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‘Good, Deserving Immigrants’ join the Tea Party: How South Carolina Policy Excludes Latinx and Undocumented Immigrants from Educational Opportunity and Social Mobility

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Abstract: This timely article engages in a content analysis of South Carolina state policies that exclude resources from (un)documented Latinx immigrants. This research explores how state policy enacts tropes of deservingness and constructs notions of good immigrants in order to exclude Latinx immigrants from educational opportunity and social mobility. Drawing on a content analysis of 67 policy documents from the state’s legislative database from 2003-2017, the analysis revealed examples of explicit and implicit exclusion. The main findings related to these forms of explicit and implicit exclusion, highlighting how policy discourse constructs notions of good immigrants in state policy and policy enactments restrict resources. As Latinx populations reconfigure the landscape of the U.S. South, states like South Carolina continue to embed racist, discriminatory language and actions into enacted and proposed policies. This has severe implications for undocumented children and families and their access to public and social resources.

Keywords: State policy; Latinx, undocumented immigrants; deservingness; New Latino South

“Buenos inmigrantes merecedores” se unen al Tea Party: Cómo la política de South Carolina excluye a Latinx y a los inmigrantes indocumentados de las oportunidades educativas y la movilidad social

Resumen: Este artículo oportuno se involucra en un análisis de contenido de las políticas del estado de South Carolina que excluyen recursos de inmigrantes latinos (no) documentados. Esta investigación explora cómo la política estatal promulga tropos de merecimiento y construye nociones de buenos inmigrantes para excluir a los inmigrantes latinos de las oportunidades educativas y la movilidad social. Basándose en un análisis de contenido de 67 documentos de políticas de la base de datos legislativa del estado de 2003 a 2017, el análisis reveló ejemplos de exclusión explícita e implícita. Los principales hallazgos relacionados con estas formas de exclusión explícita e implícita, destacando cómo el discurso de política construye nociones de buenos inmigrantes en la política de estado y promulgación de políticas restringe los recursos. A medida que las poblaciones de Latinx reconfiguran el paisaje del sur de los EE. UU., los estados como South Carolina siguen incorporando lenguaje y acciones racistas y discriminatorios en las políticas aprobadas y propuestas. Esto tiene graves implicaciones para los niños y familias indocumentados y su acceso a los recursos públicos y sociales.

Palabras-clave: política de estado; Latinx, inmigrantes indocumentados; merecimiento; Nuevo Latino Sur

“Bons e merecedores imigrantes” se juntam ao Tea Party: Como a política da South Carolina exclui a Latinx e os imigrantes indocumentados das oportunidades educacionais e da mobilidade social

Resumo: Este artigo oportuno envolve uma análise de conteúdo das políticas estaduais da South Carolina que excluem recursos de imigrantes Latinx (des) documentados. Esta pesquisa explora como a política estadual ativa os tropos do merecimento e constrói noções de bons imigrantes para excluir os imigrantes do Latinx da oportunidade educacional e da mobilidade social. Com base em uma análise de conteúdo de 67 documentos de políticas do banco de dados legislativo do estado de 2003 a 2017, a análise revelou exemplos de exclusão explícita e implícita. As principais conclusões relacionadas a essas formas de exclusão explícita e implícita, destacando como o discurso político constrói noções de bons imigrantes em políticas públicas e dispositivos políticos restringem recursos. À medida que as populações do Latinx reconfiguram a paisagem do Sul dos EUA, estados como a South Carolina continuam a incorporar linguagem e ações racistas e discriminatórias em políticas promulgadas e propostas. Isto tem graves implicações para crianças e famílias sem documentos e seu acesso a recursos públicos e sociais.

Palavras-chave: política estadual; Latinx, imigrantes indocumentados; mérito Novo Sul Latino

Introduction

During a class discussion a few days prior to the 2016 United States presidential election a middle school student in a South Carolina classroom raised her hand and asked, “What would happen to my family if he [Donald Trump] is elected?” The room fell silent. The student, a recent immigrant from Mexico, was worried about her fate. This article’s policy analysis occurred in 2016-2017 during the height of post-Trump anti-immigrant rhetoric and the flurry of racist and

xenophobic initiatives from the Trump administration, i.e. the controversial Muslim ban, continued threats to “build a wall,” and increased ICE raids, particularly in the South.¹ This political context shaped undocumented immigrants’ lives around the country. In states with anti-immigrant policies, such as South Carolina in this article, fears for undocumented students were magnified despite the state’s longer history of marginalizing and criminalizing immigrant populations (Rodriguez & Monreal, 2017). Despite national attention to the experiences of immigrants, especially those that maintain undocumented status, Southern states like South Carolina receive less attention in scholarly research. This policy analysis contributes to a small but growing body of educational research about the experiences of (un)documented immigrants in the New Latino South, specifically the focal state of South Carolina in this article (Rodriguez & Monreal, 2017; Roth, 2017) as well as more critical policy analyses on the experiences of this population (Gildersleeve, 2017).²

This brief anecdote speaks to the concerns of thousands of Southern immigrants that reflect the changing demographic profile of the United States South. The region has become the site of a rapidly growing Latinx population, so much so that scholars have coined this general trend the New Latino South or ‘Nuevo South’ (Carrillo, 2016; Guerrero, 2017; Kochhar, Suro, & Tafoya, 2005).³ For instance, South Carolina experienced a 148% increase in the Latinx population between 2000-2010 (Cooper-Lewter, 2013; Ennis, Rios-Vargas, & Albert, 2011), which is the largest percentage growth in the US over that time period. In short, areas that once had a sparse Latinx populations are witnessing profound shifts in local and state communities. Thus, this examination of new receiving states becomes an important scholarly endeavor, specifically how policy discourse, including education and social policy, influences the educational experiences and opportunities for immigrant populations.

Moreover, popular discourse in the U.S. South paints a picture in many cases that Latinx populations are invading the South in some way, stealing jobs, and re-configuring the landscape. However, more recent scholarship points to how Latinx immigrants, including those that are undocumented, face significant barriers to social mobility and educational opportunity and are explicitly excluded from access to public and social resources (Gonzales & Ruiz, 2014; Rodriguez, 2017, 2018).

Although the rapid influx of immigrants is recent, historical research conveys a troubled but forceful presence of Latinx immigrants in the South as early as the late 19th century despite the political rhetoric that suggests an invasion of immigrants to the South. For example, Weise (2015), in a unique study on Mexicanos in the South since 1910, shares that Latinx immigrants were met with ambivalence and paternalism (Weise, 2015). Many Mexicanos in Weise’s study were accommodating and considered assimilable in the South, and thus evaded harsh discrimination. Importantly though, Weise (2015) underscores that the Latinx population in the South was not resistant to becoming American, positioning themselves as good immigrants, i.e., assimilable and aligned with whiteness (Beck & Stevenson, 2016; Goodman, 2015; Sanchez, 1999). As the Latinx immigrant community

¹ For an example of the raids conducted by Immigration and Customs Enforcement (ICE) that placed undocumented students in K-12 settings and beyond in a state of anxiety and fear, see: <http://amp.thestate.com/news/politics-government/article132604624.html>

² While my focus here remains on the educational opportunities and experiences of undocumented immigrants in the New Latino South, there exists a small body of scholarship on broader sociological studies related to undocumented populations in the South and their economic contributions (see Guerrero, 2017, Marrow, 2011; Ribas, 2015).

³ Georgia and North Carolina experienced a large growth of Latinx immigrants during the 1990s. The two were respectively 10th and 11th for all states with regard to Latinx population in 2010 (Lopez, 2011). South Carolina had a Latinx population of 30,551 in 1990 and 95,076 in 2000 (Guzmán, 2001).

continues to grow, Southern states have responded with racist policies creating restrictive local contexts (Beck & Allegra-Snyder, 2002). Anti-immigrant policies such as South Carolina State Bill 20 (2011) targets Latinx immigrant communities, making it harder to live and work in the state by barring driver's license for undocumented immigrants, allowing police officers to check immigration status, and prohibiting enrollment in public universities. With little prospect of national pro-immigrant reforms in the near future, the local immigration policies in Southern states will become more prescient for understanding the lives of immigrants (Jones-Correa & de Graauw, 2013). These restrictive contexts extend beyond newcomers as Latinx, regardless of immigration status, are characterized as perpetually (illegal) immigrants and criminals (Chavez, 2008; Jones-Correa & de Graauw, 2013).

