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## “Undocumented” Ways of Navigating Complex Sociopolitical Realities in Higher Education: A Critical Race Counterstory

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### **Cover Page Footnote**

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# “Undocumented” Ways of Navigating Complex Sociopolitical Realities in Higher Education: A Critical Race Counterstory

Alonso R. Reyna Rivarola, University of Utah

## Abstract

In the United States, undocumented students must navigate complex sociopolitical realities to access and succeed in higher education. These complex sociopolitical realities are shaped by federal policies on education and immigration, state-specific legislation on education and public policy, as well as general attitudes regarding race, immigration, and nationalism in the United States. In this article, I weave in counter-storytelling to document some of the ways one undocumented student accessed and navigated U.S. higher education. First, I review the national and state policy contexts that affect undocumented students in the United States. I focus a state policy analysis in Utah as one example of how national and state policies interact and sometimes contradict one another to impact the ways undocumented students navigate higher education. Second, I analyze the existing literature on the barriers undocumented students face in higher education, as well as the emerging literature on undocumented student support services in higher education. Third, I present current higher education programs in U.S. colleges and universities that consider sociopolitical contexts and respond to the particular needs of undocumented students. Finally, I draw implications for improved practice in undocumented student services in higher education.

## Keywords

undocumented students, sociopolitical realities, higher education, Utah

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UNIVERSITY  
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*Preparing people to lead extraordinary lives*

**G**rowing up undocumented in Utah, I have often questioned my belonging in the institution of higher education, let alone the United States. In April 2008, as a high school senior, I clearly remember the bitter-sweet moment when I received my acceptance letter to the University of Utah. In one respect, I was excited about the possibility of attending the state's flagship university; in another, I was terrified of the high tuition rates, my ineligibility to qualify for FAFSA, and my little-to-no knowledge about what the "college experience" entailed (e.g., how to register for classes; how many credit hours I needed to enroll in to be considered a full-time student; I did not even know essays had to be typed unless the professor specified otherwise). The only thing I knew was that higher education would be una cuestión de aprendizaje (a matter of learning), and I owed it to my mom to succeed in higher education, a foreign territory I knew very little about.

Each year, approximately 65,000 undocumented students<sup>1</sup> who have resided in the United States for five years or longer graduate high school (Fix & Passel, 2003). Upon high school graduation, undocumented students face complex sociopolitical realities when attempting to access higher education. These complex sociopolitical realities are shaped by federal policies on education and immigration, state-specific legislation on education and public policy, as well as general attitudes regarding race, immigration, and nationalism in the United States. On a national scale, undocumented students are granted access to a public K–12 education through the U.S. Supreme Court ruling *Plyler v. Doe* (1982). However, when it comes to obtaining a higher education, undocumented students are not guaranteed the same privileges. In the United States, access to higher education for undocument-

ed students is contingent upon state-specific legislations, which currently range from states that ban access to higher education for undocumented students<sup>2</sup> (e.g., Alabama and South Carolina) to states that grant access to higher education, tuition equity, and state-wide financial aid for undocumented students (e.g., California, Minnesota, New Mexico, Oklahoma, Texas, and Washington) (see Appendix A for a full list).

Most current statistics suggest undocumented students constitute between 1% and 2% of the U.S. college student population, accounting for 200,000 to 225,000 enrolled students (López, Mojtahedi, Ren, & Turrent-Hegewisch, 2015). The numbers demonstrate exponential enrollment of undocumented students in higher education and a vast increase in enrollment since the 2012 announcement of Deferred Action for Childhood Arrivals (DACA)—a program that I address later in this essay. Over the course of fifteen years, media outlets and scholarly inquiry have paid considerable attention to the sociopolitical, socioemotional, and institutional barriers undocumented students face when navigating U.S. institutions of higher education (see Abrego, 2006; Abrego & Gonzales, 2010; Albrecht, 2007; Buenavista, 2013; Clark-Ibáñez, García-Alverdín, & Alva, 2012; Hernández et al., 2010; W. Pérez, 2009; Pérez & Cortés, 2011; Pérez Huber, 2009; Rincón, 2008; Terriquez, 2015). Most recently, the emerging literature on undocumented college students has shifted away from individual student experiences to addressing broader questions regarding institutional support, bringing particular attention to the ways U.S. colleges and universities are prepared—or underprepared—to serve undocumented students (see Chen, 2014; Gildersleeve & Vigil, 2015; Stebleton & Alexio, 2015; Valenzuela, Pérez, Pérez, Montiel, &

<sup>1</sup> In this paper, I utilize the term undocumented to refer to individuals without lawful presence in the United States; this term includes beneficiaries of the 2012 executive order Deferred Action for Childhood Arrivals (DACA) unless otherwise specified.

<sup>2</sup> DACA undocumented students, or DACAmented students, might be eligible to enroll in college in these states.

Chaparro, 2015). My review of the literature extends the spirit of these recent studies by focusing on how national and state-specific policies interact with one another to impact the educational journeys of undocumented students in U.S. higher education.

Correspondingly, I narrate my own journey as an undocumented college student and recent graduate of a top-tier research one university in the United States. In narrating my journey, I seek to respond to the critical race call of counter-storytelling, or “a method of telling the stories of those people whose experiences are not often told” (Solórzano & Yosso, 2002, p. 32). Counter-storytelling as a research method, then, has the capacity to demonstrate the real-life implications of policy and how it affects the lives of historically marginalized individuals and communities (Muñoz & Maldonado, 2012). Consequently, I weave in counter-storytelling to document some of the ways one undocumented student accessed and navigated U.S. higher education. The counterstories I present consider my personal experiences as an undocumented student positioned in a particular sociopolitical context with a particular immigration story, as well as my interactions with other undocumented students and institutional agents in my higher educational journey. First, I review the national and state policy contexts that affect undocumented students in the United States; I focus the state policy analysis in Utah as one example of how national and state policies interact and sometimes contradict one another to impact the ways undocumented students navigate higher education. Second, I analyze the existing literature on the barriers undocumented students face in higher education, as well as the emerging literature on undocumented student support services in higher education. Third, I present current higher education programs in U.S. colleges and universities that consider sociopolitical contexts and respond to the particular needs of undocumented students. Finally, I draw

implications for improved practice in undocumented student services in student affairs.

### National and State Policy Contexts

*Being classified as a nonresident alien in the only place I know as home was hard. However, not knowing whether or not I would qualify for in-state tuition was absolutely terrifying. When I opened my tuition bill and read the words “nonresident alien” my heart sank. It was August 2008, and I had been living in Utah since 2001; seven years. I had graduated with honors and a diploma of merit from a Utah high school in 2008, met all the requirements for in-state tuition as outlined in Utah House Bill 144, and had already submitted my affidavit to the university. As I sped-read through the letter, I received a phone call from a friend who at the time was also a first-year undocumented student at the U. She was in distress, “Hey, did you open your tuition bill? Does it also say ‘nonresident alien?’ I thought we qualified for in-state tuition? Are we supposed to pay out-of-state tuition then, or what does it mean?” The questions and confusion only built up. Worse yet, we had no clue who we could ask without jeopardizing our secret.*

In the United States, undocumented students are not part of a homogeneous population (Hernández et al., 2010). Undocumented students experience and perceive higher education through layered lenses, informed by their identities (e.g., race, ethnicity, cultural background, sex, gender, sexual orientation, and ability, among others), as well as their lived experiences (e.g., age of migration, immigration status, educational accomplishments in country of birth and country of migration, and language acquisition in country of birth and country of migration, among others) (Buenavista, 2013; Gildersleeve & Hernandez, 2012; Gildersleeve & Ranero, 2010; Gildersleeve, Rumann, & Mondragón, 2010; Gildersleeve & Vigil, 2015; P.A. Pérez, 2010; W. Pérez, 2009, 2012; Rincón 2008).

