ISSN: 1941-0832

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Gaining Legal Consciousness

by Morena

PHOTO COURTESY OF AUTHOR.

"No ando en este camino porque quiero andar, si no porque se andar" - Mom Kary

As an undocumented child, I was participating in social structures without fully understanding what they were. I was forced to grow up at a faster rate than many of my peers because I was exposed to realities most of them never had to face. By the age of three, I was already hyper-aware of myself and my interactions with legal systems. My curiosity to understand was driven by fear, and that fear ultimately pushed me to develop a form of legal consciousness in order to make sense of my reality.

"Legal consciousness refers to how individuals perceive, understand, and interact with the law in their daily lives."

On the first day of my Intro to Sociology class, my professor presented this definition, and everything clicked in a way that overwhelmed me with emotion. This knowledge was huge, transformative. I thought: everyone needs to learn this. When I learned about statuses and the social positions we hold as individuals, such as daughter, sister, student, I questioned my personality and how it was influenced by my upbringing in a machista household. When I learned about social roles and the behaviors expected of us in those statuses, I gave up on trying to fit in. I realized I could let go of the pressure I felt because I didn't want to follow those expectations anyway. Later, when I studied social institutions like education, religion, government, and legal systems, it made me angry to confirm how deeply broken and unfair these systems are. I hoped more people in my community had access to education. Too often, we are excluded from academic spaces and research, or only included as subjects rather than as full participants, thus continuing the cycle of oppression.

Through each lesson I felt less scared. Nothing in my personal life changed, but I learned so much about the parameters that I feel have been set on people like me. I slowly felt like I had gained another building block. Some of my classmates gave their opinions based on what they had heard, read, or been taught, while I spoke from my own lived challenges. For me, these spaces became empowering, because I began contributing not just academically, but also personally.

I can't think of a better way to describe this process than through autoethnography. My hope is to offer insight into how undocumented children find themselves navigating life with little to no access to support systems, and how that shapes their growth. I hope to inspire conversations about creating change not only in policies, but also in the ways future educators understand and support students like us. By sharing my perspective, I want to disrupt that cycle, even if only in small ways.

How Categories Began to Shape My Identity - Three Years Old

When I was three I went through my first big move: immigrating from my home country to the U.S at an age where most children are just beginning to understand the feeling of safety through their parents. My family was my grandma, my "mom," my aunts, my uncles, and my cousins. They were all I knew, they were home to me. I was too little to understand what having to emigrate meant. I heard I was leaving and no one would be coming except my brother and me. What I knew was what I heard and how it made me feel was how I was told to feel. I was told I was leaving to visit my aunt, everything would be okay, and I needed to be strong for my brother. I didn't know then but I felt pressured to protect my brother from all the changes we were experiencing. I took on the role of emotional support for him.

As I've gotten older, I've have been described as "muy valiente"; my family will say things like "ella es muy Fuerte," and although there is no doubt that I am, this made it difficult to be vulnerable with them and tell them how scared I was, and that I deserved to be taken care of too. I will always empathize with little me because I was just a baby internalizing all these things on my own and I shouldn't have to do that.

I didn't want to be brave. I didn't want to be strong.

I believe immigrant children experience these things and have no one there to help them through it. In different ways throughout our life we are forced into precarity that forces us to grow up faster than our peers. We grow distant and feel disconnected from our family as a result of the pressure we are under to be strong not only for ourselves but our families. This shapes our identities, our journey, our aspirations and our way through the social structures we are in.

My first time traveling outside my home country was without my parents' supervision with a sleeping pill, a strange woman, a distant cousin, and my twin brother. My first time meeting my mom, I was three.

I don't remember much of the trip, just crying, car lights, and passing by really tall buildings. I got sick in the car. My body felt off; it was reacting to more than just the motion. Everything felt hazy, like I was awake but not fully there.

