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Editor's Note

#BlackLivesMatter #LoveWins
#DonaldTrump #IStandwithAhmed
#IStandWithPlannedParenthood
#PrayForParis

The preceding Twitter hashtags were among the highest trending in 2015. Perhaps not surprisingly, they are reflective that as a country, issues of policy and politics are front and center in the national discourse. Oftentimes, the social media movements have been led by young millennials organizing to hold systems accountable where they have failed to meet the needs of communities. For the Latina/o community in the United States, there was much heated debate after a businessman expressed racist and xenophobic remarks during his opening speech announcing his candidacy seeking the GOP nomination for the US presidency. Such messages of hate and division garner much media attention, but they are also resisted with countering messages, such as Pope Francis's call for compassion towards immigrants in his historic remarks to a joint session of Congress. Indeed, as the cover art of this current volume reminds us, "Dreams Are Stronger Than Fear."

I am pleased to present Volume 28 of the Harvard Journal of Hispanic Policy (HJHP), which contains critical and diverse perspectives on a range of policy topics from housing, to higher education, to economic policy. In this issue, HJHP commemorates the 30th anniversary since its founding with a special note from our founding editor and Executive Advisory Board member, Henry Ramos. Alesandra Najera comments on the negative effects of poor drought mitigation policies on agriculture and related industries, disproportionately affecting Latina/o communities in the West and Southwest. Contributing author Cheye-Ann Corona makes cogent arguments for a reform of eligibility criteria to prioritize investment in the highest-need communities under the White House's Promise Zones initiative—a place-based strategy to revitalize low-income neighborhoods across the United States. And Braulio Salas identifies gaps in Latino/a parental college knowledge and makes the case for parental involvement provisions in the reauthorization of the Elementary and Secondary Education Act.

Because of inaction by Congress on comprehensive immigration reform, this policy area features prominently in this edition. A commentary by Lawrence Cisneros analyzes the unfair treatment of undocumented persons in civil court proceedings. Gloria Itzel Montiel's primary qualitative research sheds light on the question, "How do undocumented, high-achieving, 1.5 Generation Mexican-American students utilize funds of knowledge and social capital to navigate through their undergraduate

studies at Ivy League institutions?” Finally, Israel Nery argues for eligibility changes to the Earned Income Tax Credit for US-born children in “mixed status families” as a policy tool for increasing employment and combating poverty. Featured artist Eric Garcia provocatively attributes problems of poverty, violence, and refugee crises on the US/Mexico border as created by the institutions entrusted to protect the welfare of their citizens. Finally, Maria Cruz reviews the autobiographical piece *An (Im)possible Life: Poesia y Testimonio in the Borderlands* and reminds readers that public policy ultimately has a profound impact on the individual lives of families and communities.

Being a part of the HJHP tradition has been the highlight of my graduate school experience at Harvard. And, it wouldn't be so without the people and relationships that made it so. First and foremost, I want to thank our outgoing Executive Advisory Board chair, Jim Carr, who stepped down from the position and handed the mantle to our current chair, Genoveva Arellano. HJHP would not be where it is today without Jim's countless years of dedication, and because of his support, it is in a strong position to continue being a leading journal for US Latina/o policy. I want to thank Martha Foley, the student journals coordinator at the John F. Kennedy School of Government at Harvard University (HKS), and Professor Richard Parker, our faculty advisor, who are a continued source of counsel and advocacy for our journal's work. Furthermore, I want to thank Erika Carlsen and Ileana Cintrón for your commitment to HJHP's efforts through the HKS Latino Leadership working group. I especially want to thank the HJHP editorial staff for their sacrifice and dedication to editing articles during the winter break. It is because of you that we have continued a thirty-year tradition of HJHP! I also want to thank our Executive Director, Oscar Mairena, who has been an instrumental partner co-leading HJHP this year with me, particularly in developing our emerging web and social media platforms. Finally, I would like to say gracias to my *familia* back home in Southern California, who are always a text or phone call away in snowy New England, providing me the support and motivation to keep going—“*¡Si se pudo!*”

Thank you, too, to our committed readers—I hope that you enjoy Volume 28!

Sincerely,

Jeffrey Reynoso
Editor-in-Chief
Cambridge, MA
January 2016

Reflections on the Journal's 30th Anniversary

In the **thirty** years since the Harvard Journal of Hispanic Policy first appeared, it has accomplished much of what its founding staff members hoped it would. The Journal has established itself as a staple product of the **John F. Kennedy School of Government at Harvard University**, a breeding ground for future public and private sector leadership, and a trusted reporting source on Latino issues, trends, and opinions related to US policy in all of its multiple aspects.

As we witness an upswing in anti-Latino and anti-immigrant sentiment in America, it is vital to note the many important contributions the Harvard Journal of Hispanic Policy has made and will continue to make in the service of advancing the constructive participation of Latinos in American political discourse and policy formation.

America can and will only become a stronger nation in the decades to come to the extent that we ensure robust opportunities for the success of all of our people. With the US Latino community slated to comprise more than a quarter of the entire US national population by 2045, it is essential that all Americans work together to promote this population's social, economic, and political success, lest our entire nation falter.

At a time when many contemporary political "leaders" and pundits show such clear antagonism and xenophobia directed at Latino and other ethnic and religious minority groups of Americans, it is especially important to be reminded of the wiser and more informed perspective of true national leaders of our past—like John F. Kennedy. Kennedy's views on the issues were shaped by his own status as the grandson of Irish Catholic immigrants in times when to be Irish and Catholic was akin to being a Latino in America today.

In his seminal work *A Nation of Immigrants*, President Kennedy, the Harvard Kennedy School's namesake, wrote over fifty years ago in 1963:

Today many of our newcomers are from Mexico [and other Latin American nations, who] often receive the same discriminatory treatment and opprobrium that were faced by other waves of [past] newcomers. The same things are said today of Puerto Ricans and Mexicans that were once said of Irish, Italians, Germans and Jews: 'They'll never adjust; they can't learn the language; they won't be absorbed.' Perhaps the brightest hope for the future lies in the lessons of the past . . . [A]s each new wave of immigration has reached America it has been faced with problems, not only the problems that come with making new homes and learning new jobs, but more important, the problems of getting along with people of different backgrounds and habits . . .

... Somehow, the difficult adjustments are made and people get down to the tasks of earning a living, raising a family, living with their neighbors and, in the process, building a nation.¹

And so it is with today's largely immigrant Latino populations across the United States. With the passage of time, the Latino people of America are slowly but surely gaining the skills, the standing, and the sophistication to effectively advance both their own self-interests as well as the best interests of our nation.

The *Harvard Journal of Hispanic Policy* continues to play a vital role in this epic historical evolution in American civic culture. May it continue to do so for at least another thirty years!

Henry A. J. Ramos
Founding Editor and
Member, Executive Advisory Board

¹ Kennedy, John F., *A Nation of Immigrants*, Harper & Row, New York, 1964, p. 63.

A Note On Terminology

In establishing the Harvard Journal of Hispanic Policy (HJHP) at the John F. Kennedy School of Government at Harvard University in 1985, our founding editors were cognizant of the importance of terminology and naming. They sought to form a credible publication that would bring the US Latina/o community to the forefront of policy debates, and that would name new priorities, challenges, and opportunities for policy-makers to consider.

Naming the journal itself proved to be an important endeavor. For decades, the terms used to define US Latina/os fluctuated greatly, creating much dissonance within the policy discourse. Ethnic origin (e.g., “Mexican”) and regional labels (e.g., “Central American”) were not inclusive enough to capture HJHP’s mission as a publication. Similarly, emerging pan-ethnic constructs (e.g., “Latin American”) implied homogeneity where incredible diversity and fluidity exists. Even with these limitations, our founding editors knew that a common language was needed to bridge conversations across disciplines.

Our founding editors thus reached consensus around “Hispanic,” a term that reflected national trends at the time. The term’s adoption by the federal government reflected the growing prominence of US Latina/os in domestic policy. In 1968, President Johnson announced the observation of Hispanic Heritage Week, an important step in recognizing the population’s presence and history. In 1976, Congress passed legislation requiring the federal government to collect and analyze data on “Americans of Spanish origin or descent” in order to understand how this subgroup was impacted by federal policies and programs. The following year, the Office of Management and Budget developed standards for this data collection, hoping to create coherence across educational, health, and human service agencies. Finally, and perhaps most significantly, the US Census Bureau added a Hispanic question in 1980 in an effort to obtain more accurate population estimates with which to inform national policy-making.

Since the journal’s founding in 1985, the lexicon has only continued to evolve. In 2000, the US Census Bureau introduced survey language that used “Hispanic” and “Latino” interchangeably. Similarly, many national advocacy, leadership, research, and civic organizations continue to use “Hispanic” in their name, while adapting their communications to be inclusive of the term “Latino.” Today, we too have adapted. Standing at the eve of our 30th anniversary, we are proud to carry our name and legacy with us while remaining forward-looking. For this reason, we have begun to intentionally use “Latina/o” and the plural term “communities” within our publication, social media sites, and website.

Our Editorial Board remains committed to inclusivity and will continue to publish works from individuals and organizations who may use different terms. It is our firm belief that, in the difficult work of naming the policy needs of our community, no singular term may ever be comprehensive enough for the complexity at hand.



The Ash Center for Democratic Governance and Innovation strives to make the world a better place by advancing excellence and innovation in governance and public policy through research, education, and public discussion. By training the very best leaders, developing powerful new ideas, and disseminating innovative solutions and institutional reforms, the Center's goal is to meet the profound challenges facing the world's citizens.

Upcoming Events:

Why Mass Incarceration Matters to our Cities, Economy, and Democracy

Wednesday, March 9, 2016; 4:10-5:30
124 Mount Auburn Street,
Suite 200-North, Cambridge, MA

Ruling Before the Law: The Politics of Legal Regimes in China and Indonesia

Thursday, March 10, 2016; 4:10-5:30
124 Mount Auburn Street,
Suite 200-North, Cambridge, MA

Earning Civil Rights: Why the Constitutional Right of Appointed Counsel Should Be Extended to Immigration Proceedings

By Lawrence Cisneros, Esq.

Lawrence Cisneros is a legally-trained entrepreneur. Having grown up with a Mexican American father and Mexican immigrant mother, he has had the unique fortune to intimately examine the widely-varied Latino experience. He graduated *magna cum laude* and Phi Beta Kappa from San Diego State University with a BA in International Security and Conflict Resolution. Thereafter, he was an associate professor of English at La Universidad Autonoma de Guadalajara. He is now an attorney in California, having graduated from the University of Southern California Gould School of Law in 2014. There, he was the president of the Latino Law Students Association and a semifinalist in the Honors Moot Court Competition, and he externed for a variety of judges and public-interest law organizations. While in law school, he co-founded and is now the CEO of In Spirit, a venture-backed company creating the first craft, ready-to-drink cocktail.

Introduction

The United States has the highest incarceration rate of any nation in the world.¹ A significant contribution to this mass incarceration is the detention and removal of hundreds of thousands of the undocumented² through a “civil” (non-criminal) process for immigration offenses.³ Currently, in criminal (non-civil) proceedings, all individuals, undocumented or not, are appointed an attorney at no charge to address an unequal power dynamic in which a government lawyer has superior legal knowledge and skill, compared to a self-representing litigant who may not have formal education or legal training, or may be indigent.⁴ This is not the case for civil proceedings. Undocumented persons facing removal proceedings are not legally entitled to an attorney⁵ and are often processed without legal representation.⁶ This is despite the similarities to criminal proceedings where the person facing removal is detained in jail-like conditions⁷ for substantial periods of time while they await their hearing.⁸

This essay aims to comment on emerging initiatives to challenge this un-civil practice. This essay (1) compares the treatment and processing of undocumented persons in immigration hearings to those facing proceedings within the US criminal justice system, (2) provides a brief historical review that describes the legal underpinning of one’s right to counsel, (3)

analyzes the current state of the law and scholarship to illustrate efforts to provide such representation in immigration proceedings, and (4) puts forth a new “earned rights” doctrine, granting Constitutional protections and fundamental civil rights to these undocumented non-citizens living in our society, despite conventional legal reasoning and public opinion holding that undocumented persons should not receive such rights because they entered the country without proper documentation.

Section I: Detention as Punishment

In academic or political forums, relatively little attention has been focused on the fact that, as a consequence of mass incarceration and immigration legislation, Latinos now constitute the most-represented ethnic group in federal courts, primarily as a result of immigration crimes.⁹ Total annual expenditures for US law enforcement mechanisms are approximately \$212 billion.¹⁰ As many wrestle with the tremendous unequal impact of mass incarceration to African American populations,¹¹ they also need to consider an interwoven connection to immigration.¹² Today, more than 400,000 immigrants are detained annually.¹³ This is the largest number of non-citizens detained in the world.¹⁴ Indeed, immigration detainees represent the fastest-growing segment of the jail

population in the United States, driven in large part by illegal reentry, a federal crime that now constitutes one-fourth of the federal docket.¹⁵

In recent decades the civil immigration system has decidedly shifted to be more punitive.¹⁶ Such a conflation between immigration and criminal law has developed a relatively new area of legal scholarship described as “Crimmigration.”¹⁷ The Supreme Court has recognized and reaffirmed repeatedly that for “noncitizens facing expulsion, deportation is often a far more severe consequence than a criminal sentence.”¹⁸ The court has not, however, extended criminal procedure safeguards to expulsion and deportation.¹⁹

This did not happen overnight or by accident. Legislators contributed to shifting attitudes of the “immigration problem” by reinforcing a coordinated regulatory environment.²⁰ Not only have crimes subject to deportation increased, but recent legislation has mandated detention of criminal immigrants, limited grounds for relief, limited federal judicial review, and applied changes of law retroactively to crimes that were not crimes previously.²¹ Until the 1980s, deportations were limited to a number of crimes, detention of undocumented individ-

uals was less common, and criminal sanctions for immigration offenses were rare.²² Public sentiment also shifted “from a willingness to absorb and generously resettle refugees and tolerance of illegal immigration, to a growing sense of crisis that the United States had ‘lost control of its borders.’”²³ The severity of criminal-like sanctions within the immigration system is most apparent in the instance of deportation and civil detention.²⁴

Immigrant prisoners are housed in “jail-like facilities in jail-like conditions.”²⁵ In such facilities, the Immigration and Customs Enforcement (ICE),²⁶ the largest armed law enforcement entity in the federal government,²⁷ places the largest amount of detainees in federal prisons and local county jails— sometimes even housing them with criminal offenders in maximum security quarters.²⁸ Undocumented immigrants are also required to wear uniforms, transported in handcuffs and shackles, subject to strip searches, confined to “lock down” for hours²⁹, face documented abuses³⁰, and even endure widespread use of solitary confinement.³¹ Moreover, emerging remote, private civil detention prisons, operated without binding regulations that have the effect of law, have resulted in numerous reports of abuse.³²

“Latinos now constitute the most-represented ethnic group in federal courts, primarily as a result of immigration crimes.”

In subsequent immigration proceedings, like a criminal trial, there is a judge and government prosecutor— both appointed by the Attorney General— and the accused immigrant offender.³³ However, unlike a criminal trial where the defendant is afforded Fourth,³⁴ Fifth,³⁵ Sixth,³⁶ and Eighth³⁷ Amendment rights, a person in an immigration hearing is only protected by the Fifth Amendment due process clause in a limited fashion.³⁸ Conspicuously, there are no government-appointed legal representatives for the undocumented throughout the process, despite substantial evidence that civil immigration enforcement and detention are glaringly criminal-like.

Section II: *Gideon* and the Right to Counsel

Since 1963, as courts recognized the fundamental unfairness of well-trained attorneys prosecuting indigent defendants without counsel, a slow groundswell of sympathetic rulings evolved and culminated in the seminal court case *Gideon v. Wainwright*,³⁹ which was later defined to mandate government-appointed attorneys for any criminal defendant in misdemeanor and felony cases.⁴⁰

The Supreme Court first extended this standard in a civil case in *In re Gault*,⁴¹ which held that juveniles in delinquency proceedings facing civil confinement had a right to appointed counsel, and then later in other

contexts.⁴² Subsequent rulings have alluded to whether one’s “personal freedom” was at stake, with two standards influencing the decision to extend such standard in other non-criminal matters: the complexity of the proceeding and whether the government is represented, noting that in less complex matters where a government attorney is absent, there is little urgency to extend government-appointed attorneys for such defendants.⁴³

The right of an immigrant to an attorney at *no expense* to the government is found in the Fifth Amendment’s right to due process⁴⁴ under the “fundamental fairness” standard,⁴⁵ as well as the Immigration and Naturalization Act (INA).⁴⁶ However, providing an attorney at the government’s expense is a far more tenuous proposition. Advocates and courts look to the Sixth and Fifth Amendments, and other INA provisions, as potential sources of right-creating authority. Generally, undocumented immigrants as a category have not been afforded an attorney at the government’s expense.⁴⁷ However, this does not necessarily preclude the courts from providing such funding.⁴⁸ At least four appellate courts have opined that the Fifth Amendment’s guarantee of due process could potentially require the appointment of counsel for individual aliens who are incapable of representing themselves due to “age, ignorance, or mental capacity.”⁴⁹ Such courts, however,

have refrained from extending the Fifth Amendment to entire categories or even subcategories, such as those with mental incapacities.

Section III: Extending the Right of Counsel to the Undocumented: Current State of the Law and Legal Scholarship

There are two generally-recognized penological justifications for extending constitutional safeguards in the form of government-appointed attorneys for immigration removal and deportation proceedings. First, subjecting an indigent person to complex legal proceedings, which determine one's ability to remain in a country, without an attorney does not meet the "fundamental fairness" threshold established by the courts as the benchmark standard extending new rights and safeguards in light of an ever-evolving society.⁵⁰ Secondly, the stark similarity between immigrant civil detentions and criminal punishment has led scholars to posit that such civil detentions amount to criminal punishment and therefore require criminal procedure safeguards enshrined in the US Constitution.

State of the Law

Immigration advocates have found their strongest support from the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), which requires "qualified representatives" —

which may include legal counsel—for immigrants who are "mentally incompetent" to represent themselves in removal proceedings.⁵¹ In 2010 the American Civil Liberties Union (ACLU) and other immigration rights advocates began pressing this issue in a class action lawsuit in a federal district court in Los Angeles on behalf of mentally incompetent immigrants in *Franco-Gonzalez v. Holder*.⁵²

Immigration advocates are currently arguing that not only should the TVPRA and Fifth and Sixth Amendments cover other classes of people, like unaccompanied minors and those with deep ties to the United States or who face serious threats of harm in their home countries, but all immigrants in removal proceedings.⁵³ They argue that the standard of "fundamental fairness" must be "assessed in all cases in light of the complexity of immigration law, the role of government prosecutors, and the severity of the harm caused by deportation."⁵⁴ The evolution of *Gideon* and its progeny, extending the right of appointed counsel in specific instances on a case-by-case basis to a categorical right to all persons seems to be tracking in the same direction as immigration proceedings—a slow march towards the understanding that indigent persons require additional support in order to receive the blessings of the US Constitution.

Current Scholarship

Legal scholars have also addressed the fundamental inequities with the current immigration detention and removal process, analogizing similarities between immigration removal, detention, and criminal incarceration as “Crimmigration.”⁵⁵ Scholars view this growing entanglement in a new dimension: understanding the distinction between people in a society as members, who are either insiders or outsiders, with the former receiving rights and privileges as members of the “social contract between the people” in a construct known as “membership theory.”⁵⁶ Such a framework helps us to observe the exclusion and inclusion of various groups of people or even “pseudo-citizens” in a new light, helping to see past the current citizen-legal, permanent-resident-undocumented framework.⁵⁷

A recent article by César Cuauhtémoc García Hernández titled “Immigration Detention as Punishment” argues that the legislative history of the United States’ war on drugs and Congress’ intent was to not only increase the punitive consequences of drug use and distribution, but the consequences for crimes committed by immigrants and other immigration offenses.⁵⁸ He concludes we have two options: bring civil immigration proceedings in line with modern criminal procedures or “distance immigration detention from its punitive past” and

create a system of detention that “lives up to its civil characterization.”⁵⁹ This general line of reasoning would undoubtedly help address the country’s punitive immigration process.

The existing “Crimmigration” scholarship, however, has not extensively discussed the ability for non-citizens or non-members of a society to earn entry into the social contract or explicit societal recognition through indirect means—an implicit understanding, forming a new contract through action and work rather than formal acknowledgement from the members’ government and formal institutions (like business entities) in granting one such rights.⁶⁰ More precisely, where the undocumented—non-citizens and non-members in US society—may begin to accrue rights and privileges through work earned in the explicit acknowledgement of such service through monetary compensation which directly benefited the members’ businesses and government.

Section IV: Earning Civil Rights

Even though undocumented immigrants cook, clean, and provide for the country, the highest court of the land has consistently held that such persons are second class citizens under the law⁶¹ and that Congress may do as it pleases in maintaining its borders.⁶² This has some semblance of common sense at first blush, but the conversation

becomes more nuanced when society refuses to impart such rights while the same people contribute directly and meaningfully to society's success.

Undocumented immigrants work the midnight shifts, the jobs no one wants, and do so for less pay, working more hours with fewer breaks.⁶³ Many work in fields planting and picking the crops that feed the country. Such a relationship is acknowledged even at the highest levels of our society: the US Department of Agriculture has stated that "about half of the hired workers employed in US crop agriculture were unauthorized."⁶⁴ Yet, these immigrants are criticized for committing more crimes, substantially contributing to unemployment, and draining public coffers.⁶⁵ In fact, the opposite reality is more true: not only do immigrants commit less crime⁶⁶ and contribute to public coffers more than is expended on them,⁶⁷ but American society reaps the benefits of undocumented immigrant labor while offering little in return. A recent report concluded the undocumented paid \$11.8 billion in state and local taxes alone in 2012,⁶⁸ which, in the aggregate of tax revenue of all types, exceeds the cost of services they use, as identified by the Congressional Budget Office.⁶⁹

Once such persons do make it into the United States, create a family, work for a number of years, possibly start a business, and pay taxes, they are part of our society whether we

wish to accept that or not. We buy the produce, clothes, and food they prepare—knowingly and glad that it is at such a low price and brought to us with such efficiency. We appreciate the cheap goods and services,⁷⁰ but only to the extent that they are not caught for entering the country without documentation, even if to flee starvation, destitute poverty, sexual abuse, cartel violence, or a life wasted away.⁷¹ Our society wants to have it both ways: we want the food cheap and lawns pristine, but also the ability to keep the undocumented on a tight leash with the threat of deportation or detention if they step out of line and being removed or detained without appointed counsel in a complex maze of immigration proceedings if anyone causes problems.

Fundamentally, the rule of law applies one way to the poor and another to the powerful. The government knows business leaders hire undocumented workers in their fields and factories,⁷² yet ICE raids never occur in the skyscrapers of downtown Los Angeles or New York City. The raids only happen away from the public's eye in rural farm towns and sweat-shop factories of *barrios* in the inner-city. American citizens only care that the law is enforced against poor, powerless, and undocumented and ethnic minority groups, but do not demand and protest that business executives—the ones actually creating and facilitating the

work for undocumented workers—are raided, jailed, and treated in the same manner. As an attorney-turned-business executive, I’m fully aware of this relationship because my business’s profit margins are directly connected to the costs of goods and services necessary to operate my business, which are directly correlated to the cost of labor—often which

is undocumented. “The government has no reason to alienate the business community when it can remove disposable undocumented workers at will—and keep the \$11

billion in annual revenue as tip for a job well-done. This is a form of economic slavery that we all wish to perpetuate for the sake of our standard of living, even if only understood subconsciously by many. Such a reality, however, need not persist.

Next Step: Judicial Action

Although there seems to be an ever-expanding standard in federal courts to extend such protections through the Fifth⁷³ or Sixth Amendments,⁷⁴ as well as through the Rehabilitation Act, such avenues seem to be thwarted. Advocates may find refuge in a further line of argument—expanding on the current “fundamental fairness” stan-

dard, which focuses on the intense stakes of the proceeding, the fact the government is represented by counsel, and the complexity of legal proceedings⁷⁵—that undocumented persons, through their determination to create a better life in what some may call the “American dream,” *earn* the right to be a part of the social contract and

...not only do immigrants commit less crime and contribute to public coffers more than is expended on them, but American society reaps the benefits of undocumented immigrant labor while offering little in return.”

gain fundamental constitutional protections, including the right to an appointed attorney when their “fundamental freedom” is at stake in an immigration proceeding. In many respects, they earn

it more in acts of labor than in birthrights of happenstance privilege.⁷⁶ Consistent with Supreme Court precedent, although Congress may prescribe how and if an immigrant may enter the United States, when a person works, lives, and pays taxes within the borders of the country the Supreme Court should hold that such service earns one the right to basic constitutional protections as an American citizen—nothing more, nothing less.⁷⁷

Conclusion

In conclusion, until mass-incarceration legislative reforms are adopted for jailed American citizens, only then there might be an opportunity to advocate

for similarly-situated immigrant offenders. President Obama has suggested a change in the executive branch's approach to mass incarceration reform, and there seems to be hope for such wholesale legislative change with the current Republican-controlled House of Representatives as a way to reduce the federal deficit. Although the ability to access government-appointed attorneys has not prevented the US criminal justice system from devolving into a mass incarceration machine, such attorneys in the immigration context would prevent blatant abuses and also lay the foundation for more equitable measures before holistic, wholesale reforms to US immigration policy occur.

Indeed, comprehensive immigration reform post-2016 could create another avenue for relief. Although the failure of legislators and President Obama to pass comprehensive immigration reform in 2013, with much of the debate centered around the "path to citizenship," was principally defeated by Republicans arguing that such reform would amount to amnesty. In the current political climate, advocates may want to consider forfeiting such pathways to citizenship, given most immigrants and their families currently think "being able to live in the US legally without the threat of deportation is more important...than a pathway to citizenship," and consider

including provisions for further constitutional protections, like the right to a government-appointed attorney. Not only would this give advocates an ability to retreat and regroup—addressing opponents' concerns about mass amnesty—but the ability to gain the moral high ground in the debate via this "earned rights" justification.

