



Young Lives on Hold:

The College Dreams of Undocumented Students

By Roberto G. Gonzales

With a Foreword by Marcelo M. Suárez-Orozco

April 2009

Acknowledgments

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Foreword

By Marcelo M. Suárez-Orozco

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We live in an era of global migration. South, north, east, west, humanity flows over, between and within the sacrosanct boundaries of nation states in a ceaseless throb of transformational change. Mass migration is the human face of globalization. It is fueled by the two other big “M’s” that define our era: markets and media. The integration of markets is behind the largest human migration ever recorded in history; the entry of China and India into global capitalism has shifted the epicenter of human movement to the East as hundreds of millions of Chinese and Indians flock from rural areas to cities in search of new lives. New media — especially globally linked information and communication technologies — are the “steroids” that give the social networks that have always sustained human migration unprecedented force.

Americans have an intuitive if ambivalent sense of immigration: It has always been with us — it has made us what we are as a country. It is literally a family affair. Yet a certain uneasiness remains. We love immigrants, mostly when looking back at previous waves of migration. We are especially fond of glossy recollections of the travels, travails and triumphs of our ancestors as they braved the improbable journey to this side of the American Dream. In the here and now, though, the feeling is different; immigrants inspire anxiety at best, exclusion and xenophobia at worst. Immigration’s deep historical reach in the United States clouds as much as it clarifies the realities of the new immigration. This is in part because we tend to distort and misunderstand our own historical experience with immigration and, more important, because many of the basic categories of understanding migration are no longer so useful. The world is no longer as neatly divided into countries of emigration (such as Ireland or Italy) and countries of immigration (Argentina, Australia or, of course, the United States) as they were a century ago. Today, nearly every region on earth — including Argentina,

Australia, Ireland, Italy and the United States — is struggling to manage the new complexities of global migration. Nor are the categories of legal and illegal immigrants neatly bound into binary opposites. Undocumented immigrants are not from the other side of the moon. Millions of them live in households with U.S. citizen kith and kin. The new messy reality of global migration requires clear thinking and, above all, smarter policy options to manage — in a proactive, legal and humane manner — a major challenge that will be with us for the next generation.

A good point of departure would be to link immigration policy to well-defined labor market objectives, changing demographic realities, our country’s values and the requirements for social cohesion in an increasingly diverse society. At the beginning of the new millennium, the United States, once a beacon and mythical land of migrants, finds itself at a loss. Its immigration policies are ever more out of touch with how migration works in the global era. U.S. policies have become largely dysfunctional qua any rational long-term labor and demographic ends and, most troubling, as this report delineates, many of the policies are increasingly inhumane.

Nowhere is the dysfunction in U.S. immigration more evident than in the area of unauthorized immigration. Unauthorized immigration is the elephant in the room. It dwarfs all other immigration concerns. This is especially troublesome because the United States is in the midst of the largest migratory wave in history: Since the 1990s, more than 1 million new immigrants have arrived each year. A total of approximately 38 million immigrants live in the U.S. — about three times the number of transnational immigrants in the world’s second-largest country of immigration, the Russian Federation.

Three features characterize the current wave of immigration to the U.S.:

1. The rate of unauthorized immigration is extremely high. Nearly one-third of the immigrant population of the United States is now undocumented, by far the largest number (and proportion) in U.S. immigration history. In total, the number is approximately 12 million unauthorized persons.
2. In many sectors of the U.S. economy, there is an enduring predilection for documented and undocumented immigrant labor.
3. Immigration has created a “demographic echo”: More than 70 million people in the United States are immigrants or the children of immigrants. Indeed, the children of immigrants are now the fastest-growing sector of the child population in the United States. Approximately 2 million children are in the United States as undocumented immigrants. More than 80 percent of the population growth over the next generation in the United States will be via migration — especially the children of immigrants.

These features of the new immigration constitute discrete scholarly domains, each with urgent policy implications.¹ Yet scholarship and policy are divorced as immigration becomes an ever more “radioactive” issue in the political sphere. This was clear in the 2008 presidential campaign, during which the issue was rarely debated. The problem of unauthorized immigration will not go away. If we are unable to solve it, the United States will pay a high price at the expense of social cohesion, labor market and societal regulation, and moral standing in the world.

The reality of 21st-century migration is that an economy cannot develop a penchant for (some might even say, an addiction to) migrant labor without absorbing the costs immigration exacts on society. When all is said and done in the context of a thoroughly global \$13 trillion-plus

United States economy, the net effects of immigration are a modest economic surplus.² Although the economic effects of immigration are highly regional and localized, the social effects are more diffuse: Immigration will change our country moving forward, just as it did looking back.

There is no scientific or scholarly debate regarding the virtuous cycles that education engenders. The data on this are monochromatic: Education is the “Camino Real” for human development, a powerful path to wellness, and possibly the best way to counter the inequality that threatens the social health of the nation.³ Education — especially inculcating and supporting strong literacy skills, communication skills and the skills required for what MIT and Harvard economists Frank Levy and Richard Murnane call “expert thinking”⁴ — generates powerful waves of social good. A UNICEF study concludes, “Education is perhaps a child’s strongest barrier against poverty,”⁵ and Harvard economist David Bloom argues that in a global era, “Education is more important than ever.”⁶ Educating all immigrant youth to their full human potential makes sense — indeed it would be a banal claim but for the tragedy of our inaction.

Roberto Gonzales does our country a service by clearly and methodologically outlining the complex issue of how to move forward with this sector of society: children who came to the United States with their immigrant families. I will not reiterate his claims. Suffice it to say that we can continue to put a detour sign derailing these immigrant youth, who *de facto* but alas not *de jure* are full members of the American family, but no common good can come if we follow this path. The preponderance of evidence shows that these youth, American in identity and spirit if not on paper, will surely remain in our midst. We can do the right thing and give those whose lives are marked by a modern-day scarlet letter a fair shot at becoming full members of the only family they really know and love: the American family. It is this family who must, however ambivalently, embrace them.

Executive Summary

The current political debate over undocumented immigrants in the United States has largely ignored the plight of undocumented children. Yet children account for 1.8 million, or 15 percent, of the undocumented immigrants now living in this country. Although not born in the United States, these children have, for the most part, grown up in the United States and received much of their primary and secondary school education here. But without a means to legalize their status, they are seldom able to go on to college and cannot work legally in this country. Moreover, at any time they can be deported to countries they barely know. This wasted talent imposes economic and emotional costs on undocumented students themselves and on the U.S. society as a whole.

Among the findings of this report:

- About 65,000 undocumented children who have lived in the United States for five years or longer graduate from high school each year. Although they can legally attend most colleges, they are not eligible for most forms of financial aid.
- Because of the barriers to their continued education and their exclusion from the legal workforce, only a fraction of undocumented high school graduates go to college.
- Given the opportunity to receive additional education and move into better-paying jobs, undocumented students would pay more in taxes and have more money to spend and invest in the U.S. economy.
- The 10 states that, since 2001, have passed laws allowing undocumented students who graduate from in-state high schools to qualify for in-state college tuition have *not* experienced a large influx of new immigrant students who have displaced native-born

students or added financial burdens to their education systems. In fact, these measures tend to *increase* school revenues by bringing in tuition from students who otherwise would not be in college.

- The bipartisan Development, Relief and Education for Alien Minors Act, first introduced in Congress in 2001, would fix a flaw in our current laws by providing a mechanism by which undocumented students who have lived in the U.S. since childhood may apply for legal permanent resident status if they graduate from high school and go on to college or military service.
- The DREAM Act would provide 360,000 undocumented high school graduates with a legal means to work and attend college, and could provide incentives for another 715,000 youngsters between the ages of 5 and 17 to finish high school and pursue postsecondary education.
- In strictly economic terms, the contributions that DREAM Act students would make over their lifetimes would dwarf the small additional investment in their education beyond high school, and the intangible benefits of legalizing and educating these students would be significant.

