

2012

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Recommended Citation

Sabena Auyeung, *A Broken American Dream: The Current State of U.S. Immigration Laws and Its Adverse Effect on Students, Education, and the Economy*, 18 Pub. Interest L. Rptr. 84 (2012).

Available at: <http://lawcommons.luc.edu/pilr/vol18/iss1/15>

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A BROKEN AMERICAN DREAM: THE CURRENT STATE OF U.S. IMMIGRATION LAWS AND ITS ADVERSE EFFECT ON STUDENTS, EDUCATION, AND THE ECONOMY

by SABENA AUYEUNG

“**T**hey are Americans in their heart, in their minds, in very single way but one: on paper.”¹ These are the words President Obama used to describe the plight of young Americans who face the threat of deportation because “of the action of their parents or the inaction of Congress.”² Every year in the United States, countless immigrant students are being denied work per-

mits or face deportation simply because of their undocumented status in the country.³

Raised and educated on American soil, many students find themselves suddenly uprooted upon the expiration of their student visa.⁴ Many of these student immigrants built their lives in America, but now have no options as they face deportation.

THE EDUCATIONAL AND ECONOMICAL IMPACT

Young students, active in their school, communities and elsewhere, have been denied work permits or deported for their undocumented status in the country. Fred Tsao, policy director of the Illinois Coalition for Immigrant and Refugee Rights, highlights this problem, stating “these are young people who are pursuing their education and many have bright futures ahead of them. . .these are by definition, Americans, and many times, they do not know about their undocumented status until they are denied financial aid or a driver’s license.”⁵

One such individual, Mohammad Abdollahi, came to the United States at the age of three.⁶ Never questioning the legality of his presence in the US, Abdollahi learned years later that his parents had overstayed their student visa, and that the whole family was facing deportation.⁷ In hopes of continuing the life he had built in Michigan and saving his family from deportation to Iran, he has made his story public – hoping that drawing attention to this issue would not only spare his family, but impact the thousands of other similarly-situated young immigrants.⁸

Even with legal status, young immigrants encounter discrimination in the job market.⁹ “The challenges of finding a job after graduation are exacerbated by the difficulty thousands face in finding an employer open to hiring non-U.S. nationals.”¹⁰ Unwanted and unemployed, immigrant students are offered little opportunity to succeed, though they possess the degree, the desire, and determination. Professor Alexander Tsesis asserts that immigrants should be considered a “brain trust that enriches the workforce benefitting economy and culture by increasing multiculturalism.”¹¹

THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS(DACA)

In June 2012, President Obama issued a deferred action he hopes will further the goals of the Dream Act and offer illegal immigrants immunity from deportation.¹² The Deferred Action for Childhood Arrivals (“DACA”) aims to protect certain undocumented immigrants.¹³ Those who meet the criteria are granted immunity from deportation and allowed to apply for a two-year work permit without any limitations on renewal. President Obama announced, “[T]his is not amnesty; this is not immunity; this is a temporary stopgap measure that will allow us to focus our resources wisely while giving a degree of relief and hope to talented, driven patriotic young people. . . [it is] the right thing to do.”¹⁴

Opponents of DACA, like Lamar Smith, the House Judiciary Committee Chairman of Texas, stated that “President Obama’s decision to grant amnesty to millions of illegal immigrants is a breach of faith with the American people.”¹⁵ Others have suggested the policy is a magnet for fraud, predicting many illegal immigrants will falsely claim they came here as children while the federal government has no means to verify whether their claims are true.¹⁶

Supporters in Congress, however, believe that the proposal is a start toward improving the nation’s immigration laws.¹⁷ Illinois Democratic Representative, Luis Gutierrez, believes that with the DREAM Act, students are being protected today, which may eventually fix the system for their families and for the country.¹⁸

