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Undergraduate

Undocumented Students Pursuing Higher Education

By Luis Cisneros

Introduction

In the United States, education is considered a key to success in life. However, not every resident of the U.S has the opportunity to access higher education. Undocumented immigrants seek better lives, or what is commonly called the “American Dream,” but their opportunities to achieve it through education are reduced because they were not born in the U.S. In fact, most undocumented immigrants were brought into the U.S. at young ages by their guardians, not because they decided to migrate to a different country. For these young undocumented people, the United States is the only home they know.

Every year in the United States it is estimated that 65,000 undocumented students graduate from high school. The Supreme Court case *Plyler v. Doe* gave undocumented students free K-12 education. However, once these students graduate from high school they decide not to pursue higher education due to their immigration status. They face severe challenges such as lack of social, legal, financial, and psychological support. They must work harder than other students because of their limited opportunities. They look for any resources they can find and take them as opportunities to open doors to success in their lives.

Under the federal government, states are not prohibited to provide federal financial aid to any person who is not a legal citizen of the U.S. However, every single state has different laws

and institutional policies regarding enrollment, tuition fees, and financial aid. Undocumented students are ineligible for obtaining federal financial aid (which includes work study, loans, scholarships and grants), meaning that they have to work to pay it from their own pockets. Most scholarships are offered to students who have a Social Security number, and undocumented students primarily depend on private scholarships that do not require them to have Social Security numbers.

The main problem that constrains undocumented students from continuing with their education is the lack of money. Besides all the expenses incurred, many undocumented students must contribute financially to their families or relatives residing in their home country. Many parents of undocumented students have financial problems and want their children to work and financially support their families as soon as possible. Even after undocumented students have completed their careers, they cannot legally work in the United States. Since they cannot receive federal financial assistance, students have few opportunities of finding a steady job because most employment requires a Social Security number, and the jobs they do find are either illegal or not well-paid.

Discrimination is another factor that discourages undocumented students from pursuing higher education. Undocumented students hide their immigration status in fear of deportation, causing a failure for schools to identify them and rendering them unable to provide assistance and support. Unsupportive families of undocumented students may see them as arrogant and selfish people who are not willing to help their families. Lack of family support plus current immigration laws reduce the chances for undocumented students to legally work in the U.S., giving some feelings of hopelessness. Undocumented students seek help to overcome these obstacles, but unfortunately the help provided by the American government is simply not enough. This leads us to ask a crucial question: what are the most significant factors that

constrain undocumented students from pursuing higher education, and what solutions can help to mitigate these effects?

Literature Review

The American educational system has become more accessible for diverse ethnic groups from different demographic regions. The increase in access has led to more ethnic minority groups pursuing postsecondary educations. Undocumented students form a large percentage of these ethnic groups, and they have faced different hardships that constrain them. A brief review of the current research introduces the major challenges presented for undocumented students pursuing higher education: federal policies and immigration laws, limited access, and social perceptions of citizenship identity.

Policy

One of the major problems undocumented students face when pursuing postsecondary education is the application and enforcement of immigration laws and policies as well as financial aid regulations, statutory immigration terms, and Internal Revenue Code provisions (Olivas 413). In 1982, the Supreme Court Case *Plyler v. Doe* granted the opportunity for undocumented immigrant children to attend public schools, for which school districts and states could not charge them tuition. But the question that has not been resolved is what happens to those students once they graduate from high school and wish to attend college. The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 set rules in action for undocumented students. These undocumented students are allowed to attend colleges, public and private, but states must pass legislation to allow them authorization for in-state residency if they want to be eligible for in-state college tuition. On October 12, 2001, the California's Assembly Bill 540 (AB 540) was signed into law, allowing undocumented students exemption

from paying non-resident tuition if they attended high school and received a diploma or equivalent. However, this promising reform was overshadowed by the 9/11 terrorist attacks that prompted an increase in border security and culminated in the realignment of government agencies into a department called Homeland Security (Hesson). Homeland Security was established to prevent terrorism and terrorist attacks, but increased spending on border security and deportation often indirectly affected undocumented students who were not even associated with terrorist groups.

