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**Latino Immigrant Access to Higher Education in a Bipolar Policy Environment**

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### **Foreward**

In these times of heightened political attention on post-9/11 border security in concert with one active segment of the public supporting anti-immigration legislation, Professors Stella M. Flores and Jorge Chapa bring to the table a statistical analysis of access for Latino immigrants to higher education. Recognizing the current political climate, Flores and Chapa explain the bipolarity of policies and laws, many at cross purposes, with the Latino immigrant left with few choices if any for a higher education.

I applaud this direct approach to addressing access, a crucial element to educating the fastest growing segment of this nation's population. By limiting access to higher education, or denying it altogether, states across this country are making a significant situation even more dire – they are effectively supporting their own proportional decline in knowledge capital. Flores and Chapa look at regions of the country, comparing states with and without in-state tuition policies for Latino immigrant students. Leverage in the form of “dream” acts, accepted in some states, proves its value in increased access and increased degree attainment by the foreign-born noncitizen Latino student.

Loui Olivas  
President  
AAHHE

**bipolar**, adj. “*having two diametrically opposed natures or views.*”

Merriam-Webster’s Dictionary

### Abstract

For many years, U.S. policy toward undocumented immigrants has been bipolar – it has had aspects that simultaneously help and hinder their life chances. Access to higher education provides one example. An estimated 65,000 undocumented students graduate from high school in the United States each year. Since 2001, a number of states have passed legislation designed to increase the college access rates of undocumented students via in-state resident tuition policies provided they meet basic graduation and residency requirements. Yet these state laws are a response to a 1996 federal law that was intended to bar the access of these students to public higher education. This paper assesses the recent political context in which undocumented immigrants have entered into the United States, their locations of residence, and estimations of where they are most likely to utilize public policies that encourage college enrollment. We conclude with comparisons of these populations by citizenship status and provide implications for the general educational mobility of Latinos in the United States.

Keywords: immigrant students, immigration, state policy, financial aid, college access, Latino students

## Introduction

Immigration is again at the forefront of the nation's attention and most of the vociferously expressed sentiments have been against it. The number, variety and visibility of immigrant groups in general and immigrant Latinos in particular have been increasing. The proportion of the U.S. population comprised of immigrants is now approaching the historically high level of 15 percent that the U.S. experienced as the wave of European immigrants crested around the beginning of the 20th century. There is a major difference between the new immigration and the old. Now most of the immigrants are from Latin America rather than Europe. It is also worthwhile to note that Mexico is the largest single country of origin for the U.S. foreign-born population. Most Mexican immigrants to the U.S. are undocumented and more than half of undocumented immigrants are from Mexico (Passel, 2005b). The bipolar aspect of contemporary immigration policy can be traced to the Immigration Reform and Control Act (IRCA) of 1986. This law was intended to stop undocumented immigrants by eliminating the employment opportunities that attracted them. Under IRCA, employers would be punished or sanctioned for hiring undocumented workers. However, enforcement of employer sanctions has at best, "been at a token level" (Cornelius, 2004). In recent years, employer sanctions have occurred at such extremely low levels that enforcement has often not been taken as a real threat.

IRCA was positive from the perspective of the undocumented immigrants in the U.S. at the time. Almost three million were ultimately able to regularize their status in the U.S. under IRCA's amnesty provisions. This may have been one of the factors that led to the virulently anti-Latino politics of California Governor Pete Wilson's second term

from 1994 to 1998. Wilson's election to a second term was enabled by Proposition 187 which barred undocumented immigrants from using all state services except emergency health care. It also empowered public employees to police the use of these services and turn in suspected undocumented immigrants. Prop. 187 became law by popular vote and was soon overturned by the courts. However, it made politicians aware that immigrant-bashing was politically popular.

The 1996 federal Illegal Immigration Reform and Immigrant Responsibility Act passed as part of an anti-immigrant fervor that swept the country after Prop. 187. Section 505 of IIRIRA is of particular importance to this paper's analysis regarding the college access opportunities of undocumented students, a majority of whom are of Latino-origin. This section specifies that unauthorized aliens "shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident" (Feder, 2006).