National and state policy contexts are yet another layer that undocumented students must learn to navigate in order to access and succeed in higher education (Buenavista, 2013; Chen, 2014; Flores, 2010; Gildersleeve & Hernandez, 2012; Gildersleeve et al., 2010; Gildersleeve & Vigil, 2015; P. A. Pérez, 2010; Rincón, 2008).

In this section, I contextualize national and state policies that affect undocumented students in U.S. higher education. First, I review the national policies and programs including the Higher Education Act (1965), the U.S. Supreme Court ruling *Plyler v. Doe* (1982), the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) (1996), the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) (1996), and the executive order and program DACA (2012). I also review the proposed Development, Relief, and Education for Alien Minors (DREAM) Act, which is not in effect but has been revisited repeatedly by Congress since 2001 and is a lingering national policy that has heavily influenced state-level policy. Second, I provide context for state-based, in-state tuition policies, which vary according to state because of their impact on undocumented student access (or lack of access) to resident tuition rates in higher education. Finally, I contextualize Utah legislations as one example of how national and state-specific policies interact and sometimes contradict one another to impact the ways undocumented students access and navigate higher education in each state. The Utah policy section includes information on Utah House Bill 144 (2002), Utah Senate Bill 81 (2008), and most recently, Utah Senate Bill 253 (2015).

### National Policies and Programs

To date, no U.S. national policy or program denies undocumented students admission to public institutions of higher education

(Flores & Chapa, 2009; Flores, 2010; López, 2005; Olivas, 2004, 2008; Oseguera, Flores & Burciaga, 2010; Rincón, 2008; Ruge & Iza, 2004). However, over the course of 50 years, a series of national policies and programs have contributed to the creation of complicated pathways to higher education for undocumented students. These policies and programs primarily affect undocumented students' eligibility to access monetary support in higher education and limit them from being granted any privileges U.S. citizens or residents would not be eligible to receive.

**Higher Education Act.** In 1965, Title IV of the Higher Education Act determined eligibility requirements for federal financial aid. Section 484 of the Higher Education Act states,

In order to receive any grant, loan, or work assistance under this title, a student must ... be a citizen or national of the United States, able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident, a citizen of any of the Freely Associated States. (p. 90)

Consequently, undocumented students seeking to access U.S. higher education do not qualify for federal financial aid assistance programs, including Pell Grants, federal loans, and work-study.

***Plyler v. Doe.*** In 1982, the U.S. Supreme Court ruling *Plyler v. Doe* held that all children in the U.S. have the right to receive a “free” and public K–12 education, including undocumented children. The ruling recognized undocumented children are brought to the United States by their parents without any say and voted in favor of their equal protection under the 14th Amendment clause: “[no] State shall ... deprive any person of life, liberty, or property, without due process

of law; nor deny to any person within its jurisdiction the equal protection of the laws” (1868). Furthermore, the U.S. Supreme Court stated that allowing undocumented children to access a public K–12 education was the logical decision because one day these children might become U.S. citizens and the country could not afford to have an uneducated population (Olivas, 2004). The ruling, however, did not address higher education or what undocumented students could do after high school graduation.

**IIRIRA and PRWORA.** In 1996, IIRIRA and PRWORA established federal guidelines regarding in-state tuition eligibility, which directly affect undocumented students. The IIRIRA and PRWORA concluded, “undocumented students may attend colleges, private and public, but states that wish to enable these students to be eligible for in-state public college tuition must pass legislation allowing them to establish in-state residency” (Olivas, 2008, p. 20). In other words, if states want to provide undocumented students with in-state tuition waivers, they must determine eligibility requirements, and then pass and enact state legislation. A caveat in IIRIRA and PRWORA, however, is that undocumented students cannot be the only beneficiaries of these proposed policies; U.S. citizens and residents must benefit from plausible in-state tuition benefiting undocumented students (Flores & Chapa, 2009; Ruge & Iza, 2004).

**DREAM Act.** One of the most contested U.S. immigration legislations of the 21st century is the six times introduced and six times denied DREAM Act. Since 2001, members of the U.S. Congress have proposed different versions of the DREAM Act and have failed to pass this legislation aimed at extending

federal financial aid benefits to undocumented students, as well as creating a pathway to citizenship for undocumented youth who attend college or join the military (Flores, 2010; Flores & Chapa, 2009; Olivas, 2004; Stewart & Quinn, 2012). The DREAM Act bill was introduced in 2001, 36 years after the Higher Education Act of 1965 barred undocumented student access to federal financial aid. Since 2001, five additional versions of the DREAM Act have been contested in the 108th, 109th, 110th, 111th, and 112th Congresses (Stewart & Quinn, 2012).

**DACA**<sup>3</sup>. On June 15, 2012, President Barack Obama announced the executive order DACA: a renewable two-year deportation relief and employment authorization program for undocumented individuals who must meet a series of extensive criteria to qualify. To be considered for DACA, undocumented individuals must meet all the following requirements as outlined by the U.S. Citizens and Immigration Services (USCIS)<sup>4</sup>: (a) have been under the age of 31 as of June 15, 2012; (b) arrived in the United States prior to their 16th birthday; (c) have continuously resided in the United States since June 15, 2007; (d) have been physically present in the United States on June 15, 2012; (e) had no lawful status on June 15, 2012; (f) must be currently in school, or have graduated with a high school diploma or GED, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and (g) must have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security. Despite the wide-ranging criteria, as of June 2016, USCIS reported a total of 741,546 initial DACA applications have been approved, 526,288 renewed, and 118,326 pending a decision for initial approval or renewal<sup>5</sup>.

<sup>3</sup> As an executive order, the future of DACA is uncertain and under the disposition of the U.S. President, currently, Donald Trump.

<sup>4</sup> <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>  
[https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca\\_performance\\_data\\_fy2016\\_qtr3.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performance_data_fy2016_qtr3.pdf)

The five national policies and programs outlined above contribute to shaping the complex sociopolitical landscape undocumented students experience and must learn to navigate in order to access and succeed in higher education (Gildersleeve et al., 2010). However, these five national policies do not operate in silos. In fact, to understand the various ways undocumented students access, navigate, and experience U.S. higher education, it is also important to consider the ways national policies and programs interact and sometimes contradict state-specific policies, creating a truly complex sociopolitical context for undocumented students to pursue higher education.

### State-Specific Policies

In addition to national policies and programs, state-specific legislation on education and public policy impact the sociopolitical landscape undocumented students will navigate and experience in higher education (Gildersleeve et al., 2010; Rincón, 2008). Across the U.S., one of the legislations that affect undocumented students the most is state-based, in-state tuition waiver legislations. According to Oseguera et al. (2010), “In-state tuition legislation that benefits undocumented students is perhaps the most relevant immigrant college access-related policy of the last three decades” (p. 38). In-state tuition legislation allows certain undocumented high school graduates to qualify for in-state tuition waivers, paying in-state tuition instead of out-of-state tuition rates. In 2001, Texas became the first state to pass legislation on in-state tuition targeting undocumented high school graduates. Since 2001, a total of 16 states, including Texas, have passed legislation extending in-state tuition waivers for qualifying undocumented high school graduates. Although many states have taken direct legislative measures to offer in-state tuition to qualifying undocumented

students, since 2007, four state-level higher education systems have also established policies to offer in-state tuition rates to qualifying undocumented students in lieu of state legislation. On the other hand, six states have passed legislation that prevent undocumented students from qualifying for in-state tuition rates regardless of time in the United States or graduation from U.S. high schools (see Appendix A for a full list of state legislations and higher education system policies).

