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Xenophobia and Discrimination Against Undocumented Immigrants in Higher Education

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University of Colorado, Boulder

Department of Ethnic Studies

**Xenophobia and Discrimination Against Undocumented
Immigrants In Higher Education**

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Spring 2013 Honors Thesis

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Table of Contents

Acknowledgments	ii
Abstract	iii
Preface.....	iv
Introduction: A Heartless Border	1
Chapter One: Barriers to Higher Education.....	20
Chapter Two: Colorado Asset	38
Chapter Three: SB 1070: The Support Our Law Enforcement and Safe Neighborhoods Act.....	58
Chapter Four: The Time is Now! Comprehensive Immigration Reform.....	74
Chapter Five: Conclusion:	80
Endnotes:	85
Works Cited:	93
APPENDIX A: Interview with Senator of Colorado Angela Giron	106
APPENDIX B: Colorado ASSET Bill- 13-033	115
APPENDIX C: Personal Photographs	121

Acknowledgments

First and foremost I would like to thank my family and friends for giving the strength, love, support, and dedication to help me achieve all of my goals. I would love to thank *mi Madre* Graciela Lamas for being such a strong and hard-working woman. Although, we struggled a lot due to all of the painful unexpected circumstances we faced she has always persevered and thought me to never give up no matter how hard life can be. I am eternally grateful to Dr. Arturo J. Aldama for being a great mentor. I appreciate all of the valuable support, assistance, and guidance he has given me throughout the years. Thank you for believing in me and always encouraging to go above and beyond. I would like to thank my committee members Dr. Bianca Williams, Dr. Anne N. Costain, and Dr. Elisa Facio for helping throughout my whole journey of writing my Honors Thesis. Thank you for taking the time out of your busy schedules to assist me. Finally, I would like to thank my boyfriend, the love of my life, Vishal Dhere for loving me, supporting me, guiding me, and pushing me. Thank you for being patient and understanding. I love you and I appreciate all that you do for me.

This thesis is dedicated to all of the immigrant students and their families because their drive inspired me to write this thesis. I want to thank all of the advocates and legislators who have made in-state tuition possible and have helped thousands of students across the nation. This thesis is in honor of all of the struggles of my family and the struggle of the immigrant community. We must continue to fight against all the injustices we see in our communities. Together we will create a community where people are no longer mistreated for being different.

Abstract

There are many laws in the United States that discriminate against undocumented immigrants and deny undocumented students the opportunity to have access to higher education. This study explains why xenophobia towards undocumented immigrants and non-white students is prevalent in the educational system. It also describes the social struggles of educational attainment of undocumented immigrants and describes the laws and bills that are put in place at the State and Federal level. It analyses the different laws by examining their xenophobic and racist language and how these harsh laws are negatively impacting the lives of the students by looking at different journals, newspaper articles, government publications, and Federal Bills. A case study was done on the State of Colorado's undocumented students tuition policies and describes Colorado ASSET (Advancing Students for A Stronger Economy Tomorrow) a bill that has failed to pass six times in the House of Representatives. An interview with Senator Angela Giron cosponsor of the Colorado ASSET was done to help explain why Colorado has been so hesitant to pass this bill. The results describe the United States' broken immigration system and explains how it promotes hate towards undocumented immigrants and why should they should be changed, the DREAM Act would benefit many undocumented students but it is not enough. Now is the time to pass a Comprehensive Immigration Reform that will benefit thousands of undocumented immigrants to create a more educated work force that will ultimately create a more equitable economy.

Introduction: A Heartless Border

“1,950 mile-long open wound dividing a *pueblo*, a culture, running down the length of my body, staking fence rods in my flesh splits me, *me raja me raja*” -Gloria Anzaldúa

Cookies

I loved baking cookies with my grandma. We would always eat them with a nice cold glass of milk. These cookies were unlike any other cookies. These cookies were for my dad, because he loved these cookies. He would sometimes eat a dozen all by himself. These were my grandma’s chocolate chip cookies and they made my dad happy. “*Mija*, we need two cups of flour, some baking soda, butter, brown sugar, white sugar, vanilla extract, one egg, and two cups of chocolate chips,” she said. I grabbed the materials and she measured everything and mixed them in a big bowl. As soon as the batter was ready we placed the cookies on the sheets and they were ready to be baked. The smell of baking cookies and melting chocolate chips filled my house. My mom was on the telephone talking to my *Tia Pancha* and the TV was on. My grandma was in the kitchen keeping an eye on the cookies, ready to start the next batch. I waited for the moment when she was not looking so that I could eat the batter. While attacking the cookie-batter covered spoon, my grandma yelled at me. “*Mija*, stop eating the dough! The cookies are for your dad!” I then went to the restroom to wash the cookie dough off my hands. I was excited because I was going to finally see my dad in prison after almost three years.

Catastrophe

As I walk around the campus of this prestigious university, I can vividly remember all of the struggles that I have encountered to get here. I remember the warm sunny days when I was a little girl, my dad walking alongside me, both of us laughing and spending happy moments together. In the park there was a colorful playground where my siblings and I would pretend that we were on a pirate ship. My mom would sit in the grass and watch while my dad would chase us around. I can remember my dad grabbing me and twirling me like a helicopter. "I love you *papi!*" I would tell him and he would give me a big hug with his buff arms. I felt like there was no other dad like him, who loved his children so much and showed them so in every single way. Life was great, until...a tragedy struck our family that would change my life forever. This tragedy made me different from most children of native-born parents. My life became an indescribable journey, which led me to appreciate what most people take for granted: family, money, and a normal teenage life.

"Knock, Knock," someone was at the door. I grabbed my little pink plastic chair so that I could look out the window. To my surprise they were two police officers. I started getting really scared because everyone was sleeping. I decided to open the door; I knew that mom told me to never open the door for strangers but, they were no strangers, they were cops. Without a word, the police officers swiftly grabbed my thirteen-year-old brother and ten-year-old sister and took them outside. When I looked outside I saw that my mom and dad were handcuffed. They had them helplessly standing next to the police car.

"Don't take them away!" I yelled as loud as I could, but they drove away.

I was only seven years old at the time, and it was hard to understand what was going on. I couldn't believe this was happening. I had never felt such an affliction.

The house was incredibly lonely and scary; there was a screaming silence. The only people in the house were my grandma, my little brother and I. I asked my grandma Nicolasa what was going on, but she started to cry. She looked at me and said, "Don't worry *mija* everything is going to be ok." Every morning I would wake up and stare out my window, waiting for them to come back, but they did not. Once night came I would lock myself in my room and sit in the corner feeling lonely as if light never reached me. I cried and cried hoping that my family would come back, but I knew that every tear that poured from my eyes was useless and only a miracle would bring them back. I would pray to *La Virgen De Guadalupe* every night asking her to please take care of my family.

My life only got worse. My grandma did not work so we did not have any money. That was when I discovered what hunger really was. My little brother would look inside the refrigerator, only to discover that there was nothing there. It made me sad to hear his empty stomach and know that there was nothing that I could do about it. We were lucky if we had fried *frijoles* that tasted like dog food. The only time we had a decent meal was at school, at friend's houses, donations from churches or the neighbors. We could not even afford to buy toilet paper. When people would donate toilet paper, my grandma would tell my little brother and I, "Now remember you can only use four sheets." We both listened to my grandma. I would go and I would count.

One...Two...Three...Four...

Living without my family was tough. I felt lonely at home and at school. I started third grade and I remember all of my classmates had new backpacks, clothes, shoes, and

school supplies. I on the other hand, had the same uniform that I would wear every other day. My shoes had small holes on their bottoms; I had old crayons, pencils, and notebooks. We were allowed to wear jeans on Fridays so I would wear my favorite pair of jeans, truly, my only pair of jeans. I would wear them so much that the color started to fade, so I put baby oil on them hoping that I could make them darker. People would always make fun of me and give me constant reminders that I was poor. I did not like to be around anyone. I would spend recess inside the classroom coloring, or reading books. That was the only place where I felt safe. My teacher Mrs. Winters would comfort me and tell me that if I did well in school, I would one day get a well paying job. I would finally not be poor. I would do really well in school and show my grandma all of the certificates that I received. I knew that my parents would be really proud of me.

Two years after the men took them away. My mom called to say that they were on their way. I was so excited that my heart began to beat like a drum in a rock concert. I saw them getting out of the car, my mom, sister and my brother. But where was dad?

The day came when my whole family went to visit Dad. I was really excited to see him again and give my dad the cookies that my grandma and I made him just like the ones we used to make together when he was with us. A man came in and said, "He will be here shortly. You only have fifteen minutes to speak to him." Fifteen minutes was not enough time to tell him how much not having him around affected my life. I wanted to give him a really big hug and tell him how much I missed him, but when we got there I had to sit in front of a glass window with the telephone next to me. Dad finally arrived, and I started to cry the instant I saw him. I could barely breath. He did not look the way he used to before. He was wearing an ugly green suit and he looked skinny and unhappy.

As I looked at his almond shaped eyes, I could see the grief he had within his soul.

“*Papa*, I missed you so much!” I said, trying to speak as my voice trembled.

“Don’t worry Daddy, when I grow up I am going to become a lawyer and get you out of this scary place,” I told him with great confidence. He then looked at me and started to cry.

“You are going to be the best lawyer the world has ever seen *mija*.”

Suddenly, the fifteen minutes passed and I was told to leave.

“*No Papa, por favor no me dejes!*”

He started walking back and said, “*Te quiero mucho mija*.”

“*Yo tambien te quiero mucho Papa*,” I replied as tears swiftly fell down my eyes.

The most painful memories I have of my dad are days when he would have court. He would walk in wearing the green suit, with handcuffs tightly pressed on his wrists and legs. I never understood what was happening in the courtroom. All I wanted to hear was that he could finally go home. Taking trips to court became a routine and I was always hopeful that things would go back to normal. Finally, one day the judge announced that the case was closed and he could go home, but he was deported back to Mexico. The trips to the court were replaced by trips to Juarez. The hardest part was looking at the two flags at the immigration checkpoint separated by the thin trickle of *El Rio Grande*, knowing that we would have to separate once again and return to our distant lives.

Tainted

After my mom and siblings were back from Oregon and dad was in Mexico my uncle would pay us frequent visits. One day I was alone in the house and my uncle came inside and walked into my room.

“You are getting so big. Your body is starting to develop into the body of a woman,” he stated as he looked at me from head to toe.

I was confused at what he meant but he came closer and started to touch me. I wanted to run but he grabbed my arms tightly so I wouldn't run away.

“*Mama! Por favor ayudame!*” I yelled, but no one was home.

“If you tell anyone about this I am going to kill you!” he stated firmly.

Luckily my brother came home and my uncle walked away.

Every time I would hear someone knock I would run and lock my door.

“I'm so scared, he's after me. He is going to touch me again!” I would say.

I ran to lock my door but this time it was too late. He whispered in my ear and was breathing fast, “I want you so bad.” He touched my breast and his hands went down my body as I began to tremble. I was terrified.

“Please leave me alone!” I yelled

He violently covered my mouth, “Scream and I am going to kill you!” I was too afraid to tell anyone about what my uncle did to me. I didn't want him to kill me. My nights were spent crying. I was too afraid of falling asleep. A few months later my uncle returned to my house. I was going to run to my room but my mom stopped me.

“Please do not leave me alone with him,” she begged.

So I stayed. I couldn't look at him in the eyes without wanting to kill him. Later, he left and I asked my mom why she wanted me to stay. She told me that he tried to touch her. I began to cry. I told my mom what happened and she was devastated.

“*¿Por que no me dijiste nada?*” she asked.

“Tenia mucho miedo,” I replied

It wasn't long until everyone found out what my uncle did to me. My dad confronted my uncle when he was in Mexico. He told him that the only reason he did not kill him was because he did not want to go back to prison. That summer I went to *Huejuquilla El Alto, Jalisco* (a small town in Mexico) to visit my dad. I was the talk of the whole town.

“She is such a liar. That story was made up,” people would mumble.

No one believed me because my uncle was a respected man in the town. I was eleven years old and I felt like the whole town hated me. I felt embarrassed and powerless. I felt like no one understood me. My self-esteem was gone. I became very withdrawn, not wanting to have to talk to anyone, or see anyone. I was mad at myself for letting it happen but I did not want to die. This experience still haunts me but I know it is all part of the healing process and in time it will get better. I often think that maybe this would have never happened if my dad had been around.

Dear Tio,

Wait Tio? Fuck that! You're not my uncle. You are nothing but a perverted old man to
me.

I hated you for so many years and perhaps I still do, because what you did to me should never be done to any one. Flashbacks and nightmares make me remember those nights when I was too late to lock my door. I am still afraid to this day.

Afraid of men,

Afraid of being touched...

Because I feel that it is **YOU** touching me...

I lost trust in men because I feel that all they want is sex. This shit is not funny! You left scars in my soul that will never be erased.

You know I could wish the worst for you. I used to wish that you could die...

Being skinned alive and you scream just how I wanted to scream.

That every second of pain feels like an eternity

Decapitated with an axe going down your neck, like your mouth went down mine.

Hung as you slowly stop breathing

Burned and you feel every pore in your body swiftly being consumed by flames.

That you fall into the ocean and drown

But unlike YOU, I have a heart and I have slowly been learning to forgive you.

One thing is for sure,

I... will ... NEVER... forget.

Why the fuck would someone do something like this to an innocent little girl?

How is some one supposed to forget those images, of the pain and terror?

You can't

Time makes them easier to deal with,

But the images come time and time again.

No woman! Ninguna mujer! Should ever...feel powerless

.....Sentir temor.....

El cuerpo es sagrado and my body is sacred.

Like a rare jewel found miles away from city lights, underneath the stars
and spotted by the moonlight.

To be respected, never desecrated

I am a woman. I am not ashamed. I speak the truth I'm powerful

I built the courage to speak out loud.

-Veronica Lamas

Growing Up

My mom, brother, and sister would always tell me about their experiences while they were gone. I found out my mom was in jail and my siblings were in a foster home. My mom told me that there was not one night that passed where she did not think about us. She told me that in jail she was horrifically mistreated. She explained that sometimes she would have a raw hamburger with blood poring down from it.

My brother and sister explained the story about how they were unjustly imprisoned for seven days, denied visits and the right to use the phone. They were not allowed to talk to any of us. My brother was fifteen and my sister was twelve. They were shackled in their legs and arms at the Denver International Airport. The shackles were placed so tight that my sister had to hop instead of walk. They were humiliated, dehumanized, and criminalized as they hopped down the airport with many people starring at them. They were innocent children but they were treated like criminals even

though they never did anything wrong. Later, they were taken to Oregon by the request of the judge. During the week that they waited they were placed in a high-security juvenile detention facility. Before going to live with the foster parents they had to meet with a juvenile court judge but every time they would go, they would be in handcuffs, shackles, and chains.¹ What was done to my brother and sister was the most disgusting and horrific act that could be done to anyone especially children. I believe that they were treated that way because they were dark skinned Latinos. If they were white the law would never have permitted such oppressive and inhumane behavior. This experience completely traumatized them and made them become hostile with other people.

After hearing how they were mistreated, it became clear to me why their personalities drastically changed. They became rebellious and were no longer interested in school. My sister and brother both became involved with gangs and drugs in middle school, which only became worse in high school. Then, they both dropped out of high school. It was hard for my mom to be able to discipline them, because she worked three jobs. My mom was heartbroken to see that they were going in the wrong direction. She lived in constant fear that something bad would happen to them. She would hear ambulance sirens and panic, praying that neither of them were in danger. Not having my dad around had a tremendous impact on them. My dad was not there to guide them, and tell them what they should, and should not do.

I started middle school and this was when my personality changed. I was no longer that little girl who was quiet and shy that would hide inside during recess. I did not fit in with the preppy girls because I did not look, or dress, like them. So, I hung out with Erika, who was my best friend at the time. Everyone else called her Chola. She was

assertive and never let anyone get in her way. She was always getting into fights, and was overall the complete opposite of me. We would hang out with guys named Snoopy, Grumpy, Smoky, and Spooky. How did they get their names? I have no idea. We would hang out afterschool and they would break windows and run. I never broke the windows, but I was always running and climbing fences. During the night we drew graffiti on walls. I loved tagging walls. I think it was that adrenaline I got from being afraid of the police.

I lived a double life. When I was at school I would be studious and get straight A's. I was known as "nice girl" because I would always have a big smile and talk to everyone. I would make sure to do my homework before school ended so that I could hang out with my friends. I did not want them to know that I was a schoolgirl because I thought they would judge me and not accept me. We would always have parties on Fridays with soda and chips. I loved going to church every Sunday morning and to youth group on Tuesdays. I was trying to discover who I was. I knew who I wanted to be, but also who I had to be. I wanted to be successful but I also wanted a sense of belonging.

High school was when I realized who I was. I knew I had the ambition of being a lawyer. I had to get good grades and go to college. This was when I decided to let go of the bad influences and dedicate myself to school. I was involved in many things in school and I became popular. I did not need to be bad, or be involved with gangs for me to have friends. Although I distanced myself from them at times, they were still my friends. One day, my friends wanted me to ditch class with them. I had never before and I didn't want to start.

