

UNDOCUMENTED IMMIGRANTS AND HIGHER EDUCATION: A CALL FOR FEDERAL CHANGE

By Suzanne Roth

Thousands of undocumented immigrants graduate from high school every year. Because of their immigration status, these students often find it difficult or impossible to gain college admission and subsequent financial aid. This article contends that federal policies should be changed to allow undocumented students access to financial aid programs and the opportunity to apply for legal citizenship status. Current federal policies are contradictory concerning undocumented immigrants and, as a result, society is unable to fully benefit from the contributions that this population could make to the United States.

Sixty-five thousand undocumented immigrants graduate from high school in the U.S. every year (Argetsinger and Aizenman, 2003; Passel, 2003; National Immigration Law Center, June 2003). At graduation, these students have lived in the United States for at least 5 years (Argetsinger and Aizenman, 2003; Passel, 2003; National Immigration Law Center, 2003c). These students face the harsh reality that they may not be permitted to attend college and, if admitted, financial limitations may prevent them from attending (Suárez-Orozco and Suárez-Orozco, 2002). Current federal policies are contradictory with regards to undocumented immigrants. This is evidenced by the fact that this country recognizes the rights of undocumented children to a public education until they graduate from high school, but after that time, they are currently no longer entitled to educational opportunities. Changes to current federal policies should be implemented to ensure that society is able to fully benefit from the potential contributions of these students. Undocumented students should be allowed to access financial aid programs and to apply for citizenship. If implemented, such changes could have a universal and lasting impact on both undocumented students and the American system of higher education.

UNDOCUMENTED STUDENTS IN THE UNITED STATES

Undocumented students face unusual and complicated circumstances. They are typically acculturated to American society, have lived in this country most of their lives, speak English, consider themselves Americans, have succeeded in school, and are culturally competent in American customs, but are not fully members of society because of their immigration status (Suárez-Orozco and Suárez-Orozco, 2002). Further complicating their situation is the fact that many of these students were brought to this country through no choice of their own and at a very young age. The United States is the only home they have ever really known. In addition, it is not uncommon for these students to have siblings who were born in the United States. This creates divided families; some family members are citizens, others remain undocumented. The complex experiences of these students can cause them great distress, as no area of their life is entirely stable. The overall experiences of undocumented children can be characterized by high levels of stress, anxiety, tension, fear, hopelessness, and depression (Hunter and Howley, 1990; Suárez-Orozco and Suárez-Orozco, 2002).

Undocumented students graduating from high school are typically unable to attend public colleges and universities at in-state tuition rates. Undocumented students are also denied access to federal student loan programs and federal grants. Because they have no immigration status, they are also prevented from applying for grants and scholarships related to academic achievement and socioeconomic status. While policies do vary by institution and there are exceptions across the country, many colleges will not even process an application without a Social Security number. Such policies immediately disqualify an undocumented student, regardless of his or her ability to pay tuition. In five states, California, Texas, New York, Utah, and Illinois, undocumented students have been granted the right to attend and pay in-state tuition at public colleges and universities; however, these changes only partially solve the problem at hand. Upon graduating from college, the options available to these students are extremely limited because undocumented students are not legally able to work in this country.

There are innumerable personal accounts of undocumented students who earned good grades, worked hard in school, and were involved in extracurricular activities, but could not attend college (Alien status an unfair block, 2003). When these students graduate from high school, they are unable to take the next step that would be encouraged or expected if they were U.S. citizens. The stories of Tania Unzueta and Miguel Parra (Puente, 2001) illustrate

the hardships faced by undocumented students residing in the United States. Both are eager to see changes in the current laws regarding higher education. In the following account, Tania's story is similar to that of many undocumented students graduating from high school.

Tania Unzueta is a swim team captain who plays the clarinet and piano and listens to hip-hop and rock music. One Saturday, she graduated from a Chicago high school with a year of college credit earned from Advanced Placement tests.... Her family left Mexico when she was a young girl, and she is still not a legal resident of the United States.... (Puente, 2001, p. B1).

Like Tania, Miguel is by all accounts a typical graduating senior; however, his immigration status sets him apart from the rest of his classmates. That status directly affects his educational options after he graduates from high school.

Miguel Parra, 18, an undocumented immigrant and senior at a suburban high school, said his parents can't help him pay for college.

