Immigrants' Efforts to Access Public Schools and Higher Education in the United States

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Abstract

On September 18, 2017, six undocumented immigrant students filed a lawsuit against the government of President Donald Trump. The lawsuit argues that the government's decision to end an immigration relief program established by the prior administration had its motivation in racial animus against Mexicans and Latinos. The lawsuit specifically refers to the Deferred Action for Childhood Arrivals (DACA) program signed into law in 2012 by President Obama after significant advocacy from the immigrant community. The case brings to the forefront the multiple limitations that immigration status places on access to education, an issue that has long been the target of multiple cases and lawsuits throughout US history. Whether it be access to public schools, higher education, or the ability to stay in this country to practice their professions, the debate about DACA and the Dreamers illustrates longtime practices by the US government to limit immigration benefits to those seen as deserving of them, criteria that

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has historically crossed the lines of race, national origin, language, and class. This chapter examines such history and its implications for the immigrant rights' advocacy movement today.

Keywords
Advocacy · DACA · Dreamers · Equal protection · Illegal · Immigrants · Segregation · Undocumented · University

For the Right to Be Schooled: Immigrants' Efforts to Access Education in the United States

Since the nation's inception, various aspects of immigration law have been enforced and interpreted with antipathy toward foreigners to limit access to many arenas, including education. Through a chronological account, this chapter shows how past immigration laws led up to today's state of educational access for immigrants and how current attacks on multiple fronts against this population are just another expression of the historic xenophobia and racism in which this country is founded. In the first year of his presidency, Donald Trump intensified the decades-long attacks against undocumented immigrants and their communities. In January 2017, his administration attempted to impose an entry ban on immigrants from certain majority-Muslim nations. This followed unsubstantiated tirades against local policies known as "sanctuary" cities (localities across the United States where local police limit collaboration with federal immigration authorities (America's Voice, 2017)), a continuous threat to build a border wall and finally an announcement in September 2017 of an end to a program known as DACA, Deferred Arrivals for Childhood Arrivals, which had allowed some 800,000 young immigrants, who had arrived in the United States as children, a 2-year work permit and relief from deportation (Pierce, Bolter, & Selee, 2018). As a backdrop to all these actions, deportations continued at the rapid pace set by his predecessor, Barack Obama (Chomsky, 2017). The highly charged debate over the DACA beneficiaries brought to the forefront the challenges faced by these young immigrants in a number of areas: their legal stay in this country, access to identification, and opportunities to work and attend school (BBC News, 2018). This last aspect is key as many of the Dreamers are prior beneficiaries from in-state tuition laws, which have allowed them to attend college at state resident rates even when they were undocumented (Rincón, 2008).

From a historical perspective, none of these attacks are new. One hundred years before, in 1917, shortly before the US entry into World War I, the Immigration Act became law, and with it, a series of sweeping provisions aimed at barring certain immigrants from entry to the United States. The 1917 Act (Boissoneault, 2017), which had been preceded by the 1882 Chinese Exclusion Act, extended the immigration prohibition to all immigrants from Asia (Kanstroom, 2007). Its strong racist tone was unequivocal at a time when the pseudoscience of Eugenics was used to justify the exclusion of immigrants from Eastern and Southern Europe ("Eugenics" refers to a nineteenth-century pseudoscience preoccupied with the selection of better racial traits that could improve future generations (Wilson, 2018).). This act,

known for its marked turn toward nativism, is also known as the Literacy Act. Prior laws, such as the Naturalization Act of 1906, required immigrants to speak English in order to become citizens. The 1917 Immigration Act, for the first time in US history, included a requirement to "read not less than 30 nor more than 40 words in English or in some other language or dialect (Weisberger, 2017)." A revised version required them to read and write a short passage of the US Constitution. The use of literacy as an admission requirement was originally controversial, and prior versions of the law were vetoed in 1916 by President Woodrow Wilson who argued: "I cannot rid myself of the conviction that the literacy test constitutes a radical change in the policy of the Nation which is not justified in principle" (Boissoneault, 2017). Eventually, the 1917 Immigration Act included a literacy test, but only required that male applicants over 16 years old, and not their spouses or other family members, be able to read a short passage in any language.

One hundred years later, a literacy test remains a component of the naturalization exam with a requirement that prospective citizens be able to read, write, and speak in English. This is perhaps one of the first and more durable examples of how an educational advantage (i.e., being able to read and write) is used to limit access to this country. The requirement that prospective applicants show some fluency in English further discourages groups who have historically immigrated to the United States in dire conditions. In particular, it impacts Mexican nationals who constitute the largest percentage of legal permanent residents eligible to become citizens (Gonzalez-Barrera, 2017). They are the least likely to apply for citizenship as the requirement to pass the English test, as well as the cost of the application, is widely seen as a barrier (Gonzalez-Barrera, 2017). Whereas language was the mechanism used by the government to determine admission to and citizenship in the United States, it has also been a tool used by the educational system to determine access to public schools.

Immigrants' Efforts to Enter Public Schools

In the mid-nineteenth century, immigration from Germany was at its highest point with close to one million arrivals in one decade (Library of Congress, 2014). During that period, those arrivals established Catholic and Lutheran parochial schools that used German as the main language of instruction and as a mechanism for the preservation of their culture (Glenn, 2018). Initial efforts to allow other languages to be taught in schools included an 1839 Oklahoma law allowing instruction in German and an 1847 Louisiana decision permitting French instruction (Kim & Winter, 2018). In response, public schools offered German instruction to lure those families into the American educational system with the goal of ensuring their Americanization (Kim & Winter, 2018; Library of Congress, 2014). This early willingness to incorporate languages other than English eventually ended with the xenophobia propelled by World War I and World War II (MacDonald, 2004; The Web of Language, 2014).

For immigrants of color arriving during the late 1800s, the experience was generally one of exclusion from the public schools (Johnson, 1998). During the

same period when Germans and other European immigrants came en masse to the East Coast of the United States, Chinese immigrants arriving on the West Coast, as part of the Gold Rush, encountered in California an already segregated school system under the School Law of 1860. This law banned them, as well as Black and Indian children, from enrolling in public schools (Kuo, 1998). The prevailing argument was that while "inferior" races should be educated, they should not mix with white children (Pfaelzer, 2007). During that time, a system of common public schools was also established in Texas with the 1854 Common School Law, which allowed the schools to receive monetary benefits if English was the official language of instruction (MacDonald, 2004).

