**Assignment # 2 – Policy Analysis**

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## EDF 80400: Analysis of Major Issues in Contemporary Education Reform

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**Abstract**

The United States is a nation of immigrants, and for many years has benefited economically from the contributions, talents, and values of immigrant families. According to the U.S. Department of Education, undocumented students represent one of the most vulnerable populations served in education. The University of Southern California's Pullias Center for Higher Education stated perceptions and stigmas associated with immigration in the United States are deeply rooted in the nation’s societal framework. Undocumented individuals often face significant financial and cultural barriers yet overcome these challenges to achieve academic success in higher education. In addition to the talents and tenacity of undocumented students, institutional policies and programs alongside quality counselors, administrators, and educators, align to increase undocumented students' access, resources, and support necessary to achieve an equitable educational experience. Immigration policies such as the Deferred Action for Childhood Arrivals (DACA) program and the Development, Relief, and Education for Alien Minors (DREAM) Act, have positively impacted educational opportunities for immigrant students. After briefly analyzing the historical perceptions of immigration and immigration as it relates to education, the author will discuss additional ways through which to provide equitable educational resources for undocumented individuals.

**Immigration in Education**

Higher education institutions have and will continue to be built on the foundation of creating inclusive environments for individuals and communities to thrive through an academic and co-curricular student experience. Colleges and universities provide opportunities to some of the most vulnerable, marginalized communities including Black, Latinx, Muslim, Jewish, LGBTQIA+, unhoused, fostered, and undocumented students. “Access to higher education for undocumented students is especially important as the pathway to legalization in immigration reform has been closely linked with education attainment” (Perez, 2014). Many undocumented students are first-generation college students, many rely on support outside of their families to persist to graduation. Because many undocumented families are new to the American higher education system, it is imperative that colleges and universities provide clear and accessible policies and resources. Contreras (2009) highlighted case studies of undocumented youth in higher education who described feelings of stigma and fear on campus regarding their immigration status as well as instances of discrimination. Unfortunately, these feelings positively correspond to the historical perceptions of immigration in the United States.

Two examples of discriminatory immigration policies are the Chinese Exclusion Act of 1882 and the Bracero program. In response to fears regarding increased unemployment and economic crisis, the Chinese Exclusion Act legislated a ban on Chinese immigration and excluded Chinese immigrants from obtaining citizenship. After 60 years as law, the act was repealed in 1943.

The Bracero program was created in 1942 as an agreement between the United States and Mexico to provide primarily Mexican men with short-term, labor contracts. This program was one of the largest contract labor programs in U.S. history. According to the Bracero History Archive, the program allowed for over 4 million Mexican men to come to the United States to work on primarily agricultural contracts. This program was put in place with policies to protect both Mexican and U.S. workers, but because the program was left unregulated, many workers entered vulnerable and disadvantaged business deals that jeopardized their finances. Though the program was terminated in 1964, mostly due to the increase of mechanization in American industries, the Bracero program and the Chinese Exclusion Act demonstrate how barriers and restrictions against immigrant communities have long existed in the United States.

Regretfully, these two governmental programs were not unique in preventing immigrants from reaping the benefits of their hard work; exclusionary tactics appear in higher education's history as well. Some attempts have been made to rectify these injustices, however. For example, in 1982, the landmark case, Plyler v. Doe, provided revisions to educational laws for grades K-12, making sure all children – including undocumented children – received access to public education. Another tenet of this case deemed that requests made by school administrators to students to prove immigration status were unlawful; even social security numbers were no longer mandatory to enroll in public schools. According to Conteras (2009), before the Access to Education law was enacted protecting undocumented individuals under the Equal Protection Clause of the fourteenth amendment, no other federal laws protected or advocated for undocumented students' access to education.

The Development, Relief, and Education for Alien Minors (DREAM) Act was first introduced to the House of Representatives and the Senate in 2001-2002 as a legislative proposal with support for undocumented youth becoming U.S. citizens. In the article, *Understanding DACA and the Implications for Higher Education,* the authors described how different versions of the immigration reform efforts were introduced under the DREAM act between 2003 to 2008, but none of them gained enough support to move forward. In 2010, another version of the DREAM Act was passed in the House of Representatives but didn’t make it through the Senate. California then passed its legislation in 2011 known as the California Dream Act. One year later in 2012, the Obama-Biden administration created the Deferred Action for Childhood Arrivals (DACA) program. This executive order prevented the deportation of many undocumented immigrants who arrived in the United States as children. DACA provided administrative relief, protecting eligible immigrants who came to the United States when they were children from deportation. It is important to note the differences between DACA and the DREAM Act. Through the DREAM Act, undocumented individuals would be given permanent residence and security in the United States where DACA defers deportation for two years and is subject to renewal. According to the United States Department of Homeland Security, DACA requires individuals to have:

