8-2014

A CONTENT ANALYSIS OF IMPLICIT LEGISLATOR DISCOURSES WITHIN THE PASSAGE OF THE SOUTH CAROLINA ILLEGAL IMMIGRATION REFORM ACT (2008): IMPLICATIONS FOR OPPORTUNITY AND ACCESS TO HIGHER EDUCATION

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A Dissertation
Presented to
the Graduate School of
Clemson University

In Partial Fulfillment
of the Requirements for the Degree
Doctor of Philosophy
Educational Leadership

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by
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August 2014

Presented to:
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ABSTRACT

On June 4, 2008, South Carolina Governor Mark Sanford signed the South Carolina Illegal Immigration Reform Act into law. According to the Act (Section 59-101-430), "an alien unlawfully present in the United States is *not eligible to attend a public institution of higher learning* in [South Carolina]". After the passage of this legislation, public colleges and universities in South Carolina were prohibited from enrolling (or re-enrolling) undocumented immigrants as students, and are now required to verify the legal status of all students, through the federal e-verify system. This legislation represents a true limiting of higher education opportunities, as well as overall life chances, for undocumented students.

Specifically, in this qualitative study, I consider the discourses implicit within the dialogue of policymakers who work to promulgate this type of prohibitive state-level policy. Thus, in this research, I considered questions related to the development of policies that shape the access, or lack of access, for undocumented immigrant students to the public higher education system in South Carolina. The principle research question that this study seeks to answer is: What dominant discourses are implicit within the dialogue of South Carolina policymakers within the passage of the South Carolina Illegal Immigration Reform Act (2008)?

The findings presented here are based on thematic analysis of content, utilizing texts and other forms of communication related to the Act's passage. Four major themes emerged within this analysis. First, the protectionist view was the most common theme within the data, with a frequent expression of a general sentiment, among policymakers,

that the undocumented population exists as a threat, to both South Carolina's citizens and the state's resources. The second theme within these research findings related to the failure of the federal government to adequately deal with immigration policy. This analysis suggested a common ideology that the undocumented population should be someone else's problem (the federal government), but since the federal government was unwilling to act, the state's action was a moral necessity. Third, policymakers commonly showed a limited and often nativist attitude toward the undocumented, with language that separated the undocumented from others in South Carolina society. Lastly, the political motivations of these policymakers are apparent within this data, as there was a suggestion that policymakers mold their conversations and actions about immigration-related policies on their own potential for political rewards, instead of on the consideration of population at hand.

There are numerous implications related to this research, particularly as they apply to the role of institutions of higher education, policymakers, advocacy efforts, future research related to this issue. This dissertation work contributes to the ongoing dialogue about issues related to undocumented immigrants and their status in the U. S. Particularly, it is necessary to increase attentiveness to the language surrounding this issue. Certain ideologies that underlie specific language are regularly utilized by political figures as they seek to convey the reasons and values behind their decision-making process. It is clear, from this research, that those in positions of power are defining current populations of undocumented persons as dangerous and problematic.

DEDICATION

I dedicate this work to my mother and husband. Your never-ending love and encouragement has provided me with the strength to persevere, no matter the situation.

ACKNOWLEDGEMENTS

First and foremost, I would like to thank my advisor and committee chair, Dr. Leslie Gonzales, for her guidance and encouragement throughout the development of this dissertation. Her patience and suggestions have been critical for me; and I appreciate her as both a mentor and a friend. I also would like to express appreciation to the members of my committee, Dr. Russ Marion, Dr. Curtis Brewer, and Dr. Cassie Quigley. Each of them provided a different expertise within this project and I relied heavily on each for support and guidance.

I am incredibly grateful to my family for their tireless support during the last four years. To my mother, who gave me wings, taught me to fly, and helped me to continue to soar throughout this journey, I owe you more than my words could ever express. To my wonderful husband, David, I thank you for your sacrifice and understanding. I could not have accomplished this without both of you, as well as the encouragement and love of so many other wonderful family members and friends.

I am at a true loss as I lastly thank God for both planting the desire for this research within my heart and providing me with the strength and endurance to finish this work. My desire towards advocacy can best be summed up by Jesus' own words: "You shall love your neighbor as yourself. There is no greater command than this…" (Mark 12:31).

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CHAPTER ONE

INTRODUCTION

In January 2009, many news outlets in South Carolina, and across the country, began to report the impact of legislation on undocumented immigrant students at public colleges and universities within South Carolina. Because of the provisions within the, then new, South Carolina Illegal Immigration Reform Act (SCIIRA), undocumented students were no longer allowed to enroll in publicly-funded institutions of higher education within the state. Thus, the stories of many of these students began to surface. The following is one of many of these stories: Dayana Rodrigues, an undocumented South Carolina student, was prohibited from re-enrolling at Horry-Georgetown Technical College in Conway, South Carolina. Dayana had been pursuing a nursing degree, after graduating in the top five percent of her high school class. However, after the passage of the South Carolina Illegal Immigration Reform Act (SCIIRA) in June 2008, public colleges and universities in South Carolina were prohibited from enrolling (or re-enrolling) undocumented immigrants as students. In an interview with a local newspaper, Dayana expressed that she felt "numb" over the Act's impact and suggested that "if they want me (in college), I'll go. If not, I'll go on with my life and see how it goes" (Coley, 2009, n.p.). This dissertation focuses on this particular legislation, and specifically, the discourses implicit within policymaker dialogue surrounding the promulgation of this type of prohibitive state-level policy.

Background of the Study

On June 4, 2008, South Carolina Governor Mark Sanford signed the South Carolina Illegal Immigration Reform Act into law. According to the Act (Section 59-101-430):

- An alien unlawfully present in the United States is *not eligible to attend a public institution of higher learning* in this State. The trustees of a public institution of higher learning in this State shall develop and institute a process by which lawful presence in the United States is verified. In doing so, institution personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government. (italics added for emphasis)
- An alien unlawfully present in the United States is not eligible on the basis of residence for a public higher education benefit including, but not limited to, scholarships, financial aid, grants, or resident tuition.

The passage of this Act was my first real introduction to this issue of undocumented students' access to higher education. I was living in South Carolina and had recently graduated from an institution of higher education, and I questioned whether states should create legislation that allows or expressly disallows undocumented immigrant students access to higher education?

Since the passage of the Act, institutions of higher education receiving public funding have been required to verify the legal status of all students and applicants. Students of undocumented status, based on the requirements of the Act, must be denied

access to these institutions. Rodrigues, discussed above, is an example of one of the many repercussions of this Act: students already enrolled in public institutions of higher education across South Carolina were denied re-enrollment based on the Act's provisions.

South Carolina's governor at the time of the Act's passage, Mark Sanford, suggested that this legislation is a "line in the sand" and that undocumented individuals will not be able to legally obtain a job after college, negating the impact of their educational attainment (Associated Press, 2009). Representative Thad Viers, who was a large proponent of this legislation, suggested, about the growing number of undocumented immigrants in South Carolina, that "when there's a fire in your house, you don't wait for the fire department, you start getting the water yourself and start putting out the fire" (YouTube, 2007). The statements of both Viers and Sanford are indicative of the ways that policymakers have problematized the growing immigrant population in South Carolina. Instead of seeing this population as an asset or a resource, or, as members of the community, they see these individuals as a dangerously-spreading fire that must be "put out". The stance of the policymakers illustrates how powerful words can be, as they define not only who is a South Carolinian or an American, but who is deserving of access to higher education.

Statement of the Problem

Prior to the passage of the South Carolina Illegal Immigration Reform Act in 2008, undocumented students in South Carolina could attend public colleges and universities but were required to pay out-of-state tuition rates, as they were not eligible to

meet in-state residency requirements. However, South Carolina's legislation, which was the first in the nation to impose such a total ban on public college and university attendance for undocumented students, sends a clear message that the education of undocumented immigrants is not valued by the legislative body of this state. Today, two states, South Carolina and Alabama, have legislated bans on undocumented students within public institutions of higher education. Three additional states, Arizona, Georgia, and Indiana, have passed policies which prohibit undocumented students from accessing in-state tuition rates. However, at least 20 states allow undocumented students to pay in-state tuition rates per state legislation or Board of Regents policy decisions, meaning that South Carolina's legislation has gravitated in an opposite direction than many other states in the nation.

South Carolina's legislation limits higher education opportunities for immigrant students and also limits the life chances of these individuals (Weber, 1968). Life chances are what Weber (1968) considered the contemplation of an individual's potential life and their chances of improving their own quality of life. Research has overwhelmingly suggested the need for educational opportunity if one is to improve the quality of their life. Current South Carolina governor Nikki Haley acknowledged this in her 2013 State of the State address, when she stated that "there is no surer path out of poverty and toward a quality life than having a good education" (Haley, 2013).

Thus, cutting off the access of an entire group of individuals to higher education, clearly has enormous consequences for the overall life chances of those individuals. For undocumented students, the connection between life chances and these policies is

undeniable. One undocumented 16-year-old student, who requested to remain anonymous because of her undocumented status, was interviewed by a local newspaper about the impact of the South Carolina Illegal Immigration Reform Act on her prospects for college. She indicated her desire to attend Clemson University and to eventually become a neurosurgeon. This student, who had a promising high school career and a 3.7 grade point average suggested the "hurt" she experienced over knowing that she "can't get into college here", also indicating that she is counting on the passage of the federal DREAM Act to provide more opportunity for others like herself. For this student, it seems an oxymoron that her parents moved her family here, from Costa Rica when she was 2 years old, to ensure better opportunities (Ledbetter, 2009).

Purpose and Research Question

There are three distinct issues typically addressed in policies pertaining to undocumented students' access to higher education: (a) access; (b) tuition; and (c) pathway to citizenship. This dissertation focuses solely on the issue of access to public higher education for undocumented students in South Carolina. However, I acknowledge the impact that tuition rates also have on access for all students, including the undocumented. Specifically, in this qualitative study, I consider the discourses implicit within the dialogue of policymakers who work to promulgate this type of prohibitive state-level policy. For the purposes of this study, discourses include written, verbal, and visual communications (Cole, 1988). While much has been considered related to the impact of these types of policies on access and outcomes for undocumented students, (Lee & Burkam, 2002; Massey, Gross, & Eggers, 1991; Núñez, 2014; Wilson, 2012),

very little higher education research has focused on the language utilized by policymakers in support of such policies.

Thus, this research considered questions related to the development of policies that shape the access, or lack of access, for undocumented immigrant students to the public higher education system in South Carolina. The principle research question that this study seeks to answer is: What dominant discourses are implicit within the dialogue of South Carolina policymakers within the passage of the South Carolina Illegal Immigration Reform Act (2008)? Informed by post-structuralism (Allen, 2011; Belsey, 2012; Kezar, 2011; Lather, 1993; Sipe & Constable, 1996; Webster & Mertova, 2007), I conducted a thematic analysis of various narrative and textual evidentiary sources from South Carolina policymakers, between 2007 and 2014, regarding the passage of the South Carolina Illegal Immigration Reform Act (SCIIRA) in 2008.

Although, this research has implications for all undocumented students' access to higher education in South Carolina, there is a particular focus on undocumented students of a Latino or Hispanic background in this dissertation. My choice to focus on undocumented Latino students is based on the large and quickly-growing population of Latinos in South Carolina. In 2013, the Pew Hispanic Center reported that South Carolina had experienced the second highest growth in the nation of its Latino population, with 154% growth since 2000 (Brown & Lopez, 2013). Additionally, the Latino population is the largest immigrant population within the United States (Brown & Lopez, 2013). It is important to stress that my focus on Latinos is not a conflation of Latinos and the

immigrant and/or undocumented populations. I am merely focusing on the Latino population due to their large and growing presence within South Carolina.

Before moving forward, key concepts and terms that are central to this work are defined in the next section.

Definitions

Access. The ability or avenue to have opportunity, which in this project is related to higher education.

Deferred Action for Childhood Arrivals (DACA). As of August 15, 2012, through the action of President Obama's pronouncement of Deferred Action for Childhood Arrivals (DACA), undocumented persons, under age 31, can apply for two years of temporary legal status within the United States, with the potential of renewal after the initial two year period. Those applying for deferred status under DACA must be enrolled in high school, have a high school diploma or a general education development (GED) certificate, or be a United States (honorably discharged) military veteran; have continuously resided in the United States since June 15, 2007; have been physically present in the United States since June 15, 2012; have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not present a threat to national security.

***(The) Development, Relief, and Education for Alien Minors Act* (DREAM)**. *The Development, Relief, and Education for Alien Minors Act* was initially introduced to the Senate in August 2001. The purpose of this Act is to provide conditional, but permanent, residency status to immigrants of undocumented status who meet

certain qualifications. Some of these include: good moral character, graduation from a U. S. high school, arrival into the U. S. as a minor and continuous residence in the U. S. for at least five years. Grantees can qualify for permanent residency if they are age 35 and under, and during a six-year period, they complete a bachelor's degree (or higher), or serve at least two years in the U. S. military.

Immigrant. According to the Department of Homeland Security, an immigrant is any "permanent resident alien". And, the *Immigration and Nationality Act* (INA) broadly defines an immigrant as "any alien in the United States, except one legally admitted under specific nonimmigrant categories".

Latino. The U. S. Census Bureau (2011) defines Hispanic or Latino as "a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race" (p. 2). However, contrary to this definition, it is commonly agreed upon that the term "Latino" refers to a wider population than "Hispanic" (Austin & Johnson, 2012; Padilla, 2011).

Policymaker. For the purposes of this research, references to South Carolina policymakers are members of the South Carolina General Assembly, as well as other key elected officials in the state, such as the state's governor.

Policy. In this work, this term is used generally to refer to both formalized issuance by legislative bodies or organizational policy, as well as less formalized discourse that governs our everyday life.

South Carolina Illegal Immigration Reform Act (SCIIRA). The South Carolina Illegal Immigration Reform Act was signed into law on June 4, 2008 by South Carolina Governor Mark Sanford. This Act banned undocumented students from attending South Carolina's public colleges and universities. According to the Act (Section 59-101-430), "An alien unlawfully present in the United States is not eligible to attend a public institution of higher learning in this State… [and the institution] shall verify any alien's immigration status with the federal government".

Undocumented. Undocumented persons are foreign-born individuals, living within the United States, who lack the appropriate immigration paperwork to be considered as legal residents. In this work, this term replaces the use of the term "illegal alien", which dominates policy related to this issue, and greater issues of immigration. This is also referred to in the literature as "unauthorized".

Significance and Contribution

For those working to advocate for higher education access for undocumented students, this project seeks to provide an analytical assessment of the ideas and values behind the legislation that bans their entrance, particularly in a state like South Carolina where a politically and socially conservative mentality predominate law-making practices (Avlon, 2012; Feder, 2010). This project seeks to provide a relevant resource to policymakers, higher education institutions and leaders, advocates and advocacy groups, and researchers. These individuals and organizations can greatly benefit from a deeper understanding of the dialogue surrounding undocumented students. Furthermore, if

advocates seek to change policies that are prohibitive to the undocumented, it is first critical to understand what language policymakers may use to frame their values.

In all, this project seeks to provide an important level of advocacy, both for students directly impacted by the Act, and for all South Carolina citizens, who are affected by the public higher education system within the state. Issues related to undocumented immigrants and their status in U. S. society will continue to make their way to the forefront of social science research, as the immigrant population continues to expand, making issues of access and equity continue to come into question. As this research pursues questions related to higher education policy, it also begs for a closer look at other policies related to the access that many in the U. S. have to resources like healthcare and social services.

Chapter Summary

This chapter provides important background to the passage of the South Carolina Illegal Immigration Reform Act (2008), which is the focus of this dissertation research. This Act requires public institutions of higher education to verify the legal status of all students and applicants; based on this verification process, students of undocumented status must be denied access to these institutions. This legislation is a limiting of opportunity and access for undocumented students. The main research question is presented here in this chapter. The primary research focus in this dissertation is the language or discourses used by policymakers in the passage of restrictive policies impacting undocumented students, particularly the South Carolina Illegal Immigration Reform Act (2008). Of particular interest in this research is the dialogue used by South

Carolina policymakers, as they describe their attitudes and actions. Additionally, the significance of this research is discussed here, and important definitions are presented.

CHAPTER TWO

LITERATURE REVIEW

This chapter provides an important overview of literature related to undocumented students and their access to higher education. First, I present a broader demographic picture of the undocumented population in the United States. However, as noted in Chapter 1, I provide a specific focus on the Latino immigrant population since they constitute a significant portion of the undocumented population within South Carolina (Brown & Lopez, 2013). After this demographic snapshot, I discuss barriers for undocumented students, both within the P-12 and post-secondary education systems. Lastly, I consider policies that govern access to education for undocumented students.

This literature was gathered through the ancestry method and via Google Scholar as well as the Clemson University electronic catalogue. Included in this literature review are sources that provided relevant and current details about the realities for undocumented immigrant students with regard to educational access and opportunity.

