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Managing Illegality on Campus: Undocumented Mismatch Between Students and Staff

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*Contributing to the literature on the institutional experiences of undocumented youth, this essay by Holly E. Reed, Sofya Aptekar, and Amy Hsin explores undocumented and “DACAmented” students’ experiences managing their illegality on campus and how college staff and faculty manage that illegality while organizing programs and support. Their analysis of in-depth qualitative interviews conducted with more than a hundred undocumented college students and former students and thirty-five faculty and staff members at the City University of New York identifies multiple points of tension. The “undocumented mismatch” between campus management of illegality and student experiences was evident in the exclusion and alienation of non-Latinx undocumented students, stress around legal status disclosure, and challenges around the issue of data confidentiality. These findings contribute to the literature on the institutional experiences of undocumented youth.*

*Keywords:* undocumented immigrants, migrant programs, college students, urban universities, illegality

Of the approximately one hundred thousand undocumented students who graduate from high school every year in the US, about a quarter go on to attend college (Perez, 2012; Zong & Batalova, 2015). While these students are highly selected, having better average high school grades than their citizen or legal permanent resident peers (Hsin & Reed, 2020), they face great barriers to college attendance and completion. They are often ineligible for government financial aid while shouldering a heavy economic load in their undocumented and mixed-status families, and they face the threat of deportation for themselves and their families (Abrego, 2006; Gonzales, 2015; Terriquez, 2015).<sup>1</sup>

We ask two main questions in our research. First, how do undocumented students, with and without Deferred Action for Childhood Arrivals (DACA) status, manage their illegality on campus? <sup>2</sup> The term *illegality* underscores the way the state criminalizes migrants, drawing analytic focus to legal structures that position undocumented migrants for exploitation (Gleeson & Gonzales, 2012). We are interested in knowing whether undocumented students felt safe on campus (particularly after the 2016 election), how they accessed resources and support, and what their interactions and relationships were like with faculty, staff, and other students. Second, how do college staff and faculty manage the illegality of students while organizing programs and providing support? We want to know how they understood the needs and characteristics of the student population they serve, how they conducted outreach, designed programs, and interacted with students and what challenges and constraints they faced in this work.

To answer these questions, we analyze in-depth qualitative interviews with more than one hundred undocumented college students and former students and thirty-five faculty and staff members at the City University of New York (CUNY), a large, urban, public university. CUNY's four- and two-year colleges are typical of nonelite public higher education institutions in experiencing many years of defunding and austerity, with precariously positioned staff and faculty asked to do more with less (Fabricant & Brier, 2016). It is also the type of institution most likely to be attended by undocumented youth (Gonzales, 2015; Terriquez, 2015). The New York context is an important addition to the literature dominated by studies based in California, which is an outlier in terms of its favorable state-level policies (Abrego, 2006; Enriquez, 2011; Patler, 2018; Terriquez, 2015). In contrast, New York State has a moderately favorable political and social climate; although undocumented immigrants can qualify for in-state tuition rates, state financial aid and driver's licenses were not available for undocumented immigrants at the time of the research.

Our interviews reflected the diversity of the CUNY undocumented student body and included Latinx, Asian, Black, and white or Middle Eastern/North African respondents. Much of existing research on undocumented youth focuses on Latinx (there are some exceptions including Cho, 2017; Enriquez et al., 2019; Hsin & Reed, 2020; Patler, 2014, 2018). Thus, we can explore the racialization of illegality from the perspective of Latinx who contend with presumptions of illegality and non-Latinx students who sometimes experience exclusion from programs and spaces based on racialized imaginary of illegality, as well as the benefits of "passing" (Enriquez et al., 2019; Patler, 2018).<sup>3</sup> Many of the study participants did not disclose their status on campus

or even to close friends, and most did not engage in activism, which allowed us to examine experiences of illegality across comfort levels with status disclosure and political mobilization.

A key contribution of our study is its comparison of the management of illegality by students and staff/faculty at the same institution. We find that there is an *undocumented mismatch* between staff/faculty understanding of and planning around student illegality and student perceptions and needs. We identify multiple points of tension between campus management of illegality and student experiences, including different conceptualizations of the role of the university in managing illegality, exclusion of non-Latinx undocumented students, and strain around disclosure and confidentiality. Findings from our research have practical implications for making college campuses safer and more supportive places for undocumented students. They also contribute to the literature on undocumented youth and higher education by providing insight into the experiences of undocumented students in the wake of the 2016 election.

### **Immigration Status and Race in Higher Education**

Navigating the transition to college is a major challenge for many students financially, academically, and socially, but this is even more difficult for first-generation students, particularly those who are ethnic or racial minorities and who lack US citizenship or legal permanent residency. Despite entering college with stronger high school achievement relative to their documented peers (Hsin & Reed, 2020), undocumented youth face numerous financial and structural hurdles (Abrego, 2006; Gonzales, 2015; Terriquez, 2015) that impede their educational progress (Kreisberg & Hsin, 2020). Their legal status excludes them from most forms of financial aid and scholarship opportunities, which forces many to take on more paid work

outside of school and enroll in fewer classes than their documented peers (Diaz-Strong, Gómez, Luna-Duarte, & Meiners, 2011). Anguiano and Nájera (2015) found that undocumented students of color felt they did not deserve to be in college. Additionally, many feel disconnected from campus life or support. They may lack information and be fearful of asking for help because of potential stigmatization or denial of access (Tierney & García, 2011). They must navigate many confusing procedures, forms, and offices while keeping their legal status secret from those they do not trust (Gildersleeve & Ranero, 2010; Oseguera, Flores, & Burciaga, 2010; Pérez & Cortés, 2011). College staff are frequently uninformed or unaware of undocumented students' needs and constraints or of resources or supports available for them (Gildersleeve & Vigil, 2015).

