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**An Overview of Immigration Issues in Education:
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Immigration to the United States has long existed as a part of an American tradition. While debates centering on immigration issues are often politically driven, we hope to highlight and examine immigration from an educational context. In this paper, we first provide a brief synopsis of policy measures affecting different immigrant groups. Then, we discuss major challenges of the immigrant experience from a perspective of departure and arrival. Finally, this overview offers a broad context for national and local responses to immigrant students and communities.

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Introduction

Citizenship status in the U.S. is based on two classifications: U.S. citizens or aliens. According to legal terminology, aliens may be immigrants, refugees or asylees, nonimmigrants, or unauthorized foreigners (U.S. Citizenship and Immigration Services [USCIS], 2011). For the purpose of this paper, we focus our discussion on immigration issues in education as it relates to a wide range of immigrants—authorized or unauthorized. Thus, *immigrants* are broadly defined as individuals who leave their native country to permanently or temporarily live in another country. The process of immigration is a complex and challenging course of uprooting from country of origin, fragmentation of and between family and country of origin, and assimilation to a new context (Suarez-Orozco, Suarez-Orozco, & Todorva, 2008; Cristina, 2013).

Despite the tradition of America's immigration narrative and its immigrant archetype, Suarez-Orozco (2001) has noted a key difference between immigration prior to 1965 and post 1965. Prior to 1965, immigration flows were not as intense and the vast majority of immigrants were Europeans or Canadians (Suarez-Orozco, 2001). Today, the intensity has increased, where children of immigrants represent about 25% of all American children and are projected to make up one-third of the more than 100 million U.S. children by 2050 (Tienda & Haskins, 2011). In addition, immigration from Latin America and Asia make up over 50% of all immigrant groups (Suarez-Orozco, 2001; Tienda & Haskins, 2011). Consequently, immigration issues in education tend to center on English language acquisition and acculturation to a new socio-cultural atmosphere. More so, the immigrant experience is also often characterized as a monolith, leaving very little room for schools and teachers to understand the varying issues and obstacles experienced by various immigrant groups and populations (Winders, 2011). The following review of immigration issues in education aims to outline major policy decisions related to immigrant populations, address the challenges faced by the most vulnerable immigrant groups—undocumented and migrant workers, and provide a broad context for national and local response to immigrant students and communities.

A Brief Policy Overview

Understanding issues of immigration within American education is connected to the historical parallels of discussing immigration from a social, legal, and/or political framework. With pending immigration legislation ranging from employment, family well-being and security, as well as pathways to citizenship (GovTrack, 2015); national immigration reform will undoubtedly affect thousands of children enrolled within America's education system. According to the 2010 U.S. Census figures, there are approximately 11.1 million school-age children from immigrant or foreign born- households; and of this number, 2.3 million are immigrant themselves (Center for Immigration Studies [CIS], n.d.). Over the last century, educational responses to national immigration policy have ultimately been shaped by the exponential growth in immigrants and the participation of immigrant children in America's schools.

The first major policy that greatly impacted immigrant students and more specifically, the migrant population, was connected to President Lyndon B. Johnson's educational agenda and *War on Poverty* initiative. The 1966 *Migrant Education Program (MEP)* is the largest and main program in the United States that provides services for migrant students. In addition, each state coordinates its own migrant education program based on federal funding (U.S. Department of Education, 2006). Districts are provided leeway in determining eligibility, practices, and providing services for migrant students. Consequently, migrant education services vary greatly between schools, districts, and states. In order to provide services to migrants, district representatives are sent to identify and recruit migrant children into the program. Numerous requirements must be met for migrant students to be eligible to participate in the MEP (U.S. Department of Education, 2006). Financial estimates for 2011 showed that the U.S. government spent \$393,981,458 on the MEP (U.S. Department of Education, 2013). Further, MEP data indicate that of the 376,801 migrant students eligible for services in 2011-2012, only 252,853 students or 67% participated in the program (U.S. Department of Education, 2013). Despite the changes in program requirements or the low numbers of migrant students in a school requiring services (Clements et al., 2011), research suggests that the ultimate challenge for schools is to address the dismal proportion of migrant students who drop out of school because of financial hardship and the need to provide additional family stability (Garza, Reyes, & Trueba, 2004).

