organizational embeddedness perspective, which I have chosen as the primary theoretical perspective for this chapter. This is followed by a summary of the implications of these assumptions - more specifically an analysis of what aspects of AB540 students' networks are affected by organizational conditions, how they are affected, and why. I present narratives of undocumented AB540 students that portray how the obligations people feel for each other tend to emerge informally from within their networks as argued by Coleman and other social capital theorists. Utilizing Small's notion of "organizational embeddedness" I discuss how participants of this study developed informal relationships with institutional actors like professors, counselors, advisors, or other school personnel (including parents of peers) who in turn felt inclined to provide guidance for them. However, other relationships developed out of formal obligation, i.e. obligations that are characterized by their professional roles, are also addressed. Finally, this chapter explains why academic institutions and the experiences of undocumented AB540 students within them constitute an ideal case to examine these questions.

Academic Institutions: An Overview of How They Became Formal Organizations

When we think of schools, we automatically think of classrooms representing "grade" levels at the elementary level, "subjects" at the high school level, and "departments" and/or

“minors and majors” at the college level. As adult individuals looking back, we often reminisce on the experiences we had within those classrooms as opposed to attending to the organizational framework that shapes how teachers, counselors, coaches and other school personnel shaped those experiences. We often do not consider that the “grammar of schooling is a product of history...” and a result from “efforts of groups that mobilized [at the perfect timing] to win support for their definitions of problems and their proposed solutions” (Tyack and Cuban, 1995, p.86). We also overlook the fact that the grammar of schooling persists in part because it enables teachers and counselors to discharge their duties in a predictable fashion to cope with the everyday tasks that school boards, principals, and parents expect them to perform: control student behavior, instruct heterogeneous pupils, and sort people for future roles in school and later life (Tyack & Cuban, 1995).

The idea of grade schools during the rapid expansion of elementary schools in the late 19th century reflected a consensus of a group of prominent city and state superintendents and school board leaders who “were impressed with the division of labor and hierarchical supervision common in factories” (Tyack and Cuban, 1995, p.89). According to Tyack and Cuban, they were seeking an alternative to “one-room” schools and “master” classes, one that achieved greater “efficiency” by concentrating the work of a teacher on one grade level in which students could be grouped by academic proficiency and learn a uniform curriculum (1995). This “batch-processing of pupils” created a category of “organizational deviant,” i.e. the student who was not promoted to the next grade for whatever reason. By the early 20th century studies showed that graded schools seemed geared to produce failure among minority and poor students’ whose culture did not match the schools’ requirements (ibid).

Over the years and even with such studies, the public just as they had come “to regard distinct grades as emblematic of a “real school,” adopted and normalized the Carnegie unit in high school for college preparation purposes (Tyack and Cuban, p.91). The “Carnegie unit” defined as “a course of five period weekly throughout an academic year” in secondary school subjects,” came about in 1906 and resulted out of an effort by elite educators to reform “from the top down, beginning with colleges, a system of schooling that they regarded as chaotic and ineffective” (Tyack and Cuban, p.91). Their goal was, again, to unify and centralize academic practices. According to Tyack and Cuban, they regarded the educational system as a “pyramid in which those on the top – the experts in the universities – should set the standards for those below” (p.92). The Carnegie unit became “an accounting device” and put its “prestige behind the notion that a “standard” high school was one that organized time and subjects in the Carnegie units” (ibid). It was originally intended to improve preparation for college, but it ultimately normalized criteria for access to a higher education. States soon followed and built the Carnegie unit system of credits into the template of the “standard” high school for all students. Thus, students who fail to meet the normalized criteria set forth by this unit system are categorized as “organizational deviant” and their access to a higher education is in turn, restricted.

Both the graded school and Carnegie unit quickly became standard practice in many districts. They also became incorporated into state and school standards - including accreditation requirements and have become part of the cultural definition of a “real school.” Today, they are key interlocked and interdependent blocks within the educational system. Similarly, the notions and purpose of guidance and counseling in schools have evolved throughout the centuries and have become incorporated and “normalized” within schools across the country. Thanks to contributions from many people like Frank Parson (The “Father of Guidance”) and Carl Rogers

(the “Father of Counseling”) and to the influence of a number of legislations, school counselors have become a standard unit of every academic institution.

School counseling has evolved tremendously since its inception in the early 1900s. Yet, sorting kids remains as the basic grammar of counseling roles. Originally, the term employed for this profession was “vocational guidance.” It developed out of hopes to “bring information to bear on the choices of a vocation and thereby lead youth out of blind-alley jobs into more rewarding employment” (Kantor, p.161). However, vocational guidance soon evolved into educational guidance as the focus on the labor market quickly faded and concerns deviated more towards the internal organizational needs of the school (Kantor, p.162). These needs included dealing with “problem” cases or “students who were in difficulty “scholastically, morally, or financially” (Kantor, p.163). Counseling continued to shift and obtain an emphasis on school course and program selection due to the expansion of white collar jobs and the formalization of educational requirements for entry into professions like medicine, law and engineering (Kantor, 1988). “Together, these changes greatly intensified the economic importance of staying in school and taking the appropriate vocational or academic courses, thereby providing an economic rationale for the shift from vocational to educational guidance” (Kantor, p.165).

However, course assignment was usually mediated by I.Q tests, school achievement, and teacher evaluation, factors that were biased against minority and working-class youth and that reproduced “the connection between class, ethnicity, and vocational education in the minds of many counselors” (Kantor, p.165). Today, testing, academic achievement, teacher evaluations, and class and ethnic background continue to be regarded as important criteria of educational placement (Garcia, 2001; Kozol, 1991; Oaks,1985; Valencia, 2002; Valenzuela, 1999).

Furthermore, as Corwin and colleagues (2004) note, extensive responsibilities that include course assignment, supervision, discipline, and college access support combined with high case loads, affect the quality of counseling provided to students. Counselor caseloads along with these and other daily tasks leave little to no time to investigate and explore possibilities for undocumented AB540 students as they compose a small percentage of their student population and in turn fall low within their priority list. In this chapter, I argue that in addition to the “traditional” criteria used to determine a student’s academic placement, some counselors are also now taking legal status into account when determining students’ educational placement and as a result continue to arbitrarily direct working-class and minority students into vocational courses. This adds to the list of factors that help explain why the grammar of schooling persists as a remarkably durable standard and illustrates how schools continue to serve as primary sorting mechanisms of people for future roles in schools and society. The experiences of undocumented students in this study and their narratives emphasize the ways schools continue to reproduce social divisions based on wealth, privilege and power.

Counselors: Effective Brokers or Breakers?

Schools are central in the production and maintenance of social inequality. For many decades, social theorists like Bourdieu (1973, 1977, 1984) have demonstrated the relationship between education and social stratification. They have underscored a host of organizational, institutional, and psychosocial mechanisms through which contemporary pedagogy perpetuates an unequal distribution of educational degrees and the economic and social rewards that accompany them. Determining “the contribution made by the educational system to the reproduction of the structure of power relationships and symbolic relationships between classes,

by contributing the reproduction of the distribution of cultural capital among these classes” is essential in understanding the role of education in reinforcing class divisions (Bourdieu: 1977, 487).

Today, scholars are recognizing the way institutions often fail to serve undocumented students (Diaz-Strong, Gómez, Luna-Duarte, and Meiners, 2010). They are increasingly documenting how undocumented students negotiate the most basic registration pathways to college and whom they trust to ask questions about the limits of their status as undocumented individuals. Undocumented students have to deal with the tension between needing to provide personal information required for registration and fear of disclosing their status. They are discovering that “this tension is exacerbated by the hesitation of most institutions to formalize resources or widely communicate possible strategies to students – or even to faculty and staff” (Diaz-Strong et al., 2010). This affects even those closest to students like their teachers and/or counselors, who “often lack basic knowledge of the barriers and are sometimes unaware of state and institutional policies” (ibid).

The role that counselors play within academic institutions is complex and full of tensions and contradictions that often end up negatively affecting undocumented students and their social and academic trajectories. Counselors are in a unique position to provide information and access to resources for students. However, sorting kids still characterizes the basic grammar of counselor roles and appropriate college counseling remains a persistent problem for many students throughout the country, especially for undocumented AB540 low-income minority students. For example, participants of this project obtained varying levels of access to information and resources based on their class ranking and perceived eligibility for college admissions and successful college completion. Legal status played a critical role in further contributing to perceptions that led to varying, exacerbated and pessimistic levels of access to information and resources, particularly those leading to a path for higher education.

Unfortunately, many counselors are not aware of AB540 or of the benefits it provides for undocumented students. As a result, they provide inaccurate information to students that can ultimately discourage them from pursuing a college education and may lead them to “drop out” of school. This was the case for Cassandra and Juan who state:

I really liked my counselor... she helped me a lot, but she didn't know the details about AB540 and she told me that since I couldn't go to college that I should just work to help my family... pretty much she told me not to waste my time because she also knew I couldn't afford to pay for college.

(Cassandra)

[The counselor] knew I wanted to go to college to get a better life with a good job, but when I asked him how I could go to college he didn't know how to help me. He said he didn't think I was eligible cuz I didn't have papers or the money to pay for it...

(Juan)

According to Sarahi, a SAHE⁷ board member, roughly one out of ten counselors knows about AB540. This means that nine out of ten know little or nothing about this law. “Unfortunately, they end up discouraging students from attending college because they don’t know how to help them. They don’t even know this opportunity exists for undocumented students” (Sarahi, L., SAJE presentation, May, 6, 2009). According to counselors present at the First Triennial Conference on Latino Education and Immigrant Integration conference held at the University of Georgia, (October, 2009), high case loads and growing responsibilities leave little to no time to research, investigate and learn about such laws. Nationwide, counselor to student ratios are on average 1:229 (California Educational Opportunity Report, 2007) and more staggering, in California the ratio more than doubles to 1:556 (ibid).

Lack of knowledge, i.e. low-quality counseling coupled with inaccessibility due to these high case loads, further limits access to higher education for AB540 students and to the economic and social rewards that may accompany the acquisition of a college degree. Manuel’s case serves as a good example of this. His counselor seemed to be overloaded and left with little or no time to investigate about Manuel’s situation.

I had heard about AB540 in the news and I really didn’t get it so I asked my counselor if he knew anything about it and he said he didn’t. He said he would look it up, but when I went back to see him he said he hadn’t had a chance to look into it...he was always super busy... Then when I tried getting another appointment with him, his schedule was always packed and I never really got an answer from him.....

(Manuel)

Manuel was finally able to speak with his counselor during “milk-break” while he supervised students. Three weeks had passed since he initially approached him with his question, this had been the only time he managed to speak with him given that his counselor was booked for the entire month and Manuel was unable to schedule an appointment. To his disappointment, Manuel’s counselor had nothing new to say other than he had yet to look into it. Until this day, Manuel wonders if his counselor’s response would have been different had he been a “white wealthy student” or one of his T.A’s (Teacher Assistants). According to Manuel, T.As are like “teacher’s pets” and typically receive answers to all inquiries made to their counselors. In other words, their student-counselor relationship is stronger than that of a typical student’s.

Given this, student-counselor ratios not only affect the quality of information transmitted from counselors to students, but can also dictate the kind and quality of student-counselor relationships.

The only times I would see my counselor was at the beginning of the year or at the beginning of the semester when I needed my schedule changed so I never told

⁷ Student Advocates for Higher Education (SAHE) at San José State University are motivated students mobilizing to create a strong student support group for undocumented immigrants (high school and college students). SAHE is open to all, and especially welcome those who believe in the cause. For more information visit: <http://www.sjsu.edu/soar/ab540/>

her that I didn't have papers... I didn't really feel like I knew her or that I could trust her so my English teacher was the one who helped me with everything...
(Elena)

Student-counselor relationships develop first out of formal obligations that are characterized by a counselor's professional role as dictated by the grammar of schooling and may further develop with every subsequent meeting between the two. However, in many cases students do not have strong relationships with their counselors. Most meetings are related to general academic requirement matters and are "time-shortened" due to the high number of students assigned to counselors.

In addition, weak student-counselor relationships often can be attributed to the fact that certain students simply are not in the counselor's radar because the student is neither - a "trouble maker" nor the most recognized active student on campus. Most undocumented AB540 students are likely to fall in the middle as they often worry about being noticed and about drawing attention to themselves. Research shows that in large public school settings where counselor-student ratios are high, counselors, in an attempt to manage their time effectively, tend to focus on either the "trouble makers" (Corwin et al., 2004) or the high achieving students (Gonzales, Stone, and Jovel, 2003) like Veronica. Therefore, student who fall in between these two are typically "out of sight and out of mind." This is due to the fact that dealing with "problem" cases or "students who [are] in difficulty "scholastically, morally, or financially" (Kantor, p.163) still characterizes the basic grammar of school counselor roles.

Veronica was a top student in her graduating class. She was extremely active on and off campus. Veronica, like other high achieving Latina students in Stone and Jovel's study on Chicana social capital, felt taken care of by her counselor. However, once she shared her legal status with her counselor, with whom she claims to have had a very strong student-counselor relationship, her counselor's attitude towards her and his expectations of her changed. He went from pushing and expecting her to apply to top tier colleges to not saying much nor encouraged her to pursue a higher college education. Given this, time spent with her counselor went from regular scheduled monthly (sometimes weekly) meetings to two-to-three times per semester.

Once I told my counselor that I did not have papers, he stopped encouraging me to go to college... he told me not to waste my time or money and to just go to work or to pick a two year certificate that could help me get a non-professional job that did not require a background check...

(Veronica)

Studies show that the expectations that school personnel like counselors and teachers have for their students has an effect both on student performance and whether they drop out of school (Kaufman, 1991). Counselors are in a distinctive position to assist students with career guidance and help them establish meaningful goals like completing a basic education and pursuing a higher college education. However, for undocumented AB540 students like Veronica, this is not always the case. As a top student in her class, Veronica was constantly being encouraged by her counselor to apply for college and scholarships. She was one of the few that stood out in the eyes of her counselor due to her exemplar academic record and her active participation on and off campus. Thus, her counselor was helping to train her to become a

professional and ultimately take up a place at the top of the economy. Veronica's experience with her counselor clearly illustrates his expectations, support, and proper guidance for college preparation and admissions up until she disclosed her legal status.

We can surmise that Veronica's legal status was a critical factor in determining how her counselor would sort her through the remainder of her k-12 schooling. Her legal status seemed to be used as a seminal factor to determine how much time, energy, and resources her counselor would devote and share with her. The fact that he stopped encouraging her to pursue a four year degree, even after learning about AB540 and its benefits, alludes to him determining that the best path for her would be some sort of vocational track instead of pursuing a professional career. His advice to Veronica to pursue employment opportunities that did not require a background check may point to an assumption on his behalf that she would not be able to make use of a professional degree due to her legal status. Although he made it a point to learn what AB540 was all about, he may not have investigated or inquired about opportunities that professional undocumented AB540 students have after graduating. This could have potentially contributed to him deliberately directed her into a vocational track.

Unfortunately, Veronica's case is not unique. Like Veronica and many other undocumented AB540 students in this research project, Aracely was also encouraged to graduate from school and join the labor force or to pursue a two year degree at their local junior college.

My teachers and counselors really tried to help, they wrote letters of recommendation for me and helped me apply for scholarships but at the end of the day I could see and feel that they had no hopes for me going to my dream college.... many times they didn't even know what to tell me.... Sometimes, they would even advice me to go to the junior college and study something there...

(Aracely)

These low expectations for these students were in stark contrast to the high expectations they had for themselves. They are good examples that illustrate how the grammar of schooling persists and how students continue to be sorted. Studies show that low expectations and low academic standards contribute to student boredom and problems with attendance (Bridgeland, Dululio, Morison, 2006). In addition to encouraging students to join the labor force or to pursue a two year vocational degree, other students like Sergio, were encouraged to consider even going back to their country of origin.

My counselor ... one day we were talking about the different options I had and he told me that I should just work for a while and save money or that I should consider going back to Mexico to study there....

(Sergio)

This third option provided to students was often suggested without taking into consideration that most of these students have little or no connections or recollections of their native country due to the fact that they have resided in the United States since they were infants or young teens.

Moreover, dealing with inadequate counseling and with the lack of resources to address their situation, some undocumented AB540 students like other Latino/a students must contend

with negative and deficit perceptions of their academic potential based not only on race and ethnicity (Valencia, 1997), but also on perceived negative notions of their legal status.

... he [the counselor] even told me that if I went back [to Mexico], I could study there without stressing out and worrying about getting arrested put in jail and deported.... .. that made me feel like some kind of criminal... it almost seemed like he was disciplining me in a nice way for something bad I had done, like if I had brought drugs to school or something.....

(Sergio)

In education, researchers have demonstrated the role of deficit notions in leading to low academic expectations of Latino/a students and consequently leading to being perceived as less academically able than White students and/or being pushed toward vocational education (Staton-Salazar & Dornbusch, 1995; Valencia, 2002). In the cases of undocumented AB540 students, it is evident that testing, academic achievement, teacher evaluations, and class and ethnic background are not the only factors that continue to be regarded as important criteria of educational placement as many scholars have suggested (Garcia, 2001; Kozol, 1992; Oaks, 1985; Valencia, 2002; Valenzuela, 1999). Deficit notions of their legal status are also now being coupled with these criteria to determine students' educational placement - further resulting in sorting and arbitrarily directing working-class and minority students into vocational courses.

Furthermore, after students disclosed their legal status, meetings with counselors became rare or completely disappeared. Some were scared to go back to see them while others felt helpless, hopeless, ashamed and/or embarrassed. Embarrassment has been among the many factors analyzed in studies exploring the problem of ambivalence in help seeking (Shapiro, 1983). For those who continued to meet with their counselors, like Veronica, Aracely, and Sergio, information became diluted and meetings much less productive, and for other students like Lola and Maria, meetings ceased all together.

when I was applying for college, my counselor was helping me fill out the applications and so he asked me for my social [security number] and I had to tell him that I didn't have one... I had to tell him why and he told me that my application would be incomplete and would probably not be considered if there was information missing. So, I didn't apply... I thought that nobody could help me....I was hella scared and so embarrassed... that was the last time I ever met with him.

(Lola)

He [the counselor] was going to write a letter of recommendation for me so he asked me for the essay I had to submit with my scholarship application and when he was reading it, all of the sudden he stopped and said to me - I didn't know you were illegal. I was so embarrassed and scared... cuz he sounded kinda mad... that I never went back to see him... I just went back to pick the letter up, but he wasn't there, he had left it in the pick-up box for me.

(Maria)

In social science research on urban minority youths, social interactions between institutional agents and minority youth characterized by social distance and distrust have been underscored as a critical structural problem. Neither Lola nor Maria ever went back to see their counselors nor did their counselors ever follow up with them since they were neither - trouble makers nor active high profile students. Fear was a common factor and may have been the culprit. Lola remembers last seeing her counselor at graduation when he shook her hand with a surprised look on his face. Maria exchanged words with her counselor for the very last time at her graduation when he kindly congratulated her with a smile and by saying “oh I thought you had dropped out, congratulations!”

In the literature on Latino low academic achievement and Latino dropout rates, Lola and Maria’s life examples of deteriorated relationships and abrupt halt in meetings with their counselors are often interpreted as signs of a decline in and/or lack of interest for school and/or developing a deviant attitude. These signs are often highlighted as “individual factors” contributing to Latino dropout rates and are attributed to students who do not do well academically. In other words, these are factors attributed to students who are deficient, deviant, and inadequate (Rhonda & Valencia, 1994). This “deficit thinking” orientation generally serves to reinforce the view that students from Mexican decent, particularly those from low-social economic backgrounds like the participants of this study, do not value education and as a result they experience poor academic achievement (Valencia & Black, 2002).

Although some scholars like John Ogbu (1987) may argue that undocumented AB540 students are “involuntary minority” immigrants and are therefore more likely to develop an oppositional culture due to the rejection they experience from mainstream society, subjects in this study neither lacked the interest nor developed a “deviant” attitude. Instead, fear was often what kept them from fully participating in school activities (both voluntary and mandatory) as they would have liked to. Many times undocumented AB540 students do not want to draw attention to themselves for fear of being investigated, reported, and deported. However, this is a tricky and often very complex decision that many of these students grapple with and rarely come to terms with.

On the one hand, their academic excellence automatically earns them attention and recognition, like Veronica who was often granted awards and varying recognitions for her academic achievement and her active participation in extra-curricular activities. On the other hand, there is always that fear and risk of having to share information that uncovers their legal status for the purpose of either obtaining well deserved awards for their academic excellence or obtaining access to resources, like in Lola and Maria’s case.

Other times, some undocumented AB540 students refuse to participate in any kind of programs and activities or refuse to fill out any kind of applications or paperwork that requires personal information that would grant them access to programs and resources established to help low-income minority students. For example, Juan, a first generation low-income student, was being encouraged to fill out the FAFSA (Free Application for Federal Student Aid). His counselor was unaware of his legal status and therefore did not understand why Juan kept putting it off. He seemed to care about providing opportunities and/or access to resources for Juan given that he insisted on him submitting this application.

My counselor kept getting on my case... he kept accusing me of being lazy for not filling out the FAFSA [financial aid application]... little did he know that I

was undocumented... I did not want to tell him because I was afraid he would see me with different eyes, I was afraid he would have a negative image of me and my family...

(Juan)

However, Juan's refusal to submit such forms earned him the titles of lazy, irresponsible, and/or deviant when in reality it was fear that prevented him like other undocumented AB540 students, from completing such tasks. He was categorized within the "organizational deviant" category that originated in the late 19th century with the development of the grade school and the inception of the basic grammar of schooling. Gottlieb's (1975) study asserts that teachers, coaches, guidance staff, and secretaries are less responsive to marginal, nonconforming students and often act to discourage them from seeking their support. Thus, fear and negative attitudes not only kept Juan and many participants of this study from seeking support from their counselor but also maintained them "out of sight and out of mind." Participants of this study feared breaking the law and the possibility of getting caught because they knew that they did not qualify for such aid based on their legal status. This fear extended to having to explain why they would not fill out such forms and to the possible repercussions resulting from sharing such information. As a result, some subjects in this study became marginal students and were often classified as nonconforming students.

Divulging their legal status would be the only way to explain and justify their unwillingness to take certain expected actions. However, sharing this information also meant running the risk of being "rejected" or "treated differently" by counselors (as was the case for the majority of these students) or other school personnel and of being reported and deported – another risk some were not willing to take. This fear was also coupled with being rejected by other peers if this information ever "leaked out" given that some T.As had access to student files when conducting filing work for teachers and counselors. "When lack of access to institutional funds of knowledge is combined with perceptions of discrimination, self-elimination [i.e. systemic institutional exclusion⁸] is a likely result" (Stanton-Salazar and Dornbush, 1995).

The voices of students in this study echo and support previous studies that demonstrate the connection between schools and social inequality. More specifically, they exemplify the different ways counselors sort students and the role that legal status plays within this process. Their experiences depict the *social distribution of possibilities* (Wellman, 1983), "a term referring to the unequal distribution of opportunities for entering different social and institutional contexts and for forming relationships with people who control valued institutional resources, such as career-related information, vital social services, and bureaucratic influence" (Stanton-Salazar & Dornbush, 1995).

