

**MANAGING THE TIDE: The DREAM Act,
A POLICY ANALYSIS**

by

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A Policy Analysis
Presented to the
Faculty of the Department of Public Policy and Administration
School of Business and Public Administration

CALIFORNIA STATE UNIVERSITY, BAKERSFIELD

In Partial Fulfillment of the
Requirements for the Degree of

MASTER OF PUBLIC ADMINISTRATION
May 2011

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Executive Summary

Many developments have kept the Development, Relief, and Education for Alien Minors (DREAM) Act and the issue of undocumented college students in the news and on federal and state legislative agendas. There is an inevitable tide of growing undocumented students graduating from high school looking for college options. The paper examines the proposed piece of legislation called the DREAM Act. The DREAM Act would permit undocumented students to begin a six-year process leading to permanent legal status. Among other requirements, they would need to graduate from a U.S. high school and have entered the U.S. at least five years before the legislation is signed into law at the age of 15 or younger. To complete the process they would, within the six year period, be required to graduate from a community college, completing at least two years towards a four year degree, or serve at least two years in the U.S. military. These individuals would qualify for in-state tuition rates in all states during the six-year period. The DREAM Act would provide a path to legal residence for undocumented youth with a caveat; students would have to earn their legal status. It also would open the door to college for tens of thousands of students who have the knowledge, skills and aspirations to pursue a college degree or military training creating an available stream of educated employees as we move into the next century. The paper explores DREAM Act economic outcomes from increased high school graduation rates, legalized citizenship and work force growth. The paper recommends a change in the framing of these three outcomes and suggests with the promotion of the economic benefits of these outcomes the DREAM Act would become a law

Chapter 1- Introduction: Purpose and Significance of Study

Background of the Problem

K-12 institutions provide education to all based on the law. There are no penalties for providing this service to undocumented students. In fact, while attending K-12 schools, they are treated equal to their peers. However, when these students become 18 they are then undocumented adults who must either pay out of state tuition or return to their birth country. Universities and Colleges have a stake in educating people, which contributes greatly to the economic engines of our country.

Many developments have kept the Development, Relief, and Education for Alien Minors (DREAM) Act and the issue of undocumented college students in the news and on federal and state legislative agendas. The United States has about 12 million undocumented immigrants, a number that is growing faster than the number of legal immigrants. Undocumented immigrants represent about 28 percent of the immigrant population (AILA, 2006). Although just six states—California, Texas, New York, Florida, Illinois, and New Jersey—account for two-thirds of all immigrants, the immigrant population has been dispersing rapidly to other areas of the country. Thus, states throughout the nation now are grappling with growing populations of newcomers and non-English-speakers, and a fierce national debate has ensued about the rights and needs of immigrants versus the costs of immigration (Russell, 2007).

Each year, thousands of immigrant children who graduate from high school grow up in the United States. They are unable to pursue their dreams of going to college because they lack legal immigration status. These graduates include honor roll students, star athletes, talented artists, and aspiring doctors. Despite the fact that many have grown up in the U.S., attended local

schools, and demonstrated a commitment to learn English. U.S. immigration laws provide no legal higher educational avenues for their status (AILA, 2006).

Although there is wide agreement that the nation's immigration system is in need of reform, Congress has repeatedly failed to enact legislation overhauling it. With frustration growing in the states, legislatures across the nation are introducing record numbers of immigration bills. The National Conference of State Legislatures notes that numerous immigration bills have been introduced in all 50 states and typically deal with employment, law enforcement, health care, welfare, and education. Forty – one states have passed 170 immigration related laws since 2007 (Thomas, 2009).

Concerns about higher-education access and affordability have emerged as significant issues in the immigration debates. At the college level, the primary issue is whether undocumented students gain residency status in a state in order to qualify for in-state tuition rates. Without this option, most undocumented students cannot afford college. A secondary issue is whether undocumented students should have access to state financial aid. They currently are not eligible for any federal student-financial aid and without a Social Security number, getting a student loan is next to impossible. As is true for immigration issues in general, public opinion disagrees how states should respond, and emotions run high.

U.S. immigration law considers children accompanying parents who enter the United States illegally also to be illegal aliens regardless of the duration of their own stay in the United States. Two congressional bills aim to change their status: Senate Bill 729, the Development, Relief and Education for Alien Minors Act, and House Resolution 1751, the American Dream Act. If enacted, these bills, collectively known as the DREAM Act, would significantly affect government economic policy. Illegal students can only obtain permanent status through their

parents; there is no independent method to accomplish legal residency for them. In addition, if the parents are illegal, minors have absolutely no way to "stand in line" and wait for legal documentation, as suggested by anti-immigration reform proponents. If they return to their country of birth, it would not guarantee a path to documented status. (Aspan, 2010)

The Development, Relief, and Education for Alien Minors (DREAM) Act introduced in March 2007 addresses the situation faced by young people brought to the U.S. years ago as undocumented immigrant children. The DREAM Act is a bipartisan legislation pioneered by Sen. Orin Hatch [R-UT] and Sen. Richard Durbin [D-IL]. The DREAM Act would allow certain immigrant students to adjust their status to that of conditional permanent resident for a period of six years. To be eligible for the benefit, the bill would require students to (AILA, 2006):

- Have proof of having arrived in the United States before age 16.
- Have proof of residence in the United States for a least five consecutive years since their date of arrival.
- Be in compliance with Selective Service
- Be between the ages of 12 and 35 at the time of bill enactment.
- Have graduated from an American high school or obtained a GED.
- Be of "good moral character"

In addition, the DREAM Act would repeal the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA). This act requires states that provide the in-state tuition rate to undocumented students must provide the same tuition rate to out-of-state

residents. To have the conditional basis of their permanent resident status lifted, students would have to satisfy one of the following requirements within six years of the grant of conditional status (Shapiro, 2009).

How it works

- "Conditional" status would be granted during the first six years.
- After the six-year period, the undocumented applicant who met at least one of these three conditions would be eligible to apply for legal permanent resident status.
- During this six-year conditional period, the undocumented applicant would not be eligible for federal higher education grants such as Pell grants, but they would be able to apply for student loans and work-study.
- The undocumented applicant would be required to graduate from a two-year community college or complete at least two years towards a 4-year degree, or serve two years in the U.S. military.
 - If the undocumented applicant did not meet the educational or military service requirement within the six year time period, their temporary residence would be revoked and they would be removable (deportable).
 - They must not commit any crimes other than those considered non-drug related misdemeanors. Being convicted of a felony or drug-related infraction would automatically remove the six-year temporary residence status and they would be subject to deportation.
 - If undocumented minors met all of these requirements at the completion of the six-year conditional period, they would be granted permanent residency, and eventually would be eligible for U.S. citizenship.

Methods and Procedures

The purpose of this research paper is to conduct a policy analysis of the proposed DREAM Act legislation and explore the economic rewards and pitfalls of consideration of this legislation. Through a review of educational records, journals, media, and documents, this paper will analyze the various methods used to portray the arguments both for and against the subject. This paper will consider immigration reform and policy, long-term economic and social impact, and political influence.

Through a literature review, this paper will compare opinions from all sides of the political masses. It will also examine the status quo. Additionally, the paper will explore several California institutions of higher education that host the largest population of undocumented students while independently adopting a version of this legislation to meet the needs of their student population. The research paper will look at the merits and drawbacks of adopting the DREAM Act to facilitate the transition of undocumented students into college-educated individuals or honorably discharged soldiers enhancing our workforce to bolster our economic framework through an earned results driven process.

Importance of the Study

Specifically, this study will focus on the DREAM Act and its extensive efforts to solve a problem that to date has no solution. This study will articulate the difficulty for the undocumented to obtain higher education and offer a framework for addressing the pros and cons in which current law was established. It will provide thoughts for future action. This is valued because government has yet to manage the emergence of an illegal population through border or visa control. Clearly, the effort to close the border is failing. The attempt to do so has failed for

over forty years. It is important to look at improving the DREAM Act or some version of it to facilitate the many undocumented students that call the United States home.

