

Constructing Citizenship: Exclusion, Subordination, and Resistance

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Evelyn Nakano Glenn^a



Abstract

This Presidential Address develops a sociological concept of citizenship, particularly substantive citizenship, as fundamentally a matter of belonging, including recognition by other members of the community. In this conception, citizenship is not simply a fixed legal status, but a fluid status that is produced through everyday practices and struggles. Historical examples illustrate the way in which boundaries of membership are enforced and challenged in everyday interactions. The experience of undocumented immigrant college students is particularly illuminating. These students occupy a position of liminal legality, which transcends fixed categories such as legal and illegal. As they go about their daily lives, their standing is affirmed in some settings and denied in others. Furthermore, the undocumented student movement, which asserts that education is a human and social right, represents a form of insurgent citizenship, one that challenges dominant formulations and offers an alternative and more inclusive conception.

Keywords

citizenship, education, social rights, undocumented immigrants

^aUniversity of California-Berkeley

Corresponding Author:

Evelyn Nakano Glenn, Department of Ethnic
Studies, 506 Barrows Hall, University of
California-Berkeley, Berkeley, CA 94720
E-mail: englenn@berkeley.edu

When I selected citizenship as the theme for the 2010 American Sociological Association (ASA) Annual Meetings, I was cautiously hopeful that all of the many ASA sections and subfields would find topics relating to their particular concerns and interests. Little did the Program Committee and I suspect that by the time of the meeting in August 2010, the meanings of citizenship, inclusion, participation, and rights would become perhaps the hottest and most contentious set of issues in America. We can in large part “thank” politicians and media personages who enflamed public passion by advocating for racialized nationalism, restrictions on immigrant rights, and, most recently, repealing the 14th Amendment in order to end birthright citizenship.¹

In choosing the title for the meetings, “Toward a Sociology of Citizenship,” I wanted to stimulate us to think about two interrelated questions. First, what can sociology contribute to an understanding of citizenship? Conversely, what can the study of citizenship contribute to sociological understanding?

What can sociology offer that law, political science (the heretofore dominant fields in citizenship studies), history, and anthropology have not? Law and political science usually view citizenship as a formal status defined by legal documents and state policies. Thus, legal and political scholars focus on constitutions, laws, court decisions, and the writings and speeches of influential legal and political actors.² Historians and anthropologists, on the other hand, are interested in the discursive constructions and cultural meanings of citizenship. They focus, for example, on symbols and media representations of nationhood and belonging versus being alien or foreign.³

It seems to me that these fields offer much of value to sociologists interested in citizenship, but sociology also has a tremendous amount to contribute. Sociology’s special strength may lie in its focus on the social processes by which citizenship and its boundaries are formed. In particular, sociologists can highlight how citizenship is constructed

through face-to-face interactions and through place-specific practices that occur within larger structural contexts.

With regard to the question of what the study of citizenship offers to sociology and its many subfields, I would argue that citizenship is omnirelevant. Citizenship affects public life in such areas as political participation and development of state policy; it also affects private life, including family and interpersonal relations. Lack of citizenship or legal status affects household formation and may indeed fracture families by separating members who have legal status from those who do not. Exclusion from citizenship rights interacts with and magnifies other social inequalities. For example, individuals lacking legal status are severely disadvantaged in the labor market and are often limited to low-paid jobs in the informal economy. Considering what is at stake, it is not surprising that some of the most galvanizing social movements have been organized by those who are excluded and who want to gain entry and expand rights. Conversely, many social movements have also been started by individuals whose interests are served by restricted membership that shore up boundaries and define rights narrowly.

This address is divided into two sections. First, I will outline a sociological approach that I have developed in my own work, which focuses on how citizenship is continually constituted and challenged through political struggle. I build on the work of British sociologist T. H. Marshall to examine the frequent disjunction between *formal citizenship* and *substantive citizenship*. Marshall argued that twentieth-century reforms that expanded social rights—free and compulsory education and basic welfare provisions—enabled working-class Britons to finally exercise civil and political rights that they had, in theory, been granted in the eighteenth- and nineteenth-centuries. Citing historical cases in the U.S. context, I argue that social rights are certainly *necessary* but they are *not sufficient* for people to enjoy substantive citizenship. One must take into account local practices

that recognize or deny standing to certain groups and individuals irrespective of their formal standing under constitutional provisions or statutory law.

Next, I examine the contemporary case of undocumented immigrant students in the United States and their struggle to gain access to public higher education. Undocumented students constitute a growing segment of the estimated 12 million immigrants without legal papers.⁴ Their situation illustrates the multiple levels at which citizenship is constructed and contested, from the national to the local. Additionally, undocumented students' activism speaks to the importance of insurgent movements in redefining the scope and meaning of American citizenship.

At its most general level, citizenship refers to full membership in the community within which one lives. Membership, in turn, implies certain rights in and reciprocal obligations toward the community.⁵ Marshall, writing from the perspective of post-World War II Britain, famously distinguished among three types of rights that emerged sequentially: *civil rights* in the eighteenth century, *political rights* in the nineteenth century, and *social rights* in the twentieth century.⁶

For Marshall, the history of rights in Britain was linear and progressive. However, his account does not capture the complexity, dynamism, and fluidity of citizenship in the United States. Examination of historical changes in the status of blacks, women, Native Americans, and other originally excluded groups reveals that their trajectories have been far more tortuous, as they experienced periods when they lost rights they had previously enjoyed.⁷

For example, blacks, particularly free blacks, had more rights at the beginning of the nineteenth century than they did 50 years later. After the American Revolution, requirements for private manumission were liberalized in the upper South, resulting in a sizable growth in the free black population. New state constitutions written in the Revolutionary period allowed free black men who could

meet general property qualifications to vote, serve on juries, and hold office. Starting in 1819, however, under the banner of Universal White Manhood Suffrage, states expanded voting rights for propertyless white men while simultaneously disfranchising African American men, even those with property.⁸ By the late 1850s, most states barred free blacks from voting, and the Supreme Court's Dred Scott decision ruled they were *not* citizens.⁹

Still, Marshall's formulation of citizenship as differentiated into several aspects rather than being a unitary status remains exceedingly useful. The idea of multiple dimensions draws attention to the fact that people can be citizens in some respects and not in others.¹⁰ Marshall's notion that social citizenship (e.g., access to free education and social services) is essential for there to be substantive citizenship has also proved useful.¹¹ As sociologists, we should be attentive to the difference between having rights in theory and being able to exercise rights in practice, that is, having substantive citizenship. Indeed, sociologists can make a valuable contribution by being attentive to the processes that enable or disable individuals and groups from realizing and exercising rights.