A lack of connection to school personnel, low academic expectations from teachers and counselors, feeling unmotivated, and deficit notions of immigrant students like the ones in this study continue to maintain the grammar of schooling and perpetuate astounding attrition rates among minority students. This, in turn, maintains structures of social inequality. But, despite these and other institutional challenges to college access, it is important to recognize and acknowledge that successful college pathways are possible for undocumented AB540 students. Instead of fully relying on counselors, who are in the designated and distinct position to provide

⁸ (see Fine, 1991; Lamont and Larue 1988; Larue, 1989)

resources and college access information for these students, undocumented AB540 students utilize their social capital to acquire the information and resources necessary to achieve their goal of attending college and completing a higher education degree.

“Dime Con Quien Andas y Te Dire Quien Eres:” Undocumented AB540 Latino Students and the Importance of Institutionally Fostered Connections

Although research has shown that academic institutional conditions are far from ideal for Latino/a students and especially for undocumented AB540 students, this research project discovered that there are a number of assets and resources undocumented AB540 students employ to counteract the limitations mentioned above. Among these key and primary assets are the social networks these students built and/or “latched onto” through formal activities organized and arranged by their academic institutions. Supportive ties with institutional agents represented a necessary condition for engagement and advancement in the educational system and, ultimately, for success in the labor market for subjects in this study. In *Distinction* (1984), *Reproduction Through Education, Society and Culture* (1977a), and *Cultural Reproduction and Social Reproduction* (1977b), Bourdieu argues that knowledge of “high culture” activities and social networks are important determinants of individual academic success. Examples of activities that provided opportunities to make these valuable connections include: strictly-timed and organized class periods/schedules, required course projects (like the senior project), field trips, sports, and club activities.

For example, Elena met her best friend and college roommate in one of her elective courses. Their class was divided by the teacher into pairs or small groups based on careers students were interested in researching. Elena and Samantha were both interested in researching careers related to law and the U.S criminal justice system.

We met in one of my elective courses... , we were grouped to research careers we were interested in... from there we became really good friends and later best friends... she was the one who taught me the difference between the UC and CSU system and about colleges outside California... cuz her mom and dad are from out of state and they went to colleges outside California so she knew about all that...they were also the ones who helped me get into college...

(Elena)

In this case, Elena’s academic institution and her class in particular, generated the opportunity for her to interact with Samantha. They had a mandatory time and location set to meet and interact. Thus interaction proved fruitful in not only obtaining valuable information that she would otherwise normally obtain from school personnel, like her counselor in particular, but also in building and latching onto Samantha’s social network as she was later helped by Samantha’s parents to apply to college. The organization’s actor (i.e. the teacher) influenced tie formation to the extent that it shaped the way Elena and Samantha interacted by grouping them by personal career interest and the institutional practices influenced this same formation in both - the “normative” and “cognitive” sense.

As a “normative” and “cognitive institution,” Elena’s school enforced rules and norms that its actors felt compelled to follow (Small, 2009), in this case requiring Elena and Samantha to research a particular topic and to complete and present their project in order to obtain a

passing grade for the course. For Elena, who was a shy quiet girl, making friends was not so much a choice as a process. Although research has shown that schools, and schooling processes in particular, can divest immigrant students from important social and cultural resources (Olsen, 1997; Valdez, 1996; Valenzuela, 1999), this study shows that at times they may also create and foster “*brokerage*.”⁹ In Elena’s case, like in many others in this study, school served as a great broker given that it required her to participate in schooling activities that offered the opportunity to connect to other people and their resources.

Selena’s account also shines light on the varying opportunities structured by academic institutions to latch onto different social networks that facilitate and provide access to necessary resources to successfully attend college.

My mom met Mrs. Smith at our senior trip, they were both chaperons, then they saw each other again at senior night and that is when they really became friends, she was the one who told us about the scholarship that has been helping me pay for college...

(Selena)

Through her participation in these school events, Selena’s mother experienced “intergenerational closure.” This term is used by James Coleman (1990) to describe the state in which parents are acquainted with their children’s friends’ parents. In this case, Selena and her mother latched onto a social network that provided them with information to access financial resources that helped Selena with her academic expenses. Her academic institution, as a formal organization, provided events, in this case the senior trip and grad-night, which created norms, rules and practices. By guiding the behavior and interactions of its participants i.e. the chaperons, the school inevitably shaped their networks. This further resulted in the reproduction of network advantages as Selena obtained information she was not expecting or even had to work for as suggested by Small (2009).

The opportunity to benefit from such organized events also presented itself to Manuel who through his school soccer activities was able to obtain valuable information and resources that facilitated his college application, admissions, and transition process.

My friend’s mom helped me.... She used to give me a ride to soccer practice.... She even took me to visit some colleges with my friend...she was the one that helped me apply and to do everything I needed to do to get there...

(Manuel)

School sports are among the most organized activities a school offers as it too has specific schedules and mandatory meetings. These meetings were key for Manuel’s process of expanding his social capital and in turn his opportunity to attend college. Manuel became close friends with his “warm-up buddy.” Through conducting participant observations and shadowing Manuel, I learned that his warm-up buddy was a white middle-to-upper class young man who came from a family tradition of professional college graduates. Manuel’s soccer team was

⁹⁹ “...the general process by which an organization connects an individual to another individual, to another organization, or to the resources they contain” (Small, 2009, p.19)

composed mainly of White and Latino students from mixed socio economic backgrounds. For Manuel, joining the soccer team was especially useful as its regular practice meetings and tournaments provided him with frequent opportunities to informally interact and build middle-class networks. Here, it is important to discuss that if the composition of Manuel's team had been different, say of all low-income Latino students, the outcome yielded might have been different and would have supported William J. Wilson's (1987) argument that people in poor neighborhoods looking for jobs will find it difficult to develop middle-class networks because they lack the opportunities to interact with them informally.

For Manuel, interacting with the same individual on a daily basis proved fruitful. They became close friends and soon started "hanging out" outside of soccer practice. This soon led parents to meet and start providing rides to soccer practice and tournaments for each other's children, which resulted in unexpected network advantages for Manuel who through this network was able to learn about and visit different college campuses and about the process of applying to them.

Like sports, clubs provide an excellent opportunity for students to expand their social networks as they allow students to work very closely on a number of activities on and off campus. The required routine meetings for such activities, including subcommittee meetings, allow for regular interpersonal interactions among club members and the club's advisor (typically a teacher). This facilitates the transfer of information and opportunities available to them.

I am so thankful for having been part of the club Ballet Folklórico Latino. I am thankful because that is where I met Susana, a Latina college student that has been like my mentor. She was the one who told me that it was possible for me to go to college even if I didn't have papers...

(Adilene)

Club participation is a great opportunity and inducement to build social networks. The Ballet Folklórico Latino was a club that was composed mainly of Latino high school and college students. "Ethnic clubs" like this one, are especially helpful as they, through their activities, provided access to other Latino college students who served as role models and mentors in addition to sharing college information and resources. Adilene's case is a good example of this. Samantha, who was also an undocumented Latina student, became Adilene's mentor and role model and provided her with critical information for her academic trajectory.

Furthermore, clubs provided additional opportunities for teachers (who served as club advisors) to witness student's leadership skills and for students to build connections with them in an informal context. Interactions among teachers and students through club activities are important to highlight given that teachers, who are institutional actors, often are connected both formally and informally to other organizations, and may serve as important brokers of social capital. Connections to extensive and influential social networks also result in differential treatment of students within schools. For example,

Mrs. White, our club advisor, was the one who referred me to a summer leadership development program for low-income students and then my advisor through that program was the one who helped me fill out all of my college

applications and to apply for scholarships. She was the one who also gave me information about AB540 and found out how I could travel across the country without the need of a U.S. passport... she got me my international student I.D. so that I could participate in the trips the program offered...

(Cassandra)

In this case, although the teacher did not provide direct information for Cassandra, she did connect her to another organization that served as a major source of goods and information for her. In other words, her teacher served as the organizational broker that connected two previously unconnected actors together (Small, 2009). Through this organization Cassandra traveled, with all expenses paid, to two different parts of the country and successfully graduated and transferred to a four-year institution. This example serves well to demonstrate how schools, on the whole, through institutional actor like Mrs. White, reinforce and consecrate initial inequalities through the cumulative fortification of privilege or deprivation.

Connections to different advisors were critical for many participants in this research project. For example, Jesus' multiple club memberships and connections to club advisors also served as major sources of information. Through these, he learned about multiple agencies that were willing to hire undocumented AB540 students. Club advisors provided him contacts to different agencies while other club members furnished information about the different ways to legally adopt employment.

I was able to find a job thanks to the information that people in the different clubs shared with me. Si no me hubiera involucrado en clubs, creo que no tendría la menor idea de que hay organizaciones que están dispuestos a darles trabajo a estudiantes como yo... y de una manera legal... *(had I not gotten involved in clubs, I don't think I would have a clue that there are organization that are willing to hire students like me... and in a legal way)*

(Jesus)

Being an active club member facilitated the transfer of information and opportunities for Jesus. Thanks to his active role, he was able to network and build relationships that provided him with employment opportunities. He was hired by a well known non-profit organization and in turn was able to pay for his education. Adolfo like Jesus, attributed his "luck" in legally finding a well paid job to the relationships built through his club memberships.

I got a job through the connections I made through the Latino Club, I was very involved in this club and we were very active in the community... I did a lot of fundraising and worked on getting sponsorships for our events and community forums. I think this really helped, because I got to work with a lot of people and a lot of people really got to know me. It is all about the connections you make... si no te mueves, if you don't hustle you don't really get anywhere that is why I encourage others to get involved in clubs and other activities on campus....

(Adolfo)

Clubs allowed undocumented AB540 students like Adolfo and Jesus to be active in the community and at the same time, to build middle-class social networks. For example, these connections were made through club fundraisers where club members like Adolfo and Jesus were expected to help with such task and request donations and/or sponsorships from different organizations. This designated task allowed them to work directly with actors from other institutions and to establish a connection with them that allowed them to latch onto these external institutional networks.

Overall, clubs as part of larger educational organizations were helpful in providing opportunities and inducements to interact and build social networks that facilitated the college going and college completion process of undocumented AB540 students in this study. Not only did these provide the opportunity to be active in the community through different activities, but also to leave their surroundings by taking fieldtrips, participating in marches, or holding academic and community forums – activities that facilitated the transfer of information, opportunities, and resources.

These opportunities further allowed and facilitated the formation of more and new social connections outside their immediate social circles. For example, Adolfo, through his participation in a variety of club fundraisers, fieldtrips, and community forums was able to latch onto an expansive social network that ultimately provided him with an employment opportunity. Upon graduating from a recognized bay area institution, Adolfo was offered a job without regards to his legal status. He had been so active in so many club community activities and proved to be extremely passionate about certain social issues that the organization that hired him was able to see beyond his legal status and managed to work out a way to legally hire him.

Last, club activities offered the opportunity for these students to travel and in turn, further expand their social networks. Social and geographical isolation is a big problem for many Latino low-income families, particularly for undocumented or mixed status families, where children and parents rarely leave their surroundings for fear of confronting a raid or a check point. Traveling outside their geographical area heightens the probability to interact and develop middle-class networks an opportunity that is now rarely offered by public schools due to budget cuts as a result of the current budget crisis.

Conclusion

Unfortunately, many of our educational institutions are failing to serve our student populations, especially undocumented students (Diaz-Strong et al., 2010). Academic institutional hesitations to formalize resources or widely communicate possible strategies to students – or even to faculty and staff, affects even those closest to students like their teachers and/or counselors who “often lack basic knowledge of the barriers and are sometimes unaware of state and institutional policies” (ibid).

This project discovered that counselors, although are in a unique position to provide information and resources for undocumented AB540 students, lack the knowledge, time, and as a result dedication to help them. Data gathered draw attention to the ways counselors may be or are arbitrarily directing undocumented AB540 students directly into the labor force or into vocational courses due to lack of knowledge of state policies and/or deficit notions of their class and ethnic background coupled with negative perceptions of their legal status. Consequently leading one to conclude that counselor positions are the best example of how institutions are failing to serve our nation’s student population.

Counselor positions inherently serve as mechanisms of social reproduction that unintentionally perpetuate the current social structure – a structure that maintains low-income minority communities, including undocumented immigrants, within the lower strata of society. Thus, counselors really need to assess whether they are truly serving undocumented AB540 students or if they are simply enrolling them and getting them through the system. They also need to assess and develop strategies to improve counselor-student relationships as it was also found that many of these students did not have strong relationships with their counselors and in turn lacked trust and confidence in sharing personal information, especially information related to their legal status.

Fear of sharing information related to their legal status, was found to further hinder and/or cut relationships between students and school personnel, especially with counselors. Feeling pressured to share personal information related to legal status forced many undocumented AB540 students to muddle over whom they could trust to ask questions about their status. However, despite these challenges, it is important to recognize and acknowledge that successful college pathways are possible for undocumented AB540 students and that there are students in this situation that have been quite successful in obtaining a higher college education despite the aforementioned hurdles.

Undocumented AB540 students in this study negotiated the most basic registration pathways to college through building and fostering social networks embedded within their schools. Through the norms and rules of class room interaction, required school projects, sports participation, and club membership opportunities, schools created opportunities and inducements for friendship development and inadvertently induced social network formation. This supports and maintains Peter Hedstrom and Richard Swedber's notion that knowledge does not only come from demonstrating association but, more importantly, from explaining the mechanisms that give rise to them (1998). In other words, this highlights how state mechanisms like Plyler vs. Doe and AB540 first give rise to the opportunity for students to join organizations (i.e. schools) and second, to become part of the organizational brokerage (i.e. schooling) that ultimately lead to and show the connection between networks and inequality given the discovered unequal and varying levels of access to information and resources that students in this study received.

Like social capital theory, Small's notion of organizational embeddedness helped to bring to light the roots of inequality in personal ties and to where those ties are embedded leading one to probe into the consequences of this embeddedness. This perspective links the micro-level processes of things like making a new friend through a class project or joining a club, to the larger macro-level structures that affect Latino dropout and college going rates and immigrant assimilation and incorporation.

Literature on Latinos and education argue that immigrant students are the most disadvantaged given the array of obstacles they face upon and after arriving to this country. Latino immigrant incorporation and assimilation literature goes further into talking about how immigrants that come from rural backgrounds are the most disadvantaged and the most isolated members of American society. These bodies of literature would lead us to conclude that low-income undocumented AB540 students that come from rural backgrounds are the most disadvantaged and isolated members of American society. However, this study offers a more complex picture -- one that shows that students can be quite resourceful and with access to resources if provided with the opportunity in the right context.

An organizational perspective changes and deepens our understanding of isolation and undocumented immigrants. The most disadvantaged immigrant today may well be the “organizational isolate, the one disconnected from childcare centers, religious organizations, political clubs, schools, gyms, neighborhood associations, community centers, and hobby clubs” (Small, 2009, p.197). Thus, this notion suggest that undocumented AB540 students may not be the most disadvantaged, and part of this may be attributed to the opportunities offered through schools to access resources and to connect to different social networks as well as to their desire and willingness to fight the social isolation that so long has been a key trait of undocumented immigrants by pursuing a higher college education.

Undocumented AB540 students are not only (purposefully and non-purposefully) utilizing and taking advantage of the embedded social networks to gain access and successfully complete a higher college education, but to also seek employment and in turn become incorporated into mainstream society as much as possible. Most importantly, by being active academically and socially, undocumented AB540 students are pushing for legislation that may benefit them like Plyler vs. Doe and Assembly Bill 540 (AB540) (see chapter 5) - two state mechanisms that allow undocumented students to attend schools and through these, to gain access to information and resources that may determine their level of assimilation and incorporation into U.S. society. In other words, these mechanisms clearly illustrate the complexity and tension within and between the state and the social networks that support undocumented immigrants because they grant undocumented immigrants with opportunities to access information and resources and yet they also set limits on these opportunities which send conflicting messages and often times end up immobilizing them and/or discouraging them from moving forward into full assimilation and incorporation.

For example, on the one hand, undocumented immigrants are typically labeled as “criminals” and are often punished for entering the country without proper U.S. documentation. Punitive immigration laws are developed and set to serve as deterrence mechanisms. But, on the other hand, the state also provides institutional mechanisms that grant them opportunities to access information and resources (including social networks) that are critical in determining their level of assimilation, incorporation, and chances for survival in this country. These mechanisms also create and set institutional conditions that mandate institutional actors to serve as brokers. As suggested by Small (2009), many of the obligations people feel and the resources they feel willing to provide others derive from the context that gave rise to and sustain their relationships. In this study, people (i.e. school personnel) felt an obligation to serve undocumented AB540 students given the institutional context that arose as a result of Plyler vs. Doe and AB540. However, these same mechanisms, which obliged them to serve these students also had limitations that sent conflicting and mixed messages with regards to the resources they needed and could provide them with. Consequently, this resulted in an uneven and unequal distribution of information and resources which also lead to varying and segmented patterns of assimilation and incorporation that ultimately highlight processes that lead to social inequality.

Chapter Four

Gender Gaps and the Effects of Legal Status

For many years, the American story of immigration and accommodation did not include experiences specifically pertaining to immigrant children and youth, and especially of undocumented AB540¹⁰ students. However, for a little over fifteen years, experiences of immigrant children and youth have been gaining scholarly attention and have become the center of many immigrant studies. Yet, a consistent and often underdeveloped theme in these stories is the gender gap in these youths' social and educational adaptation outcomes. Furthermore, gender coupled with legal status has gained little or no attention as combined factors to make sense of these varying outcomes. This chapter discusses distinct gendered experiences leading to varying patterns of academic achievement and upward mobility or possibilities for blocked mobility that are segmented not only by race and ethnicity but also along legal status and gender lines.

Most studies on immigrant children and on gender either completely ignored legal status, briefly mention it, or treat it as an individual level control factor in statistical analysis. Theorizing legal status in immigration and gender studies is critical for understanding not only "how, when, and why it makes a difference to be male or female" (Eckes & Trautner, 2000, p.10), but also how, when, and why it makes a difference to be an "undocumented" male or female.

This chapter explores and analyzes how legal status coupled with gender exerts a powerful force in shaping undocumented AB540 students' experiences in different contexts/locales such as family and school. Studies have shown that immigrant-origin children are entering the U.S. in unprecedented numbers and compose the fastest growing segment of this country's youth population (Landale and Oropesa, 1995). Therefore analyzing and understanding their experiences in these contexts is of utmost importance because how they adapt to this country and the educational pathways they take will clearly have profound implications for the U.S.

In recent studies, a significant gender gap favoring girls has emerged in the educational outcomes of students in schools both nationally and internationally (Bell, 2010; Camarota, 2001; C. Suarez-Orozco and Qin, 2006; Garcia-Coll, Czalacha, and Palacios, 2005). Boys performed less well than girls. Their grades declined more abruptly and are lagging behind academic settings across ethnic lines. They are also earning fewer degrees than females. For example, in 2008-2009, women earned 60% of all masters degrees and 50.4% of doctoral degrees awarded in the U.S. (Bell, 2010). Examining why gendered pathways occur and how legal status contributes to these paths can help us better understand and address the gender gap between and within immigrant and ethnic groups within this country, both at the micro and meso level. At the micro level, it can help to develop target intervention programs to promote the educational success of all immigrant students, including undocumented AB540 students. Addressing educational gender gaps is critical given that in the last half-century, schooling has emerged as "the surest path to well-being and status mobility" (Suarez-Orozco, C. Suarez-Orozco, M. Todorova, 2008). At the meso level, it can inform and help to develop and pass a comprehensive immigration reform bill

¹⁰ Assembly Bill 540 (AB540) is a state law that was passed in 2001 and allows qualifying undocumented students to pay in-state tuition at state colleges.

that will not only allow these students the opportunity to become fully incorporated into U.S. society, but also provide immigrant women, the opportunity for greater and more equal leverage.

To this end, in this chapter, I examine the tensions that Latina/o¹¹ undocumented AB540 students struggle with as they bring their own values and practices into and from school sites to their homes. I argue that legal status widens gender gaps and utilize participants' experiences and narratives to illustrate this. I also explore and offer an analysis of how they face oppressive circumstances that arise from the intersection of culture, gender, and their "undocumented" experiences that all too often lead to segmented patterns of social and educational adaptation, assimilation, and incorporation.

Some of the questions explored in this chapter include: Do undocumented AB540 female and male students perceive their parents as having different expectations of them? Do they have different experiences at school? are females more likely to retain their ethnic identity than males? and what strategies, if any, are utilized by these students to counter circumstances arising from their gendered, racialized, and undocumented experiences? Exploring these questions and the strategies they used will help us better understand how undocumented AB540 students face oppressive circumstances, at home and at school-- two context that provide guidance in their adaptation and processes or assimilation and incorporation. They either provide nourishment for their dreams or crush their hopes.

To begin exploring the questions listed, first, I provide a quick historical overview of the literature on gender in immigrant studies. Then I present a review of the literature on disparities in the educational achievement of Latina/o immigrant students and list the varying factors documented to contribute to gender gaps in the education of immigrants.

Second, I present subsections focusing on each of the listed factors. In each subsection, I provide an overview of the literature and current research of each particular factor and build on it by interweaving quotes from my study on undocumented AB540 students that demonstrate how legal status perpetuates and widens the gender gap. In the first subsection of this chapter, I specifically address parental expectations and interweave evidence from my research that supports or challenge existing data. In the second subsection, I discuss and build on the gendered socialization of immigrant students at home and continue on to reveal the role of legal status in this process. In the third subsection, I discuss how this process shapes and dictates differences in experiences of undocumented AB540 students at school.

Third, the testimonies of these students evince the varying ways they counter oppressive circumstances arising from their undocumented, racialized, gendered experiences both at home and at school. Finally, I conclude this chapter with a discussion on how gender and legal status play a critical role in the socialization process of immigrant children and youth at home that ultimately shapes their experiences at school and, in turn, in society at large. I discuss how these two factors are important in yielding segmentation within patterns of educational adaptation and future mobility of Latino immigrant students, adding to explanations of the variability in immigrants' experiences that ultimately lead to segmented patterns of adaptation, assimilation and incorporation in the U.S.

¹¹ Note: In this chapter the term Latino or Latinos will be used to refer to male Latino students and Latina or Latinas will encompass only females of Latino descent.

Gender Literature: A Quick Historical Overview

Much of the scholarship focusing on the role of gender in immigrant communities is situated in the family context (Espiritu, 2001; Lopez, 2003; Louie, 2004; Pessar, 1984; C. Suarez-Orozco & Suarez-Orozco, 2001; Valenzuela, 1999a). Originally, literature on immigration patterns largely ignored gender as “one of the fundamental social relations anchoring and shaping immigration patterns” (Hondagneu-Sotelo 2003, p.3). Later, gender began to receive attention in academic works, but research had a distinct focus on the experiences of adult men and it wasn’t until the 1980s that scholars started to examine the experiences of women (Simon & Brettell, 1986). Furthermore, scholars commenced to broaden their scope and set out to study gender as a “social system” with particular focus on its affect on men and women’s adaptation after migration (Hondagneu-Sotelo, 1999) and current literature presents gender as “an organizing principle in all social systems, including work, politics, everyday interactions, families, economic development, law, education, and a host of other social domains” (Howard, J., Risman, B., Romero, M., Sprague, J., 1997).

