



# DREAM Deferred

Black, Invisible & Documented:  
The Plight of Caribbean Immigrant Youth



**This report was prepared by  
The Black Institute  
on behalf of  
The International Youth Association, a project of The Black Institute.**

The Black Institute is an action-tank founded to shape intellectual discourse and dialogue and impact public policy uniquely from a Black perspective (a perspective that includes all people of color in the United States and throughout the Diaspora).

The International Youth Association (TIYA) is launching a campaign with The Black Institute. TIYA is composed of international youth who immigrated to New York City with their parents who were recruited by the New York City Department of Education beginning in 2001. The campaign's goals are to call attention to the issues concerning the dependents of recruited professionals and impact the public policies that dictate their lives.

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Ebony Constant

United Federation of Teachers (UFT)

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Association of International Educators (AIE)

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Fiscal Policy Institute (FPI)

New York State DREAM Coalition

Bear Allen

*What happens to a dream deferred?*

*Does it dry up  
like a raisin in the sun?*

*Or fester like a sore —*

*And then run?*

*Does it stink like rotten meat?*

*Or crust and sugar over —  
like a syrupy sweet?*

*Maybe it just sags  
like a heavy load.*

*Or does it explode?*

— Harlem, by Langston Hughes

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# BROKEN PROMISES – PRELUDE TO A DREAM DEFERRED

Over a decade ago, the New York City Board of Education recruited a large group of experienced teachers from Caribbean nations. These skilled professionals were enticed to come to the United States with the clear understanding of a number of commitments: New York State teacher certifications, Master's degrees, housing assistance and ultimately a pathway to permanent United States residency for themselves and their families. Nearly 11 years later, these teachers have remained in our school system, teaching in areas where there are teacher shortages— often in low-income, low-performing schools. From the moment these teachers stepped on our shores, their immigrant statuses were set against a ticking clock and entwined in a complex bureaucratic web.

Beginning in 2010, these teachers formed the Association of International Educators (AIE) and launched a campaign with the release of the Broken Promises Report. The Broken Promises Report outlined four areas of concern:

- A lack of permanent residency status (Green Card);
- Legal fees and concerns;
- Principal control; and
- Family member documentation/hardships.

Since the launch of the Broken Promises Campaign, AIE

has made significant progress. With the help and support of the New York City Department of Education (DOE), the United Federation of Teachers (UFT) and the American Federation of Teachers (AFT), international teachers were able to:

- Change the visa renewal policy where principals had the power to approve or deny the renewal of a teacher's visa. Currently this approval lies with the DOE central office;
- Advocate for the protection of teachers, especially international teachers, from the impending layoffs during the summer of 2011;
- Gain support of the DOE, the Chancellor and the Bloomberg Administration;
- Establish a working relationship with the DOE, the Chancellor and the Bloomberg Administration, which have committed to resolving issues these teachers face.

While the Broken Promises report detailed a four-tiered call to action on behalf of the international teachers, this report shines a light on the harsh reality their children face. They are “**aging out,**” and their dreams of a bright future are slowly withering.



# EXECUTIVE SUMMARY

The International Youth Association (TIYA) is a project of The Black Institute. TIYA is composed of a group of young men and women, mostly from the Caribbean, whose parents were recruited to teach by the New York City Department of Education (DOE) from 2001-2006. Well over 300 children emigrated with their parents during this period.

While their parents continue to face myriad problems with the immigration process and their status within the DOE, the children of these teachers face a unique struggle. Many of their parents began the petitioning process for permanent residency a couple of years after arrival. As a consequence, the children of Caribbean teachers are steadily becoming undocumented as they “**age out**” of legal immigration status. Once these young people become 21 years of age, they are no longer considered dependents of their parents and therefore cannot become permanent residents.

This group of young adults cannot access the most basic amenities like their citizen counterparts as they are excluded from the simplest rights and benefits.

