LIGHTING THE WAY FOR UNDOCUMENTED STUDENTS AT UC:
Free Speech, Civic And Political Engagement

UCLA

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Summary

"Lighting the Way for Undocumented Students at UC: Free Speech, Civic and Political Engagement"[1] sheds light on the challenges that undocumented students at the University of California system (UC) face with regard to free speech and to civic and political engagement. It also offers input from UC student leaders, staff, faculty, and administration on how to better serve, protect, and support undocumented students and their freedom of expression. This paper provides a brief analysis of quantitative data from the UC Collaborative to Promote Immigrant and Student Equity (UC PromISE) and a summary of conversations with student leaders from the UC Undocumented Student Coalition, the UC Student Association (UCSA), and the UC Graduate and Professional Council (UCGPC), as well as from the directors and coordinators of the Undocumented Student Programs at UC Berkeley, UCLA, and UC Irvine, Erwin Chemerinsky (Dean of the UC Berkeley School of Law), Michael Kagan (Professor of Law and Director of the Immigration Clinic at the University of Nevada, Las Vegas), and Laura Enriquez (Associate Professor of Chicano/Latino Studies at UC Irvine and Principal Investigator on the Undocumented Student Equity Project and UC PromISE). The piece concludes with a list of recommendations for the University of California Office of the President (UCOP) on advocacy, policies, and services to better support undocumented students, protect their freedom of speech, and enhance their civic and political engagement at the ten UC campuses and beyond.

Introduction

Most people in the United States will never know what it means to wake up every day to a reality of constant uncertainty, difficulties, threats, and legal and social inequalities merely because of their immigration status. The reality of being undocumented in the United States creates obstacles that often prevent undocumented immigrants from expressing their ideas, opinions, and disagreements,

[1] The preliminary work of this research was presented at the XXXIX International Congress of the Latin American Studies Association (LASA), originally to be held in Vancouver, Canada, in the panel "*Luchas Migrantes*" on May 26, 2021. I served as the session organizer for this panel.

and from speaking out against systems of marginalization or oppression.[2] In a social and legal system that was not made to serve them, undocumented students in the United States find themselves facing a daily nightmare of challenges that must be addressed and resolved.

It is impossible to condense in one article all the challenges and stories of those who are victims of an unjust and broken immigration system. Nevertheless, I hope that this work, the list of recommendations, and the agenda for future student advocacy that I offer here will allow readers to reflect critically and with empathy about the realities of the lives of undocumented students in the United States. It is urgent to advocate not only for undocumented students, but also for their freedom to advocate for themselves: recognizing their need to fight every day for their rights and their families' rights. Research and advocacy to better serve and support undocumented students is an ongoing effort, and I aim for this project to be a contribution in the fight for their free expression and for the protection of their civic and political engagement. It is my hope that this fight will also help lead to the creation of a path to citizenship for all undocumented immigrants in the United States, students or not.

My sense of the urgency of this work and of the continuing daily life of uncertainty that undocumented students face is anchored in my own experience as a student leader at UC advocating for this community and its rights at two UC campuses—as undergraduate student at UC Berkeley and graduate student at UCLA—for about eight years. In the Spring of 2014 at Berkeley, I was able to collaborate with the UC Berkeley Restorative Justice Center and the UC Berkeley Undocumented Student Program in a collaborative report on undocumented students in the University of California system and the violation of their human rights. Seven years later, the University of California, through its National Center for Free Speech and Civic Engagement, has provided me with the opportunity to collect information, experiences, and ideas from the UC community and use them to develop official recommendations for the administration.[3] These recommendations offer ways to better serve undocumented students at the ten UC campuses,[4] protect their freedom of expression, and enhance their civic and political engagement on campus, locally, and nation-wide.

[2] For the purposes of this paper, the term "undocumented students" includes both students who are undocumented and those who are "DACA-mented."

[3] I am beyond thankful for the support provided by the UC National Center for Free Speech and Civic Engagement, especially to its wonderful Executive Director Michelle Deutchman and Executive Assistant Brenda Pitcher. This work, and future student advocacy for the implementation of this project's recommendations to uplift students' voices, would not be possible without their continuous support. I would also like to thank the Center's former fellows Saugher Nojan, Nikita Gupta, and Melissa Barthelemy for their time in meeting with me and for enriching conversations in both Washington D.C., and California. I am extremely thankful to Valeria Garcia, Director of the UCLA Undocumented Student Program, and Enrique Campos, Program Manager of the UCLA Undocumented Student Program, for their support from the beginning for my work, and for the productive conversations and meetings. I own a deep sense of gratitude to Samuel Diener from the Department of English at Harvard University for editing this work. Lastly, I would like to thank UCGPC and all of its leadership for a year of learning and support to my student advocacy, and for the opportunities provided to meet with leaders from the state legislature, UCOP, and President Michael Drake to address issues relevant to UCGPC's annual advocacy agenda, from student housing to basic needs, funding, and questions of policing.

[4] For this project, I had the opportunity to dialogue with different constituencies from the UC campuses at Berkeley, Davis, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, and Santa Cruz.

This project's research evolved from the following set of questions. In what types of free speech do UC undocumented students currently engage? What difficulties do they face in exercising their right to free speech? What avenues for expression are open to them, and what avenues are closed? What is UC doing for undocumented students, and what can it do to protect them and their rights to speak, assemble, protest, and participate in civic and political engagement? What might the government do to protect undocumented students and their freedom of speech, and how can UC advocate for such policies? With over 4,000 undocumented students at UC,[5] and over 450,000 undocumented students enrolled in higher education nation-wide,[6] fully answering these questions could provide enough material for a book, or books. For the purposes of this project, however, I tried to connect these questions and ask them of a diverse set of interviewees from across the UC system, include them in conversations with institutional constituencies at different campuses, and synthesize the responses I received to create a concise set of concrete recommendations.