The impact of in-state policies on undocumented student access to higher education is significant (Flores, 2010). In 2010, Flores found undocumented students were 1.54 times more likely to enroll in college in states with in-state tuition legislation than in states without in-state tuition legislations. However, although in-state tuition legislations contribute to an increase in access to higher education for undocumented students, these legislations are exclusive and highly selective. Some of the limitations of in-state tuitions policies include that in any given state with in-state tuition legislation, not all undocumented students meet the requirements for in-state tuition rates in higher education. For example, students without lawful status who have recently entered the country might not be eligible for in-state tuition rates. In-state tuition requirements for undocumented students generally range from two to four years of high school and high school graduation in the state where the student is seeking in-state tuition rates. Additionally, undocumented students seeking in-state tuition rates in higher education must enroll for the first time in a state college or university after the enactment of the respective in-state tuition bill. All these conditions make it difficult for some undocumented students to qualify for in-state tuition rates. For instance, if an undocumented student moves to a different state during their senior year of high school, they would no longer qualify for in-state tuition rates anywhere.

Because state legislations considerably vary from one state to another, it is important to contextualize state-specific legislation within a national context to understand the ways national policies and programs interact with state-specific legislations. In what follows, I contextualize and analyze legislations in Utah as one example of how national and state policies interact and sometimes contradict one another to impact the ways undocumented students navigate U.S. higher education.

### Utah Policy Context

Utah presents a unique history and sociopolitical context regarding policies that affect undocumented students. Although Utah is a conservative state, the relationship with the Church of Jesus Christ of the Latter-day Saints offers a distinctive dynamic that favors family unity and prosperity. In 2002, Utah was one of the first states to extend in-state tuition rates for higher education to undocumented students under Utah House Bill 144 (H.B. 144) (Stewart & Quinn, 2012). In addition to H.B. 144 (2002), Utah Senate Bill 81 (S.B. 81) (2008) and most recently, Utah Senate Bill 253 (S.B. 253) (2015), have contributed to the creation of the sociopolitical realities and landscape that affects how undocumented students access, navigate and experience institutions of higher education in the state.

**H.B. 144.**<sup>6</sup> In 2002, Utah passed legislation extending access to resident tuition waivers for some students who would otherwise not be considered residents for tuition purposes. Under H.B. 144, Utah undocumented students seeking to pursue higher education could qualify for a resident tuition waiver if they meet all the extensive criteria out-

lined in the policy. To qualify for H.B. 144, undocumented students must (a) attend a Utah high school for three or more years, (b) graduate from a Utah high school or earn a GED equivalent in Utah, (c) enroll in an institution of higher learning after 2002, (d) be in the United States without a current visa, and (e) must sign an affidavit in which they promise to fix their immigration status as soon as they are eligible. According to a 2016 Utah System of Higher Education (USHE) report, approximately 1,099 students are currently enrolled in Utah public colleges and universities under H.B. 144.

**S.B. 81.** In 2008, the Utah Legislature passed S.B. 81, or an immigration reinforcement act, which prohibited students without lawful presence in the United States (i.e., undocumented students) from accessing any private dollars administered through any Utah public college or university. Whereas before undocumented students could apply to private scholarships administered through Utah public institutions of higher education without fear of deportation, S.B. 81 prohibited undocumented students from accessing these scholarships. Moreover, S.B. 81 mandated all state public entities to verify the status of applicants for public benefits. In other words, S.B. 81 directed students to certify under penalty of perjury that they are lawfully present in the United States in order to receive an earned scholarship.

**S.B. 253.** In 2015, the Utah Legislature passed into law S.B. 253, which has great potential to benefit undocumented students who graduate from Utah high schools. S.B. 253 exempts Utah high school graduates from needing to provide proof of lawful presence in the United States when applying for privately funded scholarships administered through any Utah public college or

<sup>6</sup> In 2002, Utah formally enacted H.B. 144 (2002) as Utah Code §53B-8-106. However, to present date, Utah public institutions of higher education and agents continue to refer to Utah Code §53B-8-106 as "H.B. 144."

university. The passing of S.B. 253 is critical for undocumented students because it trumps the limitations set forth by S.B. 81. Moreover, S.B. 253 does not require undocumented students to qualify for H.B. 144 or DACA to be eligible to apply for privately funded scholarships administered through a Utah public institution of higher education.

### The Interaction of National Policies and Programs and State-Specific Policies

It is clear that a long history of national policies and programs, as well as state-specific legislations, have shaped the various ways undocumented students access and experience U.S. higher education (Flores & Chapa, 2009; Flores, 2010; Gildersleeve & Hernandez, 2012; Gildersleeve et al., 2010; Gildersleeve & Vigil, 2015; P. A. Pérez, 2010; Rincón, 2008). National and state-specific policies have created complex sociopolitical realities undocumented students must learn to navigate considering their particular positionalities, including identity, lived experience, state of residence, and migration narrative (see Appendix B for an example of how national and state policies interact to impact undocumented students seeking and pursuing a higher education in Utah). It is also important to acknowledge that eligibility criteria for some federal policies and programs, as well as state-specific policies, are not intended to be inclusive of all students of undocumented status. For instance, most of the national and state policies that seek to extend benefits to undocumented students exclude recent arrivals to the United States as well as undocumented students who relocate to other states within the nation. Nevertheless, one thing is for certain: it is against a complex sociopolitical backdrop that undocumented students experience U.S. higher education.

### Review of the Literature

*Seeing the looks on their faces triggered flashbacks of all the traumatic events I had experienced in the college access and navigation process. I was a sophomore at the University of Utah and was volunteering in a college access event for Latinx high school students. The year was 2010, and the aftermath of mass raids and deportations was still very present in the lives of many Latinx families in Utah. When the college access event started, the adviser performed a classic “good intentions” mistake; as she slowly waved a scholarship application in her hand, she asked the group of students, “Raise your hand if you are undocumented.” Needless to say, not a single student raised their hand. Yet, the terrified looks on their faces reminded me I was not alone in the process of navigating higher education as an undocumented student in the United States.*

*In 2012, walking with students to the University of Utah Student Services Building (SSB) became part of my weekly routine. At the university, the SSB was the central location where students could pick up and drop off H.B. 144 affidavits to be considered for in-state tuition rates. Being undocumented, I knew how difficult it was to go to the SSB, especially if I was alone. The people at the service desk were not very helpful, many times not knowing what H.B. 144 was, where they kept the form, not understanding the purpose of the form, or where to properly file it. Consequently, I would make it a point to walk with incoming undocumented students to the building and interact with the staff when they did not know where to find the affidavit and/or where to file the document.*

For undocumented students, the college access and navigation processes are complicated by various sociopolitical realities. I define sociopolitical realities as the social outcomes of political decision-making, which generally do not consider the lived experiences of marginalized communities in the first place. For undocumented students, one sociopo-

litical reality they must learn to navigate is citizenship status, or the lack thereof, which often creates obstacles that impede undocumented students from achieving their fullest potentials in higher education and society at large (Abrego, 2006; Abrego & Gonzales, 2010; Gildersleeve & Hernandez, 2012; W. Pérez, 2009, 2012; Suárez-Orozco et al., 2015). Over the course of fifteen years, scholarly inquiry has paid considerable attention to the sociopolitical realities and barriers undocumented students face when seeking to access and navigate U.S. institutions of higher education. Today, there is a large body of descriptive research concerning the experiences of undocumented students amidst socioemotional, economic, and institutional barriers in higher education (see Abrego, 2006; Abrego & Gonzales, 2010; Buenavista, 2013; Clark-Ibáñez et al., 2012; Hernández et al., 2010; W. Pérez, 2009; Pérez & Cortés, 2011; Pérez Huber, 2009; Rincón, 2008; Terriquez, 2015).

