A LatCrit analysis of DACA recipients’ pursuit of a post-secondary education in Ohio

DISSERTATION

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By

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Abstract

This qualitative study critically examines DACA recipients’ college access in Ohio. The testimonios of 18 racially, ethnically, and experientially diverse participants pursuing a higher education answers the research questions regarding what impact DACA and Ohio’s in-state tuition policies have had in participants college access and the role race and immigration status play when applying for college in Ohio.

Critical Race Theory and Latino Critical Theory are frameworks ideal for the exploration of social and legal mechanisms that exclude some from educational resources. The critical race-grounded methodology of this research allows for a trans-disciplinary approach that centers experiential knowledge of People of Color when constructing a theoretical premise. A three-step coding process and collaborative data analysis with participants drove the theory formation and the results of the study.

Findings include that DACA improved college access for some but in a way that is derivative. Improvements to in-state tuition consideration was largely the result of self and group advocacy by DACA recipients. Race and immigration status intersect because participants who are not Latina/o, or do not appear to be, commonly experience a temporal anonymity during their admissions process because admissions staff do not perceive them as possibly undocumented.
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Chapter 1: Introduction

Background

Currently, there are 1.76 million youth living in the U.S (Batalova & Mittelstadt, 2012) who were brought as children, raised and attend school in the country, but because they do not possess permanent and formal immigration status they are considered undocumented youth (Gonzales, 2009b). Their lack of formal immigration status is significant in their formal educational in many ways. One of which is highlighted by the fact that according to the Supreme Court decision of Plyler v. Doe (1982), undocumented students have the right to a primary and secondary school education but upon reaching the post-secondary level, their immigration status renders them ineligible for federal student financial aid and public scholarships. Additionally, in most states undocumented students are considered international students for tuition purposes, which can increase their tuition costs significantly, in some cases threefold (Redden, 2015). The financial barrier that these legislative exclusions produce is one of the most significant issues facing aspiring college students. Out of the approximately 65,000 undocumented youth1 graduating from high school each year only between 5 and 10 percent enroll in colleges (Gonzales, 2007, 2009a; Passel, 2003).

There have been several legislative attempts to address the issue of college access for undocumented students. They include the DREAM Act of 2001 and 2009, both of

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1 Who have lived in the United States for five years or longer
2 50 Democrats, 3 Republicans, 2 Independents
3 By state legislation or state university systems action (Bennet, 2016)
which Congress failed to pass into legislation largely because the vote fell along partisan lines. The vote ended with 55 in favor, 41 opposed, and four senators not voting (Holan, 2013).

An administrative action was taken regarding the issue of undocumented youth did on June 15, 2012 when the Secretary of Homeland Security announced the Consideration for Deferred Action for Childhood Arrivals (DACA). This act of prosecutorial discretion came as a result of increasing pressure from immigrant rights groups nationwide that demanded the Obama Administration fulfill its 2008 and 2012 presidential campaign promise of passing a comprehensive immigration reform act that would regulate the immigration status of many of the country’s undocumented immigrants. DACA is not an immigration reform law in the way that the DREAM act would have been, but rather an executive action that allows certain people deferred action from deportation and eligibility for work authorization for two years if they came to the U.S. as children and meet several very specific key requirements. While some DACA recipients are experiencing increased access to college due, in part, to improved employment opportunities that make college tuition affordable; comparable access to US citizen peers remains mitigated by continued ineligibility for federal student financial aid, inconsistent response to in-state tuition consideration, and other obstacles that are rooted in their lack of permanent immigration status.

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2 50 Democrats, 3 Republicans, 2 Independents
Statement of Opportunity

A majority of the leading theoretical and interpretive literature on access to post-secondary education for students with undocumented immigration status has been concentrated along the U.S.-Mexican border and predominantly with students of Mexican heritage (Enriquez, 2011; Yosso, 2005, 2006). This is understandable considering these areas have been the primary destinations of Latin American immigrants, who represent a majority of the larger undocumented population (Passel & Cohn, 2011) and have also been home to many of the student movements that propelled issues of tuition equity and immigrant rights. In the Midwest, scholarly work done on this topic has centered almost exclusively on Chicago for similar reasons (Pallares & Flores-González, 2010) The demographic imperative that led to this concentration is understandable and their contributions invaluable. However, this focus may have inadvertently created the narrative that equitable access to post-secondary education is of concern only to undocumented students of Mexican heritage living in U.S.-Mexico border regions, or other metropolitan areas with historically large immigrant populations, like Chicago. The spotlight on the aforementioned locations and populations prompts for research to emerge from other areas of the country in which these issues are equally salient and with other communities for whom tuition equity is a concern.

In terms of work that specifically investigates DACA’s impact on post-secondary educational access, the research is still emerging. Thus far, the most significant research on DACA has come from the National UnDACAmented Research Project (NURP). NURP is the first national large scale survey of DACA recipients and the largest data collection effort to date on this population, which includes 909 participants from 34 states
(Gonzales, Bautista-Chavez, & American Immigration, 2014; Gonzales, Terriquez, & Ruszczyk, 2014). Other relevant research outside of NURP includes the longitudinal ethnographic work of (Pérez Huber, 2015), which examines the lives of Chicana/Latina college graduates in California, after they became DACA recipients. Large-scale research from the NURP project contributes to a broader understanding of the educational and economic opportunities that DACA may provide. NURP’s macro focus is complimented by qualitative research that specifically looks at how the improvements have manifested themselves in the educational pursuits of DACA recipients. However, smaller scale qualitative research that exists on DACA continues to focus on Latina/os in historically prominent immigrant areas like California. Thus, the opportunity remains for research that explores the journeys of racially and ethnically diverse DACA recipients as they navigate college admissions policies and practices; particularly in a state like Ohio that has emerging immigrant populations that are not widely recognized.

**Purpose of the Study**

The purpose of this dissertation is to address the need for post DACA research on college access policies and practices outside the, commonly researched, locations and with diverse immigrant populations. This dissertation achieves that by focusing on Ohio, a state with shifting demographics, evolving immigrant communities, and state legislation that as of 2013 considers DACA students for in-state tuition. Additionally, the participants in this study reside throughout the state of Ohio and represent a diversity of national origins, races, ethnicities, religions, genders, and socioeconomic backgrounds as well as heterogeneous experiences and perspectives.
By engaging in longitudinal, ethnographically informed qualitative research with diverse participants this study is able to explore the significant nuances that large-scale surveys are unable to capture. These nuances include racial, ethnic, and socioeconomic factors that DACA recipients navigate during the college admissions process and the actions they have taken to address university gatekeepers’ slow, often resistant, consideration of their in-state eligibility. Understanding students’ experiences with various forms of Othering (racial, ethnic, linguistic, etc.) during the admissions process, in context with their legislative ineligibility for federal financial aid and scholarships, serves as a call for more responsive considerations and approaches towards equitable college opportunities and access. The intentional privileging of students’ voices during their self-advocacy and collective action in Ohio, a state that is only one of 20 nationwide to offer in-state tuition for DACA recipients (and/or undocumented students\(^3\)), positions it as invaluable in recognizing the relationship between student movements and legislative shifts that shape college access policies and practices.

This study employs DACA recipients’ counter-stories (Ladson-Billings, 2003; Solorzano & Yosso, 2001) and testimonios (Solorzano & Bernal, 2001) that focus on their post-secondary educational pursuit in Ohio. The focus on DACA recipients rather than the larger undocumented student population serves to analyze DACA’s impact on students’ access to a higher education and generate recommendations for that program as well as subsequent immigration and educational reform efforts. It is not intended to create an artificial division between DACA recipients and those who remain ineligible or cannot afford the costs associated with applying for deferred action.

\(^3\)By state legislation or state university systems action (Bennet, 2016)
Significance

Addressing the need for equitable access to a post-secondary education for DACA recipients, as well as the larger undocumented student population, is imperative. Failure to rectify the incongruity that exists between the opportunity for equal participation given to students during their K-12 education and their de facto exclusion of the same consideration at the post-secondary level has profound educational, social, and ethical implications. Equitable access to higher education provides students who have been conditioned for years as college-bound students and meet or exceed all qualifications necessary to attend college, a prospect for success that may fulfill years of investment in their K-12 education (Gonzales, 2009b, 2011; Pérez, 2009). This would increase enrollment across all colleges and universities, which would benefit the institutions financially as well as academically. In addition to the revenue generated by the increased student population, the diversity of thought and experiences DACA students bring would enrich college classrooms and university research projects.

Many undocumented youth, who are now DACA recipients, have grown up academically motivated and have worked towards attending college and obtaining gainful employment. Their pursuits are driven in part as a way to justify and honor their family’s sacrifices and tribulations (Stanton-Salazar, 2001). However, when they transition into adulthood, they are frequently met with great structural and economic limitations that result in their relegation to the low-wage, clandestine, labor market (Abrego, 2006; Gleeson & Gonzales, 2012; Gonzales, 2011). Equitable participation in higher education, would improve their participation in the workforce and consequently their economic and social mobility.
This issue is also of social significance because research has pointed to a disturbing link between undocumented immigration status and challenged mental and emotional well being in adolescents (Cervantes & Gonzales, 2013). The legal exclusions that hinder their social mobility also affects their ability to participate alongside peers around the time of important life milestones such as beginning college or becoming gainfully employed which very often results in depression along with feelings of anger and hopelessness (Abrego, 2006; Gonzales, Suárez-Orozco, & Dedios-Sanguineti, 2013; Pérez, Espinoza, Ramos, Coronado, & Cortes, 2009).

Lastly, while progress has been made in the U.S. to rectify legislation and practices that openly discriminate on the basis of race, religion, gender, ethnicity, and sexuality, statutes that do the same but rather are based on a person’s immigration status often go unchallenged. This presents an ethical concern because as Lorde (1983) states in one of her seminal works “I cannot afford the luxury of fighting one form of oppression only. I cannot afford to believe that freedom from intolerance is the right of only one particular group”. Lorde highlights her own experiences as a Black woman, a lesbian, and a mother to express that there is no hierarchy of oppressions. The same social and legislative mechanisms that exclude her for being Black also affect her as a lesbian, which also affects her as a woman, for she is all of these things and more. Similarly, DACA recipients and undocumented youth are not a singular, isolated group. Discriminatory legislation that excludes based on immigration status is also affecting people of various racial groups, sexualities, and gender expressions. Ethically, there is a responsibility to ensure that post-secondary educational legislation and practices in particular are more responsive of students’ complex lived realities. There is an inherent
contradiction to diversity outreach efforts that aim to recognize and support students who are of certain identities and social categories but the same students are excluded from this support based on immigration status.

Research Questions

The dissertation is guided by the following research questions:

1. What role have DACA and Forever Buckeyes played in DACA recipients’ access to post-secondary institutions and their resources?
2. How do DACA recipients advocate for a college education as their right?
3. How do students’ racial and ethnic identification intersect with their immigration status when accessing college in Ohio?

Theoretical Frameworks

Critical Race Theory (CRT) and Latina/o Critical Race Theory (LatCrit) which are rooted in contemporary legal studies which positions them as ideal for examining structural systems of exclusions embedded both within and between immigration legislation and educational policy. They are essential in detailing the social construction of racial categories, their manifestations, as well as their social, educational, and economic consequences.

Critical Race Theory

CRT identifies race not as a biological determination, but rather as “a human invention constructed by groups to differentiate themselves from other groups, to create ideas about the ‘Other,’ to formulate their identities, and to defend the disproportionate distribution of rewards and opportunities within society” (Banks, 1995, p. 22). Harris (1993) maintains that in the United States, race as a social construct has legislative
antecedents rooted in the legal institution of enslaving Africans, which served an economic purpose for White European slave owners. Additionally, J. D. A. Bell (1980) refers to the legal formation of race as a power exercised by Whites rather than a construct of justice. As a result of this systematic exclusionary process based on race, CRT theorists further that People of Color\(^4\) have certain unique life experiences that White people do not share. Therefore, People of Color are best able to communicate these aspects of their reality and understanding of the world (Delgado Bernal, 2002; Nieto & Bode, 2008).

In education, CRT’s critical analysis that centers race and how racism systematically functions serves to explore how specific groups are excluded from educational resources and opportunities at all levels of formal education. Solorzano (1997) identifies five tenets of CRT to inform educational research, curriculum and policy analysis as well as the development of theory, they are (1) the centrality of race and racism and their intersectionality with other forms of subordination (2) the challenge to dominant ideology; (3) the commitment to social justice; (4) the centrality of experiential knowledge; and (5) the utilization of interdisciplinary approaches.

**Latino/a Critical Theory (LatCrit)**

Where CRT centers race as a primary unit of analysis to identify inequalities in the U.S, several offshoots of the CRT have emerged, such as Latino/a Critical Theory (LatCrit,) with the purpose of addressing other existing types of socially-constructed subordination and how they intersect with race. Diaz Soto, Cervantes-Soon, Villarreal,

\(^4\) Referring to those who have been racialized as non-White
and Campos (2009) state that Critical Race Theory had perhaps been “insensitive to the limitations in scope and depth of the ‘Black/White paradigm’ as an exclusive lens for the deconstruction of race and race-based subordination in a multi-cultural society” (p. 168). LatCrit theory expands the unit of analysis to address issues such as language, immigration, ethnicity, and phenotype and highlights how they intersect with race. The recognition of heterogeneity provides the basis for one of LatCrit’s primary concerns, which is developing community and building coalition within and beyond the Latina/o pan-ethnicity. Acknowledging that people’s lived realities vary but can also share commonalities provides the basis for developing conceptual frameworks that highlight the intersection of experiences with forms of oppression such as racism and nativism (Solorzano & Bernal, 2001).

Immigration to the U.S. is one such example of an experience that is shared by many pan-ethnic groups, Latina/os included, and thus a central unit of analysis in LatCrit. Scholars, like Valdes (1996), state that the link between immigration and race is inextricable in U.S. history and legislation. U.S. immigration law has been key to the racialization of immigrants, particularly as a way to warrant the exclusion of those not deemed White. Pérez Huber (2010) identifies examples of exclusionary racialized legislation such as the 1882 Chinese Exclusion Act, Mexican repatriation and deportation programs beginning in the 1930’s, and Japanese Internment of the 1940’s. Garcia (2003) states that in the current historical moment, immigration is also legislated in a way that defines our notion of what distinguishes ‘good immigrants’ from ‘bad immigrants’ (p.514). The latter is understood to be indicative of undocumented immigrants who are referred to as “illegal,” ergo criminal and deviant, which then justifies efforts that exclude
them from U.S. society (Lakoff & Ferguson, 2006). Using CRT and LatCrit frameworks serve to explore how race and immigration status act as social and legislative exclusion mechanisms and how they impact the access and resources necessary for a post-secondary education.

**Definition of Terms and Legislation**

*Intersectionality*

A term/concept that references the critical insight that social constructs such as race, class, gender, sexuality, ethnicity, and nation do not operate not as a mutually exclusive separate systems of oppression, but rather as reciprocally constructing phenomena (Collins, 1998, 2015).

*Undocumented*

Refers to a person’s lack of federally recognized immigration status (permanent residency or citizenship). It is preferred over others terms (i.e. illegal, illegal immigrant, illegal alien) as a way to recognize the legislatively and socially-constructed nature of immigration status as well as to avoid being “trapped by the language of illegality”, which refers to the use of language that conflates criminality with immigration and creates erroneous and permanent categories for individuals based on their immigration status (Jones-Correa & de Graauw, 2013, p. 192).

*Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)*
Signed into law on August 22, 1996, a provision of this welfare reform act prohibited undocumented immigrants from accessing social services and cash assistance programs, which includes federal financial aid. “Notwithstanding any other provision of law and except as provided in subsection (b), an alien who is not a qualified alien is not eligible for any Federal public benefit” (H.R. 3734--104th Congress, PRWORA, 1996).

**Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)**

Enacted on September 30, 1996, this act expanded the type and scope of deportable offenses and restricted benefits to undocumented immigrants in the U.S. (Ferber, 2004). Regarding education, it precluded undocumented immigrants from qualifying for in-state tuition. "[A person not lawfully present in the U.S]…shall not be eligible on the basis of residence within a State for any post-secondary education benefit unless a citizen or national of the United States is eligible for such a benefit" (P.L.104-208--104th Congress: IIRIRA, 1996). The intention of this provision of IIRIRA was to restrict in-state tuition benefits to undocumented students by requiring states to offer in-state tuition to any U.S. Citizen, regardless of domicile in the state, if they were to also open in-state tuition to undocumented students (Feder, 2008).

**DREAM Act - Development, Relief, and Education for Alien Minors**

On November 30, 2001, the DREAM act was introduced into Congress. If passed, it would have overturned IIRIRA in-state residency provisions, thus permitting individual states to determine in-state residency for higher education purposes. Additionally, the DREAM act would have also allowed certain college-bound undocumented students the
ability to adjust their status to lawful permanent residents, which would have then allowed them to eventually apply for U.S. citizenship (S. 1291--107th Congress, DREAM, 2001-2002). Requirements were that applicants must have been between the ages of 12 and 35 at the time of application, entered the United States before the age of 16, been present in the United States for at least five consecutive years prior to enactment of the bill, have good moral character, and have graduated from a United States high school or have obtained a GED or have been accepted into an institution of higher education. On March 26, 2009, a new version of the DREAM act was re-introduced but the bill failed to reach the 60-vote threshold necessary to end debate on the Senate floor.

**DREAMer/Dreamer**

Refers to the undocumented youth who would have benefited from the proposed 2001 and 2009 DREAM Act. It has also been used as a term that refers to the exceptional immigrant youth who are not seen as a foreign threat but rather as an extension of America’s historical values and validation of the meritocratic nature of the American Dream (Nicholls, 2013; Pérez, 2009). The term however is not applicable to all undocumented youth. Many have problematized and rejected the term because of the original tenets of Assimilation, Exceptionality, and Innocence⁵ that immigrants rights organizations⁶ and state legislators crafted for this population as a way of garnering national support for comprehensive immigration reform (Nicholls, 2013). In this study, Dreamer is used only when participants self-identify as such.

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⁵ Referring to their parent’s not their own decision to enter or remain the country without documentation
⁶ Center for Community Change, National Immigration Law Center, and National Council of La Raza
DACA

On June 15, 2012, President Obama announced the executive action Consideration for Deferred Action for Childhood Arrivals (DACA). It allows certain people deferred action from deportation and eligibility for work authorization for two years (U.S Citizenship and Immigration Services [USCIS], 2012). This is a temporary discretionary determination that does not provide individuals with permanent immigration status and, therefore, must be renewed every two years. Additionally, because it is based on executive powers rather than legislation, a new administration could rescind the program. DACA has very specific guidelines for eligibility, such as individuals applying must have been under the age of 31 as of June 15, 2012, must have had arrived in the U.S. prior to their 16th birthday, should have resided continuously in the U.S since June 15, 2007, and should have been in the country at the time of the DACA announcement. Applicants must have also graduated from a U.S high school, or be currently attending. Lastly, certain types of serious criminal convictions will disqualify applicants. (USCIS, 2012).

Forever Buckeye(s)

On October 1, 2011, The Ohio Board of Regents’ implemented this provision of law that aimed to incentivize Ohio high schools graduates (public and private) to attend college in Ohio by affording in-state resident tuition rate to any undergraduate or graduate program at all Ohio public colleges (https://www.ohiohighered.org/press/forever-buckeyes-program-welcomes-ohioans-home). Forever Buckeyes removed the previously required 12-month period of
establishing domicile in Ohio before becoming eligible for in-state tuition rates. The Ohio Department of higher education states “by letting Ohio high school graduates know that they are always welcome to attend college in Ohio, the Board of Regents is encouraging young people to return to Ohio” (https://www.ohiohighered.org/forever-buckeyes).
Forever Buckeyes however was not intended to be inclusive of undocumented students as Ohio Revised Code (ORC) Section 3333.31 Subsection (D)(2) stipulates that “regardless of whatever other way a student could qualify as a resident of the state, an ‘alien’ still can’t be given residency status unless the alien is also an ‘immigrant’ or ‘nonimmigrant.’

Alien, Immigrant, and Non-Immigrant (as per ORC)

The Ohio Revised Code’s definitions of “alien, immigrant, and non-immigrant” (http://codes.ohio.gov/orc/3333.31) are important, especially in the post-DACA context. Briefly overlooking the dehumanizing nature of the term, “alien” refers to anyone who is not a citizen or national of the United States.

Thus, an ‘immigrant’ is an ‘alien’ who has been granted the right to “reside permanently in the United States and to work without restrictions in the United States by U.S. Citizenship and Immigration Services”. This refers to Lawful Permanent Residents or “green card” holders as they are commonly known.

A “Non-immigrant” is an alien who has been granted the right by U.S. Citizenship and Immigration Services (USCIS) to reside temporarily in the United States. On February 23 2013, Jessica Ramos with Advocates for Basic Legal Equality (ABLE) filed a legal memorandum outlining DACA students’ eligibility for in-state tuition under Forever Buckeye by stating that they meet the ORC’s definition of a “non-immigrant,” as
defined by section (E)(4), because USCIS has granted these students the right to reside temporarily in the U.S. On July 30, 2013 The Ohio Board of Regents sided with this argument.

**Timeline of Legislation**

- 08/22/1996- PRWORA signed into law
- 09/30/1996- IIRAIRA enacted
- 11/30/2001- DREAM Act introduced
- 03/26/2009- DREAM Act reintroduced
- 10/01/2011- Forever Buckeyes implemented
- 06/15/2012- DACA announced
- 08/15/2012- DACA implemented
- 02/23/2013- Ramos memo filed
- 07/30/2013- Ohio Board of Regents DACA- in-state decision
Chapter 2: Literature Review

Introduction

The following literature review begins by outlining the theoretical frameworks of this dissertation: Critical Race Theory (CRT) and Latina/o Critical Race Theory (LatCrit). These frameworks are rooted in contemporary legal studies and thus, ideal for examining structural systems of exclusions embedded both within and between immigration legislation and educational policy. They are essential in detailing the social construction of racial categories, their manifestations, as well as their social, educational, and economic consequences. The chapter then focuses on the nascent work done with DACA recipients and their access to a post-secondary education. However, I recognize the antecedents and complexities of the issues and thus contextualize the present work by consulting literature on post-secondary access for first generation immigrant youth and students of color (Yosso, 2005), undocumented students (Abrego, 2006; Enriquez, 2011; Gonzales, 2007, 2008, 2009a, 2009b, 2011) students living in mixed immigrations status homes (Pérez et al., 2009; Suárez-Orozco et al., 2012; Suárez-Orozco, Yoshikawa, Teranishi, & Suárez-Orozco, 2011), Latina/o students,(Stanton-Salazar, 2001; Stanton-Salazar & Dornbusch, 1995; Valenzuela, 1999), and work on youth-led immigrant and educational rights activism (Gonzales, 2008; Madera, 2008; Nicholls, 2013; Oboler, 2006; Pallares, 2015; Pallares & Flores-González, 2010; Seif, 2006; Voss & Bloemraad, 2011).
Theoretical Frameworks

Critical Race Theory

CRT identifies race not as a biological determination, but rather as “a human invention constructed by groups to differentiate themselves from other groups, to create ideas about the ‘Other,’ to formulate their identities, and to defend the disproportionate distribution of rewards and opportunities within society” (Banks, 1995, p. 22). Harris (1993) maintains that in the United States, race as a social construct has legislative antecedents rooted in the legal institution of enslaving Africans, which served an economic purpose for White European slave owners. J. D. A. Bell (1980) refers to the legal formation of race as a power exercised by Whites rather than a construct of justice. As a result of this systematic exclusionary process based on race, CRT theorists further that People of Color have certain unique life experiences that White people do not share. Therefore, People of Color are best able to communicate these aspects of their reality and understanding of the world (Delgado Bernal, 2002; Nieto & Bode, 2008).

Racial Passing

In critical race theory, race is understood as a social construct as well as an everyday lived reality. Hobbs (2014) maintains that the socially constructed nature of race becomes evident when non-White people can change their racial identity by changing location, clothing, speech, and life story in order to pass themselves off as White (p.8). The act of ‘racial passing’ refers to when a non-White person “crosses the color line and gains acceptance as a White person” (Delgado & Stefancic, 2012, p. 169). Racial ambiguity lies at the core of racial passing, which transpires whenever different groups of people encounter one another. While the act of racial passing demonstrates that
race is not a fixed category, critical race theorists also focus on the reasons why people choose to racially pass to demonstrate the economic and social benefits that come with being White in the U.S.