The Gender Gap in Latina/o Immigrant Educational Outcomes

Educational outcomes are important predictors of the future social and economic mobility of immigrant groups and their succeeding generations. Latina/o immigrants compose the largest and fastest growing majority-minority group in the U.S. Research suggest that immigrant youth are the largest and fastest growing segment of the youth population in the U.S. and may have a tremendous impact on the socio, political, and economic fabric of this country (Suarez-Orozco, C. Suarez-Orozco, M. Todorova, 2008). Thus, theorizing the role of gender and legal status as it pertains specifically to Latino immigrant children and youth’s educational adaptation and future mobility patterns is paramount.

Although in much of the 20th century, Latino males were shown to be higher achievers than Latinas¹², over the last two decades, strong evidence has emerged of gendered pathways which reveal that males now lag behind in academic settings across many ethnic groups. For example, a recent analysis of graduate enrollments and degrees conducted by the Council of Graduate Schools (Bell, 2010) revealed that for the first time ever, in 2008-2009 women earned the majority of doctoral degrees awarded in the United States. This report showed that women earned over half the graduate certificates awarded in 2008-09, 60% of the master’s degrees, and 50.4% of the doctorates (ibid). Camarota’s (2001) research found similar results and shows that Latinas were more likely to graduate and attend college, while Latinos were more likely to be pushed out of schools and tracked into low paying jobs. Moreover, Ginorio and Huston (2001) demonstrated that Latinas with a BA earned 82% more than those without it. This same study also showed that Latino males with a BA earned 60% more than their counterparts with a high-school diploma (ibid).

Furthermore, quantitative analysis and national statistics reveal that Latinas’ historical trend of being among the lowest academically achieving groups in the U.S. has been reversing since the 1980s (Bean and Tienda 1987). In her study on students of Mexican descent, Gibson (1993) found that girls had a better attitude towards school (i.e. they were more engaged) and had better grades than boys. Likewise, Portes and Rumbaut’s report on second generation Latino

¹² The term “Latinos” will be used to refer to both female and male students from Latino decent while “Latinas” will specifically refer to females and the terms “Latino males” will only encompass males.

and Asian youth, found that boys were less engaged, had significantly lower grades, and lower career and educational goals than did girls (2001). Adding to this evidence is Feliciano & Rumbaut's (2005) Longitudinal Study on Children of Immigrants, where they also report that males lagged behind females in educational aspirations and expectations. Other scholars like Gibson (1988), Kao & Tienda (1995), Lee (2001), Qin (2003 & 2004), Rumbaut (2005), Suarez-Orozco et al. (2008), and Waters (1996) also found similar gender trends in their studies of children from immigrant families.

These results are interesting given that other studies like Conchas' (2006) maintain that girls, Vietnamese in particular, are socialized to believe that they are valued less than males and that education should be left for males to pursue. Sadker, Sadker, Fox and Salata (2000) ascertain that the following four experiences exist for females in their elementary education through graduate school: teachers give them less attention and feedback, they talk less than their male counterpart, the curricula neglects to incorporate the contributions of women, and lastly, there is the element of sexual harassment. Consequently, studies suggest that these conditions render females to be treated as second class citizens (Canada and Pringle, 2000). However, a critical difference between boys' and girls' social relationships may be what outweighs this. Recent studies have found that compared with boys, girls have better relationships with their teachers, they are more likely to have friends who are serious about schoolwork and supportive of academics, and perceive more support at school than boys (Stanton-Salazar, 2001; Qin, 2003; Suarez-Orozco and Qin, 2006, C. Suarez-Orozco, M. Suarez-Orozco, Todorova, 2008) . Julie Figueroa's study on undergraduate Chicanos also reveals that male privilege did not work the same for Chicano/Latino males. In her study, these students recognized social connectedness as an important dimension to academic success, but when it came to admitting needing assistance there was this idea that asking for help was an act of self-emasculatation (2007).

Additionally, Miguel Ceja's study, which explores parental familiarity with the college choice process and the implications this familiarity or lack thereof has for Chicanas, reveals that Chicanas' college choice is often determined by their ability to negotiate between Mexican parental cultural norms – such as leaving the house until marriage, and their own decision about college (2005). He argues that parents often lack the formal understanding of the college choice process and in turn, are unable to help guide their daughters through the process of applying to and selecting schools. This may often lead to what Alejandro Portes and Ruben Rumbaut conceptualized as Generational dissonance or Generational consonance. The first occurs when children neither correspond to levels of parental acculturation nor conform to parental guidance, leading to role reversal and parent-child conflicts whereas the second occurs when parents and children both remain unacculturated, or both acculturate at the same rate, or both agree on selective acculturation (Portes and Rumbaut, 1996).

This literature review shows the many factors that have been analyzed and utilized to understand and explain why gender gaps in immigrant education exist, particularly among Latina/o students. But among all of these, researchers have highlighted some as primary factors contributing to the gender gap in the education of immigrant students. These include: gender role shifts after migration that impact parental expectations of immigrant children and youth (Gibson, 1988; Kwong, 2000; Lee, 1997; Olsen, 1997; Zhou, 1992) , gender socialization processes at home (Espiritu; 2001; Gibson, 1988; Lee, 2001; Quin, 2004; Waters, 1996; Zhou & Bankston, 2001) , gendered relations at school (Gibson, 1988; Ginorio & Huston, 2001; Lopez, 2003; Qin, 2004; Stanton-Salazar, 2001; Williams, Alvarez & Hauck, 2002;), and the role of gender in

processes of adaptation, assimilation, and incorporation with a specific focus on ethnic identity formation (Lee, 2002; Olsen, 1997; Portes & Rumbaut, 2001; Qin, 2003; Rumbaut, 1996;). These factors help explain the variability in immigrants' experiences that ultimately lead to educational gaps and segmented patterns of adaptation, assimilation and incorporation in the U.S. Therefore, in the next section, I provide an overview of the literature and current research on each of these factors and build on it by interweaving quotes from interviews with undocumented AB540 students that demonstrate how legal status perpetuates and widens gender gaps and in turn, contributes to patterns of segmented assimilation and/or incorporation.

Parental Expectations and the Effects of Legal Status

Research on immigration has demonstrated that gender roles shift after migration, particularly within the Mexican households. Scholars suggest that migration could promote social mobility, economic independence, and relative autonomy for women if they participate in wage employment (Passar, 1984). Passar (1984) argues that this can provide them with more control over their earnings, or at minimum, greater participation in family decision making. This said, researchers suggest that this shift may impact parental expectations of children from immigrant families and in turn could affect the educational gender gap of immigrant students (Hondagneu-Sotelo, 1992; Zhou, 1992). Building on this, this study suggests that legal status may also influence this shift and in turn, widen the gender gap of immigrant students.

In Latin American and other contemporary migrant sending countries, like China, gender discrimination and inequality (i.e. "machismo") are "historically deeply rooted" (Kwong, 2000, p.37). Mexico in particular, serves as a good example of a Latin American country where gender gaps in the home, education, employment and other social sectors have persisted over time. Despite contemporary social and economic transformation resulting from a variety of factors including globalization, NAFTA, and new technological developments, gender parity continues to lag in this country. The cultural trend favoring males over females is particularly evident in rural places (Qin, 2006), such as in small "ranchos" or "pueblos" located in the traditionally migrant sending states of Michoacán, Guanajuato, Jalisco, and Zacatecas for instance. In many rural towns surrounding Morelia and Zamora in Michoacán, Yuriria and Salva Tierra in Guanajuato, Guadalajara and Ocotlan in Jalisco, and Jerez and Fresnillo in Zacatecas (where the majority of participants of this study come from), it may not be rare to see girls terminate their studies after sixth and sometimes eighth grade. This may be due to a number of reasons. For example, in her study on Chinese immigrant children and their families, Qin (2006) suggests that this sharp termination in girls' studies may have to do with the notion that parents cannot afford to send both their sons and daughters to school. She adds that this may be coupled with the idea that mainstream U.S society values gender equity more than countries like China (ibid).

However, narratives gathered through my study of Mexican undocumented AB540 students and their families suggest two other explanations for high attrition rates among girls in rural areas. The first explanation has to do with the continual out-migration of young males from rural areas and the second explanation with parents' mixed messages that simultaneously encourage girls to become self-reliant without losing sight of the goal of becoming respected *amas de casa* (homemakers/women of the home) or *mujeres de hogar* (women of the home) (Villenas and Moreno, 2001). Gandara's work (1995) also addresses this issue and concludes that Latina "peer culture" which places a heavy value on traditional gender roles affects their educational achievement levels.

Originally, Mexican migration was typically characterized by flows of single young males. This was a result of labor recruitment efforts through programs like the Bracero program of 1942-1964 and although we have witnessed an increase in migration rates of females and/or entire families, this trend continues today. Michoacán, Guanajuato, Jalisco and Zacatecas continue to be recognized as leading migrant sending states while states like Oaxaca emerge and begin to earn this same recognition. Temporary employment during picking season (i.e. La Pisca), still draws many young men to abandon their pueblos and ranchos in search of “a better life.” Many leave during their teenage or young adult years and after they have completed elementary and middle school. Some may have even completed some years of high school or college. Without young men at home to help with farm chores, it is not rare for rural families to ask their daughters to give up their studies to help maintain the farm or to go to work in order to help support the family.

In addition, building a good reputation as respected *amas de casa* in order to improve their chances of marriage coupled with the lack of professional female role models may perpetuate early school termination of girls and may encourage low parental educational expectations among poor rural Mexicans. According to Villenas and Moreno (2001), Latina mothers sometimes provide their daughters with mixed messages that simultaneously tell them to become self-reliant yet place primary importance on subservice to their families’ needs (see also Anzaldúa, 1987). So, it may not be rare for rural families to ask their daughter to give up their studies to help around the house in order for them to acquire the skills necessary to be good traditional housewives. Parents living in rural areas may not believe that an education is necessary to fulfill the obligations of a respected housewife. On the contrary, they may believe that attending school takes valuable time away from learning the things that “matter” the most to help maintain a happy family and well tended home.

Unlike Qin’s (2006) study, this research project found some gender differences in parental expectations after migration. Testimonies of undocumented AB540 students and their parents in this study showed that the idea of completing a high school education and pursuing a higher education was always present and expected out of all participants even before migrating. However, further analysis of student narratives revealed that these expectations grew for female participants after migration. Once in the U.S., parents perceived more opportunities for their daughters to become professionals and were more likely to discourage marriage at an early age. In rural communities in Mexico, it is not rare to see girls marry at an early age. As a way to discourage this, parents increased their levels of monitoring and control of females and laid stricter criterion and higher age limits for obtaining permission to date. For example, some female participants were not allowed to date prior to their graduating from high school and/or before the age of 15. Yet, prior to migrating, these same girls did not have an age limit to date and graduating from high school was not necessarily a requirement to obtain dating permission.

Furthermore, although many parents did not possess the knowledge about the college going process, they still encouraged and expected their children to pursue such route. Nonetheless, in their senior year and after graduating from high-school, undocumented AB540 students perceived a “helpless and hopeless” attitude from parents towards their pursuing a college education. Their testimonies revealed that although their parents encouraged and wanted them to be successful in obtaining a college education, they felt intense economic pressure and would probably not put up much of a protest if they ended their studies, unless the Dream Act passed. Undocumented AB540 students felt that the passage of the Dream Act would help them

and their parents in maintaining high expectations as it would grant them the opportunity for legalization and a path to citizenship in this country.

Participants also perceive their parents as being stricter about school attendance and maintaining good grades after migrating to the U.S. One explanation arising from undocumented AB540 students' narratives suggest that this is due to parental awareness of U.S.' strict attendance laws and to the fact that a basic k-12 education is legally mandatory for all children living in the U.S. Therefore, all children regardless of socio-economic background and legal status have the opportunity and are obliged to obtain an education.

Established school mechanisms, like taking daily roll call, facilitate enforcement of strict attendance laws. They are utilized for local, state, and federal reports, to keep accurate tabs on students' academic credits and graduation requirements (i.e. maintain the grammar of schooling), and to inform parents and social service agencies of student absences. As a result, parents of undocumented AB540 students in this study were not only able to afford to send their children (including females) to school, but felt particularly compelled to do so and encouraged them to attend for fear of drawing attention to themselves or to their families. This fear particularly stemmed out of the possibility of having to deal with school personnel and/or law enforcement officials as a result of bad behavior and needing to disclose their legal status and/or that of their children.

My parents always made sure I went to school even when I was kinda sick... they would always check my attendance records... they wanted to make sure I wasn't cutting or anything... they didn't want any problems cuz one of my cousins use to cut a lot and he got my aunt and uncle in trouble cuz one time he lied and said they would let him stay at home... he got a bad record and would always violate his probation by not going to school so once he turned eighteen he was arrested and deported...

(Salvador)

Salvador's parents quickly learned about mandatory attendance laws in k-12 not only from family members, but also through their extended social networks that included friends, neighbors, and colleagues. Fiestas, "quick get-togethers" after mass, or school meetings and activities were typical occasions and places that proved fruitful in the exchange of information related to education, employment, immigration news and updates, and other topics of concern for families of undocumented AB540 students in this study.

Salvador's parents, like all other parents of participants of this research project, learned early on after their arrival to the U.S., about the possible repercussions of not requiring their kids to go to school and made it a point to monitor and control their children closely in order to minimize situations that drew attention to their presence - attention that may have possibly led to legal repercussions and/or deportation.

Gendered Socialization: Disparities in Monitoring and Control

Monitoring and control seem to be the most typical form of gendered socialization present in the literature which contributes to the gender gap. It has consistently been shown that across ethnic groups, parents are stricter and regulate their daughters' activities outside the house more than they do their sons (Gibson, 1988; Lee, 2001; Waters, 1996). It was found to be the

most evident and split form of socialization present in the homes of undocumented Mexican AB540 students and legal status was discovered to contribute to a wider split and in turn, perpetuated gender patterns.

However, a greater disparity in levels of implementation was discovered in mixed status homes¹³ where stronger levels of monitoring and control were enforced on undocumented AB540 females.

I do notice that my parents are much stricter with my sister, but she is a girl and I am a guy... hahaha... naaah just kidding... my parents are strict with both of us because they are worried that we might get pulled over by immigration and get deported and they worry more about my sister because she is a girl... the border is something else... as a girl you can get raped and everything and for a guy... I don't think it's as dangerous... that's why they are stricter with her.

(Jesus)

It sucks not having papers cuz, like for example, I wasn't allowed to go on my senior trip to Disneyland because it is close to the border and my parents were scared to let me go, they thought I could get caught by la migra, but my sister on the other hand, she got to go on her senior trip and she even got to go to Hawaii with the school choir...

(Lola)

Jesus' testimonial illustrates a stereotypical characteristic of Mexican immigrant culture that depicts notions of gender inequality and it shows how culture matters in patterns of gendered socialization. On the other hand, Lola's testimonial shows how being undocumented magnifies these patterns. Although Lola's sister was given more freedom than Lola due to the fact that she is a U.S. citizen, they were still monitored more than males in their household. They were given stricter curfews and their activities outside the house were more regulated than their brothers'.

Unfortunately, Lola's case was not uncommon. A greater disparity in monitoring and control was evident in every household between undocumented AB540 females and all males in the household. Consequently, males (both documented and undocumented) were given more freedom than females and their activities outside the house and in school were less regulated than for females.

I was never allowed to get a ride to school from friends. Even when I was in high school, my mom always dropped me off or made sure I got on the bus, but my brother on the other hand, he would always catch rides with his friends and he was really never questioned about how he was going to get to school or if he even made it to school...

(Jessica)

¹³ Homes/families composed of individuals with varying forms of legal status i.e. citizens, permanent residents, undocumented, visa holders etc...

I was only allowed to attend and to participate in events that were organized by the family, events that my parents would also go to, or events that had something to do with school and even then, if it was like a dance, my parents would still question letting me go and they would make me come home really early...like at ten or no later than eleven p.m., cuando apenas se estaba poniendo bueno el ambiente (when the ambiance was just getting good)...my brothers on the other hand, they can do whatever they want, especially on the weekends. They go out dancing till hella late at night and they never get in trouble, me con un minuto que me pase, I am grounded like for a whole week.

(Veronica)

This form of socialization, based on concerns arising from legal status, perpetuated the gender gap between undocumented AB540 males and females and suggests that a wider gap is created between undocumented AB540 females and males than between those with a regularized status. Nearly all undocumented AB540 female participants, including Jessica and Veronica, reported having to come home directly after school (unless they had a school activity they were required to attend). Parents demanded they come home directly after school because they said they needed to make sure their daughters were safe and not out in the street running the risk of getting pulled over by law enforcement or immigration officials. Parents feared their daughters “would just freak out and not know what to do in the case of an immigration raid or deportation” (Selena, personal communication, May 22, 2008).

All participants and their parents shared a great fear of deportation given the increasing rates of violence and homicides in Mexico and at the Mexico-U.S border during this last decade. Undocumented AB540 female participants perceived a greater concern on behalf of their parents for their safety if ever arrested and deported.

My parents don't like me hanging out with my friends after school. I have to come home right away on the days that I don't work unless I am working on a group project for school and even then, they prefer my friends to come to my house instead of me going over. They say they are scared that something could happen to me... tienen miedo que me agarre la migra y que me echen pa México y luego ahorita mas como están las cosas tan feas de matanzas y secuestros...
(they are afraid that ICE might arrest me and throw me to Mexico and more so now that things are so ugly with killings and kidnappings...)

(Laly)

I watch the news everyday and it's scary to see the number of people who get shot and killed in Mexico for no reason... like women in Ciudad Juarez. It puts things into perspective for me and it helps me to understand why my parents are so over protective of me even though I don't agree with their strict ways...

(Cassandra)

Undocumented AB540 female participants believed that the fact that they were undocumented heightened their parents' already high levels of concern for their safety as girls. They believed that their legal status played a key role in their strict levels of monitoring and

control given parental comments and advice that specifically spoke about the difference between possible consequences for female and male deportees. For instance,

Por eso yo vivo aconsejándoles a mis hijos que se porten bien y que no asistan en la calle y más cuando dicen que por ahí anda la migra, más pendiente me da que los puedan echar pa México. Un hombre como quiera, si lo deportan yo pienso que corre menos peligro que una mujer por que el donde quiera que se pare, se puede defender y una mujer, por más que pelee nunca va a tener más fuerzas que un hombre. Una mujer es presa fácil pa los mal vivientes que a vitan en la frontera. Nomas handan a ver a quien joden... *(I live telling my kids to behave and not to hang out in the street and even more so when they say that la migra is somewhere around, I get even more worried that they can through him back into Mexico. A man, in either case, if they deport him, I think he is in less danger than a woman because he can defend himself where ever he is at and a woman, no matter how much she fights, she will never have the strength of a man. A woman is an easy prey for criminals that live at the border who are just out to see who they can harm)*

(Lupe's Mom)

Una mujer sola [sin un hombre] en la frontera no la hace. Cualquiera la puede engatusar y llevársela en engaños de que la va a ayudar o simplemente le pueden faltar al respeto... La pueden secuestrar y violar... *(a woman alone at the border can't make it. Anybody can lure her and take her by lying and telling her that they are going to help her or they can simply disrespect her... They can kidnap and rape her...)*

(Lola's Dad)

Uno de hombre esta mas jugado que una mujer. Sobretudo más que una mujer de rancho. Las mujeres de rancho o que han sido creadas al estilo de rancho, como mis hijas, típicamente no salen al menos que el esposo, el papa, o los hermanos las saque a pasear o tal vez si salen con la mama. Y los hombres, la mayoría ya tienen la experiencia de lo que se sufre para migrar para acá (the U.S.) y pues tan mas experimentados en las cosas de la vida porque tienen más libertad... *(A man has more life experience than a woman. Especially more than a woman who comes from a farm/small town. Women from small towns or who have been raised according to small town principles, like my daughters, typically don't go out much unless the husband, father, or brothers take them out or maybe they might go out with their mothers. And men, the majority already have the experience of the suffering necessary to migrate here (to the U.S.) and well they are more experienced in life because they have more freedom...)*

(Adilene's Dad)

These testimonials first explain why parents monitored and control their daughters so closely. They did so because they believed women, especially those from rural areas or those raised according to their native culture, had less “life experience” and were more vulnerable and susceptible to being victims of crime than men. This highlights the cultural component of gender gaps that persists. Second, they show that parents believed that this lack of experience and high vulnerability coupled with lack of legal status put females at a higher risk of being harmed given the possibility of being deported to one of the most dangerous zones in the world– the Mexico-U.S. border. Here, legal status was perceived as adding an additional layer of risk that increased undocumented female’s chances of getting harmed and illustrates how gender gaps within the home widened as a result of heightened levels of parental concern due to their daughter’s legal status.

Fear of deportation to the U.S.-Mexico border and its consequences was utilized as a reason to closely monitor and control undocumented female students’ activities outside the home. Almost every time they arrived late and/or did not answer their phone, they were scolded and/or grounded and the number one thing said to them was typically -

Where were you, por que no respondías el teléfono. Me tenias con el Jesús en la boca sin saber dónde estabas, si te avía pasado algo, o peor - si te avía agarrado la migra, que se yo.... *(why didn't you answer your telephone. You had me calling upon Jesus worried without knowing where you were, wondering if something had happened to you or worst - wondering if immigration had gotten a hold of you...)*
(Veronica quoting her mother)

Undocumented AB540 girls were expected to call their parents when they got out of class and again when they arrived home. Once home, they had to help with household chores and to take care of their siblings while their brothers (both documented and undocumented) were allowed to hang out with friends. Undocumented AB540 males were rarely expected to call home unless they had plans of staying out late. Very few times did they ever receive phone calls from their parents and when they did, it was typically on days when they were driving and usually just to check and make sure they had not been pulled over by law enforcement officials. Males who were U.S. permanent residents or citizens were never expected to call home unless they were staying out late nor did they ever receive “check up” calls from their parents.

My brother [a U.S. Citizen] is never expected to call home nor do my parents ever call him, siempre dicen que las malas noticias corren mas rápido que un rayo, y si no saben nada de él, es porque esta bien. De él no tienen pendiente, como tiene papeles y licencia de manejar... pues que es lo peor que le puede pasar? Solo que choque o se meta en algún problema con alguien...y yo, disque me puede pasar todo eso y MAS simplemente porque soy mujer y pa acabarla de joder, una mujer indocumentada que de la noche a la mañana puede recibir una patada y va pafuera...hahaha....*(they always say that bad news travel faster than lightning, and if they don't hear anything about him, it is because he is ok. They don't worry about him because he has papers and a drivers' license so what's the worst thing that could happen to him? He can crash or get into some sort of trouble with someone... and me, supposedly all that can happen to me and MORE simply*

because I am a female and to make things worst - an undocumented female that can be kicked out from one minute to the next...)