Most recently, the emerging literature on undocumented college students is shifting away from individual student narratives to addressing broader questions of institutional support (Chen, 2014). The emerging literature pays particular attention to the ways U.S. colleges and universities are prepared—or underprepared—to serve undocumented students (see Chen, 2014; Gildersleeve & Vigil, 2015; Stebleton & Alexio, 2015; Suárez-Orozco et al., 2015; Valenzuela et al., 2015). In this section, I review the literature regarding the barriers undocumented students encounter in the processes of college access, “choice,” and navigation in U.S. institutions of higher education. Then, I present the emerging literature on institutional accountability for undocumented students, which documents effective institutional responses and practices for working with undocumented students in U.S. colleges and universities.

### Barriers to U.S. College Access and Navigation for Undocumented Students

In addition to the national and state-specific policy contexts, undocumented student access to higher education is filled with barriers ranging from psychological and emotional stressors (Contreras, 2009; Clark-Ibáñez et al., 2012; Gildersleeve et al., 2010; Gildersleeve & Ranero, 2010; W. Pérez, 2009, 2012; Pérez & Cortés, 2011; Terriquez, 2015) to economic and institutional obstacles (Abrego, 2006; Abrego & Gonzales, 2010; Buenavista, 2013; Chen, 2014; Gildersleeve & Vigil, 2015; Oseguera et al., 2010; Suárez-Orozco et al., 2015). Advertently and inadvertently, policy makers and the policies that they chose to enact—and not enact—are responsible for creating layered sociopolitical realities and barriers for undocumented students, particularly for college access. In what follows, I review the literature on three encompassing barriers undocumented students face in the college access and navigation processes: socioemotional, economic, and institutional barriers.

**Socioemotional barriers.** Some of the most noted barriers undocumented students face in the college access and navigation processes are socioemotional barriers (Pérez & Cortés, 2011). First off, undocumented students seeking to go to college often mirror the characteristics and experiences of first-time, first-generation, low-income, and students of color and their intersections (Flores, 2010; Gildersleeve et al., 2010; Gildersleeve & Ranero, 2010; Terriquez, 2015). However, in addition to the experiences and challenges associated with their intersecting identities (e.g., race, ethnicity, gender, sexual orientation, ability, class, and others), the fear and uncertainty of their unlawful immigration status affects how undocumented students perceive and navigate K–12 education and transition to institutions of higher education (Buenavista, 2013; Gildersleeve & Ranero,

2010; López & López, 2010; W. Pérez 2009, 2012; Pérez, Espinoza, Ramos, Coronado, & Cortés, 2009). In 2010, Pérez, Cortés, Ramos, and Coronado maintained, “These socially driven emotions [of anxiety and stress] often are derived from experiences of discrimination, anti-immigrant sentiment, fear of deportation, and systemic barriers such as ineligibility for college financial assistance and federally sponsored support programs” (p. 37). Undocumented students’ exposure to discrimination is further heightened by the racist nativist rhetoric<sup>7</sup> in the media, which contributes to the looming uncertainty of deportation among undocumented students for themselves and their families (Pérez Huber, 2009). In addition to all the fears a documented student will face, undocumented students will experience stressors in the college access and navigation processes their U.S.-born and legal permanent resident counterparts will likely never experience (Buenavista, 2013; Clark-Ibáñez et al., 2012; Gildersleeve & Ranero, 2010; Pérez et al., 2009; Pérez et al., 2010; Pérez Huber, 2009).

**Economic barriers.** Materially, one of the most detrimental barriers undocumented students face in the college access and navigation processes is the reality that there is limited funding available for this already underrepresented student population (Abrego, 2006; Abrego & Gonzales, 2010; Contreras, 2009; Suárez-Orozco et al., 2015). Economic barriers often present challenges for undocumented students who know they cannot afford high tuition rates, have limited access to scholarships, and know their chances of accessing state student aid are slim, and federal student aid non-existent (Abrego & Gonzales, 2010; Flores, 2010; Ruge & Iza, 2004; Stewart & Quinn, 2012; Suárez-Orozco et al., 2015). Although some states have taken measures to extend undocumented

student access to in-state tuition rates, the majority of states in the United States do not offer undocumented students any chance of accessing statewide financial aid.

Due to a lack of economic resources, research indicates undocumented students are largely concentrated in U.S. community colleges (Gildersleeve et al., 2010; López, 2010; Oseguera et al., 2010; Nienhusser, Vega, & Saavedra Carquín., 2015; P. A. Pérez, 2010; Terriquez, 2015; Valenzuela et al., 2015). In 2010, Oseguera et al. agreed, “Community colleges represent the epicenter of the educational advancement of this population [undocumented students] and one of the most crucial links to the local labor markets in which these populations will enter either formally or informally” (p. 41). The affordability of community colleges creates a more feasible avenue, or choice, for undocumented students to access a U.S. higher education (Nienhusser et al., 2015; Terriquez, 2015). Yet, despite economic barriers, undocumented students are accessing the full spectrum of institutions of higher learning from trade schools and community colleges to elite private institutions of higher education (Gonzales, 2009; W. Pérez, 2009).

In 2012, the announcement of DACA created a new pathway for DACA-qualifying undocumented students, or “DACamented” students, to access more formalized sources of financial aid, including student employment (not work-study) and competitive on- and off-campus internships. However, up to present date, no studies have fully examined the impact of DACA in DACamented student college access, choice, and navigation. In addition to economic barriers, researchers suggest there are many institutional barriers that impact undocumented student college access and choice, which ultimately impact

<sup>7</sup> Racist nativist rhetoric refers to the discourse utilized to target, exclude, and often blame specific groups of people, historically people of color, for the ills of the United States. The particular groups of people targeted (e.g., Black, Latinx, Muslim, undocumented) are dependent on the sociopolitical realities of the time and may change across time and space.

the ways undocumented students navigate and experience U.S. higher education (Buenavista, 2013; Chen, 2014; Oseguera et al., 2010; Stebleton & Alexio, 2015).

**Institutional barriers.** For undocumented students seeking and navigating U.S. higher education, institutional barriers are often comprised of policies and practices of exclusion (Chen, 2014; Stebleton & Alexio, 2015). In addition to the socioemotional and economic barriers undocumented students face in the college access process, undocumented students often experience negative interactions with institutional agents, including student affairs professionals, front-line personnel, and student staff (Gildersleeve & Vigil, 2015; Oseguera et al., 2010; Stebleton & Alexio, 2015). Institutional policies, practices and interactions of exclusion, often neglect the incorporation of undocumented students in the college campus community, and sometimes these policies fully prevent undocumented students from having access to full participation in the college environment and experience (Oseguera et al., 2010; W. Pérez, 2009, 2012; Stebleton & Alexio, 2015; Valenzuela et al., 2015).