D. A. Bell (1995) states that becoming White means gaining access to “a whole set of public and private privileges that materially and permanently guaranteed basic needs, and therefore, survival” (pg. 45). In the antebellum period, enslaved Black men and women who racially passed did so as a way to escape slavery, recover relationships lost during enslavement, and live under more secure conditions of freedom (Hobbs, 2014). During the Jim Crow era, for many Black people racial passing meant leaving family and friends behind and moving to northern cities in hopes of better economic opportunities. In her seminal piece, ‘Whiteness as Property’, Harris (1993) reflects on her grandmother’s experiences passing for White during this time to articulate that Whiteness equates with opportunity because it is treated as property. Harris (1993) posits that the origins of property rights in the United States are rooted in racial domination. A key component of defining Whiteness as property is understanding that the definition of a person’s legal status as either slave or free was consequential for claiming legal rights:

“White identity conferred tangible and economically valuable benefits, and it was jealously guarded as a valued possession, allowed only to those who met a strict standard of proof. Whiteness-the right to white identity as embraced by the law-is property if by "property" one means all of a person's legal rights.” (pg.1726)

American law, therefore, has recognized a property interest in Whiteness that, although unacknowledged, forms the background against which legal disputes are framed, argued, and adjudicated (D. A. Bell, 1995; Harris, 1993). The significance of property ownership
and rights is further solidified by the fact that in the U.S., ownership of property is legislated as a prerequisite to citizenship. This prerequisite in the U.S. is a vestige of the British notion that only people who own the country, not just those who lived in it, are eligible to make decisions about it (Ladson-Billings, 1998).

The legal elements of CRT derive from its origins in the Critical Legal Studies (CLS) movement of the late 1970s and early 1980s in the U.S. that was driven by progressive legal scholars of color who wanted to address what they viewed as a regression in the social movement toward racial equality (Tate, 1997b). Their goal was ultimately to “develop a jurisprudence that accounted for the role of racism in American law and that worked toward the elimination of racism as part of a larger goal of eliminating all forms of subordination” (Matsuda, 1991, p. 1331). Professor Derrick Bell who was a legal scholar, civil rights attorney, and activist is considered one of the founders of the CRT as an academic discipline and movement. His contributions to CRT include the importance of promoting political activism to achieve racial justice (Tate, 1997b) and the Alinskyite positioning of law not as a construct of justice but of power exercised by Whites (J. D. A. Bell, 1980). This presumption of the law paves the way for Bell’s theory of interest convergence, which would become a cornerstone of CRT.

**Interest Convergence**

Interest convergence theory proposes that there are moments when the interest of the dominant group temporarily aligns with that of minority groups, which then allows for some measure of social change. This theory specifically outlines that the systematically privileged dominant group, in this case White people, will support racial justice only to the extent that it does not result of the forfeiture of their own power (J. D.
A. Bell, 1980). Thus, seemingly opposing interests converge but the specific interest of a dominant group is always furthered. Bell highlights the 1954 case of Brown v. Board of Education (BOE) to demonstrate how interest convergence plays out. Professor. Bell’s argument regarding BOE is that the push to racially de-segregate schools in the United States was not something that had arisen solely as a product of the post WWII time period when the national consciousness began to change in favor of racial equality. Additionally, Bell points out that Blacks had fought vehemently to desegregate schools for nearly a century prior to that decision, but the legislative mandate to desegregate schools did not occur until ulterior motives such as foreign policy (strengthening the capitalist façade of equality in the U.S in the face of the cold war) and economic interest (desegregation in schools was necessary to further industrialization in the South) made it possible.

**CRT in Education**

CLS’s critique of the American legal system, institutions, civil rights, meritocracy, and social change are invaluable to CRT’s conceptualization and applications (Tate, 1997a; Yosso, 2005). One such example is its applicability and remarkable expansion in the field of educational research. In education, CRT’s critical analysis that centers race and how racism systematically functions serves to explore how specific groups are excluded from educational resources and opportunities at all levels of formal education. Bell’s analysis of the BOE decision through the framework of interest convergence provides a fitting example for how CRT is a resource in the field of education. Ladson-Billings and Tate (1995) analyzed the legacy of BOE 40 years after it was enacted. The authors examined the persistence of educational inequalities along racial and economic
lines in the US. Using a CRT framework, they propose that (1) race continues to be a significant factor determining inequity in U.S. society (2) U.S. society is based on property rights and (3) the intersection of race and property create the analytical tool through which to understand social and school inequity (p. 48). Their work contends that even though legislatively schools were forced to integrate, economically the “haves” (overwhelmingly racially White) are still free to remain segregated from the “have-nots”, and have done so at alarming rates since 1954. This version of segregation results in the educational disparities that disproportionately effect non-White students.

Scholarship that utilizes CRT in education is guided by Solorzano (1997) who outlined five tenets of CRT to inform educational research, curriculum and policy analysis, as well as the development of theory. They are: (1) the centrality of race and racism and their intersectionality with other forms of subordination (2) the challenge to dominant ideology; (3) the commitment to social justice; (4) the centrality of experiential knowledge; and (5) the utilization of interdisciplinary approaches.

**Latino/a Critical Theory (LatCrit)**

Where CRT centers race as a primary unit of analysis to identify inequalities in the U.S, several offshoots of CRT have emerged, such as Latino/a Critical Theory (LatCrit), with the purpose of addressing other existing types of subordination and how they intersect with race. Frank Valdes (1996), a principal founder of LatCrit, states that CRT had been “insensitive to the limitations in scope and depth of the ‘Black/White paradigm’ as an exclusive lens for the deconstruction of race and race-based subordination in a multi-cultural society” (pg.4). The issue with viewing the struggle against racial subordination narrowly through the lens of African Americans’ oppression
is that it can lead to the omission of Latina/o, Asian American, Native American experiences with racial oppression and other dimensions of "race"-based power relations. LatCrit however should not be seen as competing with CRT. Rather it is supplementary and complementary to critical race theory.

LatCrit expands the unit of analysis to address issues such as language, accent, immigration status, ethnicity, culture, identity, phenotype, and sexuality and highlights how they intersect with race (Solorzano & Yosso, 2001). The need to expand the units of analysis is because Latina/o is also understood as a social construct, a conglomeration of several peoples from various cultures, nationalities, ethnicities, religions, genders, and geographic localities\(^7\) that have become embedded in American society through a mixture of commonalities and differences which are made salient by U.S. law and policy (Montoya & Valdes, 2008; Valdes, 1996, p. 5).

The complex relationship with Latina/o sameness and difference is compelling to LatCrit theorists because nuanced explorations of socially constructed inter and intra-group commonalities and dissimilarities can lead to meaningful knowledge production and provides the opportunity to build coalitions with other subordinated groups that have corresponding quests toward equality and dignity (Valdes, 1996). The focus on building coalitions is explicit in Valdes’ outline of LatCrit’s four principals, which are (1) The Production of Knowledge, (2) The Advancement of Transformation, (3) The Expansion and Connection of Struggle(s), and (4) The Cultivation of Community and Coalition. (Aoki & Johnson, 2008, p. 1167) LatCrit theory is committed to studying the civil rights

\(^7\) Refers to both localities within the U.S and Latin America.
issues of Latina/os and how they intersect with, and diverge from, the struggles of other subordinated groups (Aoki & Johnson, 2008).

The placement of Latina/os in the epicenter of contemporary legal and educational discourses should be seen as a rotating epicenter (Montoya & Valdes, 2008). The importance of a provisional center is that Latina/o narratives and histories are analyzed, given value and expression, which contributes to anti-subordination scholarship and policy. The analytic epicenter then rotates to another group and their experiences. By avoiding a fixed center, work that promotes democratic knowledge production and approaches to antiracist, anti-subordination are strengthened, because people’s experiences and struggles do not become peripheral (Montoya & Valdes, 2008), or fall into a ‘hierarchy of oppression’ (Lorde, 1983). LatCrit’s roots in critical legal scholarship, rotating epicenter, and focus on coalition building are some of the main reasons why I find it fitting for this dissertation research that deals with Latina/o students and with students of various national, ethnic, racial backgrounds that share an immigration status.

**Immigration and Race in LatCrit**

In LatCrit, immigration is analyzed through immigration laws as well as through the lived experiences of immigrants. LatCrit theory reviews U.S. immigration laws, cases, and trials, as a way of analyzing the legal framework on which the social construction of immigration status stands. Work within LatCrit theory that focuses on the way language is deployed in legal doctrine is particularly useful because it shows how U.S. immigration law subordinates fundamental civil and political rights of ‘aliens’ meaning people not recognized as U.S citizens (Iglesias, 1996). Examples of rights not afforded to non-citizens include the right to vote, to participate in jury deliberations, to engage in political
activities without fear of deportation, or to challenge indefinite terms of detention (Johnson, 1996). These rights and others are denied to "aliens," a legal term that legitimizes their restrictions by connoting illegality and otherness, rather than a common humanity (K. R. Johnson, 1996, 2004).

Lakoff and Ferguson (2006) maintains that the legislative term “illegal,” as it is used to describe those who entered the U.S without inspection or who overstayed their visa (i.e. illegal immigrants, illegal aliens as an adjective or simply as a noun in ‘illegals’) is not a neutral term. It frames all undocumented immigrants as perpetual criminals both because it fails to distinguish between a criminal and civil offense and because it is framed as a definitive state of illegality. The consequence of ‘illegal alien” as a legislative term not only stresses criminality, but it stresses otherness which then justifies efforts that punish and exclude from U.S. society and its resources.

LatCrit theory’s examination of immigration law is intersectionally focused because race is understood as always present in the experiences of migrants, immigration legislation, and law enforcement (G. Sanchez & Romero, 2010). The legal construction of whiteness in both determining a person’s racial status and their eligibility for citizenship⁸ is fundamental in this understanding because to be an American became, and continues to be, explicitly tied to being White. Thus, the statuses of Blacks, American Indians, Hawaiians, and immigrant groups were/are being determined in contrast to whiteness and in relationship to each other (Lopez, 1997; Pérez Huber, Lopez, Malagon, Velez, & Solorzano, 2008; G. Sanchez & Romero, 2010). LatCrit theorists review U.S.

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⁸ As per the Federalist Papers of 1787, the Dred Scott decision of 1857, the Naturalization Act of 1790 (Saito, 1997)
immigration laws, cases, and trials, and find race to be central in maintaining and controlling immigrants and other minority citizens (Chang, 2000; Hing, 2012; K. R. Johnson, 2004). Legislation like 1882 Chinese Exclusion Act, U.S. v. Thind of 1923\(^9\), the 1924 national origins quota system, Mexican repatriation and deportation programs beginning in the 1930’s, Japanese Internment of the 1940’s, and the Immigration Act of 1965\(^10\) are among the most referenced instances where racialization was central in immigration law which lead to exclusion of immigrants groups not deemed White (Pérez Huber, 2010; Romero, 2008).

The link between immigration and race in the U.S. is viewed as ‘inextricable’ as immigration laws have been written, reformed, and enforced with the purpose of upholding the hegemonic power of the native (perceived to be White) while excluding and punishing the non-native (perceived to be People of Color) and immigrants in particular (Pérez Huber, 2011; G. J. Sanchez, 1997; Valdes, 1997). The exclusion of certain immigrant groups and their subordinate status as alien/outsiders/other within the U.S is supported by legislation but it is enacted by every day practices and perceptions, which justifies the limitation on their rights imposed with the U.S legal system (K. R. Johnson, 2004).

**Physical and Linguistic Racialization**

Immigrants in the United States’ enter political, cultural, and legal spaces which render them intelligible according to U.S-based racial constructs and thus ‘become’ identifiable as Asian American, Black, Latina ⁄ Latino, and White (Chang, 2000; G.

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\(^9\) Immigrants from India were ruled to be ineligible for naturalization because they are not White

\(^10\) Limited the number of migrants from the western hemisphere, which disproportionately affected Latin Americans
Sanchez & Romero, 2010). LatCrit theorists observe the mechanisms that racialize different immigrant groups as a whole, or fragment immigrants from within a particular nationality, and articulate the dynamics and fluidity in socially constructing racial meanings. This fluidity is underlined by the conditional and temporal nature of whiteness (Ladson-Billings, 1998). In the case of Latina/os, K. R. Johnson (1997) maintains that because of the heterogeneous nature of this group, the racialization processes vary. Mexican-Americans in the Southwest have been socially constructed differently than Cuban Americans in Florida and Puerto Ricans in the Northeast. Although commonalities exist like in their shared experiences of being treated as "foreigners," they are "racialized" in different ways and, in effect, may be of different "races." (p. 144).

Physical appearance such as phenotype play an important role in the racialization process of Latina/os because concern over illegal immigration to the U.S. is now inseparable from stereotyping Mexicans as ‘illegal aliens’ and socially constructing Mexicans as criminal, foreign, and the other (Romero, 2008). To “look Mexican” affects a person’s life experiences because the more "Mexican" a person looks, the more likely that person will be questioned about their immigration status as well as have negative encounters with law and immigration enforcement (K. R. Johnson, 1997). Looking ‘Mexican’ may encompass a variety of things such as having indigenous features (K. R. Johnson, 1997), dark brown skin (Gonzales-Backen & Umana-Taylor, 2011), or both which connotes physical labor (Espinoza & Harris, 1997). The practice of racial
profiling demonstrates that citizenship status is inscribed on the body, something Chang (2000) refers to as certain bodies\textsuperscript{11} carrying a ‘figurative border’.

Racialized immigration Law enforcement practices allow a person’s appearance to serve as ‘reasonable suspicion’ or ‘probable cause.’ One of the most recent and notable examples of this type of racialized immigration/law enforcement is Arizona’s Senate Bill 1070 (SB1070) which requires state law enforcement officers to determine a person’s immigration status during a lawful stop, detention, or arrest when “reasonable suspicion exists that the person is an alien who is unlawfully present in the United States” (Arizona SB1070). In Ohio, similar racial profiling practices resulted in a federal lawsuit that alleged immigration enforcement and police departments detained and interrogated Latino/as about their immigration status based solely on their appearance (Blake, 2009; Platt, 2009). Evidence for the lawsuit included internal communication logs in which border patrol agents used “racially charged” language for people of Mexican descent and apprehension logs which showed that Mexicans had twice the representation in the log than what would be expected based on their representation of the undocumented population in Ohio\textsuperscript{12} (Lindstrom, 2015a; 2015b). A federal judge ultimately dismissed the lawsuit, determining that a few examples of agents using offensive terms and the agency’s statistics on apprehensions were not enough to support claims of racial profiling. (Associated Press, 2016). LatCrit theorists maintain that this type racialized immigration practices impact the lives not only of Latina/o immigrants, but also of U.S. citizen

\textsuperscript{11} Latinas/os and Asian Pacific Americans
Latina/os and particularly Mexican Americans, whose citizenship is questioned on the basis of their physical appearance (K. R. Johnson, 2004; Romero, 2008; Valdes, 1997).

In addition to appearance, other factors go into the racialization of ‘Mexicanness’ such as Spanish-speaking abilities or accented English, which reinforce the idea that Mexicans are foreigners whose presence is also criminal, ergo illegal (Romero, 2008; G. Sanchez & Romero, 2010). The notion that Spanish is indicative of undocumented status is highlighted by a study situated in Ohio in which Latina/o participants reported feeling like the targets of language-based discrimination at school. Teachers and students who did not speak Spanish assumed that participants who were native Spanish speakers “did not know English, were not smart and were illegally in the USA, taking resources” (Cohen & Chavez, 2013, p. 27). The authors of that study conclude that the discrimination, based on language and appearance, that marks the lives of Latina/o immigrants, serves as a reminder that many Ohioans\textsuperscript{13} believe that Latina/os are illegally in the U.S. and a threat regardless of their country of origin, legal status and work history.

**Racist Nativism in Education**

A LatCrit framework examines the dynamic role of phenotype, language, and immigration status when socially constructing the Other with the purposes of excluding them from institutional resources and opportunities. Considering the legislative limitations on post-secondary access for undocumented students, a racist nativist lens within a LatCrit framework can be a particularly useful conceptual tool when exploring their experiences pursuing a higher education. Pérez Huber et al. (2008) define LatCrit

\textsuperscript{13} The authors do not specify who specifically is ‘Ohioan’ but they do elude to the state’s Anglo-American majority and large African-American communities.
racist nativism framework as a conceptual tool that helps researchers understand how the historical racialization of Immigrants of Color shapes the contemporary experiences of Latina/o undocumented immigrants. Within educational research, Pérez Huber et al. (2008; 2009) and Pérez Huber (2010) focus on undocumented Latina/o students because they maintain that at current historical moment, racist nativism targets Latina/o undocumented immigrants, regardless of their many contributions to U.S. society as productive community members.

Pérez Huber (2009; 2010) find that the educational consequences of racist nativism in education include a long-lasting emotional toll for students as a result of being constantly perceived and treated as culturally or intellectually inferior by teachers, staff, and peers through their K-12 education. This perception of inferiority is materially consequential because as a result many undocumented Latina/o students are not academically tracked for college. Their post-secondary educational trajectories are further hindered when the perception of inferiority, is compounded by the legislatively limited access to funding, campus resources and programs (Pérez Huber, 2009b, 2010). Other important consequences of racist nativism are that undocumented Latinas must take risks in performing daily tasks necessary to pursue an education. Driving for example becomes a calculated risk for many undocumented Latinas because their perceived phenotypical identification as Mexican (ergo undocumented) puts them as risk for being pulled over by police, which if found to be driving without a license, could lead to a deportation (Pérez Huber, 2010).

However, students are not one-dimensionally subject to the consequences of racist nativism. Pérez Huber (2009) also highlights how in spite of the racist nativist obstacles
students survive, resist, and navigate higher education by drawing on multiple forms of accumulated assets and resources in their families and communities. Basing the analysis on community cultural wealth framework\(^{14}\) (Yosso, 2005), Pérez Huber highlights that undocumented Latina students draw upon various forms of capital: aspirational and familial capital, linguistic capital, social capital, navigational capital, and spiritual capital to achieve their educational goals. Navigational capital is of special relevance to this dissertation. Navigational capital is understood as the skills of maneuvering through social institutions that have historically functioned without the needs of Communities of Color in mind (Yosso, 2005; Pérez Huber, 2009). Through participants testimonios, that study finds that due to the legislative restrictions and stigma associated with undocumented status, undocumented college students must build social networks, to access important information and resources that can help them in their higher education experience. The data in the Perez Huber (2009) study also revealed that many of the navigational strategies utilized by participants were informed by a consciousness of resistance, which is understood as the knowledge and skills developed in opposition to oppression, that are grounded in a legacy of resistance to subordination. Thus, undocumented students exchanged vital sources of information, strategies, and support to navigate higher education, despite and in spite of the institutional barriers they encountered.

\(^{14}\) the unique forms of cultural capital, accumulated resources, and assets that Students of Color develop and utilize in spaces of marginality within educational institutions (Saito, 1997; Villalpando & Solórzano, 2005)
Empirical Studies on DACA

Because of the program’s relatively recent implementation, research examining DACA’s impact on the lives of previously undocumented youth and young adults is still emerging. However, shortly after DACA was announced on June 15, 2012, Batalova and Mittelstadt (2012) estimated that 1.26 million youth living in the U.S. without formal documentations status would be immediately eligible for the program and that an additional 500,000 children\(^{15}\) would be eligible in the near future (pg.3). Singer and Svajlenka (2013) conducted a quantitative analysis on the first wave of DACA applications received by the U.S. Citizenship and Immigration Services’ (USCIS) through June of 2013. Their report shows more than half a million people\(^{16}\) applied for DACA with only 1.0 percent\(^{17}\) being denied. Demographically, the vast majority of the applicants (74.9 percent) were born in Mexico. However, applicants represented a total of 192 different countries of birth with 25 of those countries having at least 1,000 applicants each (Singer & Svajlenka, 2013). Other key findings state that out of all applicants: over one-third were between 15 and 18 years old, nearly three-quarters had lived in the U.S for at least ten years, and approximately one-third were age five or younger at arrival. These figures demonstrate a predominance of Mexican-born applicants but also indicate diversity in DACA applicants’ national origins. Moreover, they show that DACA applicants have lived in the United States for a majority of their young lives and that a significant portion of this group is entering their final years of high school or have recently graduated.

\(^{15}\)Ages 5-14  
\(^{16}\)557,412 applications  
\(^{17}\)5,383 applications
Over half a million people applied initially for DACA, yet Singer and Svajlenka (2013) contextualize that figure by stating that it represents only 59 percent of the larger DACA eligible population. Hypotheses for the underwhelming application rate are that potential applicants may be discouraged or unable to provide the $465 application fee (in addition to any related attorney costs), unable to document continuous presence in the U.S., or lack the educational enrollment component necessary. Additionally, Singer and Svajlenka (2013) theorize that people may not have correct information about the program or are unaware that it applies to them because they are under the impression that they have formal immigration status. The latter may be the case for youth under the age of 18, who Gonzales (2011) refers to as having not yet “transitioned to illegality” because of the educational and social protections that they count on as minors.

**Community Organizations and Schools**

In a follow up report that includes interviews with service providers, advocates, and other immigration practitioners in eight metropolitan areas, Singer, Svajlenka, and Wilson (2015) show that the number of DACA requests declined throughout 2013 and continued to decline through the end of 2014. They maintain that the declining number of applications indicate a missed opportunity rather than an overestimation in the potential beneficiaries of this program. The demand for DACA information services was so high that areas with long-standing immigrant populations that have well-developed service infrastructure for immigrants and refugeesootnote{New York City, Chicago, and San Francisco} were the best equipped to provide outreach and services. Places with relatively newer immigrant populations that lack that
infrastructure and resources\textsuperscript{19} had a difficult time meeting the need for information, outreach, and assistance. Thus, many people who may be eligible did not apply. Similar reports, such as Patler and Cabrera (2015), highlight the importance of community organizations in informing communities about DACA. This report finds that out of the 502 participants, 65\% received advice or assistance from a community-based organization.

Hooker, McHugh, and Mathay (2015) correspondingly focus on the ways in which community organization and local educational institutions responded to DACA. Extensive interviews were conducted with approximately 85 stakeholders in states with large immigrant populations\textsuperscript{20} with the aim of identifying initiatives undertaken to support DACA youth’s education and challenges that may have emerged. Some of their findings suggest that community organizations and schools were as viewed as trusted source of information and thus key in outreach efforts such as hosting DACA information sessions and application clinics. These sorts of events are especially important for people with limited income, as they provide a trusted platform to answer questions about the program and can lead to referrals to legal service providers, pro bono or otherwise.

In addition to hosting events, Hooker et al. (2015) finds that schools are important because high school staff, particularly teachers and counselors, are viewed as trusted sources of information regarding DACA matters. However, many faculty and staff do not have the technical knowledge or expertise in local, state, and federal college access policies and scholarships available necessary to fulfill this role. Their task is even more

\textsuperscript{19} Charlotte
\textsuperscript{20} California, Illinois, Maryland, New York, and Texas
daunting in states with restrictive policies regarding college access for non-resident or non-citizen students. College admissions staff is not seen as a trusted primary source of DACA information in the same way as high school teachers and counselors but they are positioned as knowledgeable about the college admissions processes. They too face similar challenges of informing students whilst they themselves lack crucial information or are entirely unfamiliar with policy details. Hooker et al. (2015, p. 35) argue that well-structured college advising and administrative systems are essential for DACA recipients to have access to post-secondary institutions as well as important for them to “develop a sense of belonging on campus, and progress along a college and career trajectory.”

Students’ Experiences with DACA

Preeminent studies thus far that have focused on student’s reception and experiences with DACA report on the data collected for the National UnDACAmented Research Project (NURP), the first national survey of DACA recipients. The NURP survey includes data from 2,684 undocumented young adults nationwide who are between 18 and 32 years of age, have received deferred action, or may be eligible for DACA but have not applied, or who applied but are awaiting response (Gonzales, Bautista-Chavez, et al., 2014; Gonzales, Terriquez, et al., 2014; Suárez-Orozco, Teranishi, & Suárez-Orozco, 2015). These studies utilize the data from the NURP project and have found that to date DACA has reduced some of the institutional challenges that undocumented young adults must overcome in order to achieve economic and social incorporation.

