
Original Article

The production of “illegal” subjects in Massachusetts and high school enrollment for undocumented youth

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Abstract Thirty years after the landmark constitutional decision *Plyler v. Doe* gave undocumented youth conditional belonging to the United States by guaranteeing access to K-12 institutions, low enrollment and a high drop-out rate still threaten their participation in society. Analysis of data from a 4-year ethnography of undocumented immigrant youths’ navigation of high school enrollment sheds light on the laws and policies that construct young “illegal” subjects in the state of Massachusetts, revealing how (i) fear of deportation, (ii) lack of information about educational rights and (iii) a *de facto* economic policy that places them in low-wage manual labor create their “illegal” condition, delay or keep these youth from enrolling in high school, contradict the spirit of *Plyler v. Doe*, and create a subject that is driven toward labor and discouraged from educational pursuits. *Latino Studies* (2014) 12, 65–87. doi:10.1057/lst.2014.5

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A note about terminology is important. As Coutin (2000), De Genova (2002), Suárez-Navaz (2004) and Willen (2007) have clarified the use of the term “illegal immigration” is problematic for its association with oppressive and hegemonic forces in host societies. In this article, I use the term undocumented in place of “illegal” and always put the terms “illegal,” “illegal alien” and “illegality” in quotation marks. I do so in order to highlight the political processes and the creation of discourses by which low-wage migrants have been historically criminalized. My intent is to “de-naturalize the reification of this distinction”

(De Genova, 2002, 420), to contest the creation of these categories, and to continue to advocate that these terms not be used and normalized in public forums.

Undocumented Youth in the Aftermath of *Plyler v. Doe*

In 1982, the US Supreme Court voted against a Texas law that was attempting to withhold funds from schools enrolling undocumented migrant children. This milestone decision, known as *Plyler v. Doe*, established the legal right to a pre-K-12 education for undocumented children. In the decision, the high court noted that if undocumented youth are denied schooling, “we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation” (*Plyler v. Doe*, 1982, 223). Thirty years later, this attempt to include undocumented youth in society by guaranteeing them a pre-K-12 education has not been realized: out of the 2.1 million undocumented young people in the United States, 40 per cent of those aged 18–24 years have not completed high school, a rate much higher than that of their counterparts who are authorized migrants (15 per cent) or US-born residents (8 per cent) (Passell and Cohn, 2009). The aftermath of this decision warrants investigation: while it protects the rights of undocumented children to an education, these children are enrolling and graduating from high school at lower rates than authorized immigrant students and citizens. As debates on immigration continue to take national stage with pending immigration reform, this study highlights the immigration laws, policies and practices that impact the enrollment of undocumented youth in high school.

At the same time that undocumented youth are guaranteed access to educational institutions by law, undocumented migrants in general have been the target of restrictive immigration policies in the last several decades. The Illegal Immigration Reform and Immigrant Responsibility Act, in 1996, severely restricted undocumented immigrants’ access to public and economic benefits. Radical state laws such as Arizona’s SB1070 threaten to severely curtail the civil liberties of Latino communities, while copycat legislation of this policy aims to do the same in states such as Georgia and Mississippi. At the federal level, there has been a growing focus on the removal of undocumented migrants, as the number of deportations rose to a record 409,849 in the 2012 fiscal year (USDHS, 2013). In the state of Massachusetts, where the number of recently arrived immigrants from Latin America and the Caribbean has grown considerably in the last 20 years, these deportation policies make it a hostile and vulnerable atmosphere for undocumented migrants, creating further barriers for spatial mobility and participation in society.



This article describes the laws and policies that play a role in “illegalizing” immigrant youth eligible for enrollment in K-12 in the state of Massachusetts, how they affect the daily lives of the youth, and how they enable and limit their access to education. The data comes from a 4-year ethnography of a school serving recently arrived migrant youth in the city of Boston, a city that in the last 30 years has experienced a growing population of migrants from the Caribbean and Central America. Within the heterogeneous population of undocumented youth, this study focuses on recently arrived males between 14 and 19 years of age from El Salvador and Guatemala, as they navigate enrollment in school. However, rather than solely centering on a specific category of undocumented migrants and attempting to make generalizations on their patterns of behavior, this study draws on recent scholarship that calls for a shift from studying undocumented migrants as an ethnographic object, by focusing on the policies that construct and sustain the “illegal” subject (Coutin, 2000; De Genova, 2002). Undocumented populations do not constitute, as such, “an objectively or intrinsically self-delimiting domain for anthropological study” (422), as the term only constitutes a vague descriptive mechanism to represent what is truly a heterogeneous population (Malkki, 1995) with a wide variety of national and regional backgrounds. What they do have in common is that they are, most importantly, migrants who have been tacitly attracted by labor demands (Chavez, 1998 [1992]; Hondagneu-Sotelo, 2001), or, in the case of Central American countries, have been expelled by a US-induced civil war (Menjívar and Abrego, 2012). In this way, the undocumented students I observed for 4 years do not constitute the sole object of study; the focus is on making visible the impact of laws and policies that produce their “illegality” and obstruct the realization of educational rights under *Plyler v. Doe*.

The next section will review the literature on the production of “illegal” subjects and how social scientists have documented the effects that this socio-political condition has on their everyday lives, as well as the growing body of literature on undocumented youth. I will then describe Massachusetts’ history of immigration and highlight the recent policies that affect newly arrived immigrants. After a discussion of the methodology, I will describe the three major factors that block or delay enrollment in K-12 institutions: (i) fear of deportation (De Genova, 2002), (ii) lack of information about educational rights and (iii) the role of youth in the labor market. In the conclusion, I evaluate how these policies act together to threaten the educational pathways of these youth.