Some members of Congress attempted to negate Section 505 with the introduction of the Student Adjustment Act in 2001. It did not pass but led to the introduction of the DREAM Act (Development, Relief and Education for Alien Minors Act) which has been introduced in the Senate every year since 2003. While the federal DREAM Act remains to be passed, state legislatures have found a way to temporarily mediate access barriers to higher education in the form of in-state resident tuition policies, also known as state "dream" acts (Flores, 2007). The state "dream" acts were passed with the goal of making undocumented immigrants eligible to pay in-state resident tuition for public colleges and

universities without violating Section 505. Later in this paper, we examine the effects of these state laws on the college enrollment of students likely to be undocumented students.

### Policy Context at the Turn of the Century

#### *Latino immigration after September 11, 2001*

Despite the anti-immigrant legislation, the population of undocumented Latino immigrants grew throughout the 1990s, especially during the economic boom between 1997 and 2000. The mid-point of one set of estimates of the undocumented Mexican population in the U.S. as of mid-2001 was 4.5 million. The median of the estimates of the undocumented Central American immigrants was an additional 1.5 million (Bean, Van Hook, & Woodrow-Latfield, 2002). One of the top policy priorities of the recently elected presidents of the U.S. and of Mexico was the resolution of some of the problems associated with this large scale undocumented migration. During the first week of September 2001, Mexican President Vicente Fox was the first foreign head of state to have an official state visit with U.S. President George W. Bush. Fox had a highly visible, successful trip to Washington that included White House meetings and an address to Congress. Bush and Fox were jointly developing an initiative that would either “legalize” the undocumented immigrants, that is, to give them immigrant visas or to “regularize” their status through a formal, *de jure* guest worker program. The September 11, 2001 attacks occurred just days after Fox’s visit, and they completely halted any movement toward either regularizing or legalizing undocumented immigrants. As a result of these attacks, U.S. borders have become more closed and difficult to cross, and security across the country has become extremely keen. In his comprehensive analysis of U.S. immigration policies and politics, Dividing Lines, Daniel Tichenor (2002) argues that

episodic international crises or threats serve as important catalysts for major immigration reform. In the U.S. since 9/11, it appears that the threat of further terrorist attack has been used to stymie the previously conceptualized reform of undocumented immigration from Mexico.

*State “dream” acts and undocumented immigration settlement*

In 2001, Texas passed the first in-state resident tuition legislation targeted at undocumented high school graduates. The discount to attend public colleges and universities at an in-state resident price is particularly significant to undocumented students because they do not qualify for federal aid to finance a postsecondary education. Moreover, this group of students, particularly immigrants from Latin America and the Caribbean, are more likely than the general population to live in poverty (Erisman & Looney, 2007), making paying for a higher education nearly impossible without financial assistance. A typical discount offered by the in-state resident tuition policy in Texas is \$2,000 at the public community college level and almost \$8,000 at the four-year public college level.

In 2003, a federal version of the in-state resident tuition policy was introduced in the U.S. Congress. Called the Development, Relief, and Education for Alien Minors (DREAM) Act, the act would allow, in addition to an in-state resident tuition benefit, certain undocumented students to start on the path toward citizenship if they go to college or serve in the U.S. military (National Immigration Law Center, 2006; Olivas, 2004). Although the legislation has failed to pass over a number of congressional sessions, the “dream” terminology used with the original federal version of the proposed act has since been adopted by researchers, advocacy groups, and media outlets across the country to

describe the multiple in-state resident tuition policies (Immigrant Legal Resource Center, n.d.; Rincon, 2005; Taylor, 2006). Since 2001, nine other states in addition to Texas have passed similar versions of "dream" act legislation, including California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Utah, and Washington. Although much more limited in scope and level of benefits than the proposed federal legislation, the state "dream" acts have not been free from controversy (Olivas, 2004). Of the states that have a tuition policy, Kansas and California have been challenged (unsuccessfully) in federal court (Flores, Horn, & Crisp, 2006; National Conference of State Legislators, 2006). More recently, states including Arizona and Virginia have passed legislation to ban the tuition benefit for undocumented immigrants (Redden, 2007; Stone, 2006). A particularly interesting phenomenon of state activity regarding these "dream" acts is that the location of where they are passed and implemented is not particularly predictable. While the adoption of the tuition policies in the traditional migration settlement states of California, Texas, New York, and Illinois may not be surprising, the institution of these policies in Kansas, Nebraska, Utah, and Washington seem less so at first glance.

