We asked for workers and they sent us people: College-ready undocumented students and their teacher allies in North Carolina

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ABSTRACT

This paper presents data from an ethnographic study focused on college-ready, Mexican-origin undocumented high school students and the teacher allies in the public school system that assisted in these students' attempts to access higher education. Through a critical race framework this research examines the structural limitations of continuing on to higher education created by the policies that currently exist in North Carolina. Findings reveal that policies in North Carolina make it difficult if not financially impossible for nearly every undocumented student in this study to access the college pipeline. The data collected demonstrate that despite the resiliency and academic achievements of the undocumented students in the K-12 system, legal constraints prohibited undocumented students' teacher allies from providing any realistic post-secondary options. The author argues that the policies currently in place in North Carolina severely limit how teacher allies can assist these students, and that the state is losing out on an opportunity to capitalize on the transnational capital undocumented students possess from their experiences of living in two cultures.

Keywords: Undocumented Latino students, higher education, transnational student

WE ASKED FOR WORKERS AND THEY SENT US PEOPLE: COLLEGE-READY UNDOCUMENTED STUDENTS AND THEIR TEACHER ALLIES IN NORTH CAROLINA

INA 212 (a) (6) Illegal entrants and immigration violators

A) Aliens present without admission or parole

i. In general

An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place, other than as designated by the Attorney General, is inadmissible.

Where there is a substantial economic disparity between two adjoining countries and the potential destination country promotes de jure or de facto access to its substantially superior minimal wage, that promotion encourages migrants reasonably to rely on the continuing possibility of migration, employment, and residence, until a competitive economic alternatives is made available in the source country. (I. Lopez, 1981, p.1105)

As I walked down the cobble stone streets past the *tortilleria* in Pahuatlan, a small town high in the Sierra del Norte of Puebla, Mexico I hear the loud grinding of the two tortilla-making machines that sit behind the counter. The young student, who looks not much older than those I have been working with in Sunder Crossings (a pseudonym), stands at the end of the machine staring into the distance. Her job is to stack the warm, fresh corn tortillas in bundles of nearly 100 or more, wrap them up in paper casing, and place them on the table behind her. Occasionally a chunk of dough stops the process, and she pauses to fix the machine. A young man nearly her age arrives to collect her stacks and deliver them to the local towns nearby. She continues stacking and wrapping, stacking and wrapping, as the drone of the loud machines fills the streets.

Intrigued by this young girl, I stop and ask if I can speak with the owner of the *tortilleria.* A friendly man comes out and introduces himself. I ask him to tell me about his business, and he states with pride the successes of his *tortilleria*, one of the more stable, money-making ventures in the community. When I inquire about the workers in

his shop, he explains that he pays very fair wages (approximately $70.00 dollars per week). He only hires students who have graduated from *preparatoria* (the equivalent of high school in the United States). Students who have more education than their counterparts are best suited to work with the machines should they, as I had seen earlier, have any problems or to get jammed up. The owner explains that working at his *tortilleria* is one of the few secure, well-paying jobs in the community. I turn back to see the young woman continuing stacking and wrapping, stacking and wrapping. I thank the man for taking the time to visit with me, and with a generosity that has come to be the norm on my visit to Puebla, he hands me a stack of tortillas fresh off the conveyor belt. I walk away from the store front, and I can't help but think of the students I work with at Benson Guthrie High School who might be here had their families not left for work in *Carolina del Norte*.

As an ethnographer I am trying to understand how the policies and laws surrounding undocumented immigrant students' access to higher education affect the individual students who are living each day as "illegal". During this journey I have not only researched the policies and laws particular to North Carolina and nationwide, but I have also spent time in the communities my participants lived in before arriving in the United States, the space that they now call home, the work place where both they and their parents often provide services and goods for the economy, and the activities that frame their daily lives inside and outside of school. This paper emerges from my efforts to understand the meaning and significance of the policies in North Carolina that prohibit undocumented college-ready high school students from accessing higher education, as well as some of the general laws regarding unauthorized immigration to the United

States. Specifically, I explore how teacher allies who work with these students feel powerless to help the undocumented students in pursuing any type of realistic post-secondary or work options. I also illuminate the value of the transnational student, and explore how being an undocumented student in a state with no in-state tuition policies for such a student is shaping the outcomes of students in this particular North Carolina community.

The Official Policies

Today, there are approximately 80,000 undocumented students reaching high school graduation age every year in the United States. Nearly 65,000 of these students not only will graduate, but also have been living in the country for five years or more (National Immigration Law Center, 2006). In North Carolina it is estimated that nearly 1,500 undocumented students graduate from high school each year (El Pueblo Inc., 2005). This estimate is based on the total number of Latino high school seniors, and the INS' estimated percentage of undocumented immigrants living in the North Carolina. Undocumented students face various challenges as they move along the academic pipeline. Yet, a growing number of them are graduating from high schools in North Carolina and are prepared to enter postsecondary institutions. Although Plyer v. Doe (1982) holds that it is illegal for a state to deny school-aged undocumented students a right to a free public education, Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) bars undocumented students from receiving the economic benefit of in-state tuition or access to federal financial aid. While 10 states have created laws that allow undocumented students to access in-state tuition, the

majority of states do not allow undocumented students to claim in-state residency for tuition purposes.