"Come on Vero! You will only miss one class!" Erika said.

I thought about it. I was young, and I wanted to have fun. But, I refused to go. Later that afternoon, I received a phone call from Erika she told me that Lupe had died in a car accident. All of the girls that wanted me to ditch with them were in the car. I was in shock. I thought they were lying to me. I turned on Fox News and that was the first story. They showed a red car with no windshield. They said she flew out the window. They did not open the casket at her funeral because her body was completely disfigured. I constantly think about her death and can't believe she is gone, I never got to say goodbye. What if that would have been me?

Having my father deported left my mother with not only appreciable amount of household duties, but many financial responsibilities as well. It was painful to know that my mother risked her own happiness for our wellbeing. She could have gone to Mexico with my dad, but she wanted to give us a better life. My mother was a hard-working woman, but no one wanted to hire her because she did not speak English. She cleaned houses for a small wage. We didn't have a car so we always had to walk, even just to buy some eggs and milk. I would always look for coins around the house because I did not like to walk. I remember looking at my mother going through a mountain of papers, she told me, "Vero, I'm so tired of gringos constantly yelling at my face. They do not care if I sleep or if I am in pain."

She then showed me her hands they were full of blisters. Hearing her stories and seeing the pain she was put through was excruciating. It was hard not being able to defend her. The only thing I could do was to help her by working. I had to work while also attending school. I was forced to leave a part of my youth behind. I no longer had the time to hang out with friends or play sports.

I was fourteen years old when I started working at Steak Escape at the Denver International Airport. In order to work there one had to be sixteen, but I worked illegally. I was the only female that worked there so they always wanted me on the register. I preferred working on the grill. “We need ten large Philly Cheese Steaks with peppers, onions, and mushrooms,” they would say. I would put all of the meat on the grill and chop the vegetables. The steam would rise to my face, as sweat would slowly begin to drip. My small hands would get blistered and burnt. But I loved the grill, because time would fly. We would always have Biggie playing. All of the guys and I would rap to his lyrics. “Super Nintendo Sega Genesis, when I was dead broke, man I couldn’t picture this, 50 inch screen, money green, leather sofa, got two rides, a limousine with a chauffer.” To me Biggie was a great inspiration. He was a man who struggled growing up and was able to achieve greatness. He understood me. I worked at Steak Escape for three years. It was hard, but it drastically changed me by allowing me to see both physical and mental strength. I became an independent woman. I learned to think about my family before I thought about myself. I had to realize that having a fridge finally full was more important than having nice clothes or any material desire. I was never able to buy clothes or make-up like most girls, with parents that bought everything for them. Instead my money was a necessary contribution to my family.

Moving Away to College

I can vividly remember my high school graduation and how excited my best friend Cat and I were when we were told that we were going to be in the front row for graduation. We were both in the top ten percent of our class. She was number three of our class and I was number five. We were both proud of all the hard work that we did all of

our four years in high school. We played soccer together and were in the National Honor Society and were both involved with our community.

“I don’t know why I am so nervous to walk on stage,” I whispered to her ear.

“Don’t be nervous you know how long we’ve been waiting for this moment. My name is coming up,” she said.

“Catalina,” said the principal.

The crowd was screaming, clapping and yelling her name. I was so proud of her. I was coming up next. I heard my name. I was emotional yet nervous but I walked with confidence. Soon the graduation was over.

Next thing we knew the summer was over and it was soon time to pack my stuff to go to college. I was going to start a new journey at the University of Colorado at Boulder. Cat and I drove to campus. We admired the beautiful mountains I couldn’t believe that this was where I was going to be spending the next four years of my life. After the long forty-minute drive we finally arrived to Williams Village. I nervously checked into the front office and walked into my future home. We both looked at the room and were surprised at how big the room was.

Cat smiled and said, “I’m so happy for you.”

She looked at the bed next to me and started to cry. She sat on my roommate’s bed.

“This would’ve been my bed,” she said.

Cat and I had goals of going to college together. She wanted to be a teacher and I had the dream of becoming a lawyer. We both worked hard to make our dreams come true but she could not continue pursuing her education. Catalina was an intelligent hard-working woman. She had a 4.0 GPA and a high ACT score. The only problem was that

she was undocumented. She could not afford to pay for college because she did not qualify for financial aid. It was difficult to know that Catalina would not have the same opportunities as me even though we both worked hard. She is currently working in a beauty salon and is hopeful that one day she will be able to go to college.

Guerrillera

Now that I am older our financial situation has progressed. People still look down on my family and me because we do not have nice things. I know that we work hard to have a decent life and we will continue to work hard to achieve a better future.

Everywhere I go I tend to feel ostracized from society because people look at the color of my skin and automatically assume that the reason I do not have a lot of money is that my family and I are lazy. The privileged groups who judge us do not understand what it is like to have their families separated by a heartless border, and the financial and emotional struggles that come with such segregation. They do not understand how challenging it was for my father to be forced to leave his children behind, not being able to be there to see them grow and encourage them to be successful. There were a lot of lost memories, lost opportunities, and lost time that we will never get back; time we could have spent together.

Not having my father has forced me to face many challenges, throughout my life, that I had to overcome in order to be where I am today. By being poor I learned to work twice as hard for what I desired. I am aware that if it were not for my mother's willingness to stay in the United States, I wouldn't be walking around The University of

Colorado at Boulder gaining an education for which I worked so hard. Although, this experience was an extremely difficult one, I have overcome it, and as a result I have become a stronger person.

Observing the struggles that my family and other immigrants have gone through because of harsh immigration laws have made me a self-driven Latina; whose goal is to one day become an immigration lawyer and help those who continue to face what I have endured. I want to demonstrate to everyone that a mature and intelligent woman who came from a poor family can achieve greatness, regardless of the seemingly insurmountable obstacles she may face. In doing so, I hope to inspire others confronting similar situations to overcome their own challenges. I want to continue to expand my knowledge and teach others about the inequalities within the immigration system that separate families and deny students the fundamental right to an education.

Uncovering Our Broken Immigration System:

My story is similar to the sad reality that many immigrants face on a daily basis. I am a woman who saw her father get arrested, mistreated, imprisoned, detained, and deported. I became part of the broken immigration system that dehumanizes and criminalizes people because they are “illegal”. My family and I were forced to experience poverty, humiliation, and discrimination because our family was separated as a result of the harsh immigration laws and policies that are put in place by the United States government. My strong convictions towards immigration issues led me to write my thesis about the impact that these immigration laws have on undocumented immigrants specifically

undocumented students. I put in practice the Critical Race theory because I challenge oppression by storytelling and by analyzing the myths that are created about undocumented immigrants. The book *Critical Race Theory* states, “Our social world, with its rules, practices, and assignments of prestige and power, is not fixed; rather we construct it with words, stories, and silence. But we need not acquiesce in arrangements that are unfair and one-sided. By writing and speaking against them, we may hope to contribute to a better and fairer world” (Delgado and Stephantic, 2001) I wrote this thesis to document the histories and the current struggles that undocumented immigrants face towards accessing higher education. I believe that it is important for people to have an accurate understanding of the reality of the educational system in the United States. In my thesis, I examine the laws and policies and describe how they negatively affect undocumented students. Part of the excitement and challenge of my thesis describes and analyses current and ever changing events. I am writing about subjects that are debated and acted on by the state and federal political process. Events may occur after my thesis is filed that I may not be able to respond to.

In chapter one, I describe the Federal laws that impede undocumented students from receiving government and state financial aid. I describe laws that were implemented in the State of Texas. It was the first state to give undocumented immigrants the opportunity to pay for in-state tuition rates and paved way for other states to also give undocumented students the right to obtain higher education. However, the majority of the states in the US have laws that make undocumented immigrants pay out-of-state tuition. There are few states that give undocumented students to opportunity to pay for in-state tuition, while the majority of the students in states in the US have to pay out of state

tuition. These laws make it difficult for these students to pay for college and therefore, many of these students graduate from high school and do not continue to higher education. I describe how these laws are xenophobic and display racism. Xenophobia is “the fear and hatred of strangers or foreigners or of anything that is strange or foreign” (merriam-webster, 2013). In this chapter, I describe the positive impact that the DREAM act will have on undocumented students.

In chapter two, I do an analysis on the laws in Colorado that affect undocumented immigrants. In this chapter, I describe how the State laws differentiate from the Federal laws. Colorado ASSET has failed for six years and I explain why Colorado has been hesitant to pass it. Finally, I describe the future of Colorado ASSET and the positive contribution that this will have on Colorado.

In chapter three, I give the most extreme example of how immigration laws in the United States discriminate on undocumented immigrants. The laws in Arizona promote anti-immigrant hate sentiment, xenophobia, racial profiling, and violence and create a hostile environment for Latinos. I describe bills such as SB 1070 and explain why these laws are inhumane and oppress the Latino community and have sequentially led to the creation of other xenophobic laws such as the ones in Georgia, Alabama, South Carolina and Indiana.

Chapter four summarizes my thesis by explaining how the federal government has failed to address the educational dreams and aspirations of undocumented youth and some state level responses to issues of undocumented students in Colorado and Arizona. I end my thesis with my analytic thoughts as to why there is a division between federal and state levels around these issues. I provide a hopeful appraisal of what appears to be a shift

in attitudes about immigration post 2012 elections, and how formally anti-immigrant stances are perhaps softening and how the Obama administration should live up to its campaign promises to the Latino community that has voted for him in both elections. Further, I describe how the solution to fix our broken immigration system is to pass the Comprehensive Immigration Reform. Finally, I describe President Obama's vision on creating an efficient immigration reform. The US Senate is currently working a creating a bipartisan bill that will pass in Congress. Despite, the opposition from different anti-immigrant groups, there are many who believe that if this immigration reform passes it will bring a great quantity of benefits to many of the undocumented students.

Chapter One: Barriers To Higher Education

As the above story of my friend Catalina demonstrates, many undocumented high school students have goals of becoming successful. They work hard in school and are highly involved in their communities. Although many of these students have been in the United States for a lengthy time, they face an uncertain future because they may not be able to receive a higher education. In this chapter, I argue that equal access to education should be granted to undocumented immigrants. I explain why granting in-state tuition is necessary for undocumented immigrants who have lived here for most of their lives. I explain the historical background on immigration laws that affect higher education at a Federal level. I begin by describing the issues faced by undocumented students in higher education and show how their immigration status directly affects their ability to achieve their academic goals. I later give a description of the DREAM Act and its positive effects to give talented undocumented students the opportunity to achieve their goals. I also provide some of the arguments that have been made against the DREAM Act. Finally, I explain Obama's Deferred Action for Childhood Arrivals that relieve undocumented youth from deportation. Deferred Action takes young productive teens out of the removal system so that the US immigration system can focus their time on people with criminal felonies.

This chapter focuses on the frustrations and hopelessness that undocumented students face when dedicating them selves to achieving academic success by obtaining a college degree. However, their dreams are shattered when they find out that they cannot attend college due to their legal status. In 1975, the Texas Legislature passed a law

(Texas Education Code, Section 21.031) that denied undocumented immigrants access to public schools by withholding funds from school districts that enrolled undocumented children (Perez, Xvii). This Law allowed public schools to demand proof of citizenship and deny admission to children who were not legally admitted. In 1982, Plyler V. Doe (457 U.S. 202) allowed undocumented students to receive legal access to students K-12. The court stated, "The illegal alien of today may well be the legal alien of tomorrow, and that, without an education, these undocumented children, already disadvantaged as a result of poverty, lack of English-speaking ability, and undeniable racial prejudices, . . . will become permanently locked into the lowest socio-economic class" (Legal Information Institute, 1982). The court stated that the "illegal aliens were entitled to the protection of the Equal Protection Clause of the Fourteenth Amendment and that that law violated that clause" (Legal Information Institute, 1981).

Now Plyler protects about 1.8 million children less than 18 years of age. Perez stated, "The Court also stated that educating children, regardless of their immigration status, is essential for creating individuals who can function in society and contribute to the development of the United States" (Perez, 6). This demonstrates that it is unconstitutional to restrict undocumented students from receiving an education from K-12. Also, although there is no specific provision of education as a right Section 1 of the Fourteenth Amendment states,

"No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person

within its jurisdiction the equal protection of the laws”

([http://www.law.cornell.edu/constitution/amendment xiv](http://www.law.cornell.edu/constitution/amendment_xiv)).

This protects not only citizens but also undocumented immigrants. This was applied in the Plyler V. Doe case where they believed that all undocumented students had the right to an education. In Plyler V. Doe the judge stated, “Whatever his status under the immigration laws, an alien is surely a ‘person’ in any ordinary sense of that term. Aliens even aliens whose presence in this country is unlawfully have long been recognized as ‘persons’ guaranteed due process of the law by the Fifth and Fourteenth Amendments”(Rincon, 26). Further, the right to an education found in the United Nations Universal Declaration of Human Rights of 1948 in Article 26. It states,

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit (United Nations, 2012).

There are many people however, who do not believe that having a right to an education pertains to higher education. The same views that are applied in Plyler V. Doe should be applied to students who want to pursue higher education because having educated individuals will positively impact the economy of the United States.

Only 10% of undocumented males and 16% of undocumented females ages 18 to 25 are enrolled in college (Perez, xix). They are not able to attend college because they are not eligible to receive state and federal financial aid and scholarships are limited since

most scholarships require a social security number. The undocumented in-state student will have to pay international student tuition, which can be three times more than a resident. A small number of undocumented students do end up attending college with private scholarships but these students have to worry about work, continued funding and fear of getting deported.

After *Plyler v. Doe* two bills affected undocumented student access to higher education. They were the 1996 Personal Responsibility and Work Opportunity Reconciliation Act and the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is “a comprehensive bipartisan welfare reform plan that will dramatically change the nation's welfare system into one that requires work in exchange for time-limited assistance” (ACF, 2012). The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 states,

An alien...is not eligible for any State or local public benefit...The term ‘State or local public benefit’ means...any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household or family...by an agency or State or local government...(Cronkite, 2010).

William Perez stated, “PRWORA, barred students from access to financial aid for a postsecondary education. PRWORA reinforced the use of the term “public charge.” The government applies this term to immigrants who are likely to become dependent on public assistance (Rincon, 22). This is problematic because it limits undocumented

immigrants chances of qualifying for legal permanent resident status. They will then have to prove that they are not likely to become a public charge by demonstrating that they are not below the poverty level. This term consequently excludes low-income non-citizens.

During the same time, president Clinton passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). His policy was aimed towards reducing dependence on welfare and now the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) affects in-state tuition requirements for undocumented students (Cronkitezine, 2010). Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) states,

An 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 education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less amount, duration, and scope) without regard to whether the citizen or national is such a resident (Cronkitezine, 2010).

The article Undocumented Students and the Dream Act by Channing Turner states, “Section 505 of IIRIRA makes illegal aliens ineligible for postsecondary benefits based on residency — namely in-state tuition rates — unless all citizens of the United States would also be eligible for that benefit” (Cronkitezine, 2010).¹This means that if a higher education institution grants undocumented in-state tuition then, it must also offer that same tuition rate to all U.S citizens regardless of whether they live in- or out-of state (Cronkitezine, 2010). They are afraid that they will lose the additional financial support that they currently receive from out-of-state students. Therefore, the government has strong anti-immigrant sentiment and makes undocumented students ineligible for in-state

tuition. These laws are aimed to prevent states from passing laws that will allow undocumented immigrants to pay in-state tuition rates. IIRAIRA is also designed to intimidate immigrants. It reaffirmed a “no-access policy regarding any type of public financial aid for undocumented students for higher education” (Perez, 6). This means that undocumented immigrant students are not allowed to receive any type of financial aid.

IIRAIRA is also responsible for the increasing number of incarcerated foreign-born citizens. Rincon states, “[D]ue process infringements include double-jeopardy violations involving mandatory detentions of immigrants with former criminal convictions, even if these sentences have already been served; similarly, asylum seekers who lacked documentation on their initial arrival face mandatory jail time” (Rincon, 20). As a result, the number and type of offenses where immigrants are subject to deportation has increased. Further, the IIRAIRA creates a system where immigrants are punished “first with incarceration under the criminal court system, then with deportation under the immigration system” (Rincon, 21). This law further criminalizes undocumented immigrants by classifying them as felons. ¹

The IIRAIRA combined with PRWORA makes it difficult for undocumented students to pay for their education because they are denied over two-thirds of all financial aid in the United States (Cronkitezine, 2010). Even though PRWORA or IIRAIRA do not prohibit states from admitting undocumented students in higher education they limit undocumented students who are attempting to pay for college. One solution for states to grant in-state tuition is to interpret the law in three different ways. Channing Turner states, “(1) regulation of only monetary benefits such as scholarships or financial aid, (2)

regulation of status benefits such as residency status for tuition purposes, or (3) regulation of both” (Cronkitezine, 2010). Therefore, if they only regulate monetary benefits, then states are free to create their own criteria for residency (Cronkitezine, 2010). However, if the acts regulate residency, states would not want to grant benefits to undocumented students because then they would have to pass a law that gives undocumented students residency. The term benefit can be interpreted as a monetary aid but it does not address in-state residency. As a result, in-state tuition regulation regarding undocumented students depends on the individual state legislation and interpretation. Fourteen states have passed laws and have enacted more affordable tuition policies that allow undocumented students to receive in-state tuition.