SUBSTANTIVE CITIZENSHIP AS LOCAL PRACTICE

Citizenship is not just a matter of formal legal status; it is a matter of *belonging*, which requires *recognition* by other members of the community. Community members participate in drawing the boundaries of citizenship and defining who is entitled to civil, political, and social rights by granting or withholding recognition. During the Jim Crow era, which flourished until the mid-1960s, ordinary people maintained segregation in the South on a daily basis. For example, segregation of streetcars meant that whites rode in the front and blacks in the rear. Often, however, there was no fixed physical line. Instead, the lines demarcating the white section were established by how far

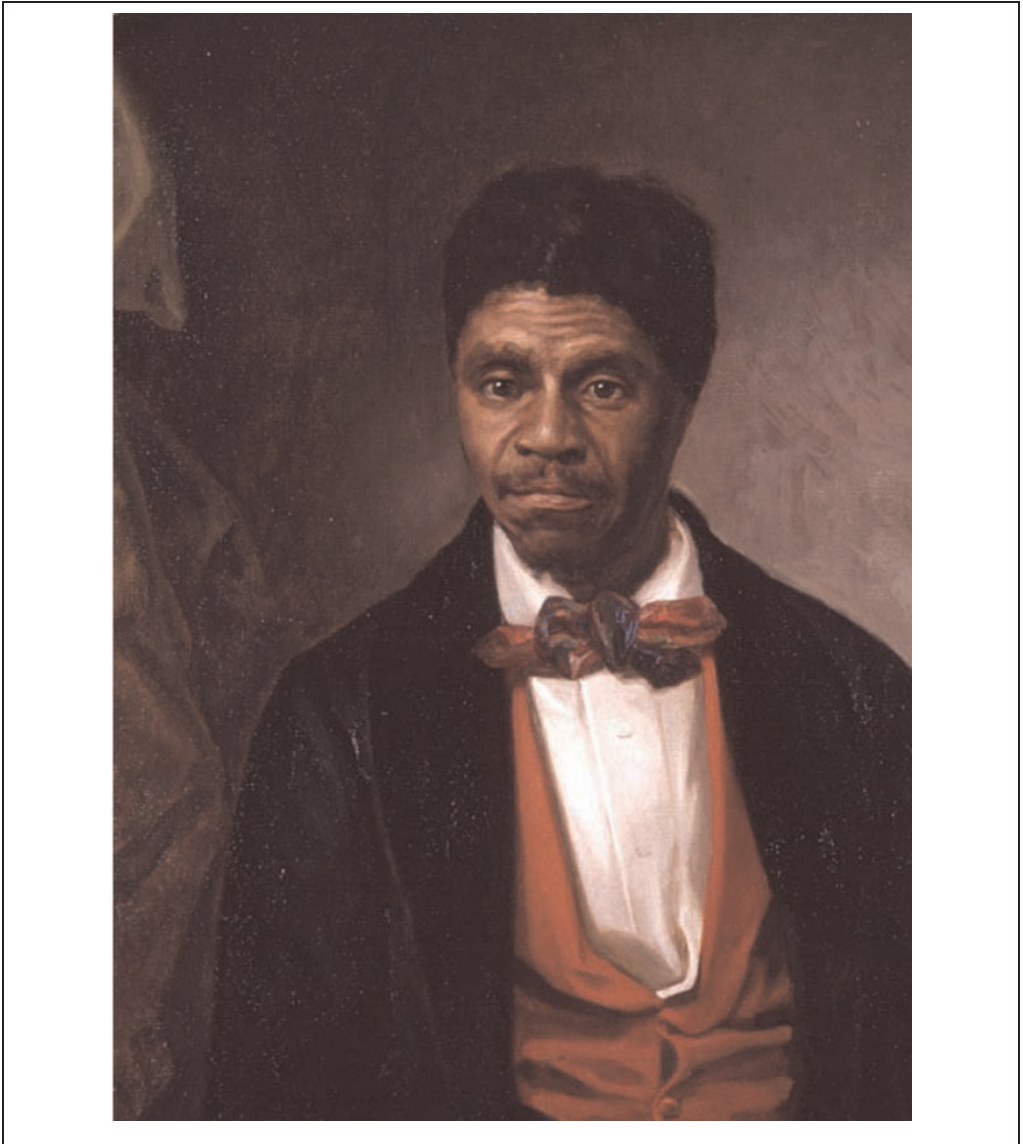


Illustration 1. Dred Scott, portrait c. 1882. Scott and his wife Harriet sued for their freedom on the grounds that they had resided with their master for nine years in the free state of Illinois and the Wisconsin Territory where slavery was prohibited. The case took nine years to reach the Supreme Court. Although the Scotts lost their case, they were freed by their owner before Scott's death in 1858. By invalidating federal legislation that excluded slavery from certain territories, the Dred Scott decision mobilized anti-slavery forces and intensified sectional conflict that eventuated in the Civil War.

Source: Portrait from the Missouri History Museum, painted by Louis Schultze from the only known photograph c. 1857.

back whites chose to sit. Segregation of public conveyances was carried out and enforced not

only by white drivers, conductors, and police, but also by white passengers.¹²

Men and women may also act on the basis of schemas of race, gender, and citizenship that differ from those in formal law or policy. For example, when the United States took over the Southwest from Mexico in 1848, it agreed, under the Treaty of Guadalupe Hidalgo, that all Mexicans residing in the territory would be recognized as U.S. citizens unless they elected to remain citizens of Mexico. In an era when full citizenship rested on white racial status, Mexicans, by implication, became “white.” Indeed, the explicit policy of the federal government was that Mexicans were white. For this reason, Mexicans were not enumerated separately from whites in the U.S. Census prior to 1930.¹³

Anglos in the Southwest, however, increasingly did not recognize the official “whiteness” of Mexicans and often refused to view them as Americans entitled to political and civil rights. As a result, even though segregation of Mexicans was technically illegal, *de facto* segregation was rampant. Public sites of consequence, such as hospitals, municipal buildings, banks, stores, and movie theaters, were Anglo territory. When Mexicans entered Anglo territory, they were confined to restricted times or sections. According to one observer, Mexican women “were only supposed to shop on the Anglo side of town on Saturdays, preferably during the early hours when Anglos were not shopping.” In Anglo run cafes, Mexicans were allowed to eat only at the counter or to use carryout, and in theaters they were relegated to the balcony.¹⁴

Additionally, Mexican children were assigned to separate segregated schools, and municipal swimming pools barred “colored” patrons, except on the day before the pool was cleaned. According to one historian, *de facto* segregation in the Southwest was “maintained, through the actions of government officials, the voters who supported them, agricultural, industrial, and business interests, the residents of white neighborhoods, Parent-Teacher Association

members—in short, all those who constituted the self-identified white public.”¹⁵

Another example of how local practices affect citizenship rights touches on my own family’s history. My mother Lillian and her two sisters, Nancy and Hedy, were born and raised in the Sacramento River Delta region of California. Illustration 3 shows my grandmother in the middle, my mother on the right, and her sister Nancy on the left. Their parents (my grandparents) worked at various times as sharecroppers and as employees of a white landowner. In the 1920s and 1930s, my mother and aunts attended a segregated “Oriental school” in Courtland, California.¹⁶

The Courtland school district, along with two other Delta districts, established separate Oriental schools as early as 1908 without any approval or permission from the state or federal governments.¹⁷ Not until 15 years later, in 1921, did the California legislature pass legislation allowing school districts to establish separate schools for children of Japanese, Chinese, and Mongolian parentage.¹⁸ Courtland’s actions are an example of how local practices determine substantive citizenship.

A related set of issues arose over school busing. The education section of the California Constitution required rural districts to provide transportation for school children. My mother recalls that the bus driver picked up children, both white and Asian, along a route that wound through the school district. However, when the driver stopped at the white school, he ordered all of the children to debark, calling out “all highbinders off.” (Highbinder was an epithet for the Chinese.) The Chinese and Japanese American children then had to walk a mile to the Oriental school, even through pouring rain in the winter season. The question is: Did the school district establish the driver’s route? Or did he take it upon himself to refuse to take the Asian American children to the Oriental school? We can never know for sure, but given my reading of other



Illustration 2. Sign c. 1949, Dimmit County, Texas, illustrates the widespread practice of *de facto* segregation in the Southwest. The counterposing of “White’s” [sic] against both “Spanish” and “Mexican” indicates that Anglos rejected Mexican American claims to whiteness through self-designation as Spanish.