A Demographic Picture

The demographic data provided in this section was gathered through an examination of data from the Pew Hispanic Center, the Bureau of Labor Statistics, and other relevant researchers, focusing on trends between 2009 and 2014. In 2012, Pew Hispanic Center estimated that 11.7 million undocumented persons were living in the United States (Passel, Cohn, & Gonzalez-Berrera, 2012). This estimate reflects a small decrease in the population and Passel et al. (2013) suggested that this population peaked in 2007 at around 12.2 million. In 2012, 6.05 million unauthorized Mexican immigrants

were in the U. S., a decline of almost a million from 2007. It is estimated that Mexico is the largest source of undocumented immigrants, with 59% (7 million) of the U. S.'s undocumented person's having Mexican origin. Other significant areas include Latin America (11%), Central America (7%), South America (7%), and the Caribbean (4%) (Passel & Cohn, 2009). Undocumented populations in the U. S. are highest in six states, California, Texas, Florida, New Jersey, New York, and Illinois, comprising around 60% of the U. S.'s total undocumented population (Pew Hispanic, 2013).

In 2010, almost two-thirds of undocumented immigrants had been living in the United States for at least ten years; almost half (46%) of undocumented persons were parents of minor children. In 2010, there were 1 million undocumented immigrants under age 18 in the U. S., as well as 4.5 million U. S.-born children whose parents were undocumented (Passel & Cohn, 2011). In a ten-year comparison, conducted by the U. S. Census Bureau, which examined length of time in the U. S. for undocumented immigrants, it was estimated that nine million people live in "mixed status" households (Taylor, Lopez, Passel, & Motel, 2011). Additionally, the undocumented population in the U. S. is different in both age and gender distribution than the whole of the U. S. population; the undocumented population is disproportionately male, with lower proportions of children and elderly than the overall population (Gusmano, 2012).

Passel (2010) reported that most undocumented individuals come to the U. S. to find job opportunities. Approximately 8 million undocumented persons participate in the U. S. workforce (Passel, 2010), constituting 5.2% of the overall workforce (Passel & Cohn, 2012). The federal Bureau of Labor Statistics is unable to track specific data on the

undocumented within the workforce. However, they do collect data on the foreign-born population, of which approximately one-fourth is undocumented. The Bureau of Labor Statistics suggested in 2012 that foreign-born workers were more likely than native-born workers to work in food preparation and other service occupations, building/grounds cleaning and maintenance occupations, production, and transportation, and material movement occupations. Additionally, this report suggested that foreign-born Hispanic workers had the largest wage gap of any ethnic group, only making 78% of the earnings of native-born workers. However, as educational level increases for the foreign-born population, the wage gap shrinks (Bureau of Labor Statistics, 2012).

Many undocumented persons, particularly those who immigrated into the U. S. at an older age or where English is not spoken in the home, also struggle with their knowledge of English and with the need for use of it in everyday life. Most recently, Arizona's public school system mandated that English learner students receive four hours per day of remedial English language instruction. This policy was reportedly based on the notion that "children who speak another language should first be taught English before being given access to other subject matter" (Gandara & Rumberger, 2009, p. 752), which counters a 1974 Supreme Court ruling (*Lau v. Nichols*), which suggested that:

> Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education.

Bean, Leach, Brown, Bachmeier, and Hipp (2011) suggested, based on survey data, that children of undocumented immigrants face high stress, a lack of funds for academic enrichment, and, especially among boys, pressures to begin working at an early age, leading many to drop out of school. This study also showed that children with undocumented parents, whether undocumented themselves or not, average 11 years of education, compared with about 13 years for those with parents who are legal residents in the U. S. All students are guaranteed equal access to primary and secondary educational opportunities, regardless of legal status, based on the 1982 Supreme Court decision in *Plyler v. Doe*, which deemed a student's legal status irrelevant in their right to receive free public education. However, although *Plyler v. Doe* has provided opportunities for undocumented students to graduate from U. S. high schools, other varying policies can enhance, significantly limit, or altogether eliminate their access to attend colleges and universities, even more than thirty years after the *Plyler v. Doe* decision.

The following section details literature related to the barriers that undocumented students face, pertaining to financial issues, P-12 experiences and outcomes, parental and familial capital, access to post-secondary education, and experiences in post-secondary educational settings.

Barriers for Undocumented Students

Previous research is ripe with discussions of how undocumented immigrant students experience significant barriers to college access and completion (Auerbach, 2004; Batalova, Fix, & Creticos, 2008; Diaz-Strong & Meiners, 2007; Flores, 2010; Gildersleeve & Hernandez, 2012; Lopez & Lopez, 2009; Perez, 2009; Tierney & Garcia,

2011). In this section, I will discuss barriers that are often noted in the literature. To set up this discussion, however, I provide a general discussion about barriers that undocumented students face along the P-12 pipeline. This broader backdrop provides critical context as I consider access and opportunity in higher education for undocumented students. For undocumented students, the cumulative impact of these barriers on their educational pathway may prove too problematic to navigate, particularly as policies may further disadvantage these students, as is the case in South Carolina.

P-12 Experience and Outcomes. Performance data for children in primary and secondary schools does not paint a particularly bright picture for undocumented children. These children are less likely to take part in early childhood development programs, such as Head Start. Within the overall Latino population in the U. S., children repeat primary school grades more often than do white children and Latino children are less likely to be assigned into advanced or "academically gifted" programs (Capps, Fix, Ost, Reardon-Anderson, & Passel, 2004). Latinos are also more likely to attend disadvantaged, segregated, low-income schools, particularly ones in urban areas (Fry, 2005; Orfield & Lee, 2005). In California, research suggested that under-prepared teachers are five times more likely to be found in schools with large minority populations (Esch, Chang-Ross, Guha, Tiffany-Morales, & Shields, 2004). For these students, their risk factors for dropping out may be high, based on parents and siblings not completing high school and low family income (Swail, Cabrera, & Lee, 2004).

Parental involvement, as well as parental educational attainment, has been identified in multiple studies as influencing a student's pathway to college. Research by

Olivérez (2006) noted that parents were overwhelmingly supportive of their undocumented children's pursuits of higher education, although they did not necessarily have the appropriate tools available to assist them with their endeavors. Auerbach's (2004) research focused on bilingual Latino parent intervention programming that provides parents with resources to assist their children in college pursuits. Auerbach (2004) cited survey results that indicated that "more than two thirds [of Latino parents in the U. S.] lacked basic information about college eligibility and planning" (p. 126). These programs, which provide parents and family members with knowledge on interacting with colleges and universities, communicating with children, and easing the pathway to college "may have greater ripple effects in the future with younger family members as parents share the experience they have gained with college pathways" (p. 139).

Cooper (2002), Gullatt and Jan (2003), and Oakes (2005) also suggested the importance of relationships between student family involvement and student college opportunities. Additionally, undocumented Latino parents may lack varying types of capital, outside of the normal areas of capital that are often identified as important (such as financial), that are useful to their children's educational success. For example, the lack of feelings of safety and comfort for many of these family members, because of their legal status as well as other issues, like language barriers and English-learning, may discourage their involvement in programs or communities that could be beneficial to their children.

Additionally, Lopez and Stanton-Salazar (2001) suggested that immigrant students' achievement often improves when the needs of their families are attended to

initially. This indicates that the difficulties within their families may preoccupy the time and interests of these students. While Lopez and Stanton-Salazar's work is situated in K-12 schooling, it provides important implications for policy in higher education, particularly as it applies to immigrant student populations and how these student populations can be adequately approached, recruited, and retained successfully.

Accessing Post-Secondary Education. While all students face barriers to college access, success, and completion, the barriers are far more complex and multifaceted for undocumented students. These students experience barriers based on multiple familial, social, cultural, and political contexts (Gildersleeve & Hernandez, 2012; Lopez & Lopez, 2009; Perez, 2009). Additionally, as suggested by Gildersleeve (2010), some of these students' families work within labor and economic circumstances, such as migrant farm work, that provide little or very weak support and related opportunities for higher education. Furthermore, the poor wages offered in immigrant labor markets can limit the abilities of these families to pay for higher education opportunities. And, these limitations are only exacerbated by policies which do not allow undocumented students to claim state residency status and pay in-state tuition, as well as federal financial aid guidelines which do not allow undocumented persons to obtain student loans and aid money (Batalova, Fix, & Creticos, 2008; Diaz-Strong & Meiners, 2007; Flores, 2010; Tierney & Garcia, 2011).

In many states state legislation dictates that undocumented students cannot qualify for in-state tuition, as they are unable to meet residency requirements based on their legal status. Thus, these students, if able to access higher education, must pay out-of-state

tuition rates. National estimates of the differences between in-state tuition rates and private or for-profit college rates suggested a tremendous gap, especially when considering the cumulative amount paid over 4 (or more) years. In 2012, the College Board estimated the annual cost of in-state tuition at public colleges nationally as $8,655, while for-profit schools averaged $15,172 and private colleges averaged $29,056. For these students, these barriers to access are confounded by differing policies that disallow federal financial aid and loans, as well as other policies that have the potential to eliminate their access point to public higher education altogether. This leaky pipeline, results in only between 5 and 10 percent of these students accessing college after graduating from high school.

Regardless of the existence of many of the previously stated barriers, some undocumented Latinos reach college. Tierney and Garcia (2011) suggested the need for colleges and universities to be more proactive in engaging these students and in aiding their access and acquisition of social capital. However, this is not typically the reality for many institutions of higher education, as there is little emphasis placed on meeting the needs of these students, if they are even able to access college at all. This particular research begs for colleges and universities to take action in promoting and enacting policies to aid this group of students. Particularly, research has suggested the overarching financial difficulties that these students face, as they cannot easily access financial aid (Batalova, Fix, & Creticos, 2008; Diaz-Strong & Meiners, 2007; Tierney & Tierney, 2011). Other research has suggested that even a moderate decrease in tuition (around

$1,000/year) can have a positive impact on college enrollment and completion for these students (Dynarski, 2000, 2003, 2005; Kane, 1994).

Somewhat related to the work of Tierney and Garcia (2011), discussed above, is work by Pérez (2010), which seeks to better understand barriers facing undocumented students in attending four-year institutions of higher education, as well as provide practitioners with solutions for supporting these students. This study, also based in California (like the work of Tierney & Garcia, 2011), utilized a mixed methods approach, through the use of both survey data for demographic information, as well as interviews with participants. A theoretical framework was utilized that focused on social networking and how information and resources about college are exchanged. Participants were asked about their reasoning for choosing the school where they enrolled. Overwhelmingly, Pérez reported that students suggested that their choices were based on opportunity; thus, wherever they felt an opportunity was presented, whether financially or otherwise, students chose accordingly. These students commonly suggested that they had to seek after these opportunities.

Experiences in Post-Secondary Educational Settings. Once undocumented students reach college, their experiences can vary widely. This is important to consider, as the policy conversation related to undocumented students should not solely focus on access, but on equity in opportunity. That is, even in states where policies are favorable for access to higher education for the undocumented, it is important to examine whether there are additional policies in place to support immigrant students' experience, retention, and overall outcomes. Recent work by Herrera, Garibay, Garcia, and Johnston (2013),

focused on attitudes towards undocumented students in higher education. Specifically, the researchers considered what undocumented students' fellow classmates suggested about whether their undocumented status should cause them to be denied access to public education and how this was tied to a myriad of demographic and experiential factors. For example, students with conservative religious affiliations and business students were more likely to oppose providing access to undocumented students. Hernandez et al. (2010) suggested another type of struggle that many undocumented college-going students face, the double identity:

> Enrolling in college as an undocumented immigrant often means living a life with two identities. On campus the students have no obvious insignia conspicuously declaring their citizenship status, and most often they do not disclose this information with higher educators. Although most student affairs professionals have a genuine concern and interest in students' well-being, generally undocumented students will reveal personal and private information with only close friends and confidants. At home, undocumented students often must convince their families that their college attendance is worth the risk of being detained and possibly deported. Ironically, since many undocumented students were brought to the United States at a very young age, they have no memory of the "native" land to which they would be deported. (p. 67-68)

The suggestion of this double identity highlights the outsider status that many undocumented students may feel, particularly as created by policies which attach an unfriendly identity to undocumented students, making access and success for these

students difficult. As these policies can prevent students from disclosing themselves as undocumented, students feel trapped between the reality of their legal status and the identity they must uphold in order to obtain a college education.

Gildersleeve, Rumann, and Mondragon (2010), however, are quick to indicate through their work that while undocumented students may often seek to keep their undocumented status a secret, they are still participants in campus communities. These researchers refute the characterization of these students are "living in the shadows" or seeking the "underground", as these students:

> …have and continue to participate in the life of their college…[as they] eat in campus dining centers, do research in the library, seek community in campus organizations, look for affordable housing options, talk to friends in the quad, and need resources to support their success in college. (p. 7)

Perez's (2009) ethnographic work on the college-going experiences of undocumented immigrant students in the U. S. tells the stories of many as they struggle to find their place, and much more, their American identity. Julieta, whose family moved to the U. S. when she was nine years old, seeking better healthcare for her medically-fragile mother, recalled:

> I don't think there was ever a doubt that I was going to college because my father always insisted that I go. When I doubted I would go to college was my senior year. That's when I realized that I was undocumented. It was my senior year when Prop 187 was coming around. That's when I really started to realize that college may not be an option. (p. 103)

Proposition 187, that Julieta speaks about, was the 1994 California ballot initiative to eliminate virtually every state benefit to undocumented immigrants (Garcia, 1995; Johnson, 1995). This legislation was passed by California's legislature, stripping services and rights from undocumented immigrants, and even contradicting the provisions of *Plyler v. Doe* (1982); it also required government officials to report undocumented persons to the police (Legomsky, 1995; Neuman, 1995). However, almost immediately, the federal court system struck down the provisions of the law. And, while this was a victory for many, this was the beginning of a major firestorm in policy related to immigration and educational opportunity (Olivas, 2010), which is addressed in the next section.

Policies Pertaining to Undocumented Students

Many policies have sought to impact educational opportunities for undocumented immigrants, both progressively and regressively (Feder, 2010). According to the Constitution's fourteenth amendment, people living in the U. S. without documented legal authorization maintain rights to emergency healthcare, shelter, and aid in disaster situations, as well as due process and protection from unlawful search and seizure, arrest, discrimination and unfair treatment. To date no federal laws ban undocumented persons from opening bank accounts, taking out personal/private loans, or purchasing health insurance, although companies are allowed to restrict their own access to these individuals. Thus, although at the federal level, undocumented persons are not denied many rights within American society, higher education is one of high contention.

Immigration Policy. Policies surrounding actual immigration into the United States are numerous. Most commonly considered within research are the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), passed in 1996, and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which define the context for what educational and social benefits immigrants can receive (Gildersleeve, Rumann, & Mondragon, 2010; Kobach, 2007; Olivas, 2004, 2008). The provisions of IIRIRA have been commonly discussed, with regard to higher education, as it mandates that:

> …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 without regard to whether the citizen or national is such a resident. (8 USC § 1623)

Some have suggested that although this Act uses language that is limiting, it does not embolden states to deny benefits to students who are of undocumented status (Gildersleeve, Rumann, & Mondragon, 2010; Ruge & Iza, 2005). However, for some states, their own interpretations of this Act have allowed them to pursue additional policies, like the South Carolina Illegal Immigration Reform Act, to deny these benefits. Frum (2007) suggested the intentional vagueness of this statute, as no clarification has been provided on the interpretation of the Act as different states continue to disparately and controversially interpret the policy.

The PRWORA, also passed in 1996, identifies undocumented individuals as ineligible for federal public benefits, including post-secondary education and anything in which a payment or other type of assistance is provided. While the foundation of this legislation did not relate to immigration, but rather, reform of welfare and employment issues, it impacts immigrants, both documented and undocumented. For undocumented immigrants, states are required to withhold state occupational or professional licenses, based on the mandates of PRWORA. And, for both undocumented and documented immigrants, because of concerns of welfare dependency and out-of-wedlock births, the legislation restricted funding for unmarried parents under age 18.

Crucial to this research project is consideration of three policies related to undocumented immigrants and higher education opportunity. The first is the continuing consideration of the DREAM (Development, Relief, and Education for Alien Minors) Act by the federal government. Here, this discussion is coupled by a consideration of state-level DREAM legislation, as multiple states across the U. S. have chosen to provide undocumented students opportunities to attend public colleges along with certain benefits (such as in-state tuition). The second policy is Deferred Action for Childhood Arrivals (DACA), as instituted by President Obama in August 2012. And, the third policy, which was the catalyst and is the focus of this project, is the South Carolina Illegal Immigration Reform Act (SCIIRA), which was passed in 2008 by the South Carolina General Assembly. In the next section, though, a larger backdrop of higher education policy as it relates to undocumented students is provided before going further into the details of these specific policies.

Higher Education Policy. President Truman's Commission on Higher Education (1947) expressed concern, after World War II, regarding availability and access of quality educational opportunities for all Americans. Their report argued that "it is the responsibility of the community, at the local, State, and National levels to guarantee financial barriers do not prevent any able and otherwise qualified young person from receiving the opportunity for higher education" (Vol. 2, p. 23). Research continues to suggest that low income-students, as well as Latino, African American, and American Indian students, remain underrepresented at institutions of higher education. For this reason, varying policies have attempted to promote educational opportunities for students to pursue post-secondary education.