Endnotes

- 1 Paul Guerino, Paige M. Harrison, and William J. Sabol, *Prisoners in 2010 Revised* (Washington, DC: Bureau of Justice Statistics, 2011); and Sara Wakefield and Christopher Uggen, “Incarceration and Stratification,” *Annual Review of Sociology* 36 (2010): 387-206. Clarification, Oct. 28, 2014: There were 740,000 inmates in city and county jails and other facilities in the US in 2010; about 5 percent of these were in state and federal custody. Counting the local jail population, the total incarcerated population in 2010 was about 2.3 million. See: Todd Minton, *Jail Inmates at Mid-Year 2010—Statistical Tables* (Washington, DC: Bureau of Justice Statistics, 2011).
- 2 Herein referred to as “undocumented people” or “the undocumented”. The term “undocumented persons” refers to foreign citizens residing in the United States illegally. It applies to two categories of immigrants: those who enter the country without approval of the immigration process and those who violate the terms of a temporary admission without acquiring either permanent resident status or temporary protection from removal. Members of this population are also referred to as “illegal,” “undocumented immigrants,” or “aliens.”
- 3 Here, “immigration offenses” primarily relate to formal removal proceedings under Section 240 of the INA. See 8 USC. §1229a.
- 4 Federal public defenders are appointed to any person charged with a misdemeanor or felony charge. See, *Johnson v. Zerbst*, 304 US 458, 462–63 (1938).
- 5 See, e.g., *Tang v. Ashcroft*, 354 F.3d 1192, 1196 (10th Cir. 2003); *Ramos*, 623 F.3d at 682; *Romeo v. US INS*, 399 F.3d 109, 112 (2d Cir. 2005); *Al Khouri v. Ashcroft*, 362 F.3d 461, 464 (8th Cir. 2004); *Goonsuwan v. Ashcroft*, 252 F.3d 383, 385 n.2 (5th Cir. 2001); *Hernandez v. Reno*, 238 F.3d 50, 55 (1st Cir. 2001); *Stroe v. INS*, 256 F.3d 498, 500–501 (7th Cir. 2001); *Xu Yong Lu v. Ashcroft*, 259 F.3d 127, 131 (3d Cir. 2001); *Mejia-Rodriguez v. Reno*, 178 F.3d 1139, 1146 (11th Cir. 1999); *Mustata v. US Dep’t of Justice [DOJ]*, 179 F.3d 1017, 1022 n.6 (6th Cir. 1999); *Gandarillas-Zambrana v. Board of Immigration Appeals*, 44 F.3d 1251, 1256 (4th Cir. 1995); *Mantell v. US DOJ*, 798 F.2d 124, 127 (5th Cir. 1986).
- 6 See, United States. Executive Office of Immigration Review. *GI. Statistical Yearbook*. 2011.
- 7 García Hernández, César Cuauhtémoc. “Immigration Detention as Punishment.” *UCLA Law Review* 61 (2014): 1346-414. <http://www.uclalawreview.org/pdf/61-5-5.pdf>.
- 8 Only recently in *Rodriguez et. al. v. Robbins*. Nos. 13-56706 13-56755 (July 24, 2015), a class-action lawsuit, the court upheld an order requiring bond hearings for detainees locked up six months or longer while they fight their deportation cases. *Rodriguez, et al. v. Robbins, et al.* was originally filed in a federal district court in Los Angeles in May 2007, on behalf of Alejandro Rodriguez an immigrant from Mexico who was detained for more than three years pending completion of his removal proceedings without ever receiving a bond hearing.
- 9 Light, Michael T., Mark Hugo Lopez, and Ana Gonzalez-Barrera. *The Rise of Federal Immigration Crimes: Unlawful Reentry Drives Growth*. Pew Research Center, Hispanic Trends. Report. March 18, 2014. <http://www.pewhispanic.org/2014/03/18/the-rise-of-federal-immigration-crimes/>.
- 10 This number accounts for all judicial, enforcement, and corrections expenditures combined. Fields, Gary, and John R. Emshwiller. “As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime.” *The Wall Street Journal*. August 18, 2014. <http://www.wsj.com/articles/as-arrest-records-rise-americans-find-consequences-can-last-a-lifetime-l408415402>.
- 11 Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.
- 12 García Hernández. “Immigration Detention as Punishment.” 1346-414.
- 13 Simanski, John, and Sapp, Lesley M. Depart-

- ment of Homeland Security. Immigration Enforcement Actions: 2011 Annual Report. 5 Tbl. 4 (2012) (reporting that 429,247 people were detained). See also, Dora Schriro, “Immigration Detention Overview and Recommendations”, US Department of Homeland Security Immigration and Customs Enforcement (2009). (This is 100,000 more people than the total federal prison population in the United States.)
- 14 Global Detention Project, United States Detention Profile (Jan.-June 2007), <http://www.globaldetentionproject.org/countries/americas/united-states/introduction.html>.
 - 15 Light, Michael T. The Rise of Federal Immigration Crimes.
 - 16 *Carlson v. Landon*. 342 US 524, 537–38 (1952) (noting that “[d]eportation is not a criminal proceeding and has never been held to be punishment” and that “[d]etention is necessarily a part of this deportation procedure”).
 - 17 See, García Hernández, César Cuauhtémoc. “Creating Crimmigration.” *Brigham Young University Law Review*, 2013, 1457-516. Accessed February 10, 2014. doi:http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2393662 U Denver Legal Studies Research Paper No. 14-12. Available at SSRN: <http://ssrn.com/abstract=2393662> or <http://dx.doi.org/10.2139/ssrn.2393662>; Stumpf, Juliet. “The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power.” *American University Law Review* 56 (2006): 367, 369.
 - 18 Guttentag, Lucas, and Ahilan Arulanantham. “Extending the Promise of Gideon: Immigration, Deportation, and the Right to Counsel.” *Human Rights Magazine* 39, no. 4 (2013). http://www.americanbar.org/publications/human_rights_magazine_home/2013_vol_39/vol_30_no_4_gideon/extending_the_promise_of_gideon.html. (“That denial persists even as the Court has recognized and reaffirmed repeatedly in the last dozen years that for non-citizens facing expulsion, deportation is often a far more severe consequence than a criminal sentence.”) (Referencing *Padilla v. Kentucky*, 559 US 356 (2010), and *INS v. St. Cyr*, 533 US 289 (2001)).
 - 19 See, e.g., *Tang v. Ashcroft*. 354 F.3d 1192, 1196 (10th Cir. 2003); *Ramos*, 623 F.3d at 682; *Romero v. US INS*, 399 F.3d 109, 112 (2d Cir. 2005); *Al Khouri v. Ashcroft*, 362 F.3d 461, 464 (8th Cir. 2004); *Goonsuwan v. Ashcroft*, 252 F.3d 383, 385 n.2 (5th Cir. 2001); *Hernandez v. Reno*, 238 F.3d 50, 55 (1st Cir. 2001); *Stroe v. INS*, 256 F.3d 498, 500- 501 (7th Cir. 2001); *Xu Yong Lu v. Ashcroft*, 259 F.3d 127, 131 (3d Cir. 2001); *Mejia-Rodriguez v. Reno*, 178 F.3d 1139, 1146 (11th Cir. 1999); *Mustata v. US Dep’t of Justice [DOJ]*, 179 F.3d 1017, 1022 n.6 (6th Cir. 1999); *Gandarillas-Zambrana v. Board of Immigration Appeals*, 44 F.3d 1251, 1256 (4th Cir. 1995); *Mantell v. US DOJ*, 798 F.2d 124, 127 (5th Cir. 1986).
 - 20 García Hernández. “Immigration Detention as Punishment.” (2014) (“Uncovering immigration detention’s legislative history and giving it the significance that the US Supreme Court instructs leads, in Kathleen Sullivan’s words, to a legal rule establishing a “brightline boundar[y]” between punitive and administrative confinement with immigration detention recognized as punishment” citing Kathleen M. Sullivan, *The Supreme Court 1991 Term — Foreword: The Justices of Rules and Standards*, 106 *HARV.L.REV.* 22, 59 (1992).”)
 - 21 Miller, Tera A. “Citizenship & Severity: Recent Immigration Reforms and the New Penology.” *Georgetown Immigration Law Journal* 17 (2003): 611, 632. For example, if an immigrant entered into a marriage falsely in order to evade immigration laws that person would be only deported, not incarcerated
 - 22 Stumpf, Juliet. “The Crimmigration Crisis.” (2006).
 - 23 Miller, Tera A. “Citizenship & Severity.” (2003).
 - 24 García Hernández. “Immigration Detention as Punishment.” 1346-414.
 - 25 United States. Department of Homeland

- Security. Immigration and Customs Enforcement. Immigration Detention Overview and Recommendations. By Dora Schriro. October 6, 2009. <https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>.
- 26 The Border Patrol, another immigration enforcement agency under the Department of Homeland Security, is able to make stops and arrests 100 miles away from the border, conduct surveillance, and pursue undocumented persons. Hing, Bill Ong, *Defining America Through Immigration Policy*, Philadelphia: Temple University Press, 2004. 135.
- 27 Juliet Stumpf. "The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power." *American University Law Review* 56 (2006): 367, 388.
- 28 Sloan, Virginia, Sharon Bradford Franklin, and Laura Olson. *Recommendations for Reforming Our Immigration Detention System and Promoting Access to Counsel in Immigration Proceedings*. Publication. Washington, D.C.: Constitution Project, 2009. <http://www.constitutionproject.org/wp-content/uploads/2012/10/359.pdf>.
- 29 Miller, Teresa A. "Citizenship & Severity." (2003).
- 30 Chelgren, Whitney. "Preventive Detention Distorted: Why It Is Unconstitutional to Detain Immigrants Without Procedural Protections." *Los Angeles Loyola Law Review* 44 (2011): 1477-528. <http://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=2763&context=llr>. Lyall, James, and Chris Rickerd. "A Federal Judge Denounced the 'Egregious Conditions' of Border Patrol Holding Cells: Will Anything Change?" *American Civil Liberties Union*. August 31, 2015. <https://www.aclu.org/blog/washington-markup/federal-judge-denounced-egregious-conditions-border-patrol-holding-cells-will> (citing: inadequate medical care, breaches of visitation, overcrowding, excessive force by guards, sexual misconduct, and high rates of depression that lead to correspondingly high levels of suicide).
- 31 Perlmutter, Alexis, and Mike Corradini. *National Immigrant Justice Center. Invisible In Isolation: The Use of Segregation and Solitary Confinement in Immigration Detention*. Publication. September 2012. <https://www.immigrantjustice.org/publications/report-invisible-isolation-use-segregation-and-solitary-confinement-immigration-detention>.
- 32 Shahshahani, Azadeh, and Alexandra Cole. *American Civil Liberties Union*. Publication. May 2012. <https://www.aclu.org/blog/prisoners-profit-immigrants-and-detention-georgia>.
- 33 Although an immigrant may hire an attorney, most are not represented by counsel. See, *United States. Executive Office of Immigration Review*. GI. *Statistical Yearbook*. 2011.
- 34 US Constitution, Amendment IV.
- 35 US Constitution, Amendment V.
- 36 US Constitution, Amendment VI.
- 37 US Constitution, Amendment VIII.
- 38 *Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005). ("The right to counsel in immigration proceedings is rooted in the Due Process Clause."); *Dakane v. US Attorney General*, 399 F.3d 1269, 1273 (11th Cir. 2005) ("It is well established in this Circuit that an alien in civil deportation proceedings ... has the constitutional right under the Fifth Amendment Due Process Clause ... to a fundamentally fair hearing."); *Borges v. Gonzales*, 402 F.3d 398, 408 (3d Cir. 2005) ("The Fifth Amendment entitles aliens to due process of law in deportation proceedings."); *Rosales v. Bureau of Immigration & Customs Enforcement*, 426 F.3d 733, 736 (5th Cir. 2005) ("[D]ue process requires that deportation hearings be fundamentally fair"); *Brown v. Ashcroft*, 360 F.3d 346, 350 (2d Cir. 2004) ("The right ... under the Fifth Amendment to due process of law in deportation proceedings is well established.").
- 39 *Gideon v. Wainwright*, 372 US 335 (1963).
- 40 *Argersinger v. Hamlin*, 407 US 25 (1972).
- 41 387 US 1 (1967).
- 42 See, *Turner v. Rogers*. 131 S. Ct. 2507 (2011). Even though the unrepresented litigant — a

- father facing imprisonment for civil contempt based on failure to pay child support — was jailed and was denied appointed counsel.
- 43 Guttentag, Lucas. “Extending the Promise of Gideon.” (2013). http://www.americanbar.org/publications/human_rights_magazine_home/2013_vol_39/vol_30_no_4_gideon/extending_the_promise_of_gideon.html. (“After *Turner*, the deprivation of physical liberty standing alone appears to be insufficient to compel appointed counsel in civil cases. But *Turner* did not rule out the possibility of appointed counsel in civil proceedings altogether; on the contrary, it stressed several factors that militated against appointed counsel in that case. The Court noted that the issue in a civil contempt proceeding is typically simple — whether the parent has the financial means to pay the child support — and, perhaps most importantly, focused heavily on the fact that the state is typically not represented in those proceedings. In contrast, immigration proceedings often involve extremely complex issues, and the government is always represented by counsel.”)
- 44 US Constitution, Amendment V.
- 45 *Biwot* (2009); *Dakane* (2005); *Borges* (2005); *Rosales* (2005); *Brown* (2004).
- 46 8 USC. §1362. (“In any removal proceedings before an immigration judge and in any appeal proceedings before the Attorney General from any such removal proceedings, the person concerned shall have the privilege of being represented (at no expense to the Government) by such counsel ... as he shall choose.”)
- 47 In fact, some INA statutes specifically provide that an alien’s right to counsel shall be “at no expense to the government.” See, e.g., INA §235(b)(1)(B)(iv), 8 USC. §1225(b)(1)(B)(iv); INA §238(b)(4)(B), 8 USC. §1228(b)(4)(B); INA §240(b)(4)(A), 8 USC. §1229a(b)(4)(A); INA §292, 8 USC. §1362. See, e.g., *Tang v. Ashcroft*, 354 F.3d 1192, 1196 (10th Cir. 2003); *Ramos*, 623 F.3d at 682; *Romero v. US INS*, 399 F.3d 109, 112 (2d Cir. 2005); *Al Khouri v. Ashcroft*, 362 F.3d 461, 464 (8th Cir. 2004); *Goonswan v. Ashcroft*, 252 F.3d 383, 385 n.2 (5th Cir. 2001); *Hernandez v. Reno*, 238 F.3d 50, 55 (1st Cir. 2001); *Stroe v. INS*, 256 F.3d 498, 500- 501 (7th Cir. 2001); *Xu Yong Lu v. Ashcroft*, 259 F.3d 127, 131 (3d Cir. 2001); *Mejia-Rodriguez v. Reno*, 178 F.3d 1139, 1146 (11th Cir. 1999); *Mustata v. US Dep’t of Justice [DOJ]*, 179 F.3d 1017, 1022 n.6 (6th Cir. 1999); *Gandarillas-Zambrana v. Board of Immigration Appeals*, 44 F.3d 1251, 1256 (4th Cir. 1995); *Mantell v. US DOJ*, 798 F.2d 124, 127 (5th Cir. 1986).
- 48 United States. Congressional Research Service. *Aliens’ Right to Counsel in Removal Proceedings*: In Brief. By Kate M. Manuel. June 20, 2014. <https://www.fas.org/sgp/crs/homesecc/R43613.pdf>. (citing *Views Concerning Whether It Is Legally Permissible to Use Discretionary Funding for Representation of Aliens in Immigration Proceedings*, memorandum from David A. Martin, Principal Deputy General Counsel, Department of Homeland Security, to Thomas J. Perrelli, Associate Attorney General, Department of Justice, Dec. 10, 2010 (copy on file with the author).
- 49 *Wade v. Mayo*. 334 US 672, 683-684 (1948). (“There are some individuals who, by reason of age, ignorance, or mental capacity, are incapable of representing themselves in a prosecution of a relatively simple nature. ... Where such incapacity is present, the refusal to appoint counsel is a denial of due process of law.”).
- 50 Guttentag, Lucas. “Extending the Promise of Gideon.” (2013).
- 51 See, *Franco-Gonzales v. Holder*. 767 F. Supp. 2d 1034 (C.D. Cal. 2010). Initially, the court expressly declined to address the merits of the plaintiffs’ claim that due process also requires the appointment of counsel for them. *Id.* at 1059. However, dicta in a subsequent decision suggest that the court may have viewed the plaintiffs as having a “constitutional right to representation” at the government’s expense. See, *Franco-Gonzalez v. Holder*. 828 F. Supp. 2d 1133, 1145 (C.D.

- Cal. 2011). After a favorable ruling, the DOJ thereafter adopted a policy making qualified representatives available to such class members.
- 52 See, *Franco-Gonzalez v. Holder*, 828 F. Supp. 2d 1133, 1145 (C.D. Cal. 2011).
- 53 Guttentag, Lucas. “Extending the Promise of Gideon.” (2013).
- 54 Guttentag, Lucas. “Extending the Promise of Gideon.” (2013).
- 55 See, Stumpf, Juliet. “The Crimmigration Crisis.” (2006); Aas, Katja Franko, and Mary Bosworth. *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*. One scholar, Beth Caldwell, for example, argue that court should recategorize deportation as punishment because it “is imposed as a societal imposition of blame; it is imposed to punish.” Caldwell, Beth. “Banished for Life: Mandatory Deportation of Juveniles as Cruel and Unusual Punishment.” *Cardozo Law Review* 34 (2013): 2261-311. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2331066. Michael Wishnie argues that a “removal order is sufficiently punitive to trigger constitutional proportionality review” pursuant to the Fifth Amendment’s Due Process Clause and Eighth Amendment’s Cruel and Unusual Punishment Clause. Michael J. Wishnie. “Immigration Law and the Proportionality Requirement.” *UC Irvine Law Review* (2012): 415-17.
- 56 Stumpf, Juliet. “The Crimmigration Crisis.” (2006). (“[Membership theory] operates in this new area to define an ever-expanding group of immigrants and ex-offenders who are denied badges of membership in society such as voting rights or the right to remain in the United States. The application of membership theory places the law on the edge of a crimmigration crisis. This convergence of immigration and criminal law brings to bear only the harshest elements of each area of law, and the apparatus of the state is used to expel from society those deemed criminally alien. The undesirable result is an ever-expanding population of the excluded and alienated.”)
- 57 See, Nora V. Demleitner. “The Fallacy of Social ‘Citizenship,’ or the Threat of Exclusion.” *Georgetown Immigration Law Journal* 12 (1997): 35, 63-64; Stumpf, Juliet. “The Crimmigration Crisis.” (2006).
- 58 García Hernández. “Immigration Detention as Punishment.”
- 59 In Texas, ICE developed a seemingly more civil process for non-violent male offenders. United States. Department of Homeland Security. *Immigration and Customs Enforcement. ICE Opens Its First-ever Designed-and-built Civil Detention Center*. March 13, 2012. <https://www.ice.gov/news/releases/ice-opens-its-first-ever-designed-and-built-civil-detention-center>. eNews Release. In Texas, ICE developed a seemingly more civil process for non-violent male offenders.
- 60 C.f. Stumpf, Juliet. “Doing Time: Crimmigration Law and the Perils of Haste.” *UCLA Law Review* 58, no. 1705 (July 23, 2011): 1705-748 (discussing the temporal aspects of criminal and immigration law to include or expel people noncitizens from the nation as a function of time lapsed and experienced in the society, rather than the narrow decision whether to exclude or expel the noncitizen from the nation at a particular point in time).
- 61 *Demore v. Kim*, 538 US 510, 522 (2003), concluding “this Court has firmly and repeatedly endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied to citizens.”
- 62 *Nishimura Ekiu v. United States*, 142 US 651, 659 (1892). “It is an accepted maxim of international law that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe.”
- 63 Meyerson, Harold. “Protecting Undocumented Workers: Legislation Would Expand the Protec-

- tion of 'U Visas' to Those Who Come Forward to Report Workplace Violations." *Los Angeles Times*, June 24, 2011. <http://articles.latimes.com/2011/jun/24/opinion/la-oe-meyerson-und>.
- 64 United States. Department of Agriculture. Economic Research Service. *Immigration Policy and Its Possible Effects on US Agriculture*. By Steven Zahniser, Thomas Hertz, Peter B. Dixon, and Maureen T. Rimmer. June 5, 2012. <http://www.ers.usda.gov/amber-waves/2012-june/immigration-policy.aspx#.VptJdfkrLIW>.
- 65 Lind, Dara. "Donald Trump's Anti-immigrant Demagoguery Works Because It's Not about Jobs. It's about Fear." *Vox*. December 23, 2015. <http://www.vox.com/2015/7/29/9060427/nativism-research-immigration-trump>.
- 66 "In California, the state with the greatest number of both undocumented and legal immigrants, the incarceration rate for native-born men age 18-39 (4.5%) was more than 11 times the rate for immigrants (0.4%)." American Immigration Council. *Immigrants and Crime: Are They Connected? A Century of Research Finds That Crime Rates for Immigrants Are Lower than for the Native-Born*. Publication. October 25, 2008. <http://www.immigrationpolicy.org/just-facts/immigrants-and-crime-are-they-connected-century-research-finds-crime-rates-immigrants-are>.
- 67 Immigrants paying taxes – federal and state income, sales, and property taxes – at similar levels as citizens, and receiving less in government benefits than native-born people. See, United States. Congressional Budget Office. *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*. December 2007. <http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/87xx/doc8711/12-6-immigration.pdf>; Goodman, H.A. "Illegal Immigrants Benefit the US Economy." *The Hill*. April 23, 2014. <http://thehill.com/blogs/congress-blog/foreign-policy/203984-illegal-immigrants-benefit-the-us-economy>.
- 68 Institute on Taxation and Economic Policy. *Undocumented Immigrants' State and Local Tax Contributions*. Report. April 16, 2015. <http://www.itep.org/immigration/>. "The 11.4 million undocumented immigrants currently living in the United States collectively paid \$11.84 billion in state and local taxes in 2012. ITEP's analysis finds their combined nationwide state and local tax contributions would increase by \$845 million under full implementation of the administration's 2012 and 2014 executive actions and by \$2.2 billion under comprehensive immigration reform."
- 69 United States. Congressional Budget Office. *The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments*. December 2007. <http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/87xx/doc8711/12-6-immigration.pdf>.
- 70 Goodman, H.A. "Illegal Immigrants Benefit the US Economy." (2014). ("According to the Pew Research Hispanic Trends Project, there were 8.4 million unauthorized immigrants employed in the US; representing 5.2 percent of the US labor force (an increase from 3.8 percent in 2000). Their importance was highlighted in a report by Texas Comptroller Susan Combs that stated, "Without the undocumented population, Texas' work force would decrease by 6.3 percent" and Texas' gross state product would decrease by 2.1 percent. Furthermore, certain segments of the US economy, like agriculture, are entirely dependent upon illegal immigrants.)
- 71 "Most Mexicans See Better Life in US – One-In-Three Would Migrate." Pew Research Centers. *Global Attitudes Project* RSS, 23 Sept. 2009. Web. <http://www.pewglobal.org/2009/09/23/most-mexicans-see-better-life-in-us-one-in-three-would-migrate/>.
- 72 Goodman, H.A. "Illegal Immigrants Benefit the US Economy." (2014).
- 73 US Constitution, Amendment V.
- 74 US Constitution, Amendment VI.
- 75 Guttentag, Lucas. "Extending the Promise of Gideon." (2013).
- 76 US Constitution, Amendment 14, Section 1.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

- 77 However, delaying such action in the long-term could likely pose significant national security issues for the nation. See, Nora V. Demleitner. “The Fallacy of Social ‘Citizenship,’ or the Threat of Exclusion.” *Georgetown Immigration Law Journal* 12 (1997): 35, 63-64 (suggesting that the long-term exclusion of permanent residents from the social and political benefits of society threatens to undermine the idea of the “American dream,” creating a population of disenchanting individuals poised to rebel in the form of riots or civil war).
- 78 Hudson, David. “President Obama: “Our Criminal Justice System Isn’t as Smart as It Should Be”” *The White House*. July 15, 2015. <https://www.whitehouse.gov/blog/2015/07/15/president-obama-our-criminal-justice-system-isnt-smart-it-should-be>.
- 79 Parker, Christopher. “The (Real) Reason Why the House Won’t Pass Comprehensive Immigration Reform.” *The Brookings Institution*. August 04, 2014. <http://www.brookings.edu/blogs/fixgov/posts/2014/08/04-immigration-tea-party-constituencies-parker>.
- 80 Lopez, Mark Hugo, Paul Taylor, Cary Funk, and Ana Gonzalez-Barrera. “On Immigration Policy, Deportation Relief Seen As More Important Than Citizenship.” *Pew Research Centers Hispanic Trends Project* RSS. December 18, 2013. <http://www.pewhispanic.org/2013/12/19/on-immigration-policy-deportation-relief-seen-as-more-important-than-citizenship/>.



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Agua es Vida: The Invisibility of the Latino Population in Drought Assistance and Innovation

By Alesandra Najera

Alesandra Nájera is a water policy professional in the US Senate. Through the Congressional Hispanic Caucus Institute STEM Graduate Fellowship, she worked on issues including California water, national monuments, and Latino outreach at the office of the Secretary at the Department of the Interior. During her second placement in the House of Representatives, she handled a policy portfolio including natural resources, public lands, judiciary and immigration, and Indian Affairs. Previously, she worked as a Benest Fellow for Joint Venture Silicon Valley where she analyzed data for the 2014 Silicon Valley Index and streamlined renewable-energy permitting processes for local governments.

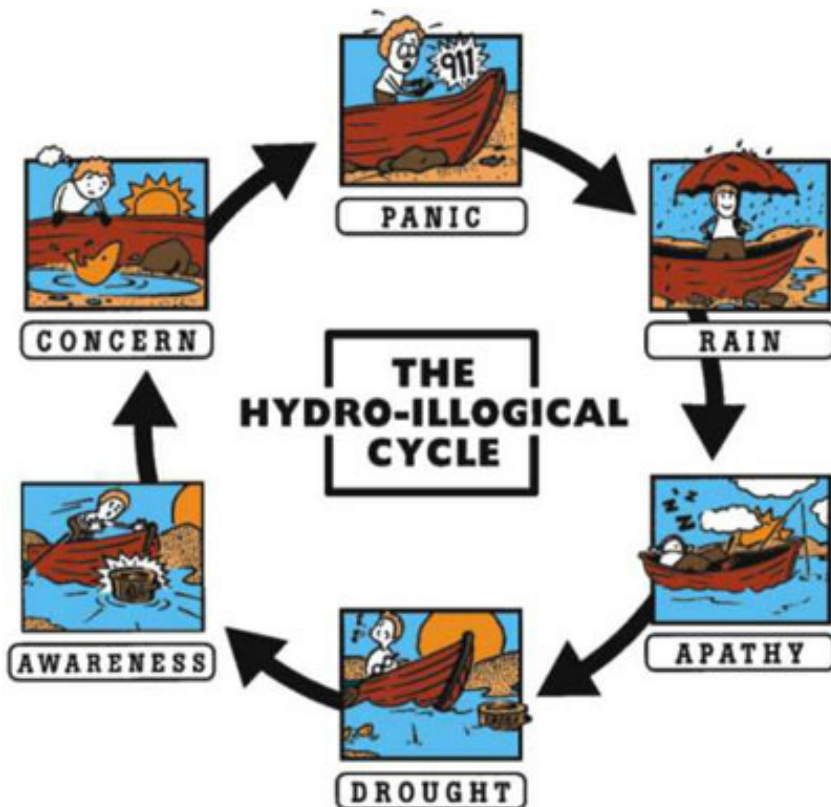
Nájera earned both undergraduate and master's degrees from Stanford University. While there, she studied marine biology at the Hopkins Marine Station in California and at the Heron Island Research Station in the Great Barrier Reef. She also served as a peer counselor and teaching assistant, and as an officer on the equestrian team.

She feels strongly that poor resource management disproportionately affects the Latino community, exemplified by the impact of California's drought on minority and migrant communities.

Historically, aridity is a key feature of the American West. Traditionally defined by the Hundredth Meridian, the region west of this marker receives less than twenty inches of annual rainfall.¹ In the midst of one of the severest droughts on record, as of 30 September 2014, more than 68 percent of the West is experiencing abnormally dry to exceptional drought conditions, while more than 55 percent of land in western states is currently in a state

of drought.² Water wars, then, exist as another defining characteristic of the West. Given the complex, often irrational, and occasionally savage history of water management in the United States, the search for water pits north versus south, urban versus agricultural, and county against county, resulting in a piecemeal strategy lacking in comprehensive vision. The multiplicity of regulatory entities on the local, state, and federal levels in-

(Figure 1)
Source : © National Drought Mitigation Center



volved in agriculture, flood control, conservation, fisheries, and wildlife alone is bound to result in fragmented management.

Knee-jerk responses to drought, such as disrupting environmental protections and draining underground aquifers, provide no more than palliative care. Given the exigencies of climate change, the probability of low-precipitation

years is likely to increase,³ with more of our precipitation falling as rain rather than snow. The hydro-logical cycle, so-called by the National Drought Mitigation Center, illustrates the current drought management system, where awareness and solutions

emerge under extreme duress and are forgotten during times of water surplus.

Lack of foresight and thoughtful planning results in a serious threat to our food production, employment, and economy. The United States Department of Agriculture (USDA) highlights that agricultural uses consumed 85 percent of the nation's water in 2005. Of the fifty-seven million irrigated acres in the United States that year, nearly three-quarters—forty-three

million acres—are in the seventeen western-most contiguous states,⁴ the states most commonly plagued by drought. Furthermore, “the American economy lost \$50 billion because of drought from 2011 to 2013, much of that from the agricultural sector,”⁵ which threatens not only rural communities and farm workers, but also the stability of the American food econo-

my. Agriculture and agriculture-related industries contributed \$775.8 billion to the US gross domestic product in 2012, which is 4.8 percent of the total; agriculture and its related industries provide 9.2 percent of employment in the United States, with 16.5 million jobs related to agriculture.⁶ Sub-

standard drought mitigation strategies only intensify the harm done to the economy and those employed in the agricultural industry.

