



Restorative Justice Center

UC Berkeley



## Report

# Undocumented Students At UC Berkeley & The DREAM Act

*Understanding the Experiences, Stories,  
And Hardships of the Dreamers*



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**Cover photo** Demonstrator Ruben Bernal, who recently graduated from San Jose State University, rallies for the Dream Act in downtown San Jose on June 29, 2011. Credit: Paul Sakuma / Associated Press

# I INTRODUCTION

Undocumented students at UC Berkeley entered the United States as children, and have lived in this nation almost their entire lives. Although they have maintained an excellent record in and out of the university, they do not possess the civil and political rights granted to American citizens by the United States legal structures. This exclusion of rights is based on the illegal status of these students. They are not only restricted from obtaining financial aid and job opportunities, but many of their human rights have been violated. Under these fall the right to equality, the freedom from arbitrary detention, the right to family unity, the right of adequate living standard, the right to free movement in and out of the country, and the freedom of discrimination. Consequently, these so called Dreamers live in a constant state of fear, insecurity and injustice.

In fact, U.S. law and legal structures do not protect the rights and integrity of undocumented immigrants. On the contrary, U.S. immigration and criminal law have threatened the rights and conditions of these individuals because of their illegal status. The classification of ‘illegality’ allows law enforcement and government authorities to treat these individuals as criminals. In order to oversee these problems, it is necessary to look at the Universal Declaration of Human Rights. The international declaration guarantees the right to be equal in dignity (Article 1), the right to a person’s security (Article 3), equality before the law (Article 7), the right to not be subject of arbitrary arrest or detention (Article 9), the right of freedom of movement (Article 13), the right to an adequate standard of living (Article 25), and the right to education (Article 26). Other Human Rights instruments grant similar rights. The International Covenant on Civil and Political Rights (ICCPR) protects the right to liberty and security of a person (Article 9), the recognition as a person before the law (Article 16), and freedom from arbitrary arrest and detention (Article 9). On a further note, the Convention on the Rights of the Child (CRC) recognizes the right to benefit from education (Article 28), the right to social security (Article 26), the right to an adequate standard of living for every child (Article 27). The latter is relevant in the context of some undocumented students coming to college before turning eighteen. It has to be noted that the United States has adopted the UDHR, ratified the ICCPR, and signed the CRC. With these instruments used to outline the inappropriate conditions of undocumented students at UC Berkeley, it is necessary to state that U.S. law has not promoted many or hardly any of these universal rights for undocumented immigrants. These policies become clear in cases where deportation, inadequate standard of living, discrimination and insecurity have threatened the conditions and rights of the Dreamers.

Domestic law has deprived undocumented immigrants of the same rights as granted to U.S. citizens. The gap between the rights protected by the U.S. and the ones enforced by Human Rights instruments has led to the demand for an immigration reform as most appropriate solution, to equally grant undocumented students the basic civil and political rights of the U.S. Constitution. As children derive their immigration status from their parents, there is no mechanism for them to obtain legal residency, if their parents are illegal immigrants. The passing of the DREAM Act would function as a Human Rights remedy to grant undocumented students at UC Berkeley and nationwide a path to their legal status.

The DREAM Act would improve immigration policy in two ways. First, it would permit certain immigrant students grown up in the U.S. to apply for temporary legal status, and then to eventually obtain a permanent legal status and U.S. citizenship through either going to college or serving in the military for two years. The Act is restricted to immigrant students having entered the U.S. at age fifteen or younger and having graduated from high school or having obtained a GED. The DREAM Act was originally introduced in 2001 in order to provide temporary legal status for undocumented students in the United States. Yet, numerous politicians have not been committed to this legislative proposal, as evident in its several failures to pass through the House and Senate. Despite persistent efforts to reintroduce the bill, the DREAM Act has fallen short in Congress five times, with the most recent attempt in 2011. In 2013, President Obama introduced a draft for an Immigration Reform Bill that included the DREAM Act. However, there has been no real federal advancement concerning immigration policy or the DREAM Act since then. It is the purpose of this research to present the conditions, experiences and threats to the human rights of undocumented students at UC Berkeley. In informing our community, the educational authorities, the nation and their representatives in Congress, the report will stress the importance of re-introducing and enforcing the DREAM Act in Congress.

#### ■ **The White House on Immigration**

“Together we can build a fair, effective and common sense immigration system that lives up to our heritage as a nation of laws and a nation of immigrants“

In order to better understand and address the problems faced by undocumented students due to the rejection of the DREAM Act, this research was able to collect a substantial amount of data. The information is presented in the form of professional opinions, Dreamers’ personal experiences and evidence of human rights violations. This report will be divided into three sections. First, it will include research in regards to undocumented students in the United States, their human rights and issues concerning the DREAM Act. Secondly, the report focuses on the data gathered through our community based research. Finally, we will provide our conclusions, recommendations, and suggested future steps to improve the lives of the Dreamers at UC Berkeley and support immigration activists to take the DREAM Act back to the Congress floors.

