

Charles H. Monson Essay Competition

UNDERSTANDING THE PLIGHT OF UNDOCUMENTED STUDENTS AND THE
SOCIOLOGICAL IMAGINATION: A FEDERAL SOLUTION TO A PUBLIC
PROBLEM

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INTRODUCTION

Veronica*, a student at the University of Utah is a talented and hard-working student who has worked her way through college. She volunteers as the associate director of finance for the Associated Students of the University of Utah. Before, she worked as Resident Advisor in the Housing and Residential Education Department but was terminated when the University was forced to perform background checks on all staff. As an accounting and finance major, Veronica also volunteers at the Utah Hispanic Chamber of Commerce and at the Pete Suazo Business center providing business education and mentoring to people who want to open their own businesses. Michael, another undergraduate studying at the University of Utah, used to be told by his friends that he would never be accepted at a university and that people like him “could not study”. Yet, at the time of the interview, Michael is an Honors College student and part of the Honors Think Tank who works to provide original solutions to social problems affecting their communities. Additionally, Michael and Arthur, who is in a similar situation, and also an Honors College student, volunteer for several community outreach programs and designed a web page to provide information about higher education to Latino students. Vanessa, who has lived in the U.S. since she was six years old, when asked about her motivations for going to college said, “I have always been a good student. I always got like really good grades in elementary and high school and I always knew that I wanted to go to college.” When Vanessa graduated high school she had most of the qualifications to attend any university with a full tuition scholarship; in fact she was accepted to all three of the schools to which she applied, but was ultimately denied funding. Vanessa, like Veronica, Michael and many talented, motivated, cream-of-the-crop students, have most of the qualifications to engage in study abroad programs, do any internship, and apply for any scholarship or any graduate program they desire. But they lack one crucial requirement: legal residential status.

Similar to the students mentioned above, many undocumented students, despite having faced tremendous obstacles and great difficulties in the early years of living in the U.S., are highly motivated in their academic goals. Many plan to continue in graduate school or pursue other professional degrees. However, undocumented students will be unable to exercise their post-graduation goals and aspirations absent fundamental reform in immigration policy. Manuel, an undocumented student who was very close to graduating, said, “I want to find some work [related to my field], change careers, away from restaurant work. I don't know if it's going to be possible given my situation.” Like Manuel, many undocumented students feel that they will not be able to fulfill their post-college dreams and

* All names have been changed to protect the identity of the students.

aspirations. The current legal status quo ensures that the rich potential of this high achieving group of students remains untapped. Essentially, the fate that awaits this talented group of students is similar to that of their undocumented parents. For them, the future will involve jobs that feature either a shovel or a spatula, absent fundamental changes in U.S. immigration policy.

How can we understand the personal dilemma these and so many undocumented students face, in Utah and throughout the United States? What are the implications of this contradiction between personal capacity and social opportunity, for both individuals and society more generally? Finally – and most importantly – what kind of action is needed to correct this social injustice?

SOCIOLOGICAL IMAGINATION: WHERE SELF MEETS SOCIETY

Prominent sociologist C. Wright Mills suggests that we look at the interplay of individual and society, biography and history, self and the world to understand the intricate connection of historical change and institutional contradictions. He argued “neither the life of an individual nor the history of a society can be understood without understanding both” (Mills 1959: 3) To accomplish this we need the sociological imagination, a quality of mind that will help us use information and develop reason in order to achieve lucid summations of what is going on in the world and what may be happening within our selves (Mills 1959). An important tool of the sociological imagination and feature of all work in the social sciences, as Mills suggests, is the distinction between the personal troubles of milieu and the public issues of social structure (Mills 1959). Personal troubles occur within the character of the individual and within the range of his immediate relations with others. A trouble, in other words, is a personal matter. For example, if one individual is unemployed we must consider this his/her personal trouble; however, if within a nation ten percent of the population is unable to find a job, then we must consider this a public issue. Therefore, public issues have to do with matters that transcend the immediate environments of individuals and their personal characteristics. Issues deal with the social organizations and institutions of society. An issue, as Mills points out, is a public matter. And public problems require public solutions. The question then becomes, is the plight of undocumented students better understood as a personal trouble or a public issue?