Latinos and the West

Population distribution alone indicates that Latinos will be hard-hit by drought without significant policy changes. Latinos, defined by the United States Census Bureau as individuals of Mexican, Cuban, Puerto Rican, Domin-

“Latinos themselves place a high premium on responsible management of natural resources. Latino Decisions polling has found that Hispanics rate protecting the environment as one of their highest priorities, with more than 75% of Latino voters in Colorado identifying environmental protection as a significant issue.”

ican, Spanish, or Central and South American descent of any race, are heavily concentrated in the West and Southwest. This distribution dovetails almost exactly with the regions deeply impacted by drought. Compare the following maps, the first an index of the severity of the drought created by the National Drought Mitigation Center, and the second a map of the distribution of the Hispanic or Latino population in the United States from the US Census.

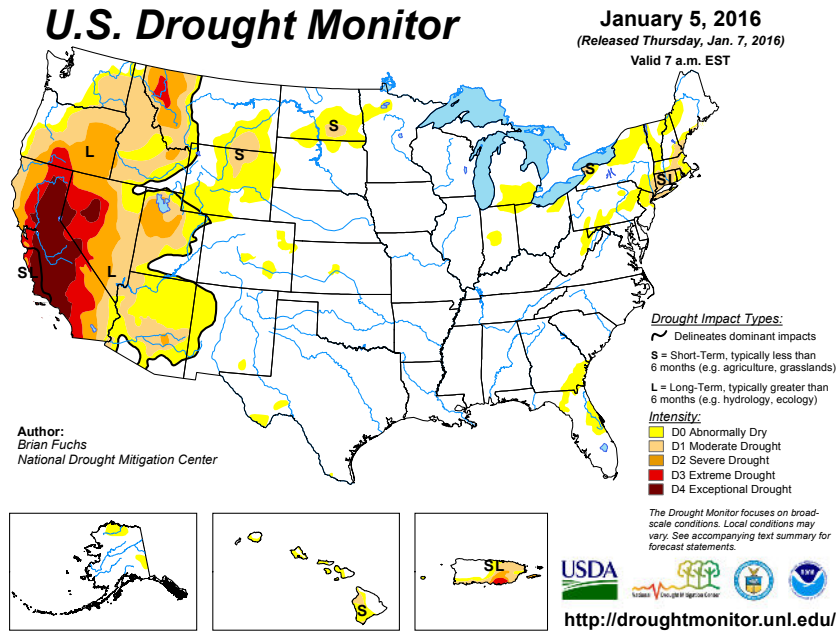
Water scarcity did not limit the development of the American West, thanks in no small part to the enterprising and often contentious efforts of engineers and bureaucrats at the local, state, and federal levels.⁷ The dams, levees, aqueducts and other storage and conveyance mechanisms built in the early twentieth century allowed heavily Latino cities like Los Angeles and Phoenix to be built in the middle of the desert. The population of the West as a whole has grown dramatically, with four of the top five fastest-growing states in the United States located in the West (California, New Mexico, Arizona and Nevada).⁸ This growth alone kindles tension between urban and agricultural interests, between coastal users and those inland, and between wealthy and poor. The Latino population finds itself at the nexus of these conflicts. The presence of Hispanics and Latinos would bring their own skills, cultures, and policy challenges to the West and Southwest.

Understanding the Latino Experience

Given the employment profiles, cultural values, and socioeconomic conditions of Latinos, it is surprising that this population has been largely invisible in dialogue regarding drought mitigation. We do know that drought incurs large costs across society, bringing forth changes such as rising food prices or farm labor layoffs likely to disproportionately affect Latinos. Our lack of comprehensive drought planning exacerbates systemic inequalities.

Labor and Employment

The impact of Western drought falls first upon farm labor. From layoffs to drinking-water quality, drought affects those tied intimately to the land—and migrant or undocumented workers are the most vulnerable in the agricultural community. Furthermore, the overwhelming majority of farm laborers in the United States identify as Hispanic. The National Agricultural Workers Survey, conducted by the Department of Labor's Employment and Training Administration, found that in 2009 to 2010, 82 percent of farm workers were Hispanic, 78 percent were foreign born (75 percent from Mexico), and 27 percent were migrant workers.⁹ Geographically, farm labor is concentrated in the areas plagued by drought, illustrated by the map above. The Southwest, defined as Arizona, California, Colorado, New



(FIGURE 2a)
Source : © National Drought Mitigation Center

Mexico, and Texas, employed roughly 37 percent of all hired farmworkers. California and Texas alone, the two states hardest-hit by recent drought, employ more than one-third of all farmworkers.¹⁰ Thus, drought is intimately linked with the Latino community.

The disenfranchisement of undocumented, migrant workers magnifies the economic costs of drought. According to the Bureau of Labor Statistics, only 2 percent of Hispanic or Latino workers are in agriculture.¹¹ However, hired farmworkers are disadvantaged in the labor market relative to most other US workers, particularly if undocumented, as they earn less-than-average wages while contending with considerable

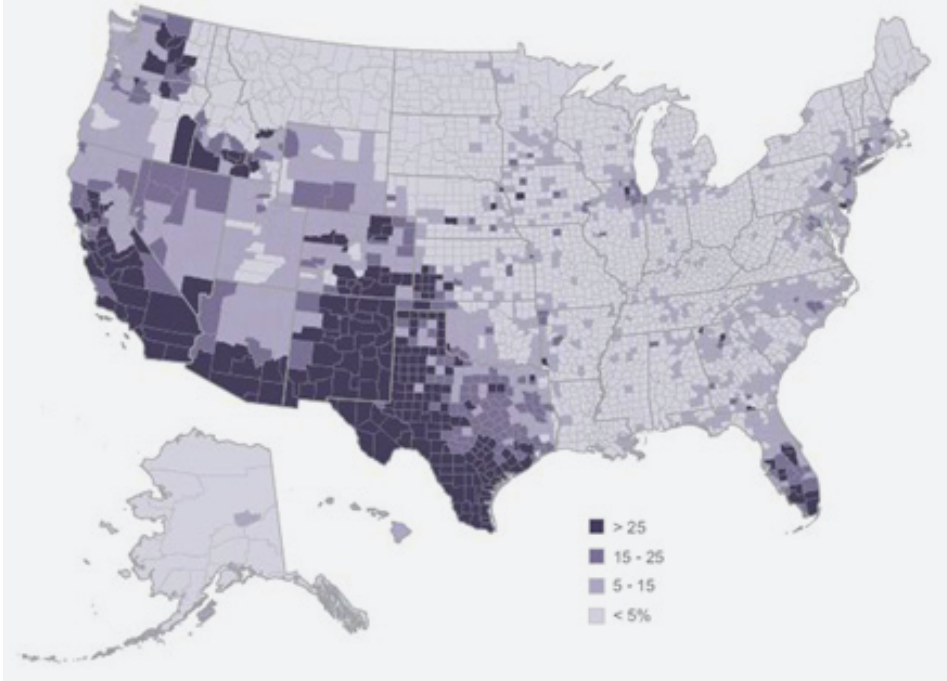
health and housing disadvantages.¹² Despite inflation, furthermore, wages for farm labor are stagnant. According to the Farm Labor Service, (FLS), the average hourly earnings of non-supervisory farm laborers has been between \$10.50 and \$10.80 since 2007, and stood at \$10.80 in 2012. Real farmworker wages have risen at only 0.8 percent per year since 1990.¹³ Drought compounds the economic challenges that come with the lack of a political voice.

Household Impacts

The majority of Latinos, of course, are not farm laborers. The effects of drought however, are still magnified

The Distribution of the Nation's Hispanic Population, 2011

Hispanic population share by county



(Figure 2b)

Source: Pew Research Center

by the economic realities of the Latino population in the United States. Drought can result in increased household costs, including rising grocery and water bills for all Americans. But given that the average Hispanic household income in 2010 dollars was only \$108,871, compared to the average US household wealth of \$494,916, rising costs have a disproportionate effect on the Latino population.¹⁴ Disagreement exists as to the impact of drought on food prices, in part due to the number of variables involved in the cost of food

production, including labor, shipping, and insurance. But the US Department of Agriculture has documented a slow and steady climb in grocery costs, with meat prices disrupted by the Texas drought and fruit, vegetable, dairy, and egg prices similarly affected by the California drought.¹⁵

The impact of drought goes beyond simple scarcity and corresponding price increases—it is also important to note its impact on water quality. For example, in California's Central Valley, decreased water deliveries

from the Bay-Delta lead to increased groundwater pumping for drinking water. A recent report from the State Water Resources Control Board discovered thirty-one contaminants in groundwater at levels well above the state's regulations.¹⁶ Many local families, often farm workers, are forced to spend huge proportions of their income on bottled water for drinking and bathing. Furthermore, there is evidence to support that low-income and minority communities in the San Joaquin Valley are disproportionately exposed to contaminants,¹⁷ particularly in smaller community water systems. A multitude of research demonstrates the importance of water quality and its impact on consumers; drought magnifies these documented impacts.

Cultural Impacts and Competency

The Western United States uses a system called prior appropriation to assign water rights. Under this doctrine, the earliest user gets the first opportunity to divert water for beneficial use. This system is most easily defined as "first in time, first in right." If water users fail to put their full allocation of water to work, they risk losing the right to water in the coming years ("use it or lose it"). These policies often result in a tragedy of the commons during dry years.

In contrast, water means far more than something to drink in the Latino

culture. It carries historical meanings and connection to community.¹⁸ For example, the system of acequias, or irrigation ditches common to New Mexico and the Southwest, leads to communal, sustainable management of limited resources. As "identity-constructing structures . . . connect[ing] groups of Latinos to each other through shared experiences and collective narratives told from specific places with reference to common customs, consensual decision-making, and an organic leadership,"¹⁹ the native system incorporates all voices, not merely those with government-issued water rights. The difference between this system of communal management, native to the Southwest, stands in stark contrast to the water rights system imported from the East Coast and English common law, where water scarcity is much less frequent.

Latinos themselves place a high premium on responsible management of natural resources. Latino Decisions polling has found that Hispanics rate protecting the environment as one of their highest priorities, with more than 75 percent of Latino voters in Colorado identifying environmental protection as a significant issue. Colorado College's annual State of the Rockies poll also found that Latino voters are "more likely to say that every single environmental problem is a serious problem" than Anglo voters.²⁰ Similarly, over 70 percent of Latino voters in Colorado,

New Mexico, Arizona and Nevada rated protecting rivers and lakes as “very important.” Finally, eight in ten Latinos favor conservation over diverting water in response to the question, “What do you think the priority should be for our government in dealing with the water shortage in the West?”²¹ While conservation and recycling may sound like reasonable solutions to water shortages, US drought policy is not currently built to align with Latino

cultural realities, from the shortcomings of disaster aid to the impacts of new drought innovations.

Policy Considerations

Disaster Preparedness

Minorities are generally more vulnerable to disaster due to both economic stress and to the lack of cultural understanding in disaster preparedness and response. Studies show that they experience higher rates of injury, disease, traumatic stress, death, and loss during public emergencies, when compared to the non-minority population.²² According to the recommendations of the National Consensus Panel on Emergency

Preparedness and Cultural Diversity from the Department of Health and Human Services’ Office of Minority

“In contrast, water means far more than something to drink in the Latino culture. It carries historical meanings and connection to community. For example, the system of acequias, or irrigation ditches common to New Mexico and the Southwest, leads to communal, sustainable management of limited resources.”

Health and the Texas Health Institute, disasters highlight “challenges in access to health care, education, housing and structural inequalities starkly evident during times of disaster and public health emergencies.”²³ This report also notes that effective disaster management requires intensive community partic-

ipation and engagement in order to tailor services to a community’s unique needs and circumstances.

Latinos bring their own distinct challenges in culturally aware disaster response. Officials must navigate both Hispanic language and cultural barriers while also working past distrust of government personnel. Not only is the fear of deportation a real concern, but many Latinos also carry deep-rooted distrust of government from other countries. Furthermore, the Migrant and Seasonal Farm Worker Emergency Preparedness Planning Guide notes that understanding where vulnerable communities live and work is key, particularly since many lack access

to transportation or driver's licences. All of this is compounded by Latinos' tendency to eschew mainstream media in favor of informal or Hispanic media, making them difficult to reach. Spanish-language media generally serves as a platform for civic engagement and community outreach more frequently than mainstream media.²⁴ Disaster-preparedness officials should be aware of Latinos' tendency to turn to media for important safety information²⁵ in order to provide communications in a trusted and accessible manner. The safety of minorities, and emergency responders, will improve if emergency policies have established relationships with Latino community leaders and media before an emergency occurs.

Federal Disaster Assistance and Policies

It is important to note that, while non-profits and non-governmental organizations are not required to report or enquire about a refugee's immigration status, governmental organizations (including the Federal Emergency Management Agency and most state and local governments) cannot provide long-term or financial assistance to

immigrants.²⁶ They are only allowed to provide undocumented disaster victims with warnings, evacuations, rescues, medical care, and emergency care and shelter. However, the impacts of drought differ drastically from those of a flood, fire, or hurricane. While most disasters hit immediately and then move on, droughts hit relatively slowly, as water managers can rely on

“The impact of Western drought falls first upon farm labor. From layoffs to drinking water quality, drought affects those tied intimately to the land—and migrant or undocumented workers are the most vulnerable in the agricultural community.”

water rescheduling, storage, and groundwater to mitigate its effects. The services that can be rendered to immigrants are intended as immediate relief to an imminent problem, but applying them to the impacts

of a drought applies a short-term solution to a problem that could last months or years.

Drought relief and assistance from the federal government, consisting primarily of financial aid to farm owners of disaster-designated counties, does little to benefit the most vulnerable in the population, whether urban or rural. Of the \$183 million in emergency California drought funding announced by President Obama in 2014, \$3 million went to rural community water systems, and \$60 million went to food banks. None of the \$50 million in 2015 emergency funding provided by Inte-

rior Secretary Jewell went directly to rural communities, though \$22.9 million did go to water conservation and drought plans. Similar distributions of funding for livestock disaster assistance and environmental conservation took place in Texas, Oklahoma, Nebraska, Colorado, and New Mexico in 2014. The absence of relief or assistance for farmworkers and families highlights their marginalization in the face of crisis. Farmers and businesses lobby for aid and increased water deliveries using farm labor, but federal assistance flows to those who have property, livestock, and resources.²⁷ While employers certainly suffer from the impact of drought, laborers are forced to grapple with its effects without the advantage of language skills, mobility, or alternative employment opportunities.

Case Study: Water Markets and Dry-Year Fallowing

One example of an innovation heavily in need of careful impacts analysis is that of water markets for assuaging demand during drought. Under a typical structure, these programs would allow the government (acting on behalf of the environment or urban populations) or farmers with thirsty permanent crops to purchase short-term water rights from other water users, who would not jeopardize their long-term water rights under beneficial use. Colorado has taken the lead in these programs, instituting a dry year

fallowing program in which farmers can fallow their perennial crops and sell water rights in declared dry years. The systems vary, from those that sell the water to municipal users to those that are only available during declared drought. Many are also pursuing federal or local grants to finance purchasing water rights from farmers.²⁸

While many argue that these programs assist the biggest losers in drought, they are often speaking about the environment, not the others incidentally harmed by these programs. Providing the necessary flexibility not available under our current water system while also protecting the environment are two laudable goals. However, it is important to acknowledge the effects that sending water away can have on the local community. Namely, dry-year fallowing can put the farm workers who previously harvested those crops out of work, with the profit going only to the water rights holder. Second, water markets can result in municipalities paying higher prices for water due to the associated risk and transaction costs.²⁹ Third, drought is likely to become a permanent way of life in the American West;³⁰ time-delimited drought programs tend to assuage agricultural fears about urban locales stealing rural water, but a mega-drought could bring these problems to the surface. Finally, it is important to note that use and consumption are not synonymous;

though it may seem that decreasing agricultural consumption could be a positive, sending the water to cities or permanent crops could incentivize urban growth or planting highly lucrative but thirsty crops that cannot be fallowed.

Proponents of water markets and transfers should carefully evaluate the potential impacts on the Latino populations. Neither farm workers nor urban populations can safely weather decreased employment and increased water costs, just as fish and farm

owners suffer serious costs during times of drought. In order to take into account these negative impacts, research should be done to evaluate the potential of charging transfer fees that could provide funding for underserved communities hardest hit by the drought. This potential fund could go towards job retraining for those out of work. In this time of increasingly technical agricultural equipment, this could result in a higher-skilled workforce when the drought ends, or it could help the underserved find other job opportunities if and when drought becomes a permanent reality.

Conclusion

Drought policies often seem to boil down to funding assistance until the drought ends, opportunistic rolling back of Endangered Species Act protections, and, on the local level, increased groundwater pumping. But the current drought has galvanized all levels of government to take a more long-term perspective into management of the water system as a whole, from much-needed investments in recycling and conservation to improvements in management and infrastructure

that broadly benefit society. However, more research is needed to evaluate the impacts of these innovations on the Latino population, as some of them could work to benefit fish or farmers while neglecting or even harming disen-

franchised populations. Thoughtful outreach to Latinos, keeping in mind cultural attitudes towards water, has the potential improve drought mitigation for minorities.

Understanding the condition of Latinos in the American West proves vital to a nuanced policy discussion regarding solutions to the drought. However, there is a dearth of either understanding or consideration of how

“The absence of relief or assistance for farmworkers and families highlights their marginalization in the face of crisis. Farmers and businesses lobby for aid and increased water deliveries using farm labor, but federal assistance flows to those who have property, livestock and resources.”

drought impacts Latinos, particularly farmworkers. While protecting the environment and agricultural business owners carries importance, the Latino experiences are often used as a bargaining chip in negotiations but garner very little relief. Innovative new solutions to water management are to be welcomed, as our current system is far from perfect and many of them, such as infrastructure improvements and groundwater management could benefit all populations. But policymakers should be sure to carefully evaluate their proposals to take into account minorities and rural populations lacking a powerful lobby in their favor. Droughts' impacts become oversimplified into rural versus urban and farmers versus fish while neglecting minorities and the disenfranchised. Researchers and policymakers should be sure to take stock of the burgeoning but invisible Latino population when reforming Western water policies.

Endnotes

- 1 Fahlund, Andrew; Choy, Min L. Janny; & Szepetycki, Leon. (2014). Water in the West. *California Journal of Politics and Policy*, 6(1), 61–102. doi: 10.1515/cjpp-2013-0043. cjpp-2013-0043. http://waterinthewest.stanford.edu/sites/default/files/Final_WaterintheWest_CJPP.pdf
- 2 Rosencrans, Matthew. "United States Drought Monitor." United States Drought Monitor. Joint Product of the National Oceanic and Atmospheric Administration, the United States Department of Agriculture and the University of Nebraska-Lincoln, n.d. Web. <http://droughtmonitor.unl.edu/>
- 3 Diffenbaugh, Noah S., Daniel L. Swain, and Danielle Touma. "Anthropogenic Warming Has Increased Drought Risk in California." Ed. Jane Lubchenco. *Proceedings of the National Academy of Sciences USA* 112.13 (2015): 3931-936. Web. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4386330/>
- 4 Kassel, Kathleen. "Agriculture Is a Major User of Ground and Surface Water in the United States." Economic Research Service. United States Department of Agriculture, 16 Sept. 2013. <http://www.ers.usda.gov/topics/farm-practices-management/irrigation-water-use.aspx>
- 5 Secretary Vilsack Announces Regional Hubs to Help Agriculture, Forestry Mitigate the Impacts of a Changing Climate. Press Release No. 0016.14. Office of Communications, United States Department of Agriculture, 5 Feb. 2014.
- 6 Glaser, Lewrene and Rosanna Mentzer Morrison. "Agriculture and its related industries provide 9.2 percent of U.S. employment." Economic Research Service. United States Department of Agriculture, 25 Nov. 2014. <http://www.ers.usda.gov/data-products/chart-gallery/detail.aspx?chartId=40043>
- 7 Reisman, Marc. *Cadillac Desert: The American West and Its Disappearing Water*. New York, NY: Viking, 1986. Print.
- 8 Campbell, Paul. "Population Projections: States, 1995–2025," U.S. Census Bureau. U.S.

- Department of Commerce, 1997. Web. Note: Census projections from prior to 2010 should be considered cautiously as the impact of the 2008 recession on population movements is still unknown. <https://www.census.gov/prod/2/pop/p25/p25-1131.pdf>
- 9 “Farm Worker Demographics: Farm Worker Ethnicity,” National Agricultural Workers Survey. Employment and Training Administration - Department of Labor. <https://naws.jbsinternational.com/>
 - 10 “Farm Worker Demographics: Region,” National Agricultural Workers Survey. Employment and Training Administration - Department of Labor. <https://naws.jbsinternational.com/>
 - 11 “Employed persons by detailed industry, sex, race, and Hispanic or Latino ethnicity,” Labor Force Statistics from the Current Population Survey. Bureau of Labor Statistics – Department of Labor. 12 Feb. 2015. Chart. <http://www.bls.gov/cps/demographics.htm#race>
 - 12 “ERS Report Summary,” Economic Research Service. U.S. Department of Agriculture, July 2008. http://www.ers.usda.gov/media/205615/err60_reportsummary_1_.pdf
 - 13 Hertz, Thomas. “Farm Labor,” Economic Research Service. U.S. Department of Agriculture, 30 October 2014. Note: In constant inflation-adjusted dollars, at 2012 prices. <http://www.ers.usda.gov/topics/farm-economy/farm-labor.aspx>
 - 14 Emmons, William R., and Bryan J. Noeth. “Hispanic Population’s Share of Wealth Likely to Increase by 2025,” In the Balance: Perspectives on Household Balance Sheets, Issue 8. Center for Household Financial Stability at the Federal Reserve Bank of Saint Louis, June 2014. <https://www.stlouisfed.org/publications/in-the-balance/issue8-2014/hispanic-populations-share-of-wealth-likely-to-increase-by-2025>
 - 15 Kuhns, Annemarie and David Levin. “Food Price Outlook,” Economic Research Service. U.S. Department of Agriculture, 3 March 2015. <http://www.ers.usda.gov/data-products/food-price-outlook.aspx>
 - 16 “Communities that Rely on a Contaminated Groundwater Source for Drinking Water,” State Water Resources Control Board Report to the Legislature. California Water Boards, January 2013. <http://www.swrcb.ca.gov/gama/ab2222/docs/ab2222.pdf>
 - 17 Balazs, Carolina; Morello-Frosch, Rachel; Hubbard, Alan; & Ray, Isha. (2011). “Social Disparities in Nitrate-Contaminated Drinking Water in California’s San Joaquin Valley.” *Environmental Health Perspectives*, 119(9), 1272–1278. doi: 10.1289/ehp.1002878. UC Berkeley. <http://www.ncbi.nlm.nih.gov/pubmed/21642046>
 - 18 Montoya, Margaret E. “Latinos and the Law,” *American Latinos and the Making of the United States: A Theme Study*. Washington, DC: National Parks Service, 2013. Print.
 - 19 Ibid.
 - 20 “Conservation in the West Poll – Latino Voters,” State of the Rockies Project. Colorado College, 2014. Web. <https://www.coloradocollege.edu/stateoftherockies/conservationinthewest/>
 - 21 Sanchez, Gabriel. “Latino voters strongly support protecting the environment and politicians should take note.” *Latino Decisions*, 12 May 2012. Web. <http://www.latinodecisions.com/blog/2012/12/05/latino-voters-strongly-support-protecting-the-environment-and-politicians-should-take-note/>
 - 22 A. Fothergill, E.G. Maestas and J.D. Darlington, “Race, Ethnicity and Disasters in the United States: A Review of the Literature,” *Disasters* 23, no.2 (1999). https://www.researchgate.net/publication/12920224_Race_Ethnicity_and_Disaster_in_the_United_States_A_Review_of_the_Literature
 - 23 “Guidance for Integrating Culturally Diverse Communities into Planning for and Responding to Emergencies: A Toolkit,” Recommendations of the National consensus Panel on Emergency Preparedness and Cultural Diversity, Supported by the U.S. Department of Health and Human Services’ Office of Minority Health (OMH-NHMA-5-10), February 2011. <http://www.>

- texashealthinstitute.org/programs/diversity.php*
- 24 Leal, Luis, "The Spanish-Language Press Function and Use," *The Americas Review* 17, no. 3-4 (Winter 1989): 159. Print.
 - 25 Livingston, Gretchen, Susan Minushkin, and D'Vera Cohn. Hispanics and health care in the United States: Access, information and knowledge. Washington^ eDC DC: Pew Hispanic Center, 2008. *http://www.pewhispanic.org/2008/08/13/hispanics-and-health-care-in-the-united-states-access-information-and-knowledge/*
 - 26 "Immigrant Eligibility for Disaster Assistance Fact Sheet," American Red Cross, the National Council of La Raza and the National Immigration Law Center, June 2007. Web. *https://www.nilc.org/document.html?id=24*
 - 27 "Dear Colleague" letter from Ranking Member Raul Grijalva, "New York Times Spotlights Failed Drought Response," January 5, 2016.
 - 28 Hawkes, Logan. "Water woes cause desperate measures." Southwest Farm Press, 3 September 2014. *http://connection.ebscohost.com/c/articles/98271766/water-woes-cause-desperate-measures*
 - 29 Charles J.P. Podolak and Martin Doyle. 2014. "Why Water Markets Are Not Quick Fixes for Droughts in the Western United States." NI WP 14-08. Durham, NC: Duke University. *https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_wp_14-08_final.pdf*
 - 30 Cook, Benjamin I., Toby R. Ault, and Jason E. Smerdon. "Unprecedented 21st century drought risk in the American Southwest and Central Plains." *Science Advances* 1.1 (2015): e1400082. *http://pubs.giss.nasa.gov/abs/co05800h.html*

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Art

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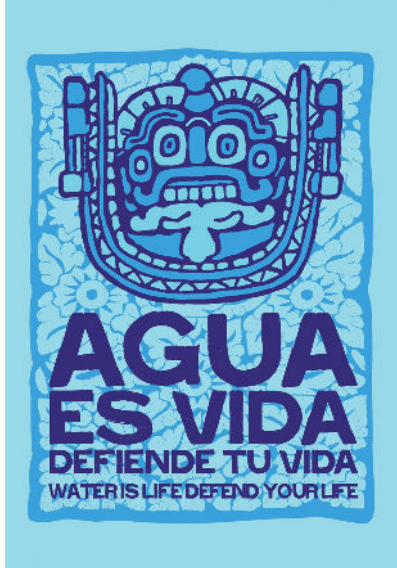


Dreams Are Stronger Than Fear
Digital Art Print 2012

I designed this cover to elevate the collective power migrant communities and their families hold in their vision for a better world.

Melanie Cervantes (Xicana) has never lived far from the California coast having been born in Harbor City, California, and raised in a small city in the South Bay of Los Angeles. Now making her home in the San Francisco Bay Area, she creates visual art that is inspired by the people around her and her community's desire for radical change and social transformation.

In 2007 she co-founded Dignidad Rebelde, a graphic arts collaboration that produces screen prints, political posters, and multimedia projects that are grounded in Third World and



indigenous movements that build people's power to transform the conditions of fragmentation, displacement, and loss of culture that result from histories of colonialism, genocide, and exploitation. Dignidad Rebelde's purpose is to translate the stories of struggle and resistance into artwork that can be put back into the hands of the communities who inspire it.



Melanie has exhibited at Yerba Buena Center for the Arts (San Francisco), National Museum of Mexican Art (Chicago, IL), Mexic-Arte and Guadalupe Cultural Arts Center (Austin, TX), and Museum of Modern Art (New York, NY). Her art is known worldwide, reaching Egypt, Brazil, Mexico, Thailand, Slovenia, Palestine, Venezuela, Switzerland, Colombia, India, and Guatemala. Her work is in public collections of the Center for the Study of Political Graphics, the Latin American Collection of the Green Library at Stanford, and the Library of Congress, as well as various private collections throughout the US. She holds a BA in ethnic studies from the University of California, Berkeley.