Anti-immigrant rhetoric and hostile campus environments can take a toll on undocumented students' mental health and affect their sense of self (Gonzales, Suárez-Orozco, & Dedios-Sanguinetti, 2013). Caretaking for family members and worries about financial problems only exacerbate this (Franklin & Medina, 2018). When the college ignores undocumented students and does not provide support, students feel excluded and stigmatized (Muñoz & Alleman, 2016). Writing from the perspective of undocumented students, Cabrera (2020) notes that even in seemingly supportive cases, universities use the marginalization of undocumented students to bolster their institutional claims of diversity and inclusion, commodifying students' experiences of exclusion and tokenizing the students as "successful products of the university" whose overcoming of trauma is credited to the institution (p. 77).

Based on the findings of this study, we developed the concept of undocumented mismatch. The term foregrounds the tensions between the needs of undocumented students on campus,

including the need for safety and support, and the attitudes and goals of staff and faculty who develop and run programs for immigrant students. To develop this concept, we draw on extant research about undocumented students' feelings of disconnect from campus life and support services while they hide their status on campus (Gildersleeve & Ranero, 2010; Oseguera et al., 2010; Pérez & Cortés, 2011) and evidence that college staff and faculty are often not aware of undocumented students' specific needs or constraints and may be ignorant of resources available to support them (Enriquez et al., 2019; Gildersleeve & Vigil, 2015; Valenzuela, Perez, Perez, Montiel, & Chaparro, 2015). We examine this undocumented mismatch directly by considering the experiences of college staff and college students at the same institution. The focus on undocumented mismatch allows researchers and practitioners to conceptualize and assess undocumented students' access to resources and support more accurately than would be possible when considering available programs and student campus experiences in isolation.

Our study adds to a small body of literature that compares the experiences of differentially racialized groups of immigrants in a subfield that continues to be dominated by studies of Latinx undocumented immigrants. In the US context, both Latinx and Asians are racialized as foreigners who do not belong, but illegality is overwhelmingly associated with Latinx (Enriquez, 2019). Mexican immigrants are racialized as undocumented regardless of their immigration status or nativity (García, 2017). European, Asian, and lighter-skinned Latinx undocumented youth may be able to “fly under the radar” and pass as “legal” more easily than Black and Brown Latinx undocumented youth (Cebulko, 2018; Hsin & Reed, 2020; Patler, 2014). Patler (2014) found that at the high school level, peers and school staff stereotyped Latinx immigrant students as low achieving and undocumented. Latinx youth, in turn, established supportive and resistive

social networks with each other. In contrast, teachers and staff viewed Asian students as undifferentiated model minorities, which led to their feeling isolated and unsupported. At the college level, Enriquez (2019) found that the Latinx undocumented students she studied suffered from stigma in interaction with others who assumed illegality much more often than Asian Pacific Islander undocumented students did. Yet, it was the Latinx students who had better access to resources and support spaces on campus, while the Asian Pacific Islander students felt excluded. Other researchers have noted feelings of shame, loneliness, and isolation among Asian undocumented youth (Chan, 2010; Cho, 2017). Unlike these studies, our research examines the experiences of Latinx, Asian, and other racialized groups in direct comparison to the staff and faculty at the same institution.

### **Status Disclosure and Data Confidentiality**

Undocumented youth have been at the forefront of immigrant rights struggles in the early twenty-first century. Given the visibility of immigrant youth activists, and the tendency of many researchers to interview them, many assume that these youth are open about their immigration status. Yet, status disclosure is not a given (Patler, 2014). Many undocumented parents prepare their children for social and legal discrimination, teaching them to hide their legal identity in many settings (Gonzales, 2015; Muñoz, 2016; Negrón-Gonzales, 2014). Undocumented youth worry about deportation, particularly once they fully realize the implications of being undocumented (García & Tierney, 2011; Gonzales et al., 2013; Perez & Cortés, 2011).

Undocumented youth make decisions to disclose status variably and contextually (García & Tierney, 2011; Muñoz, 2016). Fear of stigmatization and even deportation are two reasons why

they are wary of status disclosure , factors that are especially salient in local contexts hostile to immigrants (Murillo, 2017; Perez & Cortés 2011). Youth are more likely to disclose their status to faculty and staff who have similar experiences or identities (Stebbleton & Alexio, 2015). Yet even such commonalities do not protect against a lack of empathy or microaggressions instead of assistance and support. Research has shown a tension between students' wariness around sharing their legal status and the need to have trusted institutional actors (Valenzuela et al., 2015).

By participating in social movements embedded in networks of undocumented youth, some have embraced their undocumented status to project self-confidence and group belonging (Ellis & Chen, 2013). Some students even “come out” politically and openly in public protest, but the majority do not (Enriquez & Saguy, 2016). Other students embrace labels like “AB 540” (referring to California’s Assembly Bill 540, which grants in-state tuition to undocumented students) or “DACAmended,” which they distinguish from the stigma of being undocumented (Abrego, 2018; Murillo, 2017). Yet, solidarity and pride can also be tempered by pressure to “come out.” Cabrera (2020) notes that undocumented college students are expected to share their stories of being undocumented, including stories of trauma, to make claims on their institutions, such as in-state tuition rates or eligibility for Dreamer scholarships.