Purpose

Given the context of restrictive policies toward Latinx immigrants throughout the New Latino South, and especially South Carolina, the purpose of this research is to explore how state policy enacts tropes of “deservingness” and constructs notions of “good immigrants” in order to exclude Latinx immigrants from educational opportunity and social mobility.⁴ The policies examined in this study were proposed and enacted legislation between 2003-2017, including state resolutions that while have no regulatory power are shaping the discourse about Latinx immigrants in South Carolina.⁵ Little research explores how state level policy impacts immigrant schooling experiences (Gildersleeve, 2017). To examine the influence of state policy on immigrants' experiences in the New Latino South, the author engaged in a content analysis of South Carolina state policies between 2003-2017. Accordingly, the research questions for this study included: 1.) What does it mean to be a “good” immigrant in South Carolina? 2.) How does South Carolina policy characterize good immigrants? 3.) In what ways do South Carolina policies include or exclude certain immigrant groups? To answer these research questions, I examined education and social policy related to immigration explicitly and implicitly.

As noted above, state policy contexts are understudied in the scholarship on immigration despite how much immigrant experiences and access to resources vary across states (Gonzales & Ruiz, 2014). The article focuses on state policies that are in the form of legislation (hereafter referred to as policies) that are important in shaping public discourse about immigrants in South Carolina. As the article will show, state legislation engenders an ideology about immigrants as “good” or “bad,” rendering them un/deserving of state resources. I argue that state policy, in constructing notions of “good” and “bad,” deserving and undeserving immigrants, produces racialized hierarchies of immigrants, with Latinx immigrants toward the bottom and thus restricted from educational and

⁴ While I initially intended to study undocumented immigrant experiences in the South, data from a larger study revealed that immigrants were targeted and criminalized broadly with more harsh restrictions for undocumented students. Throughout the article, the terms immigrant and undocumented immigrants are used because both populations are part of the author's larger ethnographic study and both are criminalized through the state policies. My intention is not to conflate them into one category but at times the policies do, which is problematic and shows a larger criminalization process of all immigrants in the state (Rodriguez & Monreal, 2017).

⁵ Reid (2015) describes three general types of legislation in South Carolina. Bills which are proposed laws, Joint Resolutions which carry the same force of law but are temporary, and Concurrent/House/Senate Resolutions which affect the actions of the General Assembly but do not carry appropriations or the force of law. Throughout the article, the author uses the terms legislation and policy interchangeably when referring to these three types. The purpose of studying various policies is to understand the circulation of discourse on immigrants in the state.

social resources. This analysis reveals how state policy consistently describes previous waves of (White, European) immigrants as models of integration and assimilation, which directly contrasts Latinx immigrants who are portrayed as drains to state resources, unassimilable, and threatening (Huntington, 2009).

The rest of this article summarizes previous literature on the immigration and education policy context of The New Latino South and the resultant marginalization of educational opportunities for Latinx immigrants. I center this analysis with a conceptual frame of deservingness to better understand how racialized tropes of immigrant deservingness contribute to exclusionary sentiments and material restrictions. What follows is an explanation of the methodological approach of content analysis and an analysis of specific pieces of legislation. I expand the literature about the New Latino South by focusing on the role state policy plays in articulating aims of schooling and (re)producing notions of un/deserving immigrants in social spaces like schools. The article closes by discussing the implications of restrictive policies and their impact on immigrant schooling experiences. The implications connect to how exclusionary contexts impede educational advancement and social mobility, and perpetuate social stratification against/within Latinx in the New Latino South. School and economic mobility become contingent upon a perceived sense of deservingness. Latinx (un)documented immigrant youth are forced to navigate contradictory schooling conditions as they are expected to accept the promise of the American dream.

Immigration and Education Policy Context of the New Latino South

This research builds upon previous scholarship that seeks to understand how Latinx immigrants in the South are excluded from public spaces broadly and schools specifically. This review of literature connects the historical legacy of race relations in the South related to immigrants with how state policy contexts shape the lives of immigrants, underscoring how policies generated in states emerge out of ignorant fear, racism, and discrimination. This section also illustrates how previous literature examines specific barriers to educational attainment generally for immigrant groups, and how these barriers are magnified in the racialized context of the South.

Historical Legacy of Race Relations in the South

The growing significance of place is present in the burgeoning literature on immigrant youth experiences of school especially those occupying undocumented status. The rigid policy structures in the South that restrict immigrants broadly and undocumented immigrants specifically are also embedded in a larger racialized social structure that historically has been a black-white binary. In other words, the South's rich legacy of segregationist practices toward African Americans often enables the continued abandonment of immigrant populations and lack of access to public and social resources. To support this point that the legacy of the South shapes immigrant and undocumented immigrants' access to opportunity, Guerrero's (2017) recent study is useful. Guerrero explains how race, labor relations, and belonging help to understand the reconfiguration of the New Latino South, or what she calls the "Nuevo South." She argues that when studying the Nuevo South, scholars must understand the "legacies of Southern history in terms of dealing with racial difference and economic development" (p. 9). More specifically, one must understand the ways in which southern plantation owners' success was contingent upon the exploitation of labor by migrants in the region. This exploitation is also wrapped up in the political and social structure that was historically governed by white supremacy. Finally, exploiting racial difference in the South was not unique to African Americans but included those with precarious legal statuses such as refugees, immigrants, and undocumented immigrants (Guerrero, 2017).

As noted earlier, Weise's (2015) study of Mexicanos in the South provides another example of how race relations in the South structured the experiences of migrants. Weise (2015) traces Mexican-American migration to rural Georgia between 1960-1980, highlighting how migrants confronted a region that was in transition from binary racial segregation to neoliberal social conservatism. Thus, initial groups of Mexicanos "provided local whites with an ideal building block for their celebration of color-blind conservatism, individual self-help, and Christian values" (Weise, 2015, p. 150). The takeaway is that Mexicanos were deemed more "assimilable" than other non-white groups in the South, and thus less threatening, especially if they were considered "good immigrants."

State Policy Contexts in the South: Fear, Racism, and Discrimination

Anti-immigrant social policies in the South. Southern states have enacted strict immigration laws relating to current white supremacist attitudes in the formerly Jim Crow South. Lacy & Odem (2009) argue more exclusionary state and local immigration policies are the result of shifting popular attitudes in the region. As such, they argue, "most official rhetoric and policy in the Southeast in recent years seeks to limit especially unauthorized immigrants' access to employment, transportation, housing, health care, higher education, and public benefits" (p. 150). These scholars, and others (Arriaga, 2017; Oboler, 2012), argue that many local ordinances in southern localities aim to discourage flows of immigration, make life harder for immigrants, or drive out those already there. For example, communities in Georgia and the Carolinas maintain housing regulations that require landlords to verify immigration status and incur fines for renting to undocumented immigrants (Lacy & Odem, 2009). This racialized practice is akin to what Bonilla-Silva (2013) calls the "new racism," in which aspects of social life are restricted through policies, processes, and mechanisms that undercut or outright deny minoritized groups access to standard quality of living or living wage jobs. Local unease is compounded by the current presidential administration that seeks tighter enforcement of immigration laws while rolling back protections such as the Deferred Action for Childhood Arrivals (DACA) program. Latinx communities in the South must also worry about increased ICE activities and re-established local programs that seek to further constrain their lives (Arriaga, 2017).⁶

In addition to state policies being enacted out of fear of the threats that immigrants pose to the state infrastructure or out of explicit legacies of racist and white supremacist attitudes, state policies are also seeking to criminalize immigrant groups. For example, Rodriguez and Monreal (2017) explore how policy discourse in the New Latino South produces specific categories of knowledge about immigrants that position immigrants as threats to the state. These scholars found that South Carolina policy constructed immigrants as dangerous Others, economic threats, and even terrorists. Viewed in this manner, immigrants became the object of targeted policies like increased police surveillance, which hinders their efforts to live and work in the state.

Pertinent to the research here, the criminalization of immigrant groups restricts state resources and thus has material consequences to the lives of Latinx immigrant young people. Another example of how Southern states are criminalizing immigrants occurs in Alabama. In Alabama HB 56, public K-12 teachers became de facto immigration agents tasked with reporting undocumented youth to the state education board. In other words, teachers were forced to investigate a students' immigration status despite its protected status under the Supreme Court Case,

⁶ One example of a local program in North Carolina targets immigrants. Locally known as Section 287g of the Immigration and Naturalization Act allows the Department of Homeland Security, it allows for formal agreements between immigration officers and local and state police so that local law enforcement officers can perform some functions of federal immigration agents (American Immigration Council, 2017; Arriaga, 2017).

Plyler v. Doe (1982). In Alabama, schools were no longer considered safe spaces and some Latinx students stopped coming to school. Verma, Maloney, and Austin (2017) argue the encroachment of immigration policy into schools, as part of a larger immigration surveillance apparatus, paired with racialization processes in schools leads to a school to prison to deportation pipeline.⁷

The examples illustrate how state policies in the South impact immigrants' everyday lives and suffocate their protected status in school and right to educational opportunity under *Plyler*. The examples also underscore the powerful processes of racialization, disciplinary surveillance, and deficit-based discourses about immigrants, positioning them as deviant and threatening to the fabric of states. This position, then, enables the justification and rationalization of systemic exclusion and structural racism to reign in these southern states in particular. I turn now to how state level policy contexts of fear, racism, and discrimination impacts schooling for Latinx students in the New Latino South.

