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Latinx Education Policy and Resistance in the Trump Era

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**Latinx Education Under Attack:
The Implications of Immigration Policy for Education**

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Abstract

This conceptual article examines the intersection between immigration law enforcement and education. We explore the following questions: How have immigration and education policy intersected in the last decade, and particularly after the 2016 presidential election? To examine this question, we make use of the interdisciplinary nature of our own academic backgrounds as a political scientist and an education policy scholar to ground our article using sociologist Herbert Blumer's *sense of group position* theory, Critical Race Theory (CRT), and Latina/o Critical Race Theory (LatCrit). Guided by this theoretical frame, we discuss the notion of education being used as a bargaining tool and a weapon with implications for Latino communities given the current political and anti-immigrant context. We highlight examples that represent various levels of government and that on the surface have a target population of immigrant adults or young adults—however, we argue that regardless of the target population, if a policy has direct implications for adult immigrants and immigration, it will have direct implications for educational institutions and the children of immigrants.

Keywords: Latino, Education, Immigration, Blumer, LatCrit, CRT

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Introduction

The deprivation of public education is not like the deprivation of some other governmental benefit. Public education has a pivotal role in maintaining the fabric of our society and in sustaining our political and cultural heritage; the deprivation of education takes an inestimable toll on the social, economic, intellectual, and psychological well-being of the individual, and poses an obstacle to individual achievement (Plyler v. Doe, 457 U.S. 202 (1982)).

Immigration and education are inextricably entwined, both historically and contemporarily. In the last decade, anti-immigrant policies have brought schools face to face with immigration policies in the classroom. In the United States (U.S.), approximately 3.9 million children with at least one undocumented parent are enrolled in K-12 schools. The majority (3.2 million) of these students are U.S. born, while an estimated 725,000 children are undocumented. These estimates account for 7.3 percent of all K-12 students (Passell & Cohn, 2016). In 1982, in *Plyler v. Doe*, the U.S. Supreme Court made it unconstitutional to deprive children, regardless of legal status, of a K-12 education. In theory, public education is unlike any other governmental benefit in that education is key to both the national fabric of the United States and individual achievement. Education is key to upward mobility, however, more than ever education is at the forefront of immigration policy. In fact, as we argue below, given the direct impact of immigration policies and enforcement on the lives of school-age children and young adults, education policy has become immigration policy.

The intersection between immigration policy and education is not a new phenomenon. In the late 1800s and early 1900s, the arrival of “new” immigrants from Southern and Eastern Europe led some politicians and organizations to use literacy tests as a device to restrict not only the total number of immigrants, but also the ethnic makeup of the immigrant population. In 1986, only four years after *Plyler v. Doe*, the passage of the Immigration Reform and Control Act (IRCA) included educational provisions—knowledge of U.S. history, government, and the English language—for those who were eligible to change their status to permanent residents. Consequently, schools became an important institution for those seeking permanent residency due to requests for documentation of school attendance and records as a way for immigrants to prove U.S. residency (Olivas, 1994). Education, whether explicitly or implicitly, has always been a part of immigration policy. How have immigration and education policy intersected in

the last decade, and particularly after the 2016 presidential election? In order to examine this question in this conceptual article, we make use of the interdisciplinary nature of our own academic backgrounds as a political scientist and an education policy scholar to critically examine immigration-related policies and practices that have had a direct impact on the lives of school- and college-aged young people.

For this study, we examine state and local level immigration policies enacted since 2010 that have directly or indirectly conflated immigration policy with education policy. We also searched online news stories that demonstrated the impact immigration enforcement practices have on young people as well as their family. We highlight four themes that on the surface have a target population of immigrant- and/or young adults; however, we argue that no matter the target population, if a policy has direct implications for adult immigrants and immigration, it will have direct implications for educational institutions and the children of immigrants as well, regardless of the child's legal status. This inclusion of what may not appear to be education issues within a discussion of immigration policy is an affordance of our interdisciplinary approach. Through this discussion, we hope that policymakers and education leaders can more clearly connect the relationship between immigration and education, and in turn better address the needs of students and families impacted by anti-immigrant policies.