As a student of literature and the humanities, the tools of research for social sciences are relatively new to me. Yet they have proven effective in this work and in supporting my own advocacy for undocumented students. In this project, I build on the qualitative methods used in much of the research that has been produced in the last decade regarding undocumented students and their experiences,[7] as well as on publicly available data and on quantitative analyses from other scholars that help frame my own work. As much as possible, however, I present the insights and suggestions of my interviewees in their own words, using selections taken directly from their responses and edited for clarity. These conversations, experiences, and recommendations from student leaders, program directors, faculty, and staff across the UC campuses allowed me to create the list of recommendations for the University of California Office of the President with which I conclude this piece.

Without a doubt, addressing student challenges via research, outreach, and advocacy is paramount. I believe this work aligns with the Center's vital effort of "helping educational institutions and communities foster environments that protect free expression, encourage activism and promote diversity and inclusion."[8] Yet it is critical that these efforts be translated into policies across the UC system and into laws at the state and federal levels. The University of California has already publicly expressed its commitment to offering concrete support to its undocumented students. According to the University of California Undocumented Student Resources website:

> Undocumented students of all ethnicities and nationalities can find a safe environment and supportive community at the University of California. Whether you're thinking about applying to UC or

[5] Stavely, Zaidee. "University of California will support undocumented students, even if DACA ends." *EdSource*, November 12, 2019.
[6] Redden, Elizabeth. "Report Finds Growth in Undocumented Student Population." *Inside Higher Ed.*, April 17, 2020.
[7] Roberto G. Gonzales' book *Lives in Limbo: Undocumented and Coming of Age in America* (2016) provides readers with a recollection of what Jose Antonio Vargas calls "stories of belonging and wanting to belong."
[8] Press Release, UC National Center for Free Speech, August 27, 2020.

> already a student at one of our ten campuses, there are various programs to help you transition to and succeed at UC.
> UC campuses offer a range of support services–from academic and personal counseling, to financial aid and legal advising–that can help you balance being a full-time student while handling other day-to-day challenges you may face. In fact, every campus has designated staff or faculty members who can work with you to find the right support on campus and answer your questions.[9]

Yet despite the leading efforts of UC to support undocumented students and their families, there is still a long path for improvement, an urgent need for increasing funding and resources, and more conversations to be had and research to be done regarding undocumented students and their experiences in and outside UC. Together, the many members of the UC community whose voices I gather here offer a call to the University to continue to make good on its commitment to support its undocumented students, ensuring they receive the same opportunities and protections as all other students. It is my hope that these voices will be heard, and that this project will help provoke both changes within the UC system itself and political action at the state and federal levels.

This article is divided in four sections:

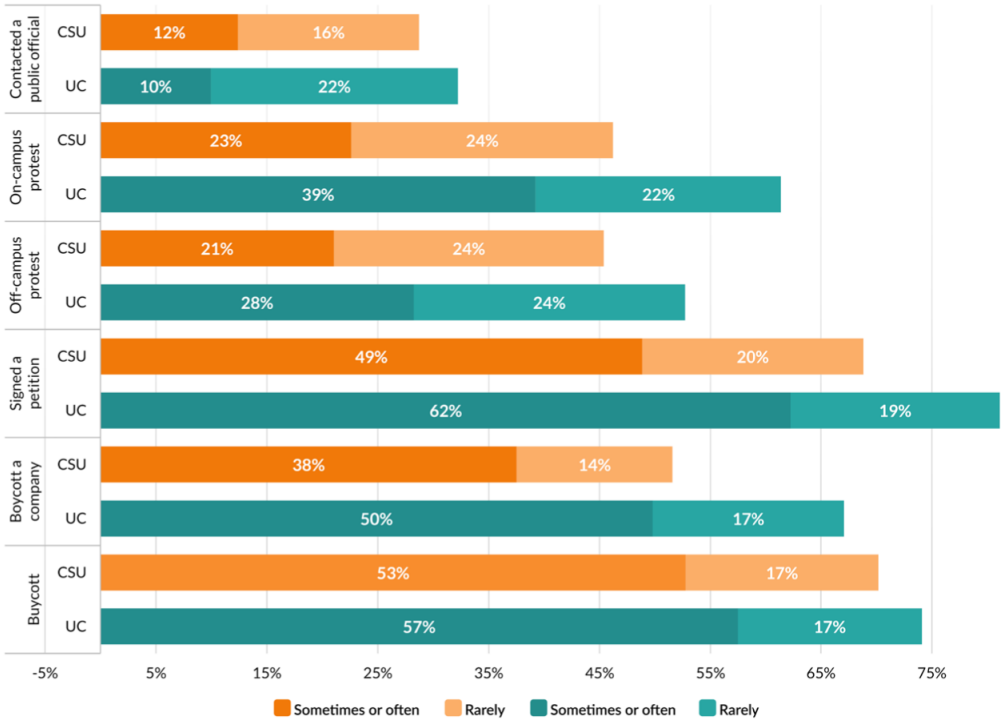
1. A brief analysis of quantitative data from the UC Collaborative to Promote Immigrant and Student Equity (UC PromISE).
2. A summary of conversations with three UC constituencies, including
   - **2.1** with student leaders from the UC Undocumented Student Coalition, the UC Student Association (UCSA), and the UC Graduate and Professional Council (UCGPC).
   - **2.2** with directors and coordinators of the Undocumented Student Programs at UC Berkeley, UCLA, and UC Irvine.
   - **2.3** with faculty, experts, and administration: Erwin Chemerinsky (Dean of the UC Berkeley School of Law), Michael Kagan (Professor of Law and Director of the Immigration Clinic at the University of Nevada, Las Vegas), and Laura Enriquez (Associate Professor of Chicano/Latino Studies at UC Irvine and Principal Investigator on the Undocumented Student Equity Project and UC PromISE).
3. A list of recommendations for the University of California Office of the President (UCOP).
4. Resources.

[9] "Systemwide resources for undocumented students at UC." Undocumented Student Resources, University of California. Accessed May 15, 2021.