Educational experiences of immigrants in the South. Broadly speaking, schools have mostly responded in an ad-hoc manner to changing demographics (Hamann & Harklau, 2015). For example, schools lack certified interpreters and burden Spanish teachers to act as unofficial interpreters (Colomer, 2010; Harklau & Colomer, 2015). Schools and service providers rely on deficit-based notions of Latinx culture (Villenas, 2001, 2002) and construct Latinx communities as problems (Murillo Jr, 2002). Latinx immigrants often become the targets of racism at schools such as the construction of a "Trump Wall" at a North Carolina school (Szathmary, 2016) and a recent incident where a substitute teacher in Charlotte told students to "go back to where you speak Spanish" (Patton, 2017). This lack of sociopolitical awareness and empathy on the part of schools is alarming given the rising Latinx (un)documented populations (Rodriguez, Monreal, & Howard, 2018).

An additional school barrier relates to the language support that newcomer undocumented and Latinx immigrants receive upon arriving in the New Latino South. ESOL programs do not meet the needs of individual schools, lack certified teachers, and employ deficit-based approaches toward second language development (Mellom, Straubhaar, Balderas, Ariail & Portes, 2018; Tarasawa, 2013). Insufficient second language programs are unsurprising given southern policy attempts to craft deleterious "English-only" policies aimed at rapid "Americanization" (Beck & Allexaht-Snyder, 2002). For instance, in Georgia, policies frame Latinx students as a problem because of their limited English language skills (Beck & Allexaht-Snyder, 2002; Ruiz, 1984). Further, Georgia policymakers attempted to use policy as a way to demand assimilation, gauged by English proficiency, while erasing native language support. Beck and Allexaht-Snyder (2002) assert that such policies are acts of cultural erasure, symbolic violence, and systemic miseducation.

The literature review of Latinx (un)documented immigrant youth reveals what I argue is a systemic miseducation of immigrant youth in the New Latino South. And yet if somehow Latinx immigrants are able to navigate the school system, they still face significant inequality, racism and discrimination. Latinx students that navigate unprepared and unresponsive public schooling systems face questions about their intellectual abilities (Carillo & Rodriguez, 2016) along with restrictions to higher education due to their legal status or the legal status of their parents (Bohon, Macpherson, & Atilas, 2005; Roth, 2017). Urrieta Jr., Kolano, & Jo (2015) utilize a *testimonio* to illuminate the pain

⁷ Verma, Maloney, and Austin (2017) argue that the racialization of recent immigrants, particularly in school spaces, likely corresponds with increased law enforcement and surveillance directed toward them. The point here is that being an immigrant is equated with being a criminal so much so that schools are becoming a pathway to deportation. This is similar to how the school to prison pipeline criminalizes students of color through discipline in way that often sets them on negative trajectories.

and struggle of being an undocumented Latinx student in the South, illustrating the barriers outlined above. The participant, Roberto, shared the expectation that Latinx students give up their culture to be deemed a “successful” student. Roberto critiques the notion that his graduation from the University of North Carolina is evidence of wider hope and optimism. Roberto shared:

here in North Carolina, to be “successful” (laughs), it’s unimaginable...I feel that we (the family) are a failure, not a success, because somewhere else I would have had more success, you know? I had dreams in Mexico, here I have anger and resentment. By being here in North Carolina, as a child, I feel I sacrificed one of the most valuable things one has in life, and that’s life itself. (Urrieta Jr., Kolano, & Jo, 2015, p. 60)

Roberto explained how it took him many years at various institutions to finish his degree because he was not eligible for financial assistance, demonstrating the significant barriers to his educational attainment. Roberto’s story demonstrates how policy limits chances of upward mobility even for those students that exemplify the trope of a “good” immigrant like him. Lacking legal status, Roberto did not have access to monetary resources that would have made higher education practically and emotionally more rewarding. The *testimonio* also shows how undocumented students, even those who play the game of school and buy into the American Dream narrative, face the contradiction that they are considered undeserving of state resources like financial assistance for college.

The study of how policies shape young people like Roberto are the subject of this article, specifically I reveal the contradictions set up in policies and how immigrants are constructed as good or bad, and deserving or undeserving of access to educational opportunity in South Carolina. Next, I expand upon this understanding of how these barriers are emplaced through state policy by outlining a conceptual framework for understanding the ways in which policy constructs immigrants as good or bad, and deserving or undeserving of resources. This article addresses a gap in the literature reviewed here related to state policy analysis, specifically focusing on state resolutions. While state resolutions rarely have any concrete policy mandates, they provide a relatively low-stakes way for lawmakers to further a discursive frame on issues such as immigration.⁸

Conceptual Framework: The Trope of Deservingness

Defining Deservingness and Why It Matters

This section defines the concept of deservingness and explains its features, and then shares the arbitrary nature of how it is employed in policies toward Latinx (un)documented immigrants. While the review of literature revealed a limited understanding of state policy and how it shapes public perception and governs the everyday lives of immigrants in the New Latino South,⁹ I found less research about how policy constructs notions of deservingness (Gildersleeve, 2017). I define and

⁸ Speaking to the important, yet understudied role that state resolutions play, the National Conference of State Legislatures (2017) explains, “resolutions typically commend citizens, immigrants, and immigrant-serving organizations, recognize the cultural heritage of immigrants in a state, and urge Congress or the president to take certain actions” (p. 9). The National Conference of State Legislatures (2017) notes a recent rise in state resolutions regarding immigration across the United States. For example, the numbers of enacted resolutions increased by 22 percent in the first half of 2017 (195) as compared to same period in 2016 (159). Furthermore, state resolutions made up a large portion of immigration-related legislation, nearly 60% ($n=195$ of 328) in the first half of 2017.

⁹ While there exists limited research on policy discourse and its impact on immigrants in the New Latino South, there exists recent literature on the topic in other state contexts (Gildersleeve, 2017).

apply the trope of deservingness in this policy analysis. Through this conceptual lens, I analyzed state policy for how it set up conditions of exclusion and the processes by which exclusion was made possible. The concept of deservingness is significant to the analysis because “constructions of deservedness are undergirded and rationalized by well-accepted narratives, or story lines, in which various groups are portrayed as playing more or less positive roles in contributing to a national well-being” (Schneider & Ingram, 2005, p. 219) and sustained through a “fabricated national identity and sense of unity in a country” (Rodriguez, 2018).

Moreover, deservingness relates to policies and policy-making since “deservingness for migrants utilizes deficit-based perceptions that often define these groups as fraudulent, burdensome, and of low morality” (Huber, 2015, p. 25; also see Yukich, 2013). One example of how deservingness is utilized to exclude some immigrants over others is through the process of racialization (Omi & Winant, 2014). Racialization operates through racial hierarchies in the US, where White, European immigrants tend to be perceived as more assimilable and thereby deserving of resources while black and brown immigrants are characterized in punitive ways.¹⁰ For instance, Yukich (2013) argues, “Understandings of deservingness are actively constructed by politicians during policy hearings, depicting contests between Republicans—who tend to frame elderly immigrants as undeserving of social security by portraying them as greedy, criminal, and burdensome—and Democrats and expert witnesses, who tend to frame them as more deserving by relying on arguments about fairness and compassion” (p. 304). This emphasizes the important role policymakers play in constructing notions of deservingness. Additional attempts to understand the racialized nature of deservingness are exemplified by scholars such as Patel (2016) who argues, “Deservingness acts as a discourse of racialization, narrating across racially minoritized groups to instantiate the benefits for the racially majoritized” (p. 11). Deservingness appears to function both positively and negatively, similar to other racialized stereotypes.¹¹ This means, we see in media and current social movements that undocumented immigrants “deserve” access or that they “count” as deserving of social services and educational rights (Abrego, 2008). Nagel and Ehrkamp (2016) write, “The desire to create meritorious immigrants and to prod immigrants to transform themselves and/or to prove their worth reflects, in part, the recognition that this is what society demands of newcomers” (p. 14).

The social science literature on immigration positions immigrant groups as ‘good,’ or assimilable (Brown & Bean, 2006; Portes & Rumbaut, 2001, 2006; Saenz & Douglass, 2015). Historically, the notion of ‘good’ immigrants was likened to immigrants who came here for a better life (Goodman, 2015). This immigrant-paradigm, or in social science research what is called the “straight-line or classic assimilation” paradigm, centers White Europeans as assimilable in the “making of Americans” (Sanchez, 1999), rendering it difficult for racial and ethnic minorities to

¹⁰ Evidence of some immigrants being more “assimilable” than others dates back to the *Lemon Grove Incident*, which was one of the early desegregation cases in the US involving Mexican students being denied access to a white school between 1930-1931. Eventually, the judge ruled that the school had to admit Mexican students, but the ruling conveyed an assimilationist logic. In other words, Mexican students were deemed assimilable if admitted to white schools. For other historical accounts about how some immigrants, i.e. Mexicans and Cubans, were deemed more assimilable for conforming to white norms, see Weise, 2015.