## II RESEARCH BASED ON EXTERNAL SOURCES

### 1. The potential beneficiaries of the DREAM Act

#### BENEFICIARIES ON A NATIONAL LEVEL

*“Currently, there are between 1 million to 2.1 million minors in the United States who are subject to deportation because their parents brought them to the U.S. without legal permission as children. Higher education is very often foreclosed to them due to federal law that excludes undocumented students from in-state tuition - even when they have lived all of their lives in that state. Without in-state tuition, young immigrants and their families often cannot afford higher education. Even if a young immigrant finds a way to pay for college, his or her post-graduation job prospects are often seriously limited due to immigration status. Many of these students live in constant fear of detention and deportation from the immigration authorities” – Amnesty International<sup>1</sup>*

All immigrants, irrespective of their legal status, have human rights. While states have the right to regulate the entry and stay of non-citizens in their territory, they can only do so within the limits of their human rights obligations. The U.S. government must ensure that its laws, policies and practices do not lead to the abuse of immigrants’ human rights. Undocumented students, as immigrants in the United States, must receive the same human treatment as U.S. citizens.

#### ■ Complete analysis of the potential DREAM Act Beneficiaries

[“DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries”](#)

[Migration Policy Institute](#)

#### BENEFICIARIES ON A UC LEVEL

*“An analysis by the state of California estimated that there were about 3,500 current college students enrolled in the California State University (CSU) and California Community Colleges (CCC) who were eligible for non-resident tuition waivers. Using relationships derived from the California data, we can provide an estimate of the current number of undocumented immigrants enrolled in public colleges and universities. California has about 40% of the estimated number of undocumented students (all grades and levels). It also has a relatively open and accessible college system. Using this information to convert the CPS data into a national estimate, estimated college enrollment probably amounts to about 7,000–13,000 undocumented immigrants who have lived in the U.S. for 5 years or longer (and have graduated from U.S. high schools.)” – The Urban Institute<sup>2</sup>*

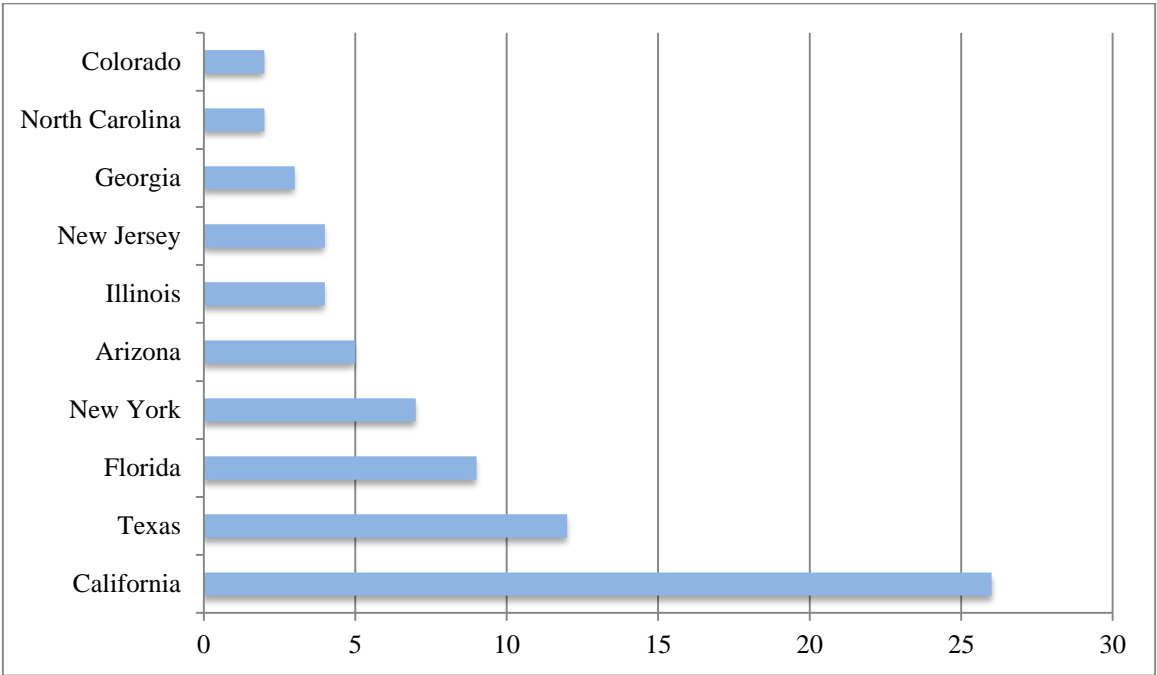
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<sup>1</sup> Amnesty International. „The DREAM Act“. Online: <http://www.amnestyusa.org/our-work/campaigns/immigrants-rights-are-human-rights/the-dream-act>. 05/12/2014.

<sup>2</sup> Jeffrey S. Passel (2003). “Further Demographic Information Relating to the DREAM Act”. The Urban Institute.

California as a state has had positive as well as negative policy tendencies towards immigration. Overall, it has shown progressive intentions and often functions as immigration role model for the rest of the U.S. The state government offers undocumented students in-state tuition, despite the consequent penalties deriving from section 505 of the federal IIRIRA law (1996). As shown below, most of the overall potential beneficiaries, more than a quarter, reside in California. This only makes the support of the DREAM Act within a Californian community and public state institution more relevant and pressing.

Fig. 1 Top ten states with largest number of potential DREM ACT beneficiaries (percent)<sup>3</sup>



THE IMPLICATIONS OF THE FAILURE OF THE DREAM ACT

Because of their undocumented immigration status, undocumented students face restricted day-to-day living activities, even though they may work hard, excel academically, and are highly involved in their schools, churches, and communities. In essence, the potential beneficiaries have to live through many inhumane living conditions, according to international treaties.

