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Legal Studies R1B

## Mental Health of Undocumented Students

### **Abstract**

Society often fails to address the issue of mental health for US citizens and often ignores the issue altogether when talking about undocumented students. This paper examines the mental health of undocumented students, how it relates to their legal consciousness, or how they perceive the law, and how the relationship between the two affect these students' academic and more importantly, personal development. There has been research that has begun to explore the relationship between psychiatry and law, and how mental health and legal consciousness separately shape the social identities of undocumented students. However, no research has ever analyzed legal consciousness in light of mental health, and how mental health in conjunction to legal consciousness affects students' academic and personal development. Although it may seem like the youth would suffer less from mental health issues due to the fact that their legal consciousness is more empowering than that of their parents, studies show just the opposite. With the help of other alarming studies and statistics, this paper urges to push dialogue for mental health to the front-lines in order to develop more effective solutions. This paper will argue that the legal consciousness of undocumented students results in poor mental health, which in turn slows and damages their development.

### **Introduction to Mental Health**

Undocumented students' mental health, let alone how their mental health influences their overall development, is rarely discussed. Often times, mental health is not taken as seriously and is not seen as an actual sickness. Not only is mental health an important issue, but it also has an unexplored relationship with legal consciousness. This paper will address how the legal consciousness of undocumented students affects their mental health, which in turn slows and damages their academic and personal development. However, before understanding this relationship, one must grasp the concepts of legal consciousness and mental health separately in the context of undocumented students, and also learn about currently available mental health

resources. Only then can one look at mental health in regards to legal consciousness, and how mental health affects their academic and personal development. After understanding the problem mental health presents, one can realize the insufficiency of current mental health resources for undocumented students, and the reasoning behind why undocumented students must be provided these resources.

### **Literature Review**

Literature on the legal consciousness of undocumented students has been fairly well developed. Legal consciousness is the “commonsense understanding of the law”, and affects how aware someone is of their rights (Abrego 341). For most immigrants, their legal consciousness is one that is “against the law,” due to the fact that many immigrants are fearful of being caught and deported (Abrego 341). However, undocumented students in particular greatly contrast with their parents. Due to the fact that undocumented students were too young to have a say in their family’s decision to immigrate, many of them do not feel responsible for immigrating. Undocumented students “are informed by a legal consciousness that is driven by less fear than that of their adult counterparts in the first generation” (Abrego 342). This is because a majority of the students’ legal consciousness and their experiences are shaped in relatively safe environments in American schools. Media and social assumptions also help inform their legal consciousness; media is more likely to portray an undocumented student as hard working, and many of these students are presumed to be American due to their Americanized nature. Undocumented students do not feel alienated from society because until they apply for a job or to colleges, many consider themselves as equals to their native-born peers – an American with rights. This perception of themselves correlates with the legal consciousness that many undocumented students have, which is one that sees the law as a protector of their rights.

Although crucial aspects of legal consciousness are clearly defined in this piece of literature, its application to mental health is nowhere to be found.

There is developed, yet a limited amount literature on the pressing issue of undocumented students' mental health. The study performed at UCLA's Institute for Immigration, Globalization, and Education "found that undocumented students have a much higher level of anxiety than the general population and that 'concerns related to finances, fear of deportation and a sense of isolation weigh heavily on undocumented students'" (Salas). Even those who qualify for DACA (Deferred Action for Child Arrivals) who in comparison have it better than some of their fellow undocumented peers, are stressed by the instability of immigration law. This study also found that "nearly 77 percent of all survey participants reported moderate to extreme concerns about financing their education" (Mulhere). Many undocumented students live in low-income households, and prospects of poverty have a negative impact on mental health. It is not shocking to think that undocumented immigrants face the highest risk of stress-related health consequences (Alif and Nelson). Stress and anxiety that immigrant populations suffer from result in a large number of PTSD cases (ibid.). According to the National Institute of Mental Health, these stress-related disorders are often left untreated. With so many mental health issues, yet still a lack of research in mental health, it is clear to see that mental health is an important issue for undocumented students.