Currently trapped in a legal paradox, undocumented students in the United States have the right to a primary and secondary school education, but then face uncertainty upon graduation from high school. While some states explicitly allow undocumented students to attend college, there are many confusing, gray areas that cloud the college admissions, financial aid and enrollment processes. Moreover, undocumented students cannot legally join their native-born peers in the workforce, where Bureau of Labor Statistics data indicate educated workers are needed.

A significant proportion of undocumented students have navigated our K-12 schools successfully despite the challenges of migration and discrimination — in addition to the typical difficulties faced by all adolescents. Many have the academic preparation to pursue a postsecondary education, but their economic and social mobility is severely restricted by their undocumented status.

The DREAM Act would provide a path to legal residence for undocumented youth. It also would open the door to college for tens of thousands of students who have the knowledge, skills and aspirations to pursue a college degree and to make a healthy, sustained and important contribution to the economic and social well-being of our nation.



Introduction

In 1951, Langston Hughes asked, “What happens to a dream deferred?”¹ This question would later inspire playwright Lorraine Hansberry to write “A Raisin in the Sun,” taking the title from the first stanza of Hughes’ poem. Hansberry would become the first black woman to write a play produced on Broadway, while Hughes sustained a career as a poet, novelist, playwright and columnist. In “Harlem,” Hughes poses two questions fundamental to the predicament of African Americans living amid racial segregation and social exclusion in the early 1950s: What are the implications of exclusion for individuals and communities, and what effect does social marginalization have on the individual psyche? These questions went straight to the heart of what it meant to be African American in Northern cities during the early 1950s, no longer in the grips of the Jim Crow South yet still living without full membership in American society.

Today, another group of young Americans finds itself caught in a predicament, pondering the same sorts of questions. Each year, tens of thousands of students who have grown up in the United States graduate from high school with little means to participate in American society. The barriers they face are social, financial and legal. Their unique social position between their parents and their native-born peers places them on the margins of their communities. Many of them grow up in poverty with all of the associated stresses and dangers. Nearly 40 percent of undocumented children live below the federal poverty level (compared to 17 percent of native-born children), while the average income of undocumented immigrant families is 40 percent lower than that of either native-born families or legal immigrant families.² Although these children receive free public K-12 education, once they reach college age, they are largely on their own. Despite the fact that they spend most of their childhood

and adolescence in the United States, graduate from U.S. high schools, and are accepted to U.S. colleges and universities, in most states they are required to pay out-of-state tuition at public colleges and universities (at more than 140 percent of resident tuition). They also cannot receive federal financial aid for their education, which prohibits them from receiving Pell Grants and participating in federally funded work-study programs. And regardless of their educational attainment, English fluency and years lived in the United States, these young people, like their parents, are legally excluded from the workforce.

A sizable number of children are growing up and being schooled in the United States without the ability to realize their dreams and actualize their education. Contradictions in our laws have created a vulnerable subset in our population — children who have been raised to dream, yet are cut off from the very mechanisms that allow them to achieve their dreams. These children account for 1.8 million, or 15 percent, of all undocumented immigrants now living in this country. Their numbers and circumstances prompt us to consider their plight one of the most poignant civil rights issues of our time: whether and how to provide equitable postsecondary educational opportunities for undocumented children and how to provide them with legitimate legal pathways.

What happens to these students is a question fraught with political and economic significance. The decisions (or lack of such) made by policymakers and the actions taken by government agencies, colleges and universities, community-based organizations and local chambers of commerce will have profound effects not only on these children but also on higher education institutions. If we continue on our current path, making it increasingly more difficult for them to access higher education, we could

lose a generation of promise and in the process run the risk of dragging down entire communities. We also erode the nation's well-being as a whole. On the other hand, if we make it possible for them to attain legal status and to complete their education, we can completely transform their lives — and enhance the nation's social and economic security.

This report draws on extensive interviews with undocumented young adults and the latest research on immigration and educational and economic trends. Based on this collective research, it is evident that — at a time when the supply of available workers in the United States, especially highly skilled workers, is not meeting the demands of the U.S. labor market — providing undocumented students with opportunities to pursue a higher education and to work legally in this country would benefit U.S. taxpayers and the U.S. economy overall. This is true for a diverse range of undocumented Hispanic-, Asian-, African- and European-origin children whose talents and potential remain largely untapped.

'The 1.5 Generation'

7

Until the 1980s, undocumented immigrants to the United States were mostly seasonal labor migrants who left their children and families back in their countries of origin. During the last three decades, however, dislocations in home countries, increased labor migration and accompanying increases in settlement have dramatically altered the contours of today's migration and the immigrant family. As a result, the undocumented population now consists of growing numbers of women and children. Our immigration laws have not kept pace with these changes.

Born abroad and brought by their parents at an early age to live in the United States, undocumented children are among those youth referred to in academic literature as the "1.5 generation," because they fit somewhere between the first and second generations.³ They are not first-generation immigrants because they did not choose to migrate, but neither do they belong to the second generation because they were born and spent part of their childhood outside of the United States. In a sense, they straddle two worlds. Their origins include the Americas, Asia, Europe and Africa.⁴ Although they may have some association with their countries of birth, their primary identification is informed by their experiences growing up in the United States. With every year lived in the United States, the distance grows between them and the native countries of their parents, as they speak more English and less of their parents' language. In fact, members of the 1.5 generation are often called upon to assist their parents in the acculturation and adaptation process. Ironically, each year also brings them closer to the legal restrictions experienced by their parents. As they reach adolescence and early adulthood, the day-to-day lives of these students become severely restricted and their futures uncertain. They cannot legally work, vote or drive in most states. Moreover, at any time, these young men and women can be, and sometimes are, deported to countries they barely know.

Members of the 1.5 generation have, for the most part, received much of their primary and secondary school education here. Each year about 65,000 undocumented children who have lived in the United States for five years or longer graduate from high school.⁵ Their mannerisms, interests and aspirations are identical to those of their American-born peers. They are honor roll students, athletes, class presidents, valedictorians, and aspiring teachers, engineers and doctors. They also tend to be bicultural, and almost all of them are fluent in English.

Their bilingual and bicultural skills — assets at any level — give them an advantage in the global economy.

But the experiences of undocumented children belonging to the 1.5 generation represent dreams deferred. They have high aspirations, encouraged at home and in school, yet are at risk of being forced into the margins of society. Such wasted talent imposes financial and emotional costs not only on undocumented children themselves but also on the U.S. economy and society as a whole.

Cory

Cory came to the United States with her family at the age of 3. Her father, a lighting installer in the Philippines, was left without a job when the disco craze finally died down in the late 1990s. Not knowing anything about the U.S. immigration system but knowing other families who received sponsorship through the medical field, Cory's parents decided to set out for the United States to find the American Dream. However, neither of her parents had family members living in the United States, nor did they have the education or specialized skills to go through the medical pipeline.

Cory grew up like any other American child. After completing high school, she worked hard to gain acceptance to a selective public university. However, because of the legal restrictions on access to employment and student financial aid, she sees no clear cause and effect between hard work and tangible results. Although she speaks English and does not know much at all about her country of birth, Cory is excluded from most facets of American life. She cannot drive legally, compete for the kinds of jobs chosen by her American-born peers, or travel or participate in activities with an age requirement; and she has trouble cashing checks and checking out books from the library. She describes her situation as a "weird psychological and legal sense of stunted growth."

Without the ability to compete for financial aid, Cory's college experience has been characterized by several spurts and interruptions. Given her current pace, she expects to finish her degree in eight years. It has taken her twice the usual amount of time to complete her course work because she frequently takes time off to find ways to pay for her studies. Going to school intermittently has certainly affected Cory's ability to integrate into campus life and to experience any continuity in her studies.

Cory has also had a lot of time to think about her situation. Because she cannot get a driver's license, some days she spends up to six hours commuting on the bus. Most Americans cannot afford that much idle time during a day; however, Cory sees little choice. She spends her life going to school, working to pay for school and waiting for a change in her circumstances. In many ways, Cory compares her life to her long bus commutes. "I find myself moving very slowly, looking at the nothingness and time passing by, as I go through a series of stops and detours." Cory has the talent and wisdom to make a positive contribution to society but is not yet able to get off that bus.