The Higher Education Act (HEA) of 1965 aimed to minimize gaps in higher educational attainment by increasing access and eligibility for post-secondary education. President Johnson originally championed this Act's purpose and the importance of encouraging opportunity for all students. This Act has impacted the creation of many varying outreach and intervention programs which have sought to fulfill this mission by providing low SES and other disadvantaged groups of students with information to help provide better pathways to college. These programs often try to combat realities that can impact school achievement, such as racial bias, peer group influence, parenting practices and involvement, teacher quality and poor instruction, low teacher expectations, limited school resources, and less rigorous coursework (Ward, 2006).

The DREAM Act. The DREAM (Development, Relief, and Education for Alien Minors) Act was initially introduced to the Senate in August 2001. The bill for the Act

was mirrored after a prior bill, the Student Adjustment Act of 2001. The purpose of this Act is to provide conditional, but permanent, residency status to immigrants of undocumented status who meet certain qualifications. Some of these include: good moral character, graduation from a U. S. high school, arrival into the U. S. as a minor, and continuous residence in the U. S. for at least five years. Grantees can qualify for permanent residency if they are age 35 and under, and during a six-year period, they complete a bachelor's degree (or higher), or serve at least two years in the U. S. military. Many believed that the first version of the DREAM Act would be easily passed into law (Olivas, 2010). Prior to this, many newspaper stories chronicled undocumented college-seekers, who had come to the U. S. as children, facing significant barriers to college access. Because the U. S. Congress has hesitated to pass federal DREAM legislation, state legislatures are deciding to take state-level action to do so. These state-level DREAM-type acts are discussed below.

State-Level DREAM Legislation. Currently, sixteen states have passed some type of state-level DREAM Act legislation, with four others (Hawaii, Michigan, Oklahoma, and Rhode Island) allowing undocumented students to receive other benefits, like in-state tuition rates, based on Board of Regents' decisions. California and Texas were the first states, both in 2001, to pass legislation allowing these students this benefit. These states, both with high immigrant populations, may have served as catalysts for other states to legislate this type of access and opportunity for undocumented student populations. Colorado, Connecticut, Illinois, Florida, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Utah, and Washington have also passed

legislation allowing undocumented students to attend colleges and universities, while paying in-state tuition rates.

The passage of these state-level DREAM-type policies did not come without scrutiny. In 2005, a complaint was filed with the Department of Homeland Security, by the Washington Legal Foundation, challenging the statutes of Texas and New York related to undocumented students and institutions of higher education (Olivas, 2010). As of 2010, no response or clarification was provided by the Department. However, North Carolina officials sought clarification related to admissions policies for their state's public colleges and universities and whether tuition residency and admissions issues were able to be determined by state officials, and were not a matter of federal domain. In 2008, the Department of Homeland Security wrote:

> …individual states must decide for themselves whether or not to admit illegal aliens into their public post-secondary institutions. States may bar or admit illegal aliens from enrolling in public post-secondary institutions either as a matter of public policy or through legislation. Please note, however, that any state policy or legislation on this issue must use federal immigration status standards to identify which applicants are illegal aliens. In the absence of any state policy or legislation addressing this issue, it is up to the schools to decide whether or not to enroll illegal aliens, and the schools must similarly use federal immigration status standards to identify illegal alien applicants. (U. S. Department of Homeland Security, 2008, p. 1)

And while some states have taken progressive approaches to protect undocumented student access to higher education, others have yo-yoed. North Carolina has been notorious for its continuous "flip flopping" of policies with regard to undocumented students. Since 2001, policies for undocumented students attending community colleges have changed five times. Since 2009, undocumented students have been allowed to attend public four-year colleges as well as community and technical colleges (NCSL, 2014). In 2009, Wisconsin's legislature enacted state-level DREAM Act legislation; however, in 2011, under a changing political climate, the legislation was revoked. Table 1 (below) details current state policies throughout the country, as related to access and in-state tuition rates for undocumented immigrant students.

While most of the state-level DREAM-type policies differ from one another, and from the proposed federal DREAM Act, they all have similar pieces which offer students in-state tuition access if they can establish in-state residency for a certain number of years or finish high school/earn a GED within the state. Some also aid students in pursuing citizenship. Several versions of the federal bill have been considered by the U. S. Congress, over the last 10 years, and hopes continue to mount that an eventual version will pass into law. Bill revisions have been reconsidered by Congress in 2007, 2009, 2010, and 2011.

Of important note to this work is a recently proposed bill, put forth by Representative Todd Rutherford, House Minority Leader of the S.C. General Assembly. This proposed state DREAM-type legislation would place South Carolina on the opposite side of its (SCIIRA) current prohibitive law. It would also place undocumented students

on par with those in only four other states (California, New Mexico, Texas, and Washington), as it provides access to both in-state tuition rates and state scholarship funding. However, because Rutherford introduced the bill late within the legislative session, he had little hopes of it passing, though he stated that “even if I can’t get it passed this year, we at least start a dialogue” (Hutchins, 2014).

Table 1: State Policies for Undocumented Student Access to Institutions of Higher Education

State Law Allows In-State Tuition	Board of Regents Allows In-State Tuition	States Barring In-State Tuition	States Barring Undocumented Students At Public Institutions	State Enacting Laws, but Revoking
California (2001)*	Hawaii (2013)	Arizona (2006)	Alabama (2011)	North Carolina[5]
Colorado (2013)[1]	Michigan (2013)	Georgia[4] (2008)	South Carolina (2008)	Wisconsin[6]
Connecticut (2011)	Oklahoma (2008)[3]	Indiana (2011)		
Illinois (2004)	Rhode Island (2011)			
Florida (2014)				
Kansas (2004)				
Maryland (2011)[2]				
Minnesota (2013)				
Nebraska (2006)				
New Jersey (2013)				
New Mexico (2005)*				
New York (2002)				
Oregon(2013)				
Texas (2001)*				
Utah (2002)				
Washington (2003)*				

Notes:

*Allow undocumented students to receive state financial aid.

[1]In 2013, Colorado repealed their prior ban on undocumented students receiving in-state tuition and passed legislation providing these rates to this group of students.

[2]Maryland's law provides in-state tuition benefits at community colleges only.

[3]Oklahoma intially allowed for in-state tuition through state legislation, but amended this provision to be given to undocumented students to the Oklahoma Board of Regents.

[4]In 2010, Georgia's Board of Regend's passed rules related to academic qualifications and the enrollment of undocumented students at the 35 institutions in the University System of Georgia.

[5]Since 2001, North Carolina's Community College System has changed its admissions policy related to undocumented students and their access 5 times. Since 2009, they are allowed to attend.

[6]Wiscosin enacted legislation to allow undocumented students to access in-state tuition rates in 2009, but revoked the legislation in 2011.

Source: National Conference of State Legislatures, 2013; 2014.

Responses to DREAM. State policymakers have often been uncertain on their role in creating policy relating to immigrants and higher education. Historically the federal government has taken precedence over immigration issues, while giving individual states jurisdiction over issues related to education. For this issue, however, the overlap creates confusion. And for quite some time, until recently, with President Obama's order for deferred action status for undocumented persons (DACA), the federal government had remained silent on policies related to higher education opportunities and undocumented persons.

While the federal DREAM Act has garnered an increasing amount of support nationally, critics of the Act have fought hard to label it "an inducement to encourage more illegal immigration" (South Carolina Senator Lindsey Graham, 2010) and a policy that works at the "expense of those who have followed the rules" (North Carolina Senator Richard Burr, 2010). And while many states have seen it as their responsibility to guarantee undocumented students the rights to access to higher education, other states, and even lawmakers, do not see the state's responsibility as to dictate and determine issues related to immigration. Andrew Roraback, a Republican Senator from Connecticut, told the New York Times that his vote against his state's DREAM-type Act was based on the feeling that:

> …in the long run, I believe it decreases pressure on Washington to afford these young people all of the rights of citizenship. When we [pass statewide measures], it lets the federal legislators off the hook…We should all be demanding that our federal legislators give some real and permanent status to these young people who

> are here through no fault of their own…. I believe these young people should be able to vote, have a driver's license and hold elected office, but none of that will happen at the state level. (Deutsch, 2012, n.p.)

Senator Roraback's comments illustrate the conflict inherent for many in this debate, as issues related to education are typically often left up to states to determine but issues related to immigration have been federally mandated.

As would be expected lawsuits around the country have sought to challenge state's rights to provide higher education benefits to undocumented students through these DREAM-type policies. In *Day v. Sibelius*, for example, a group of attorneys challenged Kansas's law that allowed undocumented students to establish in-state residency status for college tuition purposes. The judge upheld the state's position, allowing the state to provide undocumented students the opportunity to prove state residency in order to pay in-state rates at Kansas's public college and university system schools. While the case was appealed by the Federation for American Immigration Reform (FAIR), the circuit court, and later the U. S. Supreme Court, upheld the state's statute (Olivas, 2010; Reich & Mendoza, 2008).

In November 2012, during the federal legislative session, two retiring Republican senators sponsored the ACHIEVE Act. This Act was lauded as a conservative version of the DREAM Act, but was met with much controversy, as the eligibility criteria were strict: applicants must have lived in the U. S. for at least five years, have been brought to the U. S. before age 14, but be no older than 28, and have no criminal record. Applicants would be required to pay a fee, undergo a background check, and provide proof they are

proficient English speakers. Those eligible would receive a special type of nonimmigrant visa status (W-1), granting them legal status to seek a college degree or allowing them to serve in the U. S. military. Senators Kay Bailey Hutchison (Texas) and John Kyl (Arizona) crafted the bill and designed it so that those eligible would not be eligible for federal assistance programs, such as federal student loans. However, those completing college degree programs or serving four or more years of active military duty within a six year window would qualify for a four-year nonimmigrant work visa, which, once completed, could lead to a permanent nonimmigrant visa.

While some parts of the ACHIEVE Act were similar to the decade-old DREAM Act, others were not, as it provides immigrants no special pathway to citizenship, and essentially blocks their pathway towards it. The Act's bill was heavily criticized and received little support, particularly as it was estimated that fewer than 1.2 million young immigrants could be benefited by this type of legislation. Critics suggested that this clearly sought to benefit a certain class of immigrants and that DREAM Act legislation needed to act more broadly (Deutch, 2012; Reyes, 2012). After years of inaction by the U. S. Congress, President Obama used an executive order to provide additional opportunities for undocumented students, through Deferred Action for Childhood Arrivals (2012).

Deferred Action for Childhood Arrivals (2012). On June 15, 2012, Janet Napolitano, Homeland Security Secretary, announced that undocumented immigrants would have a new reprieve, on a case-by-case basis, based on a deferred action policy of the federal government. On August 15, 2012, President Obama, through executive order,

initiated the acceptance of applications for the new Deferred Action for Childhood Arrivals (DACA) program. Deferred action allows for two years of temporary legal status within the United States, with the potential of renewal after the initial two year period. It can be obtained by those under age 31. They must be enrolled in high school, have a high school diploma or a GED, or be a United States (honorably discharged) military veteran. They must also have continuously resided in the United States since June 15, 2007 and have been physically present in the United States since June 15, 2012. Applicants must not have been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not present a threat to national security.

A recent estimate suggested that approximately 1.7 million undocumented immigrants could benefit from the provisions of DACA, with 85% of these immigrants being Latino, according to Passel and Lopez (2012). DACA does not, according the Department of Homeland Security, provide a pathway to permanent resident status or citizenship and immediate relatives or dependents of those receiving this status cannot be considered for deferred action status.

Under DACA, undocumented students have a new avenue to attend public universities and colleges within South Carolina if they can obtain this deferred action status. Nevertheless, South Carolina's legislation remains in place, prohibiting undocumented individuals from attending public institutions of higher education. Initially, some South Carolina institutions, such as Clemson University, maintained the opinion that state legislation, like SCIIRA, carried more weight than DACA, stalling the current opportunities that DACA could provide for some students (Personal

communication, Clemson University, 4/4/2013). And although these institutions have now begun trying to navigate how to handle students with deferred status, alongside the SCIIRA state-level legislation, the understanding and implementation of this has been slow and confusing, particularly as institutions of higher education struggle to aid students in the process of applying, and also seeking financial aid for fees.

DACA applicants are required to pay $465 in application fees. The fees are required to simply file the paperwork to be eligible for consideration to receive deferred status consideration. Reactions to DACA have been mixed and although a great deal of advocates for this type of policy had positive reactions to the initiative, others did not. Some questioned whether the President has the constitutional authority to dictate such a large-scale initiative via executive order or whether this can have lasting power without legislative follow-up. Arizona Governor Jan Brewer, in the wake of DACA's initiation, offered her own executive order, ordering state agencies to deny public benefits, such as driver's licenses, to individuals granted deferred action status (Arellano, 2012).

Many conservatives in South Carolina were strong supporters of the South Carolina Illegal Immigration Reform Act (2008), although the bill garnered strong support from both sides of the aisle, with a House vote that overwhelmingly passed, 94-19. On this basis, it is helpful to consider the overall political culture in South Carolina; based on current (and past) elected officials, at both the state and federal level, this culture would be described as conservative. A discussion of this conservatism, as well as its history, both in the larger South and within South Carolina, provide context for the

political discussion related to the topic of higher education access for the undocumented population.

Political Conservatism in South Carolina

The political conservatism of South Carolina is rarely in question today (Holden, 2002; Lowndes, 2008; Schneider & Jacoby, 2003). While South Carolina finds great pride in its "First in the South" presidential primary status, this is often much more important for the Republican party then the Democratic party, as South Carolina is undoubtedly a "red state". This conservatism is historical and can be traced back even to the American Revolution. Prior to the Civil War, much of South Carolina's conservative viewpoint stemmed from a belief, arising from the state's aristocracy, that their lineage (and white race) needed to be protected (Holden, 2002). As part of the "Old South", South Carolina has a deep history of conservatism based on socioeconomic status. Post-Civil War, certain prominent aristocratic families, including the Pinckney, Middle, and Rutledge families, represented the center of South Carolina's conservative thought. Nevertheless, South Carolina experienced a great deal of economic prosperity through 1954, providing guidance out of the "Old South" mentality and into a new era. However, many of those old conservative families represented leadership in the state (in the General Assembly and beyond) and helped lead the state through restoration, segregation, industrialization, World War I, the Great Depression, and the New Deal. In post-war society, conservatives "defended the reestablishment of elite rule as a reflection of a historically sanctioned fact" (Holden, 2002, p. 2). That is, these conservative elites believed that they had been predestined, by history, to remain at the top of the social

order. In 1941, W. J. Cash suggested that the South was "a tree with many rings, with its limbs and trunk bent and twisted by all the winds of the years, but with its tap root in the Old South" (p. 76).

Wade Hampton, a celebrated general of the Confederacy, who later led in efforts to overthrow the Reconstruction in South Carolina, was clear in his belief that "if we cannot direct the wave it will overwhelm us" (as quoted by Cisco, 2004, p. 188). Many historians, however, have suggested that early 20th century Southern conservatives became more interested in class distinction and preservation than racial dogma. As South Carolina conservatives embraced the Industrial Revolution and the movement away from white supremacy, accepting the "New South", they still held on to a reminiscence of parts of the Old South (Holden, 2002). Thus, Holden (2002) suggested that the focus for South Carolina conservatives shifted from white dominance to class dominance.

Ultimately, the process of democratization created changes that eventually reshaped Southern politics and elites had to respond to an expanded electorate. The Civil Rights Movement was an important part of this "changing of the guard", particularly in the South, as the racial context of Southern politics was forever changed as African Americans gained the right to vote and as Latinos have expanded their southern presence. New policies, such as the Voting Rights Act, have worked to protect the rights gained through the Civil Rights Movement. However, during the 1990s widespread redistricting occurred in many parts of the South, protecting existing majority-minority districts and forcing the creation of new ones. Lublin and Voss (2000) suggested that this movement advantaged Republicans, as well as minority Democrats.

Currently, anti-immigrant policies have gained strength nationally; the South has remained at the forefront of those fighting for these types of prohibitive policies, particularly with relation to the movement of barring undocumented students from access to institutions of higher education. As mentioned previously, while North Carolina has waffled on the issue of higher education access for the undocumented, they have repeatedly prohibited undocumented students from attending community colleges, which is often a point of access to college for this population. Additionally, South Carolina's prohibition of the undocumented at colleges and universities that receive state funding has set a "Southern standard" that has now been mirrored by Alabama, while Georgia has followed with its own type of restrictive policy.

Chapter Summary

The literature reviewed here relates to three important elements of the issue of undocumented students and their access to higher education. First, this chapter provides a demographic look at the undocumented population in the United States, with a particular focus on undocumented Latinos as there is a particular focus on this population within this work. Second, a discussion of barriers for undocumented students, both generally and within the educational system was outlined. These barriers include: financial, P-12 experiences and outcomes, parental and familial capital, access to post-secondary education, and experiences in post-secondary educational settings. Third, this chapter details policies that affect undocumented students as well as reaction to those policies. This research seeks to interrogate the dialogue of South Carolina policymakers, as it is important to consider how they frame their constructions of undocumented students, as

well as their access to higher education and other opportunity. Lastly, this chapter provides brief insight into conservative ideology and political movement in the South, and particularly in South Carolina.

