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A Dream Deferred: Undocumented Students at CUNY

By Carolina Bank Muñoz

I first became aware of the difficulties for undocumented students at the City University of New York (CUNY) when I started teaching a course at Brooklyn College, a CUNY campus, on the sociology of immigration. On the first day of class, five students requested appointments to speak with me in private. This was extremely unusual to say the least. All five students were undocumented and had family members who were undocumented. They were hoping I could help. As one student put it, “I’m hoping you can teach me how to get my papers.” I had to explain that I was not a lawyer, nor was the class about how to immigrate “legally,” but about the social process of immigration. Needless to say, the students were deeply disappointed, but nevertheless stayed enrolled in the course. One student in particular made a tremendous impression on me.

Luisa came to the United States when she was five years old.¹ Her father was diagnosed with a rare and serious illness and they initially migrated so that he could be treated. Like many other immigrants, they obtained a visa to visit the United

States. Once Luisa’s father was treated and recovering, they decided to remain in the United States. They overstayed their visa, and from one night to the next became undocumented. Luisa attended public school while both of her parents worked in the garment industry. After Proposition 187 passed in California, Luisa’s parents decided that it was time to leave California and move to New York, where the anti-immigrant climate was less intense.

During high school, Luisa worked after school as a seamstress in the factory where her mother worked. Her father was now a union janitor and their financial situation had stabilized substantially. In her last year of high school, Luisa started researching colleges. At that point she realized that there were very few opportunities for undocumented immigrants. She had been in this country for twelve years. She had learned English, worked hard, and made good grades. Yet, she was not going to be able to simply apply to college like many of her classmates. Despite her 3.8 GPA, Luisa would have to attend a community college because she simply could not afford to pay full tuition at a 4-year college and she was not eligible for any federal loans. After working full-time and attending school part-time for three years, Luisa had finally saved enough money to enroll at Brooklyn College. During her first year at BC, Luisa’s brother was deported. She used her entire savings to bring her brother back to the United States across the U.S.-Mexico border and was forced to drop out. She was devastated to have to delay her education, but her family was the priority. After a two year hiatus from school, Luisa was able to re-enroll at Brooklyn College. That very semester she enrolled in my immigration course.

KRISTINA LESNANSKA

While Luisa's story is incredible, it is not exceptional. Hundreds of undocumented students across the country have similar stories.²

In fact, over 60,000 undocumented students, the vast majority of whom are people of color, graduate from high school

every year (UCLA Labor Center 2007). Most of these students migrated to the United States at a young age along with parents or other family members. Yet they are subject to the same harsh immigration policies as their parents who predominantly work in the low wage sector.

The United States is the only home that most of these students know, but they are forced to live in the shadows of American society, living in fear of Immigration and Customs Enforcement (ICE) with marginal access to good jobs or a college education.

For these students, a college education is usually only a dream. In fact, only five to ten percent of these students make it to college (UCLA Labor Center 2007, NILC 2006). Undocumented college students have no access to federal and state student aid, work study programs, or many scholarships. Furthermore, since the 1990s but especially since September 11th, 2001, access to higher education for undocumented students has been severely curtailed. Many states passed laws that required colleges and universities to charge non-resident tuition to undocumented students (Gonzales 2007). Non-resident tuition is often 2 to 3 times more expensive than in-state tuition, making it nearly impossible for undocumented students to attend college.³

The half-dozen undocumented students in my class and the more than two thousand undocumented students at CUNY (according to the CUNY Immigration and Citizenship Project) have had to overcome tremendous adversity to be at the university. Over the course of the semester, several of my students saw their family members deported, one student successfully evaded a workplace raid by Immigration and Customs Enforcement, and two students had to drop out because they simply could not afford to stay in school. Since my first experience with these five students, I have run into dozens of undocumented college students across CUNY who have had to drop out of college, find work, save money, and return to college a few years

later. Many never return to school because they simply do not earn enough in the low wage sector or underground economy to afford a college education.