Regardless of location implementation, legislative trends to date indicate that state activity continues to evolve around the issue of access to higher education for undocumented immigrants while U.S. congressional activity on the federal version of this educational legislation and general immigration policy remains unresolved. Furthermore, similar to state legislation, if not more so, migration activity to different regions of the U.S. continues to disperse to non-traditional migration states adding some insight as to why states that have not historically experienced continuous waves of migration might have considered such legislation. Increasing numbers of cohorts of immigrant children

continue to enter the K-12 system in states with and without a tuition policy. Some state systems are familiar with this migration while others are not. Ironically, all in-state resident tuition policies, with the exception of the Texas policy, passed state legislatures before September 11, 2001. However, “counter movements” to this activity in the form of legislative bans to any form of state incentive to enroll undocumented immigrant students who have completed their high school diploma in the U.S. were also initiated shortly after this time period, often in areas where Latino populations, particularly of Mexican origin, are new.

To assess the status of state and federal legislation regarding immigrant student access to higher education, we provide the following analyses. First, we assess where there are any general differences among Latino and foreign-born noncitizen Latinos in three distinct migration settlement areas before and after September 11, 2001. Second, we provide a visual representation of the states with and without in-state resident tuition policies in relation to where all Latino-origin individuals and all foreign-born noncitizen Latinos reside as a percentage of the U.S. population. We provide this visual representation to situate the educational prospects for undocumented Latino students in the U.S. We then assess whether Latino students likely to be undocumented were more likely to enroll in college in some migration settlement regions over others. We end with a reevaluation of the issue of undocumented student access to higher education in relation to U.S. citizen Latino student access to higher education. Table 1 displays the states with an in-state resident tuition policy as of 2006, whether the legislation offers additional state financial aid assistance, and the region of the U.S. in which they are located according to migration pattern status.

## Empirical Assessment of State Tuition Policies under Current Federal Immigration Policies

### *The Data*

For this analysis we incorporate two versions of the Current Population Survey, a nationally representative sample sponsored by the U.S. Census Bureau, and the U.S. Bureau of Labor Statistics for the years 1998 to 2005 to assess the college enrollment rates of Latino foreign-born noncitizens across different geographic areas of the United States. We also incorporate data from the 2006 American Community Survey (ACS) to visually assess the location of foreign-born noncitizen and citizen Latinos in the U.S. The primary dataset, the Merged Outgoing Rotation Group (MORG) files, have a more desirable sample size in that they have approximately 30,000 individuals nationally per month extract to answer how the in-state resident tuition policies affected college enrollment.<sup>1</sup>

To display the effect of particular college access policies on the Latino immigrant and citizen population we employ two methods. First, we use Geographic Information System (GIS) mapping to visually capture the location of these groups in relation to where relevant public policies exist. Second, we use logistic regression to estimate the impact of the tuition policies on students likely to be undocumented immigrants across different immigrant settlement regions across the country. A description of the motivation for each regional analysis is included below.

### *Sample*

The sample for this analysis includes any individual who has self-identified as Hispanic in the survey, has listed a Latin American country of national origin, and has at

least one parent who is foreign-born and has listed a Latin American country of origin. The sample is limited according to the requirements of the in-state resident tuition policy of each state, such as required years of residency and high school/GED completion status. For example, in New York this may be two years, while in California the residency requirement is three years, meaning the student would have had to enter this state by approximately 1998 as the policy passed in 2001.

#### *Data Considerations and Limitations*

Individual and group-level data on undocumented immigrants in the U.S. is an unresolved data conflict. No government agency in the U.S. directly counts the undocumented immigrant population leading to some uncertainty in capturing their exact numerical presence (Passel, 2005a; Passel, Van Hook, & Bean, 2004). However, data from the U.S. Census Bureau and Department of Labor Statistics offers some of the closest level of detail on citizenship status currently available. This data is used as a principal source of information for calculating estimates of the unauthorized population in the U.S. and is used in these analyses (U.S. Department of Labor, 2002). Using the “foreign-born noncitizen” category of the CPS, which includes both the undocumented and legal permanent residents and not naturalized citizens, allows us to more accurately estimate the effect on individuals likely to be undocumented rather than applying these conclusions to all individuals who are foreign-born but residing in the U.S.