Source: Photo by Russell Lee for the Study of Spanish-Speaking People Project; Russell Lee Photograph Collection, rwl 14646-0038-1024, Briscoe Center for American History, University of Texas at Austin.

historical instances and the driver’s use of the racial epithet, I suspect he was acting on his own account as a white American citizen. He was enforcing what he saw as the boundaries of the nation and community and marking Asian Americans as *aliens*, not entitled to rights. (The driver reflected the prevalent anti-Asian sentiment among white Californians that led to the 1942 removal and incarceration of 120,000 Japanese Americans, the majority of whom, like my mother and her sisters, were born in the United States and were legally U.S. citizens.)

Challenges to exclusion, too, have been made through formal legislative and legal channels and informal or disguised ways. Returning to the example of streetcar segregation, black men and women challenged segregation by bringing legal suits and organizing boycotts, but individuals also refused to “move to the back of the streetcar.” Historical records suggest that enforcement of streetcar segregation was one of the most frequent sparks for spontaneous black resistance.¹⁹ North Carolinian Mary Mebane recounted several instances of blacks in Durham

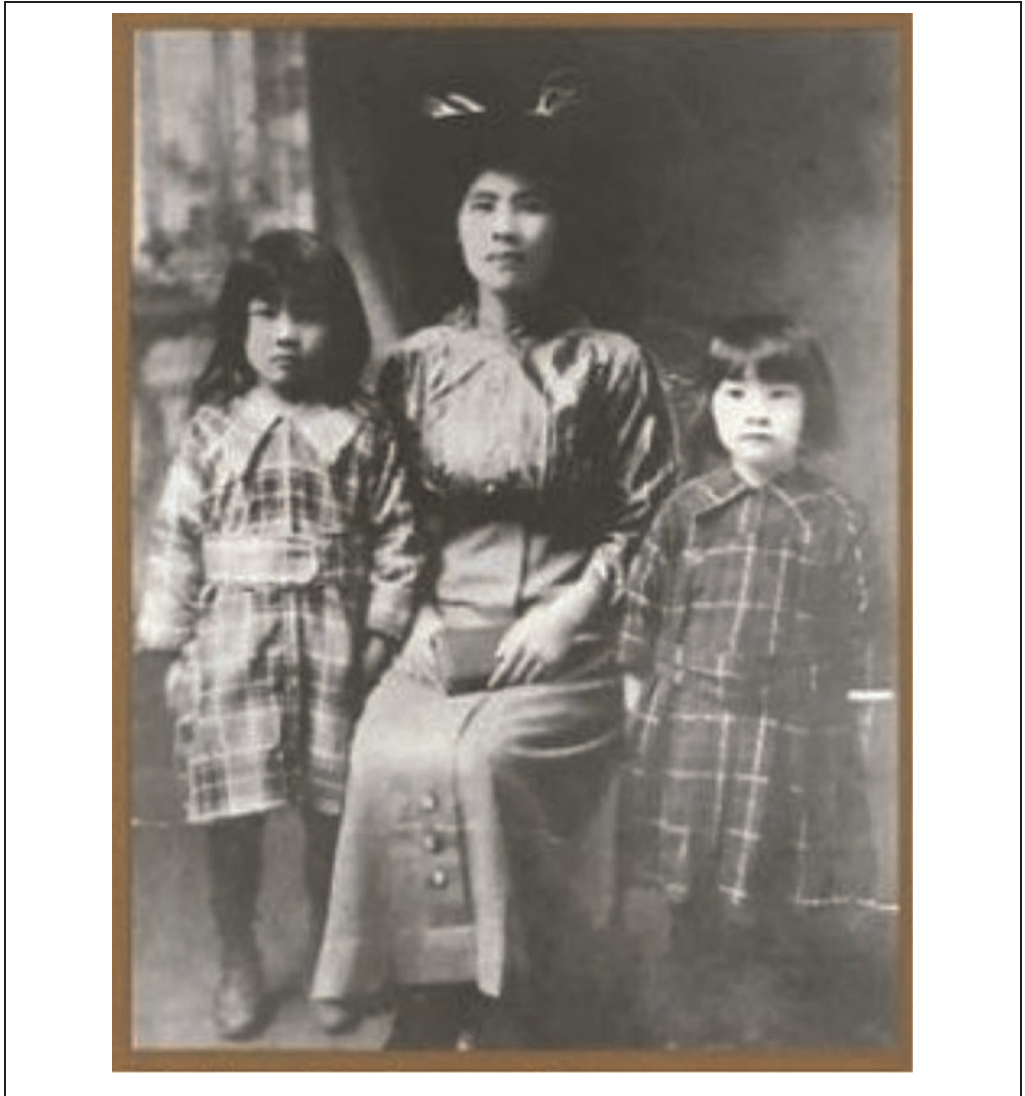


Illustration 3. Nancy, Toku, and Lillian Ito, c. 1921, Courtland, California. The author's grandfather Yetsusaburo Ito and grandmother Toku Ito were immigrants from Japan; they were classified by the U.S. government as "aliens ineligible for citizenship." Their daughters, Nancy, born two months after her parents' arrival, and Lillian (as well as their younger sister Hedy) were birthright citizens under the 14th Amendment to the Constitution.

Source: Unknown photographer, photo in author's collection of family pictures.

refusing to move. She told of one incident in which a black woman came to the defense of a fellow passenger who refused to move when ordered, shouting, "These are nigger seats! The government plainly says these are

nigger seats!" Mebane seemed embarrassed, but proud too, noting with satisfaction that the driver backed down.²⁰

Excluded groups have also acted on concepts of citizenship that differ from those of



Illustration 4. Students at Bates Oriental School, 1930s, Courtland, California; Hedy Ito, author's aunt, is last on right, second row. The Courtland school district was one of four Sacramento Delta districts that established "Oriental schools" for Japanese and Chinese children. Most of the children's parents were involved in farming or agriculture-related jobs. As "aliens ineligible for citizenship," they were barred by the state of California from owning land.
 Source: Unknown photographer, photo in author's collection of family pictures.

the dominant society. Elsa Barkley Brown found that in post-Reconstruction Richmond and other parts of the South, African Americans operated in two separate political arenas, *internal* and *external*. The external arena corresponded to institutions of the larger, white-dominated political order. Within this external realm, black women were disfranchised. The internal arena corresponded with the organizations and activities of the African American community. In this internal realm, black women were enfranchised and participated in public forums, rallies, meetings, and conventions; in this realm, black men's vote was considered a collective resource of the African American community.²¹

White northern observers were stunned when thousands of African American women

attended the Virginia Republican Convention that took place from December 1867 to March 1868. A *New York Times* reporter wrote that "the entire colored population of Richmond" was in attendance. Noting that women domestic workers made up a large portion of attendees, he reported, "white households were forced to get their own meals or make do with cold lunch." Black men and women did not intend to be mere observers. They expected to take an active part and they did so, engaging in heated debates in the gallery, making their concerns known to candidates, and supporting black speakers who looked up toward them while making oratorical points. Outside convention hours, they gathered at mass meetings to discuss and vote on the positions that black male delegates should take. Community

votes were taken by voice or by rising, and all in attendance—men, women, and children—voted.²²

The actions of African American women participating and voting in internal political meetings were rooted in an alternative conception of democratic representation. These women were engaged in what anthropologist James Holston calls *insurgent citizenship*. In Holston's words, "Contemporary citizenships develop as assemblages of *entrenched* and *insurgent* forms." He describes insurgency as a counter politics to the dominant historical formation. At its most effective, insurgency "destabilizes the present and renders it fragile, (by) defamiliarizing the coherence with which it usually presents itself."²³ In this case, African American women threw into question the individualistic conception of citizenship and what constituted appropriate political behavior.