Recent estimates provide a portrait of the countries of origin of today's undocumented youth.⁶ As of March 2008, there were 11.9 million undocumented migrants living in the United States. They represent countries from around the globe, but most come from Latin America: Of the 9.6 million unauthorized immigrants from Latin American countries, 7 million are from Mexico. Although small by comparison, the number of other undocumented immigrants has risen since 2000; they represent Asia (12 percent), Europe and Canada (4 percent), and Africa and other countries (4 percent).

Because such a large share of the undocumented are of Latin American origin and a similarly significant share of foreign-born Latinos are undocumented, what happens to these immigrants has implications not only for Latinos but for society in general. A closer look at the Latino population, documented and undocumented, reveals a great deal about the future of Latino youth and the potential social, political and economic effects of Latinos. From April 2000 to July 2007, Latinos have accounted for more than half (50.5 percent) of the overall population growth in the United States, an increase of 10.2 million and a growth of 29 percent.⁷ While the expansion of the Hispanic population was due primarily to immigration in the 1980s and 1990s, births are now outpacing immigration and will increasingly become the most important component of their growth. According to the U.S. Census Bureau, about 60 percent of the increase (or 6 million) is due to births and 40 percent is due to net international migration. These numbers shed important light on the future of our communities, schools and workforce.

Between 1990 and 2000, Latinos contributed more than one-third of the increase in the population of 15- to 19-year-olds and accounted for one in five new entrants

into the national labor force in 2000. Given its relative youth and barring unforeseen events, demographic trends — such as falling fertility rates among non-Latino women, higher fertility rates among Latinas and continued immigration from Latin America — ensure that the health of the U.S. economy will depend on the skills and knowledge of both foreign-born and native-born Latino workers.⁸

Although many undocumented students come from Mexico and other Latin American countries, nearly a quarter of them do not. After Latin America, the second-largest sending region is Asia. At 12 percent of the total undocumented population, undocumented Asians number slightly more than 1.4 million. This is particularly significant given that their 63 percent increase, from 1990 to 2000, makes Asian Americans the fastest growing of all major racial/ethnic groups.⁹ In contrast to Latino population growth, the majority of the growth in the Asian American population is due to immigration — 90 percent of Asian Americans today are of foreign birth or parentage (see “The Hidden Diversity of Undocumented Students,” on next page).¹⁰

The scale of population growth among Hispanic, Asian and other immigrant populations compounds the economic importance of their educational attainment. Giving undocumented students the opportunity to pursue a higher education and move up the career ladder would boost the economic potential of these populations and the U.S. economy as well. Conversely, denying this opportunity to undocumented students would send precisely the wrong message at a time when raising the educational attainment of Hispanics, Asians and other immigrant groups is increasingly important to the nation's economic health.



The Hidden Diversity of Undocumented Students

The Asian American and Pacific Islander community exhibits amazing levels of diversity. AAPIs represent a vast array of cultures and hundreds of languages and dialects representing more than 28 Asian nations and 19 Pacific Island nations (including Native Hawaiians and other natives living in the U.S. protectorates of Guam, American Samoa and the Commonwealth of the Northern Marianas, or Americans with origins from one or more of the Pacific Island nations). According to the U.S. Census Bureau, in 2006 there were an estimated 14.9 million AAPIs living in the United States, or 5 percent of the nation's population.¹¹

A recent College Board report takes aim at the damaging effects of the model minority stereotype attributed to AAPIs in the United States.¹² The authors argue that such limited and limiting portrayals of Asian Americans — as academically successful, financially secure and emotionally stable — mask the diversity within the AAPI community and obscure educational needs and family poverty. The report further asserts that this focus on the model minority's success has resulted in a lack of scholarship that addresses low achievement among AAPI students; prevented counselors, teachers and policymakers from understanding the difficulties and problems of these students; and ultimately led to neglect of programs and services for these students.

The model minority stereotype also masks the problems of undocumented AAPI students, who represent a growing and significant demographic. Similar to other undocumented youth, undocumented AAPI students face extreme difficulty negotiating stigma, financing college and dealing with uncertain futures. Moreover, many undocumented AAPI students

remain hidden because their families enforce silence and secrecy for fear of being discovered and deported.¹³ These students often do not receive the attention and assistance required to navigate the unfamiliar terrain of higher education.

In California and other states, undocumented Asians make up a disproportionate number of undocumented students in colleges and universities. In the University of California system, since the implementation of Assembly Bill (AB) 540 — a bill that allows students who have attended and graduated from California high schools to pay tuition at in-state rates — Asian Americans have made up 45 to 50 percent of those paying in-state tuition, and 40 to 44 percent of all undocumented students paying in-state tuition.¹⁴ In the 2005-06 academic year, Asian American students represented 55 to 60 percent of students paying in-state tuition under AB 540 and 40 to 44 percent of all undocumented students paying in-state tuition.¹⁵

Many undocumented AAPI students came to this country with valid documentation and lost their status when they overstayed their visas. Some have experienced difficulty becoming classified as undocumented and, therefore, eligible for in-state tuition. In California, undocumented Asian students at the University of California at San Diego and several community colleges were initially denied in-state tuition because of a narrow interpretation of the state's AB 540 law.¹⁶ After several local and national advocacy organizations worked with the schools to clarify the situation, the students were able to enroll and receive the AB 540 exemption.¹⁷

Steven

Steven left South Korea with his parents when he was 11 years old. His father, an engineer, was granted an H-1B visa to work legally in the United States, while Steven and his mother were provided H-4 dependent visas. A legal resident, Steven grew up without any worries associated with his immigration status. He was actively involved in his church's youth group and played on his high school volleyball team. Steven also developed an interest in film, wanting to capture the experiences of immigrant communities like those in Flushing and Jackson Heights in Queens, N.Y.

Steven's father was not able to keep his visa because of troubles with his job. With the expiration of the work visa, Steven's immigration status also changed. Steven's world changed seemingly overnight: He was no longer in the country legally. He had never thought of being excluded from school or work opportunities, but suddenly he found he was not even able to rent a movie by himself. Over the years, Steven's parents had developed relationships and linkages within their community, anchoring them there. And while they could get by back in Seoul, they worried about the linguistic and cultural difficulties Steven might have if they returned to South Korea.

At 24 years of age, Steven remains actively involved at church. He leads the youth group and coaches its volleyball team. He also coordinates food and clothing drives for less fortunate families in the United States and abroad. However, Steven's trajectory has been leveled by his immigrant status. After five years of taking classes at the community college, last year Steven was finally able to transfer to a four-year university within the city's public university system. He hopes to move on to film school, but worries about the overwhelming costs. For now, he trades his cinematic lens for the day-to-day views from the number 7 train, as he travels to and from school.

The Plyler Precedent

More than 25 years ago, the Supreme Court ruled in *Plyler v. Doe* (1982) that undocumented children are "persons" under the Constitution and thus entitled to equal protection under the law according to the 14th Amendment. The court held that states therefore may not discriminate against them on the basis of their legal status in the provision of public elementary and secondary school education.¹⁸ In Justice Brennan's majority opinion, he noted that while education is not a fundamental right, denying K-12 education to undocumented children amounted to creating a "lifetime of hardship" and a permanent "underclass" of individuals. The *Plyler* ruling and Brennan's remarks made explicit the link between education and social mobility, a central and important aspect of the education access debate.¹⁹

As a result of the *Plyler* decision, almost all undocumented children attend elementary school. Tens of thousands of motivated undocumented students succeed in graduating from high school each year, many with the necessary academic preparation and motivation to attend college.²⁰ The *Plyler* ruling, however, did not address public education beyond high school. Once undocumented students graduate, they encounter uncertain paths to higher education and beyond. In this sense, the requirement of providing a secondary school education leads to a false promise of opportunity for students to develop their full capacity. For reasons covered on the following pages, by initiating education only to deny it later, our current laws fail not only the students but also the community at large, and on a purely practical level, the investment already made in their education is lost.