Connected to the process of status disclosure are issues of data confidentiality. DACA brought temporary protection from deportation and renewable work permits but also the collection of extensive and detailed data on applicants, which caused some anxiety for DACA applicants and recipients (Lauby, 2018). As DACA faced repeated threats starting in 2017, there was more cause for worry about the government having information on immigrants' identities, families,



and whereabouts. On campus, undocumented students' data are ostensibly protected by the Family Educational Rights and Privacy Act (Gin, 2010), yet concrete policies ensuring confidentiality of immigration status may be lacking (Valenzuela et al., 2015).

In a case study of the University of California (UC), Merced, Cabrera (2020) shows how the university uses statistics on undocumented students to celebrate itself as a diverse and inclusive institution while failing to establish durable systems to support these students. As do many other public universities, including CUNY, UC Merced collects data on immigration status. While this allows university staff to help administer financial aid to undocumented students, “the collection of legal status as data functions as surveillance for undocumented people” (Cabrera, 2020, p. 70).

### **New York City and CUNY**

New York City is a moderately favorable context for undocumented immigrants. The city government has taken some steps to minimize cooperation with federal immigration enforcement and has opened some programs to undocumented immigrants (Stark-Miller, 2019). At the same time, aggressive policing targeting people of color and continuing, if circumscribed, cooperation with ICE are a threat to undocumented New Yorkers (Robbins, 2017). At the time of our research, undocumented immigrants had access to in-state college tuition rates but were not eligible for state financial aid. (In 2019, the state expanded access to state financial aid and allowed undocumented immigrants to apply for driver's licenses.)

The City University of New York is a large public university with an enrollment of more than 275,000 students across twenty-five distinct campuses. On enrollment at CUNY, undocumented

students must provide a notarized affidavit stating they will pursue steps to obtain legal residency if such options become available. Since in-state tuition rates are tied to this affidavit, it provides a relatively accurate count of undocumented students. Approximately 1 percent of CUNY students (close to eleven thousand) are undocumented (see table 1). The CUNY system is struggling after many decades of state disinvestment, which is reflected in worsening working conditions and pay, dire shortfalls in resources and crumbling infrastructure, and ever-increasing tuition and fees. Staff and faculty working on contingent contracts are forced to prove their productivity, often through electronic surveillance and management systems, and demonstrate how many student-customers they serve (Fabricant & Brier, 2016).

**<INSERT TABLE 1 HERE>**

The undocumented population of New York City (NYC) is more diverse than that of many other US cities, and this is reflected in the CUNY student population. The top countries of origin for undocumented immigrants in NYC include Dominican Republic (14.3 percent), China (11.6 percent), Jamaica (5.4 percent), Mexico (5 percent), Guyana (4.3 percent), and Ecuador (4.1 percent) (MOIA, 2019). At CUNY, about 25 percent of undocumented students are from the Caribbean and almost 20 percent are from Asia; 8 percent are from Europe or the Middle East, and about 3 percent are from Africa. While 30 percent of the undocumented students at CUNY do come from Latin America (which includes 10 percent from Mexico), this group includes many immigrants from South America and fewer from Central America. Undocumented students at CUNY are eligible for a small number of scholarships as well as very limited mentorship and

advisement meant for the undocumented, all of which are premised on status disclosure for access.

## **Data and Methods**

This article is based on 105 interviews (conducted by Aptekar and Hsin) with students and former students from across the CUNY system who either were undocumented or had DACA while attending college and thirty-five interviews (conducted by Reed) with faculty and staff members at CUNY who worked directly with students on their campus. All were in-depth semi-structured interviews conducted in 2018 and 2019. Most students opted into the study by contacting us after seeing a recruitment flyer on campus, and a few learned about the study from previous participants. The flyer specified that participation was voluntary and confidential, listed the topics covered by interviews, and provided a link to a website we created with study information. The website included bios and photos of all three researchers, and the home page described our motivations for the study, including creating better policies to support immigrant students. Comments from some of our respondents indicated that the explicit articulation of support and confidentiality in our recruitment strategy helped facilitate trusting interactions in the interviews. We compensated students for their time and participation with a \$40 gift card.

Our positionality shaped our research process and analysis. Reed is a longtime CUNY faculty member who has served in administrative roles; as such, she was well positioned to build rapport with fellow CUNY employees during interviews with staff and faculty. Aptekar and Hsin shared their own immigrant backgrounds on the study website and in introductions in interviews with the students. The fact that Hsin was a CUNY faculty and Aptekar had taught at CUNY

previously likely helped with rapport because it reinforced for participants our motivation to improve institutional policies and gave us a common set of reference points. At the same time, since none of the respondents were our own students or students in our programs, there was little anticipation of having to interact with us again in a different capacity. While Aptekar and Hsin shared their immigrant identities to build trust and rapport, we all acknowledged the many differences between our privileged positions as immigrants whose parents were able to secure legal residency and our respondents, whose parents—or they themselves—were excluded by the US immigration system. Some respondents volunteered that they appreciated the interview experience as a rare chance to share their story in a safe environment.