CHAPTER THREE

METHODOLOGY

The primary purpose of this chapter is to describe the qualitative method utilized within this research study. Since I am studying the dialogue of policymakers, as it relates to a particular policy issue, though, I first describe the policy at the center of this research, the South Carolina Illegal Immigration Reform Act, passed in 2008. After outlining and discussing the policy, I re-state my research question and provide an epistemological and positional statement. Then, I describe the theoretical perspectives that informed this work before presenting the methodology, design, and data sources. I conclude this chapter with a discussion of ethical considerations, trustworthiness, and boundaries.

South Carolina Illegal Immigration Reform Act

Although several states had previously passed legislation allowing undocumented students to receive in-state tuition, and, previously, South Carolina's undocumented students had been allowed to attend public colleges and universities, on June 4, 2008, South Carolina Governor Mark Sanford signed the South Carolina Illegal Immigration Reform Act into law, banning undocumented students from attending South Carolina's public colleges and universities. According to the Act (Section 59-101-430), "[a]n alien unlawfully present in the United States is not eligible to attend a public institution of higher learning in this State… [and the institution] shall verify any alien's immigration status with the federal government".

The South Carolina law also states that no undocumented person is eligible to receive any "public higher education benefit". This vague policy has created uncertainty among the institutions of higher education in South Carolina, with some even questioning whether they could issue transcripts to undocumented students. However, the Commission on Higher Education in South Carolina has chosen to take the position that because the public benefits listed in the Act are more monetary in nature than other more minimalistic issues, like transcript issuance, this type of service will be allowed without concern (Commission on Higher Education, 2009).

After the Act's passage, public colleges and universities across South Carolina were required to verify the legal status of all students and applicants. Undocumented students, according to the South Carolina Illegal Immigration Reform Act, must be denied access to these institutions. Thus, some students, already attending schools in the state were not allowed to re-enroll in classes and programs and were denied re-entry for the next semester's classes, based on the Act's provisions.

Additionally, while the South Carolina Illegal Immigration Reform Act (2008) may have been passed primarily as a means of limiting those able to access South Carolina's higher education resources, it was also potentially passed as a political shot towards the federal *Plyler v. Doe* (1982) U. S. Supreme Court decision, which entitles all children, regardless of their legal status in the United States, a free public education from kindergarten through the completion of high school. Thus, this policy draws a line, legally, related to the provision of education to undocumented students since it dictates

that after a student graduates from high school, they are no longer eligible for public education benefits in the state.

Not only does this legislation deny access for undocumented students, but it also creates difficulties for institutions of higher education, both financially and philosophically. Because many institutions of higher education may not agree with the spirit of this legislation, but are required to operate under its requirements, school administrators may face moral and ethical dilemmas related to succumbing to the requirements of this Act. And, since prior to the passage of the Act, undocumented students could attend a public institution and pay out-of-state tuition, schools may feel financially disadvantaged; not only does the Act eliminate an out-of-state tuition pool, but it also creates additional administrative costs, as time and staff hours must be spent checking the legal status of each potential student.

Additionally, during the 2011 legislative session the South Carolina General Assembly considered further immigration reform legislation that would, in many ways, mirror the extreme legislation in Arizona. This proposed legislation would have allowed citizens to notify law enforcement in cases where they were "uncertain of a person's legal status", as well as requiring immigrants to carry their immigration paperwork at all times. However, a federal judge intervened with the legislation, suggesting that it could encourage racial profiling. Andre Segura, an attorney for the American Civil Liberties Union (ACLU), who filed the lawsuit on behalf of the Immigrants' Rights Project, stated that:

> …this unanimous ruling strongly affirms the right of all people to remain free from harassment and prosecution by state officials on immigration-related grounds, and confirms that South Carolina's attempt to criminalize the lives of immigrants and those who interact with them every day is simply unconstitutional. (ACLU, 2013, n.p.)

This proposed legislation, while not passed by the General Assembly, further speaks to the mindsets of South Carolina's policymakers, who have identified a "problem" population, the undocumented, which they seek to "eliminate", or at least place tight restrictions on, as they view them as a threat to their resources.

Research Question

In this study, I considered one broader research question related to policies that shape the access, or lack of access, for undocumented immigrant students to the public higher education system in South Carolina. The principle research question that this study sought to answer is: What dominant discourses are implicit within the dialogue of South Carolina policymakers within the passage of the South Carolina Illegal Immigration Reform Act (2008)? This research question is connected to larger political issues in the United States related to the life chances of undocumented populations, and particularly the role that public institutions can/should play with regard to these issues. How legislation restricts access and opportunity for certain groups, as well as the values that underline the promulgation of these policies, are important to consider as they will continue to make their way to the forefront of U. S. society and research communities. As this research pursues questions related to higher education policy, it also begs for a closer

look at the development of policies related to access and life chances related to many other issues in the United States.

Epistemological Considerations

Epistemologically, this work can be situated in the deconstructive paradigm (Sipe & Constable, 1996). This paradigm places focus on the creation and exchange of meaning, especially as it relates to language, and points to a lack of separation between discourse and its subject. When working from the deconstructive paradigm, the goal is not to pursue absolutes, or truths, but rather to understand how these are influenced by individual viewpoints and experiences (Sipe & Constable, 1996). Sipe and Constable also suggested that, through the deconstructivist lens, there is "less interest in truth than in questioning every possible basis on which we could discover or construct it" (p. 159). Thus, the deconstructive paradigm is well-suited to studying the narratives and texts advanced by legislators in public forums, news conferences, and the like.

Theoretical Perspective: Post-Structuralism

The deconstructive epistemological paradigm, as described by Sipe and Constable (1996) aligns with my use of post-structuralism in this work. Post-structural theory places heavy emphasis on language and meaning creation (Allen, 2011). According to this approach, there is no reality actually reflected by language; rather, an individual's own experiences and knowledge are projected onto language and provide meaning. Post-structural work often interrogates language to show how multiple, and powerful, meanings can be made from words. To this point, Belsey (2002) wrote that "post-structuralism proposes that the distinctions we make are not necessarily given by the

world around us, but instead produced by the symbolizing systems we learn" (p. 13). According to Belsey (2002) these structures are based on and gather meaning through language and communication. In this way, Webster and Mertova (2007) and Lather (1993) suggest the danger in focusing on "truth", especially one (or one set). Allen (2011) suggested that meaning only comes about when we identify knowledge or experience particular language, thus, providing our own set of meanings based on our descriptive tendencies.

Allen (2011) and Kezar (2011) identified several important assumptions inherent in the post-structural perspective, which are applicable to the current discussion of access to higher education for undocumented immigrant students. First is the assumption that all individuals have agency, but that agency is usually "severely constrained" by one's various resources and positions in society (Kezar, 2011, p. 12). Second is the acknowledgement that part of agency is related to an individual's ability to make meaning. Post-structuralism suggests that individuals interact differently with the systems in society and that there is no universal human nature or element of truth; instead, individuals make their own way within the system, assigning their own ideas of "truth" while navigating through (Allen, 2011; Kezar, 2011). Third is the consideration of how language influences us and the need to "change people's understanding of the policy and the language they use to describe and interpret it" (Kezar, 2011, p. 14). Each of these assumptions provides a rationale for interrogating policies, and the language used to premise the interrogation of the issue of the provision of in-state tuition to undocumented students.

In relation to this project, post-structuralists would suggest that a legislator loses authority and supremacy over the *meaning* of their legislation to the equally valid perceptions of those reading/considering the law. In this way, listeners, readers, and other types of consumers have a critically active role in bringing meaning to policy and its related discourse. In this study, I take the latitude afforded by these deconstructive questions and post-structural bent to examine the commonly occurring discourses of policymakers involved in the promotion and formation of SCIIRA. A closer understanding of these is possible, through the interrogation of text and language utilized by policymakers. This consideration is necessary if we are to challenge those that hold power in the way they speak about and form policy.

Research Design: Content Analysis

The research design for this project falls under the qualitative tradition of research and is referred to as content analysis (Marshall & Rossman, 2011; Saldana, 2012). Choosing a research design that falls under qualitative methodology was appropriate, given my intent to explore narratives and texts, and my post-structural inclinations (Glesne, 2011). Marshall and Rossman (2011) suggested that "the analysis of documents is potentially quite rich in portraying the values and beliefs of participants" (p. 160), and posited several reasons for appropriate utilization of this type of qualitative inquiry that are applicable for my work. These include: work eliciting several constructed realities or truths, work that explores policy and how knowledge and practice may be conflictual, and work that explores marginalized populations (Marshall & Rossman, 2011).

Furthermore, Lindsay Prior (2003) whose work has focused extensively on the analysis of documents suggested that, "in most social scientific work, of course, documents are placed at the margins of consideration" (p. 4). However, in Prior's reflection on Max Weber's (1968) *Economy and Society*, Prior suggested that "the modern world is made through writing and documentation" (p. 4). Thus, Prior (2003) asserted that:

- Documents alone can form a field for research.
- Documents necessitate the consideration of their context and in what way the information they contain is situated.
- Documents are products of social settings and situations and must be considered as a collective and social production.
- The consumption of documents is an essential part of the scientific research process.

Prior's assumptions provide an important rationale for this study. For all of these reasons, content analysis was an appropriate method for this research question. Below, I describe the selection of sources, rules for inclusion, and my analytical process.

Data Sources and Rules for Inclusion. For this research, I identified documents that contained policymaker discussion of undocumented immigrants, specifically students, and the passage of the South Carolina Illegal Immigration Reform Act (2008). It is important to note that I only reviewed documents that related to the higher education component of the Act, as that component is the focus of this research. Below, I discuss

what sources of data I utilized in this study. With these sources, the units of analysis are the talk and text advanced by South Carolinian policymakers.

The types of document sources utilized in this work are detailed in Table 2 (below). Documents included those from the South Carolina General Assembly, newspaper and journal articles, and policymaker web and social media sites. A document was considered in this analysis if: 1) it provided a significant historical context or record of the passage of the Act; 2) it provided viewpoints or direct feedback from those involved in the passage of the Act; or 3) it discussed, based on the experience, professional expertise, and knowledge of the author, potential implications of the Act. Overall, twenty-eight documents were selected and utilized for analysis during this project, including newspaper and journal articles, web and blog posts, and YouTube content.

Table 2: Document Sources and Specific Types Examined

Documentary Sources	Sources of Documents		
Newspapers	National (major)	State (South Carolina-wide)	Local (large SC areas/cities)
State legislation	South Carolina Illegal Immigration Reform Act (2008)	Additions to 2008 Act, made in 2011	
Media	Radio	YouTube (and the like)	Social media sites
Legislator websites	State governor	U. S. Senators from SC	SC Statehouse blog/website

The search parameters were limited to one (calendar) year prior to the Act's passage (2007) and continued forward indefinitely (through current, 2014). Because the

state's General Assembly passed accompanying legislation to the 2008 Act, in 2011, I deemed it necessary to include discourse related to this process as well. My search process focused on three distinct, chronological phases. First, I considered documents which captured policymaker dialogue that took place prior to the passage of the Act. Then, I considered documents that originated around the time of the Act and directly related to the Act's passage. Lastly, I considered documents that related to the Act's influence and ramifications from its passage. This search process allowed for the establishment of some context extending back to the previous legislative session before the Act was passed in 2008. It also allowed for the gathering of information post-passage, as well as the supplements to the Act, passed in 2011, for further context on how the Act had influenced students in South Carolina. Additionally, capturing specific dialogue from these various points of time allowed for a consideration of how language may have changed over the several-year span surrounding the passage of this type of immigration reform legislation in South Carolina.

Documents were gathered through two methods. The following section describes the sample selected for the current study and how documents were chosen for inclusion within this study. First, a purposeful sampling technique was utilized. Purposeful sampling involves intentionally selecting members of a sample, allowing the researcher the ability to focus on particular issues or content of that data (Flick, 2009; Patton, 2002; Silverman & Marvasti, 2008). Patton (2002) suggested that "the logic and power of purposeful sampling lie in selecting *information-rich cases* for study in depth" (p. 230). Purposeful sampling is also particularly appropriate for researchers who want to

investigate online material obtained from web pages (Creswell, 2008; Flick, 2009; Gee, 2005). After the initial sampling method was employed, an ancestry method of collection was also utilized where sources or links found in the first phase of research were considered, and those sources were also examined for applicability.

In the first stage of the data gathering process an electronic database search was employed, which utilized several databases, including *ERIC* and *Google Scholar*, as well as *YouTube.* Searches were conducted by identifying keywords and phrases within the databases. Keywords used included: South Carolina Illegal Immigration Reform Act, South Carolina, undocumented student, unauthorized immigrant, illegal immigrant, illegal alien, and South Carolina higher education policy. Additional searches also included the last names of each sponsoring legislator involved in the Act's passage. These include: Harrell, Harrison, Cato, Cooper, Walker, Witherspoon, Merrill, Sandifer, Haley, Young, Erickson, Littlejohn, Simrill, Bowen, Crawford, Barfield, Cotty, Taylor, Spires, Davenport, E. H. Pitts, Frye, Lowe, Shoopman, Hardwick, Bingham, Skelton, Clemmons, Thompson, Bedingfield, Bannister, Mahaffey, Herbkersman, J. R. Smith, Haskins, Huggins, Hutson, Leach, Toole, Viers, Brady, Dantzler, Delleney, Gambrell, Hamilton, Kelly, Rice, Scarborough, G. M. Smith, G. R. Smith, Talley, Umphlett, Duncan, Owens, Mulvaney, White, Loftis, and Edge. Keywords were combined in multiple ways to produce search results.

Many searches, particularly those in *Google Scholar*, produced in excess of 1,000 documents; thus, in these cases, the first 100 "most relevant", as determined by the database, were considered. It is important to note the limitations of using this "most

relevant" methodology for identifying useful sources. When an individual enters search criteria on Google, the results are based on many factors including how "relevant" or important the website is deemed. Because Google is unable to "crawl" or search every type of web-text format, there are limits to what results Google searches may provide. However, Google is a useful search tool, as its results are obtained through a more democratic process than many academically-based search tools. Google was utilized in this project in order to obtain data sources that were particularly relevant to the public, as related to discussions of the undocumented. The conclusion of this initial stage of data-gathering was guided by the work of Guba (1978); thus, gathering of additional sources ended when a saturation of sources was reached, and regularities began to emerge in the data.

After the initial gathering of documents from these databases, the ancestry method was employed. Additionally, notable South Carolina newspapers and publications were explored for pertinent content. These included: The State, Charleston City Paper, Charleston Post and Courier, and The Greenville News. Also, searches were conducted specifically focusing on prominent South Carolina political figures, including Governor Nikki Haley, (former Governor) Representative Mark Sanford, Senator Tim Scott, Senator Jim DeMint, and Senator Lindsay Graham. General web searches were conducted for these individuals, as well as specific searches of their websites.

Multiple collection times were also utilized. Searches were conducted, and documents gathered initially, in both March and October of 2013. Upon an examination of the data, I recognized gaps, and, following the recommendation of Hoefpl (1997),

employed a third phase of data gathering in March 2014. Additionally, information was collected that originated between two distinct periods of time, 2007 and 2014 (current). This was utilized within the search criteria based on the 2011 addition to the 2008 Act and as the overall political conversation about undocumented immigrants still continues today in South Carolina (and nationally). These multiple collections, as well as the two periods of time within the criteria, allowed me to obtain as many pertinent documents as possible, as well as aiding in an examination of whether any changes had occurred, over time, in the representational language used in the documents examined. All of the data utilized for this study were found on publically accessible websites.

Analytical Strategies

Once documents had been selected for inclusion within this project, web pages were printed and the researcher conducted a paper-and-pencil analysis. YouTube sources, as well as other online video sources, were transcribed to capture a textual copy of the dialogue within the video. Sites were also saved in HTML (hypertext markup language) to accurately preserve both the source and the textual content of the pages. This was particularly important as many of the data sources were news sites, which often update and/or revise the contents of their stories. Additionally, I documented my research process in a journal (see Researcher's Journal below) and also consulted with dissertation committee members throughout this process. Particularly, my dissertation chair served as a "critical friend" during this research process, making me account for my methodological choices as well as my findings.

As noted above, a thematic content analysis was utilized in this inquiry in an attempt to identify patterns and themes that might be useful in broadening the knowledge of this subject. The work of Gildersleeve and Hernandez (2012) was utilized as a loose reference within this work. While their work utilizes critical discourse analysis (CDA), their exemplary application of post-structuralism helped me focus on how language was used to construct a particular population (the undocumented). Accordingly, my reading of the data was guided by the following analytical questions: 1) How did policymakers describe or communicate the anticipated outcomes of this legislation? 2) What potential values could be identified in the evidential sources? 3) What do policymakers indicate about their personal feelings regarding the passage of this specific legislation? 4) What language do policymakers choose, with relation to talk about this legislation, that may be indicative of more implicit desires for its passage?

