



“State” dream acts and the *state* of
[undocumented] immigrant student
options for higher education

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Demographic Change: Almost Half Metro Areas with 1 Million+ Immigrants Are in the US

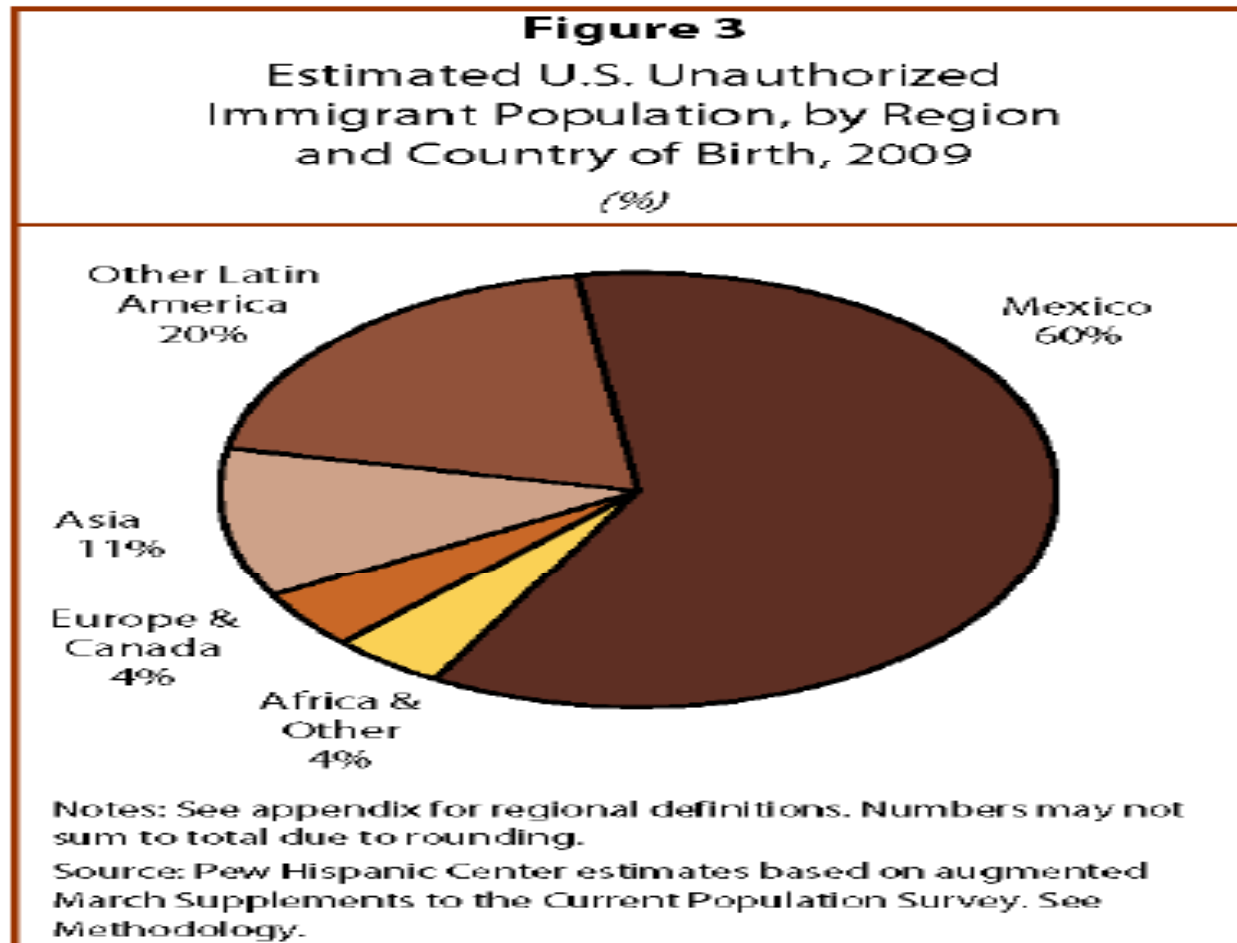


From the Migration Policy Institute



Some Context: Numbers, Geography, and Mixed Citizenship Families

- **Foreign Born in the U.S.: 13 percent** or 40 million individuals –
 - 53 percent from Latin America; 28 percent Asian-origin
 - More than half of this population resides in 4 states: CA, TX, NY, FL; 14 other states exceed national average of share of immigrants (U.S. Census 2011).