Currently, North Carolina is a state that does not provide in-state tuition for undocumented students. In spring of 2005 House Bill 1183, "Access to Higher Education and a Better Economic Future" was introduced and would have allowed undocumented immigrants who had graduated from a North Carolina high school and met the residency requirements of the state, pay in-state tuition. Due to the vocal outcry of anti- immigrant groups, the bill never left the North Carolina House of Representatives Education Committee. No in-state tuition bill has been reintroduced into the House or Senate since this legislation was introduced in 2005.

Beyond the lack of in-state tuition policies for undocumented students, the policies for admitting undocumented immigrant students vary between both public and private universities, and community colleges in North Carolina. In 2004 the University of North Carolina system (including 16 campuses across the state), adopted an official policy to allow undocumented students to apply to the statewide system. This policy reads:

> *700.1.4: Undocumented aliens are eligible to be considered for admission as undergraduates at institutions based on their individual qualifications with limitations as set out below:*
>
> 1. *An undocumented alien may be considered for admission only if he or she graduated form high school in the United States.*
> 2. *Undocumented aliens may not receive state or federal financial aid in the form of a grant or a loan.*
> 3. *An undocumented alien may not be considered a North Carolina resident for tuition purposes; all undocumented aliens must be charged out of state tuition.*
> 4. *All undocumented aliens, whether or not they abide in North Carolina or graduate from a North Carolina high school, will be considered out of State for purposes of calculating the 18% cap on out of State freshmen pursuant of Policy 700.1.3.*

5. *When considering whether or not to admit an undocumented alien into a specific program of study, constituent institutions should take into account that federal law prohibits the states from granting professional licenses to undocumented aliens. (University of North Carolina Policy Manual, 2006)*

While the UNC system holds an official policy for its 16 member campuses, and North Carolina State University upholds a similar policy but does not have it published in a written form, private universities and community colleges can set their own policy regarding admission of undocumented students. The private universities and community colleges in the state must be contacted individually for admission about eligibility for undocumented immigrant students. The North Carolina Community College System officially declares that, “Local community colleges have the discretion to implement admission policies that permit the enrollment of undocumented immigrant applicants to curriculum, continuing education and basic skills programs. Undocumented immigrants do not qualify for in-state tuition and shall be charged at the out-of-state tuition rate for curriculum programs" (NCSHP, 2006).

These policies shape the possibilities for higher education for undocumented students. Students and their teacher allies work to overcome these obstacles but often face purposive structural determinisms.

Policy Reports on the Growing Latino South

North Carolina is one of the fastest growing Latino populations in the United States. The population has grown from approximately 76,000 Latinos in North Carolina in 1990 to well over 600,000 in 2004 (U.S. Census, 2004), and issues regarding Latino students and their education in the state are of paramount importance. From the school year 2000-2001 through 2004-2005, Latino students accounted for 57% of the growth in public schools statewide. In their recent report regarding the economic impact of the

Hispanic population, Kasarda & Johnson (2006) highlight the youth of the North Carolina Latino population and suggest that growth of both the Latino U.S. citizens and undocumented immigrants may continue for the next 50 years.

In a report entitled *The New Latino South and the Challenge to Public Education* (Tomas Rivera Policy Institute, 2005), the Tomas Rivera Policy Institute highlighted the challenges that exist in working with new immigrant communities in the South. Among these challenges were the lack of resources invested in educating immigrant students, the underrepresentation of Latino high school students on college campuses in the South, and the lack of teacher training opportunities to help schools have qualified teachers. One of the key policy recommendations in this report is for more research and advocacy for qualified undocumented immigrant students to have access in-state tuition at public universities.

Recent Research on the Transition for Undocumented Students to Higher Education

The Urban Institute (2004) estimates that there are approximately 11 million undocumented immigrants living in the United States, and that nearly 1.6 million children of those immigrants are children under the age of 18. While research regarding immigrant students is becoming more widespread, literature regarding the undocumented high school and college student experience is very limited. The Bell Policy Center (Protopsaltis, 2005) released a report that outlined the in-state tuition policies for undocumented students in each of the 10 states that allow access to in-state rates. This report highlighted that while 1 in 20 undocumented high school students may attend some type of college, that even if they completed college, they will then face the hurdle of finding gainful employment. For this reason the report supported the DREAM Act,

which would allow undocumented students' in-state tuition and a path toward citizenship as the solution that undocumented student advocates should push for at both the federal and state levels. Currently, the federal DREAM Act bill sits attached to an immigration reform bill that appears will unlikely be heard or voted on during this year's (2006) congressional session.