Chapter 2- Statement of Problem

Potential Solutions

The purpose of this analysis aims to explore the economic impact of integrating undocumented youth into the California work force, through the educational components of the DREAM Act while earning citizenship. The benefits of the DREAM Act are targeting the brightest and most motivated undocumented youths and educating them, but what happens to the larger undocumented population that society is still caring for? Nurturing the brightest is beneficial because college graduates could add to the economic vitality of California. The government is responsible for implementing policy and enforcing it, especially for people that enter this country illegally to receive benefits, which puts a drain on the social system. Conversely, the government is also responsible for securing the borders.

The DREAM Act legislation, written by Senators Durbin, Hatch, Reid, and Menendez, is framed to bolster the economic competitiveness through an educational earned naturalization process. The non-partisan Congressional Budget Office reported the DREAM Act would cut the deficit by 2.2 billion dollars over the next ten years (Schulman, 2010). While the DREAM Act can partially address the economic woes of California, the most recent version failed passage again in a highly publicized December 2010 vote by the United States Senate. The DREAM Act has the potential to educate a population that could support California's economic future. However, many more who are here without legal papers do not care about ever becoming a citizen. Immigration policy gaps remain, reflecting a lack of methods in organizational structure while illustrating need for policy reform. This literature review will discuss many strategies already taken to get government and voters to think differently about the DREAM Act.

Consider Henri Fayol's Administrative Classical Theory (1841–1925), which was concerned principally with achieving the most rational organization for coordinating the various tasks within a complex division of labor. This approach was used when screening the millions of immigrants through Ellis Island. Surprisingly, all were screened and less than 2% were denied entrance based only on failed health inspections (Wren, 2001). In theory, the organizational division of labor worked. However, the reality is it no longer is working. Division of Labor involves planning, organizing, commanding, coordinating activities and controlling performance. Division of Labor warrants performing a specialized task focusing on little if any worker input. Today's organizational style is more people centered with employee inputs with empowerment in the approach to duties and labor. Currently, the federal government's organizational approach to successful border and visa control is failing. Many states, including California and Arizona, have made bold decisions to manage the undocumented population independently. California's foreign-born population is more than twice that of the state with the next-biggest immigrant population, New York, which has just over four million immigrants. Third and fourth were Texas and Florida, respectively, followed by Illinois, with a substantially smaller immigrant population. Not surprisingly, the states with the highest amount of foreign-born residents also tend to be the states with the highest estimated numbers of illegal immigrants (Kurtzleben, 2010).

—California's 25 billion dollar deficit is a ticking time bomb that could destroy the state" (Wildermuth, 2011). According to the Governor's 2010 Budget Summary, California's budget allocations have increased dramatically in education, healthcare and incarceration. Looking at the costs of education, health care and incarceration for illegal aliens in 2007, the Urban Institute estimated that California was subsidizing illegal immigrants to the tune of about 2.1 billion

dollars (Longley, 2010). California's population grew 10% between 2000 and 2010 to 37.3 million. The costs of illegal immigration to Californians focus on three specific program areas because those were the costs examined by researchers from the Urban Institute in 2007. Predictably, the costs of illegal immigration have grown geometrically, while the state has spiraled into a fiscal crisis that has brought it near bankruptcy (Urban Institute, 2011). California is projected to face a budget gap of \$25.4 billion in 2011-12. This gap is made up of a current year shortfall of \$8.2 billion and a budget year shortfall of \$17.2 billion. With a reasonable reserve of \$1 billion, \$26.4 billion in cuts, taxes and other budget solutions are needed to close the budget gap (CA.gov, 2011)

California has attempted to address this problem by the acceptance of undocumented youths into the UC, CSU and Community College systems. In 1996, the Illegal Immigration Reform and Immigrant Responsibility Act enacted a restriction on state residency requirements and in-state tuition benefits for higher education, affecting an estimated 50,000-65,000 undocumented youths annually. Eleven states followed the enacted legislation to allow long-term undocumented youths to become eligible for in-state tuition if they met certain requirements: California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, Washington and Wisconsin. In 2008, Oklahoma ended its support for in-state tuition for youth without lawful presence (Russell, 2007). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 penalized those states by requiring in-state tuition benefits also be given to those United States citizens regardless of residency (Badger, 2010). Clearly, there are other alternatives to meeting the needs of the undocumented youth, higher education, and the economy other than keeping with the status quo.

The DREAM Act would afford 360,000 undocumented high school graduates the legal

means to work and attend college. In addition, the DREAM Act could provide incentives for another 715,000 youngsters between the ages of five and seventeen to finish high school and pursue postsecondary education. Currently, youth of undocumented immigrants represent 7% enrolled in kindergarten through grade twelve (Russell, 2007). That figure has grown from 5% since 2003. Youths with U.S. born parents account for 78% of school-age children while those with legal immigrant parents account for the remaining 15%. Enrollment levels of youth of undocumented immigrants vary considerably from state to state. In five states—Arizona, California, Colorado, Nevada and Texas—at least one-in-ten is in grades kindergarten through twelve and have parents who are undocumented immigrants (Batalova, 2010). However, in more than a dozen states, mainly those that have experienced little immigration growth, less than one-in-fifty youth (approximately 2%) live with parents who are undocumented immigrants. Of those who arrived at age fourteen or older, 46% have not completed high school, compared with 28% of those who arrived before age fourteen. (Passel, 2009).

Arizona recently enacted what its Governor candidly describes as the State's new immigration law, SB 1070. As proponents of the law have explained, SB 1070 is intended to help Arizona seal borders to deter and punish unlawful entry and presence of undocumented aliens. While Arizona does not have the power to regulate immigration, it does have the right to protect its border. Arizona cannot mandate how its border (which includes an international border of the United States) will be sealed or how non-United States citizens will be deterred from or punished for entering the country. However, without permission from the government, whether through an illegal border crossing or the intentional expiration of a travel visa, being in the U. S. is definitely against the law. In addition, despite the zealous attempt of the media to paint Arizona as an evil, racist and an otherwise "confederate like" state, the majority of Arizona

citizens support the passage of the immigration reform law in their state (Davenport, 2010). As Governor Brewer acknowledged when signing SB 1070, —its intended to solve a crisis that the federal government has refused to fix” (NLIC, 2010).

According to the Migration Policy Institute (MPI), countries with the highest number of undocumented immigrants are, not surprisingly, Mexico, El Salvador, and Guatemala. Many undocumented immigrants also come from the Philippines, China and Korea. In actuality, many enter the United States from a myriad of countries. According to DreamActivist.org, an online resource network for undocumented youths, they also come from Argentina, Bangladesh, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Ecuador, England, Fiji, France, Ghana, Guatemala, Hungary, Indonesia, Iran, Israel, Lebanon, Mexico, Mongolia, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Senegal, South Korea, Taiwan, Tonga, and Venezuela. According to one of Dream Activist’s founders, Prerna, the network has —black dreamies, brown dreamies, yellow dreamies, white dreamies—a rainbow full of dreamies.” “Dreamies” refers to youths who would benefit from the DREAM Act (Chan, 2010). Undocumented immigrants are usually thought to be the ones who have crossed the Mexico-United States border illegally. However, the reality is that many of these non-Latino undocumented youths have entered the country legally, but were eliminated from appropriate and legal immigration status for different reasons.

While slightly more than 2.1 million undocumented youths and young adults would be eligible to apply for legal status under the DREAM Act legislation, historical trends indicate that far fewer are likely to actually gain permanent (or even conditional) status, due primarily to the bill’s education attainment requirements. It is estimated roughly 38% of potential beneficiaries

(825,000) would likely obtain permanent legal status through the DREAM Act's education routes while as many as 62% would likely fail to do so (Batalova, 2010).

Undocumented students participate in the K-12 education system. They are active in their communities, star athletes, and honor students. Despite being active in the K-12 school system, most undocumented students do not pursue higher education. Federal laws do not prevent undocumented students from entering colleges and universities. However, undocumented students do not qualify for federal and state financial aid, many scholarships, and most federally financed programs. Even after successfully completing their degrees, undocumented students cannot legally work.

