



We ARE Americans
Undocumented Students Pursuing
the American Dream

W I L L I A M P E R E Z
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Stylus
STERLING, VIRGINIA

INTRODUCTION

"I see my illegal status as a wall . . . if I were to get deported I would be an alien in my own country . . . we are humans and we have families and we have feelings . . . they should see the good stuff in us."

—Jairo, Community College Student

"Even though I worked extremely hard I have to work twice as hard to go beyond high school . . . I have a drive to do better, to work hard, and to contribute but I just don't have the means to do it. . . . This is our home and we're ready to contribute."

—Sasha, University Student

WHEN I began interviewing undocumented students in the spring of 2006, I wanted to better understand their educational experiences. My goal was to learn about their experiences growing up "American." Although I was expecting the usual list of school activities, I did not expect the high levels of community service and volunteering that they reported. This trend was particularly remarkable because these youth are so marginalized in our society. They have almost no legal rights, they can be deported at any time, they are not eligible for most government services, they cannot legally work, and, most frustrating of all, they are not eligible for financial aid to attend college. So I started to wonder: What motivates these marginalized young adults to be so civically involved? Why are they devoted to a society that shuns them socially and politically?

This book is a compilation of the inspiring and untold stories of 16 students who are currently undocumented and of 4 others who lived a significant proportion of their lives undocumented, but who now have

legalized their status. In their own words, undocumented students reflect on their hardships, accomplishments, dreams, ambitions, and desire to be accepted as regular Americans. Their parents brought them to this country when they were infants in most cases, and for many of them, this country is the only home they know. They have grown up “American” in every way possible; their dominant language is English, they proclaim an American identity, and they live an American lifestyle. In various ways, their community service participation and activities reinforce their affinity toward American society.

Judged by their appearance, undocumented high school seniors are indistinguishable from their U.S.-born classmates. They wear the same jeans and T-shirts and mingle in the hallways between classes gossiping and joking with their friends. These students enjoy the right to a public education in the United States that provides them—just like citizen and legal resident students—with a social center, a place to learn, an affordable lunch, and the chance to join a club or a sports team, or to play in the band. The similarities begin to dissolve, however, if you ask any of them to talk candidly about their outlook on the future and their possibilities after high school. After graduation day, the harsh reality sets in, that even though they worked hard to excel in school, their options to pursue higher education are limited because of their undocumented status.

The students I had the privilege of interviewing exhibit the same type of optimism that fueled their parents’ desire to pursue a better future in the United States. Despite the numerous social, political, economic, and educational challenges they face, undocumented youth demonstrate tenacious optimism, drive, and perseverance in the face of societal marginalization. The United States has provided them with educational access first guaranteed by the 1982 landmark Supreme Court case of *Plyer v. Doe*, in which the court ruled that all children, regardless of their immigration status, have a right to a basic education. Since the *Plyer* decision, hundreds of thousands of undocumented students have come of age and graduated from American high schools, looking toward the next level of educational opportunity. Upon graduating however, these “college-eligible” students are unable to pursue higher education due to

their lack of legal status, current federal law, and limited financial resources.

Since 2000, increasing numbers of newspaper stories all over the country have chronicled the struggles of undocumented students who believed in and aspired to achieve the American dream, only to learn upon their high school graduation that the American dream precludes them. One of these students was Jesus Apodaca, an 18-year-old undocumented student who on August 11, 2002, was featured in a *Denver Post* story about how federal law prevents schools from offering financial aid or in-state tuition to undocumented students. After reading the story, then U.S. representative for the state of Colorado, Tom Tancredo, contacted the U.S. Immigration and Naturalization Service in Denver and asked that Apodaca and any of his undocumented relatives be deported. In another example, in May 2005, the *Chicago Reporter* ran a similar story about a talented undocumented student named Sarahy. Five years earlier, her parents had brought her to the United States from Mexico. In high school, she maintained a 3.8 grade point average, was extensively involved in the dance program, and volunteered at a local community organization. Her accomplishments led to admission at her dream school, Loyola University Chicago. Because of her undocumented status, however, she was not eligible for any form of financial aid or on-campus job. With no other way to offset the cost—Loyola’s tuition was beyond her family’s economic means—she could not attend, shattering her dream.

These and dozens of other newspaper stories highlight that although undocumented youths have grown up as Americans, they have lived as outsiders with restricted access to the basic resources and institutions most Americans would deem essential for survival and success. These include driver’s licenses, the opportunity for legal employment, and financial aid for college. Many undocumented immigrants have no choice but to work in the cash-based economy, and the only option they have to fund their college pursuits is a limited number of private scholarships. Consequently, most undocumented youths live in hiding as they and their families are in constant fear of being discovered and deported back to their countries of origin—countries that many have not seen for more than a decade and with which they now have little or no familiarity.