CASE STUDY: UNDOCUMENTED STUDENTS AND HIGHER EDUCATION

I turn now from historical examples to a contemporary case study, that of undocumented students in higher education. By 2010, immigrant rights and public education had become two of the most contentious areas of national debate and disagreement. Of central concern is whether immigrants are entitled to full civil, political, and social rights, and whether all children—including racial minority and low-income children—are equally entitled to high quality education.

These two areas of contention overlap in the contemporary situation of *so-called* undocumented immigrant students. I say "so-called" because the designation "undocumented," as well as the even more derogatory term "illegal," is a relatively recent construction applied to Latino and other non-European origin immigrants residing within the United States without official papers. It is clear that "illegal" and

"undocumented" are racial/ethnic designations, given that countless Irish and other European immigrants have resided in the United States without legal permission without being labeled "illegal." These terms are particularly problematic in the case of the students I am talking about, because they did not enter the United States voluntarily but were brought by their parents. Having been raised and educated in the United States, they are culturally and socially American.

Let me start with the story of David, a student at Berkeley who has taken several classes from me. Soon after he was born in Mexico, David's parents entered the United States without papers, leaving him behind with his grandparents. In 1994, when he was 6 years old, his parents arranged for him to join them. David entered a local public elementary school in Riverside County, California. He struggled with English but flourished in math and science. He says he always loved school. In fact, he found it to be a refuge from the disorder in the rest of his life. David and his family—his parents and younger U.S.-born siblings—lived in shared quarters with other immigrant families. They moved every few months in search of work, so David attended 12 or 13 different schools. Despite the frequent moves, he excelled, earning mostly A's and joining math clubs, science teams, and honor societies wherever he was. David graduated from high school with honors in 2006.

David is one of the estimated 65,000 undocumented youth who graduate from high school in the United States each year.²⁴ Their growing presence is partly a by-product of inconsistent federal immigration policies. Some policies encourage immigration to fill labor needs; other policies discourage immigration through stepped up border control and punitive measures.

As border controls have become stricter, undocumented immigrants tend not to return regularly to their countries of origin because of the difficulty of re-entering the United



Illustration 5. Undocumented high school and college students, displaying signs asking “Now What?” rally in downtown Los Angeles, November 7, 2007. Because the Supreme Court ruled in 1982 that school districts cannot exclude undocumented immigrant children from K–12 education, a growing number of undocumented youth are now graduating from high school. These students are unable to work legally and find it difficult to continue their education.

Source: Photograph by Jessica Chou, posted on undocumented student blogspot (<http://asitoughttobe.files.wordpress.com/2010/03/now-what1.jpg>).

States. Thus, their residence in the United States now tends to be longer and more continuous. To avoid heightened harassment in border states and to fill labor demands in other parts of the country, more Latino immigrants have moved out of the Southwest into the Southeast, Midwest, and Mid-Atlantic.²⁵ Over time, as in David’s case, immigrants send for their children, who are undocumented like their parents, or give birth to children who are birthright U.S. citizens.

David’s case raises several questions: Should he and other undocumented students who are academically qualified be admitted to public universities in their states on the same terms as citizens and legal residents? If so, should they be charged tuition as

in-state students or as foreign students? Should they be eligible for financial aid from the state? What about federal aid, Pell grants, and student loans? To address these questions, we need to examine the multiple levels at which educational rights are constituted and contested in the United States.

Federal Level

At the national level, there is no federal right to education, and education is not discussed in the U.S. Constitution. In this regard, the United States diverges from the international community; for example, the UN Declaration of Human Rights and the European Union Declaration of Rights both assert that education is a fundamental right.²⁶

Federal courts have produced a great deal of rhetoric about the centrality of education to a democratic citizenry, yet they have long eschewed pronouncing education a fundamental right on a par with other unstated rights (e.g., the right to privacy, the right to travel, and the presumption of innocence).²⁷ In 1973, the U.S. Supreme Court made a definitive ruling in *San Antonio Independent School District v. Rodriguez*. The plaintiffs brought suit against the Texas district for a funding system based on real estate taxes, arguing that the system discriminated against poorer students living in neighborhoods with low real estate values. By a 5 to 4 majority, the Supreme Court ruled against the plaintiffs, stating that education was not a fundamental right protected by the 14th Amendment's Equal Protection Clause.²⁸

One hugely significant federal ruling, however, did extend the right to a K–12 education to undocumented immigrant youth. In 1982, the Supreme Court heard the case of *Plyler v. Doe*, which was brought by a student challenging a Texas statute that allowed local school districts to deny enrollment to children who had not been legally admitted to the United States. Justice William J. Brennan, writing for the five-justice majority, reiterated that “education is not a ‘fundamental right’ under the U.S. Constitution.”²⁹ The majority opinion, however, also stated that undocumented immigrant children are “persons” and thus covered by the 14th Amendment's provision of equal protection for *all persons*. Undocumented students could not be excluded from public school unless it could clearly be demonstrated that their exclusion served some necessary public good, which Texas failed to show. This ruling established that immigrants, including undocumented immigrants, are entitled to public elementary and secondary education.³⁰ The *Plyler* decision left undecided the right of access to higher education, but it led to a critical mass of undocumented high school graduates who wanted to continue their education.³¹

States and Education Rights

I move now to the state level. Only one state, North Carolina, includes a right to education in its bill of rights.³² This provision was introduced in 1868 during Reconstruction and has been retained ever since. All 50 states' constitutions, however, contain provisions for a system of free public schools and for state responsibility for funding these schools.³³

Some legal scholars argue that these state constitutional provisions establish an obligation on the part of the state to provide free education and thus create, by implication, a corresponding “claim right” of residents to receive an education. State courts' interpretations have varied as to whether their state constitutions' education provisions create a duty right to education. The Supreme Courts of Missouri, Kentucky, Montana, and Texas said no, while Supreme Courts in Kansas, Connecticut, New York, Washington, West Virginia, and Wyoming said yes. In these latter states, children have a state-defined right to education.³⁴

This unevenness in states' interpretation of educational rights also holds in the case of access to public colleges and universities. Thirty-two states have considered legislation to allow undocumented students who graduated from high school in the state and have fulfilled other requirements to pay in-state tuition at public colleges and universities; as of January 2010, 11 states had passed such laws.³⁵ In two of these states, Texas and New Mexico, undocumented students are also eligible for state financial assistance. Studies show that offering in-state tuition makes a considerable difference: in states with such provisions, one and a half times more non-citizen Latinos enroll in college than do similar students in states without such provisions.³⁶

On the other side of the ledger, several states, including Georgia, Colorado, Mississippi, Alaska, and Arizona, have passed legislation or voter initiatives denying in-state

tuition rates to undocumented students. In 2008, South Carolina passed legislation banning undocumented students from enrolling in *all* its public colleges and universities. Alabama bars them from all of its community colleges. In 2007, the North Carolina Community College System started barring undocumented students from all of its campuses. Demonstrating the fluidity of the situation, in 2008 the Oklahoma legislature amended its 2003 law granting in-state tuition to undocumented students, and in 2009, the North Carolina Community College system announced it would once again accept undocumented students.³⁷ Meanwhile, court challenges to in-state tuition have been mounted in several states.³⁸

So, absent a federal right to education, the social citizenship right to education at the state level is mixed, in flux over time, and indeed contradictory from one state to the next.³⁹

Local and Informal

Looking now at how local and individual practices affect the right to education, here is more of David's story.