We ground our article using sociologist Herbert Blumer's *sense of group position* theory, Critical Race Theory (CRT), and related framework, Latina/o² Critical Race Theory (LatCrit). These frameworks are useful in understanding how immigration and education policies are intricately linked and the implications of this connection. We argue that education is used as a bargaining chip and a weapon with implications for various stakeholders given the current political and anti-immigrant context.

Theoretical Framework

The Sense of Group Position

The Sense of Group Position theory claims that race prejudice comes from a sense of group position, viewing prejudice as “beliefs about the proper relation between groups” (Blumer, 1958, p. 38; Bobo, Kluegel, & Smith, 1997). The basic tenets of this model, as laid out

² We use Latinx in the title to indicate gender inclusivity, and use Latino and Latina/o in some instances throughout the body.

by Blumer (1958) suggest that racial attitudes consist of a feeling: 1) of superiority by the dominant group; 2) that the subordinate race is inherently different and alien; 3) of proprietary rights that accords the dominant group superior status, power, and other resources; and 4) that lower-status groups want a bigger share of “their” resources (p. 4).

Blumer’s theory helps us understand the critical role education has the capacity to play in U.S. society. Through the use of Blumer’s theory, we are better able to understand how education gets weaponized, used as a bargaining chip due to its critical role in its ability to even *the playing field*. Blumer’s sense of group position provides the dominant group a way to keep the playing field uneven, a way to keep the current hierarchical status quo. Education is a resource, as per Blumer’s theory, to which the dominant group lays claim. Historically, the dominant group has either withheld education or used it to their own advantage. By marking others as different and “alien,” laying rightful claims to resources, and then acting on the perception that “lower-status” groups want more of those resources, Blumer’s theory connects the use of resources to a larger debate about immigration enforcement. Historically, education has been used as ways to keep groups from upward mobility (in the case of African Americans) or forcibly assimilate groups into American culture and norms (in the case of Indigenous peoples) precisely because education is, as Justice Brennan opined in *Plyler v. Doe*, key to achievement in America. Thus, making education an important resource for either the equalizing of groups or maintaining a sense of group position for those in the dominant group, who themselves make the normative rules.

Immigration is one policy issue where education has become a bargaining chip. Blumer’s theory allows us to connect the importance of education in either breaking down or maintaining racialized hierarchies, and the use of immigration policy and enforcement as a vessel through which political actors and everyday people justify more or less educational opportunities. One way discourses around immigration does this is through the racialization of immigrants. Undocumented immigrants are often exclusively seen as Latinos (Chavez, 2001, 2013; Santa Ana, 2002) and conflated with negative images, often signaling *alien-ness* and *otherness*. Scholars such as Menchaca (1993) and Donato and Hanson (2012) document that Mexican Americans have historically been racialized through social and legal practices, such as the de jure, as well as de facto, segregation of Mexican American students based on their race

across the West and Southwest. Pérez Huber and colleagues (2008) in their discussion of racist nativism, demonstrate how undocumented immigrants are framed as a racial group in discussions about immigration. While Ngai's (2004) work is indicative of the racialization of illegality as attached to Mexican bodies. Through racialization, it is easier to deny Latinos resources that are then deemed only for those who are a "part of" the rightful polity.

Blumer's theory allows us to understand why schooling is a critical location of struggle and how those who fear the loss of power use education to minimize equitable education, and thus achievement, for all. Separately, education and immigration policy are vessels through which the dominant group maintains a sense of group position. However, as immigration policy increasingly impacts education, education gets weaponized by political actors in such a way that the status quo is maintained. Blumer's theory explains why a person might have a high racial prejudice towards out-groups, which can lead to restrictive policy preferences. For example, a sense of group position might explain why someone might prefer more stringent and restrictive immigration policy, including policy that cuts back on the benefits immigrants have by merely inhabiting U.S. territory. Blumer's theory, thus, can be interpreted as the psychological mechanism underlying our argument about the intersection of education and immigration policy.