The U.S. Supreme Court mandates that undocumented children be accepted as students, but because of current immigration laws, they are not accepted as citizens. This puts these students in an ambiguous situation that raises some very important questions: How are they responding? Do they sink to the bottom, resent the culture, and consider going back to their country of birth? Or do they take courage somehow, find hope, and rise to the very top? The amazing and inspiring stories in this book suggest that undocumented immigrant students' lack of access to citizenship and higher education represents a civil rights and social justice travesty as well as an ongoing loss of intellectual and civic talent to American society. Their stories document many of the deep flaws of failed immigration and education policies in the United States and the subsequent impact on undocumented students and their families. *We ARE Americans* links the experiences of undocumented students to larger social and policy issues of immigration reform, social and political marginalization, and access to higher education.

Changing Demographics

Failed immigration policies, as well as economic push-and-pull factors have played a central role in increasing the undocumented population in the United States to approximately 12 million as of 2006.¹ California is home to the highest number of undocumented residents, with an estimated 2.8 million; followed by Texas, with nearly 1.4 million; and Florida, with 850,000.² As their numbers have increased over the years, hostile media images of undocumented immigrants, scapegoating of immigrants by politicians, and anti-immigrant rhetoric by nativist groups have led to persistent negative public opinion about undocumented immigrants.

In 2002, the National Survey of Latinos³ indicated that 71% of Latinos felt that undocumented immigrants help the economy, compared to 26% of Whites and 26% of Blacks. In addition, whereas 90% of Latinos favor legalizing undocumented immigrants, only 66% of Whites and 67% of Blacks also favored legalization, while only 8% of Latinos oppose it, compared to 30% of Whites and 33% of Blacks. Despite persistent negative

public opinion and negative media images, the research suggests that immigrants: (1) contribute to the economy, (2) do not strain social services, (3) and are not prone to criminal activity.

Economic Contributions of Undocumented Immigrants

A perception that drives hostile public opinion about undocumented immigrants is that they are exploiting the U.S. economy. The widespread belief is that the undocumented cost more in government services than they contribute to the economy. This belief is demonstrably false as noted by almost every empirical study on the economic impact of undocumented immigrants. The research documents the exact opposite, that the undocumented actually contribute more to public coffers in taxes than they cost in social services.⁴ Their labor brings down the costs of goods and services for all and makes firms and sometimes entire industries more competitive.

The benefits to the overall economy are several. Restaurant prices are pushed down by undocumented labor in the kitchen, low fruit and vegetable prices by undocumented field hands, and new-home prices by undocumented construction workers. The tens of thousands of undocumented nannies in the Los Angeles area lower the cost of child care, freeing many mothers to return to work. This in turn increases families' incomes, which encourages spending and fuels the economy.⁵ Many immigrants send a portion of their earnings home to their families, but their influence here remains potent. The Economic Roundtable, a Los Angeles think tank, estimates that the 400,000 undocumented workers in Los Angeles County spend \$5.7 billion annually on food, rent, transportation, and other necessities. The sales tax immigrants pay on all consumer purchases boosts the state treasury. There are also many undocumented workers with payroll jobs who contribute to Social Security without the right to receive payments from the fund. The U.S. Social Security Trust Fund reported a surplus of more than \$49 billion in 2000 from payroll collections from persons with invalid Social Security identification numbers.⁶

A 2006 study by the Texas State comptroller found that the estimated 1.4 million undocumented immigrants in Texas in fiscal year 2005 added

\$17.7 billion to the gross state product. Undocumented immigrants produced \$1.58 billion in state revenues for Texas, which *exceeded* the \$1.16 billion in state services they received.⁷ Similarly, a 2007 Oregon Center for Public Policy study estimated that undocumented immigrants in Oregon pay state income, excise, and property taxes as well as federal Social Security and Medicare taxes, which total between \$134 million and \$187 million annually, with an additional \$97 million to \$136 million paid in taxes annually by Oregon employers on behalf of undocumented workers. Undocumented workers are not able to draw on those contributions since they are ineligible for the Oregon Health Plan, food stamps, and temporary cash assistance.⁸ In Iowa, a 2007 report by the Iowa Policy Project concluded that undocumented immigrants pay an estimated \$40 million to \$62 million in state taxes each year, with an additional estimated \$50 million to \$77.8 million in federal Social Security and Medicare taxes paid by undocumented immigrants and their employers.⁹ Due to their status, these Iowa workers will never benefit from those contributions. Thus, rather than draining state resources, undocumented immigrants are in some cases *subsidizing* services that only documented residents can access.