In terms of my analytical process, each document was reviewed independently of others. At the most practical level, this means I reviewed one document at a time during individual “reading sessions”. This process was important for me, as I found in previous work that also utilized a content analysis method, that language from one document can carry over onto another, in the mind of the researcher. Thus, focusing on one source document at a time, particularly during my first two rounds of review, aided me in a clearer consideration of that particular document. Documents were reviewed multiple times for different purposes.

The first reading of a document was completed to establish general familiarity and understanding of the source, as supported by Creswell (2008). During this first reading, I

did not make notations of any sort about individual sources. I did, however, identify the professional positions (e.g., senator, representative) of those providing dialogue within the document. If I was uncertain about an individual or their position as a policymaker, I used web searches to find more information.

The second reading of each source introduced the use of pencil and highlighter. At this stage, open coding was employed and I started to highlight words and phrases, and label them with appropriate codes. As I moved further into the documents, and gained a better sense of the commonalities (and differences) among source content, I refined my codes slightly. At this stage, I also began to consider emerging patterns over multiple sources, and I noted these within my journal. Any connections between source content and literature related to this topic were noted. For example, particular attention was paid to how policymakers referred to the undocumented (i.e., illegal, undocumented, alien) as well as word choices that reflected a negative, limited, or potentially stereotypical viewpoint of this group (i.e., farm worker, self-deportation, nightmare). It was important for me, at this stage, to keep close track of what each code meant. I reflected carefully on the meaning of each code word or phrase that I assigned, not because the word represents a form of objective truth, but because it is used in this work to convey my analysis to a broader audience. Each code from this analysis is briefly defined here:

- *Scarce resources*: A basic economic argument which highlights the fact that resources (financial, social, and other important types of capital) are not unlimited; there is a suggestion within this argument that those

deemed worthy as true citizens should have access to these resources first (and possibly in total).

- *Safety and security*: The presence of the undocumented, as well as other groups of immigrants, poses a threat to the safety of others within society. This is often interconnected with other themes, such as the contention that immigrants are dangerous and/or a threat to society (see below).
- *Immigrants as a problem*: This entire population's mere presence within South Carolina, and the greater U. S., is constructed as problematic and needing a solution.
- *Dangerous*: A common criminalization of this group, which suggests that they are physically a menace to others.
- *Threat to society*: The "danger" surrounding the presence of the immigrant population, particularly the undocumented, is multi-faceted. Arguments focus on fears of job loss and the "drain" on scarce resources, as well as the need to protect traditional American ideals and culture.
- *Federal inaction*: A commonly-expressed justification for policymaker action, as related to immigration reform policies, which suggests that the federal government has "failed" to pass appropriate immigration policy. Also often expressed as "the feds aren't doing their job".
- *Cries for help*: The contention, by legislators, that South Carolina citizens have "cried out" for tougher immigration policy.

- *SC forced into action*: Policymaker reasoning for the passage of state-level action often includes the suggestion that federal inaction (see above) made it necessary for South Carolina's lawmakers to put adequate policies in place to protect citizens.
- *Laborers/migrants*: The assertion or skewed belief, through examples within speech, that all undocumented persons work are laborers and migrant workers. This both acknowledges the importance of their workforce participation and also purports them in a very limited viewpoint, suggesting that these are the only types of jobs they can occupy.
- *Lawbreakers*: A legalistic perspective that, because someone is undocumented, they are a criminal and pose a threat to society.
- *Outsiders*: The use of specific language that constructs the undocumented population as separate from others and thus, not true citizens or a valid/important part of society.
- *Setting precedent*: An expressed desire for South Carolina policy decisions to be noticed by other states, either because of their extreme nature or because South Carolina is the first to *lead the way*.
- *Knee jerk reaction*: An indication that action was taken quickly and based on emotion.

- *Save our nation*: The suggestion that prohibitive policy, such as the South Carolina Illegal Immigration Reform Act (2008), will be a heroic measure in countering the threat that immigrants pose.
- *Strategies*: Language use that suggests the employment of varying political strategies by policymakers.

A third reading was also employed for the purpose of axial coding (Saldana, 2012). This stage of analysis involved a re-examination of categories that were previously identified (during the second reading/phase). Categories identified in open coding were compared, re-examined, and, for some, reconsidered in new ways as I began to assemble the "big picture" of the findings of this project. According to Hoefpl (1997), the purpose of coding is to:

> …not only describe but, more importantly, to acquire new understanding of a phenomenon of interest. Therefore, causal events contributing to the phenomenon; descriptive details of the phenomenon itself; and the ramifications of the phenomenon under study must all be identified and explored.

During this process of axial coding, I was able to use categories I had identified to build larger, more over-arching themes, as suggested by Saldana (2012). Particular themes, which were collectively present with my data sources, were identified, named, and analyzed on a larger level (than individual documents/sources). Table 3 provides more detail about these themes, with a list of commonly existing codes. For me, each individual code represented a piece that was used to construct a much larger and complex theme. During this process, I attempted to build a viable set of answers for the research

question which I posited for this research study, with sufficient data existing to support my specific interpretation.

Table 3: Major Themes and Related Codes of Common Policymaker Discourses, as Related to the Passage of the South Carolina Illegal Immigration Reform Act (2008)

Protectionism	Immigration as a Federal "Problem"	Limited/Nativist View	Political Motivations
Scarce resources	Federal inaction	Laborers/ migrants	Setting precedent
Safety and security	Cries for help	Lawbreakers	Knee jerk reaction
Immigrant as a problem	SC forced into action	Outsiders	Save our nation
Dangerous			Strategies
Threat to society			

It is important to mention here that within my identification and naming of codes, and eventual themes, I paid particular attention to the language used by those within the documents analyzed. For me, this was of critical importance, as I sought to utilize, within my codes and themes, the same words and phrases that my participants used.

In reading each data source I paid specific attention to the ways that policymakers described or defined undocumented students. I also focused on how these policymakers' comments related this group to access, opportunity, and higher education. Additionally, as mentioned above, I noted connections with relevant literature and prior research that were apparent during my readings of the data. For me, this was a particularly meaningful step, as it aided in my interpretations, as well as provided "teeth" to my analysis from varying sources.

Researcher's Journal. Chiseri-Strater and Sunstein (2006) suggested that a researcher's journal supports the researcher in their investigation and aids in a variety of issues related to theoretical and methodological perspectives. This journal can particularly aid the researcher in maintaining an awareness of bias. I specifically utilized a researcher's journal to aid me in thinking through methodological and theoretical questions and for capturing decision-making, such as choices made in data collection and coding. Additionally, the journal provided a space for reflection and an outlet for honesty within the research process. Specific to this research, the journal was also a document analysis tool. Fairclough (1995) posited that these types of measures are helpful in encouraging accountability of the researcher and helps to ensure reflexivity.

Positionality and Trustworthiness

Like all research, there are important ethical considerations to make about the trustworthiness, generalizability, and boundaries of the data and findings. I discuss these points here. Particularly, I wish to situate myself within the context of this work, as well as discuss boundaries of my research findings.

Positionality. It is important here to acknowledge my own positionality, with regard to this research. I was raised by a single parent who instilled in me the great importance of education as a vehicle for success and personal fulfillment. Without a great deal of scholarships and tuition assistance, I would have faced hardship in making it through a prestigious, private, liberal arts college and a graduate program. Now, I shudder when people speak to me about the opportunities that I "was given." The suggestion that individuals are "given" opportunity is misleading because it suggests that

I (or others) did not work for such opportunity. Rather than being an exchange between individuals and a larger public society, this language suggests that someone is *taking* while others are *giving*. For undocumented students, this same type of problem exists, as the language used, surrounding their opportunities, contributions, and even their physical existence, is seen by many as a one-way relationship, where they are positioned as takers and never as givers.

Additionally, I come from a background of strong personal faith, which heavily influences both my personal beliefs and my decision-making. This faith has led me to believe in true and unadulterated equality. This undeniably shapes my viewpoint in relationship to this topic. And, as a member of a historically disadvantaged class in society (women), and a traditionally dominant class (whites), my viewpoint, objectivity, and ability to understand how the immigrant student truly experiences life within American society is influenced. Furthermore, my work for the state's P-12 public educational department both aids and handicaps my work, as I consider the political nature of this work, along with all education research. Within this research, my subjectivity has strengthened my work. For me, here, it has been important for me to consider my broad knowledge of the political spectrum, based on my professional and personal experiences, as well as my own (and ever-evolving) place within this spectrum. Recognizing my own point of view within the realm of this research has assisted me as I have sought to identify and analyze the dialogue of policymakers.

Boundaries. Entering into this project, I was somewhat unrealistic within my expectations of the available data surrounding the issue of the passage of this particular

legislation (the South Carolina Illegal Immigrant Reform Act, 2008). And, while I found that not as many documents existed as I originally believed, I was also surprised to find such shocking content held in the documents I did find. I naively believed that because this issue is so politically charged and sensitive in nature, especially as it relates to life chances and educational opportunities for young people, that legislators would sensor themselves in their negative comments about the passage of the Act and their reasoning behind it. This has not proven to be the case, as the documents I analyzed during this project identified a number of strong opinions by South Carolina's policymakers.

The research questions that drive my work lead me to focus on a particular range and source of documents to explore how the access and opportunity for undocumented students to higher education have been shaped through legislation. In this way, my work is not intended to generate broad generalizations, but to focus carefully on a phenomenon that relates to a larger set of political and social issues in the U. S. (immigration, higher education, access, etc.). Thus, rather than generalizability, my work should be considered for transferability and resonance.

Specifically, I chose to focus solely on the state of South Carolina, as this is where I resided in 2008 (when the South Carolina Illegal Immigration Reform Act was passed) and where I have continued to reside since. South Carolina also has a history of conservative policy-making, which makes it an interesting location of focus for this type of research. Further, I have chosen to use content analysis for this project, rather than other qualitative methodologies. A critical approach to content analysis allows researchers to gather a unique perspective from past events. Additionally, the use of

content analysis, as it is guided here by the post-structural perspective, allows for an emphasis on language and how meaning is created and conveyed through language. However, within this, it must be noted that this methodology and perspective also emphasizes the individuality of interpretation and experience. This is critical for consideration in the analysis of data within this work.

Additionally, the design of this work depends on the use of content analysis to identify commonly occurring themes and values present in the passage of the Act, as well as important policymakers who played important roles in the Act's passage. While guidelines were set for reviewing documents and the inclusion or exclusion of them from the research, these guidelines may not have been stringent enough for this process. Thus, certain documents may have been unnecessarily excluded, while others may have been included that should not have been. And, because this analysis process relied on the assumptions made at earlier stages to inform those made later on, missteps during the first phase could have resulted in important political players being omitted from later search considerations within this research. Also, the values and opinions of policymakers expressed within the documents I analyzed may not have been representative of all policymakers at the time of the passage of this legislation. However, I do not make this claim within my research; I simply seek to consider some of the areas of policymaker discourse present, from the total universe of all that existed.

Although qualitative research has tremendous benefits, particularly in the personal involvement of the researcher with the participant(s), it also has drawbacks that are of great concern to me. First, a qualitative researcher must strive to appropriately represent

those being researched, and to be as transparent as possible with regard to his or her own perspective on the topic (as I have done in my positionality statement). This research focuses on texts that capture policymaker dialogue, which is gathered through secondary sources. Thus, while this research seeks to identify meaning within these varying documents, it is unclear how this content was intended by those participating in it. Therefore, it must be mentioned that it is possible that the researcher and policymakers within this analysis, who are contributing to the dialogue surrounding undocumented student access to higher education, do not have the same meaning constructions, thus, creating the potential for conflict (see Lareau, 2011 for an example).

Chapter Summary

The chapter outlines the methodology utilized within this research. First, it provides background on the South Carolina Illegal Immigration Reform Act (2008), which is the policy at the forefront of this research. Next, I identify my research question and begin to describe the epistemological and theoretical lenses, particularly post-structuralism, utilized within this work. Next, the methods are detailed, including a discussion of content analysis. Lastly, my own positionality, as well as the boundaries for generalizability and trustworthiness of this research are discussed.

CHAPTER FOUR

FINDINGS

This study focused on the discourses implicit within dialogue of South Carolina policymakers, particularly as it pertains to the undocumented immigrant population. Specifically, I examined the language and common ideologies of state policymakers with regard to the South Carolina Illegal Immigration Reform Act (2008), which prohibits undocumented students from accessing public institutions of higher education. I was particularly focused on how policymakers talked about undocumented students in relation to access to higher education, citizenship, and the right to education, or related issues of opportunity for undocumented immigrant students. My efforts were centered on the South Carolina Illegal Immigration Reform Act and its passage. The purpose of this chapter is to provide a detailed identification and analysis of the discourses implicit within the dialogue of South Carolina's policymakers.

My findings are presented in the format of four major themes. Again, these themes represent common patterns within the data and provide a window into the possible values that seemed to underline the SCIIRA and its promotion. These themes are summarized below:

1. *Protectionism and the view that immigrants are a threat to society*

   This theme highlights the importance, among policymakers, to "wall off" certain important resources, protecting them for those citizens that they deem deserving of them. That is, it is evident that policymakers sought to construct this type of prohibitive policy as a mechanism of state-level protectionism, as a means to

protect South Carolina's valued resources and, to further uphold the security of the state.

2. *Immigration reform as a federal "problem"*

   The "immigration as a federal problem" argument is common in dialogue about issues of immigration and reform and often suggests that the undocumented should be someone else's problem (i.e., the federal government). In this way, policymakers framed their dialogue related to the state's legislative action as a forced response to a significant "problem" and as a moral necessity for dealing with this problematic population.

3. *A limited and nativist viewpoint towards immigrants*

   Terminology referring to South Carolina's undocumented is often prejudiced, within this research. This type of language use frames the population in a very limited way and also serves to separate them, as a group, from those making policy decisions. These comments suggest that policymakers may have acted based on their own deficit thinking and nativism in the passage of the state's Act. Implicit within the data is also the suggestion that legislators do not value the life chances of one group, but find it important to protect them for another group.

4. *Political motivations for the passage of immigration-related legislation*

   The presence of dialogue that suggests that policymakers promulgate immigration-related policies, either prohibitive or otherwise, based on their own political rewards, provides an indication that immigrants are not valued by these individuals and groups. Considerations of the political implications of the Act,

and other immigration-related policies, often focus on the voices of South Carolina citizens; however, the undocumented are not counted within these important voices.

This chapter will detail each of these major themes.

Protectionism: Immigrants as a Threat

The most recurring theme within the documents analyzed here is a protectionist viewpoint, as well as a closely related consideration of immigrants, particularly the undocumented, as a threat to South Carolina society. In other words, legislators constructed this policy, as well as others in South Carolina, as a mechanism to protect South Carolina's (perceived) valued resources (e.g., higher education) and, to further uphold the security of the state. Several legislators, as well as others (such as legislator/officeholder spokespersons) within the texts reviewed, expressed viewpoints consistent with the ideology of protecting the state's resources in order to benefit the citizens of South Carolina. Economically, this protectionist ideology exists as a method of restriction of trade, and to guarantee fair competition. During the Civil War in the United States, for example, "Yankee protectionism" was well documented, as Northern states refused to sell their products to those in the South.

This protectionist ideology among South Carolina policymakers is exemplified by Senator Larry Grooms (Republican – Berkeley County) who suggested that "illegal immigration is a serious problem [and] people who break the law to come here must be held accountable. We can't allow them to continue to disregard our laws, weaken our culture, and threaten our liberty" (SC Statehouse blog, 2011). Here, in a press release

issued on the South Carolina Statehouse's blog, Grooms indicates the belief that the presence of this group, within South Carolina's society, is a danger, both legally and culturally. This particular viewpoint purports a negative stereotype onto undocumented persons and suggests that their mere presence is problematic and a cause of cultural and societal breakdowns. Also, there is a disregard for the positive economic impact that a large, multilingual and multicultural workforce could provide, especially within the context of the continuing globalization of business and the economy. Instead, policymakers construct this group by labeling them as damaging and problematic.

State Speaker of the House, Bobby Harrell (Republican – Charleston), also suggested on his blog, related to immigration reform legislation, that "South Carolinians want safe streets and secure communities to raise a family and run our businesses" (Harrell, 2011). This statement suggests the use of the South Carolina Illegal Immigration Reform Act (2008), as well as the subsequent additions in 2011, as a means of state-level protection for South Carolina citizens. However, the understanding of "South Carolinians" here is clear, as this reinforces a distinct divide between the availability of resources and a good quality of life between those they consider as insiders (South Carolina citizens) and those that they consider as outsiders (undocumented persons). Additionally, Harrell's statement, if blindly regarded (out of context) could be seen as a generally agreeable statement, as all individuals would generally hope for safety and positive environments related to family and business. However, in the context of South Carolina immigration legislation, it suggests that the population of undocumented persons within the state threaten this reality for all others. Nevertheless, Harrell's

comments clearly suggest his desire to encourage safety and security for South Carolina citizens.