Critical Race Theory

CRT examines the relationship between race, law, and power. The movement towards a critical race theory began in the 1970s within American law schools. CRT has now been used by scholars in numerous fields, including the social sciences and education (Ladson-Billings, 1998) to examine and challenge racism and white supremacy. In particular, CRT scholars argue that white supremacy and the maintenance of racial power by the dominant group is maintained over time and that the law plays a major role in its maintenance (Crenshaw, Gotanda, Peller, & Thomas, 1996; Delgado & Stefancic, 2013). In our findings, we use elements of CRT to examine the immigration policies and practices that have negative implications for immigrant communities.

Our examination of CRT adds to Blumer's theory by explaining the inner workings of the use of law to continue the dominant group's grip on power. By providing a structural explanation of how American law maintains white supremacy, CRT lends to an analysis of how institutions embody "white norms," while Blumer's theory sheds light on the cognitive

dimension of why education, in particular, is a crucial resource being used by political actors. As Blumer himself posed, political actors and elites within the dominant group have prominent roles in meaning-making, producing meaning and managing it through policy and law. These meanings then get transferred over to the masses. Education is crucial precisely because it is perceived as a resource that is given, deserved, earned, rather than a basic right that should be extended to all. The intersection of education and immigration policy, then, becomes a site for the maintenance of power for the dominant group.

Latina/o Critical Race Theory

Connected to CRT, is LatCrit, an extension of CRT as it relates to- and impacts Latinos (Perea, 1998). LatCrit moves beyond the Black/white racial paradigm in order to include and critically examine Latinos' historical invisibility in the United States when it comes to racial inequities. Pérez Huber (2009) shares that LatCrit “acknowledges issues of immigration status, language, ethnicity, and culture that may be overlooked by the Black-white paradigm...” as well as it critically examines the intersection of race and immigration (p. 708). CRT allows us to center the multiple ways in which oppression can intersect with the daily lives of people of color. LatCrit furthers this examination by examining how the intersection of education policy and immigration policy and enforcement manifest for immigrant and Latino communities—who often bear the brunt of immigration enforcement—in such a way that takes into consideration race, ethnicity, language, and immigration status to name a few (Solórzano & Bernal, 2001). LatCrit also adds to our understanding of Blumer’s sense of group position vis-à-vis immigration through a LatCrit “racist nativism” frame (Pérez Huber, 2010). Pérez Huber defines three key components of nativism as (1) an intense opposition to the “foreigner,” which (2) creates the defense and protection of a nationalistic identity, where (3) the “foreigner” becomes a perceived threat to this national identity (Pérez Huber, 2010, p. 80). This LatCrit framework of racist nativism is connected to Blumer’s sense of group position in that it further divides the dominant group, who are the “rightful” members of the nationalistic identity, and the subordinate groups, who are considered foreign (i.e. different and alien) and thus, a perpetual threat.

CRT and LatCrit provide a framework to examine and explore the contemporary immigration-related raids, deportations, changes in policy, and targeting of undocumented

immigrants, including children of undocumented parents and immigrant youth brought to the U.S. as children. The examples we provide in the next section are all ways in which law, whether federal, state, or local, constructs and maintains “domination and subordination” (Crenshaw et al., 1996). Seemingly race-neutral immigration policies lead to racial profiling by explicitly targeting brown bodies, which further perpetuates and conflates illegality and Latino identity. Illegality is then used as a way to prohibit the use of resources, including the right to an education. In fact, citizen status is often used as a way to maintain the racial status quo and make some immigrant groups *inherently alien*, dehumanized, and undeserving of rights. Immigration law perpetuates inequality and racism (Hing, 2009; K. R. Johnson, 1996), and education serves as one realm in which this is evident.³

Education as Bargaining Chip and Weapon

It is no surprise, given our discussion about the sense of group position, CRT, and LatCrit, that education is used as a tool to both include and exclude. Historically, literacy tests have been used to exclude, and in some instances, school attendance records and English-as-a-second language (ESL) education has been used to include. After the passage of IRCA, for example, attendance records and documentation of ESL education led to a pathway to citizenship for those eligible. Currently, education is being used as a tool to exclude and as a bargaining chip. The following examples illustrate the ways in which education is currently being weaponized, particularly against immigrant youth, children of immigrants, and Latino immigrant families. Furthermore, they illustrate how contemporary immigration rhetoric, federal-local programs, and executive orders continue to subordinate Latinos as racialized *others* as a way to maintain the racial status quo.