1. UC PromISE: Undocumented Students and Civic and Political Engagement

The most recent major quantitative research on undocumented students at UC was conducted by the UC multicampus initiative UC Collaborative to Promote Immigrant and Student Equity (UC PromISE) in collaboration with the Undocumented Student Equity Project (USEP) in 2019 and 2020. In their report "Persisting Inequalities and Paths Forward: A Report on the State of Undocumented Students in California's Public Universities" (2020), this extraordinary collaborative (led by Professor Laura Enriquez) considers the experiences of undocumented college students in both California State University and the University of California, using survey responses received from nearly 1,300 undergraduate students in the spring of 2020. The report "powerfully illustrates how undocumented immigration status disrupts college students' educational experiences and wellbeing."[10] In their work, the research team found that "undocumented students are highly engaged in civic life and politics, but their involvement and actions seem to reflect their liminal legal status"[11] In the following pages I briefly discuss the main quantitative findings in the Civic and Political Engagement section of their report.

Figure 1. Frequency of undocumented students' political engagement activities by university system.[12]



[10] Enriquez, Laura E. et al. "Persisting Inequalities and Paths Forward: A Report on the State of Undocumented Students in California's Public Universities". *UC PromISE*, December 2020, pg. iv. https://ucpromise.uci.edu/findings/report-on-the-state-of-undocumented/. Accessed May 1, 2021.

[11] Ibid, p. 14.

[12] Ibid, p. 15.

Figure 1, "Frequency of undocumented students' political engagement activities by university system," illustrates the consistently high levels of activism and engagement among undocumented students across both university systems. The data gathered by the project shows that undocumented UC students are more politically and civically involved than undocumented students at the California State University campuses, from signing petitions to on- or off-campus protests. Yet although UC students seem to be more engaged and active (and the report and the accompanying webinars on the UC PromISE website suggest some reasons for this), it is important to realize that both constituencies are more active and involved in civic and political life than documented students. In fact, the report offers statistics on how undocumented students in general are more active and engage civically and politically more often than most young people in the United States:

> Twenty-nine percent of respondents had participated in an organization that tried to solve a social problem during the current academic year […]. It is significant to note that of those undocumented students who participated in an organization, 32% had held a leadership position. Additionally, 41% had spent time participating in a community service or volunteer activity during the current academic year.[13]

The report also offers powerful insight on the reasons why undocumented students are more engaged civically and politically:

> Students who reported experiencing more frequent immigration-related discrimination and anti-immigrant sentiment on campus were more likely to be civically and politically engaged. It is significant to note that students who experienced more immigration-related social isolation and deportation threats reported higher levels of political engagement, whereas students who felt a higher sense of campus belonging reported higher levels of civic engagement. Finally, finances appear to have some narrow effects as students with higher levels of food insecurity and economic strain were more likely to engage in some forms of civic and political engagement.[14]

In both the UC and CSU university systems, then, undocumented students are very much involved in both civic engagement and political activism, and this increased involvement appears to arise precisely because they are extremely impacted by the politics and policies of a broken and unfair immigration system.

[13] Ibid, p. 14.
[14] Ibid, p. 14.

2. Conversations with UC Student Leaders, Staff, and Faculty

2.1 Dialogue and exchanges with and between UC student leaders from UC Undocumented Student Coalition, UCSA, and UCGPC

On January 5th, 2021, I facilitated a panel discussion with the principal undergraduate and graduate student leaders of the University of California system. In dialogue with Alondra Avalos (UCLA Representative to the UC Undocumented Student Coalition), Aidan Arasasingham (President of the UC Student Association –UCSA), Gwen Chodur (President of the UC Graduate and Professional Council –UCGPC), and Victor Wang (Chair of UCGPC), this group of student leaders addressed the question of how undocumented students both at UC and nationwide face numerous obstacles including financial constraints and funding inaccessibility, housing, food, and job insecurity, mental health risk, and social stressors. Panelists discussed future efforts to support and uplift undocumented students and shared recommendations for how UC, the state, and federal governments can better serve and support undocumented students, their self-expression, and their democratic engagement.

During the past year, I maintained an ongoing conversation with the four student leaders, meeting occasionally and discussing issues relevant to this work and other advocacy projects. One of the most important takeaways from this collaboration and research was the ultimate decision of elevating this project's recommendations to a student advocacy agenda that I will promote in the 2021-2022 academic year at UC in my new role as Vice Chair of UCGPC, elected to the term 2021-2021. In the upcoming months I plan to invite student organizations and student leaders and advocates to join me in meetings with the UC administration to push for the implementation of the recommendations I make here and other relevant matters related to the undocumented student community at UC.

The conversations and interviews with student leaders, undocumented student coordinators and directors UC-wide, former fellows, professors, and administration has shown me that there are many and different ways to support undocumented students, meet their needs, and empower their free expression. Nonetheless, I concur that student advocacy is the key element which will make a final impact UC-wide by implementing these recommendations: from increasing funding for undocumented student programs and legal services, to creating more opportunities and internships to engage civically, to organizing leadership training, to creating an annual forum to provide new and creative spaces for civic and political engagement. In the pages that follow, I present a selection of the dialogue with student leaders.

2.1.1 UC Undocumented Student Coalition: "It's time to start pushing forward at every level"

Alondra Avalos is a UCLA Representative to the UC Undocumented Student Coalition, the systemwide student organization advocating for all undocumented students at UC. (Each campus is represented by two student representatives.) When asked about what she believes are the challenges for undocumented students at UC regarding free speech and civic and political engagement and how she believes the UC Undocumented Student Coalition can continue advocating to amplify their voices and participation, Alondra responded:

> "It's always going to be difficult at any level, having to openly admit to people, especially people you don't know, that you are undocumented. [It] puts you in a vulnerable position. I think it's difficult to go into a room with admin to advocate for undocumented student needs, and sometimes be met with insensitive comments about your community and not be able to say anything because you are in a position to ask for help and maybe not be able to have an argument with them at that point or point out their mistake.
>
> I think one of the things that has made it even more difficult to be engaged in activism is the 'Dreamer narrative' that gave birth to the rhetoric of the good immigrant versus the bad immigrant. It's this whole idea that only undocumented people that are labeled as good immigrants and go to college deserve a right to citizenship. It puts students in this position: who would want to risk being labeled the bad immigrant? And it's things like this that continue to suppress the voices of our community. Whether it be intentional or not, it does instill fear. So we are constantly trying, striving to fight against the Dreamer narrative that has divided our community for so long. And we do give trainings through our collaboration with our undocumented student organizations on each campus.
>
> The coalition has tried to advocate for the necessities and resources of all undocumented students, whether they are completely undocumented, AB 540 illegible, or have DACA status. We have tried to make sure to be prioritizing undocumented students that don't have DACA because they are more susceptible and less able to get resources that DACA recipients already have. And we are aware we don't know all of the issues being faced by our community, which is why we work with our undocumented student organizations on our campus to give undocumented students the opportunity to come and bring up issues that they think need attention that we might not be fighting for currently."

