

DREAMers at Cal

THE IMPACT OF IMMIGRATION STATUS ON UNDOCUMENTED
STUDENTS AT THE UNIVERSITY OF CALIFORNIA AT BERKELEY

May 2015



*International Human Rights Law Clinic
University of California, Berkeley, School of Law*

DREAMers at Cal:

**THE IMPACT OF IMMIGRATION STATUS ON UNDOCUMENTED STUDENTS
AT THE UNIVERSITY OF CALIFORNIA AT BERKELEY**

May 2015

International Human Rights Law Clinic
University of California, Berkeley, School of Law

INTERNATIONAL HUMAN RIGHTS LAW CLINIC, UNIVERSITY OF CALIFORNIA, BERKELEY, SCHOOL OF LAW

The International Human Rights Law Clinic (IHRLC) designs and implements innovative human rights projects to advance the struggle for justice on behalf of individuals and marginalized communities through advocacy, research, and policy development. The IHRLC employs an interdisciplinary model that leverages the intellectual capital of the university to provide innovative solutions to emerging human rights issues. The IHRLC develops collaborative partnerships with researchers, scholars, and human rights activists worldwide. Students are integral to all phases of the IHRLC's work and acquire unparalleled experience generating knowledge and employing strategies to address the most urgent human rights issues of our day. For more information, please visit www.humanrightsclinic.org.

Contents

Executive Summary..... I
Introduction..... 5
Context & Methodology..... 5
Demographics & Legal Framework..... 7
Quantitative Research Findings..... 10
Qualitative Research Findings..... 13
Discussion..... 24
Conclusion & Recommendations..... 27
Notes..... 29
Author & Acknowledgements..... 33

Executive Summary

Lack of lawful immigration status impacts and shapes the experiences of undocumented students at the University of California at Berkeley (U.C. Berkeley), including their path to higher education, their university experience, and their plans for the future. This study reflects the findings of a quantitative and qualitative research study conducted with undocumented students at U.C. Berkeley in 2013-2014. The study provides an understanding of the experiences and perspectives of undocumented students enrolled at the university, the barriers they faced in reaching U.C. Berkeley, and the challenges their immigration status continues to trigger for them. These findings identify recent advances in facilitating the access of undocumented immigrants to higher education as well as remaining gaps in policies and programs.

Context and Methodology

An estimated 11.5 - 11.7 million undocumented immigrants reside in the U.S.,¹ with 4.4 million of that total estimated to be under the age of 30.² California alone is home to 2.8 million undocumented immigrants.³ Among the undocumented immigrant population are young immigrants who came to the U.S. as minors and have spent some portion of their childhood in the country and its education system. The increased visibility of these young immigrants, often referred to as DREAMers, has helped to spur policy changes at both the national and state level.

In June 2012, the Obama administration announced a program to protect certain eligible immigrant youth from deportation for a temporary period while immigration reform was debated in Congress. Deferred Action for Childhood Arrivals (DACA) provides permission to live and work lawfully in the U.S. to certain young people who entered the U.S. as minors, have resided in the U.S. for a particular period, and complied with certain education and other criteria. An estimated 1.8 million young immigrants potentially meet the

criteria of the DACA program, with over a quarter of those residing in California.⁴

In terms of education policy, California has enacted legislation to facilitate access to higher education for undocumented students in the state. First, the state established criteria for some undocumented students to qualify for in-state tuition rates at public universities⁵ and, more recently, created sources of state financial aid for undocumented students.⁶

The U.C. system has also responded to the needs of this population. The Undocumented Student Program (USP) at U.C. Berkeley was established in 2012 to address the needs of undocumented students on campus through a holistic service model. The International Human Rights Law Clinic (IHRLC) at U.C. Berkeley School of Law founded the Legal Support Program in collaboration with the USP in 2012 and has provided legal services to over 250 undocumented students on campus. Through the provision of legal services and engagement with students, it became apparent that more information was needed to better understand the experiences and challenges of undocumented students on campus.

IHRLC researchers conducted 70 surveys and 21 in-depth interviews with undocumented undergraduate and graduate U.C. Berkeley students. Approximately 283 undocumented students were enrolled at U.C. Berkeley at the time the research was conducted, however current estimates put the total number at around 380 students.⁷ Although the research findings are not representative of all undocumented students at U.C. Berkeley, they identify important patterns and provide insights into the experiences of undocumented students at the university.

Migration Experience & Family

The majority of research participants were born in Latin America and were between the ages of 18-22. Most had resided in the United States (U.S.) for at least ten years or since age 12 or younger. Family was a prominent theme and students consistently

expressed how their decisions and plans were linked to those of their close relatives. Students described different economic and political factors motivating their families' migration to the U.S. but many signaled their parents' desire to provide them with better opportunities and explained that their families' sacrifices motivated them to work hard and succeed in school.

While students described different ways in which they came to understand their undocumented status, it shaped their experiences, particularly once they were in high school. A majority of students interviewed come from mixed-status families, where different members hold a variety of immigration status. Over half (57%) had a sibling who was a permanent resident or citizen of the U.S. and about the same number (59%) had an undocumented sibling.

The patchwork nature of status within families created very distinct realities for different members within the same household. While some were able pursue their educational or professional goals unencumbered, others experienced workplace exploitation and lived in fear of deportation.

Most students reported having family members living in the U.S. However, several reported the deportation of a close relative who was now living in their country of origin and over a quarter (26%) had a parent or sibling with an active case in immigration court.

While the reason for and the path of migration varied, students reported their families facing similar challenges in the U.S. All students were from low-income families with nearly all (94%) reporting annual family incomes of less than \$50,000 and the vast majority of households (88%) living below 150% of the federal poverty level. Students reported that their families could not assist with them with educational costs and some students reported contributing a portion of their earnings to help with household expenses.

University Experience and Immigration Status

The most serious challenge to higher education identified by undocumented students at U.C. Berkeley is financial. Undocumented students are not eligible for federal financial aid, including student loans. However, state sources of aid, as well as those available through U.C. Berkeley, have increased in recent years. These measures have helped to remove barriers to higher education for undocumented students at U.C. Berkeley and allow them to complete their education with fewer obstacles and interruptions.

Despite these advances, most undocumented students in the study report that they continue to struggle to pay for their education and living expenses. Given the limited financial aid options available to them and the financial challenges faced by their families, many undocumented students experience food and housing insecurity. Nearly three-quarters of students (73%) who participated in the quantitative study reported skipping meals or reducing the size of their meals while studying at U.C. Berkeley. Nearly a quarter (21%) of those same students reported a period of homelessness or a lack of stable housing during the time they have been enrolled at U.C. Berkeley.

The majority of students participating in the study qualified for DACA and reported that the program marked a shift in the opportunities available to them. DACA confers permission to live and work in the U.S. for a two-year period subject to renewal. Students explained that the receipt of a work permit, as well as eligibility for a social security number and state identification or driver's license, provides stability in daily activities, new avenues to pursue educational and professional goals, and freedom from the fear of detection and deportation by immigration authorities. While not a permanent status, a majority of students (66%) reported that approval of their DACA case had changed their post-graduation plans and they were more hopeful about pursuing graduate studies, primarily in law and medicine, and obtaining work in their field of study.

Undocumented students who do not qualify for DACA are without legal protection from deportation and experience vulnerability in their daily lives as well as insecurity about their future. They find themselves in a distinct position from many of their peers who benefit from the program and may be excluded from policies and programs targeting DACA-eligible youth.

Views on Immigration Policy

When asked about the direction of U.S. immigration policy, many students expressed hope for comprehensive reform that would allow them and members of their families to gain permanent residency and eventually U.S. citizenship. DACA, due to its temporary and uncertain nature, was generally considered to be a positive development and movement in the right direction, but inadequate as a long-term solution. While students felt more able to plan for the future because of DACA, they expressed concern about whether they would be able to fully achieve their educational and professional goals because of its time-limited benefits and lack of permanent status. Students voiced concern about the rigid criteria of DACA that leaves some undocumented students ineligible for the program. Students worried for members of their family, particularly their parents, and what legal options might be available to them in the future. Additionally, students described their own choices and path as inextricably linked to that of their families and that the vulnerability of undocumented family members prevents them, even those with DACA status, from enjoying true stability.

The State of Policy and Recommendations

Policies and programs at the national, state, and campus level have advanced the educational and professional aspirations of undocumented students at U.C. Berkeley. The DACA program, beyond the day-to-day stability and protection from deportation it provides, has enabled students to pursue internships, work in their field of study, and travel

for educational programs and research. The California DREAM Act has opened up financial aid resources and provided tangible pathways for undocumented students to pursue higher education in the state. In the U.C. system, specifically at U.C. Berkeley, financial aid and work study opportunities together with comprehensive support services have created an enabling environment for students to not just pursue higher education, but to thrive on campus and succeed in their pursuits.

The findings of the research with undocumented students at Cal identify the progress made and highlight the remaining challenges. While some barriers have been removed through these innovative programs, serious obstacle remains for undocumented students. A comprehensive response is necessary to ensure the equal access to and enjoyment of higher education by undocumented students.

Based on the findings of the research study, the following measures are recommended:

TO THE FEDERAL GOVERNMENT

The myriad challenges facing undocumented students and their families cannot be fully addressed without comprehensive immigration reform at the federal level. Inclusive reform is the only way to ensure a secure path to higher education, employment opportunities, and long-term stability for undocumented students and their families.

- ♦ Pass and sign into law comprehensive immigration reform which:
 - » Confers lawful permanent residency and provides a path to citizenship;
 - » Includes different sectors of the undocumented population; and
 - » Promotes family unity for mixed-status families.
- ♦ Allow undocumented students to access sources of federal financial aid through the Federal Student Aid process.

TO THE STATE OF CALIFORNIA

California has been a leader in increasing access to public universities and creating pathways of financial support for undocumented and other low-income students. However, further advances are needed to ensure equal access to public universities for disadvantaged students.

- ✦ Generate new and grow existing sources of financial aid to facilitate access to higher education for all low-income college students, including undocumented students.
- ✦ Establish comprehensive support services programs for undocumented students at all state institutions of higher education, including University of California campuses, California Community Colleges, and the California State University system.
- ✦ Develop financial aid resources for undocumented graduate students.
- ✦ Expand eligibility criteria for state financial aid sources to provide access for undocumented students with a non-traditional path to higher education.

TO THE UNIVERSITY OF CALIFORNIA SYSTEM

Many of the challenges described by undocumented students have been mitigated by innovative and targeted programs to support access to higher education and success at the university. The University of California is establishing important system-wide models that must be further developed, expanded, and made sustainable.

- ✦ Increase institutional financial aid opportunities for undocumented students.
- ✦ Deepen and extend existing support programs to support the success of undocumented students on University of California campuses.
- ✦ Ensure financial sustainability of campus support programs in order to continue serving undocumented students in the future.
- ✦ Facilitate access to graduate education within the U.C. system for undocumented students, including professional schools, by generating

sources of financial aid for undocumented graduate students.