Moreover, since the *Plyler* ruling, the U.S. economy and the structure of the labor market have changed dramatically. Today, “a high school diploma creates fewer opportunities for those entering the labor market. Arguably, the ticket to social and economic mobility has increasingly become a college degree. ... While in 1982 the Supreme Court sought to prevent the creation of an underclass of undocumented individuals by assuring access to free public K-12 education, the new educational ‘ticket to the middle class’ may well be a college degree.”²¹

Federal law does not expressly prohibit the admission of undocumented immigrants to U.S. colleges and universities. In contrast to employment law, no federal statutes require disclosure and proof of immigration status and citizenship for students to enter higher education. Yet the contradictions remain.

The growing pool of young adults who lack both adequate educational access to keep them socially mobile and the legal right to work in the United States presents serious problems not only for the students themselves but also for U.S. society as a whole. Whether it is fair or not to make special legal concessions to children, who did not have much (or any) say in the decision to come to or stay in this country without authorization, depends on one’s philosophical stance. However, what is not open to subjective debate is that the initial investment in their K-12 education pays relatively few economic dividends as long as they are limited in their ability to continue on to college and obtain higher-skilled (and higher-paying) jobs that require more than a high school diploma.

César

Ever since he was young, science has been César’s passion. During his senior year of high school, he was accepted to the University of California, Berkeley. His excitement was short-lived, however, after receiving a phone call from the office of admissions asking for his Social Security number. At that time, there was no allowance for undocumented students to pay in-state tuition, and César’s family could not afford to send him to Berkeley. Instead, he enrolled in a community college, finishing with a 3.8 grade point average and honors. Meanwhile, his parents took extra jobs and saved enough money to pay for his tuition at UCLA, which costs nearly \$25,000 a year.

César graduated two years later with a B.A. in molecular, cell and developmental biology. He was offered a job in a cytogenetics lab analyzing chromosomes under a microscope, but ultimately could not accept the job because of his undocumented status. He took an internship in a similar lab, albeit without pay. This past spring, César finished a master’s program in public health and has recently been accepted to a one-year

postbaccalaureate program in medicine at a nearby university. He continues to pursue his education while waiting for a door to open to medical school. Given his education and valuable experience, César has what he needs to be competitive with other medical school applicants. Because he is undocumented, however, he does not have access to grants, loans and other sources of financial aid. César refuses to give up, but is facing the frustration of blocked opportunities. At every step along his postsecondary educational journey, he has successfully navigated obstacles. To his advantage, César has a strong network of support and resources among his family, school personnel and community members. This social capital has enabled him to actively pursue education.

What is next is uncertain. In the eyes of the federal government, talented students such as César are not entitled to work legally in this country despite having advanced degrees. In turn, while César and others like him wait, the United States loses the opportunity to benefit from his education, talent and drive.

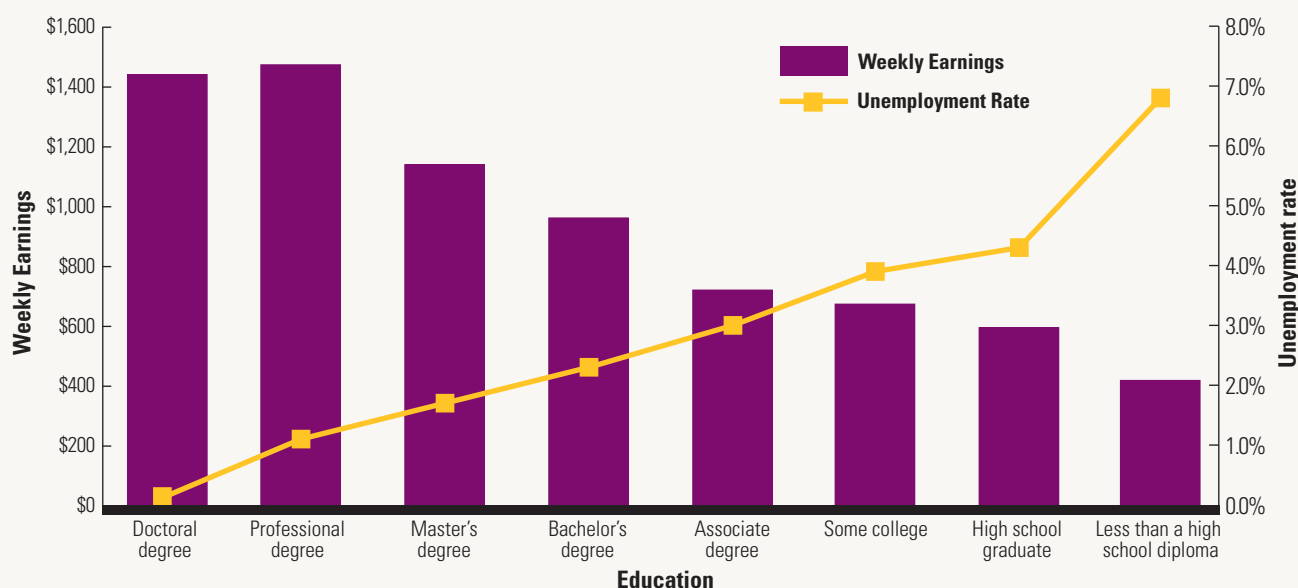
Beyond Salaries: The Dividends of Legal Status

Research indicates that when given an opportunity to regularize their status, undocumented immigrants experience substantial upward mobility. For instance, studies of undocumented immigrants who received legal status under the 1986 Immigration Reform and Control Act have found that, over time, legalized immigrants moved on to significantly better jobs.²² Similarly, the U.S. Department of Labor found that the wages of immigrants legalized under IRCA had increased by roughly 15 percent five years later.²³ Given the opportunity to receive additional education and training, and move into better paying jobs, legalized immigrants pay more in taxes and have more money to spend and invest. It is therefore likely that if currently undocumented students were granted legal status, they would not only improve their own circumstances but, in turn, make greater contributions to the U.S. economy. In fact, the economic benefits derived

from obtaining legal status would likely be even greater for the undocumented 1.5 generation because these students would combine their newfound labor mobility and freedom from immigration enforcement with significantly increased educational attainment.

As a result of long-term structural trends in the U.S. economy, participation in postsecondary education is no longer a luxury but a necessity for nearly anyone who wishes to successfully compete in today's labor market and command a living wage.²⁴ With every step up the degree ladder, workers gain in salary and employment opportunities. According to the Bureau of Labor Statistics, workers who lacked a high school diploma in 2006 earned an average of only \$419 per week and had an unemployment rate of 6.8 percent. In contrast, workers

Figure 1: Average Weekly Earnings and Unemployment Rate of Full-Time Workers Ages 25-64 by Educational Attainment, 2006



Source: Bureau of Labor Statistics, "Spotlight on Statistics: Back to School Data," based on 2005 Current Population Survey, http://www.bls.gov/spotlight/2007/back_to_school/data.htm#table1.

with a bachelor's degree earned \$962 per week and had an unemployment rate of 2.3 percent, while those with a doctorate earned \$1,441 and had an unemployment rate of only 1.4 percent (see Figure 1).²⁵

These BLS figures are further corroborated by recent data compiled and analyzed by the College Board. In the 2007 edition of "Education Pays: The Benefits of Higher Education for Individuals and Society,"²⁶ authors Sandy Baum and Jennifer Ma found that individuals, their families and society as a whole benefit from higher levels of education. For both men and women, across all racial and ethnic groups, Baum and Ma found a positive correlation between higher levels of education and higher earnings. In fact, over the course of their working lives, the average college graduate earns in excess of 60 percent more than typical high school graduates, and those with advanced degrees earn two to three times as much as high school graduates.

