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Undocumented Students

Immigration Issues on Campus

By Rick Ryscavage, S.J.

After the nineteenth-century Italian Jesuit Luigi Taparelli, the intellectual mentor of Pope Leo XIII, coined the term *social justice*, it found its way into the vocabulary of the followers of British philosopher David Hume and eventually into the vocabulary of the wider secular world. Taparelli saw social justice as a virtue exercised on behalf of the common good. The common good was the creation of social conditions where everyone in a particular society can reach their full potential as human beings. He assumed that the virtue of social justice could be prudentially applied to an ever-changing variety of social problems.

Within the Catholic community, until recently the problems associated with migration were not entirely accepted as social justice issues. The Church's caring for immigrants was considered a work of charity, not of justice. Immigrant and refugee services such as the central work of the Jesuit Refugee Service (JRS) were not focused on changing socio-economic and political structures. JRS was not normally invited to Jesuit conferences on social justice. Thankfully this attitude has been changing. Pope Benedict's emphasis on love as at the heart of the social mission of the Church and

stating that social justice requires charity persuaded many Catholics to take a fresher look at the problems of human mobility.

Beginning in the early 1990s it became clear that millions of people were entering the United States without the government's authorization or entering legally but then overstaying their temporary visas. Most of these newcomers were young people who were having children. These children thus came of high school age in the first decades of the twenty-first century. The 1982 Supreme Court decision in the *Plyler v. Doe* case guaranteed undocumented children free public education through grade 12 under the Equal Protection Clause of the Fourteenth Amendment. The court was silent, however, about the children's access to higher education. Federal law does not prohibit public colleges and universities from accepting undocumented students. States may admit or bar undocumented students as a matter of law or state policy. Private colleges and universities such as the Jesuit schools are free to set their own policies, but they are prohibited from

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using any federal money to benefit undocumented students. It is estimated that 65,000 undocumented young people graduate from high school every year in the United States. Perhaps only 7,000 go on to higher education.

In 2010, the Ford Foundation funded Fairfield University in Connecticut as well as partner schools Santa Clara University in California and Loyola University Chicago to conduct a two-year study of the situation of undocumented students at the 28 Jesuit institutions of higher education in the United States. Both legal and social science research teams were created at the three schools. Each school in turn picked another Jesuit school in its geographic region to work with. The six institutions represented the mix of Jesuit higher education in the U.S.: urban, suburban, large, small, mostly commuter, mostly residential.

The study employed a mixed method research model that included long, in-depth, structured interviews with key staff and students at selected Jesuit schools as well as local high schools and community organizations. Additionally 110 admissions, financial aid, student services staff from all 28 Jesuit schools responded to an on-line survey that included both fixed choice and open-ended questions. Researchers paid great attention to confidentiality, and the research was cleared by the internal research review board at each of the lead institutions.

The study takes an extensive look at the situation of undocumented students today. What challenges do they face? Why are so few undocumented students attending schools of higher education? What are the institutional practices and attitudes toward the undocumented? How do federal and state laws affect their college experiences? How can we as a morally committed system of education join together to support the human dignity of undocumented students who find themselves adrift in a society that is often hostile to their future because of the choices of their parents?

Some Findings

Among the 28 Jesuit colleges and universities there is no consistent policy regarding undocumented students. Instead there is a wide array of informal ad hoc procedures involving a small number of staff at each place. This fragile system cannot address all the challenges that these students face, so the students have a lingering perception that they are not fully supported by their schools.

- There is much confusion and a lack of information among the faculty and administration about the undocumented.

- All the undocumented students interviewed found the admissions process difficult. They relied on an informal network of community advocates, parish priests, peers, high school advisors, and individual teachers and on their own hard work to find their way to the Jesuit universities.
- Underlying the admissions process for undocumented students is their constant fear of detection by the government, especially if they put members of their families at risk for deportation. In June 2012 the Department of Homeland Security issued a new regulation called Deferred Action for Childhood Arrivals (DACA). It defers deportation for two years and enables the student to obtain work authorization, a social security number, and, depending on state requirements, a driver's license. This is a welcome relief for the students, but it is temporary. Nor does it include undocumented members of their families, and the students are still barred from federal financial aid and loans.
- The biggest barrier to higher education for these students is financial. Coming mostly from poor families, they have to rely on private scholarship money. Even with a full scholarship, some of them still struggle with paying for books, transportation, and food.
- The students also experience culture shock at some schools. As first generation college students from poor families, they have difficulty navigating a university education and adjusting to life among so many affluent fellow students.
- One of the greatest life challenges undocumented students face is their post-graduation employment. Even if they have a passion for and real talent for a career in teaching, public service, law, medicine, nursing, or engineering, they realize these careers are closed to them because they all require a certification process that involves disclosing their illegal status. Career guidance offices often are not equipped to help these students make important choices about majors and graduate programs.