¹¹ One example of a racialized stereotype is the model minority one applied to Asian Americans. Rodriguez (2015b) argues, “The model minority stereotype contains symbolic derogatory semantic content because it assumes that the school success of immigrant groups is contingent upon a particular cultural disposition maintained in some groups while not in others” (p. 208). This is important to understanding how tropes of deservingness and notions of “good” immigrants have been perpetuated through the assimilationist theory of immigrant incorporation into U.S. society.

assimilate into White dominant culture. This paradigm is challenging because it often fails to account for the white supremacist logic embedded in socio-political structures and policies. Further, Yukich (2013) argues, “Assimilation theories have been critiqued for portraying certain immigrants as more successful at adopting American values and lifestyles than others” (p. 302). Immigration scholars rarely associate assimilation with worth and deservingness explicitly, but constructions of “deserving” immigrants such as those who assimilate into White, middle-class society versus “undeserving” immigrants such as those who assimilate more slowly, not at all, or into other segments of society are common in the media and policy realms. What is important here is that the previous literature emphasizes how U.S. policies reflect the assumptions of a particular type of assimilation theory that works to include/exclude certain groups, and that promotes some immigrant groups as more assimilable and thus desirable than others.

Features of Deservingness

In mapping the concept of deservingness, I found several ways in which deservingness and its features are applied to immigrant groups in research and policy. Patel (2016) argues, “Deservingness fundamentally conveys how the state confers and delimits legitimacy as well as how it asserts its own existence as arbiter of racialized rights” (p. 12). The assignment of worth to immigrants both excludes them from the majoritized (read: White) populations and stratifies the Latinx community, rendering undocumented immigrants particularly susceptible to the status of undeserving. Further, as state policies criminalize Latinx (un)documented immigrants, the more deeply embodied their criminality becomes. In other words, as states criminalize immigrant bodies and lives by conferring or restricting rights and resources to the extent that being an immigrant, and Latinx is akin to being illegal. In previous scholarship, undocumented immigrants who are primarily high-achieving are positioned as deserving of access to higher education. In addition, Patler and Gonzales (2015) found that education, level of schooling, and specific educational accomplishments like good grades or scholarships are characteristics of good immigrants, and undocumented immigrants specifically.

Similarly, Yukich (2013) usefully shares general characteristics of deserving immigrants, such as they are citizens and are legally present in the U.S., while bad immigrants are undocumented and therefore illegally in the U.S. Additional examples of deserving immigrants included non-terrorists, Christians, law-abiding and having a strong work record to name a few, while undeserving immigrants include terrorists, Muslims, threatening, or those critical of U.S. policy. While this is not an exhaustive list, Yukich charts features of deservingness that tend to be aligned with White, middle class, Christian, uncritical, passive norms. Of course, these are indeed made-up or perceived characteristics and dispositions but nonetheless begin to offer insight into how good and bad immigrants are constructed through every day political and public/media discourse. What I will show is how similar processes of racialization and construction are engendered in state policies and how these constructions have severe consequences for Latinx immigrants broadly and undocumented immigrants specifically.

Deservingness as Possibility and Exclusion

Deservingness is ever-present in the more recent socio-cultural literature on undocumented immigrant youth. Glenn-Levin Rodriguez (2017) explores how deservingness functions in the lives of migrant children, pointing to the ways that labeling and constructions of deservingness are arbitrary and problematic upon. The labeling occurs upon migrant children’s arrival to the U.S. She investigates which unaccompanied migrants become “adoptable” and thus eligible for the rights as future citizens even if they arrived undocumented and unaccompanied. Typically, child migrants who have been part of sex trafficking are deemed extra vulnerable and thus worthy of being

adopted, but if it is determined children are deemed economic migrants, they are less likely to be deemed worthy of adoption. Moreover, she emphasizes that children's worthiness is "contingent" upon their value to adoptive families, showcasing the arbitrariness of even child welfare and social service providers contributing to the sustaining of who deserves and who does not as these institutions intersect with local and national entities such as border patrol, law enforcement and state policy (Heidbrink, 2014). This scholarship underscores another dimension of migrant life and their encounters with U.S. institutions and systems that arbitrarily deem their worthiness and deservingness for rights and resources here. Importantly, not all immigrants are equal in this struggle for the deserving status.

Building on the arbitrary role the state plays, Heidbrink (2014) examines the role of deportation centers in determining the life trajectory and access to resources for undocumented migrants through the trope of deservingness. Heidbrink (2014) explains how migrant children are often arbitrarily labeled at deportation centers as *undocumented*, *unaccompanied children*, *humanitarian refugees*, or *criminal aliens*. She argues that the decision is often socially constructed and depends upon which way a deportation center classifies them, youth enter into a particular trajectory. While most immigration scholars know the impact and protections under *Plyler v. Doe*, Heidbrink (2014) further explains the impact of *Flores v. Reno* (1985) and how it affords rights to children of "unauthorized status," albeit through a paternalistic state regime that perpetuates tropes of deservingness through labeling migrant children. *Flores* gave the state the role of "parent" over unaccompanied children in 1985.

The implications of this frame of deservingness convey a message of immigrants as "freeloaders" or "criminals" only in search of government assistance (Huber, 2015, p. 24). It is of note that this narrative of undeserving freeloaders and aliens applies to waves of Latinx immigrants, both documented and undocumented, differing from the White European waves of immigrants in the early twentieth century who were pursuing the American dream. Taking this with the previous definitions and constructions of deservingness, one can see how racial hierarchies that shape the American public discourse and social structure. Accordingly, De Genova (2013) argues the arbitrariness built into the process of producing migrant illegality disproportionately converts any migrant into "illegal and deportable migrants." These migrants are officially "unwanted" or "undesirable" non-citizens and are stigmatized with allegations of "undeservingness" and riskiness (Rodriguez, 2018, p. 1181). De Genova (2013) asserts, "The compulsive denunciation, humiliation and exquisitely refined rightlessness of deportable 'foreigners', furthermore, supply the rationale for essentializing the juridical inequalities of citizenship and alienage as categorical differences that may be racialized" (p. 1181). Taking the trope of deservingness into account, I apply this framework to the policies in South Carolina, paying particular attention to how state resolutions function at the discursive level to shape the lives and schooling processes of Latinx youth.

Research Context, Method, Data Collection and Analysis

The policy context shapes educational trajectories for thousands of undocumented students in K-12 settings in the state. To give a sense of the Latinx population in South Carolina, and its growth, Guzman (2001) reports that the Latinx population has grown from 30,551 in 1990, 95,076 in 2000, and 235,682 in 2010. The 147.9% increase in Latinx population made it the fastest growing state for Latinx in the United States (Ennis, Rios-Vargas, & Albert, 2011). Based on 2014 population Pew Hispanic Research reported South Carolina to have a Latinx population of 258,000, which is an 172% increase since 2000. With this increase comes a rise in the number of school-aged children as well. Relatedly, the graduation rates for Latinx populations in the state are usually lower than those

of White, non-Hispanic students.¹² The policy analysis in this article sheds light on how this context shapes the educational opportunity for Latinx (un)documented populations.

Methodological Orientation

Previous approaches to policy analysis focus on policy formulation and policy implementation (Honig, 2006) while largely remaining benign, uncritical, and inattentive to the ways in which policy shapes public discourse and the lives of minoritized groups with exceptions mentioned earlier that utilize critical discourse analysis (Gildersleeve, 2017, Rodriguez & Monreal, 2017).¹³ To address this, I engaged in a content analysis and utilized the trope of deservingness to uncover the deeply racialized and arbitrary constructions of immigrants in the policy documents. Patton and Sawicki (1993) outline a set of characteristics of which I drew from, including: “An inventory or search phase, limited in scope and directed at a particular issue” (p. 5). This was in fact the first stage of analyzing South Carolina policy related to immigration and education. I then aligned the content analysis method to the conceptual framework to ensure criticality in the analysis. As such, the frame of deservingness provided guiding questions to consider during a second round of content analysis. I considered the definitions of deservingness outlined above, and how deservingness was constructed in policy. The study’s research questions included: What does it mean to be a good immigrant in South Carolina policy? How does South Carolina policy characterize good immigrants? In what ways do South Carolina policies include or exclude certain immigrant groups? What are the implications of such inclusion or exclusion on the educational trajectories of immigrants? This second round of analysis was particularly important because it exposed policy nuances that were initially given little attention. For example, subtle distinctions in state policy between human trafficking victims and refugees became apparent as the former were ranked deserving of schooling resources while the latter were not. Additionally, the seemingly minor act of using South Carolina policy to honor certain individual immigrants and immigrant groups revealed itself to be a major tool in expressing deservingness.