State-level Omnibus Immigration Legislation

On June 9, 2011, Governor Robert J. Bentley signed into law Alabama House Bill 56 (HB 56), entitled the Beason-Hammon Alabama Taxpayer and Citizen Protection Act. HB 56 was modeled after Arizona’s Senate Bill 1070 (SB 1070), the Support Our Law Enforcement and Safe Neighborhoods Act, which was signed into law by Governor Janice Brewer on April 30, 2010. After Arizona’s far-reaching immigration law made it constitutional for police to stop anyone they deem “reasonably suspicious” of being in the country illegally, five other states

³ For more on CRT as it relates to immigration see a review done by G. Sanchez & Romero, 2010. *Association of Mexican American Educators (AMAE) Journal* © 2018, Volume 12, Issue 3

(including Alabama) passed copycat laws. Alabama, however, went above and beyond Arizona by passing even harsher restrictions, making HB 56 the harshest immigration law to date.

State-level immigration policies, in this case, Alabama's HB 56, tried to hinder immigrant children from attaining an education through the use of immigration enforcement. Political actors tried to garner support from the masses by suggesting that educating undocumented children is a drain to Alabama's economy and taxpayers. As Blumer's theory would have it those who are positioned as "taxpayers"—which often does not include immigrants, even though immigrants, undocumented or not, pay taxes—can lay claim to their taxpaying dollars and define *who* deserves an education. The consequences of HB 56's provision can be understood through the lens of CRT and LatCrit's racist nativism theory. The policy, seemingly race-neutral, predominately affected immigrants of color because they were often racially profiled and stereotyped as "foreign." Because the policy did not consider the multiple sites of *otherness*, citizen children also suffered. HB 56 further perpetuated the stereotypes of immigrant communities as continually un-American, as well as it did not consider how race/ethnicity and skin color is conflated with immigration status, thus leading to increased profiling of Latina/o children and communities.

As part of HB 56, school officials were required to determine whether students are undocumented and to submit annual tallies of "suspected" undocumented immigrants. This provision was eventually permanently blocked on October 29, 2013, two years and four months after the signing of the original bill. Legally, this provision was unconstitutional given the *Plyler v. Doe* decision by the U.S. Supreme Court in 1982. The provision, however, made it so that Latino families, regardless of status, were afraid to send their children to school (Bright, 2011; Human Rights Watch, 2011; Southern Poverty Law Center, 2012). Additionally, educators in this case were expected to act as the enforcers of immigration policy.

Latino children, those born in and outside the U.S., were equally discriminated against due to increased racial profiling because of HB 56 (Beadle, 2011). Immigration status is not a visible marker and immigrants are racially and culturally diverse, hence, when a teacher in a Birmingham school gave a young American citizen student a Spanish HB 56 pamphlet, it was based on her presumed foreign-ness and not her actual status (Beadle, 2011). This young girl "looked foreign" and that was reason enough to assume her un-Americanness. Education

became yet another weapon, another way through which to instill fear in Latino families and children. Moreover, under this provision, educational institutions were used as a means to surveil Latino bodies. The consequences of this particular education provision, although ultimately struck down, was still felt. On September 30, 2011, for example, 1,988 Latino students were absent from school state-wide, about five percent of the entire Latino population in the Alabama school system (Robertson, 2011). Human Rights Watch reported that between the time the law went into effect on September 28, 2011, and the time the 11th Circuit Court of Appeals preliminarily enjoined section 28 on October 12, 2011, over 5,000 Latino children were absent (Human Rights Watch, 2011). There are a number of student accounts of being picked on or bullied in the wake of HB 56 (Millhiser, 2011; Reeves, 2011). The law targeted Latino communities in Alabama and this kind of outcome has a deep impact on the children of immigrant families. The National Education Association (NEA) General Counsel, Alice O'Brien stated that "The inevitable effect and clear purpose of this law is to drive immigrant students out of Alabama schools. And it is clear that this harmful venture is shortsighted and misguided" (Bright, 2011).