The events of 9/11 cast a shadow on the future of undocumented students. The topic of immigration reform was not addressed again significantly until the DREAM Act (Development, Relief, and Education for Alien Minors Act, introduced in 2001 but stalled until recently) was reintroduced to Congress in 2010. In the article “Undocumented Immigrant Students and Access to Higher Education,” Spiros briefly discusses how the DREAM Act provides an opportunity for undocumented students to pursue a higher education. These provisions are more effective than state laws for undocumented students. The DREAM Act allows states to provide higher education benefits such as in-state tuition to undocumented students. It also allows young undocumented students to enter into a six-year conditional permanent resident status under certain requirements such as having graduated from high school, having been accepted to a college or university, or having obtained a GED. At the end of this period, students would be granted permanent resident status. Thanks to the DREAM Act, undocumented students with “good moral character” who have lived in the U.S. for more than five years and are under the age of 21 are allowed to obtain legal status and receive in-state tuition rates. Unfortunately, the DREAM Act had been stalled along with other immigration reforms that were displaced during the aftermath of the 9/11 incident. Undocumented students receiving federal financial aid and the opportunity to legalize their status will have a solution if state and federal laws effectively work

together, even with the specter of September 11 casting its long shadow and bringing consequences to these students.

Not only do undocumented students face policy issues in the form of immigration restrictions, but they also face policy issues in the form of financial restrictions. In the article “Purged: Undocumented Students, Financial Aid Policies, and Access to Higher Education,” Daysi Diaz-Strong concludes that the denial of financial aid discourages undocumented students from pursuing a postsecondary education, focusing on the relationship between higher education policies and the immigration system. The opportunities for undocumented students to pay for their tuition are being denied, causing them to depend financially on work, family contributions, scarce scholarships, and strategies such as sharing used materials with peers and working more hours at the same time as taking fewer college courses. The denial of these opportunities for undocumented students is an example of how marginalized groups have been in disadvantage of receiving necessary help. Higher education institutions play an important role for undocumented students by pushing them to find the necessary resources to complete their educational goals.

Access

Another major issue that undocumented students face is the restrictions in access to higher education institutions. According to Drachman, who seriously considers in his article whether undocumented students should have access to postsecondary education, the Title IV of the Higher Education Act of 1965 limits undocumented students from receiving any federal financial aid for a higher education. The Supreme Court Case of *Plyler v. Doe* (1982) argued about whether a law in which illegal immigrants are denied access to public education violates the 14th amendment. In fact, the law allowed the admission of undocumented immigrant students, charging them a tuition fee of \$1,000 per year, therefore violating the principles of equal protection. Enactments like the Personal Responsibility and Work Opportunity

Reconciliation Act (PRWORA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) are directly focused on excluding undocumented students from receiving any federal, state, or local financial aid. The researcher concluded that providing free K-12 education to undocumented students should also be applied to higher education.

In the article “Evading ‘Residence,’” Jessica Salsbury argues that the immigration laws such as the IIRIRA restrict students from receiving federal financial aid. The author proposes federal legislation in the Senate and the House that would repeal Section 505 of the IIRIRA and enable undocumented students to obtain lawful permanent resident status. The author argues that state laws violate the “on the basis of residence” provision of Section 505 of IIRIRA, and that state laws are preempted altogether under the federal power over immigration. Section 505 of IIRIRA provides:

[A]n alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State . . . for any postsecondary benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

The IIRIRA restricts undocumented students’ access to postsecondary educational benefits. Undocumented students must pay the triple tuition amount (or more) than residents and are ineligible for federal financial aid, making the cost of a college education entirely out of reach. The removal of educational barriers for college-bound undocumented youth is not complete without financial aid, work authorization, and immigration relief. In spite of limitations, states must be empowered to support their undocumented youth to the fullest extent possible in areas of traditional state control, including public postsecondary education. Increasing access to higher

education is the key to providing future opportunities, success, and stability to both undocumented students and the communities in which they live.

Student Perceptions

Whereas the first two obstacles, policy and access, address external factors, quite possibly the most important factor in undocumented students pursuing higher education is the way they perceive themselves as citizens and as students. In the article “Law & Social Inquiry Legitimacy, Social Identity, and the Mobilization of Law,” Abrego describes the way undocumented students succeeded in higher education before and after the passing of important legislation. Before AB 540 and the DREAM Act, undocumented students felt inferior, embarrassed, ashamed, scared, psychologically damaged, and depressed. Undocumented students would fear a loss of their integrity every single time they were asked about their background, and they would hide their citizenship status. After the AB 540 passed, students felt a more welcoming atmosphere, and felt more comfortable in disclosing their citizenship status with others. Their self-images transformed from being perceived as being against the law to being in favor with the law because of the belief that undocumented students who pursue higher education will help the country in the future. This is not to say that right-granting laws to help undocumented students have not worked, but their processes are often slow and complex. On the other hand, AB 540 had empowering effects in notable short period of time. Programs and laws such as the DREAM Act should be expanded with federal support in order to give undocumented students more opportunities and make higher education more accessible for them.

