Peer-Reviewed Article

We Just Leave It as "Other": Undocumented Student Policy and Practice in Hispanic-Serving Institutions

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ABSTRACT

This pilot study uses a mixed-method convergent design to explore what formal policy and informal practices exist at Hispanic-serving institutions (HSIs) and emerging Hispanic-serving institutions (eHSIs) in states with restrictive, ambiguous, or no undocumented student legislation. These policies and practices can be used to increase equity access in a biased political environment. Data was collected in two phases. Student-facing staff and administration at HSIs and eHSIs in states with restrictive/ambiguous or no policies completed a mixed-methods survey. Individuals could then choose to participate in a semi-structured interview. Initial results reveal that formal policies are limited to clarifying federal or state legislation. In contrast, informal practices provide ways to provide information and support, professional development, or ways to manage student disclosure of status. Of special interest are "don't ask, don't tell" practices that exist when a student's status is disclosed and the number of respondents who believe no undocumented students are enrolled at their institution. Recommendations include policy and professional development considerations.

Keywords: higher education institutions (HEI), Hispanic-serving institutions (HSIs), emerging Hispanic-serving institutions (eHSIs)

INTRODUCTION

Access to education for undocumented students has become a heated battlefield in immigration politics. Current public and political narratives paint undocumented immigrants as a threat to the American way and a drain on public resources (Perez Huber et al., 2008; Rudick & Dannels, 2019). As a result, federal legislation works to limit undocumented individuals' access to public resources through policies such as the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and Personal Responsibility and Work Opportunity Responsibility Act (PRWORA) (Castrellón, 2021; Enyioha, 2019; Ballerini & Feldblum, 2021). These policies eliminate access to federal benefits, including federal financial aid and in-state rate tuition (ISRT) at public higher education institutions (HEIs) for undocumented students.

Despite the public and political backlash against undocumented individuals, some states have made strides in reducing the harm of federal legislation that creates barriers to higher education. Twenty-three states have passed legislation that grants ISRT to undocumented students based on high school attendance rather than state residency (National Conference of State Legislatures [NCSL], 2021b). Though the political landscape is changing, many states still have legislation reinforcing federal restrictions or do not have policies addressing undocumented student education rights (NCSL, 2021b). Undocumented students in these states face increased educational costs, lower or slower educational attainment, and increased stress while attending an HEI (Gildersleeve & Vigil, 2015; Nienhusser, 2014; Nienhusser & Connery, 2021). HEIs can choose to offset these additional burdens by implementing policies and practices that directly address undocumented student needs while still working within state and federal legislation (Delgado, 2022; Harvey & Palmer-Asemota, 2022; Martinez Hoy & Nguyen, 2019; Ngo & Hinojosa, 2021; Tapia-Fuselier, 2023).

The federal recognition of Hispanic-serving institutions (HSIs) could provide additional resources for specific populations of undocumented students. HSIs are HEIs that have a full-time undergraduate enrollment that is at least 25% LatinX, and emerging Hispanic-serving institutions (eHSIs) are those with an enrollment between 15 and 25% (Garcia, 2017; Hispanic Association of Colleges and Universities [HACU], 2022; Laden, 2004; Marin, 2019). While it is incorrect to assume all undocumented students come from Latin/Hispanic countries, this recognition is significant since LatinX students comprise the largest percentage of undocumented students (Feldblum et al., 2020). Further, HSIs enroll at least 65% of the LatinX undergraduate population (HACU, 2022; Marin, 2019; Samayoa, 2018).

Even in states with restrictive political environments for undocumented students, there is an increased likelihood that HSIs will enroll undocumented students in their numbers. It is incorrect to assume that all undocumented students come from Hispanic countries. Examining how HSIs serve LatinX undocumented students is vital since this population makes up a significant percentage of undocumented students nationwide (Feldblum et al., 2020).

