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**Undocumented Students and Access to Higher Education:
A Comparative Study by Selected States**

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**Undocumented Students and Access to Higher Education:
A Comparative Study by Selected States**

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Dedication

Con mucho cariño para mis queridos padres por haber inculcado en mi la importancia de la educación. To my wonderful husband, Juan Carlos, who has walked alongside of me through this journey and whose faith in me has inspired me to never give up. And also with lots of love to the miracle of life that will soon call me “Mommy”.

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Abstract

Undocumented Students and Access to Higher Education: A Comparative Study by Selected States

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It is estimated that approximately 65,000 undocumented students graduate from U.S. high schools every year across the United States. However, only five to ten percent of these students go on to college (NCSL, 2011). Under U.S. law, undocumented students who wish to pursue a higher education are not eligible to receive financial aid and are treated as international students who must pay out-of-state tuition rates even if they have lived in the U.S. for most of their lives. Since federal legislation to help undocumented students enroll in colleges and universities has not passed to date, some states have taken the matter into their own hands and enacted a state version of the DREAM Act making undocumented students eligible to receive in-state tuition benefits and thus making college more affordable and feasible. Other states however have enacted opposing legislation creating financial obstacles for undocumented students to attend public colleges or universities or even prohibiting them from enrolling or attending these postsecondary institutions. The present study aims at examining states with current

statutes or regulations either for or against in-state tuition benefits. Demographic data from 2000 and 2010 of the Latino populations in selected states are used to examine for associations between Latino population growth and the condition of population anxiety (Bobo & Hutchings, 1996; Semyonov et al., 2004; Fossett & Kiecolt, 1989; Esses et al., 2001) that might lead states to anti-immigrant legislation. The analysis indicates that states that have passed legislation to restrict undocumented students from public universities tend to have higher levels of recent Latino population growth compared with states that permit undocumented students to enroll in public universities and colleges. In addition, other factors, such as Latino historical presence and advocacy coalitions, are also assessed for their significance in impacting state legislation affecting the ability of undocumented students to attend public universities.

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Research Focus

Undocumented students are graduating from U.S. high schools only to discover that their college dreams may not be fulfilled due to draconian immigration laws that prohibit them from either enrolling or attending postsecondary institutions or by denying them in-state tuition rates. It is estimated that almost 65,000 undocumented students graduate each year in the United States and of these approximately only five percent go on to college (NCSL, 2011). The 1982 *Plyler v. Doe* Supreme Court decision established that undocumented children are entitled to a free and public K-12 education in the U.S. (Olivas, 2012). Postsecondary education is not included in this ruling. As the children of the *Plyler v. Doe* generation gradually graduate from high school, they are finding themselves in quite a conundrum. Without the proper documentation, these students face many challenges in their pursuit of higher education. Not only do they encounter financial obstacles but depending in which state they reside in, some are not even eligible to apply to colleges or universities. For these students the road after high school seems like a dead end to their educational aspirations.

Without the proper state and federal legislative support, the future of undocumented students seems dim. It is therefore not uncommon for undocumented students to become disillusioned and lose motivation in their studies once they discover their immigration status and learn about their upcoming challenges (Perez, W., Espinoza, R., Ramos, K., Coronado, H. M., & Cortes, R., 2009; Abrego, 2006). Some may even decide to drop out of school knowing very well that they may not be able to go on to college or even worse enter the work field once having graduated (Keaton et al., 2008). Nonetheless, there are many undocumented students who regardless of their immigration status are determined to fight for their right to pursue a higher education and obtain permission to rightfully work in the United States, the only place they know

as home. The road has not been easy for these students who together with avid supporters have mobilized throughout the nation in the last decade in search of legislative support for their cause - the Development, Relief, and Education for Alien Minors Act or better known as the DREAM Act.

In 2001 the bipartisan legislation known as the Development, Relief, and Education for Alien Minors (DREAM) Act was first introduced in Congress and gave hope to many undocumented students who saw this legislation as their ticket to success. The DREAM Act, which was introduced in the U.S. Senate by Senator Orin Hatch (UT) as S. 1291, was intended to allow states to provide in-state tuition benefits to undocumented students and to enable them to adjust their immigration status (Rincon, 2008). In the House, Representatives Howard Berman (CA), Chris Cannon (UT), and Lucille Royball-Allard (CA) introduced their version of the DREAM Act, the Student Adjustment Act (HR 1918). Needless to say, the 2001 efforts in Congress were in vain. Since then, Congress has failed to pass the DREAM Act amidst numerous attempts throughout the years (Rincon, 2008).

Passage of this legislation would essentially clarify to the states their ability to provide in-state tuition benefits to undocumented students who were brought over to the United States by their parents at a young age and who meet certain criteria (Janosik, S.M., & Johnson, A. T., 2007). In essence, the DREAM Act would benefit undocumented students who desire to contribute to society through their education and commitment. Aside from allowing states to provide in-state tuition benefits to undocumented students, the DREAM Act would also provide temporary residency for

those students enrolled in college or in the military. In addition, the DREAM Act would serve as a pathway for undocumented students to obtain permanent residency if they pursue two or four year degrees (NCSL, 2011).

STATE REACTIONS

Since Congress has refused to pass the DREAM Act, several state legislatures have taken matters into their own hands in order to provide undocumented students with an opportunity to pursue a higher education at a lower cost by allowing them to qualify for in-state tuition rates. Federal statute (Sec 1621 and 1623) indicates that states can change their residency policy by passing a law to change its existent policy. However, it does not require that the change in residency be done by statute if this is not how the state determines residency (Olivas, 2012). As of 2011, there are 14 states that have enacted either statutes, polices, or regulations in favor of allowing undocumented college students to receive in-state tuition rates by establishing residency. One state though, Wisconsin, has since repealed its legislation.

Of this list, to date, only California, New Mexico, and Texas provide undocumented students with an opportunity to receive state financial aid. This has been a tremendous help to many undocumented students who otherwise would not be able to afford a college education since under federal law it is prohibited for an undocumented student to receive any type of federal financial assistance (NCSL, 2011).

On the other hand, there are eight states that have enacted either laws or policies that prohibit undocumented students from pursuing a higher education or place financial obstacles in their path. These states prohibit undocumented students from being eligible

to receive in-state tuition benefits. Two of them, Alabama and South Carolina go beyond this and prohibit undocumented students from enrolling or attending public postsecondary institutions. The following tables list the states and policies that have been enacted.

Table 1.1 In-State tuition policies

Enacted	State	Statue
2001	Texas	<i>H.B. 1403; S.B. 1528 (2005) Amends Sec. 54.052 of TEC</i>
2001	California	<i>A.B. 540</i>
2002	Utah	<i>H.B. 144</i>
2002	New York	<i>S.B. 7784</i>
2003	Washington	<i>H.B. 1079</i>
2003	Oklahoma	<i>S.B. 596; financial assistance provisions rescinded by H.B. 1804 (2007)</i>
2003	Illinois	<i>H.B. 60</i>
2004	Kansas	<i>H.B. 2145</i>
2005	New Mexico	<i>S.B. 582</i>
2006	Nebraska	<i>L.B. 239</i>
2009	Wisconsin	<i>Assembly Bill 75, Repealed by A.B. 40 (2011)</i>
2011	Maryland	<i>S.B. 167</i>
2011	Connecticut	<i>H.B. 6390</i>
2011	Rhode Island	<i>S.5.0, R.I. Board of Governors for Higher Education</i>

Source: Olivas, 2012

Table 1.2 State laws/regulations prohibiting In-State tuition for undocumented students

Enacted	State	Statute/Regulation
2006	Arizona	<i>Proposition 300</i>
2006	Colorado	<i>H.B. 06S-1023</i>
2008	Georgia	<i>S.B. 492</i>
2008	South Carolina	<i>H.B. 4400</i>
2011	Indiana	<i>H.B. 1402</i>
2011	Ohio	<i>H.B. 153</i>
2011	Alabama	<i>H.B. 56</i>
2009	North Carolina	<i>Board of Governors</i>

Source: Olivas, 2012

The adoption of state laws which provide in-state tuition rates to undocumented students in the United States have come as no surprise in some states while causing bewilderment in others. The implementation of state DREAM act type legislation in states traditionally known as common migrant settlement destinations such as California, Texas, and Illinois was not a major surprise given the historical Latino incorporation in these regions (Flores & Chapa, 2009). As of 2009, the top five traditional receiving states with the largest number of Mexican immigrants were California, Texas, New Mexico, Illinois, and Arizona (Migration Policy Institute, 2011). The first four being part of the 13 states that currently have laws or policies allowing undocumented students to receive in-state tuition rates. Arizona though is the only one of the top five traditional

receiving states that although part of this commonly known settlement destination region of the southwest did not follow the same path. On the contrary, this state enacted legislation to ban in-state tuition rates for undocumented students. Equally intriguing is the fact that some states have enacted DREAM act style legislation but do not seem to share the same historical Latino context as the traditional receiving states such as Kansas, Nebraska and Utah (Flores & Chapa, 2009).

Because the 13 states that currently have laws or policies that allow undocumented students to receive in-state tuition rates if they meet certain criteria seem to have disparate characteristics, it becomes somewhat of a challenge to predict which states are most likely to enact similar or opposing legislation (Flores & Chapa, 2009). In order to fully understand the dynamics that lead individual states to embrace state DREAM act type legislation, it is necessary to study the Latino demographics of each state as well as their historical presence. Of equal importance is the new incorporation of Latinos in nontraditional regions. These contemporary trends in migration patterns might help explain why certain states either adopt or reject such laws. The diffusion of Latino immigrants into new destinations is creating Latino enclaves in places such as Washington (Migration Policy Institute, 2011), one of the 13 states with an in-state tuition policy.

RESEARCH QUESTIONS

The focus of this study is to present a comparative analysis on the states that have either enacted or opposed DREAM Act style legislation based on several factors and determine if there are any common trends that they may share. The common trends

would be useful in evaluating which states would be most likely to follow in the same direction as those being analyzed, either towards enacting DREAM Act style legislations or not. The following questions guide this research:

1. What association does the percent growth of the Latino population have in terms of either enacting pro or anti- immigrant legislation?
2. What association does the percent growth of the unauthorized population have in terms of enacting either pro or anti-immigrant legislation?
3. What association does the percent growth of the foreign born population have in terms of enacting either pro or anti-immigrant legislation?
4. What role does the historical presence of Latinos in the states, their political power, and advocacy coalitions play in the states enacting either pro or anti-immigrant legislation?

HYPOTHESIS

These questions will lead the research and help provide meaningful insights in the study of undocumented students and access to higher education. By exploring these questions, my goal is to find support for my hypothesis regarding what I term *population anxiety*. This concept is derived from the works of scholars such as Bobo and Hutchings (1996), Semyonov et al. (2004), Fossett and Kiecolt (1989), and Esses et al. (2001) who present the notion that a population threat or perceived group competition is pivotal to the formation of anti-immigrant sentiment. Scholars have posited that population threat arises when the dominant racial group in society feels threatened by a growing minority

population. My hypothesis therefore is that Latino population growth in general is producing fear among the dominant racial group in the United States leading to anti-immigrant legislation. It is my goal to investigate if *population anxiety* is associated with Latino growth in selected states and to assess the effects of advocacy coalitions.

Methods

For the purposes of comparing and contrasting the various state populations, this study will look closely at demographic data gathered from the Census, the Pew Hispanic Center, and the Migration Policy Institute. The data consists of demographic trends from 1990, 2000, and 2010. In particular this study looks at the Latino population growth, the unauthorized population growth, and the foreign born population growth versus the non-Hispanic White population growth. Because this study focuses on the states that have either enacted legislation or policies for or against in-state tuition, a closer look will be paid to those states. (See Tables 1.1 and 1.2 for a complete list of the states). With the demographic data gathered, the average mean for each category was formulated in order to determine if there was any significant growth in the populations that support the theory in question. In addition, because DREAM Act style legislation particularly impacts the college age and younger population, this study also looks at Latino college enrollment rates.

The demographic data was first gathered using the U.S. Census website. I was able to create tables for each of the states using the AmericanFact Finder feature. The same categories were gathered for each state. In particular, I was interested in data pertaining to the population growth of Latinos and non-Hispanic Whites. Under each state it was necessary to gather data on the foreign born, unauthorized population, and age brackets of the population in order to compare the figures. Once these figures were compiled, I compared my figures to those on reports from the Pew Hispanic Center and Migration Policy Institute for more accuracy.

Since this study also consists in determining whether states that have enacted laws or policies for or against in-state tuition rates share any common trends that can be applied to a predictability model for determining the outcome of future state legislations, case studies will be used in the comparison analysis. In order to further understand the Latino population growth in certain states in the U.S., this study looks at four case studies. The case studies consist of two traditional receiving states which currently have in-state tuition laws in effect: Texas and California and 2 states that have opposing legislation: Arizona and Alabama. These case studies look at (a). historical presence of Latinos in selected states, (b). amassed Latino political power, and (c). advocacy in terms of activism and organization of political process. The data was gathered through academic books, interviews conducted by the author, journal and newspaper articles, and public policy reports. Using the data from these case studies along with the demographic trends discussed above, the goal is to be able to determine the future outcomes of state legislations pertaining to undocumented students and access to higher education.