In previous conversations, including the webinar with student leaders, Alondra made recommendations that included supporting undocumented students and their free expression through funding and adequate legal assistance and counseling:

> "I think it's necessary to continue adequately financing resources that are proven to directly help undocumented students […] like the UC immigration legal center fund […] People are always using our lawyers that are housed on campus."

Alondra emphasized the need for resources like these to be supported by systemwide funding. Practical help, like access to legal counsel, empowers students to speak out, enhancing their participation in political, activist, and democratic fields.

Alondra also highlighted the need to address food insecurity, which directly impacts students' performance in academics and their ability to engage in civic participation:

> "We shouldn't have to constantly worry about where funding is coming from, or if [these services] will continue to exist when funding expires. I think food security programs for undocumented students is something that should also be brought forward because it is an issue. A lot of undocumented students suffer from food insecurity and housing insecurity. I think these are resources that we should start working on as well."

Alondra contends that advocacy for undocumented students is not a matter of asking for privileged treatment, but rather a call for them to be able to have the same rights as any other student:

> "There isn't any reason for undocumented students to not have access to the same resources available to all other students. What we're asking for is just the basic needs that everybody else has. And I feel like it's time to start pushing forward at every level instead of becoming complacent, which I think it's easier to do, especially when you have an administration that came in with so many promises and saying that they stand with the undocumented students and the undocumented community as a whole, but I would like to see some actual, thorough action on that part."

2.1.2 UC Student Association (UCSA): "A continual role of listening and partnership"

The largest and oldest systemwide student organization at UC is the University of California Student Association (UCSA), representing all undergraduate students at UC. Aidan Arasasingham was the President of UCSA during my 2020-2021 fellowship and research year. One of the most experienced student leaders in California and a seasoned negotiator with the UCLA and UC administration, Aidan is a knowledgeable voice in the conversation about the challenges facing undocumented students, the challenges of student advocacy, and the future of an advocacy plan to push for improvements. Aidan, like Alondra, was very outspoken about the need to increase funding to support services, resources, and opportunities that can amplify undocumented students' voices and improve their experiences in and outside UC. Aidan said:

> "At UCSA we work closely with, and follow the lead of, the UC Undocumented Student Coalition and the work that they have been leading on over the past few years. I know specific kinds of things that we have supported have been a lot of the budget advocacy and state advocacy related to support for undocumented students and undocumented student services at UC.
>
> At the UC Student Association, we represent the nine undergraduate campuses that make up UC and have a strong presence at both the state and federal government levels in terms of our advocacy. And one of the things that we have been working on over the past few years in partnership with the Coalition has been increasing sustained core services funding for immigration legal services.
>
> Originally, funding for immigration legal services at UC was temporary and institutionally granted. We worked with the Coalition with advocates throughout the state to guarantee permanent baseline funding through the budget that Governor Newsom was able to authorize two cycles ago. So that has been a core component of our advocacy: increasing state funding to support services and [also] financial aid for undocumented students, especially given the lack of support and hostility from the federal government over the past four years."

Aidan's work advocating for funding for undocumented student is an ongoing effort:

> "We worked closely with the Coalition last year to push Governor Newsom and the state legislature to fund $15 million in one-time, direct emergency financial aid to undocumented students across UC, CSU, and the community colleges. Now that's hardly enough, and nowhere near what the need is. So, we're continuing in that advocacy this year, […] really focusing on drawing down funds from the state government and pushing UC to do better in funding the programs that support undocumented students."

When I asked Aidan to share his top recommendations for the UC and the state and federal governments to better serve and support undocumented students, Aidan stated that:

> "Even though folks may say that we have got a Democratic governor, Democratic president, and a progressive UC, there is still a lot of work that needs to be done. And I echo what the UC Undocumented Student Coalition is doing in terms of creating a CalFresh alternative on campuses so that undocumented students can still receive the same kinds of basic needs support that students who have status in this country have."

Aidan also believes that investing in immigration legal services and pushing for a path to citizenship will directly and positively impact undocumented students' experiences and voices:

> "I think also growth in immigration legal services funding [is necessary]. Even though we have that baseline funding in the state budget, that doesn't account for growth. And the fact that

> the [Deferred Action for Childhood Arrivals (DACA)] renewals are still happening: arguably, renewals have become more complex because now we've switched from one administration to another, with different priorities and different metrics. So increased funding for immigration legal services is necessary. Skating by with the same level of funding is unsustainable. And then, more broadly speaking at the federal government level, I think pushing for the comprehensive immigration reform that advocates and activists have been pushing for years but haven't seen any movement on [is also necessary]. There needs to be movement on this. We can't assume that it will be guaranteed, and we need to do the work to make sure that that pressure is applied to get the movement we want to see."

Aidan also reflects on the importance of student organizations' allyship and partnership with the undocumented student community. Conversations with Aidan have been fundamental to my work to take this research to the next level: the student advocacy component where I, by building partnership with other student organizations, will press the UC administration to implement new and better resources and services for undocumented students by following this article's recommendations and other undocumented student advocacy agendas. Part of this student advocacy plan could include a training, or trainings, where student advocates and leaders gain experience negotiating with UC administration, lobbying in Sacramento and Washington, D.C., and advocating university-wide. This could be an extraordinary opportunity to guide, prepare, and empower students while coalition-building with student leaders to press not only for funding, resources, and services for undocumented students, but to train them to advocate for any issues they want to move forward.