Aptekar and Hsin conducted in-person interviews with students in public places like coffee shops or campus offices, per respondent preference. Before conducting the interviews, we communicated the voluntary and confidential nature of participation and stressed that the students could quit the interview at any time and still receive cash. We reiterated these points at the beginning of each interview, explaining in detail (and providing in writing) our confidentiality processes, including what it meant to have a National Institutes of Health certificate of confidentiality. Our interview guide consisted of a series of topics, including college experiences (timelines, paying tuition, balancing responsibilities, role of family, campus environment, source of information and resources, connections with staff and faculty, and extracurriculars, social networks). Interviews lasted on average an hour and a half and were conducted in English, which was the dominant language for almost all participants. As shown in table 2, 19 percent of the student participants were undocumented at the time of interview, 64 percent had DACA status, 1 percent had temporary protected status (TPS), and 13 percent had

adjusted their status to become either legal permanent residents or US citizens. Sixty percent of participants were undocumented due to overstaying their visas. Fifty-nine percent of the participants identified as female.

**<INSERT TABLE 2 HERE>**

Reed conducted faculty and staff interviews. We identified staff via direct email outreach to offices and individuals on CUNY campuses who worked in student-serving capacities and also through snowball sampling. Some interviews with staff or faculty were group interviews (two to four coworkers), for the convenience and comfort of participants. Interviews with staff were generally conducted on campus, either in the staff member's offices, in conference rooms, or at coffee shops; a few interviews were conducted by phone. Staff (thirty) and faculty (five) worked in a variety of offices on two- and four-year CUNY campuses, including direct student services (e.g., tutoring or student support programs), campus administration (e.g., registrar, financial aid), academic departments, and offices devoted to undocumented students and/or immigrant students. Two staff members had DACA status.<sup>44</sup> Faculty and staff participants did not receive a monetary incentive. Interviews lasted on average one hour and were conducted in English.

We team members met regularly to discuss individual interviews and emerging themes. Most of the student interviews were conducted before we interviewed faculty and staff; we used emerging themes about student experiences in college to inform the questions we posed faculty and staff. Initial data analysis involved coding transcribed interviews using broad themes that reflected the interview questions, including status disclosure, race, and institutional policies. In

the second round of analysis, we used these themes for more targeted coding related specifically to the research questions on experiences of undocumented students in college, with a focus on comparison (Deterding & Waters, 2018). We also developed additional themes inductively, such as data confidentiality.

## **Findings**

### *Campus as Safe Haven Amidst Trump-Era Fear*

We conducted our research after the election of Donald Trump in 2016, and the election featured prominently in many interviews with immigrant students and college staff. Many students were fearful and anxious about their futures: those who had DACA status worried that they would lose it, and many worried about deportation, including the deportation of their family members. Staff were fearful for the students and angry at the attack on immigrant rights that the Trump administration represented. Yet, most of our respondents felt that their campuses were relatively safe spaces for them as undocumented immigrants, at least in terms of there being a low risk of being apprehended by immigration authorities. Yet, not all students viewed campus as a safe space by students, and some students, even those students who said that their CUNY campuses were “safe,” mentioned feeling upset or uncomfortable during classroom discussions of immigration or in response to anti-immigrant comments by faculty and peers. Staff and faculty were perhaps more emphatic and less nuanced about proclaiming the safety of their campuses than the students, focusing on federal immigration enforcement and underestimating anti-immigrant sentiments within the campus communities. But overall a general agreement about the campus context being relatively safe frames the two areas of mismatch that we examine: the racialization of illegality and status disclosure.

*The Racialization of Illegality: The Mismatch Between Diversity and Exclusion*

College staff work hard to support undocumented students, but they only see a select group of students who choose to seek help and disclose their status. Many of our interviews were with student respondents who rarely disclosed their status, including to college staff and faculty, even when such disclosure would have meant access to resources or assistance. Latinx respondents were more likely to disclose their status than Asian, Black, Middle Eastern, or white respondents. Some Latinx respondents described growing up racialized as “illegal” and struggling with school bullies and societal stigma, which influenced their comfort with disclosure. For instance, several Latinx immigrants told us that “Mexican” was used by their school peers as a pejorative term connoting illegality and encompassing Latin American migrants beyond Mexico. With others already assuming they were undocumented, these youth were more aware of what it meant and were more ready to disclose their status to trusted school and college officials. In contrast, we heard from Asian, Black, white, and Middle Eastern/North African respondents that others assumed they were US citizens, which made disclosure more difficult. In this way, race shaped how students managed illegality on campus, and, in turn, their different strategies affected what staff understood to be problems facing undocumented students, thus creating an undocumented mismatch.

For instance, Joseph, an immigrant from Malaysia, and someone who did not disclose his status on campus, told us that people assumed he was documented. When asked why, he cited his facility with English above all else—salient to combatting the perception of Asians as foreigners—but also invoked racial stereotypes:

You've seen the rhetoric or the images of these undocumented people, where . . . It's so wrong to say this, but they come from Mexico and they don't speak English. They just work these like, these jobs, low-skilled jobs. Being able to speak the language and having friends, diverse groups of friends, hide the fact that I'm undocumented.

Joseph managed illegality on campus through use of the English language and friend groups that "hid" his status or helped him to pass as documented.<sup>5</sup>

Although college staff never helped students like Joseph with issues of illegality, because he did not disclose his status, in general, staff were aware of the racial and ethnic diversity among undocumented students. Sometimes their impressions of who was undocumented overlooked students who did not disclose their status. When asked to describe the undocumented student population, many staff relied on a tally of those who came to their offices seeking help.

Some staff framed undocumented students they worked with using "diversity happy talk," which is a celebratory way to frame racial diversity but does not engage with structures of inequality or acknowledge racial and immigrant oppression (Bell & Hartmann, 2007). Their awareness of the diversity of origins in the undocumented student population on campus was almost a cause for pride. For instance, Carlos, who worked with undocumented students at a four-year college, emphasized how proud he was of the diversity of the undocumented students:



I actually do have a pretty good, diverse student group. We have Asian, South Asian.