* been under 31 years old as of June 15, 2012;
* come to the United States before their 16th birthday;
* lived continuously in the United States from June 15, 2007, until the present;
* been physically present in the United States on June 15, 2012, and at the time they apply;
* come to the United States without “valid” documents before June 15, 2012, or their lawful status expired as of June 15, 2012;
* been currently studying, or graduated from high school or earned a certificate of completion of high school or GED, or have been honorably discharged from the Coast Guard or military (technical and trade school completion also qualifies); and
* not been convicted of a felony, certain significant misdemeanors, or three or more misdemeanors of any kind. Consultation with an attorney is recommended about ANY contact with law enforcement or immigration authorities before applying.

After years of policy setbacks and successes, the political shift after the 2018 elections contributed to landmark legislative victories in 2019 for DREAMers—undocumented youth who vastly identify as American—in higher education. While the policies differed from state to state, new in-state tuition policies were approved by state policymakers or higher education governing boards in Arizona, Arkansas, and Oregon. Meanwhile, Colorado, Illinois, and New York all extended financial aid to eligible undocumented and DACA populations. Some major differences still existed between states, however. For example, some states created financially supportive policies to help DREAMers access higher education while others restricted them from even enrolling in public colleges.

The U.S. Supreme Court rulings on the DACA policy in 2019 played a pivotal role in college access for these populations. According to the 2019 National Conference of State Legislatures, 16 states, and the District of Columbia offered in-state tuition to unauthorized immigrants while at least nine states extended financial aid to undocumented and/or DACA students. Some states even allowed universities to extend financial aid using private funding. The Trump administration sought to discontinue the DACA program, but its efforts were halted by federal court rulings. While no first-time applications for the DACA program have been accepted since 2017, those currently with DACA status have been allowed to renew. With some state policies tied to DACA status, the ruling has significant meaning for those students participating in the program. Ideally, comprehensive federal immigration reform would be a significant step forward for these students, but the legislation remains stagnant in Congress with little movement.

Undocumented youth, also known as ‘DREAMers’, is a vital part of the nation and deserve a path to citizenship. Because many of these individuals grew up in the United States, with little or no memory of any other country as their home, many do not learn of their undocumented status until they apply for a job, driver's license, or college.

A federal DREAM Act would provide the possibilities and security for undocumented students that previous legislation has not addressed. It would provide opportunities for federal financial aid that was not previously accessible to undocumented students. Without a doubt, these resources would significantly and positively impact student success. Because many undocumented individuals do not share their immigration status for fear of deportation, harassment, or stigma, a federal DREAM act would serve as a glimmer of hope on the pathway toward U.S. citizenship. This federal legislation would be the crucial first step in the foundation of undocumented students' academic success in higher education; feelings of security and belonging, knowing they are entitled to all the same rights and privileges as their classmates who are citizens.

DREAMers deserve to have the opportunity to realize the American dream of obtaining a college education and contributing to the success of our nation. DACA does not create a pathway to citizenship, nor does it provide DREAMers with any federal or state aid to support their college education. According to the U.S. Department of Education, undocumented youth are ineligible for Title IV Federal financial aid, including student loans, work-study, and grants and, though some states have taken steps to enact tuition equity policies, the reality is that being able to afford higher education is a major barrier to pursuing and/or completing a college degree. Without access to financial aid resources like federal work-study, pell grants, and student loans, the barrier between DREAMers and their future educational opportunities is astronomical as these students face skyrocketing tuition costs with very little to no support.

TheDream.us is a scholarship and advocacy organization that partners with over 70 colleges and universities to address the barriers and challenges undocumented students face navigating their higher education journey. Through the nation’s largest college access and success program supporting DREAMers, TheDream.us provides scholarships for many undocumented students to pay for their college education. Regardless of where someone was born, TheDream.us believes all young adults should pursue a college education. The lived experiences of DREAMers are grounded in hard work and resilience and the United States should invest in these students who will have meaningful careers that contribute to the larger society.