Policies like HB 56 and the current anti-immigrant proliferation of state and local level policies in the U.S. also affect the educators and the students who stay in school regardless of immigration status (Human Rights Watch, 2011). There is extant research that has shown the negative effects of immigration enforcement and anti-immigrant/anti-Latino policies on children's education (Gutiérrez, Asato, Santos, & Gotanda, 2002). Some of the consequences include student absences, decline in academic performance, and less involvement from parents (Gándara & Ee, 2018; T. Johnson, 2018). In addition, the psychological toll it takes on students include fear of separation and behavioral and emotional problems due to stress and uncertainty (Anderson, 2016; Menjivar & Abrego, 2012). Furthermore, these kids still worry about what may happen to their parents, especially under the current administration. The effects of this policy remain, given that local enforcement in Alabama can behave as ICE agents as per an HB 56 provision that requires trained police officers to ask about the documentation status of anyone they deem suspicious of being undocumented. Alabama was unsuccessful in passing a provision that superseded *Plyler v. Doe*, but the U.S. Immigration and Customs Enforcement (ICE) has found a way to continue to use schools to enforce immigration policies.

ICE Using School Drop-Offs as a way to Detain Students and Parents

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Although ICE has a longstanding policy directing agents to avoid enforcement in “sensitive locations,” such as churches, hospitals, and schools (Morton, 2011), there have been numerous reports of parents and even teenage students being stopped and detained by ICE while on their way to- or from school drop-offs (Gonzales, Heredia, & Negrón-Gonzales, 2015). In Los Angeles, California in March 2017, a father had just finished dropping off his 12-year old daughter and was on his way to drop-off his 13-year old daughter when ICE stopped and detained him about half a mile from the school. His 13-year old daughter stated, “I never thought I would have to experience something like this in my life... on my way to school” (Castillo, 2017; R. Sanchez, 2017). On January 25, 2018, in Middlesex County, New Jersey, two fathers were arrested by ICE after dropping off their kids, while a third took sanctuary in a local church. Reverend Seth Kaper-Dale was not new to providing a sanctuary and was quoted saying that, “one night when 35 dads were taken...from Avenel, New Jersey, from the same apartment complex. I had 60 kids become orphans that night or become fatherless” (Duffy, 2018). Hence, even though K-12 schools cannot collect social security numbers or any other information regarding citizenship, ICE has found a way to terrorize students and their parents in the proximity of schools.

In these scenarios, the intersection of education policy and immigration enforcement is contradictory. CRT and LatCrit can better help us understand how these policies are not designed to protect children and why it is problematic to have such policies in place. The consequences of immigration enforcement are not just on the adults being detained and arrested, but on their kids, who are left with the long-term consequences of having their families separated. These kinds of policies have a direct impact on mixed-status families, who are thus torn apart. The overarching messaging around the arrests of parents nearby schools while picking-up or dropping-off their children is that their assumed unauthorized presence supersedes any laws protecting sensitive locations. It is a clear messaging aimed at immigrants of color, and Latina/o immigrants especially, that says the laws will not protect you given your assumed “foreignness.” Under the current administration, schools have become battlegrounds for immigration enforcement. According to a survey from the Civil Rights Project at the University of California, Los Angeles, teachers and administrators from 700 schools in twelve states reported feeling the effects of the Trump administration’s immigration policies in their

classrooms (Gándara & Ee, 2018). K-12 education, however, is not the only battleground for immigration enforcement, as higher education is once again not guaranteed for those deemed DREAMers after Trump rescinded the Deferred Action for Childhood Arrivals (DACA) enacted by President Obama in 2012.

“No Wall, No DACA.”