Unfortunately, the research gap reflects a need for these studies. The handful of studies that exist explore institutions in states with laws that protect undocumented students' access to education (Golash-Boza & Valdez, 2018; Person et al., 2017; Serrano et al., 2018; Valdez & Golash-Boza, 2020). These studies explore the lived experience of undocumented students and related outcomes without exploring the impact of restrictive state and federal policy on the student experience. Further, few studies explore the impact of restrictive state undocumented policy on HSI undocumented student policy and practice (Golash-Boza & Valdez, 2018; Valdez & Golash-Boza, 2020).

Considering this complicated political and educational environment, it is necessary to explore how HSIs and eHSIs leverage their status to serve undocumented students in restrictive states. This pilot study explores how formal policy and informal practice inform how student-facing staff support undocumented students in HSIs and eHSIs. For this study, policies are processes that are formalized in writing by the institution, and informal practices are general practices that are not written or communicated through formal institutional channels. The researchers used a mixed method convergent design to address three research questions: 1) what formal system-level policy(s) and procedure(s) exist for student-facing staff that serve undocumented students, 2) what informal practices exist that serve undocumented students, and 3) what perceived impact does formal policy and informal practice have on the ability of staff to serve undocumented students? Administration and staff discussed their experiences through semi-structured interviews and surveys. Researchers used LatCrit as the theoretical lens for data analysis.

LITERATURE REVIEW
Shifts in Legislation Targeted at Undocumented Students

An undocumented individual is defined as someone who lives in the United States without legal authorization, including those without a proper visa, green card, or American citizenship (Salinas et al., 2019). An estimated 11 to 12 million undocumented individuals reside in the United States (Kamarck & Stenglein, 2019; Migration Policy Institute [MPI], n.d.). Approximately fifteen percent of these individuals are children brought to the United States as minors (Pew Research, 2009). Plyler v. Doe protects the K-

12 public education of these children. This Supreme Court case ruled that all students, regardless of citizenship status, have a right to public K-12 education, and to bar access would create a permanent underclass (Castrellón, 2021; Enyioha, 2019; Martinez Hoy & Nguyen, 2019).

Educational protection ends with high school graduation. PRWORA and IIRIRA work together to create financial barriers to higher education for the nearly 450,000 undocumented students in the higher education system and the 98,000 undocumented students who graduate from high school annually (Enyioha, 2019; Feldblum et al., 2020; MPI, n.d.).   PRWORA prohibits undocumented individuals from receiving federal benefits, including federal financial aid (Harrington, 2020). IIRIRA forbids access to lesser in-state rate tuition (ISRT) based on state residency for undocumented individuals (National Immigration Law Center [NILC, 2022]).   Twenty-three states responded to these restrictive policies by passing laws allowing ISRT for undocumented students. These laws side-stepped federal legislation by tying ISRT to the high school a student attended, not the place of residence (NCSL, 2021a). Seventeen states further access to higher education by offering state-sponsored financial aid to undocumented students (Higher Ed Immigration Portal, 2023).   The most significant gains in academic attainment for undocumented students are happening in states that offer both ISRT and state financial aid (Holzman, 2016; Ngo & Astudillo, 2018; Ngo & Hinojosa, 2022),

HSIs and eHSIs

The reauthorization of the Higher Education Act (HEA) of 1992 included federal recognition of Hispanic-serving institutions (Garcia et al., 2019; Laden, 2004; Moreman, 2019). While eHSIs do not receive federal recognition for their status, they are noted as institutions with rising LatinX enrollment by organizations such as The Hispanic Association of Colleges and Universities (HACU)(HACU, 2022). HACU has been at the center of lobbying efforts for HSIs since the mid-eighties and continues to advocate for the recognition of HSIs (HACU, 2022; Laden, 2004). HSIs account for 15% of the non-profit HEIs in the United States, yet they enroll nearly 65% of LatinX undergraduates (Excelencia in Education, 2022; Marin, 2019; Moreman, 2019). HACU hopes that federal recognition of HSIs will increase access for the growing number of LatinX students (Laden, 2004; Marin, 2019; Petrov & Garcia, 2021).