STEPS BEYOND DACA

Though DACA is meant only as a supplemental “stop-gap” measure, and not as a replacement of the Dream Act of 2001, many supporters agree that this is a step in the right direction. Democratic Senator Dick Durbin of Illinois has repeatedly called for Congress to pass immigration reform legislation.¹⁹ Though there is uncertainty in Congress, Senator Durbin welcomed the announcement of DACA by stating this “will give these young immigrants their chance to come out of the shadows and be part of the only country they’ve ever called home.”²⁰

In May 2010, young immigrant students protested all over the nation – even purposely getting themselves arrested in order to make the issue public.²¹ These students are paying a large price so others do not have to face deportation.²² DACA may be a testament to their efforts, offering hope to many immigrants who believe that the administration is working to improve immigration policies.²³ As President Obama stated, “this is just one step to mend out nation’s immigration policy and to make it more fair and more just.”²⁴

NOTES

1 Rose Garden Sala, *Obama: ‘They are Americans in hearts, minds’ – Not on Paper*, MSNBC NEWS (Jun. 15, 2012), http://leanforward.msnbc.com/_news/2012/06/15/12242038-obama-they-are-americans-in-hearts-minds-not-on-paper?lite.

2 *Id.*

3 Julia Preston, *Young and Alone, Facing Court and Deportation*, New York Times (Aug. 25, 2012), <http://www.nytimes.com/2012/08/26/us/more-young-illegal-immigrants-face-deportation.html?pagewanted=all&pagewanted=print>.

4 Alan Gomez, *DREAMers Personalize Cases to Stall Deportation*, USA Today (Mar. 12, 2012), <http://usatoday30.usatoday.com/news/nation/story/2012-03-12/dream-act-illegal-immigration/53502528/1>.

5 Interview with Fred Tsao, Policy Director, Illinois Coalition for Immigrant and Refugee Rights (October 19, 2012).

6 Gomez, *supra* note 4.

7 *Id.*

8 *Id.*

9 Ruzan Sarwar, *This is What’s wrong With Our Immigration Policy*, Huffington Post (Aug. 14, 2012), http://www.huffingtonpost.com/ruzan-sarwar/student-visas-immigration-reform_b_1775425.html.

10 *Id.*

11 Interview with Alexander Tsesis, Professor of Law, Loyola University Chicago School of Law (Oct. 24, 2012).

12 Sala, *supra* note 1.

13 It aims to protect those immigrants who were brought to the United States before they turned 16, younger than 30, been in the country for at least five continuous years, have no criminal history, and have graduated from a U.S. high school or earned a GED or served in the military. *USCIS Consideration of Deferred Action for Childhood Arrivals Process*, U.S. Citizenship and Immigration Services (Sept. 14, 2012) available at <http://www.uscis.gov/portal/site/uscis/template.PRINT/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a?vgnextchannel=f2ef2f19470f7310VgnVCM100000082ca60aRCRD&vgnextoid=f2ef2f19470f7310VgnVCM100000082ca60aRCRD>.

14 Tom Cohen, *Obama Administration to Stop Deporting Some Young Illegal Immigrants*, CNN News (June 16, 2012), <http://www.cnn.com/2012/06/15/politics/immigration/index.html>.

15 *Id.*

16 *Id.*

17 *Id.*

18 Luis Gutierrez, *Obama's Deportation Exemption is Legal – And Good Policy*, US News (July 6, 2012), http://www.usnews.com/opinion/articles/2012/07/06/rep-gutierrez-obamas-deportation-exemption-is-legal—and-good-policy_print.html.

19 Reynold Mason, *DREAM Will Pass If Supporters Are Smart*, Jornal.US News Service (Nov. 11, 2010), <http://news.jornal.us/article-5260.DREAM-will-pass-if-supporters-are-smart.html>.

20 *States, Politicians, and USCIS Suck Up to Childhood Arrivals*, Civil Candor (Oct. 12, 2012), <http://civilcandor.com/states-politicians-and-uscis-suck-up-to-childhood-arrivals>.

21 Gomez, *supra* note 4.

22 *Id.*

23 The 2001 DREAM Act was originally designed to provide conditional permanent residency to certain undocumented residents of good moral character who graduate from U.S. high schools as minors.

24 Sala, *supra* note 1.