I was waiting in the back of this stranger's car for my "aunt" to come pick us up. I remember comforting my brother: "Ya no llores, tía ya viene," and watching as my "aunt" approached us. She resembled my mom, but I knew her as my tía. I couldn't cry. I wanted to but I had to be strong for my brother.

Moments like this shaped my earliest understanding of trust. I had no context for why we could no longer see my family, or how I got to wherever I was. I missed my family in Mexico. I didn't understand why we had to leave them behind. All I knew was that now it was only my mom, my brother, and me. I carried clear instructions from multiple adults to keep this private because "you can't trust everyone and not everyone understands." Looking back, I see how

that shaped me into the anxious, quiet toddler I was. This experience planted the first seeds of my legal consciousness.

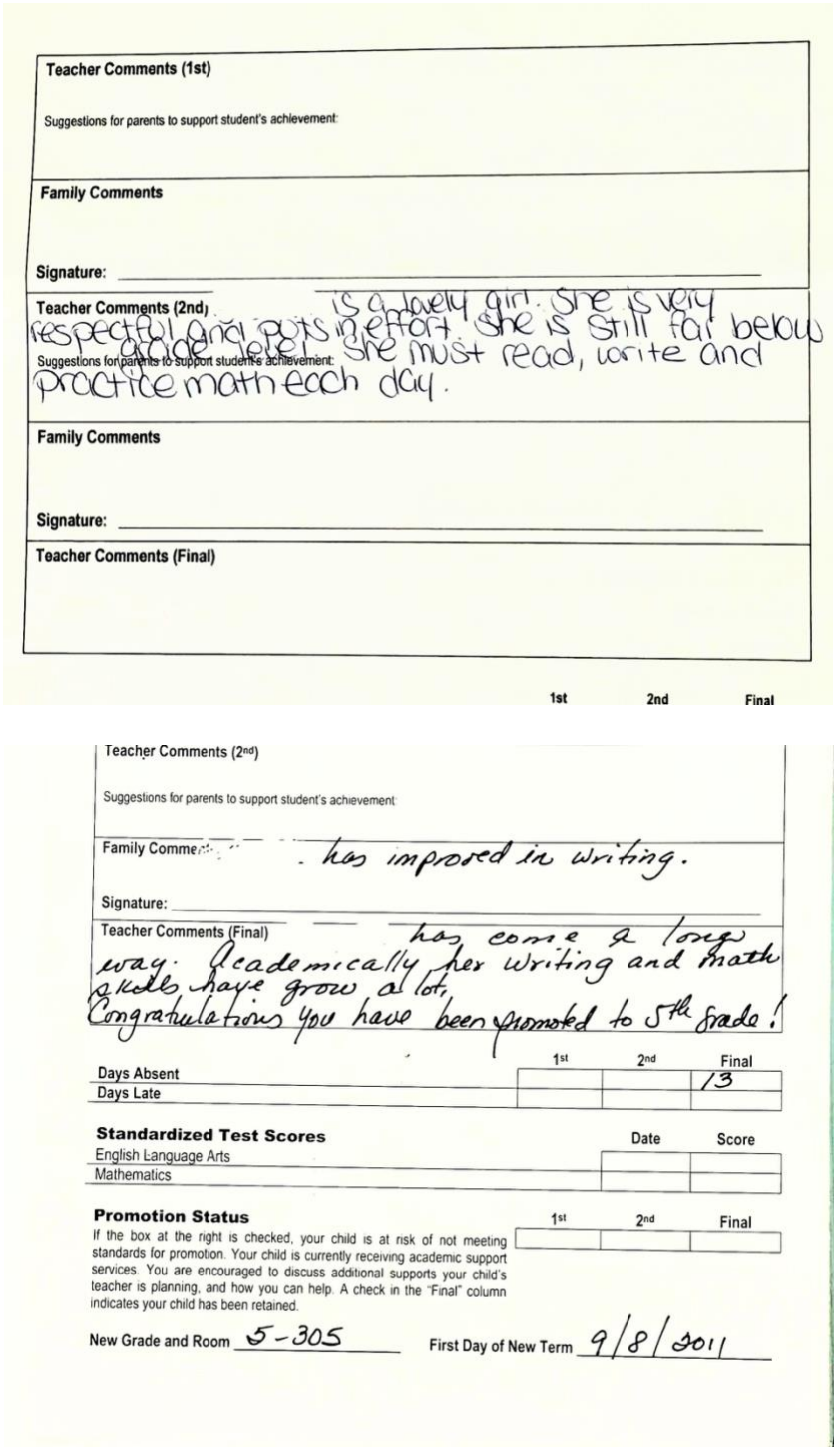
In migration studies, researchers like Cecilia Menjivar and Ulrike Bialas illustrate how migrants are placed into categories that shape their futures (Menjívar, 2025). For asylum seekers in Germany, being classified as minors could determine access to benefits and protection but it can also push them to "fabricate parts of their identities" to fit the category. These classifications don't just open or close doors, they mold their lives, their ability to work, and how they have to learn to see themselves.

