

# The Next America

HOW DEMOGRAPHY SHAPES THE NATIONAL AGENDA



Robert C. Smith: "Is it fair to sentence these undocumented youth to life at hard labor -- for breaking immigration laws by coming to the U.S. as babies with their parents?" (AP Photo/Jim Mone)

By Robert Courtney Smith

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America and Congress now face a stark choice on immigration: whether to continue the tragic “natural experiment” with a generation of children of immigrants, or to embark on a more inclusionary project that reflects American values.

For the last 25 years, America has made it increasingly difficult for undocumented immigrants to legalize, swelling their numbers to 11 million, including more than 2 million children. These harsh policies presumed that making life harder for them would make immigrants go home and thus avoid creating an “underclass” some analysts feared. The opposite result could be emerging, but can be avoided by passing comprehensive immigration reform now under consideration by Congress.

In the social sciences, a “natural experiment” occurs when similar populations are treated differently—here, by policy—creating de-facto “experimental” and “control” groups. Our immigration policies perform such a tragic natural experiment by educating all of America’s children in public schools, but then excluding some (the undocumented) from major American institutions, especially the labor market.

Ironically, this natural experiment was partly created by the Supreme Court’s wise 1982 ruling in *Plyler v. Doe*, which gave undocumented children access to public education through high school. The problem is that *Plyler* got the moral argument partly right, but could not go further. The Court argued that the federal government had a compelling interest in preventing the formation of a “permanent underclass” of people, who are shut out of the educational system and other major institutions of American life across generations.

In a ruling consistent with American values, the Court sought both not to penalize these children for their parents’ actions in crossing the border, and to give them a fair chance in life. The problem is that *Plyler* only guarantees that students can *prepare* themselves by getting an education to be able to succeed in the United States—the country where they grew up. But to be able to tap into that hard work and convert their education into a payoff that will generate tax revenues can only occur by being ably employed—but they are barred to work by law and denied the ability to support themselves and their families. This is why Congress must intervene.

Undocumented youth now live in a cruel Cinderella story: Federal law protects their right to an education, but declares them criminals—or “illegals”—as soon as they graduate and attempt to enter the workforce.

The situation is made more complex by varying state policies. Ten states have policies allowing undocumented students to attend college and pay in-state tuition, while other states have proclaimed their attendance at universities and colleges illegal.

North Carolina passed a particularly cruel law by forbidding undocumented youth from attending community colleges, where they are most likely to matriculate. South Carolina entirely forbids college attendance by undocumented persons. This is where the immigration experiment is even harsher: Let's see what happens if we deny you the chance to even get an education. Comprehensive immigration reform would resolve this problem, too.

America now has an opportunity to fix undocumented immigrant problems by passing comprehensive immigration reform, which would include a direct path to citizenship for the so-called Dreamers and a longer road for their parents that will include tougher enforcement measures and fines. President Obama and a bipartisan coalition support this approach. Critics argue these reforms will undermine U.S. rule of law and will promote the growth of an underclass. But research for my forthcoming book, *Horatio Alger Lives in Brooklyn, But Check His Papers*, shows that without such reforms, America's immigration policies and laws are actually *blocking* opportunities for these youth, derailing their educational plans and increasing the likelihood they will become progressively more poor.

For 15 years, I have ethnographically studied the social, economic, and educational progress of children of Mexican immigrants in New York—following them as they grew up from adolescence into early adulthood. My study includes U.S. citizens and documented and undocumented immigrants. The good news is that most of the U.S.-born youth or legal-resident youth are doing well enough, and assimilating: They speak mainly English and believe America is a land of opportunity if you work hard and apply yourself. Most of them graduate from high school and more than half attend college. Crucially, those who had been undocumented but have changed their status before high school did as well, or better than, their U.S.-born peers.

Undocumented youth have thus far fared the worst, but not for lack of effort. My research reflects that these youth, especially those arriving as young children, do as well as their U.S.-born peers until halfway through high school, or when they begin to see legal status will hinder their future. At this point, many drop out to work off the books in the immigrant economy. "Why," they ask me, "should I sacrifice income my family needs now to go to school when I will work in the same job anyway?" It is a hard question to answer.

A minority of Dreamers pursue college. One young person I know is pursuing a master's degree while working full-time in a deli where he has worked since age 14. He also runs an after-school program for immigrant youth, sleeping only two to three hours per night. Others work with similar dedication for their communities and religious institutions.

Can America really afford to waste this kind of talent, effort, and idealism among youth *it* has raised? Perhaps the most poignant aspect of my research has been the unshakeable faith that these Dreamers have in America. Many believe and assured me that America is a fair country, and it will fix these issues.

In answering critics who claim comprehensive immigration reform would undermine the rule of law, I am reminded of Chief Justice Earl Warren's habit of asking when deciding a big case: "Is it fair?"

Hence, I ask: Is it fair to sentence these undocumented youth to life at hard labor—for breaking immigration laws by coming to the U.S. as babies with their parents? Does the U.S. punish the children of criminals for their parents' wrongs? Does it punish people for life for infractions that are neither violent nor egregious?

I think that America is better than this. We can fix this upside-down moral universe by passing comprehensive immigration reform.

These U.S.-raised children who benefit from this reform will contribute more to the U.S. as a result of legalization. Over their working lifetimes, they will contribute hundreds of thousands of dollars in income taxes. They will raise children in houses with higher parental and income levels and where the parents can point to the legalization program as proof that America is a land of opportunity.

America will be better for giving all these people a fighting chance to contribute as future teachers, community leaders, and professionals. The America that I believe in, and these idealistic youth believe in, would pass comprehensive immigration reform.

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*CORRECTION: An earlier version of this report incorrectly stated a statistic for who graduates from high school and attends college. Most U.S.-natives or legal residents do.*