**Policies and practices of exclusion.** In many colleges and universities, institutional policies and practices fail to support and sometimes even push undocumented students away from a college education (Chen, 2014). Without a doubt, higher education policies and practices have been built on procedures that completely ignore the experiences and fears of undocumented students (Buenavista, 2013; Chen, 2014; Valenzuela et al., 2015). For instance, the college admission, enrollment, and navigation processes have been built on federal, state, and institutional policies that do not acknowledge undocumented students on campus, let alone in society at large (Albrecht, 2007; Chen, 2014; Gildersleeve & Vigil, 2015; Oseguera et al., 2010; W. Pérez, 2009, 2012; Stebleton & Alexio,

2015; Valenzuela et al., 2015). In 2014, Chen found there are “deeply embedded uses of red tape” in college policies and practices that complicate undocumented student access and navigation of higher education and provided as an example the expectation that students should be able to produce a government-issued identification to receive mental health services on college campuses (p. 247). Policies surrounding the “unauthorized” immigration status of undocumented students often create difficulty and fear of institutional processes, which in turn prevent undocumented students from fully engaging and participating in the “college experience” (Valenzuela et al., 2015). Policies and practices of exclusion negatively impact undocumented student college retention, and due to lack of institutional systems to track undocumented student completion rates, scholars and practitioners have been unable to assess undocumented student completion rates (Chen, 2014; Valenzuela et al., 2015). Equally important, policies and practices of exclusion do not operate on their own and are, in fact, only one layer of institutional barriers undocumented students must face and navigate to succeed in U.S. higher education.

**Underprepared institutional agents.** For undocumented students, institutional agents (e.g., student affairs professionals, staff, and faculty) play a crucial role in shaping undocumented students’ higher educational perceptions, experiences, and ways of navigating U.S. institutions of higher education (Albrecht, 2007; Chen, 2014; Gildersleeve & Vigil, 2015; Oseguera et al., 2010; Stebleton & Alexio, 2015; Valenzuela et al., 2015). However, many times institutional agents fail to support undocumented students due to their lack of awareness of issues undocumented students face; in addition, a lack of institutional trainings regarding undocumented student experiences and sometimes even personal politics on immigration

discourse prevent institutional agents from supporting undocumented students (Chen, 2014; Oseguera et al., 2010). In 2014, Chen argued college personnel are often “unprepared to address complications associated with a lack of documentation during the college-choice and matriculation processes” (p. 240). In 2015, Gildersleeve and Vigil agreed, “college administrators are often unaware or uninformed about their responsibilities to undocumented students as well as what accurate information is needed to support them effectively” (p. 43). Consequently, in many occurrences, the lack of information and preparation on behalf of institutional agents leaves undocumented students on their own to access and navigate higher education; meaning undocumented students have to actively seek answers and opportunities to enroll and navigate higher education, meanwhile protecting the secrecy of their status in fear of deportation (Albrecht, 2007; Gildersleeve & Ranero, 2010; Oseguera et al., 2010; W. Pérez, 2009; Pérez & Cortés, 2011).

Institutional agents contribute to the confusion created for undocumented students in U.S. college and university campuses because they might not be properly trained to support the undocumented student population (Oseguera et al., 2010). Oseguera et al. (2010) explained:

The primary theme that emerges from studies conducted about the experiences of undocumented students in community colleges is a general sense that “front-line personnel” such as admissions and financial aid counselors, and records officers are not trained to handle the unique issues undocumented students bring with them to the community college setting, but more importantly to understand the policy directives of their state or local institution. (p. 41)

In other words, unprepared institutional agents largely hinder the college perceptions and experiences of undocumented students

in U.S. institutions of higher education. Moreover, interactions with unprepared institutional agents contribute to increased feelings of exclusion, invalidation, fear, and anxiety that ultimately lead to no enrollment, or the stopping out of undocumented students in U.S. higher education (Chen, 2014). In light of the lack of institutional preparedness, scholars are seeking to address ways institutions of higher education can take responsibility to address the barriers undocumented students face in U.S. colleges and universities.

### **From Barriers to Institutional Accountability for Undocumented Students**

The research on effective and appropriate institutional responses to working with undocumented students has provided several practical recommendations for student affairs practitioners, as well as documentation of the positive impact of undocumented student-centered services, such as Dream Centers (Gildersleeve & Vigil, 2015). In what follows, I review the literature concerning effective institutional responses to barriers for undocumented students in U.S. higher education. This subsection of the literature review includes a brief introduction to the importance of institutional validation and the value of the implementation of direct service programs that seek to support undocumented students navigating the complex sociopolitical contexts they face in higher education.

### **Validation**

The experiences and perspectives of undocumented students in higher education are shaped by the presence (or absence) of institutional validation (Valenzuela et al., 2015). Institutional validation, or the positive acknowledgment and acceptance of undocumented students in college campuses, plays an important role in the college expe-

rience of undocumented students because it can help create a sense of inclusiveness and a welcoming environment where undocumented students can develop an institutional sense of belonging (W. Pérez, 2012). In 2015, Stebleton and Alexio furthered the former argument by utilizing Rendón's (1994) validation theory as a framework to analyze how undocumented students perceive and navigate interactions with faculty and student affairs professionals in predominantly White institutions. Stebleton and Alexio found little research has been conducted on undocumented students and their interactions with institutional agents; however, they noted two overarching positive experiences for undocumented students in U.S. colleges and universities: (a) building spaces to share one's story; and (b) solving barriers to access, inclusion, and full participation in U.S. higher education.

**Building spaces to share one's story.** Upon entering institutions of higher education, undocumented students must continue to negotiate how much they can reveal about themselves to other students and institutional agents in order to protect the secrecy of their status (W. Pérez, 2009). One way undocumented students can feel more comfortable on college and university campuses is through the development of trusting relationships with institutional agents (Stebleton & Alexio, 2015). Institutional agents play a central role in the development of safe spaces in U.S. colleges and universities where undocumented students can feel safe to "come out" as undocumented (Stebleton & Alexio, 2015; Valenzuela et al., 2015). Furthermore, Stebleton and Alexio (2015) found "the coming out process was more likely to occur with faculty members and institutional agents who had some form of shared experience (e.g., race/ethnicity, cultural background, language)" (p. 263). Consequently, it is critical for institutions of higher education to hire institutional agents

who reflect and understand diverse student experiences, including the unique experiences of undocumented students in the United States (Gildersleeve & Vigil, 2015; Stebleton & Alexio, 2015; Valenzuela et al., 2015).

**Addressing barriers to access, inclusion, and full participation.** It is clear undocumented students face many barriers to access and experience inclusion and full participation in institutions of U.S. higher education. However, for undocumented students to feel included and fully engage in the college experience, institutions of higher education and institutional agents must actively find ways of letting undocumented students participate in all institutional practices (Stebleton & Alexio, 2015). Shifting institutional practices to help increase access, validation, and full participation of undocumented students on campus is one way undocumented students can feel validated and succeed in spaces of higher education (Valenzuela et al., 2015). As Valenzuela et al. (2015) suggested, if colleges and universities would add "DACA" or "undocumented" as options for students to identify their legal status, that might help undocumented student applicants feel more welcome, or it would give them an option to choose the status that represents their experiences best.