As a high school senior, David applied to and was accepted at several University of California campuses. He visited Berkeley and was dazzled; he described the experience as like being at Hogwarts. He had not thought about how he would pay for school, however. His mother could not help him, and he had very little savings. Despite his family's low income, as an undocumented student he was ineligible for federal programs such as Pell grants and student loans or for state scholarship assistance.⁴⁰ He won a few small private scholarships, but he did not have nearly enough money to register. As the summer started, he became depressed, but he rallied by the fall and enrolled at his local community college.

After two years of successful study, David again applied to Berkeley and was accepted as a transfer student with junior standing.

He still did not know how he would pay tuition for the first semester. Although unable to hold a formal job, he had saved some money by tutoring other students in math. Hearing of his dreams, a group of friends held a fundraiser for him and raised nearly \$4,000. With his savings from tutoring and the gift from friends he was able to enroll as a junior at Berkeley in Fall 2008. He took a class with me during his first year at Cal, and another in his second year.

From what I observed, David and other undocumented students occupy an in-between space that Cecelia Menjivar calls *liminal legality*, a kind of gray area between the extremes of legal and illegal.⁴¹ Menjivar uses this concept to characterize the situation of Salvadorian immigrants who, while not legal residents, are covered by legislation that provides some protections, such as authorization to work and stays of deportation.⁴² I extend the concept of liminal legality to the situation of undocumented students enrolled in college or university. The *Plyler* decision gives undocumented individuals legal standing as students entitled to K–12 education on the same terms as legal immigrants and citizens. Universities, by admitting them and offering them in-state tuition—and in the case of Texas and New Mexico, offering them financial aid—are granting them *de facto* recognition as members of the community.

Once undocumented students go off campus, however, they lack standing. These students cannot get a job at chain stores or eateries near campus; they cannot drive a car, sign a voter initiative, or drink in a bar. In short, they cannot do the things that other students take for granted. These students must also suspend the question of what they will do once they graduate from college, because under current law they cannot work legally.

Unfortunately, David was unable to scrape together money to pay his fees for his second year at Berkeley. Nonetheless, he unofficially enrolled in classes, including



Illustration 6. Members and supporters of Immigrant Youth Justice League marching in Chicago, in March 2010, hold a sign reading “Undocumented and Unafraid.” The IYJL, which started at the University of Illinois-Chicago, has brought together students from eight Chicago area colleges and universities to fight for the federal Dream Act and against deportations. One focus of the organization has been to encourage undocumented students to “come out” by declaring their status publicly.

Source: Photo by peter holderness.

a senior thesis seminar. He approached professors, most of whom he had studied with before, and asked to be included on their class lists. He attended classes, took all of the exams, and wrote all the papers, but he could not get official credit. In short, David’s identity as a student rests on recognition from his professors and fellow students, rather than official registration from the university.

Despite their vulnerability, undocumented students have not been quiescent. Like Reconstruction-era African Americans, undocumented students have not allowed their lack of formal franchisement to deter them from acting in the political realm. They have organized to lobby legislatures, educate the public about pending legislation, and

publicize their political opinions. Indeed, undocumented students were key players in successful efforts to persuade state legislatures to pass in-state tuition laws in Texas, California, and Illinois.

I will describe just two examples. In 2002, students at Lee High School in Houston, Texas, who were about to take advantage of new legislation allowing them in-state tuition, established *Jovenes Inmigrantes por un Futuro Mejor* (JIFM). The group counseled immigrant high school students, advocated for educational access, and forged coalitions with other groups fighting for immigrant rights. Subsequently, chapters of JIFM were organized at the University of Houston, University of Texas-Austin, Texas A&M, and Prairie View A&M.⁴³



Illustration 7. January, 2002, outside a University of California regents meeting at UCLA, about 300 students rally for making undocumented students who graduate from California high schools eligible for in-state tuition.

Source: Photo by Reed Hutchinson, UCLA Photographic Services.

In Southern California, “AB 540 students,” as they prefer to be called, came together under the umbrella of the UCLA Labor Center. Following the Labor Center’s model of championing the cause of day laborers and other undocumented workers, AB 540 students at UCLA have conducted research on undocumented students and have claimed their own voices by publishing a collection of their own *testimonios*.⁴⁴ The *testimonios* give lie to the stereotype that all undocumented immigrants are Latino; half of those who testified were Asian or Pacific Islander.⁴⁵

Immigrant high school, community college, and university students in other states, including New York, Illinois, Wisconsin, Minnesota, Massachusetts, and Florida, have banded together to support students threatened with deportation and to fight for educational rights.⁴⁶ These immigrant

student groups draw on the language of social justice, international human rights, and domestic civil rights. They ally their cause with that of low-wage immigrants, such as day laborers and domestic workers, and low-income African Americans who have been relegated to poorly funded, low performing public schools. Accordingly, student activists have adopted the techniques of the African American civil rights movement and the Chicano labor movement, staging teach-ins, sit-ins, strikes, demonstrations, and rallies.

While these local and state struggles go on, the greatest galvanizer of student activism has been the proposed federal Development, Relief and Education of Alien Minors Act (i.e., the Dream Act). The Dream Act is intended to help individuals who meet certain requirements enlist in the military or attend college and have a path to citizenship.



Illustration 8. Students, teachers, and supporters rallied against cuts to public education funding at the Capitol plaza in Sacramento, California on March 4, 2010. The rally brought together proponents of K–12 schools, community colleges, California State universities, and the University of California system. The action was one of many marches, strikes, teach-ins, and walkouts planned for a National Day of Action for Public Education.
Source: Associated Press photograph by Rich Pedroncelli.

The earliest versions were introduced in the U.S. Senate in 2002 and 2003, when it was approved by the Senate Judiciary Committee but not brought to a full vote.

In 2006, a new version of the Dream Act was included in a bipartisan comprehensive immigration reform bill that was jointly introduced by Senators John McCain and Edward Kennedy. The comprehensive bill would have regularized the status of millions of undocumented immigrants, but the House and the Senate failed to reconcile their versions, so immigration reform failed. The Dream Act was reintroduced as a stand-alone bill in the House and the Senate in 2007, and again on March 26, 2009, with 111 Representatives and 34 Senators as co-sponsors. The bill has substantial support, but also virulent opposition, with the climate poisoned by nativist, anti-immigrant, and anti-Latino demagoguery on the nation's airwaves. In

the most recent attempt in 2010, Senate Democrats tried to incorporate the Dream Act into a bill reauthorizing expenditures for the Defense Department. It was thwarted, however, by the threat of a Republican filibuster. The fate of the federal Dream Act remains in limbo.⁴⁷

Immigrant activists have also lobbied for state-level Dream Acts. In California, the State Assembly and the Senate passed bills that would make AB 540 students eligible for state financial aid in 2006, 2007, 2008, and 2009, and most recently in 2010. Each time, Governor Arnold Schwarzenegger vetoed the bills.⁴⁸

Regrettably, David's story does not have a full resolution. During the summer of 2010, he received two private scholarships, which will allow him to clear his tuition bills for 2009–10 and to pay tuition for 2010–11. Hopefully, he can graduate in June 2011.⁴⁹



Illustration 9. Mass march for the Dream Act, which would provide pathways to citizenship for undocumented immigrant college students; Union Square, New York City, May 1, 2007. Many demonstrations in support of the Dream Act have taken place across the country.
Source: Associated Press photograph by Kathy Willens.

However, he still has no path to legal status and citizenship.