This section provides examples of how higher education is being used as both a weapon and a bargaining chip. In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) basically had the opposite effect of *Plyler v. Doe* in relation to higher education when it created a debate about the “benefits” to which undocumented people are entitled. IIRIRA’s section on the role of states to allow undocumented immigrants to pay in-state tuition is vague and this led to multiple and often contradictory interpretations. Olivas (2004) states, “IIRIRA, however badly written, allows states to confer (or not to confer) a residency benefit upon the undocumented in their public postsecondary institutions” (pp. 452-453). He notes that some believed this federal act prohibited states from allowing undocumented students to pay in-state tuition, but that in actuality it only prohibited nonresidents from receiving benefits to which a citizen or national would *not* be entitled. Over 18 states passed their own laws basing undocumented student’s eligibility for in-state tuition rates on attendance and graduation rather than residency.⁴ Other states, however, went in the opposite direction. States such as Arizona, Georgia, and Alabama prohibit undocumented students from paying in-state tuition rates.

In 2012, after losing a fight to pass the DREAM Act in 2010 and after pressure from immigrant rights activists, former President Obama enacted DACA, an executive order that allowed some undocumented youth who met rigorous requirements to receive deferred action from deportation and be eligible for a work permit. Importantly, some would-be recipients of the DREAM Act were not eligible for DACA given the age cut-off of 31 at the time of passage. “DACAmended” recipients were then required to pay a fee, go through a background check, prove continuous U.S. residency, and renew their status every two years. While on his campaign trail, President Trump promised to repeal DACA, and in September 2017, Attorney General Jeff Sessions announced that the program was being repealed. Since then, the

⁴ For one example see California’s Assembly Bill 540 in 2001 and California’s Dream Act bills AB 130 and AB 131 in 2011. Although, some state laws do consider state residency for in-state tuition.

approximately 800,000 previously DACAmented—and those who are eligible but never applied for DACA—risk detention and deportation. Although Trump called Congress to act on this matter, he has also actively urged DACA recipients to prepare for and arrange their departure, in essence, to “self-deport” (Kopan & Acosta, 2017; Shabad, 2017; Shear & Davis, 2017). This was precisely the strategy used by the architect of HB 56 and SB 1070, Kris Kobach, currently the Kansas Secretary of State.⁵ Alabama’s HB 56 and Arizona’s SB 1070 were designed to make life difficult enough that immigrants would flee voluntarily (Waslin, 2012).

President Trump and Sessions have used DACA as a bargaining chip toward attaining his infamous border wall, for example. Trump stated in a press conference, an official White House statement, and through his Twitter account that there will be no DACA if there is no wall (Bowden, 2017; Colvin, 2017; Trump, 2017) and on Easter Sunday in 2018 announced there will be, “no DACA deal” (Cullen & Fisher, 2018). In his official letter to Congress, Trump listed his demands in exchange for DACA, stating that the committee he put together to review immigration policies have outlined their reforms and that these reforms “must be included as part of any legislation addressing the status of Deferred Action for Childhood Arrivals (DACA) recipients” (Trump, 2017). The current administration is capitalizing on the current anti-immigrant moment that it helped to exacerbate. It is important to note that DACA is further being used as reasoning to build a wall along the U.S.-Mexico border to deter and stop immigration from Mexico, Central- and South America. The border wall is also serving as a symbol of exclusion and a way to maintain and remind the dominant group that those below the U.S.-Mexico line are *others* and should not be included. The political work of the wall is not only about the actual physical wall, but the ideological work of the wall discourse on the maintenance of the racial status quo.