Beyond salaries, college graduates are more likely than others to enjoy better health and employment-related benefits, such as employer-provided health insurance and pension benefits. As a result, society in general enjoys great financial and social returns on investments in higher education. Workers with higher levels of education are more productive, and their higher earnings generate higher tax payments at local, state and federal levels. In addition, college-educated workers are more likely to engage in organized volunteer work, donate blood, live healthy lifestyles and be more open to the differing views of others. Moreover, their children exhibit higher cognitive skills and engage in higher levels of extracurricular, cultural, athletic and religious activities than other children. When combined, the benefits of a college education to society are substantial.

A 1999 RAND study found that, although raising the college graduation rate of Hispanics and African Americans to the same level as that of non-Hispanic whites would increase spending on public education (by about 10 percent nationwide and 20 percent in California), these costs would be more than offset by savings in public health and welfare expenditures and increased tax revenues resulting from higher incomes. For instance, a 30-year-old Mexican immigrant woman with a college degree will pay \$5,300 more in taxes and require \$3,900 less in government expenses each year compared to a high school dropout with similar characteristics.²⁷ As the RAND study suggests, spending money on the education of Hispanic and immigrant children represents an investment that is recouped by taxpayers.

Filling Job Needs

The economic importance of immigrant workers is magnified further by long-term demographic trends in the United States. According to BLS projections, the U.S. labor force is expected to grow by 13 percent between 2004 and 2014, from 145.6 million to 164.5 million.²⁸ However, despite an absolute increase, the rate of labor-force growth has been declining during the last two decades as fewer native-born workers become available to join the labor force with every birth cohort. Immigration helps the economy to overcome this demographic shortfall.²⁹ In fact, the immigrant share of the nation's labor force has tripled from 5 percent in 1970 to nearly 15 percent in 2005.³⁰

Moreover, immigrant workers accounted for 49 percent of total labor-force growth between 1996 and 2000, and as much as 60 percent between 2000 and 2004. According to some estimates, immigrants and their children together will account for the entire growth of the U.S. labor force between 2010 and 2030.³¹

The U.S. economy faces another challenge — a mismatch between the demand for educated workers and the available supply. BLS estimates that many of the occupations that will be most in demand in years to come will rely on highly educated workers. Of the 15 occupations projected to grow at least twice as fast as the national average

Rosalba

Rosalba arrived in the United States when she was 10. Despite her undocumented status, Rosalba successfully navigated the education system and found scholarships available to immigrant students at the community college and university levels. In-state tuition made it possible for her to finish her education. Her resolve not to take “no” for an answer, coupled with an impressive network of supportive community members and school officials, opened up numerous doors for her along the way. By the time she was 26, Rosalba had more education than most of her U.S.-born peers, with a B.S. in mathematics, all of the requirements for the California teaching credential and only one semester remaining for an M.S. in mathematics. She was tutoring as a means of earning money and, more importantly, to do something related to her dream job as a teacher. However, because of her undocumented status, her future was uncertain and out of her hands.

On Feb. 14, 2007, Rosalba received a Valentine's gift that would change her life. Her father, who received his green card as a result of the IRCA legalization in the 1980s, had initiated the process to sponsor Rosalba

and her sister for legal status years before. While her sister had been able to obtain legal residency by her fourth year of college, Rosalba turned 21 during the process, “aged out” of eligibility to be sponsored for legal status by her father, and had to start over. She waited for 12 long years, accumulating degrees in the process. On Valentine's Day, Rosalba's work permit arrived in the mail and she immediately applied for residency, which she received shortly thereafter. She sent off for her teaching credentials and let her friends and supporters know. Because Rosalba had prepared herself with education and volunteer experience, she was more than qualified once she was allowed to work. By the end of the week, she had three separate job offers to teach math from three schools. Because of teacher shortages in California, good, qualified teachers are at a premium. By the spring, Rosalba was teaching in the classroom at a school not far from her home. She is using her valuable education to give back to those who supported her and to help prepare students who find themselves in her old shoes. She has become a vital, contributing member of her community and U.S. society — and is doing something she loves.

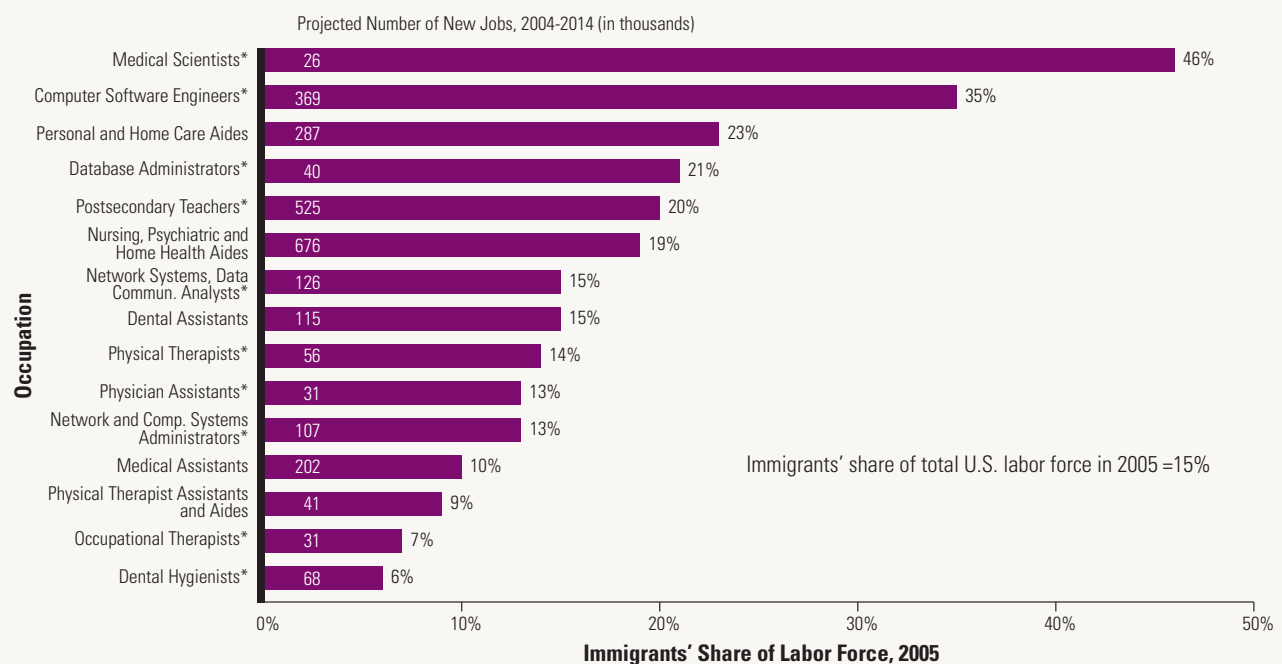
(13 percent), 10 require an associate degree or higher. In four of these higher-skilled occupations, immigrants accounted for a greater share of workers than in the U.S. labor force as a whole in 2005: medical scientists (46 percent), computer software engineers (35 percent), database administrators (21 percent) and postsecondary teachers (20 percent) (see Figure 2).³²

California is experiencing similar economic trends. In California, 12 of the 15 occupations projected to grow the fastest between 2004 and 2014 require workers with at least an associate degree. Home to 27 percent of all immigrants and 12 percent of all U.S. workers, California

already has a large share of immigrant workers in these occupations, especially among medical scientists, computer software engineers, database administrators and registered nurses (see Figure 3).³³

Yet, like other states, California is experiencing labor shortages in some of these key growth areas. A recent report by the Public Policy Institute of California points out a mismatch between the level of skills the California population is likely to possess in coming years and the level of skills required to meet the needs of the state economy.³⁴ Currently, there are too few college graduates in California to meet demand and not enough coming

Figure 2: Immigrants' Share of U.S. Labor Force in 2005 in the 15 Occupations Projected to Grow Fastest During 2004-2014