In addition to their tax contributions, the consumer purchasing power of undocumented immigrants—what they spend on goods, services, and housing—not only creates new jobs, but also provides federal, state, and local governments with additional revenue through sales, income, business, and property taxes. In other words, spending by undocumented immigrants has an economic “multiplier effect.” For instance, a 2002 study by the Center for Urban Economic Development at the University of Chicago found that undocumented immigrants in the Chicago metropolitan area alone spent \$2.89 billion in 2001. These expenditures stimulated an additional \$2.56 billion in local spending, for a total of \$5.45 billion in additional spending, or 1.5% of the gross regional product. This spending, in turn, sustained 31,908 jobs in the local economy.¹⁰

Use of Public Services

Another widespread misconception about undocumented immigrants is that they burden public service agencies. Again, the research refutes this.

In California, the state with the largest undocumented population, the research indicates that undocumented residents not only use fewer health services than do citizens and documented residents, they also tend to be younger and healthier than the average Californian. When they do use health services, undocumented immigrants are less reliant on public funds (such as Medicare and Medicaid) to pay for their care¹¹ and instead primarily pay out-of-pocket costs for health care. For example, of the \$430 billion in national medical spending in 2000, native-born residents accounted for 87% of the population, but for 91.5% of the spending. Undocumented immigrants—3.2% of the population—accounted for only about 1.5% of medical costs.¹²

Crime

Undocumented immigrants are also falsely presumed to be prone to criminal activity, a perception that is not consistent with actual crime statistics. For instance, a 2008 report by the Immigration Policy Center (IPC)¹³ documents numerous studies that indicate immigrants are *less* likely to commit crimes or be behind bars than are the native-born, and high rates of immigration are *not* associated with higher rates of crime. Although the undocumented immigrant population *doubled* to about 12 million between 1994 and 2004, IPC cites data from the Bureau of Justice Statistics that indicate that the violent crime rate in the United States *declined* by 35.1% during this time, and the property crime rate fell by 25%. The decline in crime rates was not just national, but also occurred in border cities and in other cities with large immigrant populations such as San Diego, El Paso, Los Angeles, New York, Chicago, and Miami. According to a 2008 report from the conservative Americas Majority Foundation, crime rates are *lowest* in states with the *highest* immigration growth rates. The study found that from 1999 to 2006, the total crime rate declined 13.6% in the 19 highest-immigration states, compared to a 7.1% decline in the other 32 states, including Washington, DC. Also, in 2006, the 10 “high influx” states—those with the most dramatic, recent increases in immigration—had the lowest rates of violent crime and total crime.¹⁴

An analysis of data from the New Jersey Department of Corrections and U.S. Census Bureau by New Jersey's *Star-Ledger* found that while non-U.S. citizens comprise 10% of the state's overall population, they account for 5% of the 22,623 inmates in prison in 2007. Finally, a 2008 report from the Public Policy Institute of California found that the incarceration rate for foreign-born adults is 297 per 100,000 in the population, compared to 813 per 100,000 for U.S.-born adults. The foreign-born, who make up roughly 35% of California's adult population, constitute 17% of the state prison population, a proportion that has remained fairly constant since 1990.¹⁵

Whereas some have noted the number of undocumented immigrants in federal detention centers, reporting of these figures often fails to mention that violations of U.S. immigration law are civil infractions, not criminal acts, and most violators are guilty only of seeking to improve their welfare, and that of their families, by taking jobs that few Americans want. Upon arriving in the United States, they begin to set roots in their communities and enroll their children in school, thus exercising their children's right to a public education, as declared by the 1982 landmark Supreme Court case of *Plyer v. Doe*.