His father, who works in a restaurant, barely earns enough to pay the family's bills. Legally, Parra can't work to pay for his own tuition.... Parra's family immigrated to the U.S. when he was 11.

At home, his bedroom wall is decorated with scholastic honors. Parra is in the National Honor Society and a captain on the track and cross-country teams (Puente, 2001, p. B1).

Federal legislation allowing these students to seek financial aid and apply for citizenship status would give them the opportunity to realize their full potential and reward them for their hard work and efforts during high school. These students have succeeded in the face of adversity. They should be rewarded for their hard work and given the same opportunities as their peers. Federal legislation may offer solutions.

FEDERAL AND STATE LEGISLATION: A MOVE IN THE RIGHT DIRECTION

Current U.S. immigration policies are inconsistent with regard to undocumented immigrants, especially in the case of these students. *Chicago Tribune*

columnist Don Wycliff (2002) notes that there is a lot of “winking” going on in the United States with respect to undocumented immigrants (p. A23). While the United States condemns illegal immigration and imposes harsh penalties on those who break the laws, the parents and relatives of undocumented children are permitted to work and subsequently pay taxes. Yet, the United States does not allow the undocumented children of these taxpayers to be full participants in American society.

During the past few years, a contentious debate has raged at the federal and state levels over undocumented students and access to higher education. In 2001, federal legislation was introduced to address these issues. In the Senate, the Development, Relief, and Education for Alien Minors (DREAM) Act (S. 1291, 107th Congress) was sponsored by Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL). The legislation’s purpose was to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law No. 104-28). The DREAM Act would grant amnesty to undocumented students who have resided in the U.S. for at least 5 years, graduated from high school, and displayed good moral character (National Immigration Law Center, 2003*b*). In addition, immigrants benefiting from the act would be at least 12 years old on the date of enactment and under 21 years old at the time they apply for relief (National Immigration Law Center, 2003*b*). The DREAM Act would also permit states to determine residency for higher education purposes and offer long-term resident immigrants the opportunity to pursue legal immigration status (National Immigration Law Center, 2003*b*).

In the House of Representatives, the Student Adjustment Act (H.R. 1918, 107th Congress) was sponsored by Representatives Chris Cannon (R-UT), Howard Berman (D-CA), and Lucille Roybal-Allard (D-CA). This resolution was a companion to the DREAM Act and was similar in its restoration of states’ rights to determine residency for purposes of higher education benefits. The Act would also offer immigration relief to long-term resident students of good moral character and enable students applying for immigration relief to obtain federal grants and loans on the same basis as other students possessing legal citizenship status (League of United Latin American Citizens [LULAC], 2002; National Immigration Law Center, 2003*a*).

Both the proposed DREAM Act and Student Adjustment Act were gaining support in Congress until September 11, 2001. After that date, American immigration policies became more restrictive. Advocates continue to refer to these proposals when discussing undocumented students and higher education because these initiatives have facilitated dialogue and heightened public awareness on this issue. In addition, the bipartisan sponsorship of, and support for, these proposals sent a strong message to Americans and members

of both parties. The proposed legislation emphasized that both parties recognized and were responding to the needs of immigrants, especially to those of undocumented youth.

At the state level, California, New York, Texas, Utah, and Illinois have passed legislation allowing undocumented students to pay in-state tuition at public universities. In Illinois, Governor Rod Blagojevich signed House Bill 60 into law on May 20, 2003 (Public Act 93-007). This legislation permits undocumented students to be classified as Illinois residents for the purpose of in-state tuition if they graduated from an Illinois high school and have resided in Illinois for at least 3 years (Jervis, 2003*a*). Such legislation regarding undocumented students has been passed in states with the highest populations of immigrants. Nevertheless, most states lack such laws. The issues of undocumented students should therefore be addressed in a way that protects such students in all states, nationwide. In spite of these advances in a few states, changes at the federal level are the only way to ensure the consistency of policies that will nationally protect the rights of immigrants (Blank, 1997). Furthermore, as proven through past immigration reform, the federal government possesses the capability to administer and monitor such policies (Blank, 1997; Weissbrodt, 1998).