In parallel with Harrell's comments (above) were those by then Senate President Pro Tempore Glenn McConnell, who was appointed in 2012 to be South Carolina's lieutenant governor, before being selected President of The College of Charleston in March 2014 . McConnell suggested, in relation to undocumented immigrants, that there was a need to "stop the silent invasion of this state" (Nelson, 2008). The word choice here, particularly "invasion", is quite telling of McConnell's viewpoint. This term implies an unwelcoming sentiment for a group that does not belong. When considering types of invasions, such as military or pest, this term also implies that those doing the invading, here, the undocumented, seek to harm others. McConnell also stated his belief for the need "to protect the people of our state and not encourage illegals to come to South Carolina". A similar sentiment seems to be expressed by U. S. Senator Lindsay Graham, whose Senate website quotes him as suggesting that "illegal immigration is a nightmare for America. Giving a pathway to citizenship without first securing the border is an inducement to encourage more illegal immigration." (Graham, 2010). Again, there is similarity with McConnell's use of "invasion" and Graham's use of the word "nightmare" suggesting danger, discomfort, and the like. Both men are clear in their desire to end the *problems* that they believe immigration has caused within South Carolina (and beyond).

Furthermore, the policymaker dialogue indicates a particular suggestion that certain resources should not be provided to those who do not *deserve* them.

Representative Nathan Ballentine (Republican – Richland/Lexington) also reflects a desire for protectionism, as he suggested that this legislation was important "to be sure that our tax dollars do not go to fund educational scholarships for illegal immigrants" (Williams, 2008). Representative Ballentine also asserted that the allowance for the undocumented to attend institutions of higher education and to receive financial aid, prior to the passage of the South Carolina Illegal Immigration Reform Act, was a "loophole" as the law did not "specifically say you can't be an illegal immigrant" (Williams, 2008). Senator Ronnie Cromer (Republican – Newberry) also suggested that "the incentive for illegal immigrants to come to South Carolina needs to be eliminated" (SC Statehouse blog, 2011). Thus, I assert that the promulgation of these laws was used in an attempt to prohibit "them" (Evans, 2013; SC Statehouse blog, 2011) from accessing South Carolina's resources, the General Assembly and the citizens of the state can feel that what is "rightfully theirs" is protected. It is clear that many of the state's policymakers see investments in education as a zero-sum game, whereas any money spent on a non-citizen's education is a potential loss of revenue and resources to the state.

U. S. Senator Lindsey Graham, in a speech to the Easley, S.C. Rotary Club, stated his desire for the benefits of an immigrant's college education to also be benefits for South Carolina. Graham stated that:

> I think it's crazy to give them a degree from Clemson and they go back to India. They should stay here. They should get a green card with their degree. We're going to need people. Some can stay and some are going to have to leave. Those

> that stay need to learn our language, pay taxes and get in the back of the line and wait their turn. (Evans, 2013)

Graham's comments are indicative of a viewpoint that seeks to minimize the benefit of educational achievement for the individual, while maximizing that benefit for South Carolina. Thus, for the immigrant students that Graham refers to, there is little voice; instead, they are only seen through a lens of "what can you do for us?" For Graham, the presence of these students is worthwhile only because of a perceived need for a skilled and knowledgeable workforce. In this same speech, Graham stated his concern over the "brain drain" in the U. S. This concern, then, makes it appropriate for certain immigrant students to be given educational opportunities, yet, not others; this is evident in Graham's statement that "we have a right as a nation to pick and choose who comes and on what terms" (Evans, 2013).

The general protectionist perspective embedded in most of the data was further accentuated by specific examples that South Carolina needs to protect its resources from the undocumented immigrant population. U. S. Congressman Jeff Duncan, who represents South Carolina's 3rd congressional district (part of upstate South Carolina) in the U. S. House of Representatives, used this analogy (to explain the need for immigration reform) in a 2011 roundtable discussion, with students, at Furman University:

> It's kind of like having a house… taking the door off the hinges and allowing any kind of vagrant, or animal, or just somebody that's hungry, or somebody that wants to do your dishes for you, to come in. And you can't say, 'No you can't

> come in.' And you can't say, 'No you can't stay all night.' Or 'No you can't have this benefit, using my deodorant.' All those things. (Media Matters Action Network, 2011)

Ironically, Duncan's spokesman, Allen Klump, attempted to clarify Duncan's comments by stating:

> Congressman Duncan was simply saying what south Carolinians already know, that securing our borders is just like securing our homes. A border with no fence is like a house with no doors, where anyone or anything can come and go as they please. It would be both incorrect and extremely unfortunate to assign any other meaning to the congressman's remarks. (Media Matters Action Network, 2011)

Klump's clarification, which only provided more degradation towards the undocumented, speaks to the true lack of value placed on this group, with dialogue surrounding them focused on the problem their presence presents for many.

For many, Duncan's comments mirrored those of South Carolina's former lieutenant governor, Andre Bauer, who, at a town meeting in Fountain Inn, South Carolina in 2010, compared those obtaining public assistance to stray animals. Bauer, whose comments were recorded and are available on YouTube, said:

> My grandmother was not a highly educated woman, but she told me as a small child to quit feeding stray animals. You know why? Because they breed….You're facilitating the problem if you give an animal or a person ample food supply. They will reproduce, especially ones that don't think too much further than that.

> And so what you've got to do is you've got to curtail that behavior. They don't know any better. (Robertson, 2010)

Duncan's analogy, above, has a strong suggestion that providing any benefit to this population will have an undesirable, and perhaps extremely damaging, impact on South Carolina's society. Bauer's comments too, although not directly pointed towards the undocumented population, similarly suggest that anyone receiving a public benefit, or some type of assistance, needs to be cut off from it. This perspective, which seems heavily rooted in ideas of social Darwinism, constructs these populations as problematic for the success of overall society.

Also prevalent in this analysis was the repeated use of words that construct the undocumented population as separate from others within society, as well as the need to protect this distinction between the undocumented and "true citizens". For example, Governor Nikki Haley stated that:

> I am the daughter of immigrant parents and I will tell you they took the time, they paid the price to come here legally. We are a country of immigrants, but more importantly we are a country of laws. When we give up being a country of laws, we give up everything this country was founded on. There are numerous stories of people who came here illegally that have sad stories about having to go back, but when we start giving up being that country of laws, we're going to fall apart. We've got to continue that. And our illegal immigration law was to *protect* everybody in South Carolina – employers, citizens – to make sure we have the

> people here that deserve to be here. And we want legal immigrants. We just don't want illegal immigrants. (Jaffe, 2012)

Haley's insinuation here is that she and her family are much different than the undocumented immigrants she refers to. Haley's comments, which were made as a response to a story about the Juarez family, who was separated because of deportation, are also related to those by Senator Lindsey Graham (above) as they suggest that while some immigrants may benefit South Carolina society, others are a detriment. U. S. Senator Tim Scott also suggested a similar viewpoint, which he posted on his Senate website, that "we also need to revise our legal immigration system to continue the influx of ideas and innovation that have made America the envy of the world" (Scott, 2013). This statement by Scott, which was published on his Senate blog, echoes the selectivity of the statements of Graham and Haley; here, there is a clear indication that the contributions of some immigrants are valuable, while the simple presence of others is unwanted.

Overwhelmingly, policymakers chose words like "those people" (Preston, 2014) and "them" (SC Statehouse blog, 2011). Karen Martin, the founder of a tea party group in Spartanburg, who worked to aid in the election of U. S. Congressman Mick Mulvaney, stated the lack of importance of whether "you feel sorry for those people" (Preston, 2014). Martin, who attended a recent upstate meeting in which Mulvaney discussed his desire for progressive immigration reform, expressed that "people are terrified that their families won't have a house or a job next year" (Preston, 2014). Also, many of the sources included within this analysis included some use of "our", as a protective and

possessive attachment to something (whether material or cultural). “Our” is used not only in an attempt to possess personal property and success, but also with connection to “our state” (Senator Grooms), “our country” (Senator Harrell), “our citizens” (Senator Harrell), “our borders” (Senator Harrell), “our laws” (Grooms), “our culture” (Senator Grooms), and “our liberty” (Senator Harrell) (Harrell, 2011; Kuenzie, 2008; SC Statehouse blog, 2011).

Within the texts analyzed in this study, there were several occurrences of the word fight (or fighting) (Brown, 2011; McConnell, 2010; SC Statehouse blog, 2010). I contend that this use is not coincidental and that the choice of this word signifies the desire of policymakers to construct a combative relationship between the undocumented in society and other “citizens”. *The New York Times* quoted Rob Godfrey, South Carolina Governor Nikki Haley’s spokesman, who stated that “we’re going to keep fighting in South Carolina to be able to enforce our laws” (Brown, 2011). Additionally, others makes use of words and phrases, such as an emphasis on “do[ing] what is right”, which brings about a contention towards morality and builds towards the ideology that it is only “right” or “fair” to protect citizens and society.

The idea of protectionism has been historically significant for some time. Historically, protectionism worked to limit trade (between North and South, or between the U. S. and other nations) as to provide better opportunities for fair trade “within” (Freeman, 1980). In today’s society, protectionism is much more subtle, as it masquerades as a limiting of certain groups for the benefit (or preservation) of others. However, the idea of a state attempting to protect its own resources against a segment of

its own population has tremendous implications, particularly if it is promulgating policy in order to do so. And, further, if this state protectionism drives decision-making for policymakers, creating an adversarial attitude towards the federal government (as is common here and is discussed in the following section), this has even further implications. Of note, economists have argued that protectionism is often more costly for societies than any benefit that it can provide (Anderton, 1987; Mankiw, 1999).

Immigration is a Federal "Problem"

Abundant within my analysis of texts were expressions of frustration towards the federal government for not providing sweeping anti-immigration legislation aiding states in dealing with the undocumented immigrant "problem" (Brown, 2011; Evans, 2013; Graham, 2010; Hutchins, 2014; Kuenzie, 2008; SC Statehouse blog, 2010). This viewpoint was present in more than half of the sources considered within this analysis, and most comments involving the federal government suggested that if the federal government was *doing its job* states would not have to pass legislation related to immigration. Thus, it was apparent within my analysis that policymakers were desirous to pass legislation because they felt that it was important in light of the federal government's "failure".

For many of these policymakers, their comments related to the federal government and their "inaction" related to immigration is directed back towards a protectionist attitude. That is, these lawmakers see issues of immigration as the federal government's responsibility. Further, several expressed viewpoints are exemplified by a

statement by Senator Larry Grooms, posted within a press release on the South Carolina Statehouse's blog:

> The number one responsibility of government is to protect its citizens. Because the federal government failed miserably, the states took action to protect our borders. I won't simply roll over and turn a blind eye toward the safety of our own back yard. (SC Statehouse blog, 2010)

Grooms' contention that state action was required because the federal government did not meet their "responsibility" is also echoed by Senator Bobby Harrell. Harrell suggested that:

> Lawmakers heard loud and clear what our citizens wanted – for someone to stand up and enforce our nation's federal immigration laws. And once again, the General Assembly didn't hesitate to do everything we could… even if that meant taking on a federal government who would rather just pass the buck. (Harrell, 2011)

Here, Grooms not only suggests the necessity for state action, but also implies that this action was also guided by the desires for this action by South Carolina's citizens. However, as is common within this type of discourse, the undocumented population is excluded in the consideration of a South Carolina citizen.

Rob Godfrey, spokesperson for South Carolina's current governor Nikki Haley, who was also a sponsor of the South Carolina Illegal Immigration Reform Act in 2008, as a member of the South Carolina House of Representatives, stated that:

> If the feds were doing their job, we wouldn't have had to address illegal immigration reform at the state level… [and hopefully the Supreme Court] will soon do what Congress and the executive branch have failed to do… Washington has failed. (Brown, 2011)

Godfrey's statement, on behalf of Governor Haley, provides an indication that some policymakers have placed tremendous value in the idea that the federal government is the arbiter of guidelines related to immigration. Further, these same legislators express a feeling of being "forced" to create guidance for their states, based on a lack of this from the federal government.

Senator Grooms (also cited above, pp. 67-68, 69) also expressed a similar sentiment, saying "because the federal government failed miserably, the states took action to protect our borders… [T]he feds have failed us twice" (SC Statehouse blog, 2010). The feeling expressed within Grooms' statement seems similar to that of Godfrey above, that the South Carolina legislature was somehow obligated to take action by creating this legislation. This type of sentiment is not surprising, as many conservatively-governed states, like South Carolina, have found themselves at odds with the Obama administration. And, even before President Obama took office, some of these states still expressed frustrations over President Bush's less-than-conservative viewpoints and actions related to immigration in the United States (Associated Press, 2006; CNN, 2006). If this *we were forced to act* type of mentality truly fueled South Carolina's 2008 SCIIRA passage, it is possible that this legislation was passed as a form of retaliation against a federal government system that state lawmakers were dissatisfied with. The danger in this

type of retaliation, however, is that other states have now followed South Carolina's precedent, passing restrictive laws which significantly disadvantage undocumented persons.

South Carolina Governor Nikki Haley, in a speech at the 2012 Republican National Convention, which was nationally televised, also blamed President Obama for not acting to "secure our borders and address this issue in any meaningful way" (Haley, 2012). She also stated that "if this President refuses to secure our borders, refuses to protect our citizens from the dangers of illegal immigration, then states have an obligation to take it on ourselves" (Haley, 2012). South Carolina Speaker of the House Bobby Harrell also expressed similar sentiments on his own webpage:

> South Carolina joined a growing number of states who are taking proactive steps to address the problems created by immigrants who, not only come into our country illegally, but also violate our laws while here. If Washington refuses to effectively support our law enforcement officers by enforcing immigration laws, it is left up to the states to stand up and do what is right. That is exactly what South Carolina did … (Harrell, 2011)

Harrell's statement that South Carolina was forced to "do what is right" sheds light onto the valuation of the undocumented among those participating within this type of discourse. For these policymakers there is an expression of a moral obligation to act. This type of obligation is also based on the valuations given to the undocumented, who are problematic and in violation of *our laws*.

Glenn McConnell, who was a member of South Carolina's Senate (Charleston) until 2012, suggested a similarity between the desires for legislation in South Carolina and those in Arizona. In the last few years Arizona has passed very controversial legislation which has been questioned by many as it severally limits the rights of immigrants, undocumented and documented (Morse, 2011). McConnell, on his legislative blog, suggested that:

> Like Arizona's legislators, we are tired of Washington's failure to act. We can't rely on the federal government anymore. That's why states are being forced to do whatever they can to fight illegal immigration. The federal government fiddles while Rome burns and then sues states who try to throw water on the flames. (McConnell, 2010)

McConnell's mention of fire is reminiscent of those made by Representative Thad Viers (see p. 3). McConnell and Viers both utilized language that describes the undocumented as dangerous and in need of being extinguished.

Similar dialogue, as that discussed in this section, is common through the documents analyzed in this study. The language used, particularly word and phrase choice, is quite common, most stating something very similar to the ideology that "if we want something done, we're going to have to do it ourselves" (Kuenzie, 2008). Commonly used language mentions proactive terms, related to "doing" something (Brown, 2011; Kuenzie, 2008; SC Statehouse blog, 2011) with relation to South Carolina. However, verbiage used with relation to the federal government was always negative,

with nods towards its "failing" (Brown, 2011; Harrell, 2011; McConnell, 2010; SC Statehouse blog, 2011).

Legislators may desire to speak out against the federal government, with relation to the undocumented, as some seek more local/state control. While many policymakers speak out against federal "inaction", their true desire is to demonize the federal government and alienate them in the minds of citizens. If citizens believe that the federal government is not "doing their job" (see above), it could provide state government more leverage to act on its own. This ideology is evidenced in a comment by Representative Todd Rutherford which suggested that legislative action by the South Carolina General Assembly "would get government out of the way" (Hutchins, 2014). With a second look, this statement is quite paradoxical, as Rutherford pleads with others to support his bill by slamming "government." His viewpoint here, however, is that federal government control may be harmful, but state control is much more attractive.

Limited and Nativist Viewpoint

Another common theme that emerged in this analysis was a limited, and often very nativist viewpoint of the undocumented, or even overall immigrant, population in South Carolina. It is clear that the limited perspective of these policymakers has carried forward toward their negative valuation of the undocumented; the language used is reflective of the viewpoint that the undocumented population has no real value to South Carolina society and is problematic. Interestingly, this limited viewpoint was not only common among those supporting legislation, but was also expressed by policymakers who were opposed to the consideration of this legislation, in both 2008 and 2011.

Policymakers often convey their own values, as they devalue others, through the language they use, including word/phrase choice, and examples given. While most policymakers may believe that their own viewpoints are kept *close to the chest*, their language *tips their hand* on what (and whom) they truly value.

South Carolina Senator John Land (Democrat – Manning) was one of several policymakers who stated disapproval over the legislator's consideration of the immigration legislation in 2008 and 2011. However, Land's reasoning, unfortunately, outlined a very limited viewpoint on this population. Land stated, with regard to the e-verification provisions of this legislation, applying to businesses in the state that "when the labor truck pulls up at 6 o'clock in the morning…you can't be running around… you got to get 'em in the field" (SC Statehouse blog, 2011). Land's argument clearly still defends the employer, all while placing the population of immigrants into a box. His comments, while acknowledging the important contribution that this group makes within the labor market, suggests an argument that it is impractical for employers to worry about enforcing the new legislation, while ignoring the other population that is even more greatly impacted here. Additionally, while some undocumented immigrants do work within the agricultural or construction fields, it is unrealistic to suggest that this entire population is waiting daily for "the labor truck", as Land suggests.