Some literature has begun to explore the different resources available to undocumented students struggling with mental health. Resources such as community health clinics and mental health support in universities are currently available. For example, the University of California school system provides anonymous counseling sessions and other mental health services that are available to all enrolled students, regardless of legal status. Other resources for undocumented

students not yet in college include nonprofit organizations like Hispanas Organized for Political Equality (HOPE), which advocates for healthcare access and provides various health resources (Cherbosque and Angelica Hernandez). The advocacy of these organizations is crucial because due to the passing of Obama's Affordable Care Act (Chicago), undocumented immigrants are excluded from receiving government health insurance. As if it was not already difficult enough for them to have health insurance in the first place, undocumented immigrants lucky enough to have health services face yet another barrier even when trying to access them (Chicago). Due to their ingrained perception that they are always at risk of deportation, many hesitate to share their legal status during counseling or other health sessions, even though health providers are required to keep patient information confidential. These personal challenges, along with a lack of mental health resources for undocumented students, present various barriers for students suffering from mental illnesses.

### **Relationship between Legal Consciousness and Mental Health**

The legal consciousness of an undocumented student is a factor in their poor mental health status. As mentioned previously, undocumented students have a legal consciousness that is not afraid of the law. It would seem as though due to the positive nature of students' legal consciousness, it would not have a negative effect on their mental health. However, the discrepancy between their well-founded legal consciousness and different stages in their awareness of their legal status is a factor in their mental health. When students begin to find out about their undocumented status, it first comes as emotional trauma. This emotional trauma comes about if the victim feels "powerless to prevent it" and "unprepared for it" -- both of which many students do feel (Robinson, Smith, and Segal). The discrepancy between legal consciousness and this particular stage where the student is starting to understand his or her legal

status is the largest because this is when expectations such as getting a job, driving a car, and going to college are not met. Even social expectations such as going out for drinks become unrealistic because students are not able to have state identification (Perez 46). There is a striking contrast between the past when students did not know about their status and never doubted that they would not be able to do these things and the moment when students realize that they are unable to participate in these activities. Psychologically, students enter a stage of confusion because on one hand, they have suddenly been “criminalized for their status, yet on the other hand [have been] legitimated for defying the odds and achieving success” as students (ibid. 47). The empowering way in which their legal consciousness had previously informed them is made obsolete, and students begin to experience anxiety and other stress-related disorders because essentially everything that they knew about themselves and more importantly their future has been struck down. Even as students gain full awareness of their legal status, many cannot completely come to terms with their legal statuses because they “are constantly reminded of their legal status when engaged in the regular tasks of daily life” (ibid. 47). For these students, since their legal consciousness underlies everything they do, any negative repercussions that result from their legal consciousness cause widespread mental strain.

### **Effect of Mental Health on Academic and Personal Development**

This mental strain causes inconsistent social and personal development of undocumented students. The constant reminders of their legal status “affects [students] socially and emotionally, as they feel unwelcomed, rejected, hopeless and without control over their situation” (ibid. 47). Emotional barriers in conjunction to legal barriers cause undocumented students to lose their motivation to achieve their goals, especially their academic goals. Even though the recent passage of AB 540 has allowed long-term California residents to receive resident tuition,

undocumented students in other states are not eligible for it. In addition, many undocumented students are unable to receive a sufficient amount of financial grants or scholarships. Students who only find about their legal status close to the time when they apply for college applications are at risk of falling into mental health illnesses such as depression because all their efforts leading up to that moment become futile. Many students become extremely disappointed in themselves for not being able to attend college – not to mention that this disappointment is supplemented by sadness regarding the fact that they could not control their circumstances. Undocumented students also appear to struggle with acculturation stress and issues of identity (Perez 46) because their legal status “entraps youth in a labyrinth of liminality that complicates the normative stages of development in multiple ways” (Lydersen). Their sudden inability to reach academic and personal goals naturally leads to a stunt in their academic and personal development.