California's Cost

In hosting America's largest population of undocumented immigrants, California bears a huge cost to provide basic human services for this fast growing, low-income segment of its population. California's nearly three million undocumented immigrants cost taxpayers nearly 9 billion dollars each year, according to a 2010 report released by the Federation for American Immigration Reform (FAIR), a Washington, D.C. based group that promotes stricter immigration policies. Educating the youth of undocumented immigrants is the largest cost, estimated at 7.7 billion dollars each year. Medical care for undocumented immigrants and incarceration of those who have committed crimes are the next two largest expenses measured in the study (FAIR 2010)

According to the California based Math, Engineering, Science, Achievement organization (MESA), in addition to the Labor and Workforce Development Agency's projection of a state shortfall of almost 40,000 engineers by 2014, the California Council on Science and Technology

noted that in 2001, some 14,000 California jobs requiring science or engineering degrees went unfilled. This lack of preparation in science and technology already threatens California's ability to compete in the global economy. MESA was established in 1970, to provide academic support to youth from educationally disadvantaged backgrounds to achieve excellence in math and science and ultimately attain four-year degrees in science, technology, engineering or math (STEM) fields (MESA, 2011). MESA research shows:

- The European Union has set a goal of becoming the most competitive and dynamic knowledge-based economy in the world by 2010.
- The United States awards only 5.7 natural science & engineering degrees per 100 degrees. Meanwhile, Taiwan & South Korea each award about 11 per 100; Spain, Ireland, Sweden, the UK, France and Finland award between 8 and 13 degrees per 100 degrees.
- South Korea , with 1/6 of California's population and 1/20th of the Gross Domestic Product (GDP), graduates as many engineers as the United States.

MESA suggests that California consider developing an initiative similar to the European Union. However, they stress the limitations are the lack of qualified California High School graduates ready to enter engineering school. Although the MESA Board of Directors, who represents industries eager to hire STEM college graduates, lament the pipeline is lacking (MESA, 2011).

Major Stakeholders

One of the major stakeholders that plays an instrumental role in the policy process for the DREAM Act is Congress. In the book *Art of the Game*, the authors argue that Congress is the most influential actor in the policy formulation and adoption of the policy cycle because only

members —an formally introduce, discuss, and negotiate legislative proposals” (Theodolou and Kofinis, 2004). Congress is the most powerful stakeholder in the DREAM Act because the policy’s passage requires a vote by the legislators.

Senator Orrin Hatch, one of the original co-authors of the DREAM Act, and many bi-partisan colleagues want the policy to be adopted because they see undocumented youths as a valuable resource to society. Undocumented youths who attend college and get better paying jobs help the economy with the taxes they will pay. —The CATO institute estimated that immigrant households paid approximately 133 billion dollars in direct taxes to federal, state, and local government in 1998” (GPO, 2003). Educating undocumented youth potentially could offset the demographic challenges the country will face in potential workforce shortages as baby boomers retire. Research has shown that not giving youth the opportunity to pursue higher education results in a drain on social services.

The states also play an important role in the policy process because they represent the interests of their constituents, both locally and nationally. At the local level, the original ten states that passed legislation allowing undocumented youth to receive in-state tuition based upon high school graduation instead of residency, exercised extreme power in the policy process. In essence, these individual states successfully circumvented the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and completed a full policy cycle of agenda setting, formulation, adoption, implementation, and evaluation in regards to the DREAM Act. The states that passed laws allowing undocumented youths to receive in-state tuition were generally ones with a high immigration population and felt strongly their state would reap the benefits of having a well-educated workforce (Siley, 2005). Conversely, there are several states that oppose the DREAM Act, or any legislation, that would allow undocumented youth to receive in-state college tuition. Virginia, Arizona, Alaska, and Florida have all passed laws that restrict

—undocumented youth's access to in-state college tuition rates and financial aid (Devarics, 2006). The individual state, as a stakeholder, has considerable power if they chose to use it at a local level. However, real power in the policy process for the DREAM Act remains at the national level with Congress.

The important informal players are the interest groups and the public. One of the most influential interest groups supporting the DREAM Act is the National Council of La Raza (NCLR), the largest Hispanic civil rights and advocacy organization in the country. The NCLR has been very effective in imposing power to influence the agenda setting stage of the DREAM Act policy. This is evident by the numerous legislatures that cite NCLR's research on undocumented immigrants in their support of the bill. NCLR's preference as a stakeholder in support of the DREAM Act focuses on the benefits the bill will provide to the undocumented immigrants themselves and society as a whole (NCLR, 2007).

Other important informal players are the people who will actually benefit from the policy, the undocumented youth. Undocumented youths have a high stake in the DREAM Act, as it will allow them to pursue their dreams of higher education. The National Immigration Law Center estimates that only 10 to 15% of undocumented youths graduating from high school have enough resources to pay for college (Jordan, 2006). The power of undocumented youths in the policy process is weakened by their lack of citizenship because they risk exposure and deportation if they were to rally or protest in favor of the DREAM Act.

Implications

The DREAM Act is a means to legal residence for undocumented youth. It also would open the door to advanced education for tens of thousands possessing the knowledge, skills and aspirations to pursue a college degree and contribute to an educated workforce for the future. If

those who take advantage of the DREAM Act are clearly the best and brightest, that would be key to moving legislation forward. Industry will need a larger pool of educated employees to support the economic and social well-being of California (Thomas, 2009).

Other long-term implications are:

- Innovative “EARNED” Permanent Residency
- Affect on the Global Economy
- Affect on Tax Revenues
- Affect on Social Security Revenues
- The DREAM Act Return on Investment (ROI)

In strictly economic terms, the contributions that DREAM Act participants would make over their lifetimes could dwarf the small additional investment in their education beyond high school. The intangible benefits of legalizing and educating these youth could be significant. Currently trapped in a legal paradox, undocumented youth in the United States have the legal right to a primary and secondary school education, but then face uncertainty upon graduation from high school. While some states explicitly allow the undocumented to attend college, there are gray areas that cloud the college admissions, financial aid and enrollment processes. The DREAM Act could reduce the dropout rate of undocumented youth. Because the proportion of foreign-born youth in grades six through twelve increased from 1.7 % to 5.7 % from 1979 to 1995, foreign-born youth represent a significant percentage of the current and future student population (NILC, 2005).

The children of undocumented immigrants are far more likely to drop out of high school than youth who were born in the United States. This dropout rate costs taxpayers and the

economy billions of dollars each year (GPO, 2003). Beyond eliminating barriers, the DREAM Act's high school graduation requirement would provide a powerful incentive for youth who have not yet achieved legal residency to remain in school until graduation. The impact of such a requirement for legal residency is impossible to quantify, but would likely be huge.

A significant number of undocumented youth have navigated the K-12 schools successfully despite the challenges of migration and discrimination in addition to the typical difficulties faced by all adolescents. Many have prepared academically to pursue a postsecondary education, but their economic and social mobility is restricted by their undocumented status. A review of undocumented K-12 youth per state will identify the progress made toward increasing the high school graduation rates of undocumented minors. It will identify project monitoring processes and record keeping practices to establish useful data to further the efforts to frame elements in the DREAM Act. In California alone, the High School dropout rates are 20%. California education demographics estimate one in every five youth is a son or daughter of an undocumented immigrant. It is not clear if these data would influence the passage of the DREAM Act, but if motivated youth graduate from high school, that data would be compelling. The goal here is to address a problem that is crippling to the economic vitality while delivering data to further support elements of the DREAM Act (Longley, 2010).

In California, the 7.7 billion dollars spent annually educating the youth of undocumented immigrants with nearly 13% of the overall 2007/08 education budget could,

- cover the education budget shortfall for a school year, estimated by the Legislative Analyst Office (LAO) at 6 billion dollars.

- cover the remaining 1.7 billion dollars could pay the salaries of about 31,000 teachers and reduce per student ratios, or furnish 2.8 million new computers - enough computers for about half of the state's youth.
- prevent educational shortfalls estimated at 9.8 billion dollars over the past four years that have impacted on "... class size, teacher layoffs, shorter library hours and fewer counselors, nurses, custodians and groundskeepers" (Wagner, 2009).

Goals and Objectives

A review of the DREAM Act will identify progress made toward the passage of this legislation. It will identify elements of the existing legislation which if enacted would improve high school graduation rates among the undocumented. If the policy to engage the undocumented youth is working, this would potentially increase naturalization rates between the 18-30 age demographic. It would identify project monitoring processes and record keeping practice useful for the effectiveness of data collection.