Communities targeted by the segregation created by the California School Law of 1860 fought initially, yet unsuccessfully, against such law. In 1874, in Ward v. Board, the family of a Black child named Mary Frances Ward fought the denial of her admission to the Broadway Grammar School (Templeton, 2014). Grounding its decision in the 14th Amendment's Equal Protection Clause, the court ruled that the legislature could not exclude children from public schools on the basis of their race. The importance of this decision is the recognition that children of color had the right to attend public schools, albeit segregated ones (Kuo, 1998).

Such segregation most definitely impacted immigrant communities who were initially denied access to the public school system altogether. In order to offer some instruction to their children, some Chinese immigrants opened what was known as Chinese Language Schools, which allowed them to teach students in Chinese and avail themselves of curricular and instructional support from China (Guan, 2003). Other Chinese immigrants were educated in religious schools, which sought, as their primary goal, to Christianize them (Welch, 2013). Other parents took disparate approaches: A large number of Chinese parents advocated before school boards to gain entry into the public school system with white children, while others organized to create their own schools to protect their children from the hostility they had experienced when, briefly, attending public schools with white students (Kuo, 1998). While little is known about this, Chinese immigrant families fought against segregation for over two decades and eventually won in 1885 with the landmark case of Tape v. Hurley, which finally opened the doors of public education to them in California (Pfaelzer, 2007). In that case, a young 8-year-old US citizen of Chinese ancestry, Mamie Tape, was denied access to a public "all-white" school (Kuo, 1998). The final decision by Judge James McGuire, referencing the US Constitution, foretold subsequent cases challenging the constitutionality of school segregation: "To deny a child, born of Chinese parents in this state, entrance to the public schools would be a violation of the law of the state and the Constitution of the United States" (Pfaelzer, 2007, p. 267). Following this decision, the legislature amended the law to allow segregation of Chinese children again. Thus, despite this decision, and the fact that Mamie Tape gained access to the public school, the Chinese Primary School was founded in 1885 to educate Chinese children (Kuo, 1998).

This ongoing segregation at the state level was sanctioned under Plessy v. Ferguson (1896) with its doctrine of "separate but equal." Stemming from the 1892 case of a Black passenger who refused to ride in the "Black" section of the East Louisiana Railroad, the Supreme Court decided that "separate" facilities for

Blacks and whites were permissible and constitutional as long as they were "equal" (*Plessy v. Ferguson*, 1896). In its efforts to maintain the segregation of school facilities, thus advancing the Plessy doctrine, states also grouped children of immigrants, particularly Chinese and Mexican, as "colored" rendering them ineligible to attend all-white schools (The term "colored" was used in the late nineteenth century to refer to Blacks and was eventually abandoned in favor of other terms including Negro, Black, and African American (Smith, 1992). Within the structures of sanctioned racial segregation, the term was also used to refer to nonwhites (Bennet, 1967).). Other cases elsewhere in the United States exemplify this. In 1924, Martha Lum, a 9-year-old US citizen of Chinese descent, was denied enrollment to an all-white public school in Mississippi and referred, instead, to a school for "colored" children (Berard, 2016; *Lum v. Rice*, 1927).

The Lum case eventually landed in the US Supreme Court. Citing *Plessy v. Ferguson* (1896), which had sanctioned legal separation of Blacks from whites, the high court ruled that the state was within its right to "regulate" who had access to white schools and thus was not in violation of the Equal Protection Clause of the 14th Amendment to assign children of Chinese descent to a school for "colored" children (Duignan, 2018). Similar practices of segregating Mexican students because they were not white can be found elsewhere. In a Kansas case dating to the 1925–1926 school year, four Mexican American students registered at Argentine High School, which had been traditionally reserved for whites. Outraged, the white parents petitioned the school board to keep them out. Similar to other cases, the father of one of the Latino students, Saturnino Alvarado, organized other parents against the school district and eventually brought a case before the Kansas Attorney General to ensure that his children, who were US citizens, had access to the school of their choice (MacDonald, 2004; Sanchez, 2003).

During this period, Mexican students in most of the Southwest were subject to the same school segregation as other communities of color across the United States. In Texas, in an early case known as *Del Rio Independent School District v. Salvatierra* (1930), Mexican immigrant parents, organized under the Comité Pro-Defensa Escolar, unsuccessfully challenged the school board's efforts to continue the practice of segregating their US citizen children in separate schools under the pretense of their "language needs" (Indep. Sch. Dist. v. Salvatierra, 1930; MacDonald, 2004). While unsuccessful at first, this effort in Texas set a precedent of resistance to segregation that led to successful challenges later in California.

As detailed above, the 1860 California School Law allowed for educational segregation of Black, Indian, and Asian children. In a January 1931 case, US citizen children of Mexican laborers in Southern California were turned down at the entrance to the Lemon Grove Grammar School by the principal, who instructed them to enroll at a separate facility. The school board, the PTA, and the chamber of commerce had enforced their exclusion with multiple arguments, ranging from the students' "language handicaps" to the alleged need to Americanize them and train them for "proper jobs" (Alvarez, 1986). Indeed, the practice of segregating students of Mexican origin into inferior "Mexican schools" allegedly based on their perceived English language skills was rampant in the Southwest (MacDonald, 2004).

Responding to what would have been the expulsion of almost half of the entire school, the parent community organized a strike that kept the students home and formed a group known as "El Comite de Vecinos de Lemon Grove." This neighborhood committee had the support of the Mexican Consulate and eventually led the lawsuit challenging the school segregation policy (Alvarez, 1986). Given that the school board's arguments for a separate school were focused on the fact that many of the students spoke Spanish, they selected a young child proficient in English as their lead plaintiff. The case became Roberto Alvarez v. Board of Trustees of the Lemon Grove School District (MacDonald, 2004). The beginning of the Great Depression and an accompanying exacerbation of anti-immigrant sentiment served as the backdrop for the expulsion of these students. For Mexican communities, this manifested in the repatriation of almost one million people, many of whom were US citizens to Mexico (Kanstroom, 2007). This case, which became known as "The Lemon Grove Incident," is depicted in a short movie, which includes narration by the actual students about the deportation of one of the families involved in this struggle (Lemon Grove Incident, 2012). In the final decision, the judge reaffirmed the students' right to attend the school with the argument that they were considered "white" and thus could not be segregated under California state laws that allowed for the segregation of "Oriental," "Negro," and "Indian" children (Alvarez, 1986). Thus, the parents in this case won but only under the premise that Mexicans were not "colored." While it served their interests, it did not advance the fight for the desegregation of public schools.