Texas House Bill 1403

On June 16, 2001 Texas House Bill 1403 was passed and Texas became the first state to pass legislation granting undocumented students in-state tuition. This occurred because of the organized efforts of immigrant students, members of educational institutions, and many state legislators. The Dallas County Community College District and the Houston Community College System were successful at campaigning to offer in-district tuition to undocumented students (Rincon, 66). Dallas County Community College District was the first to allow undocumented students to register at in-district fees (Rincon, 68). Noncitizens were eligible for in-district tuition if they were permanent residents as defined by federal immigration law. However, the federal immigration law did not define undocumented immigrants and even if they did qualify for district tuition

they could not qualify for federal financial aid. On January 1998, “the DCCCD began implementing a district-wide policy to admit undocumented students and classify them as in-district students” (Rincon, 70). This meant that undocumented students were now able to register but were not eligible for in-district tuition or federal financial aid. The chancellor states, “The policy of inclusion is based upon the fact that such students and/or their families have paid taxes either directly or indirectly to the support of this district” (Rincon, 70). In spite of all of the people that were opposed, this policy was implanted and encouraged other areas in Texas to pass similar policies.

Years later the Houston Community College System created a similar tuition policy for undocumented students. During the fall of 1999 a young Salvadorian man named Rosendo Ticas aspired to become a pilot and wanted to enroll in a certification program for aviation mechanics, which was part of the Houston Community College System (Rincon, 71). However, his immigration status prevented him from enrolling in the program. Ticas did not qualify for in-district tuition and would have had to pay out-of-state tuition. Ticas later took this case to State Legislator Rick Noriega and they took the case to the Houston system administrators. The chancellor was interested in making changes in the policies. Rick Noriega and other Houston Coalition supporters then, started the legislative change in the state of Texas and paved the way for the first in-state tuition law in the United States.

Noriega introduced HB 901, an in-state tuition bill and Domingo Garcia introduced a similar motion House Bill 158 (Rincon, 86). Since the bills were so similar they placed them under the same number and the same language and it became HB 1403. The initial version of HB 1403 proposed the following to the Texas Education Code:

...an individual shall be classified as a Texas resident until the individual establishes a residence outside this state if the individual resided with the individual's parent, guardian, or conservator while attending public or private high school in this state and:

1. Graduated from a public or private high school or received the equivalent of a high school diploma in this state; and
2. Resided in this state for at least one year between the first day the person attended a public or private high school in this state and the day the person graduated from a public or private high school in this state or received the equivalent of a high school diploma. (Rincon, 87).

Now that HB 1403 has passed many colleges Texas allow undocumented students to apply for in-state tuition. The Dallas Community College District 2012-13 Catalog states, "Texas State Law states that you can be admitted to the college and be considered a resident of Texas if you resided in Texas, and met all the following conditions:

- Graduated or will graduate from a Texas public or private high school or received the equivalent of a high school diploma in Texas;
- Resided in Texas for three years leading up to graduation from high school or receiving the equivalent of a high school diploma;
- Have resided or will have resided in Texas for the 12 months prior to the census date of the semester in which I will enroll in DCCCD.

- Sign the affidavit provided by the college that states you have filed or will file an application to become a permanent resident at the earliest opportunity you are eligible to do so (Dallas County Community College District, 2013).

After HB 1403 passed, students were now able to apply for financial aid in places specifically for undocumented students such as the Texas Application for Student Financial Aid. In 2011, over 16,000 students attended college under HB 1403 75% of HB1403 students were at community colleges and 25% were at 4-year institutions (The University of Texas at Austin, 2012).

Senate Bill 1528

In 2005, Texas House Bill 1403 was modified through Senate Bill 1528. Bill 1528 “continues the eligibility of undocumented students to qualify as residents if they have lived in Texas for the 36 months prior to high school graduation or are the recipients of a GED” (Rincon, 104). This new bill expands the criteria for residency to other High School graduates regardless of their parents’ residency in the state. Also, SB 1528 removed the requirement that “students not have earned any credit hours prior to fall of 2001 and that it removes the interpretation of the Texas Higher Education Coordinating Board (THECB) that students must have lived with a parent or guardian while attending high school” (Rincon, 104). Prior to SB 1528 many students did not live with their parents or guardian and did not qualify for in-state tuition. However, SB 1528 placed a burden on these students by having to prove that their immigration paperwork had been approved. Under HB 1403, students were able to qualify if they could prove that they had begun the immigration paper work process (Rincon, 104). Before SB 1528, students were

able to attend school while they waited for their immigration paper work to be processed and become permanent residents.

Texas was successful in giving undocumented students the ability to pay for in-state tuition. Other states on the other hand, have been enacting tougher residency regulations that make sure that undocumented students do not receive financial assistance. Ten states have considered laws that ban in-state tuition for undocumented students. Arizona, Colorado, Indiana, Georgia, and South Carolina have succeeded (National Conference of State Legislatures, 2013).

Many states have already passed laws that will provide undocumented students with the opportunity to attain in-state tuition. These states include California, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Texas, Utah, Washington, and Wisconsin. California and Texas were the first states to enact legislation in 2001. In 2002, New York and Utah passed similar legislation. During the 2003 and 2004 legislative sessions, Washington, Oklahoma, Illinois and Kansas passed similar laws. In 2005 and 2006, New Mexico and Nebraska signed undocumented student tuition legislation into law, and Wisconsin enacted a similar law in 2009, but then revoked that law in 2011. Maryland's governor signed a law in May 2011, which allows undocumented students to pay in-state tuition at community colleges only. Lastly, in 2011, Connecticut enacted a law allowing in-state tuition for undocumented students (ColoradoASSET, 2012).

The states that have passed laws to allow undocumented students to receive in-state tuition delineate requirements for eligibility. At a State level, these schools require students to 1) attend a school in the state for a certain number of years; 2) graduate from

high school in the state; and 3) sign an affidavit stating that they will apply to legalize their status as soon as they are eligible to do so (Bill Summary and Status, 2012).

During the spring of 2001 many organizations were concerned about the future of undocumented students and challenged the members of Congress to propose a bill that would grant undocumented students the opportunity to pay for in-state tuition. Then, Senator Orrin Hatch introduced the Children's Adjustment, Relief and Education (CARE) act. This bill would, "1) benefit undocumented students already enrolled in school and those applying to college; 2) lift federal restrictions prohibiting states from providing undocumented students with in-state tuition; and 3) make students eligible for federal financial aid under programs such as the Pell Grant" (Rincon, 176). However, this lost support after the September 11 attacks.

The DREAM Act

Later that year, Sen. Orrin Hatch introduced the DREAM Act (S.1291), which is Development, Relief, and Education for Alien Minors on August 1, 2001 (Perez, xxi). The DREAM Act passed the Senate Judiciary Committee in June 2002 (Rincon, 177). This did not pass in the Senate because of the Iraq war that was occurring. This further created an anti-immigrant sentiment and made many people hesitant to pass the bill. In 2003, the bill received support from 48 sponsors in the Senate and 150 in the House. Consequently, the Senate Judiciary Committee passed the DREAM Act (Rincon, 178). However, the bill was not scheduled for a vote in the Senate. Then, in 2005 the DREAM Act was "marked by intense controversy over the passage in the House of the Border Protection, Anti-Terrorism, and Illegal Immigration Control Act of 2005" (Rincon, 178).

In 2006, the Senate passed the DREAM Act as part of the Comprehensive Immigration Reform Act of 2006 (Rincon, 178).

This legislation would provide immigrant high school graduates with the opportunity of receiving U.S Residency and the ability to pay for in-state tuition. The DREAM Act will benefit many hard working students by enabling undocumented high school graduates to apply for conditional status and would authorize them for up to six years of legal residence (Perez, 8). In the six-year period the student will be required to attend a college or serve in the military. These students will then be granted permanent residency at the end of the six years. Although there have been many efforts, the DREAM Act has never been passed into law. Many undocumented students have graduated from colleges and universities but are unable to work because of their immigration status and often face deportation. Unless, there is a change in the Federal education policies for undocumented students, “graduates will always live under the double threat of being ineligible to lawfully hold a job and possible removal from the United States” (Rincon, 175). It is challenging for undocumented immigrants to receive permanent residency on their own and it could take many years for the application to be processed.

The DREAM Act will provide a strong incentive for undocumented students to finish high school and reduce the high drop out rates. A news article in The Chronicle of Higher Education says, “States that allow illegal immigrants to pay cheaper, in-state tuition have seen a 31-percent jump in that population’s college-going rate and a 14-percent decline in high-school dropouts among undocumented Latino Students” (Chronicle, 2011).

There are many states that are against the DREAM Act because they believe that it would bring in more illegal immigration and will be a financial burden to the United States. Ira Mehlman a spokesman for the Federation for American Immigration Reform (a group that advocates tougher immigration polices) stated, "In-state tuition represents a significant taxpayer subsidy, thus every illegal alien attending at in-state rates represents a cost... Since the illegal-alien student will not be eligible to work (legally) after receiving his/her degree the taxpayers are less likely to see a return on their investment than they would if they had subsidized a citizen or legal immigrant" (Chronicle, 2011).² People are also afraid that it could take away seats in different universities and colleges. However, I believe that allowing undocumented students to receive higher education will greatly benefit the economy. Passing the DREAM Act would allow undocumented students to apply for jobs that are related to their education instead of working in minimum wage jobs. Also, the amount of money that they will be taxed will double and will reduce government expenses (Perez, 148). The increased fiscal contribution would repay the required educational investment within a few years and thereafter would provide a profit to taxpayers for several decades (Perez, 148).

Deferred Action For Childhood Arrivals

On June 15, 2012 U.S. Department of Homeland Security Secretary Janet Napolitano announced the "Deferred Action for Childhood Arrivals" and started accepting applications August 15, 2012. The Department of Homeland Security states, "Deferred action is a discretionary determination to defer removal action of an individual

as an act of prosecutorial discretion”(Homeland Security, 2012). This program “provides relief from deportation for eligible unauthorized immigrants who are ages 30 and under and arrived in the U.S before age 16” (Pew Hispanic, 2012). Individuals who have been granted deferred action are eligible to receive “employment authorization for the period of deferred action, provided he or she can demonstrate “an economic necessity for employment” (Homeland Security, 2012). Deferred action can be terminated at any time according to the agency or renewed by the agency (Homeland Security, 2012).

Estimates show that about 320,000 or more undocumented immigrants may be eventually eligible for relief from deportation. Undocumented immigrants to qualify for deferred action if:

- They have continuously resided in the U.S. since June 15, 2007;
- They were physically present in the U.S. on June 15, 2012;
- They are enrolled in school, have a high school diploma or a GED, or have been honorably discharged from the military or Coast Guard by the time of their application;
- And they have not been convicted of a felony, a significant misdemeanor offense, or three or more other misdemeanors, and do not present a threat to national security or public safety (Pew Hispanic, 2012).

Undocumented immigrants who meet these criteria may apply for a deferred action, which keeps them from being deported for two years and also may potentially qualify them for work authorization. After the two-year deferred action period they can apply for a two-year renewal (Pew Hispanic, 2012). Undocumented immigrants who are currently under a removal process or have a removal order can also apply for deferred action if

they meet the criteria (Pew Hispanic, 2012). The Deferred Action Program however, does not provide permanent residence status or citizenship. In order to apply there is a \$465 application fee, which applies to the deferred action permit, and fees for a temporary work authorization permit (Pew Hispanic, 2012). There are 61% (2.7 million) of unauthorized immigrants ages thirty and under who ineligible for Deferred Action while 39% (1.7 million) who are potentially eligible. Out of those 1.7 million undocumented immigrants there are 55% (950,000) who are immediately eligible while there are 45% (770,000) who will be eligible in the future (Pew Hispanic, 2012). This will impact many high school students and will allow them to continue their education without the fear of being deported.

Conclusion

Undocumented Students face a lot of challenges while trying to obtain higher education such as financial and psychological. They live in fear, anxiety, and uncertainty. They also feel a sense of shame and discrimination as they try to live in the shadows of society. William Perez describes explains the socioemotional development framework. Perez states,

The socioemotional development of an undocumented Latina and Latino immigrant college student not only is affected by typical environmental factors such as poverty, violence, lack of resources, and discrimination that affect a large percentage of low-income minority children (Kozol, 1991, 1995, 2005), but these individuals also are scorned by extra layers of systemic barriers that prevent them from enjoying all of the social and financial benefits that society has in place for

legalized individuals and American citizens (Pérez, Cortés, Ramos, Karina Coronado, 2010).

Undocumented students feel discriminated and hated because of their immigration status. Leo Chavez argues that undocumented immigrants are “immoral criminals” and “social threats” and it negatively impacts their lives (Chavez, 2). Undocumented students face a lot of difficult experiences that many of their “citizen” or documented peers will never have to face. I believe that these students have been working hard and should not have to face such horrific experiences. These students are dehumanized and live in fear and of being rejected. They are also anxious because they do not know whom they should or should not trust.

In this chapter, I described the Federal laws that impede undocumented students from obtaining a higher education. These laws show rampant racism and xenophobia and discriminate against undocumented because of nativist ideas that believe that undocumented immigrants threaten the American identity, culture, and economy. This ignorance creates strong nativist sentiment, which builds fear and hatred towards “the other.” I believe that these students have been working hard and should not be penalized by the actions of their parents. These students are unjustly criminalized without acknowledging their stories and the social and economic struggles that forced them to migrate to the United States. Education should be a fundamental right that every individual deserves to have regardless of his or her immigration status. Many undocumented immigrant students are graduating as valedictorians and with honors but are being denied the opportunity to enhance their education and contribute effectively to the economy. Passing the DREAM act will reduce the racism and xenophobia that exist

within our educational system and undocumented immigrant students will no longer be looked down as inferior or as a burden. Rather, they will be positively recognized for their achievements. Deferred Action demonstrates the radical pro-immigrant shift by allowing these students an opportunity to pursue higher education by reducing their deportations but passing the DREAM act will equalize our education system and will ultimately fix our broken immigration system.

Chapter Two

Colorado Asset: Advancing Students for A Stronger Economy Tomorrow

Undocumented immigrant students who were brought to the United States at a young age by their parents should not be punished because of their immigration status. They have been educated in the United States and aspire to be successful by obtaining a college degree. Many students are unable to pursue their dreams because of the strict federal laws that are in place which do not allow them to pursue a higher education. As I stated in the previous chapter, many social activist have been persuading the federal government to pass the DREAM Act, which will give conditional permanent residency to certain undocumented students who have graduated from high school and arrived to the United States as minors. Currently, undocumented students are not allowed to receive federal financial aid. However, some states have laws that give undocumented immigrants the opportunity to pay for in-state tuition and receive state financial assistance. In this chapter, I criticize some of the laws that are created at the State level and describe the Colorado ASSET and explain why Colorado has failed to pass it. Then, I analyze the Metropolitan State University of Denver's Colorado High School/GED Non-resident Tuition to describe the positive contributions that its tuition rate has had on the state of Colorado. I argue that the state of Colorado has anti-immigrant xenophobic representatives and senators and has consequently created hostility towards undocumented immigrant students.

According to the 2010 census bureau, Colorado has 5,029,196 total inhabitants and there are 1,038,687 Hispanic Latinos in Colorado (Census, 2010). Hispanics are also 20.7 percent of the total population in Colorado (Census, 2010). That does not include the

undercount of undocumented Latinos and Hispanics in Colorado that do not fill out the census because they are afraid of increasing their chances of getting deported. Colorado is among the top ten states with the largest Hispanic markets. These, in order, are California (\$253 billion), Texas (\$175 billion), Florida (\$101 billion), New York (\$76 billion), Illinois (\$43 billion), New Jersey (\$37 billion), Arizona (\$31 billion), Colorado (\$21 billion), New Mexico (\$18 billion), and Georgia (\$15 billion) (AHAA, 2012). If Hispanics and Latinos have such a large influence on the economy of Colorado then why would we deny undocumented students access to higher education that will only expand the economy of Colorado?

The drive for getting undocumented immigrants access to equal education started in 2003 by State Representative Val Vigil (D-Thornton). He ran three bills for three year but all of them were unsuccessful. Trustee Vigil stated, "I've been fighting for this issue for ten years, and was the first to introduce it to the state senate" (Adams, 2013).

On February of 2011, I was able to participate in a rally that took place at the University of Colorado at Boulder where we staged a mock high-school graduation ceremony. Our names were called one by one. We walked happily down the stage wearing our graduation gown ready to receive our diplomas. There were many people cheering and clapping as our names were called. Then, black bags were placed over our heads. The black bags represented the barriers that are placed on undocumented students. Unfortunately, many undocumented high school students graduate with outstanding grades, have the test scores for admission and are accepted to attend the top schools, prepare to attend college, but cannot afford to pay for the high cost due to their immigration status. The goal of this rally was to create awareness and allow people to see

the experiences and the frustrations that undocumented students face because they are unable to follow their dreams.