*“Under current immigration law, undocumented students' academic accomplishments and lengths of residency in the United States do not justify their violation of immigration law and cannot be cited as mitigating factors during deportation proceedings. Even worse, these students have difficulty pursuing a college education even if they are able to obtain admission because they are ineligible for federal financial aid under the Higher Education Act of 1965 (P.L. 89-329) and are likewise ineligible for state financial aid or in-state tuition under*

<sup>3</sup> Jeffrey S. Passel. Pew Hispanic Center. MPI analysis of CPS. 2006-2008 pooled, augmented with assignments of legal status to noncitizens.

*Section 505 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208). Considering the issues that directly or indirectly affect an undocumented student's day-to-day life, the DREAM Act could help such students by protecting their educational opportunity and by advocating for their human rights by preserving the family, providing equal education opportunities, and shielding them from child labor exploitations and abusive treatments” – Children & Schools<sup>4</sup>*

## 2. The violation of human rights of undocumented students

The violations of human rights concerning undocumented students are numerous. As elaborated in the introduction, U.S. law does not comply with many human rights treaties. In our research, we focused on three rights that are heavily violated but equally essential for the dignity of a human being. They become especially relevant in the context of a college environment, practices and conditions.

### THE RIGHT TO EDUCATION

Undocumented students do not possess equal educational opportunities due to their status and they continue to suffer from insecurities that further restrict their already limited access to continued education beyond college. In example, if undocumented students, who are excellent students in their class, have lived in the United States since elementary school and gain an opportunity for a scholarship, they are not able to receive this scholarship because of their undocumented status. Current U.S. laws dictate that undocumented students, even if they have a Deferred Action (DACA) approval, are not eligible for grants and scholarships at the federal level. This includes federal Pell grants or federally backed loans or work-study positions. These students can be barred from continued education and post doctorate work. Although these undocumented UC Berkeley students are experiencing a range of difficulties while living in the United States, pursuing continued education is extremely difficult for them.

### THE RIGHT TO FREEDOM OF MOVEMENT

The undocumented students’ right to have freedom of movement has been violated in different and numerous ways. Essentially, the violation of the liberty to move abroad and within the nation has primarily restricted the students’ ability to visit and coexist with their families. Therefore, this condition limits family ties and places undocumented students in a state of isolation, if not seclusion, during their college careers. Similarly, this violation has produced fear among these students who could be deported, and it has restricted their opportunities to study or to do research abroad while attending college.

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<sup>4</sup> Children Schools (2012). Online: <http://cs.oxfordjournals.org/content/early/2012/12/27/cs.cds041.full>. 05/12/2014.

The Universal Declaration of Human Rights protects the right of any individual to freely travel throughout the world (Article 13). However, U.S. immigration laws have established legal penalties for undocumented students, such as deportation, which directly threaten this right. The Dreamers are legally citizens of a different country, their country of origin. Nevertheless, their ‘legitimate’ citizenship is supposed to be in the United States, where they have resided for most of their lives. Thus, even though they should be able to leave and return from the U.S. and their home country, the right of freedom of movement is meaningless. U.S. immigration law penalizes, arbitrarily detains and deports ‘illegal’ immigrants living in the United States.

THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

Undocumented students often come from households with a lower income than regular students, and therefore have to face additional barriers to the realization of their human rights. As illustrated below, almost a quarter of the total potential beneficiaries live below the federal poverty level, and another fifth lives in households close to the poverty line. They therefore experience troubles in paying their tuition, fees, transportation and basic living expenses.

Fig. 2 Share of potential DREAM Act beneficiaries by poverty level (percent of federal poverty level)<sup>5</sup>

	Number	Below 100%	100 to 149%	150 to 199%	200% and higher
Eligible for permanent status	114,000	13	9	7	71
Eligible for conditional status	612,000	17	13	17	53
Eligible in future if obtain a high school degree	934,000	31	22	12	35
Not eligible for conditional status unless obtain a GED	489,000	23	22	19	35
<b>Total</b>	<b>2,150,000</b>	<b>24</b>	<b>19</b>	<b>15</b>	<b>42</b>

A further and relatable negative impact of U.S. policies on their standard of living is frequently experienced in the access to health care. In the U.S. health care system, immigrants either have to face very high costs, services being denied to them, and the fear or real consequence of being reported to immigrant authorities. These conditions must be understood as an especially pressing issue, as many undocumented immigrants have a high potential for systematic and personal trauma, through the constant fear of deportation and authorities, the loss of relationships, and discrimination. If undocumented immigrant youth feel the need for health care services, they usually try to suppress their pain because of the complications,

<sup>5</sup> Jeffrey S. Passel. Pew Hispanic Center. MPI analysis of CPS. 2006-2008 pooled, augmented with assignments of legal status to noncitizens.



restraints, and costs they would impose on themselves and their families. Once undocumented adolescents decide to seek medical aid, they mostly receive basic, short-term oriented services. These Band-Aid options provide temporary relief but do not work in a preventative, long-term, or sustainable way.