With much undocumented youth being first-generation college students, creating and sustaining supportive, welcoming environments is vital to student success. Kuka et al. (2020) described that a substantial part of the gap in educational attainment between noncitizen and citizen youth is due to the low benefits of schooling associated with lack of legal status. Policy updates need to be implemented to reflect the value of pursuing an education as it pertains to economic opportunities. When individuals do not clearly understand the importance and purpose of education in relation to themselves it is unlikely that they will feel motivated to participate, but through a welcoming environment, there is an opportunity to show undocumented youth that they belong. By providing awareness and incentives for education, DREAMers will have the knowledge and confidence to seriously consider higher education as an option for their future goals. According to the U.S. Department of Education Resource Guide for Supporting Undocumented Youth, the research highlighted reiterates the importance of positive climates and culturally competent educators in facilitating persistence and degree completion.

With over ten years of experience working in higher education, I have spent most of those years as part of the CUNY family – from Queens College, Baruch College, Borough of Manhattan Community College (BMCC), and now John Jay College of Criminal Justice. In addition to working for CUNY, I began my journey as a CUNY student in the Summer of 2020, pursuing a Doctor of Education degree from Hunter College. I want to honor all that CUNY has done to provide opportunities for undocumented students’ success and would like to challenge other higher education institutions in the United States to critically think about their policies and programs. Higher education institutions need to assess and prioritize their approach and investment in marginalized student populations to determine whether they are providing an education for all regardless of who students are or where they come from.

The successes of CUNY can be utilized to show how other higher education institutions in the United States can provide support for undocumented students to thrive at college and beyond. Over the past two and a half years during the Coronavirus pandemic, the federal government provided emergency federal aid to students, but not surprisingly, undocumented students were not able to access these funds. Instead of being a witness to this injustice, CUNY stepped up and provided emergency relief funding to prioritize these students. CUNY provided over 3,400 grants to undocumented students to financially support their essential needs during the pandemic.

In May 2022, the CUNY Chancellor, Dr. Félix V. Matos Rodríguez announced, “expanding efforts to ensure that all immigrant students are getting the resources they need to overcome the barriers they, unfortunately, face when pursuing a college education.” The newly created position of Director of Immigrant Student Success provides support, consistency, and sustainability to the resources across the 25 CUNY college campuses.

In 2019, John Jay College of Criminal Justice and Brooklyn College opened the first two immigrant student success centers on a CUNY campus. These centers provide students, faculty, and staff of their respective campuses with resources, programs, workshops, training, support, and more on how to better foster immigrant students' success in higher education. These dedicated safe spaces are creating opportunities for students to receive the important information they need to develop a sense of belonging and connection to the campus, while faculty and staff also now have a place to connect and build their knowledge to better support students who are immigrants. In partnership with the New York City Department of Education (DOE), CUNY launched the College Immigrant Ambassador Program to provide a bridge from high school to college through role modeling, coaching, and mentorship specifically for immigrant students.

CUNY’s commitment to immigration did not just start in recent years. In fact, a longstanding initiative is the CUNY Citizenship Now! Program. Founded in 1997, this program has provided free immigration law services to the CUNY community, offering high-quality and confidential services to help individuals and their families in obtaining U.S. citizenship. The historical, explicit support created within CUNY for undocumented and immigrant students has been vital to students’ sense of belonging and success.

Colleges and universities must invest in undocumented students like CUNY has by giving opportunities to complete their college education through relevant policy changes. Conteras (2009) described two core policy changes including a federal DREAM Act and increased access to federal and state aid. More is necessary to ensure that undocumented students can afford a college education. Two additional recommendations include auditing the implementation of the DREAM Act programs and improving professional development for educators supporting the undocumented student population. Institutional agents need to better understand policy updates and protocols to serve undocumented students more effectively. This is not only important so students are updated and informed in real-time, but it is also imperative that undocumented students have trustworthy and dependable professionals they can trust to advocate on their behalf amid challenges.

The stories of undocumented communities should be recognized and valued as part of the diverse, rich history of the United States. Our country believes if you dare to dream, no matter who you are, that you can make your dreams into a reality. Access to the American higher education system is vital to unlocking the potential of these students. It is especially important concerning the pathway to citizenship. Perez (2014) described how legalization in immigration reform has been closely linked with academic achievement, and undocumented individuals are deserving of belonging and are wholeheartedly part of our nation where “lawful status” should not divide us in heart, community, or policy.

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