Plyer v. Doe

The constitutional right to a public education for undocumented students emerged from one of the first well-known attempts to limit undocumented students' access to public education. In 1975, the Texas Legislature passed a law (Texas Education Code, Section 21.031) that denied undocumented immigrants access to public schools by withholding funds from school districts that enrolled undocumented children. This law also allowed public schools to demand proof of citizenship and to deny admission to those who could not verify their legal status in this country. A series of local lawsuits successfully challenged the constitutionality of that law, and in 1982 the U.S. Supreme Court established the right of undocumented children to a public education. The *Plyer v. Doe* decision noted that the Equal Protection Clause of the Fourteenth

Amendment also protected undocumented immigrants. The use of constitutional guarantees to reaffirm students' rights makes *Plyer v. Doe* a key decision on behalf of immigrants' rights in the United States.¹⁶

Undocumented Students Today

Currently, the *Plyer* decision protects the educational rights of approximately 1.8 million children under 18 years of age, about one-sixth of the total undocumented population.¹⁷ Their educational rights expire once they're beyond compulsory schooling age, as is the case for the estimated 3.4 million undocumented young adults between the ages of 18 and 29. Higher education is an elusive dream for these young adults, with only 10% of undocumented males and 16% of undocumented females ages 18 to 24 enrolled in college.¹⁸

An estimated 65,000 undocumented students graduate from the nation's high schools each year.¹⁹ About two-thirds are of Latino descent, and 40% live in California. Tragically, only about 10% to 20% of undocumented youth who graduate from high school go on to college, with estimates ranging between 7,000 and 13,000.²⁰ In California, approximately 25,000 undocumented students graduate from high school each year, yet fewer than 7,000 enroll in community colleges, with much lower enrollment figures for the University of California and the California State University systems.²¹

Higher Education Access and In-State Tuition Legislation

Increased media attention regarding the plight of undocumented high school graduates unable to pursue higher education, and the brave efforts of advocates in collaboration with state legislators, led to the nation's first state law in support of college-going undocumented students. In 2001, Texas governor Rick Perry signed into law state HB 1403, a bill spearheaded by State Representative Rick Noriega that allowed undocumented Texas high school graduates to pay in-state tuition at public colleges and universities. To gain broad support for the bill, advocates relied

primarily on an economic rationale: the bill would increase enrollment of, and fees from, students who otherwise would not enroll or would drop out. In addition, The Texas State comptroller conducted an economic impact study that concluded that every dollar the state invested in higher education for undocumented students would yield more than five dollars for the Texas economy in the long run.²² Following the Texas example, and relying on a similar economic rationale, California passed its own in-state tuition bill for undocumented California high school graduates, AB540, in 2001. Similar to the Texas legislation, the California bill permits students who complete three years or more of high school in California to qualify for in-state tuition. As of 2009, eight other states have passed in-state tuition legislation for undocumented students, with Texas, Oklahoma, and New Mexico also providing access to state grants to pay for tuition costs.

In-state legislation has increased the number of undocumented students pursuing a college degree, but enrollment figures are modest at best. In California, estimates suggest that in 2005 about 1,620 undocumented students were enrolled in the University of California and California State University systems under AB540. While this number does not include community colleges, where the majority of undocumented students matriculate, it is only a fraction of the 2.5 million students enrolled in California higher education institutions—208,000 in the University of California system alone.²³

Similarly, an increasing number of undocumented Texas students have taken advantage of the in-state tuition program, although they account for only a small portion of the state's 1 million-plus enrolled in higher education. In the fall of 2005, nearly 5,100 undocumented students enrolled under Texas's in-state tuition law, up from 400 students during the first year of the program. Nearly 80% of all undocumented students who were enrolled in 2005 attended community colleges.²⁴

In other states, the number of undocumented students enrolled in college under in-state tuition legislation is significantly lower. In 2005, Kansas saw 221 undocumented students enroll in Kansas public colleges, while the University of New Mexico system saw 41 undocumented students enroll that semester. Twenty-seven were admitted to the University

of Washington system, while at the University of Utah, 22 were enrolled. In 2006, an estimated 100 undocumented students enrolled in public Massachusetts colleges.²⁵ Numbers are not available for Illinois, New York, or Oklahoma, but comparable enrollments are suspected. Despite the modest but increasing numbers of undocumented students enrolling in college and completing their degrees, a major hurdle remains; they are not legally able to put their college degree to work. Without federal legislation legalizing their status, their future remains uncertain. Since 2001, Congress has tried to address their legal limbo with the introduction of the DREAM Act.