In an effort to compliment the data gathered and analyzed, this study also presents inserts of interviews conducted with activists, policy analysts, and state legislators from Texas, California, and Arizona. These interviews provide first hand testimonies of the DREAM Act political movement and the impact that this movement is having on state legislatures. Each interview was recorded and transcribed for accuracy. A total of seven interviews were conducted: 3 activists, 1 policy analyst, and 3 state legislators. For security purposes, the interviewees will remain anonymous.

Immigration

Immigration is an integral part of our society. Without immigration, this country would not be what it is today. The United States was founded on immigration and continues to be a nation of immigrants. It is therefore necessary to devote a section of this research to the topic of immigration, both then and now.

It seems as if in recent years the United States has experienced a climate of heightened animosity toward immigrants. However, it is important to note that this animosity is not a new phenomenon. A long history of prejudice and discrimination against minorities by the dominant White racial class in America exists (Higham, 1988). This history includes, but is not limited to, intolerance and discrimination against Native Americans, Mexican Americans, and African Americans (Montejano, 1987; Rincon, 2008). Many of the policies implemented across time reflect a nativist influence (Rincon, 2008). But amidst these laws and regulations intended to control the influx of immigrants to the United States, the immigrant population seems to steadily increase by decade (Hirschman & Massey, 2008). Notwithstanding, in recent times, the infiltration of negative immigrant sentiments as presented by the media and law makers, have placed immigration at the forefront of debate. The majority of today's immigrants are not from Europe as they once were, but from Latin America. It is important to note that the largest immigrant group is said to be from Mexico (Flores, S. M., & Chapa, J., 2009). In addition, it is estimated that more than half of undocumented immigrants in the U.S. are of Mexican descent (Passel, 2005).

The United States has enacted numerous laws throughout history to control the amount of unauthorized immigration. By setting provisions as to who is eligible for U.S. citizenship, the U.S. has since the beginning excluded minority groups from obtaining the right to lawfully live here. The Nationality Act of 1790 for example set racial requirements to citizenship in the United States. Under the provisions of this act, only “free white persons of good moral character” were eligible for naturalized citizenship (Ngai, 2005). The provisions of this act were later contested. However, it was not until 1952 that this racial stipulation was finally nullified with the passage of the Nationality and Immigration Act of 1952 (Hull, 1985). People of Mexican descent were the first to be exempt from the racial naturalization statute followed by black immigrants (Menchaca, 2011).

The timeline of U.S. immigration laws reflects the numerous efforts by Congress to control who comes into the United States and who remains here legally. It has been documented that anti-immigrant sentiments prevailed in last half of the nineteenth century. It was then that the Chinese population was targeted by the U.S. Congress (Hirschman & Massey, 2008). Having migrated to the U.S. during the Gold Rush period when China was experiencing a collapsing economic empire, Chinese immigrants became an exploited workforce and were summoned to bizarre taxation policies in an effort to limit their success in the new land (Jones, 1992). Racists campaigns have been said to have taken place during the 1880s to keep the Chinese population out (Castles & Miller, 2009). This led to the Chinese Exclusion Act of 1882 which restricted Chinese immigration to the U.S. for a period of ten years.

Other federal immigration laws detrimental to the U.S. immigration system soon followed. The 1924 Johnson-Reed Immigration law for example was enacted as a way to place numerical limits on immigration. Under this act, the quota system was reduced from 3% as had been established in 1921 to 2% of the number of the foreign born population as counted in the 1890 census. The number was set at 165,000 and this excluded the Japanese (McLemore & Romo, 1998). This act was discriminatory in its roots for it favored some groups over others. The 1965 Hart-Cellar Act, or the Amendments to the Immigration and Nationality Act, got rid of the national-origins quota principle and replaced it with equal allocation caps of up to 20,000 visas per country. It also created a seven-tiered preference system which favored family-based migration (Rosenblum & Brick, 2011; McLemore & Romo, 1998). The national quota restriction measure is credited to have prompted unauthorized immigration to the United States. In fact, the current immigration situation in the U.S. is said to be the result of this post-1965 wave of immigration (Hirschman & Massey, 2008). It was expected that a few immigrants from Italy, Greece, and other European countries would come to the U.S. to reunite with family members and that no significant lasting increase in immigration would take place. However, the 70s, 80s, and 90s proved this expectation to be wrong. Prior to 1924, most immigrants came from Europe and after 1965 when the national quota system was abolished, immigration from third world countries increased. The large group of immigrants that arrived in the U.S. were not from the originally expected countries but instead came from Latin America and Asia (Hirschman & Massey, 2008).

It is important to note that although the U.S. no longer applies the quotas system based on national origin it still numerically limits immigration (Ngai, 2005).

STRUCTURAL FACTORS OF IMMIGRATION

How and why international migration takes place is crucial to understanding the dynamics of immigration. Contrary to what some might think, migrating is not an easy decision to make. Leaving one's homeland and family behind is not a simple task. In order to comprehend why so many people migrate to the United States, it is necessary to look at the structural factors behind this complicated system. There are three factors that are said to be the main driving forces of international migration: push factors, pull factors, and social networks (Rosenblum & Brick, 2011). Push factors are defined to be those forces that are taking place in the countries of origin that are encouraging the population to migrate to another country. Push factors can be either economic or noneconomic. Economic push factors are the result of scarce economic opportunities and low wages. Noneconomic push factors can be natural disasters, wars, and corrupt governments that make it difficult for the population to feel safe and able to survive (Rosenblum & Brick, 2011; Castles & Miller, 2009). Pull factors on the other hand are defined as the forces taking place in receiving countries that are encouraging others to migrate there. Pull factors therefore consist of demand for labor, better economic opportunities, and political freedoms among other positive living conditions (Rosenblum & Brick, 2011; Castles & Miller, 2009). Social networks are the third structural factor that drives international migration. Social networks consist of family and friends that have already settled in the receiving country who provide the necessary assistance and

support for others in their homeland to follow. Social networks provide the funds of information needed for new immigrants to settle in a new land (Rosenblum & Brick, 2011).

UNAUTHORIZED IMMIGRATION

Immigration policy aims at providing the rules and restrictions of whom and how many migrants are admitted into the U.S. The 1965 Immigration and Nationality Act did not however do much for immigration restrictions as it was intended to do. In fact, it is said to have failed in its mission for it did not take into account the structural factors that had already begun to take over the immigration system in the U.S. by that time (Rosenblum & Brick, 2011). And thus it is believed that as a result of this, the unauthorized immigration dilemma took full force. Push and pull factors gave way to a great wave of unauthorized immigration from Mexico and Latin America in the 20th century. Since then, immigration reform has stratified Latino immigrants by encouraging them to incorporate into the U.S. labor market however never fully providing them with the means necessary to become full members of the United States (Perez, 2009). Restrictive immigration policies and strict U.S.-Mexico border enforcement are credited to have created the high levels of unauthorized immigration to this day (Abrego, 2006).

In an attempt to control the high influx of unauthorized immigration to the U.S., Congress passed the Immigration Reform and Control Act (IRCA) of 1986. IRCA is viewed by some scholars as a bipolar aspect of immigration reform (Flores & Chapa, 2009). IRCA was implemented to control unauthorized immigration by eliminating pull factors associated with it such as employment opportunities. The provisions of IRCA

called for employer sanctions for hiring unauthorized immigrants. However, enforcement of this provision was at a minimal and not much changed. On the other hand, under IRCA's amnesty provisions, nearly 3 million immigrants were able to regularize their status (Flores & Chapa, 2009). This measure angered many anti-immigrant supporters including Governor Pete Wilson of California who shortly after introduced the draconian bill known as Proposition 187. This bill was never implemented but it still produced numerous challenges for the immigrant community (Rincon, 2008). Proposition 187 proposed to end all state services to undocumented immigrants with the exception of emergency health care. Proposition 187 was put to a public vote and it won. However, the courts later overturned it (Flores & Chapa, 2009). With Proposition 187, Governor Wilson made his point loud and clear, that the federal government needed to implement harsher immigration laws. In 1996 the federal Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) did just that. These acts are seen as direct attacks against immigrants, both documented and undocumented (Rincon, 2008).

As it pertains to this research, Section 505 of IIRIRA is of particular importance for it specifically aims at limiting college access opportunities to undocumented students (Flores & Chapa, 2009). As it stands, Section 505 indicates that states cannot, under federal law, use state residence as a means to offer postsecondary education benefits to undocumented students. That is unless this benefit is available to any other citizen or national of the U.S. (Olivas, 2004; Rincon, 2008). At the federal level, the DREAM Act

has been introduced in hopes of providing undocumented students an opportunity to continue their education and offer them a pathway to citizenship but these attempts have failed numerous times.

Historical Background of the DREAM Act

The federal DREAM Act has been introduced in Congress numerous times. Although at first it was believed that this legislation would easily pass into law, it was soon discovered otherwise. Since 2001, the DREAM Act has been reintroduced in Congress either on its own or as an attachment to another bill as was the case in 2003 and 2005. In 2004, Senate Judicial Committee hearings were held in regards to the DREAM Act. However, they had little success. The bill remained stagnant there until 2007 when comprehensive immigration-reform efforts were ultimately crushed (Olivas, 2012). In the summer of 2007, in hopes that the DREAM Act could finally gain approval, the Senate decided to attach the bill to the Department of Defense authorization legislation. This however backfired when the U.S. Senate majority leader Henry Reid (D-NV) opted to remove the bill from the floor after an Iraq related amendment failed. Needless to say, the Senate never got to vote on the bill. Further attempts to pass the DREAM Act continued that same year. In October, the DREAM Act was back for a vote on the Senate where it was ultimately voted down with 44-52 votes. In September 2010, the DREAM Act resurfaced in the Senate where it was once again defeated with a 43-56 vote (Olivas, 2012). Most recently, the DREAM Act was reintroduced at the federal level in May 2011 (NCSL, 2011). And the waiting continues to see if this bill could one day become law.

IIRIRA

Several states have interpreted IIRIRA and its clause on undocumented students in such a way that enables them to pass favorable legislation on these student's behalf (Rincon, 2008).

Section 505 of IIRIRA reads

“...an alien who is not lawfully present in the United States 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 amount, duration, and scope) without regard to whether the citizen or national is such a resident.”

As of 2011, there are 14 states that have passed a law or policy to provide undocumented students with access to in-state tuition rates (one has since amended its law). These states have been severely criticized by anti-immigrant supporters who claim that in passing in-state tuition laws that benefit undocumented students, they are not complying with federal law. However, supporters of DREAM Act style legislation present that they are in no way breaking any federal law since IIRIRA clearly states that it is prohibited to provide undocumented students any postsecondary benefit based on residence *unless* the same benefit also applies to any U.S. citizen under the same circumstances (NILC, 2006). The states that have enacted in-state tuition laws extend this benefit to everyone that qualifies. In addition, the in-state tuition benefit laws are geared toward students who meet certain requirements. For the most part, these requirements consist of having attended an in-state high school for a specific amount of time (from one to four years) and having graduated from high school or have received their GED. Therefore another

justification used by states that support in-state tuition laws is that this law is applied to students based on high school attendance and graduation, not residency (NCSL, 2011).

STATE DREAM ACTS

Texas was the first state to pass an in-state tuition law in 2001. House bill 1403 was a result of community efforts to help a disenfranchised population. It took the organized efforts of undocumented students themselves, representatives of educational institutions, and state legislatures to make this happen. In particular State Representative Rick Noriega of Houston was fundamental in the passage of H.B. 1403 (Rincon, 2008). California passed a similar law that same year. In 2002, Utah and New York followed. Washington, Oklahoma, and Illinois joined the list in 2003 followed by Kansas in 2004. In 2005, New Mexico enacted its own version of the law and Nebraska in 2006. In 2009, Wisconsin passed a similar law, however it was repealed in 2011. That same year three more states, Maryland, Connecticut, and Rhode Island, passed similar policies (Olivas, 2011). For the most part, the state DREAM Acts consist of allowing undocumented students to receive in-state tuition rates based upon certain requirements. The requirements might be slightly different from state to state, but in general, they all consist of the following prerequisites: students eligible for in-state tuition benefits must have attended high school for a required time period between 1 and 4 years depending on the state, must have graduated from high school or have obtained their GED, must have been accepted to a public college or university, and qualified students are required to sign an affidavit that indicates their intent to file for legal immigration status once they are eligible for it (NCSL, 2011).

Most of the 14 states that have enacted in-state tuition laws have at one time or another challenged this legislation. In the 2010-2011 legislative sessions, eight of the 14 states introduced bills to revoke their existing laws on in-state tuition. These states were California, Kansas, Nebraska, New York, Oklahoma, Texas, Washington, and Wisconsin. However, out of all of these, only Wisconsin was successful in its attempts (NCSL, 2011). There are currently eight states with laws or regulations that restrict undocumented students from having access to a postsecondary education. In 2006 both Arizona and Colorado enacted laws to ban in-state tuition benefits to undocumented students. In 2008, Georgia and South Carolina joined the list followed by North Carolina in 2009 and Indiana, Ohio, and Alabama in 2011. South Carolina and Alabama go a step further. They not only ban in-state tuition benefits to undocumented students but they bar undocumented students from even enrolling or attending postsecondary public institutions (Olivas, 2011).