Probably Africa is more where it's not so much represented, but we have a couple of students that are. I want to say the majority of the students are from some kind of Latin descent, either Latin America or the Caribbean, but it's not overwhelming. There's a very good mix. I've had some European students from Israel and other European countries as well. Poland . . . I have a very mixed crowd, which is something that I'm proud of because I think too much we see immigration as a Latino face, so I'm very glad when we can show that diversity and that this is not a Latino thing. This is a world thing.

Carlos understood that the diversity of the undocumented student population was great for those students' access to college services. This celebration of diversity, however, existed in tension with the formidable obstacles these youth faced as criminalized immigrants with tenuous rights. Demonstrating that illegality affects immigrants of all races—like Carlos saying it's “a world thing”—raises the question of who the audience is that is consuming this celebration of diversity of undocumented students. “A very mixed crowd” is part of CUNY administration's strategy of institutional branding, which allows it to market itself as social mobility engine, echoing Cabrera's (2020) observations on the commodification of undocumented students by the university to promote itself as diverse.

In some cases, non-Latinx students experienced institutional spaces for undocumented students as exclusionary. For instance, Magdu, a South Asian DACA recipient, attended a meeting of the Dreamer Club (a student organization of undocumented students and their allies) on her campus, but she felt like she did not belong because she was not Latinx:

So, I went to one of their meetings and . . . I mean, they were very nice, but at times they would be making jokes in Spanish amongst themselves, and I didn't really fit in. And that's the whole stereotype, that DACA people are Hispanic or Spanish, and it's because that's what you see on TV. Like, you never see a Chinese person or an Indian person protesting.

Julia, a Middle Eastern undocumented student who said she was racialized as white, had a similar experience at an event organized by her college for undocumented students:

I know that we have the Dreamers on campus. I'm not a part of them. Mainly because the one time I went to an event that hosted undocumented students, or that was for undocumented students—I think it was right after the election, it was more tailored to exactly what Trump was talking about, so Latino migrants and people. And I understand they're a big part of the undocumented community, but they do cut out all the rest that are not of that ethnicity.

Julia said that this event featured a Latinx speaker, sharing an undocumented success story, who led the room in a Spanish-language chant. She chanted along but did not know what it meant and did not “feel part of the group.”

When staff indicated that they were aware of the exclusion some non-Latinx undocumented student felt in campus spaces meant for all undocumented students, they nevertheless placed the onus on non-Latinx students themselves to form organizations. They tended to ignore the role

that institutions have played in the formation of undocumented groups that are dominated by Latinx students or read as Latinx spaces, which emphasizes the undocumented mismatch between staff's theoretical support for diverse safe spaces and students' experience of exclusion based on racial stereotypes. Eloise, a scholarship coordinator at a community college, admitted that many programs for undocumented students were focused on Latinx students:

Even when I try to invite [non-Latinx undocumented students] to community-wide events, they're a little standoffish, because they're like, "Well, everything is geared toward the Hispanic population" . . . I think there's a lot of programs geared toward the Hispanic population. A lot of times I can say for my students, they feel left out. I tell them, I challenge them, and you start your program. They have this program because somebody took the initiative and they did it. There's no reason why you can't do the same thing. If that's something you want to do. You want to have a presence in the undocumented world, you absolutely can do it. You just have to take the time out to concentrate and focus on it, and do it. I do notice a little bit, like, I'm not going until (the program) is not geared toward Hispanic. They feel a little excluded from that whole undocumented support programs.

In urging these non-Latinx students, predominantly from the Caribbean, to create their own support programs and organizing spaces, Eloise imposed a frame of competition within the "undocumented world" where hard work and dedication won the spotlight and resources. Aside from eliding the responsibility of educational institutions to provide support to all undocumented students, the framing of struggling for more presence by the staff and faculty was premised on

the assumption of an unallayed value in status disclosure. There are pros and cons to disclosing status from the undocumented students' perspective.

*Disclosure and Data Confidentiality: Mismatch Between Safety and Activism*

When college staff and faculty described working with undocumented students, they were referring to students who had disclosed their immigration status. This is especially the case following the Trump election, when CUNY administration removed identifiers of legal status from databases and limited access to those data to a very few high-level administrators on each campus. Staff and faculty understanding of undocumented issues and concerns was inextricably shaped by this selection issue. Eloise assumed that undocumented students were already in touch with her: "The Dreamer students are automatically going to contact you anyway because they need to know 'How's my tuition being paid? Am I getting the books?'" They self-identify themselves to you." At a different community college, Ricardo relied on those who disclosed status and the college neighborhood to understand who the undocumented students were:

The majority of them are South/Central American because of where we are located . . . I know them anecdotally, because we can't track them. To protect them . . . We have a lot of Colombians, we have Mexicans, but it's between Central American and South American [name of neighborhood redacted] is really close to us and they tend to come here.

When Ricardo and his colleagues identified undocumented students because students self-disclosed, they connected them with services and scholarships through informal channels: "They

get priority because we communicate informally with the director.” Students who did not disclose their status could not access this help.