(Aracely)

Aracely perceived a difference in parental expectations with regards to the way she was socialized at home. Her testimonial highlights how legal status is perceived as raising parental levels of concern that lead to greater monitoring and control. Many female participants of this study, like Aracely, perceived a great sense of “overprotection” from their parents in comparison to their undocumented AB540 male siblings and an even greater sense of monitoring and control compared to their regularized male siblings. Though such parental monitoring can be considered oppressive and restrictive by mainstream standards, it carried positive implication for undocumented AB540 female students. For example, undocumented AB540 females in this study were less likely to cut class and received better grades than their male counterparts. This kept them from being classified as “organizational deviants” and in good standing with school personnel. They were also more likely to get involved in school extra-curricular activities and they obtained more scholarships and recognitions based on these.

These findings support Zhou and Bankston’s (2001) study on Vietnamese girls, which states that high levels of parental control contribute to the educational success of girls. It also confirms Smith’s (2002) argument that spending more time at home allows girls to focus on their studies and that it minimized their exposure to violence and toxic environments, particularly in inner-city contexts. High levels of control seemed to provide a perceived sense of structure that organized participants’ daily activities and maintained them focused on their studies. It also maintained them away from the public view where it would be easier for them to come into contact with ICE (immigration) and/or other law enforcement officials. In sum, whereas some scholars like Laurie Olsen have suggested a tension between school and traditional gender roles for girls, this study finds that such roles can also contribute to school success.

Gendered Relations at Gendered Institutions

Over the years, scholars have shown that schools, like homes, are highly gendered institutions (Williams, Alvarez & Hauck, 2002) and that the experiences of girls and boys are very different. Studies on mainstream white students indicate that this gender gap may be attributed to the perceptions that school is a feminine institution where teachers favor girls in classroom settings (Connell, 2000). Also, boys are stereotypically considered more energetic and difficult to control than girls. Consequently, some researchers suggest that teachers tend to be less understanding of them and are more likely to discipline them than they would girls (Ginorio & Huston, 2001; Lopez, 2003).

Latino males in particular, seem to be at a higher risk of getting in trouble or being labeled as troublemakers. For example, from their national study on Latino students, Ginorio and Huston (2001) report that counselors and teachers often assume Latino males to be involved in gang activities simply because they are Spanish speakers. Lopez’s report on Latino youth also showed that Latino males were continuously and unfairly subject to “policing” by school personnel (2002). Thus, Katz (1997) argues that schools contribute to the criminalization of Latino youth by consistently labeling them as criminals, gangsters, or deviant. This in turn, helps maintain the grammar of schooling, which gave birth to the “organizational deviant” category.

This said, it was no surprise to see a marked difference between undocumented AB540 Latino female and male students in the realm of school social relationships and support (i.e. social networks). Stanton-Salazar (2001) found that boys' school-based relationships were less supportive than those of girls. My study found that school personnel referred undocumented AB540 girls to special programs established for immigrant students more often than boys. Findings also suggest that school personnel were more likely to take time to talk to and discuss issues with girl than with boys. In relation to researching and obtaining information about how to apply to college or about resources for undocumented AB540 students already in college, this study found that girls were more likely to get one-on-one attention, more time dedicated to them, and to receive more printed information than boys.

Also, Qin's findings from the LISA study with Chinese students suggest that girls were "more likely to have friends that were serious about schoolwork and supportive of academics" (2006, p.12). In this project, male participants dealt with negative peer pressure more often than females and legal status was often used as a reason to encourage deviant behavior. Information gathered through this study also support previous research that suggests that peer pressure for boys to engage in deviant activity was stronger than for girls (Gibson, 1988; Qin, 2004; Waters, 1996), and suggests that legal status further strengthens these patterns and was often utilized by participant's friends to encourage "cutting" class and "dropping out." For instance,

A lot of my friends ask me why I bother to do well in school. They don't understand why I don't drop out and work instead. They think that I am just throwing my money away cuz I don't have papers...

(Sergio)

Cuando mis amigos se van de pinta, siempre me invitan y cuando digo que no siempre me dan carriya y me preguntan que yo pa que estudio si detodas maneras no voy a llegar a ser presidente o licenciado por ser un indocumentado...*(when my friends cut class, they always invite me and when I say no they always tease me and ask me why i want to study if i am not going to be able to become president or even a lawyer because I am undocumented...)*

(Jesus)

For males in this study, including Sergio and Jesus, legal status was a typical factor within varying forms of peer pressure. This suggests that legal status may contribute to the educational gender gap given that it was never found present within the experiences of females dealing with similar forms of peer pressure. Although Sergio and Jesus confessed to often feeling depressed over their legal status and sometimes even admitted to considering their friends' suggestions of cutting and dropping out, fear of drawing attention to themselves and getting in trouble maintained them focused and in school.

Fear of getting in trouble propelled participants away from activities and situations that brought attention to them. This kept them from engaging in deviant activity like cutting, getting into fights or joining gangs, which would earn them a spot on the list of organizational deviant students. Peer pressure was sometimes so strong that they opted to cut once in a while, but not enough to affect their grades, school performance, or generate attendance warning reports. Also, it is important to note that the times that undocumented AB540 males did cut, it was often on

days when they felt hopeless and deeply depressed over their legal status. This suggests that legal status may encourage deviant behavior and in turn widen educational gender gaps.

Furthermore, Qin's study (2006) found that "girls had better relationships with their teacher [and counselors] and perceived more social support at school than boys did" (Qin, 2006, p.12). However, undocumented AB540 girls who attested to having good relationships with their teachers and counselors also conveyed a weakening or abrupt termination of these relationships after disclosing their legal status (see chapter 3 of this dissertation).

Moreover, when planning a hunger strike or a sit in through ethnic clubs, school male club advisors (of the same ethnicity or white) were more likely to encourage males to participate in these forms of resistance as opposed to girls who were instead encouraged to consider marches and other "non-risky" forms of demonstrations. Non-AB540 male club members were also more likely to agree with advisors' suggestions than females in the same clubs. Although males claimed this was a "gentlemen's way" of protecting females from getting in trouble both with their families and with the law, females perceived this as a form of oppression and gendered subordination.

I appreciated that [male advisors and fellow undocumented AB540] guy friends want to protect us, but as immigrant women, we also have the right to participate in this form of speech and if we are willing to risk our freedom or risk getting in trouble with our families. I think that, that decision is on us and not for them to decide... some just feel that as Mexican men, they know what's best for us and they need to let go of that attitude...

(Veronica)

Veronica's statement clearly illustrates how cultural notions of gender mattered and it shows how legal status coupled with these can further limit female's participation in different activities. For undocumented AB540 females in this study, protesting and participating in sit-ins and hunger strikes was not just about fighting for immigrant rights, but also about letting their voice, as women, be heard. It was their way of "letting everyone" know (including other undocumented AB540 male students) that they too had the courage, strength, and determination to risk their freedom and possibly face deportation.

I know that my parents, and especially other men in my family, didn't really agree with me protesting..., but I made it a point to participate in the sit-ins, It was my way of protesting and fighting for immigrant rights and to show that, like men, women are also strong and not afraid to risk their freedom...

(Selena)

[By participating in the sit-ins and marches,] I wanted to let the world know that Mexican immigrant women have the courage to stand up for our rights. That we too are not afraid to leave the shadows we are forced to live under in this country. That we don't agree nor follow stereotypical traditional cultural norms that cast Mexican women as submissive servants...and that we refuse to leave our men to fight this struggle on their own... we fight next to them not behind them as many think we do... en pocas palabras y como dice el dicho, nosotras tambien estamos

dispuestas a morir al frente y en la raya, hahaha...*(in other words and like the saying goes, we are also committed to dying on the front line hahaha...)*
(Aracely)

Prefiero que me deporten por haber peleado por mis derechos como mujer inmigrante en este país, que ni que me deporten nomas por gusto. Así me voy tranquila y contenta de saber que luche y que la intimidación que las mujeres inmigrantes viven en este país por parte de hombres abusivos y machistas y de leyes anti-inmigrantes, que no fue lo suficiente para detener mis acciones. *(I'd rather get deported for fighting for my rights as an immigrant woman in this country, than get deported just because. This way, I leave at peace and happy to know that I fought and that the intimidation created by abusive and machista men against immigrant women in this country was not sufficient to deter my actions.)*
(Lupe)

Selena, Aracely, and Lupe's accounts are reflective of the overall feelings shared by undocumented AB540 females in this study. Most female participants reported that their active participation in rallies, marches, sit-ins, conferences, and hunger strikes were ways to let viewers (including family members) know that they were not "submissive underachievers" (Romo, 1998) and that they were not willing to continue living in fear caused by societal pressures and anti-immigrant laws. This was their way of challenging traditional gender roles that maintain that females are not to engage in activities that may cause embarrassment to themselves or to their families i.e. acts that may hinder their reputation as decent *amas de casa*. Also, some researchers suggest that U.S. society values gender equity more than other third world countries like Mexico and China (Qin, 2004). Thus for these females, their participation in such acts also may have been a way to challenge their own cultural norms and demonstrate that they were assimilating and/or adopting the US.' cultural notions on gender equity.

In sum, the experiences of undocumented AB540 female students in this study differed from those of their male counterparts. Like other girls in previous research who were documented, undocumented AB540 females in this study seemed to have stronger and more supportive relationships while boys endured negative peer pressure. However, due to their legal status, females also perceived a harder power struggle and sensed a "sheltering" effect from male club advisors and men from the same ethnic group and made it a point to challenge and negotiate these and to stand up for their rights.

"Educated Indocumentadas/os" Challenging Racialized Gendered Roles

Undocumented AB540 females in this study concurred that obtaining an education was a means to challenge traditional oppressive gendered roles and to fight against racist notions of immigrants. The foundation for their academic perseverance involved a drive for cultural, generational, and social change focused on gender and legal status. However, one of the biggest challenges they faced was managing the contradictions between "gender advancement through educational attainment and maintaining [certain] cultural norms" (Camarota, 2004, p.55). They wanted gender advancement through education, yet they were also careful not to dismiss cultural norms that would earn them a reputation of becoming too "Americanized" i.e. "too liberal to the

point that [they came] across as mandonas¹⁴ or dominating hos (*whores*)” (Maria, personal communication, June 16, 2007).

On the other hand, the biggest challenge for undocumented AB540 male students, which also served as their main drive, predominantly involved generational and social change focused on immigration status. In other words, undocumented AB540 male students’ challenge and drive was predominantly related to countering negative stereotypes of Latino immigrants, Mexican male immigrant youth in particular.

Undocumented AB540 students (both females and males) in this study faced oppressive circumstances at home and at school that arose from the intersection of their undocumented, racialized, gendered experiences, and addressed them through developing a number of strategies that allowed them to persevere academically. This perseverance, they hoped, would lead them to acquire a college degree that would grant them leverage in the family, community, and future marriage for females, and in schools, community, and labor market for males.

For example, to minimize parental monitoring and control arising from concerns related to gender and their legal status, female participants made use of their social relations, particularly those that were school-based.

I use to have the club advisor call my dad to ask for permission to go on fieldtrips out of town. I knew my dad couldn’t say no to him, besides, they were school fieldtrips and I wasn’t going to do anything wrong...

(Brianna)

Like Brianna, other female participants often relied on school personnel to advocate for them to gain parental permission to participate in activities inside and outside school. The fact that these advocates worked for the school or held positions within the school district created a perceived sense of security for parents that made them unlikely to challenge such authorities and allowed them to approve their daughters’ participation in a variety of extra-curricular and school-based activities. These social networks also allowed female participants to gain more freedom outside the home and school and were utilized by them to deflect parental monitoring and control. This freedom provided them with more opportunities to “latch on” to social networks that may provide information and resources critical for academic achievement and social incorporation (see chapter 3 of this dissertation for more information on this).

Whenever I wanted to go out with my friends, I would have Amanda and her mom stop by to invite me. My parents had met them at open house and they thought they were nice... Amanda’s mom works for the school district... my parents trusted [Amanda’s parents] almost from the get go... a lot of people know her...my parents think very highly of [Amanda’s family]...

(Selena)

The fact that undocumented AB540 female students in this study, including Selena, realized and acknowledge that parents trusted and deferred to school personnel encouraged them to foster school-based relationships and it incremented their positive attitude toward schools.

¹⁴ The Spanish term for a bossy females.

Research has demonstrated that immigrant girls have a more positive attitude toward schools than boys (Lee, 2001; Waters, 1996). Holland and Eisenhart (1990) highlighted this positive perspective of schooling among female students and argued that males and females, for reasons of gender, hold different perceptions towards schooling and demonstrate different patterns of engagement with school. Additionally, this study suggest that legal status further encourages positive attitudes and patterns of engagement with schools among immigrant female students because schools may provide them with connections they may use to mitigate gender gaps within the home.

Moreover, Olsen (1997) also suggest that one explanation for girls' positive attitude arises in part, from their views of schools as liberating social spaces where they are free from parental monitoring.

I actually like school. It is the only time I get to hang out with my friends and it is the only place que mis papas no me ponen peros para venir, I also like it because I can get involved in different activities and I don't have to worry about getting permission from my parents because as long as it is related to school, they let me do whatever I want...

(Briana)

Briana's case upholds Olsen's claim because it allowed her the freedom to be active in many activities and it allowed her to be away from her parents' heavy monitoring. Other researchers claim that this positive attitude has something to do with female perceptions of education credentials "as the ticket to a higher status that challenge male domination and offer greater autonomy" (Camarota, 2004 p.55).

For example, Keaton's work on Muslim girls suggests that this positive attitude toward school is fed by their instrumental views of education as a source of "empowerment against traditions" (1999). Other evidence also reveals a growing pattern of educational achievement among Latinas as a means to strive for equality of status and opportunity (Barajas and Pierce 2001; Lopez, 2002; Smith, 2002; Valenzuela, 1993). This project further reveals that undocumented AB540 female students' choice of graduating from high school and pursuing a college education was primarily for this reason. The following excerpts illustrate undocumented females' perceived notions of educational credentials as the gate to self empowerment and greater autonomy and succeeding narratives demonstrate how legal status comes into play.

I think that overall, an educated woman has more power and freedom, especially at home... being an educated professional woman grants you the opportunity to have a saying in decision making because you are also providing for the family...

(Veronica)

As a professional woman if you don't like something, you can say it without being afraid that he [the husband] will leave you. Many woman who don't have an education are miserable because they feel that... que no les pueden reclamar nada, they feel that they are stuck with them [their husbands], they don't know what they would do if they [the husbands] ever left them, especially if they have kids, because they either don't work or have low paying jobs...

(Aracely)

Well... like the saying goes, donde se educa un hombre, solo se educa el hombre, pero donde se educa una mujer se educa toda la familia. Yo creo que... I think this saying holds a lot of weight because it really does nail things down. For example, the way I see it is that when a man gets educated... well he is educated and becomes a professional and whatever, he supports his family and continues with the tradition of being the breadwinner, BUT when a woman gets an education, she serves as a role model for other girls including her daughters and it not only opens doors up for her professionally, but it also helps her to educate her children, especially her sons. She can teach them to respect women and to value them so that they don't grow up thinking they are all macho and stuff...

(Maria)

I knew education was important for many reasons. I knew it would grant me respect in my family and in the community, and today, as an educated married woman, I know I was right... For example, in my house, my family, including my husband, depends on me. If he needs a legal document filled out or if he needs someone to go with him on an important appointment, he asks me... I have the power to say yeih or nay... I am not like other women who have to depend on their husbands, he depends on me, especially because now, thanks to my education, I earn more money than him... (Big smile)

(Elena)

In addition, for undocumented AB540 females, obtaining an education had a larger and distinct relevance for their future pathways into adulthood. It was not only about resisting the circumstances of heavy monitoring and control due to being a female, but also about resisting being a heavy monitored and controlled undocumented Latina female.

... getting an education will allow me to get a better job so that I don't have to be dependent on the men in my life and it will allow me to defend myself from those that like to put women and immigrants down... it might even provide me with the opportunity to obtain my papers and to the freedom that will come with that if the government approves the Dream Act...

(Briana)

I knew that obtaining a college education would help me to grow as a woman and to break with traditions that subordinate women, but most importantly, I knew that it would grant me the opportunity to have a voice in the struggle for immigrant rights. I knew that I would serve as a role model for other undocumented immigrant women and would encourage them to come out and not be afraid. I knew it would help them realize that it is possible to be a successful undocumented woman in this country...

(Lupe)

Briana believed that obtaining an education would offer her more freedom as an immigrant woman, while Lupe knew that obtaining an education allowed her to gain more leverage and to challenge traditional cultural norms that perpetuate gender gaps, all while fighting for her rights as an undocumented immigrant.

Furthermore, media and public policy proposals (Like California's Prop. 187, Arizona's SB1070 and Texas' state representative – Leo Berman's measure on denying a Texas birth certificate to children of non-citizens) advance both implicit and explicit assumptions that undocumented immigrants, specifically Latinos and Mexican in particular, pose a significant burden for the U.S.' social service system and public safety and thus should be denied access to all social services, including education and medical care. These proposals often depict Mexican immigrant women as coming to the U.S. only to bear children and abuse the social service system and portray Mexican immigrant men as drug-dealers and/or gangsters and as a result, a threat to public safety. These proposals and the rhetoric around them help maintain stereotypical gendered notions of immigrants and in turn do little to address educational gender gaps.

Instead, anti-immigrant rhetoric is often utilized to criminalize immigrants and to help veto laws like the California Dream Act, which would grant undocumented students access to state financial aid. Consequently, as undocumented individuals, AB540 Mexican students in this study are also criminalized by the types of rhetoric mentioned above. This criminalization reinforces a social construction of immigrants as detrimental to the U.S. and re-frames their gendered identities with racist ideologies of detriment, overpopulation and violence. One reason, both undocumented AB540 female and male students opted to pursue a higher college education was precisely for reasons of resistance to these racist gendered notions.

Honestly, I have been humiliated so many times for being Mexican that I wanted to prove all those people wrong. I wanted to show them that I wasn't a criminal like they claimed I was... I wanted to prove to them that even without papeles, this Mexican could be successful...many think that just because you are a Mexican man that you are either a gangster or a drug dealer...and if you are neither of those they still think you are a criminal because they assume that you are undocumented simply cuz your Mexican...

(Adolfo)

When I am depressed and ready to give up, all it takes for me to get fired up again is to turn the T.V. on and see how Mexicans are bashed...people talk hella bad about us... some reporters on English channels always go out of their way to make it seem like this country is overpopulated cuz of us [Mexican women]... somehow they think we don't believe on birth control, or they probably think we don't even know how to use it...and they always make sure to highlight stories that show Mexican guys as like, like gangsters or drug dealers... It makes me so mad and I just want to prove people wrong. I want them to see that Mexican immigrants are the ones that break their backs in the fields for people to live comfortably in this country...we take care of their kids, we clean their houses, we mow their laws, take care of their elderly... we are the ones who do all the runt work...

(Veronica)

I always use to get the feeling that teachers thought I would quit school to get married and have kids because that is what a lot of Mexican girls do... I went back to visit my school and made it a point to tell them that I had graduated and graduated with honors...

(Ester)

Yo no soy un malviviente, no soy problemático, no soy pandillero, ni vendo drogas como muchos catalogan al joven Mexicano. Soy una persona que viene de una familia humilde, honrada, y trabajadora que solo quiere sobresalir y triunfar en este país. Eso es lo que quiero que vean los que nos juzgan de que somos criminales que nomas vienen a abusar de este país y a causar problemas... y se los voy a demostrar graduándome del la universidad y poniendo my propio negocio...*(I am not a menace, I am not problematic, nor a gangster, and I don't sell drugs like many stereotype the Young Mexican man to be. I am a person that comes from a humble, decent, and hard working family that only wants to achieve and succeed in this country. That is what I want people who judge us to see, that we are not criminals that only come here to abuse this country and cause trouble... and I am going to prove it to them by graduating from the university and setting up my own business...)*

(Jesus)

Their educational achievement was a mode of resistance centered on using education to counter societal inequalities (Solorzano and Delgado Bernal, 2001; Yosso, 2002) and oppression (Valenzuela, 1999). Also, by having a “prove them wrong” (Yosso, 2002) perspective, by succeeding in their own lives, and by serving as positive role models, undocumented AB540 youth in this study challenged the negative media representations of Latino immigrants. The experiences of male participants in particular, may help shine light on how to address gender gaps within education.

In addition, the following narratives shine light on how participants’ drive for generational and social change focused on legal status and social class advancement, which served as the primary foundation for their perseverance, particularly for male participants.

Graduating from college is a way to show respect for my parents’ sacrifices and to thank them for bringing me to this country. It is also a way to show that Mexican young men are not only gangsters and criminals. It is a way to show the country that even though we are undocumented, we are here to do right and to contribute to the well being of this country...

(Jorge)

My parents brought me here to better my life. They saw many opportunities to obtain a better life here [in the U.S.] that they didn't see in Mexico. I have seen them struggle through many hardships to provide for us and to make it in this country and that means a lot to me. I have learned a lot from that. I have learned that my strength comes from sharing my parents’ dream of having professionals

in the family and from my belief that as a clean-cut Mexican immigrant young male role-model, I deserve to live here without fearing that tomorrow I might get deported. Like my parents, I have worked hard in this country and plan to continue fighting for the Dream Act or any other immigration law that will grant me the opportunity to obtain my U.S citizenship...

(Jose)

Jorge and Jose's testimonies, highlight the consistent pattern of participants wanting to obtain an education due to their empathy with previous generations of immigrants, particularly their parents. Both undocumented AB540 female and male students in this study knew and understood the importance of the undocumented immigrant experience and their parents' message and wanted to do better than older generations. They perceived education credentials as immigrants' door to social upward mobility. However, males understood it from an undocumented immigrant perspective while females' perspective was focused on a more complex dynamic dealing with social class, but specifically dealing with gender and legal status.

I have learned to be strong from my mother, my grandmother, and other women in my family who have put up with a lot of shit from the men in their lives for fear of breaking up the family and losing their papers or being deported. They have taught me to be strong in their own way..., but I don't want to be like them. I want to be free to decide what's best for me without having to do what my dad or husband say I have to do... and I don't want to have to depend on them either... instead, I will use the strength they taught me to have to help me put up with the shit that I have to go through as an undocumented woman in a male dominated field.

(Jessica)

AB540 students understood their parents' message. They understood that they wanted their children to "have a better life." To succeed academically and perceived educational credentials as the way to improve their social economic standing, but while boys understood their message as one focusing on improving future generation's social economic class, girls like Jessica understood it from the perspective of gaining leverage for future generations of women through educational degrees that would also grant them social upward mobility.

For both female and male participants, achieving respect and recognition required that they graduate from high school and college and that they demonstrate equal capabilities and potential as gendered legalized students. Other strategies they utilize to achieve this and to face circumstances arising from their gendered undocumented racialized experiences included obtaining a part time job, particularly for boys, and becoming "experts" on immigration issues, for girls.