The Production of “Illegality”

De Genova (2002) argues that to conceptualize a study on the everyday lives of undocumented students in isolation would be to realize an “epistemic violence

on the social reality of their every lives, to be a part of the mechanism that reifies such categories and to become accomplices to the discursive power of immigration law” (423). Certainly, the “problem” to be studied is not the undocumented youth, but the policies that have created the category of “illegal aliens” and how this category affects the educational paths of young people. This conscious conceptual, theoretical and epistemological shift allows researchers to document the effects that laws, policies and practices have on migrants’ daily experiences, taking into account the history of immigration law and how it has constructed the category of the “illegal” subject along nationalistic and racial lines (Ngai, 2003).

This perspective pays particular attention to how law-making, specifically that related to immigration, has historically been marked by the incoherence of various “strategies, tactics, and compromises that nation states implement at particular historical moments” (Bonefeld, 1994; Holloway, 1995; De Genova, 2002; De Genova and Peutz, 2010), emphasizing the tactical nature of the law as an attempt to manage a social group. This starting point for the research, focusing on the laws and policies related to immigration, acknowledges that migrant “illegality” is produced and sustained as an effect of the law, but is also sustained by the discursive formation of the media (Jefferies, 2009) and research community (Carter, 1997). As De Genova (2002) points out, it is in the social sciences that “one encounters a remarkable visibility of ‘illegal immigrants’ swirling enigmatically around the stunning invisibility of the law” (432). It is important to note that the categories of “legal” and “illegal” have been historically drawn in the United States to regulate mainly Mexican migrant workers in the twentieth century (432–433), and that these categories have been constructed along the lines of race and difference (Ngai, 2003; De Genova, 2004). The imposition of numerical restrictions of “legal” immigration from Western countries, for example, has had a disproportionately harmful effect on Mexican migrants starting in the 1920s (Ngai, 1999) and continuing throughout the second part of the twentieth century (De Genova, 2004). It is then important to take into account how nation-states such as the United States use different tactics to produce “illegality” in ways that limit the social life of undocumented youth. The aim of this study is to bring to light the ways that immigration laws, but also *de facto* practices and implicit policies, bar or delay enrollment in schools for these youth.

In her work with Salvadoran migrants seeking to legalize their status, Coutin (2000) coins the term “spaces of non-existence” to refer to the contradiction between undocumented migrants’ physical and legal presence (29). While they are physically present, the social space of “illegality” erases aspects of their personhood. This space of “forced invisibility” (De Genova, 2002), of being “underground” (Harwood, 1986), is often conflated with criminality (Malkki, 1995) and determines that migrants are outside of the law but also the social body (Hull, 1985 in Coutin, 2000). Most importantly, these



“spaces of non-existence” have material consequences for migrants, such as the transformation of normal everyday activities (such as driving, taking public transportation, working) into illicit acts (Mahler, 1995; Heyman, 1998; Coutin, 2000, 33); their limited physical mobility (Coutin, 2000, 33–34); and the nullification of kin ties, as some undocumented migrants cannot petition for the legalization of relatives or leave the country to visit relatives, and may even be separated forcefully from relatives (Heyman, 1991; Coutin, 2000, 32), among others.

More recently, Menjívar and Abrego (2012) focus on the role of structural factors in immigrant assimilation to highlight how laws delimit immigrants’ short- and long-term integration experiences. They analyze how the convergence and implementation of immigration and criminal law constitute forms of what they term “legal violence”: the normalized but cumulatively injurious effects of the law in the realms of work, school and family:

Legal violence is at once structural in that it is exerted without identifiable perpetrators, and it is symbolic in that it is so thoroughly imposed by the social order that it becomes normalized as part of the cognitive repertoire of those exposed. Importantly, this type of violence is legal, sanctioned, and legitimated through formal structures of power that are publicly accepted and respected. (1413)

With this lens, the authors unearth the psychological, material and economic effects of these policies that create social suffering in the implementation of the legal system for not only immigrants with tenuous immigration status, but also their families and community. While all these studies have focused on adult populations, this study will contribute to the literature on the effects of “illegality” by documenting its impact on the everyday lives of youth, and aims to document not only the intended but also the unintended impact of policies obstructing the realization of educational rights under *Plyler v Doe*.

Research on Undocumented Youth

Within the variety of experiences and backgrounds of migrants, undocumented youth occupy a special place within the policy of immigration, with more guaranteed access to some spaces in society than their adult counterparts due to the *Plyler v. Doe* mandate, with more “legal protections” (Abrego, 2006) and in a situation of what some scholars have called a period of “suspended illegality” (Chavez, 1998 [1992]), or “semi-protected status” (Gonzales, 2011). The literature on undocumented Latino youth has tended to focus on the migration status of students who are already enrolled in high school and how it affects their opportunities for post-secondary study (Abrego and Gonzalez, 2010). Gonzales

