

## **Fighting for the Dream and Against the Discrimination:**

*The Injustice of Unequal Access to Education for U.S.  
Immigrants in Conversation with the DREAMers Movement and  
Personal Experience*  
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**T**he presence of the inequality in educational access and opportunity, the oppression of people based on immigrant status, and the innate racialization behind this oppression and inequality in our nation was made very real to me as I observed the news unfolding the recent summer 2014 child refugee crisis at the United States-Mexico border. This news affected me at a personal level, because my family has had its own difficulties with the United States' immigration legislation and naturalization standards. Five months after my birth, my parents emigrated from South Korea on my father's student visa. When the student visa expired during my sophomore year of high school, after fifteen years of living in America, I became an "illegal immigrant." My parents and I had to go "below the radar" in fear of deportation, which resulted in our removal from health insurance and from salary pay/taxed wages. Fortunately, my access to education remained intact, but I later realized that this fortunate circumstance was not to be taken for granted.

### **Introduction**

U.S. immigration reform in the past couple of decades has shown some development in the area of education in that illegal immigrant youth currently have legal access to primary and secondary public education. Still, the discourse circulating American immigration status and access to education is far from finished. If my undocumented status had persisted by the time I had completed my secondary education, there would have been greater hardship for me to obtain access to higher education. Thus, seeing the recent events involving illegal immigrants in the U.S. made me consider how my life and story would be different if I had fallen victim to the injustice surrounding limited educational access based on citizenship and immigration status. It also led me to consider and reflect upon the discrepancies in societal and institutional levels of power and race, especially in regard to the bigger question of whether or not education is a human right or a civil right. I contemplated on these concepts in relation to the Obama Administration's actions pertaining to immigration reform, but more specifically in relation to the DREAMers movement.

## **Plyler v. Doe**

What ensured that my access to secondary education was left unscathed was the Supreme Court's ruling in *Plyler v. Doe* in 1982. In this ruling, the Supreme Court determined that states could not constitutionally deny students free public elementary and secondary education due to their immigrant status. The decision happened in response to a 1975 Texas legislation authorizing local districts to reject foreign-born children not "legally admitted" to the United States from public school enrollment (American Immigration Council, 2012, June 15). Given that the U.S. Constitution does not directly state that education is an unalienable right and that self-governance for education is given to the states, the Texas legislature certainly had the autonomy to install this policy. However, when the Supreme Court reviewed the case after a group of students from Mexico replied to the policy with a class action lawsuit, the policy was deemed unconstitutional based on the Equal Protection Clause of the Fourteenth Amendment. The American Immigration Council (2012, June 15) quotes the Supreme Court:

By denying these children a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation.

However, in saying this, the Court seemingly indicates only a "basic" education and does not offer an explicit provision regarding higher education. Additionally, while *Plyler v. Doe* has made access to education a civil right somewhat, it cannot truly ensure protection against racist and/or anti-immigrant sentiment that threaten human rights. Even after the *Plyler v. Doe* decision, states have enacted policies not overtly opposing the Court's ruling, but still discriminatory towards immigrants and non-citizens. This is where the DREAM Act comes in.

## **The Dream Act and DACA**

The Development, Relief, and Education for Alien Minors Act, or "DREAM Act," is a proposal first introduced in the Senate in 2001. Thirteen years later in 2014, the bill has yet to become law. The bill would provide a way for undocumented high school graduates to obtain legal status so that they may continue into post-secondary education and even further into the legal workforce (American Immigration Council, 2010). The six-year conditional permanent resident status would be granted based on the requirements that the student had entered the country with their parents when younger than sixteen, lived in the States for a minimum of a consecutive five years, and complete at least two years in a bachelor's degree program or in the uniformed services (Miranda, 2010). In other words, the passing of the DREAM Act would cover what *Plyler*