FEDERAL POLICY CHANGE: THE TIME IS NOW

While state legislation is a move in the right direction, it is problematic; the problem is only partially solved by granting undocumented students the right to attend public universities and to pay in-state tuition. Regardless of state residency provisions, once these students graduate from college, federal policies deny them authorization to work in this country. In addition, the residency status granted to students exists solely for tuition and attendance purposes. Because immigration policies are determined at the federal level, the granting of residency to students has no impact on their lives outside of the classroom or off of the college campuses. If an undocumented student manages to graduate from college, there are no formal or legal occupational opportunities available to them. Fundamental policies impacting immigration procedures are determined at the federal level. Changing the policies regarding citizenship status for these students requires federal legislation. Furthermore, federal changes must also be made to provide undocumented students with access to student financial aid (Puente, 2001).

Now is an optimal time to examine the issue of undocumented students' access to higher education. As the 2004 presidential race becomes increasingly contentious, Republicans and Democrats alike are fighting to win the coveted

Latino vote (Bumiller, 2004; Anderson 2004). The Latino vote is especially important because it is a rapidly growing part of the electorate and it is a population typically concerned with immigration issues (Shesgreen, 2003). A recent example is the Bush administration's proposed guest-worker program to protect the rights and wages of immigrants working in the United States (Mexican American Legal Defense and Education Fund [MALDEF], 2004). A window of opportunity has been opened (Kingdon, 1995), making it a promising time for the introduction of immigration policy initiatives. Additionally, mobilization efforts and legislative advances in some states indicate that there is some degree of public support for undocumented students. In the Freedom Rides during 2003, advocates for immigrants' rights traveled throughout the nation to push for immigrant-friendly legislation and reform. These events offer a clear example of the massive mobilization efforts taking place nationwide in support of immigrant rights (Kim, 2003).

Federal legislation similar to the DREAM Act would meet the needs of undocumented students and allow society to benefit from their potential contributions. A federal option brings national legitimacy, legality, and an enduring impact. In addition, there are three other significant benefits of marshalling federal legislation to help undocumented students in their pursuit of a college education. First, federal legislation would continue the precedent set by the Supreme Court decision on public education in *Plyer v. Doe* (457 U.S. 202, 1982). The 1982 decision requires that public schools educate all children, regardless of their immigration status (Weissbrodt, 1998). *Plyer v. Doe* states that undocumented children should not be denied an education because of decisions made by their parents. Furthermore, the Court recognized that undocumented youth would likely remain in the United States for the duration of their lives; denying them the right to an education could have severe consequences for their future well-being (Weissbrodt, 1998). The same principles articulated in the Court's decision can be used today to support the case of undocumented students wishing to pursue a college education and become American citizens; the benefits of such federal reform would far outweigh all potential costs to society.

Second, federal legislation would benefit society in a number of ways, including a reduction in costs to the criminal justice system, a decline in the use of public benefits, and a decrease in school dropout rates (National Immigration Law Center, 2003*a*). At present, there is really no compelling incentive for undocumented students to work hard in school or become productive participants in civic institutions. As long as they remain illegal, their future is uncertain. In some instances, this uncertainty can lead undocumented

youth to choose a less-than-desirable path. As Carola and Marcelo Suárez-Orozco (2002) report, "If large numbers of immigrant children are not educated and graduate or are pushed out of schools without the required tools to make a living, it should not be surprising if crime and delinquency become serious issues as these children enter adolescence and adulthood (p. 49)."

Many undocumented youth grow up in urban communities plagued by violence, isolation, poor schools, and limited economic opportunities. As a result, many of these youth are enticed by the power available to them through involvement with gangs or illicit activities (Suárez-Orozco and Suárez-Orozco, 2002). Furthermore, undocumented students, particularly Latino students, drop out of high school at high rates (Breslin, 2002; Axtman, 2002). It is estimated that only 40 percent of foreign born, non-U.S. citizen children graduate from high school (LULAC, 2002). Federal changes would benefit society as a whole by contributing to the cultivation of productive citizens and encouraging the pursuit of a positive direction in life, as there would be tangible future options available to undocumented children if they stay in and finish school.

Federal legislation would also have broader affects on families. Suárez-Orozco and Suárez-Orozco (2002) assert that the legal status is crucial for immigrants in shaping their future life success and experiences. Undocumented or illegal citizenship status can have a negative and powerful impact on families (Portes and Rumbaut, 2001). Often, undocumented parents work hard to provide for their children. However, a family's commitment and hard work are not enough to ensure that undocumented youth will be able to attend college. Granting legal citizenship status to undocumented families would enable them to take advantage of services and resources, including financial aid (Portes and Rumbaut, 2001).