(2011) uses life-course literature to conceptualize the “coming of age” of undocumented youth in high school and its consequences for immigrant incorporation, describing a “transition to illegality” consisting of three stages: “discovery (16–18), learning to be illegal (18–24) and coping (25–29)” (603), and highlighting the transition, in their last years of secondary schooling, “from protected to unprotected status, from inclusion to exclusion, and from de facto legal to illegal” (603). In his findings, he noted that childhood and adolescence was a “buffer stage wherein they were legally integrated and immigration status rarely limited activities,” a state of “suspended illegality” (608). Abrego (2006) compared the experiences of documented and undocumented children of working-class Latino immigrants in Los Angeles, finding that they “undergo similar social incorporation processes as their documented peers earlier on” (212) but the end of legal protections limits their chances to attend college and decreases their motivation for education. Gleeson and Gonzales (2012) describe how the institutions of school and workplace differentially shape relationships to rights in American society, finding that undocumented students already enrolled in high school in California do not face the same obstacles that adults do, as they are not stratified in terms of legal status, and schools afford them a sense of belonging to American society and encourage a feeling of equality of opportunity with their documented student peers. Another subset of the literature has focused on the activism and political engagement of these students, often referred to as DREAMers, and their attempts to change legislation on this matter (S.I.N. Collective, 2007; Gonzales, 2008).

Less is known, however, about the cases of undocumented students who do not enroll in K-12 institutions, who do not get the chance to be DREAMers, and who are pushed out of education before they enroll. The rate of undocumented youth aged 18–24 years who have not completed high school is an alarming 40 per cent, more than two times higher than legal immigrants and four times higher than citizens (Passell and Cohn, 2009). Although we do not have specific data on the number of undocumented youth who are eligible for but not enrolled in high school, in the case of Latino youth this number is higher than that of second- and third-generation Latinos: among 16–24-year-old foreign-born Latinos, only 24 per cent enrolled in high school compared with 38 per cent of their second-generation and 32 per cent of their third-generation Latino counterparts (Pew Hispanic Center, 2009). Even though not all the foreign-born Latino population are undocumented, these numbers are alarming and point to the fact that there are factors that impede the enrollment in school of these youth and contradict the spirit of the constitutional mandate *Plyler v. Doe*. These numbers point to the fact that we need to focus on the enrollment and drop-out rates of undocumented youth, and that we need to look at the so-called “semi-protected status” (Gonzales, 2011) from a closer perspective. It is especially important to pay attention to these populations in new contexts of migrant reception such as Massachusetts.



Immigration and Anti-Immigrant Policy in Massachusetts

Although there has been a blossoming of research and writing by and about undocumented youth (Seif, 2004; Abrego, 2006; S.I.N. Collective, 2007; Perez *et al*, 2009; Gonzales, 2010, 2011), most of this research has focused on California, the home of a significant but shrinking undocumented population. Recent immigration patterns point to new destinations for immigrants from the Global South (Massey, 2008; Marrow, 2009), with the consequent need to document how policies take shape in new contexts. The state of Massachusetts, for example, has seen a dramatic increase in migrants from the Global South in the last 30 years and a corresponding proliferation of implicit and explicit restricting policies and practices.

One in seven residents of Massachusetts was born in another country, with the total number of foreign-born residents rising to 907,000 in 2004 (Passel, 2005), and a quarter of this population is undocumented (Mass Inc, 2005). In less than 15 years, the number of immigrants living in the state increased by nearly 40 per cent, while over the last 25 years the share of immigrants in the Massachusetts workforce has nearly doubled (Uriarte *et al*, 2006). At the same time, the origin of this immigration has changed significantly in the last decades: while prior immigrants were mostly from Europe, Canada and Puerto Rico, starting in the 1990s immigrants were more likely to have come from Latin America, the Caribbean and Asia (Passel, 2005). This shift in population was even more dramatic in the 2000s, when more than half came from Latin America and the Caribbean, accounting for 30 per cent of the immigrant population, a significant increase from 18 per cent in 1990 (Uriarte *et al*, 2006). Many of these immigrants are recent arrivals: “[o]ver 50 per cent of Colombians, Guatemalans, Hondurans, Mexicans and Salvadorans have been in the United States for less than ten years” (Uriarte *et al*, 2006, 57), and are fully immersed in the process of adaptation where the issue of legal status is of great concern.

Alongside the transnational flow of migrants, the state of Massachusetts has seen the proliferation of policies that persecute them and curtail services. Immigration raids at a national level increased dramatically post 9/11, after the creation of the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE), resulting in seven times the number of yearly arrests of undocumented immigrants than before 2002 (Capps *et al*, 2007). In Massachusetts, the growing number of immigration raids is associated with the piloting of the DHS’s controversial “Secure Communities” (S-Comm), a program that enlists local law enforcement to engage in a data sharing process with ICE officials. Although the initial goals of the program were to ensure that “criminal offenders, repeat immigration violators and violent offenders are detained and deported” (Levenson, 2007; Sachetti and Bierman, 2011; Sachetti, 2012), it has been criticized due to the fact that half of those deported through the program

in Boston (53 per cent) have had no criminal convictions, while nationally 47 per cent of those deported have been low-level offenders and an additional 28 per cent have had no criminal convictions (MIRA Coalition, 2012). Although seldom reported in the mainstream local news, Latino community newspaper coverage of these raids mentioned an increase in deportations at the local level, with police and ICE agents targeting public transportation, private homes, workplaces and road stops (Hastings, 2009).