The support (or lack thereof) students receive from parents and other family members has been well documented as having an effect on whether students stay in school or drop out – especially within Latino communities who hold strong notions of familialism.¹⁵ Thus, obtaining

¹⁵ *Familialism* is defined as "that cultural value which includes a strong identification and attachment of individuals with their nuclear and extended families, and strong feelings of loyalty, reciprocity, and solidarity among members of the same family" (Marin, p. 184).

a part time job was another strategy males in particular, utilized to deflect conflicting messages coming from relatives and peers that encouraged them to both- graduate from high school and/or college and to drop out to join the labor force to help support the family. For instance,

I work cuz I need the money, pero también por que me ayuda a callarles la boca a familiares y amigos que a veces me aconsejan que deje el estudio para trabajar y ayudarles a mis papas con los gastos de la casa...*(but also because it helps me shut those family members and friends up that sometimes advise me to stop studying in order to work and to help my parents out with household expenses...)*
(Manuel)

Males in this study also took advantage of sports like soccer and football, and school projects to develop relationships with non-Latino students who were serious about their studies. This was a way of building social networks that facilitated their academic trajectory into college and it served to shield some of the negative stereotyping at school (for more information see chapter 3 of this dissertation). Sergio, like others in Figueroa's (2007) study, recognized social connectedness as an important dimension to academic success.

...hell yeah, I worked it. I made sure to get to know the white kids on my soccer team and the smart white kids in my classes. That helped me to meet new people and to learn new things and of course, I had other friends to hang out with when I didn't want to go de pinta (referring to cutting class) with my homies... hahaha... nahh.. for real on a serious note, I think it helped me to stay focused and to get good grades cuz if they could do it then so could I. I think this made people at school see me different... cuz I wasn't the gangster, the looser they often think many Mexican guys are. I was completely the opposite cuz I earned good grades and was involved in sports and other school activities and I also had friends that were not white or gangsters...

(Sergio)

Participating in such activities allowed Sergio and other males in this study to form friendships that would share information and facilitate resources. This kept them from needing to seek specific assistance that may have led them to develop notions of self-emasculación (Figueroa, 2007).

On the other hand, females in this study were not as involved with sports as were their male counterparts. Instead, they opted to participate in a variety of clubs. At many of these clubs, female participants often reported a sense of oppression and reported power struggle between males and females, particularly between males (both documented and undocumented) and undocumented females. However, to face and deflect oppressive circumstances at school and at ethnic clubs in particular, female undocumented students made it a point to become "experts" on immigration issues by conducting regular research and staying updated on related issues. For them, this created a perceived leverage that to a certain extent, may have developed dependency of other club members on them, especially of males, because they were the ones oftentimes keeping everyone updated on pertinent issues and were more prepared to present at conferences or give public comments on T.V. and news papers about this topic.

In sum, both undocumented AB540 female and male students developed and employed different strategies to counter gendered notions of immigrants and to help them persevere in obtaining an education. Through graduating from high school and obtaining a college education, they hoped to create change within their families, communities and culture and to herald new perceptions of Latino/a undocumented immigrants. Females hoped to herald new perceptions of Latina immigrant women that included one that showed that they are not submissive to men, but instead respected as equally capable and worthy. Like females, males also hoped to create change, but change specifically within their schools and larger community that would herald new perceptions of Latino immigrant young men as worthy educated immigrant contributors of this country and not gangster or drug dealers as they are typically portrayed by mass media and anti-immigrant groups.

Conclusion

For undocumented AB540 students, the underlying mechanism for gender and legal status effects may be different from the general student population because their experiences are often markedly different from mainstream students due to barriers arising from their legal status, assimilation, incorporation, and adaptation stress, and other characteristics unique to undocumented immigrants.

For example, this study found that gender coupled with legal status was critical in dictating different ways undocumented AB540 students were socialized at home and at schools – two locales that often encompass different and conflicting cultural norms and practices. Legal status was found to be a culprit of heightened levels of parental monitoring and control of undocumented females over males (both documented and undocumented). Female participants also confronted power struggles at school with male club advisors and males from their same ethnic group that attempted to “shield” them from social repercussions that may have resulted from their participation in activities related to their legal status. However, female participants were offered academic resources (including referrals to special programs) by school personnel more often than were males. This provided them with more opportunities to create school-based ties, which are critical to academic achievement (see chapter 3 of this dissertation), that may serve them to gain more freedom at home and outside of school. These findings suggest that being undocumented widens gender gaps and that although undocumented AB540 female students may gain higher status in some domains like in schools, they still continue to be subordinate in their homes and/or in their ethnic community.

Moreover, although research has shown that gendered socialization at home and at school may have auxiliary benefits for immigrant girls (Qin, 2003, 2006), this study found that it may also impede more significant academic success among Latinas, especially among undocumented AB540 Mexican female students.

For example, parents supported both, female and male undocumented AB540 students’ goal of graduating from high school and pursuing a college education because they perceived their children’s education and future job opportunities as closely linked to the family’s sense of “making it” (Olsen, 1997). However, they imposed stricter controls on their daughters, especially on their undocumented daughters, than on their sons in the activities outside the home. As a result, gender dynamics within the families placed restrictions that limited AB540 female students’ educational potential because it decreased the opportunities to expand their social

network system. A system documented to being critical in the academic achievement of immigrant students (see Qin, 2003 and Chapter 3 of this dissertation).

Furthermore, significant life choices, like completing a high school education and pursuing a college degree, were often decided based on and in relation to circumstances arising from being an “undocumented” female or male. For instance, for male participants, graduating and pursuing a higher college education was often based on the notion that education was a way to face and fight the oppressive circumstances arising from being a racialized undocumented immigrant as well as an opportunity to gain access to the middle and upper echelons of U.S. society through becoming a professional. On the other hand, for females, education had a larger and distinct relevance for their future pathways into adulthood. It was about resisting the circumstances of being female, racialized, and undocumented and about gaining access to middle and upper class jobs in order to be self-reliant and to provide for their own families (including their parents who are typically supported by sons in their old age). However, both - female and male participants shared a desire for generational change and viewed education as a way to make this happen.

The role of gender has become a pressing issue in immigration, education, and beyond. However, studies on how the interplay of gender and legal status affect educational outcomes of immigrant students has been under theorized and is still very much underdeveloped. Just as gender enters the picture in an important way because of the different roles that boys and girls occupy and the different ways they are socialized we should expect the interplay of legal status and gender to affect important adaptation, assimilation, and incorporation outcomes given the evidence gathered through this project.

Theorizing legal status in immigration and gender studies is critical for understanding not only “how, when, and why it makes a difference to be male or female” but also how, when, and why it makes a difference to be an “undocumented” male or female (Eckes & Trautner, 2000, p.10). This dissertation chapter suggests that wider gender gaps in immigrant education result from the interplay of gender and legal status that may affect educational outcomes of children from immigrant families. It supports and builds on previous research which provided ample evidence that suggest that educational outcomes are important indicators of the future social and economic mobility of immigrants and their succeeding generations. It also contributes to the field of immigration and education by helping scholars assess immigrants diverse processes of adaptation, assimilation and incorporation and can help educators find ways to create opportunities for immigrant students to latch on to necessary social networks required to achieve academically and to better address challenges immigrant students face in their daily lived nuanced experiences.

Fortunately, undocumented AB540 student in this study developed strategies to face and counter circumstances arising from their gendered, racialized, undocumented experiences that helped them persevere and to build resilience in order to complete and obtain a college education. One of these strategies was fostering and making use of school-based social relationships. As previously stated, these relationships have proven to be critical in the educational outcomes of children from immigrant families and may be what ultimately dictates which segment will absorb undocumented immigrant students like the ones portrayed in this study. This is critical as the segments that will ultimately absorb these immigrant students are directly linked to the well being of this country.

Chapter Five

“Before the Law,” “With the Law,” and/or “Against the Law”: Dilemmas Facing Undocumented Students

This chapter offers a glimpse of how undocumented AB540 students view, interpret, understand, and use U.S. laws (including immigration laws). The degree to which undocumented AB540 students understand their lives through legal concepts and processes helps to explain and shine light on their desire, struggle, and process to arise as “new citizens” in the U.S. (Hall and Held 1990). By struggling to open the doors to society undocumented AB540 students, as an excluded group of U.S. society, have risen as new political subjects, as actors that challenge existing powers and social relationships while claiming new rights. Their narratives and testimonials also underscore the importance of social networks in this struggle and to undocumented immigrants’ general survival, assimilation, and incorporation processes in the U.S.

To explore what legality means in the daily lives of undocumented AB540 students and to offer a detailed account of how social networks and the state affect and shape these students’ behavioral enactment of legality, this chapter utilizes Hall and Held’s (1990) definition of “new citizens” (i.e. entrants from new social movements such as the civil rights movement) and employs Patricia Ewick & Susan S. Silbey’s (1998) notions or “expressions” of legal consciousness. Legality defined as “the meanings, sources of authority, and cultural practices that are commonly recognized as legal” (Ewick & Silbey, 1998, p.22).

In their book titled *The Common Place of Law* (1998), Ewick & Silbey present three types of “expressions” or forms of “legal consciousness.” The first expression is one where legality is “imagined” and law is “majestic, operating by known and fixed rules in carefully delimited spheres... [existing] in times and places that put it outside of, rather than in, the midst of everyday life” (p.28).

The second expression includes one where legality is “depicted as a game” and law as a “terrain for tactical encounters through which people marshal a variety of social resources to achieve strategic goals... [and where they see] themselves and others bound by a set of rules that they may also try to change” (ibid). In this second form of legal consciousness, legality is viewed as existing “outside of daily life” and as “operating simultaneously with commonplace events and activities” (ibid). This chapter focuses on this form of legal consciousness (i.e. “with the law”) given that it arises out of perceptions of law as contest and can be best utilized to illustrate how this leads to undocumented students’ strategic engagement, or disengagement with the law. This form of legal consciousness also helps to illustrate how learning to play “the game” (i.e. survive as undocumented immigrants in the U.S. through engaging or disengaging with the law) was an early and critical part of the immigrant socialization process that participants of this study underwent and how even when they “lost,” (i.e. were arrested and/or deported) they still managed to gain knowledge and experience that they later could use for their benefit or the benefit of other undocumented immigrants. In other words, this form of legal consciousness helps illustrate “the personal growth” of participants in this study and helps depict their changes in relation to the law. This also helps to explain how mixed messages sent by the state influence undocumented immigrants’ perceptions of law and legality and how these shape the experiences of undocumented youth in this study.

Finally, the third expression of legality defined by Ewick and Silbey's includes one that depicts the law as a "product of power" and rather than being understood as objective, legality is understood as being "arbitrary and capricious" (ibid). Ewick and Silbey suggest that in this third form of legal consciousness, people use tricks and ruse and stratagem to appropriate part of law's power (ibid).

Unlike most people discussed in Ewick and Silbey's (1998) book, undocumented AB540 students always think about the law and about how their actions may result in complex entanglements that are with it, by it, or against it. Showing how they interpret, make sense of, and use the law shines light on how the law appears in varied and oftentimes, contradictory ways that lead to varying perceptions of belonging and citizenship. This is particularly important in a time after restrictions not only marked a new "regime" in the nation's immigration policy, but also deeply implicated the development of twentieth-century American ideas and practices about citizenship, race, and the nation-state (Ngai, 2004) – enduring ideas and practices that, until this day, remain intact. Contradictions within U.S. law send mixed messages to undocumented youth that encourage and/or force them to view law and legality as "a game, a bounded arena in which preexisting rules can be deployed and new rules invented..." (Ewick & Silbey, 1998, p.48). In this chapter, by illustrating undocumented students' lived experiences that highlight the diversity of law's uses and interpretations, I hope to build on work that demonstrates that "legality is an emergent feature of social relations rather than an external apparatus action upon social life" (Ewick & Silbey, 1998, p.17).

Creating the Illegal Immigrant: A historical glimpse at exclusion, deportation, and removal laws.

The practice of labeling immigrants as criminals and justifying this act by creating and enforcing restrictive laws is not new in U.S. history. Before the 1920s, immigration into the U.S. was numerically unrestricted. "Freedom of movement was a right acquired in Europe and North America" and with the emergence of capitalism, the free global movement of labor between these two continents was essential to economic development in the new world (Ngai, 2004, p.18). However, within this free and open migration Asians, particularly the Chinese were the major exception.

During the 1800s, Asians were the main targets of restrictive and anti-immigrant laws. Chinese, Japanese, Indians, and other Asians were excluded and denied the right to naturalize on grounds that they were racially ineligible (Ngai, 2004). For example, in 1882, the Chinese Exclusion Act was passed. It was the first significant law restricting immigration into the United States. Then, in the early 1900s, the number of Japanese laborers who could migrate were limited until 1924 when the Johnson and Reed Act was passed. This act ended the Gentlemen's Agreement Act of 1907, which Japan has faithfully observed and completely barred Japanese immigrants from entering the U.S. Although this law was not the nation's first restrictive immigration law, it was the nation's first "*comprehensive*" restriction law which established "*numerical limits*" on immigration (Ngai, 2004). It also established a "*global racial and national hierarchy*" that favored some immigrants over others (Ngai, 2004, p.3), yet at this time, Mexicans were not among the groups that were assigned a numerical quota.

Although the immigration laws of the 1920s did not assign numerical quotas to Mexicans, the enforcement provisions of restriction (i.e. visa requirements and border control policies) did profoundly affect them. Immigration restriction "meant much more than fewer

people entering the country; it also invariably generated illegal immigration and introduced that problem into the internal spaces of the nation” (Ngai, 2004, p.4). According to Ngai (2004), these restrictions also “produced the illegal alien as a new *legal and political subject*, whose inclusion within the nation was simultaneously a social reality and a legal impossibility – a subject barred from citizenship and without rights” (p.4). Although traces of a shift towards and against the Latino immigrant community (especially against Mexicans), began in the 1850s with the Foreign Miners’ Tax, which was passed to discourage Latin American miners from the gold fields of California (Hing, 1998), it did not bloom until the late 1920s when immigration enforcement and provisions of restriction made Mexicans the single largest group of “illegal aliens” (Ngai, 2004, p.7). Later, the birth and implementation of “operation wetback” in 1954 resulted in the round up and deportation of over a million Mexican workers and in 1977, the number of visas granted to Mexicans was reduced and immigration from all Latin American countries was made more difficult (Hing, 1998).

Moreover, Mexican and other undocumented workers became even more subordinate and subject to exploitation as employer sanctions were enacted through the Immigration Reform and Control act of 1986. Today, this subordination continues as state laws such as Arizona’s Proposition 200, arise and seek to discourage immigration by limiting undocumented immigrants’ access to public benefits and voting by requiring proof of citizenship. This proposition also makes it a misdemeanor for public officials to fail to report persons unable to produce such documentation and it allows citizens who believe that public officials have given undocumented persons benefits to sue for remedies (National Immigration Forum, 2004).

The need for state authorities to identify and distinguish between citizens, lawfully resident immigrants, and undocumented immigrants has posed enforcement, political, and constitutional problems to the point that undocumented Latino AB540 students can be said to fall under Ngai’s (2004) category of “impossible subjects” – persons who cannot be and a problem that cannot be solved (p.5). However, like other immigrants, these students pursue individual and family improvement. Although they continue to be labeled as criminals, they struggle and fight to go from “impossible subjects” (Ngai, 2004) to “new citizens” (Hall and Held, 1990) of this country even though they may ultimately only acquire “alien citizenship¹⁶” status. Their narratives and testimonials highlight the interactions, conflicts, and negotiations between them, the state, and society and reveal how they define and redefine “legality” citizenship and belonging. Their understanding of the law and their actions through using the law shine light on the “contradiction between the ideal and the actual in the law” (Ewick & Silbey, 1998, p.xiii) – a contradiction that all too often maintains a hardened racial hierarchy and a complex continuity of restriction, criminalization, and harsh treatment of contemporary immigrants.

Law and Legality: A Majestic Hierarchy of Rules and Regulations, a Product of Power, or a Game for Survival?

Undocumented immigrants, used to concealing their identities and their status, are forced to function and to strategize to survive in an anti-immigrant climate. They are finding sufficient

¹⁶I borrow and use this term to refer to Immigrants with formal U.S. citizenship or permanent residence status but who remain alien in the eyes of the Nation. This term was originally coined by Ngai to refer to “Asian-Americans and Mexican-Americans born in the United States with formal U.S. citizenship but who remain alien in the eyes of the nation” (Ngai, 2004, p.8)

strength to take center stage in acts that may be classified as being “before the law,” “with the law,” or “against the law.” Undocumented AB540 students in particular, are swimming full force against the societal current that has traditionally classified them as law breakers. Through employing a variety of strategies and participating in different social actions, they are not only demanding existing rights, but creating new ones and are altering society in the process. However, it is important to note that although individual testimonials and narratives are utilized to illustrate the different forms of legal consciousness employed by undocumented students, they do not neatly correspond to individual actors and they are not meant to show the essential aspects of individual students’ identity or life – for example, just because I use a student’s quote that reflects an “against the law” attitude does not necessarily mean he/she is or identifies as an anarchist.

For undocumented AB540 students, the law is something that is embedded, something that adds meaning and/or constrain to their social actions. All participants claimed to have a high degree of respect for the law. They viewed it as this grand hierarchical system of rules, regulations, and procedures that are formally ordered and for the most part, rational. They typically viewed legality as authoritative and predictable and often expressed loyalty and acceptance of legal constructions.

I think law was created to keep order in society. I think that... it is what makes places decent areas to live because it is what establishes rules that keep people on their toes. It makes people do the right thing and it keeps them from causing trouble or harm... it establishes rules and punishments for those that break it.
(Manuel)

Law is... it makes people respect each other... Without any kind of law, I think there would be chaos. There would be people doing whatever they want whenever they want whether good or bad...
(Lola)

The law is that thing that determines whether you did something good or bad. It’s the rules that people live by... it messes with you when you mess with it by doing something you aren’t supposed to do...
(Sergio)

However, once the law was specifically linked to legal status, undocumented AB540 students’ actions and perceptual frames or “schemas” of law and legality reflected a deep tension and at the same time, a mutual reinforcement of societal notions of the law. This tension was particularly evident in subject matter related to the ability to drive and obtain a driver’s license, access to education, employment, filing income taxes, and the existence of sanctuary cities. They often described three different or mixed forms of legal consciousness within and throughout their daily activities where legality was typically manifested as a struggle between “desire and the law, social structure and agency” (Ewick & Silbey, 1998, p.29). For example, undocumented students’ daily legal odyssey typically began early in the morning when some drove off to school or work and as others awaited their rides or hopped onto a bus.

I always get rides... I hate not having a license and not having my papers to get a license cuz I always have to bother people... I either have to depend on someone to take me to places OOOORRR drive and risk getting pulled over by the cops, which I am not about to do... I don't want to get myself involved with the law, the further I am from it, the better...

(Laly)

It is so frustrating to have to ask for favors or beg people for rides because that makes you dependent on others... if they are late, they make you late, if they miss class and you don't have any other way of getting to school, then you miss as well... and taking the bus is a whole different ball game. It takes so much time out of your day, especially when I work – I have to transfer busses. Sometimes, I am on that bus for four hours, that's four hours I can use to take another class or work...it really sucks, but I don't want to get involved in any legal matters or get in trouble with the law...

(Cassandra)

I don't drive even though I know how... I think that everyone that can drive should have a license... that's why I think California should pass the law that would give us [undocumented immigrants] the opportunity to obtain one. It is safer for everyone and everyone should have one... It is better for everyone because it would help people to get insurance for their cars and if they ever get involved in an accident and the person runs from the scene, it would be easier for police to find and identify the person... it's not fair that we get deprived from driving and getting a driver's license just because we don't have papers...

(Maria)

In this case, choosing not to drive without a license maintains Laly, Cassandra, and Maria “before the law.” By not driving, they deferred to the law’s claim to autonomy. However, although they expressed loyalty and acceptance to this particular legal construction, they also found themselves frustrated and angry about not being able to do anything about their situation. They felt angry frustrated, and powerless in not having or being able to obtaining a driver’s license due to their legal status. Laly in particular, also regarded law as “somewhere else, a place very different from everyday life” that she would not have to visit unless she somehow broke the law and was caught (Ewick & Silbey, 1998, p.47). Maria’s testimonial is also interesting because, although her belief in the appropriateness and justness of the law is clearly stated, it also illustrates her acknowledgement in the law as not always being fair.

Moreover, although all three stated to respect the law and chose not to go against it by not driving, towards the end of each conversation, they all stated that they would ultimately go against it and drive if they had to. Their circumstances at that time facilitated their transportation and since they had access to some form of transportation, they did not have the need or necessity to go against the law. However, they stated that if it ever came down to it, they would drive and be forced to play “al gato y al ratón” (cat and mouse) with law enforcement and would pray and hope not to get caught (Laly, personal communication, Sept. 20, 2008). This example is

representative of the multiple points within the legal spectrum that students often occupied and wrestled with at any given time.

On the other hand, some participants like Jorje and Adilene, were observed participating in legality through carrying-out actions that would posit them as being “against the law.”

I live way out in the boonies. I don't have access to buses or any other form of public transportation so I have to drive. I don't have a choice... I have to drive if I want to finish my education and work. I have to do it if I want to do something with my life... I need to do it to survive in this country...

(Jorge)

I just ask God to watch over me. He knows I am not trying to cheat the law. He knows I have to *por necesidad no por gusto* [due to necessity not desire], because believe me, I am always super scared to be driving, especially when I see a police car behind me, I start shaking so bad and then I just start praying, but I got to do what I got to do to survive as an undocumented person in this country.

(Adilene)

Both, Jorge and Adilene's statements reflect a sense of feeling “caught within the law, [and] being up against [it]” (Ewick & Silbey, 1998, p.78). As Ewick and Silbey would say, they are “making do,” doing what the situation momentarily and unpredictably makes available. Given their legal status and California's law that prevents them from obtaining a driver's license, for them, driving was a solution they wouldn't have been able to do within conventionally recognized legal schemas. So, in these cases, driving allowed them to forge moments of respite from the power of law that has traditionally immobilized many immigrants. Their action produces an instrumental purpose as it allows them to avoid, at least for the time they were driving, the consequences of being undocumented and ineligible to obtain a driver's license. Their effort to resist the law by driving however, was not to be cynical, but instead they undertook this action with a sense of need and right – a need and right they felt resulted out of the “social game for survival” (Jorje, personal communication, June 20, 2007). Although some participants spoke about driving as a form of resistance, many specifically focused and talked about it as a way to engage in this game where on the one hand, they are “expected to show [they] want to join and be productive members of society, but on the other hand, [they] are criminalized when [they] take certain actions necessary to make it happen” (ibid). In other words, as Negron (2009) may argue, their actions, and Adilene's testimonial in particular, serves to demonstrate that oppositional consciousness (i.e. being against the law) developed out of the constant negotiation of hegemonic and counter-hegemonic ideas. Adilene's decision to drive shows an oppositional consciousness against restrictive laws towards undocumented immigrants. Yet, her reflection also illustrates how she wrestled with hegemonic notions that cast those that “cheat” the law as criminals and simultaneously with counter-hegemonic ideas that are used by undocumented immigrants to survive in this country.