TO THE UNIVERSITY OF CALIFORNIA, BERKELEY

U.C. Berkeley has been at the forefront of the struggle to provide avenues of opportunity for undocumented students on campus and serves as a national model. The important programs developed must be institutionalized and deepened.

- ✦ Increase capacity of the current holistic support services model, including legal and mental health services, emergency financial assistance, data and tracking, and training and coordination among campus departments.
- ✦ Ensure long-term viability of financial aid resources and campus support services to assure continuation of support services in the future.
- ✦ Create linkages between undocumented alumni and campus graduate programs and increase available financial support for undocumented graduate students.

Introduction

Today's undocumented immigrant population in the United States (U.S.), estimated at 11.5 million, is the product of a period of increased levels of immigration combined with fewer legal options for those seeking to regularize their status. A generation of young immigrants growing up in the country without legal status, also known as DREAMers, is at once part of that undocumented community and distinct from it. DREAMers are unique: many grew up in the U.S. without legal status and spent their formative years in the U.S. education system. These young immigrants have, in recent years, also been at the forefront of the immigrant rights movement. They provide an important perspective on the undocumented immigrant experience.

This report identifies the impact of undocumented status on the educational path and university experience of undocumented students at the University of California at Berkeley (U.C. Berkeley). The findings are organized to reflect the lived experiences of undocumented students and contextualize these experiences within the larger narrative of their migration experience, families, and communities. The research findings describe how the experiences of U.C. Berkeley undocumented students navigating life in the U.S., pursuing higher education, and planning for the future are linked to and influenced by their immigration status. The report traces how the lack of lawful immigration status presents obstacles for these young immigrants, but also how recent changes in immigration and education policy have unlocked new opportunities for them.

The undocumented students who participated in this study reflect a diverse set of backgrounds, identities, and perspectives, but do not capture the full range and nuances of experiences. The report offers a window into the lives of undocumented students in one university setting. The findings indicate that most, but not all, undocumented students at U.C. Berkeley are eligible for Deferred Action for Childhood Arrivals (DACA) and report that the program has changed their future plans, and many

now plan to attend graduate school. The vast majority has lived in the United States for more than 10 years and identified as members of mixed status families, with a significant number reporting the deportation of a relative. All are low-income, most have experienced hunger while studying at the university, and significant portion have experienced homelessness or housing instability since becoming a university student. By exposing the challenges faced by these students, the report identifies ways in which national and state policies and the university can better support the potential of all undocumented students.

Context & Methodology

Programmatic Support for Undocumented Students at U.C. Berkeley

Undocumented students across the U.C. system, together with their faculty and staff allies, have worked for many years to organize support networks for themselves. However, in recent years important initiatives have been undertaken to establish institutional support systems for undocumented students. In 2011 U.C. Berkeley adopted the recommendations of a task force appointed by the Chancellor to identify the needs of undocumented students and suggest programs to foster their success at the university.⁸ The task force recommended several campus initiatives, including the establishment of a resource center, designated support staff, and the provision of an array of services. As a result, the Undocumented Student Program (USP), the first of its kind in the nation, was established in 2012. The program works to address the financial, educational, mental health, and legal needs of undocumented students through a holistic model. The International Human Rights Law Clinic (IHRLC) founded the Legal Support Program in collaboration with the USP in 2012 to provide legal resources and services to undocumented students on campus. Since that time,

IHRLC faculty and students have provided legal services to more than 250 undocumented students at U.C. Berkeley.

Support service programs have since been adopted across the U.C. system. In 2013, U.C. President Napolitano directed \$5 million toward services for undocumented students in the form of financial aid, resource centers, and support staff at U.C. campuses.⁹ Another \$1 million was earmarked in 2014 for the provision of legal services for undocumented students at the six U.C. campuses without law schools coordinated by U.C. Davis School of Law.¹⁰

Methodology

This report contains the findings of a quantitative and qualitative research study on undocumented students at U.C. Berkeley conducted by the IHRLC. Through the provision of legal services and engagement with students, it became apparent that more information was needed to better understand the experiences and challenges of undocumented students on campus. Both the survey and interview questions were intended to capture the direct impact of immigration laws and policy on the lives of undocumented students and their families.

Through the Legal Support Program, IHRLC conducted outreach to students and student groups and invited their participation in the study. Data was collected on a voluntary, not random, basis through the participation of self-selected students. IHRLC conducted the research study over a period of one year from February 2013 to February 2014. At the time the research was conducted, approximately 283 undocumented students were enrolled at U.C. Berkeley.¹¹ All participants in the study were undergraduate and graduate U.C. Berkeley students¹² with no lawful immigration status in the U.S. Participants include those students who were DACA recipients, had a DACA or other immigration application pending, or had no legal status or pending application. It is possible that the sample of students in the study underrepresents the number of students who are not eligible

for DACA given that these students may not have been connected with the Legal Support Program. Researchers conducted 70 surveys and 21 in-depth interviews with undocumented U.C. Berkeley students. There is some overlap between those students that participated in the survey and those who were interviewed.

The anonymous survey covered a range of topics, including migration history, educational path, immigration status of respondent and family members, experience as a college student, and plans for the future. The qualitative interviews consisted of open-ended questions related to the student's and their family's immigration status, educational path and university experience, and opinions about immigration policy. All data was collected on the U.C. Berkeley campus on a confidential basis without any identifying information.

Most of the variables in the dataset were analyzed using frequency analysis, cross-tabulations and two sample tests. For each coding, a master coder was used to ensure internal consistency.¹³

Given the limitations of the study, the findings are not representative of all undocumented students currently enrolled at U.C. Berkeley or undocumented students more generally. However, the findings do provide important insight into the lived experiences of undocumented students at the university and the challenges they face in navigating higher education.

Demographics & Legal Framework

Demographics

In order to give context to the findings from a study on one university campus, below is an overview of available demographic information at the federal, state, and U.C. system.

National and California Data

The undocumented immigrant population in the U.S. is multi-faceted. An estimated 11.5 - 11.7 million U.S. residents are undocumented,¹⁴ representing over 25% of all foreign-born U.S. residents and an estimated 3.7% of the total U.S. population.¹⁵ Of that total number, 4.4 million undocumented immigrants are estimated to be under the age of 30.¹⁶ Undocumented immigrants hail from all parts of the world, with approximately 8.9 million migrating from other parts of North America,¹⁷ 1.3 million from Asia and the Pacific Islands and .8 million from South America.¹⁸ Furthermore, millions of families across the U.S. live in mixed-status households, in which some members of the family enjoy lawful immigration status, while others in the same household are undocumented.¹⁹ In 2009, the Pew Hispanic Center estimated that 8.8 million people lived in mixed-status families in the United States.

California is home to more foreign-born residents than any other state in the nation; according to the Department of Homeland Security, 2.8 million undocumented immigrants lived in California in 2011.²⁰ The Public Policy Institute of California also estimates that in 2011, 27% of California's population was foreign-born, about twice the overall U.S. average.²¹ Notably, half of all children in California had at least one immigrant parent.²² While the majority of California's immigrants were born in Latin America, these demographics may be changing, with more than half of those arriving in the state between 2007 and 2011 born in Asia.²³

Many of California's immigrants are working-age young people.²⁴ Immigrants account for more than one-third (34%) of all working-age adults in California; they are also more likely than U.S.-born residents to be employed.²⁵ However, the higher rate of employment has yet to translate into higher income levels – the median income for households with foreign-born members was 20.9% lower than for households with U.S.-born householders.²⁶ Perhaps contributing to this phenomenon, foreign-born Californians are less likely than U.S.-born California residents to have completed higher levels of education.²⁷

Undocumented Students and the U.C. System

Undocumented students in the U.C. system both mirror and diverge from state and national demographic trends. According to the most recently available statistics from the University of California Office of the President, in the 2011-2012 academic year, 746 potentially undocumented undergraduates enrolled in the U.C. system.²⁸ In contrast to California and national demographics, a relatively equal number of undocumented U.C. undergraduates identify as Asian (48%) and Latino (44%).²⁹ Current preliminary estimates of undocumented students in the U.C. system put the total number at over 2,000 with 32% identifying as Asian and 61% as Latino.³⁰ On the U.C. Berkeley campus, an estimated 283 undocumented students were enrolled during the 2013-2014 academic year, when the study was conducted, and approximately 380 were enrolled during the 2014-2015 academic year.³¹ While the national and U.C. demographics diverge in the ethnic composition of undocumented immigrants, the research findings more closely mirror the national trends with the majority of respondents identifying as Latino.

Legal Framework

This study was conducted during a time of great uncertainty for undocumented immigrants. On the one hand, unprecedented levels of immigration enforcement have resulted in immigrants being detained and deported at the highest rate in U.S. history.³² On the other, executive actions by

the Obama administration have provided a new path to temporary legal relief for immigrant youth together with other administrative reforms.

Undocumented Status and DACA

Undocumented immigration status is generally perceived as a lack of formal status but the term can encompass persons entirely without status, those with an application pending before the immigration authorities, and those approved for certain types of immigration relief that constitute something less than lawful status. DACA, a program that grants immigration benefits without granting formal status, has had a significant impact on young undocumented immigrants. DACA was announced by the Obama administration on June 15, 2012 and went in to effect on August 15, 2012.³³ The program was intended to protect eligible young people from immigration enforcement and deportation during a two-year period while a comprehensive immigration reform package could be developed and made law. Eligibility for the program requires that the applicant:

1. Entered the U.S. before the age of 16;
2. Resided in the U.S. since June 15, 2007;
3. Was under the age of 31 at time of application;
4. Lacked lawful immigration status on June 15, 2012;
5. Was physically present in the U.S. on June 15, 2012 and at time of application;
6. Fulfills certain education or military service criteria; and
7. Passes specific criminal background checks and is determined not to pose a public safety or national security threat.³⁴

The benefits of DACA include protection from deportation and permission to live and work lawfully in the United States for a two-year period subject to renewal. Those with approved DACA cases are eligible to receive a social security number and, in nearly all states, a state-issued identification or driver's license. The program was renewed for an additional two-year period in June 2014,³⁵ and the criteria were expanded to extend eligibility to additional young immigrants in November 2014 when

President Obama announced executive measures related to several immigration programs.³⁶ The findings of this study do not reflect the renewal period, the expanded DACA criteria, or the other programs announced.

From the inception of the program in 2012 through the most recent data available from January 2015, over 727,164 applications for DACA have been filed.³⁷ Of applications received, 638,897 have been approved.³⁸ The breakdown of DACA applicants by country of origin is skewed toward Latin America and the Caribbean, with nationals of these two regions representing 677,700 or 93% of all applications. Asian and Pacific Islander applicants totaled 17,990 or 3% of all applicants. DACA application data does not therefore represent undocumented national origin groups proportionally, as Latinos are overrepresented in the DACA pool.³⁹ It is estimated that more than 25% of DACA eligible youth live in California.⁴⁰ Indeed, as of January 2015, DACA applications submitted by California residents totaled 206,152, representing approximately 28% of the overall total.⁴¹

An approved DACA case does not alter the undocumented status of a young immigrant, but provides a term of protection from immigration enforcement. As a result, DACA-approved students remain ineligible for all forms of federal financial aid, including student loans and federal grants. However, some states, like California, have enacted legislation to facilitate access to higher education.