Gonzales, Terriquez, et al. (2014) suggest that, as a direct result of their legal residency status, DACA grantees now experience greater access to U.S. institutions,
which has enabled them to better achieve their educational and professional goals. They find that many ‘DACAmented young adults’ (p. 1853) have been able to obtain new jobs and internships, open bank accounts, acquire credit cards as well as receive their driver’s licenses—which has widened their educational, employment, and other opportunities.

Gonzales, Bautista-Chavez, et al. (2014) similarly report that DACA improves access to post-secondary education because of in-state tuition eligibility (in some states) and improved employment options for many of its beneficiaries. Suárez-Orozco et al. (2015, p. 9) report that 85.5 percent of students reported that DACA had a positive impact on their education. This positive impact was characterized as DACA recipients having higher rates of employment, receiving more grants and scholarships, and higher participation in internships when compared to students without DACA. Other positive considerations were better access to transportation and more stable housing conditions.

However, because DACA recipients still they remain ineligible for federal financial aid assistance, financing their post-secondary education remains a serious challenge. Gonzales, Bautista-Chavez, et al. (2014, p. 7) describe a large share of the DACA-eligible population experiencing post-secondary education as “a revolving door” which refers to the 42 percent of participants that reported not completing their plan of study within the normal time scheduled due to limited finances and family responsibilities which forced them to leave school for significant amounts of time.

Other findings across studies reporting on NURP suggest that while DACA improves the access to post-secondary institutions, there is an inequality of access that is revealed by indicators that students who are DACA recipients at four-year universities fare better than their DACA peers at community colleges. Gonzales, Bautista-Chavez, et
al. (2014) explain this inequality as one that occurs commonly with students that possess higher levels of education and greater access to family, economic, and community resources. It is not an indication that the DACA program inadvertently privileges enrollment and degree attainment of recipients attending universities over individuals in community colleges. Gonzales, Terriquez, et al. (2014) also find similar inequalities within the general benefits gained from DACA, and report on disparities in access to the DACA program itself. Their findings suggest that while DACA does open up new opportunities based on the legal status it provides, the ability to find out about DACA as well as the ability to capitalize on its benefits, to some degree, is based on the resources individuals have access to prior to their new temporary legal status (i.e. via their postsecondary educational institutions, families, ethnic communities, or community organizations). Gonzales, Terriquez, et al. (2014) acknowledge that their sample size is largely representative of young people who are disproportionately connected to immigrant organizations and are highly educated.

**Latina/os and DACA**

While the research featured thus far in this literature review reports on large-scale survey data from DACA recipients, qualitative research that explores DACA recipients’ college experience is quite scarce. The qualitative work that has been done continues to center the experiences of Latina/o DACA recipients in California. Longitudinal qualitative work by Pérez Huber, Villanueva, Guarneros, Vélez, and Solórzano (2014) and Pérez Huber (2015) find that, much like NURPs general finding, DACA provides a sense of protection and new educational and professional opportunities but recipients continue to face legislative constraints and exclusions.
The sense of protection that Latina/o DACA recipients feel is multifaceted. DACA provides a temporary deferral from deportation, which helps alleviates the constant fear that many have of being identified as undocumented which can lead to subsequent detention and deportation by immigration officials. Not living with that constant fear is described as a ‘liberation’ that has some Latina DACA recipients feeling comfortable to speak up or take action in situations where they feel they are being treated unfairly. Victoria, a participant in work by Pérez Huber (2015) describes this comfort as gradual recognition which helped her make the decision to leave a job where she felt she was being discriminated against “It took me a while to realize, ‘I can go and get another job.’ I don’t have to take this….there are options.” (pg. 117).

In educational settings, that sense of protection gives some a newfound comfort to disclose their immigration status while seeking out resources on campus. Mireya, an undergraduate student, states that a professor helped her access free printing and counseling after she spoke to her about her status. Availability to resources helped her academically and emotionally because she felt equal to her peers “You go for such a long time feeling like the underdog. You can’t get this, you can’t get that. So it makes you feel that you do have the right to have access to anything that anybody else has [at this university].” (Pérez Huber et al., 2014, p. 4). The confidence to seek out opportunities is also supported by the temporary work authorization that DACA provides, which has helped some capitalize on those opportunities. Specifically, having a work permit has afforded some Latina/o DACA recipients greater educational and economic opportunities like working in the career field for which they studied, becoming paid employees rather
than interns, and even returning to graduate school (Pérez Huber, 2015; Pérez Huber et al., 2014).

Since DACA is provisional and does not provide permanent immigration status, Latina/o DACA recipients continue to face constraints and exclusions of being undocumented like ineligibility to federal financial aid and international travel limitations. Even in California, a state with the California DREAM Act that allows undocumented students access to certain forms of financial aid to attend public colleges and universities, ineligibility to federal financial aid funding and other grants remains a serious limitation in Latina/o DACA recipients post-secondary educational attainment (Pérez Huber, 2015; Pérez Huber et al., 2014). Limitation on international travel is also consequential, especially for students whose career choice has an international component, because inability to travel freely outside of the U.S. disqualifies them or puts them at a competitive disadvantage (Pérez Huber, 2015).
Chapter 3: Methodology

Introduction

This chapter outlines the methodological approaches taken to address this dissertation’s guiding questions that explore how DACA recipients in Ohio construct a college education as their right, the various ways they advocate for themselves, and the relationship between students’ immigration status and their racial and ethnic identification during their pursuit of a post-secondary education.

Research design components discussed in this chapter include a contextualization of various grounded theory, followed by a substantiation of the critical race-grounded methodology, and a statement about the grounded theory methods used in this dissertation. Malagon, Huber, and Velez (2009), who introduce the concept of critical race-grounded methodology, assert that when grounded theory’s emphasis on real life experiences as the basis for theory formation is situated with a critical race framework, the resulting process can examine and transform the relationship between racism and other forms of oppression. The chapter then transitions to provide a detailed account of participant selection and recruitment efforts, a disclosure of the ethical and cultural considerations taken, a discussion of my role as a researcher in the study’s process, a

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21 A framework that values the experiential knowledge of People of Color and uses trans-disciplinary studies in constructing its theoretical premise
commentary on limitations, and concludes with an overview of data collection and analysis procedures.

**Grounded Theory Approaches**

Grounded theory, as developed by Glaser and Strauss is an approach in which qualitative data are collected and analyzed concurrently in rigorous, systematic, and disciplined ways to facilitate the emergence of themes and guide future data collection (Hatch, 2002). A theory that is grounded in the data collection and analysis effort then emerges as a result of the grounded theory process rather than having a theoretical proposition or hypothesis that is stated at the onset of the study (Mertens, 2015). Key methodological features of classic grounded theory research include:

- Sampling participants in way that aims for theory construction, not representation of population
- Simultaneous involvement in data collection and analysis
- Construction of analytic codes and categories from data, not hypotheses,
- Use of constant comparative method during each stage of the analysis
- Advancement of theory development during each step of data collection and analysis
- Engage in memo-writing to elaborate categories, define relationships between categories, and identify gaps
- Conduct literature review after development of an independent analysis (Charmaz, 2006; Mertens, 2015)
Grounded theory’s detailed methodological approach was developed as a response to the commonly held positivist view of qualitative research as impressionistic, anecdotal, unsystematic, and biased (Charmaz, 2006). Since its introduction, grounded theory has evolved into several models: classic grounded theory, Straussian grounded theory, and constructivist theory (Breckenridge, Jones, Elliott, & Nicol, 2012; Evans, 2013).

Points of departure between the classic grounded theorists and the Straussian grounded theorists include an adherence to the original methods (i.e. use of literature as data) and differences in coding, which ultimately reflect an epistemological variation (Evans, 2013; Heath & Cowley, 2004). In classic grounded theory, substantive (open) coding is a way to develop a set of categories “relevant for integrating into a theory” that come strictly from the data itself (Glaser, 1978, p. 56 as cited in Evans, 2013). Straussian grounded theory, also uses the term “open coding” but moves away from the strict emphasis on the data for conceptualization and categorization and more towards verification of the categories by incorporating the reflexivity and relationality of the researchers, as they are not seen as separate from the analytic process (Charmaz, 2006).

Also, in Straussian grounded theory, categories may be predetermined, emerge from the data, and come from the researcher. This grounded theory approach differs in its use of axial coding as a follow up to open coding. J. M. Corbin and Strauss (1990) state that axial coding puts data “back together in new ways after open coding” (p.96). The strategy for bringing data back together is done with the aim of making connections between categories, linking categories with subcategories, and asking how the categories are related (Charmaz, 2006). Epistemologically, Classic Grounded Theory has mix of inductive-deductive analysis while the Straussian approach puts more emphasis on
deduction and verification, yet both remain quintessential post positivist methods (Evans, 2013; Hatch, 2002; Mitchell Jr, 2014).

**Constructivist Theory**

As a way of working towards a Critical Race-Grounded Methodology, this dissertation research aligns itself more with a Constructivist approach to grounded theory which diverges from other iterations of grounded theory in its incorporation of prior theory during the analysis, three-step coding processes, and abductive approach to drive the theory formation process (Malagon et al., 2009). Constructivist grounded theory differs from inductive iterations of grounded theory in which concepts and categories are seen as inherent in the data thus awaiting the researcher’s discovery (Mertens, 2015). Rather, in the Constructivist approach data and categories and concepts are understood as co-constructed by researcher and participants and shaped by the researcher’s perspectives, values, privileges, interactions, and even geographical locations (Charmaz, 2006; Mitchell Jr, 2014; Thornberg, 2012). Framing the emergence of a theory as a process that is co-constructed reflects an understanding that social realities are also mutually constructed; thus recognizing multiple realities and multiple perspectives on those realities (Charmaz, 2006; Thornberg, 2012).

In order to be reflective of complex social realities, Constructivist grounded theory incorporates prior knowledge and theoretical preconceptions/frameworks as data (Evans, 2013). The abductive approach to theory formation then begins by examining and scrutinizing the data and considering all possible explanations for the phenomenon being

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22 Review of the literature and researcher positionality/experiential knowledge
studied (Charmaz, 2006; Malagon et al., 2009). Hypotheses are then formulated and checked empirically by re-examining the data and pursuing the most plausible explanation. The coding process for the data then uses three types of coding: open, focused, and theoretical. While the terminology may be similar to other approaches, “theoretical” coding here refers to the merging of concepts into groups throughout the process (Evans, 2013). Thus, the various forms of data remain subject to the rigorous scrutiny that characterizes grounded theory methods (Thornberg, 2012).

**Critical Race-Grounded Methodology**

A critical race-grounded methodology shares grounded theory’s objective of illuminating and better understanding the lived experiences of research participants. It employs elements of the systematic yet flexible approach to the development of theories grounded in data (Malagon et al., 2009). Grounded theory has been innovative but for scholars and researchers who forefront issues of race, dominant research paradigms that inform methodological design and processes continue to speak for the Other in a way that (re)produces the domination of People of Color (Malagon et al., 2009). A critical race-grounded methodology aims to transform the uneven relationship between the researcher and researched by developing alternative methodological strategies such as: embracing an abductive approach, utilizing theoretical sampling techniques, employing conditional matrix coding, and collaborating between participants and researchers throughout the research process.

An abductive approach incorporates various forms of data and constant reflexivity during the data analysis. Constant reflexivity and incorporation of various data includes critically examining the positionality of the researchers and integrating their experiential
knowledge, extensively reviewing the literature, and utilizing a theoretical framework. In educational research where CRT and LatCrit make up the theoretical frameworks, a focus on the five tenets towards educational research is especially valuable. Solorzano (1997) outlines CRT’s tenets as (1) the centrality of race and racism and their intersectionality with other forms of subordination (2) the challenge to dominant ideology; (3) the commitment to social justice; (4) the centrality of experiential knowledge; and (5) the utilization of interdisciplinary approaches.

The use of theoretical sampling does not strive for representation of a population but rather allows the researcher to “seeks people, events, or information to illuminate and define the boundaries and relevance of the categories” (Charmaz, 2006, pg. 189 as cited in (Malagon et al., 2009). Theoretical sampling is largely dependent on the researcher’s judgment and access to certain populations. Thus, a critical examination of positionality and incorporation of the researcher’s experiential knowledge becomes crucial when striving for ethical and appropriate ways to work with marginalized communities. Theoretical sampling also facilitates theoretical saturation, which refers to the point at which gathering more data about a theoretical category reveals no new properties (Malagon et al., 2009).

Moreover, using a conditional matrix-coding device in critical race-grounded methodology is done to illuminate the connection between the micro level of personal narratives and the macro level of institutional structures and socio-historical context. Uncovering the relationship that connects voices of marginalized groups to the larger social forces is a key component of CRT and its aim to rectify oppressive structures and practices (Romero, 2005). Lastly, researcher-participant collaboration is one of the most
remarkable elements in critical race-grounded methodology’s aim to connect voices to forces. Including participants in the data analysis process serves to methodologically move beyond positivistic “researcher-subject” binary roles that perpetuate speaking for the Other. Collaboration with participants, especially during the data analysis, recognizes the value of participants’ knowledge in understanding their own reality and rightfully gives them an important say in how their experiences are portrayed. Collaboration in critical race-grounded methodology aligns with CRT’s tenets because as researches “we are not only committed to theory development, but also to making knowledge accessible to those best able to use it toward an emancipatory goal of social justice” (Malagon et al., 2009, p. 268).

**In Defense of Various Grounded Theory Approaches**

This dissertation research aligns with a critical race-grounded methodology, which employs methods from other grounded theory approaches. However, I also utilize methods of data analysis not outlined in a critical race-grounded methodology (i.e. process and emotion coding schemes). Some grounded theory researchers and purists have criticized the use of different methods. They refer to it as “method/theory slurring” or “skip and dip” because they maintain that research cannot be considered grounded theory unless it adheres to the strict methods put forth by a particular grounded theory model (Hatch, 2002; Evans, 2013). Baker, Wuest, and Stern (1992) on the other hand state the type of research questions that are asked may necessitate the use of various methods and should not be seen as indicative of a poor grounded theory methodology. They do however stipulate that the onus falls on the researcher to defend the
modifications because a failure to properly explain the use of various methods and their link to the research question may result in a muddling of the methodology.

I made the conscious decision to not adhere strictly to a particular model of grounded theory because I found that no singular model could accommodate the exploration of three independent, yet overlapping, dissertation research questions especially without compromising the epistemological stance of this research. The use of various methods was imperative in order to answer research questions that explored federal immigration and college admissions policies, students’ personal experiences during the college admissions process, and theoretical and applicable understanding of the racial dynamics, all while incorporating participants in the analytic process. Throughout this chapter I will detail my use of the methods and the reason for their use in order to not fall into a muddling of the methodology.

Research Design

Participant Sampling

Selecting only DACA recipients was not done with the intention of creating an artificial division between them and the larger undocumented youth population who remain ineligible for DACA, or cannot afford the costs associated with applying for deferred action. Rather, A sampling of only DACA recipients was done with the goal of exploring DACA’s impact on students’ access to a higher education. The 19 participants in this study are DACA recipients, between 16 and 24 years of age, who reside throughout the state of Ohio, and are either currently attending an institution of higher education or aspire to do so.
Four participants were high school students at the time of our initial conversations. The inclusion of high school juniors and seniors is important because their testimonios provide rich detail regarding the current college application process for rising college students who are DACA recipients. It also provides an opportunity to compare and contrast their experiences as students who are DACA recipients prior to applying for college with older participants who received DACA after having graduated high school. Other participants include students who are attending various community colleges and public and private universities throughout Ohio. Their attendance however is not uniform. Some participants were attending college part-time or were not currently enrolled due to various reasons (i.e. economic difficulty, personal issues). Others were in the process of transferring from a two-year community college to a four-year university. Participant demographics provided below in Table 1.

<table>
<thead>
<tr>
<th>Gender</th>
<th>Nationality/Ethnicity</th>
<th>Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>Dominican</td>
<td>4 year- Private</td>
</tr>
<tr>
<td>M</td>
<td>Dutch/Somali</td>
<td>4 year- Public</td>
</tr>
<tr>
<td>M</td>
<td>German/Somali</td>
<td>4 year- Public</td>
</tr>
<tr>
<td>F</td>
<td>Indian</td>
<td>4 year- Public</td>
</tr>
<tr>
<td>F</td>
<td>Mexican</td>
<td>High School (Private)</td>
</tr>
<tr>
<td>F</td>
<td>Mexican</td>
<td>None</td>
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<tr>
<td>F</td>
<td>Mexican</td>
<td>None/2 year</td>
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<tr>
<td>F</td>
<td>Mexican</td>
<td>High School (Private)</td>
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<td>F</td>
<td>Mexican</td>
<td>4 year-Public</td>
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<tr>
<td>F</td>
<td>Mexican</td>
<td>2 year</td>
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<td>F</td>
<td>Mexican</td>
<td>High School (Private)</td>
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<td>F</td>
<td>Mexican</td>
<td>High School (Private)</td>
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<td>F</td>
<td>Mexican</td>
<td>None/2 year</td>
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<tr>
<td>M</td>
<td>Mexican</td>
<td>None</td>
</tr>
<tr>
<td>M</td>
<td>Mongolian</td>
<td>4 year- Public</td>
</tr>
<tr>
<td>M</td>
<td>Ugandan</td>
<td>4 year- Public</td>
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<tr>
<td>F</td>
<td>Brazilian</td>
<td>4 year- Public</td>
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<tr>
<td>M</td>
<td>Chinese</td>
<td>4 year- Public</td>
</tr>
<tr>
<td>F</td>
<td>Columbian</td>
<td>4 year- Public</td>
</tr>
</tbody>
</table>
Moreover, participants are of diverse national origins, races, ethnicities, religions, genders, and socioeconomic backgrounds as well as heterogeneous experiences and perspectives. While participants are diverse, they were not randomly selected nor are they intended to be an exact representation of Ohio’s DACA student population. Rather, critical race-grounded methodology’s use of theoretical sampling strives to “seeks people, events, or information to illuminate and define the boundaries and relevance of the categories” (Charmaz, 2006, pg. 189 as cited in Malagon et al., 2009). The diversity in participant’ background and experiences becomes imperative for answering the third research question that focuses on the role of race and ethnicity in the admissions process.

**Participant Recruitment**

A variety of recruitment efforts took place for this study. However, because the aim was never to be representative Ohio’s DACA student, and due to the highly personal nature and potential complications that may arise when discussing issues of immigration status, recruitment was never done on a large scale where public platforms would be necessary (i.e. list serve, social media invite, cold calls). Rather, recruitment took place predominantly through a youth-led immigrant rights organization in Ohio, an emerging immigrant rights student group at a large university, and a mentorship program for high school students. Other participants were recruited through my participation in various community events that focused on immigrant rights advocacy and Latina/o issues and other events with a social justice focus like rallies for Black Lives Matter and for the missing 43 students in Ayotzinapa.

Participants who are not part of the mentorship program or immigrant rights groups were referred to the study via snowball sampling. This method of recruitment is
particularly appropriate where some degree of trust is required to initiate contact (Atkinson & Flint, 2001). The participation of students found via snowball sampling contributes to this research’s focus on diversity of experiences because it allows for an exploration of how DACA recipients gather information and resources about college when they are not affiliated with immigrant-rights or educational support groups. This particular demographic is under-represented in the existing research on DACA. Reports show that students who are connected to civic groups and community organizations may be better positioned to take advantage of some of the key benefits of DACA (Gonzales, Bautista-Chavez, et al., 2014; Gonzales, Terriquez, et al., 2014). In addition to having the advantage of technical assistance with DACA application or renewals, their participation in community organizations may also provide them with greater access to information about educational resources, job opportunities, and peer support networks. Therefore, the experiences of students who do not have direct access to these networks and may not benefit in the same way is necessary to properly answer the research question that focuses specifically on the role that legislation like DACA and Forever Buckeyes has played in access to post-secondary institutions and their resources.

**Community Involvement and Recruitment**

My involvement in the mentorship program and immigrant-rights group, as well as my participation in community events, predates my recruitment for this dissertation study. However, my participation in the groups was not strategically driven by my desire to conduct this research. This point is of methodological importance because rather than taking a deductive approach where I as the researcher hypothesize about the issues around DACA, then recruited participants to test the hypothesis, this dissertation follows
a critical race-grounded theory approach. The research questions developed in large part from noticing similarly themed conversations occurring in multiple groups. Students were voicing similar concerns with issues of equitable access to college and racial disparities during the admissions in a way that was noteworthy.

The rapport that I established within the various groups facilitated my access to students who would later be invited to take part in this study. Building rapport was also significant because it informed my decision of whom I would invite to participate and how I would invite them. With some participants I had one-on-one conversation while with others it was in a group setting. In some instances I invited participants over the phone or via online conversations. Certain students were not invited to take part in the research because I knew from previous conversations that they were very apprehensive about sharing their experiences with undocumented status.

**Confidentiality and Protection of Participants**

Seeking Institutional Review Board (IRB) approval for this study was a lengthy process that required several revisions and follow-ups. Part of the reason for the various revisions was that I had to clarify to the Board that while much of the national rhetoric around immigration has circled around the idea of illegality, the participants of this study are not committing a criminal offense with their presence in the U.S. I understood IRB’s apprehension that participants might be engaged in unlawful behavior by being in the US but saw it product of the larger national discourse around immigration, even within institutions of higher learning. While their presence in the country is not a crime, being identified as undocumented can have some serious consequences. Beyond the stigma of presumed illegality, detention or deportation is a real and constant threat for people who
lack permanent immigration status. This is why I honor I took multiple precautions towards ensuring participant confidentiality and protection from any risks that may arise from being identified as a person living in the U.S without permanent immigration status. Some of those steps included:

1) Strictly audio-recorded conversations. No video recording of any kind was utilized.

2) Use of pseudonyms. Participant’s actual names were never used in the transcriptions or in the data analysis documents. Pseudonyms were given to each participant and the institutions they attend. Similar considerations include the omissions of participants’ department or academic major. The reason for this omission is that students may be the only person of a particular national origin in their department or institution, which may facilitate identification.

3) Verbal consent was obtained only after having spoken to participants in detail about the aim of the project and explained their rights as research participants. The reason why verbal consent was used over signed consent forms was to prevent the creation of a paper trail, which could have lead to their identification as participants in this study.

4) To minimize any additional risk of identification from potentially leaked information via hacking, audio recordings in which participants may have revealed their actual names were saved on a password-protected external hard drive only accessible to me.
Informed Consent and Assent

In addition to protecting confidentiality of participants, acquiring informed consent was another primary standard that needed to be met in order to conduct ethical research and receive approval for human research through IRB. Informed consent is the notion that research subjects have the right to a) know that they are being researched, b) be fully informed about the nature and purpose of the research, c) have the right to know the risks and benefits of their participation, and d) the right to withdraw from participation at any time (Schwandt, 2007, p. 150).

First, I spoke with participants several times regarding the details, aim, goals, and procedures of the study. I scheduled a follow-up to show them the IRB approved documents. I then asked them to think about participating. I also asked that they not answer me right away so that they would not feel pressured. If participants were under the age of 18, I followed the same procedure and also made sure to talk to them and their parents in great detail about the research. I answered any questions they had regarding the study and followed up if they had any concerns.

The Language of Consent, Assent, and Confidentiality

In this study, I go to great lengths to make sure that I do not frame issues around DACA as exclusive to families of Latin American heritage. However, I am aware that these issues are prevalent in Latina/o and Latin American communities and that Spanish may be the preferred language spoken in many homes. Thus, all of the documents I presented to participants and parents were available in English and Spanish. Spanish is my first language and I maintain a high level of fluency in spoken and written Spanish.
am also a certified English-Spanish translator and so I translated the permission forms for those who requested them in Spanish.

I understand that some native Spanish-speakers may not be comfortable with jargon-rich documents like IRB consent forms, even when written in Spanish. That is why I also read them the consent script aloud, took time to explain particularly technical terms, and answered any follow-up questions they may have had. My Spanish fluency also played an important role in building rapport, especially with Spanish speaking participants under 18 years of age and their parents. Through my involvement in the mentorship program, parents and students saw me on a constant basis and we would talk about different topics in their native language. An established rapport and use of a common language allowed the lines of communication to remain open which minimized any misunderstanding that may have been perpetuated by language.