UNDOCUMENTED STUDENTS

We cannot adequately analyze the contentious debate over in-state tuition laws without first examining those at the center of it all, the undocumented students themselves. In order to better comprehend their situation it is necessary to know just who exactly they are and how is it that they find themselves in the midst of it all. The undocumented students that this research focuses on are those that were brought over to the United States by their parents at a young age without having had an opinion on the matter. Most undocumented students are not even aware of their legal status until they become of age to drive or work and need the proper documentation to either obtain a

driver's license or get a job. The reason most of these student are not aware of their situation is because they have been raised in the U.S. for most of their lives and therefore this is the only country they know as home. Perez (2009), an immigration and education scholar who has devoted most of his research to issues affecting undocumented students, posits that these students have grown up "American" in every sense of the word as they dominate the English language and have adopted an American identity. These students are therefore indistinguishable from any other U.S. citizen. They speak the same language, wear the same clothes, attend the same schools, participate in the same activities, and aspire to make something of themselves through education (Perez, 2009).

Undocumented students, like their immigrant parents, are denied access to many public services and opportunities in the U.S. These students however are entitled to a free primary and secondary public education as outlined by the 1982 Supreme Court case *Plyler v. Doe* (Rincon, 2008). This case marked the first time that undocumented children and their parents sought the courts for equal protection under the Fourteenth Amendment of the Constitution (Janosik & Johnson, 2007). The state contested that since undocumented students are not within the state's jurisdiction then they are not entitled for protection under the Equal Protection Clause. The Supreme Court however ruled that it was impossible to make a distinction between those residents who had entered the U.S. legally and those that had not. In addition, the Supreme Court ruled that it was important for these children to be educated. Denying undocumented children of an education would only be detrimental to society as a whole. These uneducated immigrants would forever remain in the United States without any possibility of upward mobility

becoming a burden to the State. As such, the Supreme Court ruled that undocumented children do qualify as “persons” and thus are entitled to all the protections provided by the Fourteenth Amendment (Janosik & Johnson, 2007; Olivas, 2004). The *Plyler v. Doe* ruling provides that undocumented students are entitled to a free K-12 education (Olivas, 2009). More so, this case provides that a state cannot “enact a discriminatory classification” by simply defining a group as being nonresidents (Olivas, 2004).

Plyler v. Doe is a landmark case that represents a great victory for the children of immigrant parents. However, as the children of the *Plyler v. Doe* generation graduate from high school they are faced with a harsh reality. Even though they have gone through the same incorporation processes as their U.S. citizen peers, they face economic, political, social, and educational challenges (Perez, 2009; Abrego, 2006). After high school, these students no longer enjoy legal protections under the law. These college-eligible students, due of their lack of legal status in the U.S., cannot pursue a higher education. Because of this, many lose hope in achieving any type of upward mobility (Abrego, 2006). Undocumented students are therefore a vulnerable population at high risk of poverty and hardships if not given the opportunities to better themselves through a postsecondary education (Abrego & Gonzales, 2010). These students allotted a free K-12 education are later confronted with the fear of being deported to a country they have no affinity to once faced with the dilemma of what to do after high school.

Undocumented students find themselves in a tenuous situation as a result of the contradictory laws both at the federal and state level. These students enjoy full protection of the law before graduating from high school however once they graduate their lives are

a standstill. They cannot vote, work, or receive financial aid to go on to college. In most states, these students are not even able to drive. Social activities become extremely complicated for undocumented students as they expose themselves to being “found out” and deported. These activities include anything from renting a movie to establishing credit to hanging out at a local bar (Abrego & Gonzales, 2010). The simplest tasks imaginable can jeopardize the future of these students in a matter of seconds. It is no wonder why so many of them are involved in organized efforts to obtain civil and democratic rights in which not only they, but society as a whole, can benefit (Rincon, 2008).

Theoretical Frameworks

Racial categories are said to be constructed socially and politically not scientifically based on historical events (Feagin & Feagin, 2003). The word race was used in Europe during the sixteenth and seventeenth centuries to classify descendants who shared a common ancestor. It was not until the eighteenth century that race was used to classify those who shared similar physical characteristics that are transmitted by descent (Feagin & Feagin, 2003; Krogman, 1945). From its inception therefore race was merely a term created to categorized people depending on their differences. It was a term based on perceptions not scientific study (Feagin & Feagin, 2003; Smedley, 1993). From the concept of race comes the detrimental notion known as ideological racism which has been defined as “an ideology that considers a group’s unchangeable physical characteristics to be linked in a direct, causal way to psychological or intellectual characteristics and that, on this basis, distinguishes between superior and inferior racial groups” (Feagin & Feagin, 2003; pg. 5). Moreover, ideological racism links cultural traits to notions of inferiority. Ideological racists have come to accept as given the stereotypes created about minority or outsider groups by whites over time thus creating animosity among the distinct human populations. It is important to note that race is for the most part determined by outsiders who have traditionally “othered” diverse populations. Racial groups are therefore deeply rooted in ideological racism (Feagin & Feagin, 2003).

An ethnic group on the other hand has been defined as that which pertains to cultural characteristics. Milton Gordon (1974) for example defines ethnic group as “a

social group distinguished by race, religion, or national origin”. However, today most scholars define ethnic group with a narrower definition that omits physical characteristics and only emphasize on cultural or national origin characteristics. Culture as defined by sociologists and anthropologists consists of any set of “shared values, understandings, symbols, and practices of a group of people” (Feagin & Feagin, 2003; pg. 11). National origin simply refers to the country that the person or his/her ancestors came from. The term ethnic group was first used in the beginning of the twentieth century as the United States experienced a huge wave of immigration from southern and eastern European countries (Feagin & Feagin, 2003).

For the purposes of this study, there are several terms that are important to highlight within the context of intergroup relations: prejudice, stereotype, and ethnocentrism. Prejudice is a common term associated with negative attitudes in relation to certain members in a society. Gordon Allport (1958) defined prejudice as “thinking ill of others without sufficient warrant.” Prejudice involves two aspects; a negative feeling toward an individual or group and a false belief. The false belief portion of this term is better described as a stereotype. A stereotype as defined by Feagin & Feagin (2003) is “an overgeneralization associated with a racial or ethnic category that goes beyond existing evidence” (pg. 12). Just how and why negative attitudes or views develop in society result from the notion of ethnocentrism. Ethnocentrism as defined by William G. Sumner (1960) is the “view of things in which one’s own group is the center of everything, and all others are scaled and rated with reference to it” (Feagin & Feagin, 2003; pg. 27-28). Ethnocentrism involves one having negative views of others as

compared to how one views oneself. These negative views are expressed through prejudices and stereotypes that influence intergroup relations (Feagin & Feagin, 2003). Acting upon these notions that derive from negative attitudes and views often leads to discriminatory acts against vulnerable members in society. Although there may be numerous reasons behind discriminatory acts, one such reason for intergroup discrimination as posed by Robert K. Merton (1949) is the fear of prejudices of those in the dominant group. This fear when expressed can be destructive as it influences social, economic, and political spheres within society (Feagin & Feagin, 2003).

It is no secret that migration from Mexico and Central America has increased tremendously in the last decades. There are an estimated 14 million immigrants from these regions alone in the U.S. today as compared to only 1 million in the 1970s (Rosenblum & Brick, 2011). The presence of diverse groups since the beginning of U.S. history has produced anxiety, fear, and animosity among many in the dominant Anglo population. These feelings are said to have been the result of the huge waves of immigration experienced by the United States throughout time. The fear among the dominant racial group centers on the belief that immigrants threaten American culture with their presence as well as the social and political stability of the U.S, not to mention the “hegemony of White America” (San Miguel, Jr., 1999). The response to this has been the promotion of various campaigns throughout time against diversity. The goal for some has been to establish a pure Anglo culture based on the concepts of a common language and White political dominance (San Miguel, Jr., 1999).

COMPETITION THREAT

Even though multiculturalism and global openness seem to be advancing American ideals, there nonetheless exists a huge array of biases and prejudices against minority groups and immigrants (Esses et al., 2001). A large body of research has shown that prejudice and discrimination against minority groups varies from place to place. For the purposes of the present research, the theoretical proposition that population size ignites hostility and discrimination will be closely examined. The theoretical framework on perceived threat and competition has been used to explain the socio-psychological relation between minority percentage and discriminatory attitudes (Semyonov, et al., 2004). The idea behind this theory is that an increase in the proportion of a minority population is viewed by members of the dominant group as a form of competition. This competition, either real or perceived, is in regards to scarce resources such as jobs, services, opportunities, etc. An increase in the minority population therefore becomes a competitive threat to the dominant group's interests and lifestyles. The notion of competitive threat can then lead to discrimination against the minority population and feelings of hostility and antagonism (Semyonov, et al., 2004).

The notion of competition threat was first presented by Williams (1947) and Allport (1958). In their work, they both emphasized that as the minority population increases in size the need and desire to discriminate against these members of society also increases. As Quillian (1995) put it "the greater the sense of threat to their prerogative the more likely are members of the dominant group to express prejudice against threatening outsiders" (Quillian, 1995; pg. 588). These scholars present that a rise in

minority size is positively associated with discrimination. Competition threat can be actual or perceived and it can take place at either the individual or collective level. At the individual level, it is said to affect personal interests such as the economic or social level of an individual. At the collective level on the other hand, competition threat impacts much broader interests such as cultural and national homogeneity. Competition threat therefore consists of fears and phobias felt by the dominant group in society towards minority groups experiencing an increase in size (Semyonov, et al., 2004).

To date most studies on discriminatory attitudes toward minorities have focused on the relations between whites and blacks in America (Semyonov, et al., 2004). In their study of competition threat, Fosset and Kiecolt (1989) found that as the concentration of blacks increased in set environment, whites became threatened in terms of power and displayed negative attitudes toward the notion of racial integration. The same was found by Quillian (1996) and Taylor (1998, 2000) in their respective research studies. In regards to negative attitudes held by whites toward blacks in America, Wilcox and Roof (1978) presented the following points in trying to explain this occurrence: (a) integration of racial and ethnic groups is threatening to white social, political, and economic status; (b) the magnitude of the threat increases with the relative size of the black population; (c) the threat increases as the black concentration also increases; (d) whites are less likely to support integration if they feel their white status is being threatened; and (e) as white support for integration decreases, discrimination and prejudice increases (Fosset & Kiecolt, 1989; Wilcox & Roof, 1978).

In an attempt to test the competition threat theory among different populations, Semyonov et al. (2004) conducted research on the same topic in Europe. Although their research did not support the competition threat theory when actual population size was measured, it did support the theory on a perceived level. That is, perceived size is positively associated with perceived threat. As a result, the perceived threat led to exclusionary measures on behalf of the dominant group toward foreigners. They found that the higher the perceived size of foreigners, the more the negative sentiments of the dominant group toward this population (Semyonov et al., 2004).

America is believed to be the land of opportunity. White Americans are said to hold values of equality for all. However, throughout history this notion has not been fully carried out. To begin with, there exists what Esses et al. (2001) refer to as the “American dilemma” in which White Americans promote equality on one hand, and on the other hand, systematically engage in practices that limit upward mobility for Blacks among other minorities (Esses et al., 2001). In their research, Esses et al. (2001) propose that despite all the rhetoric of global interdependence, immigration is still very much a threat to many individuals who see immigrants as a threat to society. The threats as they present may either be material or symbolic. In terms of material threat, Realistic Group Conflict Theory (Campbell, 1965; Sherif, 1966) states that the perception of resource competition produces efforts by one group to limit another group’s access to these resources. Social Identity Theory on the other hand speaks to the symbolic threat. This theory posits that (Tajfel & Turner, 1979) social categorization, that is, placing oneself into one social group rather than another one, prompts feelings of wanting to maintain a

positive and distinctive group identity. One way to do this is by limiting the opportunities of members belonging to the other group.

In determining the set attitudes of the dominant group toward immigrants Esses et al. (2001) use the Instrumental Model of Group Conflict framework (Esses, Jackson, & Armstrong, 1998) which is useful to the present research. This framework “proposes that resource stress and the salience of a potentially competitive outgroup lead to perceived group competition for resources. This perceived group competition, in turn motivates strategies to remove the source of competition” (pg. 393-394). The major concept behind this framework is resource stress. Resource stress refers to the idea of limited resources which includes anything from jobs to political power to social entities etc. (Esses et al., 2001). Once the dominant group feels threatened, then competition threat begins to play out. One way this occurs is by limiting the access that outgroup members have to such resources. This process often times leads to discriminatory acts against the minority groups in the country or recent immigrants from other countries. A step further in this process is enacting policies that hinder the possibility of upward mobility for the subordinate groups (Esses et al., 2001).

The study of immigration in regards to these theories is of particular importance to the present research because it sheds light on how immigrants are integrated into society. Research shows that for the most part, whether immigrants succeed or fail economically and socially, they are still subject to negative views from members of the dominant society (Esses et al., 2001). If an immigrant fails economically, they are constantly perceived as being a drain on society. It is believed that they are using up

American social services and living off of welfare. Moreover, if an immigrant is not able to fully assimilate into the American mainstream, they are viewed negatively for posing as a threat to the collective identity (Johnson, Ferrell, & Guinn, 1997). However, if an immigrant is economically successful, they may still be viewed with hostility by members of the dominant society because of the belief that the immigrant's success comes at the expense of nonimmigrants. This in turn leads to discrimination and prejudice (Esses et al., 2001).