Measures of Effectiveness

These goals and objectives are measurable. The DREAM Act wants to increase naturalized citizens through an earned process either through education or military service. This process is both efficient and feasible as this data would be easy to obtain. If the DREAM Act passes and engages the undocumented student population, the high school graduation rates, college enrollment and military enlistments would increase. Likewise, the naturalization process will start to increase. It is difficult to control for external variables.

Potential Solutions

There are two parts to the problem for which alternatives are proposed. This paper will

look at maintaining the status quo, which will continue to add more young people to the list of state entitlements and eliminate an earned process for naturalization. This approach is costly and does not solve any of the immigration concerns. Second, this paper will consider an alternative policy method for a cost effective approach to building our military and putting legalized citizens to work. With the recent failure to pass the DREAM Act, there is evidence that elements of this legislation if re-examined could be the most cost effective solution to the growing number of undocumented population. An efficient approach to building increased high school graduation rates by offering open competition for a seat in higher education or acceptance in the military could put people to work quicker through training either from community college, university or the military. The alternative policy approach would then create a pool of eligible workers who are ready to achieve success and have earned their residency by becoming legalized citizens.

Chapter 3- Policy Alternatives

Description of Alternatives

Research has shown that the DREAM Act would be a boom to the economy and the U.S. workforce. Moreover, as the Migration Policy Institute (MPI) has pointed out, —The DREAM Act would create an unprecedented opportunity for many young people to step onto a path to permanent legal status, a path that would require them to demonstrate either a significant investment in their human capital or service to the United States through membership in the armed forces” (IPC, 2009). The DREAM Act presents an opportunity that should not be wasted.

Because of the barriers to continued education and exclusion from the legal workforce, many undocumented students are discouraged from applying to college. It is estimated that only between 5 and 10 percent of undocumented high school graduates go to college, because they cannot afford it or because some schools will not allow them to enroll. Even worse, there is often little incentive for them to finish high school, leading to high dropout rates and the potential for them to become involved in gangs and illegal activities (Ojeda, 2010).

The purpose of an alternative policy of the DREAM Act is to increase high school graduation rates, legalized citizenship, and work force growth. An efficient approach to building increased high school graduation rates by offering open competition for a seat in higher education or acceptance in the military could put people to work quicker through training either from community college, university or the military. The alternative policy would then create a pool of eligible workers who are ready to achieve success and have earned their residency by becoming legalized citizens. While keeping the DREAM Act primarily intact, the alternative purpose would be to re-frame the outcomes to the legislation to create stronger political feasibility for passage.

Summarized from the legislation, this process includes:

- An undocumented high-school graduate or GED recipient would be eligible to adjust to conditional lawful permanent resident (LPR) status if they have been physically present in the United States for at least five years and were younger than 16 when they first entered the country.
- This LPR status would be granted on a conditional basis and valid for six years, during which time the student would be allowed to work, go to school, or join the military.
- The “conditional” status would be removed and the person granted LPR status after six years once the student has either completed two years in a program for a bachelor’s degree or higher degree or has served in the armed services for at least two years and, if discharged, has received an honorable discharge.
- DREAM Act students would not be eligible for federal education grants. Students would, however, be eligible for federal work-study and student loans, and individual states would not be restricted from providing financial aid to the students.

Maintain Status Quo

Preserving the status quo is to accept system failure and allow these young people to languish unproductively on the margins of society. A culture that produces a non-productive population is something the state of California can no longer sustain. Furthermore, as the state struggles to balance its budget, the reality of maintaining the status quo through current entitlement programs is no longer feasible. In making serious cuts, education should not become the scapegoat for easy answers. The budget needs to represent programs that permit the state to function and maintain services that are necessary for citizens to function within that arena.

Questioning the illegal immigration status quo in California, is not limited to the leadership in Sacramento, but also has spread to local municipalities in San Bernardino County as early as last year and more concretely this year. Latino and Asian communities, according to the latest Census data, have grown by 50% and 59% in San Bernardino County respectively (Guzman, 2011).

Future consequences

Maintaining the status quo will just add to the numbers of individuals on entitlement programs and add expansion in “giving” the state cannot afford. According to the Associated Press, the city of Escondido is joining a string of California cities looking to guard jobs from being taken by illegal immigrants through more stringent employment laws. It seems as if the tide is turning as more cities and states experience the negative fiscal effect that illegal immigration is having on local communities (Fitz, 2010). As witnessed in the Middle East in the past few months, revolutions are contagious. Here in America, the potential for a revolution is seemingly gaining momentum with states confronting illegal immigration.

Michael Erickson, an active GOP leader in Northern California and tea-party activist, is now heading a campaign to put an Arizona-style immigration law on the California ballot in 2012. Erickson said he expects to raise \$1 million dollars and that he will rely on tea party volunteers to get his proposed initiative before state voters. —“We are confident we can do it,” Erickson, said (Victor, 2011). Modeled after Arizona’s law, the nation’s toughest measure on illegal immigration, Erickson’s proposal would require police to investigate immigration status, make it a crime to hire illegal immigrants and prohibit local sanctuaries that shield immigrants from federal law enforcement. Erickson said that an illegal immigration crackdown would never

be approved by California's Legislature, which has a strong Democratic majority. "It's going to be we the people who make it happen," he said. Erickson said that "powerful interests" including drug cartels, sweatshops and vineyards want to maintain the status quo to exploit immigrants for cheap labor. Supporters applaud Erickson for talking about California's dirty little secret (Erickson, 2011). By maintaining the element of a population with no education, no future and little ambition other than to become a teen-age mother contributes highly to a future of bad consequences for society. Channeling that element of society into a positive vein, which is the purpose of the DREAM Act, would require joining the military, graduation from high school, and attend college, thereby creating a better workforce, and hopefully introduce them to become legal citizens. If not, then we must deport them. It is time we start addressing the problem.

Stung by foreclosures and joblessness, politicians in Temecula, Murrieta, Lake Elsinore, Menifee and Norco have been railing against illegal immigrants for taking jobs away from desperate citizens. In December 2010, unemployment ranged from 9.7% in Murietta to 14.2% in Lake Elsinore. Using a strategy first adopted in Arizona, the cities in January 2010 began requiring all businesses to check the legal status of new workers through E-Verify, a free online database run by the federal government that allows employers to determine the immigration status of their workers. Employers that refuse risk having their business licenses revoked (Willon 2011). With the nation's highest illegal immigrant population and a record-breaking deficit, it is time that California legislators answer some tough questions on the subject. California's bi-partisan political environment has always produced more concern for individual party platforms (whether Republican or Democrat) and made serving the population a secondary issue.

The National Immigration Law Center estimates that around 800,000 students would benefit from the passage of the DREAM Act. This is contrary to popular conservative rhetoric that this bill constitutes “amnesty” or will “open the flood gates” for all immigrants (Madrid, 2010). Nonetheless, without a path to citizenship, the employment, earnings, and contribution of these young people are effectively removed.

No formal data exists on the exact educational pursuits of undocumented students, but reasonable projections can be made. Latinos, for example, who make up the largest population of undocumented students, were awarded 36,402 degrees in technical fields in 2006 (31.5 percent of total Latino college degrees) according to data from the NSF (Madrid, 2010).

We can roughly estimate, then, that passing the DREAM Act could add as many as 252,000 new scientists, engineers, and technical workers to this country’s critically thin supply. Conversely, failing to pass the bill would rob this country of a critical mass of brainpower and technological innovation. An undocumented scientist or engineer has little to no hope of finding a job in their field of expertise—a travesty given their extraordinary sacrifice and intellectual potential (Madrid, 2011). Passing the DREAM Act is a critical component to the nation’s economic prosperity and national security. It will reward students who have earned their way into college and worked hard to attain degrees in some of the most challenging fields. Moreover, the United States cannot afford to waste the contribution of future scientists and engineers needed for sustained technological innovation. Congress has the power to put the best and brightest on the path to becoming productive and legal U.S. citizens. It is in all of our best interest that they do so.

