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Interviews

Challenges and Opportunities for Immigration Policy Reform

U.S. Citizenship and Immigration Services Director Emilio T. Gonzalez
Interviewed by Luis Gonzalez and David Martinez

Justice for All: Protecting Marginalized Communities in Southwest Texas

Texas RioGrande Legal Aid, Inc., Executive Director David G. Hall
Interviewed by Brian Bombassaro

Feature Articles

Collective Prosperity: The Power of a Multiethnic Agenda, A New York Model

Saru Jayaraman and Aarti Shahani

Local Immigration Regulation: A Problematic Trend in Public Policy

Jill Esbenshade and Barbara Obzurt

Commentaries

The DREAM Act, Deferred

Eduardo J. Padrón

The Tijuana Two-Step: The Border Patrol's Teargassing of Colonia Libertad and Extraterritorial Criminalization of Mexican Citizens

Robert F. Castro

Special Content

Featured Artwork from Gabriel Romo

Si Quieres Paz, Lucha por Justicia
Paloma Negra
Madre Kahlo

Featured Artwork from the National Hispanic Cultural Center

Aztec Pilots in Search of Quetzalcoatl, Santiago Pérez
Rosaio de Besos, Ray Martín Abeyta
Tinta y Sangre, Ray Martín Abeyta

Book Reviews

Gregory Rodriguez

*Mongrels, Bastards, Orphans, and Vagabonds: Mexican Immigration
and the Future of Race in America*

Reviewed by Michael Rosenfeld

Dolores Delgado Bernal, C. Alejandra Elenes, Francisca E. Godinez
and Sofia Villenas

*Chicana/Latina Education in Everyday Life: Feminista Perspectives
on Pedagogy and Epistemology*

Reviewed by Amber Garrison, Pamela Hernandez, Diane M. Dunlap,
and Aimee Clott

On the Web

HJHP's Internet Sites of Interest

HJHP Editorial Staff

The DREAM Act, Deferred

By Eduardo J. Padrón

Eduardo J. Padrón is the president of Miami Dade College. He is nationally respected for his advocacy for underserved populations in higher education, innovative teaching and learning strategies, and focus on support for student success. Padrón has received appointments from four American presidents and currently serves on many boards, including the Carnegie Foundation for the Advancement of Teaching, the American Council on Education, the American Association of Colleges and Universities, the League for Innovation, and the Collins Center for Public Policy. In addition, he has served on the governing board of the Hispanic Association of Colleges and Universities, the board of directors of the U.S. Congressional Hispanic Caucus Institute, and on advisory councils for former secretaries of state Cyrus Vance and Ed Muskie and Secretary of Education Shirley Hufstедler. Padrón was chair of the Florida Community Colleges Council of Presidents from 1999 to 2000. He holds a doctorate in economics from the University of Florida and is an alumnus of Miami Dade College.

Children born abroad but brought to the United States illegally live in a world of fading hope. Mostly Hispanic, they are allowed to attend school through the secondary level, but once they reach the age of eighteen our system tells them to pack up and leave. We teach them English, science, civics, and American values but then tell them that they cannot work here due to their fathers' sins. Free education is then followed by free deportation. As a result, the majority of these students transition silently from children attending school to eighteen-year-old unauthorized immigrants, unable to work legally or obtain citizenship. They are the innocent until educated.

However, there is a solution to this dilemma: the Development, Relief, and Education for Alien Minors Act (the DREAM Act). The only problem is that, like these children, the fate of the DREAM Act remains in limbo.

The Supreme Court decided in 1982's *Plyler v. Doe* that children brought into the United States by illegal means have the right to attend public schools. But what happens when those children grow up? Most attend college where they advance, get involved in community service projects and student governments, and embark on their first endeavor to realize their greatest potential. But because of our dysfunctional immigration system, they are barred from working legally and their uncertain legal status handcuffs their future.

While there are other solutions available to concerned states and institutions of higher learning, the reality is that only federal legislation can properly address the issue of citizenship. And the best piece of federal legislation to do so is the DREAM Act.

The DREAM Act is a bipartisan piece of federal legislation that would provide a path to citizenship for responsible, qualifying children of unauthorized immigrants. Since its introduction in 2001, the act has gained over two hundred

cosponsors in Congress. But because of opposition from the White House, it failed to become law in October 2007 as it fell just short in a procedural vote in the Senate (ironically, during Hispanic Heritage Month). Afterwards, Eugene Robinson—a columnist and associate editor at the *Washington Post*—noted in an 26 October 2007 opinion editorial that “the vote against the Dream Act was so irrational, so counterproductive, that it seemed the product of some sort of hormonal imbalance.”

Yet, despite political posturing over immigration, the DREAM Act is still a reasoned piece of legislation. Beneficiaries of the DREAM Act would have to meet strict criteria, including at least five years of residency, and then commit to serve in the military or attend college for at least two years. Children who arrive in the United States after age sixteen or who have reached age thirty would not be eligible under such stipulations, nor would delinquents. After a six-year probationary period, the student could earn permanent residency and, as the act’s name implies, could enable a segment of the population to pursue the American dream.

While the path of military service has garnered support from the armed forces, it has also been criticized by others as a means of luring more Latinos into combat. While such an effect is likely to occur, the act does not require any military service, and it offers more than one option to earning permanent residency.