SOME CONCLUSIONS

So, what is the importance of the undocumented immigrant student movement to a sociology of citizenship? It is, after all, a relatively small and marginal movement within the overall context of U.S. society. I would argue, however, that it is precisely at the margins of society that we can most see the possibilities for change. Change almost always starts at the margins or the in-between spaces, not at the center.

The activism of undocumented students, like that of African American women in the post-Reconstruction South, is a form of insurgent citizenship. Indeed, the very existence and day-to-day experiences of undocumented college students disturbs the coherence of the legal-illegal dichotomy that

anchors immigration policy. This dichotomy, as we have seen, harnesses the dominant trope of criminality to dehumanize immigrants. At virtually every immigrant demonstration, some protestors, many of them undocumented, carry homemade signs reading, “No human being is illegal.”

Furthermore, by framing access to higher education as a human rights and social justice issue, undocumented activists challenge dominant neo-liberal conceptions of education that submerge and impoverish social rights, including the rights of some formal citizens of the United States. Indeed, this struggle is occurring within a larger context of a decades-long disinvestment in public education that is eroding the social citizenship rights of *all* children and youth. There have been growing alliances among K–12, community college, and public university faculty, students, and staff to lobby state legislatures to restore funding

to all levels of public education. Immigrant students' assertion of education as a fundamental right resonates with the message that education is a public good that needs to be supported by the public. The fight of undocumented students reminds us of the importance of robust social citizenship to ensure there is social justice.

Will the undocumented student movement succeed in its fight? On the one hand, the obstacles faced by students struggling to be recognized as members of the nation they have called home for all or most of their lives seem almost insurmountable. On the other hand, I detect that politicians and the general public have greater sympathy for the plight of undocumented college students than for older, less educated, unauthorized immigrants. After all, these students are living up to the ideals of "good citizenship" by staying in school, studying, and aspiring to become contributing members of society.⁵⁰ Moreover, they have developed political and organizing skills that have enabled them to mobilize support from other constituencies, including higher education institutions and organizations.

Whatever the outcome of this particular struggle, history teaches us that insurgent movements will continue to arise to challenge dominant assumptions and formulations. I hope that some of the ideas and concepts I have presented can help illuminate other contestations over citizenship.

The vast expertise that exists in our professional association, and the magnificent responses of our 45 sections to the call to bring sociological research and theories to bear on issues of citizenship, fills me with hope that our work, our efforts, and our outreach can make a real difference. As I complete my year as your President, it is this hope that I will retain and cherish.

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Notes

1. Some low lights: In April 2010, Arizona Governor Jan Brewer signed state Senate Bill 1070, dubbed by some the "show me your papers law," which set off heated reactions nationwide. The bill was described in an article in the *New York Times* (Archibald 2010) as "the broadest and strictest immigration law in generations . . . making the failure to carry immigration documents a crime and giving the police broad power to detain anyone suspected of being in the country illegally." Less than a month later, Brewer signed HB2281, dubbed the "anti-Ethnic Studies law," making any school district that offers classes designed for students of a particular ethnic group, that advocates ethnic solidarity, or that promotes resentment of a particular race or class, subject to the loss of 10 percent of its state funding (Lewin 2010). In early July, the U.S. Justice Department filed suit to block SB1070, arguing that it violated federal authority over immigration policy (Markon and Shear 2010). In late July, U.S. District Court Judge Susan Bolton issued an injunction putting a hold on the most controversial parts of SB1070 (*Los Angeles Times* 2010). As for birthright citizenship, which is guaranteed by the 14th Amendment to the Constitution, in February, 2010, Republican lawmakers in the U.S. Congress introduced a bill that would deny American citizenship to U.S.-born children of undocumented immigrants (Wall 2010). Such a law has been introduced in Congress every year since the 1990s. For the first time, however, many prominent Republican leaders supported it, including Senate minority leader Mitch McConnell of Kentucky and Senators Lindsey Graham of South Carolina and John McCain of Arizona, both of whom previously supported comprehensive immigration reform that would have created a pathway to citizenship for millions of undocumented immigrants (Somasekhar 2010).
2. Exemplary works in this vein include Benhabib (2004), Motomura (2006), and Smith (1997).
3. Exemplary works include Bowen (2007), Chavez (2008), Kerber (1998), Ngai (2005), and Rosaldo (1994).

4. Using March Current Population Surveys for 2006 to 2008, Passel and Cohn (2009) estimate the population of unauthorized immigrants as ranging between 11.4 and 12.4 million, of whom over half resided in California, Texas, Florida, and New York.
5. Hall and Held (1989); see also Somers (2008:6), whose theory of citizenship postulates “*de jure* and *de facto* membership in a political community” as foundational to citizenship, which she defines as “the right to have rights.” She stipulates that the right to political membership also includes “*de facto* and *de jure* social inclusion in civil society.”
6. According to Marshall (1950:10–11), the most fundamental of these elements is civil rights, which “is composed of the rights necessary for individual freedom—liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice.” Marshall identifies this element as “the right to have rights.” “By the political element,” Marshall wrote, “I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body. . . . By the social element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society. The institutions most closely connected with it are the educational system and the social services.” Of the three aspects Marshall outlined, until very recently, American sociologists have focused almost exclusively on social citizenship through research on the welfare state. Sociologists have left civil and political citizenship to legal studies and political science, respectively.
7. Additionally, Marshall’s (1950) ordering of the progression of rights—civil, to political, and finally to social—does not hold up. Instead, we find variation in the order of progression for different groups. For example, married women gained political rights (i.e., the franchise) before they achieved such civil rights as being able to obtain bank loans without a male co-signer or obtain credit cards in their own names (Glenn 2002).
8. Prior to the 1820s, northern states did not have legal bars to black suffrage, and four states in the South (i.e., North Carolina, Maryland, Kentucky, and Tennessee) allowed propertied blacks to vote until the 1830s. Starting in 1819, however, when Maine was admitted to the Union, until the end of the Civil War, all new states guaranteed suffrage to white men irrespective of property and denied black men the vote. Legislatures in several states lacking such provisions passed similar laws. By 1854, only six states—states with relatively small free black populations—allowed black men to vote on the same terms as white men, and 94 percent of northern blacks lived in states that restricted black suffrage. See Foner (1998), Smith (1997), and Williamson (1960).
9. Until the Dred Scott decision, the U.S. Supreme Court avoided explicitly ruling on the national citizenship of free blacks. In 1857, Dred Scott petitioned for freedom on the basis of his residence in a free state. The majority of justices found that blacks, even if emancipated, did not compose a part of “the people,” that is, the political community brought into existence by the Constitution. In the court’s interpretation, blacks “are not included, and were not intended to be included, under the word ‘citizens’ in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.” In Chief Justice Roger Taney’s infamous formulation, public opinion at the time the Constitution was drafted considered African Americans to be “so far inferior that they had no rights which the white man was bound to respect” (*Scott v. Sanford*, 1857).
10. Kerber (1988) points out some of the inconsistencies in white women’s citizenship. For example, during the nineteenth century, women had access to social rights such as education but not political rights; well into the twentieth century, single women lost civil rights upon marriage due to the doctrine of coverture, which held that a woman’s legal identity merged with that of her husband.
11. In Marshall’s (1950) account, social citizenship came into being with the establishment of the post-World War II British welfare state. He argued that only with social citizenship were working-class Britons able to realize their civil and political rights. For example, having the formal right to bring suit had little meaning until the advent of legal aid that provided free or low-cost legal representation in court. Similarly, the right to participate in governance was not fully realizable until most Britons acquired basic literacy through free schooling.
12. Whites paid and boarded from the front of the streetcar. Blacks paid at the front and then stepped out and reboarded at the rear. Regarding how the dividing line was established by how far back white passengers chose to sit, black Atlantan Pauline Minniefield explained, “It was miserable. Everybody was packed there, and all those empty seats in front. But, you see you couldn’t sit in front of some old white woman or man that’d get on and sit for the heck of it right middle-way of the dog-gone streetcar, and you’d have to stand up.” She added, “Sometimes, people would say, ‘I’ve been standing on my feet all day. Dogged if I’m going