Data Collection Procedures and Sources

The data was collected in two phases. The project built a database of 120 policy documents from South Carolina that referred to immigration in social and education policy. To gather data on immigration and education policy in South Carolina I used the “search” function on the South Carolina Legislation website (<http://www.scstatehouse.gov/>). I searched “education & immigration” followed by “education and alien,” and “school and immigration” from 2003-2017. This first phase of data collection produced 67 policy documents (See Figure 1 for a sample simple search).

In the second phase of the data collection, I examined the context in which the keywords were used in order to check for relevance to the inquiry. I discounted policy that included only a passing or irrelevant mention of immigration and education. For example, proposed legislation H.5142 (15-16) regarding qualification of SNAP benefits refers to immigration status one time and does not discuss education related to immigrants. This process resulted in a condensed database of 35 policy documents that I analyzed drawing on the conceptual framework of deservingness for this article.

¹² For a recent report of high school dropout rates in South Carolina, see: <https://ed.sc.gov/districts-schools/school-safety/discipline-related-reports/dropout-data/2015-16-state-dropout-report/> (p. 3).

¹³ There are a few exceptions to this. Dumas & Anyon (2006) offer a critical approach to policy implementation but not policy formulation, or specifically how enacted and proposed policies such as those under scrutiny here seek to divide and target immigrant groups through notions of deservingness.



Figure 1. A sample keyword search within a policy document from the South Carolina Legislature website.

Analysis Techniques

The content analysis of the 35 policy documents also proceeded in two phases. During phase one, each of the reduced 35 documents was read, and key information related to immigrants and education was organized into a chart (see Figure 2 for an example). The chart included six categories: a) bill name and status; b) aim and focus; c) Relationship between education and immigration (positive/negative; inclusive/non-inclusive); d) rationale; e) key quotes; f) other/link.

2017-2018

Bill Name (Passed/ Unpassed)	Aim/Focus	Relationship between education and immigration (positive/negative; inclusive/non-inclusive)	Rationale	Key quotes	Other/Link
H. 3063 (not passed)	In state tuition if: "In this state for three or more years, graduated from a high school in the state or received the equivalent of a high school diploma in this state, registers as an entering student or is currently enrolled in a public institution of higher Education not earlier than the fall semester of the 2017-2018 academic year, and, if lacking lawful Immigration status, files an affidavit with the institution stating he has filed an application to legalize his Immigration or will file an application when eligible"	Positive* Extends in state tuition, state-sponsored scholarships, and tuition assistance to (some) undocumented youth **Still places restrictions on education, defines categories of deservingness	Make college access easier for some undocumented students	if the student: (1) attended high school in this State for three or more years; (2) graduated from a high school in this State or received the equivalent of a high school diploma in this State; (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.	http://www.scs.tatehouse.gov/query.php?search=DOC&searchtext=education%25%26immigration%25&category=LEGISLATION&session=122&conid=8585804&result_pos=0&keyval=1223063&numrows=10

Figure 2. Sample data organization from a policy document.

The process of organizing this information allowed for patterns to emerge during the first phase of data analysis. For example, I recorded how the policies such as the state resolutions emerged as a tool for embedding constructions of immigrants. While state resolutions rarely have any concrete policy mandates, they provide a relatively low-stakes way for lawmakers to further a discursive frame on issues such as immigration.

In phase two of the content analysis, I re-read and examined 35 policy documents related to education and immigrants through the lens of deservingness. I refined previously noted patterns into coherent themes related to *explicit* and *implicit exclusion* of immigrants. In other words, I mapped the data to my conceptual framework on discourses of deservingness. For example, I identified seven policies, in the form of state resolutions, that honored immigrants or immigrant groups for educational accomplishments. In moving beyond reading policy for what it says, I delved deeper into the effects of such policy discourse of honoring White European immigrants for their ability to assimilate and contribute to the state. Instead, by engaging in a critical policy analysis and analyzing the policies through the framework of deservingness with the guiding questions of “What does it mean to be a good immigrant in South Carolina policy?” and “How does South Carolina policy characterize good immigrants?” helped to ascertain that those recognized fit a particular model of straight-line assimilation.

Findings

I organize the findings about exclusionary schooling processes for immigrants in South Carolina under two broad themes, *explicit* and *implicit exclusion*. Within these broad themes there are also subthemes that will be presented. State policy explicitly excludes immigrants from schooling in South Carolina by restricting access to higher education and by making schools less welcoming. State

policy implicitly excludes immigrants from schooling in South Carolina by qualifying vulnerability, highlighting previous waves of White Europeans as “good” immigrants, and reifying non-white immigrant groups as a drain on the state.

Explicit Exclusion

The first theme relates to how South Carolina policy explicitly excludes immigrants from schooling by restricting, or attempting to restrict, their access to state educational resources, including access to higher education and K-12 schools. I discuss explicit exclusion in state policy through the sub-themes of *restricting access to higher education* and *making schools less welcoming*.

Restricting access to higher education. I located 10 bills that attempted to or did restrict access to higher education. South Carolina policy creates explicit barriers that bluntly prohibit immigrants from participating in public schooling processes all together. The clearest example of how policy excludes immigrants in South Carolina is House Bill 4400 (H.4400), the South Carolina Illegal Immigration Reform Act, passed in 2008. This bill bans undocumented youth from accessing public higher education. Section 59-101-430 states:

(A) An alien unlawfully present in the United States is not eligible to attend a public institution of higher learning in this State...

(B) An alien unlawfully present in the United States is not eligible on the basis of residence for a public higher education benefit including, but not limited to, scholarships, financial aid, grants, or resident tuition.

Although the law was passed to regulate public institutions, private universities in South Carolina also have used this law to prohibit admittance to their institutions in addition to banning access to grants and scholarships. Through explicit exclusion embedded in state policy, undocumented immigrants face extreme barriers to securing the benefits associated with a college education and thus limited labor opportunities beyond high school. Thus an (un)intended consequence of H.4400 is that limited access to higher education due to financial and legal barriers lead to limited survival in society when proverbial walls are set up around higher education.

Another example of how policy explicitly restricts access to higher education for undocumented immigrants can be found in H.4514 (2015-2016) that seeks to rectify the harmful effects of H.4400 for such students. The bill reads:

the status of a South Carolina parent as a nonresident alien should not prevent his child, who is a legal United States citizen, from receiving in-state tuition and fee rates or being eligible for state-sponsored scholarships and need-based grants, and instead should be treated equally with other American citizens who are dependents of their parents and call South Carolina their home.

In this excerpt, the language points toward sympathy or compassion, perhaps toward children of undocumented parents or who are here due to decisions of the parent. While on the surface the language seems to favor children regardless of immigration status, the effects of positioning children as vulnerable or not responsible for parental decisions reveals a moment in which deservingness is being constructed.

Making schools less welcoming. Another instance of how South Carolina policies explicitly exclude immigrants from positive educational experiences exists with proposed H.3053 (2007-2008). For example, it states, “Whereas, the General Assembly further finds the state of South Carolina spends a disproportionate on public services and benefits such as...education that are provided to illegal aliens.” The claims in this proposed legislation convey a message that “illegal aliens” are receiving funding and resources and draining the state, which becomes the rationale for

excluding them from resources. The use of the words “illegal aliens” positions this group as a drain, and thus unwelcome, to the state while simultaneously being outsiders to the general public. This is strikingly contradictory since it is nearly impossible to be a drain on state resources when one cannot access them by law.

Additional examples of how the state seeks to exclude immigrants, and make educational opportunity less available and unwelcoming, exist in at least four pieces of proposed legislation, H.3120 (2015-2016), H.3148 (2007-2008), H.3148 (2011-2012), and H.3110 (2007-2008). These proposed policies explicitly attempt to exclude undocumented immigrant families and children. Parents would be required to verify the lawful presence of their child in the state before enrolling in schools. For instance, proposed bill H.3110 (2007-2008) speaks to the explicit efforts of the state to make school registration more difficult. The policy states, “So as to provide that an adult seeking to enroll a child in a school shall sign an affidavit attesting that the child is lawfully present in the state pursuant to federal law and may be required to provide certain documentation.” These proposed policies seek to ban an even greater number of immigrants from schooling in South Carolina, which directly violates the stipulations in *Plyler v Doe* (1982) that guarantee all children, regardless of immigration status, the right to public K-12 education.

The accumulation of proposals that attempt to exclude immigrants from educational opportunity suggest that immigrants, particularly undocumented immigrants, are unwelcome and burdensome to South Carolina despite evidence of the hidden labor they provide in the state. It is difficult to disentangle this discourse from the material reality that undocumented youth in South Carolina are restricted from public universities, have been denied entry into public schools, and reside in fear of leaving their homes in the face of deportation threats and ICE raids.