Artist Spotlight

Eric J. García

“Historically based, humorously charged criticism, with the goal of creating dialogue about complicated issues” That’s how Eric J. García describes his work. Known for mixing history and culture with contemporary themes, García always tries to create art that is much more than just aesthetics. Having completed his MFA from the School of the Art Institute of Chicago, García has shown in numerous exhibitions nationally and internationally. From hand-printed posters to political cartoons to sculptural installations, García is a versatile artist with the goals of educating and challenging while working in an assortment of media.



2 Heads, 1 Snake

Soon after the forty-three students of Ayotzinapa went missing in Guerrero, Mexico, I created this image in reaction. The involvement of both

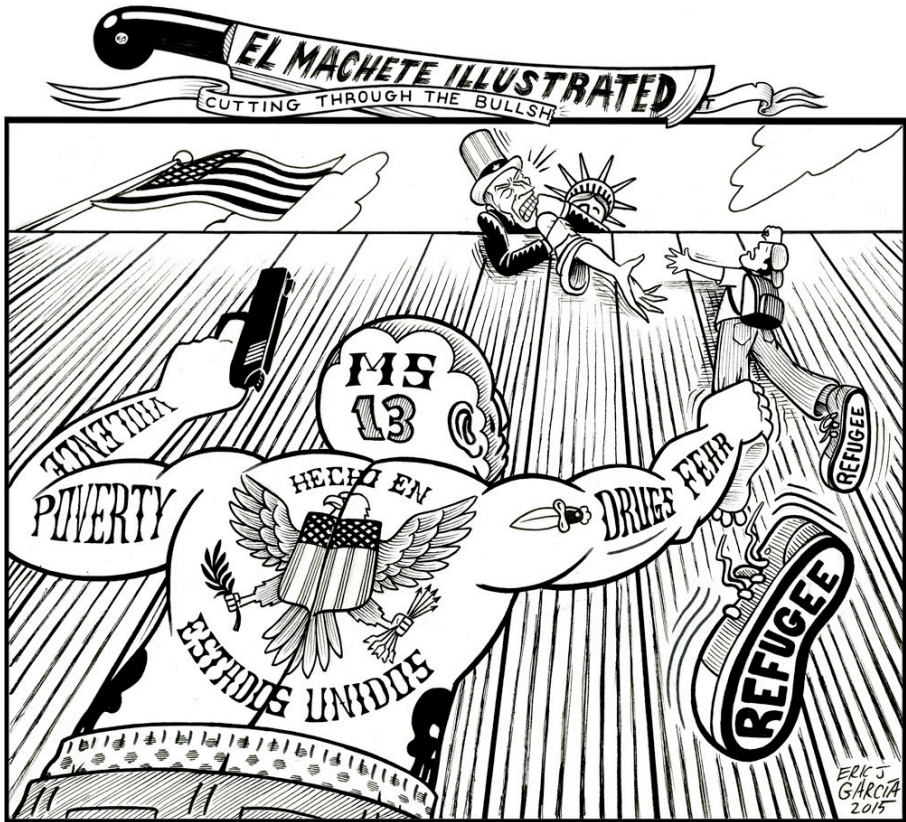
the Mexican government and the Narcotraficantes presented the disturbing dilemma that there is danger everywhere. Using an old Mesoamerican icon of the double-headed serpent,

I have commandeered this image to use as a metaphor for the two opposing forces that are actually one and the same.

Hecho en Estado Unidos

With the huge number of Central American children trying to cross into the United States, I came up with this image. I wanted to present the reasoning of why people are trying to come to the United States and the

reality that immigration is caused by the United States. The infamous MS13 gang, who are known for their elaborate tattoos, actually originated from within the US prison system and were then deported/exported to El Salvador. US foreign policy with it's military interventions and political manipulations has caused the unrest and destabilization in Latin America that is the root cause of immigration to our southern border.



Follow Eric J Garcia at [garciaink@twitter](https://twitter.com/garciaink) or friend Eric J Garcia on facebook.

Feature

Examining Promise Zones: Prioritizing Affordable Housing during Revitalization

By Cheye-Ann Corona

Cheye-Ann Corona has over nine years of experience advocating for viable public policy reforms that provide economic, political, and social mobility for marginalized communities of color. Cheye-Ann currently resides in Washington, DC, where she works on Capitol Hill as a legislative assistant for Congressman Al Green of Houston, Texas. She recently completed a graduate fellowship with the Congressional Hispanic Caucus Institute, gaining experience with the Obama administration at the US Department of Housing and Urban Development (HUD) and in Congress with the House Democratic Committee on financial services under Congresswoman Maxine Waters. Before arriving in DC, Cheye-Ann worked as a legislative assistant in the California State Legislature and has been involved in local campaigns on land-use issues around affordable housing, environmental justice, and inclusive zoning in Los Angeles. Using innovative media strategies, she has helped design community-based campaigns for communities like South Central LA and Boyle Heights in their fight to fend off the negative implications of gentrification. Cheye-Ann is a proud Chicana from California's San Gabriel Valley and graduated from the University of California, Los Angeles, with a bachelor's in international development studies and a dual master's in urban planning and Latin American studies.

We are in a Century of Cities, a time when America's urban centers are growing again. The U.S. Census Bureau projects that, by 2050, the population in urban areas will grow by more than 60 million people. Clearly, the future of our cities will help determine the future of our nation.

—Secretary Julián Castro,
25 August 2014

Abstract

According to US Department of Housing and Urban Development secretary Julián Castro, we are living in the “Century of Cities”, a time when America is falling in love with the city again. Given these trends of gentrification, Americans will continue to see the ethnic diversification of suburban areas as a result of a lack of affordable housing in urban cores. Meanwhile, the federal government is increasing its investment in urban centers through place-based revitalization initiatives like the Obama administrations’ Promise Zone (PZ) initiative. While this is a laudable attempt at revitalization, the federal government must reinvest in our communities by acknowledging demographic shifts, cultural relevancy, the need for affordable housing, and asset-based development.

Introduction

America’s urban cores are undergoing considerable changes as Americans fall back in love with urban living, which has resulted in revitalization efforts through local, state, and federal policies. As the federal government seeks to increase its investment in urban centers, it is vital to our country’s future to reinvest in urban communities in a way that acknowledges demographic shifts and cultural needs. By 2050, the urban and suburban neighborhoods of the United States will look very

different than they do today. According to the Pew Research Center, by 2050 Latinos will make up 29 percent of the overall population.¹ But how many of those Latinos will be living in urban areas? The unprecedented growth and rapid suburbanization of Latinos is leading to profound changes in the diversity of populations and poverty in suburban areas.² In the past, Latinos, like other ethnic minorities, lived in urban areas plagued by concentrated poverty because of a long history of economic disinvestment from the public and private sectors. This disinvestment in urban cores has resulted in poor housing conditions, food deserts, high crime, and standard schools. These communities that have long existed in urban cores are now being displaced as a result of the recent wave of gentrification across the country.

During the tenure of the Obama administration, several place-based initiatives have been implemented because this administration has recognized the interconnectedness of underperforming schools, high unemployment, poor housing conditions, chronic crime, and the many other challenges that persist in high poverty neighborhoods. The

“Oral histories are politically, culturally and socially relevant to the revitalization of Latino communities because they can be used to draw connections between development and the cultural assets these neighborhoods possess.”

Promise Zone initiative is in the early stages of implementation and has the potential to transform communities with high poverty rates. The Promise Zone initiative’s urban criteria, which is administered by the US Department of Housing and Urban Development (HUD), should augment the Promise Zone urban criteria application process. The applications are reviewed and scored by a point process that determines which communities deserve the Promise Zone designation; as such the application process should be augmented to (1) increase points allotted to communities with high need, (2) use the technical planning assistance provided by the federal government to build capacity in highest need communities, and (3) award applicants who provide plans for preserving and creating affordable housing while providing asset-based economic development plans for the communities they serve. Preserving and creating affordable housing should be at the center of federal place-based initiatives that seek to alleviate poverty because access to secure, safe, habitable, and affordable homes significantly improves a person’s quality of life and economic situation.

The Current Climate: Where Did the American Dream Go?

One of the most impactful settings of American life is where individuals live—their neighborhoods. Americans attend school, work, socialize, and shop right in their own neighborhoods—it is what they most intimately know. Civic matters are most meaningful at the neighborhood level and can often shape a person’s socialization and exposure to diverse groups of people as well as the types of economic and educational opportunities they can access. For Latino communities, the social capital created and maintained is a huge part of the fabric of the neighborhood development.

Communities such as El Barrio in Spanish or East Harlem, New York, are not just buildings, houses, and streets, but rather vibrant neighborhoods buzzing with history and culture. East Harlem is situated in the northeastern corner of Manhattan and has historically been home to several immigrant communities. East Harlem is one of the largest predominately Latino communities in New York City with Latinos comprising over half of the population.³ In El Barrio, the median income is \$31,888, and 25 percent of families live below the federal poverty level. However, even with such stark statistics, it is not uncommon to find members of the community playing congas on the street, greeting each other in the bodegas, or crowding

Thomas Jefferson Park during a summer concert. El Barrio, the Puerto Rican cultural heart of New York City, conveys a sense of home and pride for most residents. The documentary *Whose Barrio?: The Gentrification of East Harlem* by Ed Morales and Laura Rivera illustrates an established tight knit community and the unique way in which Latinos interact with the physical space of their neighborhood.⁴ Longtime residents of El Barrio do not just see the built environment of their neighborhoods—they connect businesses, parks, homes, and even community members to memories and a sense of pride in their culture. Neighborhoods tend to take on the political, social, and cultural identities of the people who inhabit them. “The belief that space operates without meaning and outside of market forces that are not affected by social, political and cultural conditions belies the fact that space not only invokes meaning, it reinvents it.”⁵ This observation, presented by Nancy Mirabel in her article entitled “Geographies of Displacement: Latina/os, Oral History, and the Politics of Gentrification in San Francisco’s Mission District,” explains the relationship that Latinos have with the built environment, a relationship which is necessary in understanding how current revitalization policies are falling short of intended outcomes by disrupting, not enhancing, existing neighborhood dynamics.

These types of observations cannot be made by simply examining data. Oral histories are politically, culturally, and socially relevant to the revitalization of Latino communities because they can be used to draw connections between development and the cultural assets these neighborhoods possess, assets that planners and policymakers should use as a road map for revitalization. Yet, statistical data on Latinos in the United States paints a drastically different picture, one that tells us that assets cannot be found in these communities. In the United States, Latinos are overrepresented among the poor. According to the Pew Research Center, Latinos make up 28.1 percent of more than 45 million poor Americans and 37 percent of the 14.5 million children in poverty. Latinos account for 17 percent

of the total population in the United States and have the highest number of children in poverty— 5.4 million – a trend that began in 2008 with the Great Recession.⁶ However, from 2012 to 2013, poverty rates declined amongst Latinos, the only group to see a statistically significant change since 2006, from 25.5 percent in 2012 to 23.5 percent in 2013.⁷ Even with this positive change, Latino unemployment rates soared to 8.8 percent in 2013, compared to the 2007 level of 5.7 percent.⁸ When polled in 2013, Latino registered voters said that the issues of economy and education were more important than immigration.⁹ This is likely because the economy hit Latinos harder than other groups.

There is a direct correlation between rates of poverty and homeownership. During the crisis, 25 percent of African

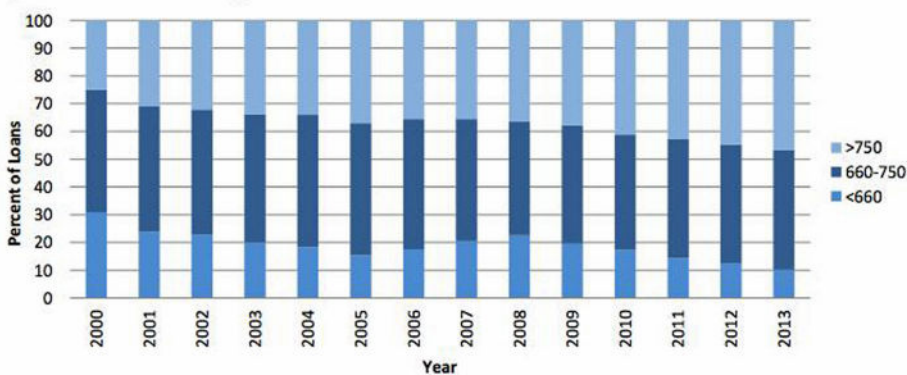


Figure 1: FICO credit scores at origination for purchase loans via Urban Institute

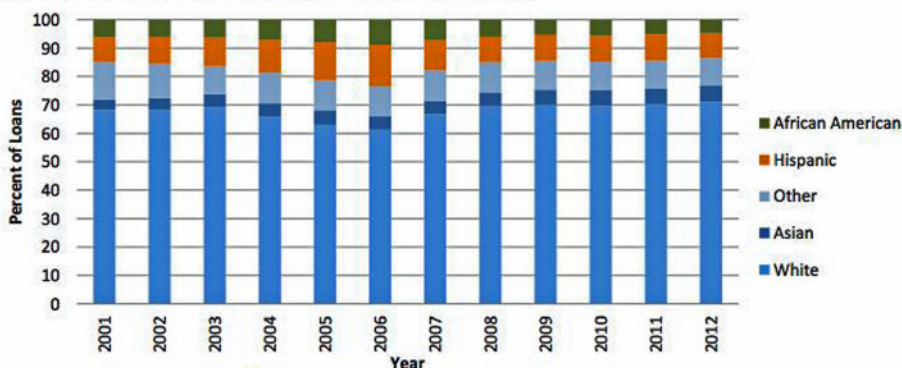


Figure 2: FICO credit score originations by ethnicity via Urban Institute

American and Latino families suffered from either foreclosure or serious delinquencies.¹⁰ Today, many Americans are excluded from the housing market, but Latinos and African Americans are disproportionately affected because of the high credit scores required to access home loans. As illustrated by Figure 1, data from the Urban Institute demonstrates that the average FICO credit score for all home purchase loans is about 750. In a September 2014 speech at the Bipartisan Policy Center Housing Policy Conference, HUD secretary Julián Castro noted that approximately thirteen million Americans have credit scores ranging from 580 to 680; the recovery that the United States is witnessing is not helping those that need it.¹¹ Between 2006 and 2012, the percentage of loans made to African Americans and Hispanics dropped from 25 percent to 11 percent, as illustrated in Figure 2,¹² demonstrating the continued in-

equality in the federal housing market.

The intersection of race, place, and poverty is not a coincidence; it results from systemic inequality built into the fabric of federal policies. This inequality began as racial exclusion, which created a concentration of racial minorities in residential and commercial areas. Federal mortgage policies and practices of private financial institutions opened homeownership to new segments of the white population while denying homeownership to racial minorities.¹³ Today, the developing narrative of racial inequality is not new. Yet, the recent economic turmoil has not only raised barriers to homeownership but also created a surge in the demand for rental housing. Efforts to create affordable housing have not kept pace with the rising need and the federal government’s promise of ensuring decent and affordable housing for all.

According to a 2013 report by the

Joint Center for Housing Studies at Harvard University, 35 percent of all households are renters and the rates of renting are the highest they have been in over a decade for all age groups.¹⁴ As figure 2 demonstrates, a disproportionate number of the nation’s low-income families reside in rental units, with nearly half of renters’ incomes being below \$30,000. This includes 22 percent of extremely-low-income households¹⁵ reporting an annual income below \$15,000.¹⁶ As figure 4 shows, since the recession, two-thirds of the increases in cost burdened renters who were fully employed.¹⁷ The number of renters is projected to increase from

2013 to 2023, with Latinos accounting for an increase of 2.2 to 2.4 million renters in the next ten years.¹⁸ As a result, the lack of access to affordable homes will remain a huge issue for the Latino community.

It is clear more people are renting, but where are they renting? Forty-five percent of rental housing is located in low-income neighborhoods; however, rental housing is not composed of a majority of multi-family units, like some might assume. Interestingly, 35 percent of rental housing consists of single-family homes.¹⁹ This suggests that low-income people are living in increasingly suburban areas. Public

Millions of Single-Family Home Have Become Rentals Since the Recession

Net Owned-to-Renter Conversions (Millions)

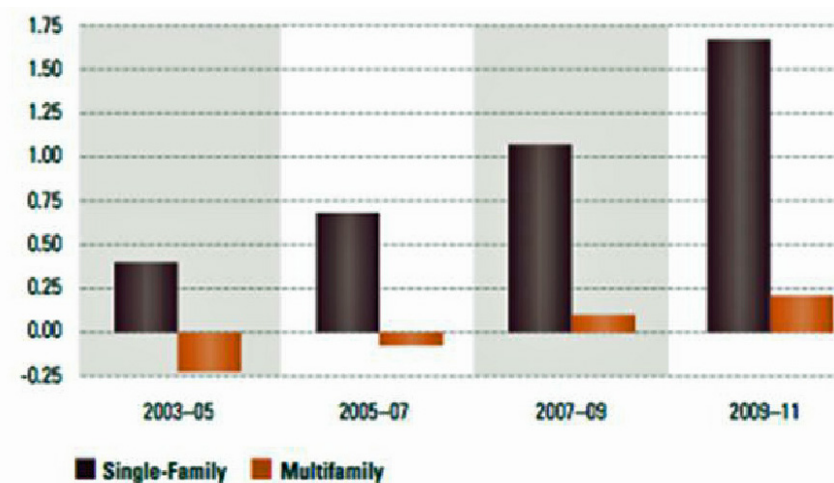


Figure 3: Increase of single family homes since 2003. From Joint Center for Housing Studies

Shares of Renters Across the Country Are Housing Cost Burdened

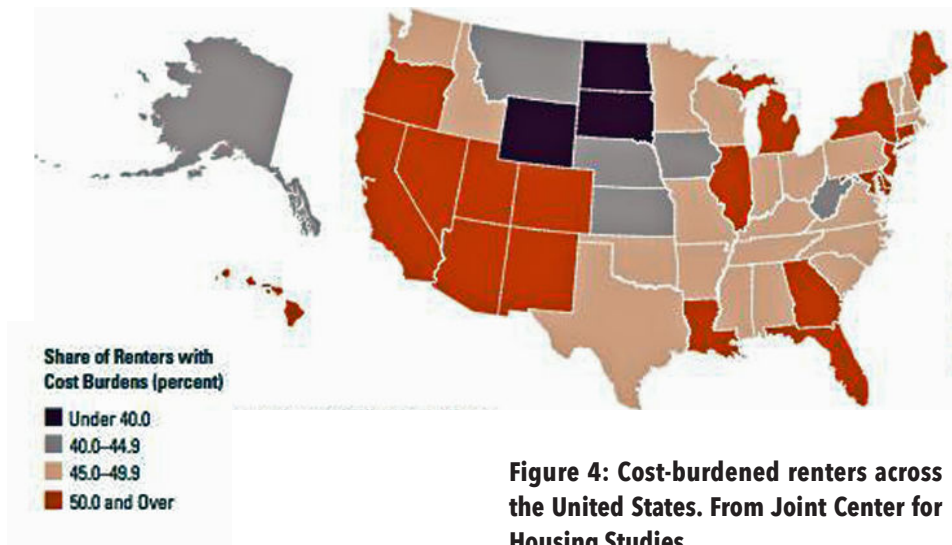


Figure 4: Cost-burdened renters across the United States. From Joint Center for Housing Studies

funds on all levels of government created suburbanization that historically propped up white middle class neighborhoods. Yet, today, the inverse is occurring; there are a growing number of people moving to the suburbs as a result of limited access to affordable housing within urban cores.

Over the past two decades, our society has learned a lot about what poverty looks like in central city ghettos and, to a lesser extent, what it looks like in *barrios*.²⁰ But we know very little about what poverty looks like in these growing suburban ethnic enclaves or how long it will endure. Are the effects of poverty concentration similar to those in cities? Do the same mechanisms reinforce such poverty?²¹ What we do know is that there is an increasing trend of people of color who are moving to the suburbs thus

necessitating a better understanding of the demographic shifts and implications of neighborhood revitalization initiatives. The reality is that the federal investments in neighborhood revitalization are disproportionately benefiting the upper middle class rather than low-income communities.

The increase in transit-oriented development in urban cores has made way for increased rents and trendy hip businesses that appeal to a younger, whiter professional demographic. This phenomenon is often called gentrification, which is only one facet of the much larger issue of economic segregation. The fact that people are getting priced out of their neighborhoods is only half of the problem. The other half, which disproportionately affects people of color, is that people cannot afford to move to the neighborhoods

they would like, so they are relegated to neighborhoods with worse schools, more crime, and inferior access to jobs, economic development, and amenities such as grocery stores. The wave of gentrification and displacement has been seen across the United States steadily over the last fifteen years. Metropolitan areas such as Los Angeles, San Francisco, New York City, Chicago, Boston, and Dallas, to name a few, have seen a change in the neighborhood fabric with lower-income residents being displaced by upper-income residents. Some ethnic neighborhoods experience gentrification more than others.

Neighborhood changes are difficult not just for residents but for business owners as well. Once the price of living goes up, so do residential and commercial rent prices. Places like Highland Park, California, located just northeast of downtown Los Angeles, have witnessed a rise in the amount of white residents from 2000 to 2010. According to census data, California's white population decreased by 5 percent while the state's Latino population increased 28 percent, yet the opposite occurred in Highland Park. During the same time period, Highland Park witnessed a 42 percent increase in white residents and a 13 percent decrease in Latino residents. Before this shift, many of the businesses owned in Highland Park were Latino owned and served the same population of working-class Latinos. With this

shift also comes the disappearance of Latino small businesses that not only provide goods to the residents but also important services, such as the ability to pay utility bills, purchase cell phones, and access domestic and international wire transfers for remittances.²²

These services are particularly important for Latinos because immigrants, undocumented or not, do not always have bank accounts, so when they need to pay a utility bill, they cannot simply write a check or go online — paying a bill is an in-person transaction. Similarly, purchasing a cell phone and the service that comes along with it requires a social security number, thus making prepaid cell phones the preferred option for undocumented Latinos. And then there is the remittance network that has assisted whole economies in Latin America, especially in Central America, which can be accessed at these local businesses that understand the Latino population.²³ These are the micro-level effects of gentrification and displacement that are not easily visible to those who do not understand the needs of the displaced community. Communities like Highland Park should be experiencing neighborhood revitalization. Yet, the reality is that working class Latinos in the neighborhood are being pushed out and class and racial segregation is increasing.

Neighborhood revitalization done well would alleviate poverty concentra-

tion, creating mixed income neighborhoods that allow for equitable access to healthy foods, green space, walkable communities with access to public transportation, good schools, and safe streets—all of which affluent communities have historically accessed.

The Century of Cities Begins with a Promise (Zone)

Americans witnessed the disasters of urban renewal initiatives that made big promises to help poverty stricken communities by demolishing whole neighborhoods yet failing to rebuild them. As such, the federal government tried to do better by creating social programs to help families meet basic needs and promote greater economic opportunity. After fifty years of annual grants to state and local governments, HUD is still administering grants for the improvement of housing conditions to increase the stock of affordable housing, encourage economic development, and expand community services in high-poverty neighborhoods.²⁴ Even members of Congress have helped to progress poverty alleviation; Senator Robert Kennedy (D-MA) laid much of the ground for community development corporations in the 1960s. The federal government has been an important catalyst for advancing communities at the local level by providing funding, expanding capacity, and scaling best practices.

In the twentieth century, the Clin-

ton administration attempted to remedy poverty concentration and blight through a program called Empowerment Zones and Enterprise Communities (EZ/EC) to spur economic growth in distressed communities through tax incentives and federal investment. The EZ/EC program acknowledged the importance of bringing together both the public and private sectors and reaching out to partners in the communities served. The EZ/EC initiative brought businesses and communities together to help ensure economic opportunities in the new century. According to former HUD secretary Henry Cisneros, the EZ/EC programs suggested that tax incentives work to stabilize neighborhoods, but the effort in some places “focused too heavily on improving living conditions without providing job training and transportation to connect residents with employers.”²⁵ EZ/ECs were early models of place based strategies.

Done effectively, place-based strategies account for how a neighborhood—both the built environment and the social and economic fabrics—affects the people who live there. Place-based strategies acknowledge the interconnectedness of problems that poverty-stricken communities face—from underperforming schools and inadequate housing to neighborhood violence and poor health outcomes. These communities need comprehensive strategies and investment to equip

and empower local communities to revitalize their neighborhoods.

In 2009, the Obama administration set an agenda to target low-income communities that addressed these current realities and launched the Neighborhood Revitalization Initiative (NRI) in 2010. According to a White House report, the NRI is “a White House led interagency collaborative executing the Obama Administration’s place-based strategy to empower local communities to develop and obtain the tools they need to transform neighborhoods of concentrated poverty into neighborhoods of opportunity.” The NRI requires that federal agencies—the White House Domestic Policy Council (DPC), White House Office of Urban Affairs (WHOUA), and the Departments of Housing and Urban Development (HUD), Education (ED), Justice (DOJ), Health and Human Services (HHS), and Treasury (DOTR)—collaborate to address issues of poverty. In a speech to the nation’s

mayors on 21 June 2008, President Obama affirmed this place-based approach by stating that “in this country, change comes not from the top down, but from the bottom up,” and “the change we seek . . . will not come from the government alone.”²⁶ According to the White House, the

NRI is designed to be interdisciplinary, place-based, locally-led, data- and results-driven, and flexible by focusing on four key actions: (1) integrating Promise Neighborhoods, Choice Neighborhoods, and other centerpiece place-based programs in distressed neighborhoods, (2) providing flexible Neighborhood Revitalization Grants, (3) building neighborhood capacity through hands-on technical assistance as demonstrated by the Building Neighborhood Capacity Program, and (4) sharing best practices through the White House Neighborhood Revitalization Report, which showcases examples of communities who have “braided” Federal and other funds to pursue comprehensive neighborhood revitalization.²⁷

President Obama announced the Promise Zone initiative in the 2013 State of the Union Address, and the first designations were announced January 2014. The PZ initiative is the administration’s approach to revitalize lower-income neighborhoods across the United States. The PZ initiative was created to build upon the pre-existing NRI plan of technical planning assistance to support local strategic planning for revitalization. The goal of the initiative is not only to transform these sites, but also to change

the way that the federal government interacts with local communities, to ensure alignment of federal funding streams for comprehensive neighborhood revitalization. Promise Zone initiatives bring in the wrap-around services, such as transportation and job training that low-income communities desperately need to sustain poverty alleviation and economic growth.

The shift away from traditional community development is important and innovative. The key strategies that will make PZs successful are

- efforts are community driven;
- strategies bridge local, state, and federal organizations and are interdisciplinary;
- local community best-practices are being scaled to a national level; and datasets are being collected to measure progress overtime.

The PZ goal is important to improving blighted communities and first-round efforts are off to a laudable start. However, it is important to assess the feasibility of change for many of the communities that the PZ aims to target. Not all communities will be reached with the PZ initiative. In fact, the most “high-need” communities identified by the White House are not being targeted with current application criteria.²⁸

During the first round of PZ designations, Los Angeles was one of the five areas given the designation. According to Los Angeles Mayor Eric

Garcetti, the communities of East Hollywood, Hollywood, Pico-Union, Westlake, and Koreatown were promised a total of \$500 million to combat poverty. However, the poorest and most blighted areas in Los Angeles that should qualify are parts of Downtown Los Angeles (i.e., Skid Row), Watts, and South Los Angeles. For example, in South Los Angeles, one-out-of-three households is living below the poverty level—nearly 10 percent higher than any other region in the city—and as far as racial demographics, the majority of residents are African American and Latino²⁹ However, with the braided funding method that the Neighborhood Revitalization Initiatives employ, which combines various federal grants with private investment, it is apparent that the highest-need communities are still not being helped. To obtain private and public grants, these communities also need to have the personnel capacity to apply for these types of grants; often they do not. In a 2015 article by *Curbed LA* about the first project to be seen in Pico-Union, it was reported that developers were planning a 5-story, 149-room hotel with 8,600 square feet of street-level restaurant space, an outdoor pool deck and a 113-car underground garage.³⁰ The author questions whether this type of development is what a community that is 85 percent Latino with a median income of \$26,424 needs for revitalization or whether it is the

first sign of gentrification.