- **Unauthorized immigrants** comprise **28.0 percent** of the nation's foreign-born population, 3.7 percent of the entire U.S. population, and 5.1 percent of U.S. workers (Batalova & Terrazas, 2010).
- Approximately **59%** of unauthorized immigrants reside in California, Texas, Florida, New York, Illinois and New Jersey (Passell & Cohn, 2010).
- In 2009, there were 1.1 million unauthorized children in the U.S. (decline over last decade). However, the population of U.S.-born children with at least one unauthorized parent nearly doubled from 2000 to 2009 to number approx. 4 million (Passell & Cohn, 2010).



2009: 8.9 million from Mexico and other Latin America; 1.2 million from South and East Asia; 475, 000 from Europe and Canada (Passel & Cohn, 2010).



“5” Key Periods in Immigration

1. Classic era: Open immigration before the restrictive policies of the 1920s
2. *Bracero* Era: 1942 to 1964
3. Undocumented era to passage of IRCA: 1964 to 1986
4. Post-IRCA to present (including IIRAIRA of 1996): The geographic expansion of immigration (Massey & Capoferro, 2001)
5. **Post-9/11 Immigration Policy Era with DACA**



Immigration Policy: Post 9/11

(Mittlestadt, Speaker, Meissner, Chishti, 2011)

Key Political Outcomes



- Largest Reorganization of US Government since after end of WWII
- New focus on homeland security and aviation safety
- Immigration now linked with terrorism and national security since 9/11 hijackers entered the country with legally issued visas.

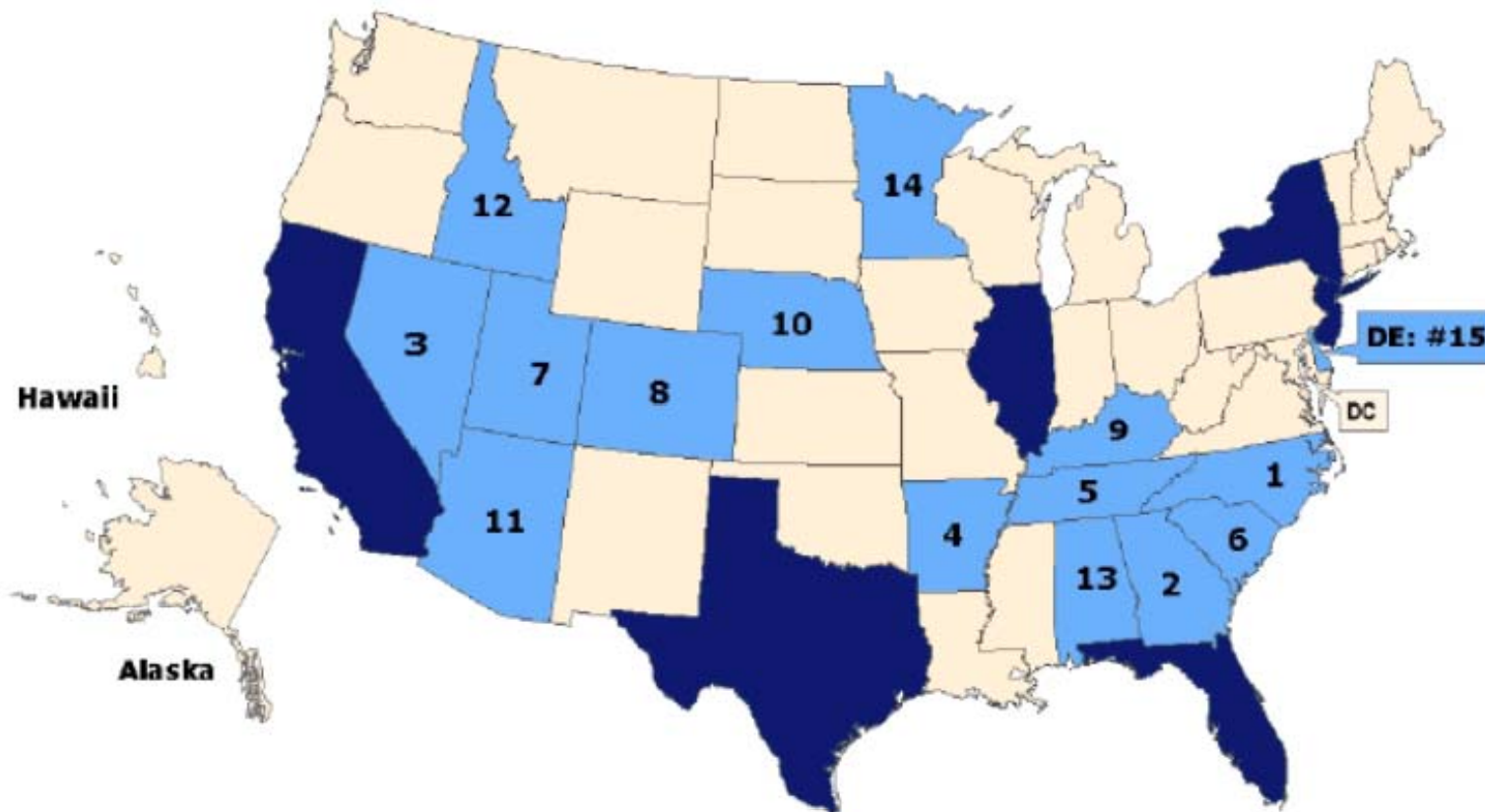
Major Policy Changes:

- Creation of Department of Homeland Security
- Dramatic increase in funds for US Customs and Border Protection from \$5 billion in 2002 to \$11.5 billion in 2010. Newly formed Immigration and Customs Enforcement (ICE) also with a budget that doubled from 2002 to 2010 (\$2 to \$5 billion).
- New Intelligence/Counterterrorism dimensions in immigration mission: **Rise of interoperable databases**
- Increased border enforcement mainly with Mexico
- **Rise of state and local actors in immigration law enforcement**
- **2012: DACA:** Deferred Action for Childhood Arrivals (DACA)



Immigration Populations: Large and Fastest-Growing States



-  States with 1.7 million or more immigrants (2008)
-  States (ranked) with 200 percent or higher growth (1990 to 2008)

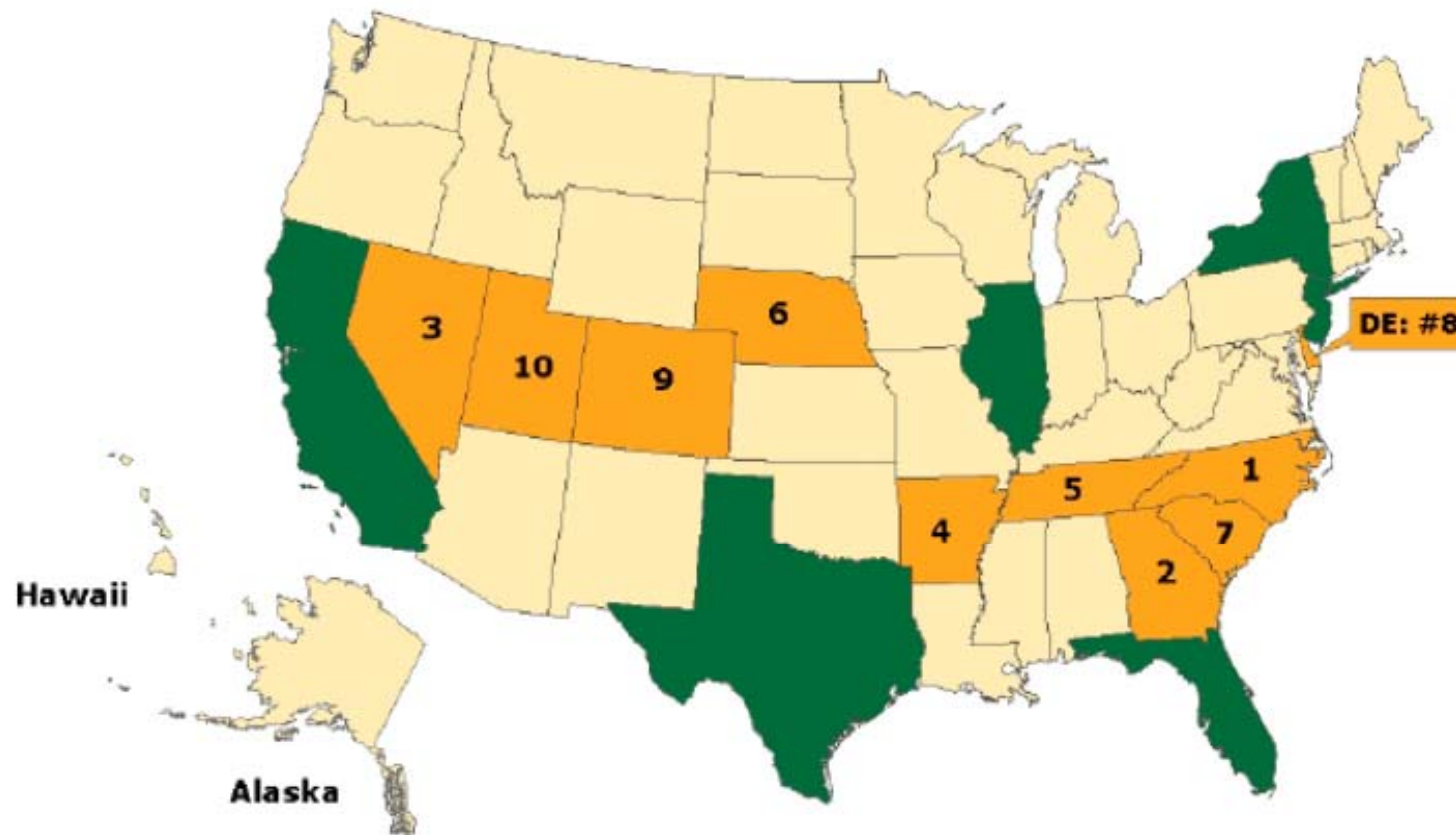


Source: 2008 American Community Survey and 1990 Decennial Census.
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Children of Immigrants: Large and Fastest-Growing States

-  States with 500,000 or more children of immigrants (2008)
-  States (ranked) with more than 250 percent growth (1990 to 2008)



Source: US Census Bureau, 1990 Decennial Census and 2008 American Community Survey.
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General facts about recent immigrants and higher education in the U.S.