Being a confused and scared kid with no guidance isolated me. At home I was brave, and tried to embody the brave label because it helped me to endure all the things I was going through. At school I had to fit into the "good student" label to prove I was deserving of my place. I fabricated the identity of a "normal" kid who could travel during summer, who had family in different states, and who knew "proper English." I built an identity that could carry the emotional weight of being an undocumented child, because there was no going back. I learned to suppress my vulnerability and project strength, even when I was scared or lonely.

My undocumented status wasn't visibly present to me yet but it was in the background determining for a long time what I was living through. The transition of going from living in my home country with a full household, being loved, cared for, taken care of by so many people to a one-bedroom apartment with my brother, my mom, and six strange men--broke me completely.

The first few years of a child's life are widely recognized as critical for overall development. In "The Formative Role of Home Literacy Experiences Across the First Three Years of Life in Children from Low-Income Families," Rodriguez et al. (2009) accentuate the importance of understanding how poverty and environmental factors shape early cognitive development. They emphasize that a child's participation in daily routines serves as a building block for developing conceptual knowledge and language. According to Rodriguez et al., "Exposure to repeated and familiar events provides infants and toddlers with the structure for interpreting others' speech acts and drawing inferences from new experiences." Their research demonstrates how children enter the education system with different levels of preparedness for the demands of a formal education. With that in mind I bring up the complexities of being an undocumented student/child, starting from the environment we are raised in, to the educational system that fails us. I infer that most undocumented children grow up with absent parents. In my case my mom had to work constantly to pay off the debt she took on to bring us here. I grew up knowing about my mom's financial burdens and experiencing a lot of neglect.

If the first initial experiences can affect the trajectories of our cognitive development, literacy, and academic achievement, then our environment alone always keeps us a step behind. Rodriguez et al. write: "On average, children in poverty enter kindergarten with a vocabulary of



Teacher Comments (1st)

Suggestions for parents to support student's achievement:

Family Comments

Signature: _____

Teacher Comments (2nd)

is a lovely girl. She is very respectful and puts in effort. She is still far below grade level. She must read, write and practice math each day.

Suggestions for parents to support student's achievement:

Family Comments

Signature: _____

Teacher Comments (Final)

	1st	2nd	Final
Days Absent			13
Days Late			

Teacher Comments (2nd)

Suggestions for parents to support student's achievement:

Family Comments: has improved in writing.

Signature: _____

Teacher Comments (Final): has come a long way. Academically her writing and math skills have grow a lot. Congratulations you have been promoted to 5th grade!

	1st	2nd	Final
Days Absent			13
Days Late			

Standardized Test Scores

	Date	Score
English Language Arts		
Mathematics		

Promotion Status

If the box at the right is checked, your child is at risk of not meeting standards for promotion. Your child is currently receiving academic support services. You are encouraged to discuss additional supports your child's teacher is planning, and how you can help. A check in the "Final" column indicates your child has been retained.