California Education Policy

California legislation, known as AB540, was passed in 2001 and allows some undocumented students to qualify for in-state tuition at public universities. AB540 is intended to benefit students who completed a significant portion of their education in California schools and obtained their high school diploma or General Equivalency Degree in the state.⁴² Undocumented students, in order to qualify, must sign a statement attesting that they are either in the process of obtaining lawful status or will do so as soon as they become eligible.⁴³

DEMOGRAPHICS & LEGAL FRAMEWORK

The pool of financial aid resources available to undocumented students at the state level has increased significantly in recent years. The California DREAM Act, state legislation passed in 2011 and 2012, allows AB540 eligible students to qualify for certain university scholarships as well as state grants and scholarships.⁴⁴ More recent legislation earmarking state monies for student loans for undocumented students will further expand sources of aid.⁴⁵ University of California and campus-specific financial aid initiatives have provided additional resources to undocumented students in the form of scholarships, emergency grants, and non-federal work study programs.

Despite these new sources of support, the financial aid available to undocumented students is often less than the total cost of tuition, books, and living expenses. As a result, students and their families

must often pay significant sums out of pocket. In addition, many funding sources are tied to AB540 eligibility and/or DACA approval, foreclosing aid to those students who fall outside the parameters of these programs and limiting their options to private grants.

Graduate study is further restricted as many graduate students rely on work as research or teaching assistants through the federal student aid system, which is not open to undocumented students. Furthermore, professional schools, such as law and medical schools, often have higher tuition rates than the undergraduate level. Even though recent California legislation will permit professional licensing of otherwise eligible undocumented applicants, financial aid to facilitate the necessary graduate studies is limited.⁴⁶

STUDENT AID ELIGIBILITY BY IMMIGRATION STATUS

STATUS OF STUDENT	US CITIZEN/ PERMANENT RESIDENT	UNDOCUMENTED AB540 ELIGIBLE	UNDOCUMENTED
FEDERAL FINANCIAL AID	✓	✗	✗
STATE FINANCIAL AID	✓	✓ <i>limited to DREAM aid</i>	✗
U.C. FINANCIAL AID	✓	✓ <i>limited</i>	✗
PRIVATE SCHOLARSHIPS	✓	✓ <i>varies</i>	✓ <i>varies</i>
WORK STUDY	✓	✗	✗
CAMPUS WORK STUDY	✓	✓ <i>only if DACA approved</i>	✗

Quantitative Research Findings

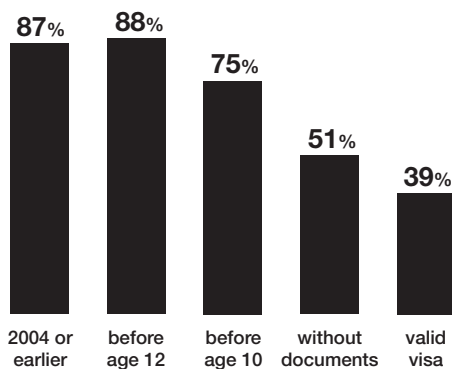
Anonymous surveys were conducted with 70 undocumented students enrolled at U.C. Berkeley at the time of participation in the study. The surveys covered a range of issues, including migration to the U.S., path to college, financial challenges, and immigration status of the student and their families. The primary quantitative findings are outlined below.

Demographics of Participating Students

At the time of participation in the survey, respondents were students enrolled at U.C. Berkeley between the ages of 18-28, with a majority (64%) between the ages of 18-22. Most participants (63%) identified as female, fewer (37%) as male, and none identified as transgender. Ten percent (10%) identified as LGBTI.

The majority of student participants (88.5%) indicated their country of origin was located in Latin America, with a smaller number from countries in Asia and the Pacific Islands (10%) and Europe (1.5%). Students surveyed represented fourteen different countries, with over half indicating they were nationals of Mexico.⁴⁷

Migration to the U.S. and Length of Residence



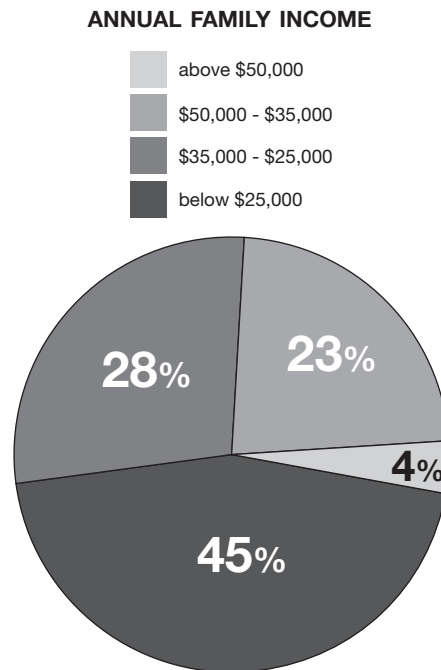
ENTRY OF STUDENTS INTO THE U.S.

The vast majority of participants (87%) entered the U.S. in 2004 or earlier, and have resided in the country for at least 10 years.

A similar number (88%) indicated they entered the U.S. by the age of 12 or younger, and a slightly smaller number (75%) had entered by 10 years of age or younger. Nearly all students surveyed had spent their adolescence and completed high school in the U.S.

Just over half (51%) of participating students indicated they had entered the country without documents, while a significant portion (39%) entered with a valid visa that had since expired or became invalid. The remaining participants (10%) were either unsure of their manner of entry or did not respond to the question.

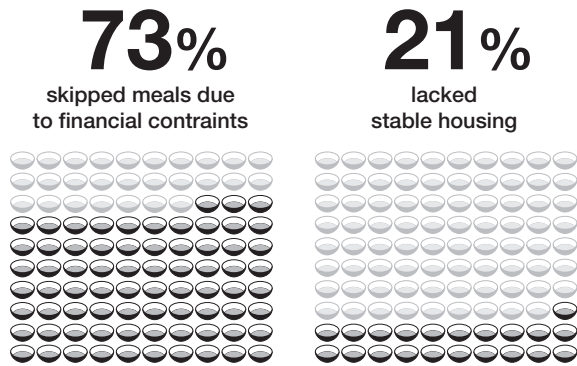
Family Income Levels & Student Employment



Nearly all (96%) participants reported an annual family income of less than \$50,000 per year. A majority (73%) indicated their family's annual income was less than \$35,000 per year and just under half (45%) reported an annual family income of less than \$25,000 per year.

Annual family income was analyzed against family size, which ranged in size from 2 to 11 persons. The vast majority (88%) of families live below 150% of federal poverty line (based on 2013 federal guidelines).⁴⁸

Food and Housing Security



Nearly three-quarters (73%) of participating students reported that since becoming a university student they skip meals or reduce the size of their meals due to financial constraints. Of those who skipped meals or reduced the size of the meals, most (73%) were from families earning less than \$35,000 per year.

A significant portion (21%) of participants reported a period of homelessness or lack of stable housing since becoming a university student. Of those who lacked stable housing, all were from families with incomes of less than \$50,000 per year and most (73%) were from families earning less than \$35,000 per year.

Of those students from families with incomes below 150% of the federal poverty level, the number who experienced food insecurity (75%) and a lack of stable housing (22%) was just slightly higher than overall rates in these two areas.

Educational Path and University Experience

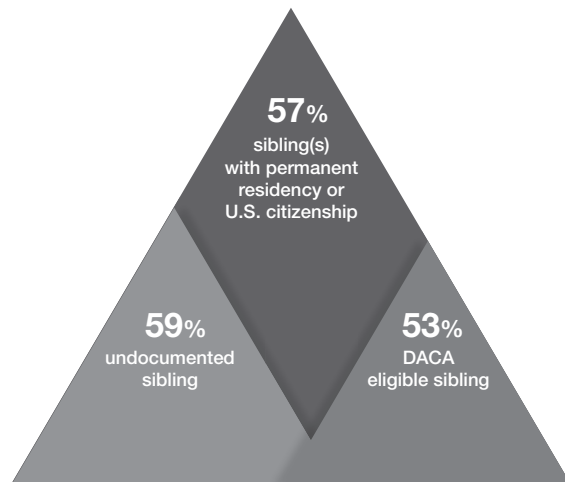
Over half of the students (54%) who responded to the survey indicated that a parent was their primary influence in pursuing higher education.

Survey data reflect the trend of students taking a non-linear path to higher education—nearly two-fifths of survey respondents (39%) reported transferring to U.C. Berkeley, the vast majority from community colleges.

Many student participants (39%) indicated that they were currently working. The majority of those employed (74%) worked between 6-20 hours per week, but the overall range reported was between 4 to 35 hours per week.

Most students (59%) indicated they lived in off-campus housing they shared with other students, with smaller percentages reporting living in on-campus housing (20%) or with their parents or other family members (11%). While most students reported living in Berkeley during the academic year, over a quarter (27%) reported commuting to campus.

Immigration Status of Family Members



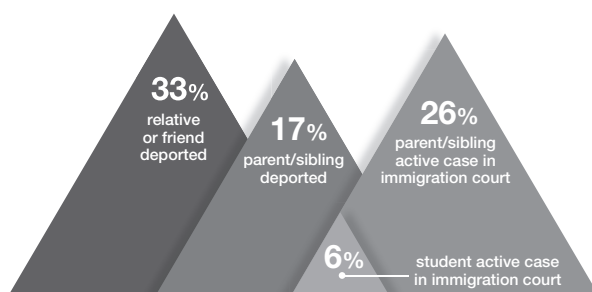
Nearly all participants (84%) had close family members living in the U.S., while a small number (3%) indicated their close relatives lived abroad. A significant number (13%) had close family members in both the U.S. and abroad, representing a mixture of family arrangements which included one or both parents residing abroad and/or one or more siblings residing abroad.

Of those students who reported having siblings, most (57%) reported having one or more siblings with permanent residency or U.S. citizenship. This means most students are from mixed status families, where immediate family members possess a variety of immigration statuses.

Of those students with siblings, just over half (51%) indicated having at least one sibling who was a U.S. citizen and a smaller number (13%) had at least one who was a lawful permanent resident. Also among students with siblings, most (59%) reported they had at least one sibling who was also undocumented. More than half (53%) of the participants reported having at least one DACA eligible sibling.

Participants explained the legal path to permanent residency that may be available to them or a close family member through petitions filed with the immigration service by a close relative who is a U.S. citizen or permanent resident. Approximately ten percent of participants (11%) indicated that a close family member had filed a petition on their behalf and more than double that number (27%) reported that such a petition had been filed on behalf of one of their parents or siblings.

Interactions with Immigration Authorities



Participating students reported a wide variety of interactions between their family members and immigration authorities. Few participants (6%) indicated they have had an active case in immigration court, but significantly more (26%) reported a parent or sibling had such a case. While no participant reported having been deported, many (17%) indicated a parent or sibling had been deported

and nearly double that number (33%) reported a member of their extended family or friend had been deported.