Furthermore, it is important to shift institutional practices to extend opportunities of inclusion and full participation of undocumented students in high-impact practices, such as internships and study abroad. For instance, institutions of higher education must critically analyze and shift institutional policies and practices that might require unpaid internship applications to request social security numbers; does the internship program or site need to know the social security number of the student, or can the social security number field be omitted from the internship application? (Chen, 2014; Valenzuela et al., 2015). Another example is

study abroad programs. Although international study abroad programs require undocumented students to have DACA status and advance parole<sup>8</sup> to participate, U.S. colleges and universities can help raise awareness of the steps DACAmented students need to take to be eligible for study abroad programs (Valenzuela et al., 2015). Furthermore, for undocumented college students who do not qualify for DACA or are too afraid to apply for advance parole, institutions of higher education can develop creative solutions, such as building intentional partnerships with other state colleges and universities to provide study abroad-like opportunities for undocumented students who would otherwise not have the opportunity to participate in these types of high-impact practices.

### **Institutionalization of Undocumented Student Services**

The institutionalization of undocumented student services is critical to meeting the needs of this historically underrepresented student populations (Gildersleeve & Vigil, 2015). In 2015, Gildersleeve and Vigil conducted a study on the institutionalization of undocumented student services on U.S. colleges and universities. Gildersleeve and Vigil (2015) contended, "... additional work must be done to examine how institutions support undocumented students in higher education and how the institutionalization of support must attend to different state policy contexts" (p. 39). One of the ways U.S. institutions of higher education have responded to undocumented students is through the implementation of Dream Centers,<sup>9</sup> which seek to address the needs of undocumented students, as well as serve as an institutional base for the dissemination of accurate information for undocumented student services

across the institution and sometimes even the community at large. These Dream Centers in U.S. colleges and universities increase the retention and graduation rates of undocumented students and create awareness to help educate the greater campus community (Gildersleeve & Vigil, 2015).

Undoubtedly, the literature demonstrates undocumented students must navigate complex sociopolitical realities to access and succeed in U.S. higher education. Undocumented students face various barriers to college access and navigation, including socioemotional, economic, and institutional barriers, which institutional agents and institutions of higher education must address to properly support this underrepresented student population. Addressing the barriers to undocumented student access and navigation to U.S. institutions of higher education can help increase access, retention, and ultimately, graduation for undocumented students in a society that already extends the privilege of a K–12 education to undocumented students (W. Pérez, 2009; López & López, 2010). Furthermore, the literature denotes institutions of higher education and institutional agents can help create inclusive and welcoming campus climates for undocumented students who struggle to find safe spaces in college. Yet, the development of appropriate and effective policies and practices, including undocumented student-centered services, access to financial aid, high-impact practices, and appropriate institutional agent trainings must be carefully crafted to respond to the trauma sociopolitical realities have created in the lives of undocumented students across the United States. Last, but not least, institutions of higher education have the potential to create more clear pathways to higher education for undocumented students;

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<sup>8</sup> For more information on study abroad, visit: [http://www.e4fc.org/images/E4FC\\_TravelingAbroad.pdf](http://www.e4fc.org/images/E4FC_TravelingAbroad.pdf)

<sup>9</sup> Whereas before it was popular to capitalize the term "DREAM" in reference to the DREAM Act, today, scholar-practitioners and students are shifting towards "Dream" (lowercase) to be more inclusive of undocumented students who would not have qualified for the DREAM Act. For more information on study abroad, visit: [http://www.e4fc.org/images/E4FC\\_TravelingAbroad.pdf](http://www.e4fc.org/images/E4FC_TravelingAbroad.pdf)

however, it will take organized efforts from all the stakeholders, including institutions of higher learning, institutional agents, and policymakers, to provide opportunities for undocumented students to have an equal opportunity to a higher education in a society that advantages from their contributions and the contributions of their parents and families.

### Discussion and Limitations

A review of extant literature shows U.S. institutions of higher education are not adequately prepared to serve undocumented students. Although some colleges and universities have taken appropriate measures to address the needs of this underserved student population, the majority of higher education institutions do not have a thorough understanding of how to properly support undocumented student access and navigation of higher education (Abrego, 2006; Gildersleeve & Vigil, 2015; W. Pérez, 2009; 2012; Stebleton & Alexio, 2015). Although institutional agents and institutions of higher learning are becoming increasingly aware of the presence and needs of undocumented students on U.S. college campuses, the research and literature on undocumented students predominately entertains generalized understandings of the complex sociopolitical realities that affect and ultimately shape undocumented student perceptions and experiences in institutions of higher education.

In reviewing the literature, it would be irresponsible not to mention the majority of the research focuses on Latina/o/x undocumented student experiences. Although some scholars have explored the experiences of other undocumented student populations, such as Asian/Asian American undocumented students (see Buenavista, 2013; Chan, 2010; Chen 2014), the majority of the research is focused on Latina/o/x undocumented youth. Furthermore, the research on

undocumented students also pays particular attention to the experiences of high-achieving undocumented students in U.S. higher education (e.g., Pérez 2009, 2012). In order to advance our understanding of how sociopolitical realities affect the lives of undocumented students in education, further research needs to explicitly consider the heterogeneity of undocumented students in the United States, which includes intersections of race, ethnicity, class, gender, sexual orientation, and ability among other identities and experiences. In doing so, employing counter-storytelling as a methodology might help us center the voices and lived experiences of undocumented students and to “cast themselves as protagonists in the stories they tell to explain their lives and make meaning of their own thoughts, feelings, desires, and behaviors” (McAdams, 2006, p. 114).

Furthermore, more scholars need to critically examine the ways K–12 and institutions of higher education interact, or fail to interact, with one another to impact access to higher education for undocumented students. I would be interested in learning more about the perspectives of undocumented K–12 students who did not continue on to higher education and what factors led to their presumed choice to not continue. Last, but not least, I urge scholars to explore the impact of DACA on undocumented high school students who did not qualify for the executive program. I wonder if not qualifying for DACA altered the college-going aspirations of undocumented students who did not meet the requirements for this program given their particular immigration situation. The research on undocumented students is barely scratching the surface and a wealth of knowledge can be drawn from analyzing the experiences of undocumented students in the United States.

## Implications and Conclusion

*On the morning of May 5th, 2013, I graduated with honors from the University of Utah. My graduation would not have been possible without all the incredible sacrifices of my mother, my brother, and the support of numerous mentors and friends. While navigating higher education as an undocumented student was not easy, it helped me become the person I am today. As I continue to work for educational equity in K-12, I will never forget the impact supportive institutional agents had in my experience, and the positive role all institutional agents should have in supporting all students achieve their dreams.*

U.S. institutions of higher education and institutional agents need to critically consider the policies and practices that shape the complex sociopolitical contexts and realities in which undocumented students perceive, navigate, and experience higher education. Although national, state, and higher education policies have been built on policies and practices of exclusion (Chen, 2014), U.S. institutions of higher education and institutional agents have a unique opportunity and responsibility to create pathways to graduation for all students, including undocumented students. The complex sociopolitical realities undocumented students must learn to navigate include national policies and programs, as well as state-specific policies that shape undocumented student pathways to higher education. Institutions of higher education and institutional agents must consider the particular intersections of national and state policy, as well as the intersecting identities and immigration-related situations of each undocumented student to provide them with personalized information, guidance and support. In reviewing the literature on undocumented students in U.S. higher education, I conclude this article by drawing implications for improved practice for undocumented student support services in U.S.

higher education, particularly in Utah.