Undocumented students do not feel comfortable being called illegal aliens, a term that further marginalizes them and places on them a negative connotation. They would rather be called undocumented students, or even better, AB 540 students. In the article “Not Just a Latino

Issue,” Beleza Chan provides examples of how undocumented students are typically marginalized by their ethnicity and background. The author also covers how undocumented students feel isolated during their journeys into higher education. On November 25 of 2013, Ju Hong, a graduated South Korean student of UC Berkeley, interrupted President Barack Obama during his speech of immigration reform at Betty Ong Center in San Francisco, calling for the use of executive order to halt deportation of 11.5 million undocumented immigrant families. Hong spoke up on behalf of undocumented families by claiming immigration reform not as a Latino issue or Asian and Pacific Islanders issue but “a human rights issue.” These students do not know many people who understand how it feels to be “invisible” to others, and find it safer to not expose their immigration status, which means they do not open up and therefore receive no help. The three major challenges that students face (policy, access, and student perceptions) paint a vivid impression of the undocumented student experience in higher education. Review of current research literature reinforces the proposition that in order to be successful and therefore contribute most effectively to the economy of the country, undocumented students must be protected by federal policies, supported by financial aid, and be given opportunities to develop positive social identities.

Conclusion

This literature review uncovers the way recent immigration policies simultaneously impede and assist undocumented students persisting in higher education. The majority of students face different hardships throughout their lives, and undocumented students are not an exception. In fact, undocumented students face more challenges when pursuing postsecondary education than regular naturalized American students. Some of the challenges presented for undocumented students are the lack of financial aid, resources, and citizenship information, and institutional regulations that discourage and constrain them from pursuing higher education. The

American government has set immigration laws that limit the scarce opportunities of undocumented students, excluding them from receiving federal financial aid and making it difficult (but not impossible) for them to persist in higher education. Recently, the government has created and improved programs to help more undocumented students succeed in life. The success of such programs shows that the states should determine whether or not in-state tuition should be given to undocumented students, responsibility that the federal government should not have. This goal can be reached if more programs to help undocumented students are created or if limitations like the IIRIRA are removed.

In this time in history, a K-12 education is not sufficient means for finding well paying jobs; it is necessary to have a college degree. In regards to undocumented students pursuing higher education, the author believes that immigrants should be allowed to receive financial support just like in the K-12 system. Continuing and improving the investment made in these students during their K-12 educations will demonstrate that America still cares about its people, regardless of citizenship status. Financial programs to help these students are working, so we need to continue improving the investment already made on undocumented students.

Undocumented students have demonstrated that they are able to succeed in their lives even with all the social, legal, financial, and even psychological challenges they face in the U.S. By overcoming those challenges, undocumented students are seen as role models for their communities. Undocumented students can empower their minds and accomplish their goals in an environment where they feel secure, motivated, helped, and not judged by anyone. An important factor that will help undocumented students is for institutions of higher education to employ faculty, staff, and counselors who are empathetic and understanding and will work to create an environment in which these students feel free to ask for help without feeling judged or marginalized by their immigration status. School counselors and student affairs professionals

should work to provide help to whoever needs it, regardless of citizenship status (Storlie). Collaborating and interacting with undocumented students will empower and support them to continue pursuing a higher education despite challenges. Undocumented students need help from educators who will provide them information and help to overcome challenges presented when pursuing a higher education.

The undocumented population contains many young people that can significantly help the economy of the country. Providing access to postsecondary education for undocumented students will create taxpayers and decrease public expenditures, building an opportunity for young immigrants to help stabilize the economy of the U.S. by paying more payroll taxes for longer periods of time. In order for undocumented students to contribute by paying payroll taxes, they first must obtain decent jobs that are more likely to require college degrees to obtain higher earnings. Obtaining college degrees will benefit the students themselves by supporting their families and depending less on the government, and society will benefit as well from the contribution of more taxes. By expanding and strengthening immigration reforms such as the DREAM Act, the U.S. government could help more undocumented students pursue a higher education so this investment could be realized in benefit for everyone. Helping these students shows that the United States still supports hard working people and rewards their hard work with opportunities they have earned.

The more students from different ethnicities, the more diversity this country will have. Helping undocumented students will undoubtedly benefit American society. After all, undocumented students form part of the future of this country, and the U.S. should help its people, regardless of citizenship. Supporting undocumented students in their educations will demonstrate the investments already made on these students to take them to the next level.

Undocumented students are here to stay, and they should receive the help they need to succeed in life, so why do we not give immigrants a chance?

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