Attitudes toward Police

A majority of participating students (53%) expressed a fear of police, with only a small number (7%) describing a feeling of trust toward law enforcement and the remainder (33%) as neutral. However, most participants (59%) indicated they would call the police if needed, but qualified the decision to alert law enforcement with the seriousness of the incident due to concerns about the detection of their immigration status or that of their family members.

DACA Eligibility, Process and Impact

A majority (89%) of participating students indicated they were eligible for DACA and most, but not all, had already applied. Of all eligible students, the two primary obstacles to applying for DACA were financial, due to the cost of the application,⁴⁹ and fear of immigration authorities.

Among those who were ineligible for DACA, date of entry into the U.S. or age at time of entry were reported as the main reasons for not qualifying.

While not all students were sure of their post-graduation plans, many (43%) indicated they planned to attend graduate school, primarily specifying law school or medical school as their intended path. A majority (66%) of participants indicated their post-graduation plans had changed as a result of the DACA program.

Qualitative Research Findings

“ [B]efore coming to Cal I had never met an undocumented person, so I didn't even know really what it meant to be undocumented. All I knew was that I couldn't do a lot of things that my peers could.

In-depth, open-ended interviews were conducted with 21 undocumented students enrolled at U.C. Berkeley. Students were asked generally about their migration to and settlement in the U.S., their educational path and challenges they faced in accessing higher education, their current immigration status and that of their family members, their opinions on immigration policy, and their plans and concerns about the future. The following represents the major themes that emerged from those findings.

Migration Experience

Information about family and migration history provides context for understanding the experiences of U.C. Berkeley undocumented students and their paths to the university. Students described a variety of factors influencing their families' decisions to migrate to the U.S. Most students interviewed discussed better educational or employment opportunities in the U.S. – especially for their generation – as a significant reason for migration.

[M]y parents always emphasized the value of education. ... They were both educated up to third grade, I believe. But they understood the value of an education, and that was part of the reason why they told me that they brought me to United States.

Several students discussed the impoverished conditions in their native countries which prompted their family's migration to the U.S.

My parents had a very harsh situation in Mexico, there were so many times in which we didn't even know from where our next food will come.

Some students cited insecurity, corruption, violence, and fear⁵⁰ in home countries as the impetus to leave. One student described how extortion and threats had forced his family to leave their home in Central America and join family in the U.S., where his parents believed that an aunt and uncle had already filed immigration petitions on their behalf:

[W]e received letters probably once a month back at that time where ... it said that they were going to kidnap us, my brother and I and my sister, the three of us, if [my family] didn't pay. And they were asking for, I think that it was \$10,000.

And when we came in 2005, we figure[d] out that the petition wasn't filed. ... So we ha[d] to file and [decide] if we were going to stay without legal status or if we were going to go back and wait over there but, you know, facing the same violent cycle over and over and over and over. So, we preferred to stay here.

Regardless of the motivating factors, family unity was a pervasive theme in these decisions – either in joining other family members already residing in the U.S. or preserving the family by moving with the head of the household. Many students described a staggered process of migration where one parent or family member arrived first then others followed to join.

Students and their families arrived in the U.S. in multiple ways: with or without visas and by plane or crossing the border in a car or on foot, or some combination of these. For those who entered without lawful status, parents tended to undertake more dangerous journeys through the desert and send for the children at a later time.

Increased border security, especially in the wake of September 11th, has impacted migration patterns during the lifetime of these students. Some students noted how the journey to the U.S. for undocumented migrants is perilous and expensive. Several students referenced prior temporary cycles of migration for employment or to visit family members but that in more recent years, families have been forced to make more permanent choices about remaining in the U.S.

It was a lot easier to go back and forth. So even though my mom was in L.A. working ... she [went] back to visit twice. ... It wasn't like it is right now with all the border militarization.

Some students reported their families came to the U.S. on employment visas that later expired or became void. While they had already made the transition to life in the U.S., the loss of lawful status represented another phase of the migratory process:

I didn't think that I was going to be undocumented ever, ever, and I didn't think that I was going to ... live in like L.A. slums, you know, and be friends with undocumented people getting paid under the table, living paycheck to paycheck. That wasn't a life that I ever imagined for myself to experience.

While some students referenced their parents' economic difficulties in the country of origin, others explained that their families experienced a loss in socio-economic status after migrating to the U.S. and as a result of being undocumented with limited job opportunities. However, both of these groups of families – whether from low-income or more middle-class backgrounds in the country of origin– reported experiencing financial struggles in the U.S. and obstacles in securing lawful status.

“ [A]nything that happens to me in regards of immigration, I'm always consulting my parents, because I feel like we're tied together through this.

Mixed Status Families

Many students expressed the sense that the fate of their family was bound up together and that every decision and action was understood through the lens of the legal status and the security of all family members.

Most students reported being part of a family in which members held a variety of immigration statuses. Most students reported having undocumented parents, but some indicated their parents were living in their country of origin. Several indicated that their parents had been petitioned by other family members with status and had been on waiting lists for many years for the opportunity to proceed with an application for permanent residence.⁵¹

There was more diversity in legal status among siblings. Many students indicated they had a younger sibling who was born in the U.S. Some shared their hope that their younger siblings with status would be able to achieve more than they had.

[My sister's] a citizen ... I tell her that she has a lot of doors open to her so I always tell her, "I want you to be better than me. I want you to go higher."

Family Separation and Immigration Enforcement

Students reported a wide variety of interactions between their family members and immigration authorities. Fear of detection and deportation by immigration authorities was a pervasive concern and many expressed concern for the safety and well-being of their undocumented parents.

Many students discussed how their families take precautions to avoid contact with immigration and law enforcement officials.

We try not to get in trouble. But then, also we think about, well, if something happens and we need to call the police, how are we going to manage that?

While most students described their deep roots in the U.S., a number of students explained strong connections to their home countries through immediate or extended family members living there. Of those with family members in their country of origin, some explained that those relatives had previously lived in the U.S. but deportation, illness, or the inability to maintain legal status in the U.S. caused family separations. One student described how after years together in the U.S., her family is now separated;

My parents went back to Korea last year because my dad got really sick. He was diagnosed with cancer and we had no medical insurance because my parents were also [undocumented].

Students reported the deportation of parents, siblings, cousins, aunts, and uncles. One student described the impact of the deportation of a sibling this way:

It was emotionally draining just having one of your family members torn away and removed to a country that you haven't been to in years or they don't know the country because they grew up here in the United States. That's stressful. You're angry. You're frustrated, depressed. I don't know how my mom handled it.

Several students described how linkages to the country of origin and relatives living there have weakened over time due to the inability to travel back to visit or attend family events, such as weddings and funerals.

Another student explained the difficulties of having almost no relationship with and little financial support from her father who resides in their home country after she immigrated with her mother and siblings. *"We don't know where he is. We don't know his number. We haven't contacted him for*

a long time." This same student further explained how her mother's decision to build a new home in the U.S. with her children meant she was unable to visit her own ailing mother: *"[my mom] was kind of stuck here with us, taking care of us and supporting us and just being the sacrificial mom that she is ... and she wasn't able to go back to see her mom"*.

Another student explained that her mother, after residing in the U.S. for 20 years, was deported to Mexico and her father followed to join her soon after. She spoke about missing her parents, whom she has not seen for over five years, and being unable to travel to Mexico due to her status.

“ *There's always like a curtain between you and the society in which you live in so it ... makes it just hard to maneuver around it without being scared that you're doing something that puts you in danger of getting deported.*

Understanding Undocumented Status and High School

I knew right away that I wasn't, I wasn't supposed to be here.

Students migrated to the U.S. and grew up with varying understandings of their new immigration status. No matter the students' age at entry or his or her specific understanding of status, almost all students described a sense of not belonging linked with being undocumented. One student who arrived at a young age experienced initial feelings of difference without understanding the meaning of status: *"I always knew that I was different from other kids. ... I didn't really understand ... the concept of undocumented or legal citizen, permanent resident."* Another student was told of his status at an early age and was cautioned that he was distinct from his peers: *"[M]y mom made it very clear that we were undocumented and that I wasn't like the rest of the*

kids because I wasn't from this country originally."

Growing up, the sense of not belonging was externally reinforced by peers and teachers. One student asked a girl to go to a dance and was rebuffed because of his immigration status. He noted realizing: *"I'm undocumented ... I'm transitioning into an undocumented adulthood rather than just like a normal adulthood."*

In addition to dealing with the typical tribulations of teenage life in the U.S., several students grappled with feeling incomplete or somehow less than real: *"[Y]ou don't feel whole. ... I felt like there was always something missing."*

Another student discussed a sense of disconnection from others linked to a constant fear of being detected by immigration authorities:

There's always like a curtain between you and the society in which you live in so it ... makes it just hard to maneuver around it without being scared that you're doing something that puts you in danger of getting deported.

High school was referred to by most students as a critical period in which they either learned of their undocumented status for the first time or began to confront its implications. Some students reported being unaware of their undocumented status until high school, when certain doors were closed to them, such as internships, financial aid, or acquiring a driver's license. Two students found out when they were preparing to apply for college and realized that they were ineligible for federal financial aid. *"I thought that I could file my FAFSA⁵². I'm going to college, like it's possible ... I'm a citizen because I didn't know anything else."*

Regardless of when they became aware of their legal status, many students expressed that the impact of their undocumented immigration status became more tangible during their high school years:

[Y]ou don't really realize the impact of [undocumented status] until you start getting to ... high school age. Because up until middle school, all of it is more or less cultural or even emotional or psychological. But when you're say, 16, 17

... that's when it starts to manifest itself in more material ways.

Once aware of their status, whether through a gradual realization or a triggering incident, many students struggled to decide whether to share their undocumented status with friends, peers, and authority figures. Participants described a variety of what they termed 'coming out' experiences that continued over time and in new settings and explained that revealing their status in one setting did not mean they were open in all settings.

I feel unsafe about sharing this information with anyone. ... I feel like they[would] ... judge me based on it or, I just didn't like the feeling that they look at me with pity or things like that, so I wouldn't share much about it unless it's really required.

Two students faced unexpected challenges in coming out to high school teachers who, unbeknownst to the students, held negative views of undocumented immigrants. One student confided in a teacher about her status only to have that same teacher lead a class discussion about immigration later that day, where he expressed negative views toward undocumented immigrants: *"[My high school teacher] hated illegal immigrants, as he stated. He thought they should go back home and they didn't belong here, so kind of just pointing me out in front of the entire group."*

Other students simply did not reveal their status to any adult figure at their high school.

I want to go to college and I've been working towards this, but I'm undocumented and I don't know who to talk to about this. And it was something I really didn't share with anyone at school, not even my counselor or any peers.

Some students described a lack of understanding of their own situation that resulted from this isolation.

[B]efore coming to Cal I had never met an undocumented person, so I didn't even know really what it meant to be undocumented. All I knew was that I couldn't do a lot of things that my peers could.

Alternatively, several students described positive experiences coming out to educators or counselors who then connected them to support services. Students also reported finding support through the community-building that resulted from coming out to other students.