Baum & Flores, 2011

1. Two flows of recent immigrants to the U.S.:

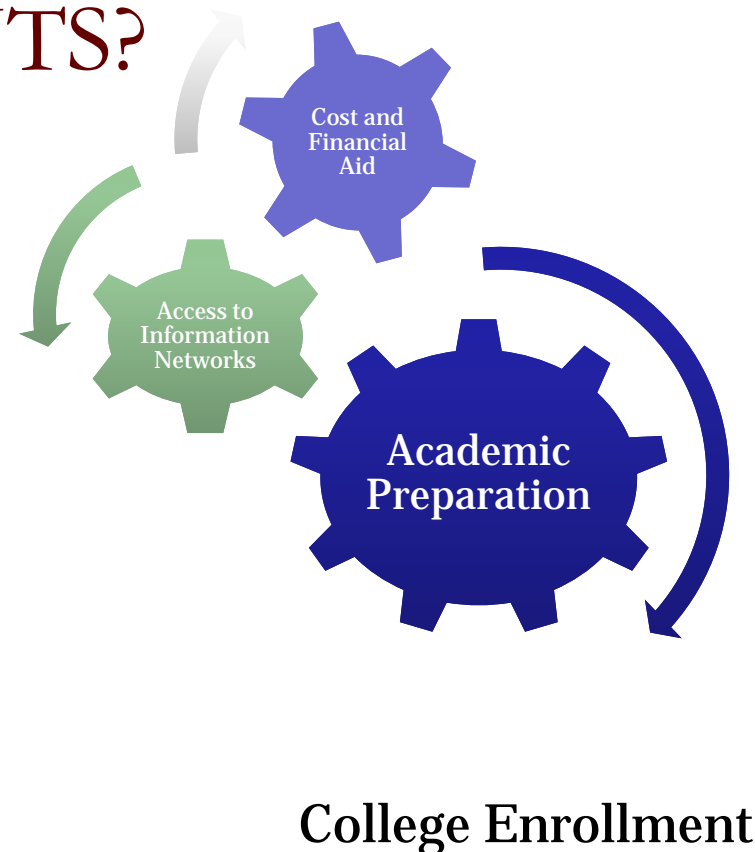
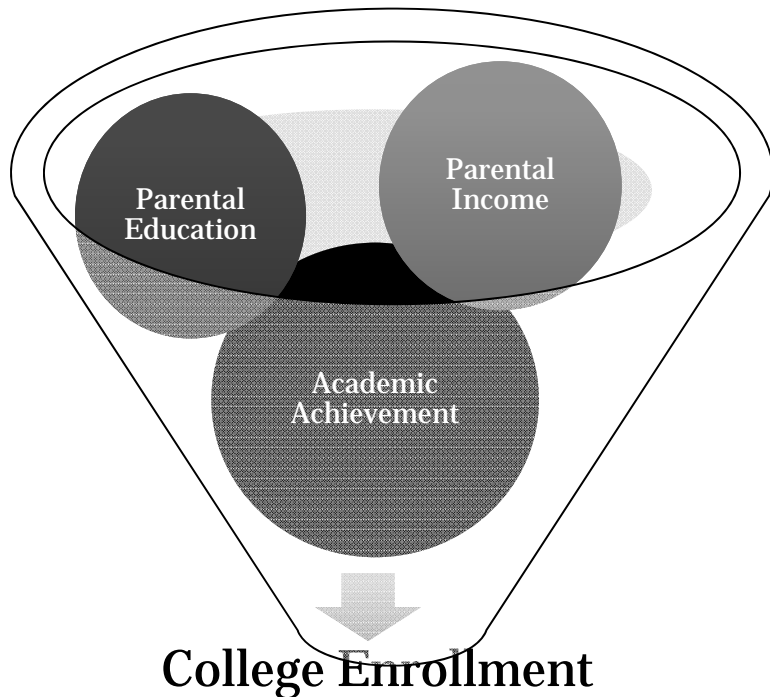
- One primarily from Asia who fill high-skilled and technical jobs in engineering, science and medicine
- Low-skilled manual workers from Latin America, the Caribbean, and some Southeast Asian countries (Portes, Kelly and Haller, 2009)

2. Link between immigrant status and higher education attainment is complex and largely explained by variation in immigrant characteristics; highly dependent on country of origin

3. 50 to 80 percent of foreign-born fathers in the U.S. from Africa, Japan, Korea, Hong-Kong, Taiwan, Pakistan, Bangladesh, and Iran had a bachelor's degree compared to 4 to 10% of fathers from Mexico, the Caribbean, Cambodia, and Laos.



Factors Affecting College Access: – WHAT MATTERS MOST FOR IMMIGRANT STUDENTS?





What do these changes have to do with the average immigrant student in the U.S.?

How do these changes affect the *undocumented* immigrant student in the U.S.? What are their options for higher education?



The State “dream acts”: In-State Resident Tuition Policies

- Deem undocumented students as eligible to pay in-state tuition charges at public postsecondary institutions upon meeting certain requirements
- The laws don't exclusively advantage undocumented students, almost 85% of whom in the U.S. are of Latin American origin, but this group has been the chief beneficiary of the policies
- Bills to extend tuition benefits to non-resident students have been introduced in nearly one-half the American states, and adopted in 15 as of 2013 (2 retracted from original 17)



Relevant Questions

- What are in-state resident tuition policies and where have they been successfully adopted?
- Where were they proposed and not adopted? What can we learn from the motivation of how they might even be considered for passage?
- What does the research say about the policy effects? DO THE POLICIES WORK?
- What are the next steps for states with and without state dream act legislation?