Targeting DACA and DREAMers as bargaining chips is an intentional strategy that results in the marginalization of Latina/o undocumented college or would-be students and imposes a restriction to higher education to this subset of students. CRT researchers, in particular, remind us that educational institutions can operate both ways in their potential to oppress and empower (Solórzano & Bernal, 2001). DACA—prior to the current Trump

⁵ Kobach is known to have counseled the Trump campaign and administration on immigration (Berman, 2017).

administration—empowered many of its participants who reported DACA had a positive impact on their education. They also reported higher rates of employment, better forms of financial aid, access to transportation, and more stable housing (Pullias Center for Higher Education, 2017; Suarez-Orozco, Suarez-Orozco, & Teranishi, 2016). DACA helped even *the playing field*. Targeting this group is an intentional strategy given that most Americans are actually in favor of a DREAM Act (Fitz, 2010; Samuels, 2018). The dominant rhetoric about DREAMers enables most Americans to view these immigrant youth as agent-less in their immigration to the U.S. (at the same time that it implies the agency and criminalization of the parents). However, by rescinding DACA, the current administration has weaponized education in order to impose their draconian immigration policy agenda. In the next section, we discuss one way that the weaponizing towards DACA has played out for young people through policing.

School-to-Deportation Pipeline

The use of schools to over-police students of color is not a new phenomenon. CRT and LatCrit frameworks suggest that analyzing race and racism in education is not ahistorical, that educational challenges for students of color have existed in the past. The school-to-prison pipeline is well documented for students of color (ACLU, 2018; Crenshaw, 2015; Skiba, Michael, Nardo, & Peterson, 2002; Wald & Losen, 2003). In line with this phenomenon, the current targeting of DACAmented, and immigrant children and youth has increased the school-to-deportation pipeline (Annamma, 2013; Pantoja, 2014; Timmons Flores, 2013). Recently, arrests of undocumented young people in their communities at the hands of ICE and sometimes even in or near schools have gained national spotlight, whereas before these individuals benefitted from the relative assurance that this would not happen. In this section, we include examples both in and out of schools given that many of the young people we discuss were at the time students. In February 2017, in San Antonio, TX, Josué Romero, a 19-year-old DACA recipient, was arrested by local police for a class B misdemeanor and was held in custody and released the following day (Rivas, 2017). More recently, in Houston, Texas, 19-year-old high school senior Dennis Rivera was arrested after getting into a fight with a student who antagonized him by calling him racial slurs. School district police arrested Rivera and transferred him to the local jail where given the locality's federal agreement with ICE, through a 287(g) memorandum, his records were run through a federal database (for more on 287(g) see Matos, *Association of Mexican American Educators (AMAE) Journal* © 2018, Volume 12, Issue 3

2018). He was held for months in spite of the paid bond (Kriel & Webb, 2018). These young people have all been affected by the intersection of policing, immigration enforcement, and education, demonstrating how the three institutions are intricately linked. They became the casualties of Trump's administration's usage of education policy, i.e. DACA, as a way to make a statement about his forceful immigration enforcement.

Arrests of immigrant teens are not new under the current administration. Under President Obama, teens were arrested, detained, and deported, and at that time the administration focused especially on Central Americans. Eighteen-year-old Yefri Sorto-Hernandez from El Salvador was arrested by ICE while he was at his school bus stop (Lee, 2016). Yefri, a high school student in Charlotte, North Carolina was picked up by ICE as part of Operation Border Guardian/Border Resolve, which began in January of 2016 (J. C. Johnson, 2016; Preston, 2016). After spending six months in a Georgia detention facility, he was released on a \$30,000 bond while he appealed deportation back to El Salvador (Price, 2016). In the same month, 19-year-old Wildin David Guillen Acosta from Honduras and living in North Carolina was also arrested by ICE. According to reports, after Wildin was detained, one-third of the students in his ESL class were absent (Lee, 2016). This is reminiscent of student's behaviors when anti-immigrant policies such as HB 56 have been passed and they're afraid to return to school. Both Yefri and Wildin are part of the "NC6," a group of six students arrested and detained by ICE around the same time and as part of the operation to focus on unaccompanied Central American children and new arrivals.