The Colorado Senate passed Asset (Advancing students for a Stronger Economy Tomorrow) Bill 15 on a party-line vote, 20-14, with every Democrat in the Senate in favor of the measure and only Republican opposition, but it still needs to be passed in the Republican dominated House. There have been six attempts to pass this bill. This will give students the ability to pay lower college tuition rates. Undocumented students will be allowed to pay rates that are closer to in-state tuition rather than out-of-state tuition. In order to qualify the student must have attended at least three years of a Colorado high school. If this bill does pass there are hopes that there will be a comprehensive immigration reform that will provide the opportunities for all undocumented students to become successful and will be a great contribution to our country.

This bill will help undocumented students in Colorado attend college because they will not have to pay the high cost of out-of-state tuition. If passed, Colorado Asset will create a new category of tuition called Standard-Rate tuition. The standard-rate tuition level will be similar to the in-state tuition level without the State funded COF reduction (ColoradoAsset, 2012). Also, if passed institutions of higher education who do not want to create a standard tuition rate will be able to opt-out. In order to qualify the students have the meet the following criteria:

- “The student must attend a Colorado public or private high school for a minimum of 3 years.
- The student must graduate from a public or private high school in Colorado or obtain a general equivalency diploma (GED) in Colorado.

- The student must apply and be admitted to a Colorado institution of higher education within 1 year of graduating.
- Many students are already working their way through the immigration system, and the remaining students will be required to seek legal status (ColoradoAsset, 2012).”

Colorado Asset will help the economy in Colorado because it will guarantee an educated workforce once these students graduate and attain citizenship. It will also bring revenue to many colleges and universities in Colorado. Furthermore, undocumented students do not qualify for most of the Federal/State funds including the College Opportunity Fund or scholarships and grants. Therefore, the state will not lose any money because the student will pay the majority of the tuition. In fact, universities will receive millions of dollars in additional tuition revenue. The Colorado State Legislative Council Staff prepared a fiscal analysis of Colorado ASSET. It showed that there would be no cost to the State. It also estimates that there will be an increase in tuition revenue the first year of \$2.8 million and for future years an increase of \$4.2 million per year (ColoradoASSET, 2012). Colorado Asset will simply make it easier for undocumented students to pay for in-state tuition rather than out-state tuition without any government financial assistance. Bill Vidal, former mayor of Denver and the current president of the Hispanic Chamber of Commerce of Metro Denver stated, “We have invested in these kids anywhere from \$50,000 to \$72,000 to educate them already — when you think that a study shows that getting a college degree gives you \$2.8 million more in income, it makes sense that at 25 percent at the taxable rate we would get \$700,000 back into the public coffers,” continued Vidal. “That’s more than the return on investment we made on

their education” (The Colorado Statesman, 2012). It only makes sense that we continue to educate these students so that can work up to their fullest potential. Nevertheless, college graduates are less likely to fall into poverty.

This table shows what an in-state student would pay after receiving the COF subsidy vs. a

Higher Ed Institution	In-State Tuition Rate “Student Share” COF Subsidy Applied at \$62/hr	Standard-Rate Tuition Rate	2011- 2012 Out of State Tuition Annual Rate
Colorado Mountain College	\$ 1,770	\$ 3,630	\$ 8,550
Aims Community College	\$ 2,512	\$ 4,372	\$ 12,700
Community Colleges	\$ 3,506	\$ 5,366	\$ 11,087
Metro College of Denver	\$ 4,834	\$ 6,694	\$ 15,690
Western State	\$ 5,504	\$ 7,364	\$ 15,118
Fort Lewis College	\$ 5,592	\$ 7,452	\$ 17,626
Adams State	\$ 5,895	\$ 7,755	\$ 16,143
CSU Pueblo	\$ 6,269	\$ 8,129	\$ 16,971

Colorado Mesa	\$ 6,548	\$ 8,408	\$ 16,726
University of Northern Colorado	\$ 6,624	\$ 8,484	\$ 18,146
University of Colorado – Denver	\$ 7,702	\$ 9,562	\$ 22,064
University of Colorado – Colorado Springs	\$ 7,894	\$ 9,754	\$ 17,414
Colorado State University	\$ 8,042	\$ 9,902	\$ 23,742
University of Colorado – Boulder	\$ 9,152	\$ 11,012	\$ 30,330
School of Mines	\$ 14,454	\$ 16,314	\$ 29,139

- Table 1 presents ranges of new tuition revenue based on an average standard-rate tuition amount of \$4,748 at community colleges and \$6,574 at four-year colleges annually. This amount is calculated by adding average resident tuition at the schools with 30 credit hours of COF stipends at \$62 per hour (\$1,860 total).
- Table 1. Tuition Revenue Increases Under SB12-015

Students	New Tuition Revenue Community Colleges	New Tuition Revenue 4 Year Universities
150	\$712,200	\$986,100
250	\$1,187,000	\$1,643,500
350	\$1,661,800	\$2,300,900
450	\$2,136,600	\$2,958,300

Colorado ASSET student paying the Standard-Rate vs. what a Colorado ASSET student pays today in the form of out-of-state tuition.

An op-ed from The Denver Post made a strong argument on why the bill should pass. They stated that most of the students were brought to the United States as infants and they have already done well academically. However, critics stated that once the students graduate from an institution of higher education they would not be able to work legally in the United States. The solution would be that the Congress would pass a comprehensive immigration reform that will provide students and other undocumented immigrants that have a lot to offer in our country with the opportunity of attaining legal status (Denver Post, 2012).

Even though, Colorado is hesitant to pass Colorado ASSET there are other states that have passed laws that allow undocumented students to receive in-state tuition and 9 of the 12 states that allow undocumented students to receive in-state tuition rates do not allow undocumented students to receive state-funded financial aid. California, New

Mexico and Texas do however, allow undocumented students to receive state financial aid.

Colorado, Arizona, Georgia, South Carolina, Alabama and Indiana have strict laws that deny undocumented students in-state tuition rates. In 2006, Arizona passed Proposition 300, which prohibits undocumented students from qualifying for in-state tuition rates and state financial aid. Likewise, Colorado and Georgia passed bills that deny undocumented students the ability to receive in-state tuition rates. The Colorado Legislative declaration stated, "It is the Public Policy of the State of Colorado that all persons eighteen years of age or older shall provide proof that they are lawfully present in the United States prior to the receipt of certain public benefits"(Legislative State, 2013). Georgia's current anti-immigrant law SB 87 states,

"(a) Every public employer, including, but not limited to, every municipality and county, shall register and participate in the federal work authorization program to verify employment eligibility of all newly hired employees. Upon federal authorization, a public employer shall permanently post the employer's federally issued user identification number and date of authorization, as established by the agreement for authorization, on the employer's website; provided, however, that if a local public employer does not maintain a website, the identification number and date of authorization shall be published annually in the official legal organ for the county" (Georgia General Assembly Legislation, 2013).

The state of Georgia proposed SB 458 but it did not pass. SB 458 had two troubling provisions. It would ban undocumented students from all public universities and colleges in Georgia even if they pay out of state tuition. Georgia Sen. Barry Loudermilk (R-

Cassville), the sponsor of SB 458, said “College slots are being taken away from U.S. citizens and given to undocumented immigrants who would not be able to work in the country legally after graduation” (The Huffington Post, 2012). “Our colleges and universities are for those that are U.S. citizens and are here legally,” Loudermilk said. Loudermilk and other supporters of the bill believe that the current University System of Georgia is a violation of federal law, and that attending a public university is a privilege to be granted only to citizens (The Huffington Post, 2012). U.S. Immigration and Customs Enforcement states that federal law does not ban undocumented immigrants from attending public colleges. The Federal government gives that states power to make their own decisions.

South Carolina’s “Illegal Immigration Reform Act” was passed in 2007 and it prohibits undocumented students from enrolling in any college or university.

- “Employers must verify the identity of employees either with a South Carolina driver's license or the federal E-verify system.
- Non-emergency medical care be denied to undocumented adult immigrants by state funded clinics and hospitals. Because federal law requires that care be given without discrimination, local healthcare providers are facing a significant challenge in following the law. Perhaps in recognition of this, no state agency is tasked with enforcing the new restrictions.
- Undocumented immigrants are prohibited from attending public institutions of higher education or receiving state funded scholarships.” (American Immigration Lawyers Association, 2008).

Alabama also passed a similar law as South Carolina, which denies undocumented students access to higher education.

The Alabama state legislature passed a controversial new immigration bill on June 9 that requires public schools to check students' immigration status, criminalizes giving an undocumented immigrant a ride, requires employers to use E-Verify to check potential employees' status, and instructs police to check the immigration status of anyone they stop if they suspect the person of being an undocumented immigrant (Latin America New Dispatch, 2011).

Lastly, in 2011, Indiana passed HB 1402 "prohibiting resident tuition for illegal aliens. Provides that an individual who is not lawfully in the United States is not eligible to pay the resident tuition rate that is determined by the state educational institution" (Indiana House Bill 1402, 2011).

Colorado ASSET has not passed through the House of Representatives because many republican senators in Colorado are hesitant to offer support. For example, Senator Nancy Spencer stated, "The message is that it is okay to commit felonies in the United States" (Denver Post, 2012). She expressed the view that undocumented immigrants are criminals for being here illegally. It is not the student's fault that their parents brought them but it is also not the parent's fault that they wanted to come to pursue a better life than they could in their country. Many supporters argue that these students are not in the U.S. by choice, "they should be allowed to continue to pursue education after succeeding in high school, that producing more college graduates will help Colorado's economy and that taxpayers won't be subsidizing such students" (EdNewsColorado, 2012). Republican critics believe that passing the bill would as EdNews Colorado journalist Todd Engdahl

states, “Reward illegal behavior and encourage more immigration, offers false hope to students who won’t legally be able to take jobs after graduation, that taxpayers will indirectly subsidize such students, that the bill is unfair to out-of-state and legal foreign students, and that reform of federal immigration laws needs to come first”

(EdNewsColorado, 2012). This bill would not reward illegal behavior because the undocumented students are not criminals as they were brought to the United States when they were young and excelled academically; they just want to have the same opportunities to be able to attend college. Similarly, Senator Tim Neville, R-Littleton, said the bill “sends a message of ‘come to Colorado – we don’t enforce federal laws or even our own laws” (EdNewsColorado, 2012). Former Colorado Congressman Tom Tancredo, known for his opposition on undocumented immigration states:

I think this is a concocted story of all these students begging to get into college at in-state rates. I’d be fascinated to see exactly how many people are out there attempting to obtain this particular benefit. When you look at graduation rates and then you start narrowing it down to a particular category of people who are here illegally, you say to yourself, ‘I wonder what this is all about? I wonder why there’s such a big push? (The Colorado Congressman, 2012).

Tancredo demonstrates anti-immigrant and xenophobic sentiments towards the undocumented students who want to pay in-state tuition. Like many other opponents, he believes that undocumented immigrants are undeserving and believes they are seeking “public benefits”.

On the other hand, Sen. Lucia Guzman, D-Denver, said, “It’s always very, very painful to hear our young undocumented students ... be called felons.” While every

member is entitled to sincere beliefs, Guzman said, “Some see these young people as felons; some see them as heroes” (EdNewsColorado, 2012). These students work hard to better their futures and aspire to do great things in their lives. We are wasting their potential by not allowing them to attend an institution of higher education.

Colorado Asset did not pass on April 23, 2011 when it was up in the House Education Committee because the Republican committee killed the bill on a party line 7-6 vote. Lone Hispanic Republican Senator Robert Ramirez, R-Westminster voted against the Colorado Asset. Robert Ramirez has received many negative comments from the Hispanic community for voting the way he did.

He said that while he voted against the bill this year he planned on working over the summer to help make changes to ASSET that would make it more palatable to both his constituents and fellow Republicans. “It breaks my heart to have to do it, today. “But hopefully in the near future we will be able to make some changes” Ramirez stated (The Colorado Independent, 2011). Ramirez explained that he voted “no” because he wanted to work on creating a similar bill to Asset that would be more acceptable to Republicans and voters (The Colorado Independent, 2011). He also said he would work with bill sponsors, Sen. Mike Johnston, D-Denver, and Rep. Joe Miklosi, D-Denver, “to bring the Colorado congressional delegation together on the need for federal immigration reform”(The Colorado Independent, 2011). “We need to get on board right now on making the difference in getting these kids in school and we need to help them where we can. Unfortunately, today, I had to say ‘no’ to that. But that could change next month, that could change next week,” Ramirez stated (The Colorado Independent, 2011).

Ramirez's however, had a compromise to the Colorado Asset (SB 15) that "called for an opt-out provision for universities, as well as requiring that students have been in a Colorado school for at least seven years before being considered eligible for the reduced tuition"(America's Voice Online, 2011). During this time, Ramirez also called for "requiring that the students have actually filed paperwork to become a U.S. citizen in order to be eligible for the tuition break"(America's Voice Online, 2011). Ramirez acknowledges that his vote on the Colorado Asset bill is going to affect the turnout in the next elections he does not regret his vote. He stated, "Everything we do could impact me at the polls, but I'm there to represent the people of my district, and overwhelmingly they were fine with what I wanted to do, but not with the ASSET bill as it was." Even though, Ramirez's father immigrated legally to the United States from Mexico in the 1960s he agonized over the vote. "It's absolutely tough for me, but it's not about what makes me feel good, it's not about my heart, it's about the laws in this country and it's about everyone, not just certain groups..." he said (America's Voice, 2011). "It saddens me no matter how I vote," Ramirez said. "On one hand, he did not want to create an underclass of uneducated people, but on the other, he did not want to send the wrong message" (America's Voice, 2011). "Are we teaching a new generation of our country that it's OK to violate the law? That scares me"(America's Voice, 2011). Nevertheless, Ramirez and other republicans denied Colorado undocumented students access to obtaining a college education that would ultimately benefit the economy of Colorado. Undocumented students who meet the requirements defined in the Colorado Asset are not criminals; they just obeyed their parents. These students grew up in Colorado just like any other student worked as hard as any other student and deserve the same opportunities.

Supporters of this bill want to build support from college trustees that can be used to bring pressure to the Republican Party. Colorado GOP Chairman Ryan Call was disappointed that House Republicans killed a bill that would give undocumented students the opportunity to go to college. He states, “They are all trying to strike a balance, in this case, between two important conservative principles. We are a party that believes very much in economic opportunity, educational opportunity and enabling people to achieve the American Dream through hard work; but we are also a party of law and order and we believe that violations of the law shouldn’t be overlooked” (FOX 31 Denver, 2012). He believes that you can be a good Republican and still support ASSET.

Democrats and supporters strongly believe in the economic benefits that passing the Colorado ASSET bill will bring to the state of Colorado. They say that it will bring a “additional \$4 million for the state’s institutions of higher education, while building an educated workforce for the future”(The Colorado Statesman, 2012). Since the parents of these students would be the ones that have to pay for their tuition out of pocket it will not cost taxpayers any money. Former mayor of Denver and the current president of the Hispanic Chamber of Commerce of Metro Denver, Bill Vidal states, “We have invested in these kids anywhere from \$50,000 to \$72,000 to educate them already — when you think that a study shows that getting a college degree gives you \$2.8 million more in income, it makes sense that at 25 percent at the taxable rate we would get \$700,000 back into the public coffers,” continued Vidal. “That’s more than the return on investment we made on their education”(The Colorado Statesman, 2012). This simply states that extending the legal status to more undocumented students who have been in the United States for the majority of their life; students who consider the United States their home, is

a positive economic approach. This will not only benefit Colorado's economy but it will also encourage them to pursue an education and in turn, Colorado will have a more highly educated workforce.

Metropolitan State University: Non-Resident Rate Tuition

Even though Colorado has had a very educated workforce, it receives students from other states and Colorado continues to neglect the talent of the students of the State of Colorado. After the Republicans killed the (SB12-015) ASSET bill Metropolitan State University "took advantage of the tuition setting authority given to them by the legislature to create an additional non-resident rate category for students who have spent at least three years in a Colorado high school and who have good legal standing except for they cannot prove their residency" (Denver Post, 2012). Even though Metropolitan State University of Denver has a really low non-resident tuition rate there are many students who cannot afford to pay it. Metropolitan State University's president Stephen Jordan worked to create a new tuition rate for undocumented students and on June 7, 2012, the board of trustees approved the Colorado High School/GED Non-resident tuition rate by a vote of 7-1 (MSCD, 2012). When the MSU Denver's Board of Trustees voted to approve the Nonresident tuition rate they reviewed the current state statute and deemed this as a legitimate policy based on:

- 1) The structure of nonresident tuition rates by state higher education institutions are not required to be authorized by the state legislature; and
- 2) This nonresident tuition rate contained no state subsidy.

President Jordan states,

“This non-resident rate is designed for students who live in Colorado, have attended a Colorado high school, and are not able to document the legal status that would make them eligible for resident tuition rates under current Colorado and federal law. Certain U.S. citizens may also qualify for the rate. There are three specific conditions for qualifying:

- The student must have attended a Colorado high school for at least three years.
- The student must have graduated from a Colorado high school or completed a general equivalency diploma (GED) in Colorado.
- The student must submit a notarized affidavit which states, except for their immigration status, he or she is in good legal standing and is seeking or intends to seek lawful status when eligible” (Metropolitan State University of Denver, 2012)

This is how the rates compare for 15 credit hours per academic year.

