

UNDOCUMENTED IMMIGRANTS AND HIGHER EDUCATION: SÍ SE PUEDE! By Alejandra Rincón. New York: LFB Scholarly Publishing, 2008. 282 pages. Hardcover \$75.00, paperback \$32.95.

Whether on the Internet, cable news channels, television, or talk radio, it is impossible these days to avoid the polarizing topic of undocumented immigration to the United States. Some commentators advocate tighter restrictions on immigration or the repeal of birthright citizenship, while others demand more opportunity for undocumented immigrants. One of the most debated policy issues concerns education, especially higher education, for undocumented immigrant youth.

Alejandra Rincón's *Undocumented Immigrants and Higher Education* brings a much-needed research-based perspective to this controversy. The author analyzes the legal and policy measures that allow undocumented students access to college education and notes the many obstacles that these students face. A scholar-activist, Rincón argues that allowing educational access to the undocumented is a matter of basic civil and human rights. She begins with the theory that "principles of equality and human dignity, as well as constitutional guarantees, form the most basic rationale for all formal and informal efforts to extend to undocumented immigrant students the right of equal access to higher education" (215).

Rincón first briefly reviews the history of immigration to the United States. She provides recent figures on the number of immigrants in the country and their likely impact on the national economy, along with data to counter the rampant misinformation regarding basic immigration and civil rights law as it applies to undocumented persons. She introduces readers to the DREAM Act, the proposed federal legislation that would offer undocumented students a key to success by regularizing their immigration status. This background information is helpful, especially for those without a legal background, and prepares readers for the more complicated legal issues brought up later in the book.

Rincón examines the movements that have emerged in many states to seek in-state tuition for undocumented students, as well as the challenges facing states that have adopted such policies. On this issue, Rincón makes

clear, positions are highly polarized. Both sides are using the courts and legislatures to advance their cause, and they are taking their movements to the streets as well. Whether speaking in a state general assembly, in a courtroom, or on a soapbox, advocates of both sides are fixed in their views and ardent in defense of their beliefs.

In discussing this polarization, Rincón identifies the movement for in-state tuition for undocumented students as part of the current immigrant rights movement, which in turn is compared to the African American civil rights movement of the twentieth century. In this analogy, she joins other scholars who have cast the current immigrant rights movement as a new civil rights movement. For example, immigration scholars Kevin R. Johnson and Bill Ong Hing make this connection in “The Immigrants Rights Marches of 2006 and the Prospects for a New Civil Rights Movement,” published in 2007 in the *Harvard Civil Rights–Civil Liberties Law Review*.

Rincón examines the federal government’s responses to the concerns of undocumented students seeking higher education and describes the potential implications of passing the embattled DREAM Act. This legislation has been proposed in every Congress since 2001 and has yet to make it into law. Nonetheless, it is gaining support, even among some conservative politicians. Furthermore, she notes that undocumented student groups have joined with other community groups to seek enactment of the DREAM Act: “these formal and informal groups of students and their diverse individual and organizational supporters continue to be the cornerstone of efforts to open the doors of higher education to undocumented immigrants” (197).

Even though the DREAM Act has not been enacted, Rincón argues that it serves a vital purpose by bringing different groups together for a single cause. These groups have contributed in other important ways to the immigrant rights struggle, such as by preventing the deportations of undocumented students. Rincón shares the personal stories of students who, thanks to the tireless work of community groups, have seen some improvement in their lives. While undocumented students may not yet have the protection of the DREAM Act, they do have a large number of supporters.

One of the most valuable aspects of *Undocumented Immigrants* is the well-organized and deftly analyzed section on the quest for in-state tuition in the legislatures of various states. Scholars will be able to use Rincón’s painstaking research to learn more about the intricate processes involved in the passage of such legislation, though casual readers may find more details than they need. The appendixes, which offer legislative text, tables, charts,

and photographs that illustrate the main points of the book, are another strong point. An extensive bibliography is a further resource for scholars.

Rincón makes good use of the stories of individual undocumented students and their struggles to succeed. She includes both stories and photos of people whom she encountered while doing research for the book. Living outside the law, the undocumented are often invisible in U.S. society, and Rincón's account of their achievements is a welcome addition to the discourse. After marshalling facts and data throughout the book with scholarly objectivity, the author in the final chapter persuasively argues her views on immigration and on higher education for undocumented students. She asserts that the fight for in-state tuition is not about pro-immigration versus anti-immigration stances, or even about educational opportunity in a narrow sense; it is about equal rights for all in the United States. Fighting for equal rights is important, she says, because immigrants provide society with cultural as well as economic wealth.

For those well versed in immigration law, Rincón has provided a starting point for reviewing the applicable cases and statutes regarding higher education for undocumented students. Immigration law scholars will also benefit from reading the personal stories of undocumented students that Rincón includes. These are not widely available in the literature, in contrast to the legislative bill numbers and case names also found in abundance throughout the book.

For those outside the field of immigration law, the book is a useful introduction to current developments in the movement for higher education for undocumented students. Readers who want to learn more about the issue will profit from this work, as will civil rights advocates and other activists interested in how grassroots movements serve as catalysts for change. The book will remain relevant and provide useful background as the DREAM Act is reintroduced in Congress and contested in court, and as states move to either grant or deny in-state tuition for undocumented students. For example, Indiana legislators in the first legislative session of 2011 proposed HB 1402, which would bar Indiana colleges and universities from granting in-state tuition for undocumented students. The measure was signed into law by Governor Mitch Daniels in May 2011.

The book's main weakness is its tendency at times to present excessive detail. Rincón effectively explains the conflicting interests at stake in the debate over in-state tuition for undocumented immigrants, but she could have categorized and analyzed the approaches of states to the issue rather than presenting a cumbersome state-by-state description and

historical explanation of interest mainly to specialized scholars. Nevertheless, *Undocumented Immigrants and Higher Education* will be useful for education and legal advocates, school administrators and attorneys, education and law students, and policymakers. A resource for all those concerned with immigration and education issues, it is aptly aimed at the critical space where these two disciplines meet.

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