Additionally, this analysis suggests that legislator dialogue serves to perpetuate and heighten some already-existing stereotypes about undocumented persons. Senator Larry Grooms (quoted above) stated, in a press conference, which was later shown on a local Columbia news station's broadcast, that "many [undocumented immigrants] drive

without licenses, have no insurance, take full advantage of taxpayer support for food, housing, medical, and educational services…They cling together, in illegal communities. And bring with them drugs, prostitution, violent crime, gang activity…" (YouTube, 2011). Here, Grooms uses strong language and fear tactics as he constructs immigrants as dangerous and threatening to society. Within Grooms' comments, he suggests that not only does he desire action that prohibits the opportunities that undocumented students have, but he also seeks to construct this group, legally, in a very limited way. Interestingly, Grooms' comments about this population are somewhat in contrast to those of Senator Land (above), whose comments focused on the importance of the labor provided by many within this population. This type of language and deficit thinking is also seen in Andre Bauer's comments related to South Carolina's additional need for legislation. Bauer, several months after his abrasive comments about those on government assistance (mentioned above) in a gubernatorial debate, told the audience, in relation to immigration, that:

> The real problem is the work force. The problem is we have a give-away system that is so strong that people would rather sit home and do nothing than do these jobs… There are a lot of people that are flat-out lazy and they are using up the goods and services we have in this state. (Wing, 2011)

Andre Bauer, who was South Carolina's lieutenant governor from 2003 to 2011, most recently pursued a run for governor, as well as the open U. S. congressional seat left when Tim Scott was appointed to the U. S. Senate. Throughout his time as an active political figure, he has been known for his discriminatory and flamboyant statements,

including his comparison of those on public assistance to stray animals (see p. 72 in this dissertation). Bauer's above statement was a clear suggestion that the labor of the undocumented within our society is not valued, or even necessary; instead, Bauer suggests that if "citizens" (i.e., documented individuals) were not so "flat-out lazy" our immigration reform laws could provide even stricter policies.

These statements are indicative of how many policymakers have constructed the growing immigrant population as a significant *problem* and seek to do something to *fix* it. Instead of viewing this population as an asset or a resource, or, as fellow members of the community, these individuals are constructed as a nuisance. Additionally, it is clear that the presence of individuals within this population is seen as a nuisance, much likes pests that infest your home and must be exterminated. These statements again echo the view (as discussed in an earlier section) that undocumented immigrants are in some way a threat to traditional values and culture in South Carolina and that this legislation was also strongly guided by a desire to provide protection to *true citizens* against the ruining of the South Carolina way of life. Additionally, the suggestion that *our culture* needs *saving* paints a strong picture of what harm legislators would suggest that undocumented individuals are bringing into South Carolina society.

The policymakers' comments above also highlight the true deficit perspective found in the state's Act, which suggests that the life chances of one group is much more important and necessary than that of another group. Even within the language used by the policymakers who did not support this legislation, their comments were a clear indication that they too viewed this population through a *greater than thou* lens and desire to act to

legislate this view to further perpetuate it. This may also be a reflection of why South Carolina was the first state to have such a total ban on undocumented students attending public colleges, with other states recently following suit, like Alabama and Georgia. Economically it could be argued that an undocumented student is no different than an out-of-state student. Thus, if an undocumented student pays out-of-state tuition to attend a public college or university, what is the harm to the state in allowing them to attend? Most state colleges actually celebrate the revenue they receive from out-of-state students and subsidize the education of their in-state students' education with this revenue. So, why the difference with regard to undocumented immigrant students? I would contend that this is a mechanism for continuing to set the undocumented population apart from others within South Carolina society. However, because of the deficit perspective that pervades this discussion by many legislators, there is a continuing difference drawn between the necessary opportunities and rights that should be available to some, versus those allowed for undocumented students. The language used in this discussion is a constant reminder of this perspective, with the reoccurring use of words and phrases like "alien", "self-deportation", and "putting out the fire".

Prior to the passage of the South Carolina Illegal Immigration Reform Act (2008), undocumented students paid out-of-state tuition rates to attend colleges and universities in South Carolina; for universities, seeking to raise revenues, there is often a conscious choice to increase the proportion of students paying out-of-state tuition. Thus, the benefits that these students received from attending these colleges came at no cost to South Carolina taxpayers and, their presence benefited these institutions, in multiple

ways. Nevertheless, this Act removes the ability for these students to receive any educational benefits from South Carolina's public colleges or universities at all, unless they are able to receive deferred status by the federal government, allowing them only two guaranteed years to attend college. This suggests that legislators may have put their own deficit thinking into the legislation, as their focus on this issue is clearly related to protecting those that are *worthy* of access to higher education.

In a recent discussion of whether South Carolina immigrant students can be charged out-of-state tuition based on their parents' immigration status, Senator Larry Grooms stated that this issue comes down to "fairness". However, Grooms' viewpoint of fairness may differ from that of others. According to comments made by Grooms to *The* (Charleston) *Post and Courier* newspaper:

> …the policy should be the same if your parents are from Texas or from Mexico. If the policy were to be changed, it would favor students with parents who are illegal because parents from another state wouldn't benefit from in-state tuition in South Carolina. (Hauff, 2014)

Thus, Grooms suggested that South Carolina should pursue a policy even harsher than the current SCIIRA; the new policy, similar to the one that has been legally challenged in Florida, would place emphasis on the parents of students, and not simply on the students themselves (Hauff, 2014).

The statements of the policymakers above illustrate a further perpetuation of the deficit perspective within policies in the U. S., and particularly within the American South. These statements, when considered through the lens of the South Carolina Illegal

Immigration Reform Act (2008) and the higher education ban for undocumented students, illustrates an attempt to purport the societal viewpoint towards a group of individuals, many of which had little to no control over their entrance into the U. S. The ideological construction here suggests that these young people are delinquent, law breakers. And, as this viewpoint continues to be pushed forward by those in power, the status of those "outsiders" can come to a critical point, if it is not already. Consider the implications of this Act on the life chances of undocumented immigrants in South Carolina. These students no longer have access to public institutions of higher education and thus, if they wish to attend college must either attend college out-of-state (and neither George or North Carolina have particularly friendly policies), or attend a private or for-profit college. All of these options will likely require significant tuition; however, undocumented students do not qualify to receive federal financial aid, which, is the only type of financial aid now available to students.

Political Motivations for Legislation

Dialogue surrounding this issue suggests that lawmakers involved in the policy decisions, related to immigration reform, were politically motivated by what benefits they may gain politically. That is, the support for and passage of immigration-related policies, either prohibitive or otherwise, is driven, at least in some capacity, by the political motivations of politicians. This also suggests that the immigrant population is not valued by these individuals and groups and that decision-making places precedence on political rewards and not the consequences on the life chances of an entire population. And, as mentioned above, discussions of the state's action or response to the immigration

"problem" often focuses on "hearing the voices" of South Carolinians; yet, undocumented persons are entirely left out of these conversations, as they are not deemed true citizens.

After the passage of SCIIRA in 2008, then governor Mark Sanford suggested that "this [legislation] puts South Carolina in the forefront of where all states are on immigration reform" (Wenger, 2008). For many of the lawmakers involved in this Act's passage (see p. 51 for a listing of sponsors), this Act's passage placed South Carolina at the top of all states for the most conservative immigration laws. Within this analysis is the continuing theme that suggests that the support of the passage of this legislation, as well as the additions in 2011, were politically motivated.

Senator Brad Hutto (Democrat – Orangeburg), who did not support this legislation's passage, was skeptical about whether there were pure motives within its promulgation. Prior to the passage of the South Carolina Illegal Immigration Reform Act, Hutto stated that "It's an election year. Immigration's a hot topic. We will pass an immigration bill. The day after it's signed into law, nothing is going to change in South Carolina…" (Kuenzie, 2008). While Hutto was wrong about the changes that the legislation would cause for South Carolina's undocumented population, his suggestion regarding the political motivations of it were obvious in other documents here, as well. Hutto, who recently entered the race for the U. S. Senate seat currently held by Lindsay Graham, provides a clear window into how political agendas can influence political action (Shain, 2014). Representative Jim Merrill, the South Carolina House Minority Leader, responded to Hutto's comments and stated that "[the Act] is not knee-jerk or

electioneering in any way. It is something that we've studied in depth and we will continue to do so and hopefully pass this legislation" (Kuenzie, 2008).

Of particular interest to this project are the attitude changes that have been expressed by several South Carolina legislators since the passage of this legislation. Representative Viers, (see p. 3) who was instrumental in the passage of the Act, reported after the Act's passage that he has seen some unintended consequences of the Act and believes the Act is more punitive than necessary. Viers stated that "these kids are the posters for what we want from immigration. We're punishing them for the sins of their fathers and mothers, and that's not right." (Morris, 2008). However, it is unclear whether Viers' comments are based on a true belief that these students should be given opportunities for higher education or whether political pushback from his constituency, particularly colleges and businesses in the Myrtle Beach area, have aided in a convenient "change of heart". This represents another aspect of this issue, the reminder that policymakers often support policies because of the political latitude it provides them, not because of the true benefit that they see for society.

U. S. Senator Lindsey Graham, who was the focus of a billboard attack in Georgia, related to Graham's at-times moderate status on immigration, suggested the political implications of discussions of immigration:

> On the Republican side, we went from 44 percent of the Hispanic vote under President Bush in 2004 down to 27 percent. That is not growth. And you'll never convince me it's not because of the rhetoric around the immigration debate. I don't think Hispanics see us as not conservative enough. I think we've created a

> wall between ourselves and the Hispanic community based on word choices, more than anything. [But] I'm not doing immigration reform to solve the Republican Party's political problem. I'm trying to save our nation…" (Evans, 2013).

South Carolina's current governor, Nikki Haley, served in the state House of Representatives during the passage of SCIIRA (2008) and was a proponent and sponsor of the Act. And, while Haley has continued to champion additional immigration legislation (she signed into law the additions in 2011 and fully supported Arizona-type legislative reform in the state), she has also used this legislation as an interesting political footstool. In this analysis, Haley was quoted multiple times as she discussed her special understanding of the plight of immigrants, since her own parents came to the United States as immigrants. In her 2012 speech at the Republican National Convention Haley said:

> I am the proud daughter of Indian immigrants who reminded my brothers, my sister and me every single day how blessed we were to live in this country. They loved the fact that only in America, we could be as successful as we wanted to be and nothing would stand in our way. My parents started a business out of the living room of our home and, 30-plus years later, it was a multimillion dollar company. (Haley, 2012)

Haley's comments regarding her own immigrant family, provide a significant disconnect between experience and ideology. While Haley states the value of living in the United States and all the freedom and opportunity it brings, she also, simultaneously, supports very conservative policies which limit (or prohibit) immigrants from having some of the

same experiences and opportunities that she herself celebrates. Haley, who has touted the importance of public education for South Carolina, also suggested, during her 2013 State of the State address, that "there is no surer path out of poverty and toward a quality life than having a good education" (Haley, 2013). However, her support of SCIIRA, as well as the 2011 additions, suggests that she too does not consider the life chance outcomes of the undocumented population at an equally important level as other "citizens" of the state.

Haley's comments shed light on an important issue related to this topic, and perhaps the biggest area of contradiction within the consideration of the provision of higher education opportunities to undocumented students. For many immigrant families, they have come to the U. S. because this nation holds itself up to the world as a place for greater opportunity. These families have taken the inscription on the great Statue of Liberty at her word. Yet, for many of these families, because of deficit thinking and unfriendly policies, the dreams they have cannot be obtained in the United States. This was stated by former college student Dayana Rodrigues, when she stated that she was "deferring her dream" (Coley, 2009), after she had been pursuing a nursing degree but was not allowed to be readmitted to college, in January 2009, after the passage of the Act.

Chapter Summary

This chapter contains the findings of the interrogation of texts providing descriptive and contextual interpretation of the data included within this study. The findings were presented in the form of themes with examples to provide critical understanding and illuminate the varying dialogue of South Carolina policymakers. The

four major themes which emerged within the analysis in this project include: protectionism and the view that immigrants are a threat to society; immigration reform as a federal "problem"; a limited and nativist viewpoint towards immigrants; and political motivations for the passage of immigration-related legislation. First, the protectionist view was the most common theme found in this research. Within this data there was often the expression of a general sentiment, among policymakers, that the undocumented population exists as a threat, to both South Carolina's citizens and the state's resources. The second theme within these research findings related to the failure of the federal government to adequately deal with immigration policy. In this theme, evidence suggested that the undocumented population should be someone else's problem (i.e., the federal government), but since the federal government was unwilling to act, the state's action was a moral necessity. Third, a theme emerged that highlighted the limited and often nativist attitude that policymakers have toward the undocumented in South Carolina. This type of language separated the undocumented from others in South Carolina society. Lastly, the political motivations of these policymakers are apparent within this data. Here, there is a suggestion that policymakers mold their conversations and actions about immigration-related policies on their own potential for political rewards, instead of on the needs of the population at hand.

CHAPTER FIVE

DISCUSSION AND IMPLICATIONS

This study focused on of the language used by South Carolina policymakers surrounding the undocumented immigrant population within the state. Specifically, this research sought to consider the commonly-occurring discourses within the dialogue of South Carolina policymakers in relation to ideas of access, citizenship, and other opportunity, within policy, for undocumented immigrant students. My research surrounded the passage of the South Carolina Illegal Immigration Reform Act (2008) which prohibited undocumented students from attending public colleges or universities in South Carolina. My findings were presented in a thematic content analysis, and were guided by a post-structural bent.

Re-statement of Findings

The first theme, which was the most dominant within the data, relates to the protectionist view that is apparent in the viewpoints and dialogue of many policymakers. Within this body of data there is a common identification of immigrants, particularly the undocumented, as a threat to society. Within this protectionist viewpoint, policymakers construct the undocumented as "a serious problem" (Senator Larry Grooms, SC Statehouse blog, 2011), "a nightmare" (U. S. Senator Lindsey Graham, Hughes, 2010), and "type of vagrant" (U. S. Representative Jeff Duncan, Matters Action Network, 11/2/2011). Thus, it is clear that South Carolina policymakers acted to pass the South Carolina Illegal Immigration Reform Act (2008) as a means of protecting South Carolina's resources, culture, and those citizens which they deemed *worthy* of access.

The second theme within these research findings related to the ideology that issues of immigration policy are the federal government's responsibility. Related dialogue commonly suggested that the federal government has "failed" (Brown, 2011; McConnell, 2010; SC Statehouse blog, 2010) and "refuses to protect our citizens" (South Carolina Governor Nikki Haley, Haley, 2012). The dialogue surrounding this theme also contends that, because of the federal government's "inaction", South Carolina has been forced to "stand up and do what is right" (Speaker Bobby Harrell, Harrell, 2011), as "states have an obligation to take it on ourselves" (Governor Haley, Haley, 2012). This dialogue indicates that South Carolina policymakers are also driven by their inherent feelings that the federal government has not passed the appropriate types of immigration reform legislation and thus, it is necessary to act to protect South Carolina.

Third, a theme emerged that illuminated the limited viewpoint and nativist lens through which policymakers view the undocumented. This type of language serves to frame this group as separate from others in South Carolina society, as well as framing the population in a very limited capacity. Policymakers suggested that problems occur because of "people [who] are flat-out lazy" (former Lieutenant Governor Andre Bauer, Wing, 2010) and "tak[ing] full advantage of taxpayer support" (Senator Grooms, YouTube, 2011). The data suggests that policymakers may be guided by their desire to perpetuate their limited viewpoints of the undocumented population, particularly by passing restrictive and prohibitive legislation involving this group.

Lastly, the political motivations of these policymakers were evident within their dialogue surrounding the passage of the South Carolina Illegal Immigration Reform Act

(2008). Commonly, policymakers mold their conversations and actions about immigration-related policies on their own potential for political rewards, instead of on the considerations of the population at hand. It is apparent that this policy was guided by desires to "put South Carolina in the forefront of where all states are on immigration reform" (former South Carolina governor Mark Sanford, Wenger, 2008) and "save our nation" (U. S. Senator Lindsey Graham, Evans, 2013).

This research adds to the conversation concerning undocumented immigrants and their status in U. S. society by critically assessing the language that policymakers use to promote and frame policy that impacts their lives. While more attention has been paid to the consideration of undocumented students and their post-secondary educational opportunities and access, there has been little research to address the formation of policy for this group. This research provides various sets of implications relevant to higher education leaders, policymakers, advocates, and researchers.

Implications for Higher Education Institutions and Leaders

The requirements of the South Carolina Illegal Immigration Reform Act (2008) required that institutions of higher education verify the legal status of all students and applicants. For these institutions, this placed added burdens on staff, as another layer of processing was required. Some colleges also reported that added phone calls and meetings with undocumented students, who were questioning why they could not enroll or re-enroll, were both time consuming and emotional for staff members (Lee et al., 2009). Currently, South Carolina schools are struggling to both understand and implement deferred action (DACA, see p. 7) for students, which was provided in 2012 by

an action by President Obama). DACA allows undocumented students to file for legal presence to attend college or serve in the military. DACA has been championed by many within state colleges, particularly community colleges, which are often a higher education access point; however, often students need guidance on how to file for this action, the implications of obtaining the status, and even how to afford the fees. Connecting students to the appropriate resources and providing them with needed information takes counselors and other staff time. This cost is necessary to bring undocumented students back into higher education, but would be much less necessary in a state with friendlier laws, such a state DREAM Act.