In similar fashion to the Lemon Grove case, in the summer of 1944, the family of Gonzalo and Felicitas Mendez sent their children to register at the nearby Westminster Elementary in Orange County. The United States was in the midst of World War II, and the Mendez family had relocated to the area to farm the land of a Japanese family that had been interned in the camps set in Arizona (Conkling, 2011). The Mendez children, led by Sylvia, the oldest child, went to register with their aunt and cousins. Upon arrival, the Mendez children were denied enrollment and sent to the "Mexican school" (Tonatiuh 2014). Their lighter-skinned cousins were offered admission forms. Days later, their father, Gonzalo Mendez, would unsuccessfully try again to convince school authorities to register them. Mr. Mendez then attempted to organize the other families to join his effort. They declined his requests for fear of losing their jobs on the farms, a challenge he did not face as he leased the land he farmed. Eventually, on March 2, 1945, Mr. Mendez and five other lead plaintiff families representing over 5,000 children in the public schools in Orange County filed a lawsuit entitled "For all children, Para todos los niños" (Blanco, 2010).

It was not until the trial that the legal arguments of the school districts in support of segregation surfaced. School superintendents attempted to convince the judge that it was in the Mexican students' best interest to attend separate schools, so they could improve their language skills in English along with their manners and cleanliness (Bermudez, 2014). These arguments spewed the same racist and xenophobic views that Mexicans in other states, Asians (Chinese in particular), Native Americans, and Blacks had been subjected to for almost a century. The lawyers for the plaintiffs in

the Mendez (1947) case did not contest the proposition advanced in the Alvarez (1986) case that Mexicans were white but rather advanced the argument that segregating Mexican students contributed to feelings of inferiority (Blanco, 2010).

A year after the Mendez case was heard, the judge decided in favor of the plaintiffs arguing that the schools' practices of segregating children violated the 14th Amendment. He noted: "The equal protection of the laws pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, textbooks and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage" (Blanco, 2010, p. 4).

The school board appealed the decision, arguing that the courts had no jurisdiction. But the decision was upheld by a Court of Appeals in San Francisco and finally ratified by Governor Earl Warren, becoming the most important precedent to school desegregation efforts and to the Supreme Court decision in the Brown v. Board of Education case of 1954 (MacDonald, 2004; Strumm, 2010). In a similar fashion as to how many of the prior segregation cases had been fought, the Brown case was brought up in 1951 by Oliver Brown, a Black man, on behalf of his daughter Linda Brown, who was denied admission to Topeka's all-white elementary schools. In 1954, the Supreme Court sided with the plaintiffs in their initial claim that they had been deprived of the Equal Protection Clause guaranteed by the 14th Amendment (*Brown v. Board of Education*, 1954). The weight of this landmark case is indisputable as it brought down Plessy's doctrine that separate was equal while at the same time affirming the protections enshrined in the 14th Amendment.

While Brown v. Board of Education (1954) outlawed educational segregation, it did not order states to make immediate changes or fundamentally change any of the conditions that minority children faced in American schools (Hannah-Jones, 2017b; Kozol, 2005). The Brown decision mandated desegregation "with all deliberate speed." Even that vague instruction was met with resistance, including violent resistance. One of the first tests of the court ruling was the effort by nine Black students to enroll at Central High School in Little Rock, Arkansas, in September 1957 – over 3 years after Brown v. Board of Education was decided. They were met with intense, violent opposition. Governor Orval Faubus called the Arkansas National Guard to block the students from enrolling. Under pressure, President Eisenhower sent federal troops to ensure the students' entry into the schools and escorted them past angry white mobs. A famous painting by Norman Rockwell, entitled "The problem we all live with," depicts 6-year-old Ruby Bridges escorted by federal marshals as she approaches William Frantz Elementary in November of 1960. A recent podcast also entitled "The problem we all live with" vividly details the continuous segregation of minority children in US schools today (Hannah-Jones, 2015).

Those images of violence against Black children seeking to desegregate white schools persisted for over two decades after the Brown decision.

In Boston, the city ignored, for almost a decade, orders to desegregate the schools under the Massachusetts Racial Imbalance Act of 1965 (Hillson, 1977). A federal

court in Boston ordered desegregation through the use of busing in June 1974, a full two decades after the Brown v. Board of Education decision. An antibusing movement had been building momentum for years, and violence erupted as the first yellow buses with Black children arrived in white neighborhoods. Some 2 years later – as the fight for desegregation continued to roil the streets of Boston – an iconic and dramatic photograph appeared throughout the United States showing a white man in Boston attacking a Black man with the sharp point of a flagpole with the American flag attached (Hillson, 1977). There was no better image to show how *American* the battle against school desegregation was (National Public Radio, 2016). The slow pace of school integration efforts after Brown would no doubt have an impact on educational access for other minorities, including immigrant children. In the Southwest, decades of school segregation, against Mexican Americans and Latino immigrant children, manifested in poor educational facilities, a curriculum filled with low expectations and academic tracking, as well as rules and punishment for speaking Spanish, created the conditions for a number of school walkouts and strikes in the late 1960s (Rodriguez, 1977; San Miguel, 2001). From the "school blowouts" in East LA to the "walkouts" in Texas, Chicano students demanded school reforms under banners that read "Education not Extermination" (Rodriguez, 1977) (The term "Chicano" became popular in the 1960s when primarily youth began to use it to "denote their cultural heritage and assert their youthful energy and militancy" (Rosales Castaneda, 2006).).

As in other areas of the country, some major school districts had been under pressure from minority parents who had attempted to enroll their children. This was the case in the Houston Independent School District (HISD), where Black parents and students had been trying to integrate the schools since February 1956. A prolonged fight ensued. In May 1970, 16 years after the Brown case was decided, a judge ordered an integration plan with new attendance zones. However, the school district circumvented the order to integrate by designating Mexican American students as "white" and then sending them to school with Black children and claiming the schools were now integrated (San Miguel, 2001). Parents organized a school boycott to protest the classification of Latino children as "white," a tactic commonly used by school authorities to circumvent the Brown decision. While Mexican Americans eventually won, achieving recognition as a separate minority group in 1972, their efforts mostly concluded with the designation of HISD as a unitary (integrated) system (San Miguel, 2001).

Today, Black and Latino children, whose families fought to desegregate the HISD for over 50 years, constitute 85% of total enrollment. The district now classifies 71% of these students as "at risk" and reports that 91% of the pupils come from low-income families in a city surrounded by more well-off suburban schools (HISD, 2017). A podcast entitled Three Miles recounts the impact of school segregation on minority children, often separated from affluent schools by a short physical distance (Joffe-Walt, 2015).