Spillovers and Externalities

The DREAM Act policy alternative would give beneficiaries access to greater educational opportunities and better jobs, which in turn means more taxable income: A 2010 study by the UCLA North American Integration and Development Center estimates that the total earnings of DREAM Act beneficiaries over the course of their working lives would be between \$1.4 trillion and \$3.6 trillion. A 2008 study from Arizona State University found that an individual with a bachelor's degree earns approximately \$750,000 more over the course of his or her lifetime than an individual with only a high-school diploma. As of 2006, workers without a high-school diploma earned \$419 per week and had an unemployment rate of 6.8 percent. Workers with a bachelor's degree earned \$962 per week and had an unemployment rate of 2.3 percent, while workers with a doctoral degree earned \$1,441 per week and had an unemployment rate of 1.4 percent. A study by the College Board found that over the course of their working lives, the average college graduate earns in excess of 60 percent more than a high-school graduate, and workers with advanced degrees earn two to three times as much as high-school graduates. The U.S. Department of Labor found that the wages of immigrants in the 1986 legalization increased 15 percent over five years, and that the immigrants move on to significantly better jobs (Batalova, 2010).

Additional fringe economic benefits include:

- The DREAM Act would help universities. The 10 states that, since 2001, have passed laws allowing undocumented students to qualify for in-state tuition have *not* experienced a large influx of new immigrant students that displaces native-born students. These states (Texas, California, Utah, Washington, New York, Wisconsin, Illinois, Kansas, New Mexico, and Nebraska) are home to about half of the nations undocumented immigrants.

The measures actually tend to increase school revenues as students who would not normally attend college start to pay tuition (Ojeda, 2010).

- The DREAM Act would aid military recruiting. The DREAM Act would help the military find new recruits—almost 8 percent of the current armed forces are foreign-born, and the military relies heavily on the translation and cultural expertise of immigrants.

According to West Point Professor Lt. Col. Margaret Stock, the DREAM Act —would be tremendously beneficial to the military. It gives the opportunity to enlist hundreds of thousands of high-quality people.” DREAM Act students are so desirable that the Department of Defense has supported the bill to help enlist new recruits and maintain the strength of the military. Deputy Undersecretary of Defense for Military Personnel Policy, Bill Carr, supports the DREAM Act and stated that the law would be —god for readiness” and would help to recruit —~~am~~am of the crop” students (IPC, 2009).

Constraints and Political Feasibility

In 2007, George W. Bush enlisted the help of Senators Kennedy and McCain to further a bipartisan comprehensive immigration reform (CIR) bill but failed while the U.S. economy was at its peak. Today, our economy is uncertain and not gaining much momentum to pull itself out of the deep hole. California, Florida, Illinois, and others that are home to large numbers of undocumented immigrants are among the most economically challenged in the nation, some with long-term structural deficits and constitutional budget balancing mandates. President Obama’s latest address to the nation on CIR left the impression that he does not have a game plan yet. Why try to raise hopes if the vision and conviction are not clearly set? Because Democrats are

fearful that a disenchanting Hispanic electorate may not show up in November and further deepen their anticipated losses in Congress. Moreover, 2012 is just around the corner (Flores, 2010).

The Dream Act recently collided into a dead end. It is because the Senate fell short of the much needed five votes that would have been a great help to overcome a threatened Republican filibuster. The Dream Act bill was primarily passed in the House. President Obama was deeply disappointed by the vote count. He expressed his grievances by saying, —The DREAM Act is important to our economic competitiveness, military readiness, and law enforcement efforts. In addition, as the non-partisan Congressional Budget Office reported, the DREAM Act would cut the deficit by \$2.2 billion over the next 10 years. There was simply no reason not to pass this important legislation (Wade, 2010).”

As far as the DREAM Act goes, this proposed piece of legislation has been a recurrent topic in this country for more than a decade. It has many supporters and many opponents. Although yet to pass, immigration reform or elements of it are even more important today than ever. With both federal and state budgets brinking on bankruptcy solutions are crucial. The lack of money at both state and federal levels, high unemployment, and industry collapse have reached a tipping point which has put the undocumented population at the forefront of the problem. With Georgia and Indiana passing rogue legislation permitting law enforcement officers to question individuals about their immigration status during the scope of a criminal investigation is growing in popularity. It also includes punitive measures against people that transport undocumented immigrants, and imposes significant prison sentences to individuals who use fake documents to obtain employment.

As of April 14, 2011, a group of 22 Senate Democrats wants President Barack Obama to bypass Congress and use his executive power to delay deportations of illegal immigrants who came to the United States as children. Senate Majority Leader Harry Reid (D-Nev.), Majority Whip Dick Durbin (D-Ill.) and others sent a letter to Obama urging him to suspend deportation for thousands of immigrants who would have been affected by the DREAM Act (Politico, 2011). The immigration bill passed the Democrat-controlled House but came up five votes short in the Senate during December's lame-duck session. The legislation has stalled with Republicans now in charge of the House.

—Granting deferred action to DREAM Act students, who are not an enforcement priority for [the Homeland Security Department], helps to conserve limited enforcement resources. ...” the senators wrote in the letter, which was made public. —We strongly believe that DREAM Act students should not be removed from the United States, because they have great potential to contribute to our country and our children should not be punished for their parents’ mistakes (Wong, 2011).”

Chapter 4- Alternative Selection

Criteria for Recommending Alternatives

Through review of literature, this analysis identifies alternatives for passage of the DREAM Act. In order to have a rational discussion, it is important to consider criteria for the selection of an alternative. This chapter will examine the policy alternatives through the lens of three criteria: effectiveness, feasibility and political acceptability based on the parallels to the government process.

First, it is important to mention that other criteria such as justice and freedom were considered. However, justice and freedom do not help define alternatives in the regulatory or political arena of immigration policies. Justice as in social justice, as an alternative, should seek economic equality, political and social rights and opportunities for everybody. A new poll released by the Los Angeles Times and the University of Southern California found that fewer than half of California voters favor the denial of services to illegal immigrants. Los Angeles immigration defense attorneys point to an outstanding opinion piece published (April 8, 2010) in the Los Angeles Times. Dan Schnur, former communications director for Governor Pete Wilson and an advisor to the presidential campaign of Senator John McCain likened the poll's results to a sea change in opinion similar to the trend-setting shifts for which California is famous (Nassiri, 2010). The article states that, "Exposure of the state's young Latino and Asian populations to various ethnic backgrounds has brought familiarity, which in turn brings broad-mindedness not seen in older residents" (Schnur, 2010). In 1994, the same electorate passed Proposition 187 by a margin of nearly 60 percent. That law, which campaigned as the "Save Our State" initiative, refused social service, health care and public education to illegal immigrants in California, which

was found unconstitutional in federal court. Now, 1 in 4 of those voters apparently no longer feel that way, according to the Times/USC poll; only 45 percent still support denial of basic services to illegal immigrants. The only qualifications would be voter intention, which speak to social justice (Nassiri, 2010).

The criterion of freedom is also not as relevant when selecting alternatives. People who live outside of the United States have a choice whether to enter via legal or illegal means, which in itself meets an expectation of freedom. There are consequences for exercising freedom of choice. The current immigration laws in the United States are clear and inform immigrants of these consequences at multiple opportunities. The notifications are verbal and in writing, and are offered in any language. Ironically, an individual that enters the United States illegally is free to find a job, have a child, and go to school. However further consideration of freedom is not useful in selecting alternatives.

Effectiveness

Effectiveness gets to the essential part of the DREAM Act. It is not that the reviewed literature suggests that passage of the DREAM Act is effective in alleviating illegal border crossing but the contrary. Clearly, for any alternative to meet standards of feasibility and political acceptability it must be effective in achieving reduced illegal immigration into the United States. Therefore, alternatives must be effective in achieving reduced illegal populations (particularly those that include the youth of undocumented adults). In addition, alternatives must be effective in increasing naturalized citizens from the illegal population base. It is difficult to measure the effectiveness of a policy change that has yet to take place. However, this study explores alternatives taken from reviewed literature, which suggested effectiveness.

Feasibility

Feasibility is a concern for any policy. For government, this includes promoting public interest, meeting budgetary challenges, maintaining regulatory compliance and keeping a pulse on the political climate. The country is already out of compliance with immigration policy, which is the problem. The DREAM Act and elements of it address many of the budgetary and regulatory concerns. Offering “special benefits” to undocumented immigrants who have come to our country generally does not sit well with the public. Additionally, political parties remain polarized when it comes to agreeing on the passing of immigration reform. Alternatives will need to produce evidence that brings the country into immigration compliance. This will likely garner more bi-partisan support.