The DREAM Act

On May 21, 2001, Reps. Lucille Roybal-Allard (D-CA), Christopher Cannon (R-UT), and Howard Berman (D-CA) introduced in the U.S. House of Representatives the Student Adjustment Act of 2001 (H.R. 1918), while the Senate version, the Development, Relief and Education for Alien Minors (DREAM) Act (S. 1291), was introduced on August 1, 2001, by Sen. Orrin Hatch (R-UT). The bill was placed on the Senate legislative calendar but never received a floor vote. The DREAM Act (S. 2075) was introduced again in the U.S. Senate in November 2005, followed by the 2006 New American Dream Act (H.R. 5131) introduced in the U.S. House of Representatives. On May 25, 2006, the U.S. Senate reached a bipartisan compromise on comprehensive immigration reform and passed a landmark immigration bill (S. 2611) that incorporated the DREAM Act. The bill did not receive the necessary votes to be sent to President George W. Bush. The bill was reintroduced on March 26, 2009, as the DREAM Act (S. 720) in the Senate by Dick Durbin (D-IL) and Richard Lugar (R-IN), and it was introduced that same day in the House of Representatives as the American Dream Act by Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL), and Lucille Roybal-Allard (D-CA).

Although there have been some modifications from initial introduction of the bill, the DREAM Act would extend a six-year conditional legal status to undocumented youth who meet several criteria, including:

- ◆ entry into the United States before age 16;
- ◆ continuous presence in the United States for five years prior to the bill's enactment;
- ◆ receipt of a high school diploma or its equivalent (i.e., a GED); and
- ◆ demonstrated good moral character.

Qualifying youth would be authorized to work in the United States, go to school, or join the military. If during the six-year period they graduate from a two-year college, complete at least two years of a four-year degree, or serve at least two years in the U.S. military, the beneficiary would be able to adjust from conditional to permanent legal resident status. Otherwise, after six years, their conditional status would lapse. Making legal status conditional on young adults' educational and military choices has no precedent in U.S. immigration policy.

Without federal legislation, state efforts to support undocumented students can provide only temporary relief. Congress must provide a path to legalization for undocumented students. It does not make sense for states to pay for postsecondary education only to have those students forbidden to work legally in the United States upon graduation. Even though the states are taking steps in the right direction, their hands are tied until Congress allows undocumented students to legalize their status.²⁶

From an economic perspective, legalizing undocumented students could be a significant incentive for them to work harder to graduate from high school, thus improving their odds of getting a higher education, which ultimately would increase tax revenues from the higher salaries of increasing numbers of college graduates. The increased fiscal contribution would easily repay the required educational investment within a few years and, thereafter, would provide a profit to taxpayers for several decades. The impact of legalization would not be limited to increased earnings, tax revenues, and social services savings. In a stable economy, such legalization would enable thousands of young immigrants to join the legal workforce, helping businesses and the economy fill crucial needs. Under current law, they are forced to work illegally in the cash economy as domestic workers, day laborers, ambulatory sellers, and sweatshop factory

workers. In difficult economic times, they can make a much needed contribution, as attested by Alba (chapter 16), who is ready to fill the urgent need for math teachers in our school systems, and by Julia (chapter 18), who intends to use her doctorate in engineering to teach and foster new talent. By encouraging more of these students to study the sciences and engineering, they can contribute to our future competitiveness as a nation.

One particular concern about legalizing undocumented students is that it could take away seats in colleges and universities, as well as financial aid, from native-born students who want to pursue postsecondary education. However, this fear is not substantiated by the experiences of the 10 states that have passed laws allowing undocumented students who are in-state high school graduates to qualify for in-state college tuition. As already noted, these states (California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington), which are home to about half of the nation's undocumented immigrants, have not experienced a large influx of undocumented student enrollment in higher education, have not had to displace any native-born students, or had undocumented students be a financial drain on their educational systems.²⁷ Even if their numbers were to rise, on the basis of the statistical evidence already demonstrated about the net contribution of the undocumented population, and on the anecdotal evidence of the stories in this book, they are likely to make a very positive contribution to the overall economy.

National Self-Interest of Integrating Students into Society

The Acculturation Rationale

The American economy asked for workers, and with them came families and children who now call cities across the country home. The debate so far has relied mostly on stereotypes and misconceptions about unauthorized immigrants—as workers and taxpayers on the positive side, or as lawbreakers and service abusers on the negative side—but the debate has not been well informed by research on the characteristics of the unauthorized population.²⁸

The overwhelming majority of undocumented children and young adults have grown up in the United States, attended U.S. schools, and lived in the country for virtually all of their lives. Since they were raised in the United States during their formative years, they consider themselves Americans. In fact, most know no culture other than that of the United States, as their ties with their native countries were severed years ago when they left with their parents. Socially, they are indisputably full-fledged members of U.S. society, even if they are only on the lower rungs of the socioeconomic ladder. After having been educated in our schools, they speak English (often with more ease than they do Spanish), envision their futures here, and have internalized U.S. values and expectations of merit; yet they have no available paths for formal legal integration. Paradoxically, their efforts to adapt and contribute economically are met with legal obstacles. Rather than valuing these youth as important societal resources, current policies restrict their options and curb the transformative potential undocumented youth have in their communities. Without full legal rights, undocumented youth will be barred from the traditional paths of upward mobility available to other immigrants throughout U.S. history. These young adults deserve immediate legalization so they can pursue their lives in the United States as full-fledged Americans.