In addition to a skewed perception of undocumented student body premised on disclosers, many staff placed a normative premium on status disclosure, highlighting a key area of undocumented mismatch. Post 2016, some even encouraged disclosure and expressed pride in outspoken student activists. Staff were, of course, aware that status disclosure is not without risks, yet many saw that the benefits outweighed the risks—not only in terms of access to supports (some, such as special scholarship funds, available only to those who disclose their undocumented status) but also in the collective struggle for immigrant rights. For instance, Yolanda, a staff member at a senior college, grappled with the question of disclosure but in the end celebrated student activists:

You want them to fight for their rights at the same time you want them to hide. It’s the hardest thing in the world to do. I think a professor from one of these Ivy League colleges said they should be quiet at this time. I feel that way sometimes because I don’t want to lose one of them, but at the same time, if we stay quiet, we lose everything. I think that the climate now is that they’re a little bit braver. From 2016 to now, they’re a lot braver. They’re not hiding. They will go rally . . . They’re out there and they’re loud and they’re proud. I’m always fantastically happy to see that. I participate whenever I can. You gotta just think positive.

In some cases, staff pushed so hard for students to disclose and participate in programs that it might be viewed as coercive. Kym, a staff member at a community college, acknowledged that status disclosure was scary but insisted that it was important. She told us that Latinx students were more likely to disclose their undocumented status to her, a fellow Latina, but that she struggled to get non-Latinx undocumented students to disclose:

With my students from the Caribbean Islands, or from Guyana, they won't . . . I had a student from Nigeria that did not tell me for a whole year. I did not know. I had a student from Thailand who did not tell me for a whole year. I think they are a little more kept. I have a student that still hasn't told me, but I know, because he is paying his own tuition.

In fact, Kym asked this last student questions about why he was paying his own tuition to try to get him to admit that he was undocumented. She was “always constantly trying to find ways to have students have conversations.” She also reported that her fellow advisors hypothesized about students’ legal statuses and used their own cultural backgrounds to try to get students to disclose: “I have this Latin [*sic*] student. I think he’s undocumented, but he won’t tell me. [I want to say,] ‘Would you take a few minutes and come into our meeting and just have a conversation about this?’”

As we found in our interviews with the students, there is an undocumented mismatch between students’ need for privacy and safety and staff’s normative push for status disclosure and assumptions about immigration status. Often undocumented students do not disclose their status on campus and move through their lives as college students without ever sharing their

immigration status with a trusted faculty or staff member. Szymon, an immigrant from Poland without DACA status, said that he would not even attend a Dreamer club meeting on his campus because it was advertised on Facebook and would put him in danger – “especially not in the age of the internet where everybody can access anything anywhere, if you are in power especially, you can access anything that’s put anywhere. I don’t think it’s a safe thing to do.” Tanya and Jenny, two immigrants from Mexico, did not share their status as college students. Tanya said that when she started college, she was even scared to meet other undocumented students and share her situation. Jenny said that she had “never gone to talk to a person about” her immigration status out of fear.

Students who did disclose their status reported sometimes feeling pressured, vulnerable, or encountering prejudice or uncomfortable attention. Even though they tended to normalize status disclosure, the staff we interviewed knew of instances where students had negative experiences with disclosure, including derogatory comments from college staff and pressure of public attention, that led to mental health crises. Of course, many students did disclose their status on campus—usually selectively and strategically to supportive advisors and faculty—and had received help, which they appreciated.

While staff focused on disclosure as a portal for services and scholarships, as well as a political imperative, some students disclosed status to build community with other directly affected people on campus. For example, when we asked Pablo what would make CUNY a more supportive place for undocumented students, he said, “It’s really hard to talk about being undocumented. Finding a safe space to be able to do that with other people who are in your same

shoes, that would be great.” Likewise, Edenia described building a community of undocumented students on her campus: “One of my purposes is to be able to reach as many friends and be able to have a community with fellow friends. Because again, it feels pretty lonely sometimes, not being able to tell someone who you feel and have someone understand it.” Cristina found just such a community through a Latinx honor society on her campus: “I found really, really good friends there that always really protect me, and they knew about my status and they always, like, make sure that I have everything that I needed.” This community building occurred without the students disclosing their status beyond the peer group.

Undocumented mismatch can flare up around scholarships for undocumented students. Some of these scholarships come with pressure to be public about immigration status. Catalina contrasted her own experience as a scholarship recipient who was expected to engage in immigrant advocacy on her campus with that of her undocumented brother. As a less successful student, Catalina’s brother did not receive a scholarship for undocumented students and had access to none of the resources like tuition assistance and academic and psychological counseling. Yet, neither did he face pressure to disclosure his status in public, the way Catalina did:

I hate to put myself on this boat, but I think [my college] has chosen a few, elite Dreamers that they put forward for every single event. So, every single event, now that it’s Bill and Melinda Gates, I get invited to, or [another undocumented student leader] gets invited to, which is great. It’s great to have a group of known faces on campus. But it sucks for people like my brother, who never got invited to these things, and whose name is on the list somewhere, but no one really pays attention.



On the same campus you can have students getting targeted to do public-facing activism and receive tailored support—what Catalina referred to as “elite core of Dreamers”—and students who have no idea any help exists. Even though she was expected to be a campus activist as a condition of her scholarship, Catalina received conflicting messages about status disclosure when her advisor told her not to mention her immigration status on her law school applications because it might hurt her chances of getting in. Catalina pointed out that it would be easy to find out she was undocumented because she had been so public about it while an undergraduate. She regretted disclosing her status to this academic advisor:

I think I got a little too comfortable, because once I got to [senior college], I saw that there were so many opportunities that came my way because I was a DACA student, because I was invited to these events, and because I met these people. I capitalize on it, and I stopped being careful. I think I felt comfortable enough to tell her. Then I regretted it a little bit.