Jeffrey S. Passel (2003) estimates that approximately 65,000 undocumented students who have lived in the U.S for five years or longer graduate from high school every year, but only 13,000 of these students enroll into institutions of higher learning. This has a tremendous impact on further lowering the educational achievement of minority groups, particularly Latinos, as most undocumented students came from Latin America. Studies suggest that higher education is strongly correlated to integration and upward mobility (Fraga et al 2010; Hochschild & Scovronick 2004); therefore, the lack of adequate

access to educational institutions further assures that the Latino segment of the population, particularly the sub-population of undocumented Latinos, remains marginalized. These data suggest that what might look like the personal trouble of a handful of undocumented students is, in fact, a public social issue.

To start looking for a solution to this issue we must employ the sociological imagination and look at the intersection of biography, history, culture and structure of this phenomenon. We must analyze the biographies of undocumented students to understand the interactions of these individuals within larger society. An important question is to what degree are undocumented students able to shape their trajectories? Does achieving a college degree assure them of the social integration and upward mobility that typically accompanies a college education? If not, what social action will help correct this? To arrive at an appropriate social policy, we must also understand how the larger phenomena of immigration stands in history and the mechanics by which it is changing. Once we have a historical perspective of the larger phenomena of immigration, we must analyze the cultural response to immigration, particularly in terms of public policy. Finally, we must analyze the structure of immigration and how it is shaped by globalization and changing demands for labor. Putting all of these pieces together – biography and history, structure and culture – will enable a more precise understanding of the social issue of undocumented students in the U.S., and accordingly, will help create a more useful policy solution.

AN OVERVIEW OF UNDOCUMENTED STUDENTS IN UTAH

As I will discuss in greater detail in a later section, Utah is one of many states that began to receive increasing flows of immigrants in the 1990s and in the early years of the 21st century. As a state that initially presented a welcoming stance toward immigrants, Utah – like many other states – introduced legislation to provide the possibility of higher education to undocumented students. House Bill 144 was passed in 2002, allowing undocumented students to pay tuition at in-state tuition rates provided they attended a Utah high school for three years or more, graduated from a Utah high school or have the equivalent of a high school diploma, and are willing to sign an affidavit promising to apply for legal resident status as soon as they are eligible. Since its passage in 2002, hundreds of students have utilized House Bill 144 to attend Utah colleges and universities. The table below – from the Utah System of Higher Education – demonstrates that while in the 2003/2004 academic year 160 students went to Utah colleges and universities the number grew to as many as 643 students in 2008/2009 academic year.

Unduplicated Headcount by School

Academic Year

School	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10*	2010-11*
DSC	1	3	1	3		3	139
UofU	34	51	64	89	115	117	23
CEU			2	4	3	3	61
USU	5	40	114	59	53	32	2
SUU	5	6	15	11	11	6	2
SNOW	1	1	1	3			1
WSU	11	30	127	52	52	71	3
UVU	41	62	159	211	224	181	131
SLCC	62	112	142	157	185	177	186
SLCC - Skill Center			1				
Grand Total	160	305	626	589	643	590	548

* Fall Semester Only

My findings on undocumented students draw from 25 surveys and 25 in-depth interviews of undocumented students attending Utah colleges and universities. Surveys provided a range of demographic and socioeconomic information, while interviews provided qualitative data about student day-to-day life and future dreams. Participants for the study were recruited using a snowball sampling strategy because the sample for the study is very limited and undocumented students are a very small subgroup of the undocumented population. To eliminate bias due to the nature of similarity within social networks, I have used exponential non-discriminatory snowball sampling where I have identified several nodes of initial contact. Several gatekeepers from different social networks like churches, sports and recreation centers, community organizations, campus organizations, and online networking sites, have helped me reach possible participants.