Speak English/English Only

A decade after the passing of Brown (1954), and propelled by the civil rights movement, Chicanos in the Southwest and Boricuas (the term used by Puerto Ricans to refer to the way that Taino indigenous people called the Island, Borinquen (Sentinel, 2004).) in New York and elsewhere on the East Coast demanded the establishment of bilingual education programs as key to providing a more sound educational approach to Spanish-speaking children, as well as a means to encourage positive recognition of their culture (Powers, 2014; Rodriguez, 1977). Demands for bilingual education were part of larger requests for a more inclusive educational experience that included more Latino teachers, a recognition of Latino culture in the curriculum, an end to the long-standing practices of tracking minority youth into vocational classes and increased availability of counselors that could orient those with the desire toward attending college (MacDonald, 2004). These efforts demanding language recognition had long been part of the fight of Spanish-speaking communities in the Southwest. Indeed, the First Regional Conference on Education of Spanish-Speaking People in the Southwest took place in 1943 and addressed issues of school segregation by race and into different physical facilities and the common experience of harassment, punishment, inferior instruction, and overall language discrimination (Blakemore, 2017; McWilliams, 2016).

As school districts started to come under further court orders to desegregate in the early 1970s, the issue of language ability and its impact on immigrant students' right to a meaningful education became evident (Orfield, Ee, Frankenberg, & Siegel-Hawley, 2016; San Miguel, 2001). Changes in immigration law in 1965 ending the quota system resulted in an influx of immigrants from Asia, and thus more Asian students enrolled in public schools (Tamura, 2001). In 1971, close to 3,000 students of Chinese descent, who were not fluent in English, were integrated into the San Francisco Unified School District (SFUSD) (Pabon-Lopez & Lopez, 2010). Only a third of them received some sort of supplemental instruction in English, while the rest were either sent to special education classes or left in the same grades for years (MacDonald, 2004). Indeed, the practice of "sink or swim" left non-English native speakers behind, as they could not understand the language of instruction. The attitude that lack of English language ability was a deficiency was clearly exposed in the common term used for decades to refer to this population: "Limited English Proficient" (LEP) (Pabon-Lopez & Lopez, 2010). The parents of Kinney Kinmon Lau and other Chinese students challenged the school district for failure to provide special instruction to non-English speaking learners (Sugarman & Widess, 1974).

This case illustrates that the fight for equal educational access has long been part of US history. Chinese families fought to enter San Francisco public schools in the late 1800s, and almost 100 years later, new waves of immigrants from the same communities were pushing to ensure that the public instruction they now had access to was indeed genuinely accessible to non-English speakers. After 3 years of litigation, in 1974, the Supreme Court decided in Lau v. Nichols that in not providing bilingual education to non-English speakers, the school district was in violation of the Civil Rights Act of 1964 (Pabon-Lopez & Lopez, 2010; Rodriguez, 1977).

Absent supplemental instruction, the court found that the district's policies imposed "disparate impact" on these pupils, as it did not allow them to understand the materials in the way that the other children could. The court concluded that the absence of instruction in their native language deprived them of the right to a meaningful education (Pabon-Lopez & Lopez, 2010).

The bilingual programs, as well as the dual language programs, have had significant outcomes after decades of efforts to validate the importance and value of languages other than English (In dual-language programs, non-English-speaking students are learning English while maintaining proficiency in their native language. For a review of the different types of bilingual and dual-language instruction see Gallagher-Geurtsen (2013). However, given historical attitudes in the United States toward other languages, these programs continue to come under attack from anti-immigrant forces who see their existence as a threat to the "national identity" of the United States (Anderson, 2015). In particular, since the mid-1990s, at least five states have seen ballot propositions that have aimed to dismantle bilingual education programs with the argument that to be productive members of US society, children must speak English and thus schools have a "moral obligation" to provide only such instruction (Gándara & Hopkins, 2010). Starting in 1998 with Proposition 227 in California, Silicon Valley, businessman Ron Unz has used his wealth and influence to advance state measures that require students who speak another language to be taught in classrooms with English-only instruction, unless their parents sign a waiver to authorize bilingual education (Ulloa, 2016). Similar initiatives have passed in four other states including Arizona, where the "English for the Children" proposition passed in 2003 (Abbot, 2013).

Other such measures that target immigrant, Latino, and Mexican American students have passed in recent years. On May 11, 2010, the Arizona Senate passed H.B. 2281, which prohibited ethnic study programs in public schools (Medina, 2017). The origin of these programs dates back several decades. In 1974, Black and Latino students filed a desegregation class action lawsuit against the Tucson Unified School District (TUSD) for dismantling such programs (Gonzalez v. Douglas, 2017). In those two cases, known as Fisher and Mendoza, respectively, the court entered a consent decree and determined that ethnic studies programs provided a way to remedy past discrimination (Medina, 2017). Through this 1980 settlement, an initial African-American Studies program was established, and, eventually, in 1998 – apparently *with all deliberate speed* – the Mexican American Studies (MAS) program came to life (Medina, 2017).

Following the passage of H.B. 2281, the TUSD moved to end the Mexican American Studies (MAS) program. Momentum for the eventual passage of this law had its origins years earlier when two TUSD superintendents and school officials had targeted the MAS program, arguing that it was "anti-American" (Strauss, 2017). However, in 2017 a federal judge ruled in Gonzalez v. Douglas (2017) that the end of the program violated the constitutional rights of Mexican American students and that the decision to end the program was motivated by "racial animus" (Astor, 2017).

The case proceedings quote one of the former TUSD superintendents – and later senator – in his arguments against the program: "The rejection of American values and embracement of the values of Mexico in La Raza classrooms is the rejection of success and embracement of failure" (Gonzalez v. Douglas, 2017).

Show Me Your Papers: Education and Immigration Status

Exclusion based on national origin has always been a powerful tool and more so during periods of economic crisis. In the mid-1970s, after an energy crisis had destabilized the economy, Texas attempted to limit undocumented students' access to public schools (Rincón, 2009). The state argued that the availability of free public schools was drawing immigrant families to Texas. The presence of undocumented students, it said, limited the funding available to US-born students and diluted their educational experience (Winter, 2017). But according to the Texas attorney general, there was no basis in Texas law to prevent undocumented students from attending public schools (Pabon-Lopez & Lopez, 2010). In 1975, the attorney general issued a report in response to a request from the state commissioner of education and was unequivocal on this question. The response declared: "Under section 21.031 of the Education Code, alien Children within the State are entitled to attend public school in the district of their residence, regardless of whether they may be 'legally' or 'illegally' within the United States" (Opinion No.H-586, 1975). The report cited precedents from the same office dating back to 1921, which had affirmed that "alien children have the same right to attend public free schools of the state as do the children of citizens of this state" (Opinion No.H-586, 1975). It also referred to the 1885 California case of *Tape v. Hurley*, in which Chinese parents in California successfully sued to have their daughter enroll in a public school reserved for white children. In regard to the Texas case, the 1975 Texas attorney general opinion added:

> We therefore conclude that the Legislature of this State intended that an opportunity for instruction in the public schools of this State should be afforded the youth of Texas, and the advantages of attending a public school should be extended to all children regardless of their nationality or color, whether citizen or alien, and having declared such to be the rights and privileges of the children of this State, such right is a vested one, and as such it is protected and is entitled to be protected by all the guarantees by which other legal rights are protected and secured to the possessor. The Legislature has made no effort to alter this holding through statutory amendment. We believe the words "all" and "every" as contained in section 21.031 of the Education Code do not permit exceptions to be created by local school boards. (Opinion No.H-586, 1975)

On September 1, 1975, despite or in response to this opinion, the state of Texas passed a law "without debate, legislative history or other testimony or study" (Pabon-Lopez & Lopez, 2010, p. 16) that surreptitiously changed section 21.031 of the Texas Education Code (TEC) to limit the enrollment of foreign-born students who could not show proof of legal status in the United States (Williams, 2011).