The hypothesis tested by Esses et al. (2001) on Social Dominance Theory is also fundamental to this research. Social Dominance Theory “assumes that people who are strongly identified with high-status groups and who see intergroup relations in terms of group competition will be especially prejudiced and discriminatory toward outgroups” (pg. 398). In their research Esses et al. (2001) hypothesized that those higher in Social Dominance Orientation are more likely to be prejudiced against immigrants as they see them as competing for the same resources as nonimmigrants. Their research findings based on tests conducted in Canada and the United States show that the perception of zero-sum effects leads people in higher Social Dominance Orientation to be more biased against immigrants. The bias results from the perception that the more resources available to immigrants the less there is for nonimmigrants (Esses et al., 2001). This perception becomes detrimental to immigrants who migrate and settle in receiving countries in hopes of achieving upward mobility. Without the proper support and assistance from the receiving country there is not much immigrants can achieve.

Another body of research relevant to this study is intergroup hostility. There are four theoretical accounts discussed in previous research that explain why intergroup hostility exists among Whites, Blacks, Latinos, and Asians. These four theoretical accounts or models help explain why members of different racial and ethnic groups feel competitive threat from one another (Bobo & Hutchings, 1996). The models are (1) the simple self-interest model, (2) the classical prejudice model, (3) stratification beliefs model, and (4) Blumer's theory of group position.

The simple self-interest model states that intergroup hostility is based on objective reality as it results from a clash in material interests. This model focuses on a group's vulnerability to economic and political deprivation and ignores notions of group identity and other social aspects (Citrin & Green, 1990). In short, the simple self-interest model affirms that unemployed individuals or those with low incomes in a particular racial or ethnic group are most likely to feel threatened by competition from members of other minority groups (Bobo & Hutchings, 1996).

On the other end of the spectrum is the classical prejudice model. Under this model there is one version that is highly referenced to, the sociocultural model (Kinder & Sears, 1981; Pettigrew, 1982). This model instead of focusing on objective reality like the simple self-interest model does, it focuses on individual psychological dispositions. The classical prejudice model states that feelings instilled in an individual such as dislike, aversion, and stereotypes are what give rise to racial conflict and intergroup hostility. This model is said to operate under irrational conclusions derived from ignorance and

therefore any factors or forms that impart information and knowledge may reduce hostility from one group to another (Bobo & Hutchings, 1996; Kluegel & Smith, 1986).

The stratification beliefs model is based on the dominant stratification ideology in the United States. The belief that there are plenty of opportunities for everyone in the U.S. based on each individual's efforts and talents underlies this model. Under this model, inequality is seen as necessary because it is the result of an individual's efforts and hard work (Huber & Form, 1973). The term "individualism" is used to capture the essence of this model. In other words, an individual obtains upward mobility in society based on his/her individual qualities. Under this model, the more individualistic views a person has the less likely they are to view members of other racial or ethnic groups as a competitive threat (Glazer, 1975; Sowell, 1984). However, a challenge to this is the rejection of individualistic views for more structural ones (Bobo, 1991). Structural views emphasize systematic social constraints based on gender discrimination, social class, and other institutional barriers which lead to a feeling of competition threat among different groups (Bobo & Hutchings, 1996).

Finally, Blumer's group position model, as described by Bobo & Hutchings (1996) in their work, is basically a combination of the previous models. Accordingly, under this model "feelings of competition and hostility emerge from historically and collectively developed judgments about the positions in the social order that in-group members should rightfully occupy relative to members of an out-group" (pg. 955). This model therefore is based on a subjective image of where one group's position ought to be in relation to the other (Blumer, 1958). Blumer (1958) identifies four important

elements in this model which consist of (1) a belief in ethnocentrism, (2) members of one group viewing members of another group as “alien and different”, (3) in-group claiming certain rights, and (4) out-group members desiring those same rights, resources, statuses, etc. that are believed to belong to another group. These combined elements constitute Blumer’s group position model and have served to explain why intergroup hostility among different racial and ethnic groups exists and how it produces and manifests itself (Bobo & Hutchings, 1996).

Analysis and Research Findings

POPULATION ANXIETY

A comparative analysis among the states that have enacted legislation in support of providing in-state tuition rates to undocumented students and those states that have enacted opposing legislation reveal trends in accordance with the hypothesized theory of population anxiety. Latino population change was measured from 2000 to 2010 in this study using U.S. Census Bureau data. Census 2000 Summary File 1 data was used to measure the Latino population for 2000 and 2010 Census Summary File 1 data was used to measure the 2010 Latino population in the United States. The Latino population change from 2000 to 2010 was calculated for each of the 14 states that have enacted in-state tuition rate policies. These figures are displayed in Table 6.1.

In order to compare the population change of Latinos versus the non-Hispanic White population in the United States from 2000 to 2010, data was also collected for this category. Once again, the data was calculated for each of the 14 states which have enacted in-state tuition laws. The data was collected from figures provided by the U.S. Census Bureau. Figures for this data are displayed in Table 6.2.

Latino Population growth

The figures in Table 6.1 and Table 6.2 show the percent change of the total population in each of the 14 states from 2000 to 2010. Aside from providing the approximate increase or decrease in population size, the data present the percent population change for each group. The data show a wide difference in population change from that of Latinos to non-Hispanics Whites. With an average population change of 56.5 percent, Latinos in these 14 states seem to have experienced a tremendous

growth increase as opposed to the non-Hispanic White population who only experienced a 0.3 population increase between 2000 and 2010.

Table 6.1: Latino population change from 2000-2010 in states supporting In-State tuition policies

Latino population change from 2000 to 2010										
FOR In-State	2000			2010			Population change			
	Total	Latino	% of total	Total	Latino	% of total	Total	Percent	Latino	Percent
Texas	20,851,820	6,669,666	32	25,145,561	9,460,921	37.6	4,293,741	20.6	2,791,255	41.8
California	33,871,648	10,966,556	32.4	37,253,956	14,013,719	37.6	3,382,308	10	3,047,163	27.8
Utah	2,233,169	201,559	9	2,763,885	358,340	13	530,716	23.8	156,781	77.8
New York	18,976,457	2,867,583	15.1	19,378,102	3,416,922	17.6	401,645	2.1	549,339	19.2
Washington	5,894,121	441,509	7.5	6,724,540	755,790	11.2	830,419	14.1	314,281	71.2
Oklahoma	3,450,654	179,304	5.2	3,751,351	332,007	8.9	300,697	8.7	152,703	85.2
Illinois	12,419,293	1,530,262	12.3	12,830,632	2,027,578	15.8	411,339	3.3	497,316	32.5
Kansas	2,688,418	188,252	7	2,853,118	300,042	10.5	164,700	6.1	111,790	59.4
New Mexico	1,819,046	765,386	42.1	2,059,179	953,403	46.3	240,133	13.2	188,017	24.6
Nebraska	1,711,263	94,425	5.5	1,826,341	167,405	9.2	115,078	6.7	72,980	77.3
Wisconsin	5,363,675	192,921	3.6	5,686,986	336,056	5.9	323,311	6	143,135	74.2
Maryland	5,296,486	227,916	4.3	5,773,552	470,632	8.2	477,066	9	242,716	106.5
Connecticut	3,405,565	320,323	9.4	3,574,097	479,087	13.4	168,532	4.9	158,764	49.6
Rhode Island	1,048,319	90,820	8.7	1,052,567	130,655	12.4	4,248	0.4	39,835	43.9
									Total	791
									Mean	56.5

Source: U.S. Census Bureau, Census 2000 Summary File 1 and 2010 Census Summary File 1

Table 6.2: Non-Hispanic White population change from 2000 to 2010 in states supporting In-State tuition policies

Non-Hispanic White Alone 2000 to 2010							
	2000			2010			Pop. Change
	Total	Non-Hispanic	% of Total	Total	Non-Hispanic	% of Total	% Change
Texas	20,851,820	10,933,313	52.4	25,145,561	11,397,345	45.3	4.2
California	33,871,648	15,816,790	46.7	37,253,956	14,956,253	40.1	-5.4
Utah	2,233,169	1,904,265	85.3	2,763,885	2,221,719	80.4	16.7
New York	18,976,457	11,760,981	62.0	19,378,102	11,304,247	58.3	-3.9
Washington	5,894,121	4,652,490	78.9	6,724,540	4,876,804	72.5	4.8
Oklahoma	3,450,654	2,556,368	74.1	3,751,351	2,575,381	68.7	0.7
Illinois	12,419,293	8,424,140	67.8	12,830,632	8,167,753	63.7	-3.0
Kansas	2,688,418	2,233,997	83.1	2,853,118	2,230,539	78.2	-0.2
New Mexico	1,819,046	813,495	44.7	2,059,179	833,810	40.5	2.5
Nebraska	1,711,263	1,494,494	87.3	1,826,341	1,499,753	82.1	0.4
Wisconsin	5,363,675	4,681,630	87.3	5,686,986	4,738,411	83.3	1.2
Maryland	5,296,486	3,286,547	62.1	5,773,552	3,157,958	54.7	-3.9
Connecticut	3,405,565	2,638,845	77.5	3,574,097	2,546,262	71.2	-3.5
Rhode Island	1,048,319	858,433	81.9	1,052,567	803,685	76.4	-6.4
						Total	4.2
						Mean	0.3

Source: U.S. Census Bureau, Census Redistricting Data

The data demonstrate that the Latino population grew by over half its size in a lapse of ten years. Interestingly enough, this growth occurred in the states that enacted in-state tuition rates for undocumented students within the same decade. Texas and California, who were the first two states to enact such legislation in 2001, experienced a Latino population growth change of 41.8 and 27.8 percent respectively. In contrast, the non-Hispanic White population growth change for Texas was only 4.2 percent. California experienced a decrease of 5.4 percent in the non-Hispanic White population. These states however are known to be traditional receiving states where Latinos hold a strong historical presence. The increase in Latino population therefore is somewhat justified if not expected. There are states in the list however that experienced a huge increase in Latino population growth in this past decade that are not the typical traditional receiving states that Texas and California are. Most of these states in 2000 had a relatively small Latino population compared to the total population.

Besides Texas, California, and New Mexico, the rest of the states had a Latino population that only made up 15 or less percent of the total state population. The huge increase in Latino population as compared to the non-Hispanic White population in these states speaks directly as to why these non-traditional receiving states might have enacted pro-immigrant legislation. Utah, for example, experienced a Latino population growth change of 77.8 percent compared to only a 16.7 percent increase change of the non-Hispanic White population. Washington, Oklahoma, New Mexico, Nebraska, and Wisconsin experienced similar trends; a huge increase in Latino population and minimal increases in the non-Hispanic White population. On the other hand, New York, Illinois,

Kansas, Maryland, Connecticut, and Rhode Island experienced an increase in Latino population, but showed a decrease in the non-Hispanic White population. Maryland for example, one of the most recent states to enact an in-state tuition rate policy in 2011 and is not a traditional receiving state, experienced a 106.5 percent Latino population change increase from 2000 to 2010 and a decrease of 3.9 percent in the non-Hispanic White population. For the traditional receiving states, it seems logical that they endorse pro-immigrant legislation. However, the data figures, when taken together and analyzed, beg the question of what causes the non-traditional states with increasing Latino populations to support pro-immigrant legislation. This subject matter is discussed in the case studies section of this study.

Table 6.3 and Table 6.4 display the data for the Latino and non-Hispanic White population growth from 2000 to 2010 of the eight states with legislations or regulations in place prohibiting in-state tuition rates for undocumented students. The findings are very revealing. As discussed earlier, these eight states are adamant about denying undocumented students the opportunity to pursue a higher education. Two of these states have even gone beyond denying undocumented students from having access to in-state tuition rates to prohibiting them from even enrolling in a postsecondary institution of higher learning.