## Institutionalizing Undocumented Student Support Centers

The creation of undocumented student resources on college campuses is crucial for the advancement of undocumented student access, retention, and graduation in U.S. institutions of higher education (Gildersleeve & Vigil, 2015). Institutions of higher education must invest in the development of undocumented student centers, such as Dream Centers, that can respond to the ongoing and evolving needs of undocumented students seeking to access and navigate institutions of higher education. The ongoing needs of undocumented students in U.S. higher education include increasing institutional acknowledgment of undocumented students as an integral part of college campuses and U.S. society at large. U.S. institutions of higher education need to work on incorporating undocumented student experiences in college access processes, including conscious terminology in college applications and applications for high-impact practices, such as internships and study abroad (Valenzuela et al., 2015).

The evolving needs of undocumented students in U.S. higher education include the relatively recent announcement of DACA and the new opportunities available to students who qualify for DACA, as well as for those who did not qualify for the executive order. In U.S. institutions of higher education, undocumented student support centers can provide accurate information for students regarding how to apply and take advantage of federal policies and programs, such as DACA, and institutional policies, such as H.B. 144. Moreover, Dream Centers can operate as central locations on college and university campuses for the distribution of scholarly-grounded best practices to support undocumented students, as well as to provide avenues for

appropriate trainings for institutional agents, and ultimately help shift institutional policies and practices to be inclusive of undocumented student needs, support their full participation, and create spaces where undocumented students can feel safe and a part of the larger campus community.

### Undocumented Student Support Centers in Utah<sup>10</sup>

In Utah, undocumented student support centers, or Dream Centers, could help provide undocumented students and institutional agents with the most current and accurate information regarding national policies and programs, as well as state policies that affect undocumented student college access and navigation in Utah. For example, under USHE R510-4.7 (2014), all students qualify for in-state tuition rates during summer semesters regardless of residency status. In Utah, summer semester in-state tuition rate eligibility applies to all students in public colleges and universities, and the benefits of this regulation are also extended to undocumented students, regardless if they qualify for DACA or in-state tuition rates under H.B. 144. In other words, in Utah, undocumented students who do not meet the criteria to qualify for in-state tuition rates during fall and spring semester, could qualify for in-state tuition rates during summer, making their college education more affordable. Dream Centers on Utah college and university campuses could create partnerships with local K–12 schools to provide relevant and accurate information to high school counselors and teachers regarding undocumented student access to higher education. Furthermore, in Utah, with the passing of S.B. 253 (2015), undocumented students who graduate from a Utah high school or earn a GED in Utah now qualify for privately funded scholarships

administered through Utah public colleges and universities. In Utah, public institution of higher education Dream Centers could lead institutional efforts to partner with institutional offices of financial aid and scholarships to code all private scholarships administered through their institutions as “S.B. 253 compliant.” Coding all scholarships as S.B. 253 compliant would allow undocumented students and institutional agents to be able to filter for undocu-friendly scholarships with the ease of a click of a button.

In order to appropriately serve undocumented students in U.S. higher education, institutions of higher education and institutional agents must consider and understand the complex relationship between federal, state, and institutional policies and practices, and the sociopolitical realities they create for undocumented students. Furthermore, institutions of higher education and institutional agents need to broaden their expertise in supporting the multitude of intersecting identities and experiences students bring to higher education, including the experiences of undocumented students. As the number of undocumented students entering higher education continues to increase, it is imperative to consider the ways institutions of higher education and institutional agents can effectuate change in higher education policies and practices, as well as those on a state and national level. Improving higher education access and navigation for undocumented students is critical for their retention and graduation, as well as to fulfilling the missions of diversity and inclusion of institutions of higher education. It is time for institutions of higher education and institutional agents to actively engage in the implementation of critical changes in the field of higher education and to lessen the burden undocumented students face when attempting to access, graduate and succeed in U.S. colleges and universities.

<sup>10</sup> On January 3, 2017, The University of Utah established the first Dream Center in the State of Utah. For more information, please visit [dream.utah.edu](http://dream.utah.edu).

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## Appendix A

### Enacted Bills Related to Immigrant Tuition Benefits

#### National Conference of State Legislatures (2015, July 21)

State	Bill	Year	Summary
<b>STATES OFFERING IN-STATE TUITION THROUGH STATE LEGISLATION</b>			
CA	AB 540	2001	This law requires that an unlawful immigrant, other than a nonimmigrant alien, be exempted from paying nonresident tuition at state community colleges and the state university if these conditions are met: attendance at a state high school for three or more years, graduation from a California high school or the equivalent, registration at or attendance at an accredited higher education institution in the state, and has filed an affidavit stating that the student has applied to legalize his or her immigration status, or will file an application as soon as he or she is eligible.
CO	S 33	2013	This law allows students without lawful immigration status to be considered in-state residents and exempts people receiving higher education benefits from <u>having to provide documentation of lawful presence in the United States.</u>
CT	H 6390	2011	This law extends in-state tuition benefits to postsecondary students without legal immigration status who reside in Connecticut and meet certain criteria. It requires them to file an affidavit with a college stating that they have applied to legalize their immigration status or will do so as soon as they are eligible to apply.
	H 6844	2015	Amends existing law related to requirements for residents, other than certain nonimmigrant aliens, to be classified as an in-state for tuition purposes. Students must have completed at least two years of high school in the state, rather than the previous four year requirement.
FL	H 851	2014	This postsecondary education law includes amendments relating to qualifications for resident (instate) tuition. Out-of-state fees are waived for students, including but not limited to those undocumented for federal immigration purposes who have attended a secondary school for three years before graduating from a Florida high school, applied for higher education enrollment within two years of graduation, and submitted an official Florida high school transcript as evidence of attendance and graduation. A dependent child who is a United States citizen may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. The law prohibits denial of classification as a resident for tuition purposes based on immigration status and allows certain people to be classified as state residents based on marriage or military service.
IL	H 60	2003	This law allows in-state tuition for a person who is not a citizen or permanent resident of the United States who files an affidavit stating intent to apply for citizenship as soon as is possible.
KS	H 2145	2004	This law allows certain nonresidents to be deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions and makes provisions for people without lawful immigration status under certain circumstances.
MD	S 167	2011	This law authorizes in-state tuition benefits at a local community college to unauthorized students who have graduated from public high schools. Parents must be able to prove they pay Maryland taxes to receive in-state tuition. After two years, students have the option of transferring to a state university at in-state tuition rates. Students who are not permanent residents must provide to the