Political acceptability

Political acceptability is essential. This political consideration must be in the context of the Federal, State, and local levels. Alternatives will need to first pass political acceptability criteria. If successful, the country can start to promote this policy change at the federal and then state level. Ideally, undocumented youth would respond by completing high school and then either enter the military or enroll in college. Outcomes to the passage of the DREAM Act would increase legal permanent residency, which would provide increased trained citizens to bolster work force needs. In order to meet political acceptability, alternatives will need to meet regulations, demonstrate effectiveness, and meet budgetary guidelines.

Status Quo-Based on Criteria

Maintaining the status quo, while a potential alternative and political reality, does not have the best economic strategy since it promotes lack of responsibility, creating an unproductive element of the population that becomes increasingly dependent on entitlement programs to survive. This is neither feasible nor effective. A culture that produces a non-productive population is something the state of California can no longer sustain. Not only did the previous two years budgets fail to achieve balance, but they actually increased the size of the deficit for budget year 2010-2011. In November 2010, California elected Edmund G. Brown Jr. as Governor to replace Arnold Schwarzenegger. Within the period of three months after taking office, the newly elected Governor proposed the FY 2011-2012 budget. In his opening remarks, he said, “This budget proposes a far-reaching realignment of government functions by restoring to local government authority to make decisions that are best made closer to the people, not in Sacramento... We begin 2011, after the longest budget stalemate in the history of California; with a budget gap of more than \$25 billion... this is a tough budget for tough times.” Not only had the previous two years budgets failed to balance but they had actually increased the size of the deficit by over three times the initial estimate in 2009 (Cary, 2011).

In order to minimize the reduction of state-funded services during the recession California has raised taxes each year since 2008. The effect of raising taxes coupled with the second highest cost of living in the country has caused many legal residents of California to leave the state, an estimated 458,000 people in the last three years alone. Yet, while legal, higher-tax paying individuals are leaving, foreign-born migration into the state has increased adding an estimated 661,000 people to the states total population in the same three-year period. The effect is a reduction in the state’s income. Left unchecked, current policy (aka status quo)

will lead to a continual increase in state expenditures supporting the ever-growing population of undocumented, illegal, immigrants (Gorman, 2011).

Preferred Alternative-Based on Criteria

Three criteria stand out as important when selecting alternatives: Effectiveness, Feasibility and Political Acceptability. These criteria are interdependent making it difficult to distinguish one as the determining factor for alternative selection. The following discussion will analyze optimal alternatives, and re-frame elements of the DREAM Act as discussed in Chapter 3, which best meet the criteria.

Increase High School Graduation Rates

The first alternative is engaging the youth of undocumented immigrants early and often with a —finish high school for success” opportunity to create a motivated group to pursue high school completion. Policy advocates argue that barriers to higher education decrease student motivations and contribute to the high dropout rate for undocumented youth—many of whom are discouraged by their lack of educational opportunities and see little reason to continue their education (Abrego 2006). According to UC San Diego professor Jorge Mariscal, the DREAM Act was largely developed by the Pentagon. It was not about education. It was strictly about making a pool of young, bilingual, U.S.-educated, high-achieving students available to the recruiters (Juarez, 2010). This is further evidenced in the 2009 policy report "Essential to the Fight: Immigrants in the Military Eight Years After 9/11," authored by Margaret D. Stock, retired Lieutenant Colonel in the U.S. Army Reserve. In it she writes, "Despite the important contributions of immigrants to the military in the ongoing conflicts, one proposal that would

allow more immigrants to serve in the armed forces [DREAM Act] has made little headway in the past eight years. ... Because attending college is a very expensive proposition, joining the armed forces is a likely choice for many of the young people who would be affected by the bill.” (Stock, 2005).

This alternative frame would increase the high school completion rates thereby reducing high school dropout rates, unplanned pregnancies and gang violence. Research shows that teen pregnancy and gang violence lends credence to the demise of public budgets. High school dropouts are more than three times as likely to be unemployed than college graduates based on the May 2010 numbers from the U.S. Bureau of Labor Statistics. Typically, government begins engagement efforts after undocumented youth become adults. Some research indicates the engagements take place through either law enforcement encounters or state agency entitlement programs. In other words, the onetime undocumented minor is costing the state unprecedented revenue.

According to a new report, illegal immigration costs U.S. taxpayers a whopping \$113 billion annually and the government is arguing over where to cut the budget? That \$113 Billion is what federal, state and local governments shell out year after year to subsidize illegal immigration. Of that total, \$29 billion is paid out at the federal level. The remaining \$84 billion is picked up by state and local levels (Ciric, 2011). As suggested and reviewed by literature, early childhood engagement efforts generally meet the feasibility and effectiveness criteria. It is difficult to estimate how effective the alternative would be because the country cannot stop the flow of illegal immigration. The states will need to conduct program monitors and evaluation regularly to determine exact effectiveness levels. Politically, early childhood motivation to complete high school is acceptable. This is a change in order to create long-term benefits to all

youth including the undocumented youth as to lessen future taxpayer strain. To gain the political acceptability needed for the passage of the DREAM Act, emphasis should consider the strong support it brings to the military, high school graduation rates, and the work force.

Increased Legalized Citizenship

The second alternative frame is increasing legalized citizenship using a supply and demand model. Essentially, the country will offer Legalized Permanent Residency (LPR) first to those who qualify, either by completing two years in the military or two years in college. Increased exposure and clarification to this message will take time to implement. However, it is likely to increase participation. The states will adopt an assessment tool to identify the undocumented youth through the school system. The states through the schools will implement informational sessions for families to attend to discuss how youth will be able to take advantage of the LPR opportunity once high school is completed. The effort to get the message out to the desired audience is not currently in the budget so this is a constraint. However, the outreach component of this message is twofold. This message has value to all youth.

Our country is experiencing the highest dropout rates in history and is housing the highest number of undocumented immigrants. This message provides the opportunity for undocumented youth to earn citizenship. As suggested by reviewed literature, high school graduates earn more money over a lifetime than those who do not complete high school. Research also concludes that a tax-paying citizen is better for the economy than an undocumented immigrant. This demonstrates effectiveness. To measure the effectiveness the states will need to implement a baseline number and counting mechanism to track those who become citizens. The length of time it will take to implement the supply and demand model for increasing citizenship decreases

the feasibility. Offering citizenship to someone who has entered out country illegally is amnesty and is not considered by most a solution, which is not considered politically acceptable at this time. Therefore, the increased high school graduation rate alternative meets feasibility and political acceptability best, and is the preferred alternative.

Work Force Growth

The impact of the DREAM Act would not be limited to increased earnings, tax revenues, and social services savings. Freeing thousands of young undocumented immigrants to join the legal workforce would also help business and the economy fill crucial needs. Under current law, most children of undocumented immigrants brought to the U.S. by their parents are unable to complete their education and work illegally in the cash economy. Many settle for work as domestic servants, day laborers, ambulatory sellers, and sweatshop factory workers (Immigration Policy Center 2010.)

The DREAM Act would make tens of thousands of young people eligible for work authorization and Social Security numbers, allowing them to participate in the legal workforce. Once naturalized or given LPR status, DREAM Act beneficiaries would be in a position to help fill some chronic long-term labor needs that economists predict will threaten our economy if not addressed in coming decades, including those for engineers, nurses, and service employees (American Immigration Council, 2010). The effectiveness of the transfer of the undocumented youth to a legal work force is effective, however not very feasible. Based on the 2010 high unemployment rates and now a campaign asking congress to limit the number of legal immigrants into our county that are “taking jobs from Americans” the framing of this alternative would be a difficult political point to win agreement.

Outline of Implementation Strategy

The state level will implement the educational outreach strategy. The outreach strategy will address the three re-framing elements of the DREAM Act; increased high school graduation rates, legalized citizenship, and work force growth.