The ability to communicate in English and Spanish also played an important role in confidentiality. Conversations were had in the language participants preferred and in the spaces where they felt most comfortable talking about their experiences. Interestingly, almost all participants who are in college chose their favorite coffee shop. With high school students, we met on school grounds wherever a semi-private space was available: conference rooms, empty classrooms, and once in a copy room. On several occasions, the conversation began in English and either switched to Spanish because participants felt more comfortable sharing that part of their story in Spanish or referred to certain things in Spanish. In one particular instance, a participant was talking about her inability to get a driver’s license just as a teacher walked into the copy room to pick up the printouts from the copy machine. This participant, whose pseudonym is Lily, was facing the door and
saw the teacher coming into the room. Lily paused slightly, continued to speak in English but from that point used the Spanish term “sin papeles”\textsuperscript{23} to continue explaining why the Bureau of Motor Vehicles was not issuing her a driver’s license. Other times, when participants and I talked in a conference room, they switched to Spanish when we began to talk about their immigration status. They later explained to me, in Spanish, that the receptionist nearby could probably hear our conversation and they did not want her to know about their immigration status.

**Positionality**

A critical race-grounded methodology acknowledges that the researcher cannot be positioned as independent of the data collection or analysis. Therefore, the researcher’s prior knowledge (i.e. experiential and professional experiences) is treated as data to be accounted for and analyzed during the formation of theory. I choose to frame my positionality statement within the Chicana Feminist Epistemology’s (CFE) notion of *Nepantla*. *Nepantla* is the Nahuatl word for the space between two bodies of water or the space between two worlds (Prieto & Villenas, 2012). It can refer to the transformations and possibilities that occur when a person physically, emotionally, and historically inhabits an in-between liminal space that is an unstable, unpredictable, precarious and always-in-transition/ lacking clear boundaries (Anzaldúa, 1987; Prieto & Villenas, 2012).

Embracing *nepantla* means rejecting binary roles and spaces, which is why educational scholars have relied on this concept to negotiate the contradictions, subjectivities, and insights that come from insider/outsider overlap as researchers and

\textsuperscript{23} Without papers- colloquially refers to a lack of government issued documents that prove formal immigration status
educators (Calderón, Delgado Bernal, Huber, Malagon, & Vélez, 2012). This awareness and embrace of multiple subjectivities can also be used to make meaning of the contradictions that many Latina/o and Chicana/o scholars face, particularly when conducting research in our own communities. Villenas (1996) refers to it as having “a foot in both worlds; in the dominant privileged institutions and in the marginalized communities” (p. 714). In CFE, rejecting binaries and embracing the multiple subjectivities allows the researcher to draw from sources such as personal experience, professional experience, the existing literature on a topic, and the analytic research process itself to enhance theoretical sensitivity (Calderón et al., 2012, pp. 515-516). These sources are in step with the critical race-grounded methodology of this dissertation. I share a few of my experiences to highlight commonalities I share with participants and how my experiential knowledge and professional trajectory influence this work. However, I recognize and reflect on our differences, not to reaffirm researcher-participant binaries, but to respect their voices and experiences as the driving force behind this research.

I am a first generation American citizen who grew up in a mixed-immigration status home in the West Texas border town of El Paso. I identify as a Mexican as well as Latino and as previously mentioned, I am fluent in both Spanish and English. My language fluency has been personally significant because I communicate with many friends and family in both languages. Professionally, it was indispensable during my years working as a Board of Immigration Appeals (BIA) accredited representative. During my time as a BIA representative, I conducted multilingual presentations and workshops at immigration detention centers in Texas and New Mexico to inform
immigrant detainees of possible forms of relief from deportation. It was through this work that I developed a nuanced understanding of immigration law.

My professional knowledge of the immigration legal system is complemented by my own personal experience having grown up in a mixed-immigration status home in a border town with a heavy border patrol/immigration enforcement presence. It also informs my methodological approach because I recognize that regardless of rapport, the fear of identification and possible deportation is so present that some questions are deemed off-limits or are omitted because they hold too much potential to cause stress. This omission of certain questions is one example of critical race-grounded methodology’s acknowledgement of researcher’s experiential knowledge as data and part of the abductive approach that requires constant reflexivity during data analysis.

Furthermore, as a first generation immigrant, I am able to identify with commonly shared immigrant experiences like learning English, moving to a new place, and negotiating racial and ethnic identity. However, my experience differs from participants’ in many ways. For example, participants grew up in Ohio, not West Texas like I did. This geographic difference was clear when participants share feelings of extreme isolation as a result of being the only non-White and undocumented student in their k-12 classrooms. In El Paso, a place with a majority Mexican heritage population, I was not subject to the same level of racial isolation.

More important to my positionality is that I recognize that I am the beneficiary of privileges allotted to a U.S citizen. Methodologically embracing and living in nepantla was most salient for me with this particular aspect of my dissertation research. Research in nepantla means not embracing a fixed identity. While I can relate on a very deep level
to many of the immigrant experiences shared, my federally recognized citizen status allows me to navigate educational and professional spaces along, their corresponding resources, in a way that is fundamentally different from the participants of this study. My experiences as an immigrant do not equate with all immigrant experiences. When I applied to college, I did not worry about my formal immigration status being a factor in my acceptance or tuition rate. Currently, when I look for scholarships, fellowships, or employment opportunities I am not hesitant to apply because of citizenship requirements.

Another important disclosure of positionality is that my roles as a researcher and school mentor have inherent power dynamics that need to be recognized and negotiated. An example of this is my participation in the emerging DACA student group. I have positioned myself as someone who plays a secondary role of support of securing meeting spaces, providing snacks and refreshments for meetings when possible, and when asked, referring them to resources within my network of professional contacts. The students lead all the discussions and are in charge of all decisions around group strategy and direction. I continuously strive to recognize my position to avoid being perceived as, or fully falling into the trap of, ally-appropriation that has a long and present history in the immigrant rights movement for equitable education.

Data Collection

Since February 2015, the 19 participants and I have engaged in various forms of knowledge construction considered the data collection for this study. As of August 2016, this includes 36 audio-recorded personal and group conversations, numerous other personal interactions, and electronic communication like email and social media posts. The audio-recorded, individual conversations are between 45 and 150 minutes in duration.
and group conversations vary from 60 to 90 minutes. These multiple mediums for the construction of knowledge share the element of counter-storytelling. Counter-storytelling specifically serves to dispel deficit-based majoritarian stories about a group, engage in individual and group conscience, as well as strengthen traditions of social, political, and cultural survival and resistance (Ladson-Billings, 2003; Solorzano & Yosso, 2001). Counter-storytelling is based on storytelling, which has a rich history and continuing significance in African American, Latina/o, Native American, and immigrant communities. In these traditions, life lessons are transmitted and reinforced by learning to value the voices of others (Ladson-Billings, 1998).

Particular forms of counter-storytelling feature in this dissertation are: other people’s stories and testimonios. Other people’s stories are stories based on individual interviews, focus groups, and observations which can be then written in third person voice or using direct quotes from that person's narrative (Solorzano & Yosso, 2001). I, as the researcher who is not a DACA recipient, take part in counter-storytelling primarily through interconnecting other people’s stories. Rather than taking part in interviews though, participants and I had individual and group conversations. The difference between conducting interviews and having conversations is that the interview process can serve to reaffirm binary roles by virtue of the researcher/interviewer prompting the subject/interviewee to “to tell their story as they see it, feel it, and experience it” (J. Corbin & Morse, 2003, p. 339). Participants and I had conversations (audio-recorded with permission) regarding topics, issues, and events that we frequently talked about, even before this research began. I remain in touch with many of the participants and continue to have these conversations. Conversations, rather than interviews, allowed
participants to share their insights and provide necessary context to situations and fostered. Participants’ insights, informed by their personal experiences are invaluable because they became the driving force behind this research’s recommendations on how to improve post-secondary access for DACA students.

**Testimonios**

*Testimonios* are the other form of counter-storytelling featured in this research. *Testimonios* were born out of Latin American human rights struggles and can be viewed as acts of emergency narrative ‘*narración de urgencia*’ that denounce injustices as well as documents the experiences and acts of survival of oppressed groups (Solorzano & Bernal, 2001). The word *testimonio* itself can refer to the act testifying/bearing witness in a legal sense. Readers of a *testimonio* are put in position “akin that of a jury member in a courtroom… and as such we are under obligation to respond in some way or other, we can act or not on that obligation, but we cannot choose to ignore it” (Solorzano & Bernal, 2001). These acts of emergency narrative center and value experiential knowledge but transcend any fixed definition or format because they are “demotic and heterogeneous by nature”(Beverley, 2000, p. 558).

*Testimonios* can range from the first person “verbal journey... of one’s life experiences with attention to injustices one has suffered and the effect these injustices have had on one’s life’ (Solorzano & Bernal, 2001, p. 330) to the third person “authentic narrative, told by a witness who is moved to narrate by the urgency of a situation” (Beverley, 2000). In this way, the first person “I” in a *testimonio* can also stand in for a shared experience, for the communal “we” (Beverley, 2000, p. 556). Thus, the narration of a *testimonio* can be told about a collective experience, and indicate a coming to
consciousness, which can establishing solidarity between people that can result in social change (Brabek, 2001 as cited in Pérez Huber, 2010).

The sense of urgency behind the testimonios featured in this dissertation is multifaceted. Personally, I chose to undertake this research because of the sense of urgency that I felt from hearing about and witnessing the injustices students were going through in their attempts to attend college. I was further motivated by the lack of attention this topic was given in the academic spaces that I was a part of, particularly those that focused on equity and inclusion. For some participants, their sense of urgency was even more targeted. Many agreed to take part in this research, in large part, because they wanted educators, administrators, and others within academia that might access this work to know about the inequitable treatment they are combating.

However, I do not intend on positioning this dissertation as the only outlet that allowed them to share their testimonios. Some have shared their experiences in various public venues, testified in front of legislators, and even some media publications. Others, on the other hand, have not shared their experiences with many people. What this study does it that serves as a specific platform for participants to share their emergency narratives with an audience that commonly operates from within academic structures. In this way, their testimonios may serve to promote consciousness from people within academia and promote the social change needed to reform the inequitable policies and practices examined herein.

Furthermore, Testimonios democratize the merits of being considered an intellectual (Beverley, 2000; Delgado Bernal, Burciaga, & Flores Carmona, 2012). As a methodology, they provide modes of analysis that are collaborative and attentive to the
various ways of knowing and learning in the communities (Beverley, 2000, p. 558). Delgado Bernal et al. (2012) affirm that the absence of the researched in the research process facilitates essentialized notions that then allow deficit views to prevail. That is why this research employs a critical race-grounded theory approach, which involves simultaneous engagement of data collection and analysis alongside participants to construct analytic codes and categories that allow for themes to emerge (Diaz Soto et al., 2009). This type of engagement allows participants to make further meaning of their experiences as well as ensure that they have a say in what stories are shared and what meanings are made from them.

The tone and voice of this dissertation purposely mirrors that collaborative aspect. Participants’ quotes may be intertwined with some of my first person narration. This is done also as part of my continued embrace of nepantla that rejects binary positions in which the researcher and the researched are situated opposite of one another in order for the study’s conclusions to remain objective, ergo reliable. (Malagon et al., 2009) refers to the third person voice in which research is often written up as indicative of the objectivity researchers seek. Testimonios challenge methodological practices that aim to produce third person, seemingly unbiased, knowledge. Their challenge to this type of objectivity comes from situating the researcher and reader in communion with a collective experience marked by marginalization and/or resistance Agar (2013). As a result, new understandings have emerged about how marginalized communities build solidarity and respond to and resist dominant culture, laws, and policies that perpetuate inequity (Delgado Bernal et al., 2012).
Data Analysis

For this dissertation research, data analysis consisted of: utilizing the literature review as incorporation of prior theory during the analysis, engaging in a three-step coding processes, and collaborating with participants while adopting an abductive approach to drive the theory formation process (Malagon et al., 2009). The three step coding process included pre-coding, first cycle coding, and second cycle coding. Layder (1998) encourages researchers to pre-code by initially looking at the body of text gathered and scanning for passages that stand out. These passages may outlined in several ways (i.e. underlined, bolded, or highlighted) with the goal of coming back to them because the researcher sees something about them as worthy of attention. I transcribed the audio-recorded conversations on a word processing document (.doc format) and bolded certain statements that stood out to me. However, because of unforeseen formatting changes that I needed to do to import the .doc formatted documents into NVIVO, I had to identify the bolded text once more and inadvertently took part in another level of pre-coding that allowed further a second round of “quotable moments” that stood out to me (Boyatzis, 1998). Saldaña (2009) maintains that these quotes may be so provocative that they become part of the title, organizational framework of data, or even warrant their own theme. This was the case with Raed’s quote about his admissions process “constantly marginalized, from the application process onward” which was bolded during the pre-coding and developed into a subsection of the results chapter.

First cycle coding

After transcribing and pre-coding the conversations, I began first cycle coding that consisted of open, in-vivo, process, and emotion coding methods. In-vivo codes refer
to a word or short phrase that participants themselves used (Strauss, 1987). This type of coding is particularly appropriate for research that sets out to honor participants words by capturing their actual words which enhance and deepen understanding of their experiences and worldview (Saldaña, 2015). One of most salient examples of in-vivo coding methods was various participant’s use of “regular students” when referring to peers that were not DACA recipients or undocumented. Preserving the phrase and meaning of “regular students” allowed for practical, as well as theoretical, understandings of the various ways participants’ college admissions experience differed when compared to students who were U.S born citizens or residents.

Process coding was central in managing the numerous testimonios of participants’ experiences across the state with admissions staff during their college application process. This proved crucial in order to answer the research question, which asked how students advocate for their right to attend college. A process code captures action taking place such observable activities (reading, walking, talking), or conceptual action (struggling, negotiating, adapting) which make it useful for identifying “interruptions that occur when persons act or interact for the purpose of reaching a goal or solving a problem” (Corbin & Strauss, 2015, p. 173). Such was the case during participants’ admissions process. Understanding that data cannot always be precisely and discretely bounded or as states data categories are “fuzzy boundaries at best” (Tesch, 1990, pp. 135-8 as cited in Saldaña, 2009, p. 6). I also engaged in simultaneous coding methods as part of procedural coding. Simultaneous coding is when two or more codes are within a single datum (Saldaña, 2015). An example of how process and simultaneous codes were utilized was during the college admissions process in which participants were sent to both
international and domestic student admissions because neither office knew how to process their application. During this circuitous process, students simultaneously had to constantly disclose their immigration status to admissions counselors, while also informing them about DACA and how it applies to them.

When participants provided testimonios regarding their admissions process, they would outline the process they went through along with the emotions they felt. Sometimes, remembering the experience evoked the emotions, which lead to some very emotional conversations. Other times, participants recalled and identified the emotions they were feeling during that time. Thus, I utilized emotion coding. Emotion codes label the emotions participants experienced and/or recalled. They are particularly suitable for exploring interpersonal experiences and actions in matters of social relationships, decision-making, judgment, and risk taking (Saldaña, 2013). In this research, emotion codes are intrinsically linked to process codes because feelings of injustice, anger, and skepticism participants expressed during their admissions process would often drive the need to continue advocating for themselves to be accepted as in-state residents. An excerpt from a conversation with Zhi highlights the link between process and emotion codes. Zhi, who was repeatedly denied admission to Large Midwestern University (LMI), recalls his convoluted application processes and an admissions staff member at the university with the pseudonym “Z”. He describes his skepticism behind the reasons given for his rejection and feelings that motivated him to continue pursuing admission.

Z can make it so difficult even with the small things; it discourages you. Z even told me in an email that LMI is not the right school for me that I should try a different school. At that time I had DACA status, not like I was undocumented.
anymore. I said that no matter what I was going to get into LMI, that it was personal at that point. I was very, very mad so I contacted other people, trying to navigate my way into LMI.

The transition between first cycle coding and second cycle coding was an ongoing process because a critical race-grounded approach simultaneously engages in data collection and analysis, alongside participants, to construct analytic codes and categories that allow for themes to emerge (Malagon et al., 2009). This continuing transition required that I use analytic memos in order to be reflexive of new data and understand how they relate to the existing body of testimonios. Weston et al. (2001) states that a reciprocal relationship exists between coding and memo writing because the development of a coding system and the evolution of understanding a phenomenon is a reflexive process. Analytic memo writing took various forms, from structured academically written prose, to a few sentences written down, to voice recordings as I was driving or walking from one place to another. The latter proved especially helpful as sometimes an idea came to mind or certain connections became clear that I did not want to later forget. Rather than summarize the data or recap a conversation, the analytic memos consisted of expressing unanswered questions, inconsistencies or connections that I noticed, as well as frustrations that I felt. The analytic memos became part of the collaborative research process because in several instances I asked participants the unanswered questions that I noted. One of the most vivid examples of this was when I asked participants to help me make sense of the complications around racial passing for DACA recipients, which evolved into a prominent section of the results chapter in this dissertation.
Second Cycle Coding

The second cycle of coding continues the analytical work by further managing, highlighting, and focusing the salient features of the data recorded to generate categories, themes, and concepts that build theory and/or understanding of an issue (Saldaña, 2009). The transition from generating codes into grouping them into categories and themes, because they share a characteristic or form part of a pattern, requires classification reasoning as well as a tacit and intuitive sense to determine which codes "look alike" and "feel alike" when grouping them together (Lincoln & Guba, 1985, p. 347).

Acknowledgment of this subjectivity in research is why disclosing my positionality was so important as well as why participant involvement and collaboration was necessary.

Axial coding is appropriate for studies employing grounded theory methods and studies with a wide variety of data forms (Lincoln & Guba, 1985, p. 347; Saldaña, 2015) such as this dissertation. Axial coding groups similarly coded data, reduces the number of initial codes, while sorting and re-labeling codes into conceptual categories (Glaser, 1978). Axial coding can also be thought of as linking categories with subcategories and asks how they are related (Charmaz, 2006). One telling instance of how I utilized axial coding in this dissertation research was when “disclosure” evolved from being a code into being a category. I initially coded instances where participants disclosed their immigration status. I began to realize that disclosure of status is situational, purposeful, and intrinsically linked to emotions. Below is an excerpt from an analytic memo that I wrote regarding the axial coding of “disclosure”:

Disclosure Code Categories demonstrates whom they have disclosed/come out, but then keep the same link to the emotions as well as the admissions process. I
feel that there is a strong connection with whom they have had to come out with and how that felt. It relates to the research question because as Raed said he is not just disclosing a detail that might help his application but rather they are bearing their soul. They are talking about some of the most private experiences they have had only to hear “well I don’t know” or then transfer you to someone else must be punishing. Refine codes in more detailed terms, the link that I must make clear is: Who do they disclose to + why/with what end? what is the outcome after disclosure+ the feelings they endure.

I engaged in an internal discussion with the goal of articulating the connections that I was noticing and how they related to the research question. The screenshot below is of the result of the “disclosure” category after axial coding. Some of the codes such as “coming out” and “opening wound, soul” are in-vevo codes of participants describing their status disclosure.

Figure 1. Screen Capture of "Disclosure" Axial Coding

Theoretical coding is similar to axial coding in that there is a refinement of codes. It differs however because for theoretical coding, all categories and concepts become systematically integrated around a central/core category, which suggests a theoretical
explanation for the phenomenon (J. M. Corbin & Strauss, 2015). Saldaña (2015) clarifies that the theoretical code is not the theory itself, but rather an abstraction, a key phrase that triggers a discussion of the theory itself. The theoretical category of “passing” is a prime example of the collaborative, analytical process in this dissertation research. Throughout the co-construction of testimonios participants described the types of encounters they had with admissions staff and various ways in which they navigated the obstacles they faced. “Passing” became one of the most prominent and conflicting themes because “passing” was different things for different people and in different situations.

Through a refinement of codes and collaboration on theory building with participants, “passing” became a category under which different types of passing were included. Passing included different elements such as: linguistic, racial, and surname with each having a different sub-code. For example, passing with surname had multiple sub-codes like: Latina/o surname, non-Latina/o surname and, American sounding surname. Thus, the key phrase “passing” acts as a catalyst to articulate the theory, grounded in data, which indicates a complex awareness of racial dynamics and how due to restrictive policies and discriminatory practices, DACA recipients engage in various forms of ‘passing’ in order to enroll into institutions of higher education in Ohio. Both of which were instrumental in answering the second and third question of this dissertation.

**Limitations**

Time constraints were a limitation that was present throughout the research process but mitigated in various ways. The overwhelming majority of participants have very busy schedules, which created serious time constraints to record individual conversations but especially when having recorded group conversations. Some of the
ways that this limitation was mediated was by being in constant contact with participants via telephone or online communication and being flexible to meet with them during times and places most convenient for them. This included meeting during work breaks and near their workplace or home. Other times, phone conversations were conducted in lieu of meeting in person. For group conversations, video chats provided a platform for participants who were unable to meet in person to be part of the conversation. Video chats were particularly useful for conducting group conversations with participants who lived in various parts of Ohio.

In addition to the time constraints around data collection, being the primary researcher engaging in this type of qualitative research can be very time consuming, as the analysis requires an ongoing high level of attention and sensitivity to nuance in the data. Collaborating with participants throughout the research process did not reduce the time necessary for me to properly engage in high-level analysis. However, including participants in the data analysis process was indispensible because it rightfully gives them an important say in how their experiences are portrayed. This research is ultimately strengthened because the theories developed around racist-nativism and implications on how to rectify oppressive structures and practices emerged from the experiential knowledge of participants and their understanding of those experiences.
Chapter 4: Results

Introduction

This chapter presents the data collected for this dissertation and the corresponding data analysis required to answer the research questions. The chapter begins with a contextualization and analysis of DACA and Forever Buckeyes that, along with participants’ counter-storytelling, answers the research question: *What role have DACA and Forever Buckeyes played in DACA recipients’ access to post-secondary institutions and their resources?* After the necessary background on these pieces of legislation, this results chapter then transitions into answering the second research question: *How do DACA recipients advocate for a college education as their right?* It does so via participant testimonios of their experiences applying for colleges and universities in Ohio as DACA recipients. The chapter concludes by analyzing events during the admission process in which participants’ immigration status was in some way racialized, which provides a theoretically rich discussion that, fueled by participants’ voices, answers the question: *How do students’ racial and ethnic identification intersect with their immigration status when accessing college in Ohio?*
What role have DACA and Forever Buckeyes played in recipients’ access to post-secondary institutions and their resources?

It is through participants’ counter-storytelling that this dissertation research reveals the role that DACA and Forever Buckeyes have had in DACA students’ access to a post-secondary education in Ohio. Counter-storytelling specifically serves to dispel deficit-based majoritarian stories about a group, engage in individual and group conscience, as well as strengthen traditions of social, political, and cultural survival and resistance (Ladson-Billings, 2003; Solorzano & Yosso, 2001). Counter-storytelling is based on storytelling, which has a rich history and continuing significance in African American, Latina/o, Native American, and immigrant communities. In these traditions, life lessons are transmitted and reinforced by learning to value the voices of others (Ladson-Billings, 1998). The location of this research is of significance because of Ohio’s shifting demographics, evolving immigrant communities, and because it is only one of 20 states nationwide to offer in-state tuition for DACA recipients (T. Johnson, 2015).

The counter-storytelling participants shared for this dissertation research reveals particulars about how national legislation (DACA) and regional legislation (Forever Buckeyes) have, in conjunction with one another, improved participants’ access to a post-secondary education. The counter-storytelling also reveals critical shortcomings of both programs that fail to fully address ongoing inequitable access to higher education. The research question answered on in this section makes an important contribution to both the existing academic literature and future policy recommendations by demonstrating how many of the improvements to post-secondary access in Ohio were not due to the
existence of new legislation but rather because students demanded to be recognized and receive the benefits allotted to them under DACA and Forever Buckeyes.

**DACA’s Improved Access to Higher Education**

On June 15, 2012, President Obama announced the executive action DACA, which is a temporary discretionary determination that does not provide individuals with permanent immigration status. Rather, it provides recipients deferred action from deportation and eligibility for work authorization for two years. Recipients may renew their DACA permit as long as the program remains in effect and their eligibility (such as criminal record) has not changed (U.S Citizenship and Immigration Services [USCIS], 2012). While DACA legislation does not contain any language that explicitly grants access to a post-secondary education, it has improved access for some recipients in Ohio. The access DACA has provided is attributed to 1) formalization of employment opportunities for many recipients, which makes tuition somewhat more affordable and 2) the federal acknowledgement of their presence in the US acts as the legal basis to subsequently argue for domestic student classification.