1st	2nd	Final

New Grade and Room 5-305 First Day of New Term 9/8/2011

PHOTOS COURTESY OF AUTHOR.

about 5000 words compared to 20,000 words for children from higher-income families." While undocumented children are not included in this research, it can reflect, but doesn't fully encapsulate, the struggles immigrant children face in school. We are at a disadvantage because of the language barrier, the financial burdens, and the emotional toll of academic failure all while doing it alone.

Early Stages of Assimilation - Four Years Old

Waking up at 4 a.m. was our daily routine. My brother would cry, my mom would rush to get us ready and we'd be taken downstairs to our aunt who watched us so our mom could go to work. This was normal to us. On the days I missed my family, I couldn't help but ask questions:

Why do you have to work so early? Where's grandma? When is she coming? Why do we have to stay with that mean aunt?

My mom could never answer without crying. She would get upset and I came to understand that these questions reminded her of the loneliness she carried in a country where no one could support her. Just her and her two kids. One day, my mom took us to work. She had no other choice. My aunt refused to watch us anymore and there was no one else. She tried to make it fun. We were going to help her by going with her to her job in maintenance at an electronics store. What I didn't understand then was that she was taking a huge risk. She gave us strict instructions:

Don't talk to anyone. Don't say anything. Be polite. Don't disturb anyone.

We stayed in the employee cafeteria, watching her mop floors and wipe down surfaces as we sat quietly. At the time, I didn't realize I was learning how to adapt to this new environment by learning how to go unnoticed not out of shyness but out of fear. My mom, because of her own fear, taught us to be silent, obedient, and small.

In his book *Engage and Evade: How Latino Immigrant Families Manage Surveillance in Everyday Life*, Asad L. Asad makes me reflect on my mother's journey and the decisions she made as an undocumented woman, and mom of twins. His research shows how undocumented immigrants make sense of institutional surveillance. He believes that by focusing on how they manage their social roles and responsibilities across their journey, he will have a deeper understanding of how they make decisions to avoid or engage in surveillance.

To explain how the decisions undocumented immigrants make are always influenced by their legal status, Asad references the phrase "master status" used by sociologist Everett Hughes to indicate a characteristic that "tends to overpower in most crucial situations any characteristics which might run counter to it." Asad emphasizes how most times undocumented immigrants choose to engage in hopes that their cooperation with the state could redeem them and help in the future to change their legal status. An example of this is how undocumented immigrants interact with social