- Colorado resident tuition = \$4,304.40
- Non-resident tuition = \$15,985.20
- Colorado High School/GED rate = \$7,157.04 (Metropolitan State University of Denver, 2012).

This rate is more than in-state tuition but less than a out-of-state tuition. These students however, do not qualify for any government grants or scholarships and therefore, it does not cost taxpayers any money and no state or federal public benefit or subsidy will be

used. Jordan said it is “truly unsubsidized” because there is even a \$650.60 capital construction fee to account for the use of campus buildings that were built using state general funds (MSU Denver, 2012). There are now 240 student enrolled under the Colorado High School/GED who probably would have not have had the opportunity to attend college otherwise.

There are many people who oppose this because they believe that it is against the law. The president of the University of Colorado Boulder Bruce Benson states, “There’s a building down the street from me with a gold dome on top of it. And they took a vote that, in effect, decided the state policy. Federally, we have policies where we demand that things are done when kids are in K (kindergarten) through 12, but then we say, ‘the heck with you’ when it comes to higher ed. If we have a federal policy for K-12, then we need one for higher Ed too. But having said that, I wouldn’t have done what Metro did. If the legislature didn’t pass anything, then that’s it” (EdNews, 2012). President Benson believes that since the federal government is not worried about undocumented students receiving higher education, then the state government should not restrict access either.

Shortly after the Board of Trustees approved this tuition rate, Colorado Attorney General John Suthers issued an opinion saying that it constitutes a “public benefit” (MSU Denver, 2012). In 2006, Colorado Passed House Bill 1023 which, restricts public benefits to undocumented immigrants. Section 1: Article 76.5 states,

“IT IS THE PUBLIC POLICY OF THE STATE OF COLORADO THAT ALL PERSONS EIGHTEEN YEARS OF AGE OR OLDER SHALL PROVIDE PROOF THAT THEY ARE LAWFULLY PRESENT IN THE UNITED STATES PRIOR TO RECEIPT OF CERTAIN PUBLIC BENEFITS.

24-76.5-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "EMERGENCY MEDICAL CONDITION" SHALL HAVE THE SAME MEANING AS PROVIDED IN 42 U.S.C. SEC. 1396b (v) (3).

(2) "FEDERAL PUBLIC BENEFITS" SHALL HAVE THE SAME MEANING AS PROVIDED IN 8 U.S.C. SEC. 1611.

(3) "STATE OR LOCAL PUBLIC BENEFITS" SHALL HAVE THE SAME MEANING AS PROVIDED IN 8 U.S.C. SEC. 1621" (HOUSE BILL 06S-1023).

This means that all state agencies must verify their lawful presence in order to receive any form of public assistance. This tuition rate is not considered a public benefit because the student is paying 100 percent of the tuition without any government assistance. There is also no state and federal law that says that undocumented students must pay out-of state tuition. That is why MSU was able to create a new non-resident rate that is significantly higher than in-state tuition. As a result, there is no assistance coming from the state and federal government and this rate is legal. MSU Denver acquired the services of McKenna Long and Aldridge LLP to study this issue carefully to ensure that there are no legal complications (MSCD, 2012).

Metropolitan State University of Denver has paved the way for other institutions to create similar tuition rates and has pushed my government officials to pass legislation like the Colorado ASSET. The MSU Denver Board of Trustees, Polis and DeGette states,

Many young people who are in the United States are unable to take advantage of the privileges of citizenship, through no fault of their own. They should be given more chances to make a positive impact on our country, which is often the only country they know as home...Equally as important, this new rate is a prime example of how Metro State is advancing its mission as an institution of opportunity, serving low-income, first generation and historically under-represented populations...Thank you for leading the way on this issue among Colorado's institutions of higher learning. We are hopeful that this is the one ripple in the ocean that will lead to a wave of further opportunities for deserving students to realize their dreams (MSCD, 2012).

Students are going to continue to work hard to make sure that they receive access to affordable college tuition and are not going to stop insisting until legislation is passed on both the federal and the state level. Metropolitan State University of Denver is an example of the impact that giving undocumented students the opportunity to receive a more affordable education can have on their lives as well as increase the economy of Colorado. If the Colorado ASSET passes it will create more support for the DREAM Act and there will be more pressure on the government for pass this measure.

“The Lucky Number 7”

The Colorado ASSET bill has failed to pass six times because of the xenophobic positions of Republican representatives and anti-immigrant coalitions. This time it has a greater level of support and a democratic dominated Senate and House of Representatives thus, many are confident that it will finally pass this seventh time. The Colorado ASSET

bill was reintroduced as Senate bill 13-033. This year, they created a simpler bill where undocumented immigrant student would be allowed to pay for in-state tuition and qualify for COF along with the benefits that other students received. Colorado ASSET passed in the Senate on February 25, 2013 on a 23-12 vote. I interviewed Senator Angela Giron (D-Pueblo), who sponsored the Colorado ASSET bill with Mike Johnston (D-Denver). In the interview she described the history of the Colorado ASSET and her beliefs on the bill as well as the counter arguments that have been made. She explained why the future of the Colorado ASSET looks bright due to its powerful momentum. It reflects the powerful work of Colorado's undocumented youth movement. Undocumented immigrants have a strong voice and will no longer tolerate the injustices and human right abuses against them. I am certain that the Colorado ASSET bill will pass in the near future. These students will no longer be disheartened and discouraged to attend college. They will no longer be viewed as criminals. Finally, our undocumented youth will come out of the shadows and will not be turned down by Colorado universities and forced to move to other states.¹

Chapter 3

Arizona HB 1070 “Support Our Law Enforcement and Safe Neighborhoods Act”

“When the Know-Nothings get control, it will read ‘all men are created equal, except negroes, and foreigners, and Catholics.’” -Abraham Lincoln, 1855

The previous chapter presents how in-state tuition policies represent another step toward giving equal opportunities to all students across the nation. Colorado’s restrictive state policies are an example of how the xenophobic and anti-immigrant sentiment towards undocumented immigrants negatively impacts the lives of high achieving students. Passing the Colorado ASSET will benefit many hard-working students and will also increase the economy and create more jobs. Obtaining a college degree is an opportunity that should be open to everyone. José López, the foundry worker whose family became one of the plaintiffs in the Plyler v. Doe case states, “School is very important for all children, and they should not be discriminated against because they are Mexican or white or black. They should all be equal” (Rincon, 215). However, the state of Arizona is an example of the extreme dehumanizing anti-immigrant policies that discriminate against undocumented immigrants.³ In this chapter, I describe how the laws in Arizona violate the rights of undocumented immigrants, their families and communities and how it ultimately led to the creation of other coercive laws across the United States.

In 2008 there were approximately 500,000 undocumented immigrants in Arizona. 94% of these undocumented immigrants were from Mexico. Also, approximately 10% of

Arizona's workforce is undocumented (Pew Hispanic, 2009). The Arizona HB 1070 was signed into law by Governor Jan Brewer on April 23, 2010. 59% of voters in Arizona voted for it and passed the Arizona House of Representatives by a 35-21 party-line vote, and the revised measure passed the State Senate by a 17-11 vote that also followed party lines (Arrocha, 2010). This law is considered one of the toughest anti-immigrant laws in the United States and affects the lives of all undocumented Latinos. The State of Arizona states,

This law requires officials and agencies of the state and political subdivisions to fully comply with and assist in the enforcement of federal immigration laws and gives county attorneys subpoena power in certain investigations of employers. Establishes crimes involving trespassing by illegal aliens, stopping to hire or soliciting work under specified circumstances, and transporting, harboring or concealing unlawful aliens, and their respective penalties (Zale, 2012).

“Illegal is illegal,” said Pearce, a driving force on the issue in Arizona. “We’ll have less crime. We’ll have lower taxes. We’ll have more fertile fields. We’ll have less traffic and cleaner air. We’ll have lower gas prices...and, shorter lines.”

Section 1 of S.B 1070 declares that the provisions of the legislation are “intended to work together to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States” (Supreme Court Debates, 2012). It establishes a statewide policy of “attrition through enforcement.” An approach to deter “unlawful migration and to encourage the compelled or voluntary exit of unlawfully present aliens through the steady, across-the-board enforcement of U.S immigration laws” (Supreme Court Debates, 2012).

Therefore, it allows for stricter enforcement from both the State and Federal levels.

Section 2 of S.B. 1070

“Directs State and local officers and agencies, whether making a lawful stop, detention, or arrest pursuant to the enforcement of State or local laws, to make a reasonable attempt whenever practicable to determine the person’s immigration status, if there is reasonable suspicion to believe the person is an alien who is unlawfully present in the country.”

A person has to be able to prove their lawful presence by providing documentation. Next, under Section 2H of SB 1070, “citizens will be able to sue officials or agencies whose policies interfere with vigorous enforcement of federal immigration law.” This allows for citizens to sue any official or agency that implements a policy that restricts the enforcement of federal law. Section 2B “requires law enforcement officers to try to check the immigration status of anyone they lawfully stop if they have "reasonable suspicion" the person might be an unauthorized immigrant.” Failure to have proof of identification is considered a violation and a misdemeanor under the law. This law encourages racial profiling because it allows enforcement officials to detain people under reasonable suspicion. It therefore, allows police to consider “race, color, or national origin.”⁴ Section 2B of SB 1070 however, does not provide detail or a definition of what "reasonable suspicion" includes and this leaves room for ambiguity. Also, it allows State and local governments to transport undocumented immigrants to Federal facilities. Section 2 also provides that “any State or local official or agency that adopts or implements a policy that limits or restricts the enforcement of Federal immigration laws...to less than the full extent permitted by Federal law” is subject to

civil penalties of up to \$5,000 per day. Therefore, this imposes mandatory duties on the State and local officials and forces them to strictly identify undocumented immigrants.

Section 3 of the SB 1070 states that if a person violates 8 U.S. Code sections 1304 (e) or 1306 (a) he or she will also be guilty of the State crime of “willful failure to complete or carry an alien registration document.”

Section 4- “Addresses activities relating to the transport and harboring of unlawfully present aliens.”

Section 5- “Imposes criminal penalties upon the transport of an alien within the State in furtherance of the alien’s illegal presence in the United States, when done with knowledge or in reckless disregard of the alien’s unauthorized status.”

Section 5A of SB 1070 makes it a state crime for an undocumented immigrant to apply for a job, and also makes it a misdemeanor for a citizen driving a vehicle to stop to hire anyone if that "impedes" traffic” (Alto Arizona, 2012).

Section 6- “Authorizes officers to make an arrest without a warrant if they have probable cause to believe the person to be arrested has committed any “public offense” that makes the person removable from the United States” (Supreme Court Debates, 2012). This section combines with aspects of Sections 2 and 3. By empowering State and local officers to pursue and detain a person “based on the officers’ perception that the person is removable, and without regard to Federal priorities or even specific Federal enforcement determinations.”

Legitimized racial profiling in the United States immigration laws enacted in 1996 in section 287(g) of the Immigration and Nationality act. This section allows the

“federal government to enter into agreements with state and local law enforcement agencies, allowing them to deputize local officials to enforce federal immigration law” (NCLR, 2012). This program allows the federal government to unify when dealing with terrorist attacks, disasters, and other emergencies. This is used to remove dangerous undocumented immigrants from the United States. This program however, remained inactive for several years until the September 11, 2001 attacks. This program was intended to deport threatening criminals and potential terrorists, but it allowed local law enforcement the opportunity to arrest non-violent immigrants by racially and ethnically profiling them and creating a threatening environment. On October 2009, the Congressional Hispanic Caucus (CHC) called for the termination of the 287(g) program (NCLR, 2012). Despite the serious objections the Obama administration continues to expand this program and allows for laws like SB 1070 to exist.

“We in Arizona have been more than patient waiting for these people to leave,” Brewer said after signing the law. “But decades of inaction and misguided policy have created an annoying and unacceptable situation in Arizona” (Senate Bill 1070, 2012). This shows the anti-immigrant sentiment that many politicians have towards undocumented immigrants. However, parts of this law were unconstitutional. These include sections that show that it is a crime for immigrants not to be carrying papers, allow arrest without a warrant in some situations and forbid an illegal immigrant from working in Arizona (AZ Central, 2012). President Obama was pleased when they struck down some of the main provisions of the bill. He stated, "No American should ever live under a cloud of suspicion just because of what they look like. Going

forward, we must ensure that Arizona law enforcement officials do not enforce this law in a manner that undermines the civil rights of Americans, as the Court's decision recognizes" (AZ Central, 2012).

But despite the Supreme Court's ruling, this is still in place. Justice Anthony Kennedy wrote the majority opinion and he stated that it was improper for the lower courts to enjoin Section 2, which requires law enforcement to check immigration status, "without some showing that (the section's) enforcement in fact conflicts with federal immigration law and its objectives" (AZ Central, 2012). Thus, this leaves room for policy to require state officials to contact ICE. "What I do fear -- and what Arizona and the States that support it fear -- is that 'federal policies' of non-enforcement will leave the States helpless before those evil effects of illegal immigration," Scalia wrote. "Arizona bears the brunt of the country's illegal immigration problem. Federal officials have been unable to remedy the problem, and indeed have recently shown that they are unwilling to do so." Alito split with both groups, arguing that the majority was correct to allow the portion requiring law enforcement to check immigration status and to not allow the portion requiring that individuals show paperwork. But he said the portions forbidding illegal immigrants from working in Arizona and allowing for warrantless arrests in some cases should be allowed to go into effect.

The institutionalization of racial and cultural hierarchies within this law is encouraging xenophobia and empowering anti-immigrant people to become involved in the discourse and practice of hatred towards the "other." The xenophobia against undocumented immigrants started in 1798 this act was known as the Alien Enemy Act. This Act is important because it was the first Act to define a non- U.S. citizen as an

“alien” (Arrocha, 2010).⁵ The first of the laws was the Naturalization Act, passed by Congress on June 18. This act “required that aliens be residents for 14 years instead of 5 years before they became eligible for U.S. citizenship”(Archiving Early America, 2013). Congress then passed the Alien Act on June 25, “authorizing the President to deport aliens "dangerous to the peace and safety of the United States" during peacetime (Archiving Early America, 2013). Later, Congress implemented the new law, the Alien Enemies Act on July 6, 2013. This act “allowed the wartime arrest, imprisonment and deportation of any alien subject to an enemy power” (Archiving Early America, 2013). Finally the Sedition Act was passed on July 14 this “declared that any treasonable activity, including the publication of “any false, scandalous, and malicious writing” (Archiving Early America, 2013). During this time many editors of Republican newspapers were arrested. These laws were created to silence and weaken the Democratic-Republican Party (Library of Congress, 2013). The negative reactions that these laws received helped the success of the Democratic-Republican Party. Although, these laws expired years after, immigration laws began defining undocumented immigrants as aliens and they began to define what a citizen was and made it more difficult to become a citizen.

Arizona’s SB 1070 law similarly recognizes the undocumented immigrants as dangerous and as the enemy. William Arrocha states,

History has shown us that when the State and civil society exclude “the other” and criminalize his/her presence, hate toward the later can develop, particularly among those members in society who consider “the other” or the “alien” as a threat to their existence. The consequences of such a dynamic can result in an increase in racism

and segregation, an intensification of state repression and social violence, and a deeply divided society with a loss of unity and historical direction (Arrocha, 2010) SB 1070 creates fear of undocumented immigrants and further increases the rates of hate crimes. This law also legitimizes the hate towards undocumented Mexican immigrants because now instead of being seen as the “other” they are seen as an “invader.”⁶ This negative view makes undocumented immigrants appear as a threat to the national security.⁷

California’s Proposition 187

In order to understand how the immigration laws in Arizona work we need to understand California’s Proposition 187. This proposition passed on November 8, 1994 by the initiative of the-governor Pete Wilson. This was the first of many to deny undocumented immigrants access to public schools, health care, and other social services (Rincon, 24). This required police, health care professionals and teachers to verify everyone’s immigration status. The purpose was to "provide for cooperation between [the] agencies of state and local government with the federal government, and to establish a system of required notification by and between such agencies to prevent illegal aliens in the United States from receiving benefits or public services in the State of California." This describes the interpretation of the tenth amendment, which states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This gives the State the power to implement laws to be able to defend themselves, in this case against “illegal aliens/invaders.”

Section 1 of Proposition 187 stated that:

The People of California find and declare as follows: That they have suffered and are suffering economic hardship caused by the presence of illegal aliens in this state, that they have suffered and are suffering personal injury and damage caused by the criminal conduct of illegal aliens in this state, that they have a right to the protection of their government from any person or persons entering this country unlawfully. The discourse that this proposition created about undocumented immigrants being “invaders” became the new way of perceiving undocumented immigrants. Also, after September 11, 2001 triggered hate on undocumented immigrants.