“ Because I was undocumented, I stayed out of trouble. Because I was undocumented, I drove safe. ... Because I was undocumented, I worked harder in school. ... Because I was undocumented, I worked several jobs while in high school. So if I were to have to sum it up, if I wasn't undocumented, I probably wouldn't be [at Cal] right now.

Obstacles to Higher Education

Undocumented status encumbers students' educational path but also serves to motivate them and bring their goals into focus. Regarding the former effect, students described facing additional pressures because of their undocumented status. Students frequently cited economic pressures as impeding their ability to achieve their educational goals. These pressures took different forms, including the responsibility to support family and the need to supplement, if not pay altogether, the costs of higher education.

Economic pressures were not the sole limiting factor that students voiced. Impediments relating to status also reduced students' motivation to pursue higher education. Without the possibility of legalizing their status, students reported having a hard time envisioning their future success. High school came up repeatedly as a key moment when students questioned whether educational pursuits were worth it.

And then as you get closer to senior year and you start seeing people your junior year that are applying for this program and that program

and college this and college that, then it starts to really feel like, okay, now I have to make that decision ... am I going to really try to make this somehow happen.

Several students expressed similar concerns about the utility of working hard if they did not have the documentation to find employment in their chosen field. One student described feelings of hopelessness because of barriers related to his status:

I just didn't see a purpose in me continuing to do so well in school when I felt I didn't have a chance in really pursuing what I wanted to be doing.

Other students expressed disappointment at being unable to pursue specific goals, such as employment with the federal government or military service,⁵³ which require permanent immigration status or citizenship:

I always wanted to be in the military, that was one of my dreams as a teenager when I was in high school and was ready to graduate. And I just knew that that was never possible.

Another student described his frustration after receiving encouragement to pursue his educational and professional goals only to confront the limitations of his status:

I felt like it was really unfair and unjust. ... everyone tells us we could pursue this or pursue that or be a doctor or be an engineer or professor, but yet, I put in 110% and ... I felt like no one had my back.

One student used a metaphor to depict his struggle to see a viable path from high school to college:

It's like how would we even do it? ... It's like you're sitting in this room and you're being told to get out of it but you can't use the door.

Some students described how planning and taking a series of discrete steps along the way helped them to navigate the process of accessing higher education:

I think a lot of my experience being undocumented was being in the present, so it was like,

okay, I'm getting through community college and then once I get there, I'm going to apply to transfer, and then once I get there I'll deal with that. But there's no way for me to plan ahead because I don't know anyone else who has done it and I don't know the right people to talk to about this.

While status may create obstacles along their chosen career path, students also explained how it galvanized them to work harder at school. Many students discussed being more motivated and resourceful as a consequence of their status.

[O]nce I found out that my status ... wasn't allowing me to do a lot of things, that's when I kind of started thinking I need to put in more effort and I started taking like a bunch of AP courses. ... So, if I pass all my AP tests, I won't have to take those classes in college and be able to get out of college sooner or be able to take ... classes for my major sooner. And then, it became like a game plan after learning my status.

One student described feeling that he needed to work more than his peers because of his status. During high school, he played two sports, and worked an outside job to support his family. In describing how status pushed him to his current trajectory, he said:

Because I was undocumented, I stayed out of trouble. Because I was undocumented, I drove safe. ... Because I was undocumented, I worked harder in school. ... Because I was undocumented, I worked several jobs while in high school. So if I were to have to sum it up, if I wasn't undocumented, I probably wouldn't be [at Cal] right now.

Many students referenced the hopes of their parents to provide them with opportunity as motivating them in their studies. One student described how her status and the hardships of her immigrant family inspire her to achieve:

I think that my parents' struggles have been really strenuous and hard so I want to be able to show them that their sacrifices were not in vain because I'm the first one in my family to go

to college. I think maybe if [I wasn't undocumented] maybe I wouldn't have excelled as much as I did. So I think that, it's definitely a driving force.

Another student drew resolve from his brother's deportation to pursue educational opportunities:

I almost quit going to school until my brother was deported. And then I realigned my goals and wanted to shoot for the best school that I could get into that I could afford and that would offer me financial aid. ... I realized that I still had the opportunity that [my brother] didn't. He could no longer go to school or attend school or even try to find a job here in the United States.

All told, students focused more on their motivations and resilience than about feeling hopeless or discouraged. Regardless of the challenges undocumented status presented students with, many students expressed feeling that the U.S. was their home.

Yes ... if given the opportunity to travel the world, I would, but this is my home. I don't see myself contributing to any other country other than this country. This is home.

But in all cases, undocumented immigration status colored their trajectory and experiences.

University Experience

Cal's a dream, to be honest. It's a dream come true to be here.

Once enrolled at U.C. Berkeley, students described a sense of accomplishment as well as confronting a new set of challenges. Family was again an important theme. One student felt enrolling in college was the realization of her parent's dream for their family:

[My dad] is really happy that I'm going to college, because he says that was the ultimate goal of the entire family moving here, so I feel like I'm like the reason for him waking up every morning.

Many students explained that proximity to family had affected their decisions to attend U.C. Berkeley. Of the students who indicated they had been accepted to colleges on the East Coast, all indicated they had chosen U.C. Berkeley to remain near family. Some students reported their fear of traveling by plane due to their status had kept them from visiting, much less enrolling in, schools far from home.

Having family nearby was considered a positive factor for many students who are able to visit regularly or live at home with their families and commute to campus.

I really liked Yale but like I said, it's just, it was too far and with my situation and my relationship with my family. ... I'm very close to them ... for instance if I want to go home right now, I can, you know, even if it's two hours away on public transportation, I can go home right now.

For some it was a challenge to be farther from home.

I was really close to my family and when I came here it was really hard to leave them so I would go home all the time. ... I think it's what kept me going ... because I was really stressed out and then also sad because I wasn't with them so I think I did consider dropping out but then I didn't do it because it was like I've come such a long way that would just be ridiculous.

“ [T]he summer before I came to Berkeley, that was the hardest time in my life because I was working two jobs. ... I was working 16-hour days six days a week and 12 hours on Sunday. ... I didn't know if I was going to have enough money for tuition.

Financing Higher Education

While a number of students noted the positive effects of recently available sources of financial

aid for undocumented students, many reported hardship in paying for school because they remain ineligible for federal financial aid and their families can contribute little monetarily. As a result, undocumented students must fill the gap between the limited sources of financial aid and tuition and living expenses.

Students employed a variety of creative tactics to cover the costs of higher education. Many students described circuitous routes in their path to U.C. Berkeley, including interruptions to work. Some students reported taking time off from Cal in order to be able to work and save money and then resume their studies. One student started college along with two of his siblings and then all three took a year off in order to work and save funds:

[O]ur struggle was to try to think about how we're going to do this, our education and living expenses. And because none of us had a Social Security number, none of us could work at a legitimate place. ... Being kind of physically tired was okay, but I think the more difficult part was that sense of insecurity ... being uncertain about our future.

Another way undocumented students described managing costs was by starting their studies at a less expensive school, pooling resources, and then transferring.

Several students described organizing fundraisers and sharing insights about the college admissions and financing process with fellow undocumented students. One student attributed his success in transferring to Cal to a support group he formed with other undocumented students at the community college he attended:

I formed my own group at my community college with some other [undocumented students]. And it wasn't really activist-minded, it was more like, hey, we need money ... why don't we help each other fundraise, why don't we help each other find ways to come up with the funds to be able to pay for college.

Given the financial limitations of their families, many students said they could not receive support

from their parents or other relatives. One student described the financial reality of her first semester at university:

[T]he first bill arrived right, and it was ... five thousand-something, six thousand-something and I had like zero dollars in my pocket, and automatically I knew asking my mother wasn't an option because, you know, I just knew that and I understood that. She could barely afford rent ... it wasn't an option to ask my mother for money.

Several students noted how siblings with lawful status were able to navigate the path to college free of the many obstacles they had encountered. One student reflected on her U.S. citizen brother's experience at university:

[W]e grew up in the same household, we probably had a similar GPA when we transferred, but ... it's just different. You see the differences in how things are, you know? And I'm really glad that he has all of that. ... [H]e's a citizen ... he was born here. ... He can dorm, he can live closer to school ... he can have a meal plan ... that's one example how your status can affect you.

Some students described the California Dream Act and other recent sources of financial aid as lifelines that allowed them to finally pursue higher education:

I kind of gave up on school for a little while. ... It felt very limiting and felt like I couldn't be where I wanted to be and I couldn't do what I wanted to do and I was able to reach a point where I could do that with the California Dream Act.

Several students discussed working in the summer to save money for the academic year. One student described an intense work schedule the summer before coming to U.C. Berkeley because he didn't know what his finances would be at school.

[T]he summer before I came to Berkeley, that was the hardest time in my life because I was working two jobs. I was a salesman in the morning and I was a cook at night and I was working 16-hour days six days a week and 12

hours on Sunday. ... Because I didn't know how my financial situation was going to be and also I didn't know if I was going to have enough money for tuition.

Some students described their efforts to contribute financially to their families while also pursuing their education.

[I]t's not just the pressure of being a student, I felt the pressure of being a student and then having to pay the rent and then having to help my parents. Even though they didn't ask for my help, I still felt the pressure.

One student described being the primary source of support for her family during a crisis period while also pursuing her studies:

With my dad passing away and being sick and having to go through that experience, I never had the time to sit and be sad. I had to go, I went to school the next day. I went to work that night. I just kept going on because I knew I had to, because I was the only one working at that point. So I felt like I had to, you know, keep the family running for my dad's sake.

Even with new streams of funding available, students continue to struggle to fund their education and support themselves. One student described sleeping in a classroom during a period of homelessness and attending public events where food would be served in order to feed himself.

[W]e were attending community events. That was our source of food, you know, and so any community event we knew of, we would text each other and be like, hey, there's this event, ... there's food.

Some students noted the overwhelming need among undocumented students for financial aid but that the pool of available sources of support are limited:

[T]here was a bunch [of us] so we had to compete within ourselves for these limited resources ... it's a little sad because that means if I got this scholarship, someone else missed out on it, that they needed it as well.

Despite the many challenges, students expressed a determination to complete their studies and many drew strength and inspiration from their families: “I feel like their struggles and our position have always made us work even harder so that’s why we are where we are, that’s why, you know, I’m here.” Other students, who were the first in their families to attend college, felt a duty to pave the way for others in the family: “I want to be able to set a tradition in my family for my younger siblings to also go to higher education and eventually ... my children.”

“ [DACA] feels temporary but it feels like maybe it’s a little peephole into my future as an American citizen.

DACA Program and its Impact

Most, but not all, students interviewed were eligible and had applied for DACA. Several students shared the skepticism they felt about the temporary nature and uncertain future of the DACA program. They reported being worried about the possible impact of applying on themselves and on undocumented family members:

I was wary of [DACA]. I didn’t want to put my name on the application because I thought maybe they could trace it back to me, I could get deported, get my family in trouble.

Family and the status of family members is a central consideration for many students as they weigh various options regarding their educational path and legal status.