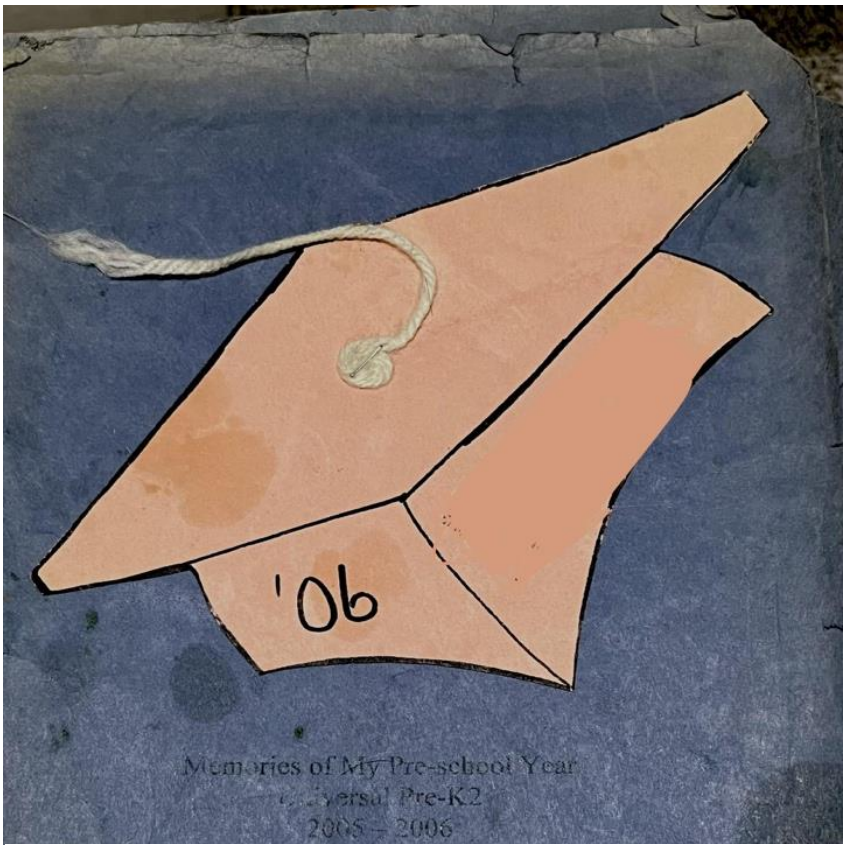


PHOTO COURTESY OF AUTHOR.

institutions like school, work, and hospitals, knowing that they are willingly exposing themselves to these institutions but doing so because of the other responsibilities they have. This is "coercive inclusion," where people are allowed in, but live with the constant fear that any small misstep could expose them or their children to deportation. Immigrant parents especially enter these institutions carefully, engaging and performing in ways that they can be deemed "good parents."

My mom tried to protect us by teaching us how to live like this. She started by demonstrating what her role would be in this country. She will be a provider. She will spend as much time as she can with us but she might not always be present. I had to learn what my role was. Once I joined school, I knew I had to learn to advocate for myself, because she wouldn't be able to. It was challenging. I didn't know how; all I knew was staying small, and how to be quiet. Immigrant parents teach undocumented children to survive the way they do, but the problem is we have completely different experiences. This makes us easy targets; it leaves us vulnerable because we have to learn how to navigate these institutions on our own.

Surviving - Five to Six Years Old

School is something I was looking forward to ever since I was little. I really needed to have "normal" experiences with other kids my age since by then it had only been my mom, my brother, and me. However, it felt like it was just me dealing with learning a new language, learning how to ask to go to the bathroom, feeling anxious about being asked "Where do you come from?" or any questions regarding my place of birth. It's difficult because this comes up often even with little kids. My Mexican characteristics made me stand out amongst my classmates, who would point out my mannerisms, how I talked, my "colitas," my food, everything that reminded me of my home and my family.

The first time I spoke up against something really hurtful that was said to me by a classmate set a tone for all my interactions with teachers moving forward. I remember I was in the cafeteria. We were all eating and my brother was getting picked on by one of the bigger, taller boys in our classroom. Clearly this wasn't something I was going to ignore so I stood up for my brother. I knew it was coming because it was always used against me: "Shut up you Mexican." But he continued: "You're Mexican, you guys are dirty… you guys are w*tb**s." I didn't know what to say. I froze, I wanted to cry. I looked around, no one said anything, but it looked like everyone knew he had crossed a line. One of my little friends pulled my brother and me aside and told us to tell the teacher "that's wrong, he shouldn't say that to you guys" and even then, I didn't know how to react because until then I had never heard that word before. It felt like a dirty word used to describe my people, but I didn't know what he meant by it.

I went and told my teacher what just happened and she froze as well. She told me, "You should not repeat that word, you guys should not argue like that," and that was it. After that I avoided "standing out." I stopped putting my hair in my "colitas," I stopped bringing my regular "Mexican food," and started bringing sandwiches' I stopped speaking Spanish; I listened to all the popular pop songs at the time; I had a Hannah Montana bookbag even though I didn't watch the show till I was much older.

It was that experience that made me erase my identity, my culture, my background.