Regarding allyship from student organizations, Aidan states the following:

> "I think you can never take support or allyship for granted. It needs to be a continual process. And I think it needs to be a continual role of listening and partnership. We have a lot that we can improve in, even as student leaders and student government. I think that recognition, that cognizance from our university, state, and federal leaders, will never reach the finish line in moving to better support undocumented students. It [also] needs to be a continual process of self-reflection and growth."

2.1.3 UC Graduate and Professional Council (UCGPC): "A more universal approach"

The UC Graduate and Professional Council (UCGPC) is the second largest student organization at UC, after UCSA, representing all UC graduate and professional students. Victor Wang, Chair of UCGPC, shares his thoughts about how to amplify undocumented students' voices through legal mechanisms:

> "I have a couple thoughts on how we can continue to ensure that undocumented students can participate in civic and political arenas. One of them is, for sure, to put pressure on to create

> legislation that unequivocally adds–like the United States Constitution and Bill of Rights–provisions to apply to all persons and people in the United States."

Also, Victor believes that apart from changes in the legal and constitutional apparatus of the United States and its immigration system and policies, there is much space to improve in educating both documented and undocumented students about their rights:

> "There's a lot to work on in terms of the realities of whether somebody gets outed as an undocumented student growing up. I think everyone should be able to at least exist with the knowledge that they have the rights to participate, and that they have a right to free speech."

Gwen Chodur, President of UCGPC, and President of the National Association of Graduate-Professional Students (NAGPS), is a seasoned advocate fighting to meet students' basic needs at UC and nationwide. Gwen is very aware of the universe of realities and policies that need to be improved UC-wide and nationwide. On top of the challenges caused by their immigration status, undocumented students often suffer as a result of extreme limitations on support for basic needs. Gwen suggests:

> "While I acknowledge that as a system [the University of California has] been a champion of the rights of undocumented students throughout the country, one place where I think UC needs to improve is in thinking about how services and things are distributed and meted out. Generally, it seems like in a lot of policies and in thinking about how funding is distributed, they think about what will catch the largest number of students first, and then try to think about workarounds for students who might have special circumstances. I think there needs to be more of a universal approach to how can we think about those students who are going to be the most challenged to get resources–think about them first and then expand to make sure that we're covering everyone else."

The goal of this work, for Gwen, is that a lack of legal documentation would not be a reason for students to be prevented from speaking out and taking up space:

> "These communities should not be an afterthought. There should not be a conversation about, 'how do I do this if I don't have work documentation.' That should not be a concern that a student faces. It should be something that the university is thoughtful of and always planning for when they're distributing programs or resources in whatever way they do."

2.2 Conversations with Undocumented Students Program leaders at UC

In 2020, I attended the December coordinators' board meeting with all UC undocumented student directors and coordinators from the ten UC campuses, invited by Enrique Campos, UCLA Undocumented Student Program manager. In this meeting, I realized the strength of building coalition to address undocumented students' needs and challenges. In the next pages I summarize hours of different conversations with three very active undocumented student programs directors and staff at UC. I would like to thank again Enrique Campos from UCLA, Liliana Iglesias from UC Berkeley, and Yadira Hernandez from UC Irvine, for their trust, time, and collaboration in supporting this enterprise to aid undocumented students in our ten campuses from San Diego up to Davis, California.

2.2.1 A conversation with Enrique Campos: "Free expression from art, to social media platforms, to the streets of Washington, D.C."

Enrique Campos is the program manager of the Undocumented Student Program at UCLA. He was one my key connections since early in the 2020 academic year, introducing me to many advocates working for and alongside undocumented students at UC. When asked about undocumented students and their free speech and civic and political engagement at UC, Enrique stated that he believes that over the years, depending what is going on politically, undocumented students quickly become ready and collaborate for many agenda or advocacy issues as they arise.

Despite their immigration status, there are students who are very much involved in advocacy, organizing, volunteering, and activism, and in many forms of civic and political engagement. He reflects on the fact that undocumented students will share testimonies in public, stage coming out events, use social media platforms, and find other ways to publicly share their stories in order to change policies and practices. Enrique also mentions the importance of how undocumented students express themselves through art, posters, poems, drawings, paintings, and celebrating the advocacy work of earlier student advocates. He believes that as students get more comfortable in engaging in these activities, they become more vocal and active. Yet undocumented students still face real and material obstacles to exercising their rights:

> "Students know they have rights about free speech, but doing something like civil disobedience may be a situation [in which they could be] arrested. They have to balance what they are able or not able to do. And they do what ultimately would allow them to move the agenda forward. Students sometimes are not scared about themselves, but they are for their families."

I also asked Enrique for some recommendations for our universities and the local, state, and federal governments to better support undocumented students in every aspect of their lives (from basic needs, food security, employment, legal resources, psychological services, to a path to citizenship), and

to protect their free speech and empower them for political and civic engagement. Enrique listed a number of different needs: protecting DACA, expansion of each one of the undocumented student programs at UC, more meetings between UCOP and students, increased support from the administration, continued funding, and many others.

2.2.2 A conversation with Liliana Iglesias: "The Undocumented Student Program at UC Berkeley came out of undocumented students' activism"

Liliana Iglesias is the Director of the Undocumented Student Program at UC Berkeley. I interviewed her in February 2021. From Liliana's experience working directly with undocumented immigrants and students, she believes that the types of free expression and civic and political engagement that undocumented students at UC and at UC Berkeley currently engage in varies depending on each student's background and the intersections of their identities and experiences. She believes that undocumented students who are more comfortable or open about their immigration status are most likely to engage with free expression.

Liliana suggests that the national political environment is a crucial element affecting undocumented students' experiences with free expression. For example, students felt safer engaging in marches and demonstrations before the Trump administration. When that particular administration established itself in 2017, it caused a great deal of fear in the undocumented community because of its conservative immigration policies and, later on, the attempted repeal of DACA. Liliana predicts that now that the COVID-19 pandemic has been addressed and a more progressive government is in place, there will be a window to see more engagement and activism from undocumented students. Regarding DACA, Liliana mentioned that the Biden administration's more pro-immigrant approach has been reassuring for undocumented students who are applying, particularly also because of concerns over the safety of their undocumented parents.