The average mean for the Latino population growth change from 2000 to 2010 for the eight states is 91.6 percent. The non-Hispanic White population in these states did experience a growth, though it was only minimal. The average mean for this population was approximately 6.5 percent. It is interesting to note that all of the eight states

Table 6.3 Latino population change from 2000 to 2010 in states opposing In-State tuition policies

Latino population change from 2000 to 2010										
	2000			2010			Population change			
Against	Total	Latino	% of total	Total	Latino	% of total	Total	Percent	Latino	Percent
Alabama	4,447,100	75,830	1.7	4,779,736	185,602	3.9	332,636	7.5	109,772	144.8
Arizona	5,130,632	1,295,617	25.3	6,392,017	1,895,149	29.6	1,261,385	24.6	599,532	46.3
Colorado	4,301,261	735,601	17.1	5,029,196	1,038,687	20.7	727,935	16.9	303,086	41.2
Georgia	8,186,453	435,227	5.3	9,687,653	853,689	8.8	1,501,200	18.3	418,462	96.1
Indiana	6,080,485	214,536	3.5	6,483,802	389,707	6	403,317	6.6	175,171	81.7
South Carolina	4,012,012	95,076	2.4	4,625,364	235,682	5.1	613,352	15.3	140,606	147.9
Ohio	11,353,140	217,123	1.9	11,536,504	354,674	3.1	183,364	1.6	137,551	63.4
North Carolina	8,049,313	378,963	4.7	9,535,483	800,120	8.4	1,486,170	18.5	421,157	111.1
Source: U.S. Census Bureau, Census 2000 Summary File 1 and 2010 Census Summary File 1									Total	732.5
									Mean	91.6

Table 6.4 Non-Hispanic White population change from 2000 to 2010 in states opposing In-State tuition policies

Non-Hispanic White Alone 2000 to 2010							
	2000			2010			Pop. Change
Against	Total	Non-Hispanic	% of Total	Total	Non-Hispanic	% of Total	% Change
Alabama	4,447,932	3,125,819	70.3	4,779,736	3,204,402	67.0	2.5
Arizona	5,130,632	3,274,258	63.8	6,392,017	3,695,647	57.8	12.9
Colorado	4,301,261	3,202,880	74.5	5,029,196	3,520,793	70.0	9.9
Georgia	8,186,453	5,128,661	62.6	9,687,653	5,413,920	55.9	5.6
Indiana	6,080,485	5,219,373	85.8	6,483,802	5,286,453	81.5	1.3
South Carolina	4,012,012	2,652,291	66.1	4,625,364	2,962,740	64.1	11.7
Ohio	11,353,140	9,538,111	84.0	11,536,504	9,359,263	81.1	-1.9
North Carolina	8,049,313	5,647,155	70.2	9,535,483	6,223,995	65.3	10.2
						Total	52.2
						Mean	6.5

Source: U.S. Census Bureau, Census Redistricting Data

experienced a dramatic Latino population growth. Colorado, who passed its law banning in-state tuition rates to undocumented students in 2006, was the state with the lowest Latino population increase. However, the increase itself is significantly high. From 2000 to 2010, the Latino population in Colorado increased by about 41.2 percent. Besides Colorado and Arizona, all of the other states experienced a Latino population increase of over 100 percent. The three highest states to register this are North Carolina with 111.1 percent, Alabama with 144.8 percent, and South Carolina with 147.9 percent.

The population change for the non-Hispanic White population in these states was minimal compared to Latinos. The average mean for population change was only 6.5 percent. The biggest change occurred in Arizona and that was only 12.9 percent followed by South Carolina with only 11.7 percent. Ohio, on the other hand, experienced a decrease of 1.9 percent.

This data is crucial in understanding the dynamics behind anti-immigrant legislation. When comparing the figures in Table 6.1 (states with in-state tuition laws) to those in Table 6.3 (states prohibiting in-state tuition rates), you can see that the Latino population growth was larger in the states that have enacted anti-immigration laws. The mean growth average for the pro-immigrant states is 56.5 compared to 91.6 percent in the anti-immigrant states. The change in the non-Hispanic White population is minimal in both cases. Latinos are growing at a much faster rate than non-Hispanic Whites at least in the selected states being analyzed for this study. These data demonstrate that as the Latino population increases dramatically, the dominant non-Hispanic White population is

growing at a minimal rate. The dramatic difference in population growth can lead to population anxiety as previously discussed. Population anxiety can help explain why some states adopt anti-immigrant laws. If population anxiety derives from a fear of competition for resources and political power, then states where Latinos are growing at a much faster rate than the dominant group can be driven to discriminate against this fast growing population especially if Latinos have just recently begun to establish themselves in these regions. Population anxiety can be traced throughout U.S. history. San Miguel, Jr. (1999) states that the presence of minority groups across time have raised anxieties among the Anglo population. Given the population trends observed in Tables 6.3 and 6.4, these demonstrate that anti-immigrant laws could be associated with population anxiety, especially in those states where the Latino population has more than doubled over the past ten years and the dominant population has remained somewhat stagnant.

House Bill 56 placed the state of Alabama at the center of the immigration debate in 2011 and has been called the “most extreme state-level anti-immigrant law to date” and is seen as a direct attack against the immigrant community. With this bill Alabama managed to surpass the harsh laws enacted in the state of Arizona which deeply affected and continue to affect the Latino community. Alabama’s Latino population stood at 75,830 in 2000 or accounted for only 1.7 percent of the total population. In 2010 however this figure sky rocketed to 185,602, a difference of about 109,772. The total population in Alabama grew by only 7.5 percent, but the Latino population experienced an increase of about 144.8 percent. When analyzing this data through the population

anxiety lens theory, it becomes evident that the dramatic increase in the Latino population is seen as a threat among the dominant population. This perhaps helps explain why such harsh anti-immigrant laws are being pushed forward in states such as Alabama. As stated before, fear of competing for limited resources ranging from jobs and any other opportunity to political and social power, causes populations to experience stress. Once the dominant population feels threatened by an outgroup, discrimination and prejudice begin to take place (Esses et al., 2001). Anti-immigration laws can therefore be the result of discriminatory acts that aim at limiting the advancement of the members of an outgroup, in this case the Latino community.

Unauthorized immigrant population

In order to further support the population anxiety theory, this study also looks at the percent change in population of the unauthorized community in the selected states. Data for table 6.5 and table 6.6 was gathered from the Pew Hispanic Center (2010). This data documents the unauthorized population from 1990, 2000, and 2010. The percent change in population was calculated in ten year intervals. Once the percent change was documented, an average mean was calculated in order to compare the list of states being studied. In analyzing this data, references will be made to those figures obtained in the non-Hispanic White population data presented in Tables 6.2 and 6.4 in order to compare the change in growth. It is important to look at the population increase of the undocumented community because although the Latino population is constantly scrutinized by the dominant population, it is the undocumented community that is

ultimately being affected by discriminatory and prejudice tactics that are prohibiting their advancement in the U.S.

Table 6.5 Estimates of unauthorized population for states with In-State tuition policies

Unauthorized Immigrant Population					
(thousands)					
FOR	2010	% Change	2000	% Change	1990
TOTAL	11,200	33.7	8,375	137.6	3,525
Texas	1,650	50.0	1,100	144.4	450
California	2,550	10.9	2,300	53.3	1,500
Utah	110	69.2	65	333.3	15
New York	625	-13.8	725	107.1	350
Washington	230	43.8	160	300.0	40
Oklahoma	75	50.0	50	233.3	15
Illinois	525	10.5	475	137.5	200
Kansas	65	18.2	55	266.7	15
New Mexico	85	54.5	55	175.0	20
Nebraska	45	50.0	30	500.0	5
Wisconsin	100	100.0	50	400.0	10
Maryland	275	129.2	120	242.9	35
Connecticut	120	60.0	75	275.0	20
Rhode Island	30	50.0	20	100.0	10
		682.5	Total	3268.6	
		48.7	Mean	233.5	

Source: Pew Hispanic Center

Table 6.6 Estimates of unauthorized population for states opposing In-State tuition policies

Unauthorized Immigrant Population					
Against	2010	% Change	2000	% Change	1990
Alabama	120	380	25	400	5
Arizona	400	33.3	300	233.3	90
Colorado	180	12.5	160	433.3	30
Georgia	425	70	250	614.3	35
Indiana	110	69.2	65	550	10
South Carolina	55	22.2	45	800	5
Ohio	100	81.8	55	450	10
North Carolina	325	54.8	210	740	25
		723.9	Total	4221.0	
		90.5	Mean	527.6	

Source: Pew Hispanic Center

The 1990s marked a great wave of migration into the U.S. It therefore comes as no surprise that the change in population growth from 1990 to 2000 of unauthorized immigrants skyrocketed in each of the selected states, both for and against in-state tuition policies. The population growth from 2000 to 2010 however is highly significant because the increase, although not as great as the decade before, is still substantially high. The average mean for the change in population for the states with in-state tuition policies in place is 48.7 percent. In places such as Washington and Maryland the unauthorized population more than doubled. Once again, in comparison to the figures in Table 6.2, the unauthorized population experienced a tremendous growth which is not the case for the non-Hispanic White population. In these 14 states, the unauthorized community has a

strong voice due to the large support of authorized Latinos, a topic that is discussed in the following section of this study.

The average mean for the change from 2000 to 2010 of the unauthorized population for states opposing in-state tuition is much higher than that registered for the pro-immigrant states as well as for the change experienced by the non-Hispanic White population. These results are consistent with the population anxiety theory. With an average percent change of 90.5 percent, the eight states opposing in-state tuition benefits experienced a tremendous growth increase in the undocumented population. The most notable increase occurred in the state of Alabama. Once again, these figures support the population anxiety theory.

Foreign born population

Figures for the foreign born population also seem to follow this trend. Tables 6.7 and 6.8 display a statistical portrait of the foreign born population as it increased from 2000 to 2010. The average mean for population growth of the foreign born population from 2000 to 2010 of the 14 states that have enacted in-state tuition policies is 39.4 percent. In the United States, the foreign born population increased by almost eight million eight hundred thousand people during this time period. Texas, California, New York, and Illinois are the states with the highest foreign born population. However it is Oklahoma, Wisconsin, and Maryland the states that experienced the highest increase between 2000 and 2010.

Table 6.7 Foreign born population for states with In-State tuition policies

State	2010	2000	Change	Percent Change 2000-2010
United States	39,916,875	31,133,481	8,783,394	28.2%
Texas	4,139,412	2,900,232	1,239,180	42.7%
California	10,143,659	8,885,299	1,258,360	14.2%
Utah	230,815	158,100	72,715	46.0%
New York	4,301,158	3,864,227	436,931	11.3%
Washington	894,264	616,840	277,424	45.0%
Oklahoma	209,821	129,345	80,476	62.2%
Illinois	1,759,453	1,533,949	225,504	14.7%
Kansas	187,333	136,640	50,693	37.1%
New Mexico	208,154	149,592	58,562	39.1%
Nebraska	109,269	72,910	36,359	49.9%
Wisconsin	251,763	159,343	92,420	58.0%
Maryland	805,758	516,935	288,823	55.9%
Connecticut	472,726	367,558	105,168	28.6%
Rhode Island	130,628	88,899	41,729	46.9%
			Total	551.6%
			Mean	39.4%

Source: Pew Hispanic Center

Table 6.8 Foreign born population for states opposing In-State tuition policies

	2010	2000	Change	Percent Change 2000-2010
Arizona	861,224	662,174	199,050	30.1%
Colorado	490,875	316,830	174,045	54.9%
Georgia	939,820	578,636	361,184	62.4%
South Carolina	213,211	118,304	94,907	80.2%
Indiana	300,115	190,585	109,530	57.5%
Ohio	469,067	344,889	124,178	36.0%
Alabama	170,331	118,384	51,947	43.9%
North Carolina	719,646	432,083	287,563	66.6%
			Total	431.5%
			Mean	53.9%

Source: Pew Hispanic Center

The average mean for population growth of the foreign born population from 2000 to 2010 of the eight states opposing in-state tuition policies is 53.9 percent. The increase was highest in South Carolina, North Carolina, Georgia, and Colorado. However, it is important to note that each state experienced a significant increase. The average increase for these states, higher than that of the states with in-state tuition policies, further supports the population anxiety theory. Moreover, this increase is much higher than the rate at which the non-Hispanic White population is growing.

Latino college enrollment

Another concerning matter that supports the population anxiety theory is the increase in Latino college enrollment. According to an analysis of the Pew Hispanic Center based on U.S Census data, Hispanic college enrollment hit an all-time high in

October 2010. The data presents that college-age Latinos, ages 18-24, accounted for 1.8 million of the overall 12.2 million students enrolled in colleges and universities. This number represents an increase of 349,000 from 2009 to 2010. In comparison, non-Hispanic White enrollment decreased by 320,000. Although Latinos are not the largest minority on U.S. university campuses, the spike in college enrollment demonstrates this population's desire for educational attainment. This concept, seen through the population anxiety lens can be frightening to the dominant group. Education, after all, opens many doors.

There is no doubt that Latinos are growing in population size at a much faster rate than non-Hispanic Whites. Every category analyzed in this study- Latino population, unauthorized immigrant population, and foreign born population-portray the changing face of America; a concept not well accepted by the dominant population in many states. The growing numbers seem to produce different emotions in different sectors of the country. It is when fear and threat are present that anti-immigrant laws prevail. Population anxiety has been termed and defined throughout time in distinct ways and forms, but its effects remain unchangeable. For the time being, it is the Latino community that suffers the consequences of its growing population.

CASE STUDIES

Understanding the dynamics that lead states to enact or oppose DREAM Act style legislation is a major focus of this study. Although extensive literature exists on the DREAM Act itself, not much research literature exists on the politics of in-state tuition. If the forces that shape a state's response to in-state tuition were better understood, it would become fairly easy to predict what direction a particular state would take in terms of in-state tuition legislation. However, these forces are not always clearly defined. In fact, some might argue that they are not defined at all given the historical context of some of the states that have enacted or opposed in-state tuition policies. For this reason, this section of the study will focus on four case studies: Texas and California, two states that have enacted in-state tuition policies and Arizona and Alabama, two states that have enacted opposing legislation. These states were selected because of their distinct response to the issue of in-state tuition policies as they apply to undocumented students.