In a letter to former HUD secretary Shaun Donovan, dated 25 June 2014, Congresswoman Maxine Waters, the ranking member of the House Financial Services Committee and a representative of South Los Angeles, expressed deep concern over the current place-based initiatives. Waters was concerned that the PZ initiatives were not reaching the highest-need communities, which she terms as the “hardest hit”. Currently, the second-round urban criteria for the PZ initiative is tilted towards neighborhoods that already have resources and partnerships in place. According to the PZ criteria listed on the application guide, HUD is looking for neighborhoods that are high-capacity and already engaged in comprehensive revitalization; using ratings that measure “previous success leveraging private resources, including grants and investment capital . . . ” in order to assess capacity “to achieve outcomes through implementation of sophisticated, multi-layered neighborhoods revitalization efforts.” However, many of the blighted communities have not reached this level of investment; therefore, the structure of the PZ application doesn’t allow for growth for the most disinvested communities.

Another point of improvement that also addresses the need to invest in the most blighted neighborhoods is the

amount of points given to applicants based on need. Currently the point structure only gives ten points out of one hundred based on need in Section IV-Part A, entitled “Needs and Assessments.” The assessments are broken down by specific subpopulation, a necessary tool to identify race, gender, and economic disparities as well as other relevant information such as barriers to employment, crime, existing regional economic growth efforts, and areas of commercial blight. However, this critical section is only valued at ten points, which is not enough to tip the scale to favor a severely blighted community.

Lastly, housing should be at the center of the PZ initiatives as with any place-based initiative. In a letter to Secretary Donovan, Congresswoman Waters asserts that just as in homeless prevention policy, a housing first model serves as a method of achieving both positive life outcomes and economic savings. If a community has access to stable, affordable housing, then they are more likely to have access to stable jobs, food, and education. In many of the communities that have experienced gentrification and displacement, the main factor was a so-called revitalization of the neighborhood; however, if a housing first model was implemented, then housing rates may have been preserved and residents could have experienced a mixed-income model

of neighborhood revitalization rather than displacement. The preservation of public, assisted, and affordable housing is imperative to any place-based neighborhood revitalization initiatives. This also prevents the dislocation of small businesses by helping to maintain commercial rents.

Recommendations: Enriching the Federal Role in Promise Zone Initiatives

The Promise Zone initiative has the potential to transform communities that really need assistance by alleviating poverty and blight. Yet, during round one of Promise Zone designations, the program missed the mark in targeting low-income communities that still need basic assistance with building capacity to access private and public grants. Unfortunately, the Promise Zone initiative is not a federally funded program and has limited capacity to reach all of the communities that need economic development assistance. However, even with this limited reach, the Promise Zones initiative could still be enhanced to target the communities with the most need.

1. HUD should increase the points allocated to need on the Promise Zone application to at least thirty.

It is important that the federal government invest in place-based strategies that acknowledge racial inequalities to alleviate poverty and create greater economic opportunity in Latino

communities, rather than continue the same race-neutral policies of the past. Race neutral policies ignore the ways in which race is already present in ideologies and practices of the larger society which shapes the formation and implementation of policy.³¹ By increasing the points designated for need on the PZ application, blighted communities will benefit from the technical assistance and preference for other federal grants provided by the Promise Zone designation. The designation serves as a flagging system for the federal government so that they can understand which communities are closer to reaching economic development goals. However, this does not acknowledge the fact that the communities that are the most blighted are not on a level playing field thus creating the need for added support. The historical disinvestment in communities of color can be acknowledged by increasing the number of points allocated to need in the PZ application.

2. HUD should assist high-need grantees in building capacity.

As Congresswoman Maxine Waters pointed out, some neighborhoods have the unfair advantage in the application process of already having “resources and strong partnerships” upon applying for the PZ designation because of the braided funding criteria. The highest-need communities may not have the capacity to attain or apply for private and public grants. The

most blighted communities need to be targeted to build out capacity in the form of technical planning assistance and funding. HUD should award from existing discretionary or competitive funds to communities that have the desire to increase their capacity and improve their neighborhoods by providing them the technical assistance to apply for private and public funding, thus providing federal assistance to the hardest hit communities without over-saturating federal resources and using a PZ designation as a catalyst to economic revitalization. HUD should also help facilitate local partnerships by connecting companies, non-profits, universities, and community colleges with local municipalities to build networks and partnerships that have the potential to incubate creative economic development opportunities.

3. HUD should award applicants that create plans for preserving and/or creating affordable housing.

As a place-based initiative focused on poverty alleviation, the Promise Zone initiative should prioritize the most severe housing needs. Housing and economic policy are inextricably linked. Housing serves as a way to achieve both positive economic and life outcomes, which is why it is so important that the PZ initiatives maintain a strident focus on affordable housing revitalization in its application structure and in subsequent work with grantees. Ensuring that

grantees have a development plan that creates or maintains affordable housing is very important to place-based revitalization initiatives. This ensures that as the neighborhood changes, the ability of residents to pay their rent does not. Grantees that utilize a “No Net Loss Housing” policy that requires subsidized affordable housing units to remain when buildings are demolished or replaced during revitalization should receive additional points on the application. The most common consequence of revitalization is the displacement of poor people. Once a community brings economic investment in the form of a bank, luxury housing, commercial big-box developments, and access to public transportation (rail lines or increased bike lanes), the property values increase because the amenities increase. However, the goal of building economically and environmentally sustainable communities should be accessibility by mixed income and diverse populations. By awarding grantees who provide development plans that make conscious efforts to preserve and create affordable housing, HUD stays true to the intent of place based revitalization initiatives that encourage mixed-income development without displacement.

4. HUD should award more points to grantees that include culturally relevant partnerships.

One of the biggest lessons in gen-

trification that can be learned from the case in Highland Park, California, is the need for culturally relevant businesses in revitalized communities, especially Latino communities. Local businesses understand the needs of the populations served and provide jobs, preserve the cultural integrity of the neighborhood, and contribute to the local economy. In Latino communities, every business—from the brick and mortar *panadería* (bakery) to the entrepreneurial street vendor to the local supermarket—provides a critical cultural element to the neighborhood that further enriches a city and allows for diversity amidst a changing, suburbanizing, local economy. Too often a neighborhood is classified “blighted” because of ethnic businesses and the lack of cultural understanding gives way to a judgment about the way enterprise is created in predominantly Latino communities. Strip malls and corporate chains do not always understand the communities they serve or provide entrepreneurial opportunities for local residents. Sidewalk vendors are one of the most popular examples that can be seen in Latino communities as they not only demonstrate Latin American culture but also exhibit entrepreneurship in the form of the micro-enterprise. These micro-entrepreneurs are most often immigrants from Latin American countries that came to the United States to follow the American dream

but are criminalized in cities which have outlawed street vending. Yet, it is the lack of cultural understanding where municipalities often miss the mark in planning for the residents that live in their municipal boundaries. However, to reverse these impacts, HUD could augment the Promise Zone application to award cultural competency points to applicants who understand the assets that the community already possesses, especially in the form of cultural norms, and build upon economic development strategies.

5. Congress should appropriate more money to expand place-based initiatives.

Unfortunately, funding to federal programs is based upon the political climate. Social programs are cut due to changing political priorities, and low-income communities of color usually carry the burden of fiscal cuts. Stable and affordable housing is crucial to our economy because access to a decent, safe and affordable home serves as a platform for greatly improving a person’s quality of life and economic situation. However, significant unmet needs for affordable housing remain even as economic conditions are improving. The unmet need for decent, safe, and affordable housing continues to outpace the ability of federal, state, and local governments to supply housing assistance. This is why we need Congress to adequately

fund housing programs. Despite reports from HUD to Congress about the worst-case needs in housing and requests for funding program, chronic underfunding is a huge problem. Programs such as the Economic Development Initiative (EDI) grant program ended in 2010 after losing funding. EDI was a competitive grant program administered by HUD to stimulate economic development through local governments and private sector parties which financed projects and activities that provided near-term economic benefits such as job creation or increases in the local tax base. These types of programs are important for the needs of low-income communities that lack economic investment. Appropriating more funds for place-based Initiatives could also lead to the expansion of the PZ initiative, allowing HUD (which administers urban designation) and USDA (which administers rural designations) to expand the allotted twenty designations. This will be especially important as the nation continues to experience demographic shifts and a rise in suburban poverty.

Looking Forward

As America's urban cores continue to shift, it is important that the investments made by local, state, and federal governments acknowledge the needs of the public they serve. The research is clear that the unprecedented growth and rapid suburbanization of Latinos

demonstrates profound changes in the diversity of populations and poverty in suburban and urban areas. Understanding these changes will help the federal government move forward and make smart investments in poverty stricken communities to not only alleviate the symptoms of poverty but to partner with and empower locals to have ownership of economic development in their communities.

The Promise Zone initiative is still in its nascent stage and can be adjusted to serve those that President Obama intended. By assessing the current impact on low-income communities of color that live in economically distressed neighborhoods, the federal government can better understand the communities in which it serves. Given this, the Promise Zone initiative's urban criteria should include an increase of points for highest-need applicants, use the technical planning assistance provided by the federal government to build capacity in highest-need communities, award applicants who provide plans for preserving and creating affordable housing, and provide asset-based economic development plans for the communities they serve.

Endnotes

- 1 Cohn, Jeffery S. Passel and D'Vera. U.S. Population Projections: 2005-2050. Pew Research Center Social and Demographic Trends / Pew Hispanic Center, Washington, D.C.: Pew Research Center, 2008, 55. <http://www.pewhispanic.org/2008/02/11/us-population-projections-2005-2050/>
- 2 Stoll, Michael A. "Race, Place and Poverty Revisited." no. #06-14. Michigan: University of Michigan, National Poverty Center Working Paper Series, June 2006. 1-45. http://www.npc.umich.edu/publications/workingpaper06/paper14/working_paper06-14.pdf
- 3 American Community Survey. (2010). Population Statistics for Zip Code 10029. U.S. Census Bureau. <http://www.census.gov/quickfacts/table/PST045215/00>
- 4 Whose Barrio?: The Gentrification of East Harlem. Documentary. Directed by Ed Morales and Laura Rivera. 2008. <http://www.whosebarrio.com/>
- 5 Mirabal, Nancy Raquel. "Geographies of Displacement: Latina/os, Oral History, and the Politics of Gentrification in San Francisco's Mission District." *The Public Historian* (JSTOR) 31, no. 2 (May 2009): 7-31. http://www.jstor.org/stable/10.1525/tph.2009.31.2.7?seq=1#page_scan_tab_contents
- 6 Krogstad, Jens Manuel. "Hispanics Only Group to see its Poverty Rate Decline and Incomes Rise." Pew Research. September 19, 2014. www.pewresearch.org/fact-tank/2014/09/19/hispanics-only-group-to-see-its-poverty-rate-decline-and-incomes-rise/
- 7 Krogstad, Jens Manuel. "Hispanics Only Group to see its Poverty Rate Decline and Incomes Rise." Pew Research. September 19, 2014. www.pewresearch.org/fact-tank/2014/09/19/hispanics-only-group-to-see-its-poverty-rate-decline-and-incomes-rise/
- 8 Krogstad, Jens Manuel. "Hispanics Only Group to see its Poverty Rate Decline and Incomes Rise." Pew Research. September 19, 2014. www.pewresearch.org/fact-tank/2014/09/19/hispanics-only-group-to-see-its-poverty-rate-decline-and-incomes-rise/
- 9 —. "Top Issue for Hispanics? Hint: It's not immigration." Pew Research Center. June 2, 2014. www.pewresearch.org/fact-tank/2014/06/02/top-issue-for-hispanics-hint-its-not-immigration/
- 10 Rokosa, Jennifer. "Latinos Bearing the Brunt of the Foreclosure Crisis." Center for American Progress. April 19, 2012. www.americanprogress.org/issues/housing/news/2012/04/19/11416/latinos-bearing-the-brunt-of-the-foreclosure-crisis/
- 11 Capps, Kriston. "Mapping the Spread of Housing Inequality Over the Great Recession." City Lab. From the Atlantic CITY LAB. September 17, 2014. www.citylab.com/housing/2014/09/mapping-the-spread-of-housing-inequality-over-the-great-recession/380300/
- 12 George, Bing Bai and Taz. A New View of the Housing Boom and Bust. Prod. Urban Institute. Washington, DC, 2014. <http://www.urban.org/features/new-view-housing-boom-and-bust>
- 13 Saito, Leland. *The Politics of Exclusion: The Failure of Race-Neutral Policies in Urban America*. Palo Alto, CA: Stanford University Press, 2009. <http://www.amazon.com/The-Politics-Exclusion-Race-Neutral-Policies/dp/0804759308>
- 14 Harvard Joint Center for Housing Studies. *America's Rental Housing: Evolving Markets and Needs*. Boston: Joint Center for Housing Studies, 2013. <http://www.jchs.harvard.edu/americas-rental-housing>
- 15 Harvard Joint Center for Housing Studies. *America's Rental Housing: Evolving Markets and Needs*. Boston: Joint Center for Housing

- Studies, 2013. <http://www.jchs.harvard.edu/americas-rental-housing>
- 16 Additionally, in 2012, more than half of renters were considered “cost burdened,” meaning more than 30 percent of their income is spent on housing. This is the greatest number of cost burdened renters on record.
 - 17 Harvard Joint Center for Housing Studies. *America’s Rental Housing: Evolving Markets and Needs*. Boston: Joint Center for Housing Studies, 2013. <http://www.jchs.harvard.edu/americas-rental-housing>
 - 18 Harvard Joint Center for Housing Studies. *America’s Rental Housing: Evolving Markets and Needs*. Boston: Joint Center for Housing Studies, 2013. <http://www.jchs.harvard.edu/americas-rental-housing>
 - 19 Harvard Joint Center for Housing Studies. *America’s Rental Housing: Evolving Markets and Needs*. Boston: Joint Center for Housing Studies, 2013. <http://www.jchs.harvard.edu/americas-rental-housing>
 - 20 Barrio is directly translated from Spanish to mean neighborhood but in this context barrios are considered low-income blighted Latino communities.
 - 21 Stoll, Michael A. “Race, Place and Poverty Revisited.” no. #06-14. Michigan: University of Michigan, National Poverty Center Working Paper Series, June 2006. 1-45.
 - 22 Bogado, Aura. “Dispatch from Highland Park: Gentrification Displacement and the Disappearance of Latino Businesses.” *Colorlines.com*, January 20, 2014. <http://www.colorlines.com/articles/dispatch-highland-park-gentrification-displacement-and-disappearance-latino-businesses>
 - 23 Bank, Inter-American Development. “Remittances flows to Latin America and the Caribbean remain stable at \$61bn.” Washington, DC, April 29, 2013. <http://www.iadb.org/en/news/news-releases/2013-04-29/2012-latin-america-remittance-flows,10432.html>
 - 24 Marcus, Seth R. “Community Development Block Grants.” *Encyclopedia of American Urban History*. Google eBook. SAGE Publications, December 7, 2006. <http://knowledge.sagepub.com/view/urbanhistory/SAGE.xml;jsessionid=C16AB84B1BA2958FD99F2C3BFE5F9686?entries=subject&jumpTo=A&page-Size=100>
 - 25 Moroney, Tom. “Old Idea to Fix Inner Cities Gets New Name: ‘Promise Zones’.” *Bloomberg*, January 23, 2014. <http://www.bloomberg.com/bw/articles/2014-01-23/old-idea-to-fix-inner-cities-gets-new-name-promise-zones>
 - 26 House, The White. *Neighborhood Revitalization Initiative*. n.d. (accessed January 15, 2015). https://www.whitehouse.gov/sites/default/files/mri_pb_agencies_final_9.pdf
 - 27 House, The White. *Neighborhood Revitalization Initiative*. n.d. (accessed January 15, 2015). https://www.whitehouse.gov/sites/default/files/mri_pb_agencies_final_9.pdf
 - 28 For the purposes of this paper, the second round PZ urban criteria application materials were used to assess whether the PZ initiative is doing enough for low-income communities that relate to neighborhood revitalization.
 - 29 Barragan, Bianca. “Why Isn’t the White House Targeting Poverty in the Poorest Parts of Los Angeles?” *CurbedLA*, January 10, 2014. http://la.curbed.com/archives/2014/01/why_isnt_the_white_house_targeting_poverty_in_the_poor_est_parts_of_los_angeles.php
 - 30 Gross, Benjamin. “First Major Sign of Gentrification Arrives in South-Park Adjacent to Pico Union.” *CurbedLA*, January 21, 2015. http://la.curbed.com/archives/2015/01/first_major_sign_of_gentrification_arrives_in_south_park_neighbor_picounion.php
 - 31 Saito, Leland. *The Politics of Exclusion: The Failure of Race-Neutral Policies in Urban America*. Palo Alto, CA: Stanford University Press, 2009. <http://www.amazon.com/The-Politics-Exclusion-Race-Neutral-Policies/dp/0804759308>

The HARVARD JOURNAL of HISPANIC POLICY

Harvard Kennedy School of Government

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- **Op-Eds/Blogs** should be between 750 and 900 words and include references where appropriate (*Web only*).

Feature

Navigating the Ivy League: Funds of Knowledge and Social Capital of Undocumented Ivy League Students

By Gloria Itzel Montiel

Gloria Itzel Montiel was born in Coacoyula de Alvarez, Guerrero, Mexico, and raised in Santa Ana, California. She earned her bachelor's degree in English and American literature and language from Harvard College and her master's degree in learning and teaching from the Harvard Graduate School of Education. She is a PhD candidate in education policy, evaluation, and reform at the Claremont Graduate University. Her research focuses on the effects of an undocumented status on the identities of Latino undocumented students and has also explored the effects of an undocumented identity on Filipino students. Her educational journey was captured in the 2010 documentary *Almost American*, screened at the Newport Beach Film Festival's college documentaries section in the same year. Gloria's professional experience includes five years of non-profit program development, management, project planning, and fund development with a focus on education and health programs. She currently serves as the grants and contracts coordinator at Latino Health Access in Santa Ana and is the human resources partner of A-Z Tech Support LLC.

Abstract

This qualitative pilot study uses Coleman's (1988) theory of social capital and Moll, Amanti, Neff & Gonzalez' (1992) concept of funds of knowledge to examine how three high-achieving, 1.5 generation Mexican American students navigate their undergraduate studies at Ivy League institutions. Findings of this study suggest that while Ivy League institutions may remove the financial barrier to higher education for undocumented students, the negative ramifications of an undocumented status continue to affect the college experience of high-achieving students. In turn, students activate their social capital and use their funds of knowledge to overcome the negative effects of an undocumented status.

Sixty-five thousand undocumented students who have lived in the United States for five or more years graduate from high school each year, but only 7,000 to 13,000 of all undocumented students are enrolled in college throughout the country.¹ In the summer of 2012, President Obama announced the Deferred Action for Childhood Arrivals (DACA) that would grant hundreds of thousands of undocumented youths who met the criteria outlined in the policy deferment from deportation for two years and the opportunity to receive a work permit and social security number. This executive action introduced the opportunity for undocumented youths

to join the mainstream institutions and come "out of the shadows" for a two-year, renewable period. However, this policy is not a silver bullet solution to the social and economic challenges undocumented students face. In the meantime, undocumented students attending American public schools continue to face socio-emotional, economic, and developmental barriers in their journey through the American education and economic system. Because of these challenges, few undocumented students enter higher education, and even fewer complete a bachelor's degree. There are, nonetheless, undocumented students who enter higher education at the most prestigious universities in the country.

Purpose of the Study

Low-income, underrepresented students require a significant amount of resilience to enter and persist through higher education. Although families may have experiential and general knowledge about college, often the more formal procedural knowledge may be unfamiliar.² For example, low socioeconomic students may not know how to fill out financial aid forms or may be unfamiliar with opportunities for early admission at private institutions. Navigating the educational pipeline requires additional creative solutions to the limitations posed by an undocumented status.

The purpose of this pilot study is to add to the body of literature, specifically as it relates to understanding the resources undocumented students use to navigate through college despite their lack of immigration status. This paper provides (1) a brief overview of the barriers that undocumented students face in accessing college, (2) the methodology and findings of a qualitative pilot study, and (3) a discussion of areas for further study.

Theoretical Framework

This paper uses James S. Coleman’s theory of social capital which he defines as “a variety of different entities” having the components of existing within social structures and facilitating “certain actions of actors [...] within the structure.”³ This framework is related to Pierre Bourdieu’s concept of social capital, defined as “the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition.”⁴ Both of these conceptualizations highlight the importance of considering social interactions in positioning individuals for opportunities, specifically as it relates to employment and other processes that affect social status. The second theoretical framework used in this paper is the concept of funds of knowledge, the “historically accumulated and culturally developed bodies of knowledge

and skills essential for household or individual functioning and well-being.”⁵ This combined framework allows for the examination of resources that students gain from their networks in high school and college. Furthermore, it allows for the identification of the resources that students bring with them from their home and upbringing, and it provides the backdrop and starting point from which to examine the processes of navigating resources in a way that results in academic achievement and advancement through higher education.

Research Question

This study will answer the following question: How do undocumented, high-achieving 1.5 generation Mexican American students utilize funds of knowledge and social capital to navigate through their undergraduate studies at Ivy League institutions?

Overview of Research on Undocumented Students

Issues Negatively Affecting Undocumented Students

Social stigma and stress of being undocumented.

William Perez finds that one of the biggest stress factors that undocumented youths must cope with is the fear of being deported to a country they may, at best, only vaguely remember.⁶

This fear applies both to their own situation and that of their families, as undocumented children are often likely to have undocumented parents and/or other undocumented siblings.⁷ Anti-immigrant rhetoric in the news has labeled undocumented individuals as “law breakers,” “criminals,” and “il-legals.” These labels often fuel feelings of shame and guilt in undocumented youths.⁸ Undocu-mented youths must deal with the transition into a new language, culture, community, and school and simultaneously grapple with higher “acculturative stress” than immigrants with legal status because of the stigma associated with their legal status,⁹ producing a stigmatized identity.¹⁰

Poverty.

Although it is not atypical for immi-grant families from underdeveloped countries to integrate into the lower socioeconomic bracket of society, youths who are undocumented and have undocumented parents are more likely to live in households with extreme poverty¹¹ and may be unable to access even the most basic services, such as healthcare.¹²

Barriers to higher education.

One of the greatest barriers to success-ful degree attainment is the limited

access to financial aid available to undocumented students in comparison to the cost of enrolling and attend-ing college.¹³ Although many states have enacted legislation that allow undocumented students who meet certain criteria (e.g., graduating from a local high school, length of resi-dence in the state) and, most recently, students who have been approved for Deferred Action for Childhood Arrivals the opportunity to pay in-state tuition, many of the stu-dents continue to be in the predicam-ent of having attended K-12 in the United States but being considered within the international applicant pool when applying to college, re-sulting in higher tuition rates without prospects for financial aid.

College policies and practices may also discourage undocumented students from enrolling in higher education institutions.¹⁴ Student support services are often not readily available and staff does not under-stand how to classify or process appli-cations from undocumented students correctly.¹⁵ Once enrolled, there may be little support and limited resources for students to address the impact of their undocumented status on their col-lege experience.¹⁶ For undocumented students attending Ivy League colleges, most of the financial barriers to higher

“This policy is not a silver bullet solution to the social and economic challenges undocumented students face.”

education are eliminated because Ivy League institutions meet 100 percent of a family's demonstrated financial aid need. However, the Ivy League represents and embodies enormous privilege with specific codes and rules of engagement often foreign to students of low socioeconomic status.

Methodology

The barriers that undocumented students face in an attempt to access higher education and obtain gainful employment are multifaceted. Research has documented these barriers and has also identified the resources that have helped some students to be resilient and successful. This study seeks to understand the funds of knowledge undocumented students bring onto the college campus and how they utilize these, as well as how they identify and use additional resources to help them be academically and professionally successful.

Research Design and Sample

This is a qualitative pilot study of three participants using semi-structured interviews. The study used purposive and snowball sampling to identify 1.5 generation Mexican American undocumented students who have graduated from an Ivy League college from 2012 to 2013 or are currently attending. The term "1.5 generation" refers to students who immigrated before their early teens but once they had knowledge

of their home country; as such, these youths are able to acculturate with greater ease into American society while having knowledge of both the culture and language of their home country.¹⁷

The first participant was recruited through an e-mail to Harvard College's Act on a DREAM student group. The two additional participants were referred to the study by the first. The three colleges represented are Harvard, Dartmouth, and Brown. Two male students participated: Cesar, Harvard College, and Carlos, Brown University. The female student, Paula, is from Dartmouth College. Names are pseudonyms to protect the identities of participants due to the sensitivity of their immigration status.

Measurement Tool

This is a qualitative pilot study using semi-structured interviews that allowed for flexibility in exploring specific and general experiences of students. The interview tool was developed by utilizing concepts of the funds of knowledge framework to form questions about students' backgrounds and upbringing in a way that highlights the skills, knowledge, and resources they called upon while in college. The instrument also used the social capital framework to form questions regarding interactions in college and the information and resources gathered through these interactions.

Procedures

Two interviews were conducted via telephone and one interview was conducted via Skype over a span of two weeks in March 2014. Each interview lasted between fifty and sixty-five minutes. Interviewees were given an overview of the project purpose and of the structure of the interview at the beginning of the phone call.

Data Collection and Analysis

Phone calls and skype interviews were recorded and then transcribed. Data was then analyzed using an analytic induction process.¹⁸ This process, thus, allows for identification of recurring common experiences between participants. Data was coded using a Microsoft Word table to categorize these recurring themes based on the sections set forth in the interview protocol.

Results and Discussion

“Hacerle la Lucha:”

Learning to Work Hard

The funds of knowledge framework calls for an examination of the activities and ideologies present within households that allow individual members of the household to function on a daily basis. In turn, these activities and values, though sometimes not recognized by mainstream institutions, play an important role in framing student success.¹⁹ This was the case for the three students interviewed

in this project who made reference to the term *lucha*, meaning fight or struggle, as a constant theme that they learned from childhood. All three students used the term in verb form or accompanied by words that make the action a continuous endeavor. Carlos, for example, who came from a single-parent household, says:

My mom had many jobs after my father was imprisoned and then deported. She babysat several kids in our apartment complex after school. We would help the younger kids with their homework and play with them. But, by that time, she had already gone to work as a dishwasher for a few hours at a Chinese food restaurant, and sometimes after the parents of the kids came to pick them up, she would go with my aunt to clean offices. If we were done with our homework, we could also go help out with the cleaning. This was junior high and high school. My mom would always say that there was always a way. We just had to, you know, *hacerle la lucha*—be willing to put in the work.

In Carlos’ experience, the concept of *lucha* was more than an abstract ideal. His participation was an integral part of the work that directly resulted in financial gains that advanced the well-being of his entire family. These experiences resulted in him experientially obtaining knowledge (rather

than being told) about physical work, which developed in conjunction to his academic tasks, thus accumulating funds of knowledge related to student interests and participation in the household economy.²⁰

Similarly, Both Cesar and Paula also learned the concept of *lucha* from advice received from their parents and from having to do various chores around the house after their homework was done, such as helping with house cleaning, cooking, and taking care of their siblings. All three students also recognized that their parents embodied the concept of “working hard,” sometimes having to juggle multiple jobs in order to make rent payments and be able to put food on the table, though in all three cases there was seldom enough for anything else. Similarly, Gerardo Lopez’s research on parent involvement in immigrant households finds that parental expectations and modeling of hard work have a positive effect on student achievement in the classroom.²¹ It was this relentless work ethic (though developed only out of necessity) that these students sought to imitate in the academic field.

**“They Believed in Me:”
Institutional Agents Bridging
Access to College**

The process of selecting the adult to whom to disclose their undocumented status included at least one general conversation about immigration issues

and/or a first-hand reference by someone who validated the trustworthiness of the adult. Trust, or *confianza*, is an important precursor to the transmission of funds of knowledge within households.²² For these students, such *confianza* in their household resulted in the transmission of an entire way of living outside of the mainstream society. The students’ strategies required networks of information and actions around topics such as driver’s license checkpoints, school events, where to find jobs that paid in cash, where to find a job that did not conduct background checks, where to create fake identifications, etc. — all with the purpose of contributing to household finances.