In California, Luis Urrieta (2003) conducted research with immigrants and their personal *testimonios* in the state of California. In these *testimonios* Urrieta (2003) demonstrated how undocumented high school students succeeded in high school despite, rather than because of, the public school system they navigated each day. Paz Oliverez (2005) has conducted research utilizing qualitative interviews of California undocumented high school students. Despite HB 540 (passed in 2001), which allows undocumented high school students who have attended a California high school and are eligible for in-state tuition and state-sponsored aid, Oliverez described how few undocumented students are taking advantage of the opportunity to attend college. Her research showed how students are unfamiliar with the opportunity to attend college because they are not viewed as "college material" and often are unaware that an in-state tuition policy exists. Oliverez documents the difficulty of applying to college and navigating the financial aid process as an undocumented student. Other research regarding how undocumented students function as cultural mediators in their family is being conducted by William Perez (2006, forthcoming) at Claremont Graduate University, but the results of this study have yet to be released.

In Texas, Silvia DeLeon (2005) completed research on undocumented high school students who were currently attending one of several public universities in Texas. In

Texas, undocumented students who have attended a Texas high school also may be granted in-state tuition and access to state aid. DeLeon described how undocumented immigrant student's resiliency facilitated their successful transition from high school to college. Her research examined the feelings of ambiguous loss (feelings that they may never be able to return to their country of origin, and may also never feel completely at home in the United States) of undocumented immigrants, and showed how undocumented students were able to rebound successfully despite exposure to great risks and obstacles in their lives. This resiliency gave them an advantage when dealing and coping with adversity and preserving in the face of great obstacles. Stella Flores (2006, forthcoming) is conducting research regarding the effects of in-state tuition policies and financial aid on undocumented students in Texas, but this research has yet to be released.

In New York, Ruben Barato (2006, forthcoming) is conducting research on how urban community colleges serve undocumented students. Research shows evidence that community colleges have displayed the least resistance and the most access to the higher education system in terms of financial needs (Rangel, 2001). Community colleges are less likely to prevent admission because students lack the proper legal documents (Dozier, 1992; Dozier, 1995; Dozier, 2001). In his research, Barato is exploring how community college administrators feel regarding their institutions' roles in helping undocumented students access higher education. Preliminary results from this study have yet to be released.

Most recently Andre Perry (2006) presented a case study regarding both undocumented immigrants and U.S. political figures conceptualizations of membership in a democratic society. Perry examined peoples' beliefs about Texas House Bill 1403

which grants in-state tuition to undocumented immigrants. His study identified the principles of residency, social awareness, reciprocation, investment, identification, patriotism, destiny, and law abidingness that formed framework he explains as *substantive membership*. From this point Perry argues that undocumented immigrants who have become substantive members in U.S. society should receive financial aid.

In addition to research on undocumented students in the education field, immigration lawyer and higher education professor Dr. Michael Olivas (1995, 2002, 2004, 2005) has written extensively over the last twenty years on the history of immigration laws including Plyer V. Doe and college residency requirements. Dr. Olivas' work highlights the conflicting policies and laws regarding college residency requirement in relation to undocumented high school students. In his work Dr. Olivas (2002, 2004) argues that in-state tuition policies are viable options because in-state residency is an entirely state, rather than federally, determined benefit. He also argues that provisions of the IRIRA do not prohibit states from enacting residency statutes for undocumented students, and that the language inside in-state residency bills can be inclusive of undocumented students. Ultimately, Olivas argues that states have the jurisdiction to make their own policies regarding in-state tuition policies without fear of legal repercussions from the federal government.

While undocumented students living in states where they may access state aid and in-state tuition are still severely limited by their lack of access to federal financial aid, their experiences are vastly different than a child who is told there will be altogether no opportunity for in-state tuition. For this reason qualitative research examining both

undocumented students and their teacher allies' experiences in North Carolina addresses an important gap in the research.

Before turning to a discussion on how the policies affect the individual lives of undocumented students and their teacher allies, I will outline a theoretical framework and described the setting and participants of this ethnographic study. I then provide snapshots of the teachers' experiences working with undocumented high school students and then provide an understanding of how these policies regarding undocumented immigrants shape student lives and future opportunities. I show that despite their academic preparation the benefits that they accrue from education are not equal to the benefits that their American counterparts will receive. I will also show how the teachers who want to help these students are left largely incapable of doing so. I argue that to understand the repercussions of policies and laws toward undocumented immigrant students we must understand how these policies affect both teachers and students on a daily basis.

Theoretical Framework

Numerous scholars have written about the racialized and discriminatory nature of immigration law (Olivas, 1995; Olivas, 2005; Motomura, 2006; Ngai, 2004). Along with immigration scholars, education historians have routinely described the obstacles faced by Latino students in the public education system (Donato, 1997; Gonzalez, 1990; San Miguel, 1987). Because the issue of undocumented students accessing higher education is framed by issues of race and ethnicity, I wanted to utilize a theory that would highlight the centrality of race in American society. Using critical race theory (CRT), I am able

interpret and critique the experiences of the undocumented students who are denied access to higher education because of their Mexican-immigrant background.