### **Problem with Current Mental Health Resources**

While helpful, the current support for the mental health of undocumented students is insufficient. In fact, “36.7% of female undocumented students reported a level of anxiety that is above the cut-off for anxiety disorder” (Mulhere). Considering that this statistic only accounts for one gender, it reveals an alarming number of students who could be suffering from mental disorders. The problem with mental health resources now is the little funding for these non-governmental organizations (NGOs), the cultural incompetence of health providers (Gurung 60), and the general lack of discussion on this issue. Current nonprofits such as HOPE have a more finite ability and level of outreach due to limited funding. Furthermore, cultural barriers that the health providers face present challenges when treating undocumented patients. Although grassroots organizations have shown their ability to provide for their audiences, it is imperative

that the government helps in funding and providing these independent services. These undocumented students are already here, and are ready to carve out their own futures in America. With so many odds against them, the government should provide a fund for NGOs, especially because it will be very difficult for the government to provide these health services itself. Other than the possible moral issue at hand of not helping students in need, economically providing undocumented students with these services would benefit US citizens in the long run because the EMTALA gives everyone access to “emergency services regardless of their ability to pay” (“Emergency Medical”) – not providing health insurance would mean that US taxpayers would have to pay in the event of an undocumented student’s ER visit. In general, even though “state and federal level policy makers argue that undocumented immigrants and their children do not contribute anything to the economy and utilize government hospitals and schools for free [...however] research has revealed that, on average, undocumented immigrants incur less health care cost than the U.S.-born population” (Alif and Nelson). An attempt at indirectly helping create more mental health resources is not an attempt to provide amnesty for these immigrants; in fact, it helps the United States in some way because health is important, and healthy people make better societies and decisions. Additionally, health care providers should receive cultural sensitivity training in order to better serve the mental health needs of undocumented students. The public as a whole should do a better job of talking about mental health in general. If students are able to find others who are suffering from or care about mental health, a more diverse and prevalent community alone can provide more support for these students. Better funding, education and more facilitated discussion regarding mental health aid for undocumented students would provide a pathway for these students to get the help they very much deserve and need.

Some may argue that there is no reason to prioritize the mental health of undocumented students due to the fact that little attention is given even on the mental health of documented students. However, undocumented students are at a higher risk of getting a mental illness than their documented counterparts. As previously mentioned, a study done by UCLA showed that “36.7% of female undocumented students reported a level of anxiety that is above the cut-off for anxiety disorder,” as opposed to only 9% of the general population feeling the same way (Mulhere). Undocumented students experience a great deal of stress due to lack of citizen benefits such as state identification and the fact that they or their family members could possibly be deported at any time. Granted, “these experiences when encountered separately may not hinder their well-being,” but when “added to the normal stresses experienced by all [students], such as escalating school fees, difficulty obtaining federal or state financial aid and pressure to excel in academics,” it definitely does (Perez 47). In a study done by New York University, “nearly half (49%) of all students reported feeling a great deal of stress on a daily basis and 31 percent reported feeling somewhat stressed” (“NYU Study”). Being a teenager, and a high school student at that, is stressful enough. However, undocumented students have an additional burden on top of ones previously mentioned. Although it would be ideal to provide an ample amount of mental health resources to everyone, undocumented students don’t have any less of a right to receive these. They have a higher chance of suffering from these disorders, and they aren’t even given health benefits in the first place, which is why it is important for undocumented students to receive better mental health care.

## **Conclusion**

When compared to other immigration issues, it may seem as though the mental health of undocumented students is not as pressing of an issue. However, mental health is significant and

pervasive, which is why it is imperative that more research is done on it. Perhaps in future research, mental health can be used as context within which more aspects of various immigration issue are analyzed. As a society, we need to have more discussion on mental health in general and ideally, more discussion specifically on the mental health of these students to be able to better understand the underserved undocumented student population.

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