When choosing to disclose their immigration status, all three students felt risk and the need to negotiate the sensitivity of this family “secret” with the potential of an immediate gain in the form of a path to college. At the beginning of his junior year, Cesar’s high school counselor approached him to inform him of his nomination for a school award. Cesar knew his counselor well, as his counselor was actively involved as an advisor of the Honor Society. On this particular occasion, Cesar “casually” brought up the case of Eric Balderas, a Harvard freshman, who over the summer had been detained by Immigration and Customs Enforcement while trying to board a plane back to Boston. After seeing the

high school counselor express positive sentiments for Eric's release and for undocumented students in general, Cesar was "confident that he would try to help with this situation" and wrote him an e-mail disclosing his status as an undocumented student and detailing the research he had already done about college admissions and financial aid.

The experience was similar for Paula and Carlos. Paula confided in a teacher who taught her during both freshman and junior years of high school after overhearing him talk to another teacher about plans to monetarily support the previous year's valedictorian, whose scholarship had been denied upon arrival at college. Afterward, Paula asked the teacher about his position on undocumented students and later turned in an assignment where she disclosed her status and her desire to attend Yale. Carlos, while a sophomore in high school, first consulted with an undocumented student from the previous class who was attending Rice University. The student introduced Carlos to the assistant principal who was familiar with the barriers and opportunities for undocumented students. Although not having previously interacted with this assistant principal, Carlos "knew it was safe because he had helped

_____ in [them]," which translated into concrete actions, such as calling college admissions staff to ask about the application and enrollment process for undocumented students, forwarding scholarship opportunities, editing essays, writing letters of recommendation on their behalf, and speaking to parents about the options their children had for a higher education. These actions turned these adults into institutional agents, having "the capacity and commitment to transmit directly, or negotiate the transmission of, institutional resources and opportunities."²³

"Low-income, underrepresented students require a significant amount of resilience to enter and persist through higher education."

others in the same situation." From this interaction, Carlos made it a point to update the assistant principal every semester and to seek him out once in a while. Carlos knew that by senior year, the assistant principal would be able to provide a good letter of recommendation for him. These adults "believed

_____ in [them]," which translated into concrete actions, such as calling college admissions staff to ask about the application and enrollment process for

undocumented students, forwarding scholarship opportunities, editing essays, writing letters of recommendation on their behalf, and speaking to parents about the options their children had for a higher education. These actions turned these adults into institutional agents, having "the capacity and commitment to transmit directly, or negotiate the transmission of, institutional resources and opportunities."²³

However, these adults also helped students develop the tools to go to college and intentionally seek out the networks and resources that may help them to continue to succeed. Cesar's counselor instructed him to go to the Harvard Law School once he got to campus and ask what options existed for undocumented students, telling him that "Harvard has a worldwide network of powerful people. Use it to

your advantage.” Similar suggestions were made to the other two students. In varying forms, each student was advised of the large amount of resources that existed on each campus, an important transmission of knowledge. Social capital is often transmitted with greater ease during high school in order to gain access to college, but students are often not taught to position themselves in networks and/or activate their networks to produce the social capital necessary to achieve post-baccalaureate educational or career goals.²⁴

Navigating the Ivy League: Utilizing Forms of Capital and Funds of Knowledge in College

Navigating Institutional Structures

Cesar, Paula, and Carlos had confidence that their abilities as students and passion for their field would help them be academically successful. Cesar developed a strong relationship with one of his biochemistry professors. He first attended office hours with said professor, discussed class materials, and became a regular at professor-led study groups because he liked the professor’s personality and approachability. For him, it was important that the professor “knew [he] cared about the class and that [he] was a competent student, someone who was willing to work hard.” A relationship was built—the professor helped

Cesar to choose a concentration that would help him focus on HIV/AIDS research without necessarily going into the pre-med track. Cesar’s own academic advisor played a lesser role in helping him understand course requirements, but he nevertheless had someone within the institution who consistently reminded him about class registration, recommended classes, and special events related to his field both on campus and in the greater Boston community.

Paula’s dorm advisor took on a similar role in helping her understand academic requirements and general institutional processes, especially as she worked towards modifying her major to combine two of her academic interests. The advisor was also instrumental in helping Paula reconnect with the financial aid office to request additional funding for a medical emergency that required her to be admitted at a hospital overnight in her sophomore year of college. Furthermore, Paula cites the relationships with her peers in her dorm as being important for her academic success because the interaction with more advanced students facilitated the sharing of knowledge about courses, volunteering and research opportunities, and extracurricular activities. It also provided for her a source of support from students who had already faced some of the academic decisions that she had to make. These types of

dorm interactions with peers and other members of the institution comprise another version of a “household”²⁵ in which significant relationships are built with middle-class or upper-middle-class peers who have the ability to transmit “informational resources” that help these students be academically successful.²⁶

Converting Funds of Knowledge and Social Capital into Financial Capital

Although in all three cases students had a full tuition packages to their respective college which covered tuition, fees, room and board, the financial award did not fully cover external social events or the occasional *antojo*, or craving, as Paula describes. To make up for this, students made use of their funds of knowledge and other forms of capital in a way that resulted in the acquisition of financial capital. Carlos, for example, responded to a listserv e-mail in his dormitory advertising a babysitter position for one of the tutors, paid in cash. He cited his experience as his mother’s assistant babysitter and suggested the added bonus of being able to offer tutoring to the children. Similarly, Paula, whose mother taught her to cook at a young age and had been responsible for cooking meals for her parents and siblings, “looked for a gig in the Hanover craigslist that required similar skills.” She found

a household asking for after school help for a new mother, requiring light cleaning and help cooking. Paula, using the Dartmouth College e-mail to “appear to be a legitimate and trustworthy candidate,” responded to the advertisement and was given a start date from the initial meeting. This was one way in which she used the institutionalized cultural capital that her status as Dartmouth College student afforded her in order to earn money, which can be a source of great difficulty for individuals who are undocumented.²⁷

Although they worked fifteen to twenty hours each week, including some nights and weekends, neither Carlos nor Paula report feeling resentful. On the contrary, they both view the experience as another facet of having to “work hard,” something they both recognize was intrinsically tied to their status as undocumented students. They felt, to an extent, fortunate that they had been able to find side jobs that did not question their immigration status, and they expressed their gratitude to their parents for having equipped them with non-academic skills that made it possible to find these jobs which, in turn, were important to help them afford social events/outings with their friends. In this instance, students were able to mobilize and convert their funds of knowledge and the social and cultural capital that they

accessed by being members of their respective institutions into economic gain. Through these type of conversions, under-represented students access and activate mechanisms that help them achieve their goals.²⁸ These opportunities for capital exchange are limited and time sensitive, but for undocumented students, they can make all the difference.

Cesar's relationship with his professor resulted in a position as a volunteer sex educator at a non-profit community organization in Boston. After volunteering for two months, he was offered a part-time

stipend position to train new volunteers to teach the curriculum and do biweekly evaluations. He feels "extremely fortunate

to have had this lucky break in a field that is tangentially related to what [he hopes] to do in the future." He also recognizes that because he is undocumented, without that first e-mail from his professor to the community organization, he would have never been in a position to demonstrate his willingness to "work hard" and he would have never had the opportunity to earn money for something that could be placed on his resume for future opportunities. But, while students mobilized university resources to be academically successful and their own funds of knowledge in order to

earn money, students still struggled to find institutional support to address the specific needs they had due to their immigration status.

Filling the Ivy Void: Social Media & the Undocumented Student Movement.

The students reported being able to talk to their advisors about academics, student life, and family updates, but none of them found a "right moment" to talk about their undocumented status extensively with these individuals.

On the one hand, students appreciated having the possibility of focusing full-time on their academic interests. This internal focus and participation in rigorous classes in the company of other

"Biggest stress factors that undocumented youths must cope with is the fear of being deported."

high achieving students can in turn help students develop an academic identity,²⁹ which becomes an important protective factor that serves to offset the negative implications of an identity as an undocumented student.³⁰ However, this structured and rigorous academic focus left little room for connecting with other undocumented students within the structure of their college experience. Therefore, all three students had to make additional efforts to seek out additional resources that may provide specific information about the way their status affected their student life, internship opportunities, and

career prospects. Carlos was the only student who disclosed his status to someone he saw on a frequent basis.

Carlos disclosed his status to his sports coach due to the team travel requirements. Involvement in sports allowed him to “take a break” from the pressures of school, but he felt as if “being an undocumented student and being on the team were two different worlds.” Still, though Carlos felt that although his coach meant well and helped him through some difficult moments, he did not have the knowledge

to be able to help him to address all the “emotional and psychological and economic concerns that come with being undocumented.” Be-

cause of this, Carlos went beyond the walls of Brown and became involved with a Providence student group that focused on the rights of undocumented students. Through his involvement, he became aware of the varying degrees of hardships faced by undocumented students and volunteered his time for local campaigns in an attempt to “give back to help others who did not have the immense privilege” he had. In return, he received social support and an understanding of the national undocumented student movement. This was key in reminding him that he was not alone on his journey.

In Hanover, New Hampshire,

however, Paula perceived fewer resources for undocumented students. She, therefore, resorted to social media, primarily Facebook, to join the national network of undocumented students. She made contact with different clubs on the campuses of different schools and befriended a few students who appeared repeatedly on various online articles. Her purpose was “to find support, someone who understood what it meant to be afraid of traveling, someone who understood what it meant to have limited options

for the future. In this sense, Dartmouth was very lonely.” Through internet research and Facebook, Paula developed close friendships with other stu-

dents, some of whom she has yet to meet. But the constant communication and resource sharing between each other serves as an additional safety net for Paula.

Harvard College’s Act on a DREAM student group has been actively advocating for undocumented students within Harvard and in partnership with student groups at other Ivy League colleges. Cesar attends meetings and has been friends with the group’s leadership since he entered the college. However, even with a student group on campus comprised of both undocumented students and allies, he expresses a reality about undocumented students

—————
*“lucha, meaning fight or struggle
hacerle la lucha — be willing
to put in the work.”*
—————

on Ivy League campuses echoed by the two other students:

There is a strong void on campus. We have a group dedicated to mobilizing resources on behalf of undocumented students and the administration has been responsive, but it still feels lonely. We talk amongst each other; it's hard to explain. Because of the nature of Harvard, our focus has to be on academics. One way or another, we have access to opportunities that others can only dream of. Academically, we are on top of our game, so it's almost as if our identity as undocumented students is not relevant...only it's *very* relevant. It's who we are, even if it's by circumstance. I'm grateful for DACA; it will give thousands the opportunity to reach new heights, but I'm also afraid that it will make our particular struggles a lot more irrelevant. These struggles are still very real.

Cesar's words illustrate various forms of isolation that exist for undocumented students at these elite institutions and point to a world in which students must work hard on two separate facets of their life with different resources and strategies that do not necessarily intersect in the external world. Internally, students must make sense of their academic lives, which they share with a cohort of "high-achieving" peers, while needing to place their

identity as undocumented students on pause. Students have to resume their undocumented identity when they fly back home for the summer and are faced with the same poverty and other family preoccupations that existed when they left home. Cesar, too, found comfort in attending several conferences and gatherings on the East Coast connected to the United We DREAM campaign and the DREAM Action Coalition, two major immigrant-youth-advocacy organizations. Yet, academic demands sometimes interfered with his involvement. Cesar, Paula, and Carlos felt it was imperative that they actively join their efforts with these larger movements in order to not be "silenced by the privilege that exists in these schools."

Conclusion and Implications

Ivy League colleges can provide a respite for high-achieving undocumented students who may otherwise be unable to afford college. However, the experiences of these three students show that even without the preoccupation of college costs, undocumented students enrolled in these elite colleges continue to face significant struggles related to their immigration status. The following policy recommendations can be drawn from this study:

1. Institutions of higher learning that choose to admit undocumented students should be prepared to integrate these students into their

- campus by providing specific resources that address their needs as undocumented students.
2. Institutions of higher learning also need to conduct post-DACA research to measure the impact of the policy on access to educational and employment opportunities and other resources while on campus and after degree attainment.
 3. In addition to fostering academic identities and promoting higher education, high school teachers need to facilitate mechanisms for self-care and for the fulfillment of the most basic needs of students, such as adequate healthcare.

These policy recommendations can offset the negative effect of an undocumented status on the college experience of students. Otherwise, undocumented students will continue to be severely limited in their ability to incorporate into American society and in their ability to use the skills they develop through their tenacious struggle to acquire a college education and, in increasing cases, a graduate degree.

Endnotes

- 1 Educators for Fair Consideration. Fact Sheet: An Overview of College-Bound Undocumented Students. (2010). Retrieved 3.13.2014. http://www.e4fc.org/images/Fact_Sheet.pdf
- 2 Kiyama, Judy Marquez. "College Aspirations and Limitations: The Role of Educational Ideologies and Funds of Knowledge in Mexican American Families." *American educational research journal* 47, no. 2 (2010): 330-356. https://www.researchgate.net/profile/Judy_Kiyama/publication/250185111_College_Aspirations_and_Limitations_The_Role_of_Educational_Ideologies_and_Funds_of_Knowledge_in_Mexican_American_Families/links/0c960533498952b69a000000.pdf
- 3 Coleman, James S. "Social capital in the creation of human capital." *American journal of sociology* (1988): S95-S120. http://www.jstor.org/stable/2780243?seq=1#page_scan_tab_contents
- 4 Bourdieu, Pierre. "The forms of capital (1986)." *Cultural theory: An anthology* (2011): 81-93. <http://epp1751su2012.wmwikis.net/file/view/Bourdieu.ch6.Forms.of.Capital.pdf/350871874/Bourdieu.ch6.Forms.of.Capital.pdf>
- 5 Moll, Luis C., Cathy Amanti, Deborah Neff, and Norma Gonzalez. "Funds of knowledge for teaching: Using a qualitative approach to connect homes and classrooms." *Theory into practice* 31, no. 2 (1992): 132-141. <http://uiwyo-socialliteracies.pbworks.com/f/MollFunds.pdf>
- 6 Perez, William. *We are Americans: Undocumented students pursuing the American dream*. Stylus Publishing, LLC., 2009. http://www.amazon.com/We-Are-Americans-Undocumented-Students/dp/1579223761/ref=sr_1_1?ie=UTF8&qid=1452720605&sr=8-1&keywords=we+are+americans
- 7 Suárez-Orozco, Carola, Hirokazu Yoshikawa, Robert Teranishi, and Marcelo Suárez-Orozco. "Growing up in the shadows: The developmental implications of unauthorized status." *Harvard Educational Review* 81, no. 3 (2011): 438-473. <http://www.hepgournals.org/doi/abs/10.17763/>

- haer.81.3.g23x203763783m75
- 8 Perez, We are Americans, 152.
 - 9 Arbona, Consuelo, Norma Olvera, Nestor Rodriguez, Jacqueline Hagan, Adriana Linares, and Margit Wiesner. "Acculturative stress among documented and undocumented Latino immigrants in the United States." *Hispanic Journal of Behavioral Sciences* 32, no. 3 (2010): 362-384. [<http://hjb.sagepub.com/content/32/3/362.short>]
 - 10 Abrego, Leisy. "Legitimacy, social identity, and the mobilization of law: The effects of Assembly Bill 540 on undocumented students in California." *Law & Social Inquiry* 33, no. 3 (2008): 709-734. <http://www.williamperezphd.com/articles/abrego-2008.pdf>
 - 11 Gonzales, Roberto G. "Young Lives on Hold: The College Dreams of Undocumented Students." College Board Advocacy & Policy Center (2009). <http://www.williamperezphd.com/articles/gonzales-2009.pdf>
 - 12 Connolly, Kathleen A. "In Search of the American Dream: An Examination of Undocumented Students, In-Stat Tuition, and the Dream Act." *Cath. UL Rev.* 55 (2005): 193. <http://scholarship.law.edu/cgi/viewcontent.cgi?article=1191&context=lawreview>
 - 13 Abrego, Leisy J., and Roberto C. Gonzales. "Blocked paths, uncertain futures: The postsecondary education and labor market prospects of undocumented Latino youth." *Journal of Education for Students Placed at Risk* 15, no. 1-2 (2010): 144-157. <http://www.tandfonline.com/doi/abs/10.1080/10824661003635168#.VpbCybYrLIU>
 - 14 Huber, Lindsay Perez, and Maria C. Malagon. "Silenced struggles: The experiences of Latina and Latino undocumented college students in California." *Nev. LJ* 7 (2006): 841. <http://heinonline.org/HOL/LandingPage?handle=hein.journals/nevl7&div=41&id=&page=>
 - 15 Gonzalez "Young Lives on Hold."
 - 16 Ibid.
 - 17 Rumbaut, Rubén G., and Alejandro Portes. *Ethnicities: Children of immigrants in America*. University of California Press, 2001. http://www.amazon.com/Ethnicities-Children-Immigrants-Rub%C3%A9n-Rumbaut/dp/0520230124/ref=sr_1_1?ie=UTF8&qid=1452720559&sr=8-1&key-words=ethnicities%3A+children+of+immigrants+in+america
 - 18 Robinson, William S. "The logical structure of analytic induction." *American Sociological Review* (1951): 812-818. http://www.jstor.org/stable/2087508?seq=1#page_scan_tab_contents
 - 19 Kiyama "College aspirations and limitations."
 - 20 Moll, Luis C., Cathy Amanti, Deborah Neff, and Norma Gonzalez. "Funds of knowledge for teaching"
 - 21 Lopez, Gerardo. "The value of hard work: Lessons on parent involvement from an (im) migrant household." *Harvard Educational Review* 71, no. 3 (2001): 416-438. <http://hepgjournals.org/doi/abs/10.17763/haer.71.3.43x7k542x023767u>
 - 22 Vélez-Ibáñez, Carlos G., and James B. Greenberg. "Formation and transformation of funds of knowledge among US-Mexican households." *Anthropology & Education Quarterly* (1992): 313-335. http://www.jstor.org/stable/3195869?seq=1#page_scan_tab_contents
 - 23 Stanton-Salazar, Ricardo D. "A social capital framework for the study of institutional agents and their role in the empowerment of low-status students and youth." *Youth & Society* 43, no. 3 (2011): 1066-1109. <http://yas.sagepub.com/content/43/3/1066.short>
 - 24 Rios-Aguilar, Cecilia, Judy Marquez Kiyama, Michael Gravitt, and Luis C. Moll. "Funds of knowledge for the poor and forms of capital for the rich? A capital approach to examining funds of knowledge." *Theory and Research in Education* 9, no. 2 (2011): 163-184. <http://tre.sagepub.com/content/9/2/163.short>
 - 25 Rios-Aguilar, Cecilia, and Judy Marquez Kiyama. "Funds of knowledge: An approach to studying Latina (o) students' transition to college." *Journal of Latinos and Education* 11, no. 1

- (2012): 2-16. <http://www.tandfonline.com/doi/abs/10.1080/15348431.2012.631430#.VpbEBLYrLIU>
- 26 Stanton-Salazar, Ricardo D. "A social capital framework for the study of institutional agents and their role in the empowerment of low-status students and youth," 6.
 - 27 Bourdieu, Pierre. "The forms of capital (1986).
 - 28 Rios-Aguilar, Cecilia, Judy Marquez Kiyama, Michael Gravitt, and Luis C. Moll. "Funds of knowledge for the poor and forms of capital for the rich? A capital approach to examining funds of knowledge."
 - 29 Perez. We are Americans.
 - 30 Perez, William. Americans by heart: Undocumented Latino students and the promise of higher education. Teachers College Press, 2012. http://www.amazon.com/Americans-Heart-Undocumented-Education-Multicultural/dp/0807752835/ref=sr_1_1?ie=UTF8&qid=1452721260&sr=8-1&keywords=americans+by+heart



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The Earned Income Tax Credit Conundrum: The Unintended Exclusion of Latina/o Children

By Israel X. Nery

Israel X. Nery is a recent fellow at the Congressional Hispanic Caucus Institute (CHCI), fascinated by the intersection of the law, finance, and economics. Mr. Nery is first generation Salvadorian Mexican, born in Compton and raised in Los Angeles, California. Israel completed his undergraduate studies at California State University, Monterey Bay, where he earned a BS in business administration and graduated with honors in 2009. Israel earned his MBA from Woodbury University in 2011, followed by a JD from the University of Illinois College of Law in 2014.

While attending California State University, Mr. Nery was a college athlete playing for the men's soccer team and was awarded the All-Academic Award by the California College Athletic Association (CCAA). While attending graduate school at Woodbury University, Israel worked for RockCorps, a pro-social production company that uses music to inspire people to volunteer and get involved in their community. Mr. Nery was heavily involved in the student body at the University of Illinois College of Law by serving as president of the Latina/o Law Student Association (LLSA), being elected as a representative

for the Student Bar Association, and being appointed as a student liaison for the American Bar Association (ABA) Section of Labor & Employment Law Standing Committees. For his efforts, Israel was awarded by the Illinois College of Law the Rickert Award for excellence in public service, the most prestigious award bestowed by the College of Law to students who have demonstrated an outstanding degree of commitment to work in the public interest. During his time as a CHCI graduate fellow, Mr. Nery had the privilege to work for the Mexican American Legal Defense and Educational Fund (MALDEF), the nation's leading Latino legal civil rights organization, and the House of Representatives Financial Services Committee under ranking member

Maxine Waters (D-CA).

Abstract

The Earned Income Tax Credit (EITC) serves as a refundable tax credit for low-to moderate-income individuals and families. President Reagan, who significantly expanded the EITC, deemed it “the best anti-poverty, the best pro-family, the best job creation measure to come out of Congress.” In 2010, the EITC lifted roughly 5.4 million people out of poverty, including 3 million children. Despite its commendable accomplishments, the EITC has exclusionary effects on many Latina/o children in the United States. This article focuses on the negative consequences of this exclusion, and advocates for EITC recipient criteria to focus solely on the child.

Introduction

Latina/os constitute the biggest minority-majority in the United States and are major contributors to the US economy.¹ In 2013, Latina/os had an estimated spending power of more than \$605 billion, which is equivalent to almost one out of every ten dollars of disposable income in the country.² The purchasing power of Latina/os is expected to reach \$1.7 trillion by 2019 and keep growing exponentially in the coming decades.³ The Latina/o household income is also trending upward. Data analysis from the US Census Bureau exhibited that Latina/

os were the first ethnic group to show an increase in median real incomes since the economic crisis of 2008.⁴ Specifically, between 2012 and 2013, the median household income for Latina/os rose by 3.5 percent, reaching \$40,963, while all other ethnic groups saw little to no statistical gains.⁵ Latina/os are nearly 16 percent of—or about twenty-five million—workers in the US labor force. In 2014 Latina/os had the greatest participation rate in the US workforce with more than 65 percent working or actively looking for a job. Latina/o entrepreneurship is also on the rise. In 2013, sales receipts of Latina/o owned businesses in the United States totaled almost \$470 billion.⁶ Latina/os, both native and foreign-born, account for a growing contribution to US tax revenue. In 2013, Latina/os household contributed more than \$190 billion to US revenues as a whole.⁷ Although Latina/os are fast becoming significant economic players in the United States, economic issues in the Latina/o community arguably continue to be often overlooked.⁸ One such issue with tremendous political and economic impact is the Earned Income Tax Credit (EITC), which can have a positive effect on Latina/o children and their parents/guardians. Currently, US-born children with one or more undocumented parents, the majority of whom are Latino/a, are excluded from the benefits of the EITC program. This paper is aimed at

presenting the historical background of the EITC, identifying the current issue as it relates to the Latina/o community, examining how this exclusionary effect exists, and proposing changes to eligibility requirements that should be considered to remedy this exclusion and help break the cycle of poverty for thousands of children.

Federal EITC

EITC History

The idea of the EITC first emerged in the 1960s during debates regarding the issue of poverty. In August 1969, President Richard Nixon proposed the Family Assistance Plan (FAP), which was designed to guarantee cash income to all families as an alternative to public assistance (e.g., welfare). The objective behind this proposal was to “ensure an income foundation throughout every section of America for all parents who cannot adequately support themselves and their children.”⁹ Despite initial support, FAP failed. In 1974, Senator Russell Long developed an alternative proposal to FAP—a tax credit for employed, low-income taxpayers.¹⁰ In essence, this was considered a government sponsored “work bonus.”¹¹ Initially the House of Representatives rejected this proposal, but as a result of President Ford’s call for stimulative tax cuts, Congress eventually enacted Senator Long’s proposal as part of the Tax

Reduction Act of 1975.¹² This “work bonus” became known as the Earned Income Tax Credit. The EITC was described by the Senate committee report in the following manner:

This new refundable credit will provide relief to families who currently pay little or no income tax. These people have been hurt the most by rising food and energy costs. Also, in almost all cases, they are subject to the social security payroll tax on their earnings. Because it will increase their after-tax earnings, the new credit, in effect, provides an added bonus or incentive for low-income people to work, and therefore, should be of importance in inducing individuals with families receiving Federal assistance to support themselves. Moreover, the refundable credit is expected to be effective in stimulating the economy because the low-income people are expected to spend a large fraction of their increased disposable incomes.¹³ The EITC was made permanent through the Tax Reform Act of 1986, thus demonstrating President Reagan’s emphasis on the EITC’s importance. Although the credit helped families prior to the Tax Reform Act of 1986, there were concerns that inflation reduced the value of the credit.¹⁴ Moreover, given the increase of income due to inflation, many families that needed the credit were no longer eligible for it.¹⁵ Through the tax reform of 1986, President Reagan proposed to increase

the EITC and index it for inflation in future years.¹⁶

EITC expansion between 1984 and 1996 boosted the work effort of parents, particularly single mothers. Single mothers accounted for more than half of the large increase in employment among Americans during that period.¹⁷ The most significant gain in employment attributable to EITC occurred among mothers with young children and mothers with low education.¹⁸ According to University of Chicago economist Jeffrey Grogger, EITC expansions in the 1990s “appear to be the most important single factor in explaining why female family heads increased their employment over 1993–1999.”¹⁹

EITC Today & the Issue

The EITC today is often referred to by policy makers as the “nation’s largest federal anti-poverty program.”²⁰ In 2010, the EITC lifted roughly 5.4 million people out of poverty, including 3 million children.²¹ The EITC has been credited for improving the lives of poor children and promoting work. Today, in order to qualify for the EITC, individuals must care for a qualifying child, along with personally meeting statutory criteria. A qualifying child must meet all of the following tests: (1) age, (2) relationship, (3) residency, and (4) joint tax return.²² The age criterion states that by the end of the tax year, the qualifying child must

either be under the age of 19 or be a full-time student under the age of 24. The relationship criterion is defined as the child being the son, daughter, stepchild, eligible foster child, or a descendant of the taxpayer. To satisfy the residency requirement, the child must have lived with the taxpayer in the United States for more than half the year. Finally, for the joint tax return test, the child must have not filed his/her own tax return.

After determining if the taxpayer parent has a qualifying child, he or she must then meet certain statutory criteria required to be able to claim this credit. To claim EITC on a personal tax return, a parent must have a Social Security Number (SSN) that is valid for employment, must have earned income by working for someone else or running a business, and must be a full-time US citizen or resident alien.

The criterion about the parents' full-time US citizenship or resident alien status is what presents the issue that affects Latina/o children. Section 7701(b)(1)(A) of the Internal Revenue Code (IRC) presents three tests to determine if an individual qualifies as a resident alien: (1) a green card test, (2) an election test, and (3) a substantial presence test.²³ Under the green card test, an individual is considered a resident alien from the day that he or she is admitted to the United States as a lawful permanent resident (that is, given a "green card") until the day

that this status is officially revoked or judicially found to be abandoned.²⁴ While the alien officially has lawful permanent resident status, he or she is considered a US tax resident even while living outside the United States.²⁵ Under the substantial presence test, an individual must meet the following conditions to be considered a resident alien: he or she must be physically present in the United States for thirty-one days in the current year, and he or she must be physically present in the United States for a weighted average of 183 days over a three-year testing period that comprises the current and the two preceding years.²⁶ Days of US presence are computed under a weighting formula that counts the following non-exempt days of presence: (1) all days in the current year plus (2) one-third of the days in the preceding year plus (3) one-sixth of the days in the second preceding year.²⁷ If the alien has been lawfully admitted in the United States for permanent residence, he or she is a resident alien.²⁸ Therefore, for the purposes of the EITC credit, undocumented individuals are not considered resident aliens.