CRT built upon, and extended, the branch of critical legal studies (Crenshaw, 1995; Delgado & Stefanic, 2001; Ladson-Billings & Tate, Williams, 1995; Tate, 1997). CLS was created by legal scholars who were generally dissatisfied with the classic tenets of general legal thought. CLS (Tate, 1997) argues that 1) past legal doctrine privileged a white perspective of society and because of this had numerous contradictions and 2) civil rights law needed to be extended for a more critical analysis of racialized issues in the United States. CLS and CRT consistently have challenged the inferiority paradigm of people of color. Ian Haney Lopez (1996) emphasizes that this inferiority paradigm has been socially constructed and over time, partially because of legal doctrine, has come to be accepted as the standard or norm.

While multiple articles have named the important tenets of CRT, a recent article by Solorzano, Villapando, and Osoguera (2005) highlights what I believe to be the key components of CRT. These five tenets include 1) the centrality of race and racism. Race is endemic and literally the "air we breathe" in the United States. 2) CRT exists to challenge the dominant ideology. This ideology claims neutrality and confirms the myth of meritocracy and the myth of equal opportunity. 3) A commitment to social justice and praxis. Scholars must aim to use their work to expose oppression(s) and to fight against them 4) The importance of voice and the centrality of the lived experience of people of color. People of color have a presumed competence to speak to their lived experiences with racism. 5) The importance of the interdisciplinary nature of CRT and attention to

history and context. This interdisciplinary commitment allows for CRT research to be explored through a variety of lenses and angles.

The tenets of CRT are a general guide to frame this discussion. Within the literature on CRT, one important concept was helpful in constructing my data analysis, the concept of structural determinism (Delgado & Stefanic, 2001). Working from a standpoint that undocumented students do possess strengths and should be valued for their bicultural and bilingual capital, the concept of structural determinism (Delgado, 1995; Tate, 1997) will help explain how current legal barriers, by reason of their structural limitations, prevent undocumented students from moving beyond a 12th grade education. While Plyer V. Doe grants access to the K-12 education system, the current legal system does not help transnational students from moving beyond this point. The law, and the resistance to passing legislation such as the DREAM Act, provides the maintenance of the status quo.

In their article regarding structural determinism entitled "We all Tell the Same Stories," Delgado and Stefanic (1989) argue that innovative jurisprudence likely will come from those for whom the system has not worked. Undocumented students stand poised to be the innovators and creators of change in the legal system, a system whose categories have been so prohibitive to this community in the past. CRT argues that those best ready to change such Draconian laws will be the students who have been harmed the most by them. It is also hard to believe that progress for undocumented students can proceed without more access for other disadvantaged students as well.

Choosing to use CRT as my theoretical framework highlights the issues of race and racialization as central to lived experiences of people of color. Researching the

experiences of undocumented Mexican immigrants shines a spotlight on people who have historically been socially structured at the lowest levels of the hierarchy of American society. I hope that I will be able to build on CRT and use the work of past scholars as points of departure to help advance the knowledge of this particular group of marginalized students. My unique contribution to the field is a particular focus on a clearly under-researched and often invisible undocumented population in US society.

Settings, participants, and methodology

In his article entitled, “How does it feel to be a problem? Education in the New Latino South,” Enrique Murillo (2002) paints a complex picture of how the influx of Latino newcomers to Sunders Crossings, North Carolina constructed a public sphere that saw recent Latino immigrants as “problems”. In his work Murillo connects this “label of other” as a way to discipline the immigrants who had arrived in Sunders Crossing. Murillo builds his case through the evidence of poor treatment of Latino newcomers by the government, education system and general public reception. He emphasizes that the power structures in Sunder Crossings not only descend from the historic colonialism of the United States, but also from the particular oppressive nature of the South. Murillo emphasizes that people in the town do not want their resources threatened or jeopardized by a new population of people they see as “illegal” and “undeserving” of those public resources.

The town of Sunder Crossings is a located approximately 45 miles east of a major research university. It is a rural location and a working-class community. Many people in the community are employed at a national-brand poultry plant, and the Latino immigrant population in the community moved to this area in large numbers, starting

nearly ten years ago, in response to work opportunities at the poultry plant. Many Latino immigrants are now employed at both the poultry plant and in construction. The growth of the Latino students in the public schools has been dramatic. While 10 years ago less than 5% of the high school were Latino students, Benson Guthrie High School (BGHS; a pseudonym) now boasts a nearly 32% Latino population, 25% African-American population, and 42% white population. While schools are legally prohibited from collecting information regarding student's documentation status, teachers, counselors and other school personnel at BGHS estimated that a significant portion of the Latino student population at the high school are undocumented immigrants

While using a critical race theoretical framework, I also felt it was extremely important to try to portray the lives of the students with accuracy and sensitivity. Because of this I felt compelled to employ both critical and reflexive ethnographic practices in my research. Critical ethnography (Valenzuela & Foley, 2002) and post-critical ethnography (Noblit, Murillo, & Flores, 2004) both attend to avoiding the colonizing nature of ethnography by paying particular attention to the line between the powerful and the powerless. This position reminds me to always be mindful of my position. Critical ethnography replaces the grand narratives and recognizes that we always speak from a historically, politically and culturally situated standpoint. This type of ethnography also recognizes that there are multiple ways of knowing and that individual ethnographies are only partial truths (Haraway, 1988) told from the point of the researcher who has written the ethnography.