			public college an affidavit stating that they will file an application to become a permanent resident within 30 days after becoming eligible to do so.
MN	S 1236	2013	This law establishes criteria by which students without lawful immigration status may qualify for the resident tuition rate in state universities and colleges. It also provides for the treatment of undocumented immigrants with respect to financial aid and tuition and public institutions may also use private sources of funding to provide aid to a student eligible for resident tuition
NE	L 239	2006	This law redefines “residency” and “lawful status” for the sake of in-state tuition eligibility and allows those residing in the state for three years or more, and who meet other criteria, to become eligible for in-state tuition.
NJ	S 2479	2013	This law provides in-state tuition and state financial aid if the individual attended high school for three years, graduated or received the equivalent of a high school diploma and enrolls in a public institution of higher education in 2014. If the person does not have lawful status, he or she must file an affidavit to legalize when eligible to do so.
NM	S 582	2005	This law prohibits denial of college benefits based on a student’s immigration status. It provides for in-state tuition and state-funded financial aid to be granted on the same terms to all people, regardless of immigration status.
NY	S 7784	2001	This law provides that payment of State University of New York or City University of New York tuition by certain non-resident students shall be paid at a rate no greater than that imposed on resident students
OR	H 2787	2013	This law exempts students who are not citizens or lawful permanent residents from nonresident tuition and fees if the following conditions are met: three years of attendance at an Oregon school; five years attendance in any U.S., D.C. or Puerto Rico elementary or secondary school; receipt of a high school diploma or equivalent in Oregon within three years of enrolling in a public university in Oregon. The student must demonstrate intent to become a citizen or lawful permanent resident by submitting a copy of the student’s application registered with a federal immigration program or federal deportation deferral program or statement to apply as permitted under federal law, and an affidavit of application for a federal individual taxpayer identification number or official federal ID. The law allows for a dependent of a noncitizen to receive similar benefits.
TX	H 1403	2001	This law grants in-state tuition benefits and state financial aid to immigrant and unauthorized students based on the following conditions: the student must have resided in Texas while attending high school in Texas, graduated from a public or private high school or received a GED in Texas, resided in Texas for three years prior to graduation from high school or receipt of GED, and provide their institution of higher learning a signed affidavit indicating an intent to apply for permanent resident status as soon as able to do so.
UT	H 144	2002	This law modifies the State System of Higher Education Code and allows a student who meets certain requirements to be exempt from paying nonresident tuition at institutions of higher education.
	S 253	2015	This law provides an exemption to verification of lawful presence for privately funded scholarships administered by colleges or universities, for graduates of Utah high schools.
WA	H 1079	2003	This law defines resident student to include any person who has lived in the state for three years before receiving a diploma or its equivalent from the state of Washington. This would ensure their eligibility for in-state tuition regardless of immigration status.
<b>STATE UNIVERSITY SYSTEMS OFFERING IN-STATE TUITION</b>			
HI	UH Board of Regents Policies Ch 6, S 6-9	2013	The Board of Regents allows unauthorized students to be considered residents of Hawaii for the purposes of tuition and financial assistance if they establish residency by being physically present in Hawaii for 12 months (demonstrating intent to make Hawaii the place of permanent residency), attend a public or

			private high school in the United States for at least three years, and graduated from or attained the equivalent of such from a U.S. high school. The student must file for Deferred Action for Childhood Arrivals, file an application for legal immigration status, or file an affidavit with the university confirming intent to file as soon as possible.
MI	UM Board of Regents	2013	The UM Board of Regents approved changes in guidelines to student qualification for in-state tuition. These new guidelines expand eligibility for in-state tuition to all U.S. military veterans, members of the U.S. Public Health Service and to students who have attended middle school and high school in Michigan (regardless of immigration status).
OK	H 1804  Oklahoma State Regents of Higher Education Policy Manual Ch 3, S17.6	2007	This law allows the Oklahoma State Regents for Higher Education to adopt a policy that allows a student to enroll in an institution within the Oklahoma State System of Higher Education and be eligible for resident, and any scholarships or financial aid provided by the state. In accordance with OK HB 1804, an individual who cannot present valid documentation of United States nationality or an immigration status but who graduated from an Oklahoma high school, resided in the state while attending classes for at least two years before graduation, and files an application to legalize their immigration status, is eligible for enrollment and/or out-of-state tuition waivers. Any student who is able to provide these shall not be disqualified on the basis of their immigration status from any scholarships or financial aid provided by the state.
RI	S 5.0 Residency Policy	2011	Rhode Island's Board of Governors for Higher Education approved a policy that allows unauthorized students to pay in-state tuition at Rhode Island's college if they attended high school in the state for at least three years and graduated. The students must sign an affidavit stating they are pursuing legal status.
<b>STATES OFFERING STATE FINANCIAL ASSISTANCE TO UNAUTHORIZED STUDENTS</b>			
CA	A 131	2011	The California Dream Act allows any person who is exempt from paying nonresident tuition at the California State University, the California Community Colleges, or the University of California to receive scholarships from non-state funds.
NM	S 582	2005	<i>See above.</i>
MN	S 1236	2013	<i>See above.</i>
TX	H 1403	2001	<i>See above.</i>
WA	S 6523	2014	This law, called the Real Hope Act, extends financial aid to students domiciled in the state of Washington. These resident students may receive aid regardless of immigration status.
	H 1817	2014	This law allows access to the State Need Grant for individuals granted Deferred Action for Childhood Arrival status who meet certain criteria, regardless of status. Criteria include completion of the full senior year of high school, received a high school diploma or equivalent from a Washington high school.
<b>STATES BARRING IN-STATE TUITION BENEFITS TO UNAUTHORIZED STUDENTS</b>			
AL	H 56	2011	This law bars aliens who are not lawfully present in the United States from enrolling in or attending any public postsecondary education institution in the state of Alabama. An alien attending any public postsecondary education institution must either possess lawful permanent residence or an appropriate nonimmigrant visa. This law makes aliens who are not lawfully present in the United States ineligible for any post secondary education benefit, including, but not limited to, scholarship, grants or financial aid.
AZ	Prop 300	2006	This proposition states that a person who is not a citizen or legal resident of the United States or who is without lawful immigration status is not entitled to

			classification as an in-state student or entitled to classification as a county resident.
GA	S 492  State Board of Regents Policy Manual	2008  2010	This law states that noncitizen students shall not be classified as in-state for tuition purposes unless the student is legally in the state and there is evidence to warrant consideration of in-state classification as determined by the board of regents. Georgia's State Board of Regents passed rules regulating the admission of undocumented students. The 35 institutions in the University System of Georgia must verify the lawful presence of all students seeking in-state tuition rates. In addition, any institution that has not admitted all academically qualified applicants in the two most recent years is not allowed to enroll undocumented students. In 2011, this rule affected: The University of Georgia, Georgia Tech, Georgia State University, Medical College of Georgia and Georgia College & State University.
IN	H 1402  S 207	2011  2013	This law states that a person unlawfully present in the United States is ineligible to pay the resident tuition rate. This law amended existing regulation to exempt individuals who enrolled in a state educational institution on or before July 1, 2011.
MO	H 3	2015	The preamble of this higher education appropriations law bars funds to institutions of higher education that offer a tuition rate less than the international rate to students with unlawful immigration status, and bars scholarship funds to students with unlawful immigration status.
SC	H 4400	2008	This law prohibits aliens unlawfully present in the United States from attending a public institution of higher learning within the state. It requires the trustees of a public institution of higher learning to develop and institute a process by which lawful presence in the United States is verified. It states that aliens not eligible on the basis of residence for public higher education benefits including, but not limited to, scholarships, financial aid, grants, or resident tuition.

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NCSL Immigration Policy Project Website  
NCSL Education Website  
In-State Tuition and Unauthorized Immigrant Students  
NCSL Immigration Debate

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[http://www.ncsl.org/documents/immig/InStateTuition\\_july212015.pdf](http://www.ncsl.org/documents/immig/InStateTuition_july212015.pdf)

## Appendix B

### Utah Undocumented Student College Access and Navigation Cheat Sheet

#### Is student eligible for...