### ■ **Undocumented and Uninsured**

An initiative by the UCLA Labor Center

In terms of housing as part of an adequate living standard, possible barriers can occur through the rental process, forms of discrimination, the lack of a bank account or formal credit history and housing affordability. Health care and housing are both closely intertwined with a financial aspect, and therefore also related to the ability and right to work. The Immigration Reform and Control Act (1986) established penalties for employers knowingly hiring unauthorized aliens, so that undocumented immigrants do not have the right to work under federal law. If undocumented workers are knowingly employed, they become very vulnerable and exploitable. They receive below minimum wages, and employers ignore dangerous conditions and injuries with the help of deportation blackmail. Either to support their higher education costs, but also to actually use their degree after graduating, the right to employment would be essential. Besides these barriers, undocumented students cannot vote or drive in many states, ergo they cannot participate in everyday practices or their community.

## **III RESEARCH BASED ON A COMMUNITY BASED PROJECT AT UC BERKELEY**

### 1. The faculty members' perceptions, arguments, and stances

While undocumented students have many of the same dreams and goals as any other United States citizen students, they often encounter challenges and barriers before, during, and after their college careers. The conditions of undocumented students are viewed here through the expertise and understanding of two UC Berkeley faculty members, Professor Zook and Professor Echaveste, who were interviewed by our team. Although they have similar points of view, they hold different personal and political opinions about the conditions, hardships, and protection of the human rights of undocumented students at UC Berkeley and in the United States.

#### **PROF. DARREN ZOOK, PEACE AND CONFLICT STUDIES**

Professor Darren Zook teaches Peace and Conflict Studies at UC Berkeley, and one of his biggest areas of interests is Human Rights. Having known that Professor Zook has a substantial knowledge on politics and human rights, we decided to conduct an interview with him in order to gain an insight into his perspective about undocumented students at UC

Berkeley and in the United States. Professor Zook recognizes the conditions of undocumented students, and while many of these students do not reveal their “illegal” status to the faculty, he believes that they are no different from any other student. He agrees that the voluntary services to help undocumented students have been good strategies for students to receive some type of assistance. However, Zook also agrees with Berkeley’s “Don’t Ask Don’t Tell” policy concerning students’ legal statuses. His belief that faculty members should support these students was not directly stated, due to the fact that an openly pro-undocumented faculty at any university can potentially garner a lot of unwanted media attention. His arguments, in fact, allow us to see that the university has taken a neutral position with regards to the conditions of undocumented students.

The federal government does not channel funds to undocumented students because doing so would cause a firestorm, since it would be using public funds to support what is, by definition, unlawful. Professor Zook agrees that it is not the children’s fault to face the consequences for their parents bringing them illegally into the United States. Despite the fact that he is a liberal and wants to help undocumented students, there is little Professor Zook can do outright. There is a careful line to tread: faculty members cannot be held accountable for breaking the law if they are not made aware of an undocumented student’s illegal status. With this in mind, it allows us to better understand the sensitive nature of the issue faced by faculty members.

Professor Zook also mentioned that it is not the job of the faculty members to solve the problems of the undocumented students; there needs to have a clear policy at the state and federal level and a better, more fair immigration reform. In conclusion, the interview with Professor Zook opened our eyes to the fact that faculty members are rendered to an indifferent or neutral position on the issue of undocumented students at UC Berkeley. At the same time, it cannot be overlooked that the school provides help to most undocumented students through voluntary services.

#### PROF. MARIA ECHAVESTE, BERKELEY LAW SCHOOL

With a stronger pro-immigration approach, Maria Echaveste is a Professor at the Berkeley Law School. Professor Echaveste has served as the White House Deputy Chief of Staff to President Bill Clinton. She also has extensive knowledge and experience on civil rights and immigration policies.

Professor Echaveste mentioned that the Berkeley Law School has had several undocumented students who have successfully graduated from the law school, through a combination of private scholarship funds and loans. While Chancellor Birgeneau was a very strong advocate for undocumented students and for immigration reform, the politics are hard, given the resistance of the Republicans. Thus, the DACA decision by the Obama Administration was a good start but obviously not enough at all to remedy the problem. The DREAM Act is an important part of an overall immigration reform but further reform needs to have provisions for the families of the students who are here as well. Professor Echaveste

also noted that immigration policy is incredibly complex and difficult and one of the biggest challenges in our country (and worldwide too, this issue of migration of peoples) is the lack of the general public's understanding or even agreement with general principles of human rights, as seen in the United States' failure to sign a number of international treaties.

Professor Echaveste believes that Congress must reconsider the DREAM Act and reintroduce it to the Senate floor in order for undocumented students to acquire legal status in the United States. It is only then, when they will be protected by the laws of this land and therefore be able to reach their civil and political rights as Americans.

#### JANET NAPOLITANO, PRESIDENT OF UNIVERSITY OF CALIFORNIA

*“Many oppose you because of your long record of human rights violations perpetrated against undocumented immigrants.”* – In a letter to President Napolitano from a UC Berkeley student<sup>6</sup>

University of California President Janet Napolitano's appointment generated controversies within the undocumented community. During her tenure as the former U.S. Secretary of Homeland Security, she oversaw the deportation of about 400,000 undocumented immigrants each year. However, she voices in a public statement that “we are here to educate Californians, and it doesn't really matter to us [or] to me whether they are documented or undocumented. It matters whether they are a good student, and whether they are pursuing their passions and their dreams, and are putting themselves into that”. It would appear that she has a neutral, if not supportive, stance toward the undocumented students' cause. She has since made efforts to aid these Dreamers, as seen in her pledge of \$5 million in funds for undocumented student programs on UC campuses.