Recommendations

In terms of social justice, perhaps the most important relief these students could get is a comprehensive immigration reform law that grants them a fast path to citizenship. These are young people raised in America. They bear no moral or legal responsibility for their situation.

They should be allowed for the sake of the common good to reach their full potential and make a strong contribution to American life.

The majority of Jesuit presidents have already signed an Association of Catholic Colleges and Universities document supporting a path to citizenship. They also issued a statement in February in Washington, D.C., pledging, in the spirit of the Jesuit principle of “cura personalis” (care for whole person), to create a welcoming and supportive environment for these special students at their colleges and universities.

Giving the students access to citizenship will not solve all their problems. Unless something is done to legalize undocumented members of their families, they will continue to live in fear of a family member being taken away from their home.

They will still face all the challenges on campus that most first generation students have to deal with, especially the need for financial aid. The study identifies best institutional practices, including special support systems, campus information sessions, and staff training.

The Moral Framework

The Ford Foundation asked that the Jesuit research be given an explicit moral framework capable of influencing other private institutions of higher education. The Catholic Church has a uniquely well-developed and sophisticated approach to social, economic, and political questions. Since Jesuit values and pedagogy are rooted in this Catholic intellectual tradition, it was natural to frame the research on undocumented students in light of Catholic moral teaching. The premises and principles of Catholic social teaching can be understood and appropriated by non-Catholics.

Six principles were chosen as the most appropriate moral guides to dealing with the issue of undocumented students:

The Common Good: the importance of creating the social conditions where all individuals in the society can flourish to their full human potential.

Human Dignity: Basic human rights are bestowed by God, not by the state; and these rights are not restricted to citizens of the state.

Family Unity: Keeping families together is an essential characteristic of a good society. Immigration policies should never separate families through detention and deportation of students, mothers, fathers, uncles, and

aunts who have been living peacefully in the United States and who have not committed a crime beyond living in the country without authorization.

Solidarity: Solidarity is the social principle that reflects the interdependence and interconnectivity of all human beings. We are all part of God’s family. Solidarity with one another is also primarily a moral virtue directly connected to the practice of social justice. Solidarity promotes union of people in a way that enhances the quality of public debate.

Subsidiarity: This famous Catholic principle, originally developed by Luigi Taparelli, has been called the most important principle of social philosophy, because it protects people and groups from legal and social abuse by higher authorities. The principle implies that the federal government should allow lower levels of government and even non-governmental groups the opportunity to shape laws and enforcement principles that reflect the special conditions and problems at the local and regional level. Some states have stronger border enforcement needs; some cities have become “sanctuary cities,” issuing identification cards to undocumented immigrants. Unless there is a clear violation of human rights, this flexibility should never be taken away by federal authorities.

Charity: As Pope Benedict said, charity is at the heart of the Church’s social teaching. Doing justice is a primary way of expressing charity, but charity transcends justice. Without charity, mercy, and forgiveness, a just society will become a cold inhuman society. Undocumented students should be treated justly but also treated with love and compassion.

Applying these great principles to the concrete arena of policy and law is not easy. Catholics of good will can and do differ on the best way to achieve the common good. Care for the poor and marginalized is an immutable demand of Christian life. But how to care for these students is a matter of making informed prudential decisions. It means choosing from among many limited and imperfect options.

Immigrants as Our Past and Future

The majority of Jesuit schools in this country were established to serve poor immigrants, and they were tremendously successful. With the huge influx of young newcomers today, these schools have an opportunity to recapture a mission rooted in the past but capable of energizing the entire future of Jesuit education in the United States. ■