Jurisdictions of Action

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State Legislative “Dream Acts”

Counter State Dream Act Legislation and
Voter Referenda

**Local Policy: Board of Regents,
University Governance and Institutional
Autonomy**

State	Year Passed	State Financial Aid Eligibility	Locus of Control	Affirmative Action Ban	Top 12 State with Unauthorized Population
Texas* (HB1403)	2001	Yes	State Legislation	1996 (Hopwood)/ Grutter reinstates AA in 2003	Yes
California (AB540)	2001	Yes	State Legislation	1997	Yes
Utah (HB144)	2002	Partial	State Legislation	No	No
New York (SB7784)	2002	No	State Legislation	No	Yes
Washington (HB1079)	2003	Yes?	State Legislation	1998	No
Wisconsin (A75)	2009	No	State Legislation	No	No
Oklahoma	2003	Yes	State Legislation	No	No
Illinois (HB60)	2003	No	State Legislation	No	Yes
Kansas (HB2145)	2004	No	State Legislation	No	No
New Mexico (SB582)	2005	Yes	State Legislation	No	No
Nebraska (LB239)	2006	No	State Legislation	No	No
Maryland (S167/H470)	2011	No	State Legislation & Voter Referendum	No	Yes
Connecticut (H6390)	2011	No	State Legislation	No	No
Colorado (S33) Minnesota (S1236) New Jersey (S2479) Oregon (H2787)	2013	No	State Legislation	No	Yes No Yes No

Governing Boards

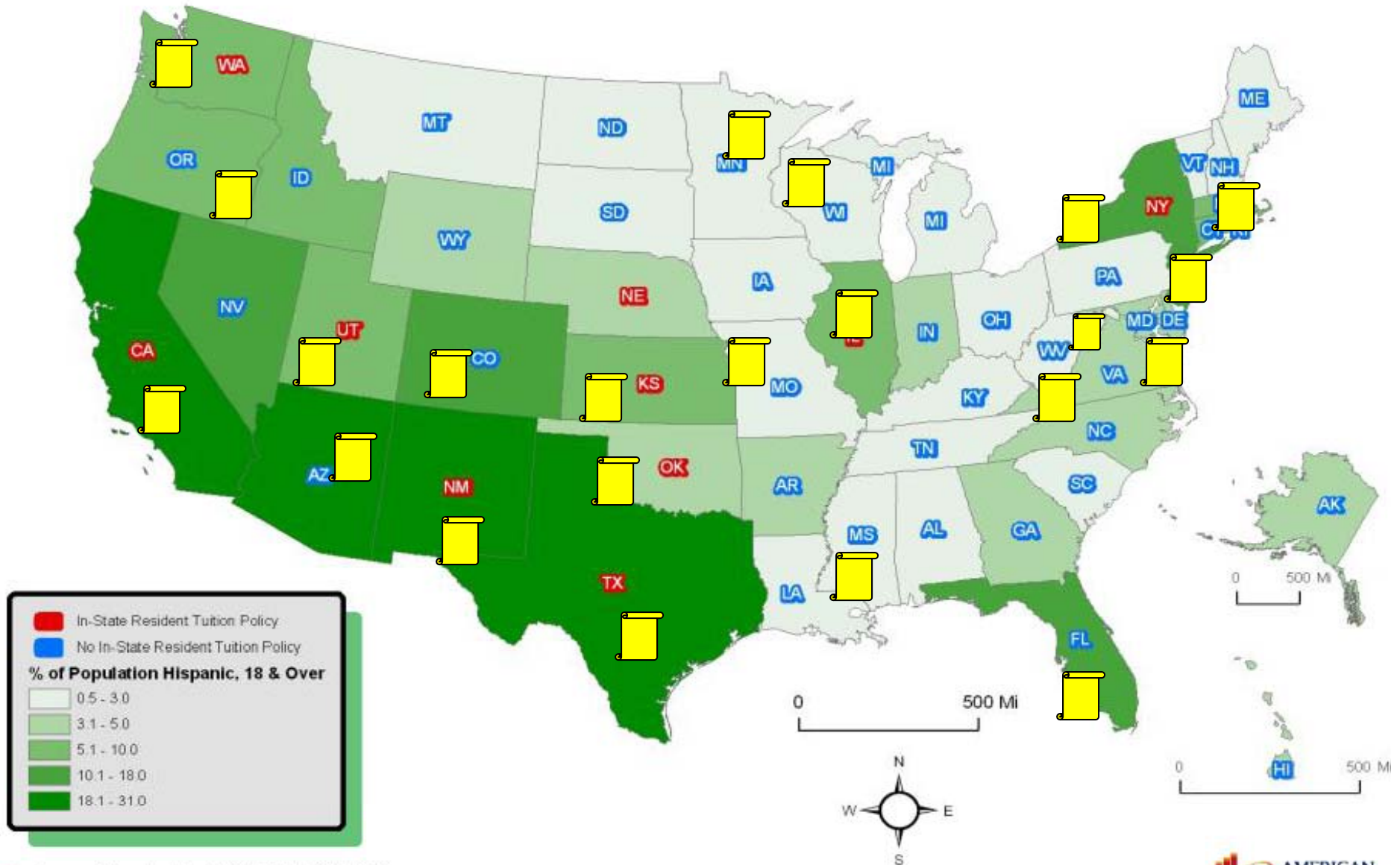
Rhode Island Board of Governors (2011)	Michigan Board of Regents (2013)	Hawai'I Board of Regents (2013)			
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Examples of In-State Resident Tuition Policy Research

