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Implementation of Public and Institutional Policies for Undocumented and DACAmented Students at Higher Education Institutions

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We are living at a critical time when the construction of inclusive policies and practices by higher education institutions and institutional agents¹ for students who are undocumented² or have Deferred Action for Childhood Arrivals (DACA)³ status are needed more than ever. While tens of thousands of undocu/DACAmented⁴ students are enrolled in higher education institutions, they often have to overcome discriminatory policies and contend with unknowledgeable higher education institutional agents who may not address their specific needs.⁵ Complex public policy landscapes and individual campus environments can shape institutional agents' implementation of policies and practices that impact undocu/DACAmented students. This research brief will map the policy and campus environments and conclude with how learning opportunities can help inform institutional agents' practice.

Complex Public Policy Environments

Policies affecting the college access and persistence of undocu/DACAmented students involve an ever-changing web of federal, state, and local actions.⁶ This complex policy environment has been exacerbated by President Trump's xenophobic policies that dehumanize undocumented and mixed-status immigrant families living in the U.S.⁷

In September 2017, the Trump regime announced the demise of DACA, which some states have used to grant in-state resident tuition (ISRT) and state aid eligibility to DACAmented students. However, before Trump's rise, discriminatory federal policy had already been in place barring undocu/DACAmented students' access to federal financial aid.

State policy environments can be categorized as follows:

- **Accessible:** Public or system(s)-level policies that grant certain undocumented and DACAmented students' ISRT and state aid eligibility.
- **Restrictionist:** Public or system(s)-level policies that deny undocumented and DACAmented students' ISRT and state aid eligibility.
- **Ambivalent:** Absence of public or system(s)-level policies that grant or deny undocumented and DACAmented students' ISRT and state aid eligibility.
- **Incongruous:** Combinations of public and/or system(s)-level policies that grant, deny, or are absent in relation to undocumented and DACAmented students' ISRT and state aid eligibility.

Local policymakers (e.g., community college boards) have also enacted policies that affect undocu/DACAmented students' college access (e.g., "in-district" tuition eligibility).

“Many of the public policy changes allowing ISRT and state aid eligibility to these students can be traced to the relentless activism of undocu/DACAmented students and their allies.”

Even when policies exist that influence these students’ college access and persistence, policy vagueness leads to ambiguity in how policies are implemented by higher education institutional agents.⁸ These institutional agents often face numerous implementation hardships; for instance, they may experience role conflict associated with their desire to facilitate undocu/DACAmented students’ greater educational opportunities while meeting compliance obligations, such as requiring undocumented students to pay out-of-state resident tuition.⁹ These exclusionary policy contexts have partially contributed to some institutions examining how their campus environments can better address the needs of undocu/DACAmented students.

Campus Environments

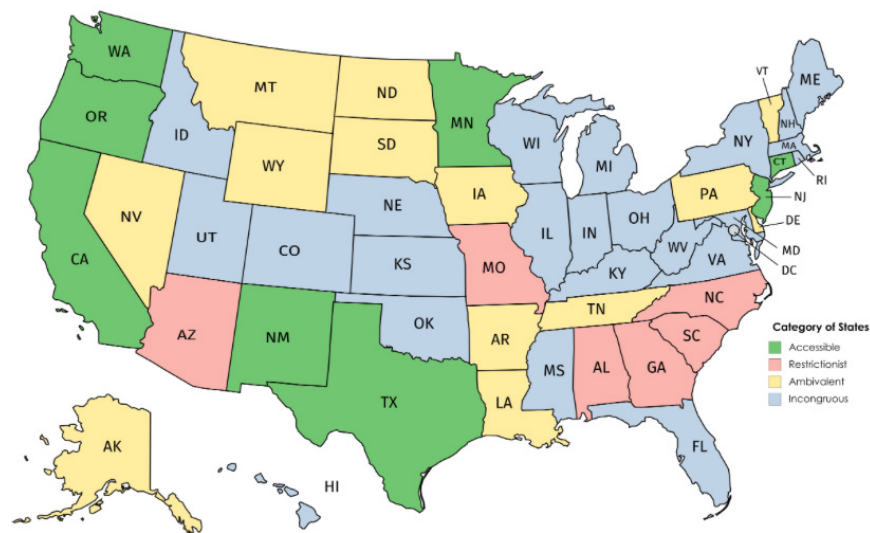
Institutional agents must navigate the level of institutional support allotted to work with and for undocu/DACAmented students. Some institutions, driven by the activism of undocu/DACAmented students and their campus allies,¹⁰ have made significant progress in fostering undocu-/DACA-friendly environments¹¹ through Dream Success/Resource Centers and other campus centers and offices. Yet, many institutions have minimal or no support for institutional agents who work with and for undocu/DACAmented students.