High School Graduation Rates

The outreach process will be driven by the Department of Education with dotted lines to the Federal level and then down to local levels. However, the states will be at the heart of the engagement. As part of the back to school orientation, a booklet will be sent home. The booklet will explain the new opportunity for the children of the families who are undocumented. The booklets will also include an invitation to the —finish high school for success” informational session. A strong component of the information delivered in this session will be that, to earn citizenship, you must keep your record clean. Staying out of trouble will be a key factor in determining eligibility for DREAM Act benefits. Each student who attends the information session will receive a booklet. The booklet will have pages in the back that look similar to a passport. Each quarterly session attended throughout grades 4-12 will receive a stamp, which will document participation in the —finish high school for success” sessions. This booklet will become part of the pride and determination evidence earned to complete their high school education. The purpose of the session is to inform not to scare or intimidate. The session and booklet will be language friendly and talk about the opportunities for youth to gain citizenship after graduation upon entering college or the military. The outreach done here is to —sell” the benefits to the undocumented youth to graduate from high school. As the undocumented youth enter the high school years, discussion about work training and career options will take place.

Encouragement to finish high school and immediately enter college or the military will be ongoing and often. Sessions regarding the training through the military process will be offered along with the many options for careers in college. Regular reporting is required for program monitoring and evaluation.

Increased Legalized Citizenship

Most potential DREAM Act beneficiaries were brought to the United States without proper documentation and currently have virtually no legal method of legalization. They cannot apply or take a test for citizenship. There is no existing legal process for undocumented youth to apply for citizenship. The DREAM Act will become the path of legalization for children to apply for legal residency. Essentially, the country will offer Legalized Permanent Residency (LPR) first to those who qualify, either by completing two years in the military or two years in college. Implementation would take place immediately upon the passage as many Dreamers have already graduated from college or a university and are ready to pursue the benefits. This means there are thousands of highly qualified, college-educated individuals in a wide variety of fields that cannot put their degrees to use because of their lack of legal status. With the passage of the DREAM Act, undocumented individuals up to the age of 30 would qualify for LPR. Individuals interested in becoming a legalized citizen would be required to file military or college enrollment paperwork, in addition to submitting a background check, fingerprints, and high school diploma. Once completed, interested individuals could enter college or the military. As the final phase of implementation to earning citizenship, the LPR would have to apply for final release through the Department of Homeland Security (DHS) after a final background check again. If the individual were cleared by DHS, they then would become a legalized citizen.

Work Force Growth

Work force growth is a natural outcome of increased high school graduation rates and increased legalized citizenship. Immediately business would see the thousands of highly qualified college educated individuals who are in the United States without legal statuses earn their LPR and enter the work force. The result will be a new generation of college graduates who will help strengthen our economic security. This new generation will become a new set of future taxpayers who will contribute much more as college graduates or military trained individuals than they ever would as struggling workers moving from one under-the-table job to another. They will help build the economy of the 21st century.

Provisions for Monitoring and Evaluation

To establish effectiveness, the State government will complete program monitoring and evaluation. The various State level departments of education will keep statistics of high school completion rates after implementation. Essentially, high school districts will continue to track the number of graduates. Elementary, Jr. High Schools and High Schools will track the number of youth that attend and receive a booklet from the outreach sessions. The department of education will compare this data to graduation rates from both pre and post DREAM Act passage. The department of education will analyze data for trends, areas where the state can improve upon services and relations with the school personnel conducting the outreach sessions. It is important to maintain open communication with stakeholders and to make program adjustments as needed. This will increase effectiveness and minimize major changes to the outreach delivery models.

The department level of immigration will need to track increased citizenship rates based on baseline figures prior to the passage of the DREAM Act. Once LPR individuals pass the final background check with DHS, paperwork is taken to immigration for the issue of legal citizenship status. This is feasible and would be part of the activities already in place at the immigration offices. As previous discussion shed light on the need for increased work force growth, the Department of Labor will provide numbers that track citizenship gained through the DREAM Act who are entering the work force. As DREAM Act beneficiaries start to enter the work force, employers will be required to file paperwork to indicate the employment of a DREAM Act client.

Limitations and Unanticipated Consequences

Alternatives to re-framing the DREAM Act have been presented based on literature review, which is not transferrable to every undocumented family. There are competing factors within a family that outreach and opportunity cannot address nor fix. The lifestyles chosen by the undocumented immigrant family does not always include embracing opportunities that will lead to citizenship. Many come here to work and then return home. However, we did learn from research that immigrant parents want their children to have a better life.

The DREAM Act has been a fiercely debated subject for over ten years now and with that said political influences are difficult to predict. The DREAM Act failed to pass again in the December 2010 lame duck session. Many thought it would and it lost by only five votes. In addition, although this policy might be a moot point, if efforts and resources were put forth toward the growing high school graduation rates, increase legal citizenship through college or military enrollment, and increase work force availability this all could move this piece of

legislation forward. Therefore, it is important to move forward with this re-framing alternative now.

Chapter 5 – Summary and Conclusions

Summary

This analysis provided an overview of the benefits and costs associated with passage of the DREAM Act though reframing the outcomes that resonate with public and political stakeholders, and the outcomes of doing nothing (status quo). The policy analysis provided evidence that the long-term outcomes, increased high school graduation rates, increased legal citizenship and work force growth from passage of the DREAM Act outweighed the continuance of selected states acting rogue to address illegal immigration problems. Reviewed literature suggests that a collective national effort to adopt the DREAM Act would provide economic benefits to positively impact local, state and federal budgets.

Immigration reform of any type that would provide for lawful status for current undocumented persons faces stiff opposition from anti-immigration groups. Opponents of the DREAM Act believe it rewards illegal behavior of parents of the students and anti-immigration reformers prefer to see increased immigration enforcement. These groups were able to pass immigration legislation on a state-level most notably in Arizona. The state of Georgia recently passed a bill similar to the one passed by Arizona last year in attempts to crack down on illegal immigration. President Obama criticizes both Arizona and Georgia and says, —It is a mistake to pass immigration laws piecemeal.” (Reeves, 2011) The President noted that his administration has done more on enforcement than any previous administration. This includes conducting more border patrols and engaging in serious crackdowns on employers hiring undocumented workers.

The government continues to propose solutions to reform immigration, and the DREAM Act is key a component of the policy debate. Most recently, the President urged Congress for the passage of the Dream Act. President Obama said, —I will keep fighting alongside many of you to

make the Dream Act the law of the land.” In a call for bipartisan support for the Dream Act, the President said, “We should all be able to agree it makes no sense to expel talented young people from our country.” (Reeves, 2011)

Integration is an often overlooked but a key component of U.S. immigration policy. Successful integration of immigrants fuels their success, strengthens communities, and builds bridges between newcomers and other community members (Immigration Policy Center, 2011). History confirms, the influx of immigrants into a community can reverse economic decline and breathe new life into urban areas, small towns, and rural communities. Moreover, integration can be a key to entrepreneurship and future economic growth, which is something our country is in great need of.

Conclusions

Generally, it is not clear how the government of the United States will solve the illegal immigration problem. It is also unclear how immigration reform will fare in California as the current governor is attempting to balance a budget while on the verge of bankruptcy. The budget crisis has presented a policy window to this effect and politicians who dislike the DREAM Act will take the opportunity to keep it framed as an expensive form of amnesty. However, even if the DREAM Act survives in legislation, a reframing of positive outcomes needs to be brought forward to gain further public and political support. Effectiveness, feasibility, and political acceptance when applied to increasing high school graduation rates, increased legalized citizenship, and work force growth are common sense solutions to nagging problems that exist in America today.

The specific problem is the United States has an illegal immigration problem that has no solution. The elementary schools in America are plentiful, in which undocumented sons and daughters are expected to achieve. It does not make sense to discredit achievers in this pool from contributing to our economy when they become an adult. However, the opportunity must be earned and through the DREAM Act, it is a processed reality. What we currently have is a growing illegal population the government cannot serve through a program model based on a legal system. The ultimate goal is to have the youth of the illegal immigrants become self-sufficient. Their success will come from graduating from high school, entering into college or the military to earn their citizenship. The best success stories come from immigrants who are achieving in America and the DREAM Act is the vehicle for accomplishing this task.