Under the current reauthorization of the HEA, HSI designation is based solely upon the percentage of LatinX students enrolled (Marin, 2019; Núñez & Holthaus, 2017; Petrov & Garcia, 2021).   The HSIs designation recognizes their status and the opportunity to compete for grants intended to

improve educational access and opportunities for LatinX students (Garcia, 2017; Garcia et al., 2021; Laden, 2004; Petrov & Garcia, 2021). HSIs represent a diverse subset of HEIs, with institutions representing public and private 2-year and 4-year HSIs. Further, the number of HSIs has more than doubled from 229 in the year 2000 to 559 in 2021 (Ballysingh et al., 2017; Garcia et al., 2019; HACU, 2022; Laden, 2004; Marin, 2019). This diversity makes creating a unified organizational identity based on expected outcomes challenging.

Contrarily, HSIs are institutions that gained their status based on numbers and not as a reflection of institutional, organizational, or mission change (Ballysingh et al., 2017; Petrov & Garcia, 2021). This lack of organizational identity means no unified mission; each HSI/eHSI independently determines the importance of social justice and serving undocumented students within their institution (Garcia, 2017; Petrov & Garcia, 2021). Based on the external designation of HSIs and the fact that many of the institutions began as primarily white institutions, discussions center around whether there should be a differentiation between 'Hispanic-serving' and 'Hispanic-enrolling' institutions (Ballysingh et al., 2017; Garcia, 2017; Laden, 2004; Marin, 2019; Petrov & Garcia, 2021). The insinuation is that 'Hispanic serving' institutions have undergone an organizational shift so that their institutions are intentional about addressing the needs of LatinX students (Ballysingh et al., 2017; Garcia, 2017; Laden, 2004; Marin, 2019; Petrov & Garcia, 2021).

Impact of State Context on Policy

When considering HSI policies in states with restrictive or limited policy contexts, it is necessary to consider the significant barriers. In states with limited or restrictive undocumented student legislation, students face real fears of disclosing their documentation status due to the threat of deportation (Gonzales, 2015; Reed et al., 2022). Even if students are willing to disclose their status, 'other' might be the only applicable citizenship status when applying for admission. The simple exclusion of undocumented or DACA status on admission applications forces students to choose an option that does not describe them accurately, creating a sense of exclusion and additional labor to seek resources designated for undocumented students (Valenzuela et al., 2015).

Due to the lack of institutional data and the risks to students who might disclose their status, many HEIs do not know how many undocumented students attend their institution. Again, this is understandable due to the hostile political environment, but it creates multiple barriers when advocating for

policies that address undocumented students. Institutions can engage in a diffusion of responsibility since they do not serve a countable population of undocumented students (Castrellón, 2021). Diffusion of responsibility allows institutions to avoid proactively creating policy frameworks, thus placing increased pressure on institutions with larger populations of undocumented students. Second, institutions in restrictive states may rely on informal practices instead of formal policies (Martinez, 2014; Martinez Hoy & Nguyen, 2019). Informal practices can lead to inconsistent services since they are communicated via word of mouth (Stuckey & Snodgrass, 2021). Additionally, there is no system ensuring compliance or monitoring the use of best practices (Martinez, 2014; Martinez Hoy & Nguyen, 2019).

METHODS

This pilot study explored how HSIs/eHSIs in states with restrictive, limited, or absent immigrant education legislation integrate support for undocumented students through formal policy and informal practice. This study utilized a mixed method convergent design to examine the following questions: 1) what formal system-level policy(s) and procedure(s) exist for student-facing staff that serve undocumented students, 2) what informal practices exist that serve undocumented students, and 3) what perceived impact does formal policy and informal practice have on the ability of staff to serve undocumented students?

Participant Selection

Inclusion criteria for participation in this study were defined as 1) administrators and student-facing staff employed at 2) HSIs and eHSIs in 3) states that have either restrictive, limited, or absent legislation for undocumented students. The initial source of states' undocumented student legislation was the National Conference of State Legislatures (NCSL). State policies are often fluid; therefore, the Higher Ed Immigration Portal was used to cross-check the information by NCSL. The Hispanic Association of Colleges and Universities (HACU)and the United States Department of Education (USDOE) HSI portal were used to identify HSIs and eHSIs within each state. Thirteen states met the legislative criteria and had an identified HSI or eHSI.