#### *Analytic Strategy*

To estimate the impact of a financial aid policy targeted at undocumented students on their college enrollment by immigrant settlement regions in the U.S., we use the passing of each in-state resident tuition policy as a source of exogenous variation by

employing a differences-in-differences strategy (Dynarski, 2003, 2004; Kane, 1994, 2003; Long, 2004). That is, we compare college enrollment rates of students likely to be undocumented after the implementation of a tuition policy to the college enrollment rates of a similar cross-section of students before the policy in the same state. We further apply this “before-and-after” strategy to a set of comparison states with similar demographic and historical migration pattern characteristics that have not passed an in-state resident tuition policy.

#### *Rationale for Treatment and Control Group Selection*

From 1971 to the early 1990s, almost half of all immigrants settled in the top five urban areas and five particular states (California, Florida, Illinois, New Jersey, New York, and Texas) (Massey & Capoferro, 2008). This geographic concentration pattern typical of the last quarter of the twentieth century was disrupted by a new deconcentration and dispersion of primarily Latin American populations to new regions of the country for a variety of reasons still under debate (*Ibid.*, 2008). These included areas in the Northeast such as Pennsylvania and some areas of the Midwest that had not seen significant immigrant incorporation since earlier European waves and the sudden appearance of mostly Latino-origin migration in the South as noted by various scholars since the turn of the century (Massey & Capoferro, 2008; Millard & Chapa, 2004). We utilize developing demographic trends and a geographic assessment of where Latinos, both foreign-born noncitizen and citizen over the age of 18, were located in 2006 to estimate the impact of the most significant college access policy to benefit undocumented immigrants, the in-state resident tuition policies in ten states across the nation. To evaluate the potential causal impact of the policies by different regional settlement

patterns, we divide the treatment and control groups into three different settlement regions: Traditional, New Non-Southern, and Southern destinations. Treatment states are states that have adopted an in-state resident tuition policy while control states are locations with similar demographic and historical settlement pattern characteristics as the treatment states *without* an in-state resident tuition policy benefitting undocumented immigrant students.

Within each settlement region, we test whether students who live in states that have implemented an in-state resident tuition policy have higher college enrollment rates than students living in states in the same settlement region without the presence of an in-state resident tuition policy. For example, in the Traditional settlement region we compare the treatment states of California, Illinois, New Mexico, New York and Texas to the control states of Arizona, Colorado, Florida, Massachusetts, Nevada and New Jersey. The New Non-Southern destination treatment states include Kansas, Oklahoma, Utah and Washington compared to similarly located control states of Idaho, Indiana, Minnesota, Nebraska and Oregon.<sup>2</sup> No Southern state in the nation has adopted an in-state resident tuition policy. To evaluate the differences between Traditional settlement versus New Southern settlement regions, we estimate the college enrollment effects in treatment Traditional settlement regions (California, Illinois, New Mexico, New York, Texas) compared to all Southern states that have experienced recent high rates of undocumented immigrant settlement that include Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. Although this third comparison is not comparable in terms of demographic and historical migration settlement patterns, the comparison is useful in deciphering potential educational, time-related, and labor

market characteristic differences among the oldest and newest destination choices for Latino immigrants. The logistic regression analysis answers whether undocumented students residing in states with a tuition policy in a particular settlement region of the U.S. experienced increased college enrollment rates compared to similar students living in states without a tuition policy. A detailed explanation of the logistic regression model with associated variables is provided in the Appendix.

## Results

### *Individual Characteristics Pre- and Post-September 11, 2001*

As the late 1990's marked an unforeseen and new dispersion of immigrant groups across the United States, whether by increased internal migration from foreign-born noncitizen residents or altogether new crossings of similar individuals in the U.S., the events of 2001 instituted another set of contextual policies, rules, and reactions to the migration landscape. Table 1 shows summary statistics for citizen versus foreign-born noncitizen Latinos in the set of years preceding and immediately after September 2001 by the three identified relevant settlement destinations: Traditional, New Non-Southern, and Southern regions. The characteristics measured are age, female status, whether an individual has ever been married, employment, residence in a metro area, percent with a high school diploma and no B.A. degree, and percent with a B.A. degree or higher.