My parents play a very important role in my decision-making about what I share and what I do in regards to my status. ... So anything that happens to me in regards of immigration, I’m always consulting my parents, because I feel like we’re tied together through this.

Some students described a process with their families in order to make the decision about applying:

[I]t was a group decision [to apply for DACA]. ... And [my parents] were very supportive once we kind of just sat down and played out the scenarios, we all felt that it was in my best interest to apply for DACA.

Despite the concerns about applying, students expressed relief and joy at being able to receive temporary protection from deportation through the DACA program.

As soon as I got the news that I was DACA-approved, it felt like a weight was off, because I felt like I could be here for two years without worrying that someone was going to report me or something.

Many students described a feeling of legitimacy and freedom from the fear of deportation.

I think [DACA has] been a great benefit because more than getting a license and having a Social Security [number] to work, I think it has definitely helped me in my confidence, like I’m no longer walking around scared or hiding my identity and who I am. I was really ecstatic that I was going to be able to enjoy some of the things that I couldn’t have before.

Other students focused on the more practical implications of having a work permit.

[W]hen DACA came along ... I cried, knowing that ... I was going to finally get a job where people were going to respect me, hey, at least pay me the minimum wage in the USA and give me the rights that I needed.

Some students were determined to pursue their goals regardless, but recognized that DACA would make the process much easier. “Well, [DACA] won’t change my plans as much as it will help my plans.”

Many students also highlighted the limitations of DACA and that the temporary and unstable nature of the program still does not allow them to feel certain about the future and secure in their rights.

[DACA is] definitely not what we want. I think it’s a step in the right direction, but it’s very temporary, it’s like a very Band-Aid solution when

it comes to a pathway to citizenship for undocumented students.

Even for some students who applied and were approved for DACA, fear about the future of the program looms.

[Y]ou're still in the shadows ... they know who you are and as soon as this is over, then if we choose to, then since we know where you are and where you live, we can get rid of you more easily."

Others were more positive that the program signaled more permanent relief in the future:

[DACA] feels temporary but it feels like maybe it's a little peephole into my future as an American citizen.

While many students were pleased about the benefits DACA afforded them and other young immigrants, many expressed concern about how other members of the undocumented population were left out.

Students who were not eligible for DACA, due to their date of entry or age at time of entry, felt discouraged about not being part of a program that benefited so many of their peers.

It makes me feel not just frustrated, but it makes me feel sad ... thinking I could be them, I could have all of this right now. I would definitely feel less stressed worrying about the future or even the present.

Students who qualified for the program expressed concern for other young immigrants that they knew who fell outside of the scope of the program.

[My friend] has no idea what she's going to do after college because she doesn't have a Social Security number because she is not eligible for DACA. And if she wants to apply to grad school or something, it's going to be even harder for her because she doesn't have a job and there's no way that she can get one so she could pay for grad school.

Students expressed frustration and sadness about the limited legal options currently available to

the wider undocumented immigrant community. Particularly troubling to students was the notion that young immigrant students, because they were brought to the U.S. as children, are somehow more sympathetic and deserving than other undocumented immigrants.

I've probably worked a lot less than a lot of people who don't qualify for DACA. And I feel just because I've had the opportunities, just because I've had the stepping stone and I've been able to go to a university, ... doesn't mean that I'm any more worthy of lawful immigration status than somebody who's working two, three jobs at a fast food restaurant.

“ *I can't be where I am today without my family. ... I can't just think about immigration in relation just to myself but also those around me ... everyone matters in this life, everyone has a purpose in this life.*

Some students linked this issue of 'DREAMer exceptionalism' directly to their own families and resisted the notion of separating members of the same family into categories. A student indicated that while he received protection through the DACA program, he still worries for his parents. "[N]ow with DACA passed I don't have to really be scared of deportation as much anymore but for my parents ... it's just a fear that's instilled in me."

The DACA program provided a window into a future with status but also increased the variation of legal statuses within family units and brought the vulnerability of undocumented family members living without any protection into sharp focus.

I guess for me I feel like I can't be where I am today without my family. And so I feel that when I think about immigration, I can't just think about immigration in relation just to myself but also those around me ... everyone matters in this life, everyone has a purpose in this life.

“ I think there just needs to be a reform that’s more inclusive, that’s broader and goes beyond youth, and that really kind of can weave these different broken pieces.

Views on Immigration Policy

[T]here’s an invisible cage, I mean, people can try to get out of it by going to school and things like that, but most of the people that I met, they’re just stuck in there ... but the freedom if that bracket is gone, like legalizing, just giving them the same opportunity as all the others living in this country ... more freedom to make choices.

Students were asked about what they thought about current immigration policy and their ideas for future reform. Many students expressed frustration with the tenor of the immigration debate in the U.S. Some students felt attacked by the negative rhetoric they heard in the media:

And so I really started looking at the conversations going on in the media and how people think that because you broke a law, even though it’s an antiquated immigration system, because you broke the law, you’re a bad person. ... They really think it’s a question of character and not just the law.

Some reported trying to understand anti-immigrant perspectives but finding the lack of information about the reality of the undocumented community undermines common ground on the issue.

I understand that there [are] people in this country that feel that you have to pay your dues and I completely understand that and I believe that, sure, there should be a test, there should be something to work for to prove that, okay, you can be a citizen, you can be a resident. ... I wouldn’t call that amnesty. I mean, giving someone a venue to make things right is not necessarily amnesty.

One student described the difficulty of explaining the challenges facing undocumented people to those who have no connection to the immigrant community:

I wouldn’t know about how hard the situation is for the current illegal immigrants if I wasn’t in this position. I mean, because in Korea I was growing up in a pretty wealthy family and I wouldn’t have cared less about what it is for illegal immigrants. ... But at the same time, being in my position, it’s just, there’s no other way for them because if they’re not legalized, if they can’t work, it’s, there’s no other way of living for them, so you’d be just abandoning a human being.

Some students felt that policy makers also lacked an understanding of the undocumented experience and the disconnection from the immigrant community was impeding serious reform efforts.

I think [policy makers] need to collaborate more with the actual undocumented community as opposed to having politicians that are far removed from these communities draft bills. I understand that politics are really complicated and you have to appease more than just one side but I’m not sure if the voices of undocumented students have been heard enough.

Many students expressed hope that with increased awareness there would be more interest in supporting undocumented immigrants to acquire lawful status.

[Y]ou can’t really force [understanding] on someone because if they don’t know, they don’t know. So I just hope that they would just be a little nicer, I guess. And just hearing students like me or other students who share their stories ... I think it will help them to understand a little more where we are coming from.

In conceptualizing what immigration reform could look like, most students indicated reform should be inclusive and acknowledge the diversity of the immigrant community.

I think there just needs to be a reform that’s more inclusive, that’s broader and goes beyond

youth, and that really kind of can weave these different broken pieces.

Many students also expressed a desire to become U.S. citizens and hoped that future reform would include a pathway to citizenship and not just provide the minimal protections of DACA.

Approval of immigration reform, comprehensive immigration reform. ... But an immigration reform that could provide citizenship and not an immigration reform that will keep those undocumented people as second-class citizens.

While students shared their hopes for large-scale policy changes in the future, many expressed more immediate concerns about their parents and their need to obtain lawful status.

They just want some kind of stability. ... I know my parents have so much potential, so much potential.

Ideally I would want my family to have citizenship status or some kind of opportunity similar to what I have because I feel like they've worked a lot harder than I have.

One student hoped that immigration policy would one day be more integrated and reflect the deep family bonds that he and other students have with their loved ones.

We're so fortunate to have DACA ... it really just opened up a lot of doors for us, but I think there needs to be more of an inclusive reform, where it's really just looked at as a whole and, as family clusters. ... I just feel as people of color, like as a Latino, family is so important to me, and I feel comfortable saying that for a lot of other people I've been able to connect with, our families are really important, and ... our families have given up so much for us that we would hope that they can also enjoy, and be part of those moments of happiness and joy that we experience.

Discussion

Undocumented students at U.C. Berkeley bridge multiple worlds, navigating between their immigrant families, their peers of various backgrounds, the educational institutions where they study, and the larger society in which they live. While students do not define themselves according to their immigration status, the lack of lawful immigration status was described as pervasive, touching all aspects of their lives, both personal and public.

Navigating Higher Education

Recent policies have provided new opportunities for immigration relief through the DACA program and to access higher education, but financial barriers remain very real for undocumented students. Financial struggles, while not unique to the undocumented population, were a frequent theme raised by students. Students referenced financial hardship in describing their upbringing, their path to higher education, and their university experience.

The new sources of financial aid available to undocumented students had made a significant impact on their ability to access higher education and continue their studies. California has been a leader in opening up sources of financial aid for undocumented students and U.C. Berkeley has been a pioneer in creating both financial aid resources and a holistic support services model for undocumented students. Several students had experienced the shift during their time at the university and remarked on the difference in the support available to them. Even though financial aid opportunities are limited and may not cover all expenses, it had lessened the financial barriers and enabled students to move forward with fewer obstacles and interruptions in their studies.

However, those who do not qualify for state aid programs, because they do not meet AB540 requirements and/or are not DACA eligible, are left to seek out private scholarships and generate income to cover tuition, books, and living expenses. This mirrors the situation for undocumented

students before recent state and university changes opened up new sources of financial aid. Even among those who do qualify for state and university financial support, the limited amount included in aid packages means students must cover a significant portion of their living expenses. Both sets of students are generally unable to receive support from their low-income families and have little safety net when financial aid and earnings run out. Students bear the impacts of this financial precariousness as evidenced by food and housing insecurity and interruptions in their studies.

Undocumented students at U.C. Berkeley, who can potentially benefit from both state and campus financial aid, are in a relatively better position than undocumented students in other states or other university systems. Yet, even given this relative advantage, undocumented students at U.C. Berkeley reported serious and persistent financial challenges, including alarming levels of housing and food insecurity. These deprivations seriously undercut the ability of students to direct their full attention and abilities on their studies and take full advantage of their university experience.

While access has improved at the undergraduate level, the graduate level remains more restricted. Students who are successful in completing their undergraduate degree and interested in pursuing graduate studies may be unable to access sufficient sources of financial aid for graduate studies or work as a research or teaching assistant. Furthermore, they may not be eligible for certain research or internship opportunities that require background checks, travel, or permanent lawful status.

These obstacles may be particularly daunting at professional schools, such as law and medicine, due to higher tuition rates and licensing requirements. Even though the state of California has made progress in facilitating access to undergraduate education and permitting professional licensing, graduate education remains a major gap along the path to a professional career for undocumented students. Undocumented persons can be licensed to practice law in California but struggle to secure the financial aid necessary to attend law school. This creates concerns that universities, such as

U.C. Berkeley, may educate students at the undergraduate level who cannot go on to ultimately fulfill their educational and professional goals. Or such students may only be able to pursue advanced studies at private universities where unrestricted financial aid may be available to undocumented students.

Centrality of Family

Family was a central theme emphasized by all undocumented students involved in the study. Their families' experiences shape and color their own and they would often contextualize their own experiences and plans within their families' sacrifices, achievements, and goals. Regardless of country of origin, reasons for migration, length of time and experiences in the U.S., the centrality of family permeates the lives of undocumented students.