Furthermore, other participants specifically depicted the law as a game to be played within ordinary life. They viewed it as a strategic game in which they sought their interests with the resources at their disposal. This form of legal consciousness allowed Juan and Jessica the opportunity to tactically maneuver for the purpose of pursuing self-interests, which proved

fruitful as they were among the “skillful and resourceful who made strategic gains” by acquiring a driver’s license (Ewick & Silbey, 1998, p.48).

I am going to do whatever it takes to survive and succeed in this country... I have family up in Utah and they told me I could get a driver’s license up there so one day I took my dad’s car a little bit of savings that I had and drove all the way up there... I came back as a licensed driver [big smile].

(Juan)

I am going to take advantage of any and all opportunities to achieve what I want... for example [a] couple of people and I connected with this guy through the internet, he lives in Seattle and he belongs to one of the list serves that sends out information for AB540 students... We told him we wanted to get our [driver’s] license so he offered to house us if we ever decided to take the trip. One day, there was about six of us that decided we were going to do it so we drove up there.... We filled out our applications and submitted them with this guy’s address as ours... he gave us a letter to show as proof that we were renting from him and we all came back as licensed drivers [big smile].

(Jessica)

Juan and Jessica discovered a new rule to the game – finding locations that provided driver’s licenses to undocumented individuals. Their decision to take advantage of such opportunity illustrates what Jane Mansbridge (2001) would consider oppositional consciousness. She defines this as “an empowered mental state that prepares members of an oppressed group to act to undermine, reform, or overthrow a system of human domination (Mansbridge, 2001, p.5). Juan and Jessica each visited one of three states in the U.S. (Utah, Washington, and New Mexico) that allow people to obtain driver’s licenses without proof of legal residency or citizenship (Peek, 2010). They not only played by the rules (i.e. obtaining a driver’s license in order to operate a vehicle), but also with the rules by applying and acquiring a driver’s license through utilizing available resources (i.e. social network connections and their addresses) to make strategic gains (protection from possibly being arrested and/or given fines as a result from being an unlicensed driver). However, even though these participants made strategic gains and were not violating the law while driving, it can be argued that they were still against the law given that they utilized a driver’s license they had acquired through misrepresenting their address and state of residence. Juan and Jessica’s constant maneuvering and negotiating strategies support Mansbridge’s notion that oppositional consciousness (i.e. being against the law) is not “one point on a binary,” but rather a historically-contingent spectrum (2001) which is forged out of the dialectic between ideas that are both hegemonic and counter-hegemonic (Negron, 2009).

Undocumented students’ perceptual frame of law and legality as it pertained to the need and right to drive included one based on respect, and objectivity, yet some worked hard to maintain their distance from it given that circumstances based on their legal status often prevented them from playing legally or playing by its rules. However, their daily experiences and testimonials often portrayed law and legality as being complicated, mixed, and confusing. Consequently, this encouraged them to view it as subjective, game like and susceptible to reversal of power relations and acted accordingly, as was the case with Juan and Jessica. This

view of law and legality, as contradictory, complex and game-like, was also evident in the educational sphere.

Undocumented students' access to a public education has been a highly contested topic. Particularly within the last decade and in states like California where AB540 has been challenged and fallen under attack numerous times. Undocumented AB540 students claim that having access to a higher college education is another part of "the game" the government poses for them to try to figure out and play.

I don't get it, por una parte (on the one hand), the government passes laws to prevent us [immigrants] from coming here. It passes them to demonstrate that we are not wanted here... but on the other hand, it passes other laws [like AB540] that help us and it still gives us the opportunity to obtain those things that they claim we shouldn't have access to like an education..., they just make it harder for most of us to obtain them... I guess that's its way of trying to please everyone, it contradict itself, it's the way it plays the social and political game...

(Aracely)

In the first part of Aracely's statement, she is specifically referring to policy proposals and laws like Prop. 187, the approval of building the triple layered wall at the Mexico-U.S. border and the militarization of it, while the second part refers to court decisions like Plyler vs. Doe, which grants undocumented students access to a k-12 public education and to AB540, which allows them to attend public colleges and universities and to pay in-state tuition rates. Her statement clearly depicts a "game like" schema or understanding of the law where the resourceful will make strategic educational gains. Elena, like Aracely, also reflected on her views of law and legality as it pertained to education and undocumented students.

if you really think about it, the government and other public officials don't publicize laws like AB540 that benefit undocumented immigrants, that's why I think many counselors and teachers don't know about it... and I think they don't do it on purpose... they obviously don't want the general population that elects them to think they are supporting us, but on the other hand, they recognize that we are human and deserving. So, the information about these laws only gets to a limited number of people and on top of that, the only ones who benefit from them are the ones who have the money or resources necessary to go to college...

(Elena)

Undocumented students without access to necessary information and resources are often left thinking they are unable to attend college and in most cases, they end up exiting school early and/or participating in gangs and other deviant activities that end their life at a young age or get them deported (Gonzales, personal communication, Oct, 14, 2010).

Moreover, undocumented students in this research project learned to not only play the game by researching and making use of education laws like AB540, but they also developed strategies and engaged in particular activities within the game that made law and legality susceptible to reversal of power relations. These included sharing their stories publically through news broadcasts, articles, journals, law reviews, writing letters to the president, and participating

in marches, sit-ins, and hunger strikes among others. Their “independent actions moved them from the status of unwilling victims to active participants” (Gonzales, 2008, p.221). For example,

...we have come out and made ourselves public. We have shared our stories and put a human face to a previously dehumanized issue and because of this, I think, we have gained more social and political support, which I hope helps in passing the Dream Act...

(Brianna)

“I think that our participation in marches and sit-ins has not only made us more visible, but has also contributed to the growth in support for our cause. I think this form of activism has increased our social and political support – support that is necessary and critical to pressure our government to pass the Dream Act.”

(Manuel)

These students utilized laws protecting their freedom of speech and freedom to demonstrate in a peaceful manner to send their social and political message to the U.S. government and society at large. As young individuals who have been raised in this country and who have actively participated in the well being of their communities, they demanded the right to regularize their status and the opportunity to obtain citizenship. Although these acts can be viewed as forms of “resistance,” which at many levels they may be, they were also specifically talked about as a way to reverse power relations between the community and the government by creating and putting pressure at the grassroots level. Their narratives and testimonials (especially those of students already at four year institutions) showed that “the rules, procedures, ordinances, and even constitutional amendments [were] perceived as historically and socially constructed. As human inventions, they [were] understood to be open to challenge, vulnerable to change, and available for self manipulations” (Ewick & Silbey, 1998, p.146). Also, for these students, the promise of the game was that the process ensured a means for producing an end to itself. In other words, they turned to law (freedom of speech) “not so much for the playing as for the end of play, for providing, as one man observed, “the final solution” to conflicts and disputes” (Ewick and Silbey, 1998, p.148). In this case, they played for the passage of both – the California and National Dream Act that if passed would grant them access to federal financial aid and put them on a path towards citizenship. Additionally, here, it is important to note that playing the game entailed not just playing by the rules (i.e. peaceful demonstrations), but also playing with the rules (i.e. coming out publically and risking deportation) and against the rules (misrepresentation of their address and state of residence in DMV paperwork).

Moreover, as students in highly structured institutions, they had the opportunity to connect with others who were facing similar, if not the same, circumstances and were able to identify others with mutual interests. They recognized the benefits of groups and as Ewick & Silbey state, “their experiences tend to confirm the view that groups lend strategic advantages in conflicts” (p.158) given that their participation in an array of demonstrations and marches brought the issue of immigration, especially the Dream Act, to the forefront of the nation’s political agenda.

Similar strategies deployed that reflected a game-like schema or playing by the rules and with the rules were also evident in and included those dealing with employment and filing yearly income taxes.

I do everything that a good citizen would do. I go to school, I am active in my community, I work a lot and I file my taxes every year. I even get politically involved [through marches and campaigns] even though I can't vote...

(Jorje)

"I file my income taxes every year... I file them under my own name and my own address so I am sure that if the feds ever wanted to arrest and deport me, they wouldn't have any problems finding me..."

(Sergio)

These students played by the rules by providing a social security number for the purpose of obtaining employment and making the proper state and federal contributions that would allow them to obtain a W-2 for filing their yearly income taxes. They also applied and were issued an Individual Tax Identification Numbers (ITINs),¹⁷ which they used to file their yearly income taxes. However, even though they did all of this, they simultaneously played "with" and "against" the law by making use of forged social security numbers and/or not reporting money paid under the table. In these particular cases, the concern seemed "less about law's power than about the power of self or others to successfully deploy and engage with the law" (Ewick & Silbey, 1998, p.48). Additionally, these students, as the rest in the study, viewed legal and material factors as resources and believed that ultimately the players' skills and resources would shape the outcome of "the game." For instance,

"I use my real name for everything... *el seguro y la mica chueca que uso tienen mi nombre* (the forged social security and green card that I use have my real name) so my income taxes are also under my real name... I want to make sure that there is physical evidence and official documents that can prove I have lived here for a long time and that I have been a role model citizen even though I don't have papers..."

(Jorje)

"I have saved every certificate, every award, and any and every little piece of paper that shows I am a good person. I have heard that that is one of the things immigration considers when you apply to get your papers, so I want to make sure I am covered..."

¹⁷According to the Internal Revenue Service (IRS), an ITIN is a nine-digit number issued by them. It is issued to individuals who are required to have a U.S. taxpayer identification number but who do not have, and are not eligible to obtain a Social Security Number (SSN) from the Social Security Administration (SSA). These numbers are issued regardless of immigration status because both resident and nonresident aliens may have a U.S. filing or reporting requirement under the Internal Revenue Code. For more information visit: <http://www.irs.gov/individuals/article/0,,id=222209,00.html>

(Selena)

Furthermore, because undocumented students in this study recognized the authority of text, they often reported acting strategically, ensuring against future contingencies by preparing a record to present as proof of residency and good moral character.¹⁸ They made sure to secure copies of all academic certificates, awards, and diplomas as well as income tax records and any other document that showed proof of their residency in the U.S., including dates, and acts of good moral character. These documents, they believed, would ultimately serve as resources they could present to immigration officials as evidence of their good moral character and to counter common notions depicting immigrants as a burden to society (Huntington, 2004). They hoped these records would prove that they are law abiding educated residents and therefore an asset to society worthy of permanent residency and citizenship. They also claimed that this would show that “[t]he success of the game attracts more players: those with knowledge, resources, and interest” (Ewick and Silbey, 1998, p.164). In other words, that the success of the U.S. (which is based on the success of previous waves of immigrants) and of immigrants coming to the U.S., attracts more immigrants, but mainly those with knowledge, resources and interest – supporting previous research that suggest that “illegal immigrants” do not constitute the poor, uneducated, un-skilled, homogenous group people stereotypically perceive to be (Rivera- Batis, 2000).

The knowledge, resources, and interest that immigrants, both undocumented and documented, bring with them have been recognized as making valuable contributions to this country and especially to local communities. As a result, many cities in large metropolitan areas have opted to declare themselves as sanctuary cities¹⁹ and have adopted ordinances that ban city employees and police officers from asking people about their immigration status. Therefore, undocumented immigrant students perceived sanctuary cities as spaces within “the game” that provided them the opportunity to forge moments of respite from the power of law. They were grateful and admired government officials for taking such stand, especially in a time of high anti-immigrant hysteria.

...it takes a lot of guts to do such a thing [declare your city a sanctuary city] cuz you never know if that is going to cost you the re-election, especially for politicians, the re-election is like... like this fuckin big great thing that builds your reputation... and I respect and admire them for that, for recognizing us as valuable contributors, for recognizing us as human, and for providing us with... if anything, the perceived sense that we don't have to worry about explaining our status to the cops...

(Manuel)

¹⁸ U.S. Citizenship and Immigration Services (USCIS) does not provide a specified definition of the term “good moral character.” However, it does provide a list of things that permanently or temporarily bar individuals from obtaining their residence card or citizenship. For this list visit the following link: http://www.uscis.gov/USCIS/About%20Us/Electronic%20Reading%20Room/Customer%20Service%20Reference%20Guide/Permanent_Residents_Naturalization.pdf

¹⁹ “The term given to a city in the United States that follows certain practices that protect illegal immigrants.” For more information visit http://en.wikipedia.org/wiki/Sanctuary_city

The idea of sanctuary cities seemed to be respected and favored by all participants. However, they also expressed schemas that seemed to be “founded on an image of legality as a sort of tournament in which victory is premised, at least in part, on the attributes of the contestants” (Ewick & Silbey, 1998, p.151).

... pero que nos ganamos? (*but what do we gain?*), that’s (sanctuary cities) all going to go down the drain, no va a tener valor (*it is not going to have any value*) after local law enforcement is forced to implement 287g²⁰ ...

(Maria)

...local police officers have to do what the main perrones (federals) say they have to do... it’s all a political power game... some blame the federal government for the immigration issue and others say that local governments (like those in sanctuary cities) are at fault for protecting them...

(Juan)

In this case the contestants are the federal government, local government officials, and immigrants (and their social networks) who utilize and benefit from the protection (real or perceived) that local government and law enforcement officials offer them. Although sanctuary cities have maintained their ground, today they are falling prey to the requirements of 287(g) and will be forced to implement it – this is where the power struggle within this part of the game is most evident for undocumented students.

Undocumented student participants believed that sanctuary city protection came about as a result of collective action – of large social networks willing to play by the rules and with the rules to obtain formal recognition and acknowledgement of the value and contributions of immigrants, particularly of undocumented immigrants.

I believe it was a game of power that a bunch of people decided to play alongside undocumented immigrants with government officials that ultimately granted us this protection

(Elena)

... I think that things like... like sanctuary cities most likely came about as a result of people that knew and, in one way or another, supported undocumented immigrants...I mean... it was like, like it was probably people in power or people who managed to influence people in power...people can change the law, they can make things happen...especially when they come together for the same cause...

(Laly)

²⁰ Under 287(g), ICE provides state and local law enforcement with the training and subsequent authorization to identify, process, and when appropriate, detain immigration offenders they encounter during their regular, daily law-enforcement activity. For more information visit [http://en.wikipedia.org/wiki/Section_287\(g\)](http://en.wikipedia.org/wiki/Section_287(g))

I don't think things like AB540 or sanctuary cities could have been possible without support from lots of people... family, neighbors, principals, teachers, bosses, priests, mayors, you know...people from all walks of life... that is why I think it is so important to share our stories publically cuz I think it gains us support. Doing so gives people that normally wouldn't socialize with us the opportunity to see who and what we are really all about... I just think racism, prejudice, and anti-immigrant attitudes are born out of ignorance and fear of the unknown and the best way to fight it is to build support from people around you that actually know you, at least that is what I know has helped me get to where I am today, it is all about connections baby hahaha...

(Lupe)

These narratives demonstrate that although participants viewed law and legality as a products of power, they also recognized that these were not omnipotent and believed that social networks were the best mechanism to change them. They believed that the mixed messages and contradictions within and by the law provide opportunities for people to question it and at the same time to come together and challenge it at different levels. In this case the mixed message was about the rejection and protection of undocumented immigrants under official laws and policies.

Plyler v Doe and AB540 are also two examples of court rulings and laws that send mixed messages (see chapter three of this dissertation) about the rejection and protection of undocumented immigrants. They are products of power that help illustrate that law and legality are not omnipotent and serve as good examples to demonstrate that social networks are one of the best ways to change law given that both resulted out mobilization of large immigrant and immigrant rights networks that made them possible. As discussed in chapter three of this dissertation, these laws reflect contradictions within and between the state (i.e. the law) and thus are paving the way for many to challenge current immigration law and to demand change. The demand for the Passage of the Dream Act is the best example of the change being demanded.

Moreover, *Plyler v Doe* and AB540 protect undocumented immigrants within education institutions and create spaces for them that foster a sense of citizenship and belonging (see chapter 3 of this dissertation). For this reason, this study suggests that these laws influenced undocumented students' relationship to schools in a positive way. Despite the grammar of schooling documented to have negative implications for the education of minority students, participants perceived schools as "safe spaces" that welcomed and provided them with opportunities to feel "normal" (i.e. legal).

Additionally, undocumented AB540 students claim that sanctuary city protection, like the protection offered through schools as a result of *Plyler v Doe* and AB540, is one example of how undocumented immigrants' actions have helped to formulate some laws and have influenced the level of enforcement of others. Their own experiences provided a view of law emerging from the routine, often discretionary, encounters among professional (legal) and non-professional (undocumented) actors.

Our experiences have helped to draft the Dream Act... and I know that our participation [in marches, sit-ins, and hunger strikes] have made a difference in making us even more visible in the eyes of powerful people. I honestly think that,

that is why we are gaining more legal and political support and why we are starting to see more and more cases where deportation is being deferred for undocumented students. Antes, cuando se escuchaba de que le perdonaran la deportación a un inmigrante, así nomas por nomas y sin razón?... (*before, when would you ever hear that deportation had been deferred for an immigrant just because and for no reason? ...*)

(Aracely)

Ahora, no nomas nos perdonan la deportación, si no a veces también los tickets cuando nos paran... ya ni los carros nos quitan, nomas nos dicen que le hablemos a alguien con licencia para que lo recojan (*Now, they don't just defer our deportation, but also sometimes they pardon out tickets when we get pulled over... they don't even impound our cars anymore, they just tell us to call somebody with a license to go pick the car up.*)

(Briana)

Undocumented AB540 students in this study believed that this kind of encounters provided the opportunity for law enforcement and government officials to learn about them and their history. They believed this history played a key role in helping them gain leverage in the game. For example, in cities where most participants resided, law enforcement officials had agreed to “work” with the immigrant community. They had heard many of their stories and “understood” their circumstances so they not only decided to accept the “matricula consular”²¹ as a formal type of identification, but also to refrain from impounding their automobiles for those unlicensed drivers who were pulled over for minor traffic violations (this obviously would depend on officers’ discretion). For them these were acts that continued to send mixed messages that supported their perception of “legality-as-game” as they evoked and relied on constructions of “legality as contingent and uncertain” (Ewick & Silbey, 1998, p.146).

In addition, undocumented AB540 students’ varying views of law and legality as game-like also proved to emerge from routine encounters among non-law enforcement officials like teachers, friends, neighbors, employers, etc. Many of these encounters may have also been the cause of increased social support for undocumented students and in turn larger social networks as they often resulted in people joining “the cause” or providing information and resources for these students. Many people that challenge legality in this sense may typically form or end up forming part of a larger social network that supports immigrants (locally or nationally) and therefore become key players in the legality game. For instance,

...when my teacher found out that I could go to college, but couldn't apply for financial aid, she said “whata heck, you are one of the best students I have ever had, you have the right to get help, you have earned it..., they give you permission but don't allow you access to the tools you need, that is crazy”... that

²¹ A matricula consular is “an identification card issued by the Government of Mexico through its consulate offices to Mexican nationals residing outside of Mexico regardless of their emigration status” for more information visit: http://www.google.com/search?hl=en&safe=active&rlz=1T4DKUS_enUS248US250&defl=en&q=define:Matr%C3%ADcula+Consular&sa=X&ei=gbG-TLOtIJTksQPc2-XaDA&ved=0CBIQkAE

is when she started to fund raise money for me, she called all her friends and sent all kinds of email to everyone she knew...she has become a great supporter of the dream act and has joined the cause...

(Cassandra)

When Cassandra was asked how her teacher's words and actions made her feel she stated,

...it made me feel important, it made me feel like... like it was my right, I mean I knew I had the right to go to college cuz I had worked my butt off to get there, but the fact that I didn't have papers kinda made me question it... what she did for me made me want to use that right it made me feel like I belonged to this country and that I had rights even though I wasn't born here... so I put that right into practice and that is what I am doing now (big smile)...

(Cassandra)

The routine and often discretionary encounters among Cassandra and her teacher paved the way for her and her teacher (who previously held a reputation of having strong anti-immigrant perspectives) to develop and or redefine perceptions of law and legality. Her teacher's perception seemed to change as she considered and took into account notions of meritocracy within immigration law. As a result of her newly redefined notions, her actions based on this also influenced Cassandra's views of legality and because of this and other similar interactions among them, Cassandra developed a sense of right also based on notions of meritocracy.

For Cassandra, her teacher played not only a key role in helping her pay for her education, but also in her understanding of the law and legality. Her teacher's attitude, actions, and comments encouraged a sense of right that Cassandra also interpreted as a sense of belonging (based on her academic and social merit) even though she is legally classified as a "law breaker" and "foreigner" due to her legal status.

However, Cassandra's case is not unique, for all participants in this study, social networks played a critical role in many different aspects of their lives including access to information and resources including funding (see chapter on schooling), on their perceptions and understandings of the law, legality, belonging and citizenship, and on their behavioral enactments of legality. Their experiences and testimonials suggest that social networks helped dispel the loneliness and sense of "illegality" they often felt as a result of their legal status. Interestingly though, these students' social ties, like Cassandra's teacher, often expressed and encouraged notions of belonging and citizenship based on meritocracy.

...you are as American as apple pie, you have worked very hard and deserve to become legalized, besides, you have been here practically all of your life, how much more American can you be, you don't even speak Spanish well...hahaha...

(Jessica's Boss)

That is bull shit, you didn't come here by choice, you were brought here and you have made the best of it, you have proven yourself and the fact that you don't have a green card shouldn't determine whether you get financial aid or not, it

should be based on your grades and hard work... instead of denying you aid they should give you your green card, this country needs decent and hard working people like you...

(Veronica's best friend's father)

...student like you make this community proud... you are part of it and you should be treated equally and given equal rights just like anybody else...

(President of community club)

As we can see from the following quotes, these messages may have led undocumented students in this study to develop a strong sense of belonging, citizenship, entitlement, and right based on notions of meritocracy and on their academic achievements, consequently prompting them to demand their rights based on this premise.

I have worked very hard to get where I am today and a lot of the time, I don't give my-self enough credit until I talk to other people, that's when I really realize I have earned everything I have received... based on my hard work, I think I deserve the right to be successful and to obtain my papers...

(Aracely)

I am more American than many U.S. citizens. I work two jobs and still pull off straight As and I am politically active. Even though I don't vote, I participate in campaigns, I march, and I read up on all the measures and policies people will be voting on... now how many young American citizens do all of that?...Now you see why I deserve my papers...?

(Manuel)

...my boss said that I had great potential to do great things in life. He knew I had good grades and thought that immigration laws and financial aid policies were bogus... he offered to pay for my first year of college and looked into how he could help me get my papers...I think he probably thought it would be easy (to get a green card) since I come from a good family and don't have a criminal record...too bad he was wrong...