Some deportations obtained national press attention, and thus the general public got a clear glimpse of the “spectacle of enforcement” (Heyman, 1995) of immigration law: during a 2007 immigration raid, a total of 361 workers, mostly mothers, were arrested in a factory in the town of New Bedford, leaving 113 children without parental care, and producing significant hardship and stress for the people involved (Capps *et al*, 2007), their relatives and community. The television footage of children crying for their mothers and the desperation of family members in newspaper reports resonated in the minds of undocumented migrants and played a major role in the creation of the sense of deportability. Thus, deportability is a powerful presence in the everyday lives of these youth. In looking at the production of migrant “illegality” for families and their children in Massachusetts, it is important to account for the effects of deportation policies on their everyday lives.

The policies that contribute to the fear of deportability are linked to the growing national and international sense that deportation is the only response to undocumented or unauthorized migration: “it has come to stand in as the apparently single and presumably natural or proper retribution on the part of the state powers to this apparent ‘problem’ ” (De Genova and Peutz, 2010); it is normalized as “uneventful, familiar, and legal as individuals come to understand it as ‘the law’ ” (Menjívar and Abrego, 2012, 1414). A closer look at the effect of deportation policies, however, shows that immigration raids serve another purpose: their effect is to make visible what scholars have called the “spectacle of enforcement.” As De Genova (2002) describes in the “Border Spectacle,” the intensification of military control at the US–Mexico border (Heyman, 1991; Jiménez, 1992; Dunn, 1996) serves not to stop the so-called “flow” of migrants, but to create the “theatre of an enforcement crisis” to render Mexicans as the distinctive national and racialized “illegals” (439). In a similar fashion, immigration raids in Massachusetts, such as the one in New Bedford, create a public image of an “illegal” subject and contribute to the distinction between “legal” and “illegal,” belonging to this country or not. This “illegalization” does not fulfill the intended goals of deportation policies to physically exclude migrants from the nation-state, but rather includes them socially under “imposed conditions of enforced and protracted vulnerability” (De Genova, 2002, 249), “pushing them outside the boundaries of jurisdiction [while] simultaneously includ[ing] them by criminalizing their presence” (Menjívar and Abrego, 2012).



Long-term ethnographic data on the daily lives of undocumented youth can give us more detail on how the effects of explicit and implicit immigration policies operate in their navigation of enrollment in educational institutions. It is through ethnography that we can, methodologically, challenge the dominant discourses and narratives on the naturalization of the “illegal” subject, discover the ways they are blocked from enrolling in school, and provide a solution to the educational challenges of Latino youth.

Methodology

The data gathered for this project comes from a long-term collaboration between Franklin High School (pseudonym) and Boston College, under the direction of Dr. Lisa Patel Stevens. During the 4 years of data collection, I was an educational consultant, an after-school teacher and taught ninth, tenth and twelfth grade ESL classes. In collaboration with Dr. Stevens, I conducted and documented case studies of students in the school. Due to the fact that the data collection was ethnographic and occurred outside of the school, I became more familiar with the male participants in the study. Thus, this article focuses on the experiences of the undocumented male students in the study, and complements the data collection with an analysis of the federal, state and local policies on immigrant youth.

The study is grounded in a multi-sited/global ethnography (Marcus, 1998; Burawoy, 2000) as I observed and participated in activities with students at school, in after-school activities, at work and at home. In this engagement, I acknowledge that my role in the school and with the students was that of an intervening participant who engaged in a dialog with the students. Thus, the data collection was shaped by who I am: a white Latino from Argentina, a Spanish and English bilingual, who migrated to the United States 10 years before the study. My experiences in this country shaped the questions I asked and the observations I decided to focus on: I have navigated life in the United States without a valid migration status at times, I was detained at the border for migration issues once, and I worked “under the table” as a painter for many years. This position gave me sensitivity to the issues of undocumented youth in the high school that allowed me to contact them and communicate with them. In this way, in my first year at the school I recruited 12 participants aged 14–16 years from El Salvador, Guatemala, Cape Verde, the Dominican Republic and Honduras. All of the participants were recently arrived immigrant youth who had been in the country for less than 2 years. This article focuses on the experiences of three of the eight undocumented youth in the study (Table 1).

The participant observation in the study was also complemented by having participants maintain 1-week time diaries (Heymann, 2000; Robinson and

Table 1: Participants in the study

<i>Pseudonym</i>	<i>Age at beginning of study</i>	<i>Years in the United States at beginning of study</i>	<i>Migration status</i>
Jorge	16	1	Undocumented
Eduardo	16	2	Undocumented
Johnny	15	2	Undocumented

Godbey, 2006) twice a year, in which they logged their daily activities as a way to analyze the way they structure their days and distribute their time. To supplement the ethnographic data I also conducted semi-structured individual interviews with the participants in Spanish and translated and transcribed these interviews.

Acknowledging that the study is not solely an ethnography of undocumented youth as they “do not comprise an objectively or intrinsically self-delimiting domain for anthropological study” (De Genova, 2002, 422), this study takes into account the policies and practices that make possible the production of the “illegal” subject in Massachusetts and their effects on educational enrollment for undocumented youth. Therefore, I collected data on the policies and practices of the state of Massachusetts on undocumented youth: newspaper articles depicting them, policies debated in the State House that influenced their eligibility for higher education, and debates around the role of the police and the newly developed DHS in implementing immigration raids. This article combines an analysis of the experiences of undocumented youth in high school and the roles of state policies surrounding undocumented youth’s enrollment in high school.

