Dreams, Democracy, and College Access: Undocumented Immigrant Students in Higher Education Policy & Discourse
Personal introduction

How I’ve come to this work:

- Interest in educational opportunity, immigration, & policy

- Previous research
  - *Los Estudiantes Migrantes y Educación*

- Previous practice
  - HgEd outreach, social services
Recognized contribution

Susana Hernandez
Ph.D. Student
Educational Leadership &
Policy Studies
Iowa State University
Sociopolitical Context: Undocumented Immigrant Students and Higher Education

- AZ Prop 300; AZ Prop 107; CA AB540; CA Prop 209
- The Latino vote & the new Latino diaspora
- Conservative modernization of education policy
- Minority Serving Institutions
- No Más Muertes
- Militarism, capitalism, and the US-Mexico border

Dreams engaged. Dreams denied.
Access as a moving target
Participation Context: Undocumented Immigrant Students in Higher Education

- 11.9 million undocumented immigrants in the U.S.
- 1.8 million of whom are under the age of 18
- 65,000 undocumented immigrant students graduate from high school each year
- 7,000-13,000 enter HgEd each year

Undocumented immigrant students struggle for educational opportunity through complex webs of social, cultural, political, and policy contexts.

(Gildersleeve, Rumann, & Mondragon, 2010)

(Gonzalez, 2007; Passell, 2008; Passell & Cohn, 2008)
Known Mediators of College Access & College Success

- Academic preparation and college counseling
- Schooling involvement with families
- 1st Generation Status and family familiarity
- College admission policies
- Higher education cost and financial aid
Policy Context: Undocumented Immigrant Students in Higher Education

Federal Law
- Illegal Immigration Reform & Immigrant Responsibility Act of 1996 (IIRIRA)
  - Section 505
- Personal Responsibility & Work Opportunity Reconciliation Act of 1996 (PRWORA)
- DREAM Act (proposed)

States’ Laws
- In-State Resident Tuition Policies
  - Extending
  - Restricting
- Anti-Affirmative Action Policies
- Bilingual Education Policies
## In-State Resident Tuition Policies

<table>
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<tr>
<th>State</th>
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<th>Year</th>
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<tbody>
<tr>
<td>Texas</td>
<td>HB 1403</td>
<td>2001</td>
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<td>California</td>
<td>AB 540</td>
<td>2001</td>
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<td>New York</td>
<td>SB 7784</td>
<td>2002</td>
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<tr>
<td>Utah</td>
<td>HB 144</td>
<td>2002</td>
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<td>Washington</td>
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<td>Oklahoma*</td>
<td>SB 596</td>
<td>2003</td>
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<td>Illinois</td>
<td>HB 60</td>
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<td>Kansas</td>
<td>HB 2145</td>
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<td>Nebraska</td>
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<td>Wisconsin</td>
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</tbody>
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- ISRT policies have positive and significant effects on college decisions of undocumented immigrant students (Flores, 2010)
- Potential empowerment of undocumented students’ identities (Perez, 2009)
ISRT policy discourse as a context for inquiry

- **The Sexy**
  - Exist in a controversial and hotly politicized nexus of American social concern today

- **The Moral**
  - Affects real people and changes real conditions

- **The Political**
  - Creates/constrains opportunity, but also produces new imaginings of education and society
Undocumented Immigrant Students in Higher Education Discourse & Policy

- How are policy subjects produced in ISRT policy?
  - How are undocumented immigrant students constructed in ISRT policy?

- How are policy problems produced in ISRT policy?
  - What problem does ISRT policy try to address?
Research Design

- Theoretical framework
  - College-going Literacy Development Model (Gildersleeve, 2010)
  - Post-structural theory (Foucault, 1978, 1980)

- Methodology
  - Critical Discourse Analysis (Fairclough, 2006)
  - Policy Discourse Analysis (Allan, Iverson, & Huilman, 2010)
Key Terms

- **Discourse** - (Baxter, 2003)
  - Is the talk (or language) and action of a text
  - Meanings within texts are not lying in wait to be found, but rather meanings are constructed by the contingencies and pressures betwixt and between talk and action (i.e. discourse)

- **Power** - Foucault (1978;1980)
  - Is not a possession, but rather an exercise
  - Power circulates by way of discourse between and across social relations
  - Power and knowledge cannot be separated
Significance of policy discourse

Discursive effects have material consequences.

Power, agency, and identity

Dislocating ideology
Significance of ISRT policy discourse

- Relationship between federal and state governments
- Legitimacy: who is entitled?
- Economic implications
- Immigration reform

**Educational opportunity as a fundamental question of democracy:**

- Who gets to participate?
- And how?
- And under what conditions?
Findings – Constructed meanings of the policy problem

Construction of the POLICY PROBLEM:

- Higher Education/Postsecondary education
- Economic
  - Including tuition
- Equity
Findings – Constructed meanings of the policy problem

Construction of the POLICY PROBLEM

- Relating to the **eligibility of certain persons to qualify as residents of this state for purposes of higher education tuition or to pay tuition at the rate provided to residents of this state.** (TX)

- **AN ACT concerning higher education.** (IL)

- **AN ACT concerning public postsecondary education; concerning certain persons** deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions. (KS)

- A **fair tuition policy** for all high school pupils in California ensures access to our state’s colleges and universities, and thereby **increases the state’s collective productivity and economic growth.** (CA)
Findings – Produced meanings of the policy problem

Production of the POLICY PROBLEM

- Security: tracking and marking undocumented immigrant students.
  - Required affidavit

- Economy: counting and funding higher education
  - Differential impact across HgEd sectors

- The Social Institution of Higher Education
Findings – Constructed meanings of the subject

Construction of the SUBJECT:

- Humanizing language
  - Person – student – individual

- Dehumanizing language
  - Alien - unmarried minor alien

- Qualified subjects
  - Person without lawful immigration status - Undocumented immigrant student - Student who is not a resident
Findings – Constructed meanings of the subject

Construction of the SUBJECT:

Existing law prescribes residency requirements for students at public institutions of postsecondary education, including, among others, the campuses of the California Community Colleges and the California State University. With respect to alien students, existing law specifies that an alien, including an unmarried minor alien, may establish his or her residence unless precluded by the federal Immigration and Nationality Act from establishing domicile in the United States. These provisions are applicable to the University of California only if the Regents of the University of California act to make them applicable. (CA)

“individual” means a person who (A) has attended an accredited Kansas high school for three or more years, (B) has either graduated from an accredited Kansas high school or has earned a general educational development (GED) certificate issued within Kansas, regardless of whether the person is or is not a citizen of the United States of America; and (C) in the case of a person without lawful immigration status, has filed with the postsecondary educational institution an affidavit stating that the person or the person’s parents have filed an application to legalize such person’s immigration status, or such person will file such an application as soon as such person is eligible to do so or, in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for citizenship of the United States or will file such application as soon as such person is eligible to do so. (KS)
Findings – Produced meanings of the subject

- Production of the SUBJECT:
  - Humanizing v. dehumanizing language
  - Qualified identity
  - Subject v Object

- New discursive construction
  - Alien student – Student alien
Plausible material consequences

- Discursive effects
  - Problems of security, economy, and ...
  - Production of new identities

- Potential material consequences
  - Problem of security and new surveillance technology
    - The affidavit as panoptican
  - Problem of economy and the undocumented capitalist
    - Human capital vs. Economic capital
  - New identities
    - Empowerment (a queered experience)
    - Marginalization (subject vs. object)
Practical institutional response

The College-going pedagogue
Reference List


Dialogue

- Questions?