Undocumented students refer to their families as both a source of inspiration and duty. Most students described how their families, in particular their parents, motivate them to pursue higher education and their professional aspirations. However, this motivation was balanced with a sense of responsibility toward their families. Undocumented students make choices through the lens of the best interest of their families and their paths are tethered to them.

This responsibility and connection can take many forms, both practical and emotional. Many students expressed concern for the safety of undocumented relatives and how deliberate they are in their decisions so as to not negatively impact them. Many others described a sense of obligation to contribute financially to the family unit or, at a minimum, to not divert household resources for themselves or their education. For others, proximity and on-going interaction with their families was a priority, which directed them to choose particular educational and professional options. Regardless of how the interconnectedness was expressed, undocumented students balance the pursuit of their individual achievements with the collective good of their families.

Undocumented students from mixed status families experience this inter-connectedness even more acutely. Concern about family unity and the security of undocumented relatives is ever-present. The patchwork nature of status within families created very distinct realities for different members within the same household. While some were able pursue their educational or professional goals unencumbered, others experienced workplace exploitation and lived in fear of deportation.

DACA, allowing some younger members of mixed status families to obtain relief, highlighted the fault line between protected and vulnerable members of a household. While students appreciate the recognition of their unique position within U.S. society and the opportunity to obtain some stability through the DACA program, they resist being singled out and separated from their families and communities and emphasized the interconnectedness of their paths with those of their families. The situation of undocumented students, even those who enjoy temporary benefits such as DACA, cannot truly be stable unless their family members have lawful immigration status.

Impact of DACA and the Future

DACA provides an important way to gauge the impact of even temporary immigration relief on undocumented immigrants. Students described a wide range of benefits of being part of a program that offered a measure of financial, emotional, educational, and professional security. The program had been transformative for students in both their daily lives and their long-term plans.

Despite enjoying an array of new benefits, the uncertainty about the program in the long term impedes U.C. Berkeley students from feeling secure in their path. Given that the program is a result of executive rather than congressional action means it could be terminated by a future administration. Without its protections, students who are pursuing their studies may not be able to continue to do so or may not be able to secure employment in their field of study upon graduation. Students' description of this uncertainty echoes their experience

in high school where they were unsure if their efforts in school would be worthwhile if they could not pursue a college degree. While DACA had empowered students to pursue education and professional opportunities in the short-term, they were unsure whether they would be able to continue on their chosen path. The vulnerability of undocumented students resurfaces as they plan for the future.

Furthermore, the limited nature of DACA, that it confers a period of protection from deportation and a work permit but does not lead to permanent residency or citizenship, also restricts opportunities for students. Eligible U.C. Berkeley students remain without the prospect of accessing federal financial aid, internships that require a security clearance, and government employment. While students were aware of the program's limitations and anxious about its future, they all highlighted positive impacts of the program on their lives.

Those undocumented students who do not qualify for DACA experience vulnerability in their everyday lives as well as insecurity about their future. Due to DACA's rigid criteria, they are left out of a program which benefits many of their peers and for the first time find themselves in a distinct position from other undocumented students. These students remain without legal protection from deportation and permission to work, limiting their ability to fund their education and support themselves financially. Furthermore, they may experience exclusion from new policies and programs that target DACA-eligible youth.

All students expressed concern for relatives who were undocumented and not eligible for legal relief. Even for those who were granted DACA, the benefits of being able to live and work lawfully for a period in the U.S. were dampened by the awareness that close relatives were without those same protections due to their lack of lawful immigration status. The benefit granted to select members was considered a positive development for the overall family unit, but also incomplete. While students with DACA no longer had to fear their own detention and deportation, the risk of that fate befalling close family members looms large.

Conclusion & Recommendations

The voices of undocumented students at U.C. Berkeley highlight both the progress made as well as identify the remaining challenges. The recent advances in support for undocumented students, such as the DACA program, California financial aid programs, and support services available at U.C. Berkeley and throughout the University of California system, have dramatically improved access to higher education and created an enabling environment for their success at the university. Every new opportunity has meant one less barrier toward realizing their educational and professional goals. But the obstacles they face are equally instructive. Every barrier is linked to a gap in policy and programs at both the national and state level. A comprehensive response, that encompasses immigration and education policies and programs from the national stage to the campus level, is necessary to ensure equal access to and enjoyment of higher education by undocumented students.

Based on the findings of the research study, the following measures are recommended:

TO THE FEDERAL GOVERNMENT

The myriad challenges facing undocumented students and their families cannot be fully addressed without comprehensive immigration reform at the federal level. Inclusive reform is the only way to ensure a secure path to higher education, employment opportunities, and long-term stability for undocumented students and their families.

- ✦ Pass and sign into law comprehensive immigration reform which:
 - » Confers lawful permanent residency and provides a path to citizenship;
 - » Includes different sectors of the undocumented population; and
 - » Promotes family unity for mixed-status families.

- ✦ Allow undocumented students to access sources of federal financial aid through the Federal Student Aid process.

TO THE STATE OF CALIFORNIA

California has been a leader in increasing access to public universities and creating pathways of financial support for undocumented and other low-income students. However, further advances are needed to ensure equal access to public universities for disadvantaged students.

- ✦ Generate new and grow existing sources of financial aid to facilitate access to higher education for all low-income college students, including undocumented students.
- ✦ Establish comprehensive support services programs for undocumented students at all state institutions of higher education, including University of California campuses, California Community Colleges, and the California State University system.
- ✦ Develop financial aid resources for undocumented graduate students.
- ✦ Expand eligibility criteria for state financial aid sources to provide access for undocumented students with a non-traditional path to higher education.

TO THE UNIVERSITY OF CALIFORNIA SYSTEM

Many of the challenges described by undocumented students have been mitigated by innovative and targeted programs to support access to higher education and success at the university. The University of California is establishing important system-wide models that must be further developed, expanded, and made sustainable.

- ✦ Increase institutional financial aid opportunities for undocumented students.
- ✦ Deepen and extend existing support programs to support the success of undocumented students on University of California campuses.
- ✦ Ensure financial sustainability of campus support programs in order to continue serving undocumented students in the future.

- ✦ Facilitate access to graduate education within the U.C. system for undocumented students, including professional schools, by generating sources of financial aid for undocumented graduate students.

TO THE UNIVERSITY OF CALIFORNIA, BERKELEY

U.C. Berkeley has been at the forefront of the struggle to provide avenues of opportunity for undocumented students on campus and serves as a national model. The important programs developed must be institutionalized and deepened.

- ✦ Increase capacity of the current holistic support services model, including legal and mental health services, emergency financial assistance, data and tracking, and training and coordination among campus departments.
- ✦ Ensure long-term viability of financial aid resources and campus support services to assure continuation of support services in the future.
- ✦ Create linkages between undocumented alumni and campus graduate programs and increase available financial support for undocumented graduate students.

Notes

- 1** JEFFREY S. PASSEL ET AL., PEW RESEARCH HISPANIC CENTER, POPULATION DECLINE OF UNAUTHORIZED IMMIGRANTS STALLS, MAY HAVE REVERSED: NEW ESTIMATE 11.7 MILLION IN 2012 (2013), available at <http://www.pewhispanic.org/2013/09/23/population-decline-of-unauthorized-immigrants-stalls-may-have-reversed/> (estimating the undocumented population at 11.7 million in 2012); MICHAEL HOEFER ET AL., DEPARTMENT OF HOMELAND SECURITY, ESTIMATES OF THE UNAUTHORIZED IMMIGRANT POPULATION RESIDING IN THE UNITED STATES: JANUARY 2011 (2012), available at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf (estimating the undocumented population at 11.5 million in 2011).
- 2** JEFFREY S. PASSEL ET AL., PEW RESEARCH HISPANIC CENTER, UP TO 1.7 MILLION UNAUTHORIZED IMMIGRANT YOUTH MAY BENEFIT FROM NEW DEPORTATION RULES (2012), available at <http://www.pewhispanic.org/2012/08/14/up-to-1-7-million-unauthorized-immigrant-youth-may-benefit-from-new-deportation-rules/>.
- 3** *Id.*
- 4** IMMIGRATION POLICY CENTER, WHO AND WHERE THE DREAMERS ARE, REVISED ESTIMATES (2012), available at <http://www.immigrationpolicy.org/just-facts/who-and-where-dreamers-are-revised-estimates>.
- 5** A.B. 540, 2001 Leg., Reg. Sess. (Cal. 2001), ch. 814, 2001 Cal. Stat. 6652 (codified at CAL. EDUC. CODE § 68130.5).
- 6** The California Dream Act was enacted through the passage of Cal. A.B. 130-131. A.B. 130, 2011 Leg., Reg. Sess. (Cal. 2011), ch. 93, 2011 Cal. Stat. 2008 (codified at CAL. EDUC. CODE §§ 68130.7, 66021.7); A.B. 131, 2011 Leg., Reg. Sess. (Cal. 2011), ch. 604, 2011 Cal. Stat. 5127 (codified at CAL. EDUC. CODE §§ 68130.7, 66021.6, 69508.5 & 76300.5).
- 7** This estimate was provided by the Undocumented Student Program staff at U.C. Berkeley.
- 8** Chancellor's Task Force on Undocumented Members of the On-campus Community, BERKELEY DIVERSITY, http://diversity.berkeley.edu/undocumented_task_force (last visited Apr. 30, 2015).
- 9** UNIVERSITY OF CALIFORNIA OFFICE OF THE PRESIDENT, PRESIDENT NAPOLITANO'S FIRST YEAR: SUMMARY OF ACTIVITIES AND ACCOMPLISHMENTS (Sept. 29, 2014), available at http://ucop.edu/president/_files/first-year-activity-accomplishment-summary.pdf.
- 10** UC Davis School of Law, UC Davis School of Law to Provide Legal Services to Undocumented Students at Six UC Campuses (Nov. 21, 2014), <https://law.ucdavis.edu/news/news.aspx?id=5082> (last visited May 1, 2015).
- 11** This estimate was provided by the Undocumented Student Program staff at U.C. Berkeley. It is based on numbers from the U.C. Berkeley Financial Aid Office on the number of applications filed for the California DREAM Act, which enables undocumented students to access financial aid for higher education in California. This total may underestimate the actual number of undocumented students enrolled as not all students self-identify and/or are eligible for California Dream Act financial assistance.
- 12** This refers to students who were enrolled at U.C. Berkeley at the time that they participated in either a survey or interview. Some of these students have graduated since participating in the study or may not have been enrolled at the time this report was drafted.
- 13** In two survey questions where respondents were asked to rank their top three responses from the options given, a large number of respondents selected three responses but did not rank them. In response, we examined the frequency of each option selected without checking the relative importance of each option.
- 14** PASSEL ET AL., *supra* note 1; HOEFER ET AL., *supra* note 1 (estimating the undocumented population at 11.5 million in 2011).
- 15** PAUL TAYLOR ET AL., PEW RESEARCH HISPANIC CENTER, UNAUTHORIZED IMMIGRANTS: LENGTH OF RESIDENCY, PATTERNS OF PARENTHOOD (2011), available at <http://www.pewhispanic.org/2011/12/01/unauthorized-immigrants-length-of-residency-patterns-of-parenthood/>.
- 16** JEFFREY S. PASSEL ET AL., *supra* note 2.
- 17** North American figures include migrants from Canada, Mexico, Central America, and the Caribbean.
- 18** MICHAEL HOEFER ET AL., *supra* note 1.
- 19** JEFFREY S. PASSEL ET AL., PEW HISPANIC CENTER, A PORTRAIT OF UNAUTHORIZED IMMIGRANTS IN THE UNITED STATES (2009), available at <http://pewhispanic.org/files/reports/107.pdf>.
- 20** *Id.*
- 21** Hans Johnson & Marisol Cuellar Mejia, *Just the Facts: Immigrants in California*, PUBLIC POLICY INSTITUTE OF CALIFORNIA (May 2013), available at http://www.ppic.org/main/publication_show.asp?i=258 (last visited May 1, 2015).
- 22** *Id.*
- 23** *Id.*
- 24** Approximately eight in every ten immigrants in California are working-age adults (age 18 to 64), compared to four of every seven U.S.-born California residents. See TAYLOR ET AL., *supra* note 15.
- 25** In 2011, 66% of immigrants were in the labor force, in contrast to 62% of the U.S.-born. *Id.*
- 26** *Id.* A householder is usually the person, or one of the people, in whose name the home is owned, being bought, or rented.
- 27** *Id.* The PPIC estimates that in 2011, 37% of California's immigrants 25 and older had not completed high school. For the U.S.-born California residents, that figure was 9%. In a similar trend, a quarter of California's foreign-born residents had a bachelor's degree, compared to a third of U.S.-born residents.
- 28** UCOP, ANNUAL REPORT ON AB 540 TUITION EXEMPTION, 2011-2012 ACADEMIC YEAR (2013), available at http://www.ucop.edu/student-affairs/_files/ab540_annualrpt_2012.pdf. This number represents a significant increase from the estimated 509-626 undocumented students enrolled in the UC system according to UCOP data from the 2010-2011 academic year.
- 29** *Id.*