Latino historical presence

Texas is seen as a pioneer in enacting in-state tuition legislation (Dougherty, Nienhuser, & Vega, 2010) quickly followed by the state of California. These two states both have a strong and rich Latino historical cultural background. At first glance, it might appear that perhaps this is the reason why these states support in-state tuition policies for undocumented students. And perhaps, the Latino historical presence was in fact a huge force behind these states' responses to the issue. But what happens when we add the state of Arizona to the list? Arizona, part of the Southwest, also has a strong and rich Latino cultural background and yet this state's response to the issue of in-state tuition policy is completely in contrast to that of Texas and California. If Latino historical presence was the main driving force, then Arizona would be one of the states with an in-

state tuition policy in place. But it is not. In fact, the exact opposite happened. Not only does Arizona oppose in-state tuition for undocumented students, it is considered a pioneer in enacting anti-immigrant legislation at all levels of society not only in education.

Historical context

Texas, California, and Arizona were all part of what became Mexico prior to Spanish colonization. Texas and Arizona were first colonized in 1690 while California was founded much later in 1769 because the Spanish could not get to this territory due to getting lost at sea or because of fear of approaching the Natives at the south end of the land. This period, known as the Spanish Colonial Period from 1521 to 1821, had a profound influence on the formation of Mexicans. The following periods known as the Mexican Independence and Nationalism from 1821 to 1846 and Anglo American and Mexicanization from 1846 to the present mark the historical culture and presence of Mexicans in what is now the United States Southwest (Vigil, 2012).

Mexicans are no foreigners in the Southwest. On the contrary, the Southwest, once part of Mexico, was ruled, inhabited, and managed by Mexican people prior to the Mexican American War (1846-1848). The U.S. and Mexico brought closure to the war with the Treaty of Guadalupe Hidalgo in 1848. The countries made agreements over the Native population along the border, the Gulf of Mexico, and minerals and resources among other things. The most important agreement however in terms of the Mexican population living in the conquered land, was over their rights. Under the Treaty of Guadalupe Hidalgo, all land occupied by Mexicans would be recognized as such and all Mexicans who wished to become citizens would be eligible for U.S. citizenship. Article 9 of the treaty specified that Mexicans would obtain automatic citizenship and that they

had exactly one year to contest this if they so wished to do so and leave the land. Even though the spirit of the treaty was a positive one, problems soon followed. A major problem was that the U.S. was unsure if they should recognize a person who is a citizen of Mexico as a citizen of the U.S.; a situation that led to racialization (Vigil, 2012) and the loss of lands for many Mexicans. As part of the Southwest region of the U.S., Texas, California, and Arizona share a common history. A history marked by hardship and struggle in the economic, political, and racial arenas. However, the many economic, political, and cultural contributions of Latinos and their historical presence are fundamental to these states. Although each state adopted its own rules and regulations, their histories are fundamentally integrated with those of the Mexican people who occupied this land before this region was even known as the Southwest.

Alabama on the other hand, only began to receive large numbers of Latinos after 1990. Alabama's history had traditionally been defined in terms of black and white. It was not until the late twentieth century that Latinos began to make a presence in this state. With the arrival of Latinos in Alabama came sentiments of fear over economic and social consequences by some of the residents in Alabama. Prior to 1990 only a few Latinos lived in the state, most were Cuban refugees that had arrived in the 1960s who held white collar jobs. The Latino population was so minimal in Alabama prior to 1990 that according to U.S. Census Bureau data in 1980 less than one percent of the total population in Alabama was Latino (Overmyer-Velazquez, 2008). Most Alabamians have since the influx of Latinos supported English language only laws and have resorted to pass restrictions banning Spanish. In particular, these restrictions have negatively impacted the undocumented community which, as previously noted in this study, increased tremendously over the last few years. New to the presence of Latinos,

Alabama has become a leading state in anti-immigrant legislation that has surpassed the harsh laws of other states such as Arizona. It has come as no surprise then that Alabama is one of the states that has enacted legislation to prohibit undocumented students from being eligible to receive in-state tuition benefits and from even enrolling or attending public postsecondary institutions. The increase in the Latino population has not been well received in this Southern state of the United States. Perhaps this is the result of ignorance or fear of the unknown, but one thing is certain, Alabama is far from being a Latino stronghold and as such Latinos in this region face a long and rough road ahead of them.

Social and political agencies

In analyzing the selected states, this study looked at various factors in an effort to find any common or contrasting trends in terms of enacting or opposing in-state tuition policies. If determined, such trends would allow us to predict the possibility of new states either supporting or opposing in-state tuition policies. It therefore was important to determine if any and if so which Latino social and political agencies or entities operate in the selected states. A close look at these however led to a dead end. All of the selected states were found to have the support of national, state, and local Latino agencies, entities, or organizations.

One of the major organizations this study looked at was the National Council of La Raza (NCLR), the largest Latino civil rights and advocacy organization in the U.S. NCLR, whose network consists of almost 300 community-based organizations, was found to have affiliates in each of the selected states including those of the case studies (www.NCLR.org). Another major organization looked at was the Mexican American Legal Defense Fund (MALDEF), the largest legal civil rights organization in the U.S.

sometimes referred to as the “law firm of the Latino community”. This organization does not have local offices in each state, however, it operates through regional offices that oversee the different sectors of the United States. The Western Regional office is located in California, the Southwestern Regional office is located in Texas, the Midwest Regional office is located in Illinois, and the National Public Office is located in Washington, D.C. (www.Maldef.org). The national and regional offices cover the entire U.S. territory without excluding any state. A third agency looked at was the League of United Latin American Citizens (LULAC), also one of the largest Latino civil rights organizations in the U.S. This agency differed slightly. LULAC has councils operating in various states across the U.S. From the fourteen states that have enacted legislation in support of in-state tuition policies, only one state, Rhode Island, does not have a local LULAC council. Of the eight states with opposing legislation, three states, Alabama, South Carolina, and North Carolina do not have local LULAC councils (www.lulac.org). This data might hold some significance but the degree of it is unknown being that most of the states in the opposing list do have a LULAC council. On its own, the lack of a local LULAC council does not constitute as a common trend in the equation because with only this one factor present states can still easily sway in either direction as is the case of the eight states with opposing in-state tuition legislation.

Research on other Latino agencies that would be indicative of strong Latino community support was conducted on a more local level. For this part of the analysis, this study looked at the presence of any Hispanic or Latino Chambers of Commerce in each state. Latino chambers of commerce are known to promote Latino business growth in the community and strive to advance both economic and workforce developments. Moreover, these chambers are known to be involved in community and policy advocacy,

important aspects for study. Although the dates the different chambers were founded or incorporated differ for each state, the crux of the matter is that all of them count with a Latino chamber of commerce. As stated, the only difference in this category was the date of inception. It was initially assumed that the presence of Latino national, state, or local agencies would be crucial to this study, but as it turns out, these findings were not very revealing. What is deemed as important though is the amount of support these organizations have given to the in-state tuition debate. In order to determine this, case studies are essential in analyzing the contributions of these organizations. However, the presence of such organizations nationwide, demonstrate the vast advancement within the Latino community. These organizations are indicative of the growing Latino power in the U.S. and the importance of investing in this sector of the population, not only economically but socially and politically as well.

Advocacy

Even though Texas is considered to be a conservative political state, in-state tuition legislation passed unanimously in 2001. The exact opposite happened in Arizona, also considered a conservative political state. So how could two very similar states, with a similar political culture, a strong Latino historical presence, and a large undocumented population have such contrasting outcomes in terms of in-state tuition legislation? Alabama, as previously discussed, prohibits in-state tuition benefits to undocumented students. In Alabama however, the Latino community support and power is greatly limited by the dominant group. Although the Latino population has experienced a tremendous growth rate in the state, it is evident that without the proper tools, this population faces tough challenges in their quest to advance socially, politically, and economically.

In order to better understand the dynamics surrounding what this study believes is the strongest force behind enacting in-state tuition legislation in states experiencing population anxiety, this study looks into what Sabatier and Weible (2007) present as the advocacy coalition theory. This framework posits that policy occurs through “policy subsystems” pushing their agendas forward through the use of their expertise over a long period of time (Dougherty et al., 2010). These subsystems are the advocacy coalitions that exist to support certain issues and offer solutions. These coalitions could be a single person, a group of people that come together on a common issue, or an official organization. An advocacy coalition in this case is composed of anyone interested in advancing set beliefs and taking the proper steps necessary to make sure that their demands are met through policy. Under this framework it is important to not only rely on population numbers but to translate these numbers into political power in order to get the message across loud and clear.

TEXAS

In the case of Texas and California, advocacy coalition was fundamental. As presented, Texas is considered to be a conservative political state. Many believed that pro-immigrant legislation making undocumented students eligible for in-state tuition rates would be somewhat difficult to pass but as it turns out, that was not that case. A major factor behind this, as some scholars have presented, is the direct impact of advocacy coalition (Dougherty et al., 2010; Rincon, 2008). The passage of in-state tuition policy in Texas as Rincon (2008) posits was not due to luck or coincidence. In fact, she presents that Texas enacted such legislation due to the many organization efforts of immigrant students themselves, representatives of educational institutions from levels K-12 and beyond, and legislators such as State Representative Rick Noriega of Houston.

The efforts however did not occur over night. It was a long and tiresome process for the supporters of in-state tuition. At first, the efforts did not directly aim at state policy instead the efforts concentrated on local community support for immigrant students to have access to community colleges within the state of Texas. From this, the process slowly progressed to efforts targeting statewide support for the movement which eventually led to the creation and implementation of the first ever DREAM Act style legislation in the state of Texas (Rincon, 2008). The fight which initiated both through institutional and grassroots movements set the stage for other states to follow.

The in-state tuition policy movement began with the efforts of the Dallas County Community College District (DCCCD) and the Houston Community College System (HCCS). These systems fought to provide in-district tuition to undocumented students. They presented their views to the Texas Higher Education Coordination Board (THECB) and asked for less stricter restrictions against undocumented students who wished to pursue a higher education. The DCCCD was the first to challenge the in-district tuition policy. At first, the THECB denied their request but DCCCD officials did not give up easily and finally in 1998 they were able to offer undocumented students who had resided in Dallas County during the previous 12 months in-district tuition rates. The victory inspired many others including community members in Houston to do the same (Rincon, 2008; Dougherty et al., 2010).

In Houston, the scenario was a bit different. In the 1990s, the Houston Independent School District enrolled high numbers of undocumented students. School officials were well aware that these students would not be able to continue their schooling after high school however many of these students were unaware of the challenges they would face after graduation. Rincon (2008) presents that an undocumented student who

had dropped out of high school but who had obtained his GED desired to enroll in an aviation program under the Houston Community College System. When he discovered that he was not eligible for in-district tuition rates, he decided to take his case to State Representative Rick Noriega. After hearing his case, Representative Noriega along with David Johnson, an English as a Second Language high school teacher and Alejandra Rincon herself took the matter to the HCCS Board of Trustees in hopes of persuading them to allow undocumented students to be eligible for in-district tuition rates (Rincon, 2008). The Board rejected their petition. While this was going on, Mr. Johnson organized a group of supporters called the New American Student Foundation. From this organization grew a community-based advocacy group who became known as the Coalition for Higher Education for Immigrant Students or Houston Coalition for short. This organization was composed by different members of the community including students, teachers, business leaders, government officials and many more. The Houston Coalition provided grassroots support to change public policy affecting undocumented students and their education. Finally in 2000, the HCCS Board of Trustees heard the in-district tuition request again and this time voted unanimously to approve it. The victory however was not sufficient. Soon after, an undocumented student who graduated valedictorian of his class discovered he was not eligible for in-state tuition at state universities. Representative Noriega and the Houston Coalition decided to take their fight to the state level in hopes of accomplishing the same change they had achieved at the district level (Rincon, 2008). And thus began the arduous fight for in-state tuition policy in Texas.

In 2001, Noriega introduced HB 901 in the Texas legislature while Dallas Representative Domingo Garcia introduced HB 158. Being that both bills addressed the

same issue and were very similar in nature, Representative Irma Rangel, the Higher Education Committee Chairwoman, made an agreement with the bill sponsors to combine their proposed bills into a single bill using similar language and thus HB 1403 was born. It was then that the Houston Coalition intensified their efforts to gain support for HB 1403 (Rincon, 2008). HB 1403 won by a bipartisan majority in the Texas House of Representatives with 142 yeas, 1 nay, and 2 abstentions. SB 1526, the Senate version of the bill passed with 30 yeas, 0 nays, and 1 abstention (Dougherty et al., 2010). In 2005, SB 1528 which amended HB 1403 and increased student eligibility to in-state tuition rates and allowed for undocumented students who meet the criteria to be eligible to receive in-state financial aid, passed in the Senate with a vote of 31 yeas, 0 nays, and 0 abstentions. As for the House of Representatives, there is no voting record for this (Dougherty et al., 2010).

It is important to emphasize that supporters of in-state tuition policy played a crucial role in the process. Key players in the equation were without a doubt the representatives that took the actual matter into their hands and presented it in the legislature. However, of equal importance were those organizations that acted as advocacy coalitions that never gave up in their fight against all odds. The Houston Coalition for one has been credited for having a major role as it mobilized numerous supporters for the cause. In addition, civil rights organizations such as MALDEF, LULAC, and NCLR were also highly visible throughout this process as they testified in favor of in-state tuition policy (Dougherty et al., 2010).