Table 2 displays particularly interesting characteristics in regard to employment, residence in a metro area, and level of educational attainment. In regard to age, female status, and marital status, there are few differences between the citizen groups (foreign-born noncitizen versus citizen Latinos) and by regions with two exceptions. The

population of U.S. citizen Latinos is on average more likely to be female while the opposite is true for foreign-born noncitizen Latinos across the three different settlement regions examined. While the differences are minimal, the pattern of a male dominance in migration to the United States appears to hold in a post-9/11 context. Marital status, measured by whether an individual has ever been married, increased after September 2001 in all regions and across citizenship groups with the exception of U.S. citizen Latinos in Traditional migration states. Among this group, U.S. citizen Latinos were less likely to have ever been married after September 2001 than before this date. Whether an individual was employed at the time of the survey and resided in a metro area yields differential results across the regions and citizenship groups. Individuals residing in the Traditional migration states, regardless of citizenship status, were less likely to be employed after September 2001 compared to individuals residing in the New Non-Southern and Southern settlement regions. In these latter two destinations, individuals were more likely to indicate they were employed after September 2001 than before this date, especially among the foreign-born noncitizen groups not living in a Traditional settlement region. Finally, the likelihood of living in a metropolitan area appears to be significantly lower in all regions across citizen groups with the exception of the Traditional settlement regions. Thus, only in the Traditional migration destinations were individuals 18-24 less likely to indicate they were employed and indicate they were living in a metropolitan area. In terms of educational attainment as measured by completion of a high school diploma but no B.A. degree, Latino U.S. citizens saw an increase in the percent of individuals who have completed a high school diploma across all three different regions. In contrast, the percentage of Latino foreign-born noncitizens with a

high school degree was actually lower after September 2001. Interestingly, the percentage of Latinos of all citizenship categories with a B.A. degree or higher after September 2001 was higher among all regional groups examined with the highest increase in the New Non-Southern region for Latino U.S. citizens and in almost equal proportions of increase in the Traditional and Southern destinations among Latino foreign-born noncitizens.

### *Geographic Analysis*

Recent research on the effect of in-state resident tuition policies indicates that Latino foreign-born noncitizens are more likely to enroll in college after the implementation of an in-state resident tuition policy than similar students in states without a tuition policy (Flores, 2007). However, it is unclear whether particular regions with tuition policy states experience a stronger college enrollment impact than other areas of the United States with distinct migration patterns and residence duration. In deciphering these regional puzzles, we therefore ask where Latinos reside according to citizenship status, and are they located in areas with an in-state resident tuition policy?

Figures 1a and 1b display two maps of the United States Latino population by citizenship status as of 2006. States labeled in red represent a location with an in-state resident tuition policy. States labeled in blue are states without an in-state resident tuition policy. The map on the left represents the percent of the citizen Latino population as a proportion of the total U.S. population while the map on the right represents the proportion of the Latino foreign-born noncitizen population, also as a percentage of the total population. States with darker shades of green represent the highest percentages of the selected Latino population while the lightest shades of green represent the lowest

percent of the selected measure. Figure 1a indicates that the U.S. citizen Latino population is generally located in the states where an in-state resident tuition policy is present, with the exceptions of Arizona and Florida. That is, in regard to sheer numbers of Latinos, almost all the Traditional migration settlement states have implemented an in-state resident tuition policy signaling increased opportunity for undocumented students, a majority of whom settle in these locations. Colorado, Massachusetts, Nevada and New Jersey are the states with the next largest share of Latinos that do not have a tuition policy (second category of states). However, a number of states in the next significant share of Latino state composition (the third category of states) do have a tuition policy. These include Illinois, Kansas, Utah and Washington.

Figure 1b represents a different picture of access to in-state resident tuition legislation for the Latino foreign-born noncitizen population as a percentage of the total U.S. population. States with the highest percentage of Latinos likely to be undocumented are those located in the southeastern United States, none of which have adopted an in-state resident tuition policy. The category of states with the second highest percent of this population (those likely to be undocumented), does include a number of states with a state “dream” act, which include Illinois, Nebraska, Oklahoma, Utah, and Washington. The most notable trend, however, is the expansion of the undocumented Latino population in the South where instead of activity to adopt an in-state resident tuition policy, there has been legislative activity in the exact opposite direction to ban undocumented students from even enrolling in postsecondary institutions independent of whether they can afford the required tuition, as in Mississippi, North Carolina, Virginia and most recently Tennessee (Redden, 2007).