- 30** This estimate is based on data collected by undocumented student support staff at the various UC campuses.
- 31** This estimate was provided by the Undocumented Student Program staff at U.C. Berkeley. It is based on numbers from the U.C. Berkeley Financial Aid Office on the number of applications filed for the California DREAM Act, which enables undocumented students to access financial aid for higher education in California as of January 2012. The Undocumented Student Program also accounted for students who filed but subsequently withdrew or cancelled their registration and who self-reported but did not apply for California DREAM Act assistance. The estimate of 283 may still be under-representative of the undocumented student population at U.C. Berkeley because some students may not self-identify as undocumented and pay out of pocket for their education.
- 32** See THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND, ET AL., DETENTION, DEPORTATION, AND DEVASTATION: THE DISPROPORTIONATE EFFECT OF DEPORTATIONS ON THE LATINO COMMUNITY (2014), available at http://maldef.org/assets/pdf/Deportation_Brief_MALDEF-NHLA-NDLON.pdf.
- 33** Memorandum from Janet Napolitano, Secretary of Homeland Security, to David V. Aguilar, Acting Commissioner of US Customs and Border Protection; Alejandro Mayorkas, Director of US Citizenship and Immigration Services; and John Morton, Director of US Immigration and Customs Enforcement (June 15, 2012), available at <http://www.dhs.gov/xlibrary/assets/s1-exercising-prosecutorial-discretion-individuals-who-came-to-us-as-children.pdf> (on Exercising Prosecutorial Discretion with Respect to Individuals Who came to the United States as Children).
- 34** *Id.*
- 35** Secretary Johnson Announces Process for DACA Renewal, USCIS (June 5, 2014), <http://www.uscis.gov/news/secretary-johnson-announces-process-daca-renewal>.
- 36** Memorandum from Jeh Charles Johnson, Secretary of US Department of Homeland Security, to Leon Rodriguez, Director of US Citizenship and Immigration Services; Thomas S. Winkowski, Acting Director of US Immigration and Customs Enforcement; and R. Gil Kerlikowske, Commissioner of US Customs and Border Protection (Nov. 20, 2014), available at http://www.dhs.gov/sites/default/files/publications/14_1120_memo_deferred_action.pdf (on Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens and Permanent Residents).
- 37** USCIS, NUMBER OF I-821D, CONSIDERATION OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS BY FISCAL YEAR, QUARTER, INTAKE, BIOMETRICS AND CASE STATUS: 2012-2015 (2015), available at http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/I821d_performancedata_fy2015_qtr1.pdf.
- 38** *Id.*
- 39** Varying estimates place the undocumented population from Latin American between 78-84%. See HOEFER ET AL., *supra* note 1; JEFFREY S. PASSEL, PEW HISPANIC CTR., THE SIZE AND CHARACTERISTICS OF THE UNAUTHORIZED MIGRANT POPULATION IN THE U.S. (2006), available at <http://pewhispanic.org/files/reports/61.pdf>.
- 40** Laura Hill & Joseph Hayes, Just the Facts: Undocumented Immigrants, PUBLIC POLICY INSTITUTE OF CALIFORNIA (Feb. 2013), http://www.ppic.org/main/publication_show.asp?i=818.
- 41** *Id.*
- 42** AB 540 nonresident tuition exemption, *supra* note 5. AB540 benefits are available to students who: studied at a California school for three years, completed three years of academic credit at a California high school, and obtained their high school diploma or General Equivalency Degree in California. This reflects changes made by the passage of AB 2000, effective January 2015, which allows students who accelerated their high school coursework to qualify under AB540 if they earned the equivalent of three years of academic credit from a California high school and attended a California school for at least three years.
- 43** *Id.*
- 44** The California Dream Act was enacted through the passage of Cal. A.B. 130-131. A.B. 130, 2011 Leg., Reg. Sess. (Cal. 2011), ch. 93, 2011 Cal. Stat. 2008 (codified at CAL. EDUC. CODE §§ 68130.7, 66021.7); A.B. 131, 2011 Leg., Reg. Sess. (Cal. 2011), ch. 604, 2011 Cal. Stat. 5127 (codified at CAL. EDUC. CODE §§ 68130.7, 66021.6, 69508.5 & 76300.5).
- 45** S.B. 1210, 2013 Leg., Reg. Sess. (Cal. 2014), ch. 754, 2014 Cal. Stat. 4971 (codified at CAL. EDUC. CODE § 70030-70039) (State Education Access Loans (SEAL) will be available starting in the 2015-16 academic year and are open to AB540 eligible students in the U.C. and California State University systems).
- 46** S.B. 1159, 2013 Leg., Reg. Sess. (Cal. 2014), ch. 752, 2014 Cal. Stat. 4952 (codified at Cal. Bus. & Prof. Code §§ 30, 135.5, 2103, 2111, 2112, 2113, 2115, 3624 & 6533, Cal. Fam. Code § 17529, and Cal. Rev. & Tax. Code § 19528).
- 47** Countries of origin reported include: Argentina, Bolivia, Chile, China, Colombia, El Salvador, France, Guatemala, Honduras, Japan, Mexico, Peru, Philippines, and South Korea.
- 48** This was calculated based on 2013 federal poverty level, when most surveys were completed. 2013 Poverty Guidelines, U.S. DEP'T OF HEALTH & HUM. SERV., <http://aspe.hhs.gov/poverty/13poverty.cfm> (last visited Mar. 16, 2015).
- 49** Currently, the costs payable to the Department of Homeland Security for the applications for DACA and a work permit as well as the requisite biometrics process is \$465. The same amount is charged to renew DACA and receive a new work permit when the initial two-year period expires.
- 50** This includes domestic disputes: two students discussed problems at home as a reason for why their mothers left with the children to the U.S.
- 51** Family-based petitions can provide the basis for an application for permanent residency and, in some cases, minor children and spouses can also benefit from such a petition. Waitlist times vary depending on country of origin, status of petitioner, and relationship between petitioner and beneficiary.

52 Free Application for Federal Student Aid, the primary application students must complete in order to seek federal financial aid, including loans, grants, and federal work study.

53 See U.S. Department of Defense, Military Accessions Vital to the National Interest (MAVNI) Program Eligibility (Nov. 2014), available at <http://www.defense.gov/news/mavni-fact-sheet.pdf>. The MAVNI Program permits certain categories of non-citizens, including those with specified health care or language skills, to be eligible for military enlistment subject to fulfillment of other criteria. The program was reinstated in September 2014 and for the first time includes young persons with approved DACA cases. Participation in the program also provides a fast track to U.S. citizenship. Persons without DACA or temporary forms of status are not eligible under the MAVNI Program.

Author & Acknowledgments

CONTRIBUTORS Genna Beier '14
Habiba Simjee '14

The contributors received their J.D. degrees at the University of California, Berkeley School of Law and conducted this work as interns in the International Human Rights Law Clinic. Clinic interns Anna Christensen '14, Ana de Santiago Ayon '13, and Diana Mora Rashid '13 also conducted valuable research for this project.

STATISTICIAN Su Li
Research Methodologist and Statistician of Empirical Legal Studies
University of California, Berkeley School of Law

EDITOR Allison Davenport
Clinical Instructor
International Human Rights Law Clinic
University of California, Berkeley, School of Law

DESIGN & COVER Jacqueline Freeman, Los Angeles, CA

ACKNOWLEDGMENTS The contributors and author express their great appreciation to the staff affiliated with the Undocumented Student Program at the University of California, Berkeley: Fabrizio Mejia, Meng So, Nohemy Chavez, Liliana Iglesias and Ruben E. Canedo for their relentless efforts in serving the undocumented student community. Thank you to Aarti Kohli for lending her expertise to the project; Roxanna Altholz and Laurel E. Fletcher for their valuable feedback on the report; Isabel Cortes for sharing her thoughtful insights; and Eric Stover for his consultation on the research findings. We would also like to thank Olivia Layug and Amy Utstein for their technical assistance.

The Clinic thanks Dean Sujit Choudhry for his commitment to clinical education and support for the project. We are grateful to the individual donors to the International Human Rights Law Clinic without whom this work would not be possible. We give special thanks to former Chancellor Birgeneau for his visionary leadership in addressing the needs of undocumented students on the Berkeley campus, to Chancellor Dirks for his continued support of these efforts, and to the Haas family for their generous commitment to ensuring undocumented students receive support services.

Most importantly, we acknowledge and express our gratitude to the undocumented students at the University of California, Berkeley for entrusting their stories to us. This report is dedicated to these students, their families, their communities, and all of their dreams.

BerkeleyLaw

UNIVERSITY OF CALIFORNIA

International Human Rights Law Clinic

International Human Rights Law Clinic
University of California, Berkeley
School of Law
353B Boalt Hall
Berkeley, CA 94720-7200
PHONE: (510) 643-4800
humanrightsclinic.org

ISBN 978-1-938722-03-5