When asked how undocumented students are or aren't, and can or can't, exercise free speech and civic and political engagement, and if the fear of deportation and retaliation is stopping them from exercising their freedom of speech, Liliana shared that again, it depends on each student and their particular situation. According to her, in some years some undocumented students would sit inside or outside a court and protest to impact decision-making, while at the same time other undocumented students may remain less politically engaged. Those students may act from many different reasons, including the fear of retaliation from the immigration system against them or their families.

Liliana agrees that there is an urgent need for secure funding and centralized support for undocumented students at UC. She pointed out that the Undocumented Student Program at UC Berkeley came directly from the activism of undocumented students, who believed in creating a space for advocacy, services, and resources, and very importantly, for speaking their minds. Liliana believes funds for undocumented student support should be increased to provide better access to mental health services. Likewise, she recommends creating more programs and information on internships

and employment during college and after graduation. In particular, she is strongly in support of creating new opportunities in science, technology and mathematics fields (STEM) for undocumented students, because most fellowships for undocumented students may be found in the humanities and social sciences rather than in STEM.

Liliana emphasized that other resource centers and departments at UC Berkeley will direct undocumented students seeking different types of support to the UCB Undocumented Student Program, instead of those departments and divisions having their own support systems in place for undocumented students. In light of this, Liliana believes that UC should advocate for having those supporting roles throughout UC campuses, schools, divisions, and departments to assist undocumented students with particular issues related to their majors or careers and to professional opportunities or fellowships: information that sometimes the Undocumented Student Program may not have access to. A final recommendation from Liliana, which I found particularly compelling, is to take undocumented students' challenges, the question of free speech, and 'know-your-rights' training to the academic level by creating a course (or courses) on free expression, rights, and civic and political participation at UC campuses that cover[s] these topics.

2.2.3. A conversation with Yadira Hernandez: "Students know the power of their voice"

Yadira Hernandez is the Assistant Director at the UC Irvine DREAM Center. In January 2021, I had the opportunity to have a long conversation with her about undocumented students at UC. Our conversation about undocumented students at UC and free speech started with Yadira acknowledging that the student community in each UC campus is different and diverse. Each community's political awareness is different. However, Yadira states that undocumented students do indeed tend to advocate for resources for their communities and their families.

Yadira mentions that there are many challenges that undocumented students face: from lack of work documentation, to basic needs, to psychological distress. In addition, they may face the many prejudices in the United States against immigrants, as well as racism and misogyny. What is more, the debate about free speech is a very controversial issue, and there may be fear of hostility or even deportation for undocumented immigrants who speak up and protest. "There are students who are very involved in advocacy, but it can also be the opposite," Yadira told me. "There are students who are also afraid."

Despite these challenges, however, Yadira believes that students feel very empowered about having free speech. They do not want to be silenced, and they want to speak up about their thoughts, opinions and beliefs, particularly about the issues that affect them and those that affect other disenfranchised communities and communities of color, identities which may intersect with their own. Undocumented students know the power of their voice: students are powerful, their voices really matter, and people hear them.

Yadira believes that funding for undocumented student services and resources should be increased systemwide, and special efforts should be made to hire more staff in order to increase support for students. We also spoke about students who are protected by DACA, who must apply to renew their status every two years. Yadira suggested that UC should provide systemwide funding to cover the DACA renewal application fees, which could open the doors for many undocumented students.

Yadira suggested that it is extremely important that UC create more trainings and paid internships for civic and political engagement that do not require citizenship. Such programs could provide political and professional development, leadership development, and political opportunities for students. She also expressed her wish for improved funding for undocumented graduate students, who are a minority at the graduate and professional levels. In this vein, Yadira has also worked to create resources for undocumented alumni. She founded a "first of its kind" Undocumented Alumni Association of UCLA, where she supports career and networking opportunities.[15] Yadira believes that this model of association should expand systemwide, as the unique challenges undocumented students face continue after graduation.

2.3 Conversations with Faculty, Experts, and Administration on Free Speech

An essential piece of this project has been listening to the voices of both documented and undocumented student leaders advocating for undocumented students at UC, as well as the voices of the leaders and staff who work right next to undocumented students everyday through the different Undocumented Student Programs at UC. However, both faculty and administration at UC have also been active and vocal about supporting undocumented students both UC-wide and nationwide. In the next pages I summarize parts of my conversations with Erwin Chemerinsky (Dean of the UC Berkeley School of Law), Michael Kagan (Professor of Law and Director of the Immigration Clinic at the University of Nevada, Las Vegas), and Laura Enriquez (Associate Professor of Chicano/Latino Studies at UC Irvine and Principal Investigator on the Undocumented Student Equity Project and the UC Collaborative to Promote Immigrant and Student Equity–UC PromISE).

2.3.1 A conversation with Erwin Chemerinsky: "Everyone, citizens and non-citizens, documented and undocumented, has free speech in the United States"

Erwin Chemerinsky is the Dean of the UC Berkeley School of Law. In March 2021, I had the opportunity to interview Dean Chemerinsky, starting with a straight to the point question: Do undocumented immigrants in the United States have free speech, and are they protected by the First Amendment? The answer was a resounding yes. According to Dean Chemerinsky:

[15] Visit the Undocumented Alumni Association of UCLA website at:
https://alumni.ucla.edu/alumni-networks/undocumented/

> "Free speech is not limited to citizens. In Plyler vs. Doe, the Supreme Court said equal protection protects persons. It is not limited to citizens. The same is true of free speech. Everyone, citizens and non-citizens, documented and undocumented, has free speech in the United States."

But undocumented students face unique obstacles to exercising that right. Dean Chemerinsky commented on the key challenge: deportation.