Study participants were recruited from the HSIs and eHSIs in the thirteen states in Table 1. Emails were sent to the directors of programs with student-facing capacity. These programs included financial aid, student services, enrollment and recruitment, and student support. Program directors were asked to complete the survey and forward the study information to student-facing staff.

Table 1

States and Inclusion Criteria

State Name	State legislative status	# HSIs	#eHSIs
Georgia	Restricted	1	9
Idaho	Limited	1	3
Indiana	Limited	2	5
Iowa	Limited	0	4
Louisiana	No Policy	1	2
Michigan	Limited	0	3
North Carolina	Restrictive	2	14
Ohio	Limited	1	2
Pennsylvania	Limited	2	10
Tennessee	Restrictive	1	1
West Virginia	No Policy	0	1
Wisconsin	Restrictive	3	8
Wyoming	No Policy	0	1
Total		14	63

Data Collection

A mixed-method convergent design collects quantitative and qualitative data concurrently and combines qualitative and quantitative data analysis to address the research questions from multiple perspectives (Creswell & Plano Clark, 2018). In this study, data collection occurred in two phases. In the first phase, anonymous Qualtrics surveys were sent to over 200 program directors at HSIs and eHSIs in states that met inclusion criteria. Survey participants could elect to participate in the second phase of data collection involving semi-structured interviews. Semi-structured interviews utilize a flexible question list, which allows the researcher to make adaptations based on interviewee responses. This structure allowed the researcher to react to information gained within the interview while ensuring the discussion of specific information with each participant (Merriam & Tisdell, 2016). Each interview was transcribed immediately after the session.

Transcripts were then shared with the interviewee to validate the information received.   Participants could take part in a second interview session if they wished to discuss any ideas in more depth or correct information from the transcript. No interviewees took advantage of conducting a second interview.

Survey Reliability Analysis

Coefficient alpha tests the reliability and the internal consistency of survey or scale items; thus, it was used in this study to test the reliability and consistency among Likert-scale items within the survey (Johnson & Christensen, 2020). Coefficient alpha is a function of the number of test items, the average covariances between items, and the average variance of each item. It is measured on a scale of 0 to 1 (Johnson & Christensen, 2020). A coefficient alpha (α) of.7 or higher is within the acceptable reliability range (Johnson & Christensen, 2020). The alpha value for the Likert scale items in this study is α = .861, suggesting a high level of internal consistency and reliability.

Data Analysis

Analysis of the qualitative and quantitative elements of the survey occurred separately. The quantitative data analysis fell into three categories: descriptive information about the participants' position at the HSI, information about formal policy or informal practices, and Likert scales measuring participant perceptions of the impact of policy and/or practice. Point values were assigned to each level of agreement, with strongly agree equaling 5 points and strongly disagree given 1 point. Descriptive statistics were used to analyze Likert scale data, including mean, mode, median, and standard deviations.

Qualitative data was collected in both study phases. Analysis of interviews began in transcription, where initial thoughts were recorded on memo notes. The researchers used triangulation to increase validity and reliability and asked the interviewee to provide feedback on the transcription (Merriam & Tisdell, 2016).   Constant comparative analysis addressed interrater reliability by providing opportunities to discuss differences in interpretation throughout the analysis process (Merriam & Tisdell, 2016).

The next analysis phase involved concurrent coding of qualitative survey answers and interview transcripts.   The coding process involved synthesizing parts to create a new whole (Saldana, 2016). For this study, the researchers analyzed the qualitative data by grouping the data into initial codes based on commonalities across the data sets. The researchers then compared their coding and resolved disagreements through discussion, achieving an inter-rater reliability of 90%. The last step of a convergent

design is integrating the quantitative and qualitative results (Creswell & Plano Clark, 2018). During this step, discrepancies in results were identified and addressed within the study results.