*n. Doe* does not: enabling immigrant youth to have access to higher education and lawful employment in the United States as well as opportunity to full citizenship. With their individual autonomy over education policy, a number of states have passed their own versions of the DREAM Act, but there is yet to be an all-encompassing, nationally-enforced federal version. Even so, the Obama administration made waves in immigration reform by adapting some of the provisions and promises of the original DREAM Act in the passing of Deferred Action for Childhood Arrivals, or “DACA,” policy in 2012. DACA temporarily alleviates undocumented child refugees from the possibility of deportation under certain

eligibility requirements—many of which overlap with those of the DREAM Act (American Immigration Council, 2012, Aug. 17). Additionally, the Obama administration re-emphasized this alleviation and reminded the states of the ruling of

*Plyler v. Doe* when specifically addressing the U.S.-Mexico child refugee crisis in summer 2014: the Department of Education released a fact sheet on August 11, 2014

outlining how “all children in the United States are entitled to equal access to a public elementary and secondary education, regardless of their parents’ actual or perceived national origin, citizenship, or immigration status” (U.S. Department of Education, 2014). This alleviation, although temporary, gives room for immigrant children and youth of the 1.5 generation to have the promises of the DREAM Act available to them. But many of these youth continue to fight for the *whole* DREAM Act today, dubbed the “DREAMers.”

### Undocumented Students' Access to Higher Education

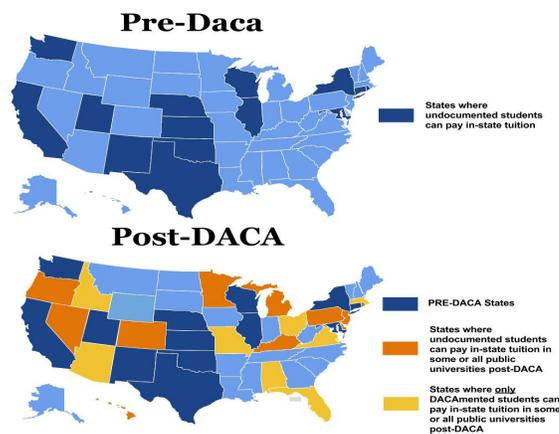


Fig. 1: “Deferred Action for Childhood Arrivals,” or DACA, has provided some alleviation for undocumented students to apply and enroll in institutions of higher education, but only in certain states. The passing of the DREAM Act in its entirety would allow this alleviation to become national.

## **Who are the DREAMers?**

As the DREAM Act has come up to vote within the Senate several times since its first introduction, the DREAMers movement has evolved. While remaining constant in retaining their desire for the bill to become law, the DREAMers—the majority of whom are “DACA-mented” students aspiring to post-secondary education (American Immigration Council, 2012, Aug. 17)—have further grown into a voice for all American immigrants, legal or illegal, first or second generation. Their cause has seemingly developed into one larger than a fight for their civil rights as American residents and citizens-by-nurture; they have evolved into a social movement for equal access to education as a human right. Senator Tom Hayden (2013) likened the DREAMers to the Freedom Riders of the sixties who fought against Jim Crow at the risk of racial violence until the Kennedy party gave heed to their cause; the DREAMers are also young people who are playing roles as activists for social and political change. The DREAMers movement has evolved over the decade to become one where the youth are also lobbying on behalf of their undocumented immigrant parents and grandparents who have not been given the same promises of the DREAM Act or DACA (Diaz, 2014). Additionally, the DREAMers movement has also begun to fight for the recognition of human rights and access to provisions available to U.S. citizens such as Obamacare (Dinan, 2014). All in all, the DREAMers have taken on goals for immigration reform and justice, not just education reform and equality.