Similarly, other opponents claim that the act lures parents into illegal behavior and that it equates to “amnesty” for illegal immigrants. They fear that it would reward and encourage illegal immigration by fueling parents’ hopes of earning citizenship for their children. But this argument is shortsighted because it’s immediate economic concerns, not future benefits, that drive illegal immigration. Parents would gain nothing from the DREAM Act, and its stringent, long-term residency requirements would exclude most immigrants. Furthermore, the only beneficiaries would be young people who already talk and behave like average American teenagers because they have been a part of our educational system for years.

The DREAM Act also has been criticized as costly since these students would become eligible for benefits such as in-state tuition at public colleges. These arguments, however, ignore the broad economic benefits of having a well-educated populace and more qualified military recruits in the system. Plus, the number of students involved in this program is still quite small. The National Immigration Law Center estimates that each year 65,000 high school graduates qualify for the DREAM Act’s benefits. But it is not known how many of those actually go on to complete and receive such benefits. It is estimated that only 7,000–13,000 students do so. If anything, then, we should compare these costs against the costs we are incurring from our current policy, which include the high costs of extensive litigation, processing, and deportation.

Ten states have already taken the lead by implementing in-state tuition policies for long-term unauthorized immigrants: California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington. But sixteen other states, including Florida, are still debating the issue while states such as Arizona, Mississippi, and Virginia have passed propositions banning in-state

tuition for unauthorized residents. In the absence of comprehensive federal legislation, states have started to draw up the dividing lines.

The problem with this is that states lack the necessary power to affect citizenship status on a national scale. Only Congress has the ability. But if we were to revisit and enact the DREAM Act, it could provide a clear, uniform, and fair pathway toward legal residency and citizenship.

As a compromise, some states such as North Carolina are requiring public colleges to admit illegal immigrants. In Florida, as in many other states, the decision is being left up to each institution. Our college, Miami Dade College, favors their admission and considers it a movement for positive social change.

For example, Maria Gabriela “Gaby” Pacheco is a model college student who arrived in the United States thirteen years ago. She was elected state president of the Florida Junior and Community College Student Government Association and is now working towards a bachelor degree in exceptional student education at Miami Dade College. However, she cannot be hired as a teacher due to her immigration status. Like her, there are thousands of potential teachers, nurses, and other professionals in demand who already know the language and the culture but cannot transition into the workforce upon graduating from high school. The marketplace and our country need their talents, and they deserve a chance to become productive Americans.

Too many young people like Gaby end up stranded between a high school diploma and deportation. Most of them have done nothing wrong, but because of a broken immigration system, these students are being placed on the wrong end of the law. Sadly, their only mistake was not being born here.

According to the Pew Hispanic Center, a new trend surfaced in 1995 when the number of undocumented arrivals surpassed the number of legal immigrants. States along the Mexican border hold the largest numbers, but the fastest growth of undocumented populations has shifted to states such as Kansas, Georgia, and Tennessee. Therefore, the effect of modern immigration is truly national in scope as Latinos currently represent over 80 percent of the approximately 12 million undocumented immigrants in the United States (Passel 2005).

Most children of unauthorized immigrants become U.S. citizens by birth, and as a result, many immigrant households become a mixture of U.S.-born children and foreign-born parents. But what about foreign-born children who had no say in their parents’ decision to cross the border? Of all the unauthorized immigrants, children born outside the United States account for 1.6 million (14 percent), and they are the unfortunate ones who will be left in limbo upon graduation. And most strikingly, unauthorized children are less likely than legal immigrants to finish high school and more likely to be poor (Passel 2005).

This then begs the question: do we want to retain these educated children and offer them the right opportunities, or do we want them to go elsewhere?

In reality most of them are not going elsewhere because their families came here for economic opportunities that are lacking in their home countries. Nor is mass deportation realistic because the cost and disruption of removing 12 million undocumented residents would be untenable both for U.S. industries that rely on these workers as well as for the foreign regions that would have to absorb them.

Therefore, the question becomes: do we want unauthorized immigrants to be workers in an underground economy, or wards of the state, dependent upon government services? If our society does nothing to address this issue, these questions will answer themselves in the affirmative.

In the case of Juan Gomez, the law is bending to keep him here, even though his parents and grandmother were deported to Colombia in October 2007. Through a private relief bill piloted by Senator Dodd (D-CT) and Congressman Diaz-Balart (R-FL), the first-year student at Miami Dade College and his older brother are able to continue their studies for the time being. Essentially, the bill buys them some time. But because these students are model “citizens,” they deserve more than a temporary stay. And across the country, there are thousands more like them.

The DREAM Act would have become law in less divisive times, and hope remains that it will form a key element of comprehensive immigration reform in the future. For now, though, institutions of higher learning and state legislatures should seek to ensure the following key provisions for unauthorized immigrants:

- 1) Allow them to pursue a degree at any community college;
- 2) Allow them to pursue higher education without the threat of deportation;
- 3) Offer in-state tuition with proof of residency for at least five years; and
- 4) Offer counseling geared toward obtaining citizenship while they continue their studies.

Because of our legal system, these children are classified as illegals. But the reality is that they had no say in choosing the location of their upbringing. As a society, then, we are faced with a choice to either support them or alienate them by leaving them in limbo. These are young people who deserve a first chance, not expulsion. Colleges can begin the movement toward the DREAM Act and states can enact their own legislative versions. But the legal status of these young people will ultimately require a federal solution. The DREAM Act should have passed before, and a wise administration will pass it now.

References

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