Response Rate and Participant Demographics

Participation in this study was voluntary and anonymous. Initially, 112 program directors at 13 HSIs in 10 states received recruitment emails. A total of 516 emails were sent over six rounds of emails. From this, only 29 (5.6%) individuals responded to the survey, and one (.2%) person chose to be interviewed. At this point, the study's scope was expanded to include eHSIs and states with no policy. This choice increased the number of schools to 14 HSIs and 63 eHSIs in 13 states. During this recruitment phase, 1,167 emails were sent to 906 directors of any department directly serving students. When data collection was complete, 87 (5.2%) individuals started surveys, and 3 (.2%) respondents agreed to interviews. Survey completion was low; 85 individuals began the survey, and 16 completed it, at a completion rate of 18.9%. Given that this is a pilot study, the data received can be used to guide future research studies. The results cannot be generalized due to the small sample size, low completion rate, and an unvalidated survey instrument.

Theoretical Framework

This study utilizes Latcrit as the framework to explore how formal policy and informal practice are used by HEIs to support undocumented students in HSIs and eHSIs. Critical race theory (CRT), a predecessor of Latcrit, originated from legal scholarship to challenge white privilege systematically seen within the American legal system (Bell, n.d.). Education researchers quickly adopted the concepts of CRT to explore how oppression systematically manifests in education for people of color. Latcrit narrows the perspective of CRT by exploring how race, ethnicity, and immigration status create unique forms of oppression for individuals who identify as LatinX in origin (Perez Huber et al., 2008; Solorzano & Yosso, 2002). Latcrit in education analyzes how the education's structure, systems, and policies work to limit access for LatinX students through five core principles: anti-essentialism, anti-subordination, intersectionality, multiple consciousnesses, and looking to the bottom (Reyna, 2021). Through these elements, one can see how systems reinforce discrimination (anti-subordination) by neutralizing the impact of policy and individual experiences (essentialism, multiple consciousness) on access (looking to the bottom) (Reyna, 2021).

RESULTS

The results of this study tell a story. They provide a window into policy and practice decisions in HSIs/eHSIs in states with restrictive, limited,

or absent undocumented student legislation, and they demonstrated how administration and staff understood and utilized these policies and practices. When viewed together, the quantitative and qualitative results revealed three themes. These themes include 1) policy as a response to legislation, 2) practice as a response to policy, and 3) policy and practice to serve undocumented students better.

Theme 1: Policy as a Response to Legislation

Policy is any rule or procedure formalized in writing or communicated through official institutional channels (Bell & Stevenson, 2006). Sixty-two respondents answered the survey question about the existence of formal policy at their institution. Nineteen survey participants (31%) responded that their institution has formal policies related to undocumented students. Most individuals responded that this policy is implemented at the institutional and department levels (69%).

Likert scales measured participants' agreement with the statement, "This formal policy guides my decision-making when serving undocumented students." The scores for responses to this statement (M = 4.3, Mdn/Mode = 5, Sd = .85) reflect a strong agreement among respondents about how policy impacts decision-making.

This result mirrors qualitative responses received from participants when asked to provide an example of a formal policy that serves undocumented students. Twelve of thirteen policies addressed federal and/or state policy regarding undocumented student tuition, admission, or financial aid. Policies such as "Undocumented students can pay sponsored rates as long as they can show a pathway to citizenship. Otherwise, the student will be charged out-of-state rates," and "Tuition appeals as dictated by the state legislature (laws)" directly address how to approach tuition decisions and appeals. The following policy addresses the handling of admission decisions, "State board code dictates admissions practices for undocumented students: In accordance with amended regulations prescribed by the State Board of Community Colleges, undocumented immigrants may enroll as specified." Finally, three respondents provided policies that address financial aid.

> An example would be our policy in how we determine the amount of institutional aid an undocumented student is eligible for undocumented students, including DACA recipients, are not eligible for federal student aid, but you may still be eligible for state or college aid, in addition to private scholarships.

As an example, we have scholarship funding reserved for undocumented students who meet eligibility criteria.

Our school has funding that is specifically earmarked for undocumented students. The selection process is written in a formal policy and is followed for every student.