When the ethnographic data was coded initially, the categories of “migration process,” “work” and “school” were used as “open codes” (Emerson *et al*, 1995) for the field notes, time diaries and interviews. As I reviewed more ethnographic data from this study and read the literature that highlights how undocumented migrants are naturalized as “illegal” (De Genova, 2002), I found language to pinpoint what was making me uneasy about just talking about undocumented youth. I realized it was necessary to focus on the production of “illegality,” on how state and federal policies and media discourse creates “illegal” migrant subjects. Thus, I shifted the epistemological and ethnographic object from undocumented students to “illegality” as a sociopolitical condition. As such, my focus is on how the “illegal” subject is produced by state, federal and local policies and practices. As I incorporated data on the policies and practices surrounding immigrant youth in Massachusetts and returned to the data, new codes emerged regarding the effects of the production of the “illegal” subject and the consequences for education. Using inductive codes (Johnson and Christensen, 2007), these were divided into two groups: (i) consequences for their access or enrollment in high school and (ii) consequences for their



participation in school activities once enrolled. This article focuses on the first of these. Another round of focused coding rendered three elements that affect access to high school for undocumented youth in Massachusetts: (i) the role of “fear of deportation” (De Genova, 2002), (ii) lack of information about eligibility and (iii) the role of work.

Fear of Deportation and School Enrollment for Undocumented Youth

“Migrant ‘illegality’ is lived through a palpable sense of deportability, which is to say, the possibility of being removed from the nation state” (De Genova, 2002, 439). Among many of the factors affecting undocumented youth’s navigation of enrollment in schools, the “possibility of being removed from the nation state” (439) plays a major role in their daily experiences (Coutin, 2000; De Genova, 2002; Dreby, 2012). Deportability, defined by Talavera *et al* (2010) as the “specific vulnerability to arrest and spatial removal, as well as legal penalties such as the loss of rights to future ‘legal’ immigration” (166–167), has an effect on individuals even if they have not been arrested, detained or removed in the past. Findings in this study describe the mechanisms delaying youth and their families’ navigation of school enrollment.

When Eduardo, one of the participants in the study, turned 15 years of age, Felicia, his mother, decided he was old enough to endure the trip across the border and thus traveled to Guatemala to bring him back to Boston. Eduardo’s knowledge of the constraints and possibilities of enrolling in school due to his undocumented status, for the first 3 years, was informed mostly by his mother:

... que ella no quería que yo vaya en el tren por las redadas... y cuando estábamos en Everett me quiso anotar en la escuela pero le pidieron los papeles y ella no los tiene/she didn’t want me to go on the train because of the raids and when we were in Everett she wanted to enroll me in school but they asked for her papers and she doesn’t have them ...

Felicia was concerned about the number of deportations happening in public transportation, the only way for Eduardo to get to school. This concern was so great that after hearing about the raids from neighbors and newspapers, Felicia decided to move to another part of the city where raids are less common: “... *es peligroso andarse por el tren y también por la calle en este barrio porque a uno lo detienen y le piden papeles/it’s dangerous to go on the train or to walk on the street in this neighborhood because they stop you and ask for papers,*” she said. After moving, Eduardo’s mother was still worried about her son using public transportation and actively discouraged him from attending any school or securing any job that required him to use the subway line. These concerns dictated that Eduardo’s enrollment in high school was delayed by 2 years.

Echoing Menjívar and Abrego's (2012) notions of "legal violence, and its effects on undocumented youth's relationship to educational institutions," "mothers and parents with uncertain legality who are expected to ensure the welfare of the children refrain from doing so when deportation and family separation are real possibilities" (1402). In this case, these concerns threaten parents' practices of enrollment in educational institutions and endanger youth's future prospects.

For Jorge, who arrived alone from Guatemala at the age of 14 years to join his uncles and his brother, fear of deportation played a significant role in the way that he positioned himself to enroll in school. Many factors played a role in delaying his enrollment in school for more than a year: his first priority was to secure work; he did not know that he was legally eligible to go to school and his fear of being deported convinced him to live near the school in order to avoid public transportation:

... yo prefiero pagar más de renta pero no tomo el tren... hay muchas redadas y ahí a uno lo cogen y lo mandan de vuelta .../I prefer to pay more rent but I don't take the train ... there's a lot of raids and they can catch you there and send you back ...

For Jorge, living near the school meant paying rent in an upper middle-class neighborhood, considerably more expensive than the traditional neighborhoods where recent immigrants live in Boston. The monetary difference necessitated a great deal of financial planning; he had to save for 4 months before he was able to move out of his uncle's apartment, further delaying his enrollment in school. Once he moved in to his new residence, the higher rent forced him to work more hours, limiting the amount of time he could focus on school and after-school activities. However, Jorge thought that it was worth it, weighing it against the high risk of being caught on the train and deported.

Undocumented youth and their families' knowledge of immigration raids in the neighborhood, which they learned about either in the newspaper or through neighbors' accounts, affected not only the family's decision as to where to live and work, but also the youths' access to education. Deportability dictates family relocation or considerably higher rent; immigrants avoid neighborhoods where they sense that deportations are more common, and this places a further burden on these youth's educational access. The mixture of these circumstances forces youth to prioritize work and safety over school, which adds to their delaying school enrollment. While scholars such as Chavez (1998 [1992]) and Delgado (1993) have pointed out how Immigration and Naturalization Services enforcement efforts have disproportionately targeted the US–Mexico border, while sustaining a zone of relatively high tolerance within the interior, this study reveals how the enforcement of such policies as "Secure Communities" (S-Comm) and highly visible mass deportations move these attempts from the border to the interior of the country, to new contexts of immigrant reception. In doing so, the consequences of deportation policies in new migration contexts act not as a way