The tension between hiding and disclosing immigration status sometimes ran alongside tensions between college administration and staff who worked with immigrant students. Thus, one staff member encouraged an undocumented scholarship recipient to start a club to connect with other undocumented students, which was then shutdown by the administration, who deemed it unsafe for the students.

Part of the undocumented mismatch on status disclosure on campus is around data security. Knowing who is undocumented allows staff to do outreach and provide much-needed services.

At the same time, that data collection places students in danger if federal authorities were to gain access to students' names and addresses. After immigration status data were removed from CUNY databases available to most staff and faculty, most personnel were aware of this, understood it, and complied. But for staff, however, who were under pressure to serve students and demonstrate their own productivity in the context of austerity, their task was made more difficult by not having the data, since it was important to be able to show the number and categories of students they served. And, too, they had a genuine desire to provide services to these students. Carlos, who worked with a student support program at a community college, described the process of trying to identify undocumented students:

There was this ad hoc type of process of identifying maybe missing information, so maybe if a student didn't list their Social Security number. Or maybe if there's another thing that might signify that the student may be having some immigration issues, that could help us comprise some sort of a list.

Other staff spoke of additional clues that a student might be undocumented, such as not applying for financial aid and using a payment plan. Over half of CUNY students have 100 percent of their tuition covered by financial aid, so paying tuition, particularly in installments, can lead to suspicion about immigration status.<sup>66</sup>

Staff compiled and shared lists of undocumented students with other staff. One respondent said that she kept a spreadsheet of undocumented students on her work laptop. While aware that there were risks associated with having this information, she tried to mitigate them by giving the files

nonobvious names. These staff members did not receive data ethics training (such as researchers receive as a requirement of Institutional Review Boards) and may not have been properly deidentifying or protecting data. The interviews with the students revealed that they were not fully aware of the ways their colleges kept track of their status either before or after the 2016 election, although some had been on the receiving end of pressure to disclose their status at critical junctures like financial aid applications and enrollment holds.

## **Conclusions**

The undocumented students we interviewed grappled with the emotional fallout following the 2016 election of Trump, who openly vilified immigrants and campaigned on ending DACA. While fearful and anxious, most students indicated that they felt safe from immigration authorities on their campuses, and staff and faculty also believed the students were safe there. A few students doubted that the university was truly prepared to protect them from ICE, but these were exceptions. More common were experiences with microaggressions.

Within this context of anxiety and fear but a predominantly positive valuation of campus safety, we identified an undocumented mismatch between students and staff/faculty. The racial diversity of our student respondents allowed us to investigate how racialization influences the management of illegality on campus. Many of the Latinx youth grew up stigmatized as undocumented and could not pass for documented as easily as non-Latinx youth. Asian, Black, Middle Eastern/North African, and white respondents were less likely to disclose their immigration status on campus and were often assumed by others to be US citizens. As a result of this relative privilege, some students did not access support and services available to them as

undocumented students. In an example of this undocumented mismatch, college staff were sometimes unaware of the diversity and the number of undocumented students on their campuses because their understandings of needs were based on those who asked them for help. Stereotypes of undocumented immigrants shaped institutional investment in programs and student clubs. When non-Latinx students complained of feeling excluded from Latinx-dominated spaces, some staff placed the onus on the students to organize their own spaces, eliding the role of the institution in creating this sense of exclusion.

A major finding concerned tensions over status disclosure. In line with Cabrera's (2020) critique of universities pressuring students to share their status as undocumented, we found that staff assumed and normalized status disclosure, sometimes pressuring students to reveal their status to be eligible for support. Undocumented mismatch in this case meant that staff also placed a normative premium on disclosure and activism. Meanwhile, students had many reasons not to disclose their status, and some regretted having done so. They also wanted to disclose for different reasons than staff assumed, such as to find connection to other undocumented youth. The issue of status disclosure intersected with the issue of data security. The 2016 election pushed the CUNY administration to remove the previously easily available information on student immigration status. While safer, the new system found staff creating nonsecure workarounds to keep track of undocumented students.

As a result, tracking undocumented students at CUNY presented several potential problems. First, these data were not comprehensive; staff could only identify students who had self-disclosed (sometimes a condition for scholarships). Second, these data were likely not secure,

even if the staff member attempted to hide them. Finally, while the university might have been confident that it had secured students' data on legal status, in fact there were many databases floating around that tracked these students and that might legally have been subject to search and seizure.

A role of campus administrations should be to ensure confidentiality and supportive policies to prevent stigma (Valenzuela et al., 2015). Thus, undocumented mismatch between undocumented students' needs and the attitudes and goals of staff and faculty who develop and run programs for immigrant students is particularly acute around the disclosure of status. It is important to ask, Are the resources available to undocumented students worth pushing them to disclose their status? Disclosure itself is not without harm or potential harm. Some staff undoubtedly believe that the pressure they put on students (which they may not view as pressure) is worth it, since they can prevent students from overpaying tuition and give them potential access to scholarships, emergency funds, transportation fees, book vouchers, and more. However, it is not clear whether tradeoffs and a risk/benefit calculus are adequately articulated to students. One might also question whether the bureaucratic pressure of meeting quotas (e.g., number of students reached) influences staff members so that they view disclosure as positive, with no repercussions. The confidentiality and security of data on students' legal status is of great concern to campus staff and undocumented students, but procedures needed to protect that data are sometimes unclear and not effectively communicated.