Recommendations

Based on this analysis, the passage of the DREAM Act is recommended. In light of the most recent narrow defeats, it is recommended that elements of the DREAM Act be reframed to promote the long-term economic benefits to society. This can be achieved by the promotion of three strategies that move undocumented youth to an earned results driven framework for citizenship that increase high school graduation rates and work force growth. The recommended alternative needs key legislators to provide consistent reframing of the alternative economic outcomes from the passage of the DREAM Act. This may reduce the number of high school dropouts, illegal immigrants receiving entitlements, and illegal workers in our country. Implementing outreach strategies to begin discussions with the undocumented youth while in grammar school to “sell” the benefits of graduating from high school has huge implications because this outreach can transfer to all youth. Strategies for consistent messaging and

encouragement to “finish for success”, during elementary and high school will motivate students to stay on track for college preparation or military enrollment opportunities. The legalized permanent residence (LPR) is earned once the student has completed the two years in either college or the military. They then can become part of the work force with a legal social security number. The country needs to move away from independent state action to solve immigration challenges, and instead, to specifically adopt a policy, such as the DREAM Act, to secure positive outcomes that contribute to the fiscal health and well being of our society.

References

- Argo, L. (2008), *Law and Social Inquiry*, Legitimacy, Social Identity, and the Mobilization of Law: The Effects of Assembly Bill 540 on Undocumented Students in California.
- American Immigration Lawyers Association (2010). *InfoNet Doc. No., 10031274* (posted Mar. 12, 2010)
- Aspan, M. (2010). <http://news.journal.us/article-5054.The-Dream-Act---A-step-towards-Comprehensive-Immigration-Reform.html>, *The Dream Act - A step towards Comprehensive Immigration Reform*
- Badger, L., (2010). The Idea Lobby, *Rude Awakening for the DREAM Act*
- Batalova, J., McHigh, M., (2010). Migration Policy Institute *DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries*
- Batalova, J., (2010), Migration Policy Institute, *DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries*
- Chan, B., (2010). WINTER 2010 JOURNAL OF COLLEGE ADMISSION, *Not just a Latino Issue-Undocumented Students in Higher Education*
- Ciric, M., (2011), *Chicago Political Commentary*, Illegal Immigration Costs U.S. Taxpayers \$113 Billion Annually
- Davenport P., (2010). The Huffington Post, *Governor Jan Brewer signs controversial immigration bill*
- Dervarics, C., (2007). Issues in Higher Education Vol.24, pg 10, *.New Congress More Amenable to the DREAM Act.*
- Erickson, M., (2011), *Republicans for National Interest*, Will California get an Arizona like

Immigration Law for Christmas?

Federation for American Immigration Reform FAIR, (2010). <http://www.fairus.org>

Fitz, M., (2010), *Center for American Progress*, Myth vs. Fact: The DREAM Act

Flores, A, 2010, Hispanic Association of colleges and universities, *Eloquence and Ambiguity in*

the Age of Conviction and Action: President Obama's Speech on Immigration Reform

Guzman, C., (2011), California Independent Voter Network, *Assemblyman Tim Donnelly*

soaring as California immigration hawk

Immigration Policy Center, (2009), <http://www.immigrationpolicy.org/just-facts/dream-act>

Juarez, A., (2010) Westpac Foundation, *Rethinking the Dream Act, Behind the latest version of*

the DREAM Act: Is this legislation we should support?

Jordan, M., (2005). The Wall Street Journal, *Moving Up: Challenges to the Dream.*

Khadaroo, S., (2011). The Christian Science Monitor, *Tuition breaks for illegal*

Immigrants?

Kurtzleben, D., (2011) U.S. News- Politics, *Arizona's illegal immigrant population decreased*

by 100,000 from 2008 to 2009

Longley, R., (2010). About.com Guide, *Illegal Immigration Costs California Over Ten Billion*

Annually

Math, Engineering, Science, Achievement Organization MESA, (2011).

<http://mesa.ucop.edu/programs/mesaccp.html> *Urges Congress to Approve the DREAM*

Act.

Madrid, J., (2010), Center of American Congress, *Idea of the Day: Passing the DREAM Act Will Strengthen U.S. Workforce*

Madrid, J., (2011), Center of American Congress, *How to Add Hundreds of Thousands of New Scientists, Engineers, and Technicians to Our Workforce-Failing to Pass the DREAM Act Will Rob the United States of Critical Brain Power*

Nassiri, H., (2010), *Immigration Reform*, California may sway national immigration debate toward social justice for illegal immigrants

National Council of La Raza, (2007). Retrieved from Lexis Nexis, *National Council of La Raza*

Ojeda, R.H., (2010). No DREAMERS Left Behind, *The Economic Potential of DREAM Act Beneficiaries*

Politico, (2011), On Congress, *Reporting and Analysis on Capitol Hill*

Reeves, R. L., (2011). President Renews Push for DREAM Act and Immigration Reform,
http://www.rreeves.com/articles/immigration_en_10702.php

Russell, A. (2007). American Association of State Colleges and Universities, *In-State Tuition for Undocumented Immigrants: States' Rights and Educational Opportunity*, p, 54.

Shapiro, R., (2009). <http://knowledgebase.findlaw.com/kb/2009/Nov/32301.html>, *DREAM Act Can Help Alleviate the Woes of Some Undocumented Aliens*

Schnur, D., (2010). Los Angeles Times, *A sea change in attitudes toward illegal immigration*

Schulman, K., (2010). White House Blog, President Obama on the *DREAM Act: My Administration Will Not Give Up*

Siley, C., (2005). American Association of State Colleges and Universities. *Should Undocumented Immigrants Have Access to In-State Tuition?*

- Stock, M., (2005). Washington, DC. Engage: The Journal of the Federalist Societies *The DREAM Act: Tapping an Overlooked Pool of Home Grown Talent.*
- Theodoulou, S.Z. and Kofinis, Chris (2004). *The Art of the Game: Understanding American Public Policy Making.*
- Thomas, C., (2009) <http://www.ehow.com>, *Policy Analysis of the DREAM Act*
- Urban Institute, (2011). <http://www.urban.org/>
- U.S Government Printing Office (GPO Access) (2003). Senator Hatch's report to the 108th Congress, <http://www.gpoaccess.gov/>
- Victor, G., (2011). Will CA get an AZ-like Immigration Law for Xmas? *Parcbench.com*
- Wade, D., (2010)., Dream Act Dead on Senate Floor: What is Next?
- Wagner, P., (2009). pfwagner@darksideofillegalimmigration.com
- Willon, P., (2011). Los Angeles Times, *Conservative Inland Empire cities crack down on illegal workers*
- Wildermuth, J., (2011). Fox and Hounds Daily, *Congressional Bankruptcy Rumbblings Worry Cailifornia* <http://www.ca.gov/> (2011) Governors Budget 2011-12
- Wren, D.A., (2001). Management Decision, Vol. 39 No. 6, pp. 475-87. *Henri Fayol as strategist: a nineteenth century corporate turnaround*
- Wong, S., (2011). Politico, *Senators push for executive order on immigration*

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Appendix A Institutional Review Board for Human Subjects Research

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Masters of Social Work
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Yeunjoo Lee, Ph.D.
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Steve Suter, Ph.D.
Department of Psychology
Research Ethics Review Coordinator
and IRB/HSR Secretary

Date: 12 January 2011
To: Sheri Horn Bunk, PPA Student
cc: Paul Newberry, IRB Chair
JinPing Sun, Department of Public Policy & Administration
From: Steve Suter, Research Ethics Review Coordinator
Subject: Protocol 11-03: Not Human Subjects Research

Thank you for bringing your protocol, "**Managing The Tide: The DREAM Act – A Policy Analysis**" to the attention of the IRB/HSR. On the form "*Is My Project Human Subjects Research?*" you indicated the following:

I want to interview, survey, systematically observe, or collect other data from human subjects, for example, students in the educational setting. **NO**

I want to access data about specific persons that have already been collected by others [such as test scores or demographic information]. Those data can be linked to specific persons [regardless of whether I will link data and persons in my research or reveal anyone's identities]. **NO**

Given this, your proposed project will not constitute human subjects research. Therefore, it does not fall within the purview of the CSUB IRB/HSR. Good luck with your project.

If you have any questions, or there are any changes that might bring these activities within the purview of the IRB/HSR, please notify me immediately at 654-2373. Thank you.



Steve Suter, University Research Ethics Review Coordinator