Investigating how undocumented students access in-state tuition programs, their experiences as college students and their post-college expectations and outcomes is the basic interest of my research. Of particular concern is students' integration experience into civic, social, and cultural settings of college life in the context of their undocumented status. I believe that this type of research is fundamental to scholars interested in the topic of immigrant integration and debates surrounding policy that might help undocumented students deviate from a post-graduation fate largely linked with that of their unauthorized parents. In order to understand the experiences of undocumented students better I will explore four main topics that emerged in the in-depth interviews. First, I found that undocumented students, despite the tremendous difficulties they face, are highly motivated and this helps them continue in their academic goals. Second, I found that undocumented students utilize several resources

to help them navigate and stay in college. Third, I identify some of the difficulties and barriers undocumented students encounter to attend college and while in college. Finally, I explore students' plans after graduation, particularly their post-college aspirations.

As mentioned earlier, undocumented students are a highly motivated group of individuals. Despite having faced tremendous obstacles, they have achieved spectacular levels of educational achievement. Knowing how important higher education is to achieving upward mobility and social integration, I was interested in better understand how this group of students – who are perhaps the most disadvantaged sub-group of Latino students – was able to attend college. My research identified four main themes regarding student motivation. The first theme is students wanting to avoid a negative faith. For example, when asked what made them decide to go to college? Michael responded, “Well, I looked at my parents. They work too much and just live paycheck to paycheck. And it was a life I didn't want. I also saw my cousins – many of whom are in jail for drug charges and other stuff – and I just looked at that and thought, I didn't want that for me. I knew that through education things could be better.” To the same question Manuel responded, “it didn't even cross my mind until a couple of years after graduating from high school, it was out of the radar for me because it seemed to expensive of an idea and my family could not afford something like that. But two years after graduating from high school, I worked in a construction job and it was very heavy work, it was demanding. And so it just hit me that I needed to go to college, that there's got to be something better than this.”

A second theme was family support; parents played a crucial role in motivating students to attend college. For example, Vanessa said “my mom pushed me so hard. She always told me that I wasn't going to be like her, with her limited opportunities. She only had a high school education. She always told me that I was going to go to school and get my education.” In some cases, despite having achieved very low levels of education themselves, parents understood the importance of education and passed on that belief to their children. For example, Diana said, “Honestly, in my family my parents did not go beyond high school. That is why they always emphasized the importance of education. My parents were rigid in that aspect... they would say that if we wanted to start working, then we would have to pay rent and bills.”

A third theme that emerged among the undocumented students interviewed was their lifelong educational conviction. For example Joana said, “ever since I was little I wanted to be an elementary school teacher and I knew that if I wanted to be that, I had to go to college and get a higher education.” Ivan also described how he slowly progressed individually to discover that education was his passion. He said, “I have always liked school and it was just another step. When I learned about the University, which was in about the 10th grade, I loved the idea. I have always loved knowledge and I like to learn.

So it turned into another step.”

Education as a vocation was the final theme that emerged from the undocumented students that I interviewed. Students seemed to be expressing a particular suitability to education and this was their main drive to continue despite the obstacles they faced. “I have always liked learning,” as Vanessa, pointed out, “and I have always been a good student. I always got really good grades in elementary and high school and I always knew that I wanted to go to college.” Arthur said, “Education has always interested me. I have always been fascinated by [learning]. From early age, I would always just get home and study.”

Moreover, undocumented students also utilized several resources to help them navigate and stay in college. An analysis of the interviews yielded two main sources of support that students utilized. The first is supportive counselors that guided students in their academic goals and provided them with useful information on college admission guidelines and application requirements. Oscar said, “I applied to college through the Center for Ethnic Student Affairs scholars program and it worked out great. My advisor told me how to do it and he helped me through the whole process.” Often times, as mentioned earlier, the parents of the students have very low levels of educational achievement and thus little knowledge of the process of applying for college. Consequently, they are unable to help their children access higher education. In this aspect it seems that high school counselors played an important role in helping students decide to go to college. Liz said, “My advisor was great. She worked me through the whole process and explained how it worked, what an affidavit is, what it all meant.”