The law further allowed the state to withhold funds from school districts that provided education to children not authorized to be in the United States. The law authorized schools to charge tuition for undocumented students under the premise that border cities were being overrun with "illegal aliens," and thus states had to take measures to control such invasion (Rincón, 2009; Williams, 2011). The legislature's decision also prevented school districts from receiving the state reimbursement per undocumented student, thus giving schools an added financial incentive to keep the students out (Rincón, 2008). The law did not go into effect until a few years later. In implementing the act, the Tyler Independent School District (TISD) required $1,000 in payment by students unable to show a US birth certificate or proof that they were either legally permitted to be in the United States or in the process of securing such permission (American Immigration Council, 2016; Winter, 2017). In 1977, faced with the expulsion of their children from the TISD, José and Lidia Lopez filed a lawsuit arguing that the policy violated the Equal Protection Clause of the US Constitution and was preempted by the Immigration and Nationality Act of 1965 (Williams, 2011).

During the initial litigation, the Lopez family would go to court very early in the morning with their children, and all their belongings packed in a car as they feared that any day immigration agents would come to the courthouse and deport them immediately (Williams, 2011; Winter, 2017). The case, known as *Plyler v. Doe*, was eventually consolidated with other cases under *In Re: Alien Children*. After several years of litigation in lower courts, the cases went up to the Supreme Court. In 1982, the highest court decided, in what's known as *Plyler v. Doe*, that undocumented students have the right to enroll in public schools regardless of their immigration status. The case is considered a landmark decision on immigrant rights as it recognizes that regardless of their unauthorized entry, undocumented students are afforded the safeguards of the Equal Protection Clause of the 14th Amendment. Indeed, this was the first time that the high court afforded this constitutional protection to those not legally authorized to be in the country. In the words of Justice Brennan, writing for the majority, the fact that "a person's initial entry into a State, or the United States was unlawful, and the he may for that reason be expelled, cannot negate the simple fact of his presence within the State's territorial perimeter" (*Plyler v. Doe*, 1982, p. 215).

The court's decision covers a number of key points. In referring to the 1954 landmark case in education, the court reminded the state: "What we said 28 years ago in *Brown v. Board of Education,* 347 U. S. 483 (1954), still holds true: 'Today, education is perhaps the most important function of state and local governments'" (*Plyler v. Doe*, 1982, p. 222). Thus, the court questioned the rationality of the state decision determining that "such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms" (*Plyler v. Doe*, 1982, pp. 222–223). In this way, it mirrored the Texas attorney general's 1975 decision referenced above. The court unambiguously rejected the state's argument that its law was justified as a protection of economic resources:

> There is no evidence in the record suggesting that illegal entrants impose any significant burden on the State's economy. To the contrary, the available evidence suggests that illegal aliens underutilize public services, while contributing their labor to the local economy and tax money to the state fisc... The dominant incentive for illegal entry into the State of Texas is the availability of employment; few if any illegal immigrants come to this country, or presumably to the State of Texas, in order to avail themselves of a free education. (*Plyler v. Doe*, 1982, p. 457)

The New York Times echoed the court's majority opinion and the hypocrisy of a system that profited from these workers' presence yet negated educational access to their children: "It was intolerable that a state so wealthy and so willing to wink at undocumented workers should evade the duty – and ignore the need – to educate all its children" ("Teaching Alien Children," 1982, p. A00030). The direct connection between the hysteria over immigrants' presence and a decision to limit students' education would again play out in another state over a decade after the Plyler (1982) decision. In 1994, voters in California passed Proposition 187, nicknamed Save Our State (SOS), by 58%. This measure was co-authored by former Immigration and Naturalization Commissioner Alan Nelson and strongly supported by then California Governor Pete Wilson. In similar fashion to what Texas had attempted 20 years before, proponents of the measure argued that it was necessary to control the flow of "illegal immigration" (Barabak, 2017). The measure attempted to deny undocumented immigrants access to public schools at the elementary and secondary levels and non-emergency public health care (as emergency services are required under federal law) and also to make them ineligible for other public services. The measure also intended to deputize certain education and health workers to enforce immigration law (Nieves, 1999). It contained provisions mandating local law enforcement, social workers, public school administrators, and health-care aides to turn in suspected undocumented immigrants (McDonnell, 1998). Proposition 187 also prohibited undocumented immigrants access to higher education. It required state colleges and universities to expel undocumented students and report them to immigration authorities (Dolan, 1995). All aspects of the measure were severely opposed by the immigrant communities and their supporters who, particularly in the Los Angeles Area, joined demonstrations of up to 70,000 people. Student walkouts of over 40,000 also protested the decision (Rincón, 2008). A court injunction stopped implementation of Proposition 187, and it was eventually found unconstitutional.

Proposition 187's goal of denying social services to the undocumented, and even to permanent residents, was achieved through the passage of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 during President Clinton's administration. Known simply as the welfare law of 1996 (Pilon, 2018), this measure – coupled with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 – introduced sharp new restrictions to immigrants' access to social services. It banned legal permanent residents from accessing social services for 5 years and introduced a new level of fear in immigrant communities that left many eligible low-income families too afraid and confused to request the services they need (Broder, Moussavian, & Blazer, 2005). Building on the Democrats' attack

on social services, President Donald Trump has reopened the debate on public charge by proposing that legal permanent residency be denied to immigrants who have received public assistance in the past. Current immigration law bars from permanent residency those who have received public cash assistance that constitutes more than half their income. Trump's rule will expand the provision to include an additional array of noncash government-funded programs, such as public housing, health care, and food stamps (Nguyen & Hirota, 2018). Laws punishing the poor for their economic circumstances are not new, nor is the concept of "public charge." In the 1600s, borrowing from its practices to regulate the movement of street beggars, British authority introduced "poor laws" to its colonies in America, primarily in New York and Massachusetts (Hirsi, 2018). In turn, the first immigration law of 1882 denied entry to those unable to take care of themselves without becoming a "public charge" (Parker, 2015). Thus, President Trump's new attacks against poor immigrants are just an extension and new expression of core aspects of US immigration law.