- to stand up here all night.' And they'd sit down" (Kuhn, Joy, and West 1990:80).
13. The following provides three other examples of federal policy on the race of Mexicans prior to 1930. Federal immigration and labor statistics listed Mexican immigrants as "white foreign-born." In 1897, a federal court in Texas overturned a naturalization board's rejection of a Mexican-born plaintiff's application on the grounds that he was not white. While conceding that the plaintiff might not be classified "white" by anthropologists, the court nonetheless established the precedent that for naturalization purposes, Mexicans were to be treated as "white," unlike Asians, Hawaiians, and most other non-Europeans. In the 1920s, the U.S. Labor Department refused a request from proponents of eugenics that it participate in a challenge to the 1897 decision, noting, "our Government, in its relations with the Mexican people, has uniformly recognized them as belonging to the white race." See Haney Lopez (1996) and Reisler (1976).
 14. Foley (1999); Haas (1995); Montejano (1987); Taylor (1930:407).
 15. Haas (1995:106).
 16. State and locally sanctioned school segregation has had a long and contentious history in California. As early as 1854, the City and County of San Francisco established separate schools for "colored" children and, in 1859, for Chinese students. In 1866, the state legislature passed a law allowing districts the option of establishing separate schools for "colored" and Indian students. The law was amended several times: in 1875 to mandate separate schools for children of African descent and for Indians, and in 1885 to allow separate schools for children of "Mongolian or Chinese descent." A 1921 amendment added Japanese to the Mongolian and Chinese category (Bell 1935). The California legislature finally repealed the local option of segregation in 1946 (Melendy 1972).
 17. A 1935 study by Stanford scholar Reginald Bell documented that prior to the 1921 law, three school districts in the Sacramento Delta had already established "Oriental" schools for Japanese and Chinese students: Walnut Grove in 1908, Isleton in 1913, and Courtland in 1916. A fourth district, Florin, established an Oriental school in 1923. These four districts were the only ones in California to assign Japanese American children to separate schools (Bell 1935).
 18. The new Section 1662 read: "The governing body of the school district shall have power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Chinese, Japanese or Mongolian parentage." Section 1662 available at (<http://www.learncalifornia.org/doc.asp?id=1399>), retrieved June 24, 2010.
 19. See Kelley (1993); Meier and Rudwick (1969). Kelley (2010) documents streetcar boycotts by African Americans in 25 southern cities from 1900 to 1907, some of several months duration.
 20. Janiewski (1985:41).
 21. Brown (1997); Litwak (1979).
 22. Brown (1994:73).
 23. Holston (2009:33–34).
 24. Passel (2003); Pew Hispanic Center (2006).
 25. According to Passel and Cohn (2009), 28 states in the Mid-Atlantic, Midwest, Mountain, and Southeast regions experienced a doubling of their share of all undocumented immigrants, from 14 percent in 1990 to 32 percent in 2008. Simultaneously, California's share dropped from 42 percent in 1990 to 22 percent in 2008.
 26. The right to education is proclaimed in several UN documents, including its Universal Declaration of Human Rights of 10 December 1948, Article 26 and its International Covenant on Economic, Social and Cultural Rights of 16 December 1966, Article 13. The right to education in the European Union is contained in the Charter of Fundamental Rights of the European Union, Article 14, Right to Education.
 27. See Trachtenberg (2008). In *Brown v. Board of Education* (1953), the majority opinion found that separate schools for whites and blacks were inherently unequal and thus violated the equal protection clause of the 14th Amendment. The Court did not accept the plaintiff's argument that segregated schooling violated African American students' right to education.
 28. See Sutton (2008); *San Antonio Independent School District v. Rodriguez* (1973). Justice Thurgood Marshall, who had been lead attorney in *Brown v. Board of Education*, authored a dissent, joined by Justice William O. Douglas, which argued that education should be deemed a fundamental right even if it is not mentioned explicitly in the Constitution. He pointed out that the Court recognized other rights as fundamental even though they are not mentioned, including the right to travel, to procreate, to vote, and to have access to criminal appellate processes (J. Marshall Dissent, *San Antonio Independent School District v. Rodriguez*, 1973). Given the history of African American responses during Reconstruction that I recounted earlier, it is significant that Marshall, an African American, unequivocally declared that education is a right. His influence as a consultant when the newly independent African state of Kenya drafted its constitution is evident in the inclusion of the right to education in its bill of rights (Dudziak 2006).
 29. According to legal scholar Mark Tushet (1995), Brennan's initial draft included language framing education as a fundamental interest protected by

- the Constitution, but he removed the language to gain Justice Powell's support. Powell apparently agreed, however, that education was more than "merely some government 'benefit' indistinguishable from other forms of social welfare legislation." Education is different because it plays a "fundamental" or "pivotal role" in maintaining our society. Thus, "we cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests." Denial of a free public education to the children of illegal aliens places a lifetime hardship on them, for "illiteracy will mark them for the rest of their lives" (*Plyler v. Doe*, 1982). The opinion seems to have been based primarily on the Court's judgment that the school district's policy was imprudent, rather than on Constitutional principles.
30. In a concurring opinion, Justice Thurgood Marshall reiterated his position in his dissent in *Rodriguez* that there is a fundamental right to education (J. Marshall Concurrence, *Plyler v. Doe*, 1982).
 31. The Court intended the *Plyler* decision to apply to "basic education." In this regard, they were considering, as they suggested in *Rodriguez* (1973), "that some identifiable quantum of education is a constitutionally protected prerequisite to the meaningful exercise of either (the right to speak or the right to vote)."
 32. I inspected the bill of rights and education provisions of 50 state constitutions, which are all available on the Web. See Dinan (2007) on unsuccessful attempts to pass provisions creating a right to equitable and adequate education.
 33. See Hershkoff (1993); Trachtenberg (2006). The Education Commission of the States has compiled the provisions for public education within each of the 50 states in "State Constitution and Public Education Governance." This was last updated in October, 2000 and is available at (<http://www.ecs.org/clearinghouse/17/03/1703.htm>); retrieved September 26, 2010. The New York State Constitution, Article XI, provides a typical educational provision: "The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated." Additionally, many state constitutions direct the state to maintain schools or training institutions for the blind, deaf, and disabled and to establish systems of higher education.
 34. These decisions were rendered in cases resulting from suits brought by plaintiffs seeking to overturn funding systems that led to wide disparities in funding public schools. Following the denial of their claims at the federal level by the *Rodriguez* decision, equity activists turned to state courts to bring suit against funding systems based on local real estate taxes. They claimed that the systems violated the education provisions or the equal protection clauses of their state constitutions. As of 1998, decisions had been handed down in 36 states, of which litigators won 20 cases (Reed 1998). In one of the earliest cases, the New Jersey Supreme Court declared in 1975, in *Robinson v. Cahill*, that New Jersey's school funding statute violated the "thorough and efficient education" requirement of the state constitution. In another early case, *Seattle School District No. 1 v. State* (1978), the Supreme Court of Washington ruled that "by imposing upon the State a *paramount duty* to make ample provision for the education of all children residing within the State's borders, the constitution has created a 'duty' that is supreme, preeminent or dominant. Flowing from this constitutionally imposed 'duty' is its jural correlative, a correspondent 'right' permitting control of another's conduct. Therefore, all children residing within the borders of the State possess a 'right,' arising from the constitutionally imposed 'duty' of the State, to have the State make ample provision for their education." Courts rendered opposing interpretations in two recent cases. In 2005, the Supreme Court of Kansas found in the case of *Montoy v. State* that the state constitution's education provisions imposed a duty on the legislature to provide a level of funding that provides "for intellectual, educational, vocational and scientific improvement." Missouri's Supreme Court, in *Committee for Educational Equity v. Missouri* (2009), ruled that the state constitution's education clause calling for a "diffusion of knowledge and intelligence" did not create a "free standing obligation to provide certain school funding, but was merely aspirational."
 35. The 11 states in chronological order are: Texas (2001), California (2002), Utah (2002), New York (2002), Washington (2003), Oklahoma (2003), Illinois (2003), Kansas (2004), New Mexico (2005), Nebraska (2006), and Wisconsin (2009). In-state tuition laws that include undocumented students have to be carefully crafted to avoid federal challenge under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Section 5 of the act states, "An Alien who is not lawfully present in the United States shall not be eligible on the basis of residence with a State . . . for any postsecondary benefit unless a citizen or national of the United States is eligible for such benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident." Generally, state provisions tie eligibility for in-state tuition to having graduated from a state high school, having resided in the state for one to three years, and signing an affidavit promising to pursue citizenship (Applied Research Center 2010; Morse and Birnbach 2010).