The second resource is private scholarships. Under their current legal status, undocumented students are unable to qualify for any state or federal funding. The low-income status of their parents makes it especially difficult for students to attend college, even though HB-144 eases some of the financial burden on their families. As a result, a private scholarship – the only type of funding a student may receive – is very valuable to an undocumented student. Ivan, for example, said, “I got the Larry H. Miller Scholarship and it has helped me out a lot. There was also a private individual. I never knew who it was, but he was sending me money so that I could go to school.” Some students would probably not be in school if they had not received a private scholarship.

However, undocumented students encounter a host of barriers in college, some of which include status uncertainty, deportation fears, financial difficulties and forgone opportunities due to their status. More than half of the interviewed students reported an unwillingness to talk about their status with professors, advisors and college staff unless it was absolutely necessary. Students strongly felt that their status was a personal matter and that they had to establish a certain level of trust before they could disclose their status. This made it very difficult for college staff to adequately help and guide students

in the right direction. Some of the students interviewed pointed out that they were not afraid of being deported per se, because they felt that they were not doing any wrong. But, deportation was a thought that constantly crossed their mind. Other students answer an unqualified yes when asked if they were afraid of deportation. Diana, for example, said, “Of course, when I was little my parents were always afraid. And that fear is like hereditary; it stayed with me. My parents were always telling us not to go out, to stay inside and such. We couldn’t do anything freely. I try to be more furtive about things, like if I go to festivals or events, because I don’t want to attract attention.”

As mentioned earlier, undocumented students most commonly come from low-income families and therefore they face many financial barriers when trying to access higher education. Furthermore, currently, due to their status, undocumented students are unable to qualify for financial aid and most scholarships. When asked to talk about a difficulty that they faced in college as a result of their status, some students talked about financial difficulties. Manuel, for example, said, “My biggest barrier with education was not being able to afford it. At times, I took one, two classes, just the least I could afford. I have to work full time to be able to pay for a semester.” Another difficulty students faced was forgone opportunities. Arthur, for example, said, “I would love to have the opportunity to work at the University, at any of the departments. I would love to have a really good part-time job. Or even to have the opportunity to get a full-ride scholarship.” Michael, the Honors College student mentioned earlier, talked about how “the Honors College was offering an opportunity to go study at Oxford College in the UK for humanities majors.” Knowing that he could not apply was a major disappointment for him and his friend.

Finally, during the interviews, undocumented students were asked about their future plans, particularly after graduating from college. Although some would like to work in careers related to their degrees, many expressed their desire to continue their studies and get professional degrees. Vanessa, for example said, “I want to get a Masters and a PhD in psychology and child development. I want to work with kids, that is one of my biggest goals.” However, more than half of the students interviewed did not expect to fulfill their post-graduation expectations. This high education and low hope conundrum is highlighted by Mario who said, “To my family it also means a lot because I am the first one to hopefully achieve the American Dream and graduate from college. As to what the future holds I would say there is hope but there are moments where I do doubt what I will be doing with my major and whether I will be working in the field that I have been studying for.”

An understanding of biography of the individuals involved in the public issue of undocumented students in higher education and the challenges they face can help achieve a reasonable solution. But in order to understand the problem in its entirety we must also examine the historical trends that have

led to the present situation. Often times, a lack of a historical perspective can lead to short sighted evaluations, erroneous assumptions, and poor solutions. Undocumented students are the children of undocumented migrants who decided to settle in the United States. Therefore, to understand what is happening we must have a historical perspective of immigration to the United States.