Dream Success/Resource Centers

Dream Success/Resource Centers are offices on campuses that address the unique needs of undocu/DACAmented students. There are over fifty such centers, with more than four out of every five located in California.¹² Services provided may include:

- Assisting prospective undocu/DACAmented students with their college enrollment,
- Providing legal support (e.g., referrals to legal services, assistance with DACA renewal) for undocu/DACAmented students and their family,
- Advocating for and delivering workshops about issues facing undocu/DACAmented students, and
- Supporting undocu/DACAmented students’ well-being such as academic/mental health counseling and leadership development.

Figure 1. State Policy Environments¹³



Institutions that have such centers include [City University of New York](#), [John Jay College of Criminal Justice](#); [Portland Community College](#); [University of California, Berkeley](#); and [University of Texas, San Antonio](#).

Other Campus Centers and Offices

Some higher education institutions have worked to address the needs of undocu/DACAmented students through other campus centers and offices, such as multicultural centers and international services offices. While these centers and offices do their best to meet the needs of these students, institutional agents working within these units often do not have opportunities to acquire specialized skills to address the unique needs of undocu/DACAmented students, do not have support from their institutions to allot sufficient time to working with undocu/DACAmented students since they must assist other students, and/or lack adequate resources from their institutions and/or state environments to support their work. Some institutions have chosen to serve undocu/DACAmented students within their international services office even though these students often identify as “American.”

While these campus centers and offices are valuable, and institutional agents in these units work tirelessly to support undocu/DACAmented students, the responsibility should not fall solely on them. Instead, all higher education institutional agents should foster institutional policies and practices that are sensitive to undocu/DACAmented students.

Learning Opportunities

Navigating these complex policy and campus environments can be challenging for institutional agents, especially when they do not have adequate resources to work with and for their undocu/DACAmented students. Two learning opportunities are presented to inform higher education institutional agents' practice.

Undocu/DACAmented Status Competency (UDSC)

Nienhusser and Espino (2017) proposed a tripartite model they recommend be integrated into higher education institutional agents' practice and professional preparation programs (e.g., higher education, student affairs, counseling). The components of UDSC are:

- Institutional agents' awareness of undocu/DACAmented students and their needs,
- Opportunities (e.g., professional development) that contribute toward UDSC knowledge, and
- UDSC skills used by institutional agents.

The use of UDSC must carefully consider complex public policy and campus environments.

UndocuAlly Programs

Another learning opportunity some campuses have implemented is UndocuAlly Programs, which educate campus allies in areas such as:

- Understanding public and institutional policies that affect undocu/DACAmented students,
- Developing ways to best assist undocu/DACAmented students, and
- Fostering the academic and social-emotional needs of undocu/DACAmented students.

Institutions that have this program include [University of California, Davis](#); [University of South Florida](#); and [University of Illinois, Urbana-Champaign](#). The UndocuAlly Facilitator Handbook developed by [California State University, Long Beach](#) provides information on such a program.