Interviews

In the most recent legislative session in Texas, as was the case in many other states in the U.S., a bill was filed to alter the definition of the term resident for the

purposes of in-state tuition. This bill intended to revoke the current in-state tuition policy in Texas. When asked about what impact advocacy coalitions and student movements had in preventing this measure from passing, a leading policy analyst in the Texas Senate Higher Education Committee noted:

When that bill was brought up in front of the Senate Higher Education Committee we had a significant amount of, as you call them DREAMers, of undocumented students, come and provide very good, very well thought out testimony, oral and written testimony, before the committee and I'd like to think that their testimony in part prevented that bill from making it out of committee.

Advocacy, from his point of view was crucial in preventing the bill from passing. It is essential he noted to have people remind legislators of the impact that their votes and decisions will have. Many times, he suggested, especially in matters of education, decisions are made based on statistical figures and the human aspect is often forgotten. He added:

Often times it's a combination of politics and the budget. Anytime that the budget is or higher education is cut as much as it was in this previous session, people often times look for ways to trim the budget. Sometimes people can use the in-state tuition for undocumented students as a way to attempt to decrease higher education's budget or as a means by which the budget can be spent on Americans or U.S. citizens as opposed to non U.S. citizens. So it's kind of a combination of politics and the budget.

A state legislator from Texas echoed this assessment. In his opinion, advocates allow legislators like himself to put a face to the issue and be reminded of what constituents deem as important especially when it comes to immigration issues. He noted, "I think it is helpful, yes. I think it's important to push the position and also to keep it on the front of our minds for sure." However, not everyone concurs with this. When asked if pro-immigrant advocates persuade his decision making in terms of allowing

undocumented students to be eligible for in-state tuition benefits, another Texas state legislator responded:

They are not influencing my opinion at all. My opinion is, if you are here legally, you stay. If you are here illegally, you don't stay. And it is our fault. It is the fault of the United States for giving benefits to the people that are here illegally. If we stop giving benefits to people who are here illegally they would go home themselves. We wouldn't have to do a thing. We give them free education, we give them free health care and then we give them instate tuition.

For those who are adamant about getting support for their cause, opposition does not seem to dissuade their efforts. On the contrary, as a local Texas student activist stated, opposition is what powers their advocacy efforts. The student activist indicated:

I think it's just listening and seeing our version...they need to see the people who are behind the bill of the proposal. They need to see who is the Jose, who is the Hector, who is Maria, who is the Karla behind it. They need to see the potential nurse, engineer, journalist. So it's as if we are asking 'clear your head from prejudice for a moment and just see the people behind the DREAM Act'.

Another Texas student activist strongly agrees with this statement since he believes activism was fundamental in getting Texas to pass HB 1403 back in 2001 and it is what is preventing harmful anti-immigrant bills from passing in Texas now. The student activist noted:

We are going to keep fighting. It's just a matter of time, that's what we believe even though the political climate is really intense right now. We are going to keep going. We are going to keep pushing because that's the only thing we can do.

Strengths in Texas

In the state of Texas it can be argued that HB 1403 was able to pass due to the well organization of in-state tuition supporters. What also played a vital role was the fact that Latinos were well represented in the State Legislature as well as in local offices. In

addition, the number of Latino registered voters was of great importance (Dougherty et al., 2010). These aspects allowed the Latino community to gain power in Texas. Texas political officials therefore, as was the case with Governors George W. Bush (1994-2000) and Rick Perry (2000-Present), have been very mindful of the Latino vote. In this respect, Texas is said to differ from other conservative states in that by acknowledging the power of the Latino community, anti-immigrant proposals have not been successful to date. Highlighting the importance of the Latino vote, a student activist noted:

We need to get the voters more active and listen and be active on who is on the campaign and elect those [people] not by the party they belong to but by their ideals, like who is the person that has made a connection to my interests.

Pressing their issues forward to legislators therefore is not sufficient as the student activist makes clear. If advocacy is to make a difference, according to his analogy, it is imperative that the people vote for representatives that share their beliefs and who will support their cause. Having the right person in power facilitates the activist's job. The student activist presented:

We need to get the Latino community who can vote to do so because there is like 1 million Latinos that can register to vote that's just outrageous. Imagine if they vote? Texas has such a big enough number of congressional seats that it would change the nation.

Opposition

In Texas, it has been documented that support for in-state tuition has been overwhelming while the opposition has not been well-organized. There are some who argue that if HB 1403 would have been up for a vote after the attacks of September 11, 2001 then the story would be a different one. Others have argued that opposition was not well-organized because the in-state tuition issue was kept under the radar and little media attention was given to it when it was being debated. Another argument centers on the

idea that the opposition did not have the support of Republican legislators since the top officials had made it clear that they would veto any anti-immigrant bills. Lastly, it has also been argued that if the issue had been put up for a citizen vote that in-state tuition policy in Texas would not be in place now (Dougherty et al., 2010). Whatever the situation might be, one thing is certain, Texas in-state tuition supporters were victorious because they organized well, never gave up, and to this day continue to fight for what they believe is just and fair.

CALIFORNIA

In California, the second state to enact a bill allowing undocumented students to be eligible for in-state tuition rates, advocacy efforts began since the 1980s. California is estimated to be one of the states with the highest number of undocumented students (Passel, 2003). As such, it is no surprise that access to higher education by undocumented students has been a major concern since the mid-1970s. In California as in Texas the issue came to light after students themselves made their educational plight known. It took fifteen years of legal battles to finally pass an in-state tuition policy that benefits undocumented students.

Litigation

In 1985, an advocacy group named the Leticia “A” Network, Network for short, developed after a legal battle in the courts. This group was composed of students, teachers, representatives of higher education institutions, community leaders and many more. The group was created after five undocumented students who had been admitted to the University of California in 1984 were required to pay nonresident tuition and fees regardless if they had resided in California for a long time. The UC system argued that

their interpretation of Assembly Bill 2015 allowed them the right to charge these students at nonresident tuition rates. In the case known as *Leticia “A” v. Board of Regents of the University of California*, the California Superior Court did not agree with UC officials on their interpretation of Assembly Bill 2015 (Rincon, 2008). The court established that “immigration laws on residence could not determine a noncitizen’s ability to establish domicile and therefore qualify for in-state tuition” (Rincon, 2008; pg. 52). The ruling therefore stated that undocumented students who had resided in California for a set amount of time were eligible for in-state tuition rates and state financial aid. This victory on behalf of undocumented students however was short lived. In 1990, *Bradford v. Board of Regents of the University of California* reversed this ruling. Donald Bradford, a university employee, claimed to feel pressured to break the law by processing the paperwork of an admitted undocumented student. The Los Angeles County Superior Court ruled in favor of Bradford. The decision was appealed in *Regents of the University of California v. Los Angeles County Superior Court* and the decision of Bradford was upheld. The California Community College system and UC campuses began implementing the new policies as dictated by the Bradford case. However, since the California State University system was not part of the litigation, they continued to offer undocumented students in-state tuition benefits (Rincon, 2008). Not at all satisfied with this dual system, in 1995 an anti-immigrant group called Federation for American Immigration Reform (FAIR) brought on a lawsuit against the CSU system. In *American Association of Women v. Board of Trustees of California State University* it was decided that the Bradford ruling should be upheld and therefore the CSU system could no longer provide in-state tuition benefits to undocumented students (Rincon, 2008).

Advocacy

During the Proposition 187 era in the mid-1990s, where then California Governor Pete Wilson supported an initiative to deny social services including educational rights to the undocumented population, the Network organization mobilized itself to support the rights of the undocumented just as it had done before during the previous litigation cases. The Coalition for Humane Immigrant Rights of Los Angeles joined the Network in advocating for undocumented students and access to higher education (Rincon, 2008). Their many efforts along with those by the California Assembly and Senate members were denied more than once, either vetoed by the Governor or never making it out of committee. The Network organization however kept strong and through grassroots manifestations educated the public about their plight managing to garner support for their cause; a strategy that still today is utilized by activists pushing for the federal DREAM Act. As a student activist noted:

I guess the best we can do is just keep educating the public, keep pushing for your issue, just keep fighting the head rhetoric of anti-immigrant with your own rhetoric and just try to talk to the media, and also talk to key groups, target groups that can help you get what you want.

AB 540

After many years of advocating on behalf of undocumented students, the many countless efforts of the Network organization finally paid off. In 2001, AB 540, a bill introduced by Assemblyman Firebaugh was enacted (Olivas, 2009; Rincon 2008). At first this bill only applied to the California Community College system and the California State University system. It was not until 2002 that the University of California system was included in the bill after the University Board voted on the issue. The Network organization has been credited to be one of the strongest forces behind the passage of

AB 540 even amidst attacks from strong anti-immigrant groups. It took over fifteen years of pushing their agenda forward, of advocating on behalf of the undocumented, and of fighting against all odds even when the chances seemed dim. Their efforts however won them a victory at the end and there are many who believe it is precisely what they demonstrated to have, persistence and determination, that made a huge difference. Even today, when asked about which factor in the entire process of enacting laws has a profound impact on elected officials, an Assemblywoman from California interviewed for this study said:

I think it is community activism you know as elective representatives we are driven by what our voters demand of us so for this reason I think it is really important to get community support to continue to engage our elected officials at a level that they may not be comfortable. Those matter and I think they're important.

Student activists are well aware of the profound impact that their efforts have on elected officials. A student activist noted:

The reason there has been an expansion on the freedom in the United States is not because of the lawyers and the people at the capital or at congress, it's because of the popular movements... the voicing out of this popular movement, the civil right movements, [all] are very important because speaking up is what pushes laws and freedoms, such as the freedoms that are given in the first amendment.

Impact of advocacy

As the cases of Texas and California present, advocacy can be a strong force when and if it is well organized and defined. In Texas, the well organization of the advocacy coalitions pushing for in-state tuition policy faced little opposition. In California, the advocacy coalitions were attacked numerous times and even included litigation battles. Anti-immigrant coalitions were also strong in California and managed to win over the pro-immigrant groups in various occasions. However, even though the

fight lasted fifteen years, the pro-immigrant coalitions were finally victorious in getting support for undocumented students in pursue of higher education. Today, with a climate of heightened animosity toward immigrants in the Unites States, advocacy coalitions, both for and against immigrant rights, are continuing strong. As presented, activism is essential in legislative matters and perhaps now more so than ever. In 2010, 15 states considered 26 bills that if passed would prohibit undocumented students from receiving in-state tuition rates. None of these bills passed (NCSL, 2011). In 2011, 13 states considered 22 bills that would either prohibit undocumented students from receiving in-state tuition benefits or would prohibit them from enrolling at any public postsecondary institution. Two states, Indiana and Alabama, passed these bills and Montana put the matter up for citizen vote for 2012 (NCSL, 2011). Of the 14 states that have enacted an in-state tuition policy, eight have contemplated bills to repeal their existing laws. Only the state of Wisconsin passed the bill to repeal its in-state tuition law in 2011 (NCSL, 2011).

ARIZONA

Arizona, as previously discussed, shares a common history with Texas and California. Moreover, the size of the Latino population is also comparable to that of these other states. However, Arizona took a complete different trajectory than Texas and California did on the issue of undocumented students and in-state tuition benefits. As this study has presented, Texas and California had strong advocacy coalitions working on behalf of the undocumented community, something that is said to have been lacking in Arizona when the bill was voted on. In addition, Arizona's ability to allow citizens to pass legislation without the consent of elected representatives also played a vital role.

In 2003, a bill was introduced in Arizona to make undocumented students eligible to receive in-state tuition benefits and state financial aid. The bill never made it out of committee. Soon after, and as a result of this, many opposing bills were proposed but these too died in committee (Dougherty et al., 2010). If passed, these bills would not only prohibit undocumented students from receiving in-state tuition benefits but it would deny them from being admitted to public postsecondary institutions. Of all the anti-immigrant bills proposed, one finally passed in 2004. Proposition 200 made it a requirement for undocumented people in Arizona to demonstrate proof of residence in order to be eligible to receive public benefits (Dougherty et al., 2010; Shorey, 2004). In 2005, HB 2030 passed in the Legislature. This bill proposed to deny undocumented students in-state tuition benefits and prohibit them from receiving financial aid. When this bill reached then Governor Jane Napolitano's desk, she vetoed it.

Because Arizona's constitution allows citizens to pass legislation by placing the issue on a referendum and voting on it, in 2006, the issue of undocumented students and in-state tuition benefits was put on a state referendum and the citizens voted to pass it (Dougherty et al., 2010; Baum, 2006). Proposition 300 thus became law in 2006. Although there have been attempts to repeal Proposition 300, they have not been successful. When asked how a state with such a huge Latino population was able to pass a bill such as Proposition 300, an Arizona activist coordinator stated "the problem here is that the Latino community hasn't been as involved politically as the Anglo community has".

Advocacy

It is important to emphasize that there were pro-immigrant coalitions operating and organizing in Arizona when Proposition 300 was passed although they were not

strong or well-organized. The pro-immigrant coalitions for the most part were composed of Latino community groups, labor unions, and Latino legislators. There is not much documented on these coalitions though because they were not very strong or well organized. In fact, they have been described as “loose advocacy coalitions” (Dougherty et al., 2010). These local pro-immigrant groups did not have state or national support. To demonstrate the lack of support, Whitaker (2005) makes note of the lack of a local MALDEF office operating in Arizona.