- I. “Before the Dream Acts” - Community College In-District Tuition Policies in Dallas and Houston: 1998 to 2000 (Flores, forthcoming) **METHOD: DnD; Institutional data**
- II. “The First State Dream Act” – Texas in 2001 (Flores, 2010) **METHOD: DnD; CPS – Individual level data**
- III. “All the State Dream Acts” – 10 states as of 2006 (Flores, 2010) **METHOD: DnD; CPS – Individual level data**
- IV. State legislative agenda setting – proposal of ISRT Policies (McLendon, Mokher & Flores, 2011) **METHOD: Cox Model; Various state legislative databases and IPEDS**
- V. Persistence of early cohorts of ISRT beneficiaries in Four-Year Selective Public University in Texas (Flores & Horn, 2009-2010) **METHOD: Cox Model; Individual level data from UT Austin (quantitative case study)**
- VI. Community colleges, *localism*, and undocumented immigrant students: CA v. NC (Flores & Oseguera, 2009; Oseguera, Flores & Burciaga, 2010) **METHOD: Multi-Case Study, Legal Analysis, Institutional and Individual level data**

US Hispanic Population Over 18 and Presence of In-State Resident Tuition Policy, 2006





The Results: ISRT Policy Analyses

- ❖ Community Colleges: In-district tuition policies have differential effects on overall Latino enrollment: Significant results for Dallas but not Houston.
- ❖ Texas: Older students, ages 21-24, were 4.8 times more likely to enroll; older females significantly more likely to enroll; No effect for males.
- ❖ All States: Students in an ISRT state are 1.54 times more likely to enroll in college; Higher odds for older students and males
- ❖ State Legislative Agenda Setting: Higher percentages of female legislators, Percent foreign-born in a state; and states without a consolidated governing board
- ❖ College Persistence of ISRT beneficiaries: ISRT students as likely to persist in a selective 4-year school than similar students who are not ISRT beneficiaries
- ❖ Community College Comparisons Across States: Legal confusion over admissibility of undocumented students in states without a policy presents difficult circumstances for college personnel (NC v. CA). Institutional support and trained staff is important



Multiple levels of Policy Consideration

The Individual

- High achieving [undocumented] students appear to enroll and excel when accessible public and institutional policies are in place; there is a cost to *non-enrollment*
- New Class of Educated Undocumented in Informal Labor Market or Graduate Schools. (Pre-DACA but DACA not sustainable)

The Organization and The State –

- *Implementation stories* of in-state policies *matter*; Institutional cooperation and facilitation are important for success
- State environment for college access often sets the stage for more local success. *State pipelines to college differ.*
- Immigration policy as a matter of school, state legislative, local, and Board of Regent policy.



What is next?

New locations of consideration and new law:

-- State legislation, governing boards, voter referenda (state dependent)

States with no state policies may be the most critical locations of opportunity – the role of *institutional autonomy*.

Voter registration and voting will matter more than ever.

Beyond citizenship of the individual: American-born children of the undocumented can also be affected through anti-immigrant state legislation, complex process of the U.S. financial aid system (FAFSA), and families with mixed citizenship households.



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