Similarly, while he has consistently whipped up anti-immigrant hysteria, arrests and deportations during his first year in office are half of what they were during the Obama administration's peak years (Capps, Muzaffar, Gelatt, Bolter, & Ruiz Soto, 2018). Obama's high number of deportations is the result of aggressive enforcement of provisions contained in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. The IIRIRA is considered the most draconian immigration measure to date and one that created more internal deportations than those seen since the 1929 Great Depression (Bernard, 2018). During that time, up to two million people of Mexican descent were targeted based on their ethnicity and forcibly repatriated to Mexico under the premise that by removing them, jobs would "open up" for American citizens (Wagner, 2017). The majority of those repatriated at that time, an approximate 1.2 million, were US citizens (Florido, 2015). In a more dramatic way, the 1996 law created what former immigration commissioners have described as "formidable machinery" that made more people deportable. Enforcement of this law included the practice of punishing immigrants with deportation – including those with legal permanent resident status – for past offenses, such as minor transgressions that occurred prior to the law's passage but became deportable offenses retroactively (Johnson, 2012; Lind, 2016). This change in the law, coupled with the fact that deportations are classified as civil and not criminal in nature, means that noncitizens facing expulsion do not have the right to the legal counsel guaranteed to US citizens (Markowitz, 2011).

The retroactive application of the 1996 IIRIRA law, coupled with increased funding for border enforcement, are the primary reasons for the steep increase in deportations after 1996 and into today (Lind, 2016). In addition, the 1996 law made it harder for immigrants to become permanent residents and easier for permanent residents to be deported. Under the 1996 law, it no longer mattered if a deportation would cause "extreme hardship" to an immigrant. He/she would have to prove that it would cause "exceptional and extremely unusual hardship" to their US citizen relatives, if they had any. "Cancellation of removal," the term used to describe an annulment of deportation, became increasingly hard to adjudicate, both due to what

the law codified and as a result of the Clinton administration's drive to harshly enforce the new law. The impact of deportations created by the 1996 law was far-reaching and dramatically amplified during the Obama administration, which deported a record of 2.5 million people, more than all other presidents in the twentieth century combined (Hasan, 2017; Marshall, 2016). A memo following the passage of the law written by Presidential Advisor Rahm Emanuel recommended to the president a number of steps to "claim and achieve record deportations of criminal aliens" (Lind, 2016). As described below, the impact of these deportations would become a rallying cry of organized groups of young immigrant students who were initially galvanized into action by new efforts to access higher education, a possibility that seemed to be limited under the 1996 law.

A more subtle impact of the 1996 law on undocumented immigrants was the passage of Section 505, which sought to restrict access to higher education. The language of this section stated that an undocumented immigrant: "shall not be eligible on the basis of residence within a State for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit without regard to whether the citizen or national is such a resident" (Konet, 2007). Many states have interpreted such language as a prohibition to implement laws allowing undocumented students to attend college. However, starting in 2001, Texas passed a law permitting students who had completed 3 years of high school in the state to attend college paying in-state tuition rates. Affirming its state prerogative to implement educational policy, the group of eligible students included undocumented immigrant graduates from across Texas. This change in law was remarkable, given that it was Texas – the same state – that had hoped to ban students from accessing a public education in 1975. The next section examines similar and identical changes in higher education policies in other states, which have expanded higher education access to undocumented immigrants.

Access to Higher Education and In-State Tuition Laws (2001–2016)

As detailed above, access to education for undocumented immigrants has been a long debated issue. While Plyler v. Doe (1982) established that these students could access public schools, it seemed to set the ceiling at a high school education. During the period in which the Plyler case was debated and decided, from 1975 to 1982, there are a few cases that deal with access to higher education for legal immigrants, but not those without documents. However, in 1986, a case in California brought up the issue of access to higher education for undocumented immigrants. The case dealt with whether undocumented students who had graduated from local high schools and had lived in the United States for over a year could also be classified as residents of the state and thus qualify for in-state tuition. At that time, the difference in the tuition and fees between in- and out-of-state costs was about $3,500 (Olson, 1985). By 2018, the difference had risen to $26,744 (University of California, 2018).

Given the low wages earned by families of undocumented students, the automatic classification of these students as out-of-state residents for tuition purposes constituted a de facto ban. The case defied a 1983 law that amended section 68062 of the Education Code by adding the following language: "(h) An alien, including an unmarried minor alien, may establish his or her residence, unless precluded by the Immigration and Nationality Act (8 U.S.C. 1101, et seq.) from establishing domicile in the United States" (American Assn. of Women v. Board of Trustees, 1995).

In support of the students, Assemblyman Art Agnos filed AB 2015 which eliminated "the requirement that alien students seeking resident tuition rates prove that they have legal permanent resident status" (Yates, 2004, p. 593). The changes to the Education Code were short-lived. In 1984, at the request of the chancellor of the California State University (CSU) system, the California state attorney issued an opinion classifying all undocumented students as nonresidents for tuition purposes (Rincón, 2008). In response, five undocumented students who had graduated from a high school in California and were longtime residents of the state brought up a suit in district court challenging such practice within the California State University (CSU) and the University of California (UC) systems (Guillen, 2004; Olson, 1985). In 1986, the Alameda County Superior Court ruled that it was unconstitutional for the two systems to automatically classify undocumented students as out-of-state residents and thus make them ineligible for in-state tuition (Gordon, 1992). Similar to the Supreme Court decision in the Plyler v. Doe (1982) case dealing with access to a public education, the district court ruled that the CSU and UC systems had violated the right to the Equal Protection Clause enshrined in the California State Constitution by applying different criteria to nonresidents in the determination of residency for tuition purposes (Olson, 1985). That court decision was also short-lived as it was challenged by a registrar at UCLA in 1990. A number of conflicting policies permitting access at some institutions within the higher education system while denying it at others culminated in a lawsuit by anti-immigrant forces organized by the Federation for American Immigration Reform (FAIR), which effectively eliminated all access to higher education for undocumented students (Rincón, 2008).