Proposition 227

Later, in 1998 they passed Proposition 227, which eliminated bilingual education. This was called English For Children and was sponsored by businessman Ron C. Unz (Rincon, 24). Proposition 227 states,

- “Requires all public school instruction be conducted in English.
- Requirement may be waived if parents or guardian show that child already knows English, or has special needs, or would learn English faster through alternate instructional technique.
- Provides initial short-term placement, not normally exceeding one year, in intensive sheltered English immersion programs for children not fluent in English.

- Appropriates \$50 million per year for ten years funding English instruction for individuals pledging to provide personal English tutoring to children in their community.
- Permits enforcement suits by parents and guardians” (Vote smart, 1998).

“English Only” laws deny non-English speaking students the right to get an education where they are able to understand the language. They also perpetuate false stereotypes of immigrants and non-English speaking individuals. These laws are also intolerant of diverse groups.

Proposition 203

Later, Arizona passed Proposition 203 called English Language Education for Children in Public Schools. It states,

“Requires that all public school instruction be conducted in English. Children not fluent in English shall normally be placed in an intensive one-year English immersion program to teach them the language as quickly as possible while also learning academic subjects. Parents may request a waiver of these requirements for children who already know English, are ten years or older, or have special needs best suited to a different educational approach. Normal foreign language programs are completely unaffected. Enforcement lawsuits by parents and guardians are permitted” (Language Policy, 2000).

Policies like this create anti-immigrant sentiment and helped gain support to pass other laws that are against undocumented immigrants.

Proposition 200

Regardless of the Supremacy Clause in Article VI Paragraph 2 of the Constitution, which “establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions” states can still enact laws that affect immigration policies. Senator Russell Piece has been successful in promoting bills that are xenophobic and reinforce practices of hate all across the United States. Before SB 1070 he was a strong supporter of Proposition 200, also known as Protect Arizona Now. This initiative passed in 2004 with a 56% vote. Proposition 200 “requires individuals to produce proof of citizenship before they may register to vote or apply for public benefits. It also makes it a “misdemeanor for public officials to fail to report persons unable to produce documentation of citizenship who apply for these benefits, and allows citizens who believe that public officials have given undocumented persons benefits to sue for remedies.” With the voting of the public and the federal courts anti-immigrant and anti-Latino politicians have been able to continue to create an agenda to regulate immigration at the state and local level. This law is another xenophobic law that embraces racial profiling and ethnic stereotyping.

Legal Arizona Workers Act (LAWA)

In 2007, Arizona enacted the Legal Arizona Workers Act (LAWA) also known as Employers Sanctions Law. The act was signed into law by Governor Janet Napolitano. This act prohibits an employer from “knowingly or intentionally employing an unauthorized alien and establishing penalties for employers in violation.” The U.S.

Citizenship and Immigration Services office and the Systematic Alien Verification for Entitlements (SAVE) Program together with the Social Security Administration (SSA), administers E-Verify. It allows employers to “electronically confirm the employment eligibility of all newly hired employees.” LAWA requires all Arizona employers to use E-Verify to verify the eligibility of new hires” (Azleg, 2013). Those employees who hire undocumented immigrants may have their business licenses suspended or revoked. It also causes fear on undocumented immigrants and also makes it difficult for them to find employment. LAWA creates a hostile and xenophobic environment in not only jobs but also schools and many other institutions and allows discrimination on the basis of immigration status to particularly people of color.

The Arizona private prison system: Corrections Corporation of America (CCA)

The Arizona prison population is highly over-crowded and under-funded; it has high percentages of Mexicans many of who are undocumented. Many of these people are in prison for non-violent criminal behavior. For example the book *Living Illegal: The Human Face of Unauthorized Immigration* states, “Of the 3,180 inmates the county jail processed for ICE detention in 2008, almost 69 percent were arrested for traffic violations belying the avowed focus on removing criminals from local communities (Marquardt, Steigenga, Williams, Vasquez, 11). All of the immigration laws that are put in place to deter undocumented immigrants from coming to this country bring about many economic benefits to the prison industrial complex. The private prison system played a big role in the drafting and implementation of SB 1070. One of the most important goals for the Support Our Law Enforcement and Safe Neighborhoods Act was to increase the profits of CCA.⁸ CCA is the main correctional corporation that works with the U.S. Immigration

and Customs Enforcement (ICE). CCA reported \$1.7 billion in gross revenue for 2009, “attributing about 40 percent of this business to its federal clients ICE, the BOP and the U.S. Marshals Service, all of which house immigrant detainee populations” (Prison Legal News, 2013). Since undocumented immigrants are considered “illegal, criminals and invaders” the laws are written so that they are ultimately imprisoned. The more people they have at the detention centers the more it increases the legitimacy of SB1070. It demonstrates that the American citizens who feel that the so-called undocumented “illegal alien/ invader” is threatening their security are being protected by the strong enforcement of the US government, ICE, and CCA.

Many government representatives are directly involved with the prison system. On December 2009, a month before SB 1070 was going to be introduced. Senator Pearce submitted the proposed legislation to the American Legislative Exchange Council (ALEC) where he and 35 other Arizona legislators are a part. It is the “nation’s largest bipartisan, individual membership association of state legislators” and as a public-private legislative partnership.” Organization on ALEC’s roster include CCA, GEO Group, Sodexo Marriott, Wal-Mart, Bank of America and many others. Pearce is an executive member of ALEC’s Public Safety and Elections Task Force. Arizona’s bill and the ALEC Sanctuary Cities Act model legislation both feature anti-“sanctuary cities” provisions which “prohibit any municipal, county or state policy that might hamper the ability of any government agency from complying with federal immigration law.” Also, one of the differences between the Support Our Law Enforcement and Safe Neighborhoods Act and the Sanctuary Cities Act, is that the ALEC legislation carries more severe penalties under the criminal trespass section. SB 1070 and the ALEC legislation that was passed in other

states will increase the numbers of undocumented immigrants arrested and being placed in jail. These laws will convert each state and county law enforcement officer into an enforcer of federal immigration law.

Pearce asked for the help of Kris Kobach. He served as an advisor to former Attorney General John Ashcroft after the September 11, 2001 terrorist attacks. He helped implement the National Security Entry-Exit Registration system. Also, Kobach is the “national expert on constitutional law” at the Immigration Reform Law Institute (IRLI), subsidiary organization of the Federation for American Immigration Reform (FAIR). IRLI and FAIR are considered “nativist hate groups.” It is said that IRLI and FAIR both played a role in the SB 1070 legislation. Kobach denied that IRLI and FAIR were involved with SB 1070. He stated, “The initial first draft of the bill was done by the legislators in the Arizona legislature who were coming up with a broad template of what they wanted to achieve. I was brought in at that point to advise on what was possible and what wasn’t possible, and to refine the language to make sure it stands up in court.” Although, these laws are not placed under the federal law, Pierce believes that they are necessary in Arizona because of the large crime rates that are supposedly committed by undocumented immigrants. He states, “In fact, in the last ten years, 87 percent of the officers killed in the city of Phoenix were killed by illegal aliens” (Prison Legal News, 2012). References like this one, create the social construction known as “criminalization of immigration” where people view undocumented immigrants as criminals. Arizona Governor Janet Brewer states,

Though many people disagree, I firmly believe it represents what’s best for Arizona. Border-related violence and crime due to illegal immigration are

critically important issues to the people of our state, to my administration and to me, as your Governor and as a citizen. There is no higher priority than protecting the citizens of Arizona. We cannot sacrifice our safety to the murderous greed of drug cartels. We cannot stand idly by as drop houses, kidnappings, and violence compromise our quality of life. We cannot delay the destruction happening south of our international border creeps its way north”(Marquardt, Steigenga, Williams, Vasquez, 11).

Later, in 2006 while many of the Arizona lawmakers who were involved in ALEC were drafting what would be the “Breathing While Brown” HB 2577, Governor Brewer’s was “lobbying on behalf of the largest private prison company and operator of immigrant detention facilities in the nation” (Prison Legal News, 2013).

Also, in connection to SB 1070, it has been said that private prison executives “turned out their checkbooks to show their appreciation to Arizona House Speaker and SB 1070 sponsor Kirk Adams” According to data from the National Institute on Money in State Politics, “GEO Group founder and CEO George Zoley, along with GEO President and Chief Operating Officer Wayne Calabrese, his wife Rhonda Calabrese and GEO Senior Vice President John Hurley, all wrote checks to Rep. Adams for \$410 on the same day in December 2009” (Marquardt, Steigenga, Williams, Vasquez, 11). This shows that great quantity of the money is going towards building and expanding new prisons instead of funding education. It also shows that the State of Arizona is only concerned with making profits rather than educating their students. In doing so, they create harsh immigration laws on undocumented immigrants so that they end up in prison and contribute to the prison industrial complex.

The laws in Arizona are known for having the most xenophobic and racist laws in the United States. In this chapter I described the immigration laws that have been created through the anti-immigrant nativism and racial entitlement sentiment of government officials in the state of Arizona. For example, I explained how laws like SB 1070 have been destroying immigrant families due to their state sponsored violence. These laws allow police officers to target people because of their brown skin. Individuals who are dark skinned are immediately perceived as undocumented even if they are “citizens.” As a result, the communities are criminalized and lose their human dignity. Further, I explained the history of multiple xenophobic laws that deny undocumented immigrants their fundamental rights. Later, I explained the militarization and resistance of detention facilities. The detainees are forced to face horrific and traumatizing experiences. Although, many of these undocumented immigrants have never committed any felonies they are detained for the sole purpose of producing large profits. This chapter is a demand for social justice and a demand to stop this dehumanization and mistreatment of people. !Ya Vasta!

Chapter Four: “The Time is Now!” Comprehensive Immigration Reform

“Once social change begins, it cannot be reversed. You cannot uneducate the person who has learned to read. You cannot humiliate the person who feels pride. You cannot oppress the people who are not afraid anymore...”- Cesar Chavez

In my thesis, I described the different immigration laws by demonstrating how these laws affect undocumented immigrants. We need to pass laws that will give bright and hard-working students the opportunity to grow and succeed without any barriers placed on them because of their immigration status. I agree that there is a need to secure the border but students and families should not be deported in pursuit of this goal. I described the Dream Act as a pathway for students to be able to receive their residency so they are able to accomplish their goals. I also described how Obama’s Deferred Action for Childhood Arrivals is a positive step towards passing the Dream Act and the Comprehensive Immigration Reform. Nevertheless, the United States cannot afford to wait longer for Congress to pass the immigration reform. It is crucial that politicians pass immigration reform. The focus has been placed on where both parties disagree rather than where they both agree and has caused the debate on immigration to be paralyzed for far too long. The time is now! In this chapter, I examine Obama’s plan for the comprehensive immigration reform and I argue that the United States will positively change by creating a more equal immigration system that does not discriminate against undocumented immigrants.

Xenophobic and racist immigration laws have existed for many years. Growing up I have been a witness to how these laws break apart immigrant families. Through

personal experience and through witnessing the struggles and tears of the people who I have encountered, I have gained a true appreciation for the struggles of this community. People believe that undocumented immigrants are criminals and should be treated as such. They believe that undocumented immigrants are a burden to the United States economy. However, in fact, undocumented immigrants have made a strong contribution to the economy. These laws make it difficult for undocumented immigrants to seek employment and to obtain an education. Although some states have passed laws that allow well deserving undocumented students the opportunity to obtain higher education, many states have enacted harsh laws that make it difficult for these students to make their dreams a reality. I believe that every person has the right to look for a job to be able to support themselves and his or her family, and work hard to achieve success in this country. One cannot blame them for coming to the United States, wanting to get a better life, and seeking more opportunities because they have been displaced due to U.S foreign trade policies, dangerous living conditions, and few opportunities for educational advancement. In my thesis, I analyzed these immigration laws and described how they affect undocumented students. A Comprehensive Immigration Reform is the solution to fix the broken immigration policies in the United States.

Undocumented immigrants continue to be criminalized in our US immigration laws. Arguments have been made that say that undocumented immigrants are criminals and should be treated as such. Immigration laws are strictly made for immigrants to end up in prison or in a detention center and ultimately deported. There are many controversies about equal access to public resources such as access to higher education. Many activist groups have been working hard to fight for immigrants' rights and are

working endlessly to pass the DREAM act and, through it, help many students achieve their dreams to obtain a degree. Comprehensive Immigration reform is critical. Not only will it benefit students but it will also benefit the economy. If we look at the experience from IRCA studies, it is estimated that the immigration reform will bring at least \$1.5 trillion in added domestic product over 10 years.

Even though more than 1.4 million people have been deported since Obama took office in 2008, 71% of Latinos voted for President Obama in the elections that took place in November (Policymic, 2013). Many voted for him because he promised that he would work on passing a Comprehensive Immigration Reform, including a path to citizenship that would benefit thousands of undocumented immigrants who have been in the United States for many years. What is most likely to happen is that it will be “drafted on a bipartisan basis and approved by the Senate with bipartisan support” (Huffington Post, 2013).

President Barack Obama delivered a speech about our broken immigration system at Del Sol High School in Las Vegas, Nevada on January 29, 2013, which many people believe is out of date and not suited for the labor market and his future plans. President Obama stated,

I’m here because business leaders, faith leaders, labor leaders, law enforcement, and leaders from both parties are coming together to say now is time to find a better way to welcome the striving, hopeful immigrants who still see America as the land of opportunity. Now is the time to do this so we can strengthen our economy and strengthen our country’s future” (The White House, 2013).

His proposal for reform of immigration has four parts. “First, continue to strengthen our borders. Second, crack down on companies that hire undocumented workers. Third, hold undocumented immigrants accountable before they can earn their citizenship; this means requiring undocumented workers to pay their taxes and a penalty, move to the back of the line, learn English, and pass background checks. Fourth, streamline the legal immigration system from families, workers, and employers” (The White House, 2013).

He believes that it is important to continue to strengthen the borders but focus on targeted deportations where they will concentrate on criminals and not the families who work hard to live a decent life. Citizenship is also one of Obama’s plans for Comprehensive Immigration Reform.⁹ He said that it would not be “amnesty” and it will involve people “going to the back of the line” (Huffington Post, 2013). Although the process towards obtaining citizenship will be easier but longer, it will overall be a more organized structure. He wants it to be fair for the people who have been waiting for many years. President Obama also stated. “If you’re a foreign student who wants to pursue a career in science or technology, or a foreign entrepreneur who wants to start a business with the backing of American investors, we should help you do that here. Because if you succeed, you’ll create American businesses and American jobs. You’ll help us grow our economy. You’ll help us strengthen our middle class” (Barack Obama, 2013). A comprehensive immigration reform will increase the number of visas for graduate students who have advanced degrees. He wants to strengthen our economy by allowing the “brightest from all around the world” to come and study in the United States so that they can later create well paying jobs.

The DREAM Act will also be part of this reform. The DREAM Act failed on December 18, 2010 as the U.S. Senate voted 55-41, against. It now seems more likely to pass because Congress is predominantly Democrats and also because once the immigration reform passes, the DREAM act will seem small in scope. This might also encourage more states to pass laws that give undocumented immigrant students access to in-state tuition.

On January 30, 2013 Univision news anchor Maria Elena Salinas interviewed President Barack Obama on the controversial issues of immigration and gun control. As stated previously, Obama recently made a speech on Las Vegas about his immigration reform. However, the gun control issue is also an important issue to Congress. The question that many people have been asking is whether Congress can handle both issues and balance both. President Obama confidently stated that Congress would be able to handle both. Obama stated, "We're starting to see a bipartisan consensus built around this. So we need to take the opportunity and we need to do it fast" (ABC News, 2013). If Republicans and Democrats work together in Congress they will be able to pass the bill by the end of the year. However, President Obama warned us that if Congress does not work on this bill in a timely manner he will send a bill based on his proposal and insist that they vote on it right away (ABC News, 2013).

Maria Elena Salinas said, "Senator Marco Rubio says that he will not support a bill that does not put border security ahead of citizenship. Is this going to end up being a battle between you and Marco Rubio?" (ABC News, 2013).¹⁰ He said that it would not, because they put security ahead of citizenship. Obama stated, "We have done more on border security in the last four years than we have done in the previous 20. We've seen a

drop in terms of illegal crossings of about 80 percent since 2000” (ABC News, 2013). However, many people have criticized him by stating that many of the people that have been deported are non-criminals. In 2012, more than 184,000 non-criminals were deported (ABC New, 2013).³ This is problematic because those people are hard-working individuals who had come to the United States illegally but have positively contributed to our economy. Also, President Obama contradicts himself because he created the Deferred Action to keep undocumented youth from getting deported. He says that he has compassion for immigrant families but his policies have led to the heartbreaking separation of families and the imprisonment of thousands of people due to his harsh detention policies. Furthermore, Obama’s plan to create tougher border enforcement brings up many concerns because it will create a system that tracks the people who overstay their visas and could possibly continue the criminalization of Latinos. I, however, believe that his plan for the immigration reform will work, but I hope that the number of separated families is reduced so people will not have to suffer and go through the challenges that I had to face due to our broken immigration system. Families must be united and human rights should be protected regardless of immigration status.