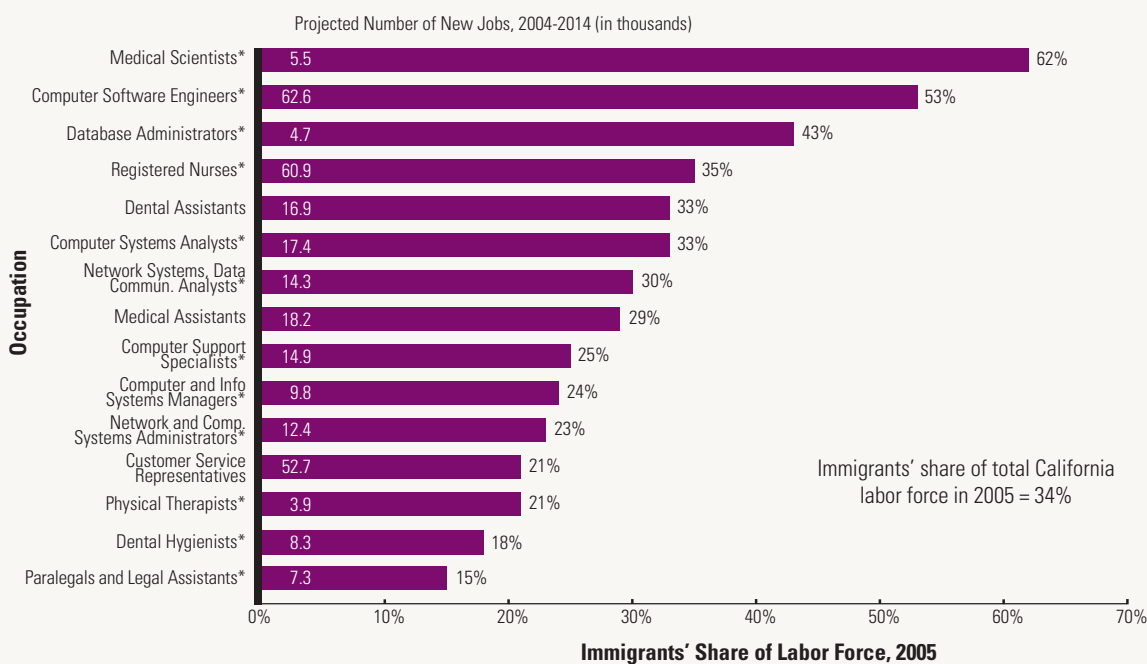
Sources: Bureau of Labor Statistics, "2006-2007 Occupational Outlook Handbook," Table IV-1. Occupational employment and job openings data, 2004-14 (<http://www.bls.gov/emp/optd/home.html>); American Community Survey 2005

* Requires an associate degree or higher.

from other states. PPIC projects that by 2025, 41 percent of the state's jobs will require a college education, but only 32 percent of workers in the state will have the necessary education. To bridge the gap between supply and demand, the report argues, California — and the United States overall — will need to educate more native-born youngsters and bring in more highly skilled workers from other countries. While the PPIC report does not deny the need for less-skilled workers as well, it makes a strong argument for a mismatch between the creation of high-skill jobs and the supply of highly skilled workers.

Fortunately, many of the youngsters who have the education and skills to fill job shortages already live in the United States and have aspirations to pursue postsecondary education and enter the workforce. However, at the current time, they are ineligible to put their education and training to work in their states' and the country's labor force. As the United States moves into the 21st century — and as part of an increasingly integrated global economy — it is imperative to develop policies at the federal level to help these talented students gain access to postsecondary educational opportunities and the workforce as legal residents.

Figure 3: Immigrants' Share of California Labor Force in 2005 in the 15 Occupations Projected to Grow Fastest During 2004-2014



Sources: Bureau of Labor Statistics, "2006-2007 Occupational Outlook Handbook," Table IV-1. Occupational employment and job openings data, 2004-14 (<http://www.bls.gov/emp/optd/home.htm>); American Community Survey 2005

* Requires an associate degree or higher.

Shirley

Shirley, a Brazilian of Chinese descent, was brought to the United States by her parents in 2002. Even though she arrived in the middle of her junior year of high school, Shirley was determined to graduate on time. She took eight classes each semester — two more than the average course load. She also enrolled in night and summer school, learned how to swim on the weekends and spent her winter holidays taking driver's education. She challenged herself to gain fluency in English and enrolled in advanced American literature classes from her first semester on. Outside her classes, Shirley was a highly accomplished soccer player and participated actively in the peer resources club, recycling program and an environmental restoration project at a nearby park. She spent her remaining time researching scholarships.

Because of her tremendous hard work, Shirley was already qualified to apply to her dream school in her senior year. She had hoped to enroll for the following year. But just a few months before Shirley's high school graduation, her parents suddenly returned to Brazil, leaving her with full responsibility for her two younger siblings and a limited budget barely adequate to cover the cost of food for the family. Her new responsibilities and financial concerns meant that she could not enroll in a four-year university as planned.

Shirley did not give up on her dream of attending college. With the help of private scholarships, she took classes at the local community college. In two years she graduated with an A.S. degree in allied health, a 4.0 grade point average and highest honors. She found babysitting jobs to help with the family income and saved money for her education. She reapplied to the university and was accepted, earning a scholarship from the sociology department. She now tutors and babysits on the side to earn money for books and other school supplies.

Although Shirley is set to graduate at the end of the semester, she tries not to think too much about her future plans. "My situation doesn't let me think that far ahead," she says. Still, she continues to dream. Shirley hopes proposed changes in federal immigration policy will offer her and other undocumented students a path to citizenship and a chance to work legally after graduation. "I want to be someone in between two groups, the privileged and the less powerful," she says. "Perhaps a translator, educator or policymaker."

State and Local Policies Are Not Adequate

The nation's complex immigration problems are often spotlighted in the news. State and local officials point fingers at the federal government, but no comprehensive policy has been established. Most of the solutions proposed to date fail to address the complexity and diversity of the undocumented population and have focused chiefly on unilateral enforcement rather than a more nuanced integration. These approaches have largely ignored the particular needs of families and children. If immigration policies are to match today's realities, Congress will have to provide the solutions. In the absence of a comprehensive set of immigration policies at the federal level, individual states and localities are left to reconcile these problems on their own.

As a result, the last two or three years have witnessed huge increases in state- and local-level activity.³⁵ While some states adopted measures to help immigrants by protecting them from exploitation and extending education and health care to immigrant children, many other states have drafted a wide range of anti-immigrant legislation. These measures restrict access to education, employment, driver's licenses, legal protection, legal services, public benefits, housing, alcohol and tobacco purchases, and gun and firearm permits.

Individual states have also attempted to make strides in settling the uncertain situation of college attendance by undocumented students. By seeking to decouple education and immigration, some states have opted to provide those who attend and graduate from state high schools with access to the same in-state tuition rates available to other students attending public colleges and universities in their states. Other states have taken the opposite approach by seeking to deny admission to undocumented immigrant students. The vast majority of states, however, simply do not have any state policies with respect to undocumented immigrant students.

In fact, the lack of clarity in federal law regarding their participation in institutions of higher learning has left many states without a means to assess their own policies with regard to educational access.

Since 2001, 10 states have passed laws allowing students who attend and graduate from in-state high schools to qualify for in-state tuition in their public colleges, regardless of immigration status (see table below).³⁶ These measures have eased some of the financial barriers and have allowed increasing numbers of undocumented students the opportunity to attend college.³⁷ Beyond the instrumental functions of the law, these in-state tuition exemptions also provide a less stigmatizing label that signals students' legal permission on one hand, and gives them a legitimized identity on the other.³⁸ Undocumented students in California, for example, can call themselves AB 540 students — a name they can more safely use in public, since few people know the meaning.