*Logistic Regression Analysis*

Table 3 presents results measuring the impact of the in-state resident tuition policies on the college enrollment of Latino foreign-born noncitizens by destination region comprised of 1) Traditional migration states, 2) New Non-Southern migration states, and 3) Southern states. The table shows the estimated odds ratios of enrolling in college and associated robust standard errors for Latino foreign-born noncitizens (FBNCs) who have completed a high school diploma or GED. The data indicate that Latino foreign-born students living in “dream” act states in the Traditional migration regions are 1.69 times more likely to enroll in college than similar students in other states that comprise part of that region. That is, even within the Traditional migration settlement regions where educational and other social services related to immigrant incorporation have had a longer time to develop, states with a tuition policy in this region are 69 percent more likely to enroll students likely to be undocumented in college. This indicates that states such as California, Illinois, New York and Texas are successfully increasing the college enrollment rates of individuals likely to be undocumented (Column 1). Column 2 examines states that comprise a more recent migration settlement region labeled here as “New Non-Southern.” Within this region alone, four states have adopted an in-state resident tuition policy (Kansas, Oklahoma, Utah and Washington). Does the adoption of a state policy then predict a significant increase in college enrollment of Latino foreign-born noncitizens in comparison to similar states without a tuition policy in this particular region? The data in Column 2 indicate that there is no effect on college enrollment for individuals residing in this region of the U.S. One important note is that the sample for this region is comparatively smaller than the population in the larger

Traditional migration settlement states. Although we control for a number of factors, including state and time indicators, the data suggest that college enrollment of undocumented students nationwide may be driven by a particular region of the country with a particular immigration history and settlement period in the U.S as of now. The “New Non-Southern” states appear to be at a relative time and infrastructure disadvantage due to time and resources in relation to new immigrant populations. Finally, Column 3 shows that, unsurprisingly, when compared to the Southern states, students in the Traditional migration states are significantly more likely (1.79 times) to enroll in college after the adoption of an in-state resident tuition policy than similar students living in the Southern states without a tuition policy. The odds ratios for the results in Columns 1 and 3 are all significant at the  $p < 0.01$  level.

## Discussion

### *Latino access to college by citizenship status: Is the DREAM Act sufficient?*

Previous research and the data presented in this analysis indicate that the state “dream” acts are successful in increasing the college enrollment rates of Latino students likely to be undocumented with greater success in some regions of the country than others. As a proportion of the population, we see that Latinos and most immigrants reside in the states where these tuition policies are available. However, the dispersion of the Latino immigrant (primarily undocumented) population into new settlement regions where there are no state “dream” acts poses new challenges to higher education and political systems that are not familiar with their presence or where they have little to no

representation at the legislative or institutional level. These are but a few of the challenges looming ahead across the U.S.

The larger context of Latino access to higher education, even those with U.S. citizenship, however, is no less bleak given the privilege of citizenship. Table 4 provides a one-year snapshot of estimates of the number of U.S. high school students who graduated in 2005 by citizenship status. The “dream” act-eligible students should be a substantial proportion of the 124,072 foreign-born noncitizens who graduated from high school. Note that 18 percent of all Latino high school graduates presented in this table are foreign-born noncitizens and less than 5 percent of all high school graduates are foreign-born noncitizens. “Dream” acts apply to a small portion of Latino and total high school graduates. In regard to college enrollment, Table 5 shows the rate or percentage of all high school graduates ages 18-24 who were enrolled in college in 2005. Note that the percentage of foreign-born noncitizen Latinos enrolled in college, 59 percent, is higher than that for U.S. born Latinos, 50 percent. These estimated rates must be used with a large caveat. We cannot distinguish the documented immigrants in this group from the undocumented. It is very likely that they would have very different rates of college enrollment. However, it does seem safe to say that if passed nationwide, the DREAM Act would help a small proportion of Latinos high school graduates – a group that is participating in higher education at a much lower rate than all high school graduates.

### Conclusion

A contemporary review of particular facets of U.S. immigration policy yields inconsistent and inconclusive application in relation to labor and educational opportunity

of undocumented immigrant students, a number of which entered the country illegally without their consent (Olivas, 2004). The introduction of the state “dream” acts have created a form of educational opportunity for students who might not otherwise afford college. However, the opportunity is limited to school attendance and not utilization of a postsecondary degree in the work force until a federal version of a DREAM Act is passed in Congress. In the interim, efforts to overturn some the 10 state “dream” acts have continued with additional laws, either by legislative action or voter referenda, proposed to counteract any postsecondary assistance and even admission to undocumented high school graduates. The bipolar nature of immigration policy thus continues to exist between federal and state jurisdictions as well as across state levels. The evidence shows that immigrant students, when given the opportunity, are likely to take advantage of policies that work to improve their human capital potential. The nation must now decide whether it will appropriately capitalize and build on these valuable and effective investments or waste them. In the interim, this is ultimately one of a number of multi-dimensional sets of policies that need to be put in place in order to truly bring the participation of all Latinos and Latinas in higher education up to parity with the total population.