Chapter Five: Conclusion

These tough immigration laws have greatly impacted my family and separated countless families across the United States. I will never forget the day that I found out my dad was deported. Having my father ripped away from me was a devastating and traumatic experience. His absence introduced my family and me to a life of poverty. My mother is constantly struggling, working endlessly until her hands hurt. It led my two brothers and my sister to take a negative path. There is a heartless border that painfully divides us. These immigration laws broke my family apart. I do not have my father to guide me. To tell my little brother to make him proud. To tell my sister to not give up. To give my big brother the advice only a father can give to his son. To tell my mother, “I love you, we are going to get through this together.” These convictions have kept me strong. They have encouraged me to seek justice for the people who have been affected by the unjust immigration system. We live in a country where the pleas and cries of children are ignored as their parents are taken away. The government does not realize the deep and irreversible harm that has done, and continues to do in the lives of these children. The broken immigration system needs be fixed because too many innocent children are seen with tears flowing from their innocent children as ICE deports their families. All these families seek is an opportunity to give their children a better life and they were willing to risk their lives for is opportunity.

I was told that my father had to stay in Mexico for ten years, but now it has been twelve years and my dad is still in Mexico. To many, twelve years may not seem like a long time, but my dad was unable to see me become the woman I am today. He was not

present during my greatest accomplishments. I did not have him here in middle school, high school, and now I will be graduating from college and he will not be attending my graduation. I will be graduating in May but my friend Catalina was unable to get a college education due to our unjust immigration laws, though she undoubtedly deserves to be standing by my side.

The issues that my thesis described demonstrate the need for reforms that will fix our broken immigration system. It demands equality, justice, and civil rights for everyone. It describes the struggles that many well-deserving undocumented students face while seeking a college education. It analyzed the history of anti-immigrant laws and policies that oppose in-state tuition for undocumented immigrants. Non-discriminatory policies that allow undocumented immigrants to pursue a college education must be passed in all colleges and universities across the nation. Also, the DREAM Act has been continually reintroduced, but it must finally be passed to allow students to contribute to our economy and ultimately start a path towards permanent residency and citizenship. The provisions made are as Rincon argues, “merely creating a subclass of citizens who otherwise are fully capable of becoming successful individuals –i.e. skilled professionals and thus, significant taxpayers” (Rincon, 201).

The Colorado ASSET needs to pass because it is crucial to the future of many undocumented immigrants and also for our economic recovery. Many other states allow undocumented students to pay in-state tuition, and these states have reaped the benefit of their reforms. Colorado believes that by passing the ASSET bill they will increase the number of undocumented immigrants that come to the state, however, other states have not seen a substantial increase. These states are benefiting from the students who leave

Colorado to attend the universities that give them the opportunity to continue their education. The future of the Colorado ASSET looks bright and I believe that it will pass.

On the other hand, Arizona's racist and xenophobic laws are continually terrorizing immigrant communities and are heavily influencing the creation of other tough and oppressive immigration laws around the country. There have been countless numbers of people who have stepped out of the shadows to protest against these laws because of the many lives that have been destroyed by the high deportation levels.

Immigration is at the forefront of American politics and now is the time for the government to pay attention to the stories of the innocent people that these laws are affecting. There has to be a discourse about the communities that these laws are affecting and the community members must be involved in these conversations. Actions must take place immediately. The United States is in great need of a comprehensive immigration reform. As President Obama stated, "The time is now!" The Comprehensive Immigration Reform as Mark Anthony states will be "strengthening the workforce and customer base for small businesses, creating a pathway to earned citizenship, and reducing red tape for businesses and workers – that kind of immigration reform will add \$1.5 trillion to our GDP over 10 years" (Anthony, 2013). The immigration reform will lead to less racist and xenophobic debates. We will begin to see all individuals treated fairly and everyone will have equal access to all resources.

Who are the real criminals?

Undocumented immigrants have been continuously mistreated and have been denied rights that only people who are here "legally" are entitled to. Hard-working

students have been denied access to higher education and are depicted as criminals, simply because they were brought to the United States as children. A person who wants to better his or her education to live a better life is not a criminal. A person who is driving his or her children to school and gets deported should not ever have to be placed in a prison-like facility. They do not deserve to be beaten, raped, humiliated, and to live with a post-traumatic stress disorder for the rest of their lives. No person should ever live in fear of being abused and targeted because of the “brown bodies” they were born with. Undocumented immigrants are discriminated against and abused because they came here “illegally,” because they did not “wait in line” like everyone else. Would you wait thirteen years? If your family did not have a stable job? If your family experienced hunger on a daily basis? If the violence in your neighborhood became so extreme that you live in constant fear of your family being killed? Migrating to the United States is often the only option. I know that many would not wait in line if they had to face these challenges. Seeking a better life does not make a person a criminal. The criminals are the racists and xenophobic politicians who create laws that objectify humans and make innocent families suffer. The criminals are the INS and ICE. They are the ones who go into jobs and perform immigration raids. They do not care about the innocent children and families who are affected as a result of such a brutal separation. The criminals are the officers in the detention facilities who rape innocent woman, beat innocent people, and force them stay in small, crowded, facilities that look and feel like prisons. The criminals are private prison corporations who exploit and criminalize innocent families only for capitalist gain and power. I am tired of seeing so many innocent people suffer because of our broken immigration system. I have a lot of anger towards our heartless immigration

system for separating my family. If we say we want to live in a system that believes in equality, then actions have to be taken now! Every minute we wait, another family member is deported, criminalized, and humiliated. Another undocumented student's dreams are crushed. The time is now! Not tomorrow! I will continue to fight for their rights because I never want to see another person experience what I did.

End Notes

Introduction

¹ Their story was published on August 8, 2001 titled *Suspected Victims of Child Abuse Shackled, Jailed, and Treated Like Criminals, ACLU Charges in Federal Lawsuit*. An ACLU attorney stated, “Instead of providing the protection the law requires, these state contractors treated these innocent children like common criminals, even though they had done nothing wrong and had never even been accused of doing anything wrong”(ACLU, 2001). ACLU legal director Mark Silverstein stated, “There is no legitimate reason to force these young children to endure the long and painful trek through the parking lot and the airport terminal with their hands and feet chained together as though they were dangerous criminals” (ACLU, 2001). Silverstein also stated, “The ACLU’s clients were further embarrassed and humiliated when several DIA passengers turned around and refused to board the train that was transporting the shackled children to the DIA terminal” (ACLU, 2001).

Chapter one

¹ Laws such as this one, force undocumented students to feel alone and isolated because they are force to silence their immigration status and their identity. The term “illegal” is not an accurate term to used because it makes them feel as if their whole identity is illegal because of something they had no control over and because of the decisions their parents made. *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* by Leo R. Chavez states, “Their social identity has been plagued by the mark of illegality, which in much public discourse means that they are criminals and this illegitimate members of

society undeserving of social benefits, including citizenship” (Chavez, 3). The negative social views of the “illegal” negatively impact the identity of the undocumented because they internalize their own inferiority.

¹ The criminalization of undocumented immigrants highlights the reason why racism and xenophobia shape these laws and policies. Chavez states, “Moreover, collapsing a lack of legal status with criminality adds another justification for denying undocumented immigrants legal recognition or amnesty, which would, the argument foes, be tantamount to rewarding criminals with a path to citizenship” (Chavez, 12). It is the reason policy makers refuse to give undocumented immigrants access to a lot of the public benefits that are only granted to citizens.

² There have been many arguments about undocumented immigrants being a burden to our economy. Many arguments have also been made about undocumented immigrants taking the jobs from citizens. Also, many people who are anti-immigrant have said that immigrants that have low skilled jobs pay little in taxes and receive high levels of government benefits and services. American citizens believe that they are entitled to all of the benefits while undocumented immigrants are criminals and therefore, undeserving. Chavez explains, “Globalization has led to questions about the rights and privileges of citizenship and whether citizenship extends beyond the limits of the nation-state” (Chavez, 10). I however, argue that the United States’ international organizations such as NAFTA (North American Free Trade Agreement), IMF (International Monetary Fund), and the World Bank has been a great factor in explaining why many people especially

people from Mexico have been migrating to the United States illegally. These organizations exploit and impoverish people and as a result, they are forced to leave those conditions in search of a better life.

Chapter two

¹ The Colorado ASSET bill has failed to pass six times because of the xenophobic positions of Republican representatives and anti-immigrant coalitions but after ten years the bill has finally passed. The Colorado ASSET bill was reintroduced as Senate bill 33. Colorado ASSET passed in the Senate on February 25, 2013 on a 23-12 vote and it was finally approved on the House on March 08, 2013 on a 40-21 vote. This year, they created a simpler bill where undocumented immigrant student would be allowed to pay for in-state tuition and qualify for COF along with the benefits that other students received. Colorado now recognizes that receiving an education is a fundamental right that all students should have and finally addressed the inequalities that impacted the lives of undocumented immigrants. These students are not considered residents in the place where they consider their home and have lived here their entire lives. For so many years, well deserving students had to pay out-of-state tuition. The majority of these students had to pay two or three times more than the in-state tuition rate. Undocumented students did not receive an education because they did not have access to federal financial aid and could not afford to pay for college. Colorado is now the fourteenth state in the country that decided that barring students from their education and from achieving their dreams was only hurting students and was not benefiting its economy. The article, *Colorado*

House gives initial approval to in-state tuition for illegal immigrants states, “Estimates by legislative researchers are that about 1,500 Colorado high school students without legal immigration status graduate each year and, of these, 500 are expected to go to college the first year the new law takes effect” (Denver Post, 2013). It is incredible to see the amount of students that it will impact just in one year. 500 students that would have not had that opportunity if SB 33 would not have passed.

This historic event shows how that the anti-immigrant xenophobia is reducing in Colorado and we are continuing to have more pro-immigrant debates. This success was due to great level of support from the democratic dominated Senate and House of Representatives. Undocumented immigrants have a strong voice and will no longer tolerate the injustices and human right abuses against them. These students will no longer be disheartened and discouraged to attend college. They will not longer be viewed as criminals. Finally, our undocumented youth will come out of the shadows and will not be turned down by Colorado universities and forced to move to other state. Now that this bill passed there are hopes that the next step will be a comprehensive immigration reform that will provide the opportunities for all undocumented students to become successful and will be a great contribution to our country.

Chapter three

¹ “Through objectification (the process of turning a person into a thing) people are dehumanized, and once this is accomplished, it is easier to lack empathy for those objects and to pass policies and laws to govern their behavior, limit their social integration, and obstruct their economic mobility” (Chavez, 6). For example, thousands of innocent people are mistreated in detention center. They are beaten, abused, and rapped. They

have to sleep in a crowded room and wear uniforms like inmates. Undocumented immigrants are treated as “objects” and dehumanized. However, the detention centers legitimizes these actions because the law defines them as “criminals”. These immigration laws have created a lot of damage in Latino communities and caused innocent people are separated from their families.

²SB 1070 is also known as “Breathing While Brown” because it allows the police or any other government official to use race as a way of determining one’s immigration status. Arturo Aldama states, “Brown bodies are the new/old scapegoats for racial biopower to blame for natural disasters and take advantage of people’s anxieties about the economic downturn and the huge demographic shifts currently occurring in the United States” (Aldama, 157). The government uses racial violence to terrorize and oppress communities of color in order to gain political power and continues to expand their systems of colonization.

³The work illegal alien is a word used as a form of racial and ethnic hatred. As Chavez states, “Immigration restriction produced the illegal alien as a new legal and political subject, whose inclusion within the nation was simultaneously a social reality and a legal impossibility- subject barred from citizenship and without rights” (Chavez, 23), This term is used to criminalize people just because they are undocumented. This then makes undocumented immigrants ineligible to certain rights.

⁴ “Such comments clearly delineated simple dichotomies, such as us/them, invaded

/invaders, victims/destroyers, legitimate/illegal members of society, and citizens/noncitizens, all of which defined both citizens and those characterized in a position of “illegality” (Chavez, 138).

⁵Latinos are seen as a threat to the United States because they are not willing to assimilate and conform to become an “American”. As Chavez states, “Rather, they are part of an invading force from south of the border that is bent on reconquering land that was formerly theirs (the US Southwest) and destroying the American way of life” (Chavez, 2). People claim that undocumented immigrants negatively impact the country’s financial, educational, and environmental quality of life. People argue that undocumented immigrants have no interest in becoming Americans. They claim that undocumented immigrants “endanger and destroy” the American way of life but I argue that there is a lot of evidence that shows that they have positively contribute to the economic growth of this country.

Chapter Four

¹Citizenship has a lot to do with the way in which undocumented immigrants are treated. Not having citizenship makes you ineligible to receive many of the benefits that citizens have. The government does not believe that undocumented immigrants should be eligible because they are “criminals.” Chavez states, “Through the interplay of these four elements in daily discourse, the media, and governmental policies we construct and define “citizens” in contrast to “noncitizen” subjects, as well as put pressure on society to broaden the definition of citizenship (the immigrants’ and their supporters’ agenda)”

(Chavez, 11).

² Senator Marco Rubio does not agree with Obama's Immigration Reform because he believes that it is not tough enough on border security and reward those who are here illegally. Although, he is Cuban American he does not believe that undocumented immigrants should have an easier process when obtaining residency and citizenship. Rubio argues that unlike Mexicans and people from South American, "Cubans can legally migrate to the U.S through various programs and get special treatment" (Acuña, 2013). *Marco Arizona the Case of Marco Rubio* by Rudolfo F. Acuña states, "Cubans who have been physically present in the United States for at least one year may adjust to permanent resident status at the discretion of the Attorney General—an opportunity that no other group or nationality has" (Acuña, 2013). Also Acuña states, "Many Cuban refugees are eligible for Supplemental Security Income (SSI). They have received up to \$637 a month -- married couples \$956. They are also eligible for other subsidies. As refugees the Cuban Entrants and families with children under 18 may be eligible for cash assistance through a state's Temporary Assistance for Needy Families (TANF) program. More important they get health benefits. Cuban American organizations get special assistance from the federal and state governments" (Acuña, 2013). Rubio however, argues that the immigration reform would benefit the people who broke the law and considers non-Cuban immigrants undeserving of the same benefits. Why is it that Mexicans do not receive that same benefits that Cubans do? I believe that if my parents had those same opportunities when they arrived to the United States, they would not have struggled as much as they did. My mom would not have had to work three jobs to be able

to give us a decent living. I believe that everyone should have equal access to the same benefits.

³ This further explains the continued violence and repression of Latinos, this is known as the “New Operation Wetback.” In 1949, the “Border Patrol seized nearly 280,000 illegal immigrants. By 1953, the numbers had grown to more than 865,000, and the U.S. government felt pressured to do something about the onslaught of immigration” (PBS, 2013). Their goal was to strictly enforce the entry of “illegal aliens” specifically Mexicans. Arturo Aldama states, “Operation Wetback” forced military-style deportation on more than one million Mexicans, once again blamed for their economic woes, many of them citizens and braceros (laborers) with legitimate binational work contracts” (Aldama, 158). During this time, the militarization of undocumented immigrants created fear and increased the racial profiling similar to the laws in Arizona. Although, Operation Wetback was abandoned, this way of militarizing the border is still used today. We need to stop mass deportation, mass incarceration and the militarization of the border because of the harm that it is doing to innocent families.

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APPENDIX A: Interview with Senator of Colorado Angela Giron

1/22/13 4:07 PM

Interviewer: Veronica Lamas

Respondent: Senator Angela Giron (Senate District 3)

Angela: Have you ever been to the capitol?

Veronica: No I haven't I kind of got lost on my way here.

Angela: I would get lost too. It kind of goes in that one question of what inspired me to sponsor this bill. I am currently 52. I was 49 or 50 when I first came to the capital. Even though I lived in Colorado since I was 5 and for us in Pueblo coming to Denver seems like 100 million miles. So the first time I was for Latino Advocacy Day. Have you ever heard of it?

Veronica: No

Angela: Oh my gosh we need to get you to know what that is happening. So Latino Advocacy day is sponsored by a couple of Latino organizations. It's usually a 2-day conference. It's usually Sunday to Monday. On Sunday they have speakers come in. They have identified usually 3 issues that they educate you on these issues and the next day they show you how to lobby. I came up in 2009 to lobby and that was the first time I have ever been up here and then that was when I decided to run and then I was elected so then when I came up here. So there was this group called the Higher Education Access

Alliance and they were trying to get this bill passed. And so I went to them and I was like, I don't know anything.

Veronica: So they are the one's that started the creating of this bill?

Angela: Not necessarily. If we go back to 2001 it was the first time there was ever a bill. I bet they did have a whole coalition. I bet Val Vigil was part of this coalition and so he did it. Val Vigil did it three times and it was in that process that people started to organize around it because they raise money. That is how they made a website and hired a lobbyist they have a media person. There are a lot of organizations that give money to support. Usually lobbyists go to senators and ask for their support. But I went to them and told them I was very passionate about this issue and I want to support in any way possible. I want to sponsor or do what ever I can to make this possible. They appreciated my story even though I didn't know much they still asked me to be senate sponsor for that year in 2011.

Veronica: So this was the 3rd time you made an attempt to do this? 3 other times Val Vigil did it.

Angela: There was another senator who did it by himself his last name was Romer.

It hadn't been consecutive there had been gaps and no legislation being run.