By the time California passed its in-state tuition policy in 2001, there had been close to 20 years of legislation on this issue with multiple court challenges and conflicting policies challenging or accepting the automatic classification of undocumented students as nonresidents for tuition purposes. In 2001, following legislation in Texas, the State of California passed AB 540 filed by Assemblymen Firebaugh and Maldonado and signed into law by Governor Gray Davis on October 12, 2001 (Vasquez Ramos & Castro, 2016). The two state policies are dramatically different. The Texas law, filed under HB 1403 by Representative Rick Noriega, classifies students who have completed 3 years of high school as residents for tuition purposes and, by default, makes them eligible for state financial aid primarily under the Texas Grant Program. Unlike the Texas policy, signed into law by Governor Rick Perry in June 2001, the California legislation offers students who have completed 3 years of high school a waiver of out-of-state tuition. Thus, while allowed to pay in-state tuition rates, the waiver does not make the students eligible for state financial aid (Rincón, 2008). It would take another dozen years in California through the passage

of AB 131, in 2013, to grant undocumented immigrant high school graduates access to financial aid through the Cal Grant program. Following the lead from Texas and California, and from 2001 to 2016, a total of 20 states have passed policies affirming the right of undocumented high school graduates to attend college at in-state tuition rates (Undocumented Student Tuition, 2015). A smaller number of the total also provide these students with the opportunity to qualify for financial aid or some form of scholarships (National Immigration Law Center, 2018).

Advocating for Rights Beyond Education

The successful expansion of educational access at the higher education level has been the direct result of sustained advocacy on the part of students, their families, educators, immigrant activists, unions, and legislators, among many others. Starting with the Leticia A. Network in California in the mid-1980s, the level of advocacy has dramatically evolved. Over 100 student-led groups have emerged across the United States, including in jurisdictions that have not yet passed an in-state tuition law. The students have provided the human element in the story for in-state tuition bills and have advocated for the passage of the DREAM Act, a federal piece of legislation filed and debated in Congress since 2001 that had promised to set, at the federal level, a path for undocumented students to adjust their immigration status. The reach of the student groups is wide. One of the largest networks includes United We Dream, which reports "over 400,000 members as well as 5 statewide branches and over 100 local groups across 28 states" (United We Dream, 2018).

Within the first 2 years of the Obama administration in 2009, and given the increasing number of young people trapped in deportation proceedings, some of these groups made the fight against expulsions, a core component of their mission. Groups like Dream Activist, later renamed as the National Immigrant Youth Alliance, emerged during the late 2000s to press for passage of the DREAM Act and quickly became a resource for students and families fighting deportation. Another similar group, the Immigrant Youth Justice League, was formed in 2009, initially to fight against the deportation of one of their co-founders (Mena Robles & Gomberg Muñoz, 2016). In many of the cases, the deportation of young people came as a result of policies and practices deputizing local enforcement to enforce immigration law. In some instances, students were stopped by immigration officials based on their physical appearance (Gastelum, 2011) or for alleged traffic violations (Brumback, 2018; Rincón, 2009). In most of those cases, widespread campaigns on social media conducted by the students themselves or organized by their fellow classmates gathered enough support to stop the students' deportations. The campaigns almost universally referred to the students' exceptionalism in terms of their academic accomplishment and placed the burden of their condition on their parents' decisions to immigrate to this country without documents. From that perspective, while successful, the defense campaigns fostered a narrative that blamed the victims, specifically the parents, and exonerated the US immigration and economic systems

for creating the conditions responsible for their poverty and eventual immigration into the United States (Rincón, 2008). It would take a few more years for the immigrant student movement to question this paradigm and to expand the call for immigration protections to the benefit of their families.

These initial individual campaigns in 2009 can be seen as the launching pad for more sustained advocacy in support of the DREAM Act and national legislation that would protect thousands of students from deportation and allow them to fully reap the benefits of the educational access that in-state tuition laws in their home states provided (Ortega, Edwards, & Wolgin, 2017). Indeed, on January 1, 2010, four undocumented students started the Trail of Dreams, a 1,500 mile walk from Florida to Washington, DC, to press for the passage of the DREAM Act (Foley & Kenigsberg, 2011; Pass the Dream Act Now!, 2010; Presente.org, 2010). In remarkable resemblance to the tactics used by the civil rights movement, the students' action galvanized others. That same year, in 2010, the Immigrant Youth Justice League launched its National Coming Out of the Shadows Day, a march where the slogan "Undocumented, Unafraid, Unapologetic" was heard as the students walked to the offices of Immigration and Customs Enforcement (ICE) offices in Chicago to demand action from Senator Durbin and President Obama, along with the passage of the DREAM Act. Some of the inspiration for the march came from the coming out campaigns by the LGBT community to which some of the immigrant activists belonged (Pacheco, 2011). The campaign effectively began to turn around the narrative on their status, removing the blame cast on their parents, publicly coming out as undocumented and challenging past arguments that they or their families should apologize for their presence, and reaffirming their right to be in the United States (Mena Robles & Gomberg Muñoz, 2016). Following these actions, five students – including one of the founders of the Immigrant Youth Justice League – decided to stage a sit-in at the Tucson offices of Senator John McCain to press for passage of the DREAM Act. These actions represented a significant change in advocacy where undocumented students publicly engaged in civil disobedience even while they expected to face deportation proceedings (Preston, 2010). The action in DC was briefly preceded by a similar action where nine students from Arizona State University chained themselves to the old capitol to protest the implementation of SB 1070, an Arizona measure that permitted the collaboration between local enforcement and immigration authorities (Fischer, 2010).

DACA

Following the initial efforts described above, undocumented students across the United States escalated their advocacy through multiple civil disobedience activities, which eventually culminated in the 2012 announcement by the Obama administration of the passage of the Deferred Action for Childhood Arrivals (DACA). The program, announced on the 30th anniversary of the Plyler v. Doe case (which opened the doors of public education to undocumented students), offered deportation relief and the opportunity of a job permit to undocumented students that met certain

requirements including having arrived in the United States before they were 16 and who were under 31 as of the passage of the measure. Its benefits have been well documented (Wong et al. 2018). Far from a benevolent measure from then President Obama and his administration that took deportations to a record level, the measure is the proud accomplishment of sustained efforts by undocumented students who had the courage and fortitude to challenge the system, their parents' own fears, and to individually risk deportation under the promise of a more comprehensive measure that would protect a larger number of fellow young immigrants. On September 5, 2017, 5 years into the DACA program, the administration of Donald Trump announced an end to this relief measure under old arguments used in times of heightened xenophobia. In his announcement, Attorney General Jeff Sessions stated that the program had "denied jobs to hundreds of thousands of Americans by allowing those same illegal aliens to take those jobs" (ACE, 2017; Shear & Davis, 2017). The end of DACA generated a wealth of legal activity, including five lawsuits within the first 3 weeks after the government's announcement to end the program (Giaritelli, 2017). The first suit was filed in New York and included 15 states that claimed that the decision was arbitrary, a violation of the Fifth Amendment, and a culmination of the President's "oft-stated commitments — whether personally held, stated to appease some portion of his constituency, or some combination thereof — to punish and disparage people with Mexican roots" (Giaritelli, 2017).