Another major education policy pertaining to immigrant children was prompted by the passage of the *Bilingual Education Act (BEA)* (1968), which symbolized the nation's changing awareness and attitudes towards immigrant populations and their linguistic needs in schools (Ovando, 2003)¹. Although many immigrant groups are English speaking, advocates for bilingual education viewed BEA as a collective victory to refocus pedagogical practices as a benefit for all immigrant groups. Years later, an unprecedented case, *Lau v. Nichols* (1974), subsequently declared that educators were required to provide "affirmative remedial efforts to give special attention to linguistically deprived children" (Lau v. Nichols 1974: p. 5). This landmark decision was seen as a critical juncture in American education bringing attention to an emerging bilingual population in America's schools (Ovando, 2003; Gándara, Moran, & Garcia, 2004).

On the heel of another massive wave of immigrants in the mid-1980s, particularly from Latin America and the Caribbean, to locations like Texas, California, Florida, New York, and

Massachusetts (Portes & Stepick, 1993); *Plyler v. Doe* (1982) reshaped definitions of immigrant rights and their access to education. In accordance with U.S. Departments of Education and Justice, the ruling for *Plyler v. Doe* obligated states and school districts to provide all children – regardless of immigration status – with equal access to public education at the elementary and secondary level (U.S. Department of Education, 2014). As a result of this legislation and its impact on the nation’s public schools, several states then enacted their own policies allowing undocumented students to apply to public colleges and universities (Badger, Ericksen, & Yale-Loehr, 2000).

National politics and debates around immigration issues can also become quite divisive; especially when the debate is framed by the extreme views of those who advocate “no immigrants” and those who advocate “no borders” (Martin & Midgley, 2003). More importantly, these debates serve to essentialize immigrant groups, advance a monolithic immigrant experience, and perpetuate the use of citizenship status as a source of power and access to American society. For example, in California, anti-immigrant politics resulted in the passage of *Proposition 187*, which barred undocumented immigrants from using all state services including social services and education (Flores & Chapa, 2008). Flores and Chapa (2008) continued to note that while the courts overturned *Proposition 187*, it also provided an opportunity for other states with large immigrant populations to consider similar legislation. Since 1996, other legislation such as *The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)*, *Federation for American Immigration Reform (FAIR)*, *DREAM Act*, or the *H-1B Visa Work Program*, aimed to address a range of immigration related concerns within the U.S (Martin & Midgley, 2003; Vasquez-Heilig, Rodriguez, & Somers, 2011; Galindo, 2012). Accordingly, as the national conversation on immigration ensues, educators must be able to frame and articulate immigration issues from an educational context that is contingent upon a broader political, social, and legal framework.

Current Immigration Framework

In their article, Martin and Midgley (2003) raised an important question: Is the arrival of vast amounts of immigrants and foreigners to be welcomed or feared? While they did not offer a single answer, such a question captures the conflicting perspectives towards immigrants and immigration policies in the U.S. today. Andreas’ (2003) theorizing on borderlands and entry points echo Martin and Midgley’s (2003) assertion that while immigrants and refugees continue to arrive through America’s front door, a faster growth in entries after the 1990s has been through side and back doors—as nonimmigrant tourists, foreign workers and students, and unauthorized foreigners. While the immigrant experience of adaptation to a new environment is quite varied, it can be assumed that additional challenges are encountered by migrant or undocumented individuals, who, at times occupy both immigrant positions.

It is estimated that there are about 3.5 million migrant and seasonal farmworkers who live and work in the United States, including children, adults, and the elderly (National Center for Farmworker Health [NCFH], 2009). Migrant or seasonal workers travel between cities, states, and countries following employment in temporary and cyclical industries such as agriculture, logging, fishing, or manufacturing (Malinowska & Lynn, 2014). Additionally, as of March 2013, there are 11.3 million unauthorized immigrants, persons without legal authorization (Krogstad & Passel, 2014). Estimates have calculated that while the Mexican population constitute about 52% of all unauthorized immigrants, their numbers have been declining in

recent years as immigration from Asia, the Caribbean, Central America and a grouping of countries in the Middle East and Africa have slightly increased (Krogstad & Passel, 2014). In regards to children, a 2010 report on the unauthorized immigrant population estimates that there are approximately 1.5 million children under the age of 18 living in the United States (Passel & Cohn, 2011).