#### ■ **The Daily Californian** Student voices addressing Napolitano

#### NOHEMY CHAVEZ, COORDINATOR AT UNDOCUMENTED STUDENT PROGRAM

*“The system at [University of California, Berkeley] is not perfect, but we are progressive, and there are many people in this university working to help the undocumented students.”* – Nohemy Chavez, class presentation

Undocumented UC Berkeley students encounter many obstacles as they navigate through the unfamiliar terrain of higher education. At a sit-down interview with Nohemy Chavez, the Undocumented Student Program Coordinator, she highlighted the students' challenges and the university's offered solutions.

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<sup>6</sup> Pepito, DeeJay. “Dear UC president: hear student voices.” *The Daily Californian*. Online: <http://www.dailycal.org/2014/02/11/dear-uc-president-hear-student-voices/>.

There are currently around 310 undergraduate undocumented students enrolled in Berkeley. That figure is an underestimate of the true population size because it only includes the students who qualified and applied for the California DREAM Act. Prior to the passage of the legislation, which allows undocumented students to obtain state financial aid, many did not attend college due to the enormous financial burden.

The cost barrier is especially amplified for these students who are not able to legally work in the United States and whose expected family contribution (EFC) is often \$0. As a result, they live with a constant worry over their financial situation and a constant fear of deportation. In addition to being a full-time student, some decide to work multiple part-time jobs to support themselves and their families. The demanding responsibilities lead to poor academic performance, withdrawal from school, and/or eventual dropping out. Furthermore, these students are subjected to severe mental stress. The stigma attached to seeking psychological assistance only serves to compound their anxiety and fear.

UC Berkeley is taking active measures to meet and support the needs of undocumented students. The Undocumented Student Program offers many services, such as emergency grants, textbook assistance (via the Dream Lending Library), legal services (in partner with the Human Rights Clinic at the Berkeley Law School), academic counseling, and more.<sup>7</sup> These resources were supported by the gift from the Haas Funds. Part of the funds that UC President Janet Napolitano pledged to the UC system will be used to further expand the programs.

*“UC Berkeley recently established an Undocumented Student Program, the first of its kind in the nation, to provide comprehensive support services to the over 200 undocumented students on the Cal campus. The Clinic has taken the lead in coordinating the legal support component of the program with clinic students providing information about immigration law through informational workshops, weekly office hours, and placement of individual cases with pro bono attorneys for representation”.*<sup>8</sup>

UC Berkeley is comparatively more progressive and proactive in relation to other college campuses. Undocumented UC San Diego students face the daunting uncertainty with being in close proximity to the U.S.-Mexico border and the associated border politics. Their campus climate stands on the opposite end to Berkeley – people there are too afraid to organize or speak up. The administration is in a difficult position trying to achieve two goals that seem to stand at odds with each other: to make channels and resources available for the students whilst protecting their privacy. In contrast, Berkeley is blessed with a location in the liberal Bay Area, away from the threat of border agents. Faculty and staff are also receptive to training for allies (UndocuAlly Training Program) to better understand the needs of undocumented students.

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<sup>7</sup> Undocumented Student Program Services. Online: <http://undocu.berkeley.edu/>. University of California, Berkeley.

<sup>8</sup> “Promoting Human Rights in the United States: Immigration and Immigrants”. Online: <http://www.law.berkeley.edu/2974.htm>. University of California, Berkeley Law School.

## ■ Undocumented Student Program

### Guidance and support for undocumented undergraduates at Cal

Though there is no consensus among UC Berkeley administration and staff regarding the topic of undocumented immigration, the overall attitude is neutral. Undocumented students and their allies are making way in securing fair opportunities and means for them to realize their full potential. After all, Berkeley has a history of propelling social change; it will lead the way.

## 2. A Dreamer's Case Study: Understanding the realities of undocumented students

By analyzing the story of an undocumented student at UC Berkeley, we were able to understand the hardships and appreciate the experiences of the Dreamers. This case study was a very emotive and enriching process that opened our minds to the fact that no matter what school and city in the United States you are in, all undocumented students have gone and are going through a hard process of civil and social justice before, during, and after college.

The three-hour interview with Ivan, a 19-year-old sophomore at UC Berkeley, gave us a clear understanding of how all the Dreamers' stories begin. Many of these students come from low income families from Latin America and around the world. In fact, Hispanics represent the majority of the Dreamers at UC Berkeley. Their parents' pursuit of the American Dream brought these students, when they were little kids, to a different country where the language, culture, and laws are far different from those in their countries.

Ivan was born and raised in Mexico until he was ten years old. Then his parents decided to come to the United States in order to find better opportunities for Ivan and his siblings. Since an early age, Ivan has been in America and attended school here; he is fluent in both English and Spanish, but he feels more comfortable speaking English. He has always

demonstrated intellectual curiosity and has performed phenomenally in school. He was accepted to the University of California, Berkeley in the fall of 2012.

Since Ivan's entry to UC Berkeley, he has faced a tremendous amount of hardships in his life. First of all, his financial status was and still is precarious. His family does not possess the financial resources to pay for or to contribute to his education. Nohemy Chavez, the Undocumented Students Program Coordinator, states that the majority of the undocumented students' expected family contribution is \$0. Furthermore, the federal



Ernesto Arciniega interviewing Ivan

government does not offer financial aid to undocumented students. According to the policies specified in the FAFSA application, only citizens and permanent residents may qualify for federal financial aid.