In the Trump era, education policies such as DACA are being weaponized, used as a way to expand restrictive immigration policies by framing immigrant teens as threats to American society, often without proof, only relying on their "foreignness" as evidence. A LatCrit analysis helps us understand that these students sit at the intersection of immigration status, race, ethnicity, national origin, gender, and overall perceptions of *otherness*. This *otherness* places these immigrant teens as subordinate to the dominant group, which define the norm by their whiteness and U.S. citizenship status (Huynh, Devos, & Smalarz, 2011). Race plays a role here given that even American citizens, who are seemingly *other*, seemingly Latino or a person of color, are assumed "foreign." And using Pérez Huber's racist nativism

framework and Blumer's sense of group position, this otherness allows for a depiction of immigrant teens and those who fall under the assumed foreign category as a threat.

Conclusion

In this conceptual article, we have discussed the current intersection of immigration and education policies. Restrictive immigration policies affect immigrant parents and the children of immigrants in close proximity to schooling environments and through the targeting of DACA and undocumented young people as bargaining chips for border security. Through the use of the sense of group, CRT, and LatCrit theories, we argue that education policy is increasingly becoming immigration policy.

In May 2018, Jeff Sessions announced that the government would separate children from their parents coming across the U.S.-Mexico border; he called the act of parents migrating with their children "smuggling" (Williams, 2018). These children are being held in prison-like detention centers and camps where they risk abuse (Biesecker, Pearson, & Burke, 2018). If this new policy stands, the implications of immigration policies for school-aged children of immigrants will continue and, in this case, even look differently as questions regarding their access to education while in detention (and separated from their parents) arise. Most recently in August 2018, the Trump administration was preparing to release a new immigration rule that could jeopardize the well-being of U.S. citizen children of legal immigrants by making it difficult for them to access infant formula, health services, and preschool (Rampell, 2018). This can have long-term implications for their lives and educational outcomes. So, as we examine the various ways that immigration policies intersect with education, we argue that it is important to define education and education policies as more expansive than the traditional definitions. Instead, we can more critically examine the impact of immigration policies on education through the use of critical frameworks such as the sense of group, CRT, and LatCrit and thus examine the lives of children of immigrants, both inside and outside of schools, and across all levels from daycare to post-college. Although the issue of immigration is not solely a Latino issue and other racialized groups have been targeted by anti-immigrant policies, through a LatCrit lens, the specific impact of immigration enforcement on Latino communities becomes evident.

Relatedly, as we have shown, even when a policy is designed to specifically target adult populations, it can still have an impact on young people. We are not arguing for the targeting of adult immigrants, but instead, for a more just immigration system that acknowledges the

contributions immigrants make to this country and that ceases to use human beings as bargaining chips. Through their survey of over 5,000 educators, Gándara and Ee (2018) found that even non-immigrant students are affected by anti-immigrant policies when they worry that their community members are in danger of being deported. We are arguing for an expansive view of the policy implications of immigration policies on education. Political actors should consider both the indirect and direct impact on communities. This is important for researchers examining the impact of immigration policies on children, for policymakers who are assessing the consequences of how immigration policies are designed, but also for educators who lead districts and schools, and who teach immigrant children.

Within policymaking, educators could consider ways in which they too can use their agency to mitigate the consequences of immigration policy on children's lives. Rather than only attend to the policies that name children as target populations, educators should consider any immigration policy as having an impact on their institutions and members. For example, currently K-12 schools may only be required to attend to the requirements of *Plyler v Doe*. However, knowing that their families are impacted by threats of raids, deportations, and anti-immigrant policies, schools and districts can enact strategies to support the students and families that might be impacted by such traumatic life events. Acknowledging the lived realities of students has been shown to be critical for the impacted children's sense of self (Osorio, 2018). Educators can strategically create and enact education policies that address the lived reality of children of immigrants.

We conclude this article with a call to resistance. In every instance of injustice that we have detailed individuals, community groups, civil rights advocates, and litigators have engaged in their own acts of resistance that have led to more favorable outcomes and conditions. Educators have also been part of this resistance and have responded in support of their immigrant families. Across the country, statements of solidarity from school and district leaders re-affirm that their schools are safe sites. As we have shown above, the safety, in reality, is precarious, but educators must continue to talk openly with their immigrant families and to provide support and build strong partnerships with community groups in order to challenge the current political climate.

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