A RETURN TO THE SOCIOLOGICAL IMAGINATION

History

Throughout history people have migrated in search of better life for themselves and their families and the United States, for most of its history, has been a primary destination of many migrants. From the late 19th century to the early 20th century migration flows consisted mainly of European migrants. According to Douglas S. Massey, this period is known as the industrial period of migration and was the result of the spread of European industrialization to the colonies. During this period, European nations exported a large share of their populations. The flow of migration during this period was cut thin in the outbreak of The First World War and came to an almost complete end at the outset of The Great Depression (Massey 1998).

Douglas S. Massey further points out that migration became a truly global phenomenon after the middle of the 20th century; known as the period of post-industrial migration, it is characterized by a shift in the supply countries from Europe to the developing countries, as well as an increase in the number and variety of sending and receiving nations (Massey et al, 1998). During the post-industrial period of migration, the United States received a substantial number of Latin American migrants. From the 1990's to the present migration to the United States continued to be largely composed of Latin American migrants, particularly from Central American nations, and more specifically migrants from Mexico.

Culture

Now that we have a historical perspective of the migration to the United States, we must understand the cultural responses to migration in the form of public policy. The reception to immigrants in the United States has not been friendly and to attest this all we have to do is look at the restrictive laws that have been enacted in response to changing migrant flows. It is often argued that the era of American policy in response to immigration began in 1921 when a series of measures were enacted beginning with a hastily passed immigration bill designed to stop massive anticipated immigration from Europe following The First World War (Schaefer 2008). The 1921 bill was viewed as largely insufficient in stopping immigration from Europe and as a consequence the National Origins Act was passed by congress in 1924. The bill restricted the number of entrants to the United States and

established quotas of 2% of the U.S native-born White population as determined by their national origins. The Bill was largely insufficient similar to its predecessor; however, it became the basis of immigration policy for the next four decades. Nevertheless, worldwide immigration decreased at the onset of The Great Depression and was further suppressed by The Second World War. In 1965, as the migration trends to the U.S. were changing, shifting the supply countries from Europe to Latin America, President Lyndon B. Johnson signed into law the Immigration and Naturalization Act. The act had two primary purposes, to control *who* enters the U.S. in order to protect the American labor market and to reunite migrant families. In this way it restricted immigration from the western hemisphere and favored skilled migrants. Nevertheless, because it was primarily concerned with composition rather than quantity immigration continued, particularly illegal immigration as the Bracero Program – an agreement between the U.S. and Mexico to allow for temporary agricultural workers to cross the border legally – had ended a year earlier.

In 1986 the Illegal Reform and Control Act was passed in congress (IRCA). IRCA was the most sweeping reform in immigration policy since the Immigration and Naturalization Act replaced the National Origins system. Its target was to reduce illegal immigration by two strategies – legalizing immigrants already in the United States and reducing future flows of illegal immigrants by imposing penalties on employers who hire illegal immigrants (Bean, Edmonston and Passel 1990). Bean et. al. suggest that IRCA strategies have not deterred immigrants from entering the United States illegally and has not made the U.S.-Mexico border crossing substantially more difficult. In fact illegal immigration returned to the pre-IRCA levels within three years of the passage of the Act. Soon debate on illegal immigration raged in congress again and in 1996 a compromise called the Illegal Immigration Reform and Immigrant Responsibility Act was reached. The Act again targeted the illegal immigrants but it also increased scrutiny of legal immigrants seeking benefits from the state. Particularly the Act called for greater border control and surveillance. Although U.S.-Mexico border crossing was made substantially more difficult and expensive, illegal immigration continued despite increased spending in border protection.