Undocumented students are systematically denied access to a college education by a flawed immigration system that has roots in institutionalized racism. At its root, contemporary immigration policy is inherently flawed because it seeks an individual solution to a structural problem. In the latest round of immigration reform, legislators have focused on either blocking the flow of migration through “solutions” such as a border fence or severely limiting it through guest worker programs and other means. These policies treat immigration as a faucet that can be turned on and off. In fact, immigration is far more complex. There are structural conditions and policies that *force* people to migrate. The North American Free Trade Agreement (NAFTA), structural adjustment policies, and war all impact migration. NAFTA, in particular, has been instrumental in increased forced migration from Mexico. NAFTA resulted in removing tariffs that were protecting Mexican farmers without removing U.S. subsidies to U.S. producers. As a result, the Mexican market was flooded with underpriced agricultural goods from the United States, especially corn. Unable to compete with these underpriced goods, Mexican farmers had no choice but to leave their land and seek employment in other parts of Mexico. Many displaced farmers migrate to large cities in Mexico to work in factories. As those factory jobs disappear or are exported to other countries, they have nowhere to go but the United States (Bank Muñoz 2008). Ironically, then, U.S. economic and trade policies are significantly responsible for

the increase in immigration from Mexico and other Latin American countries.

The ongoing backlash against immigration disproportionately affects immigrants of color (militias and vigilante groups such as the Minutemen for the most part are not violently attacking “illegal” Germans). As Ngai (2004) aptly puts it “restrictive immigration laws produced new categories of racial difference... The legal racialization of these ethnic groups’ national origin [1920’s] cast them as permanently foreign and unassimilable to the nation”(7-8). A perfect example is that in the contemporary immigration debate, Latina/o immigrants are racialized as “illegal” even if they were born in the United States or otherwise hold “legal” status (Bank Muñoz 2008).⁴ This blanket racialization falls on undocumented students in very particular ways.

The crisis for access to higher education for undocumented students affects not only the students who are in college or trying to get into college now, but also younger undocumented students who drop out of high school because they see that they have no opportunities for upward mobility. We are facing the possibility of a lost generation of extraordinarily bright and talented students. What can we, as radical teachers, do? In the following sections I will discuss immigration policy at CUNY, the challenges and opportunities presented in both teaching and working with undocumented students at Brooklyn College, and some ideas for action.

Immigration Policy and Practice at CUNY

Since the late 1980s educational immigration policy has been implemented at CUNY in a variety of ways. From 1989-

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2001, students who were undocumented but had lived in New York for more than 1 year were eligible to pay in-state tuition. Even in 1996, in the wake of the Oklahoma City bombing when the federal government passed an immigration act that denied undocumented students in-state tuition, CUNY held its ground and did not change its progressive policy. However, after 9/11, in the midst of the hysteria over immigrants and terrorism, CUNY (like all colleges in New York State) immediately changed its policies and began charging undocumented students non-resident tuition. As a result of significant public pressure, New York State changed its laws again in 2002 (National Conference of State Legislatures 2006). Currently, undocumented students need to have attended a New York State high school for two years and enroll in a state college or university within five years of graduation to qualify for in-state tuition. This new law is significantly more restrictive than the previous law that only required that individuals live in New York for one year to qualify for in-state tuition.

Despite changes in the law, undocumented students who want to enter a CUNY school face serious access problems. Fischer (2004) demonstrates that even when undocumented students have access to in-state tuition a majority do not use the benefit. Sometimes it is because

they do not know about the program. More often than not it is because they simply cannot afford a college education. This is significant in terms of life chances, because workers with B.A. degrees will earn on average, over a lifetime, a million dollars more than high school graduates (Cheesman and Newburger 2002).

Furthermore, those immigrants who do access the in-state tuition programs overwhelmingly enroll in two-year community colleges and vocational schools instead of four-year colleges and universities. Once at CUNY students face additional barriers. There is significant misinformation about who is in fact eligible for in-state tuition and who is not. At Brooklyn College, for example, numerous students have reported to me that they were told by admissions officers that they do not qualify for in-state tuition, because they do not have social security numbers. This, of course, is not accurate, but it has the effect of turning away eligible undocumented students who often do not know their rights under the law. Only the most persistent students who do their research, know their rights, and access the very limited support resources available end up making it into CUNY. Even these exceptional students face serious problems once they enter the university. According to several undocumented students at Brooklyn College, even once they have made it into the university they are looked down on by administrators, professors, and other staff who mark them as "illegal," either because they have not presented a social security card or because the last four digits of their social security number are not on the roster. Were it not for all these barriers and gatekeepers, there could potentially be far greater numbers of undocumented students at CUNY.