To summarize, the purpose in this theme of *explicit exclusion* section was to share instances that show explicit exclusionary policies. Next, I move to the ways policy implicitly excludes immigrants, which also is central to the argument related to policy constructing immigrants through the trope of deservingness, and rendering some immigrants more deserving than others.

Implicit Exclusion

The second theme relates to how South Carolina policy implicitly excludes immigrants from schooling by constructing immigrants, particularly Latinx immigrants as undeserving of schooling resources. Using state resolutions in addition to enacted and proposed legislation, South Carolina reinforces the notion that there are dichotomous categories of “good” and “bad” immigrants—those worthy or unworthy of inclusion into school and society. I argue in this section that policies showcase the goodness of White European immigrants, and render Latinx immigrants as threats or bad immigrants. In this section, I outline how policy constructs good immigrants, positions Latinx immigrants as “threats,” and then makes exceptions for the threatening bad Latinx immigrants if they are considered vulnerable. The two subthemes under implicit exclusion include: “good” immigrants in South Carolina and vulnerability as potentially deserving.

“Good” immigrants in South Carolina. Using enacted and proposed state resolutions, I analyzed these within the conceptual framework on deservingness. I argue that the state of South Carolina outlines a picture of immigrant education based on previous waves of “good” (mainly White, European) immigrants who fit the notion of straight-line assimilation. I argue this approach to state policy proposals and enactments fails to account for the integration process that Latinx immigrants encounter and the realities of marginalization and racialization. Instead, South Carolina policy cultivates a narrative that if only immigrants work hard, get an education, and make the most of a meritocratic system, they will be justly rewarded by the United States.

To elaborate, S.0928 (2013-2014) recognizes a church, Saint Michael's Evangelical Lutheran Church of Columbia, for 200 years of existence. The resolution asserts that the original immigrant founders of the church desired to assimilate to the norms of their destination. Accordingly, the resolution states, "Whereas, a small group of members...desired education and worship in the English language of their new nation. The Reverend Godfrey Dreher saw the benefit of education and worship in the English language as the future of the community." Similarly, the acknowledgement of the life of Irish immigrant Jerry Guerin is another straightforward testament to the assimilative goals of schooling that also acknowledges his cultural background when it says, "Never losing his delightfully lilting Irish accent," Mr. Guerin:

served with distinction in the United States Army from 1958 to 1964; and

Whereas, after leaving military service, he continued his education and then worked as a sales manager and member of the Government Council for Wyeth Pharmaceutical for thirty-five years...

Whereas, as a shining example of patriotism, he served as chairman of the Aiken County Tea Party and organized rallies to spread the organization's views. (H.3636, 2013-2014)

In this excerpt, the immigrant is depicted as a patriot, community member, and good Tea Party representative. The good immigrant accepts the call to assimilate into American culture and embraces with vitality the values that make America great, such as being a patriot in this instance. The good immigrant works hard and gets an education that allows he or she to contribute to society. This example, provided in 2013, of an Irish immigrant arriving to South Carolina bears no resemblance to the current population of thousands of Latinx undocumented immigrants that face significant barriers and discrimination, limiting their opportunity to access education regardless if they desire it or not.

In addition, South Carolina regularly passes state resolutions honoring and naming specific individuals who pulled themselves up by their bootstraps to obtain the popular myth of the American Dream, which capitalizes on the 20th century cliché of immigrants coming to America for a better life (Goodman, 2015). In fact, the exact words, "American Dream," are used twice to praise the life of former state senator Isadore Lourie in state resolution S*673 (2003-2004). The resolution explains how the son of Russian and Polish immigrants 'Izzy' was the student body president at University of South Carolina and went on to become a prominent lawyer. The resolution states, "It is no exaggeration to reflect that Isadore E. Lourie lived out the American Dream and because of his crusading compassion and sense of justice, many more of South Carolina's sons and daughters are now a part of his American Dream" S*673 (2003-2004). The exaggerated success of various European immigrant groups' process of assimilation is reified here in the resolution. In contemporary South Carolina, these outdated narratives are being utilized as a way to center good immigrants as hard-working and pursuing education while simultaneously excluding all of the barriers to accessing education and racism that precludes contemporary waves of Latinx immigrants from this alleged American dream in this state.

Another example of how South Carolina resolutions construct good immigrants by honoring European immigrants is in S*0598 (2013-2014). In this case, Dr. Anthony DiGiorgio, who although the son of immigrants, used education and determination to achieve great success in the United States. The resolution states:

Whereas, born in 1940, in Sharon, Pennsylvania, Tony DiGiorgio is the son of an immigrant bricklayer, and though neither of his parents completed elementary school, they instilled in him a love of education; and...

Whereas, he learned early that hard work and persistence spelled success in

the country of his family's new home, and after graduating from Gannon College.

Similarly, in state resolution S.1246 (2013-2014), South Carolina honors Sophie Gregory on her 100th birthday. Although the daughter of Greek immigrants Sophie, the bill states, "Stressed to her children and grandchildren the importance of education...and takes pride knowing that they have earned a combined thirty-six college degrees" (S.1246, 2013-2014). Moreover, the bill praises Sophie for her "strong work ethic" that allowed her to be a "loyal" employee. Taken together honoring these European immigrants showcases their perseverance, love of education, and contributions as characteristics of good immigrants for the state. Their merit-based approaches to mobility and efforts are commemorated in a state resolution. These State resolutions reinforce the idea that good immigrants help themselves, do not exploit state resources, and are most deserving of fruits of America's bounty. I argue, here, that this sets up a dualism that if you do not align to this construction of good immigrants such as Anthony and Sophie, you are thus a bad immigrant.

Moreover, state resolution H.3421 (2009-2010) honors the life of Jerry Zucker, an immigrant from Israel, for "not only his keen intellect and business acumen, but also for his philanthropic spirit." In this example, good immigrants are constructed as hard working, having skills, and being able once again to contribute in economic ways to the state.

I observed one policy out of the 35 in which African immigrants were honored in state record. But, this group was honored due to extraordinary schooling accomplishments in line with the idea of "good" immigrants. In state resolution H.4302, highly educated Nigerian immigrants are praised:

South Carolina has approximately five thousand Nigerians in residence. Whereas, first and second-generation Nigerians are highly educated, with thirty-seven percent having earned undergraduate degrees. The U.S. national average of people with an undergraduate degree is only twenty percent. Additionally, members of the Nigerian population are more than twice as likely to have secured an advanced degree.

The relative small number (5,000) of Nigerian immigrants compared to the rising population of Latinx immigrants coupled with their construction as a model minority in the state, exhibiting characteristics such as working hard and contributing economically does little to alter the larger trope of the "good" immigrant. While each of these examples shows how the state constructs "good immigrants," akin to the assimilationist discourse of early European immigration to the U.S., I argue that this construction of good immigrants shadows the process of exclusion that policies simultaneously set up. Not only are "good immigrants" deserving of recognition, they do not appear to need access to additional public or social resources, unlike the bad immigrants that present themselves in the state in the contemporary moment.

A final note I observed in the policy analysis relates to how Latinx immigrants are juxtaposed to White or European immigrant groups honored above, if they are mentioned at all in the policies. While this analysis reveals that European and other immigrants that exemplify characteristics such as individual initiative, educational resourcefulness, and assimilation into the United States, Latinx groups are portrayed as at-risk and unable to help themselves. Characterized as helpless drains on the state, it is no wonder that policy aims to control their bodies and keep finite educational resources away from these less worthy economic or labor-seeking immigrants. The data reveals repeated and consistent efforts to limit educational opportunities, health care, and other governmental services for newer waves of "illegal immigrants" (H.4347, 2007-2008; H.3053, 2007-2008). Local school districts and governments lack the "absorptive capacity" (H.4396, 2015-2016) to properly educate Latinx youth who are perceived to be unwilling, or structurally prevented (barriers,

theme one), to conform to the trope of the “good,” deserving immigrant personified by those honored in the previous policies that I presented earlier.

Most strikingly, state resolutions in South Carolina paint Latinx in direct contrast to “good” immigrants. For example, H.4054 (2013-2014) honors the service of Sister Stella Breen and Sister Sheila Byrne and their service to the “Hispanic families,” it states:

Whereas, in 1987, the Sisters arrived at the Franciscan Center with paltry funds and little knowledge of Lowcountry culture...they initiated activities to assist native islanders, isolated Hispanic families, and migrant agricultural workers living in the poverty of crowded camps; and...

Whereas, their far-reaching educational programs developed from an effort to assist neighborhood children with homework in the afternoon and now offer two programs serving students at risk for academic failure, phonics-based adult literacy instruction, English as a second language, and classes in religious education.