Veronica: Do you know why it hasn't been consecutive?

Angela: I don't know but I would imagine if you feel like you don't have the support. It's kind of like running it for no reason if you don't have the votes and there are a lot of

people who don't know what the issue is. Last time I said " why are we doing this again if you know we don't have the votes?" But the students wanted to do it again. They are always sold out with hope. And then you do never know. So that is what kept is motivated on the issue. That why we did it last year. We didn't have a lot of hope but this year it's different because we worked really hard. I know if my community and probably in others too there were a lot of people who didn't have their papers and worked really hard to get president Obama elected who wanted to make sure that this was going to happen so they got active in the election for change. I was excited because our president created the deferred action. I some ways I say it's a little thing. But to someone who can utilize it. We need so much more and I believe that. I believe that the president is really going to work on the Comprehensive Immigration Reform but we have to do things here in Colorado.

Veronica: What are these things?

Angela: So in 2006 there was a thing about public benefits. So they took that away and undocumented immigrants could not have any public benefits. So unless we repeal it we will not be able to pass the Colorado Asset. Someone is going to run a session this summer that says lets repeal SB 1090. So I think that is also going to happen.

Veronica: So what do you think would happen if this bill does pass?

Angela: Well, the process would be...Let me give you a time line. So it needs to passed to the Senate and then to a committee then it goes over to the House they would assign it to the education committee and then probably to appropriations then it goes to the

governor and then he would sign it. I could go into effect pretty quickly for August hopefully by then we will be celebrating a comprehensive immigration reform.

Veronica: So what makes this year so different from the past years? What has been so successful?

Angela: I think because people worked to get the right people elected. So in the Senate we have 35 senators 20 are democrats and 15 are republican. So we know we can always get it passed. So we know we can always get it passed there. The last 2 years every single democrat voted for it. In the house, the last 2 years they have 65 in there 33 were republican and 32 were democrats and they were in charge. But now the democrats are in charge and because we have 37 to 28 . We have 37 democrats elected and they only have 28. So as you know. It's about the people you get elected which determine how they will vote. You have to get people who have the same values as you and I feel that for the most part the people in Pueblo have very similar beliefs. Although not everyone certainly agrees with me. In my school district we have about 50% Latino. So it's a high Latino district. Most of them are first of second generation.

Veronica: Why has Colorado been so hesitant to pass the Colorado Asset? And what are some of the arguments that have been made about it?

Angela: For the public benefit part because they are not citizens. So why couldn't someone from Nebraska come here and pay the same amount. They are also say that it is going to cost them money. But really you could disprove it by the data shown in the fiscal and analysis. Actually they bring money to higher educational institutions. For example, if they have a student who wants to go to a public university they are not going to go and

that is money that the Universities are loosing. We have so many students who have done so well in high school and have obeyed the rules and we've invested in them right? It's about 18,000 dollars from kindergarten to 12th. Now you want to get the investment back. The investment is, they are going to pay for college and get a good job and probably stay in Colorado and stay in the Tax base. We want people to have opportunities. I think when you look at Texas and Utah, man we have so many of our bordering states have passed laws that give student in-state tuition. Now they recognize that we are a powerful force in voting. Voting is a pretty powerful thing and we have to make sure that our people vote.

Veronica: That's right! About 70 percent of Latinos voted for Obama in these elections.

Angela: We are doing a lot of efforts to educate people. But that's where it's at. It's about getting the right people in. And getting people to vote for the people we want in office and holding those people accountable because sometimes we let people in, who you thought you could count on and they disappoint the people. The only way we hold them accountable is to pay attention to what they are doing and hold them accountable for their actions and that's at every level. We are going to also hold Obama accountable.

Veronica: I read that Obama was going to speak about the immigration reform in February.

Angela: He was going to present it in February but it think it has been pushed back a little bit just because of other things. He knows he has to do it. They say that a president in his second term only has about 18 months to get anything done because they start thinking about whom the next president is going to be. I paid close attention to his speech

and we can let this slide. And the right kind of policy has to get done because what some people want to do it not helpful at all.

Veronica: I definitely agree with that and I believe that it will benefit a lot of people who want to receive their residency and want to become citizens. What is the difference between Asset Bill 15 and Asset Bill 33? Is the wording different?

Angela: Yes there is definitely a difference. When we ran Asset Bill 15 we made a 3rd tier, which was a little more than in state, but not as much as out-of-state. That all changed in Senate Bill 33. Now we are just saying that it is in-state tuition. The people who qualify for this, stay the same. Which you had to attend a Colorado High School and be there for at least 3 years and you had to sign an affidavit. And say that I am either in the pipeline with this crazy immigration to get your status or sign a affidavit that says that “as soon as I can, I will do that.” Those are still the same requirements. It’s either in state or out-of-state and we are not making any more complications for the students that have been here and for a lot of them this is the only country they know. Their parents have been paying taxes.

Veronica: What have the republicans been saying about this new bill and the change?

Angela: Some of them have been saying that know that we have the vote we don’t really care about what they think. We did that because we tried to get them on board but they still didn’t get on board. They are going to say that we are giving a public benefit. Which maybe we are. But these students have lived here and contributed. We are not giving them anything. They are getting what they deserve and they’ve followed all of the rules.

Veronica: And you said it was going to overturn that law that was passed in 2006 that restrict undocumented students from receiving public benefits.

Angela: Asset Bill 33 won't do that but they are working on another bill that will just be the repeal of 1090.

Veronica: Why do you think it is necessary to pass the Dream Act?

Angela: I think it's a lot more than that. We have to have some path way to citizenship and certainly the Dream Act is part of that. It's a small piece of the bigger picture. If we get the bigger picture done our dreamers will be a part of that. That's why we need to have the comprehensive immigration reform. There are estimated 11 million people without their papers. They have been in the shadows and there is so much fear of getting deported and breaking up our families. We have a really broken immigration system. There really isn't a line to wait. It's very arbitrary. It should not be like that.

Veronica: I agree. The people who oppose the immigration reform believe that undocumented immigrants should wait in line like everyone else. But a lot of people end up waiting for more than thirteen years.

Angela: Yes and they say to follow the rules. And really people just don't understand. They don't have anybody in their lives who are struggling due to this broken immigration system. I find it very interesting that two republican women in the senate who were speaking about why they were pro civil unions. They both have people who they knew and supported. That is how people are and they do not understand the situation until they have someone who is struggling and that is how the women understood it. They wanted

to give civil rights to gay and lesbian people.

Veronica: I understand. And that is what makes people like us so passionate about undocumented immigrant's rights. In my thesis I describe the xenophobia and discrimination that occur within our immigration system. Do you believe that many citizens are afraid of undocumented immigrants? Do you believe that there is racism in our immigration system?

Angela: I think we have a long way to go when it comes to treating people for who they are. I think that we have a lot of stereotypes and I believe the media plays into that. For people who say that everything is better and everyone has the same opportunities that why are we so disproportionately represented when it comes to employment. We are disproportionate when it comes to higher education. People say that we are just not as smart and we don't work as hard but we know that is not true. The same applies to women. We still continue to be discriminated. I saw an article in MPR and they actually mention Pueblo. Where they show that we as parents always want our children to do better than us. That is part of the American Dream and we want our children to be successful. They are saying right now that Latinos are having less opportunities and are making less money and that we are going in the wrong direction. In Pueblo we had a meeting where they said the highest number of employees was 18,000 at one time now there are about 1,200 where they are still just operating. But kids could graduate from high school and go straight there and they made good money and that's not necessarily the case now. So we just really wanted to know what they were saying about Pueblo.

They said that Latinos are not succeeding at a high rate. That is why we need people like you. To be able to fix these broken systems.

Veronica: Thank you. And I will. In my thesis I also describe the issues that are occurring in Arizona and their immigration laws and their impact on the education of undocumented immigrants.

Angela: There are a lot of horrible things being done in education. When they took away their Ethnic Studies. That's why they need to get the right people involved so we don't get crazy people. They have that damn Brewer she's a nut case to the max. She is going to run for a third term. She is a very anti-immigrant person. But we really need to look at what we've done to Mexico. The reason that Mexico is in that situation is because we have contributed to that. For one, a lot of the guns that they have over there can be traced back to here and even in the corn industry. We have just totally screwed them. Then we wonder why they are in the crisis they are right now and one of the things that I will probably say in my testimony is that they say that people should be following the rules when it is really natural for families to move to better the lives of their families. That's all that families from Mexico are doing. All they want is to improve their lives. Who wouldn't? All my family all my siblings and family moved to the United States because there were more opportunities. They had better prospects. That's an American way you move and you do whatever is best for your family and sometimes in many cases that means moving. That's what we already believe and think so why do we get so worked up about this?

Appendix B: Colorado ASSET Bill- 13-033

First Regular Session

Sixty-ninth General Assembly

STATE OF COLORADO

INTRODUCED

LLS NO. 13-0010.01 Brita Darling x2241 SENATE BILL 13-033

SENATE SPONSORSHIP

Giron and Johnston, Aguilar, Guzman, Ulibarri, Steadman, Carroll, Heath, Hodge, Hudak,

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Senate Committees House Committees

Education

A BILL FOR AN ACT

101 CONCERNING IN-STATE CLASSIFICATION AT INSTITUTIONS OF HIGHER

102 EDUCATION FOR STUDENTS WHO COMPLETE HIGH SCHOOL IN

103 COLORADO.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires an institution of higher education (institution) in Colorado to classify a student as an in-state student for tuition purposes if the student:!

Attends a public or private high school in Colorado for at least 3 years immediately preceding graduation or completion of a general equivalency diploma (GED) in Colorado; and! Is admitted to a Colorado institution or attends an institution under a reciprocity agreement.

In addition to the above requirements, a student who does not have lawful immigration status must submit an affidavit stating that the student has applied for lawful presence or will apply as soon as he or she is able to do so. These students shall not be counted as resident students for any other purpose, but are eligible for the college opportunity fund stipend pursuant to the provisions of that program, and may be eligible for institutional or other financial aid. The bill creates an exception to the requirement of admission to an institution within 12 months after graduating or completing a GED for certain students who either graduated or completed a GED prior to a certain date and who have been continuously present in Colorado for a specified period of time prior to enrolling in an institution. The bill exempts persons receiving educational services or benefits from institutions of higher education from providing any required documentation of lawful presence in the United States.

1 Be it enacted by the General Assembly of the State of Colorado:

2 SECTION 1. In Colorado Revised Statutes, repeal and reenact,

3 with amendments, 23-7-110 as follows:

4 23-7-110. Tuition classification of students who complete high

5 school in Colorado. (1) NOTWITHSTANDING ANY OTHER PROVISION OF

6 THIS ARTICLE TO THE CONTRARY, A STUDENT, OTHER THAN A

7 NONIMMIGRANT ALIEN, SHALL BE CLASSIFIED AS AN IN-STATE STUDENT

8 FOR TUITION PURPOSES IF:

9 (a) THE STUDENT ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL

10 IN COLORADO FOR AT LEAST THREE YEARS IMMEDIATELY PRECEDING
THE

11 DATE THE STUDENT EITHER GRADUATED FROM A COLORADO HIGH
SCHOOL

12 OR COMPLETED A GENERAL EQUIVALENCY DIPLOMA IN COLORADO;
AND

13 (b) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION,

14 WITHIN TWELVE MONTHS AFTER GRADUATING OR COMPLETING A
GENERAL

-2- SB13-0331 EQUIVALENCY DIPLOMA IN COLORADO, THE STUDENT IS
ADMITTED TO A

2 COLORADO INSTITUTION OR ATTENDS AN INSTITUTION OF HIGHER

3 EDUCATION UNDER A RECIPROCITY AGREEMENT PURSUANT TO
SECTION

4 23-1-112.

5 (2) (a) IN ADDITION TO SATISFYING THE REQUIREMENTS SET FORTH

6 IN SUBSECTION (1) OF THIS SECTION, A STUDENT SEEKING TUITION

7 CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION

8 WHO DOES NOT HAVE LAWFUL IMMIGRATION STATUS MUST SUBMIT AN

9 AFFIDAVIT TO THE INSTITUTION TO WHICH THE STUDENT IS ADMITTED,

10 STATING THAT THE STUDENT HAS APPLIED FOR LAWFUL PRESENCE OR
WILL

11 APPLY AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

12 (b) THE INSTITUTION SHALL NOT COUNT A STUDENT DESCRIBED IN

13 PARAGRAPH (a) OF THIS SUBSECTION (2) AS A RESIDENT FOR ANY
PURPOSE

14 OTHER THAN TUITION CLASSIFICATION; EXCEPT THAT THE STUDENT IS

15 ELIGIBLE FOR THE COLLEGE OPPORTUNITY FUND PROGRAM PURSUANT
TO

16 THE PROVISIONS OF PART 2 OF ARTICLE 18 OF THIS TITLE, UPON

17 CONFIRMATION OF THE STUDENT'S UNIQUELY IDENTIFYING STUDENT

18 NUMBER PROVIDED BY THE LOCAL EDUCATION PROVIDER WHERE THE
19 STUDENT GRADUATED FROM HIGH SCHOOL OR COMPLETED HIS OR
HER

20 GENERAL EQUIVALENCY DIPLOMA, AND MAY BE ELIGIBLE FOR
21 INSTITUTIONAL OR OTHER PRIVATE FINANCIAL AID PROGRAMS.

22 (3) A STUDENT WHO SATISFIES THE REQUIREMENTS OF PARAGRAPH

23 (a) OF SUBSECTION (1) OF THIS SECTION, WHO IS SUBJECT TO THE

24 PROVISIONS OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION,
AND

25 WHO GRADUATED OR COMPLETED HIS OR HER GENERAL
EQUIVALENCY

26 DIPLOMA PRIOR TO SEPTEMBER 1, 2013, BUT WAS NOT ADMITTED TO AN

27 INSTITUTION WITHIN TWELVE MONTHS AFTER GRADUATING OR

-3- SB13-0331 COMPLETING THE GENERAL EQUIVALENCY DIPLOMA, SHALL
BE CLASSIFIED

2 AS AN IN-STATE STUDENT FOR TUITION PURPOSES SO LONG AS THE

3 STUDENT HAS BEEN PHYSICALLY PRESENT IN COLORADO ON A

4 CONTINUOUS BASIS FOR AT LEAST EIGHTEEN MONTHS PRIOR TO
ENROLLING

5 IN THE INSTITUTION.

6 (4) ANY INFORMATION PROVIDED TO SATISFY THE CRITERIA

7 SPECIFIED IN THIS SECTION SHALL BE CONFIDENTIAL UNLESS
DISCLOSURE

8 IS EXPLICITLY REQUIRED BY LAW. AN INSTITUTION THAT RECEIVES AN

9 AFFIDAVIT DESCRIBED IN SUBSECTION (2) OF THIS SECTION SHALL
TREAT

10 THE AFFIDAVIT AS AN EDUCATION RECORD OF THE STUDENT UNDER
11 THE

12 PROVISIONS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND
13 PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g.

14 (5) THIS SECTION PROVIDES AN ADDITIONAL OPTION FOR A

15 STUDENT SEEKING CLASSIFICATION AS AN IN-STATE STUDENT FOR
16 TUITION

17 PURPOSES. THIS SECTION SHALL NOT BE INTERPRETED TO IMPOSE

18 ADDITIONAL REQUIREMENTS UPON A STUDENT SEEKING
19 CLASSIFICATION

20 AS AN IN-STATE STUDENT UNDER ANY OTHER SECTION OF THIS
21 ARTICLE.

18 SECTION 2. In Colorado Revised Statutes, 24-76.5-103, amend

22 (3) (g) and (3) (h); and add (3) (i) as follows:

23 24-76.5-103. Verification of lawful presence - exceptions -

24 reporting - rules. (3) Verification of lawful presence in the United

25 States shall not be required:

26 (g) For individuals over the age of eighteen years and under the

27 age of nineteen years who continue to be eligible for medical assistance

28 programs after their eighteenth birthday; or

29 (h) For renewing an educator license pursuant to article 60.5 of

30 title 22, C.R.S.; OR

31 -4- SB13-0331 (i) FOR RECEIPT OF EDUCATIONAL SERVICES OR BENEFITS
32 FROM

33 2 INSTITUTIONS OF HIGHER EDUCATION, EXCEPT AS MAY BE LIMITED

3 PURSUANT TO SECTION 23-7-110, C.R.S., INCLUDING PARTICIPATION IN
4 THE COLLEGE OPPORTUNITY FUND PROGRAM PURSUANT TO PART 2 OF
5 ARTICLE 18 OF TITLE 23, C.R.S., COLLEGE SAVINGS PLANS PURSUANT TO
6 SECTION 23-3.1-301,C.R.S., AND ANY OTHER FINANCIAL BENEFIT OF THE
7 INSTITUTION OF HIGHER EDUCATION RELATING TO ATTENDANCE AT
8 THE
9 INSTITUTION OF HIGHER EDUCATION.

9 **SECTION 3.** Safety clause. The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.

-5- SB13-033

APPENDIX C: Personal Photographs

Rally at the University of Colorado Boulder in Support of Colorado ASSET February 2011.