When I asked one participant, Alejandra what benefits she has seen from DACA, she answered “I don’t have to work under the table anymore”. Participants who worked prior to the implementation of DACA universally echoed her response. Before DACA, participants were ineligible for formal employment because they lacked the necessary documentation (i.e. social security number and work authorization permit). The only employment opportunities available to them were informal jobs that were poorly

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24 Informal employment usually compensated in cash so as to not appear in the employer’s financial records
compensated\textsuperscript{25}, required long, inconsistent work hours, and had little or no job security. This type of employment was a hindrance to their post-secondary education because the low wages made it difficult to afford the international student tuition rate\textsuperscript{26}, while the instability in work schedule made it equally challenging to schedule and attend classes. No longer having to work under the table due to the work authorization DACA provides has allowed some participants to enter the workforce for the first time and others to formalize their employment. This formalization has improved their access to post-secondary education because they are better compensated for their work and thus find tuition more affordable. Moreover, the improved flexibility in schedules has made their class attendance more feasible.

In addition to better labor conditions and compensation that allows participants to fund and attend post-secondary institutions, DACA has also improved participants’ access to a higher education in Ohio because recipients may now be considered ‘temporary residents’ according to USCIS guidelines. This consideration is significant because, prior to DACA, lack of any federally recognized immigration status meant that students were precluded from in-state tuition consideration, public scholarship eligibility, and in some cases were outright denied admission into colleges and universities. Another participants, Zhi also recalls that prior to DACA, he was attending Regional Community College (RCC) and denied transfer admission to Large Midwestern University (LMI) because he lacked formal documentation. He states, “I talked to both domestic and international and they told me that without documents there is no way I could get in.”

\textsuperscript{25} Often below minimum wage
\textsuperscript{26} Which is up to three times more than in-state tuition
Disqualification based on lack of formal documentation was also evident at the high school level. When Isabel was in high school, she recalls that her high school counselors explicitly told her to return to Mexico because she was never going to get into college without federal immigration status. What is even more troubling is that counselors went beyond discouraging her and actively prevented her from preparing for admissions tests:

My counselors pulled me out of SAT prep-classes. They told me that was only for U.S citizens who would be able to go to college. It wasn’t just me though; they pulled several of us [undocumented peers] out of those classes. Then the day of the SAT, they told us we had to take the test. I just put my name on the first page and left. I said ‘I’m done’. They didn't let me prepare, so how was I suppose to take it and do well on it?

In Ohio, DACA’s implementation did not immediately resolve these discriminatory practices. Even after they became DACA recipients many students like Zhi, Isabel, and Jennifer continued facing exclusion from colleges and universities because they were still considered undocumented.

The educational benefit that stems from the temporary deferral from deportation and work authorization that DACA provides is that it requires the federal government to formally acknowledge DACA recipients’ presence in the U.S. This federal acknowledgement is an educational benefit because it provided the legislative foundation from which to contend that as people with legal presence in the U.S. recipients may receive equal consideration for in-state tuition. In Ohio, this consideration came after a

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27 As per USCIS regulations which mean that DACA recipients are not without status in the US
year of deliberation by the Ohio Board of Regents, on a case that was brought to them by a regional immigrant rights groups, which will be elaborated on in the subsequent Forever Buckeye section. The ability to demonstrate legal presence and argue for instate tuition eligibility is of further significance because it renders DACA recipients technically eligible for scholarships that are dependent on legal presence and/or in-state eligibility. Statements from Alejandra’s testimonio on how she came to afford tuition at Clearwater University contextualize the benefit of DACA’s recognized legal presence:

After all my research, I finally found out about the X scholarship. It was only one that didn't outright say that you have to be a citizen. All it said was that you had to be able to access in-state tuition. Well, before I wasn't, but after, I was I looked into it. I called multiple offices and I found out that I qualified, so I applied. I was able get it, which is why I am now I am here, because without it, I wouldn’t be able to afford Clearwater.

Alejandra, as well as other participants, has been able to capitalize on the ‘legally present’ designation that DACA extends them. It should be noted, however, that these types of scholarships are limited because a majority of scholarships participants come across still require proof of legal permanent residence or citizenship, which DACA does not provide.

The post-secondary benefits DACA legislation provided for recipients in Ohio are crucial but it is important to note that they are derivative. Because there is no explicit language in DACA legislation that guarantees instate tuition or scholarship eligibility, all educational opportunities that students have acquired were built upon by recipients themselves; from finding better job opportunities that make tuition more affordable, to finding scholarship opportunities, and legislating for equal educational consideration as residents of the state.
DACA’s Continuing Limitations to Accessing a Higher Education

DACA is based on presidential executive powers, which makes it provisional and unable to override previous legislation or provide formal immigration status. DACA students’ fight to be considered ‘temporary residents’ for tuition purposes in Ohio is not the same as being afforded formal immigration status. As a result, DACA recipients are still technically undocumented and thus restricted by legislative elements such as PRWORA\(^28\), which prevents them from accessing federal financial aid and IIRAIRA\(^29\) that precludes them from automatic eligibility for in-state tuition\(^30\). Thus, DACA’s significant limitations are that it is temporary and that it fails to address existing legislative limitations, which maintain inequitable admissions consideration and continue to inhibit college affordability. DACA’s shortcomings do not exist in isolation of each other. They interact with one another in ways that create significant challenges for students pursuing higher education in Ohio; hence they will be discussed in relation to each other.

Lack of Formal Immigration Status

The fact that DACA does not provide its recipients with formal immigration status is a limitation to their pursuit of a post-secondary education. Participants in this dissertation research, like all DACA recipients, remain ineligible for Federal Student Aid\(^31\), which results in them being unable to receive for any sort of federally funded financial student assistance. This assistance includes federal grants, scholarships, student aid.

\(^{28}\) Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
\(^{29}\) Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA)
\(^{30}\) Unless the state to offer in-state tuition to any U.S. Citizen, regardless of domicile in the state.
\(^{31}\) As per PRWORA, 1996
loans, and even work-study positions with colleges and universities. This disqualification is significant because it leaves students with the burden of paying entirely out of pocket for their college education; this includes tuition, fees, books, materials, as well as room and board. Preoccupation with affording these costs was undoubtedly the biggest concern participants expressed. Zhi felt vindicated when he was finally able to transfer from RCC to LMI but his excitement was muted because of the increased costs associated with attending a four-year university.

Now that I’m at LMI, every semester has a question mark because tuition is very, very expensive. I am always worrying about how I’m going to pay for everything. Right after I make a payment for this semester’s tuition, I begin to worry about food, rent and then I start to worry about the next semester. Every semester is a struggle.

Concerns with college affordability are understandably not unique to DACA students. However, considering that the average yearly cost of attendance at public university in Ohio is over $26,500\textsuperscript{32}, and must be paid without any federal subsidies contextualizes participants’ financial concerns. In the following quote, Aafiq, who also attends LMI, provides an account of his work schedule, which demonstrates how the lack of subsidies shape the daily aspects of his post-secondary education:

> My peers get to study all weekend if we have an exam on Monday. I have to work all weekend. I can’t call off from work because that means that I can’t pay my tuition and then everything stops. After work on Saturday, I have to stay up late on to study then get up to study early before going to work on Sunday morning.

\textsuperscript{32} www.collegedata.com
When I get out on Sundays, I study some more and then write a paper that’s due for another class. I plan my life to the tee. There’s no room in my schedule to mess up, hiccup, or even take my time to write. I’ve written papers that aren’t due for another 2 to 3 months because I don’t have time.

Aafiq is constantly trying to maximize his work hours while still keeping up with his course assignments. This balancing act between demanding engagements is as extraordinary as it is admirable. It is also nearly universal among participants who attend various institutions of higher education. Raed works a minimum of 40 hours a week; Natalia relies on a complex spreadsheet of expenses she designed in order to keep track of tuition deadlines, credit card debt, and work hours; Thelma, who is attending RCC, works, on average, 30 hours a week with, as she states, “most of my money going directly towards tuition”.

The inability to receive federal subsidies results in students working longer hours in order to make their tuition payments. I frame it as longer hours rather than long hours because participants indicate that their peers who can rely on federal educational subsidies do not have to engage in the same type of high-stakes balancing act between work and school. When Aafiq states “My peers get to study all weekend if we have an exam on Monday… I can’t” he is referring to this comparison. He indicates that his peers have the option of prioritizing school assignments over work, which he does not have. He relies so heavily on his income that if he does not make a certain amount of money to cover his tuition, then, as he says, “everything stops”. Aafiq, like other participants, schedules schoolwork far in advance. They also prioritize assignments and decide how
much time they can allot for each. They carefully select how many hours they can afford to take in a semester, and even then all this planning and budgeting may not be enough.

The post-secondary experience of DACA recipients is not linear; it has many detours. Participants have taken semesters off in order to work more hours so that they can afford tuition for the following semester, they have also needed to drop classes, been dropped from classes for lack of payment, and delayed their enrollment because they cannot afford tuition. Cristina recently graduated high school. She has been working two 30-hour a week jobs since graduating. She has lived most of her life near the LMI campus; her current roommates are LMI students but she cannot attend LMI because the costs are too prohibitive. Since graduating, she has been trying to save up enough money to enroll in RCC. She shares her frustrations of being unable to afford college:

I wish that I didn’t have to face this. If I was just a citizen and I could just fill out the FAFSA\(^{33}\) then I know I’d get money from the government. That’s something that ‘regular’ students have the advantage of doing and can then go to college for a long time. You have to worry about college also, but I have a more treacherous hill to climb.

Cristina does not disparage the struggles of her U.S. citizen friends and roommates who are college students. She empathizes with their concerns but specifies that her pursuit of an educational is fundamentally different from theirs. Unlike them, she is unable to rely on the support of federal educational subsidies. The inability to rely on federal financial aid means that she cannot enroll in college and feels that, once there, she will not be able

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\(^{33}\) Free Application for Federal Student Aid (FAFSA)
to take her time exploring professional and academic interests like a ‘regular student’ could because her financial concerns prohibit it. This is a substantial limitation to DACA. Even with improved employment prospects, the lack of formal immigration status that precludes DACA recipients from qualifying for federal subsidies results in some aspiring students being unable to afford enrolling in college, while others continuously struggle to finance their education once they are admitted.

**Professional Licensure Issues**

Another important post-secondary limitation to DACA is that because recipients do not have formal immigration status, they are rendered ineligible for certain professional licensures. This was the case for Thelma, who wanted to enroll in a nursing program at RCC, but was told by her friend that she would be unable to receive her nursing license in Ohio because federal US citizenship or legal permanent residency status is a requirement. Thelma wanted to confirm this requirement so when she spoke to the admissions counselors at RCC, she inquired about it:

Basically I had to explain it all to them. They would ask, ‘What is DACA? Do you have a social?’ I would say ‘yeah, I do but it expires after some time, it’s a process I have to go through.’ It’s like having to open up a wound every time. One counselor that I talked to supposedly spoke with someone at the board of nursing. He then came back saying, ‘No they are not doing that, do you want to go into business?’ I felt so frustrated. It wasn’t so much that they wouldn’t certify us but more that he told me to go into something different, like he was just brushing me off. That’s when my other friend told me, ‘that sounds weird, you shouldn’t stop there, ask someone else.’
Thelma was unable to get confirmation that she could apply to the registered nursing (RN) program by the time she enrolled into RCC, so she went into the licensed practical nurse (LPN) program instead. However, after a semester she was told that she was also ineligible to be a licensed LPN because of the same citizenship/residency requirements as the RN program. Consequently, she changed majors once more, this time into the medical assistant program.

Thelma’s experience highlights how the roundabout admissions process DACA students undergo, which will be discussed in the next section of this chapter, becomes even more complicated when issues of licensure are unresolved. In the fall of 2015, the Ohio Board of Nursing issued a statement that DACA recipients are to be eligible for a professional nursing license because even though they are not residents or citizens, they are “lawfully present in the U.S.”. After Thelma found out about their official position, she transferred back to her originally intended RN program. These changes were economically difficult for her because almost none of the classes she took transferred into the RN program. In the following quote she synthesizes how admission staff’s lack of information regarding DACA, limited eligibility for professional licensures, and lack of financial subsidies delayed her degree attainment and almost pushed her out of pursuing a post-secondary education entirely:

It was a long process. A ‘regular’ student does not go through the same process that we went through to apply. There is more information on what they need to do; they can also apply for government help. We have to research until we find someone that knows someone that can tell us the right answer. It’s exhausting. I
almost got so close to not wanting to come to school because I was like ‘am I ever going to get in?’

DACA is Provisional

One of the most salient shortcomings of DACA is that it is interim program. DACA is based on presidential executive powers and requires applicants to submit their re-authorization every two years. These conditions are of serious concern to recipients because while the current Obama administration has stated that they do not plan on rescinding the program, the next presidential administration might. Even if the program continues, recipients must renew their DACA permit in order to remain federally recognized as “lawfully present in the U.S.” Renewal requires the submission of the I-821D and I-765\(^{34}\) forms along with the I-765W Worksheet and payment of $465 in filing fees\(^{35}\). If applicants fail to submit their renewal or cannot afford the filing fees then they are no longer “in status”. Failure to remain within DACA status has multiple consequences such as: loss of work authorization; forfeiture of in-state tuition consideration (along any possible scholarships that were dependent on status), and surrender of professional licensure. Raed feels that DACA’s insecurity is so evident that “it’s a burden so big that you cannot not think about it”. Alejandra has itemized all the things in her daily life that depend on DACA and constantly worries what her life would be like without them. This worry has become even more salient for her during an election year:

\(^{34}\) Consideration of Deferred Action for Childhood Arrivals, Application for Employment Authorization

\(^{35}\) This is not including any attorney fees associated with re-applying.
I have a lot of things that I’ve been able to access because of DACA like in-state tuition and my X scholarship. That’s the reason I’m able to go to college. The fact that at any moment it could disappear scares me. Looking at this next presidency is especially scary because of all the comments that are made about immigration. If you take it away, then all the things DACA’s connected to starts to crumble.

What does reality look like for me then?

DACA recipients in Ohio have no way of maintaining their in-state tuition eligibility, work permit, or professional licensure if DACA is rescinded or if they fall out of status. The latter is a legitimate concern when taking into consideration that paying a minimum of $465 dollars every two years, in order to remain in status, is a significant task, especially for recipients who are limited in their finances.

There are also situations that outside of their control which may result in recipients falling out of status. For example, on August 2016, USCIS announced that they were experiencing technical difficulties processing DACA renewal applications submitted between February 14 and May 14, 2016. The difficulties resulted in a delay that would prevent many DACA recipients who submitted their renewal during this time (500 people approximately) from receiving renewed work authorization cards before they expire (Lee, 2016). USCIS did not grant any extensions to applicants affected by the delay, which means applicants are likely to experience a lapse between renewals during which they are unable to legally work in the United States. Several participants in this study have been affected by this delay and currently out of work because of this issue with USCIS.
When Forever Buckeyes met DACA

In this section, I interconnect legislative history with the testimonios of relatively unknown events that took place in order for Forever Buckeyes (FB) to be inclusive of DACA recipients. On October 1, 2011, nearly a year before DACA was announced, The Ohio Board of Regents’ implemented the provision of law, Forever Buckeyes, which affords high school graduates a perpetual and retroactive in-state resident tuition rate to any undergraduate or graduate program at any Ohio public college\(^{36}\). Prior to FB, high school graduates in Ohio were eligible for in-state tuition as long as they met the 12-month period of establishing domicile in Ohio. FB removed this 12-month domicile requirement as a way to attract previous high school graduates back to the state and incentivize future graduates to stay in Ohio to attend college. In regards to FB, The Ohio Department of Higher Education states “by letting Ohio high school graduates know that they are always welcome to attend college in Ohio, the Board of Regents is encouraging young people to return to Ohio”\(^{37}\)

FB however was not intended to be inclusive of undocumented students who graduated from Ohio high schools. Ohio Revised Code (ORC) Section 3333.31 Subsection (D)(2) stipulates that “regardless of whatever other way a student could qualify as a resident of the state, an ‘alien’ still can’t be given residency status unless the alien is also an ‘immigrant’ or ‘nonimmigrant.’ Therefore, regardless if students met all other in-state residency requirements they were still precluded from in-state tuition if they lacked formal immigration status. Lack of status also meant that students would be


\(^{37}\) [https://www.ohiohighered.org/forever-buckeyes](https://www.ohiohighered.org/forever-buckeyes)
ineligible for domestic out-of-state tuition and instead be classified as international students. Such was the case for all participants who graduated high school around this time. Students like Raed and Zhi attended community college paying the considerably higher international student tuition rates. Zhi recalls that the higher international tuition cost was a significant obstacle and a principal reason why it took him four years to complete a two-year associates degree, “Basically, it took me 4 years because of I had to work for 2 years and study for 2 years.” Zhi was aware of FB but unsuccessfully pleaded his consideration as in state resident. Raed went through something similar. When Raed and his older brother went to RCC’s admissions office to enroll as an in-state student under FB. He explains, “We tried to do Forever Buckeye and it did not work, it was designed to entice people who moved from Ohio to come back here for college. We thought we could take advantage of it but we couldn't.”

A year later, in 2012 when DACA was announced, it provided recipients with a newfound possibility for in-state tuition eligibility. Shortly after receiving her DACA work authorization, Isabel returned to RCC to apply for the upcoming semester as an in-state student. Her eligibility was denied yet again. Isabel’s visit to admissions was key in initiating what would become a statewide campaign to have DACA recipients included as in-state residents:

I was part of the organization Equal Rights for Immigrants-Ohio (ERIO) for a long time, even before DACA was announced. It was about a year before DACA actually when I applied to RCC but was unable to attend because the international tuition rate was too much. After DACA, I went back to the community college. This time I had everything they asked me for (social security number and high
school transcripts), but they denied me again! They said that even with those things I was still an international student. So I went to the next ERIO meeting and told them what happened.

At that ERIO meeting, Isabel relayed her latest experience at the RCC admissions office. She asked other members if they had experienced similar issues and inquired from group members who had professional experience with law and policy analysis if RCC was correct, if in fact she was still an international student even as DACA recipient. A fellow group member, O\(^{38}\), said s/he would look into the specific guidelines and get back to the group. Isabel had a strong inclination that even with a work permit and social security, RCC would remain firm in their position that she remain an international student. She knew that in other states in-state tuition for DACA and undocumented students was achieved via legislation, and thought it was worth trying:

\[ O \text{ came back to the group and said, ‘FB doesn’t explicitly state that you have to be a citizen or a resident. The only requirement is that you graduate from an Ohio high school, so I think there’s a chance’. That’s when I said ‘ok, so let’s make it so that we meet all the requirements’ and from then on we started working towards changing it.} \]

ERIO subsequently partnered with other immigrant and educational advocacy organizations across Ohio with the goal of extending Forever Buckeyes to DACA recipients. Advocacy efforts were ongoing and diverse; they included online campaigns, rallies, demonstrations, press interviews, and a legal memorandum outlining DACA

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\(^{38}\) Purposeful use of plural to omit that person’s name and gender
eligibility under Forever Buckeye. The legal memorandum argues that DACA recipients are in fact FB eligible because they meet the Ohio Revised Code’s definition of a “non-immigrant” because USCIS has granted them the right to reside temporarily in the U.S. On July 30, 2013, after nearly a year of advocacy efforts, the Ohio Board of Regents announced that DACA recipients would be granted consideration for in-state tuition at Ohio public colleges and universities.

This impactful accomplishment is not an individual endeavor. I have spoken with several people involved in the advocacy efforts that lead to FB’s inclusion of DACA recipients, some of whom are participants in this research. I recognize the role that coalitions and allies played in this achievement. However, I purposefully privilege the voices of DACA recipients in this research because they were the ones who had the most to lose in their pursuit for equitable treatment. Students put themselves at tremendous risk to advocate for equal consideration as in-state residents. Many were harassed and received threats of violence and deportation aimed at them and their families.

Furthermore, my intent in highlighting Isabel’s story, in relation to the larger movement toward equitable college access, is to demonstrate the limitations of DACA and restrictions inherent in FB. The work authorization and social security that DACA provide, as stand alone documents, were not enough to prove in-state tuition eligibility and FB was actually exclusionary by design. O shared with me that judging by the vocabulary written into FB, s/he strongly believes that legislators were being as

39 As defined by section (E)(4) which requires proof of legal presence in the United States
40 United States Citizenship and Immigration Services
restrictive as possible towards undocumented students but unintentionally left an interpretive opening for students with interim status like the one DACA provides.

The contextualization of Isabel’s testemonio provides an even greater cause for appreciation of her post-DACA rejection. It is indicative of her individual determination as well as emblematic of the lengths DACA recipients in Ohio have gone to in order to be considered equal to their peers when pursuing higher education. DACA recipients must rely on both DACA and FB for their in-state tuition consideration and for eligibility of certain scholarships, almost like the feet of a ladder dependent on one another. For without Forever Buckeye, DACA recipients in Ohio are considered international students, and without the acknowledgement of legal presence that DACA provides, participants are ineligible for Forever Buckeye. However, in this ladder analogy, it has been DACA students who have pieced the ladder together. None of the inclusions given as a result of both legislations would have been possible if DACA recipients and their allies had not advocated and petitioned for them to work in conjunction of one another.

Lastly, it must be noted that undocumented students remains ineligible for FB. The consideration for in-state tuition is only given to DACA recipients within status. FB eligibility is forfeited if a student should fall out of status. Furthermore, FB is not a guarantee of in-state tuition qualification, the Ohio Board of Regents’ decision only states that it allows for consideration. This ambiguity creates significant obstacles for students applying to colleges and universities across the state.

**How do DACA recipients advocate for a college education as their right?**

*Testimonios* are acts of emergency narrative that denounce injustices as well as document the experiences and acts of survival of oppressed groups (Solorzano & Bernal,
In this dissertation research, participant testimonios expose the labyrinthine admissions process they must undergo as DACA recipients, thus denouncing the unjust systematic exclusions they face when applying to college in Ohio. Participant testimonios also highlight their perseverance and self-advocacy during the complex admissions process. These testimonios of perseverance, in addition to counter-stories that forefront some participants’ primary role in changing in-state residency legislation, serve to document their experiences and acts of survival, which respond to the research question. Similarities at the micro level, via their testimonios, also serve to identify macro level larger systemic structures of exclusion (Romero, 2005).

“Constantly marginalized: From the application process onward”

A central question asked during individual and group conversations was “for you, what was it like applying to college?” The above subheading is a quote from Raed’s answer that encapsulates the sentiment every participant expressed when asked that question. It also alludes to DACA students’ quite literal marginal classification in admission’s documents and procedures. When applying to colleges and universities across Ohio, participants had the option of selecting from either: U.S. citizen, U.S. Legal Permanent Resident, Refugee, Political Asylee, or International Student but none of these options accurately fit their situation. Furthermore, many universities use the online platform Common Application (also known as Common App) that uses a centralized application process for approximately 700 member colleges and universities in the United States, which also does not have a DACA category.

This becomes an issue for DACA recipients because they are unsure what to select when applying since they are precluded from the available categories. DACA
provides them with a work permit and social security number but they still lack federally recognized citizenship or permanent immigration status, which leaves them unable to select any of the options apart from international student. However, DACA is not an international student visa either. International student visas have work restrictions, require proof of financial sponsorship to live and study in the U.S., and have other requirements that are not are applicable to DACA. Absence of a designated DACA category is not just a minor inconvenience. Students’ inability to identify as DACA recipients acts as the catalyst to the difficult admissions process in which their applications are misclassified, lost, or delayed which then results in delayed enrollment, loss of essential services, like new student orientation, and forfeiture of scholarships.

Dahma’s experience applying to LMI through Common App highlights the progression and consequence of this procedural marginalization. In the fall of 2013, shortly after having received her DACA approval, Dahma applied to LMI. She applied under early action admissions\(^4\), which gives applicants priority consideration for direct entry to academic programs, merit scholarships, and university honors programs. She states, “with Common App it was confusing on what exactly I needed to put on some of the boxes. There was no checkbox for DACA so I applied as an international student.” Dahma successfully sent her application via Common App and was not asked to submit any follow-up documentation. She met the deadline for early action and felt confident in her application. She had well over a 4.0 GPA, outstanding SAT scores, and an impressive list of other accomplishments.