Gildersleeve, Rumann, and Mondragon (2010) suggested the necessity for student affairs professionals, and others working with students in higher education, to become advocates for those students. This is a particular point of application for this work, as it is clear that undocumented students need assistance in accessing higher education opportunities, especially in light of the negative stereotypes and valuations that many policymakers perpetuate for this group. The ability of student affairs professionals to interact with these students outside of these stereotypes is critical, as these students require guidance and advisement which may create much different realities for the undocumented than those that currently exist. Additionally, proactive support for undocumented students, from inside colleges and universities, may be a powerful force in changing ideologies about this population, particularly among policymakers. Currently, the assistance that institutions of higher education provide to undocumented students is crucial as they attempt to navigate higher education.

In his work on diversity in higher education, Brown (2004) contended that the true buy-in of universities to a diverse campus is critical. Brown's argument is of note here, as we continue to consider the role institutions of higher education have in lobbying for policies, as well as the *feet* they give to current policies that benefit undocumented students. Brown (2004) argued that higher education has a responsibility to enhancements and commitments to diversity, considering the ever-changing diversity of those within society, and higher education's responsibility to lead the way in societal change and progress and transfer understanding of diversity into the greater society. And, because part of the function of higher education is to supply future workers and leaders to the workforce, it is only reasonable for higher education to provide a set of diverse candidates, to reflect the increasing diversity within society. However, because the business community has not necessarily reinforced the importance of diversity, it has not encouraged institutions of higher education to do the same (or perhaps vice versa). Because of this, institutions of higher education will need to make significant efforts to advocate for all students, particularly those who may not be given a voice otherwise.

The South Carolina Illegal Immigration Reform Act (2008) placed a cultural and social restriction on the public higher education student body, defining who can and cannot be a part (Newton & Adams, 2009; Terenzini, Cabrera, Colbeck, Parente, & Bjorklund, 2001). For schools that have an ethical obligation to the basis of this type of legislation, this is also problematic, as they do not wish to restrict access to undocumented students, yet, are bound to the laws of the General Assembly, as they provide funding to the institution. In the future, these institutions may be required to take

a stand, deciding whether they will advocate for all students, or bend toward restrictive policies. Unfortunately, if colleges and universities feel forced to comply with these types of policies, legislators could be further motivated in passing these types of prohibitive policies.

As suggested above, research has indicated the benefits that university communities experience from high levels of diversity among students. However, economic benefits are also important to consider and are prevalent in the literature related to diversity in higher education. Brown (2004), Hurtado and Carter (2007), and Dill and Teixera (2000) considered the economic side of how universities benefit from diversity, as well as the responsibilities that they have towards the provision of a diverse and productive future workforce for society. Work by Dill and Texiera (2000) suggested that by providing a perspective on diversity, as it considers institutional diversity and program diversity, colleges and universities can find benefits, especially when looking at diversity through an economic model. Research suggests that the diversity of academic programs can be impacted by the faculty within the program, as well as those working within the overall field or profession, as well as norms and values within particular disciplines and fields, and limitations to innovation and diversity. For instance, a program or field that has historically lacked opportunities for minority students may signal future minority students to pursue other programs which may provide a more welcoming environment. Additionally, for public institutions, the approval of innovative programming can often be delayed and difficult; however, state governments should consider the economic impact of diversification, as it can bring new and diverse individuals into the state, as

well as encourage new businesses to locate in the area. This work is useful in the consideration of how colleges and universities should expand their understanding of "diversity". Additionally, colleges and universities should work to show policymakers the benefits of diversity, in an attempt to persuade policymakers to act to encourage diversity.

Implications for Policymakers

My analysis suggests that undocumented students are specifically constructed by policymakers as a threat and on the outskirts of *normal* society. Because of this, there is particular need for heightened awareness of the dogmas underlying specific language utilized to express the reasons and values behind their decision-making process. It is clear, from this research, that those in positions of power are often defining current populations of undocumented persons as harmful and problematic.

In Chapter 2, I discussed policies related to the undocumented. Many state and federal level policies are contradictory, at best. For example, the U. S. Constitution provides "equal protection under the law" to all individuals who are subject to the jurisdiction of the United States based on the 14th amendment. However, interpretation of this part of the Constitution has not led to true equality, as laws are not created equally for all. Instead, many policies use subtle nuisances to provide benefits for some, while restricting opportunities for others. And further, my findings suggest that policymakers may perpetuate their already-existing limited viewpoint of the undocumented population. In San Antonio Independent School District v. Rodriguez (1973) it was decided that education is not a fundamental right guaranteed by the United States Constitution;

however, nine years later the benefit of attending a U. S. public school was protected for all, regardless of their legal status, by *Plyler v. Doe* (1982). Nevertheless, current U. S. policies do not extend the same guarantee of education for all into the realm of higher education.

As this research pursues questions related to higher education policy, it also begs for a closer look at other policies related to the access that many in the U. S. have to quality services like healthcare and social services. Life chances and quality of life underlie this discussion; and, if policymakers seek to use their varying dialogue to define the undocumented in a negative way, this not only impacts their access to educational opportunities (as this paper explores), but also a larger realm of issues where policy is involved. These same definitions of the undocumented, that are presented here, also carry over into issues of employment, health benefits, the criminal justice system, housing, and more.

Schneider and Ingram (1993) suggested that to make more informed social policy, legislators need more precise, sensitive maps of the objects of their policy. Policymakers should especially work to understand more about the "cultural logics" of diverse families, and their beliefs and practices related to policy issues (Fuller, Elmore, & Orfield, 1996). One important way to address such questions is to elicit voices that have been previously-silenced by policymakers, allowing their stories to illuminate the narratives related to experience and struggle within the education system. This type of shift, though, would require lawmakers to move away from their critical language use, which currently marginalizes the undocumented, and embrace discourse that originates from the group

itself. However, if South Carolina's policymakers could engage some of these undocumented voices, they may start a dialogue that could guide them toward legislating differently.

Additionally, SCIIRA was passed in an environment in which many states were actually passing progressive policies, aiding the undocumented in accessing college, and at lower costs. However, it is critical for South Carolinians to consider these same issues of undocumented students and tuition barriers. This is important because, even if SCIIRA is repealed and undocumented students are able to attend college while paying out-of-state tuition rates, as was the practice before the passage of the Act, their choices would still be quite limited. The economic realities of this population cannot be ignored and if future policies seek to provide better (and more equitable) pathways for college attendance, these types of considerations must be made.

Work by St. John et al. (2004) suggested the impact that state finance strategies may have on the access that students have to higher education (St. John et al., 2004). Their suggestion that states should place priority on increasing the funding for need-based assistance has implications in South Carolina, where a high number of low-income students face barriers to college. Furthermore, and because of the economic realities for many undocumented students and their families, this suggests that even if state policies change to allow the undocumented to access college in South Carolina, more focus should be made on helping these students pay for college. For a few other states (California, New Mexico, Texas, and Washington), this effort has come by means of state DREAM-type policies that allow undocumented students to pay in-state tuition rates and

receive state financial aid. The importance of state eligibility for financial aid may be especially impactful for the undocumented as they are ineligible for federal financial assistance.

Implications for Advocacy

This work identified some of the common discourses surrounding prohibitive legislation related to undocumented immigrants in the United States. Most poignantly here is an exposure to values, expressed by South Carolina policymakers, in relation to the lack of belonging of these immigrants and the need for increased protection of South Carolina's resources from these individuals. As these policymakers, and others throughout the country, continue to reflect upon issues related to this one, the consideration of the commonalities in language used and the meanings attached to it are important. Further, later research on this issue may consider how the values of the ruling class, particularly as they are expressed in language, will need to change if policymakers will ever move toward a reconsideration of policy.

This research suggests that education policy may often be seen outside of the realm of the democratic premise of education as the great equalizer (Ayers, 2005; Barnett, 2004; Giroux, 2002). Instead, through examinations of their dialogue and language use, it is clear through this work that policymakers view higher education as an important resource that must be protected – and while it is necessary and important for some, it is also easily withheld from others. While it may be hard to quantify the impact of these types of restrictive policies, the cumulative effect of them is damaging, not just for those targeted by the exclusiveness, but for the entirety of society.

For example, research has clearly indicated the benefits students experience in a diverse higher education environment. Students interacting in diverse groups have been shown to have improved critical and complex thinking (Antonio et al., 2004), a greater sense of belonging to the university community (Locks, Hurtado, Bowman, & Oseguera, 2008), as well as gains in student classroom outcomes (Terenzini et al., 2001). Additionally, students interacting in diverse ways have concerns over the diversity of their overall university environments (Haines, 2007) and can minimize feelings of isolation or alienation (Allen, 1992). When policies work to lessen (or even eliminate) opportunities for certain groups of students, all students, as well as the entire university community, can be adversely impacted.

Flores (2010) pointed to recent research that suggested the possibility of societal returns and benefits of higher educational achievement outweighing the individual benefits. It is unclear whether policymakers are cognizant of the collective benefits that higher education brings and if policies reflect this reality. This type of work, which brings together different types of discourse, provides an important resource to scholars, advocacy groups, and others in the community who are interested in the critical issues of policy and public good. For those working to advocate for higher education access for undocumented students, this research provides a beneficial look into the "uphill battle" that some may face, particularly in a state like South Carolina where policymakers are often influenced by a politically and socially conservative mentality. Additionally, this knowledge may not only aid those who seek to further educate and inform those in law-making positions, but it may also heighten awareness of the words used by political

figures seeking to express the reasons and motives behind their decision-making. This project seeks to provide a relevant resource to these parties related to an important critical higher education access issue.

An ideological problem within this issue of access in South Carolina is that two groups of students, out-of-state students and undocumented students, are being treated differently. The passage of South Carolina Illegal Immigration Reform Act (2008) forever changed the conversations and considerations of the undocumented with relation to higher education. For most of these students, prior to the Act's passage, their main concern was what tuition rate they would pay for college. However, the requirements of this Act shifted focus from tuition rates to overall access (or lack of access). Because South Carolina was the first state in the nation to pass such a restrictive and prohibitive law related to higher education and undocumented students, the ripples of the ramifications of this law have not just been within South Carolina, but nationally, as more and more states are having conversations, both positive and negative, about the undocumented and their access to institutions of higher education.

Implications for Future Research

In Chapter 1, I discussed the case of a 16-year old high school student who could not attend Clemson University (see p. 1). For this student, it is a terrible irony that her parents moved to the United States, when she was 2 years old, to guarantee themselves and their children better opportunities. This case represents a number of other students, finding themselves in similar situations.

Future research should consider how statewide policies, related to the access of undocumented students, whether prohibitive or progressive, impact these students long-term. The achievement of the American Dream is often associated with economic success. In 2010 the U. S. Department of Commerce sought to quantify the value of varying levels of educational attainment. These annual earnings, by level, were:

- High school non-completer: $20, 241
- High school graduate: $30, 627
- Associate's Degree: $39,771
- Bachelor's Degree: $56,665
- Master's Degree: $73,738
- Doctoral Degree: $103,054.

When we consider the cumulative effects, over a lifetime, of limiting an individual's capacity for education attainment, it is clear that this limitation also could significantly impact critical and analytical thinking skills, networking capacity and teambuilding experiences, and opportunities for socialization and gaining cultural knowledge. And, furthermore, as suggested by the above data from the U. S. Department of Commerce, those with little education have much less economic success. The initial states that passed DREAM-type legislation now have at least 12 years of student data that could be beneficial to researchers in aiding in an understanding of how students have been impacted by this type of legislation, as well as some of their outcomes.

Additionally, for immigrant students, the benefits that come with going to college may be more subtle (than above), and may be difficult to fully understand. Many of these

students can find particular benefit in the cultural diversity, exchange of complex ideas, and connections to other faculty and other students that college-going provides. As stated above, much research suggests the benefits that university communities receive from high levels of diversity among students. In this way, future research on this issue should consider a broader depth of ways in which undocumented students benefit (or are negatively impacted) because of state-level policies related to their access to higher education. In some states, like Texas, DREAM-type legislation is coupled with assistance with a pathway towards citizenship. Research related to students who have gained citizenship, as well as those who are currently pursuing that pathway, may be beneficial in aiding policymakers in making more informed decisions in the future.

Gonzales (2009) argued that if policies do not change favorably for undocumented students, a generation of promise could be lost, running the risk of negatively impacting entire communities. There is currently great concern over the supply of highly skilled workers in the United States – estimates suggest that a shortage is occurring, and will continue to occur, to meet the needs of the U. S. labor market. The exclusion of the undocumented from opportunities in higher education also eliminates a pool of highly educated workers, which is problematic both for the country's taxpayers and the U. S. economy overall (Gonzales, 2009). Broader research can provide beneficial information related to this economic impact, which may help persuade policymakers, especially conservative ones, toward acting on behalf of the undocumented.

This work identified some of the common discourses surrounding prohibitive legislation related to undocumented immigrants in the United States. Most poignantly

here, is an exposure to values, expressed by South Carolina lawmakers, in relation to the lack of belonging of these immigrants and the need for increased protection of South Carolina's resources from these individuals. As these policymakers, and others throughout the country, continue to reflect upon issues related to this one, the consideration of the commonalities in language used and the meanings attached to it are important. Further, later research on this issue may consider how the values of the ruling class, particularly as they are expressed in language, will need to change if these types of policies will ever be reconsidered or overturned. Additionally, future research should compare the discourses of South Carolina's lawmakers, particularly in relation to the passage of the South Carolina Illegal Immigration Reform Act (2008), to those surrounding the passage of state-level DREAM-type legislation in other states. This type of research may highlight important differences in the language utilized by lawmakers, as well as suggesting the pathway that advocates should pursue in order to encourage South Carolina policymakers to change their perspectives.

Closing Discussion

For Dayana Rodriguez, discussed in Chapter 1, and many other undocumented students, the South Carolina Illegal Immigration Reform Act (2008) has drawn a true "line in the sand", as Governor Mark Sanford stated (see p. 3). This line, however, may not provide the protection for South Carolinians, their resources and their jobs, as the ruling class ideology within the law would lead us to believe; it, however, does construct a valuation of undocumented youth, based on deficit thinking, which promotes fear and heightened protectionism. The ideology that underlies this legislation, and that of many

of the legislators who supported its passage, whose ideologies are expressed in this work, purports the undocumented population as second-class citizens. That is, undocumented students do not *deserve* to be called citizens at all. In this way, it is clear that the SCIIRA is used to construct an extremely narrow consideration of who can be considered a true citizen within society.

Of particular note within the consideration of this research is the consistently-changing policy landscape surrounding both higher education and undocumented immigrants. Since I began this research, in 2012, significant changes have occurred:

- On August 15, 2012, through the action of President Obama, undocumented persons, under age 31, were given access to deferred action status (see p. 7) through Deferred Action for Childhood Arrivals (DACA). And, while South Carolina institutions of higher education initially struggled to implement this policy, many have gained stronger understanding of both the implications of the policy, as well as their needed steps in aiding undocumented students in navigating the deferred action process (see p. 33).
- In 2013, the Boards of Regents in both Hawaii and Michigan passed policies allowing undocumented students, meeting certain qualifications, eligibility for in-state tuition rates. Also in 2013, four states, Colorado, Minnesota, New Jersey, and Oregon, enacted state legislation providing undocumented students access to in-state tuition rates. Colorado's action was especially notable, as their 2008 ban of in-state rates for the undocumented was repealed and reversed.

- In 2014, Florida's legislature passed state-level DREAM legislation, allowing undocumented students access to in-state tuition rates at public institutions of higher education.
- During the 2014 South Carolina legislative session, House Minority Leader Todd Rutherford introduced a DREAM-type bill, which would both change the higher education provisions of the South Carolina Illegal Immigration Reform Act (2008) and also provide the undocumented in South Carolina access to in-state tuition rates. While this bill gained little traction during the session, Rutherford was confident that it could "at least start a dialogue" (Hutchins, 2014).

These changes shed light onto the progress made, as related to higher education opportunities and access, for undocumented students. And while policy changes are not made overnight, these progressive changes, all within the last two years, should provide hope that conversations about this issue are increasing among policymakers nationally.

Chapter Summary

There are numerous implications related to this research. In this chapter, I outline varying implications for this research, particularly as they apply to the role of institutions of higher education, policymakers and future policy, advocacy efforts, and future research related to this issue. This dissertation adds to the ongoing dialogue about issues related to undocumented immigrants and their status in the U. S. Particularly, it is necessary to increase attentiveness to the language surrounding this issue. Certain ideology that underlies specific language is regularly utilized by political figures as they seek to convey the reasons and values behind their decision-making process. It is clear,

from this research, that those in positions of power are defining current populations of undocumented persons as dangerous and problematic.

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