Teaching and Working with Immigrant Students

Working with immigrant students, and particularly undocumented students of color, offers various opportunities and challenges. On the one hand, their life experience provides them with an intuitive sense of the global economy and racial and class disparities. Many of them come from the Global South and have experienced poverty, racism, and exploitation. These students also tend to have a greater understanding of world politics. Needless to say, their knowledge and experiences contribute tremendously to a vibrant classroom environment. I recall a particularly intense classroom discussion over the idea of reparations. Native born Blacks were arguing that only Black people who can prove a link to slavery in the United States should benefit from reparations while Caribbean Blacks argued that they were also entitled to reparations because they were forced to migrate to the United States due to the devastations of globalization and colonization. All students in the class, immigrants and native born alike, benefited tremendously from this exchange.

In my experience, undocumented students are among the most self-motivated and focused students I have had, perhaps because they have the most to gain or lose. There are very few paths to obtain permanent residence and a green card. One can either acquire it through a family member (spouse, parent, etc.) who is a U.S. citizen or through employment.⁵ Employment is often the best option for undocumented students. In this case, employers have to make a case for why a foreign national (instead of a U.S. citizen) is better suited for the position (USCIS 2008). A col-

lege degree gives undocumented students, especially in high demand fields, some hope of finding a job in which an employer will be able to help secure their immigration status. On the other hand, having to drop out of school minimizes the chances that these students will find good jobs and a road to citizenship. Therefore, college recruitment and retention of undocumented students is imperative to enhancing their life chances.

Unfortunately, undocumented students face extreme barriers to succeeding in school and completing their college education even when they overcome the barriers to getting into college. Immigrant students in general and undocumented students in particular often live in poor neighborhoods with underfunded public schools. This is also true for other students of color. However, immigrant students have the additional barriers of having had to transition from schools in their native countries to a new method of U.S. education and learn U.S. English.⁶ As a result they often have weaker writing and public speaking skills than other students. Additionally, as I have already mentioned, many of these students have significant barriers outside the classroom which limit their prospects for campus-based activism.

What Can We Do?

Support the Dream Act

It is not good enough to rely on states to change their policies regarding undocumented students. We need a federal policy that would affect all states so that all undocumented students have access to higher education in the United States. To this end, lawmakers have been trying to pass the Dream Act, which would give

undocumented students a road to citizenship. Several variations of the Dream Act have been introduced in Congress since 2001. While no form of the legislation has passed, it has gained significant momentum. The Dream Act would make two major changes to current law. It would “permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and eventually obtain permanent status and become eligible for citizenship if they go to college or serve in the U.S. military” (NILC, 2007). It would also “eliminate a federal provision that penalizes states that provide in-state tuition without regard to immigration status” (NILC 2007).

Under the Dream Act, students of “good moral character” who came to the United States at age fifteen or younger would obtain conditional permanent resident status (six years) upon acceptance to college, graduation from a U.S. high school, or receiving a GED. Students would also be able to qualify for the federal work study program and for student loans. At the end of the six-year conditional period, students would be granted unrestricted lawful permanent resident status if “during the conditional period the immigrant has maintained good moral character, avoided lengthy trips abroad, and either 1) graduated from a 2 year college or studied for at least 2 years towards a B.A. or higher degree, or 2) served in the U.S. Military for 2 years” (NILC, 2007).

The Dream Act is far from perfect. The condition of “good moral character,” for example, is troubling. How is moral character defined? How would gay students, activist students, students who have been arrested for acts of civil disobedience, and students in left organizations fare under this condition? What kind of invasive

investigations into their moral character would they be subjected to? These are all important questions, and as a result of the vagueness of the concept, a significant layer of students would not be eligible to reap the benefits of the Dream Act. Furthermore, the option of participating in military service to obtain permanent resident status is deeply problematic. It gives military recruiters who already prey on communities of color further ammunition to convince these students to participate in military service instead of going to college. States would have an incentive to encourage young undocumented immigrants to go into the military since it would save them the costs of granting in-state tuition and save federal government Pell grant money. Moreover, given that recruiters use free college tuition as a carrot for potential recruits, joining the military might look especially attractive to young undocumented immigrants.