## **Opposition, Controversy, and Racialization**

As the cause of the DREAMers adapts and adopts these goals, so do the parties opposing them. As aforementioned, a number of states have passed their own versions of the DREAM Act, yet still others have either not taken any action or have instilled policies, regarding education or not, teeming with subversive anti-immigrant sentiment. For example, Arizona and Alabama have passed immigration laws “that require police to check the immigration status of anyone they suspected to be in the country illegally,” which could affect the levels of immigrant student absenteeism and enrollment for fear of being exposed of their undocumented status (Fox, 2014). Direct opposition to the DREAM Act is based on the belief that giving illegal immigrant children access to American public education would take tax money out of citizens’ pockets to pay for those who are not legalized to pay them and “cheat native-born students out of opportunities” (American Immigration Council, 2010, Nov. 23). The immigration debate in the United States has always pitted immigrants against native-born citizens, which over-generalizes the distinctions between “illegal immigrant” and

“immigrant” in general. Why are only “native-born” American citizens implied to be “true” citizens? What about legal immigrants? What about immigrants who have undergone the naturalization process to become U.S. citizens? This sentiment and unjust “lumping” show that there is no factual basis upon which opposing groups fight against positive immigration reform. Rather, this basis and other policies labeled as “enhanced immigration/border control” can be seen as subversively racist, perpetuating the injustice resulting from the construction of race in the United States. In response to how the DREAMers

movement has evolved since its establishment, CNN columnist Ruben Navarette, Jr. (2012) goes so far as to call the DREAMers “spoiled brats” who are not “realistic or respectful...[because] they don’t ask. They demand” more from Congress than they deserve as illegal immigrants. These responses that seem more racist than reasonable indicate the

“possessive investment in whiteness” still present in the United States as “the residue of conquest and colonialism, of slavery and segregation, of immigrant exclusion and ‘Indian’ extermination” (Lipsitz, 1998). While those who are privileged with the phenotypic stereotype of what an American citizen “truly” looks like (i.e. Caucasian, white) such as Navarette, Jr. blame the DREAMers for feeling wrongly entitled, this in turn shows that this oppressive and dominant racial group feels a sort of incorrect entitlement as American-born citizens also.

## Conclusion

I stand by my view in support of the DREAMers movement and overall inclusive immigrant education reform, because I see the DREAMers fighting for more than educational and civil rights. The DREAMers have adapted their movement to fight for their rights as humans residing in a nation they cherish above the countries from which they emigrated. I personally believe that access to education is a human right and thus should be available regardless of one’s status of citizenship in a country. Furthermore, I stand by my view, because I see the racial injustice that the opposition perpetuates when it comes to overall immigration reform; thus, to fight for what the DREAMers represent is also to fight against the ignorance and the discrimination that is present in the society and culture of the United States. It is incredulous to imagine living in a state that authorizes the police to check for documentation on a person who “may appear” to be an illegal immigrant. During my one-year experience as an

undocumented alien, my parents lived “off-the-radar” and worked “under-the-table,” in fear of having our status exposed to government authorities somehow. To realize that there are children and youth who live with this fear for more than just a year drives me to desire a *liberatory consciousness* for where all members of the U.S. society who currently “play a role in keeping a ‘dis-equal’ system in place” (Love, 2000) can learn to move towards an equal and equitable one.

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- Fig. 1:* Valverde, Diana Anahi Torres. (2014). Undocumented Students' Access to Higher Education. Retrieved February 16, 2015 from <http://fpif.org/precarious-new-normal-young-undocumented/>.

## About the Author

Ainee Jeong is a junior in the College of Arts and Sciences at Emory University. She is studying English with a concentration in 20th-21st Century Multicultural American Literature and has completed a minor in Educational Studies. This "research + reflection" essay was originally written for an "Education and Cultural Diversity" course, where issues of diversity and social justice were discussed in the context of American education. As a member of the 1.5 South Korean immigrant generation, Ainee and her family have personally encountered immigration issues in the United States. While she was fortunate enough to become "documented" and "legal" by the time she graduated high school, she realizes that it is not so for many of her peers. She strives to learn and understand more about this modern face of civil rights in conjunction with her passion for education.