Finally, federal legislation like the DREAM Act would provide increased tax revenue to the United States (LULAC, 2002). These students are likely to remain in the United States and to find employment here. By providing them with access to college and citizenship, the federal government enables them to secure higher-paying jobs and to thereby contribute greater tax revenue. It is estimated that over 64 percent of undocumented students in Illinois would be qualified to enter college (Mehta and Ali, 2003). Such an influx of qualified students would result eventually in higher numbers of college-degreed workers, creating a larger pool of high-wage workers and significant increases in tax revenue. As George Borjas (1990) asserts, it is in the best interest of the United States to help immigrants assimilate economically by encouraging them to acquire the skills necessary to move ahead in society. These undocumented students are ideal recipients of educational and societal resources

because they are in a position to immediately benefit and succeed. Furthermore, these students cannot be ignored by society in the hope that they will leave the country or simply be absorbed by sectors of the economy that typically employ undocumented workers. Providing undocumented students with opportunities to realize their full potential benefits society socially and financially.

OPPOSITION TO LEGISLATIVE CHANGES

Some oppose any legislative changes easing policies towards undocumented students, asserting that granting undocumented students the right to attend college, obtain financial aid, and apply for citizenship sends the wrong message to immigrants and society as whole (An education in citizenship, 2003). Furthermore, opponents speak of undocumented immigrants as criminals, and contend that such changes would unfairly reward those who reside illegally in this country (Byrne, 2003). They allege that these students are no more entitled to amnesty than any of the other groups of undocumented immigrants who reside in the U.S. Opponents also argue that changing the laws would encourage more illegal immigration to the United States (Jervis, 2003*a*; Graham, 2002). In fact, the debate has grown very heated, with some opponents taking a drastic stance. For example, when the *Denver Post* reported the story of Jesus Apodaca, an undocumented student hoping to attend college, Congressman Tom Tancredo from Colorado began a campaign to have Apodaca and his family deported (Graham, 2002).

Some assert that federal legislation supporting undocumented students would take substantial federal money and financial aid away from deserving U.S. citizens (Jervis, 2003*a*). Others criticize the means by which advocates for undocumented students formulate their arguments, contending that those in favor of loosening restrictions for undocumented students base their positions entirely on subjective, emotional arguments, rather than realistic, objective, practical assertions (Wycliff, 2002). Personal experiences, such as those of Taina Unzueta and Miguel Parra (Puente, 2001), are very effective in conveying the human side of the issues, and there are thousands more stories like those of Taina and Miguel. While the personal stories of undocumented students may be powerful in mobilizing support for policy changes, this work has also sought to articulate the clear, tangible, objective benefits to enacting federal legislation that allows undocumented students to attend college, receive financial aid, and obtain citizenship. Furthermore, while federal policy changes would clearly reward deserving students, they also make practical sense on a national level.

CONCLUSION: BENEFITS OUTWEIGH THE COSTS

In spite of the fact that economics and immigration status exclude many of these students from college and productive citizenship, these limitations will not dissuade them from remaining in the United States. For many undocumented students, this country is the only home they have ever known. Because the United States benefits from the labor and taxes of undocumented immigrant families and participates in the global economy, it has a responsibility to provide a complete education to these students and their families. Opponents of federal action would simply ignore the fact that these students exist, all the while permitting undocumented workers to fill an important niche in the labor force of this country.

It makes sense to invest in these students now. By failing to do so, the nation will continue to incur the costs of the failure that these youth will encounter later. While these proposed changes may encourage more illegal immigration or reduce the financial aid available to all students, the situation of undocumented students cannot be ignored. They offer society a vast and untapped resource with infinite potential. Historically, immigration laws and policies have rarely seemed ideal at the time they were enacted. To some, this is also the case with current proposals affecting undocumented students. For this reason, any immigration issue or policy should be subjected to a cost-benefit analysis that simultaneously recognizes the history of this nation's immigration laws while looking towards the future. It is clear that there are practical and social benefits to federal policy changes that would allow undocumented students to attend college, obtain financial aid, and apply for citizenship. The DREAM Act offers an excellent example of the changes needed. Undocumented students deserve full access to college, financial aid programs, and recognition as American citizens. ■

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