The arbitrary end of the program was cited in the second lawsuit filed by the University of California (UC) system, which is home to over 4,000 beneficiaries of the DACA program. Led by Janet Napolitano, former Homeland Security Secretary under President Obama, this second suit contends that the decision was the result of "unreasoned executive whim" (Giaritelli, 2017). This suit also refers to the violation of the Fifth Amendment and its due process clause. A third lawsuit, also from California, was filed by its attorney general on behalf of four states and argues that the government engaged in unfair bait and switch practices by ending the program without proper notice (Cohen, 2017). A fourth lawsuit was filed by the National Association for the Advancement of Colored People (NAACP) on behalf of Mexican students, as well as those of African and Caribbean origin. That complaint, filed in the District of Columbia, argues similar violations of the due process clause and asserts that by ending the program, the government is "unlawfully reneging on their promise to protect young, undocumented immigrants of color living in the United States" (Giaritelli, 2017). The final lawsuit, filed by six DACA recipients, constitutes the first complaint from the program beneficiaries (Branson-Potts, 2017). It argues that:

> This cruel bait and switch, which was motivated by unconstitutional bias against Mexicans and Latinos, violates the equal protection component of the Fifth Amendment, the due process rights of Plaintiffs and other DACA recipients, and federal law, including the Administrative Procedure Act. Plaintiffs therefore seek equitable and injunctive relief to enjoin this unlawful and unconstitutional action, and respectfully request that the Court compel the government to honor its promises and uphold its end of the DACA bargain. (Giaritelli, 2017)

One of the six complainants in the student lawsuit is New Latthivongskorn, a medical resident at the University of California, San Francisco (UCSF), and a longtime advocate for the rights of undocumented students. His story exemplifies the increasing challenges that undocumented students have as they progress through the educational pipeline to reach professional and graduate school (Dream and the Health Professions, 2017). His story, and that of others at this prestigious university, also signals the continued activism students are engaging in to challenge the narrative of immigrant exceptionalism and to press for broader governmental changes that will benefit their families as well.

Reaching the Cusp: Graduate and Professional School

In fall 2014, New Latthivongskorn made the news at the University of California, San Francisco (UCSF). He was the first undocumented student to be admitted to the school's prestigious medical school. Soon after that, three undocumented students received admission to the School of Dentistry (Orr, 2015; Stein, 2015). The journeys of Laura Aguilar, Jose Carrasco Sandoval, and Angie Celis, three dental students, enriched the narrative of Dreamers at UCSF and provided a window into the multiple ways in which their immigration status hindered their educational access. At the same time, their high educational achievement made them "likely" and "acceptable" immigrants in a debate marred by anti-immigrant xenophobia. More undocumented students have continued to enroll at UCSF, including a second student in the School of Medicine and others in the schools of Nursing, Pharmacy, and the Graduate Division (Ho, 2017). Stories published on these students described in detail how their educational road had been filled with obstacles, given their immigration status. In the case of New, he had been denied access to Cornell University and faced continuous challenges such as funding his education (Kim, 2014). These barriers were shared by Laura who, pursuing a degree in Dentistry, was contemplating a higher debt than students in medicine. As is the case for many students in this predicament, she was not eligible for federal low-interest loans and therefore had to deal with the additional challenge of securing a private loan where she would need a US citizen to serve as cosigner (Orr, 2015). Structural challenges to accessing financial aid serve as de facto deterrents for low-income immigrants to pursue their education. As is the case with undergraduate education, undocumented students are ineligible for federal financial aid and further burdened, given the high cost of graduate and professional school (National Association of School Financial Aid Administrators, 2017).

As was the case for many other undocumented students entering highly coveted health professional schools, the students at UCSF quickly found the need to organize to continue to bring visibility into their issues. In 2014, a student panel served as an introduction to campus where students shared their challenges, including their difficulties in pursuing their educational journeys, while their parents found themselves trapped in the deportation machine accelerated under the Obama administration. The program also introduced to campus the three founders of Pre-health

Dreamers, an online organization founded by New and two other students in the Bay Area with the purpose of supporting other undocumented youth interested in pursuing a profession in the health sciences (Prehealthdreamers.org).

Conclusion

Fast forward to 2019, and given the deliberations in the Supreme Court over the fate of the DACA, students across the United States have stepped up their advocacy to demand a renewal of the program, a passage of a clean DREAM Act that does not include enforcement and an end to deportations. Increasingly the students' demands are to include all 11 million undocumented people in any bipartisan negotiations over immigration reform. In their demands, students have exposed and challenged both parties for their duplicity and lack of action on this issue. At a protest in the fall of 2017, young Dreamers shut down a press conference by House Minority Leader Nancy Pelosi with chants of "Democrats are deporters" and "for all 11 million" (Melendez & Keller, 2017). For those advocates in the health field, their stories have also provided an insight into their motives for pursuing such professions, namely, the lack of access to health care for their families and others in the undocumented community. A short video, produced as part of the "Here to Stay" activities organized nationwide and in DC in October 2017, presses the administration to revert its end to the DACA program. The video collects a number of stories from future health professionals about the need for immigration reform that would allow them to practice their professions in the communities from which they come.

The evolution of these demands is an important achievement for the immigrant student advocacy movement. In their "Here to Stay" rally at UCSF, students challenged the narrative of "exceptionalism" that has been cast over them and referred to their parents as the "original Dreamers." At a time of increasing attacks against immigrant communities, whether a travel ban against majority-Muslim countries or the controversial practice of separating children arriving at the United States/Mexico border with their parents, the need to reframe the debate and demand universal protections for all immigrants is more urgent than ever before.

Through a chronological review, this chapter has detailed how immigration, education policy, and actual practice have intersected in multiple and contradictory ways throughout this nation's history. Historically, and as detailed above, immigrants attempting to enroll in school were questioned and outright banned based on their national origin, race, skin color, their perceived English language fluency, and immigration status. While some of those legal barriers have been removed, immigrants and their supporters must continue their efforts for full equitable educational access, especially at a time when public schools are increasingly segregated (Gándara & Aldana, 2014; Hannah-Jones, 2017b). In doing so, they must join other minority communities, particularly those historically disenfranchised, to continue their efforts for the true desegregation of the educational system, a task that is still elusive even after the 65th anniversary of the landmark Brown v. Board of Education (1954) decision.

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