(Juan)

However, some scholars (Varenne, 1998) may argue that merit is more ideology than practice and that these students have been caught up in the language of school success or failure i.e. the grammar of schooling. They may argue that these students' narratives advance this argument by demonstrating the interplay between schools and society i.e. that society cannot control the fact that academic achievement is an opportunity for evaluating and labeling these immigrants as good or bad. Furthermore, according to Farber and Sherry (1995), some Critical Legal Scholars, Critical Race Theorists, and Radical Femenists like John Calmore, Richard Delgado, Patricia Williams, Catharine MacKinnon, and Duncan Kennedy contend that "merit" is only a social construct designed to maintain the power of dominant groups. These scholars may argue that these students have "bought into" established and dominant notions of merit by

assuming that their academic achievement and active social participation (through academic institutions) are or should be part of the standard used to determine which immigrants are deserving and/or worthy of the opportunity to become legalized and fully incorporated. This notion of merit seems to be supported by participants' teachers, employers, friends, family, and community members. Therefore, to draw on Mansbridge (2001) notion of consciousness, these students' consciousness "is internal to their individual minds" and reflects the kind of consciousness "inextricably derived from the social world" (p.5).

Conclusion

The narratives, testimonials and experiences of undocumented students show a spectrum of varying and mixed forms of legal consciousness. Forms that were constantly generated, challenged, changed, and/or reinvented through strategies that negotiated and dealt with conflictive messages and tensions created by and within state policies. However, in many instances mixed messages of law and legality forced them to develop a strong game-like schema that ultimately resulted in behavioral enactments that often challenged yet re-enforced popular notions of law and legality. This chapter has illustrated how for these students, law was always present although often times subordinate. It examined legality and law as an emerging feature of social life that collaborates with other social structures like family, race, school, etc. to infuse meaning and/or constrain social action. Undocumented students' lived experiences supported Ewick & Silbey's notion that legality operates through social life as persons (undocumented AB540 students) and groups (undocumented AB540 students and their social networks) deliberately interpret and invoke law's language, authority, and procedures to organize their lives and manage their relationships. However, while building on their work, my research takes a different step and makes a small contribution that arises from findings which suggests that legality is not completely separate and unmoored from law as they insist, but rather the experiences and perceptions of participants in this study reveal that they are loosely tethered and interactive.

Moreover, the fact that immigration law is "mired in formal procedure, captured by bureaucratic structures, and remote from the real concerns of citizens, makes it unable to effectively resolve disputes, recognize truth, or respond to injustice" (Ewick & Silbey, 1998, p. 196) forcing undocumented immigrants to enact game-like behavioral strategies in order to survive in a hostile and anti-immigrant climate. However, all of this made it even more dangerous in the eyes of undocumented students because as Ewick and Silbey state "[they are] living in the shadow of a giant, [and they are] as likely to be harmed by its clumsiness and myopia as by its rage" (196). Or in Laly's words, they are playing the complex and dangerous game of "al gato y al raton" (personal communication, Sept. 20, 2008).

Many of the stories of legal trouble that undocumented students shared stemmed out of their lack of legal status and the inability of law to respond to the sorts of ordinary troubles that characterized everyday life. Their lived experiences show how they are at once welcomed and unwelcomed. They show how they are woven into the fabric of the nation, but refuse to be part of the traditional undocumented labor that is cheap and "disposable" (Chang, 2000). By coming out and sharing their stories publically, they not only put a human face to a dehumanized issue (immigration) but they may also have gained broader social support and stronger social networks. Based on previous research, Ewick & Silbey (1998) suggest that social networks, organizational resources, and local cultures shape both the written content and behavioral

enactment of legality. These social networks were critical in contributing to participants' notions of law and legality and to changes and/or the building and re-building of societal perceptions of undocumented immigrant youth. "Emerging from these interactions, the practices and ideals to which the term "law" might be applied are understandably variable, complex, and sometimes contradictory" (Ewick & Silbey, 1998, p.19). For undocumented students in this study, these contradictions often arose and were the result of daily routines that included activities that were either before the law, with the law, against the law, neither or all at once.

Furthermore, as previously stated, immigration literature shows that migration is not "a unidirectional phenomenon in which the hapless poor of the world clamor at the gates of the putatively disinterested wealthier nations," but instead it shows that the U.S. remains blind to this insight (Ngai, 2004, p.11). It remains blind in large part because the U.S.' "understanding of immigration has been powerfully influenced by nationalism...[and] we resist examining the role that American world power has played in the global structure of immigration" (ibid). As Ngai states "nationalism's ultimate defense is sovereignty – the nation's self proclaimed, absolute right to determine its own membership..." (2004, p.11) - a membership that today, continues to be denied to undocumented AB540 students. Consequently, their lived experiences of legality demonstrate the ways U.S. government policies interact to shape their daily activities and reveal a struggle between desire and the law, social structure and human agency and further prove that legality emerges as a durable social structure that is constantly changing and being challenged and reinvented and yet continues to hold immigrants at the bottom of the social ladder.

Chapter Six

Conclusion: Implications for Policy and Practice

As with past waves of immigrants, today's influx of immigrants has and continues to generate hysteria. The economic downturn the U.S. is undergoing is no help in the quest to push for comprehensive immigration reform and large cuts to education may continue to force the Dream Act to fail. Like new arrivals from Ireland, Eastern Europe, and the Mediterranean, Latin American immigrants, and undocumented AB540 Mexican students in particular, are struggling to be accepted as worthy, loyal, and equal to U.S. citizens. They have to struggle to gain access and resources to pursue a higher college education. They have to muddle with cultural dissonance and gendered socialization gaps, and challenge and negotiate popular notions of law, legality, citizenship, and belonging. All this while shaping perceptions of themselves and the world they live in - a world characterized by an anti-immigrant context that posits them as law breakers, criminals, and undeserving.

Undocumented immigrants' decision to leave the shadows and take to the streets to demand respect, recognition, access to a higher college education, and the right to stay in the U.S. flourished full force in mid 2006. Today, their struggle continues as more and more undocumented AB540 student hit the spotlight in mass media and local channels demanding the right to obtain a higher education, the opportunity to remain in the U.S. and a path toward citizenship. However, to a great extent, the government has failed to fulfill such demands and continues to neglect the fact that immigrant youth and children of immigrants make up the largest and fastest growing segment of this nation's youth population. Today they constitute 20 percent of our nation's youth and they are projected to make up a third of young Americans by the year 2040 (Suarez-Orozco, C., Suarez-Orozco, M., Todorova, 2008). Therefore, there is a great need to develop and generate immigration and immigrant policy that is fair and humane and that directly addresses immigrant-origin youth and their realities in contemporary times.

Approximately 1.8 million of the estimated 11.5-12 million undocumented immigrants are under the age of 18 (Massey, 2006). The segment within U.S. society that will ultimately absorb them will largely depend on how the state responds to these youth and whether it passes a comprehensive immigration reform bill that not only allows them access to state and federal financial aid, but also the opportunity for legalization and a path toward citizenship. Our current immigration system fails to consider how best to incorporate immigrants and the children of immigrants into U.S. society - especially those without legal status. Any attempt to create or maintain policies that address this issue as it pertains to undocumented youth in particular, is frowned upon and immediately challenged and classified as a form of rewarding those who have broken the law. These include policies like AB540, the California Dream Act and the National Dream Act. This stance not only forces the country to fail this population, but it also robs the economy from some of its most promising future contributors.

Why study the successful?

"Why is it that some immigrants thrive in schools while others give up on schools as the route to a better tomorrow" (Suarez-Orozco's, 1998, "p. 21)? There is a large body of literature that addresses the second part to this question and that explores the under-achievement and high attrition rates of minority students, including immigrant youth. However, school success has

gained little attention from scholars and is in dire need of further exploration (Conchas, 2001; Conchas & Noguera, 2004; Lightfoot, 1983). For those who do succeed academically, we know little about them and what “distinguishes them from their classmates who experience academic underachievement and failure” (Alva & Padilla, 1995, p. 1). Thus, studying successful undocumented Latino AB540 students may help to identify and describe unique characteristics that may help other minority low achieving students. It may offer new insights into how we can better develop and extend resources that help strengthen the academic achievement, resilience, and incorporation of immigrant children and youth. Studying this group may also shine light on different resources minority students can draw on to circumvent the effects of factors contributing to high drop-out rates and achievement gaps within their communities and in turn, become academically successful.

By examining the experiences of successful undocumented AB540 students, this study adds to the growing body of literature that seeks to explain why some immigrant students overcome the odds and perform well in school. The basis of social capital and legal status together with immigrants’ voices was used in this research to approach the issue of Mexican undocumented immigrant youth’s perseverance toward higher education attainment. This helped to add to or support the list of factors documented to affect and/or cause social inequality and/or segmented assimilation. This study also supports previous research that suggest that personal, institutional and environmental resources can facilitate academic success among immigrant youth growing up in environments where they are exposed to elevated psychosocial risks (Perez, Espinoza, Ramos, Coronado, and Cortes, 2010) such as legal status, gender socialization, low-income and first generation college student status.

Findings and Discussion

Literature shows that immigrant youths’ socio-economic success in the U.S. largely depends on whether they have access to resources and to an affordable postsecondary education and point to race and class, among other factors, as primary factors in determining which social stratus they will end up along as adults. However, findings from this study suggests that legal status is also a primary factor in dictating, exactly, where in the socio-economic stratum they will fall and describe the role of the state in creating conditions and shaping undocumented immigrant students’ perceptions and their daily lived experiences.

This study demonstrated that state mechanisms like Plyler v. Doe and AB540 create institutional conditions fruitful for AB540 students. These policies not only grant these students the opportunity to access education, but also set obligations and mandates for counselors and teachers to serve and provide information and resources to all students without regards to legal status. In other words, they created conditions that facilitated the acquisition of information and resources without needing to work for them as suggested by Small (2009). However, this study revealed that set obligations and mandates are not enough. Schools are failing immigrant students, specifically undocumented students. Yet, even then, findings demonstrate that schools may still provide a fruitful context that helps these students to “latch on” to quality social networks that can provide them with needed information and resources to successfully pursue and obtain a higher college education.

The voices and experiences of participants in this study illustrate how schools continue to serve as primary sorting mechanisms of people for future roles in schools and society. They emphasize the ways schools continue to reproduce social divisions based on wealth, privilege

and power and help to explain how and why the legacy of the grammar of schooling persists as a durable standard. This study discovered that schools' lack of knowledge and hesitations to formalize resources or widely communicate strategies to students, faculty, and staff often resulted in broken ties between students and school personnel, particularly between undocumented students and school counselors. Fear of sharing information that related to their legal status was found to be a primary culprit for the weakening or breaking of these ties. Fortunately though, this study also found that the norms and rules of class room interaction, required school projects, sports participation, and club memberships provided undocumented AB540 students with opportunities that made up for these broken ties. These newly formed connections were found to support undocumented students through providing information and emotional, psychological, and financial resources. Without these connections, undocumented students' chances of attending and completing a college education are minimal or practically non-existent.

Moreover, upon further analysis of these new formulated connections, a second finding was discovered. This entailed undocumented female students' use of school-based social relationships to mitigate parental restrictions and the effects of gendered socialization processes, especially within the home. Through this study, it was discovered that legal status coupled with gender play a critical role in perpetuating and supporting the gendered socialization gap. However, participants were found utilizing school connections and ties generated through school to acquire more freedom from their parents' strict and heavy monitoring. This monitoring seemed to arise out of parental concerns over the possibility of arrest and deportation of their children due to legal status. Parental fears grew as they witnessed the constant publicity of violence, kidnappings, and deaths of immigrants (females in particular) at the U.S.-Mexico border and in turn made it a point to lay clear and strict gender roles and expectations for their children. Therefore, being undocumented for females translated into greater monitoring and control, but through instituting school-based social networks as a primary strategy to mitigate the effects of these they were able to gain greater leverage, particularly within the home.

Furthermore, social networks seem to be one of the main factors that compose the life line for immigrants' which allows and facilitates their survival in this country. They also seem to have a great impact in shaping and supporting undocumented AB540 students' perceived notions of law, legality, citizenship and belonging. Previous research suggests that social networks, organizational resources, and local cultures shape both the written content and behavioral enactment of legality (Ewick & Silbey, 1998). The lived experiences of undocumented AB540 students' in this study support Ewick & Silbey's notion that legality operates through social life as persons (undocumented AB540 students) and groups (undocumented AB540 students and their social networks) deliberately interpret and invoke law's language, authority, and procedures to organize their lives and manage their relationships. However, while building on their work, my research takes a different step and makes a small contribution that arises from findings which suggests that legality is not completely separate and unmoored from law as they suggest, but rather the experiences and perceptions of participants in this study reveal that they are loosely tied, connected, and interactive. As a result, participants' experiences show a spectrum of varying and mixed forms of legal consciousness that were often influenced by their social networks. However, these were also constantly generated, challenged, changed, and/or reinvented through strategies these students developed to negotiate and deal with conflictive messages and tensions created by and within state policies.

In many instances, the mixed messages of law and legality forced them to develop a strong game-like schema that ultimately resulted in behavioral enactments that challenged yet reinforced popular notions of law and legality. In other words, their behavior and decision making as a result of restriction and conditions created by laws and policies often resulted in undocumented students supporting popular anti-immigrant notions that portrayed them as law breakers. A good example to illustrate this is the issue of driving without a license and driving with a license acquired through misrepresentation of address and state of residence. In either case, students reported feeling confused and frustrated because there was “no winning” in the legal and public’s view. On the one hand they were law breakers if they opted to drive without a license and on the other hand, even when they obtained a drivers’ license, they were still law breakers due to the mode they acquired it. So, their ultimate option was to “make do” with what they had and what would benefit them the most in achieving the closest level possible to what society (and/or the immigration system) considers “good moral character.” The conflicting part to this kind of situation also arose out of the fact that there are policies and spaces within the U.S. that allow them to obtain such documentation without proof of citizenship. These types of policies and spaces also exist beyond Departments of Motor Vehicles (DMV). AB540 is one of these policies and academic institutions are some of these spaces. These allow undocumented students the opportunity to obtain an educational degree and provide them with spaces that help create a perceived sense of citizenship and belonging.

Today’s globally linked societies and economies are unforgiving of those with low levels of formal education. Individuals without formal education may not possess the skills nor the cultural sophistication or ability to manage complexities that are typically developed and acquired in high school and/or college. This is a general and popular understanding within and outside the U.S. However, many immigrant youth, like many low-income youth and youth of color, obtain second-class quality education. Many do not have access to the right information or resources necessary to achieve academically and end up falling through the cracks or are pushed out of schools early. Undocumented students in particular, face the additional challenge of having to deal with issues arising from their legal status. Yet, while government policies restrict, punish, and shun their presence, they also create conditions that facilitate and encourage their presence within this country and its institutions. Therefore, it is crucial that the U.S. government makes a decision and/or takes a stand with regards to undocumented immigrants in order to adequately address their varying and diverse needs.

Limitations

Participants selected for this study do not represent a comprehensive sample of undocumented youth. Their experiences particularly pertain to high achieving youth and students who come from rural background and/or whose parents come from rural backgrounds. Therefore, their experiences may not reflect those of traditional “at risk” students who come from urban contexts. Also, academically, participants do not represent every major. Unfortunately, not everything that I wanted to cover was covered in this dissertation. This included the variability of admission, licensing, professional memberships, and graduation requirements related to different majors that may further limit undocumented students’ access to education and their ability to pay for and graduate within certain majors and fields of study.

The small professional subsample of participants does not represent a comprehensive sample of the experiences of undocumented professional students who have successfully

graduated from college. Some of these students were already legalized while others were in the process, and yet others did not even have an application on file with Homeland Security. The small subsample may not represent the experiences of graduates who also fall at varying points within the legal spectrum. This is also a limitation given that it was not possible to measure the level of “assimilation” and/or incorporation of those that remained undocumented once they had graduated.

Recommendations

Findings revealed in this study should be of utmost importance to government officials in developing clear, humane, and just policies to help address the needs of this country’s growing immigrant youth population. This should serve states like California who should be particularly alarmed and disturbed by the different ways schools are failing to serve immigrant students and undocumented Latino youth in particular given that this group composes over 50 percent of the state’s student population and the fact that California is home to over 40 percent of the nation’s undocumented student population. In order to develop ways to incorporate and serve the large Latino immigrant youth population, several changes need to be made.

First and foremost, improving post secondary opportunities and providing a path for legalization for undocumented students should be a primary aspect of any change that occurs. As of today, the best option on the table to address these two is the passage of the Dream Act. If passed, this act will allow access to federal student loans and enable eligible students to obtain legal permanent residency and citizenship in the future. However, the military clause within this act which is listed as another option to higher education may need to be revisited and revised given strong arguments that suggest that this bill as it stands, will provide an automatic surplus of Latino soldiers given the exacerbated attrition rates among this group – rates that are often maintained and perpetuated by the grammar of schooling as discussed in the third chapter of this dissertation.

However, while this happens (if it ever does), schools need to increase the awareness of students, families, teachers, and counselors of the challenges faced by and opportunities available to undocumented students who plan to pursue or are pursuing higher education. Legislation allowing undocumented students the opportunity to pursue higher education is fairly new and many school personnel, parents and student are not aware of their benefits or lack the information necessary to adequately guide these students through the process. This helps explain the persistence of the grammar of schooling that has been documented to have negative implications for the education of minority students. Yet, in spite of this, schools may still provide a fruitful context that can allow students to achieve academically. This has been recognized by some institutions like the University of Southern California who has taken steps towards addressing this issue. It has developed a college and financial aid guide for AB540 students to educate students, parents and school officials about the opportunities and existing option for these students. However, these types of guides need to be readily available in hard copy format for school personnel, and parents and students who may not have access to the internet in particular. They should also be distributed and made available to non-profit organization that provide services to this population and may not be aware of this type of information.

Furthermore, in order for schools to better serve *all* student populations, school personnel need to stay in tune with changes or additions to state and federal legislation that may benefit different student populations. School districts need and should have a designated individual or

individuals that dedicate their time to research, learn, and to stay updated on these. They should not only conduct the required research to learn about changes and additions to state and federal legislations, but should also disseminate the information to school sites in an effective manner so that it reaches *all* who serve students. This should be supplemented with yearly information and/or training sessions that allow teachers, counselors, and other school personnel to learn about these and that offer them the opportunity to ask and clarify questions. This in turn, will help extend benefits to students.

Having well informed school personnel will also allow students to obtain the same information from different sources. This is critical given findings suggesting that student-counselor and/or student-teacher relationships may be weakened or broken as a result of a variety of factors that include the lack of knowledge or inadequate information provided by school personnel to students. Thus, having more individuals to turn to for adequate information and guidance will be beneficial to all students.

School-based relationships are critical for the academic achievement and social mobility of minority students, including undocumented AB540 students. Participants of this study reaped the benefits of building and fostering school-based networks. These were typically outside students' racial, class, and ethnic group and provided them with financial, social, psychological, and emotional support that facilitated their trajectory through higher education and helped them further their incorporation into U.S. society. Therefore, academic institutions should make an extra effort to provide students with opportunities to network with individuals, institutions, and corporations that may provide them with resources and information that can be beneficial for them both – academically and socially. Academic and school activities that promote interracial, interethnic, and interclass interactions among students can be a way to accomplish this. This can include activities through sports, clubs, and class projects that allow students from different backgrounds and academic levels to interact. Also, schools should seek more school-community partnerships as a way to help students build their social networks outside of school and to interact with people from all walks of life.

Moreover, school-based networks proved fruitful not only for mitigating the negative effects of the traditional grammar of schooling, but also in mitigating the effects of gendered socialization at home and at school. Gender socialization is a factor affecting the achievement gap in the U.S. This study suggest that legal status coupled with gender widens this gap, which is another reason why schools should and need to provide more opportunities for undocumented students to build quality social networks. Doing so will serve to and facilitate opportunities for mentorship and create strong relationships between schools and community members that may have a positive impact on undocumented Latino students and their future academic and career goals. Also, if the government cares about addressing and closing the achievement gap, this finding should be of particular interest to them and should serve as another reason that compels them to consider passing the Dream Act or to develop other policies that address the status of undocumented student in this country.

Lastly, resolution and clarification of issues related to the status of undocumented students are needed. This study identified numerous areas of conflict between state and federal policies that send mixed and conflictive messages that ultimately shape the educational and social experiences of undocumented AB540 students. Plyler vs. Doe and AB540 are only two examples of mechanism that illustrate the complexity and tension within and between the state and the social networks that support undocumented immigrants. State and federal governments

need to come to a consensus about their stance regarding undocumented students and proper policy actions needs to follow and take place.

Opportunities for further research

This study examined the experiences of 20 undocumented students and analyzed more closely the experiences of six of these 20. The study was contextualized by the state's current social climate, by different academic institutions in northern California, and by the number of participants, timing, and duration of project. To get an accurate and complete understanding of the challenges and circumstances facing undocumented students and the states' that seek to incorporate them, further research is required. Some areas of inquiry in need of research and attention include:

- Employment opportunities available to undocumented students upon graduation.
- Other non-Latino student studies given that there are approximately two million undocumented non-Latino immigrants in this country (Passel, 2005) and their experiences might be different from those of Latinos-origin students.
- Students attending private institutions who have different funding opportunities available for undocumented students.
- Student who have been deported or have returned back to their native countries.
- Other states that do not house a large number of undocumented immigrants like California.
- Students who specifically live in mixed status households.
- A comparative study between poor and "wealthy" undocumented students.
and
- Studies of students who only graduated from high school or pursued a junior/community college degree.

This dissertation has offered a glimpse at one of the many immigrant subgroups within the larger undocumented population along with what I consider "feasible" options to support and help provide access to a higher education for undocumented students. Through this, I hope to have contributed to understanding of the complexities of the lived experiences of a growing and talented subgroup of America's youth population. I hope that the knowledge generated by this study can be useful to schools and that school personnel might be able to take a good look at and examine whether they are truly serving their student population as a whole or are just pushing some through and getting others through the pipeline. I hope that more systemic evidence-based opportunities are created that offer to level out the playing field for all immigrant youth who hope and aspire to be fully integrated into this country. This will in turn provide them with the opportunity to be absorbed by a different segment of society other than the lower strata. Lastly, I hope this study helps to add and improve information necessary to push for a just version of the Dream Act, if not for comprehensive immigration reform, which will grant these youth a path toward citizenship and society the opportunity to unleash and benefit from undocumented youth's potential and talents.