> "If someone is undocumented, the government can deport them at any time, and that is certainly an incentive to have a lower profile. There is nothing to stop the government from identifying an undocumented individual for their speech, and then deciding to deport that person because of that speech."

Finally, Dean Chemerinsky shared some ideas about how the University of California as well as the government could keep moving forward to protect undocumented students and their free expression.

> "Creating citizenship would be the best way to do that. Creating documented status through DACA would be the next best way to do that. I think the campus and the UC system making clear that [we] will protect our undocumented students, that [we] will not cooperate with immigration authorities for deportation, and that we will do everything we can to safeguard them is the best thing we can do."

2.3.2 A conversation with Michael Kagan: "Brave activists in every way"

Michael Kagan is Professor of Law and Director of the Immigration Clinic at the University of Nevada, Las Vegas. Professor Kagan has published on the question of undocumented immigrants in the United States and the First Amendment. In January 2021, I interviewed him about this work, some of which has appeared in "Do Undocumented Immigrants Have Free Speech?" (2015) and "When Immigrants Speak: The Precarious Status of Non-Citizen Speech Under the First Amendment" (2016). When conversing about his experience working directly with undocumented immigrants and undocumented students, I asked Professor Kagan how undocumented students are or aren't and can or can't exercise their free speech through civic and political participation. He explained:

> "On the one hand, generally speaking, most undocumented people are very nervous about authority generally and this affects their life in so many different ways. And I think many people would generally keep their head down, might be reluctant to sign a petition. They just want to stay out of trouble for themselves and their families. And I think this will make them reluctant to maybe join an organization or speak out when they might otherwise. But it also

> leads people to be afraid to fill out forms at the university.
>
> On the other side, and a bit contradictorily, there is a minority of undocumented immigrants who are very outspoken, who are brave activists in every way. People, friends of mine, or people I know personally, start new organizations on campus, will speak at rallies, will tell their story, and more than that will also organize other people, will go speak to high school students to tell them how you can attend college, that sort of thing. So, though most people are not doing those things, there is a very visible minority.
>
> I think we have seen over, I guess, probably ten, fifteen years that there has been a real movement of activism among undocumented people, particularly young undocumented people, who are now in their twenties or thirties. There are more coming up all the time. On the one hand, I think that one could say it does not look like undocumented youth in particular are being quiet at all. But I think that what we have to appreciate is how much bravery it takes those who are doing that more public work and organizing, because most undocumented people I meet want to keep their head down, want to make sure that they and their family are cared for, and that's really all."

I asked Professor Kagan about how he believes the federal government could protect undocumented students and their free speech:

> "I would really like for the Supreme Court to reinterpret some of what it said on this issue to be clear that the First Amendment does apply to all people in the United States regardless of immigration status."

But immigration reform could protect undocumented students' free expression without necessarily having to go through the U.S. Supreme Court:

> "For example, if there were to be immigration reform legislation, which is obviously something getting talked about now, Congress could put protections for free speech into the immigration legislation. Immigration legislation actually has notoriously restricted free speech for a century or more. A lot of the first exclusions from immigration were for political ideologies that the United States found scary, whether it was anarchism or communism."

Finally, Professor Kagan reflects on the way other concerns, like the questions of safety and food security raised by the student leaders I quote above, are an integral part of the protection of free speech:

> "My general philosophy is that the government should not and does not encourage free speech and civic life directly. It encourages it indirectly. […] People are more likely to be able to speak and engage politically when they feel otherwise secure."

2.1.3 A conversation with Laura Enriquez: "79% of undocumented students are talking to people to persuade them about voting"

Professor Laura Enriquez is Associate Professor of Chicano/Latino Studies at UC Irvine and Principal Investigator on the Undocumented Student Equity Project and the UC Collaborative to Promote Immigrant and Student Equity–UC PromISE. I had the opportunity to attend two of the UC PromISE webinars this academic year and interview her in March, 2020. I started my conversation with Professor Enriquez by asking her about the types of free speech and civic and political engagement in which undocumented students at UC currently engage:

> "There are high rates of both civic and political engagement. Undocumented students, and also documented students (citizens) with undocumented parents, are more engaged than their citizen peers with lawfully present parents […] We can assume that those high levels of engagement are in response to threats. Students are trying to fight for their rights and their communities–advocacy for immigration policies and inclusive policies. But also there are undocumented students that are interested in other kinds of civic and political engagement, not necessarily around immigration issues, but other kinds of issues such as environmentalism, trying to make this [country] a better place."

I asked Professor Enriquez what for her is the most interesting finding in her research on civic and political engagement in the report "Persisting Inequalities and Paths Forward: A Report on the State of Undocumented Students in California's Public Universities" from the UC PromISE initiative. Professor Enriquez shared the following:

> "Thinking about undocumented students persuading people to vote is very interesting. 79% of undocumented students are talking to people about voting […] When I was involved in the DREAM Act organizing, there was a lot of movement around local, state, and national elections, and there were undocumented immigrants going out and talking to people about voting, and who to vote for. That was an active conversation. You can't vote, but you can convince other people to vote; that is a really powerful way to think about political power in the undocumented community."

Professor Enriquez also shared different recommendations for ways to support undocumented students, protect their free expression, and enhance their civic and political participation:

> "A hybrid version of a know-your-rights toolkit that combines undocumented immigrant rights and free speech rights would be unique […]. When you encounter police in a protest, what do you do? Also, about empowerment, it is creating opportunities to engage, and that can happen, like at UC Irvine, where there are a lot of opportunities for activism by collaborating with non-profit organizations. So, [an important element is] strengthening community collaboration and relationship with community organizations to provide pathways to integrate students into opportunities to become civically and politically engaged. And that does not have to mean to go to Washington D.C. to lobby for the DREAM Act. It can look like many different things."

Lastly, Professor Enriquez raised the question of efficacy. When students engage in activism, organize events, and launch advocacy campaigns, they often face the challenges that come simply from doing things they have never done before. When so much is at stake—especially for undocumented students—quality training and preparation might be helpful:

> "I also think about trainings for how to organize and how to be a good leader […]. I see many students that want to fight for something and they do not know how, and the way they go about it is not an effective social movement strategy. Trainings around social movement strategy exist, but I also think campuses can support the development of their own."