In *Becoming Transnational Youth Workers*, Isabel Martínez focuses on unaccompanied minors and their journey entering the migration field. She shares how these minors deeply reflected on their roles as they entered the labor force. Forced by financial burdens at a young age they learn how crucial their financial contributions are to their household and as a result they leave behind their parents, culture, and childhood in search of social mobility. Although I know my experience will never compare to their sacrifice and labor, I see parallels with my own journey entering the educational field. I empathize and admire them as they were also forced to grow up fast too. Martínez defines migration as a "field that reflects both local and global class relations in which individuals play." The people that these teenage migrants interact with are other players in the field, sometimes they help, sometimes they don't, but regardless they play an important role. Similarly, the educators I came across all played an important role in how I lived my reality. I chose to keep that side of me a secret for as long as I could because I didn't feel safe sharing that with the adults around me.

Martinez suggests that the lack of support the teenage migrants experience teaches them to believe their experience is what they most go through; they find it difficult to see it any other way. In sociology, doxa represents the shared, unspoken, and deeply ingrained assumptions, beliefs, and practices that are considered "natural" and unquestioned within a particular society or cultural context.

In this context, the experience of feeling undeserving is common; the lack of help, resources, aid towards a community that is visibly present is the painful reminder for many of us that this is what our experience looks like. For many undocumented students, not having access to education feels like something we should be used to, like it is not worth it to seek support. Asking for help most times puts us at risk of exposing our status, putting us in a vulnerable position without even getting any help. For as long as I have been aware of everything, it has been uncommon to find undocumented peers and even more uncommon to see them get any kind of support.

Federal Policies and Personal Challenges - Fifteen Years Old

To qualify for DACA an individual must meet the following requirements:

- Be under the age of 31 as of June 15, 2012
- Came to the United States before turning 16
- Continuously resided in the United States since June 15,2007
- Was physically present in the United States on June 15, 2012 and at the time of making a request for DACA

  Currently in school, has graduated or obtained a certificate of completion from high school, has obtained a GED, or is an honorably discharged veteran
- Has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, or does not otherwise pose a threat to national security or public safety

  (Migration Policy Institute, 2013, 1-2)

I remember taking a day off from school to commute to Queens to look for an immigration lawyer for my brother, my cousin, and me to apply for DACA. I didn't want to be excited about this. I was scared I would end up getting disappointed, but I was also hopeful. For the sake of brevity and my heart, I won't make it a long story; we each got scammed $3,000-4,000. The Trump administration had just recently taken office and being eligible didn't even matter at that point. We all have binders full of memories, documents, awards, report cards, immunization cards, dentist appointments, confirmations--anything that could prove

that we were 'eligible,' that we 'deserved' this 'opportunity' and yet it all didn't matter and didn't change anything.

The idea that you have to fit certain requirements to have the 'opportunity' of pursuing higher education continues to enrage me. Why do I have to fit and follow so many steps to access education, when up until high school I have been able to go to school. How is it fair that now that I want to continue I can't?

There are several factors that shape, control, and restrict undocumented students' academic journey. To understand how, we need to look into the policies, both federal and state, that have led up to this current legal framework and the impact it has on undocumented students.

Under federal policy undocumented students have the right to public education until they graduate from high school. This is due to the Supreme Court ruling in the case, *Plyler v Doe* (1982), where the Supreme Court ruled that K-12 schools are **required** to provide **equitable** access to education for all children. The decision was based on the Fourteenth Amendment which prohibits the State from denying "any person within its jurisdiction the equal protections of the laws." However, federal policy **does not guarantee undocumented students the right to postsecondary education**. This makes pursuing higher education for undocumented students a treacherous, stressful journey.

At the state level, undocumented students are entitled to access to any kind of financial aid based **on the state where they reside**. States like New York, New Jersey, California, and Texas, which were the first to offer in-state tuition for undocumented students, allow undocumented students to continue their academic pursuits. But given the absence of federal policy, what happens to undocumented students after high school is limited by locale and situation.