References

- Anzaldúa, G. (1987). *Borderlands La Frontera: The New Mestiza*. San Francisco: Aunt Lute Books.
- ABC7. (2006, March 24). Students Walkout to Protest Immigration Bill. Retrieved from <http://abclocal.go.com/kabc/story?section=news/local&id=4021798>
- Barajas, H. L., and Pierce, J.L., (2001). The Significance of Race and Gender in School Success among Latinas and Latinos in College. *Gender and Society* 15(6):859-878.
- Bean, F.D. and Tienda, M., (1987). *The Hispanic Population of the United States*. New York: Russell Sage Foundation.
- Bell, N.E., (2010). *Graduate Enrolment and Degrees: 1999 to 2009*. Washington, DC: Council of Graduate Schools. http://www.cgsnet.org/portals/0/pdf/R_ED2009.pdf
- Bernestein, J. (2006). Court Upholds California In-State Tuition Law (AB540). *Immigration Law & Policy*. National Immigration Law Center. Retrieved from <http://www.nilc.org/immlawpolicy/dream/Dream006.htm>
- Bourdieu, P. and Passeron, J.-C. (1977). *Reproduction in Education, Society and Culture*. London: Sage.
- Bourdieu, P. (1984). *Distinction: A Social Critique of the Judgment of Taste*. Cambridge: Harvard University Press.
- Bourdieu, P. (1977). "Cultural Reproduction and Social Reproduction". In *Power and Ideology in Education*, Karabel and Jalsey (eds.), OUP, 487-511.
- Bridgeland, J.M., Dilulio J.J.Jr., Morison, K.B. (2006). *The Silent Epidemic: Perspectives of High School Dropout*. Civic Enterprises in association with Peter D. Hart Research Downloaded from: <http://www.civicerprises.net/pdfs/thesilentepidemic3-06.pdf>
- Burawoy, M. (1998). "The Extended Case Method." *Sociological Theory* 16(1): 4-33.
- Burnard, P. (1991). A method of analysis interview transcripts in qualitative research. *Nurse Education Today*. London Group. UK Ltd. 11, pp.461-46. Retrieved from http://www.sciencedirect.com/science?_ob=MIimg&_imagekey=B6WNX-4C42816-20-1&_cdi=6974&_user=4420&_pii=026069179190009Y&_origin=search&_coverDate=12%2F31%2F1991&_sk=999889993&view=c&wchp=dGLzVtz-zSkWA&md5=732fa30ec314a49f34b794588d2462c5&ie=/sdarticle.pdf
- Camarota, J. (2001). *First Jobs: The Perceptions and Experiences of Work for Latino Youth*. Ph.D. dissertation, Graduate School of Education, University of California, Berkeley.

- Camarota, J. (2004). The Gendered and Racialized Pathways of Latina and Latino Youth; Different Struggles, Different Resistances in the Urban Context. *Anthropology & Education Quarterly* 35(1),53-74.
- Canada, K. & Pringle, R. (2000). The role of gender in college classroom interactions: A social context. In M. S. Kimmel (Ed.). *The gendered society reader* (pp. 229-255). Oxford: Oxford University Press.
- Chavez, L.R. (1998). *Shadowed Lives: Undocumented Immigrants In American Society*. Fort Worth, Texas. Harcourt Brace College Publishers.
- Chavez, L. (2008). *The Latino Threat: Constructing Immigrants, Citizens and the Nation*. Stanford: Stanford University Press.
- CHEPA et. al. (2010) AB540/Undocumented Student Resource Guide (CFC Edition). Retrieved from http://www.avidregion4.org/resources/documents/fin_aid/UndocumentedStudent_Student_Guide-AB_540_.pdf
- Chang, G. (2000). *Disposable Domestic: Immigrant Women Workers in the Global Economy*. Cambridge, Massachusetts. South End Press.
- Coleman, J.S., (1990). *Foundations of Social Theory*. Cambridge, MA: Belknap.
- Connell, R.W. (2000). *The men and the boys*. Berkeley, CA: University of California Press.
- Corwin, A.B., Venegas, K.M., Oliverez, P.M. & Colyar, J.E. (2004). School counsel: How appropriate guidance affects educational equity. *Urban Education*, 4, 197-214.
- Davila, V. (2010, June 20). Student pleased he's allowed to stay in U.S.; Harvard student from Texas won't be deported – for now. *Houston Chronicle*. [Chronicle In Education news post]. Retrieved from <http://www.chron.com/disp/story.mpl/special/immigration/7062258.html>
- Diaz-Strong, D. and Meiners, E. (2007). "Residents, Alien Policies, and Resistances: Experiences of Undocumented Latina/o Students in Chicago's Colleges and Universities." *InterActions: UCLA Journal of Education and Information Studies* 3 (2):1-20.
- Erisman, W., & Looney, S. (2007). *Opening the doors to the American dream: Increasing higher education access and success for immigrants*. Washington, DC: Institute for Higher Education, Lumina Foundation for Education.
- Ewick, P. & Silbey, S.S. (1998). *The Common Place of Law: Stories from Everyday Life*. Chicago. The University of Chicago Press.

- Ewing, W. and Hoy, S. (2010). *The New American Electorate. The Growing Political Power of Immigrants And Their Children*. Special Report, Updated 2010. Immigration Policy Center.
http://www.immigrationpolicy.org/sites/default/files/docs/New_American_Electorate_101410.pdf
- Eckes, T., & Trautner, H. M. (2000). *The Developmental social psychology of gender*. Mahaw, NJ: Lawrence Erlbaum Associates.
- Espiritu, Y. L. (2001). "We don't sleep around like White girls do": Family, culture, and gender in Filipina American lives. *Signs: Journal of Women in Culture and Society*, 26(2), 415-440.
- Espiritu, Y. L., & Wolf, D. (2001). The paradox of assimilation: Children of Filipino immigrants in San Diego. In R. G. Rumbaut & A. Portes (Eds.), *Ethnicities: Children of immigrants in America* (pp. 157–186). Berkeley: University of California Press.
- Farby, D.A., and Sherry, S. (1995). Is the Radical Critique of Merit Anti-Semitic?. *California Law Review*. California Law Review Inc. 83(3), p.853-884. Downloaded from <http://www.jstor.org/stable/3480866>
- Feliciano, C., & Rumbaut, R. (2005). Gendered paths: Educational and occupational expectations and outcomes among adult children of immigrants. *Ethnic and Racial Studies*, 28(6) 1087-1118.
- Fetterman, David M. 1998. *Ethnography; Step by Step*. 2nd Ed. Sage Publications.
- Field P A, Morse J M 1985 *Nursing research: the application of qualitative approaches*. Croom Helm, London.
- Figuroa, J.L. (2007). *Building Knowledge: Exploring the Chicano/Latino Undergraduate Narrative of Academic Success in Higher Education*. Serna Center. California State University, Sacramento.
http://www.csus.edu/sernacenter/assets/scholar_reports/figuroa.pdf
- Fine, M. (1991). *Framing Dropouts: Notes on the Politics of an Urban Public High School*. Albany: State University of New York Press.
- Flores, W. (1997). Citizens vs. Citizenry: Undocumented Immigrants and Latino Cultural Citizenship. In William Flores & Rina Benmayor (Eds.), *Latino Cultural Citizenship* (pp.255-277). Boston, Massachusetts. Beacon Press.

- Frank, O. and Snijders, T. (1994). Estimating the Size of Hidden Populations Using Snowball Sampling. *Journal of Official Statistics*, 10(1). Pp.53-67. Retrieved from <http://www.jos.nu/Articles/abstract.asp?article=10153>
- Garcia, E.E. (2001). *Hispanic Education in the United States: Raíces y Alas*. Lanham, Maryland. Rowman & Littlefield Publishers, Inc.
- Gibson, M. A. (1988). *Accommodation without assimilation: Sikh immigrants in an American high school*. Ithaca, NY: Cornell University Press.
- Gibson, M. A. (1993). Variability in immigrant students' school performance: The U. S. case. *Division G. Newsletter, American Educational Research Association*. Washington, D. C.
- Gibson, M. A. (1997). Complicating the immigrant/involuntary minority typology. *Anthropology and Education Quarterly*, 28 (3), 431-454.
- Ginorio, A. and M. Huston (2001). *Si, se puede! Yes, we can*. Washington, DC, American Association of University Women.
- Gonzalez, G. & Fernandez, R.(2003). *A Century of Chicano History: Empire Nations, and Migration*. New York: Routledge.
- Gonzalez, K.P., Stone, C., & Jovel, J.E., (2003). Examining the role of social capital in access to college for Latinas: Toward a college opportunity framework. *Journal of Hispanic Higher Education*, 2, 146-170.
- Gonzales, R. G. (2008). "Left Out but not Shut Down: Political Activism and the Undocumented Latino Student Movement." *Northwestern Journal of Law and Social Policy* 3 (2): 1-22.
- Gonzales, R.G. (October, 2010). "Waking up to a Nightmare: Undocumented Youth and the Confusing and Contradictory Routes to Adulthood." Paper session presented at Center for Latino Policy Research, Berkeley, Ca.
- Hagedorn, L. S., and R. Cepeda. 2004. "Serving Los Angeles: Urban Community Colleges and Educational Success among Latino Students." *Community College Journal of Research and Practice* 28, no. 3: 199–211.
- Hall, S. and Held, D. (1990). Citizens and Citizenship. In *New Times: The Changing Face of Politics in the 1990s*. Stuart Hall and Martin Jacques, eds. Pp. 173-188. London: Verso.
- Hedstrom, P., & Swedberg (Eds.). (1998). *Social Mechanisms: An Analytical Approach to Social Theory*. Cambridge: Cambridge University Press.
- Hing, B.O. (1998). *The Immigrant as Criminal: Punishing Dreamers*. University of California, Hastings College of Law. Reprinted from *Hastings Women's Law Journal*, 9(1), 79-96.

Retrieved from

http://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/inlr19&id=785&cotp=true&cotp_toggle=0

Holland, D. and Margaret A. E. (1990). *Educated in Romance: Women, Achievement and College Culture*. Chicago: University of Chicago Press.

Hongdagneu-Sotelo, P. (1999). Gender and contemporary U.S. immigration. *American Behavioral Scientist*, 42, 565-576.

Hondagneu-Sotelo, P. (Ed). (2003). *Gender and U.S. immigration: Contemporary trends*. Berkeley, CA: University of California Press.

Hondagneu-Sotelo, P. (1992). Overcoming patriarchal constraints: The reconstruction of gender relations among Mexican immigrant women and men. *Gender and Society*, 6, 393-415

Howard, J. A., Risman, B., Romero, M., Sprague, J. (1997). "Series Editors' Introduction." In Espiritu, Y. L. (Ed.) *Asian American women and Men*. pp. ix-xii. Thousand Oaks, CA: Sage.

Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (codified as amended throughout 8 U.S.C.).

Kantor, H.A. (1988). *Learning to Earn: School, Work, and Vocational Reform in California, 1880-1930*. Madison, Wisconsin. The University of Wisconsin Press.

Katz, S. A., (1997). Presumed Guilty: How Schools Criminalize Latino Youth. *Social Justice* 24(4):77-96.

Kao, G., & Tienda, M. T. (1995). Optimism and achievement: The educational performance of immigrant youth. *Social Science Quarterly*, 76(1), 1-19.

Kaufman, P. (2001). The national dropout data collection system: Assessing consistency. Paper prepared for the forum of the Civil Rights Project of Harvard University and Achieve, Inc., entitled *Dropouts in America: How Severe is the Problem? What Do We Know about Intervention and Prevention?* Harvard University, January 13.

Keaton, T. (1999). Muslim Girls and the "other France": An examination of identity construction. *Social Identities*, 5(1), 47-64.

Kozol, J. (1992). *Savage Inequalities: Children in American Schools*. New York, NY. Crown Publishers, Inc.

Kwong, J. (2000). The dilemma in Chinese women's receiving an education. *Chinese Education and Society*, 33(2), 37-43.

- Lamont, M. and Lareau, A. (1988). "Cultural Capital: Allusions, Gaps, and Glissandos in Recent Theoretical Developments." *Sociological Theory* 6:153-68.
- Landale, N.S. and Oropesa, R.S. (1995). *Immigrant Children and the Children of Immigrants: Inter- and Intra-Ethnic Group Differences in the United States*. Population Research Group (PRG). Research Paper 95-2. East Lansing: Michigan State University.
- Lareau, A. (1989). *Home Advantage: Social Class and Parental Intervention in Elementary Education*. Philadelphia: Falmer Press.
- Lee, S. (1997). The road to college: Hmong American women's pursuit of higher education. *Harvard Educational Review*, 67, 803-826.
- Lee, S. J. (2001). Exploring and transforming the landscape of gender and sexuality: Hmong American teenage girls. *Race, Gender & Class* 8(1), 35-46.
- Lichterman, P. (2002). "Seeing Structure Happen: Theory-Driven Participant Observation." In *Social Movement Research*, edited by B. Klandermans & S. Staggenborg, pp. 118-145.
- Louie, V. (2004). *Compelled to excel: Immigration, education, and opportunity among Chinese Americans*. Stanford, CA: Stanford University Press.
- Lopez, N. (2002). Rewriting Race and Gender High School Lessons: Second-Generation Dominicans in New York City. *Teachers College Record* 104(6):1187-1203.
- Lopez, N. (2003). *Hopeful girls, troubled boys: Race and gender disparity in urban education*. New York: Routledge.
- Marin, G. (1993). Influences of acculturation on familialism and self-identification among Hispanics. In M. E. Bernal & G. P. Knight (Eds.), *Ethnic identity: Formation and transmission among Hispanics and other minorities* (pp. 181-196). Albany: SUNY Press.
- Martinez, R. v. UC Regents. Yolo County Super. Ct. No. CV052064. (2010). Retrieved from <http://www.courtinfo.ca.gov/opinions/documents/S167791.PDF>
- Marx, K., Easton, L.D., Guddat, K.H. (1967). *Writings of the Young Marx on Philosophy and Science*. New York: Doubleday & Co., Inc.
- Mansbridge, J. (2001). "Introduction" and "Complicating Oppositional Consciousness." In *Oppositional Consciousness: The Subjective Roots of Social Protest*. Chicago: University of Chicago Press.

- McDonald, S. (2005). Studying actions in context: a qualitative shadowing method for organizational research. *Qualitative Research*. Sage Publications. 5(4), 455-473. Retrieved from <http://qrj.sagepub.com/content/5/4/455.full.pdf+html>
- National Immigration Forum. (2004). 2004 Election Analysis: Arizona's Proposition 200. Retrieved from <http://www.immigrationforum.org/images/uploads/AZProp200Analysis.pdf>
- National Immigration Law Center. (2007). DREAM Act basic information. Retrieved on Nov. 22, 2007, from <http://nilc.org>
- Ngai, M. (2004). *Impossible Subjects: Illegal Aliens And The Making Of Modern America*. Princeton, New Jersey. Princeton University Press.
- Oakes, J. (1985). *Keeping Track: How Schools Structure Inequality*. Binghamton, New York. Vail-Ballou Press.
- Ogbu, J.U. (1987). Variability in minority school performance: A problem in search of an explanation. *Anthropology and Education Quarterly*, 18, 312-334.
- Olivas, M. A. (2004). IIRIRA, the DREAM Act, and undocumented college student residency, *Journal of College & University Law*, 30, 435-464.
- Olivas, M.A. (1984). *Plyler v. Doe, Toll v. Moreno, and postsecondary admissions: Undocumented adults and "enduring disability."* Houston: Institute for Higher Education Law and Governance, University of Houston.
- Olsen, L. (1997). *Made in America: Immigrant students in our public schools*. New York: The New Press.
- Passel, J.S. (2006). *The Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey*. Pew Hispanic Center. Washington DC. Retrieved from <http://pewhispanic.org/files/reports/61.pdf>
- Passel, J.S. (2005). *Unauthorized Migrants: Numbers and Characteristics*. Washington, DC: The Pew Hispanic Center.
- Passel, J.S.. (2003). *Further Demographic Information Relating to the Dream Act*. The Urban Institute. Washington DC. Retrieved from http://www.nilc.org/immlawpolicy/dream/dream_demographics.pdf
- Peek, A., (Aug.15, 2010). *Utah 1 of 3 states allowing undocumented immigrants to have drivers licenses*. Salt Lake City Political Buzz Examiner. <http://www.examiner.com/political-buzz-in-salt-lake-city/utah-1-of-3-states-allowing-undocumented-immigrants-to-have-driver-license>

- Perez, L., & Malagon, M., (1996). *Silenced Struggles. The Experiences of Latina and Latino Undocumented College Students in California.*
- Pessar, P. R. (1984). The linkage between the household and workplace of Dominican women in the U.S. *International Migration Review*, 18(4), 1188–1211.
- Plyler v. Doe*, 457 U.S. 202 (1982).
- Portes, A., & Rumbaut, R. G. (2001). *Legacies: The story of the second generation.* Berkeley, CA: University of California Press.
- Qin-Hilliard, D.B. (2003). Gendered expectations and gendered experiences: Immigrant students' adaptation in school. *New Directions in Youth Development Special Issue: The Social Worlds of Immigrant Youth*, 100, 91-110.
- Qin, D. B. (2004). *Understanding the role of gender in Chinese immigrant students' educational and psychosocial adaptation.* Unpublished doctoral dissertation, Harvard University Graduate School of Education, Cambridge, MA.
- Qin, D.B., (2006). The Role of Gender in Immigrant Children's Educational Adaptation. *Current Issues in Comparative Education*, 9(1):8-19.
- Rincon, A. (2008). *Undocumented Immigrants and Higher Education: Si Se Puede.* New York. LFB Scholarly Publishing LLC.
- Rivera-Batiz, F.L. (2000). Underground on American soil: Undocumented workers and US immigration policy. *Journal of International Affairs.*
<http://www.allbusiness.com/government/3493200-1.html>
- Rhoda, M.A. & Valencia, R.R. (1994). "At risk" Chicano Students: The institutional and communicative life of a category. *Hispanic Journal of Behavioral Sciences*, 16, 363-395.
- Romo, H. D. (1998). *Latina High School-Leaving: Some Practical Solutions.* Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement.
- Rumbaut, R. (1996). The crucible within: Ethnic identity, self-esteem, and segmented assimilation among children of immigrants. In A. Portes (Ed.). *The New Second Generation*, (pp.119-170). New York: Russell Sage Foundation.
- Rumbaut, R. (2005). Sites of belonging: Acculturation, discrimination, and ethnic identity among children of immigrants. In Tom Weisner (Ed.). *Discovering successful pathways in children's development: Mixed methods in the study of childhood and family life*, (pp. 111-164). Chicago: University of Chicago Press.

- Rumbaut, R.G., Portes, A. eds. (2001). *Ethnicities: Children of Immigrants in America*. The Regents of the University of California. University of California Press. Berkeley and Los Angeles, California.
- Sadker, M., Sadker, D., Fox, L., & Salata, M. (2000). Gender equity in the classroom: The unfinished agenda. In M. S. Kimmel (Ed.). *The Gendered Society Reader* (pp. 210-216). Oxford: Oxford University Press.
- Simon, R. J., & Brettell, C. (1986). Immigrant women: An introduction. In R. Simon & C. Brettell (Eds.), *International migration: The female experience* (pp. 3-20). Totowa, New Jersey: Rowman and Allanheld.
- Small, M.L. (2009). *Unanticipated Gains: Origins of Network Inequality in Everyday Life*. Oxford, New York: Oxford University Press, Inc.
- Smith, R. C. (2002). Gender, ethnicity, and race in school and work outcomes of second generation Mexican Americans. In M. Suarez-Orozco & M. Paez (Eds.), *Latinos remaking America* (pp. 110-125). Berkeley, CA: University of California Press & DRCLAS.
- Solórzano, D.G. and Delgado Bernal, D., (2001), Examining Transformational Resistance through a Critical Race and LatCrit Theory Framework: Chicana and Chicano Students in an Urban Context. *Urban Education* 36(3):308-342.
- Spelling, M. (2006). *Test of Leadership: Charting the Future of U.S. Higher Education*. U.S. Department of Education. Retrieved Oct. 23, 2007 from <http://www2.ed.gov/about/bdscomm/list/hiedfuture/reports/pre-pub-report.pdf>
- Stanton-Salazar, R. D. (2001). *Manufacturing hope and despair: The school and kin support networks of U.S.-Mexican youth*. New York: Teachers College Press.
- Stanton-Salazar, R., & Dornbusch, S.M. (1995). Social Capital and the Reproduction of Inequality: Information Networks Among Mexican-origin High School Students. *Sociology of Education*, 68, 116-135.
- Suarez- Orozco, C., Suarez-Orozco, M., Todorova, I. (2008). *Learning A New Land: Immigrant Students in American Society*. Cambridge, Massachusetts, and London, England. The Belknap Press of Harvard University Press.
- Suarez-Orozco, C., & Suarez-Orozco, M. M. (2001). *Children of immigration*. Cambridge, MA: Harvard University Press.
- Suarez-Orozco, C. & Qin, D. B. (2006). Gendered perspectives in psychology: Immigrant origin youth. *International Migration Review*, 40, 165-198.

- The Associate Press. (2010, November 11). Jurado culpa a indocumentada de infracción vial. [Univision.com. news post]. Retrieved from <http://noticias.univision.com/estados-unidos/latinos/article/2010-11-12/jurado-culpa-a-indocumentada-de>
- Trochim, W.M.K. (2006). Nonprobability Sampling. Research Methods Knowledge Base. Retrieved from <http://www.socialresearchmethods.net/kb/samprnon.php>
- Tyack D., & Cuban, L. (1995). *Tinkering Toward Utopia: A Century of Public School Reform*. Cambridge, Massachusetts. President and Fellows of Harvard College.
- U.S. Census Bureau. (2010). State and County Quick Facts. Downloaded Oct.26, 2010 from: <http://quickfacts.census.gov/qfd/states/06/06055.html>
- Valdez, G. (1996). *Con Respeto: Bridging the Distance Between Culturally Diverse Families and Schools*. New York, NY. Teachers College Press.
- Valencia. R.R. (2002). *Chicano School Failure and Success: Past, Present, and Future*. 2nd ed. New York, NY. Routledge Falmer.
- Valencia, R. & Black, M. (2002). "Mexican Americans Don't Value Education!" On the Basis of the Myth, Mythmaking, and Debunking. *Journal of Latinos and Education*, 1(2), 81-103. doi:10.1207/S1532771XJLE0102_2
- Valenzuela, A. (1999). *Subtractive schooling: U.S.–Mexican youth and the politics of caring*. Albany: State University of New York Press.
- Villenas, S, and Moreno, M. (2001). To Valerse por si Misma between Race, Capitalism, and Patriarchy: Latina Mother-Daughter Pedagogies in North Carolina. *Qualitative Studies in Education* 14(5):671-687.
- Wadsworth Cengage Learning. (2005). Research Methods Workshops: Nonprobability Sampling Strategies - Purposive Sampling. Retrieved from http://www.wadsworth.com/psychology_d/templates/student_resources/workshops/res_methd/sampling/sampling_29.html
- Waters, M. (1996). The intersection of gender, race, and ethnicity in identity development of Caribbean American teens. In B. J. R. Leadbeater & N. Way (Eds.), *Urban girls: Resisting stereotypes, creating identities* (pp. 65-84). New York University Press.
- Williams, L. S., Alvarez, S. D., & Hauck, K. S. A. (2002). My name is not Maria: Young Latinas seeking home in the Heartland. *Social Problems*, 49(4), 563-584.
- Wilson, W. J. (1987). *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*. Chicago: University of Chicago Press.

- Yosso, T. (2002), Critical Race Media Literacy: Challenging Deficit Discourse About Chicanas/os. *Journal of Popular Film and Television*, 30(1):52-63.
- Zhou, M. (1992). *Chinatown*. Philadelphia: Temple University Press.
- Zhou, M. (1999). "Segmented Assimilation: Issues, controversies, and recent research on the new second generation." In *The handbook of international migration*, edited by C. Hirschman, J. DeWind, & P. Kasinitz, pp.196-211. New York: Russell Sage.
- Zhou, M., & Bankston, C. L., III. (1998). *Growing up American: How Vietnamese children adapt to life in the United States*. New York: Russell Sage Foundation.