3. Recommendations

The following is a list of recommendations for the University of California Office of the President (UCOP) on advocacy, policies, and services to better support undocumented students, protect their freedom of speech, and enhance their civic and political engagement at the ten campuses of the University of California system and nationwide. These recommendations are the product of UC-wide research, webinars, and conversations with UC student leaders, directors of the multiple UC Undocumented Student Programs, and UC administration, experts, and faculty. These recommendations could not have been made without the support and collaboration provided by many groups and individuals.[16]

[16] In the upcoming academic year (2021-2022), I will advocate and press the UC administration and the California State government for the implementation of these recommendations in my role as student leader on the Executive Board of the UC Graduate and Professional Council, the systemwide student organization that represents and gives voice to all UC graduate and professional students. UCGPC meets regularly with advocacy groups and state legislators, and quarterly with UCOP and President Michael Drake.

These recommendations are a small contribution to address the immense challenges, needs, and issues that need to be resolved by the University of California, the California State government, and the federal government to further equal opportunity for undocumented students at UC and nationwide.

1. **FUNDING.**
   The University of California should press the California State Legislature and the federal government to direct greater funding towards resources, services, and basic needs for undocumented students at UC.

   - The goal for UC should be to increase funding for all undocumented student programs, centers, and services by creating a multi-million dollar systemwide fund to better assist these entities as well as the UC Immigrant Legal Services Center, UC basic needs campus-initiatives, and mental health services for undocumented students.

   - UC should support its ten campuses to create new (and increase existing) legal services, leadership training, opportunities, and advocacy plans to further free speech and civic and political engagement for undocumented students in order to uplift and amplify their voices.

   - It is crucial that UC and the State of California work together to invest for undocumented students, particularly amidst the economic challenges faced in the last year because of the COVID pandemic.

2. **EMPOWERING STUDENTS:**
   LEADERSHIP TRAINING AND CIVIC AND POLITICAL ENGAGEMENT OPPORTUNITIES.
   The University of California should better empower undocumented students to speak up and speak out.

   - Providing undocumented students with leadership skills, opportunities, education, and orientation on free speech and civic and political engagement will empower them to contribute to produce real change through policies that directly and positively impact their lives and those around them.

   - Increasing and creating new training and opportunities to develop leadership skills will prepare undocumented students to push for their causes, objectives, and demands in new civic and political spaces. It will also prepare them for future career goals and life experiences.

   - Moreover, creating more UC events focused on civic and political engagement for undocumented students and the student body as a whole should be a priority in the

upcoming years. This should include a student-led UC-wide annual initiative. I propose an annual UC-wide event called #USeeSpeakOurVoices to launch civic and political spaces, panels, forums, and symposiums during each Spring quarter/semester. This event will invite both undocumented and documented students to be part of a dialogue about current national and international political issues as well as about free speech and its challenges.

- Finally, UC and its Academic Senate should study the possibility of including a Free Expression/Civic and Political Engagement/Know-Your-Rights course (or courses) in its general education curricula and/or in its diversity course requirements.

3. **SERVICES AND UC INVOLVEMENT.**
UC should create new tools and services such as UC-wide Know-Your-Rights trainings and a UC-wide Know-Your-Rights toolkit for undocumented students created with the participation and collaboration of student leaders and advocates.

- UC should also advocate for greater legal orientation workshops for undocumented students, their families, and documented students with undocumented parents.

- UC should support the creation of a UC-wide Undocumented Alumni Association, following UCLA's model, where this systemwide organization supports career, professional, and networking opportunities for UC undocumented student alumni and current students.

- Furthermore, UC should openly advocate to have more undocumented students applying to civic and political engagement opportunities and positions, including and not limited to systemwide committees, conferences, the UC Board of Regents (via the Student Regent seat), and others.

4. **STATE AND FEDERAL ADVOCACY PLAN ENGAGING STUDENT LEADERS.**
The University of California should create a state and federal advocacy working group and plan that includes student leaders from the UC Undocumented Student Coalition, UCSA, and UCGPC to advocate for undocumented students at the state and national levels.

- This might include legal advocacy: for example, though most scholars agree that the First Amendment includes and protects undocumented immigrants in the United States, there is a need that the U.S. Supreme Court express this via clear precedent.

- Most fundamental, however, is legislative action for comprehensive immigration reform and a path to citizenship for all undocumented students and their families.

4. Resources

University of California:

- UC System
- UC Office of the President
- UC Undocumented Student Resources
- UC Immigrant Legal Services Center
- University of California Statement of Principles in Support of Undocumented Members of the UC Community
- Committee for Equity and Inclusion for Undocumented Students (CEIUS)
- Undocumented Alumni Association of UCLA
- Know Your Rights if Approached by Immigration Enforcement Agents
- Promoting Equity, Encouraging Success: How UCI Faculty and Staff Can Support Undocumented Students
- UCOP Endorses Promoting a Safe and Secure Campus for All
- UC's FAQs on Immigration Enforcement Actions

UC Undocumented Student Programs:

- Campus Contacts
- UC Berkeley Undocumented Student Program
- UC Davis AB540 and Undocumented Student Center
- UC Irvine DREAM Center
- UCLA Undocumented Student Program
- UC Merced Services for Undocumented Students
- UC Riverside Undocumented Student Programs
- UC San Diego Undocumented Student Services
- UC San Francisco Undocumented Student Support Services
- UC Santa Barbara Undocumented Student Services
- UC Santa Cruz Undocumented Student Services

UC Student Organizations:

- UC Undocumented Student Coalition
- UC Student Association
- UC Graduate and Professional Council

Additional Resources:

- United We Dream
- ACLU
- UCLA IDEAS
- UCSB IDEAS
- GRADD (Graduates Reaching a Dream Deferred)
- Promoting a Safe and Secure Campus for All
- Undocumented Undergraduates on College Campuses: Understanding Their Challenges and Assets and What It Takes to Make an Undocufriendly Campus