Each policy contribution addressed how the HEI interprets state/federal laws and clarifies decision-making within these situations, except one that dealt with providing a sense of security for all students, but especially undocumented students, "campus safety limits whenever possible, involving the local/city police on-campus activities, to protect the safety of our community members."

When the quantitative and qualitative data are viewed together, one can see how policy addresses federal and state policy within the HEI. The formal policies provided by respondents provided guidelines for institutional actions in specific situations.

Theme 2: Practice as a Response to Policy

For this study, informal practices are procedures not written or formalized through official institutional channels. 40 out of 56 (71%) respondents answered that their institution has informal practices that serve undocumented students. When respondents rated their level of agreement with the statement, "these informal practices guide my decision-making when serving undocumented students," the scores (M = 3.38, Mdn/Mode = 3, S.D. = .94) reflected a trend toward respondents neither agreeing nor disagreeing with this statement, with outliers being a small percentage of the total responses. Qualitative data supported these results. Participants were asked to provide a practice that guides their decision-making. Most provided practices that detailed how to enact policies or support students when formal policy impacted access. These practices did not address the actual decision-making process but were examples of decision implementation. In response to the prompt, "Please provide an example of an informal practice that has guided your decision-making for undocumented students," fifteen of the 23 responses provided practices that directly addressed financial aid, enrollment, or tuition policies. These practices generally worked to support undocumented students in a challenging legislative time. For example, one participant shared,

When creating a schedule for undocumented students, we have to keep in mind that they cannot register until the last business day of registration, which means the specific class they want may not have seats available. Therefore, we always have to have a backup plan or understand that their education may be delayed since N.C. policy is that an undocumented student cannot take the seat of someone else.

Respondents provided practices that ensured students received correct information about complex institutional policies, such as "referrals to specific enrollment counselors whom I know will help students navigate enrollment." A desire to increase hope and encouragement was also a common theme, especially when addressing financial aid limitations.

Our financial office provides a method for undocumented students to receive institutional need-based aid. From the Admissions Office perspective, we can offer some additional financial hope for these students.

Assist them in the admissions and financial aid process, help them understand the process of cost, and the opportunities they may have or not have at our institution. Also assist them with other options and push them in the right direction even if they are not qualified to enroll at our institution.

The remaining practices needed to be more consistent. They either worked to inform, supported undocumented students or denied them visibility. An interview participant stated that when a prospective student indicates 'other' on an application, they "just leave it as other…the process is kind of like a don't ask, don't tell kind of thing." This practice keeps the students' documentation status private but does not give them the support they might need to navigate financial aid, tuition, or enrollment barriers. Another respondent stated, "I try to address all student ethnicities and documentation status in my instruction." Multicultural awareness is essential when addressing equity issues but may not consider the specific needs of undocumented students. Another respondent noted, "I am unaware that we have undocumented students. Our school is very small with selective enrollment, so I don't know that this is something we are dealing with right

now." Again, this does not address the needs of a changing higher education demographic and does not anticipate support if an undocumented student applies.

When the qualitative and quantitative data are considered together, they show that practice does not assist decision-making. The quantitative data shows that informal practices only minimally support decision-making. These practices were used to support policy implementation, find ways to increase hope when policies created barriers, and inform and support students.

Theme 3: Policy and Practice to Serve Undocumented Students

Data analysis suggested that an HEI's understanding of the intersection of undocumented students' needs and federal/state policy impacts the content of policy and practices within the HSI/eHSI. This theme focuses on how the policies and practices work to serve undocumented students' needs. In states with restrictive or absent policies, tension can exist between federal/state legislation and how HSI administration and staff wish to support undocumented students. As we saw in themes one and two, undocumented student policy helps administration and staff make tough decisions about student needs, and practices provide additional information and support when those policies create barriers.