On the other hand, the anti-immigrant groups in Arizona are said to have been a strong force throughout the movement. These groups had the support of state and national anti-immigrant groups. Among some of these most famous groups operating in Arizona were the Minutemen, American Border Patrol, the Sonora Land Tribes, and the Arizona Republican Party most of whom are said to have been funded by FAIR, the Federation for American Immigration Reform. These organizations rallied at the state capitol and took advantage of every opportunity they had to make their cause known. The main issues on which they are known to have promoted their agenda and continue to do so is on portraying undocumented immigrants as perpetrators of crime and of draining social services (Dougherty et al., 2010). Moreover, it was been argued that the timing of Proposition 300 worked against the undocumented community. For one, Proposition 300 was placed on a ballot during a period in Arizona when the number of immigrants in the state skyrocketed. Another factor cited as a reason as to why Proposition 300 was able to pass was that it was voted on after the events of September 11, 2001. A student activist had the following to say on this matter:

We have to consider that like before 9-11 these issues were not present like illegality of people was not a major concern. Then people started like, after 9-11 there was this anti-immigrant anti everything...[This] exacerbated what usually

happens after patriotic events that unite the country. Usually they want to get a scapegoat and immigrants are the perfect scapegoat, not only immigrants, but Latinos, minorities.

It has also been argued that Latino representation in Arizona was extremely weak at the time. According to U.S. Census Bureau data, from 2005, in 2003 only 13 percent of the entire Latino population was registered to vote and only 17 percent of state officials were Latino (2005). A current activist coordinator in Arizona noted:

Unfortunately, Latinos, we have about 2 almost 300 thousand Latinos who are not even registered to vote. So we have a lot of representatives who have really been picked by mostly Anglo, Mormon folks who live in Arizona. When it comes down to really deciding the laws, that's how you can see that there are a lot of anti-immigrant laws that have been passed or that have been tried to be passed.

A major critique of this activist coordinator is precisely what we have been discussing, a lack of advocacy in the state for pro-immigrant issues. She continued:

The activism in Arizona really became a lot a lot more visible until probably SB 1070. There are some organizations here that have been doing a lot of work. I think like every organization is sort of doing their own thing or they were doing sort of their own thing. Some were like really involved in getting Sheriff Arpaio out of office. You know different things here and there. But there wasn't really a strong coalition that worked on getting Latinos to vote, that worked on stopping different legislations....I mean we have been there. We have been organizing. There were a lot of organizations but we were not as awake as we are now because of SB 1070.

Now the agenda seems clear for this new wave of pro-immigrant activists who desire to make a difference in Arizona. The activist coordinator stated:

We are barely waking since SB 1070 happened. We have a lot more people getting involved. A lot more Latinos getting registered to vote and actually voting. So I think it's happening but it will take some time to a couple of years I would say to be able to get more people in office who are more friendly to our communities not only to immigration but also with Latinos.

Using the past as a learning experience, this new wave of pro-immigrant supporters in Arizona are stepping up their game in hopes of one day being able to revoke

anti-immigrant legislations such as Proposition 300 that has proven to be detrimental to undocumented students seeking to pursue a higher education. Their advocacy levels have in deed advanced as a Texas activist makes note:

There is a lot of activism there. A lot of well supported groups and like both Chicano groups, both undocumented groups, people who work in between, there is a lot of voter registration, people coming out, to get the people out to vote, I recall what happened with Russell Pearce, that resulted out of that.

At first glance, it might seem difficult to understand how Arizona having such a large Latino community and historical presence in the Southwest has enacted such anti-immigrant legislations such as Proposition 300. A closer look into advocacy coalitions, both for and against immigrant issues, however reveals useful information that allows for a clearer understanding into the subject matter. Only time will tell if this new wave of activism in support of the undocumented community will be successful in Arizona as it has been in other states such as Texas and California. Local activists in Arizona seem hopeful that this will be the case as one stated “It’s going to take time for us to get more Latinos registered to vote and more minorities. But I think it can get there. I am very optimistic of us making a positive change in Arizona.”

ALABAMA

Some states like Alabama are adamant about supporting anti-immigrant legislation. Therefore, in this study, Alabama is representative of those states that have demonstrated apathy toward pro-immigrant issues. As previously discussed, Latinos have just recently established themselves in Alabama. Notwithstanding however, the Latino population has grown tremendously in the last ten years. As discussed in the section of population anxiety in this study, it is perhaps this growth that is causing panic

and fear among the dominant group in Alabama resulting in discrimination and alienation of the Latino community.

There has been a mixed reception towards the incorporation of Latinos in Alabama. On the one hand, some residents are grateful that Latinos managed to help revitalize the business sector that had been suffering for quite some time by opening businesses in the state. On the other hand however, many more are dissatisfied with the growing Latino community in particular with undocumented immigrants. One of the biggest complaints is that this newly established population is a burden on taxpayers. In terms of schooling, teachers and administrators are now faced with the challenge of dealing with students who have limited English-language skills. This is seen as a huge problem in Alabama because the schools, which had never encountered this situation, are not equipped to handle this population. Another concern for Alabamians is their claim that the presence of Latinos lowers neighborhood property values (Overmyer-Velazquez, 2009).

In 2006, when pro-immigrant manifestations were taking place in other states across the U.S., in Alabama anti-immigrant protests developed. Alabama has not been an immigrant friendly state whatsoever. As such, anti-immigrant legislations soon advanced. In June 2011, HB 56, the harshest anti-immigrant legislation to date was enacted. Among other provisions of this law, it provides that undocumented students are prohibited from enrolling in or attending any public institutions of postsecondary education (Olivas, 2012). A student activist in Texas working toward lending support to undocumented students in other states said “It’s just a bill aimed at making your life a living hell and making you move.” In regards as to why Latinos in Alabama, even

though with large population numbers, have not made their voices heard, the Texas activist noted:

There is no Chicano activism; I don't think there is no real Chicano activism in Alabama or anything like that. I don't know if there is a big number of Chicanos probably a lot more immigrants than Chicanos there. There is just a very low amount of them. I think the best thing they can do is get some support from the African American community but the ties are not there.

In Alabama, as in any other state with a similar history, Latino population numbers are not sufficient in terms of legislative action. In order to be effective, these numbers need to be turned into political power. It is important to note that established pro-immigrant groups from other states including student movements as well as national organizations are giving their support to the Latino community in Alabama. The pro-immigrant community continues to challenge the effectiveness of HB 56. To date, an ongoing debate over HB 56 is taking place in the justice system and pro-immigrant supporters hope to one day be able to block the implementation of some of its provisions or revoke the law altogether. The situation in Alabama is not an isolated case. Across the U.S. there are other states, with recently established Latino communities that are experiencing similar circumstances. According to NCSL (2011) in 2011, 1,601 immigrant related bills/resolutions were introduced in the U.S. As of December 2011, 306 of these were enacted while 15 others passed in the Legislatures but were later vetoed by governors (NCSL, 2011).

Conclusion

The debate over undocumented students and access to higher education is ongoing. The purpose of this study was to conduct a comparative analysis on selected states using demographic data to determine any associations between Latino population growth and the condition of population anxiety. Using demographic data from ten year intervals this study was able to compare the Latino population growth to the non-Hispanic White population growth in the selected states. The findings support the initial hypothesis that Latino population growth is producing fear among the dominant racial group in the United States leading to anti-immigrant legislation. This study provides meaningful insights that can be useful to future research seeking to determine the outcomes of certain state legislations affecting undocumented students and higher education. Below is a summary of the findings.

FINDINGS

The focus of this study aimed at depicting the factors that lead states to enact either favorable or opposing legislation for undocumented students. Led by a theory of population anxiety (Bobo and Hutchings, 1996; Semyonov et al., 2004; Fosset and Kiecolt, 1989; and Esses et al., 2001) this study looked at demographics in each of the states that to date have enacted legislation affecting the eligibility of undocumented students and in-state tuition benefits. The findings support the hypothesis of an association between population anxiety and population growth in the states that have enacted laws or regulations banning undocumented students from being eligible for in-state tuition rates.

Population Anxiety

The study first looked at the Latino population growth in the selected states and compared it to the non-Hispanic White population growth. The data revealed dramatic differences between the two population growth rates. The Latino population growth in states that have enacted in-state tuition policies had a mean population growth of 56.5 percent compared to only a 0.3 percent increase for the non-Hispanic White population from 2000 to 2010. The Latino population growth in states opposing in-state tuition policies was even higher, registering a mean population growth of 91.6 percent. This data demonstrates a tremendous growth rate for Latinos and a slow steady minimal increase, and at times even a decrease, for the dominant non-Hispanic White population. According to the notion of population anxiety, when the dominant population feels threatened by the increasing numbers of minority populations, discriminatory actions tend to take effect against minorities (Feagin & Feagin, 2003). These actions can be manifested through the enactment of harsh laws and policies prohibiting the advancement of the minority community. As the findings reveal, the growth of the Latino population in the states with anti-immigrant laws was much higher than the other populations which support the hypothesized relationship between population growth and anti-immigrant legislation.

In addition, this study also compared the population growth of the unauthorized and foreign born populations to the non-Hispanic White population in the selected states to further examine for any associations. The data revealed similar trends. In terms of the unauthorized population, the states supporting in-state tuition policies had a population growth mean of 48.7 percent while the states opposing in-state tuition policies had a population growth mean of 90.5 from 2000 to 2010. In terms of the foreign born

population, the states supporting pro-immigrant legislation had a growth population mean of 39.4 percent while the opposing states had a mean of 53.9 percent from 2000 to 2010. These figures, as those in the Latino population category, demonstrate a higher population increase in the states opposing in-state tuition benefits. The data examined presents an association between the increasing Latino population numbers and the notion of population anxiety.

As the findings reveal, the states that have enacted in-states tuition policies also show an increase in Latino population growth which does not seem to follow the population anxiety theory. In order to better understand the trajectories these states took, case studies were examined to determine other underlying forces operating within these states. In total, four case studies were used in this research project.

Case Studies

A closer look at two states with in-state tuition laws and two states with opposing legislation allowed for a more comprehensive view of the underlying forces operating within the selected states. For this section, the study looked at the historical presence of Latinos in the states, their amassed political power, and advocacy coalitions. Texas and California served as the two case studies representing the states known to be traditional receiving states that have enacted in-state tuition laws. These two states were chosen to be part of the study because of the long standing presence of Latinos, adequate Latino representation, and strong efforts of pro-immigrant advocacy groups operating in the area. Careful review of existing literature plus information gathered from interviews conducted by the author, revealed strong advocacy coalition forces leading the way to favorable legislation.

These case studies presented the hard work and determination of activists whose agendas were denied and rejected multiple times but who never gave up in their fight for justice. Even though Texas and California enacted in-state tuition laws, each state arrived at this decision through different means. In the case of Texas, advocacy coalition groups composed of the undocumented students themselves, K-12 school personnel, university representatives, and community members took their plight to local education agencies to allow undocumented students to receive in-district tuition rates at local colleges. From this local movement, a statewide movement was formed to support undocumented students who wanted to attend public colleges or universities. In the case of California, similar advocacy groups took action but in the form of litigation. Although the change did not happen overnight, these advocacy coalitions were ultimately successful in achieving their purpose.

Arizona and Alabama served as the two case studies for states opposing in-state tuition benefits. In the case of Arizona, a state similar to Texas and California in terms of the Latino population and historical presence, opposing legislation was enacted. In contrast to the previous case studies, the findings for Arizona reveal a lack of strong advocacy coalitions in support of pro-immigrant legislation and a strong, well-funded, and well-organized anti-immigrant movement. Alabama paints a completely different picture from the previous case studies. This state, in which Latinos have just recently begun to establish communities, demonstrates that numbers do not amount to much if political power is not achieved. The lack of a strong Latino community network seems to have a negative impact on Latinos in the state. In conclusion, the data for this section of the study shows a direct association between strong advocacy coalitions and pro-immigrant legislation.

IMPLICATIONS

Although comparing Latino population growth to that of the dominant population and analyzing Latino historical presence and advocacy efforts revealed meaningful insights and positive associations in line with the hypothesized theory, there are other areas that must be further researched. An area that was not analyzed in this study but that needs to be further explored is the political composition of state legislatures in each state at the time in-state tuition laws were proposed and enacted. This area of research would allow for a more complete understanding of the politics behind the enacted legislation. It would be of great interest to compare members of the different party affiliations and determine if these matter in terms of enacting or opposing pro-immigrant laws. In addition, examining the gender composition of state legislatures might also be informative. A California assemblywoman interviewed for this research noted:

I think gender absolutely plays a role. I mean as women I think, you know we are moms first you know before anything else so I think it absolutely does play a role. Although you know the bill, the DREAM Act bill was not carried by a woman.

Gender however was not analyzed in this study. This is also an area that needs to be further researched to determine if there are any positive associations with gender and pro-immigrant legislation or vice versa. A third area that needs to be explored is the Latino economic contributions made to each state. Being able to compare the economic contributions of this growing population could produce meaningful findings that could be indicative of a state's response in terms of supporting or opposing pro-immigrant legislation. It is essential for future research to look into these unexplored areas given the complexity of the topic of undocumented students and access to higher education and the impact that this is having not only on the undocumented community but on the nation as a whole.

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