In-State Tuition Initiatives³⁹

State	Year of Passage and Law Number	Financial Aid
Texas	2001 — HB 1403	Yes
California	2001 — AB 540	No
Utah	2002 — HB 144	No
New York	2002 — SB 7784	No
Washington	2003 — HB 1079	No
Illinois	2003 — HB 0060	No
Oklahoma	2003 — HB 1559	Limited
Kansas	2004 — HB 2145	No
New Mexico	2005 — SB 582	Yes
Nebraska	2006 — LB 239	No

Despite the already numerous and onerous barriers, there have been efforts to further restrict access to postsecondary education. Taking aim at the contradictions inherent in current national law and the relative uncertainty in state and local policies, a handful of states and individual institutions have attempted to erect exclusionary policies. Most recently, the actions of the North Carolina Attorney General's Office and the State Board of Community Colleges reveal the confusion associated with the current contradictions of immigration and education policies.⁴⁰ A November 2007 ruling by the North Carolina Community Colleges required all 58 campuses to enroll students regardless of immigrant status. Yet in May 2008, the Office of the State Attorney General drafted a letter stating that higher education is a public benefit to which "illegal" immigrants are not entitled under federal law, and that colleges should revert to a policy that would allow immigrants to take only non-college-level courses, such as adult high school and ESL. In July, the North Carolina Attorney General's Office, responding to a statement from the U.S. Immigration and Customs Enforcement, informed the system that federal law does not prohibit undocumented immigrant students from attending college. Indeed, no federal law prohibits North Carolina or any other state from admitting undocumented students to its colleges and universities, nor requires schools to determine students' immigration status. Still, on Aug. 15, 2008, leaders of the state's community colleges voted to close their doors to undocumented students until officials complete a study and set a permanent policy.

Similarly, after only a brief discussion two weeks prior to a vote, Alabama's state board of education passed a law denying undocumented immigrant students admission to state two-year colleges.⁴¹ Despite one board member's calls to delay the vote for more discussion and four of the nine members' absence, the policy will take effect next spring, when applicants to the community college system

will be required to show an Alabama driver's license, state identification card, an unexpired U.S. passport or an unexpired U.S. permanent resident card.

The decisions by the North Carolina and Alabama community colleges follow on the heels of a recent decision by the state of South Carolina to ban undocumented students from attending or receiving financial aid to attend public colleges or universities in the state. Some individual colleges, such as the University of Arkansas, the University of Connecticut and some Virginia colleges, have attempted to deny undocumented students admission based on their immigrant status. Furthermore, in 2007, Missouri and Virginia introduced, but have not yet passed, laws to prohibit undocumented students from college attendance.

Most recently, a California appeals court ruled that AB 540, California's in-state tuition law, can be challenged.⁴² This ruling comes three years after the original lawsuit was put into motion, and seven years after the passage of AB 540. The plaintiffs argue that AB 540 violates federal immigration law and the 14th Amendment to the U.S. Constitution. However, in-state tuition laws like California's AB 540 are based on school attendance — education, not immigration status — and are benefits also offered to U.S. citizens. In fact, since its implementation, more U.S. citizen students have benefited from the law than have undocumented immigrant students.⁴³

The recent confusion about state policies and local decisions points to a need for a more encompassing federal policy. Moreover, the circumstances governing the lives of undocumented children beg for policies that help to better integrate immigrant youth into the fabric of American society. Educating all of our children is a clear benefit to society. The cost of not educating these young men and women will weigh on all of us.

Financial and Other Barriers to Attending College

Without financial assistance, it is extremely difficult for most Americans to afford a public or private university. Given the socioeconomic profile of most immigrant families, the cost of college is daunting if not prohibitive for undocumented students.

As shown here, a more comprehensive policy is needed to address educational and economic needs. While in-state tuition laws have significantly increased the numbers of undocumented students who have been able to go to college, the effect of offering in-state tuition is limited without the ability to receive financial aid. There are a small number of available scholarships and some aid at a handful of private colleges; however, the vast majority of private scholarships apply federal standards and therefore deny assistance to undocumented immigrants. Furthermore, tuition at private schools is often much higher than at public universities.

Financial barriers are exacerbated by the limited pool of jobs that are available to these students because they are not able to work legally in the United States. Moreover, these barriers are in addition to the many other factors that reduce the college attendance rates of low-income young people generally, such as low-performing schools, parents who did not attend college or even high school, lack of information about postsecondary education, and pressures to contribute to family income.

Given the numerous barriers to their continued education, and their exclusion from the legal workforce, it is not surprising that only the most highly motivated undocumented students — like César and Shirley — continue on to college. Although there are no definitive figures regarding the high school dropout rates of undocumented students, it is estimated that only between 5 and 10 percent of undocumented high school graduates go to college.⁴⁴ This leaves too many of our children cut off from any means of lifting themselves out of poverty. From a public policy perspective, it makes sense to intervene when a sizable subset of our population is vulnerable and disenfranchised. The economic costs of continuing failed policies only reinforce the necessity of such action.

The DREAM Act

Undocumented students who have grown up in the United States represent an untapped potential contribution to our communities, labor market and society. Unfortunately, as children, these students derive their legal status from their parents, and they generally have no right to legal permanent residency through any other route. Once they reach young adulthood, no provision of current law permits the government to take any account of the inequities of their circumstances or their potential contribution. To the contrary, they are subject to arrest and removal like any other undocumented immigrant, regardless of how old they were when they arrived, how they have conducted their lives, or what kinds of community ties and accomplishments they can demonstrate. A bipartisan solution to this flaw in our immigration policy has been repeatedly introduced and debated in Congress since 2001: the Development, Relief, and Education for Alien Minors Act. Although the DREAM Act has not yet been enacted into law, it has a large base of support both in and out of Congress.⁴⁵

The DREAM Act is designed to allow undocumented immigrant youth who were brought to the country years ago as children to obtain legal permanent resident status if they remain in school through high school graduation and go on to college or military service. The current version of the DREAM Act would permit students to obtain legal permanent resident status if they satisfy the following conditions: (1) they entered the United States at the age of 15 or younger and are under 35⁴⁶ on the date of the bill's enactment; (2) they have been continuously present in the country for at least five years prior to the bill's enactment; (3) they have obtained a high school diploma or its equivalent; and (4) they can demonstrate good moral character.

Undocumented students who satisfy these conditions would be able to apply for a six-year "conditional" legal permanent status that would allow them to work, go to college and/or join the military. If, within this six-year period, the DREAM Act beneficiaries complete at least two years toward a four-year college degree, graduate from a two-year college or serve at least two years in the U.S. armed forces, they would be able to change their conditional status to permanent and would become eligible to apply for U.S. citizenship. Estimates suggest that the DREAM Act would provide 360,000 undocumented high school graduates with a legal means to work and secure additional resources for college,⁴⁷ and could provide incentives for another 715,000 youngsters between the ages of 5 and 17 to finish high school (to fulfill the act's eligibility requirements) and pursue postsecondary education.⁴⁸

Undocumented students are a potential source of productive contributors to society and highly skilled workers for the nation. These students have successfully navigated our K-12 schools, overcoming the challenges of migration and discrimination, in addition to the everyday difficulties of adolescence. They are prepared to take on the challenge of higher education to invest not only in their own future but also in the collective future of the nation. The DREAM Act can support their ambitions, aspirations and contributions.

Addressing the Critics

Many who have raised concern over legalization programs such as the DREAM Act argue that undocumented immigrants should not be rewarded for breaking the law. This remains a sticking point that stops discussion before legitimate evidence is brought forth to understand more fully the plight of these young people. Indeed, under current immigration law, these young people are treated similarly to their parents — they are legally restricted from labor force participation, voting rights and many other institutions. However, one-size-fits-all policies fail to take into account the diversity of the undocumented population and to bring to light the unique circumstances of these 1.5 generation young people who have spent much of their lives in the United States. The special circumstances of these young people call for a reexamination of our current policies.⁴⁹

Unlike any other time in our history, a segment of the nation's immigrant population is strongly encouraged to excel in middle and high school and to aspire to a postsecondary education. Yet our laws cut them off from the very means through which they can extend their educational experiences beyond high school, realize their plans, and reach their full academic and economic potential. Becoming a responsible adult in American society entails rites of passage that enable young people to make contributions to our country, and provides entrée to a host of rights and responsibilities. However, these children — many of whom had little knowledge of or involvement in the decision to migrate — are prevented from moving forward to pursue their college and career goals.