Respondents were asked about their level of agreement with the statement, "Formal policy helps me serve undocumented students more effectively." The scores for this statement (M = 3.4, Median/Mode = 4, SD = 1.33) showed a tendency towards 'neither agree nor disagree.' These results showed less confidence in policies' ability to be used to serve students than in the ability to aid decision-making. This data shows an intriguing shift, considering no respondents disagreed on whether policy guides their decision-making. When asked if they agreed with the statement, "Informal practices help me serve undocumented students," scores (M = 3.59, Mdn/Mode = 4, SD = 1.01) lean towards 'somewhat agree' than responses to practices' impact on decision-making. The range in agreement levels for statements regarding decision-making and servingness highlights tension regarding the efficacy of practices. The cause of this tension becomes apparent in the last quantitative survey question. Participants were asked to complete the statement, "Practices impact undocumented students by," by selecting all answers that apply. Not surprisingly, "Addressing needs that are not specified in formal policy" was selected by 71% of the participants. "Adapting policy to fit the department's mission and values" was the second most selected at 45%. The adverse effects, "creating inconsistent expectations" and "creating confusion," were selected by 31% and 21% of

participants, respectively. Nearly a third of those surveyed experienced negative impacts from practices.

The qualitative responses tied to this theme add to the story of policy and practice in HSIs/eHSIs. Survey participants were asked if they would like to share additional experiences regarding undocumented student policy and practice; three of the eight responses called for formalizing practices.

> It would be best if my institution could formalize practices because I am not confident, they are consistently followed.

> The difficulty comes in awareness (outside my department) since informal practices are not publicized.

> We need best practices to serve our students better since some of them are having housing problems and we cannot find resources to assist them.

Another participant stated they "would not know if a student is documented, so I treat them the same as others." Two of the three interviewees stated that they would not know a student's status or how many undocumented students are on campus.

When viewed together, the quantitative and qualitative data give the impression that informal practices work against undocumented students. That is due to the nature of informal practices; often, no systems exist to ensure compliance. Using informal practices is an individual choice determined by the situation. In this study, only 13 respondents stated that their department/institution has a formal policy addressing undocumented students. In comparison, 42 individuals stated that their department/institution uses informal practices that serve undocumented students. Practices are often the only way to ensure undocumented students get the necessary information or support.

DISCUSSION

An initial exploration of the data highlights that policy does help decision-making when serving undocumented students, and practices can increase confusion and create inconsistencies in serving undocumented students. This shallow interpretation only tells the beginning of the story. When analyzing the data through the lens of the three core principles of Latcrit, anti-essentialism, anti-subordination, and intersectionality, one sees how policy and practices are unique layers in providing or denying access to undocumented students within HSIs. Further, the institution's perspectives

and individual staff members' beliefs determine how policy and practices challenge the "objectivity" of institutional policy and how practice decreases or reinforces discrimination.

Policy Interprets Legislation

The data shows that the significant role of institutional policy is to interpret federal and state legislation and create guidelines for its application. Additional access cannot be granted to undocumented students without violating state or federal legislation. In states with no legislation regarding undocumented student educational access, the institution must address these issues within its policy. It is outside this study's scope to determine how HSIs and eHSIs in such states respond to the lack of state legislation. We can see in this study that administration and staff rely heavily upon institutional policy to guide decision-making when serving undocumented students, even if it creates barriers to equitable tuition, financial aid, or registration.

Latcrit strives to challenge the essentialist and discriminatory stance of institutional, state, and federal policies that systematically limit educational access (Reyna, 2021). The intersectional perspective of LatCrit includes considering the challenges LatinX students face due to economic and citizenship status and how that is systemically reinforced in educational systems (Solorzano & Yosso, 2002). There needs to be more an HEI can do to increase access in the face of restrictive state undocumented student policy. The institutional policy refers to the guiding state law, "tuition appeals as dictated by the state legislature (laws)." Significant work remains. Out of the 86 survey responses, 13 individuals provided institutional policy, and only 3 of those policies addressed a means to access educational funding despite federal policies. By not formalizing policy, these institutions are "othering" these students and denying staff and administration clear guidelines on how to serve these individuals.

Practice as a Response to Policy

Perspectives of policy were mixed within this study. A tension exists between a desire to formalize practices and awareness of a hostile political environment, "We instruct staff on how to serve this student population. We decided not to produce any formal materials or training."