Conclusion

The multiple exclusionary policies and campus environments that undocu/DACAmented students must face in their attempts to access and persist in higher education make it essential that higher education institutional agents are equipped with the awareness, knowledge, and skills to best work with and for these students. Higher education institutions and higher education institutional agents have the ability to cultivate more inclusive institutional policies and practices that embrace and value undocu/DACAmented students on our campuses. As a result, it is imperative higher education institutional agents develop institutional policies and programs that are undocu-/DACA-friendly and that are sensitive to the unique needs of this population.

About UndocuScholars' Policy and Research Brief Series

This research brief is part of UndocuScholars' Policy and Research Brief Series, which aims to disseminate knowledge about key issues related to undocumented youth in higher education including humanizing research methodologies with immigrant and undocumented communities and the conceptualization of deportation as an education policy issue.

About UndocuScholars

As an extension of the UndocuScholars Project launched in 2014 at UCLA, the ongoing efforts of UndocuScholars are to engage institutional agents, college and university students, scholars, and community advocacy partners to create and further build on sustainable and effective best practices for undocumented youth in higher education.

Endnotes

1. Higher education institutional agents are administrators (e.g., vice presidents of student affairs, admissions staff, financial aid officers) who “occupy relatively high positions...well positioned to provide key forms of social and institutional support [to students]” (Stanton-Salazar 2011, 1066). 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.
2. Undocumented immigrants are individuals who are not U.S. citizens, do not hold current permanent resident visas, and have not been granted admission or deferred action under rules for longer-term residence or work permits.
3. DACA refers to President Obama’s 2012 executive action that granted some undocumented youth a reprieve from deportation, the right to work authorization, and lawful presence. The status of these individuals is often referred to as DACAmented.
4. Whenever possible the term undocu/DACAmented will be used; however, public and institutional policies may affect undocumented and DACAmented students differently.
5. Nienhusser, H. Kenny, and Michelle M. Espino. “Incorporating undocumented/DACAmented status competency into higher education institutional agents’ practice.” *Journal of Student Affairs Research and Practice* 54, no. 1 (2017): 1-14; Teranishi, Robert T., Carola Suárez-Orozco, and Marcelo Suárez-Orozco. “In the shadows of the ivory tower: Undocumented undergraduates and the liminal state of immigration reform.” (2015).
6. Nienhusser, H. Kenny. “Higher Education Institutional Agents as Policy Implementers: The Case of Policies That Affect Undocumented and DACAmented Students.” *The Review of Higher Education* 41, no. 3 (2018): 423-453; Olivas, Michael A. “Dreams deferred: Deferred action, prosecutorial discretion, and the vexing case (s) of DREAM Act students.” *Wm. & Mary Bill Rts. J.* 21 (2012): 463.
7. Nienhusser, H. Kenny, and Toko Oshio. Forthcoming. “Awakened Hatred and Heightened Fears: “The Trump effect” on the Everyday Lives of Mixed-Status Families.” *Cultural Studies «-» Critical Methodologies*.
8. Nienhusser, *Higher Education Institutional Agents as Policy Implementers*.
9. *Ibid.*
10. Cisneros, Jesus, and Diana Valdivia. 2018. *Undocumented Student Resource Centers: Institutional supports for undocumented students*. Philadelphia, PA: University of Pennsylvania Center for Minority Serving Institutions. <https://cmsi.gse.upenn.edu/sites/default/files/USRCs.pdf>
11. Suárez-Orozco, Carola, Dalal Katsiaficas, Olivia Birchall, Cynthia M. Alcantar, Edwin Hernandez, Yuliana Garcia, Minas Michikyan, Janet Cerda, and Robert T. Teranishi. “Undocumented undergraduates on college campuses: Understanding their challenges and assets and what it takes to make an undocufriendly campus.” *Harvard Educational Review* 85, no. 3 (2015): 427-463.
12. Cisneros and Valdivia, *Undocumented Student Resource Centers*.
13. Some sources that helped with the development of figure included: [Institute for Higher Education Law and Governance](#) at the [University of Houston and University Leaders for Educational Access and Diversity \(uLEAD\) Network](#) at the University of Michigan. Connecticut’s state aid policy was enacted in May 2018 and will go into effect in January 2020.