## Appendix

To answer whether students located in states with a tuition policy in a particular settlement region experienced increased college participation compared to similar students living in states without a tuition policy, we estimated the following model separately for each of the three settlement regions identified – Traditional, New Non-Southern, and Southern destinations<sup>3</sup>:

$$\begin{aligned} \text{LOGISTIC (INCOLL} = 1) &= \beta_0 + \beta_1 \text{DIMMIGTUITION} + \beta_2 \text{FBNC} + \\ & \beta_3 (\text{DIMMIGTUITION} * \text{FBNC}) + \beta_4 \text{STATEDUMMIES} + \\ & \beta_5 \text{YEARDUMMIES} + \beta_6 (\text{STATEDUMMIES} * \text{FBNC}) + \\ & \beta_7 (\text{YEARDUMMIES} * \text{FBNC}) + \beta_8 X + \varepsilon \end{aligned}$$

## (1) Traditional Settlement Destinations

Treatment States : CA, NM, TX, NY, IL

Control States: AZ, NV, CO, FL, MA, and NJ

Sample: Latino high school graduates

## (2) New Non-Southern Settlement Destinations

Treatment States : UT, KS, WA, OK

Control States: ID, OR, NE, IN, MN.<sup>4</sup>

Sample: Latino high school graduates

## (3) Southern v. Traditional Settlement Destinations

Treatment States: CA, NM, TX, NY, IL

Control States: AR, TN, VA, NC, SC, GA, AL, MS, GA, KY

Sample: Latino high school graduates

where INCOLL is a binary variable and a measure of 18- to 24-year-old Latino FBNCs who are enrolled in college as of the week prior to being surveyed. DIMMIGTUITION is a binary variable equal to 1 in states, months, and years with an in-state tuition policy for undocumented immigrants. This variable captures the policy interventions in each state by destination region described above by month and year of the policy enactment date, and also includes year of entry restriction for each state's residency requirement. FBNC is a binary variable set to 1 if a Latino student is classified as a foreign-born noncitizen in the survey data.

$\beta_3$  represents the coefficient of interest and is the interaction term of DIMMIGTUITION and FBNC. If  $\beta_3$  is non-zero, positive, and statistically significant, we can reject the null hypothesis that the tuition policy has no effect, suggesting that states in a particular destination group with a tuition policy have a positive effect on the college-enrollment rates of FBNC Latino students compared to similar states in that destination group without a tuition policy. Coefficients  $\beta_4$ - $\beta_7$  are dummy variables accounting for all states and years in each destination group (Traditional, New Non-Southern, Southern) and act as state and year fixed effects and selected interactions. State fixed effects are included to account for intrastate variation and control for the average differences in any observable or unobservable predictors not explained by other covariates, such as state unemployment rate and year-specific trends in the outcome. Year fixed effects are included to control for general trends over time in the outcome variable

for all states in the sample. As immigration trends vary by state and year, we also include an interaction term between state and year fixed effects with foreign-born non-citizens (as seen in  $B_6$  and  $B_7$ ).

$X$ , captures the effect of relevant demographic characteristics available in the CPS correlated with educational attainment, as well as local economic conditions that may affect an individual's schooling decisions (age, gender, living in a metropolitan area, and state unemployment rate). Unemployment rate, for example, is included to account for state-specific economic shocks in the various state labor markets for each of the destination groups.

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<sup>1</sup> Because the MORG dataset has multiple observations for most individuals over time, we calculate robust standard errors to account for clustering of observations at the individual level (within person) and so that standard error estimates reflect the structure of the data.

<sup>2</sup> Nebraska is not included as a treatment state as the data extends only until 2005.

Nebraska passed an in-state resident tuition policy in 2006.

<sup>3</sup> Subscripts are suppressed.

<sup>4</sup> Nebraska is not included as a treatment state as the data extends only until 2005.

Nebraska passed an in-state resident tuition policy in 2006.