If the United States does not enforce immigration laws with employers, then it must deal with the consequences of immigrants' acculturation in society. The government cannot allow the business sector to entice workers to the country, benefit from their labor, ignore employment and immigration laws, and then deny these workers the rights, social services, benefits, and protections available to all other workers and their families. Undocumented workers bring their families, join relatives, and enroll their children in schools where they live as they take available jobs in the market. They lay down roots, become invested, and contribute socially and civically in their communities. Thus, enforcement of immigration policies must take into account these forms of social and civic investment on the part of the millions of long-term undocumented immigrants. By denying benefits to long-term undocumented workers we violate our normative principles of unity, community, and equality and discriminate

against noncitizens who contribute to the overall well-being of society just as much as citizens.

The Economic Rationale

The United States of America was founded upon the notion that achievement should trump social status. Many undocumented students have worked hard to overcome poverty to become valedictorians, athletes, artists, and academic champions. They attend schools that lack books and other educational supplies, advanced placement classes, and functional bathrooms, yet they manage to earn stellar grades and gain acceptance to top universities. The better policy is to view them as valuable resources for our nation's future instead of depriving them of the means by which they can improve their lives and, thereby, improve society. The progressive approach is one that accepts the reality of the undocumented population and demands that the federal government afford them the ability to become productive members of society. Otherwise, the inescapable reality for undocumented students is that without the prospect of normalizing their immigration status, the education they receive is useful for personal growth, but is of little consequence because they remain unable to participate in our democratic society. From an economic standpoint, denying legal status to undocumented students creates a subclass of citizens who otherwise are fully capable of becoming successful individuals (i.e., skilled professionals) and, thus, significant taxpayers. Without legalization, undocumented students are permanently locked into the lowest socioeconomic class, perpetuating poverty among immigrant communities.

Two-thirds of all immigrants live in six states: California, Florida, Illinois, New Jersey, New York, and Texas. These states in particular have much to gain economically from their population of undocumented students. They have invested state resources in educating them up to the high school level and have nurtured them into becoming self-sustaining individuals. Without legalizing undocumented students, these states cannot get the return on their educational investment.

At a bare minimum, the economic and social realities of the 21st century demand college completion. A high school diploma simply does not grant access to jobs that generate the type of income correlated with individual achievement and success. There is a growing gap between the annual earnings of those with just a high school diploma and those with a postsecondary education. In 1975, full-time, year-round workers with a bachelor's degree had 1.5 times the annual earnings of workers with only a high school diploma. That ratio rose to 1.8 by 1999. Furthermore, in 2002 the average earnings ranged from \$18,900 for high school dropouts to \$25,900 for high school graduates, \$45,000 for college graduates, and \$99,300 for workers with professional degrees.²⁹ Finally, according to the Bureau of Labor Statistics (BLS),³⁰ 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%. In contrast, workers with a bachelor's degree earned \$962 per week and had an unemployment rate of 2.3%, while those with a doctorate earned \$1,441 and had an unemployment rate of only 1.4%. These data suggest that the skills associated with postsecondary education as well as credentials provide access to individual economic freedom. Moreover, postsecondary schooling equips people with higher-order skills, which increase their chances of getting a higher-paying job. Denying legalization to long-term undocumented residents of our states will economically disadvantage those individuals and the communities in which they live. All of this accentuates the importance of access to postsecondary education for all substantive members, including undocumented students.

Would legalizing undocumented youth create a system too open for us to control, administer, or pay for? Most people recognize that any type of mass exodus of undocumented immigrants would wreak economic havoc on major industries.³¹ Furthermore, most of the limited-resource arguments against undocumented immigrant access to various social goods understate tax collections from immigrants; overstate service costs for immigrants; do not consider the range of economic benefits of undocumented labor, spending, and business; exaggerate job displacement of native workers; neglect to show that native-born workers often consume more services than they pay in taxes; and overestimate the size of the immigrant population.³²

Regularization Efforts

Many elected officials, as well as public opinion, do not support legislation that would legalize undocumented immigrants. Many point to the inability of the 1986 Immigration Reform and Control Act (IRCA) to stem the flow of undocumented immigrants. What critics often fail to mention, however, is that IRCA greatly facilitated the economic integration of undocumented workers. Most of the unauthorized immigrants who obtained legal status in 1986 under IRCA had found better jobs by 1992 than the ones they secured when they arrived. As a group, most but not all of the unauthorized immigrants who were legalized through IRCA arrived with relatively low skill levels and found low-skill, low-wage jobs. Yet, by 1992, five years after legalization, most had jobs that were better than the first jobs they reported and, for many, much better than the jobs they had in their homeland. In short, they had improved their status as a result of unauthorized immigration and legalization.³³ 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.