As a result, Ivan had to ask for substantial amounts of private scholarships and loans in order to pay for his first semester of school. He was stressed and worried over his debt and how he was going to pay back those loans. After he received legal assistance from the EOP (Educational Opportunity Program) counselor and went through a difficult process, he was finally able to apply for the California DREAM Act which granted him state aid (Cal grant, state scholarships and other grants).

When he first started at UC Berkeley over the summer, Ivan did not have money to buy food nor to pay for his rent. Therefore, he had to live with a friend, who bought him food sometimes. He had to resort to eating Snickers chocolate bars as breakfast for three months, which can be seen as a violation of the human rights of dignity and standard of living. The school was not able to accommodate him with on-campus housing, as he did not have the money or financial aid to pay; therefore he had to find his own way, which is equally challenging. Ivan was a victim of stress and sadness during this period.

In order to travel within California, Ivan uses the train where documentation is not solicited. If necessary, he presents his Mexican passport or university student ID. Ivan said that despite him being deprived of the right to travel abroad to visit his relatives in Mexico (a violation to the human right of freedom of movement), he is thankful to at least still have his parents and siblings in California. Ivan has friends who are undocumented and without passports, many of whom have not seen their families in years. This violation of the human right of family unity is also manifested in the deportation of family members.

Last semester, Ivan became a recipient of the DACA. He said that even with DACA (which provides temporary residency for two years), immigration officers are still able to deport him, as DACA is an executive order and not a federal law (the Department of Homeland Security still has to follow the INA law which was, in fact, passed by the U.S. Congress). Therefore, DACA is just a temporary and superficial solution to the problem. Ivan feels that the federal government is definitely not doing enough to provide undocumented students with a decent life during their college careers. Despite the state aid given to these students, many Dreamers at UC Berkeley still do not qualify for the California Dream Act or the DACA.

When we told Ivan that our team tried to reach Janet Napolitano via email and phone calls several times (unsuccessfully), he said that “Napolitano does not want to compromise herself with any migratory issue with regards to undocumented students at UCB or any UC”. Ivan’s reveals the fact that he, like a majority of undocumented students, is against the decision to have Janet Napolitano as President of the University of California system. In fact, when President Napolitano visited UC Berkeley in March, a protest led by the undocumented students and their allies took place outside of Doe Library. It exemplifies the Dreamers’ distrust of Napolitano and the federal government; she deported almost 1.5 million

undocumented immigrants during her term as the Secretary of Homeland Security. Not only did the students use protests against those who deprive Dreamers of their rights, they also took to social media, such as Facebook and Instagram, to demonstrate their discontent with Napolitano.

Only half of the UC Berkeley undocumented students have the California DREAM Act or the DACA. The issues of tuition, housing, food, and employment affect these students much more severely. Ivan claims that all undocumented students at UC Berkeley have different experiences and problems, but all of them are connected by the fact that the U.S. government is not giving them a path to legal residency (which will grant them the civil and social rights to solve their problems). In this light, Ivan agrees that the DREAM Act is an ideal solution to solve the situation of the Dreamers as undocumented residents of the U.S.



UC Berkeley students protesting against Napolitano (Instagram)

However, Ivan thinks that the language in which the DREAM Act is written is aggressive. He says that he and other undocumented students dislike the word “Alien” of the A in DREAM because they believe that it is a derogatory term. Nevertheless, the important point is that this legislative proposal will act as a human rights remedy by allowing the Dreamers to realize the rights granted by the U.S. Constitution, the human rights stipulated in the UDHR, and those in the other principal human rights instruments. Dreamers’ futures rest on the passage of the DREAM Act; upon graduation, Ivan’s bachelor’s degree cannot help him find work anywhere in the U.S. without legal status.

The hardships, uncertainties, and social and legal injustices mentioned in Ivan’s case direct us to the fact undocumented students’ human rights have been jeopardized, especially those who do not qualify for the California DREAM Act and/or the DACA. The rights violated include, but are not limited to: right to social security, right to own property, right to work, right to favorable conditions of work and remuneration (with under-the-table work for those without DACA), right of freedom of movement, right to family unity, right of education (the system for graduate school is complicated for undocumented students), right to participate in the political life of the U.S., right of freedom from discrimination (students have been victims of discrimination for their ethnic background and illegal status).

On the last point regarding discrimination, Nohemy Chavez recounts an incident in which an undocumented student was treated negatively by a faculty when the student approached the professor for a research opportunity. However, the vast majority of the faculty is neutral, yet there are also those who are pro-immigration rights, such as Maria Echaveste and Tanya Varela. In addition, Chancellor Dirks has published a statement affirming his support for the Dreamers and expressing hope to “expand [UCB’s] efforts to provide [the

students] with the guidance, service, and sustained support they need to thrive and succeed”.<sup>9</sup> It is a very promising sign of continuous administrative support in the foreseeable future.