Along with the practices of critical and post-critical ethnography, I also consider the use of reflexive ethnography as an important tool. Reflexive ethnography recognizes

as Julie Betty (2003) remarks that there is “always a place from which we speak" (p. 23). Reflexive ethnography (Davies, 1999) forces me to reflect upon my place in the world and my relationship with the students, both before and after they found out whether or not they were going to be able to attend college, and in the follow-up after their senior year concluded. Reflexive ethnography also avoids speaking from the ethnographic present and recognizes the research that I conduct is situated within a context, and part of a historical moment. While past scholarship (Murillo, 2002; Villenas, 1996) provides a powerful reflection on Sunder Crossings’ past, I must also consider that the research that I conduct is a different moment and place in time in the history of this community.

Data for this article are drawn from a one-year ethnographic study that addressed the dilemma of students who have prepared to attend college but because of the immigration status (students who were brought into the country by their parents) are unable to access in-state tuition or federal or state financial aid. The primary site for this study was Sunder Crossings, North Carolina and Benson Guthrie High School

It was within the context of the Director of a small academic mentoring program that worked with students at BGHS that I was made aware of a group of seniors in the high school that would later become the focus of this study. I used purposeful convenience sampling by using teachers in the school to help identify five first-generation, Mexican-origin, college-ready (defined as taking at least two honors courses since their sophomore year of high school) undocumented immigrant senior high school students. These students included three males and four females who came into the US at the ages of 7 to 11. Even though each participant represented a unique set of background experiences, including their journeys across the US/Mexico border and their early

schooling experiences, they all shared the commonality of being interested in continuing their education beyond high school.

While conducting interviews with these high school students I asked them to identify adults in their lives who had encouraged them or assisted them in learning about higher education. This sampling method produced a list of six teachers that were contacted and invited to participate in the study. This group included three male and three female teachers. Two of the teachers were Latino, and the other four were white. These teachers served in multiple roles at the school including college counseling, serving as faculty advisors for student groups and coaching sports teams at the school.

In building my relationships with these students and teachers I emphasized my role as a student at the major research university in the state, and as a director of the mentoring program which had operated in their school for the past three years. Because gaining access inside the school while classes were in session was difficult I spent much of my time in places and activities that occurred after-school. This included activities with the mentoring program I directed, an after-school leadership club, and extra-curricular activities that the students participated in. I also observed at community events including an immigration rally, soccer games, and weekly trips where I often entered community space such as public parks, stores, restaurants and visits to students' homes.

I conducted two in-depth interviews with the students in spring of their senior year. During the interviews I used semi-structured interview questions to encourage the students to discuss their schooling experiences in both Mexico and the United States, their interest and understanding of applying to college, and their lived experience as an undocumented immigrant living in the United States.

Interviews of an hour and a half were conducted with the teacher allies identified by each of the students. During this interview semi-structured questions encouraged these teachers to discuss issues related to working with undocumented high school students (how they became aware that a student was undocumented, what they tried to do to help students who were undocumented, what they believed should be done regarding undocumented immigrant students and access to higher education). One-hour follow-up interviews were conducted in the fall of 2006.

Interviews, field notes and secondary data (including high school transcripts, articles regarding HB 1183 in North Carolina, and email exchanges and phone calls with the teacher allies) were transcribed and coded using categories derived from the research questions and my theoretical framework. Interpreting and presenting participants' stories is the most difficult part of the research process. Persuasiveness in narrative analysis (Reissman, 1993) involves theoretical claims being linked not only to the data collected but to the methodologies used to collect that data. Once the data collection was complete, I used qualitative software (Atlis.ti) to analyze the content for themes and patterns and examine them in relation to existing data and literature about the undocumented student experience. My data analysis includes a micro lens, focusing on the lived experience of the students, and a macro level analysis of the issues concerning the law and policy regulations that prohibit undocumented students from accessing higher education in North Carolina.

Findings:

The five participants in my study shared the personal characteristics of being Mexican-origin, college-ready high school seniors. These students came to the United

States between the ages of 7-11, and had been educated in American public education system since the time they had arrived. Below is a chart that represents their academic backgrounds during their time in high school and later.

Name	Arrival in US	Class Rank	Honors	AP	ACT	Track	Post HS
Fidel	11	18/136 (13%)	15	7	26	College Prep	College/ 4-year
Ricardo	7	15/136 (11%)	14	2	20	College Prep	Working odd jobs
Carmen	11	46/136 (33%)	8	2	21	Career Prep	Working fast food
Saul	11	39/136 (28%)	11	2	17	College Prep	Working as welder
Frances	varied/15	36/136 (26%)	7	0	18	Career Prep	Returned to Mexico

This chart helps illustrate that each of these students had completed the necessary coursework to qualify for graduation from high school (including taking at least two honors courses each year), and for post-secondary opportunities. Each of the students had access to education because Plyer V. Doe mandates that states can not deny free public education through grade twelve to undocumented children (Olivas, 2004, 2005). And each of the students would be able to apply to the UNC system, as well as other limited private and public colleges in the state that have policies allowing undocumented students to apply to their institution.