Additionally, there is an equal pull between using practices to provide better access while staying within state, federal, and institutional limits. A prime example of this is from an institution in North Carolina, "We always have to have a backup plan or understand that their education may be delayed since N.C. policy is that an undocumented student cannot take the seat of someone else." In this study, practices provided support and information to

undocumented students. Providing slivers of information and resources can "provide me an avenue to assist these students with affording college instead of feeling helpless with them." Through the practices provided in this study, many respondents showed a desire to work against the systemic barriers that undocumented students face in HEIs. This social justice work is a significant tenet of Latcrit and works to fight objective language and discrimination in policy that dehumanizes those it impacts.

Within this section, the topic of 'othering' began to appear. These responses range from leaving undocumented students' citizenship status on admission forms as 'other' to stating that they are unaware of undocumented students' presence on campus.   It is important to note that danger exists when collecting data on the number of undocumented students attending an institution. In this time of political upheaval, many of these students face the real danger of deportation.   This lack of enrollment data creates a situation where essentialism continues.   Since concrete data does not exist regarding undocumented student numbers, schools can maintain the status quo rather than fight to break down education barriers.   This "othering" creates opportunities for micro and macroaggressions based on perceived immigration status since protections and discourse are not occurring in a formalized manner (Ramirez, 2021).

Policy and Practice to Serve Undocumented Students

When there are specific policies for undocumented students in an HSI, it is helpful in decision-making. Only 15% of the respondents stated that their institution has a policy addressing undocumented students, and only 47% had informal practices. It is dangerous to assume these institutions do not have formal policies or informal practices; the respondent was unaware of them. A lack of awareness tells a story about undocumented students' role in these institutions. Several respondents voiced that awareness and lack of formal policies are problems they would like to address.   This lack of formalization and awareness creates a cycle of invisibility and otherness since these students' needs are not recognized formally.   Further, it increases reliance upon informal practices that may decrease service clarity and consistency.

Implications for Policy and Practice

Beyond providing federal educational equity for undocumented students by eliminating barriers to ISRT and federal financial aid, significant implications can be drawn from this study. Participants wanted best practices regarding undocumented students or at least formalized policies that would extend awareness beyond individual departments. A barrier to formal policy

is that it can be dangerous to keep data on the number of undocumented students enrolled in a HEI. This lack of data can add to the belief that no undocumented students are at an institution, increasing the invisibility and neutralization of the problem, therefore justifying a lack of formal policy. It is essential to determine a way to gather information regarding documentation status in a manner that maintains student safety. This data can increase advocacy for comprehensive support and formal policy.

When gathering anonymized data is impossible, HEIs should consider formal professional development training for any student-facing department. This training could cover services offered throughout the institution, an overview of state and federal laws, institutional policy, and community services. That way, undocumented students have a greater chance of encountering staff members who have basic knowledge of their educational needs. Further, there is less reliance on the few employees who specialize in supporting undocumented students. Decreasing this over-reliance limits the emotional toll on these employees and increases opportunities for support for all students.

CONCLUSION

This study examines what policies and practices exist in HSIs and eHSIs in unfriendly or neutral states and how these policies and practices support undocumented students. Most respondents reported that their HSI/eHSI had no policy or practices they knew. This lack of policy is concerning in HSIs/eHSIs in states with restricted or nonexistent undocumented student policies. At the same time, practices provide personal support and information. Therefore, in most of these situations, undocumented students are enrolled in institutions with no map for how these students can navigate the educational barriers. This invisibility and 'otherness' add to the labor required to matriculate and graduate from HEIs.

LIMITATIONS

This study has several significant limitations. As a pilot study, it is necessary to note that the survey utilized was not tested for validity and reliability. Second, the response rate for this survey is low. Only 5.6% of individuals contacted chose to participate in the survey, and only .2% chose to be interviewed. Therefore, the data presented in this article cannot be generalized to all HSIs in states that have restrictive or nonexistent undocumented student policies. This study intends to show the dire need for further study. This study also highlights the challenge of gathering the necessary data to conduct such research.

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