In conclusion, undocumented students have suffered not only human rights violation and psychological stress, but also social marginalization. Ivan’s personal experiences and those of other undocumented students have made him a strong individual who is willing to fight for the civil, political, social, and economic rights of all undocumented students in the United States. His experience as a Dreamer made him passionate in immigration issues and an active participant in campus organizations. Today, Ivan is the Director of Retention of RISE (student organization advocating for immigrant students) and also a student representative at UndocuAlly (UC Berkeley program that finds allies for undocumented students from human rights activists to faculty members). After hearing and learning about all the stories, experiences, and hardships that made undocumented students the victims of the gap between human rights and U.S. immigration law, our team wishes Ivan a successful career and we hope to help him achieve his goals by creating an online petition for the renewal of the federal DREAM Act as well as directly asking our representatives in Congress to bring the legislation proposal back onto the Senate floor.

### 3. The contrasting living situations of documented and undocumented students

We developed an online survey, “Student experience at UCB”, with the goal of comparing the living situation, experiences and knowledge of the ‘average student’ to the undocumented student. Our leading question was: How do the lives of these two student groups differ at UC Berkeley in regard to human rights? After giving basic information about themselves (gender, age, year in college), students were asked to evaluate their general standard of living, financial situation and access to financial aids, on a scale of 1 (high) to 5 (low). Our hypothesis was that undocumented students have a lower evaluation of their living situation in comparison to regular students. This presumption was made due to the fact that undocumented students usually come from households with a lower average income and experience many barriers to financial aids. Furthermore, the right to an adequate standard of living is often very limited, as laid out in the first part.

Additionally, we asked for the type of health care they use, their employment, and their evaluation of problems they have to face. Our assumptions were that undocumented students work less often than documented students, because of the human rights barriers attached to employment. Furthermore, it was assumable that the two groups of students have different priorities in their lives. A third part directly focused on human rights, to collect data on their knowledge of human rights and the DREAM Act. Finally, we developed questions about nationality, ethnicity and the student legal status. Only undocumented students should

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<sup>9</sup> Public Affairs, UC Berkeley. “For ‘UndocuWeek,’ Dirks affirms support for undocumented students”. Online: <http://newscenter.berkeley.edu/2014/04/09/undocuweek-dirks/>. UC Berkeley News Center.



answer additional questions, about their mental health, discrimination and immigration programs.

In total, 38 students replied to our survey that we distributed online. In the frame of our research project it was not possible to do a survey with a randomized pool of participants. Therefore the results are not statistically representative, but they should give an idea about the general student situation at UC Berkeley. Additionally, future researchers could use some of the questions that we developed. As expected, it was hard to generate answers without an incentive. So that none of the respondents choose the option of ‘undocumented student’ for the question of student status. We specifically tried to generate answers from undocumented students (through distribution via RISE), but this either shows that these students are not willing to give answers about their situation or simply that in the results made up by n=38, undocumented students cannot be represented.

Of the approximately 35,000 students at UC Berkeley, only about 300 students are undocumented. Thus, they only make up about 0.86 percent of the whole student body. Statistically, none of the 38 students should have been undocumented. In conclusion, a new survey would need a larger and randomized sample to fully gather information on the situation of undocumented students.

Fig. 3 Evaluation of living standard by regular students

	Very high	High	Average	Low	Very Low
Standard of living	8.57 %	37.14 %	48.57 %	5.71 %	0.00 %
Financial situation	11.43 %	48.57 %	34.29 %	2.86 %	2.86 %
Services and aids	2.86 %	8.57 %	54.29 %	20.00 %	12.29 %

The average standard of living (scale: 1-5) was evaluated as 2.51, in between medium and high. Equally, the average financial situation is in between secure and average, but slightly better than the general standard of living (2.37). In contrast, the average access to financial aids tends to be more negative, between fair and limited (3.34). In conclusion, the living and financial situation of documented students is above the average. These two components, in comparison to what our qualitative community based and our external research has shown, are higher than for undocumented students. They have to suffer from several restrictions on their human rights, which directly translates into a lower living standard. As their families are often not able to support their finances, as expressed by Nohemy Chavez, they have to assure a financial survival by themselves, additionally often without grants, loans or scholarships.