The Myth of Equal Opportunity

The myth that existed in conjunction with these policies is that high school gives every student in the state the opportunity to accrue benefits (including attending college) from public education. The dominant ideology of the American public education system is that school is a place where every child (including undocumented children) will have access to equal opportunities for learning. At BGHS this claim is illustrated in their mission statement. BGHS is "To prepare each individual student with self-esteem,

confidence and responsibility necessary to meet the demands of independent living in a constantly changing society". This idea was reflected often when I spoke with school administrators regarding the school's response to the influx of Latino students nearly ten years ago. One administrator during a public presentation commented, "At BGHS we tried to make sense of the issue and make sure that everyone received education. We have made room for all the students" (field, 17:17). Yet, the teachers in my study recognized that undocumented students did not have the same access to the benefits of education because the policies regarding higher education in North Carolina were not equitable.

To this end a teacher commented, "So we don't care what race they are (here in the school), or what their background is, but we want all of them to push themselves to do the honors and AP if they are capable. So, now my Hispanic students have done well, now they're ready and they want to go to college, and that's where the barrier is. And you know they are ready to go to college and ready to do the work" (5:34).

The school's mission and the promise of equal opportunity for a child that has access to education represent a false sense of equitable conditions for these children. Olivia, a teacher, commented, "I think that students build faith in the school because the law asks us to do it, to teach children, and we teach who shows up on our doorstep and the lives in our district. And we've mercifully are not asked to make those excruciating kinds of decisions, so we are able to teach everyone" (20:20).

While school perpetuates the myth that everyone is on equal footing, and if one just works hard enough you can make something of yourself, the policies for access to

higher education, and even more general policies regarding citizenship status, prohibit students from obtaining access to secure post-secondary opportunities.

Our Hands are Tied

All of the teachers in this study felt very passionately about undocumented children being granted access to in-state tuition. Their passions are reflected in the statement by Stacey when she said:

> *I tell people that when they look at my school they need to consider that my students did not come here on their own accord. They were brought here by their parents, if you want to blame anybody blame the conditions in Mexico, blame the government, blame their parents, but please don't take it out of my students. These are my students and every student at Benson Guthrie, I am responsible for. I've been told on more than one occasion that I can't be responsible for all of my students, but I really feel that the government has to take some responsibility on this issue (42:43).*

Her feelings reflected that although the teachers wanted to help the students they felt like the policies regarding undocumented immigrants and more specifically those policies surrounding undocumented immigrants and higher education completely structured what they were able to do for the students they worked with each day. To this end the teachers felt that current policies prohibited them in providing realistic or obtainable post-secondary options for their children.

Without any change or modification in immigration laws or higher education policies for immigrant students, these teachers were limited by the system they were attempting to operate within. Within these limitations teachers felt constrained by policies regarding unauthorized immigration, including the obstacles that occurred from a student not having a social security number, and the policies in the state of North Carolina that allowed students to apply to university, but charged them out of state tuition.

The lack of a social security card (termed "a social" by school personnel) prohibited students from being involved in several of the more successful pre-professional programs that operated within the high school. For example, BGHS had a very successful allied health program where students could complete an associates degree in nursing by the time they graduated from high school; this option was unavailable to undocumented students. Several teachers commented on this program, one in particular commented,

> *One of the real wicked catches here is that one of the great programs we have here is the allied health, physical science medical program. There is absolutely no job you can get in the hospital without a valid social, and so you can't get into the community college program, and so you can't be a nurse, you can't be an LPN or a CNA, which is going to give a significantly better rate than minimum wage. You can actually graduate from this high school in the allied health program, and when you're finished you're a certified nursing assistant. So you could walk into a real job straight out of here if you have a real social.*

Other professional programs at the school including a mechanics certificate and a cosmetology program had similar problems. Jennifer, a fierce advocate for the young women in the school, said, "You run into a lot of problems, like I know the Latina girls, a lot of them do the cosmetology program, and they really seem to enjoy it and it gives them work opportunities and independence after they go to school. They could easily set up shop for themselves or at home, but the North Carolina cosmetology exam, to actually get your certificate; you have to write down a social security number."

As the students who might be preparing for technical or skilled trade jobs were prohibited from pursuing access to those opportunities, teachers also felt that the policies in the state regarding applying to college as an out-of-state student were unrealistic as well. Teachers who had tried to help students navigate the system felt constrained by the

financial barriers and through the difficulty of the application process for their undocumented students.