\(^4\) Early action is a type of early admission process that usually requires students to submit an application by November 1 of their senior year of high school instead of January 1.
However, when LMI received her application, she got a response saying it was incomplete. This news prompted her to take time away from school to make various phone calls and in-person trips to the LMI admissions office to resolve the situation. Dahma, and others who had identical issues, describe the experience as “frustrating” primarily because admissions staff did not have any knowledge of DACA, showed little to no interest, and would constantly transfer her to other people in the admissions office. On multiple occasions, when Dahma would leave school to submit the documentation she was told was missing, once at the admissions office she was told by other staff that it was already on file. This added to her frustration. She shared this experience in a group meeting with Aafiq and Zhi:

**Dahma:** [On Common App] there was no section for DACA so I just manually enter my status and put down “DACA” and then the form “i-821d\(^{42}\)” and they did not ask me to submit anything. Once I got accepted [to LMI], that is when they said you need to provide documentation and so that is when I went to the admissions building, gave them a copy of my DACA status, and that is what delayed my application.

**Aafiq:** Did they know what it was when you handed it to them?

**Dahma:** No (scoffs and giggles). They went through like three different people and one person came from the back and is like ‘Oh I’ll take that’.

**Aafiq:** And you’re just sitting there right?! Like ‘ugh’ (grunting and lowering shoulders)

\(^{42}\) USCIS’ official form number for DACA


Dahma: Exactly!

This conversation is telling of DACA recipients’ procedural marginalization because Dahma, Aafiq, and Zhi had met only once prior and this was the first time they discussed their respective admissions experiences, which were remarkably similar. At certain points, they even finished each other’s sentences when describing the process and attitude of the people they encountered.

Dahma was ultimately accepted into LMI but only after repeated phone-calls and visits to the admissions office. DACA’s absence on the Common App contributed to the LMI staff’s inability to properly process her application, which caused more than a minor inconvenience of several office visits; it cost her tens of thousands of dollars in scholarships for which she had applied and great promise in receiving. Dahma states:

They granted me acceptance into the university but then all of the scholarships were already given out. It made me mad because they said that my application and all early action scholarships would not be affected. So when I got accepted, I went back to the admissions building and I said ‘where are all my scholarships?’ and the lady told me to my face ‘well, we already distributed all of them for the year’. I had to walk out of there with nothing… I know that they did not even look at my application because I did not even get a letter saying ‘we regret to inform you’ like you normally get.

Dahma’s application was marginalized because she was a DACA recipient categorized as an international student on Common App. This led to the mishandling of her application at LMI, that, along with the admissions staff’s misinformation and unconcerned attitude, resulted in the undeserved forfeiture of her scholarships. Dahma considered them hers.
because she exceeded the qualifications, met all of the deadlines, and was repeatedly assured by staff that she would receive full consideration. Furthermore, she is certain that, as a DACA student, her application was neglected because her friends, who are not DACA recipients and also, applied through early action, did not have any issues. “It was so much easier for them. They just checked ‘U.S citizen’ and continued filling out their common app. They all got in and were just waiting on their scholarships. They didn’t have to go through these routes.” The routes she is referring to are the various trips and phone calls she made to be admitted into LMI.

Aafiq also experienced the loss of a scholarship. Aafiq had been awarded a prestigious scholarship to LMI, which included full tuition, living expenses, and a monthly stipend. In addition to this scholarship he had also granted scholarships to several Ivy League schools. After a gap year, he decided on LMI because the Ivy League scholarships did not cover enough of his tuition and expenses. However, upon finalizing his admission at LMI, he found out that lost his scholarship because of how he was classified. He had to delay his enrollment and was nearly left out of new student orientation. Aafiq explains his difficulties with this classification at LMI this way:

With common app I had to apply as an international student. I went to admissions and said “I’m a DACA student” and they said, “international students can only start in the fall”. I asked what to do next and the lady said, “I don’t know”. Then I asked, “who do I need to talk to?” and she said “I don't know”. I went back the next day, talked to another person, got the same answer. I went back another day, same answer. I went back a fourth day! So I had to apply again for the fall. I applied three times and could calculate how much each application cost. I got
accepted but no scholarships, nothing because I had to apply as an international student…then orientation came and went and I never got an orientation letter. I told them ‘you all never reached out to me’ and they said that they were not sure if I had to go to the international orientation, in-state, or the out-of-state.

Aafiq applied multiple times to LMI, once prior to DACA and twice afterwards. During his third time applying, the staff he spoke with did not seem to know what to do with his application because it was labeled international yet he indicated that he was a DACA recipient not an international student. He was discontent with the staff’s lack of concrete information as well as their defeatist attitude so he returned three additional times in order to talk to different staff.

His persistence in returning to the admissions office in order to speak with someone who was more informed is revealing of the self-advocacy he and other DACA recipients engage in. He is certain of his rights and does not accept the staff’s apathetic response as viable. “I think ‘no’ has a special meaning for us” he states, referring to DACA students at LMI but also referencing the undocumented student experience. “We have been told ‘no’ so many times and if you are here then that means you do not take it as an answer.” His refusal to accept ‘no’ as an answer is also reflected in the way he addressed not being enrolled in new student orientation. The only reason Aafiq was ultimately assigned to an orientation, which turned out to be the out-of-state student orientation, is because he persisted and followed up with the admissions office. He pressed for his right to be part of new student orientation like every other incoming student, which at a sizeable university like LMI, is indispensible.
The issues that arise when DACA students are classified as “international” begin with their categorization on Common App. As of the date this chapter was written, DACA has yet to be made a standalone category on the Common App. On the Frequently Asked Questions section of the Common App webpage it states, “Applicants in DACA status will need to select ‘Other (Non-US)’ for citizenship status. Then answer ‘No’ for ”Do you currently hold a valid U.S. Visa?” Since DACA does not provide a lawful status, no other fields will be required.” Additionally, DACA is still absent in the paper forms prospective LMI students are asked to fill out prior to speaking to admissions counselors. The image below is an example of the available categories:

Figure 2. Admissions Form at LMI

Alejandra lives in a different area of Ohio from many of the other participants but her admissions process at Clearwater was very similar. After her arduous process, she stayed in touch with staff in the university’s international and domestic admissions office as well as their diversity initiative department. She wanted to make the application process more just for DACA applicants and based many of the recommendations she made to Clearwater staff on her own difficulties while applying. In one of her conversations she recalls telling admissions staff:
The bare minimum is show support on the webpage. When I searched ‘DACA’ or ‘undocumented’ on the page there’s nothing. Even if you really don't care and have to do something that doesn’t take effort, at least put contact information so someone who feels comfortable enough can contact them and ask ‘how do I apply?’ This is a very sensitive issue and students are not applying because they were told that they could not apply to Clearwater. When I said that, this lady asked me ‘does it say on the website that they can’t?’ and I’m like ‘No! It's the fact that it does not say that they can that’s important’.

Alejandra draws on two important forms of experiential knowledge for her recommendation: her own difficulties with the absence of DACA information while navigating the university’s website and her peers’ experience having been turned away because of their immigration status. Thusly, she is affirming the right to a fair application process for DACA students, which includes transparency from the university. The woman she spoke with seemed to miss the point of why it is important to explicitly state that DACA students are allowed into the university.

Openly stating the eligibility of DACA students on the university webpage may help to prevent future rejections. It does so by creating a reference point for the students to turn to when talking to admissions staff who may be unaware, misinformed, or even antagonistic towards DACA. Alejandra describes this as the “bare minimum” because adding a DACA reference to the website can be done even if university officials do not have interest in dedicating resources to this population of students. She recognizes that the university has a lack of interest in issues around DACA because staff has told her that it is not in the institutions’ best interest to invest in” DACA students because: there are
not many DACA students at the institution, the outreach departments only have a limited amount of money, or that they do not know what department would be in charge of DACA. Other recommendations for the university’s webpage that she shared included: having a step-by-step guideline on their website that indicates DACA students will be classified as international students and providing links to national DACA eligible scholarships.

Recently, I visited Clearwater’s admissions page and noticed an update that included Alejandra’s recommendations. I messaged her asking if she had seen the changes. She responded that she had not and after seeing them replied with an ecstatic “It finally happened!!!!!” Clearwater University is not alone. Universities and colleges across Ohio, including LMI, have included DACA in their online admissions form. Some universities even feature information about applying as a DACA recipient on their webpage. Having mention of DACA on a university’s website and including a rudimentary guide is progress that is credited to participants in this study and others advocating for a change in the admission process for themselves and for fellow DACA recipients. “Improving the process to help others” was one of the most universal themes that emerged from the testimonios as nearly every participant has offered to volunteer their time to improve the admissions process for DACA students.

Participants advocated for their right to attend the university, in large part, by persisting through an unjustly complex admissions process that begins with their invisibility and misclassification on applications that, in turn, creates a chain reaction leading to undue exclusions from new student orientation and forfeiture of scholarships. Furthermore, by also volunteering to inform the staff on ways to improve the admissions
process they are advocating on behalf of other DACA students. As a result of these efforts, university websites like Clearwater’s now feature some guidelines for DACA applicants. Nevertheless, Raed’s statement “constantly marginalized, from the application process onward” maintains its salience because regardless of updated websites, administratively DACA students continue to be classified and managed as international students.

**International Until Proven In-State**

In Ohio public colleges and universities, a DACA recipient’s college application is sent to the international student office and will be processed as such until they provide documentation that proves they are eligible for in-state tuition consideration. This is done regardless of whether the application is sent through Common App or if students apply directly to the college or university. The reason for defaulting DACA recipients as international students is they do not possess permanent immigration status. This type of classification is consequential because it immediately puts DACA students in a position to advocate for themselves since it is assumed that the information they have provided on their application, (i.e. academic records, graduating high school, duration of time living in Ohio) is not enough to demonstrate that they meet the institution’s qualifications for in-state tuition. Effectively, DACA students have to meet a higher burden of proof regarding their eligibility and credentials than their peers with permanent immigration status or formal citizenship. The steps students must take to meet this burden of proof, however, are unclear not only to them, but also to the admissions staff with whom they

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43 As per FAQ section on Common App and various public universities and colleges in Ohio
meet, which complicates their admissions process and makes the practice of
“international until proven in-state” an unjust systematic barrier.

Jennifer’s current experience attempting to transfer from Regional Community
College (RCC) to LMI highlights how abstruse the process of “international until proven
in-state” can be. The following sentences serve to provide some context about Jennifer’s
history applying to college; Jennifer was a standout student in high school. She had
scholarships lined up to attend the university of her choice in Ohio but lost those
scholarships because of the issues around international student classification. Thus, she
began attending the more affordable RCC, and after a few classes prepared to transfer to
University of Rural Ohio (URO). However, her scholarship to URO was again
unexpectedly nulled for similar reasons. This second forfeiture of her scholarship was a
especially devastating loss for her because she received the news from the admission
officer at URO during her campus visit. She recalls feeling distraught at having again lost
her scholarships because of her immigration status, “this is unreal…I’m done. This is the
second time that I have gone through this!”

After this experience, she took time off from school. She has since returned to
RCC and is currently applying to transfer to LMI. She very recently submitted her online
application, in which she had to select “none of these” on the citizenship status question,
then indicated that she was a DACA student. She received confirmation that the
application had been received but she remained uneasy because of the aforementioned
negative experiences, so she returned to the admissions portal a few days later. Her
concern was warranted because when she logged in, she saw an issue with her application.
Currently, it is marked as incomplete and her residency is classified as international
student. After spending time navigating the admissions portal trying to troubleshoot this, she saw that her application had a hold because she needs to submit further proof of her eligibility for in-state tuition and provide her TOEFL\textsuperscript{44} scores that indicate English proficiency, which is required for international student applicants.

These issues might seem routine and manageable were it not for two key complications: 1) DACA students are exempt from TOEFL requirements because they attended and graduated from a U.S high school and 2) the residency department’s online portal for submitting proof of in-state tuition qualification does not have DACA listed in their available categories. The categorical absence of DACA prevents Jennifer from selecting an option that would allow her to proceed to the next section of the submission page, which is where she would be able to upload the required documents. In other words, in order to receive full consideration before the fast approaching application deadline, Jennifer must dispute the TOEFL requirement and submit follow-up documentation that proves her in-state tuition eligibility. However, she is unable to do either of these tasks online and must piece together the information needed to resolve these issues by making various phone calls and in-person visits to both the international and domestic student admissions office.

The procedural ambiguity that forces DACA students to embark on a scavenger hunt of information between two departments creates an unwarranted dependence on the department staff for information and relies on them to receive the documents students were unable to submit online. This dependency is highly problematic because the staff\textsuperscript{44} Test of English as a Foreign Language
with whom they meet is often unaware, misinformed, and in some instances openly hostile towards DACA, all of which are consequential to students’ admission.

Admission staff’s unawareness of DACA perpetuates the need for students to make multiple trips between the domestic and international admissions office, something Zhi describes as being “bounced around”. Zhi also applied to LMI as a transfer student from RCC. His experience contextually differs from Jennifer’s in that he applied shortly after the enactment of DACA and FB. However, the challenge of being constantly sent between departments remains strikingly similar. Zhi’s first attempt transferring to LMI lasted nearly six months. He would go in person to speak with admissions officers and continuously ask for specific information on how to transfer as a DACA student. He states, “I went to the domestic office first and they had no idea and said that I should check with the international office so I went there and they said the same thing and that I should check with domestic office.” He figures that during this time he spoke with every counselor in both offices regarding his situation and informed them about DACA:

They said ‘oh sorry, it’s pretty new and no one knows what that is.’ So I basically went in and each counselor that I talked to I had to explain over again what DACA is. People already knew me. They were like ‘oh you’re that kid!’ They ended up telling me that there is no admission process for DACA students and that I had to wait for one semester.

He returned the next semester and was told again that there was still no formal process for admitting DACA students which meant that he had to wait a third semester before the university finalized that process. Zhi was not content with the lack of clear answers from staff and the continued postponement of enrollment.

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Zhi found it difficult to accept that, even after a year since its enactment, admissions staff was still not informed about DACA and that a university as prominent as LMI had yet to implement an admission process, which is why he relentlessly advocated for himself. During each attempt at enrollment, he continued to meet with staff to try and piece together information on how he might apply while also informing them of DACA. With each attempt, he would update staff on DACA and how other universities had revised their admission policies. Zhi was so adamant that in his final attempt, he went out of his way to talk to the university president about his situation and explain DACA to him. He explains:

I was working when I saw him walking by, so I asked my manager ‘hey can I take my lunch break right now?’ and ran outside to talk to him. I told him ‘this is what is happening to me’ and I told him about DACA. He had no idea. He was like ‘Oh, I thought you could just apply and get admission like everyone else’.

Instances like that of Zhi and other participants, who have gone to great lengths to inform university staff about DACA, demonstrate the remarkable, seemingly relentless self-advocacy that is indicative of their perseverance for continuing onto a post-secondary education.

However, these instances are also reflective of the unjust burden that is placed on students because in order to explain DACA and how it applies to them, students must disclose their immigration status. This disclosure is very difficult for many undocumented youth because their status has been a closely kept secret due to the stigma it carries and possible consequences if revealed. Raed describes it as more than just informing staff of the particulars of his application. He considers it a very emotionally
charged, personal disclosure that is he is forced to repeatedly make public in order to move forward with his college application. He states, “I am bearing my soul, I am exposing myself. This is not a conversation I would want to have by any means. I just can’t get people to understand sometimes just how hard it is, it’s just exhausting emotionally.” Thelma likens this constant disclosure to “opening up a wound every time”, while other participants describe it as “coming out”. The analogies and descriptions participants gave of this disclosure indicates a very personal and emotionally taxing experience that they constantly endure for no other reason other than hoping to facilitate their college admission.

The onus placed on students to personally disclose their immigration status in order to inform staff of DACA is not only unjust, it is emotionally taxing and does not guarantee their application will receive full consideration. Jennifer, for example, is currently being told that because her application is still marked as incomplete after the admissions deadline, it will not receive full consideration. Once the hold is lifted, her application it will be considered which means that there is possibility that she will not be admitted to LMI this semester. This affects her degree plan because she has exhausted all of her prerequisite classes. The core classes that she requires for her major are only offered once a year during the upcoming semester. If this happens, she would have to wait another year to take them but in the meantime is unable to proceed with other courses relevant to her degree.

In addition to informing staff about DACA, students advocate for their right to a post-secondary education during the international until proven in state admission process by challenging staff that are misinformed about their eligibility, apathetic towards them,
and even those who are openly hostile. Isabel is now approaching the completion of her bachelor’s degree, a pursuit she began well before DACA. In order to be where she is now, she has dealt with the circuitous admissions process at multiple colleges and universities and has met with countless admissions staff and university officials. As a result of these experiences, she maintains that staff who are misinformed about DACA are a significant hindrance because they position themselves as experts and become defensive when DACA students ask follow-up questions they cannot answer, challenge them, or even correct them about their eligibility. Staff’s defensiveness perpetuates the already difficult process of students constantly being transferred. Isabel states:

There was no one I could turn to. When I asked the people whose job it is to find out or who specialized in this, they didn’t answer me, sent me to someone else, or just gave me wrong answers. They wouldn’t just admit they were wrong or that they didn’t know. Some say ‘let me see what I can do’ but they never do it. They make you wait or transfer you and you’re just there thinking ‘you’re making me waste my time’.

Furthermore, Isabel found that the answers she was given were either inconsistent, quick to consign her to international student status, or would outright deny her eligibility to attend the university. In response she would research the particular policies and practices on which they based their answers and would return to dispute them. She describes her experience this way:

Other times, what they tell you isn’t true. So you come back after and tell them ‘well, I do know the correct information, and it’s this’ or you, when they tell you that you can’t attend, you correct them and say ‘I know I can attend and I know
I’m right’ and they will just tell you ‘no’. When I heard that, I just said ‘okay’. I got up and went to see someone else. After constantly being told ‘no’ you don't take it for an answer anymore, so you go and find a way to achieve your goals.

Isabel jokingly mentions that her mother reminds her that she is the type of person who only asks questions to which she already knows the answer. Isabel laughs as she channels her mother asking her, “If you already know, then why are you asking me?!” to which she responds, “So that I can confirm that what I’m doing is correct.” It is this approach of asking to confirm rather than to guide her admissions process that is so remarkable. She bases her confidence and assertiveness on the fact that she tirelessly researches how DACA affects her admissions consideration. Consequently, she laments that most of the admissions staff she encountered, whose job it is to become informed, have seemingly not done their due diligence before answering questions that are consequential to DACA student’s collegiate future.

The circuitous dual admission process of being “international until proven in-state” is an unjust systematic barrier unique to DACA recipients. The constant deferral to other staff members and other departments, along with the misinformation they receive, can make their college admission a Sisyphean task. Moreover, this uphill task seemingly becomes a battle when students encounter admissions staff and university officials who are openly hostile to them. Just as testimonios can narrate a collective experience, participant testimonios here reveal various instances, across institutions, in which admissions staff have attempted to dissuade or actively hinder students from receiving full consideration for admission. I will focus on one such gatekeeper at LMI whom I will
refer to as simply as “Z”\textsuperscript{45} to highlight the existence of this problematic behavior and its consequences. Mention of Z was so common in participant testimonios, that it warranted a standalone code during data analysis. Part of the reason for this frequency is that seemingly all admissions applications that have mention or self-disclosure of DACA get referred to Z. I first heard of Z during the group conversation in which Zhi, Dahma, and Aafiq talked about the difficulties in their admissions process.

Dahma: Z’s the one who emailed me.

Aafiq: Z’s the one who emailed, too! S/he wrote something like “there are some inconsistencies here” and was being really weird.

Zhi: Yeah, s/he was the person giving me so much trouble transferring to LMI.

Marta: I don’t trust Z (whispering)

Aafiq: I don’t trust Z either!

(Group laughter)

Zhi: Z told me that LMI is not the one for me and that I should go apply somewhere else.

Aafiq: I do not trust Z as far as I can throw Z.

Zhi: Yeah, even with something positive s/he will be negative. Like I when got DACA and could finally apply and get in-state tuition, s/he said to me “yes, you can apply for in-state tuition now but remember there is no guarantee that you will get into the school.” I was like “what the heck?!” Why are you saying, “don’t get too happy, there’s no guarantee?”

\textsuperscript{45} Z’s gender and admissions department are purposefully omitted
The difference between experiences where DACA students come across unaware or misinformed staff and negative encounters with Z is that s/he is purposefully creating administrative obstacles or actively dissuading students from continuing with their applications. In terms of creating obstacles, the most reoccurring example given was Z holding on to applications and asking for redundant paperwork which, to no fault of the student, results in important due dates passing. Isabel recalls being warned about Z’s obstacles prior to applying and preparing accordingly:

You can’t avoid Z. All applications that mention DACA go to that person. I kept waiting and waiting and my application was still marked as incomplete so and finally sent Z an email asking specifically why it had not changed and what else I needed. You have to pressure Z or else your application won’t move forward. Z was holding onto my application but I was ready for that, as DACA you have to be. I prepared all the paperwork that I had so that Z would not say some other document was missing. But, rather than submit it to Z or ask Z where I had to submit it, after we met I called around and got those answers myself. I think if I had not done that then I don’t know…I feel that Z sees all of our applications and decides if they move forward or not. I hope not though.

Near the end of her quote, Isabel alludes to a common thought among students that Z acts as LMI’s unofficial gatekeeper who, by creating unnecessary barriers, informally decides which applications move forward in the admissions process. This is troubling, particularly because the procedural ambiguity in DACA student admissions forces students to rely on staff to receive documents they were unable to submit online. If any staff member is unjustifiably withholding necessary student documentation, then that
person becomes a prejudicial gatekeeper because DACA students structurally lack alternatives for submitting the required documents. Zhi shares a reoccurring interaction with Z that points to Z capitalizing on DACA student’s limited options for gathering information and submitting paperwork:

“Z would see me and tell the counselor I had an appointment with to ‘go talk to someone else’ so that Z would talk to me instead. It happened a couple of times, and every time it was the same thing so it was just Z talking to me.”

This type of behavior indicates that Z is aware of DACA students’ strategies in finding alternative ways of moving their application and is actively trying to prevent them.

Zhi feels that Z’s actions may be underhanded but that they align with what he views as LMI’s depreciatory stance towards DACA and undocumented students. He states, “Z’s trying to be a gatekeeper, very stubborn, but it’s not just Z, it is also university officials and staff at upper and lower levels of admission. They don’t want DACA students here”. Z’s behavior along with similar instances of stubbornness by other staff will be explored subsequently in the section that focuses on racial intersections with immigration status. However, the ways in which students inform one another about the administrative challenges in applying as a DACA student, the pitfalls that are created by about admission staff’s ignorance and some staff’s underhandedness are ways in which DACA students advocate for their right to attend institutions of higher education in Ohio, such as LMI.
How does race intersect with immigration status when pursuing higher education in Ohio?

Previously in this chapter, I explored how advocacy efforts led to DACA and FB providing the legal framework necessary for aspiring college students with DACA to be allotted equal admissions consideration and tuition as in-state residents. Nonetheless, this consideration is provisional and dependent on a variety of factors outside of the applicants control such as admissions staff’s knowledge about these policies, their willingness to implement them, and other seemingly intangible factors. This dissertation grounds itself in a CRT/LatCrit framework that posits both race and immigration status as legislative and social constructs intended to exclude certain groups from educational resources and opportunities. CRT/LatCrit theorist and legal scholar Kevin Johnson (1997), states that race is a legislative construct that is upheld by the social practices of a people in a given society, which reinforces the legislative divide. Thus, this section focuses on the events, primarily during the admission process, in which participants’ race and immigration status were socially and legally constructed in different ways that contributed to their exclusion from certain educational considerations and resources.

Race intersects with immigration status at various meaningful points for DACA students in Ohio. Exploring these intersections furthers theoretical understandings and practical implications pertaining to why some students have faced discrimination based on their race and immigration status while others have not experienced the same types of encounters. Maintaining a dedicated sense of intersectional thinking created difficulties in mapping out the presentation of these complicated themes. As part of the critical race-grounded approach to collaborating and co-constructing knowledge, I turned to
participants with these analytic difficulties. Aafiq reminded me that it is precisely because these are social constructions that they are not fixed; they are situational. One person’s experience with a particular admission officer at a particular institution will not be identical to another person’s at that same institution or at another. However, there are larger social, rhetorical, political, and legislative influences that undoubtedly shape similarities in the experience of DACA students. Thus, the following testimonios and their analysis are framed as situational but related to larger factors. LatCrit methodologies value testimonios precisely in their ability to connect voices to forces. Romero (2005) states that when Latina/os and other racialized groups experience exclusion, it is not because they are individuals, but rather because they are members of a subordinated group. Romero (2005) adds that a major struggle in arguing for group rights in the struggle against exclusion is a legal system that recognizes individuals and refuses to recognize the intersections of subordination created by institutional circumstances (p.928).