Moreover, the Dream Act would not require (or prohibit) states to provide in-state tuition, nor would students qualify for federal Pell grants. They would, however, be eligible for federal work study and student loans. In short, the Dream Act has many problems. However, it would offer undocumented students a path to citizenship. Most importantly, states would not be restricted from providing their own financial aid to students. Given that we are unlikely to see progressive immigration reform in the near future, it is important to support the Dream Act as a first step towards change.

Organizing at the State Level

Because of the limitations of the Dream Act (if it eventually becomes law), it is important to keep organizing at the

state level. As I have mentioned, only ten states provide undocumented students with in-state tuition, and only two of those (Oklahoma and Texas) offer such students state financial aid (Krueger 2006). As radical teachers we can make this a key legislative issue and work with our unions and the community to change state policy.

Activists in California provide an excellent example of mobilizing around this issue. In May 2007, the UCLA Center for Labor Research and Education held a public hearing on the state of undocumented students (UCLA Labor Center 2007). The hearing was attended by legislators, community members, and students (both documented and undocumented). Senator Gil Cedillo chaired the proceeding and provided information on the pending California Dream Act, which he had introduced into the State Senate in February 2008 (UCLA Labor Center). The introduction of the bill was followed by a teach-in at UCLA in March to bring the dire situation of undocumented students to public attention. The California Dream Act was approved by the State Senate and Assembly, but was vetoed by Governor Schwarzenegger (Cedillo 2008).

Teach-Ins and Public Hearings

Despite some public attention, the barriers facing undocumented students are still largely unknown. It is crucial to educate students, faculty, staff, legislators and the broader community about this topic. As I mentioned above, UCLA has held both teach-ins and hearings on the subject, drawing more than three hundred attendees. At Brooklyn College, Students for Direct Action (SDA) organized a

teach-in the spring semester of 2007. The purpose of the teach-in was to draw attention to the issue at CUNY, specifically at Brooklyn College. One panelist courageously shared her story of the challenges she has faced as an undocumented student at CUNY. Other panelists spoke about the rise of anti-immigrant sentiment in the surrounding campus community since September 11, 2001. Over fifty students, faculty and staff attended the event, held a week before finals. As a first step, this was a significant event in terms of bringing this issue to the attention of the campus community. We hope to organize more events on the campus this coming year.

Immigration Clinics

Colleges, universities, and law schools across the country have started immigration clinics to provide legal resources to undocumented college students and the broader community. CUNY established the CUNY Immigration and Citizenship Project in 1997 to address the needs of an increasing number of foreign born students at the university. CUNY has “the most comprehensive immigration law service and education program of any college or university in the United States” (CUNY Immigration and Citizenship Project). The mission of the program is “to provide free, high quality, and confidential citizenship and immigration law services to help immigrants on their path to U.S. citizenship” (CUNY Immigration and Citizenship Project). Under the leadership of Professor Allan Wernick at Baruch College, the program has grown significantly. We currently have eight free immigration clinics on the campuses and an additional six clinics which are located in the community but affiliated

with the university (CUNY Immigration and Citizenship Project). These clinics are run by law students, paralegals, professors, and students themselves. In addition to providing legal resources for students, these clinics also function as safe spaces where students can meet and share their common issues and concerns. Hundreds of CUNY immigrant students and immigrant New Yorkers in general have benefited from this project.

In the spring semester of 2007 a group of faculty, staff, and students talked about starting an immigration clinic at Brooklyn College. There was tremendous enthusiasm about the project. Given the number of immigrants on the campus we felt that it would be a project that would inspire and activate a considerable layer of progressive students. Ironically, the very problems the clinic hopes to address have affected our ability to organize quickly: several of the students who were most enthusiastic about working with me on the project had to drop out of school in the fall semester because they simply could not afford to stay in school. These setbacks have only renewed our resolve: this spring, we will renewing efforts to start the clinic.