Undocumented immigrants constitute 11.9 million individuals in the United States, which remains an ongoing political and policy issue. About three-quarters of the undocumented population are Latina/os.²⁹ Many of these undocumented individuals are also married to US citizens or resident

aliens, creating a “mixed-status” family.³⁰ The undocumented status of one spouse bars the married couple from receiving the benefits of the EITC.³¹ Seventy-three percent of undocumented immigrants’ or mixed-status families’ children are born in the United States, making them citizens of this country.³²

The number of US-born children in mixed-status families has expanded from 2.7 million in 2003 to 4 million in 2008. Given the requirements to receive EITC, these four million, of which three million are Latina/o children, are not receiving the benefit that they are meant to receive, due to their parents’ legal status as undocumented immigrants. The EITC is intended to have the salutary effects of lifting families out of poverty, yet millions of children who are supposed to benefit from this credit are remaining below the poverty level.

The only alternative is an illegal one: to file as head of household. Having to choose between filing fraudulently in their tax return or give up thousands of dollars that they should be receiving for their children is a difficult decision for parents and one that, arguably, they shouldn’t have to make.

EITC Recommendations

Increase the Eligibility of EITC

Given this incidental yet critical exclusion of benefits to millions of

Latina/o children, it is imperative that changes in the EITC eligibility be implemented. President Obama has discussed policy changes on the EITC, but none address this exclusion of US-born children whose parents are undocumented. In March 2014, President Obama made an announcement about his intention to expand the EITC.³³ His proposal called to address the problems with the current childless worker EITC, recommended the maximum credit to about \$1,000, and suggested increasing the income level at which the credit is fully phased out at \$18,000.³⁴ Although this will help lift many children out of poverty, Latina/o children with undocumented parents will still be deprived of this benefit.³⁵ This deprivation affects more than just household income; there are implications for education and public health. According to the Center on Budget and Policy Priorities, the EITC’s income-boosting measures improve education outcomes for young children in low-income households.³⁶ For every \$1,000 increase in annual income for children ages two to five years, school performance on variety of measures, including standardized test scores, improves.³⁷ Studies also show that children of families with more income from refundable credits will do better in school, and are more likely to attend college and earn more as adults—likely breaking the cycle of poverty.³⁸ Furthermore, those same

children are more likely to avoid the earliest onset of disabilities and other illnesses associated with child poverty.³⁹

With millions of Latina/o children missing out on this critical economic resources that has implications on their education and healthcare, it is time to change the criteria applicable to qualify for this credit. The burden should not be on the parent per se; it should take

into account the immigration status of the child. If he or she is a qualifying child, then the parent, regardless of their migratory status, should be able to

“The EITC is intended to have salutary effects of lifting families out of poverty, yet millions of children who are supposed to benefit from this credit are remaining below the poverty level.”

receive that tax credit for the sake of the child. By making the criterion rest on the child alone, and not the parent, it would be harmonious with the legislative intent of the bill, lifting children out of poverty. To receive the EITC, the child must be a US citizen, national, or resident alien (which includes those with temporary status, such as beneficiaries of the Deferred Action for Childhood Arrivals program).

Rebutting Misconceptions

The proposed expansion of the EITC would not be without opposition. Giving money to undocumented parents of children with lawful status in this country is often seen as giving money to

those who do not contribute to the US economic system.⁴⁰ Although this misconception is mainstream, it is without merit. Recent studies have debunked this myth. A fifty-state analysis by the Institute of Taxation and Economic Policy found that roughly 8.1 million of the 11.4 million undocumented immigrants who work paid more than \$11.8 billion in state and local taxes

in 2012.⁴¹ Broken down, this figure includes \$7.0 billion in sales and excise taxes, \$3.6 billion in property taxes, and \$1.1 million in personal income

taxes. Although exact numbers for federal taxes are not available at the moment, undocumented immigrants pay income taxes as well, as evidenced by the Social Security Administration’s “suspense file.” A “suspense file” is where taxes cannot be matched to the workers’ names and SSNs, which is mostly due to undocumented workers using fake SSNs. The “suspense file” grew by \$20 billion between 1990 and 1998.⁴² From 2000 to 2010, the total number of mismatched wages reported doubled, jumping 97 percent from about 52 million reported from 1990 to 1999 to 102.6 million from 2000 to 2010.⁴³ Many undocumented parents, like many US citizens, pay their federal and state income taxes

through wage withholding. Experts suggest that approximately 75 percent of working-age, undocumented aliens use fraudulent SSNs to obtain employment.⁴⁴ To receive a refund of any overpayment of their federal and state income taxes, they are required to file tax returns requesting refunds. However, undocumented immigrants must file their tax returns with an Individual Taxpayer Identification Number (ITIN) because they do not qualify for a SSN.⁴⁵ Because of the misperception of abuse of this number, obtaining an ITIN is not a simple task. Whereas a SSN is issued to all US citizens immediately at birth, an ITIN must be obtained through an onerous application process requiring original identification documents, which might not be readily accessible.⁴⁵ Since 2012, the IRS required ITIN applicants to provide either original documents such as passports, ID cards, and birth certificates or certified copies to accompany the ITIN application. Applicants usually must visit their home-countries' embassies or consulates to obtain these materials, making it a time-consuming and expensive process. The difficulty in obtaining an ITIN, combined with the lack of access to and intimidation

by federal, state, and local income tax systems and government officials, results in millions of undocumented immigrants simply not filing tax returns.⁴⁶ Therefore, these taxpayers have very likely overpaid their federal and state tax liabilities.⁴⁷

Another consideration should be on the long-term consequences by not imposing this change. As alluded to earlier, poverty-stricken children benefit from their parents receiving the EITC. Depriving this group of children access to the EITC ensures they are deprived of the health and educational benefits derived by this credit. For children in low-income families, a \$3,000 increase in family income between a child's prenatal year and his/her fifth birthday results in an average of a 17 percent increase in annual earnings and an additional 135 hours of work when they become adults.⁴⁸ By not investing in this group of children that are deprived of the EITC, we are not giving them a chance to succeed as any other US citizens who do benefit from the EITC. They may end up becoming another statistic, dependent on government programs in their adulthood. We should invest in these kids to ensure that they reach their God-given potential,

“With millions of Latina/o children missing out on this critical economic resources that has implications on their education and healthcare, it is time to change the criteria applicable to qualify for this credit.”

and hopefully one day they will pay back into the system after achieving success in their careers.

Conclusion/Policy Benefits of Expanding EITC

The EITC has long provided supplemental income for low-income taxpayers. This credit is not merely a giveaway; it requires that taxpayers enter the workforce. The EITC has arguably been a successful program in lifting many families out of poverty. However, the EITC is not without its flaws. Millions of children that should be benefitting from this credit are excluded because of their parents' legal status (or lack thereof) in this country. Although the recent Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) executive order will provide undocumented parents with valid SSNs and enable them to claim the EITC to help their children, many other children whose parents do not qualify to receive a SSN under the new immigration executive order will be deprived of this benefit. Moreover, DAPA's constitutionality is still being litigated in the courts. The EITC is meant to help lift children out of poverty and put them on equal footing with their counterparts. With the current statutory criteria of the EITC, this is not possible, and expansion for the requirements to be eligible for the EITC should be implemented. Without it millions of

American children, particularly those of Latina/o descent, will be deprived of this crucial benefit.

Endnotes

- 1 For the purposes of this paper, the term Hispanic and Latina/o will be used interchangeably; "Hispanic or Latino Populations," Center for Disease Control and Prevention (CDC), last modified May 5, 2015.
- 2 Partnership for a New American Economy, "The Power of the Purse: The Contributions of Hispanics to America's Spending Power and Tax Revenue in 2013," accessed January 6, 2016. <http://www.renewoureconomy.org/research/power-purse-contributions-hispanics-americas-spending-power-tax-revenues-2013/>
- 3 American Immigration Council, "Strength in Diversity: The Economic and Political Power of Immigrants, Latinos, and Asians," accessed January 6, 2016. <http://www.immigrationpolicy.org/just-facts/strength-diversity-economic-and-political-power-immigrants-latinos-and-asians>
- 4 C. DeNavas-Walt and B. Proctor, "Income and Poverty in the United States: 2013 Current Population Reports," United States Census Bureau, 2014. <https://www.census.gov/content/.../p60-249.pdf>
- 5 Ibid.
- 6 Geoscape & United States Hispanic Chamber of Commerce, "Hispanic Business & Entrepreneurs Drive Growth In the New Economy," 2013. http://ushcc.com/wp-content/uploads/2013/09/Geoscape_HispanicBusinessOwners_FINAL.pdf
- 7 Partnership for a New American Economy, "The Power of the Purse: The Contributions of Hispanics to America's Spending Power and Tax Revenue in 2013," accessed January 6, 2016. <http://www.renewoureconomy.org/research/power-purse-contributions-hispanics-americas-spending-power-tax-revenues-2013/>
- 8 Raul Reyes, "Is Immigration Drowning Out

- Other Latino Issues?" NBC News, May 20, 2014. <http://www.nbcnews.com/news/latino/immigration-drowning-out-other-latino-issues-n109726>
- 9 Richard Nixon, "Special Message to the Congress on Reform of the Nation's Welfare System," Aug. 11, 1969 (The FAP would have provided an annual payment of \$1,600 a year for a family of four with an income of less than \$1,000). <http://www.presidency.ucsb.edu/ws/?pid=2194>
 - 10 Dennis J. Ventry, Jr., "The Collision of Tax and Welfare Politics: The Political History of the Earned Income Tax Credit," 1969-99, 53 NAT'L TAX J. 983, 992 (2000). <http://www.jstor.org/stable/41789508>
 - 11 Ibid.
 - 12 Ibid.
 - 13 S. REP. NO. 94-36, at 11, 1975. <https://books.google.com/books?id=zZZKnDZheZ-kC&pg=SA3-PA60&lpg=SA3-PA60&dq=S.+REP.+NO.+94-36&source=bl&ots=6g-F4yxt8Q&sig=pHQbRpefvoq3-FEIlh-qT0EFSm8lQ&hl=en&sa=X&ved=0a-hUKEwir36bHkp7KAhWJ4iYKHRTPB2AQ6A-EIIDAB>
 - 14 Michael J. Graetz, "Tax Reform Unraveling," Yale J. of Econ. Perspectives V.21, No.1, Winter 2007 (President Ronald Reagan, who proclaimed it "the best antipoverty measure, the best pro-family measure and the best job-creation measure ever to come out of the Congress of the United States"). http://www.law.yale.edu/documents/pdf/Faculty/Graetz_Tax_Reform_Unraveling.pdf
 - 15 Ibid.
 - 16 Ibid.
 - 17 See Bruce D. Meyer and Dan T. Rosenbaum, "Making Single Mothers Work: Recent Tax and Welfare Policy and its Effects," in Bruce D. Meyer and Douglas Holtz-Eakin, eds., "Making Work Pay: The Earned Income Tax Credit and Its Impact on America's Families," New York: Russell Sage Foundation, 2001; Bruce D. Meyer and Dan T. Rosenbaum, "Welfare, The Earned Income Tax Credit, and the Labor Supply of Single Mothers," Quarterly Journal of Economics 116(3): 1063-2014. January 2000. <http://www.nber.org/papers/w7491>; https://www.ssc.wisc.edu/~scholzf/Teaching_742/Meyer_Rosenbaum.pdf
 - 18 Nada Eissa and Jeffrey B. Liebman, "Labor Supply Response to the Earned Income Tax Credit," Quarterly Journal of Economics (May 1996). (Economists Nada Eissa and Jeffrey B. Liebman of the Kennedy School of Government also found that the EITC was particularly effective at encouraging work among mothers with low education).
 - 19 Ibid.
 - 20 Rebecca Vallas & Et. Al., "Harnessing the EITC and Other Tax Credits to Promote Financial Stability and Economic Mobility," Center for American Progress, Oct. 7, 2014. <https://www.americanprogress.org/issues/poverty/report/2014/10/07/98452/harnessing-the-eitc-and-other-tax-credits-to-promote-financial-stability-and-economic-mobility/>
 - 21 Center on Budget and Policy Priorities, "Policy Basics: The Earned Income Tax Credit," Jan. 20, 2015. <http://www.cbpp.org/cms/index.cfm?fa=view&id=2505>
 - 22 Internal Revenue Service, "EITC, Earned Income Tax Credit, Questions and Answers," 2014. <http://www.irs.gov/Individuals/EITC,-Earned-Income-Tax-Credit,-Questions-and-Answers>
 - 23 IRC Section 7701(b)(1)(A). <https://www.law.cornell.edu/cfr/text/26/301.7701b-1>
 - 24 IRC Section 7701(b)(1)(A). <https://www.law.cornell.edu/cfr/text/26/301.7701b-1>
 - 25 IRC Section 7701(b)(6). <https://www.law.cornell.edu/cfr/text/26/301.7701b-1>
 - 26 IRC Section 7701(c)(2). <https://www.law.cornell.edu/cfr/text/26/301.7701b-1>
 - 27 IRC Section 7701(c)(2). <https://www.law.cornell.edu/cfr/text/26/301.7701b-1>
 - 28 IRC Section 7701(c)(2). <https://www.law.cornell.edu/cfr/text/26/301.7701b-1>

- 29 Jeffrey Passel & Et. al., "As Growth Stalls, Unauthorized Immigrant Population Becomes More Settled," Pew Hispanic Center, Sept. 13, 2014. <http://www.pewhispanic.org/files/reports/107.pdf>; Jeffrey Passel & Et. al., "A Portrait of Unauthorized Immigrants in the United States," Pew Hispanic Center, Apr. 14, 2009; <http://www.pewhispanic.org/files/reports/107.pdf>
- 30 Jeffrey Passel & Et. al., "A Portrait of Unauthorized Immigrants in the United States," Pew Hispanic Center, Apr. 14, 2009; <http://www.pewhispanic.org/files/reports/107.pdf>
- 31 Ibid.
- 32 Ibid.
- 33 Executive Office of the President and US Treasury Department, "The President's Proposal to Expand the Earned Income Tax Credit," the White House, Mar. 2014. http://www.whitehouse.gov/sites/default/files/docs/eitc_report_final.pdf
- 34 Ibid.
- 35 Center on Budget and Policy Priorities, "Earned Income Tax Credit Promotes Work, Encourages Children's Success at School, Research Finds," CBPP, Apr. 15, 2014. <http://www.cbpp.org/cms/?fa=view&id=3793>
- 36 Ibid.
- 37 Ibid.
- 38 Ibid.
- 39 Ibid.
- 40 Maria Santana, "5 Immigration Myths Debunked," CNN Money, Nov. 20, 2014. <http://money.cnn.com/2014/11/20/news/economy/immigration-myths/>
- 41 Institute on Taxation and Economic Policy (ITEP), "Undocumented Immigrants' State & Local Tax Contributions," ITEP, April 15, 2015. http://itep.org/itep_reports/2015/04/undocumented-immigrants-state-local-tax-contributions.php
- 42 Leo Anchondo, "Top 10 Myths About Immigration," American Immigration Council, 2010. <http://www.immigrationpolicy.org/high-school/top-10-myths-about-immigration>
- 43 Mary Johnson "Growth of the Social Security Earnings Suspense File Points to the Rising Potential Cost of Unauthorized Work to Social Security," The Senior Citizens League, February 21, 2013. <http://seniorsleague.org/2013/growth-of-the-social-security-earnings-suspense-file-points-to-the-rising-potential-cost-of-unauthorized-work-to-social-security-2/>
- 44 Ronald Mortensen, "Document Fraud in Employment Authorization: How an E-verify Requirement Can Help," United State States House of Representatives Judiciary's Subcommittee on Immigration Policy and Enforcement, April 18, 2012. http://judiciary.house.gov/_files/hearings/Hearings%202012/Mortensen%2004182012.pdf;
- 45 I.R.C. § 6109(a); Treas. Reg. § 301.6109-1(d)(3) (The ITIN is a nine-digit number resembling a SSN but starting with the number "9" and having the number "7" or "8" as the fourth digit. Qualifying taxpayers must apply for an ITIN using Form W-7, Application for Individual Taxpayer Identification Number, which requires taxpayer information including the individual's name, address, foreign tax identification number (if any), and specific reason for obtaining the ITIN. In addition, the IRS may prescribe that applicants provide documentary evidence to establish their alien status and identity. Acceptable documentary evidence for this purpose may include items such as an original (or a certified copy) of the original) passport, driver's license, birth certificate, identity card, or immigration documentation.) <https://www.law.cornell.edu/uscode/text/26/6109>; <https://www.gpo.gov/fdsys/pkg/CFR-2012-title26-vol18/pdf/CFR-2012-title26-vol18-sec301-6109-1.pdf>
- 46 Francine J. Lipman, "Bearing Witness to Economic Injustices of Undocumented Immigrant Families: A New Class of "Undeserving Poor"," 7 Nev. L.J. 736, 747 (Summer 2007). <http://scholars.law.unb.edu/nlj/vol7/iss3/4/>
- 47 I.R.S. Publ'n I304, 6 (2011), available at <http://www.irs.gov/pub/irs-soi/09inalcr.pdf> setting forth the number of individual income tax returns that were overpaid.



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College Knowledge as Cultural Capital: Reshaping Parental Involvement to Increase College Attainment

By Braulio Salas

Braulio Salas is a native of Silver Spring, Maryland. He graduated from Rutgers University, where he earned a BA in political science. As an undergraduate, Salas was a McNair scholar and centered his undergraduate research on the attrition of Latino students at the secondary and post-secondary levels.

Salas is an AmeriCorps alumnus, having served as a Teach for America corps member from 2011 to 2013. As a member of the Greater Philadelphia teaching corps, Salas taught tenth-grade Spanish at ASPIRA Olney Charter High School in North Philadelphia. While teaching full-time, he obtained his MSED in urban education from the University of Pennsylvania. Salas centered his master's thesis research on frame theory and the impact framing effects have on education policy.

In 2014, Salas began a graduate fellowship with the Congressional Hispanic Caucus Institute. As the secondary education policy fellow, Salas worked for the National Urban League (NUL) in their Washington Bureau where he supported the NUL education policy initiatives. Following his time with the NUL, Salas worked for Senator Patty Murray on the Senate Committee on Health,

Education, Labor, and Pensions (HELP). As an education policy fellow on the HELP committee, Salas worked on the reauthorization of the Elementary and Secondary Education Act.

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Abstract

In its current form, the Elementary and Secondary Education Act (ESEA) fails to require state educational agencies (SEAs) or local educational agencies (LEAs) to provide families with information regarding post-secondary attainment. The limited access to college knowledge is one of various factors that contribute to the reduced post-secondary enrollment rates among Latinos. The reauthorization of ESEA provides an opportunity for Congress to improve Latino enrollment rates by strengthening the parental involvement provisions already present in the No Child Left Behind Act (NCLB), the most recent reauthorization of ESEA. By amending the legislation to incorporate crucial language on parental engagement, Congress will provide SEAs and LEAs with important guidance regarding the type of engagement that should be taking place. This summit will bring together experts to discuss the importance of developing the whole child and highlight the role that parent engagement plays in student college attainment.

Introduction

The lack of cultural capital—defined as high-status cultural signals used in cultural and social selection—in the realm of post-secondary education

has long since represented a barrier to entry in low-income communities.¹ In its current form, the Elementary and Secondary Education Act (ESEA) fails to require state educational agencies (SEAs) or local educational agencies (LEAs) to provide families with information regarding post-secondary attainment. In a 2002 study, the Tomás Rivera Policy Institute surveyed 1,054 Latino parents from across the country and assessed their college knowledge. The results of the study revealed that nearly 66 percent of the parents surveyed failed the college knowledge test.² The high rate of failure on this assessment draws attention to the challenges facing many Latino parents across the country. College knowledge is a form of cultural capital that many Latino parents do not have access to. Failure to access this knowledge could drastically limit a student's chances of attending a college. The reauthorization of ESEA provides an opportunity for Congress to improve Latino enrollment rates by strengthening the parental involvement provisions already present in the No Child Left Behind Act (NCLB), the most recent reauthorization of ESEA. By amending the legislation to incorporate crucial language on parental engagement, Congress will provide SEAs and LEAs with important guidance regarding the type of engagement that should be taking place.

Latinos and Academic Barriers

According to *Excelencia in Education's* 2015 factbook, "by 2060, Latinos are projected to represent more than one-third of all U.S. children. Of the total population under the age of 14, Latinos will represent 38%, compared to Whites (33%), African Americans (13%), and Asians (7%)."³ With the US Latino population slated to grow exponentially over the next century, it is imperative that we equip students with the skills necessary to compete in a twenty-first-century global economy. A 2014 study, produced by Burning Glass Technologies—a Boston-based labor market analytics firm—states, "increasingly, employers are seeking baccalaureate talent for what have been sub-baccalaureate jobs."⁴ This hiring trend highlights the importance of college attainment for current and future generations of Latinos. Despite the recent jump in Latino college enrollment rates, as a subgroup, Latino students still fall behind their peers in various categories.⁵

In 2010, 71 percent of Latino high school students graduated within four years of enrolling in high school, compared to Asians (94 percent), Whites (83 percent), and African Americans (66 percent).⁶ The retention of nearly one-third of all Latino students is an indication of a larger systemic problem. Many parents do not know what their children need to do in school and

how to ensure their children are on an educational track that will lead to college.⁷ Although many Latino students have aspirations of attending college, a lack of guidance could lead them to encounter various obstacles. University of Georgia professor Yvette Q. Getch identifies three major barriers to achieving at a high academic level: “the lack of teacher support, the lack of school counselor involvement, and students being left on their own to figure out the process.”⁸ These obstacles can hinder student achievement and ultimately limit a student’s post-secondary opportunities.

However, if a parent were to possess the necessary cultural capital, they could advocate on behalf of their child to ensure that they were receiving quality teacher and counselor support. Unfortunately, too many students lack such advocates and are forced to suffer the consequences.

The Challenge with Nurturing Latino Educational Aspirations

The presence or absence of key academic interventions—good teachers/counselors, a challenging curriculum, strong support services—during a student’s schooling can determine whether a student will have the opportunity to apply to college or not.

In order to make the successful transition from high school to college, Latino youths need to move through a series of milestones and prerequisites. These milestones often bring a series of tough questions, which parents and students must navigate through. The ability to utilize counselors, teachers, and college representatives as information

“With the US Latino population slated to grow exponentially over the next century, it is imperative that we equip students with the skills necessary to compete in a twenty-first-century global economy.”

sources is associated with increasing college knowledge and can prove helpful when making tough academic choices.⁹ However, Latino students and parents must also contend with societal pressures when

reaching these milestones. Patricia Gándara of the Civil Rights Project at UCLA argues, “Societal beliefs about the intellectual or cultural inferiority of Latinos can result in both constrained opportunities and choices.”¹⁰ Although Latino parents may have high aspirations for their children, opposing societal expectations of what their children are likely to achieve often moderate or stifle these aspirations. Many Latino students struggle to effectively navigate the series of milestones they face before applying to college, and this can negatively shape their college aspirations.

Teachers and counselors can send

both verbal and non-verbal messages to students about the amount of confidence they have in their abilities.¹¹ “Grubb (2001) indicated that school counselors treat low-income and minority students as academically incapable and steer them towards less rigorous academic or vocational programs.”¹² This biased approach can lead to larger systemic problems. New York University professor Pedro Noguera explains, “The rewards of education—namely,

acquisition of knowledge and skills and ultimately, admission into a post-secondary institution, and a good paying job—keep the system of education running. If students are not receiving the benefits of the education system, they have little incentive to comply with the system.”¹³ The lack of discussion around the topic of post-secondary attainment can have a negative impact on students. In failing to discuss post-secondary attainment with Latino students, teachers and counselors could be conveying a non-verbal message that negatively shapes the self-perceptions of the very students they seek to help. Negative self-perceptions can hurt student academic performance; this phenomenon is known as *stereotype*

“In failing to discuss post-secondary attainment with Latino students, teachers and counselors could be conveying a non-verbal message that negatively shapes the self-perceptions of the very students they seek to help.”

threat theory. As defined by University of California, Berkeley, professor Claude Steele, “*Stereotype threat* is being at risk of confirming, as self-characteristic, a negative stereotype about ones group.”¹⁴ The threat of confirming the stereotype creates a vulnerability that can

hinder performance and lead to low academic achievement in those affected.

Gándara’s premise argues that societal beliefs about Latino students can lead to constraints on their aspirations. Despite being the largest minority

group, Latino students have one of the lowest four-year high school graduation rates of any minority group at 71 percent.¹⁵ These low four-year graduation rates support the idea that an overwhelming percentage of Latino students are facing academic challenges. These academic challenges are important because the enrollment of Latino youths in higher education is not a single, discrete event that occurs in the last year of high school. Getting accepted into college is but one step in a long journey of events that begins in middle school.¹⁶ If Latino graduation rates are among the lowest of any subgroup, it may be indicative of a larger systemic problem that goes far beyond pure academics. The Department

of Education Office of Civil Rights (OCR) investigated student participation in gifted and talented courses and they found that only 17 percent of the students enrolled in gifted and talented courses were Hispanic, whereas White students represented 60 percent.¹⁷ The data demonstrates that Latino students are largely under-represented in gifted and talented courses. This low level of representation speaks to a larger trend that consistently finds Latino students towards the bottom of most college preparatory metrics. If key recommendations are adopted, a more concerted effort to engage parents could lead to drastic changes in these college preparatory metrics.

Parental Involvement is Essential to Post-Secondary Education Opportunities

Parental involvement improves student academic performance, attendance, and graduation rates. It also reduces at-risk behaviors, such as alcohol and drug use. The Consortium for Appropriate Dispute Resolution in Special Education (CADRE) identifies that the most promising opportunities for student achievement occur when families, schools, and community organizations work together.¹⁸ Changing the parental engagement language currently in

ESEA will help to encourage increased collaboration and hopefully improve student achievement.

The systemic threats facing students skew the perceptions of Latino student ability. By matching parental aspirations with teachers, college knowledge, and positive expectations, students stand a greater chance of success. Parents play a pivotal role in the development of student aspirations.¹⁹ Therefore, parental involvement efforts must be intentional with regards to the dissemination of college knowledge.

The lack of cultural capital, as it pertains to knowledge of the education system, limits access to college knowledge.²⁰ Johns Hopkins University professor Cheryl Holcomb-McCoy explains, "Recent college choice studies have examined parents' cultural and social capital as determinants of college access and school counselors as a source of social capital in the college application process."²¹ When surveyed, Latino parents overwhelmingly mentioned counselors and teachers as their primary channel for information on post-secondary education. Separately, in a 2010 study examining counselors' beliefs, Holcomb-McCoy explains that counselors believe working with parents on college opportunities is a major part of their job.²² Despite this

belief, a majority of counselors reported that they “sometimes” conference with parents and almost “never” organize volunteer activities for parents. If counselors are a parent’s primary source of college knowledge, steps should be taken to support the acquisition of college knowledge. Federal law should provide guidance in the form of targeted language in ESEA. This language should encourage SEAs to prioritize parental engagement and help LEAs focus on developing the college knowledge of their parents. There are examples of parents, schools, and community organizations coming together to improve student achievement through increased parent engagement.

NCLR’s Program Demonstrates Parental Involvement Affects Successful Outcomes

The National Council of La Raza’s (NCLR) *Padres Comprometidos* program, serves as an example of what can happen when specific attention is given to involving parents in their children’s education from preschool through high school. The program works to build the capacity of Latino parents to acquire the skills they need to engage with schools and develop the skills necessary to play a role in preparing their children for college. An independent evaluation of the *Padres Comprometidos* program found that involvement in the program re-

sulted in changes in parents’ perception and knowledge, relationships with their children, and relationships with schools. Following the program, parents understood the importance of maintaining a high GPA, taking advanced placement courses, and tapping into federal and local resources to pay for college.²³ This program demonstrates how an increased focus on parental involvement can lead to positive outcomes for the student and the parent. The positive outcomes of this program highlight why there is a need for specific language within ESEA that encourages not only parental involvement but also a specific focus on engaging parents with information regarding college attainment.