**Immigrants are all supposed to look Mexican**

Chandra, who proudly self-identifies as a Dominican and Latina Woman of Color, mentions that people at her university generally identify her as African American. She states, “When I tell them that I come from the D-R they say, ‘I would have never known.’ I have a lot of the physical qualities an African American woman has but I’m not African American.” Chandra’s first name is also not of Latin American origin, which she says causes people further confusion. The title of this subsection is taken from our conversation in which she shares some of her experiences with people who assume that

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46 Reference to The Dominican Republic
she is not an immigrant and, therefore, feel comfortable making comments in her company such as “we don't need more immigrants, why are they coming?” She recognizes that the current social construction of immigrants is as exclusively Mexican. She adds, “People love to stereotype and right now with immigrants; we are all supposed to look Mexican.” Portraying the experience of immigrating into the U.S. as unique to people of Mexican-origin creates a hyper-visibility for people who are Mexican (or appear to be) and, as Chandra points out, invisibility for those who do not. Raed, similarly shares a story of invisibility from his first year composition class at LMI:

I didn't know it but the topic for that semester was immigration, illegal immigration. I swear, how do you make this shit up?! It was the most frustrating... People would say the most naive things because they don't know what it means to be an immigrant. They’re born into citizenship so they say, ‘Just deport them if they’re breaking the law by being here.’ I learned a lot, but didn’t talk about my own status. I did say that I’m an immigrant and they said ‘but you did it the legal way,’ which was an assumption. Granted, I would have lied; but they didn't ask. They couldn’t see their peer as the image they had of an illegal immigrant. The documentaries we saw showed people they already assumed to be illegal immigrants: Latino, poor, and older. Not an eighteen year old in their class. Both Raed and Chandra feel that the commonly constructed narrative of immigration excludes their own experiences. In Raed’s class, this exclusion came with a sense of anonymity. His peers could not fathom that the issues they were discussing would be pertinent to him. Even after Raed disclosed that he was an immigrant, they based their assumption that he was a legal permanent resident or naturalized citizen on him not being
Latino. These experiences demonstrate how contemporary discussions of immigration often focus on undocumented immigration with the physical representation of undocumented immigrants being overwhelmingly Latino and Mexican in a way that makes them almost interchangeable. Chandra and Raed’s experiences are situated in social settings at their respective universities but they are connected to larger social and institutional systems that perpetuate the conflation of undocumented with Latina/o.

Alejandra, who self identifies as Latina from Colombia and has also used the term “White-passing”, points out that she has witnessed the conflation of Latina/o as undocumented taking place within the various Latina/o student groups and community organizations that she is a part of. She says about their meetings, “these are things we discuss all the time. Being Latina and being undocumented are sometimes put in the same box. But in my experience, they ‘go in and out’.” Her expression “in and out” signals that issues of undocumented immigration are frequently discussed in Latina/o organizations because of their importance in these communities. Statistics on DACA for example, indicate that the vast majority of applicants are born in Mexico (74.9%) with other Central American (10%) and South American (6.9%) countries also significantly represented (Singer & Svajlenka, 2013). These statistics reflect Alejandra’s statement that the experience of being an immigrant, particularly around undocumented immigration, is a reality for many Latina/o communities and thus warrants continuous discuss in the organizational setting. Still, she indicates that while undocumented immigration is relevant in Latina/o communities, they should not be understood synonymously. This research argues that the conflation has institutional implications, especially during the college admissions process.
As previously discussed, there is a common experience that DACA recipients in Ohio have with unaware or hesitant admissions staff. Aafiq suggests that even within this shared experience there are inferences that make Latina/o applicants more suspect to being undocumented. He feels that Latino hypervisibility made him inconspicuous. In the following quote, he explains how this inconspicuousness played out for him and his sister during a trip that they made to the LMI admissions office:

Do they ask ‘plain-Jane’ over there to bring her birth certificates?! No they don’t! Also, we don’t have Latino names; there’s a certain privilege to that because there’s a hierarchy. No one asks me if I speak English. I’m not your typical immigrant. So we can navigate the system. Family friends we’ve told about our situation say, “what do you mean you overstayed your visa? That’s not illegal immigration; that’s over the Mexican border.

In the latter part of his quote, Aafiq speaks to the pervasiveness of the narrative that Mexicans are undocumented. He remarks that “illegal immigration” is understood exclusively as Mexicans entering the U.S. without inspection so much in fact, that, even after disclosing his immigration status to close family friends, they still did not consider him undocumented. Aafiq also provides elements of Latina/o hypervisibility that he views as having shaped the college admission’s process. In the hierarchy of suspicion that he outlines, certain features make a DACA college applicant less likely to be perceived as undocumented: not having a Latina/o name or surname, speaking English without a discernable accent, and having certain phenotypical or physical appearance.
Passing and Hall Passes

The features that Aafiq points out (surname, phenotype/appearance, accent) serve as important points of intersection from which to explore racial and immigrant passing for DACA recipients pursuing a higher education in Ohio. The act of ‘racial passing’ refers to a non-White person crossing the color line to gain acceptance as a White person to access the according public and private privileges (Delgado & Stefancic, 2012, p. 169). Racial passing, however, cannot be understood strictly on a Black-White binary. Allyson Hobbs maintains that passing is a very flexible phenomenon that adapts to whatever the particular restrictions are in a given society. In her words “it’s very possible that passing happens when we think about undocumented immigrants” (Wyndham, 2016). Hence, if the act of passing happens whenever people are excluded from resources, then the legislative exclusions DACA recipients experience when pursuing a higher education must be understood in conjunction with socially constructed mechanisms that identify them as the excluded. Chang (2000) refers to this profiling as policing people whose immigration status is inscribed on their body as a ‘figurative border’.

To intersectionally understand the ways participants engage in passing, especially during the admissions process, Aafiq offers this analogy, “it’s like having various hall passes. The hall passes you need to get through these conduits depends on who the hall monitor is. In certain moments and depending on the person, ‘this’ might excuse ‘that’”. Like hall passes, the following modes of passing are provisional and situational but consciously deployed with the purpose of accessing educational opportunities and resources from which they are excluded by virtue of their immigration status. However,
passing does not go without being problematized. Participants address that it is a privilege that reaffirms the racist nativism affecting them.

**Latina/o name or surname**

Not having a commonly recognized Latina/o name and surname is one way that participants pass. This form of passing is very explicitly tied to the hypervisibility of Latina/o and Mexican un-documentation. Chandra shares an example of how her name allows her to pass as a non-Latina. She states that people at her small university identify her as an African American woman by phenotype and first name. This preconceived notion leads them to experience a sort of cognitive dissonance when she then tells them that she is Dominican and Latina. Her last name is also not very commonly recognized as Latin American, which adds to their misperception, “when they hear my last name they don't necessarily hear Hispanic either. Plus the way many people pronounce it, with an English accent, doesn't help”.

Jennifer however, has a slightly different relationship with her name. Her first name can be Anglicized, but her last name cannot. She states, “I feel that we are profiled by our last name, see I have a privilege because I have a common American name but my last name puts me in a different category; it’s not an English sounding last name”. Jennifer frames it as ‘a different category’ because she feels that having a Latina surname creates an informal administrative flag that the applicant might be an international student or not have formal immigration status. As part of co-constructing testimonios, I shared with participants that, in Ohio I have had very similar experiences with administrative presumptions because of my full name. I acknowledge my position and privilege as a U.S. born citizen and thus my situations were resolved differently than participants’. However,
I can very much relate to experiencing delays and submitting additional documentation to resolve issues based on these presumptions.

Names can act alone in passing, but they also act in relation to other factors. Natalia, who self identifies as Brazilian by heritage and Latina, does not have discernably Latina first or last name. She believes that in her college application, she initially went unidentified as a DACA student because of her name and because she provided her social security number.

Nobody knew about DACA, so nobody knew how to help with my problem, but also nobody knew that there was a problem. They didn’t know my application was different than Joe Smith’s. It played to my advantage in some cases because my application went through; I was just another student. Only I knew about my application. I don’t have an accent and I don’t look like I am from anywhere. If I told you I am Brazilian or I’m third generation Italian you would believe me. I don’t get stereotyped a lot because I don’t set off that alarm like my friend who has Hispanic heritage or you; your name is Luis.

Natalia’s statement exemplifies how malleable legislative constructs of immigrant illegality can be when the corresponding social construction is singularly focused on Latina/os. Her initial ease in applying is not because she filled out her college application correctly, or that others did not. She provided her social security number like all other DACA recipients47. There were multiple factors that allowed her passing: social security number, admissions staff’s unawareness of DACA, and her name. However, these factors

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47 A social security number is provided as part of DACA’s work authorization permit
were not present in the same way for her in subsequent situations and may not be available to others.

Raed provides further nuance to the act of passing by name. For him, his phenotype and full name puts him above suspicion of undocumented. Whereas, he understands that going by an abbreviated his first name, in conjunction with other factors, like phenotype, can render him unperceivable as undocumented and as an immigrant in general. He states, “I can pass as non-Muslim. Although, phenotypically you can’t recognize that…but with names you can. For me though, most people refer to me as ‘Ray’, therefore they inherently think that I am non-immigrant. I can pass in that space.”

While that variation of his first name can be used to pass as non-immigrant in certain spaces, this pass is not valid in other situations or when his full name is used. During air travel, his full name makes him susceptible for additional screening, which he recognizes as rooted in Islamophobia:

We were at the terminal and they scrolled down the list real fast saying ‘where is this person, where is he?!’ My mom and sister, who wear hijab, were with me. It was very weird and intimidating especially because of the precarious situation with my status.

When Raed’s full name appears on a college application, it may not be viewed as suspect to possible undocumented. When people meet him as ‘Ray’ he may be viewed as native born Black rather than African immigrant. Yet, when his full name appears on a flight list, it becomes suspect because of Islamophobic reasons. In the scenario he describes at the airport, his full name, along with the fact that his mother and sister were wearing hijab meant that airline security viewed them as suspect of terrorism. Thus, a
person’s name along with physical appearance and phenotype may act as a passing strategy in a particular situation but provoke suspicion of a different kind in others, which demonstrates the temporal nature of passing.

**Phenotype**

Phenotype and physical appearance have been mentioned in addition to passing with name and surname. Latina/o hypervisibility plays a role in this type of passing because participants who are not Latina/o, as well as those who do not fit the narrow perception of what Latina/o should look like, have stated that they can engage in this type of passing. Alejandra has been involved in several group discussions and town hall meetings on undocumentation. She states that people are receptive to her for several reasons, but a reoccurring statement about her looks troubles her:

The organizer or someone else presenting would always say ‘look, she looks just like you. She’s not this foreign alien, why can’t we accept that?’ That’s been brought up multiple times and I’m thinking ‘what if I didn't look so White? Would you still be saying the same thing, would you be as receptive?’ I don’t think they understood the consequences of their statements but their intentions were ‘hey, she’s just a human being as well’. How it came out, and how people probably took it is ‘wow, this person looks White, I didn’t know they could look like this, this must be different or it must be okay’

Alejandra acknowledges that audiences are receptive to her message about undocumented immigration, in large part, because her physical appearance is phenotypically White. She recognizes that because she is White-passing, she is able to disrupt many preconceived notions people hold about undocumented immigrants that then allows them to empathize.
The ability for audiences to humanize undocumented students based on the possible compatibility with Whiteness is indicative of the racist nativist notion of Whiteness being native to the U.S. Natalia also acknowledges her White-passing appearance and mentions that it does not “set off that alarm” of being possibly undocumented. This further exemplifies that the notion of being White is commonly understood as irreconcilable with being undocumented, which underlines the existence of a racial identifier to immigration status.

However, it must be noted that participants did not state that they felt discriminated against during their admissions process because they looked Latina/o nor did they identify particular aspects of their physical appearance and phenotype that may have been recognized as undocumented. Rather, it was students who felt that they did not look Latina/o (whatever that may be) who stated that their phenotype was one less thing that they were concerned with, or one more “hall pass” they could take with them during the admissions process. This includes students who identify as pan-African, Black, or of Color. Raed and Aafiq for example both explicitly stated that their Blackness is not read as undocumented. Similarly, Chandra, who identifies as a Latina woman of color, alludes to this when she takes that people mistake her as African American.

For DACA recipients applying to college, specifically those in Ohio, phenotypical Blackness is not seen as indicative of possible undocumented status. This is in large part due to the social construction of Latina/o characteristics as identifiers of possible undocumented status. However, even though Blackness is not treated with suspicion of undocumented status, it is not legislatively indivisible from U.S. citizenship like Whiteness is. CRT/LatCrit theorists maintain that Whiteness allows for full U.S.
citizenship and all the rights associated with it because it is understood as an identity and a property. Whiteness is property because to be deemed socially and legally White is to be conferred tangible and economically valuable benefits, which are jealously guarded, and to be given only to those who meet a strict standard of proof (Harris, 1993, pg. 1726). The relationship between property ownership and U.S. citizenship rights is solidified by the fact that ownership of property was legislated as a prerequisite to citizenship. This prerequisite is a vestige of the British notion that only people who own the country, not just those who lived in it, are eligible to make decisions about it (Ladson-Billings, 1998).

Thus, in this same way, participants identify that their Blackness does not hold property at predominately White colleges and universities. For Raed and Aafiq, LMI does not confer property to Blackness. Raed points to LMI’s predominately White alumni donor base as an example of Whiteness as property at the university. He finds that alumni’s financial say in the university shape its priorities, initiatives, and predominance of White students at LMI:

White people are inherently complacent in social hierarchy because they are at the top; they are comfortable. Think about it, most alumni associations here are White. Most parents are White and not surprisingly most students are White. Yes, the percentage of minority students might have grown, but not enough to represent applicants or people who go to schools around here. The disparity is shocking! When they portray Black and Latinos students on pamphlets to make you think that they come here: it’s all a gimmick.

A major issue with whiteness as property at is that the portrayals of diversity at LMI are inaccurate and maintained as a way to promote an idea that the university is inclusive,
without truly investing in non-White students’ education. Aafiq shares similar views. He identifies Whiteness as property by literally pointing to the historical and current student body at LMI:

This is a historically and predominately White institution. It is not built for me. It can have as many diversity things but let’s look at the facts: I am not supposed to be here. If you look at my race and my ethnic background it’s a historical anomaly that I’m here… Look at this place⁴⁸, it has openly said we don’t want you here. LMI pays lip service to diversity because White students have a better learning environment if they have some People of Color around them. The diversity here is in relation to the lack of diversity, by that I mean it serves White people and their institution. Diversity here is to benefit them.

Aafiq understands his presence at that institution as an anomaly, a deviation from the established White predominance at the university, one that is depicted in the student body: past and present. For both Raed and Aafiq, their educational experience is marked by lack of financial resources at LMI because of their immigration status and because their Blackness does not hold property. Aafiq recalls that he was reminded of this after an assembly for incoming Black students when spoke to a high ranking diversity officer at LM:

I said ‘I am all about diversity but, what about intersectionalism? LMI recognized my Blackness and treats that as at-risk but parts of my reality that really put me at

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⁴⁸ Points to students nearby and photos on walls
risk are my illegality’. S/He was shocked and said “that is something we are working on…” That was the moment I said ‘I am done. y’all are fake’. Aafiq felt discouraged by this influential diversity official’s response. He perceived the lack of knowledge around these issues, as well as his/her non committal answer that seemed to trailed off, as an unwillingness to recognize that issues affecting undocumented students are also affecting its Black students. The lack of acknowledgement perpetuates the lack of investment in DACA students even within the university’s diversity initiatives. Blackness is a hall pass; not property at LMI because, according to participants, diversity initiatives remain largely contingent on the priorities of the predominately White alumni and students with larger financial stake in the university. Therefore, diversity scholarships, fellowships, and other subsidies focused on Black student attainment carry the same residency or citizenship requirement as all the others, which makes Black DACA students ineligible.

**Interest Convergence for DACA students**

Interest convergence theory proposes that there are moments when the interest of the dominant group temporarily aligns with that of minority groups, which then allows for some measure of social change. This theory specifically outlines that the systematically privileged dominant group, will support justice only to the extent that it does not result of the forfeiture of their own power (J. D. A. Bell, 1980). This dissertation research frames the progress DACA students have made in post-secondary institutions as undoubtedly due to their own personal academic achievement and group advocacy efforts. However, because their presence is marginalized rather than inclusive, it is understood as an example of the interest convergence that is taking place within higher education in
Ohio. Natalia, for example, feels that LMI has purposely remained idle regarding DACA because the university does not want to face any sort of political backlash for their decision nor do they wish to seem unprogressive as an institution:

This isn’t a forward-looking university at all; if they were they’d state DACA students are going to pay instate and have access to merit scholarships. But, then they’d face backlash from people saying ‘that’s tax payer money for illegal immigrants’. However, if LMI comes out and says, ‘we’re aware that DACA students are a specific group of undocumented immigrants who’ve been here for a long time but we don’t think they should have scholarships,’ then they’d be accused of not being a progressive university.

The non-committal position that Natalia highlights is not exclusive to LMI. Chandra states that her private university does, “a lot of talking but not a lot of walking” with regards to access for DACA and undocumented students. Alejandra also reports that admissions staff has told her that, “it is not in the institution’s best interest to invest in us students because ‘there is not many of you here’ or ‘we have a limited amount of money’”. Across institutions, participants are hearing that it is not economically or politically sound to invest in DACA students. It is precisely the approach of including DACA students only if it is financially lucrative or politically beneficial that demonstrates how interest convergence is present for DACA students in Ohio.

Raed and Zhi both stated that they understand LMI’s reluctance to accept DACA students because they have no financial incentive to do so. LMI does not have issues with enrollment and by continuing to relegate DACA students to international tuition rate, the
university would be making up to three times more from their tuition. In Raed’s own words:

LMI makes more money through international students so for them it’s smart to classify us as international students because then for every DACA student you don't give in-state, you get an international student that pays four times the amount. They are looking at it as a money game when we are looking at it as means to succeed in life.

In the last sentence of that excerpt, Raed captures the fundamental difference between how DACA students view the purpose of their education and how the institutions view it: money versus opportunity. The point at which these two fundamentally different interests converged was when DACA students were granted some measure of change, via in-state tuition but not full consideration or equal access to scholarships. The reason for this measured change is greatly attributed to advocacy groups like Equal Rights for Immigrants-Ohio (ERIO) placing pressure on LMI and other universities to update their admissions policies. Their advocacy campaign efforts included 1) representing Ohio universities and colleges as out of touch with the state and country’s demographic changes and 2) pointing out that post DACA there are no legislative barrier to receiving in-state tuition so any resistance would be read as indicative of unwelcoming attitudes towards immigrants, which would run contradictory to many metropolitan areas in the state’s position as immigrant friendly.49

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Therefore, I contend that the interest convergence that took place for DACA students’ in-state tuition eligibility in Ohio is analogous to Bell’s (1980) argument that the 1954 case of Brown v. Board of Education (BOE) which mandated desegregation of schools was not something that arose solely when the national consciousness began to change in favor of racial equality but rather that ulterior motives such as foreign policy (strengthening the capitalist façade of equality in the U.S in the face of the cold war) and economic interest (desegregation in schools was necessary to further industrialization in the South) made it possible. In the case of DACA students in Ohio, their consideration for in-state tuition was driven by the ulterior motives of bad publicity that would harm the statewide campaign of being immigrant friendly. The designation of immigrant friendly is important because it provides several economic opportunities for the cities and the state. The mayor of one metropolitan area stated that immigrant friendly cities in Ohio are a priority because, “it shows cities are on the forefront of long-term economic growth in the country” (McDaniel, 2014; Wyndham, 2016). Economic opportunities include investment in the state’s manufacturing sector (because of the associated low-wage labor positions), entrepreneurial opportunities, and an expansion of the state’s tax base (Perkins, 2016).

Furthermore, just as Ladson-Billings and Tate (1995) point out that even after the BOE decision the persistence of educational inequalities along racial and economic lines has increased at alarming rates since 1954, I argue that Forever Buckeye’s consideration of DACA students does not address the problem but rather allows for the perpetuation of undocumented students to be excluded not only from in-state tuition but from any educational subsidies necessary. DACA is limited to a small segment of the
undocumented population in the state. It is temporary and conditional on many factors like the ability to pay the filing fees and possible technical issues which could easily cause a student to fall out of status. All of these limitations reaffirm the status quo in Ohio’s higher education, a status quo that perpetuates an inequitable admissions process for students who are not U.S. citizens or legal permanent residents.
Chapter 5: Implications and Conclusion

Introduction

This concluding chapter begins by revisiting the significance of the study, the research question, and methodology. I then transition into a summary of dissertation data, featured in previous chapter, and discussion of the data in relation to the existing literature. This engagement with the literature serves to demonstrate how the findings are relevant to both the theoretical literature and empirical research on students without permanent immigration status accessing higher education. The chapter concludes with the implications of this work and suggestions for future research.

Summary of Background

Currently 1.76 million youth are living in the U.S (Batalova & Mittelstadt, 2012) who were brought as children, raised and attend primary and secondary school in the country, but because they do not posses permanent and formal immigration status, they are legislatively considered undocumented. Lack of formal immigration status can present challenges throughout their life. For undocumented youth who wish to pursue a post-secondary education, the challenges the face stem from their ineligibility for federal student financial aid, public scholarships, and in-state student tuition consideration. This ineligibility creates a financial barrier that significantly impacts degree attainment.
There have been several legislative attempts to address the issue of college access for undocumented students. Most recently, the 2012 executive action known as DACA allows qualifying applicants deferred action from deportation and eligibility for work authorization for two years but, fails to provide them with permanent immigration status. While some DACA recipients pursuing a higher education have experienced increased access to college due, in part, to improved employment opportunities that make college tuition affordable; comparable access to US citizen peers remains mitigated by obstacles that are rooted in their lack of permanent immigration status.

**Summary of Opportunity and Significance of Study**

A majority of the leading theoretical and interpretive literature on access to post-secondary education for students with undocumented immigration status has been concentrated along the U.S.-Mexican border and predominantly with students of Mexican heritage (Batalova & Mittelstadt, 2012; Enriquez, 2011; Yosso, 2005, 2006). This is understandable considering these states have been the primary destinations of Latin American immigrants, who represent a majority of the larger undocumented population (Enriquez, 2011; Passel & Cohn, 2011; Yosso, 2005, 2006) and have also been home to many of the student movements that propelled issues of tuition equity and immigrant. Outside of NURP’s large scale survey research on the DACA (Gonzales, Bautista-Chavez, et al., 2014; Gonzales, Terriquez, et al., 2014) emerging qualitative research that investigates DACA’s impact on post-secondary educational has continued to focus predominantly on Latina/o DACA recipients in California (Pérez Huber, 2015)

The predominance of Latina/o undocumented and DACA recipients may have inadvertently created the narrative that equitable access to post-secondary education is of
concern only to immigrants of Mexican heritage living in U.S.- Mexico border regions, or other areas with historically large immigrant populations. This dissertation addresses the gap in post DACA research on college access policies and practices outside the aforementioned locations and with diverse immigrant populations. By focusing on Ohio (a state with shifting demographics, evolving immigrant communities, and state legislation that as of 2013 considers DACA students for in-state tuition) and working with participants from diverse backgrounds, this study is able to explore the significant nuances around the racial, ethnic, and socioeconomic factors that they navigate during the college admissions process.

Addressing the need for equitable access to a post-secondary education for DACA recipients, and the larger undocumented student population, is imperative. Failure to rectify the incongruity that exists between equal participation given to students during their K-12 education and their exclusion of the same consideration at the post-secondary level has profound educational, social, and ethical implications. Discriminatory legislation that excludes students based on immigration status is also affecting people of various racial groups, sexualities, and gender expressions. Therefore, there is an ethical responsibility to ensure that post-secondary educational legislation and practices are responsive of students’ complex lived realities.

Research Question

This dissertation aims to be responsive of the various social and legislative factors that shape DACA recipients’ complex lived realities; therefore, the guiding research questions are:
1. What role have DACA and Forever Buckeyes played in DACA recipients’ access to post-secondary institutions and their resources?

2. How do DACA recipients advocate for a college education as their right?

3. How do students’ racial and ethnic identification intersect with their immigration status when accessing college in Ohio?