to stop the flow of unauthorized immigration or to force undocumented migrants to return to their country, but as a way to incorporate them on the lower rungs of society. In the case of undocumented youth, they act to delay and discourage educational pursuits. Indeed, “deportability” contributes to reproducing the physical borders of the nation-state in the everyday lives of undocumented migrants in states that receive migrants (De Genova, 2002, 439). In the everyday lives of undocumented youth, this policing acts to discipline them, surveil their “illegality” and increase their vulnerability (Chavez, 1998 [1992]; Heyman, 1998; Coutin, 2000), and also creates a subject that is driven toward labor and discouraged from education. These subjects, furthermore, begin to believe that they have no rights, and thus internalize and normalize this kind of violence to the point where they accept these abuses (Menjívar and Abrego, 2012). In this way, these policies reproduce a workforce that is disposable, malleable and inexpensive. As we look deeper into the case studies, we can see other implicit and explicit policies that act as significant blocks to educational access for these youth.

***Plyler v. Doe* Ignored: Misinformation and Lack of Information about Eligibility**

Misinformation and lack of information about *Plyler v. Doe* in migrant families and in schools have dire consequences for the subjects at hand, delaying or discouraging them from enrolling in high school. As I observed Eduardo and his mother at home and at school, I realized that he had enrolled in school 2 years later than many of his peers, an issue not only tied to the fear of deportation but also to the way he and his mother made sense of his educational possibilities as an undocumented youth in Massachusetts. Two months after they arrived, Felicia tried to enroll her son in a nearby high school but was discouraged when school administrators asked for her Social Security number as a prerequisite for enrollment: “*a mi mamá le pidieron los documentos y entonces se asustó*/they asked for her papers and so she got scared,” said Eduardo. This negative experience shaped Felicia’s understanding of the educational opportunities for her son for the years to come as she heavily discouraged him from attending high school, arguing that they were not allowed to enroll in high school unless she had a Social Security number. In conversations with a co-worker, Eduardo realized that he was legally able to register for school and decided to register on his own:

... yo en ese momento le pedí a mi papá si me podía mudar con él para entrar en la escuela. La esposa de mi papá me ayudó a anotarme en las escuelas de Boston/at that moment I asked my father if I could move in with him so I could enroll in the Boston schools. His wife helped me enroll in the Boston schools.

One and half years after Eduardo and his mother arrived in Boston, battling misinformation, opposition from his mother, fear of riding the subway and an urgency to find employment, Eduardo enrolled in the Boston Public Schools.

After Jorge's arrival in the United States, he did not intend to enroll in school: he believed himself ineligible, he thought it would cost money to enroll, and he thought it would interfere with his desire to work, earn money and send money back home to help his family: "*Yo no sabía de que se podía ir a la escuela, de que la gente como yo podía ir. Y yo pensé que había que pagar dinero*/I didn't know I could attend school, that people like me could go to school. And I thought you had to pay." He got this information from his uncles and his brother, whom he lived with and who did not attend school. He spent his first year working as a helping hand in a restaurant and did not consider high school as an option. Only through a conversation with a friend at work did he realize that he was eligible for high school. Knowing that he could not work more than 35 h a week at his job, he consulted his boss about the possibility of changing his schedule so that he could attend school. His boss accepted and changed his schedule to the morning shift, which allowed Jorge to enroll 1 year after his arrival in the United States.

As we can see from Jorge's and Eduardo's accounts of their first years in the city, some recently arrived youth and their families are not aware of the educational rights of undocumented youth as they pertain to school enrollment. Furthermore, they are not aware that school personnel cannot ask for a marker of citizenship such as a Social Security number for enrollment, as they did with Eduardo's mother. Recently arrived undocumented youth and their families struggle to navigate this process with a marked lack of information. This points to an important finding in this study: that even though there is a policy in place that allows undocumented youth to attend school, this policy is severely limited in its ability to attract these youth to schools, especially in a population as vulnerable and disenfranchised as recently arrived immigrants.

Another important and embarrassing finding of this study is the alarming fact that some school administrators are not aware of the constitutional mandate of undocumented youths' eligibility for K-12 education; thus, they deny enrollment to undocumented youth and ask for proof of citizenship as a prerequisite for parents to enroll their children. The misinformation provided by these school administrators, as evidenced in Eduardo's case, whether innocent or deliberate, works to cancel the effects of the policy. These findings contrast with those of Marrow's (2009) study; in her work on Latino newcomers in North Carolina, public service bureaucrats in elementary schools had a favorable view of immigrants and were knowledgeable and also advocated for the educational rights of the undocumented youth they served. While the data in this study is not meant to be representative of the school administrators in Massachusetts, my experience as an educator and researcher in the state for over 10 years brought me face to face with many administrators and teachers who were not aware of the educational rights of these



youth; some teachers, counselors and administrators who serve this population put the educational pathways of these students at risk (see Jefferies, forthcoming).

The constitutional mandate outlined in *Plyler v. Doe* has been in practice since 1982, and in states that have historically received undocumented migrants, schools and communities have started to develop networks that inform schools and undocumented families about their educational rights (for an example from California, see Chavez *et al*, 2007). This points to the need for researchers, as Gleeson and Gonzales (2012) point out, to not only look at how undocumented migrants are able to access rights through laws and policies enacted, but also “the ways which institutions shape the process by which [they] become incorporated” (2), especially in new contexts of reception. It is also important to consider that not all undocumented youth find in schools a welcoming institution where immigration status is not a “primary differentiator,” as these authors found. In new contexts of migration that are receiving undocumented youth like Massachusetts, however, states have not implemented policies or established practices to inform educators on how to deal with these populations.