Lessons learned from IRCA suggest that instead of seeking perfect legislation, with its predictable disappointments, controlling unauthorized immigration might proceed from the twin premises that uncertainty and imperfection will be a way of life, and policies will always be partly an exercise in the inexact. To deal with this reality, channeling unauthorized immigration into regulated pathways might be a more realistic course than current policy goals, which seek total control or exclusion—goals that tend to create unrealistic public expectations and fuel further intolerance.³⁴ Extraordinary regularization programs granting legal status to unauthorized immigrants, such as IRCA, are not a new phenomenon, nor are they limited to the United States. Countries that have instituted such programs in the last quarter-century include Canada, Belgium, France, Italy, Spain, Greece, Portugal, Argentina, Venezuela, and the United Kingdom.³⁵ In southern Europe specifically, Italy, Spain, Greece, and Portugal have repeatedly conducted regularizations of their unauthorized populations—completing a total of 14 programs in the past two decades.

The regularization of unauthorized immigrants, while controversial and politically complicated, is a public policy challenge that we cannot ignore or ever perfect. Still, there remains a host of ways regularization can be made into a more effective migration management policy tool. Regularization not only prevents the population of unauthorized resident immigrants from building to high levels, it can also make management of migration more effective when used in concert with other migration management strategies, such as greater openings to legal migration, and more honest cooperation with sending and transit countries; earned regularization that uses tough but fair and transparent criteria can set the stage for better policy development and smarter use of enforcement resources.³⁶ Properly conceived and carefully executed regularization programs have the potential to become an investment in more orderly labor markets, in the rule of law, and in social stability through inclusion while meeting important security, labor market, and social policy goals.

Constitutional and Moral Rationale

Opposition to immigration is not new. Throughout U.S. history, some people have opposed the influx of immigrants from around the world who came here to find a better life. They protested against the Italians, Germans, Greeks, and Irish. They were so concerned about the number of Chinese “coolies” that they forced legislation to keep them out. Opponents were up in arms over Scandinavians, Japanese, Koreans, and Vietnamese. They worried about the number of “foreigners” coming from Central and South America. Yet the United States ultimately made a place for these immigrants and was enriched by their cultural contributions, talents, and hard work.

Despite widespread misconceptions, there are not more immigrants now than during any previous period of American history. The foreign-born population in the country, estimated at about 37.5 million in 2006, is only about 12.5% of the national population.³⁷ This figure is lower than the percentage of U.S. population that was foreign-born between 1860 and 1920, which ranged between 13.2% and 14.8%.³⁸ Whether motivated by fear, prejudice, or honest concerns, the debate over whether undocumented residents should be allowed in this country is a moot point. Rounding up and deporting 12 million undocumented immigrants

who own property in this country, and whose children are U.S. citizens, would violate all of the fundamental values and ideals on which our country was built. We must not forget the ideals and values that gave birth to this country: *freedom, equality, independence*. As we begin our immigration reform efforts, we must remain committed to our time-honored values. We must not lash out irrationally against hard-working and decent human beings, but, instead, we must remain faithful to those ideals.

I am not suggesting that we subvert the immigration admissions process. The establishment of procedures for the entry and removal of migration flows are necessary and legitimate. Instead, I argue that laws regarding admission cannot be enforced or implemented in ways that transform immigrants into pariahs. In the process of developing appropriate enforcement of immigration flows at all ports of entry, we must adhere to equity in our treatment of undocumented immigrants who already live in the United States. Subjugating undocumented immigrants who are long-term residents undermines the preservation of our society as a community of equals. Immigration laws can be enforced by better regulation at points of entry and well-developed sanctions, not by imposing social disabilities. Denying established immigrant residents the rights and recognition of membership misrepresents the American constitutional tradition, which is concerned with protecting “persons,” a category that includes aliens and citizens. We must stop the continued subordination of undocumented persons.