The children of migrant workers, whose lifestyle is marked by frequent changes in schools and communities, are often forced to leave school before the end of term or arrive after the start of school. These unpredictable schedules result in lost time at school, problems in transferring school credits, incorrect grade placement, lack of credit accrual for on time graduation, and low achievement (Titus, 2007; Wasserman, 2001; Salinas & Reyes, 2004; Gibson & Hidalgo, 2009). Many migrant students similarly have low English proficiency, which leads to cultural isolation and segregation from society (Garza, Reyes, & Trueba, 2004; Zalaquett, McHatton, & Cranston-Gingras, 2007; Ramirez, 2012). Considering the instability of migrant life, migrant children are also acutely impacted by the family's financial and economic status, where older children are driven to work as a way to mitigate poverty and poor working conditions.

For the millions of unauthorized migrants and children living without documentation status, life "in the shadows" is likewise associated with poverty and social marginalization (Suárez-Orozco, Yoshikawa, Teranishi, & Suárez-Orozco, 2011). Suárez-Orozco and colleagues (2011) point to multiple barriers of and shortcomings with America's current immigration system that creates difficulty for individuals to obtain necessary and legal authorization within a timely and consistent manner. Furthermore, such inadequacies underscore a growing trend of many undocumented families who are mixed-status. Passel (2006) cited an estimated 14.6 million people and one in ten children living in the United States who live in households where at least one member of the family is not authorized. For states with higher numbers of immigrants, the rate of children with at least one undocumented parent exceeds these one in ten estimations (Krogstad & Passel, 2014). The condition of status 'illegality', further entraps undocumented and mixed-status families within a "liminal moment" punctuated by "periods of heightened danger and ambiguity" where ... "the state of ambiguous belonging leaves him or her without the shared bundles of rights and obligations that structure social behavior and make it predictable" (Suárez-Orozco et al., 2011, p. 444). Thus, extreme positions on immigration supporting immediate deportation for undocumented individuals would likely separate undocumented parents from their U.S. - born children (Passel, 2006).

The home context, both in America and abroad, is very important to many immigrant students who live in fragmented families, extended family networks, and/or for children who participate in strong transnational exchanges (Brittain, 2002; Suarez-Orozco, Suarez-Orozco, & Todorva, 2008). In fact, psychologists have identified emotional grief and subsequent psychological and developmental implications evident in many children who face disruptions in forming bonds with parental figures as a result of families who immigrate separately or in steps (Suarez-Orozco, Suarez-Orozco, & Todorva, 2008). Likewise, immigrant parents can face losses in their educational credentials, which may become untransferable to or incompatible with American professional or certification requirements (Aranda, Hughes, & Sabogal, 2014). For example, population statistics show that while African immigrants account for only 4% of the total U.S. foreign-born population, this demographic enters the U.S. with the highest educational attainment of all other foreign born immigrants (U.S. Census Bureau, 2014). Thus, for states with an existing African community, finding employment and cultivating shared networks may

prove to be easier than in states and cities with no established communities (Henry, 2013). The school context must therefore be cultivated as a welcoming space for participation and engagement.

The Contexts of Departure and Arrival

It is widely believed that immigration is largely driven by economic opportunity. While, this may be true for many immigrant families, it is important for schools to acknowledge the underlying trends that emerge from immigration patterns. Several studies have examined the reasons that motivate immigrants to journey to the United States (Frey, 1995; Hanson, Scheve, Slaughter, & Spilimbergo, 2001; Aranda, Hughes, & Sabogal, 2014). This research suggests that while economic and employment security is often cited as a common motive to immigrate, other reasons such as political instability, violence, family reunification, improved quality of life, and education are amongst the highest rated. Conceptually, theories on globalization and an understanding of increased international exchanges in the global market, can be a useful analysis to explain the multiple facets of immigration as well as the heterogeneity of immigrant groups (Held et al., 1999; Suarez-Orozco, 2001; Borjas, 2005). Equipping schools with deeper knowledge of immigrant groups will also help to create better school-home engagement. For example, schools can be accommodating to a migrant's typical work day of long, arduous conditions six to seven days a week (Mehta et al., 2005) by providing at home visitation for school-related concerns. From a broader perspective, school systems can coordinate services to enroll migrant children in community schools that provide additional educational, health, and social services (Dryfoos, 1994) to address the poor health conditions associated with migrant workers and their families.