The Role of Work in the Creation of “Illegal” Subjects

It is imperative to acknowledge that global patterns of migration, where low-wage manual laborers are tacitly attracted by the labor demands in the United States (Chavez, 1998 [1992]; Hondagneu-Sotelo, 2001), constitute the main reason for undocumented youth to migrate and become “illegalized” in the process. The attraction of low-wage manual labor in the Massachusetts service industry is a *de facto* economic policy, in the sense that it works in practice but is not recognized by law; moreover, in the public representation of these youth in the media and in public opinion, the role of this policy is obscured (Jefferies, n.d.). Nevertheless, this obscured practice figures prominently in the creation of young “illegal” subjects in the state, as low-wage manual labor is the principal motivation for undocumented youth or their families to embark on a dangerous and costly journey to cross the border.

In my first 2 years in the school I met Johnny, a native of El Salvador who emigrated alone at the age of 15 years to join his cousins who have been migrating to Boston over the last 10 years. Johnny’s school attendance was erratic: he attended school for 2 or 3 months at a time and then disappeared from school for the same time periods. After a few months of observing him at school and at work and talking to him in the room that he rented, I noticed that his absenteeism was related to work. As soon as he arrived in Boston, Johnny’s priority was to work in order to save money to send back home and pay for his rent and expenses. He learned about school from one of his cousins and enrolled 2 months after he got an evening shift washing dishes at a restaurant. He was only able

to attend for 3 months: “*Yo me anoté en la escuela pero cada vez que me cambian el horario tengo que faltar. Me gustaría quedarme estudiando pero hay que pagar los biles*/I enrolled in school but every time they change my schedule I have to miss. I’d like to stay in school but I have to pay the bills.” He reported that he would like to stay in school but he is not able to tell his boss that he attends school, arguing that he will be fired. Consequently, everytime his job changes him to a morning shift he is obliged to miss school. He also commented that he gets too tired to go to school: “*yo me canso míster porque trabajo ocho horas por día. A veces tengo un buen horario para ir a la escuela, pero estoy muy cansado y no quiero ir a la escuela*/I get tired mister because I work eight hours a day. Sometimes I have a good schedule to go to school, but I’m very tired and I don’t want to go to school.”

Johnny’s weekly schedule shows that he works 45 h a week and attends school 32 h a week. The school counselor, who is aware of his patterns of absenteeism, asks Johnny in a meeting why he cannot work fewer hours: “*lo que pasa es que él [el jefe] no sabe que yo voy a la escuela. Si yo le digo que voy me va a echar ... él no quiere que los trabajadores tomen menos horas*/what happens is that he [the boss] doesn’t know I go to school. If I tell him he’s going to fire me, because he doesn’t want employees to work less hours.” In the first 2 years that I observed him, this situation was repeated twice, as Johnny left school and enrolled again according to his work schedule. During my last 2 years of observation, Johnny dropped out of school.

In Johnny’s case, a 16 year old who has to provide for his own rent, food and expenses, enrollment in school is determined by the economic demands of being financially independent and highly influenced by a work schedule. He chooses not to disclose to his boss that he attends school because of the risk of being fired; thus, he has to miss school every time his schedule is changed. For all the youth in this study, their role in this global dynamic of migration comes to be a stronger priority than school.

Eduardo’s case is similar: the mixture of lack of information about eligibility and fear of riding public transportation leads his mother to insist that he work as many hours as possible to save money in case he is deported some day. This determined that he spent more than a year working in construction instead of enrolling in high school. Once he learned that he could enroll, he further delayed his enrollment by spending 3 months looking for a job that could accommodate his school schedule. When he found a position as a cook in a restaurant that would allow him to work around those requirements, he finally enrolled in school. Similarly, Jorge’s only preoccupation after arriving in the United States was with obtaining employment so that he could start earning money to pay the US\$6000 debt to the “coyote” (person who helped him cross the border), pay his rent and bills, and start sending money back home to help his mother and younger brothers. After visiting a few local restaurants, he secured a position as a dishwasher in a pizza restaurant for 35 h a week, only 2 weeks after he arrived. Once he learned that he could attend school, Jorge was able to negotiate his schedule with his boss



in order to attend. In these three cases, time and energy are expended to secure work first, and education is a secondary priority. Due to the nature of this migration pattern and global labor forces, work takes precedence over schooling.

Further obscured is the role that local businesses and business owners play in this practice. When Eduardo, Jorge and Johnny arrived in the country, they were easily able to secure jobs as business owners and managers readily hired them; they found work as a manual laborer in construction, as a helping hand in a restaurant and as a dishwasher, respectively. It is important to note that the hiring practices and labor needs of the business owners who hire undocumented youth, as well as this mutually beneficial business transaction between migrants and business owners, do not figure in media accounts or policy proposals on “illegal” immigration. This “visibility of ‘illegal immigrants’ ” (De Genova, 2002) coupled with the invisibility of the business practices of the service industry is reproduced in the media, the social sciences and the research community (Carter, 1997; De Genova, 2002). As researchers, policymakers and the media focus on the “illegality” of these youth but fail to acknowledge the implicit labor policies that “illegalize” them and the role they play in the economy, they reify categories that brand migrants as “illegal” and thus justify their lack of rights.