Millions of people are disenfranchised because they cannot become citizens in their countries of residence. If democracy is to be maintained and enhanced, all members of society must have a political voice as citizens. Citizenship must take into account not only residence within a state’s territory, but also other significant links such as family bonds, economic involvement, or cultural participation. Citizenship rules must recognize that individuality is always formed in social and cultural contexts, and in the case of long-term undocumented residents, they have been shaped by the American social and cultural context and, thus, they have become members of our social and cultural groups.

Undocumented youths and their families live among us and often have formed family and community connections. Formal exclusion of undocumented youth from our rich traditions of constitutional discourse also

risks the creation of a subcaste group. It also facilitates irrational discrimination against the undocumented who live, work, pay taxes, raise children, and participate in communities alongside citizens every day. The stories in this book strongly suggest that the rights of the undocumented should be clearer and grounded more in mainstream constitutional norms, more in their humanity than in their immigration status. Lack of legal status renders immigrants not simply foreigners, it brands them as criminals, subject to expulsion—as no less than complete outcasts. Under the current system, length of residence is irrelevant, family ties here are meaningless, and hardship is immaterial. In an increasingly global world, the current basis of citizenship rights seems a rigid, vestigial relic.

To what extent should the constitution protect undocumented young adults in the United States? I argue that the best reading of the constitution is one that provides as much parity as possible between citizen and noncitizen, regardless of formal immigration status. We should welcome undocumented persons. We have recruited and relied on them for generations; they have contributed to the economic greatness of our country; and their children have become part of the social fabric of our nation. Like newcomers of the past, they are here to seek a better life through hard work and dedication to their families. Welcoming them is the right thing to do.

Showing compassion and fairness in our immigration policies is not a sign of weakness or a lack of reason. Rather, those traits demonstrate confidence in a rule of law and a system of government that metes out punishment when necessary but understands that regulating the lives of those who seek to live within our borders must be done with the upmost compassion, dignity, and understanding. As in previous generations, there is much to admire about individuals who come to America seeking freedom and a better life. Let us welcome undocumented youths and their families into our society so they can contribute more fully to their communities. This is how we continue to build our nation of immigrants in a just, humane, intelligent, and moral manner. This is how we fulfill our commitment to a policy of humanity.

In this introduction, I have summarized much of the compelling evidence that suggests that Congress needs to address the tentative situation of millions of young people who are hostages of a confusing and contradictory immigration system. In school we encourage students to aspire to

greatness, yet we deny undocumented students the opportunity to share in the so-called American dream. Can we really afford to waste such a valuable national resource?

Organization of the Book

The collection of personal narratives in this book was drawn from in-depth interviews with undocumented students from diverse educational settings that included public high schools, community colleges, state universities, private universities, and highly selective four-year institutions in Arizona, California, Colorado, the District of Columbia, Georgia, Illinois, Missouri, New Mexico, New York, Texas, Virginia, and Washington. In the course of the interviews, I conducted additional field observations and informal interviews with teachers and members of grassroots and student organizations that advocate on behalf of undocumented students. These various sources of information provided me with multiple perspectives and a deeper understanding of the social and educational experiences of undocumented students.

Each of the first four chapters provides a biographical sketch and educational history of four undocumented high school students. These students are on the cusp of graduating and are dealing with the pending disappointment and uncertainty regarding their future college plans. The next four chapters, in part two, focus on undocumented students who have embarked on an uncertain voyage in their quest for a college education. These students have begun their journey at community colleges due to their affordable tuition rates. Some of the students in these stories were accepted to a four-year university, but the high cost of tuition placed their dream out of reach, leaving them with no choice but to take the long route while confronting ongoing social, legal, economic, and educational challenges. The chapters in part three tell the stories of four undocumented university students who face increasing economic challenges and experience growing despair as they approach their highly coveted goal of a college degree with the bittersweet feeling that such an attainment will do little to alleviate their ongoing marginality. Part four highlights the resilience and resourcefulness of undocumented college graduates who refuse to give up and continue to remain optimistic about

the possibility of becoming full-fledged legal citizens. They hope and are actively involved in political activism that advocates for the rights of undocumented immigrants, while at the same time they are continuing their education by enrolling part time in graduate degree programs. Finally, part five provides insight into how markedly different the lives of undocumented students would be if they were to become legalized. These four chapters focus on four individuals who lived most of their lives being undocumented, but whose lives changed overnight when they legalized their status. These individuals were able to realize their dreams and became civically engaged doctors, lawyers, and educators. Finally, the conclusion revisits the overall rationale for immediate federal legislation to legalize undocumented students and provides several resources and suggestions for individuals who wish to advocate for more equitable immigration and education laws.

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