In this excerpt, Hispanic families are presented as isolated and living in poverty, and thus in need of help. What is left out of this picture is the ways in which several southern states recruited labor for migrant farms and the poultry industry. Through these processes, the Latinx population in the South grew and developed despite the lack of acknowledgement of how these drains on the state came to be in the state in the first place (Guerrero, 2017; Marrow, 2011, Ribas, 2015; Winders & Smith, 2012). To support this contradiction, Guerrero (2017) writes, “Latinas/os moved to AK and other southern states, drawn by work in meatpacking, carpeting, and other industries. Immigrants and migrants moved to the region through varied processes, including recruitment efforts in border states, such as Texas” (p. 7). From there, Guerrero (2017) notes how many Latinx immigrants learned of labor opportunities through recruitment procedures in the poultry industry and “sojourners who passed the information through social networks.” This more recent nuanced social history of immigrant groups contradicts the depiction in South Carolina policy in two ways: (a) It demonstrates that their journey to South Carolina was not accidental but rather part of a larger, intentional effort to recruit Latinx workers to various growing industries in the South and (b) It demonstrates that they in fact did leverage social capital and resources in gainfully seeking labor opportunities rather than being presented as a drain on the state.

Vulnerability as potentially deserving. Another finding related to implicit exclusion is that South Carolina policy delineates a hierarchy among various immigrants. In other words, in the policy documents I found that a separate category was outlined for certain immigrants who qualify for the status of vulnerable. And thus, if determined to be a vulnerable, then those otherwise deemed bad immigrants, might still access resources. This section shares examples from the policy analysis that point to this category of vulnerable and thus potentially deserving.

The category of vulnerable, and potentially deserving immigrant, arose in proposed bill H.4522 (2009-2010). This bill states, “upon resettlement in a new country, minor victims of trafficking in persons should be guaranteed education that matches or exceeds the general standard of education in the country.” On the surface of this bill I note that the state provides exceptions for victims of human trafficking.

A similar proposed bill, S.1135 (2011-2012), eliminates the “exemplary education” mandate but provides services for victims of trafficking “including, health services, housing, education, and job training, English as a second language classes, interpreting services, legal and immigration services, and victim compensation.” These examples point to how immigrants’ encounters with U.S. institutions and systems are conditioned by qualifications of vulnerability and victimhood. The state of South Carolina defines these categories through policy and not all immigrants are equal in the

struggle for the deserving status and the accompanying rights and access to resources, which is similar to current waves of unaccompanied minors and determining their arbitrary labels and thus access to resources when they enter into the child welfare system (Glenn-Levin Rodriguez, 2017).

Although it is common to position refugees as vulnerable problems deserving of help compared to the perceived job-seekers from Latinx populations (Rodriguez, 2015a), refugees to South Carolina are considered burdens and specific efforts have been made to limit their relocation in the state. In contrast to human trafficking victims, refugees are framed as being a poor investment of state funding, their needs literally not worth meeting. Proposed legislation H.4396 (2015-2016), The Refugee Absorptive Capacity Act, creates loosely-defined criteria that communities can use to appeal for a one-year stay on refugee resettlement. These criteria, defined as “absorptive capacity,” include the capacity of local social service agencies, child care facilities, educational facilities, health care facilities, law enforcement agencies, and translation and interpreter services, to meet the demands of additional residents. In this bill, schools themselves become mechanisms for larger exclusion because they lack the capacity to meet “the needs of the existing or anticipated refugee population, including education of unaccompanied refugee children and provision of English language training.” Refugees are lumped together with other (undeserving) immigrants that strain communities like other “comparable populations” (H.4396, 2015-2016). One can only speculate the “comparable populations” are not longtime residents, but perhaps newly arrived immigrants.

In grouping refugees with other undeserving immigrants, the state can frame them as “takers” and economic strains, rather than worthy victims. The belief that immigration is an economic burden to the state is a repeated thread throughout South Carolina policy. Seeing immigrants as economic threats, state policy furthers unsubstantiated assertions about immigrants. For example, proposed H.4347 (2007-2008) claims illegal aliens are “dramatically increasing costs” for governmental services like education and proposed H.3053 (2007-2008) alleges, “that the State of South Carolina spends a disproportionate share of its limited tax revenue on public services and benefits such as education that are provided to illegal aliens.” Positioning “illegal aliens” as drains to state resources perpetuates a negative and false perception of these “aliens” and thus justifies their exclusion. The power to decide who is and is not vulnerable or deserving is a distinctive mechanism that has material effects on immigrants’ lives. The state’s ability to create notions of “good” immigrants through policy demonstrates how this exclusion is racialized and hierarchized in South Carolina.

Discussion

The findings point to the fact that South Carolina policy seeks to exclude large groups of immigrants from participating in education and society in a variety of ways. I found both explicit and implicit forms of exclusion as part of the policy analysis. Further, as I articulated in the conceptual framework, the trope of deservingness manifests itself through positioning some immigrants as vulnerable or innocent. In South Carolina policy, being deemed vulnerable or innocent increases one’s worthiness of state resources. Within the theme of implicit exclusion, I argued that a hierarchy of deservingness was created. In other words, being a deserving immigrant, even if not a “good” one, was prioritized if immigrants had experienced traumatic events such as being trafficked. The crux of this discussion underscores how policies engender exclusion and sustain anti-immigrant ideologies that then justify continued exclusion of Latinx immigrants.

An initial discussion point extends from the explicit forms of exclusion in that South Carolina policy blames immigrants for failure to succeed without acknowledgement of the systemic barriers preventing them from doing so. For example, undocumented immigrant youth that do not

have immediate schooling success, regardless of structural inequalities, are positioned as unassimilable and compared to historical immigrant groups that had White, European, and/or skilled backgrounds. As such, school success becomes a marker of assimilability. This comparison between historical examples of good immigrants to the current palate of immigrants, largely Latinx and undocumented, affirms deficit views of certain immigrant groups. These young people are positioned with individualized deficit-based characteristics, i.e., poor, academic failure, and English learners, as attributable to ethnic group membership (Gutiérrez & Rogoff, 2003). Linking such findings back to the conceptual frame of deservingness, South Carolina policy deems certain racialized immigrants, unable to live up to constructions of good immigrants and thus unworthy and undeserving of rights and resources.

The analysis reveals how the state ensures immigrants' failures through the explicit and implicit forms of exclusion. Certain immigrants were praised for their contributions, e.g., Dr. Anthony DiGiorgio, Jerry Zucker, and Sophie Gregory. These examples of good immigrants demonstrate what the state deems the right type of contributions for immigrants through their process of straight-line assimilation (Brown & Bean, 2006) while those that do not fit these characteristics become deemed unworthy of resources and in many cases, as Rodriguez and Monreal (2017) has shown elsewhere, criminalized and further targeted for discipline and punishment in state policy. Within the discussion of how policy constructs notions of good immigrants, the notion of merit arose. In such a meritocratic system, the talents and abilities of "highly skilled" immigrants translate into the likelihood of prosperity. This logic and showcasing of "highly skilled" immigrants harkens back to much of the social science research on the assimilation processes of immigrants that explains how human capital is a significant factor in immigrant assimilation and upward mobility (Portes, Fernández-Kelly, & Haller, 2009; Portes & Zhou, 1993). The effects of this model of assimilation, even though it manifests across immigrant groups differentially, is privileged and the state policies perpetuate a hierarchy of immigrant achievement and success. This understanding of immigrant trajectories often relegates racialized minorities with limited social and human capital, such as the undocumented Latinx immigrants in South Carolina, to underachievement and mobility without attention to the discrimination against Latinx immigrants in the state.

The implicit forms of exclusion also render Latinx immigrants in opposition to previous waves of deserving, "good" immigrants by highlighting and honoring European and other highly skilled immigrants as "examples of patriotism" and earners of the "American Dream." These good immigrants, as constructed through policy intentions and enactments, embody the assimilationist, meritocratic narrative that argues if you work hard you get ahead in America without attention to structural racism and barriers for minoritized groups. Not surprisingly these narratives, while outdated in most states, surface in the New Latino South with its more recent segregationist, Jim Crow history. These state resolutions showcase how policy intentions harken back to various eras in the U.S. when a homogenous American identity was on the rise and the struggle for a nation that is a "melting pot" was a goal before such discourse was problematized as diversity erasing (Gerstle, 1997). And yet, in 2013, I observe examples of how South Carolina policy attempts to utilize outdated arguments to construct or resurrect, perhaps, visions of the "good immigrant" (read: White, or at least assimilable). Meanwhile, Latinx immigrants, especially those "isolated Hispanic families," are constructed as at risk of academic failure, vulnerable, or an economic drain.