Beyond the legal argument, a related concern that has been voiced about the DREAM Act is that it could take away seats in colleges and universities, as well as financial aid, from native-born students.⁵⁰ However, this fear is not borne out by the experiences of the 10 states that since

2001 have passed laws allowing undocumented students who attend and graduate from in-state high schools to qualify for in-state college tuition. These states are home to about half of the nation's undocumented immigrants.⁵¹ Two states — New Mexico and Texas — also allow undocumented students to compete for college financial aid, providing a small but significant minority of them with the opportunity to move on to postsecondary education. Such legislation has not precipitated a large influx of new immigrant students, displaced native-born students or been a financial drain on the education system. In fact, these measures tend to *increase* school revenues by bringing in tuition from students who otherwise would not be in college.⁵²

Texas and California, which host the largest undocumented populations in the United States and were among the first states to provide in-state tuition to qualified undocumented students, illustrate how modest the number of DREAM Act beneficiaries likely would be compared to the total number of students pursuing a postsecondary education. In California, rough estimates suggest that about 1,620 undocumented students were enrolled in 2005 in the University of California and California State University systems and took advantage of the tuition rate provided by AB 540.⁵³ While this number does not include community colleges, where the majority of undocumented students attend,⁵⁴ it is a very small number compared with the 2.5 million students enrolled in California higher education institutions — 208,000 in the University of California system alone.

In Texas, the state's Higher Education Coordinating Board conducted a study of the undocumented student population three years after enacting its own in-state tuition legislation, House Bill 1403, in 2001.⁵⁵ The study showed a significant increase in postsecondary enrollment of undocumented

students — nearly 10 times greater from 2001 to 2004, with most enrolling at community colleges. Of the 393 HB 1403 students who were attending public colleges in Texas in fall 2001, 300 were enrolled in community colleges. By fall 2004, there were 3,792 HB 1403 students, 75 percent of whom were attending community college. Nevertheless, the total number of students paying in-state tuition under the new law amounted to only 0.36 percent of the 1,054,586 students attending public colleges and universities in Texas.⁵⁶ This is evidence that expanding tuition eligibility to undocumented students is significant to their advancement while having little effect on other student groups.

In other states, the numbers are similar.⁵⁷ In 2006, the Massachusetts Taxpayers Foundation estimated that 100 undocumented students would have taken advantage of in-state tuition allowances had such a bill been passed. This is only a tiny fraction of the 160,000 students in the state's public colleges and universities. In addition, the study projected that the state would eventually gain millions of dollars in new revenue if undocumented immigrants were allowed to attend these schools at in-state rates. Massachusetts' colleges and universities would immediately receive several hundred thousand dollars in additional tuition, and that amount would increase to \$2.5 million by 2009.⁵⁸

Under the DREAM Act, undocumented students who qualify for legal status would have to compete with their peers in high school to earn recognition as top students. They would also have to compete successfully in the college application process to earn admission to colleges and universities. These students would not be given any special allowances to get into colleges that are not also available to native-born students. Their participation in higher education, though expected to represent a relatively small percentage of students, would bring significant promise. It would provide a prospect for success that may fulfill the prior investment in primary and secondary school education, boost college enrollment and begin to build a new cadre of successful wage earners and taxpayers. Finally, if accepted for admission these students would have to compete for financial aid, whether it is need based or merit based, along with all other students. In other words, the DREAM Act would simply provide undocumented students with the legal right to pursue opportunities they have already earned for themselves. It also would represent an acknowledgment that encouraging more students to attend college and join the skilled workforce is an investment in the U.S. economy.

Conclusion

Undocumented students in the United States are currently trapped in a legal paradox. They have the right to a primary and secondary education and are generally allowed to go on to college, but their economic and social mobility is severely restricted due to their undocumented status. The DREAM Act, which would provide a path to legal residency for undocumented youth, is one way out of this legal predicament. Besides the moral and humanitarian reasons for opening the door to college for these students, there are also strong economic arguments, such as ensuring that the investment already made in the K-12 education of these students is realized and that the country benefits from the rich potential of productive, educated and U.S.-trained workers.

Numerous studies demonstrate that legal status brings fiscal, economic and labor-market benefits to individual immigrants, to their families and to society in general. Over time, given a chance, young men and women who are now undocumented will improve their education, get better jobs and pay more in taxes. Given their relatively small numbers as compared with public college and university enrollments, they will make up only a tiny fraction of the total population and will not displace other students. Yet their numbers are sufficient to contribute significantly to the growth of the higher-skilled labor force in the years to come. In school we encourage our students to aspire, yet we deny undocumented children the opportunity to share in the American Dream. As we think about the potential contributions of Cory, Steven, César, Rosalba, Shirley and others, we must seriously consider what happens not just to a dream deferred but also to a dream realized.



Endnotes

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- ³⁷ New research by Stella M. Flores of Vanderbilt University has found that undocumented students benefiting from in-state tuition legislation are faring better than similar students in states without legislation. See Stella M. Flores, forthcoming in *The Review of Higher Education*, "State Dream Acts: The Effect of In-State Resident Tuition Policies on the College Enrollment of Undocumented Latino Students in the United States"; and Stella M. Flores, and Catherine L. Horn, forthcoming in *The Journal of College Student Retention*, "College Persistence among Undocumented Students at a Selective Public University: A Quantitative Case Study Analysis."
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- ⁴⁵ Support for the DREAM Act has grown each year since it was first introduced in 2001 during the 107th Congress. In past years, it has garnered 48 Senate co-sponsors and more than 152 Republican and Democratic House co-sponsors, more than one-third of the House. It has twice passed the Senate Judiciary Committee in bipartisan fashion, by a 16-3 vote in the 2003–2004 108th Congress and again in 2006 by a voice vote without dissent as an amendment to the comprehensive immigration reform bill. In May 2006, the DREAM Act passed the full Senate as part of the Comprehensive Immigration Reform Act of 2006 (S. 2611). In 2007, the DREAM Act was included in the comprehensive immigration legislation that failed to pass the Senate in the spring. Nevertheless, the DREAM Act predates comprehensive immigration reform, and it remains viable despite the demise of the comprehensive effort. It continues to attract bipartisan support and now for the first time also enjoys the strong backing of the House and Senate leadership and all of the relevant committee chairs. Cited from: National Immigration Law Center, *DREAM Act: Basic Information* (October 2007).
- ⁴⁶ The most recent version of the DREAM Act reintroduced in the Senate on March 26, 2009, specifies 35 years of age as the cutoff for eligibility, rather than 30 years, as in the previous version. The House proposal does not have an age restriction.
- ⁴⁷ The DREAM Act would make students who obtain conditional status through its provisions eligible for federal student loans and work-study, though they would remain ineligible for Pell Grants or other federal grants. Those who obtain conditional status would also become eligible for in-state tuition in all states (because they would no longer be undocumented). But the most recent version would not change federal law with respect to in-state tuition for undocumented students. As a result, states would continue to determine eligibility — with certain federal encumbrances — for undocumented students who do not qualify for conditional status under the DREAM Act (such as those who entered less than five years before enactment).
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- ⁵⁴ There is currently no systematic way to gauge the numbers of undocumented students in U.S. community colleges and universities. Some institutions have tracked students qualifying for in-state tuition under the legislation, but without reporting these numbers to the state. However, estimates of undocumented students in Texas and California indicate that nearly three-fourths are in community colleges.
- ⁵⁵ HB 1403 provides for an individual to be classified as a Texas resident if that individual resided with a parent, guardian, or conservator while attending a public or private high school in Texas and (1) graduated from a public or private high school or received the equivalent of a high school diploma in Texas; (2) resided in Texas for at least three years as of the date the person graduated from high school or received the equivalent of a high school diploma; (3) registered as an entering student in an institution of higher education as of fall 2001 or thereafter; and (4) provides to the institution an affidavit stating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so. It should be noted that these numbers are for all students who established residency for in-state rates under Section 54.052(j) of the Texas Education Code, regardless of their immigration status. In other words, not all were undocumented immigrants.
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