Conclusion

Why is higher education for undocumented immigrant students so important? It’s a fundamental issue of rights. In 2009, we would be hard pressed to find individuals who do not believe that women and native born minorities should be given access to higher education. What is so different about someone who at the age of five was brought to this country by their parents? The United States is the only country that a majority of these stu-

dents know. They are going to stay, work, pay taxes, and possibly raise families in this country. As I have mentioned, earning a B.A. degree significantly improves the life chances of all citizens. An education means access to better jobs, which means access to savings, which means access to the accumulation of wealth that is passed on from one generation to the next. A majority of these students will be contributing to our economy, culture, and collective conscience. As a nation, we should want undocumented students to be empowered through education.

Currently, our immigration policy is sending the message that undocumented students who have been raised in the United States are disposable. Undocumented students' dreams and aspirations are shattered every year, as they realize that they have few possibilities for obtaining a college degree. Many lose hope for the future and begin the slow decline into accepting their fate. Others turn to crime and violence as a method of releasing their frustrations with inequality. Undocumented students who migrated to the country with their parents should not be expected to pay the price of a flawed immigration system. As radical teachers, we can support the plight of undocumented students by working with them to win access and resources for a college education and inspire them with hope for a meaningful future.

Notes

1 All names have been changed to protect students' identities.

2 For an excellent resource on this issue see *Underground Undergrads: UCLA Undocumented Immigrant Students Speak Out*, reviewed in this issue.

3 Only ten states (California, Illinois, Kansas, New York, Oklahoma, Texas, Utah, Washington, New Mexico, and Nevada) have passed laws permitting undocumented students to pay in-state tuition. (Immigration Policy Center).

4 There is a wealth of scholarly work on this issue. Notable works include: DeGenova, Nicholas. 2005. *Working the Boundaries: Race, Space and "Illegality" in Mexican Chicago*. Duke University Press. Chavez, Leo R. 1998. *Shadowed Lives: Undocumented Immigrants in American Society*. Fort Worth: Harcourt Brace College Publishers.

5 There are also a variety of refugee programs. However, these are very limited in eligibility. For more information on all the roads to permanent residence visit: www.uscis.gov.

6 I use the term U.S. English, because many immigrants from the Caribbean already speak English, but the writing norms and vocabulary for U.S. English are different. So while these students speak and write English, they often have to relearn it to reflect U.S. norms.

References

Bank Muñoz, Carolina. 2008. *Transnational Tortillas: Race, Gender and Shop Floor Politics in Mexico and the United States*. Ithaca: Cornell University Press.

Cedillo, Gil. SB 1301—California DREAM Act. http://dist22.casen.govoffice.com/index.asp?Type=B_PR&SEC={618F8B21-E3F2-436F-AD33-4F47062FA1BD}.

Cheesman Day, Jennifer and Eric C. Newburger. "The Big Payoff: Educational Attainment and Synthetic Estimates of Work-Life Earnings." *Current Population Reports*, U.S. Census Bureau, July 2002.

CUNY Immigration and Citizenship Project. <http://web.cuny.edu/about/citizenship.html>.

Fischer, Karin. "Illegal Immigrants Rarely Use Hard-Won Tuition Break." *Chronicle of Higher Education*, December 10, 2004, A19-21.

Gonzales, Roberto. 2007. "Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students." *Immigration Policy in Focus*, v5 (13). Immigration Policy Center. <http://www.immigrationpolicy.org/images/File/infocus/Wasted%20Talent%20and%20Broken%20Dreams.pdf>.

Krueger, Carl. 2006. "In-state Tuition for Undocumented Immigrants." Education Commission of the States. <http://www.ecs.org/html/Document.asp?chouseid=6100>.

National Conference of State Legislatures. 2006. "In-State Tuition and Unauthorized Immigrant Students." <http://www.ncsl>.

org/programs/immig/immig_InState-Tuition0706.htm.

National Immigration Law Center. 2006. "Basic Facts About In-State Tuition for Undocumented Immigrant Students." http://www.nilc.org/immlawpolicy/DREAM/in-state_tuition_basic-facts_041706.pdf.

National Immigration Law Center. 2007. "The Dream Act: Basic Facts." http://nilc.org/immlawpolicy/DREAM/dream-basic_info_0406.pdf.

Ngai, Mae M. 2005. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press.

UCLA Labor Center. 2007. "Undocumented Students, Unfulfilled Dreams. . . ." Report. <http://labor.ucla.edu/publications/reports/Undocumented-Students.pdf>.

United States Citizenship and Immigration Services. www.uscis.gov.

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