Moreover, the construction of good immigrants has unintended consequences for the Latinx undocumented immigrant community in South Carolina. As Rodriguez and Monreal (2017) argue elsewhere, policy documents produce migrants as illegal threats to the social and economic fabric of the state. Along this line of argument, De Genova (2013) argues, "Discursive formations that uphold and propagate the notion of migrant 'illegality' more than mere 'consequences' of a more

elementary (prior) violation persistently serve as veritable conditions of possibility for the larger sociopolitical procedures that generate and sustain this “illegality” (p. 1181). In other words, the state policy produces notions of good and deserving immigrants while positioning others as bad immigrants. What is worse is that policy production of migrant illegality fails to acknowledge how such “bad” immigrants enter into a racialized social structure that produces and reproduces their illegality by making it illegal and difficult to do anything right in their daily lives. Positioning Latinx undocumented immigrants in this way occurs as an (un)intended consequence of the construction of good immigrants and sustains a belief in the “naturalness” and “putative necessity of exclusion” that must be “verified” and “legitimated” through this larger policy process that both appears empathetic and protective of the state, and its good immigrants, while reifying notions of migrant illegality through “grandiose gesture of exclusion” in a different form (De Genova, 2013, p. 1181).

Finally, the data presented here related to explicit and implicit forms of exclusion perpetuates a deficit-based perspective toward Latinx immigrants South Carolina. This is evidenced by recognizing the work of Sisters Stella Breen and Sheila Byrne who spent their careers assisting “isolated Hispanic families, and migrant agricultural workers living in the poverty of crowded camps” that are in need of being rescued while other good immigrants are celebrated for their individualism, and pulling themselves up by their bootstraps in pursuit of the American myths of working hard to get ahead (Gerstle, 1997). Latinx immigrants are rendered charity cases regardless of immigration status.

Implications

The implications of these findings are severe and reveal a deep marginalization for Latinx (un)documented immigrants. While there is scholarship that reveals the disproportionate impact immigration policies have on constraining Latinx lives in the South, a contribution of this article lies in describing how various state policies are used as explicit and implicit tools to sustain exclusion from educational opportunity and social mobility. The process of policy formulation and enactment becomes another powerful mechanism to perpetuate marginalization and isolation as part of a larger anti-immigrant narrative in South Carolina, and of course in the national political milieu under the Trump administration. As Latinx undocumented immigrants are explicitly excluded from higher education, additional barriers occur in K-12 settings making immigrant children appear unassimilable. Policy hinders or blocks Latinx immigrants’ attempts to access traditional paths of upward mobility via continued schooling, while public discourse faults immigrant groups for not taking advantage of the education system to achieve the American Dream. Previous hopes, plans, and goals dissipate as “day-to-day struggles, stress, and the ever-present ceiling on opportunities similarly forced them to acknowledge the distance between their prior aspirations and present realities” (Gonzales, 2011, p. 614). Hence, the exclusionary sentiments, expressed through proposed and enacted state policy, have damaging material effects. Accordingly, policy blames the victim and plays a substantial role in a dynamic process that situates certain immigrants, and Latinx ones more generally, near (or at) the bottom of a racialized hierarchy of deservingness.

While I focus specifically on South Carolina, this research provides deeper insight and understanding into the unique context of the New Latino South where similar exclusionary policies circulate (Arriaga, 2017; Rodriguez & Monreal, 2017; Roth, 2017; Straubhaar & Portes, 2016). As federal protections such as the Deferred Actions for Childhood Arrivals program are removed by the current administration, immigration policy will continue to be fragmented and localized. This is significant because social resources get reorganized in states amidst political uncertainty for undocumented immigrants. Southern states like South Carolina maintain the anti-immigrant

narrative that is currently being broadcast and affirmed from the highest office in the land (Ngo, 2017). This uncertainty and hostility is ever-present as Southern states and localities that vigorously seek to maintain restrictive federal policies with the explicit attempt to capture undocumented Latinx immigrant young people in protected spaces such as schools and align law enforcement with immigration officers. Whereas some localities and states (such as California and New York) may thwart restrictive federal policies and anti-immigrant rhetoric, Southern states do the exact opposite. It is conceivable that the exclusionary processes based on the racialized notions of deservingness outlined above will expand in South Carolina and similar Southern policy contexts. Even more frightening are the localized policies in non-traditional contexts where immigrants are dispersing due to lower cost of living and economic opportunities.

Given the negative national and localized immigration discourse, it is imperative that education stakeholders do not perpetuate such tropes as the “good” or deserving immigrant in schools and work to actively stop local policies from proliferating. Many of the localities that such resistance to anti-immigrant sentiment can and does occur is in Southern faith communities. For instance, Nagel and Ehrkamp (2016) explain in their investigation of immigrants in Christian faith communities, the construction of deserving and undeserving immigrants is routinely produced and reproduced in social settings that are not obviously political, e.g., churches. The authors argue that even in “welcoming” congregations immigrants are expected to prove their worth, demonstrate merit, and “be better than ordinary Americans” (p. 13). In short, immigrants must conform to the expectations of the dominant group to be deemed deserving. In addition to faith communities, educators play a vital role in disrupting these incorrect assumptions, refuting anti-immigration discourse, and humanizing their students to others. In a context like the South educators can play a substantial role in disrupting popular public opinion. I argue that educators must also be more policy literate to counteract restrictive schooling climates and be informed actors to strategically advocate for undocumented students (Rodriguez, Monreal, & Howard, 2018). A better understanding of policy allows teachers to find opportunities to support undocumented students and resist larger structural marginalization and the spread of false narratives about immigrants’ lives.

Implications for Research

Finally, the findings indicate that much more attention needs to be paid to the proliferation and function of state policies. State policies and resolutions such as those analyzed here comprise a large portion of immigration-related legislation, nearly 60% (n=195 of 328) in the first half of 2017 (The National Conference of State Legislatures, 2017). And yet little research specifically investigates the impact of such policy on immigrants despite the rise of anti-immigrant sentiment and racism under the Trump administration. Although the policies reviewed here were mostly state resolutions that generally lack the legislative power to enact new programs, mandates, or laws, they comprise a substantial part of a policy discourse that has a material impact on the lives of Latinx (un)documented immigrants. Policy discourse also shapes and sustains hegemonic ideologies that enable a culture of surveillance and criminalization of Latinx (un)documented immigrants.

I have shown in this article that South Carolina state policies construct notions of good immigrants, employing and reinforcing tropes of deservingness with significant implications for the Latinx undocumented immigrant demographic that has been steadily reconfiguring the Southern landscape and the New Latino South since the 1990s. Thus, greater examination of state policies provides a more nuanced understanding of how immigrants are framed, constructed, and rendered (un)deserving across differing local contexts as was illustrated here through the trope of deservingness that I developed and built through this analysis.

Finally, a brief methodological implication related to this research speaks to the power of moving beyond benign policy analysis toward a more critical one. In this particular study, analyzing legislative actions through the framework of deservingness led to uncovering the theme of implicit exclusion, and allowed for a puncture to the narrative that only good immigrants are ones that assimilate and contribute economically, or join the Tea Party. In other words, this critical policy analysis through the framework of deservingness revealed the racialized hierarchies embedded in these constructions of good and/or bad immigrants. This was evidenced in how state policy honored mostly White, European immigrants for their patriotism and economic contributions. Instead of just pointing out what policy says, the attention to circulating discourses about immigrants, and their implicit exclusion exposed the effects of policy discourse on the lived and material realities of Latinx immigrant groups. The power in a more critical approach to policy discourse that circulates within legislative action is that this analytic process emphasizes how policy produces “particular truths” and knowledges about groups often with underlying ideologies toward particular groups that shape action and possibility (Ball, 1994, Gildersleeve, 2017; Rodriguez & Monreal, 2017).

Conclusion and Future Research

It would be easy to blame the Trump administration for the surge of anti-immigrant policies that they have enacted, including the fraught Muslim travel ban, ending the Deferred Action for Childhood Arrivals, and the more recent end of Temporary Protected Status for El Salvadoran immigrants that fled political violence under the U.S. cape of paternalism and savior mentalities in the 1980s and 1990s. While these blatantly racist attempts to whiten America are obvious to most, I argue that these horrific examples of racism do not overshadow the more strategic and localized ways in which southern states like South Carolina are and have been enshrining racist nativist attitudes into state policies and explicitly and implicitly excluding Latinx immigrant populations from educational opportunity and social mobility for a decade. By perpetuating a narrative that there exists binary of good or bad and deserving or undeserving immigrants that may or may not pose risks to the social and political structure of states, state policies ensure that the criminalization and marginalization of immigrants, in many case young children that arrive here through drastic means for a better life and access to education, will reign in a country that prides itself on principles of democracy and global leadership. Huber (2015) argues, “We must re-think discourses about who “deserves” U.S. integration. Finally, it is imperative that we are critical of how some immigrant youth are constructed as deserving, while others are not. We must position this critique within its larger social and political contexts, as young lives and futures are at stake in these debates” (p. 31). Future research should remain steadfastly attentive to local constellations of restrictive policies and instead support young immigrants’ social advancement through policies of integration and belonging.

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