Educational researchers, scholars, and practitioners have long reimagined John Locke's philosophical notion of students as a 'tabula rasa' or blank slate. Instead of related theories and concepts such as *subtractive schooling* (Valenzuela, 2010) and *deficit thinking* (Valencia, 1997; Milner, 2013) that homogenize and erase student identity; notions of Paulo Freire's (1973) seminal ideas of *critical consciousness* has informed more 'culturally relevant' teaching and learning that better match the home and community cultures of students who have previously not had academic success in schools (Ladson-Billings, 1995; McLaren, 2009). To that end, broad generalizations or blanket perceptions of immigrant students as empty vessels are inadequate responses to meeting the different needs, cultures, and histories of immigrant students.

An additional perspective of the educational responses to immigrant students, concerns the social and cultural context of American schools. In their research on Miami's immigrant population, Aranda, Hughes, & Sabogal (2014) insinuated that many immigrant groups might be unfamiliar with the solidly 'black' or 'white' American notions of race. Presumably, such unfamiliarity with the historical and social implications of race in America complicates the immigrant students' perceptions of identity and belonging in American schools. The complexity of race, as it operates both as a social construct and as an objective condition (Ladson-Billings, 1998) is especially problematic for immigrant populations, who often self-identify by ethnicity, not race (Aranda, Hughes, & Sabogal, 2014; Suarez-Orozco, Suarez-Orozco, & Todorva, 2008). To illustrate, despite the phenotypical similarities of African-descended students, how are schools making cultural celebrations such as Black History Month or Latino Heritage month reflective of a broader pan-African identity, by embracing ethnic, cultural, and linguistic distinctions? What's more, for Latino immigrant students who represent the greatest proportion

of the immigrant population (Passel & Cohn, 2011), constructions of race can be even more complex. Latino critical race theory offers a theoretical lens to elucidate the multidimensional identities of Latinos by addressing race as well as issues such as language, immigration, ethnicity, culture, identity, and phenotype (Bernal, 2002; Delgado & Stefancic, 2012). For these reasons, schools should commit to broaden American centric notions of race, class, gender/sexuality, and culture to reflect a more globalized and international frame that can be inclusive of various immigrant groups and identities.

Towards a National and Local Response

As schools move towards closing achievement and opportunity gaps in education, several key questions and concerns relating to immigration issues in education may be: how does citizen status materialize as inequality in education? How can schools create spaces for learning and empowerment despite of the contentious debates on immigration policy? And what are America's schools teaching about and learning from immigrants? El-Haj (2006) has written of the "visibility" and "invisibility" of the immigrant identity which is simultaneously problematic and complex in schools and society at large. By highlighting U.S. born and immigrant Muslim and Arab identities, El-Haj (2006) illustrated the intersecting tensions these groups experience both religiously and culturally. These modes of seeing immigrants as visible or invisible, can consequently lead to problematic ends. While the hyper-visibility of immigrant identities (Chang, 2011) has led to a "crisis of immigration", which induced a "native flight" from public schools to private schools during the 1980s and 1990s (Dottori, Estevan, & Shen, 2013); the invisibility of immigrant identities has also further marginalized these groups, where poverty and family instability have resulted in high dropout rates and low achievement (Pong & Zeiser, 2012). For migrant and undocumented immigrants on the periphery, the task for schools is made even more difficult as these groups occupy a particularly vulnerable space. While the Migrant Education Program's conditional cash transfer (CCT) provides cash incentives to students and their families in exchange for meeting specific academic or health conditions (Behrman, Parker, & Todd, 2011) these initiatives alone cannot lead more migrant students to graduate and go on to post-secondary success. Likewise, as more undocumented students complete high school, they too face a tumultuous battle to secure higher education across the U.S. (Galindo, 2012). In sum, schools and advocates for educational equity play important roles in promoting social integration and cultural assimilation, building community capacity, and cultivating equitable access points for immigrant groups.

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Suggested Readings

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¹ See Ruiz Bybee, E., Henderson, K., & Hinojosa, R. (2014). An Overview of U.S. Bilingual Education: Historical Roots, Legal Battles, and Recent Trends. *Texas Education Review*, 2(2) 138-146. Available online www.txedrev.org