This study highlights that it is not only undocumented adults who are being “illegalized,” undervalued and underpaid by the legal regime in place, or who are targets of media portrayals and the public discourse on “illegal” immigration (Menjívar and Abrego, 2012); youth are vulnerable to this kind of legal violence as well. An ethnographic look at the daily lives of these migrants shows how these obscured practices help to produce “illegal” subjects, help us understand the low enrollment rate of these youth, and shift the object of study from undocumented migrants themselves to the hiring practices of business owners and the multiple intersecting global and national processes that make them possible.

The Production of “Illegal” Subjects in Massachusetts and Implications for Policy

A long-term ethnographic study of the everyday lives of undocumented youth could make visible the unacknowledged, implicit policies that help construct and sustain “illegal” subjects and influence their enrollment in K-12 institutions. There are three major factors that prevent the full realization of rights as intended in the 1982 landmark decision *Plyler v. Doe*. First, recent deportation policies at the federal level create an atmosphere of deportability, restricting youths’ spatial mobility and physical access to school, and pushing their vulnerability and lack of belonging to a point where educational enrollment is not a priority. Second, even though the *Plyler v. Doe* decision guarantees a K-12 education for undocumented youth, lack of information and active misinformation about its implications

for enrollment threaten to cancel the effects of this decision. Finally, a *de facto* economic policy readily places youth in low-wage manual labor, attracting them to cross the border and making them “illegal” in the process. Work is the most important factor in their everyday lives, leading them to prioritize it over education. The combination of these three phenomena delays or disrupts their enrollment in school.

As adolescent migrants in Massachusetts, undocumented youth face contradictory messages as they navigate their daily lives, where they encounter spaces of belonging and spaces where they are persecuted. These findings add to and complicate reports in the literature about undocumented youth integration, where K-12 students experience “semi-protected status” (Gonzales, 2011) or a space of “suspended illegality” (Chavez, 1998 [1992]), paying attention to how these youth experience a type of inclusion that is not typical of undocumented adults in the United States once they leave high school (Bean *et al.*, 1987). Furthermore, much of the research has focused on the political engagement of a portion of this population (S.I.N. Collective, 2007; Gonzales, 2008). More invisible, however, are the experiences of students who do not get to enroll in K-12 schooling; this study sheds light on the fact that not all undocumented youth find a way to succeed in school and become DREAMers who are able to advocate for their rights. It gives us pause about celebratory approaches to these youth’s integration experiences. Deportation policies produce an “illegal” subject whose daily life does not reflect a “suspended illegality” or a similar experience of incorporation as their documented peers. These policies and practices create a veritable schizophrenic atmosphere for undocumented youth: while the *Plyler v. Doe* policy encourages educational pursuits, deportation policies, active misinformation and a *de facto* labor policy contradict this notion. These dynamics distract and discourage undocumented youth from educational pursuits and drive them toward low-wage manual labor even before they become adults. When policymakers, researchers and educators are considering the educational access of undocumented Latinos, the conversation needs to take into account the high number of undocumented youth who are being pushed out of education before and while they attempt to enroll.

On 15 June 2012, the Obama administration set forth the “Deferred Action for Childhood Arrivals” policy, which offers undocumented youth a reprieve from deportation and grants them a temporary work permit. Among the conditions for eligibility, these youth have to be “currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate” (USDHS, 2013), thus tying these benefits to enrollment and success in school. By 14 February 2013, however, only an alarming 26 per cent (438,372) of eligible youth (1.7 million) had applied for this measure; of these, only 12 per cent (199,460) (Univision, 2013) had obtained this status. First, this points to the urgency for undocumented youth to enroll in K-12 schooling and to stay in school, since without success



in school there are no chances of a reprieve from deportations and a temporary work permit. Second, we need to consider alternative pathways to these benefits for the large number of undocumented youth who have been or are being pushed out of education. In this sense, policies such as DACA or the federal Dream Act, which creates a pathway between citizenship and school enrollment and success, reproduce the idea that only a privileged and “deserving” immigrant should have access to citizenship. This definition of deservingness discriminates against and does not capture the needs of the many youth who face insurmountable structural barriers to success in education, as described in this study.

The process of “illegalization” thus affects not only adult undocumented migrants but also youth, and does so in ways that would not be visible without the lens of ethnography. Researchers and policymakers need to consider the fact that there are contradicting policies regarding the access youth have to education. Economic policymakers must acknowledge the role of young migrants and set forth policies that respect their contributions to the local economy by providing a solid pathway to legalization. At the same time, educators need to enact policy and procedures to inform families and school personnel about the eligibility of undocumented youth in school to honor the spirit of *Plyler v. Doe*. Finally, federal policy that encourages deportation practices needs to be reconsidered. The combined and contradicting effects of these policies doom the educational pathways of these youth who will continue to suffer from low enrollment and high drop-out rates. The research also points to the need for more comprehensive immigration reform, such as the federal Dream Act, which not only gives youth a reprieve from deportation and a temporary work permit, but provides a pathway for citizenship and creates a sense of belonging in the United States. Only then will undocumented youth stop seeing themselves as second-class citizens and embark on educational pursuits in numbers similar to their documented peers and young citizens. In the language of the constitutional mandate that tried to prevent this from happening, these policies advocate the “creation and perpetuation of a subclass of illiterates within our boundaries” (*Plyler v. Doe*, 1982) who are destined for manual labor jobs on the lower rungs of society. As we look forward, policies that construct young “illegal” subjects need to be revisited so as to guarantee enrollment in educational institutions for all youth.

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