**Summary of Methodology**

This qualitative dissertation research employs a critical race-grounded methodology process that situates grounded theory within a critical race framework. This approach utilizes elements of the systematic approach to the development of theories grounded in data while also employing an abductive approach to data analysis, utilizing theoretical sampling techniques and conditional matrix coding, all while collaborating between participants and researchers throughout the research process (Malagon et al., 2009; Pérez Huber, 2015). As part of the abductive approach to data analysis, critical race-grounded methodology integrates an extensive review of the literature and use of a theoretical framework. Critical Race Theory (CRT) and Latino Critical Theory (LatCrit) make up this dissertation’s frameworks and thus, a focus on CRT/LatCrit’s five tenets towards educational research are especially valuable. They are: (1) the centrality of race and racism and their intersectionality with other forms of subordination (2) the challenge to dominant ideology; (3) the commitment to social justice; (4) the centrality of experiential knowledge; and (5) the utilization of interdisciplinary approaches (Malagon et al., 2009; Solorzano, 1997).
The 19 participants in this study are DACA recipients who represent a diversity of national origins, races, ethnicities, religions, genders, and socioeconomic backgrounds as well as heterogeneous experiences and perspectives. They were recruited predominantly through my involvement in a youth-led immigrant rights organization in Ohio, an emerging immigrant rights student group at a large university, and a mentorship program for high school students. Together, participants and I engage in data collection via counter-storytelling that includes 36 audio-recorded personal and group conversations, numerous other personal interactions, and electronic communication. Data analysis of *testimonios* consisted of utilizing the literature review as incorporation of prior theory during the analysis, engaging in a three-step coding processes, and collaborating with participants while adopting an abductive approach to drive the theory formation process (Malagon et al., 2009).

**Summary of Results**

**What role have DACA and Forever Buckeyes played in DACA recipients’ access to post-secondary institutions and their resources?**

This research has found that DACA and Forever Buckeyes have played a complicated role in recipients’ access to post-secondary institutions and their resources. The 2011 Forever Buckeyes provision of law, which affords Ohio high school graduates in-state resident tuition consideration at all Ohio public colleges, was never intended to be inclusive of undocumented students. In 2012, DACA was implemented; this executive action provides recipients deferred action from deportation and eligibility for work authorization for two years. DACA recipients experience improved access to a higher education because their employment became formalized. The formalization of their
employment resulted in improved compensation, which for some made tuition somewhat
more attainable and improved the flexibility in their work schedules thus, facilitating
their ability to attend classes. However, DACA recipients remained excluded from in-
state tuition consideration via Forever Buckeyes. Even with improved employment
opportunities, this legislative exclusion made it difficult to afford a higher education
because DACA recipients were still considered international students and paying the
considerably higher international student tuition rate.

Some participants of this research form part of advocacy groups across Ohio, such
as Equal Rights for Immigrants-Ohio (ERIO), which began campaigning efforts for
DACA recipients’ to be included under Forever Buckeye. These efforts included online
campaigns, rallies, demonstrations, press interviews, and a legal memorandum outlining
their eligibility. On July 30, 2013, after nearly a year of advocacy efforts, the Ohio Board
of Regents announced that DACA recipients would be granted consideration for in-state
tuition at Ohio public colleges and universities. The relationship between DACA and
Forever Buckeye is tenuous because DACA recipients must rely on both DACA and
Forever Buckeye for their in-state tuition consideration and for eligibility of certain
scholarships. Without Forever Buckeye, DACA recipients in Ohio are considered
international students, and without the acknowledgement of legal presence that DACA
provides, participants are ineligible for Forever Buckeye.

**How do DACA recipients advocate for a college education as their right?**

The advocacy efforts that lead to Forever Buckeye’s inclusion of DACA
recipients did not resolve their issues of equitable access to college and university. Raed
described the college admissions process for DACA recipients’ as being “constantly
marginalized, from the application process onward”. The marginalization they experience as college applicants begins with the absence of a designated DACA category on college applications. This administrative absence is consequential because their applications were misclassified, lost, or delayed, which caused them to defer their enrollment, lose essential student services, and forfeit scholarships. Participants continued to advocate for their right to attend the university, in large part, by persisting through setbacks and navigating an unjustly complex admissions process. The complicated nature of their admission process is also due to the procedural ambiguities they face from being institutionally categorized as international students. This categorization puts them in a position where they have to meet a higher burden of proof to confirm their eligibility and credentials. It also forces students to embark on a scavenger hunt of information related to their application between the international and domestic student admissions offices. This procedural ambiguity creates an unwarranted dependence on the staff for information and relies on them to receive the documents students were unable to submit online. This dependency is highly problematic because the staff with whom they meet is often unaware, misinformed, and in some instances openly hostile towards DACA.

Participants who persist during this process have gone to great lengths to inform university staff about DACA not only for themselves but also to improve admissions for fellow DACA college applicants. These instances should be viewed not only as indicative of their determination but also reflective of the unjust burden that is placed on students. In order to explain DACA and how it is applies to them, students must disclose their immigration status, which is a very personal and emotional undertaking. Disclosure of status has been described as “bearing my soul” and “opening up a wound every time”
with no guarantee that they will be given equal consideration thereafter. Some participants even relayed feelings of discrimination for disclosing their status to admission officials, as was the case with “Z”, a staff member at Large Midwestern University (LMI).

**How does race intersect with immigration status when pursuing higher education in Ohio?**

CRT and LatCrit frameworks in education posit race and immigration status as legislative and social constructs intended to exclude certain groups from educational resources and opportunities. Kevin Johnson (1997) maintains that the legislative constructs are upheld by the social practices of a people in a given society, which reinforces the legislative divide. During the admission process, participants’ race and immigration status were legally and socially constructed in different ways that contributed to their exclusion of certain educational considerations and resources.

Participants point out that, socially, the experience of immigrating into the US (documented or otherwise) has been largely portrayed as unique to people of Mexican-origin, which creates a hyper-visibility for people who are Mexican, or appear to be. This hypervisibility is present during the admissions process because DACA recipient students who do not appear to be Mexican (by way of name and/or phenotype) often experience a sort of anonymity during the initial phase of their admissions process. Their anonymity is temporal and understood by participant as utilizing “hall passes”, a concept analogous to the act of racial passing. Passing is a flexible phenomenon that adapts to whatever the particular restrictions are in a given society or institution. Passing is racialized because by virtue of admission staff not perceiving the applicant as Mexican, they are not socially
identifiable as part of the group that is legislatively excluded from resources and opportunities. Participants are aware of the provisional nature of passing and problematize it. As Aafiq points out, his Blackness allowed him to not be perceived as undocumented (ergo Mexican). However, his Blackness did not legislatively override his ineligibility from federal scholarships, financial aid, and other forms of institutional support unavailable to DACA recipients.

Lastly, results of this research assert that the interest convergence that took place for DACA students’ in-state tuition eligibility in Ohio is because their consideration for in-state tuition was driven by the ulterior motives of bad publicity that would harm the state’s campaign of being immigrant friendly. The designation of immigrant friendly is important because it provides several economic opportunities for the educational and institutions within Ohio. Forever Buckeye’s consideration of DACA students does not address the problem of inequitable access to a higher education because DACA is limited, temporary, and conditional. Moreover, Forever Buckeyes allows for the perpetuation of undocumented students to continue being excluded not only from in-state tuition but from any educational subsidies necessary. All of these limitations reaffirm the status quo in Ohio’s higher education, a status quo that perpetuates an inequitable admissions process for students who are not US citizens or legal permanent residents.
Discussion

DACA’s access to post-secondary education

Empirical work that explores DACA’s impact on higher education has identified several benefits of this executive action. Large scale national surveys conducted by the NURP Project (Gonzales, Bautista-Chavez, et al., 2014) report that DACA improves access to post-secondary education because the interim status it provides opens up in-state tuition eligibility (in some states) and improves employment options for many of its beneficiaries. Gonzales, Terriquez, et al. (2014) similarly maintain that DACA grantees have been able to receive their driver’s licenses and obtain new jobs and internships, which along with ability to open bank accounts and acquire credit cards has widened post-secondary educational opportunities. Suárez-Orozco et al. (2015, p. 9) quantifies this improvement by stating that 85.5 percent of students reported that DACA had a positive impact on their education, when compared to students without DACA. Qualitative work done by Pérez Huber et al. (2014); Suárez-Orozco et al. (2015, p. 9) and Pérez Huber (2015) that focuses on Latinas reception of DACA in California also indicates that DACA’s deferral from deportation provides a sense of protection that improves educational opportunities for recipients. The sense of protection allows them the comfortable of disclosing their status at their colleges and universities in order to seek out resources on campus.

The results from this dissertation strengthen the findings from the large scale NURP survey and from Pérez Huber (2015); Pérez Huber et al. (2014) and qualitative
work with Latinas. In Ohio, DACA improves access to institutions of higher education for recipients because the work authorization that it provides formalizes their employment opportunities. Formal employment is educationally beneficial because it makes college tuition more affordable and class attendance more feasible. Prior to DACA, the only employment opportunities available were informal jobs that were poorly compensated, required long, inconsistent work hours, and had little or no job security. DACA has also improved access to a higher education in Ohio because recipients may now be considered ‘temporary residents’ according to USCIS guidelines. This consideration is significant because prior to DACA, lack of any federally recognized immigration status meant that students were precluded from in-state tuition consideration, public scholarship eligibility, and in some cases were outright denied admission into colleges and universities. It is important to note that the post-secondary benefits DACA provided recipients in Ohio while are derivative. There was not explicit language in DACA legislation that extends post-secondary educational opportunities to recipients; all benefits acquired were built upon by recipients themselves; from finding better job opportunities that make tuition more affordable, to finding scholarship opportunities, and legislating for equal educational consideration as residents of the state.

**DACA’s Ongoing Limitations**

Across existing research, the biggest ongoing limitation DACA recipients report is that they remain ineligible for federal financial aid assistance, which makes financing their postsecondary education a serious challenge. Gonzales, Bautista-Chavez, et al. (2014, p. 7) state that 42 percent of participants reported not completing their plan of study within the normal time scheduled due to limited finances and family
responsibilities. Pérez Huber et al. (2014) and Pérez Huber (2015) find that even in California, a state with the California DREAM Act⁵⁰, ineligibility for federal financial aid funding and other grants remains a serious limitation in Latina/o DACA recipients’ post-secondary educational attainment.

This dissertation study reaffirms the financial obstacles reported in the existing literature previous research. In Ohio, the inability to receive federal subsidies results in students working longer hours in order to make their tuition payments, even when considered in-state students via Forever Buckeyes. Participants testimonios indicate that they work longer hours than peers who can rely on federal educational subsidies and thus do not have to engage in the same type of high-stakes balancing act between work and school. This balancing act between demanding engagements is nearly universal among participants who attend various institutions of higher education. However, the inability to rely on federal financial aid means that for some DACA recipients a higher education, regardless of the institution, remains financially out of reach. Another important post-secondary limitation to DACA that this research found is that because recipients do not have permanent immigration status, they are rendered ineligible for certain professional licensures. This ineligibility prevents them from enrolling in certain majors or when they graduate, they may not be eligible for the professional licensure in their area of study.

The most salient shortcoming of DACA is that it is interim program. DACA is based on presidential executive powers and requires applicants to submit their re-authorization every two years. These conditions are of serious concern to recipients

⁵⁰ State legislation that allows undocumented students access to certain forms of financial aid to attend public colleges and universities.
because the Trump presidential administration has stated that they will repeal the executive action. Even if the program continues, recipients must renew their DACA permit in order to remain federally recognized as “lawfully present in the US” or face loss of work authorization, forfeiture of in-state tuition consideration (along any possible scholarships that were dependent on status), surrender of professional licensure, and even face deportation.

**Forever Buckeye**

This dissertation is positioned as the only research to examine the impact of the Forever Buckeyes provision of law on DACA recipient students. It presents a unique contribution to the literature because it highlights how an in-state tuition policy, in a state with emerging immigrant communities, was intended to be exclusive of undocumented students. However, the authors of this legislation did not anticipate the possibility that an interim immigration status like DACA created and the student led advocacy efforts that followed. The inclusion of DACA recipients under Forever Buckeyes came as a result of immigrant youth’s ongoing and diverse advocacy efforts that included online campaigns, rallies, demonstrations, press interviews, and a legal memorandum outlining their eligibility. Participating youth put themselves at tremendous risk to advocate for equal consideration as in-state residents. Many were harassed and even received threats of violence and deportation aimed at them and their families.

**Admission Process Post-DACA**

This dissertation provides another distinct contribution as the only research to examine the college admission process for DACA recipients, outside of states and metropolitan areas with historically large immigrant populations. In doing so it fills a
notable gap in the literature by addressing the impact of the administrative marginalization and procedural ambiguity DACA recipients encounter during their college admissions process. Their administrative marginalization begins with their inability to identify as DACA recipients on their college application, which has resulted in their applications being misclassified, lost, or delayed and thus a delay in enrollment, loss of essential services, and forfeiture of much needed scholarships.

Their admission process continues to be complex, in large part, due to the procedural ambiguities they face from being in-state residents institutionally categorized as international students. This categorization forces student seek information from both the international and domestic student admissions offices and creates an unwarranted dependence on the staff which is highly consequential because the staff are often unaware, misinformed, and in some instances openly hostile towards DACA.

**Contribution to CRT and LatCrit**

Existing literature that uses Critical Race Theory (CRT) and Latino Critical Theory (LatCrit) to examine the theoretical and practical implications of undocumented students’ post-secondary experience has largely focused on Latina/o students in areas with a historically large immigrant population (see: (Pérez Huber, 2009a; Solorzano & Yosso, 2001; Yosso, 2006). CRT and LatCrit allow for race and immigration status to be examined as both social and legislative constructs. Thus, Pérez Huber (2009, 2010) has found that undocumented students’ post-secondary educational trajectories are negatively impacted because racialized beliefs educators hold about their academic inferiority are compounded by the legislatively limited access to federal college funds, campus resources, and programs. Other considerations are that as a result of racialized
notions of immigrant illegality, and their lack federally recognized immigration status, undocumented Latinas take risks in performing daily tasks necessary to pursue an education. Driving is one such risk because the perceived phenotypical identification as Mexican (ergo undocumented) puts them as risk for being pulled over by police and possible deportation (Pérez Huber, 2010). Yosso (2005) and Pérez Huber (2009) also highlights thought that in spite of the racist nativist obstacles students survive, resist, and navigate higher education by drawing on multiple forms of accumulated assets and resources in their families and communities.

Thus far though, only one study has explored the experiences of DACA recipients using a CRT/Lat crit theoretical framework. (Pérez Huber, 2009a); Pérez Huber (2015); (Solorzano & Yosso, 2001; Yosso, 2006) conducted qualitative research alongside Latina college students and recent graduates in California. This study found that while DACA does provide some educational improvements, such as higher comfort when disclosing status to seek out resources, many of the legislative restrictions and socially constructed notions of Mexican illegality remain. The ongoing focus on Latina/os in historically prominent immigrant areas, even with emerging DACA research, positions this dissertation as unique in its ability to provide a significant contribution to the literature. It does so by way of exploring how race intersects with immigration status for a diverse group of DACA-recipient students in Ohio, a state that has been over looked in the area of immigrant research.

**Racial Passing**

Theoretical contributions of this dissertation include an expansion of the concepts within the CRT/LatCrit literature on racial passing. The act of ‘racial passing’ refers to a
non-White person crossing the color line to gain acceptance as a White person to access the according public and private privileges (Delgado & Stefancic, 2012, p. 169). Allyson Hobbs further that passing adapts to whatever the particular restrictions are in a given society which includes people with undocumented status (Wyndham, 2016). This dissertation demonstrates how passing takes place for racially diverse DACA recipients during the college admission’s process. Even though legislatively, DACA has provided an interim immigration status for recipients, socially constructed racialized notions of Mexican immigrant illegality persist.

The consequences of socially constructed notions of Mexican immigrant illegality become salient when even though DACA recipients have the right to in-state student tuition, some students recognize the provisional advantage they are afforded, when admissions staff does not associate their name or phenotype as perceivably Mexican (ergo undocumented). Participants re-conceptualize this particular form of passing as a utilization of “hall passes” that are provisional and situational in nature. Their use of hall-passes is not done as a way to purposely pass themselves off as non-Mexicans, which reaffirms the oppressive factors of socially constructed immigrant illegality. Rather, it is understood as another form of navigating the obstacles that are creates because of the preconceptions and ambiguity that admission officers have about DACA. The existence of “DACA hall-passes” also indicates a lack of intersectional thinking and insensibilities to complexities by institutions and their staff. As Aafiq points out during his conversation with an administrator with the diversity office at LMI, s/he embraced his Blackness but was unable and/or unwilling to assisting him in seeking out resources from which he is excluded from because of his immigration status. This exchange is one of several that
demonstrates the pervasiveness and consequences of understanding complex lived realities fixed categories. A student can be Black, Latina/o, White-passing, Asian, Queer, and undocumented, as well as any combination of the aforementioned, and more.

**Interest Convergence**

This dissertation also contributes to understandings of CRT’s interest convergence theory in education. Interest convergence theory proposes that there are moments when the interest of the dominant group temporarily aligns with that of minority groups, which then allows for some measure of social change only to the extent that it does not result of the forfeiture of the dominant group’s power (J. D. A. Bell, 1980). One of the most notable elaborations of interest convergence theory is the position that the racial desegregation of U.S schools was did not stem from the national consciousness towards racial equality. Rather it was driven by foreign policy interests to maintain the façade of equality against the soviets and protect the economic interests driving further industrialization efforts of the South (J. D. A. Bell, 1980). While schools have since been legally desegregated since 1954 the educational inequalities along racial and economic lines has increased at alarming rates since then (Ladson-Billings & Tate, 1995).

This research asserts that a similar instance of interest convergence is taking place in Ohio along racist and nativist lines. The remarkable progress DACA student have made into post-secondary institutions is undoubtedly due to their own personal academic achievement and group advocacy efforts. Their institutional consideration as equal students however remains questionable. DACA is provisional and does not grant access to federal funds that sustain degree attainment. The slow and calculated response to
updating admissions policies and procedures across public institutions of higher education in Ohio forces racially diverse, DACA-recipient students to undergo a byzantine admissions process that serves to further exclude them from higher education, while still complying with the Ohio Board of Regents decision regarding Forever Buckeyes and DACA.

Furthermore, public institutions of higher education in Ohio remain neutral, if not completely silent when publically promoting their acceptance of DACA students, who are non-native born and racially diverse. This is analogous to maintaining the global image of racial equality in the U.S., which is understood as the political drive behind racially desegregating schools in 1954. Ohio public institutions purposefully employ ambiguity in this matter so to not come across as unwelcoming to immigrants of all racial background, but without enacting inclusive and progressive measures. The façade of being immigrant friendly is important because it allows several economic initiatives for across Ohio to continue; much like the economic interests behind racially desegregating the south.

Lastly, much like the ongoing de facto racial segregation in public schools, Forever Buckeye’s consideration of DACA students does not address the problem of inequitable access to a higher education because DACA is limited and conditional. Forever Buckeyes allows for the perpetuation of undocumented students to continue being excluded not only from in-state tuition but from any educational subsidies necessary. These limitations reaffirm the status quo in Ohio’s higher education, that perpetuates an inequitable admissions process for racially diverse students who are not US citizens or legal permanent residents.
Implications and Suggestions for Further Research

As part of the epistemological and methodological focus on testimonios, the closing section of this dissertation is written as my own testimonio regarding the importance and future regarding this area of research. A previous version of this section revolved around this research’s potential to inform multidimensional approaches and administrators can take towards ensuring equitable college access to DACA recipients and other undocumented students. Potential for this research included using it to inform curriculum for higher education programs and professional developments. The hypervisibility of Latina/o immigration and misconceptions about undocumented status can be a cornerstone in implicit bias training, which seem to be en-vogue. Implicit bias awareness although necessary, should be seen only a small segment of this research’s ability to highlight inequitable structures in higher education. University officials and diversity officers could rely on students’ testimonios to inform changes in their scholarship policies to be inclusive of immigration status in addition to racial, ethnic, gender identification. Legislators could also rely on this research when proposing or considering in-state tuition consideration for all high school students, regardless of immigration status.

However, much of what I previously wrote, regarding implications, now seems insufficient as the United States has since elected its 45th president, Donald J. Trump. The result of this election has serious consequences for the future of DACA recipients’ and their families. President-elect Trump ran a campaign that was centered on racist-nativism in which he vowed to repeal DACA his first day in office, create a physical wall along the U.S.-Mexico border, ban Muslim refugees and immigrants, and create a new
more expansive deportation taskforce to deport all undocumented immigrants from the country. While many of those proposals seem unfeasible, the attempts to implement them would be undoubtedly detrimental for many.

Moreover, the incoming presidential administration seems to be situating itself to begin enacting the claims of the campaign. Kris Kobach, who has a consistent record of drafting anti-immigrant legislation that includes challenging a Kansas state law that affords in-state tuition to undocumented students, among others, has been named to Trump’s immigration policy transition team. Kobach stated that “by giving more authority to Immigration and Customs Enforcement agents, Trump easily could boost deportations by more than 75% in his first year in office” (Bennet, 2016). This statement is chilling considering Kobach’s legislative history and the fact that in order to apply for DACA, applicants underwent a background check and disclosed their personal information with the assurance that it would not subsequently be used against them to initiate deportations proceedings. However, this assurance is not legally binding.

Whether or not the Trump administration will in use DACA applicant’s information against them, the uncertainty and fear that the election results have spurred is real. Several participants have shared with me that since the election, they have feared for their physical safety in public spaces, especially when seeing Trump supporters nearby. Others have not returned to classes because similarly they fear for their safety on campus. One participant felt overwhelming anxiety and was unable to concentrate for an exam the day after elections and failed it as a result. Another contemplated for over hour whether

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51 Kobach was a key figure in drafting Arizona SB 1070 and primary author of Alabama HB 56
or to go would go to class, she ultimately went but felt intimidates because of the racialized, anti-immigrant rhetoric that classmates began openly sharing, so she walked out of class. While participants certainly worry about their future without DACA, several have said that their biggest worry at this current moment is their safety along with that of her friends and family. These most current testimonios speak to the immediate threat based on racist-nativist Othering that is indicative of social consequences this upcoming presidency may have.

**Recommendations**

I have also relied on participant testimonios that detail their experiences as a vehicle to identify the strength and gaps in the policy and implementation of DACA and Forever Buckeyes. The programs’ combined strengths and weaknesses are now glaring. Legislatively, DACA’s biggest strengths are that it provides a certain sense of opportunity. Participants have capitalized on that opportunity and continuously advocate for themselves to be given equal consideration as students. The in-state residency advocacy campaign and persistence through an unjustly complex college admission process is proof of that. However, DACA’s biggest shortcoming is that is provisional and limited in the rights it can extend to recipients. If the program ends on the first day of the Trump Presidency, participants in this study, along with all other DACA recipients in Ohio will fall out of status, lose their work permit, and no longer be eligible for in-state student consideration along with any licensure and possible scholarships that were depended on the federal recognition of their presence. This will significantly hinder their ability to continue their post-secondary education, professional endeavors, and perhaps life in the United States. Thus, the most concrete recommendations of this research are:
1) For Ohio legislators to revise Forever Buckeyes to include all graduating high school students who meet the domicile and graduation requirements, regardless of their immigration status. This would serve to protect current DACA recipients’ eligibility as in-state student’s, regardless of DACA’s future and/or in the event that they should fall out of status for whatever unexpected reason. This recommendation would also serve to include future generations of students that would have otherwise become eligible for DACA, as well as those students who meet all other requirements but were unable to afford applying for DACA itself.

2) At the post-secondary level, colleges and universities can revise their in-state tuition and scholarship requirements to align with the domicile and graduating requirements of Forever Buckeye but eliminate any exclusion based on immigration status. This would again serve to protect students regardless of DACA’s future. Non-federally funded scholarship requirements can be modified to openly include DACA recipients, as well as undocumented students who meet the scholarship’s merit or need based requirements.

3) At the post-secondary administrative level, institutions can improve services to future students by institutionalizing support for DACA and undocumented students in a variety of ways that work in conjunction with one another. They may include:
a. Updating their online admissions portal to be reflective of DACA recipients’ domestic student classification.

b. Creating administrative positions such as academic counselors and liaisons for undocumented/DACA students whom they could turn to in case of discrepancies, grievances, or difficulties during their admissions process.

c. Forming a multi-departmental undocumented/DACA student advocacy taskforce that informs admissions and other front line offices of policies, practices, and legislation that they should be aware of when dealing with students who may be undocumented or be DACA recipients.
References

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