36. Flores (2010).
37. Oklahoma's amended provision gave the Oklahoma Board of Regent discretion to grant in-state tuition, which the Board has so far chosen to do. The North Carolina Community College system's 2009 decision was the fifth change in its policy on undocumented students since 2000. The decision to admit undocumented students is projected to have little impact because they still have to pay out-of-state tuition rates. See Gonzalez (2009); National Conference of State Legislatures (2010); Pinhel (2008); Wood (2009).
38. Two high profile class-action suits were filed on behalf of out-of-state students by Kris W. Kobach, a conservative politician and Ivy-league educated lawyer, who is a professor at the University of Missouri-Kansas City. He lost a class-action suit in Kansas in 2005 but won a case in California at the Appeals Court level (Preston 2009a; Wiedeman 2008). As of this writing, Kobach's case, *Martinez v. Regents of the University of California, et al.*, is pending in the California Supreme Court (Egelko 2010). Kobach has traveled widely since 2002, speaking and consulting on drafting bills and ordinances to curb illegal immigration and undocumented immigrant rights (Bulkeley 2005). His fees have been partly paid by the Immigration Law Reform Institute, the legal arm of the Federation for American Immigration Reform (FAIR), an organization whose aim is to reduce immigration to the United States (Preston 2009a). In late 2009, the first direct challenge to the Texas in-state tuition law was filed by a lawyer for the Immigration Reform Coalition of Texas (Carroll 2009).
39. In addition to differences among states, there are also disconnects between federal and state laws and policies. The federal government has exclusive power to regulate immigration and to bar entitlement to federal benefits. States, however, have primary responsibility for critical areas that affect immigrant and citizen rights, including social services, education, and driver registration. State legislatures and courts have thus become the site of battles between those seeking to restrict immigrant rights and those seeking to expand them. Historically, states have not attempted to bar undocumented immigrants from receiving most services, in part because the burden of screening would be onerous. Still, with the rise of nativist sentiments, many states have passed legislation barring state agencies from providing services to undocumented immigrants. State laws regarding immigrants and immigration have changed back and forth in response to pressure from different constituencies. See Immigration Policy Project (2010).
40. Abrego (2006) notes that undocumented students from poor families share certain disadvantages with their documented counterparts: a lack of role models, lack of access to knowledge about academics, and relegation to poorly funded, poor performance schools. Undocumented students, however, have the further disadvantages of witnessing undocumented cousins and older siblings do well in high school but be unable to attend college. Moreover, undocumented students are ineligible for most sources of financial assistance to help with the cost of college; this further discourages them from trying to do well in high school, as they do not believe they will have the opportunity to go on to higher education.
41. Menjivar (2006).
42. Asylum applicants and temporary protected status recipients, while not categorized as legal residents, have greater protections than fully undocumented immigrants. Nicaraguans, Cubans, Salvadorians, and Guatemalans are granted some protections under the Nicaraguan Adjustment and Central American Relief Act (NACARA), as are Haitians under the Haitian Refugee Immigration Fairness Act of 1998 (HRIFA). Under the American Baptist Churches (ABC) Settlement Agreements, asylum applications are options for Salvadorians and Guatemalans. ABC provisions include stays of deportation, *de novo* hearings, and authorization to work (*American Baptist Church v. Thornburgh*, 1991).
43. See Rincon (2008). The JIFM chapter at Texas A&M maintains a website (<http://jifm.tamu.edu>) that provides a history of the organization and its mission.
44. Madera et al. (2008).
45. See Gonzales (2009) on the diversity of undocumented students. Among undocumented immigrants as a whole, an estimated 20 to 22 percent are from areas other than Latin America (Passel 2006; Passel, Caps, and Fix 2004). In California, a high proportion of undocumented college students are originally from Asia. According to a report by the University of California Office of the President (2010), among the estimated 568 undocumented AB 540 students enrolled in the 10-campus system during 2008 to 2009, 49 percent were Latino and 45 percent were Asian.
46. See Gonzales (2008), Rincon (2008), and Preston (2009b) on the explosion of activism among undocumented students and their increasing willingness to proclaim their status publicly.
47. The Dream Act would provide certain undocumented immigrants who graduate from U.S. high schools, are of good moral character, arrived in the United States as minors, and have been in the country continuously for at least five years prior to the bill's enactment, the opportunity to earn conditional permanent residency. Alien students would obtain temporary residency for a six-year period.

- During the six-year period, a qualified student must have “acquired a degree from an institution of higher education in the United States or [have] completed at least 2 years, in good standing, in a program for a bachelor’s degree or higher degree in the United States,” or have “served in the uniformed services for at least 2 years and, if discharged, [have] received an honorable discharge.” Text of 2009 Senate version available at (<http://thomas.loc.gov/cgi-bin/query/z?c111:S.729>). See also Field (2010); Olivás (2010).
48. Office of the Governor of California (2010).
 49. Private donors and organizations have created scholarships that are open to or are intended for undocumented students. Because there are so many undocumented students, competition is stiff for the relatively few scholarships. One student told me, “We all compete for the same scholarships.”
 50. Undocumented student activists have not made these arguments themselves. Rather, they have expressed solidarity with immigrant day laborers and youth who have become discouraged and dropped out of school before graduation or have not been able to overcome obstacles to transitioning into higher education.
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Evelyn Nakano Glenn is Professor of Ethnic Studies and Gender & Women's Studies, and Founding Director of the Center for Race and Gender at the University of California-Berkeley. Her most recent books are *Forced to Care: Coercion and Caregiving in America* (2010) and *Shades of Difference, Why Skin Color Matters* (2009). Her 2002 book, *Unequal Freedom: How Race and Gender Shaped American Labor and Citizenship*, won awards from three ASA Sections—Race and Ethnic Relations; Asia and Asian America; and Race, Gender, and Class—as well as from the Pacific Sociological Association.