The policies that currently exist in the UNC system and at other various campuses in the state may allow students to apply, but with without access to financial aid the price-tag of a public 4-year university was unrealistic. Multiple teachers echoed the frustrations of the inability to finance education without access to financial aid:

> *Let me tell you what is the real killer is-- the community college. A child's entire goal is to go to community college, to be a registered nurse, to get this good solid job, and they have to pay out of state tuition, and all the paperwork they have to complete.*
>
> *It makes me sad because being able to get in doesn't really help them at all, and I think the only way they might be able to do it is to pay out-of-state tuition and work full-time and maybe things might change in a couple years (4:46)*

These frustrations were repeated with access to scholarship programs in the state and nationwide, the majority of which also required that a student be a U.S. citizen. Stacey visited with me about the process of talking to undocumented students, "And the next thing I did with the student was talk to him about how he was going to afford to pay for college and then I tried to give him a list of Hispanic scholarship websites. But I ran into that most of those scholarships were only for Hispanic citizens."

The teachers at BGHS did not feel that piecemeal admission policies across the state represented an "access for all" model for their children. The organization of the policies and the difficulty of each individual policy made the process of even inquiring or applying to college a difficult practice for the undocumented students who were academically prepared to do so. As immigration scholar Michael Olivas (2004) commented, "But for these children, their lives in the shadows will likely meet the sharp

light of the college application process, where substantial paperwork and documentation are prerequisites." (p.437)

The first difficulty for teachers who wanted to help these students involved figuring out which colleges would even consider accepting undocumented students. One teacher described her difficulty in calling up universities regarding a strong undocumented Latino male, "So I just start calling up a list of about 10 colleges, and one after another they just kept telling me there is nothing they could do because he is going to be out of state. They told me he was going to have to fill out the international student application." The next difficulty involved the process of applying as an international student, and being unable to provide the necessary information or paperwork for that process as well. A teacher who worked directly with Fidel (one of the student participants) recalled the process for him. "So, he tried to begin the process of getting his Mexican passport, and trying to get his international application in order, which made the process, which was already full of a lot of obstacles have even more to get through" (6:13). Finally, applying as an international student also means that students must compete with the out-of-state student pool. At the University of North Carolina-Chapel, the flagship institution of the state this would mean competing with upwards of 11,000 students for 1 of 2000 admission spots for out-of-state students (from those admitted the university expects to enroll around 650).

The current policy structure, although some universities will accept undocumented students, does not support a realistic model for access to higher education for the overwhelming majority of undocumented college-ready students. The current immigration policies leave students who want to work after high school crippled as well. With financial and logistical obstacles, teachers were left with few post-secondary or

work options for their students. The few suggestions teachers made which included taking jobs mowing lawns, babysitting, or working for businesses that were known to hire undocumented workers, exposes the myth of equal opportunity in the public education system, and relegates the undocumented students to a second class level of person in U.S. society, and even worse to the irregular economy that is characterized by low wages, no benefits, and uncertain continuation. While teachers believed that "there is a place in the North Carolina college system for all these kids," the policies do not allow for this to occur.

Sometimes it feels wrong

As the teachers expressed their frustrations regarding the current policies, they also recognized that the message being sent to undocumented students by the schools, that they too could attend college like their American peers, was simply untrue. Many but not all teachers recognized the centrality of race regarding immigration laws, and all were frustrated by the situation. David a teacher and coach remarked, "In school I think there is a certain sense of a level playing field. But when I drive home my Latino kids to their trailer parks and I drive home my America middle-class students, you really see that their realities are totally different…. We want to show kids (through the Latino Outreach program) that university is not something reserved completely for white kids because that's the perception they see. Now in some ways it is ironic because we are lying to some of them because the opportunities for the undocumented Latino students (in the program) are quite different than for those students who are citizens" (2:7).

Teachers felt caught in the system, and questioned encouraging students when the barriers were so difficult.

Yes it makes me feel completely hopeless and it makes me feel sad when they see all of these motivational speakers and they are saying, "You can do it," and that's not really true.

Sometimes it feels wrong because if you're saying just keep working at it, but in the back of your head, you know that maybe you're just lying to a kid. I mean there may be an opportunity, but really it may not be there.

I think it's sort of a bittersweet prize, like here's your diploma and now sorry no more education.

While some felt hopeless, others got mad and tried to argue the students' substantive membership rights (Perry, 2006) with other teachers, community members and in lobbying their local government officials. Stacey remarked,

I get mad and I email every congressman I can think of and I just get these form letters back. They might have someone call me and say that they are working on legislation on this issue, but they just pacify me, and it makes me mad because what I really want is for these children to be in college, because they are qualified" (5:35).

Regarding the claim that these students are North Carolina residents Olivia commented,

They pay property tax, you know 7% of every dollar they earn goes to the state of North Carolina, and I think that the way residency requirements are written for universities that these children qualify. Are they legal resident of the United States? No. Are they residents of North Carolina? Yes" (29:30).

Despite the often valiant efforts the teachers made when working with undocumented students, the system currently prevents any innovative solution for college-ready undocumented students. The final section of this paper explores what undocumented students have to offer North Carolina, and the implications of how this lack of access is shaping Latino student achievement.