Today, immigration is one of the most discussed topics in congress. Opinions on illegal immigration diverge dramatically with some groups advocating for more open borders and integrative immigration policies while others advocate for more protectionist policies and the removal of the estimated 12 million undocumented immigrants that have made the U.S. their home. The nations' growing prosperity in the last decades of the 20th century attracted a massive number of immigrants. In fact the very flows of migrants have changed dramatically within the U.S. in the past three decades. Traditional destinations – California, New York, New Jersey, Illinois, Texas, and Florida – are

becoming less attractive to newer immigrants. Rather, newer immigrants are dispersing to states and cities with little experience of foreign migration. Additionally, newer immigrant flows are largely comprised of undocumented immigrants. Researchers point out that between 1992 and 1997 the level of undocumented immigrants was just over three-quarters of legal, permanent immigration. In 1999-2000, however, it exceeded legal immigration by two percent (Passel and Suro 2005). The volatility of the topic of immigration has resulted in a failure of the federal government to pass a comprehensive immigration reform and as a result, individual states have begun to enact their own laws to deal with the promise and problem of immigration. In fact, in just three years, from 2005 to 2008, state legislative activity increased from 300 immigration bills annually to 1,562 bills (National Conference of State Legislatures (NCSL) 2005-2008). These bills range from welcoming laws like Utah's House Bill 144 to repressive laws, like Arizona's controversial SB 1070.

Structure

Finally, we must identify the essential components of migration and how are they related to one another. Particularly, we must identify and understand the dynamics that contribute to the continuation of migration. While reasons to move from one region to another are many and vary by context, migrating in search of work or better opportunities, sometimes referred to as economic migration, is more common. Flows of migrants in search of work represent a powerful economic constituency because not only do they contribute to the host country by filling the need for cheap labor, they also contribute to their country of origin in the form of remittances. The driving force behind U.S.-Mexico migration, particularly "irregular" migration is the fact that developed economies, like the U.S. have the structural need for migrant labor because it enhances productivity; while developing and third world countries have the need for remittances and the exodus of workers helps relieve labor market pressures such as unemployment and underemployment. Globalization has played an important role in the migration trends observed in last half of the 20th century and in the first decade of the 21st century. Particularly, and most commonly discussed, is the imbalance of labor supply and demand in sending and receiving nations and the discrepancies in income and welfare among nations.

A prevailing view argues that there is a positive relationship between economic globalization and income inequality, suggesting that the increased global movement of capital and goods creates a dichotomy between rich and poor countries. Essentially, the cross-border flow of labor benefits well-positioned economies and undermines poorer economies. The world systems theory suggests that international flows of migration follow international flows of capital, only in the opposite direction. This is a trend particularly observed in the core and periphery countries of the Western Hemisphere, especially the U.S. and Latin America. We can see these larger relationships at work when we consider

the particular immigration relationship between Utah and Mexico

As a new immigrant destination, Utah has been at the center of these new immigration trends. A vibrant economy and high demand for labor, along with immigrant friendly policies and growing immigrant networks have attracted people to the state. The foreign-born population of the Salt Lake-Ogden metropolitan area grew by 174% during the 1990's. Researchers have estimated that up to 50% of the new immigrants that came to the state in recent years were undocumented. These residents often bring their young children with them or are later joined by their families. The children of undocumented immigrants grow up American; they enroll in public schools and learn American values, yet have limited access to the mechanisms that promote social mobility and integration. It is in the context of Utah that we can explore how history and biography, culture and society have converged to create an urgent social problem. More precisely, the personal plight of undocumented students in Utah needs to be understood within a larger history of immigration. It also cannot be separated from an understanding of the cultural responses to immigration, in the form of public policy, and the structural forces driving immigration. We must now seek a public solution to what we have established is a public problem.

PUBLIC SOLUTIONS TO PUBLIC PROBLEMS

First, it must be pointed out that the debates surrounding public policy on undocumented students are not new. In May 1975, Texas passed a law that allowed local school districts to deny enrolment to children of immigrants who had entered into the United States unlawfully. A few years later, in the 1982 Plyler vs. Doe case, the Supreme Court questioned whether the Texas State law violated the Equal Protection Clause of the Fourteenth Amendment. The clause is crucial to civil rights because it protects individuals or groups from discriminatory state-enacted laws. The Supreme Court reached a 5-4 decision on the Plyler vs. Doe case, arguing that there was no evidence of "compelling state interest" and that denying children of illegal aliens the right to education would severely disadvantage them. Although the Supreme Court decision of this landmark case guaranteed undocumented young students a free public school education, post-secondary education remained out of the question due to federal laws that prohibited access to financial aid and benefits that might have made college more affordable.