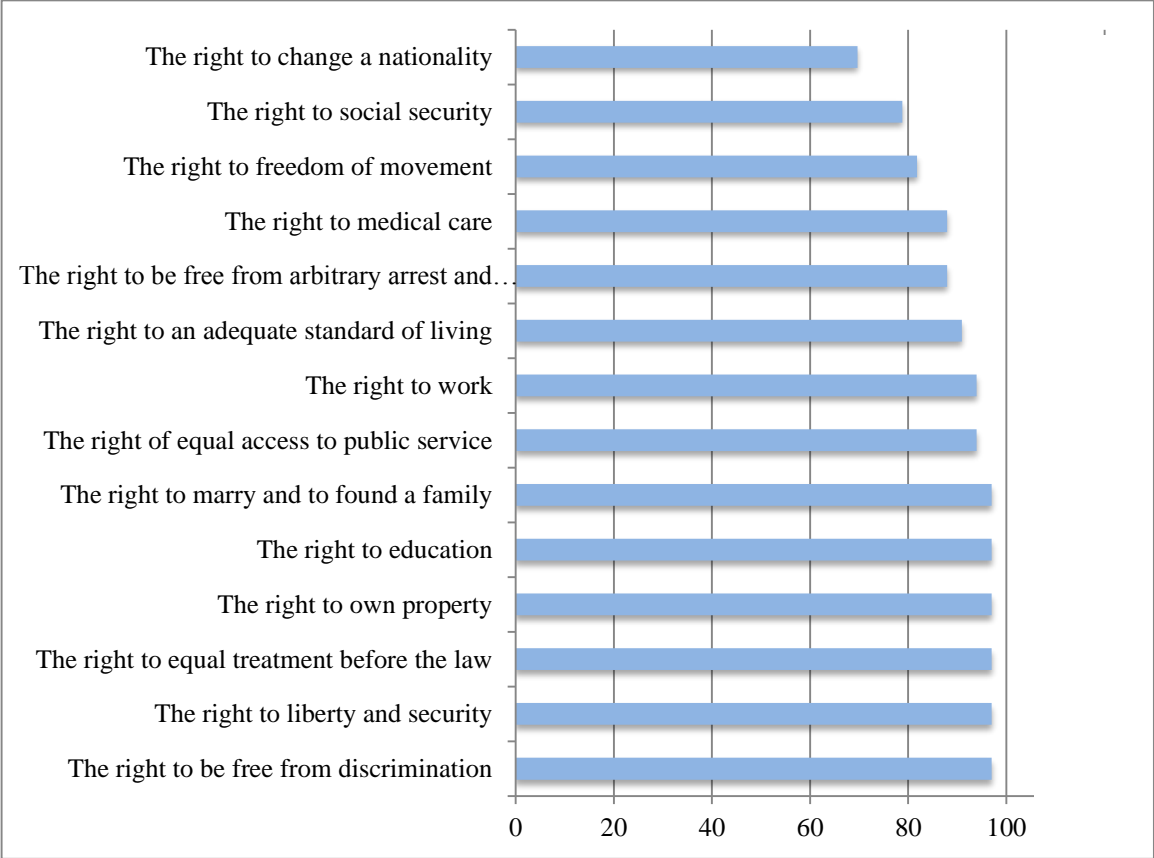
Fig. 4 Ranking of life priorities by regular students

Position	Issues	Weighted Average
1	Academic performance	1.89
2	Personal life (family, friends)	3.49
3	Finance (tuition, rent, etc.)	4.26
4	Employment	4.97
5	Physical health	5.37
6	Leisure (culture, shopping, etc.)	5.40
6	Mental health	5.40
8	Basic needs (shelter, food, etc.)	6.54
9	Legal issues	7.71

The priorities in the lives of documented students equally differ from those expressed by our prior research. They evaluated, on a scale from 1 to 9, the academic performance as most important (1.86), followed by personal life struggles (3.49), finance (4.26) and employment (4.97). On the low end the results showed basic needs (6.54) and legal issues (7.71). Confirming our assumptions in a comparative way, their priorities are differently weighed than for undocumented students. They have the ‘luxury’ about worrying mostly about their academic performance, and personal life, instead of their basic needs or legal issues.

We were surprised to see that only 45 percent of our respondents had knowledge about the federal DREAM Act, of which only 43 percent were in favor of it (50% N/A). This showed how many students at UC Berkeley are actually unaware of the issue, or at least of the policy addressing it. When asking for which rights they would evaluate as a human right, and to rank these according to their importance, most of the rights essentially denied to undocumented students landed at the end of the scale. The right to change a nationality (69.7%), the right to social security (78.8%), the right to freedom of movement (81.8%), the right to be free from arbitrary arrest and detention and the right to medical care (87.9%) were the only rights that were less often interpreted as human right, by more than 10 percent of the respondents. This shows how regular students do not acknowledge the restrictions on human rights that undocumented students have to face, as these are rights that are often very ‘natural’ and basic to them, as U.S. citizens or legal immigrants. We need community-based approaches and programs to raise awareness amongst students and faculty to truly understand the hardships that undocumented students are going through. Students have to be sensible about experiences that are different from their own ones.

Fig. 5 Evaluation of list of rights as human rights by regular students



## IV CONCLUSION

Undocumented students at UC Berkeley have gone through a hard process to achieve social justice. As illustrated by this community-based research project, their human rights have been threatened in many occasions. Nevertheless, UC Berkeley is on the right track of fighting for the civil, political, social and economic rights of these students, by offering financial assistance through the UCB Undocumented Student Program. Essentially, Berkeley has been progressive, with the only undocumented student program besides one at UCLA, and has become a model for California and the rest of the United States. Similar programs will be implemented in the future at all of the other University of California campuses. With this in mind, UC Berkeley must endorse the DREAM Act in order for this legislation to be reconsidered and passed in Congress, to grant undocumented students their essential human rights.

In essence, the DREAM Act will function as human rights remedy by granting undocumented students civil and political rights through a legal status in the United States. As contribution to our community, our team will restore political interest in the DREAM Act and fight for its approval by sending letters to the Representative Barbara Lee of California's 13th District (Berkeley), and Senators Barbara Boxer and Diane Feinstein of California. Additionally, an online petition ([avaaz.org](http://avaaz.org)) has been created to gain support for the reintroduction of the legislation. An in-class presentation (Tuesday 29, 2014) summarized the results and most of the stories and facts with regards to UC Berkeley Dreamers.



Protestors in front of the White House

### ■ Further resources

[Rising Immigrant Scholars through Education \(RISE\)](#)

[FWD.US Immigration Reform Support](#)

[The Dream Is Now](#)