Like many public universities, the CUNY system has been hit hard by disinvestment of public funds, implementation of austerity measures, and corporatization of university operations

(Fabricant & Brier, 2016). There is an increasing focus on the plight of contingent faculty in this setting, but the working conditions of university staff have also been affected. Increasingly, jobs in student support and other areas are themselves contingent (Kezar, DePaola, & Scott, 2019). Some staff work on monthly renewable contracts, while others work part-time for low pay in several positions. There is no job security or even regular working hours (Fabricant & Brier, 2016; Kezar et al., 2019; Pierce, 2014). Staff are supervised by ever-expanding corporatized managerial teams that use intrusive technology to manage productivity and monitor staff to maximize efficiencies (Fabricant & Brier, 2016). They bear the brunt of these developments, as they shoulder increasing workloads with less pay and job security, all while having to learn new, and often flawed, management systems. Some staff still strive to establish connections with and support students, but building caring relationships is increasingly difficult in the neoliberal university. The draconian cuts in public education continue to have profound effects on undocumented students, as well as on their documented peers and the academic employees who work with them.

While focusing specifically on undocumented students and the staff and faculty who work with them in CUNY colleges, our research has implications beyond CUNY because it illuminates the nuanced processes and mechanisms that we can expect to operate in other settings where undocumented college students try to complete their educations while struggling with all the obstacles posed by illegality. The widespread pressures of austerity and cuts to staff and student services across public higher education systems—the very places where most undocumented students attend college—mean that staff face pressures and incentives that place them at odds with the students they serve on status disclosure and data security. Moreover, racial stereotypes

and shared understandings of illegality in the US shape the experience of illegality on campus for both students and college workers. Future research would benefit from comparative approaches of higher education systems that serve undocumented college students and further exploration of undocumented mismatch that occurs across different institutions of higher education.

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**Table 1. Top Countries of Birth of Undocumented Immigrants (by Region of Origin)**

	<u>U.S. Population</u>	<u>CUNY Data</u>
<u>REGION/COUNTRY</u>		
<b>Latin America</b>	<b>77.0%</b>	<b>30.3%</b>
Mexico	56.2%	10.2%
Guatemala	6.4%	0.6%
El Salvador	4.0%	0.6%
Honduras	2.9%	0.7%
Ecuador	1.3%	6.0%
Colombia	N/A	4.4%
Peru	N/A	2.0%
Venezuela	N/A	1.3%
Brazil	N/A	1.0%
Argentina	N/A	0.7%
<b>Asia</b>	<b>13.7%</b>	<b>19.5%</b>
China	2.6%	3.7%
India	2.6%	2.2%
Philippines	1.8%	1.3%
S. Korea	1.7%	5.9%
Vietnam	1.1%	0.03%
Bangladesh	N/A	2.5%
Pakistan	N/A	1.4%
Hong Kong	N/A	0.8%
<b>Caribbean</b>	<b>2.4%</b>	<b>24.2%</b>

Dominican Republic	1.1%	3.4%
Jamaica	0.7%	6.2%
Trinidad & Tobago	N/A	6.2%
Guyana	N/A	3.8%
Haiti	N/A	1.5%
<b>Africa</b>	<b>3.1%</b>	<b>3.5%</b>
Nigeria	0.4%	1.0%
Ghana	0.3%	0.7%
Ethiopia	0.3%	0.01%
Guinea	N/A	0.4%
Cote d'Ivoire		0.3%
<b>Europe/Other</b>	<b>3.8%</b>	<b>8.4%</b>
Poland	N/A	2.4%
Russia	N/A	0.6%
Israel	N/A	0.4%
<b>N</b>	<b>11,022,000</b>	<b>10,933</b>

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Source: National estimates of undocumented immigrants come from the Migration Policy Institute (MPI) analysis of U.S. Census Bureau from the 2013 American Community Survey (ACS), 2009-2013 ACS pooled, and the 2008 Survey of Income and Program Participation (SIPP). Data on population of undocumented CUNY students comes from the CUNY administrative data on all entering cohorts from 2009 to 2014.

**Table 2. Select Descriptive Statistics of Undocumented Immigrants in New York State and Study Sample**

	NYS (%)	Study respondents (%)
<i>Region of birth</i>		
Latin America	48	49
Caribbean	15	15
Asia	25	25
Africa	4	3
Other	8	6
<i>Mode of entry</i>		
visa overstay		60
entry without inspection		40
DACA recipient		64
Undocumented		19
Adjusted status		13
Temporary Protected Status		1

Source: Data on undocumented population comes from Migration Policy Institute (MPI) analysis of U.S. Census Bureau data from the pooled 2012-16 American Community Survey (ACS) and the 2008 Survey of Income and Program Participation (SIPP).



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<sup>1</sup> We use the term *undocumented* interchangeably with *unauthorized*. Following Gleeson and Gonzales (2012), we use both *illegal* and *illegality* to signify the legal, social, and economic conditions that are lived and experienced when residing in the US without legal status.

<sup>2</sup> DACA is an immigration policy launched in 2012 that allows undocumented youth who meet several key criteria to be considered for temporary relief from deportation or from being placed in removal proceedings. DACA does not provide legal status, but it does allow for legal employment.

<sup>3</sup> *Racialization* refers to the social categorization of people into racial groups. We use *racialized* to highlight the process of being categorized, which may or may not comport with individual identities and is embedded in power differentials.

<sup>4</sup> At CUNY there is often a great deal of overlap in roles, so some campus staff are also adjunct faculty and/or part-time students.

<sup>5</sup> For more on legal passing, see García (2019)

<sup>6</sup> See <https://www.cuny.edu/financial-aid/federal-and-state-grants/>.