Accordingly, in 2001, the first two states – California and Texas – passed in-state tuition laws granting undocumented students who meet specific requirements in-state tuition rates at public postsecondary institutions. Utah was an early state passing similar legislation in 2001, along with New York. Currently 11 states have in-state tuition legislation. However, three states – Arizona, Colorado

and Georgia – “have passed legislation that specifically prohibits undocumented students from receiving in-state tuition rates” (NCSL 2010). As of 2008, South Carolina prohibits undocumented students from enrolling in state colleges and universities through state legislation titled “Illegal Immigration Reform Act” (NCSL 2011). Moreover, opponents have challenged in-state tuition bills with a series of arguments: illegality should not be rewarded with state subsidies; incentives for illegal immigration should be eliminated; limited resources should be allocated to citizens and residents. In Utah, utilizing these same arguments, critics have attempted to repeal HB-144 several times since 2003. Recently, HB-191 *Nonresident Tuition Waiver Amendments* sponsored by Representative Carl Wimmer would have repealed HB-144. Representative Wimmer argued that the tuition break for undocumented students was unfair to American-born citizens.

In-state tuition, state-level bills are a positive step towards a solution. They do, in fact, encourage some undocumented students to attend higher education institutions. And as my research on undocumented students in Utah has revealed, in-state tuition legislation makes a college education substantially more affordable. Without the tuition breaks, many undocumented students would not be able to attend college. Furthermore, legislation such as HB-144 helps relieve the emotional and psychological distress induced by not being able to afford college (Drachman 2006). However, the reality of their legal situation remains a major concern for most students. Evident in the biographies of undocumented students is the fact that as a result of their illegal status, all of the doors that make college education affordable such as scholarships, financial aid, and legal employment with good wages and benefits, are closed to them. Furthermore, undocumented students seeking to improve the welfare of their families, and contribute fully to our society through education still face a host of additional barriers. These barriers impede the full economic, social and political integration, which typically accompanies the acquisition of higher education. Additionally, other potentially talented undocumented students are further discouraged from investing in college education because post-college employment opportunities and post-graduation studies opportunities are limited. When undocumented students do make it to college graduation, although highly educated, they have as few employment options as their undocumented parents and uneducated peers do, ensuring that their rich potential remains untapped.

Because of the limitations of state-level attempts to help undocumented students access – and benefit from – higher education, a more comprehensive, federal policy is necessary. This was first attempted in 2001. In August 1, 2001, Senator Orrin Hatch of Utah introduced the DREAM Act – Development, Relief and Education for Alien Minors Act, a bill that would allow an interim status to undocumented students who met certain criteria. The DREAM Act would also protect these students

from deportation and allow them access to lawful work. Although the bill has been reintroduced in several forms since 2001, it has failed every year. More recently, in December 2010 the bill passed in the U.S. House of Representatives by a vote of 216 to 198. It would have allowed students who came to the U.S. at age 15 or younger, who have lived in the U.S. for at least five years, and who have graduated from a U.S. high school to apply for a temporary legal status. To qualify they would also have to complete at least two years of courses at a higher education institution or vocational college or complete at least two years of military service. Eventually, the bill would also allow students to become eligible for citizenship. The Dream Act was ultimately defeated in the U.S. Senate by a vote of 55-41. The Dream Act legislation would ensure that undocumented students achieve their post-college goals and aspirations. More importantly, the Dream Act would ensure that the rich potential of undocumented students becomes reality. It would ensure that these students could fully contribute to society by giving them the opportunity to fully integrate into the civic and social institutions within their communities and beyond.

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