Parent Engagement in Current Law and Opportunities to Make Improvements

Current laws like NCLB put forth provisions that seek to enhance parental involvement. Yet, policies still fail to address the lack of cultural capital possessed by Latinos and individuals from low-income backgrounds. Much of the federal policy on parental involvement is very broad despite recent efforts to focus more on parental engagement. The Department of Education released a “Parent Involvement Guidance” document that states, “when schools collaborate with parents to help their children learn and when parents participate in school activities and

decision-making about their children's education, children achieve at higher levels."²⁴ It is extremely important that the Department of Education acknowledges the impact parents have on student achievement, but it stops shy of addressing the importance of collaboration between families and schools. It is this collaborative effort that would

"It is extremely important that the Department of Education acknowledges the impact parents have on student achievement, but it stops shy of addressing the importance of collaboration between families and schools."

be elevated if schools were charged with creating engagement around the conversation of college knowledge.

More recently, the Department of Education made parental involvement and college readiness the centerpiece of its "principles for improving student academic achievement and increasing the quality of instruction." In the department's first principle under ESEA Flexibility, they state:

To ensure that its college- and career-ready standards are truly aligned with postsecondary expectations, and to provide information to parents and students about the college-readiness rates of local schools, an SEA must annually report to the public on college-going and college credit-accumulation rates for all students and student subgroups in each LEA and each high school in the State.²⁵

This excerpt is a step in the right direction with regards to increasing college knowledge through parental involvement. Section 1118 of NCLB

and principle 1 of ESEA Flexibility laid the framework for a more expansive approach to parental involvement. In particular, Sec. 1118 provides room for additional

legislative recommendations specifically designed to increase parental involvement and college readiness knowledge.

Recommendations

The reauthorization of ESEA provides an opportunity for Congress to improve Latino enrollment rates by strengthening the parental involvement provisions and making them more representative of the need for expanded effort to disseminate college knowledge to parents. The following provisions would help establish a strong parental role in the education of children across the American education system:

1. The reauthorization of ESEA should amend Sec. 1118 by inserting a new provision that encourages LEAs to provide guidance on the various secondary education opportunities that could better prepare

students for post-secondary education. College attainment is not an individual event; it is instead the culmination of a series of choices that begin early on in a student's life. It is important for schools to assist parents as best they can, by providing them with information on these important events. This is critical for parents who may not be familiar with secondary education opportunities. The proposed language below seeks to provide LEAs with guidance in this area:

Amend. P.L.107-110, after Sec.1118 (a)(2)(F), insert:(G)

(G) Provide parents with information on how to navigate the various secondary education opportunities that may help students prepare for post-secondary education. Including but not limited to, providing information on the Gifted and Talented program, Magnet program, International Baccalaureate program, and Advanced Placement courses.

Providing parents with information on secondary education opportunities could effectively shape the decisions of parents when selecting a school or when helping select their children's classes. By enhancing parental cultural capital, LEAs could increase student attainment by better preparing parents for these life events.

2. The reauthorization of ESEA should amend Sec. 1118 by in-

serting a new provision that encourages LEAs to provide parents with college knowledge. It is important for parents to be aware of the different steps involved in the college attainment process. The research has shown that students achieve at higher levels when parents, schools, and community organizations work in collaboration to advance the needs of the whole child. Currently, there is a gap that exists between parents and counselors that is the result of poor parental engagement regarding issues of college attainment. The introduction of new language in ESEA could bridge the gap. The language below seeks to provide states and LEAs with the guidance necessary to help improve student achievement:

Amend. P.L.107-110, after Sec.1118 (a)(2)(G), insert:(H)

(H) Provide parents with adequate information regarding how to navigate various post-secondary opportunities. Including but not limited to, registering for college enrollment exams (i.e., PSAT, SAT, ACT, etc.), applying to two- and four-year institutions, and applying for financial aid.

By providing parents with adequate college knowledge, LEAs can increase graduation rates and the rates of college enrollment.

These provisions seek to bring visibility to parental involvement as

an area of improvement for school leaders. The hope is to bring attention to the importance of college knowledge and the need for direct involvement between schools and parents. These recommendations do not seek to limit local control over when and how to engage parents on these issues. Instead, the goal is to empower local districts to develop creative new ways to engage parents on the importance of college knowledge and empower families to prepare for these important life events.

The two recommendations above assume that the reauthorization of ESEA would follow the current layout of the 2001 No Child Left Behind Act. If the reauthorization of ESEA should drastically reshape the 2001 version of the bill in a way that would not permit the above recommendations to be implemented, it is important that any bill voted on maintain certain important elements. Therefore, any reauthorized version of ESEA should contain:

- specific language that requires states hold LEAs accountable for developing a parental engagement plan;
 - state-developed strategies for supporting LEAs in the development and implementation of new parental engagement practices;
 - language that calls for LEAs to develop parental engagement practices that focus on increasing the college knowledge of its parents.
- If Congress fails to maintain the

framework of the 2001 version of ESEA, it is imperative that any reauthorized version of ESEA retains protections for parents. The research demonstrates that there is a need for collaboration between schools and parents. Any efforts to roll back the progress that has been made over the years would only serve to further alienate the nation's most vulnerable populations.

Conclusion

By 2060, Latinos are projected to represent more than one-third of all US children.²⁶ In order to avoid creating a subclass of citizens, it is important that we decrease Latino attrition in our nation's high schools and increase the rate of enrollment into our nation's colleges and universities. The research shows that parental engagement can increase students' chances of going to college. Unfortunately, when surveyed, 66 percent of the Latino parents lacked the essential college knowledge—advanced learning and coursework opportunities from grade school to high school, awareness of college entrance exams, college application processes and timelines, and financial aid options—necessary to help in their children's college preparation process. Programs like NCLR's *Padres Comprometidos* demonstrate the positive effect that a concerted effort to increase parental engagement can have on parents' ability to support their children in post-secondary access and achievement. Current legislation fails to

provide specific language that calls for the dissemination of college knowledge through parental engagement. If applied, the recommended amendments to ESEA or other legislative efforts will lead LEAs to better focus their parental engagement efforts on improving the college knowledge of parents. This new focus on college knowledge will help parents better guide their children through the college application process and improve Latino college enrollment numbers across the nation.

Endnotes

- 1 Lamont, Michele, and Annette Lareau. "Cultural capital: Allusions, gaps and glissandos in recent theoretical developments." *Sociological theory* 6, no. 2 (1988): 153-168.
- 2 Tomatzky, Louis G., Richard Cutler, and Jongho Lee. "College Knowledge: What Latino Parents Need To Know and Why They Don't Know It." (2002).
- 3 Santiago, Deborah A., Emily Calderón Galdeano, and Morgan Taylor. "The condition of Latinos in education: 2015 factbook." *Washington, DC: Excelencia in Education*. Retrieved from <http://www.edexcelencia.org/research/2015-factbook> (2015).
- 4 Glass, Burning. "Moving the Goalposts: How Demand for a Bachelor's Degree is Reshaping the Workforce." (2014).
- 5 Santiago, Deborah A., Emily Calderón Galdeano, and Morgan Taylor. "The condition of Latinos in education: 2015 factbook." *Washington, DC: Excelencia in Education*. Retrieved from <http://www.edexcelencia.org/research/2015-factbook> (2015).
- 6 Santiago, Deborah A., Emily Calderón Galdeano, and Morgan Taylor. "The condition of Latinos in education: 2015 factbook." *Washington, DC: Excelencia in Education*. Retrieved from <http://www.edexcelencia.org/research/2015-factbook> (2015).
- 7 Marsico, Melisa, and Yvette Getch. "Transitioning Hispanic seniors from high school to college." *Professional School Counseling* 12, no. 6 (2009): 458-462.
- 8 Marsico, Melisa, and Yvette Getch. "Transitioning Hispanic seniors from high school to college." *Professional School Counseling* 12, no. 6 (2009): 458-462.
- 9 Tomatzky, Louis G., Richard Cutler, and Jongho Lee. "College Knowledge: What Latino Parents Need To Know and Why They Don't Know It." (2002).
- 10 Gándara, Patricia. «Latino Achievement: Identifying Models That Foster Success.

- Research Monograph Series. RM04194.» *National Research Center on the Gifted and Talented* (2004).
- 11 Gándara, Patricia. «Latino Achievement: Identifying Models That Foster Success. Research Monograph Series. RM04194.» *National Research Center on the Gifted and Talented* (2004).
 - 12 Holcomb-McCoy, Cheryl. "Involving low-income parents and parents of color in college readiness activities: An exploratory study." *Professional School Counseling* 14, no. 1 (2010): 115-124.
 - 13 Noguera, Pedro A. "The trouble with Black boys: The role and influence of environmental and cultural factors on the academic performance of African American males." *Urban education* 38, no. 4 (2003): 431-459.
 - 14 Steele, Claude M. "A threat in the air: how stereotypes shape intellectual identity and performance." *American psychologist* 52, no. 6 (1997): 613.
 - 15 Marsico, Melisa, and Yvette Getch. "Transitioning Hispanic seniors from high school to college." *Professional School Counseling* 12, no. 6 (2009): 458-462.
 - 16 Tomatzky, Louis G., Richard Cutler, and Jongho Lee. "College Knowledge: What Latino Parents Need To Know and Why They Don't Know It." (2002).
 - 17 US Department of Education Office for Civil Right, "Civil Rights Data Collection: Data Snapshot: College and Career Readiness" Issue Brief No. 3, March 21, 2014. Participation in gifted and talented education program, by race/ethnicity. <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-college-and-career-readiness-snapshot.pdf> (2014)
 - 18 Carter, Susanne. "The Impact of Parent/Family Involvement of Student Outcomes: An Annotated Bibliography of Research from the Past Decade." (2002).
 - 19 Gándara, Patricia. «Latino Achievement: Identifying Models That Foster Success. Research Monograph Series. RM04194.» *National Research Center on the Gifted and Talented* (2004).
 - 20 Tomatzky, Louis G., Richard Cutler, and Jongho Lee. "College Knowledge: What Latino Parents Need To Know and Why They Don't Know It." (2002).
 - 21 Holcomb-McCoy, Cheryl. "Involving low-income parents and parents of color in college readiness activities: An exploratory study." *Professional School Counseling* 14, no. 1 (2010): 115-124.
 - 22 Holcomb-McCoy, Cheryl. "Involving low-income parents and parents of color in college readiness activities: An exploratory study." *Professional School Counseling* 14, no. 1 (2010): 115-124.
 - 23 Cuyun, Irene. "Padres Comprometidos: Engaging Latino Parents for Long-Term Student Success." (2012).
 - 24 US Department of Education. "Parental Involvement: Title I, Part A— Non-regulatory Guidance, 2004." <http://www2.ed.gov/programs/titleiparta/parentinguid.doc> (2014)
 - 25 US Department of Education. "ESEAFlexibility," www.ed.gov, last modified June 7, 2012, www2.ed.gov/policy/eseaflex/approved-requests/flexrequest.doc. (2014)
 - 26 Santiago, Deborah A., Emily Calderón Galdeano, and Morgan Taylor. "The condition of Latinos in education: 2015 factbook." *Washington, DC: Excelencia in Education*. Retrieved from <http://www.edexcelencia.org/research/2015-factbook> (2015).



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Honoring Voice, Breaking Silence: Testimonio and Resilience in the Borderlands

*An (Im)possible Life:
Poesia y Testimonio in the Borderlands*
by **Elvira Prieto**
CreateSpace Independent Publishing Platform, 2015

Reviewed by Maria E. Cruz, PhD.

Dr. Maria Elena Cruz is a descendant of the Huichol (indigenous Mexican) tribe and was born in Northern California. Maria is the first person in her family to graduate from college and the first to receive a PhD. She graduated from UC Berkeley in 2004 and majored in English with an emphasis on twentieth-century literature (from modern to contemporary) Anglophone and multicultural studies. Dr. Cruz received her MA in social cultural anthropology at the University of Texas at Austin in 2007 and her PhD from the same department in 2013. As a doctoral student, Dr. Cruz was awarded the National Science Foundation Award for three years. Dr. Cruz is a sociocultural anthropologist specializing in Indigenous studies with an emphasis on Mexican American and Latina/o (im)migration policy and law in the US-Mexico

borderlands. Her research interests align closely with her teaching experience, which includes teaching undergraduate courses at the University of Texas at Austin in the areas of anthropology, history, and Mexican American studies. Maria also taught Indigenous and Mexican American History at San Jose State University. Currently, she is the Assistant Director to the McNair Scholars Program at San Jose State University and teaches research and methods courses to help first-generation, low-income, and underrepresented students develop undergraduate research and continue on to PhD programs across the nation.

An (Im)possible Life: Poesia y Testimonio in the Borderlands by Elvira Prieto (2015) is a *testimonio* grounded in an oral tradition of sharing, revealing, and healing—an indigenous way of connecting lives and stories across generations throughout the Americas. Like Elvira, other Chicana/Latina feminists also use creative writing, lived experiences, and *papelitos guardados* in the telling of *testimonios*—politically urgent life stories—in an effort to promote conscious engagement with issues of difference, power, and inequality. As such, *testimonio* serves to inform US policy related to education, gender, domestic violence, farm worker rights, immigration, and child sexual abuse.¹

Testimonio then, names the workings and abuses of institutional power, the human costs, and our collective *sobrevivencia* (survival and beyond). Latina and women of color creative writers, artists, intellectuals, and scholar/activists make the case for the intensely political nature of our creative and professional work. Through our stories, we bear witness to our unique and collective experiences as racialized/ethnicized women in the United States. Different from Compared to the traditional genre of *testimonio*, Latina/Chicana feminist *testimoniantes* bear witness to each other as interlocutors through our own voice and authoring.²

In her *testimonio*, Elvira breaks with

traditional patriarchal Mexican American family values of “rules of conduct and behavior,” particularly for women, by having the courage to tell her truth, however painful it may be for her and for her family members to hear.³ This auto-ethnographical memoir emphasizes the work that remains in advocating for public policy change that affects farmworkers, the educational system, domestic violence, and child abuse in this country. The title refers to breaking through sociopolitical boundaries and borders through poetry and *testimonio*. In surviving the terrible conditions in the labor fields, the experience of a racialized and unequal educational system, gendered violence, and child sexual abuse, Prieto demonstrates to her readers what is possible with love and forgiveness. Her work delineates culture, gender, racial, and socioeconomic disparities while simultaneously creating a space to express the need for social and political justice through her beautiful prose.

Elvira’s Prose Is Simultaneously Heartbreaking, Honest, and Inspiring

Her history and lived experience through heritage in creating “self” is

“In her testimonio, Elvira breaks with traditional patriarchal Mexican American family values of “rules of conduct and behavior” particularly for women by having the courage to tell her truth, however painful it may be for her and for her family members to hear.”

the most inspiring part of this book. For her, becoming is a matter of choice: will she identify herself with her mother’s people, the Tarahumara Indian, or will she associate herself with her father’s colonial patriarchal Spanish clan? Prieto manages to show the limitations of either option, attempting to answer the question of becoming a woman on her own terms. Ultimately she rejects the patriarchal colonial tradition and chooses to create a new, healthier path for her and the future of her family. Elvira courageously chooses not to act from the wounds inflicted by her family but instead illustrates that she posts no limits for the human experience and her future. The cover of this memoir is a beautiful photo that defines what is yet to come. The photo on the front cover is her maternal grandmother, *Doña Lolita*, holding four children with one on the way as she is pregnant with Elvira’s mother. The first part of the memoir takes place within the greater San Joaquin Valley in California, also known as the breadbasket of the world, where thousands of undocumented and documented workers have labored in the fields from sunset to sunrise picking

fruits and vegetables. Since the beginning of the Bracero Program in 1942, farmworkers have been pulled from Mexico to labor in the agriculture fields where no US citizen wants to work.⁴ The Bracero Program brought Prieto's grandfathers to different parts of the United States, eventually to California where Elvira was born. Her writing underscores US policy that profits off the maltreatment of farmworkers who contribute to our country's labor force.⁵ Despite their contributions, farmworkers earn minimal wages in deplorable working and living conditions, including the spraying of pesticides. The poisonous pesticide spray contributes to the industrialization of agriculture, to making the production of fruits and vegetables profitable at the cost of some of the most marginalized human beings in the United States.

Prieto exquisitely illustrates her experience as a young farmworker girl in a short story called "En El Fil" (In The Field).⁶ Readers will feel transferred into the grape fields and sense how her body and spirit is battered in the 117-degree weather amongst the rows of grapes while working alongside her father, earning twelve

cents per box at the age of twelve. In the field, Prieto has to prove she is stronger than her male counterparts in order to receive her father's acceptance. This is the beginning of various health problems—such as asthma, back strains, and bone strains—as well as psychological and spiritual trauma that Prieto endures as a result of her time in the fields. This story is

"In surviving the terrible conditions in the labor fields, the experience of a racialized and unequal educational system, gendered violence and child sexual abuse Prieto demonstrates to her readers what is possible with love and forgiveness."

of millions of farmworkers enduring horrific conditions to make a living in the United States. Undocumented workers, women, and children face the most severe conditions as farmworkers.⁷ Many children leave school to work in the fields because

they must help to sustain their families.⁸ Underage children are still working as migrant workers today instead of attending school.⁹ Prieto was fortunate to have a mother who advocated for her education and a father who allowed her and her siblings to attend school while still working in the fields.

Schooled in a Racist and Gender-Biased Educational Climate, Women Still Prevail

Prieto subverts the dichotomy of remaining within the colonizing pa-

triarchal system or breaking out of it by showing different possibilities for herself through her short stories and poetry. These choices are represented through the peripheral indigenous other. Throughout the text, stories of her mother and father's heritage are represented and countered against the other. Her father's family is Mexican Catholic, while her mother's side of the family practices traditional indigenous ceremonial ways. The matrilineal line of the *indio* alludes to her great-grandmother and grandmother, both named *Dóna Lolita*, who used indigenous farming and nomadic practices. As a widow, Prieto's great-grandmother lived in a time when women raising their children alone was considered taboo. Prieto's grandmother was a tireless advocate for education despite only completing the third grade; *Dóna Lolita* fought for education and school supplies for her children and the children of her community in rural Mexico. As illustrated in this memoir, Prieto follows the footsteps of her great-grandmother and grandmother, the women in her maternal family who were also educators and leaders in their communities. Prieto is an educator who continues to help and teach young men and women by sharing her own journey and transcending the racial tension and biases in which she grew up. Whether completing her homework in the street at night, working in the

fields, or cleaning wealthy Caucasian people's houses to help her family, she did the best she could with what she had. Prieto saw more for herself and for her family and has continued on her path to write about it.

Violence in the Home

Violence in the home was prevalent for Prieto growing up. How does one heal after witnessing and experiencing so much pain and anguish as a young child? Prieto's healing comes from writing stories and prose that speak to the pain of living in a space of sexist colonial subjectivity, resulting in domestic violence and child sexual abuse. Prieto manages to reinforce the importance of breaking away and speaking out against domestic violence and sexual predators within our own families. This voice is particularly important in the Latina/o community because innumerable stories like this are rarely spoken of within the Latina/o culture or family.¹⁰ Prieto gives permission to those who have fallen victim to this pain to free themselves and tell their truth. The text surrounding domestic violence and child molestation is the most courageous voice of this memoir. Prieto's courage to write in text for all the world and her family to read and hear is one of the most difficult yet cathartic actions to start the healing process for her and her family. Having to relive the violent physical abuse and the memory of the "exten-

sion cord, belt, and cowboy boots” at the hands of her father towards her mother is a vivid, harrowing poem.¹¹ We immediately feel the fear and trauma of children raised in abusive environments. Although these were distressing moments in Prieto’s life, it is just one story that addresses what thousands of women and children still endure here in the United States. Prieto specifically highlights her lived experience of abuse through a female’s perspective. Law and policy surrounding domestic violence in the United States has improved somewhat in regards to protecting women and children, but it still lacks exclusive protection, particularly for the over one million undocumented women living in California.¹² According to the National Coalition Against Domestic Violence, one in three women are victims by an intimate partner of some form of physical violence.¹³ There are low prosecution and conviction rates against abusers because prior domestic violence charges and evidence within the same relationship are not permitted and excluded in a trial, thus making it more difficult for women to escape their abusive situation.¹⁴ In addition, undocumented women feel even more terror and are afraid of reporting anything to the police because of the ramifications of possible deportation and separation from their children and families. This book will

help documented and undocumented women living in violent households understand that they are not alone and to be unafraid of releasing their truth so that they can break free of the physiological, physical, or economic abuse that they may be suffering.

Prieto also addresses the very intimate and sad story of her paternal uncle who was a pedophile. According to the US Justice Department, about 30 percent of the perpetrators of child sexual abuse are family members. In the story called “La Casita Blanca”¹⁵, Prieto shows us she will no longer carry the burden, pain, humiliation, fear or shame that children of sexual abuse transport in their psyche and their bodies. As she openly writes about every detail, every sense and smell, she releases this poisoned memory from her body and soul, and you can feel that she gains a sense of freedom and hope for the spirit to rise once again. *Testimonio* is powerful and we can only hope that these poems and short stories will bring about real change against domestic and sexual violence, particularly for the protection of children and women. Prieto continuously illustrates that she is a survivor and less of a victim by continuously exemplifying compassion, daring to dream and love, and never forgetting, but forgiving.

Love and healing

Prieto demonstrates that you can heal

your body, mind and spirit by writing and expressing the truth through the power of love. She reminds us that we cannot heal alone. Prieto shows us how much she loves her family throughout the book, particularly her brother Challo. We get a real sense of a brother-sister love that is very pure and protective. It is Challo who helps Prieto find her way to be able to love and forgive those who have hurt both of them in their past. While Prieto constructs belief around destiny and fate,

“Testimonio is powerful and we can only hope that these poems and short stories will bring about real change against domestic and sexual violence, particularly for the protection of children and women.”

Challo shows Elvira a different belief system of religious practice that borders on the supernatural and spiritual. Challo is a holder of secrets, and/or indigenous knowledge, and Prieto’s poems and stories allude to the *Dóna Lolita* bloodline. Prieto is grounded in the indigenous traditions, even though she grew up in the catholic tradition. She understands that life and spirituality can be viewed in many different and equally valid ways. This memoir ends with Elvira understanding that the impossible is possible. In the memoir, the past seems so unalterable that Prieto almost seems destined to be who she is now. The possibility of moving on to an alternative is exactly

what Prieto explores. Indeed, Prieto shows a multiplicity of diversity in her book. Prieto does not limit her world or experiences to be. Throughout some of the short stories and poems, there is a presence of the American Chicana experience. This seems to create a parallel type of existence, where the predominantly Mexican town of Reedley, CA is almost away and apart from the United States. Yet the reader creates the greater context of time and space because Prieto makes it a point to highlight these. In

so doing, the reader creates options of becoming for Prieto that are beyond the ones of Chicana, Hispana/indigenous-mestizo, and Catholic. Prieto goes beyond her wildest of dreams of becoming the person she wants to be, regardless of her past. Prieto dares us all to dream big, live, love, and forgive, and she challenges us to write our truths to free our spirits. Prieto also calls attention to the social, economic, educational, and political injustices against women and children in this country. Through this memoir, we are inspired to make real changes by living, expressing, and writing our own truths because, as Prieto demonstrates, change starts at home.

Endnotes

- 1 Wanda Alarcón et al., "Compartiendo Nuestras Historias : Five Testimonios of Schooling and Survival," *Journal of Latinos and Education* 10, no. 4 (October 2011): 369–81, doi:10.1080/15348431.2011.605690; Luz del Alba Acevedo, *Telling to Live: Latina Feminist Testimonios*, E-Duke Books Scholarly Collection. (Durham: Duke University Press, 2001), <http://ezproxy.lib.utexas.edu/login?url=http://site.ebrary.com/lib/utexas/Doc?id=10236538>; Dolores Delgado Bernal, Rebeca Burciaga, and Judith Flores Carmona, "Chicana/Latina Testimonios : Mapping the Methodological, Pedagogical, and Political," *Equity & Excellence in Education* 45, no. 3 (July 2012): 363–72, doi:10.1080/10665684.2012.698149. http://www.academia.edu/5011565/Chicana_Latina_Testimonios_Mapping_the_Methodological_Pedagogical_and_Political; Prieto, Linda, "IAP || Book || Abriendo Puertas, Cerrando Heridas (Opening Doors, Closing Wounds)," accessed November 29, 2015, <http://www.infoagepub.com/products/Abriendo-Puertas-Cerrando-Heridas>. 2015, <http://www.infoagepub.com/products/Abriendo-Puertas-Cerrando-Heridas>."}, plainCitation."} Wanda Alarcón et al., "Compartiendo Nuestras Historias : Five Testimonios of Schooling and Survival," *Journal of Latinos and Education* 10, no. 4 (October 2011)
- 2 Linda Prieto, and Sofia A. Villenas. "Pedagogies from Napanlta : Testimonio , Chicana/ Latina Feminisms and Teacher Education Classrooms." *Equity & Excellence in Education* 45, no. 3 (2012): 411-29. doi:10.1080/10665684.2012.698197 https://www.researchgate.net/publication/254300359_Pedagogies_from_Nepantla_Testimonio_ChicanaLatina_Feminisms_and_Teacher_Education_Classrooms.
- 3 Elvira Prieto. *An (Im)possible Life: Poesia y Testimonio in the Borderlands* by Elvira Prieto. October 2015, 2. <http://www.amazon.com/An-possible-Life-Testimonio-Borderlands/dp/1517074460>.
- 4 Douglas S. Massey, *Beyond Smoke and Mirrors : Mexican Immigration in an Era of Economic Integration* / Douglas S. Massey, Jorge Durand, and Nolan J. Malone (New York : Russell Sage Foundation, c2002), 34–36, http://discover.sjlibrary.org/iii/encore_sjsu/re-cord/C__Rb2507139__SBeyond%20Smoke%20and%20Mirrors__P0,1__Orighresult__U__X7?lang=eng&suite=sjsu; George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945*, Reprint edition (Oxford University Press, 1995), 96.
- 5 Massey, *Beyond Smoke and Mirrors*, 36–38.
- 6 Prieto, *An (Im)possible life*, 29.
- 7 Vicki L. Ruiz, *From Out of the Shadows: Mexican Women in Twentieth-Century America*, 10 edition (New York, NY: Oxford University Press, 2008); Lynn Stephen, *Transborder Lives: Indigenous Oaxacans in Mexico, California, and Oregon* (Durham: Duke University Press, 2007). http://www.amazon.com/Out-Shadows-Mexican-Twentieth-Century-America/dp/0195374770/ref=sr_1_1?s=books&ie=UTF-8&qid=1454016980&sr=1-1&keywords=vicki+ruiz+from+out+of+the+shadows.
- 8 Stephen Stock and David Paredes, "Child Labor: Young Hands Picking Our Food," NBC Bay Area, August 6, 2012, <http://www.nbcbayarea.com/investigations/series/children-in-the-field/Children-in-the-Field-Picking-Our-Food-164796976.html>.
- 9 Ibid.
- 10 Gloria Anzaldúa, *Borderlands: The New Mestiza = La Frontera*, 4th ed., 25th anniversary (San Francisco: Aunt Lute Books, 2012); Cherríe Moraga and Gloria Anzaldúa, eds., *This Bridge Called My Back: Writings by Radical Women Of color*, Fourth edition (Albany, NY: SUNY Press, 2015). http://www.amazon.com/Borderlands-Frontera-Mestiza-Gloria-Anzaldúa/dp/1879960850/ref=la_B000APRAQM_1_1?s=books&ie=UTF-8&qid=1454016872&sr=1-1.

- 11 Prieto, An (Im)possible life, 47.
- 12 Wallace, Steven P., Jaqueline Torres, Tabashir Sadegh-Nobari, Nadereh Pourat, and *Richard E. Brown. Undocumented Immigrants and Health Care Reform, August 31, 2012. Accessed January 28, 2015. [http://webcache.googleusercontent.com/search?q=cache:82yS8wV1fCo\]:health-policy:ucla](http://webcache.googleusercontent.com/search?q=cache:82yS8wV1fCo]:health-policy:ucla)
- 13 “Statistics,” National Coalition Against Domestic Violence, accessed January 11, 2016, <http://www.ncadv.org/learn/statistics>.
- 14 Ibid.
- 15 Prieto, An (Im)possible life, 57.

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