As I continued pursuing higher education the obstacles continued to get bigger. I've gone through years of struggling to apply for scholarships, fellowships, research opportunities, anything. I made it through my associate's degree, and then my bachelor's degree in part because I met people who cared and wanted to help. These educators cared enough to ask--they noticed the signs and didn't push me to open up, but guided me to keep going. This journey has taken my whole life. I've been pushing and diving deeper into spaces that helped me put pieces of my experience together for as long as I can remember. These spaces are made up of educators, counselors, staff, administrators, non-profits, community organizers who continue to serve a community even when it's under attack. It is important to highlight that these spaces have never been and are not enforced or protected by any law or policy; these spaces in fact have been targeted by the current administration.

Still Dealing With the Overlap of My Life and My Legal Status – Twenty-four

My research interests stem from the first emotion I ever felt in relation to the law: fear. That fear transformed into a need to understand how the legal structures around me were shaping my life. In "State Categories, Bureaucracies of Displacement, and Possibilities from the Margins," sociologist Cecilia Menjivar critiques the state's use of categories, rules, and bureaucracies that create, sustain, and amplify inequality. Her research reaffirms how these systems are not neutral and have historically been shaped by settler colonialism, capitalism, and prevailing ideologies of race, class, and gender all "baked into the administrative standard." Menjivar argues that "as state bureaucracies apply rules and regulations, they draw lines between the eligible (and presumably deserving) and the ineligible (and supposedly undeserving)."

I have spent the last twenty-four years negotiating those state bureaucracies and making sense of everything that happened to me. Reflecting on it as an adult, I am exhausted. My personal challenges are as present now as they have ever been. I find myself feeling anxious to apply to graduate school, fearing not being able to continue, having to take on the same financial burdens my Mom has dealt with her whole life. And despite all of that, I have found comfort in the fact that I now have more than I thought I would. When I started, I was a little scared girl with so many obstacles ahead of me; now I have my experience as proof that I have survived and can continue. My support systems are proof that there is help, and I deserve it as much as anyone else does. And my education is proof that I am well on my way.

Through my research, I propose that the experience of an undocumented child is shaped by the way they are forced to interact with the legal framework. Each experience adds to their legal consciousness and how they decide to live knowing these things. Sharing my experience as a form of resistance, I am hopeful that my story can be used as a tool for change. I hope future educators, policy advocates, or anyone that reads it can understand undocumented students a bit better and actively support them as best as they can.

References

Crawford, Emily, and Noelle Witherspoon Arnold. "'We don't talk about undocumented status… we talk about helping children': how school leaders shape school climate for undocumented immigrants." *International Journal of Educational Leadership and Management* 5.2 (2017): 116-147.

Asad, Asad L. *Engage and Evade: How Latino Immigrant Families Manage Surveillance in Everyday Life*. Princeton University Press, 2023.

Menjívar, Cecilia. "State categories, bureaucracies of displacement, and possibilities from the margins." *Estudios Sociológicos* 42 (2024).

Menjívar, Cecilia. "The multiplicity of state agencies, categories of inclusion and exclusion, and experiences of young asylum seekers." *Ethnic and Racial Studies* 48.8 (2025): 1576-1584.

Rodriguez, Eileen T., et al. "The formative role of home literacy experiences across the first three years of life in children from low-income families." *Journal of Applied Developmental Psychology* 30.6 (2009): 677-694.

Russell, Felecia S. *Amplifying Black Undocumented Student Voices in Higher Education*. Routledge, 2024.

Author's Note

Hi, I was born in Puebla, Mexico and raised everywhere in NY including Staten Island unfortunately. I've grown up liking and consuming American pop culture. I've followed trends, traditions; I even know references to movies, jokes, and songs. I have lived my whole life here, but I have never forgotten that "I'm not from here." My experience has never let me forget.

This work is licensed under a Creative Commons Attribution 4.0 International License.

This journal is published by Pitt Open Library Publishing..