Transnational Capital

Enrique Trueba's (2002, 2004) work highlighted the experience of transnational students. In his work, Trueba argued that these particular students had a unique capacity

to live in different cultures, to master multiple languages and to navigate multiple roles and relationships in American society. His research highlighted the strengths of the transnational student including their knowledge and fluency in both English and Spanish, and their full participation in both American and Mexican culture. Trueba wrote about transnational students' strong sense of ethnic affiliation and the strong ties they kept with their families and their culture from their country of origin. He argued that based on these strengths transnational students possess cultural capital that will soon be viewed as a cultural commodity. He argued that their consistent ability to redefine themselves and to act as "border crossers" (Anzaldua, 1987), would likely some day put them ahead of their American counterparts.

The undocumented students in this study are the transnational students that Trueba describes in his research. They are all academically high achieving, fluent in Spanish and English, hard working (most held jobs outside of school), and act in multiple roles in their community. Since their time in the United States these undocumented students at BGHS have acted as translators for both their families and within the school system, academic tutors for newcomer students, activists for the local Hispanic outreach organization, and have been dedicated athletes, church members, and sons and daughters. They are eager, motivated, resilient and resourceful. They are the type of students that teachers are eager to help in school (as one can see from their teacher allies) and the type of college students professors would be eager to see file into their classrooms in the fall.

The students in this study implied that they were among the few of their undocumented counterparts who had excelled in high school because of the reality of their undocumented status. One student Ricardo remarked, "Yes, a lot of my friends

have dropped out. They started work right away, and they always give me a hard time like, "What are you doing man; you're just going to work at the poultry plant. You should just come start making money." I would talk to them and I would argue with them and say if you'd stayed in school you might be able to go to college. I tell them, watch me, I'm going to start college. And now they laughed at me because I'm not going to be able to do. They say, I told you so" (7:25). The reality for these students is that the perceived accrued benefits of school are in most every undocumented student's case, empty promises. The reality for these students, who have so much to offer, is that they are as one put it simply "stuck."

The students in this study indicated that they did not know any undocumented high school students from previous years that had been able to attend public colleges or universities in North Carolina. When asked what other students in their situation did after high school most reported that they knew other students in their situation who worked at the poultry plant, in construction, or at one of the fast food restaurants in the community. Saul said, "My sophomore year I started thinking that maybe those students (undocumented who had graduated in the past) had just messed up and they were just like troublemakers. So I was thinking maybe I could still make it to college. But after my sophomore year, the next generation of students graduated and the same thing happened" (23:23). The students recognized that while the laws indicated they could apply to college, because of the financial constraints and the other obstacles, it would be very difficult for anyone to access higher education.

Structure over Agency

> *I have a student with a great family, very supportive and I would guess they have come here with the attitude that this is the land of opportunity, so perhaps this is*

> *where her head is now. Here we are, and we can do it, and we can get ahead, perhaps, not realizing that in three years that if her family is undocumented those opportunities to study at college are going to drop tremendously.*

This statement not only illuminates the false promises of the school system, but also the likelihood for the future of the overwhelming majority of undocumented students currently living in North Carolina. This paper has tried to highlight not only the inequities produced by the empty promises of the public school system, but also the structural limitations created by the policies for undocumented high school students in North Carolina. These policies, although they appear to create some level of access, at this given moment in history, do not create access for undocumented students. These policies do not make college financially accessible, and create numerous obstacles throughout the application process. Without reconceptualizing policies to represent a more inclusive model for undocumented students, only a rare few students may gain access the higher education system. And without policies that offer a path to citizenship, those rare students who have overcome the significant barriers to access higher education will not be able to use their degrees to find employment upon graduation from college.

This study has important implications because it provides definitive evidence of the difficulty that teachers have in working with undocumented students at Benson Guthrie High School. It also shows how undocumented students will have severe difficulty in the application process, and trying to find ways in which to finance college as an out-of-state student. This study challenges the claims that public schools are a space where children have equal access to educational opportunity, through the interrogation of policies for undocumented immigrants which, shapes the motivation of undocumented Latino students. This analysis shines a light on experiences of

undocumented students living in a state where no in-state tuition exists. This is important because the majority of states in the country practice such a policy. These policies also deny the US being able to benefit from the transnational student capital and the potential access these students will have to the global economy.

Further research on this issue needs to complicate the literature regarding the role of the school as both a safe space for undocumented students and as a place where inequities are reproduced. In the future, data from this ethnography will also explore the liminal space undocumented students exist in, looking at the places inside and outside of school where students begin to interpolate their undocumented status. Ample time must also be devoted to the counterstories of these students' lives in juxtaposition with public perception of these students as "illegals" and "lawbreakers."

The policies in North Carolina drastically affect the individual lives of undocumented students at Benson Guthrie High School. To improve more equitable education experiences for undocumented students' researchers must be willing to uncover the claims of neutrality in the policies surrounding access to higher education for undocumented immigrants, and we must use that knowledge to create innovative jurisprudence to reconceptualize "illegality" of students stuck in a broken immigration system. The North Carolina economy asked for workers and with them came families and children who now call Sunder Crossings, and cities around the state their home. These children, as former Governor Hunt suggested recently are "North Carolina's children and God's children", and they are a gift not a cross for this state to bear.

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