Currently the members of TIYA are:

- Unable to work legally and therefore forced into an underground economy where they are often mistreated and paid far below the minimum wage
- Barred from obtaining driver's licenses or state identifications
- Subject to deportation
- Forced to continue their post-secondary education if they become F-1 international students in order to preserve their legal status
- Prohibited from accessing scholarships, grants, and any form of public tuition assistance
- Disqualified from remaining on their parents' health insurance once they have “aged out” and cannot access health coverage on their own

To solve their issues, the members of TIYA ask for the following:

- Permanent residency
- Work authorization
- State-issued identification

- Health insurance coverage under the Patient Protection and Affordable Care Act
- The ability to travel legally both nationally and internationally
- Eligibility to meet requirements to receive public grants and scholarships
- Creation of a hybrid work classification category for professionals ineligible for the EB1 and EB2 classifications<sup>1</sup>
- Waiver of the age restriction in DREAM legislation for dependents of recruited professionals.

While TIYA recognizes its highest priority is to gain permanent residency for its member class, it believes there are measures that can be taken by each level of government. The International Youth Association asks that the New York City Council, the State Legislature, Congress and the federal Executive Branch pass DREAM Act and Comprehensive Immigration Reform legislation containing the following language:

*All dependents of professional immigrants recruited to serve the United States through public service at the local, state or federal level, regardless of their age at the time of arrival, should be covered under Dream legislation.*

The information contained in this report was compiled from primary and secondary sources, most notably through interviews and records provided by Caribbean youth and teachers. While this qualitative and anecdotal material presents a compelling case, TIYA requires a complete set of quantitative data to assess fully the damage that continues to reverberate in its members' lives, stifling their futures as productive citizens.

At the city level, TIYA asks that:

- The New York City Council pass a city version of the DREAM Act and hold hearings on the recruitment of international teachers by the city Department of Education
- The New York City Department of Education compels its law firm to disclose all information about the children of international teachers that it is able to gain

<sup>1</sup> Recruited teachers are placed in the EB3 category by the United States Citizenship and Immigration Services (USCIS). This category consists of “skilled” professionals and “unskilled” laborers. It is the largest class with a queue that can take years to process. A hybrid classification can reduce the waiting period and prevent future dependents from “aging out.”

# EXECUTIVE SUMMARY

access to. This data would include but not be limited to:

- \* The total number of dependents delineating spouse and children
- \* The types of visa each child entered the country with
- \* The number of children with permanent residence
- \* The number of “aged out” dependents and the date they “aged out”
- \* The last known visa each “aged out” dependent was on
- \* The total number of children currently on visas and who risk “aging out”

At the state level, TIYA asks that:

- The New York State Black, Puerto Rican, Hispanic & Asian Caucus hold a forum on the state of Black immigration in New York and the United States and make the DREAM Act its priority
- The New York State Legislature passes the state DREAM Act

At the federal level, TIYA asks that:

- President Obama cease the deportation of recruited immigrants and their families
- Congress pass a national DREAM Act
- Members of Congress discuss and introduce comprehensive immigration reform that includes suitable policies for professionals and their families immigrating to the United States.

Lastly, TIYA asks that the international community:

- Advocate for the ethical treatment of its nationals living abroad (adults and dependents)
- Provide their nationals with embassy identification
- Use all diplomatic tools to support the passage of local and national DREAM legislation that will benefit members of TIYA
- Demand information from the New York City Department of Education as well as from state education departments across the country with recruited immigrant professionals.



# A DREAM OF COLLEGE – A LIFE DEFERRED

"I was just returning to Jamaica from the AFS student-exchange program in Denmark when my mother was recruited by the New York City Board of Education. I was qualified to accompany her because I was 18 years old. I jumped at the opportunity to continue my post-secondary education. So, I started the process by attending meetings at the Jamaica Conference Center to sign documents and submit my passport for a travel visa.

In the rush to collect my travel documentation I was not able to get the appropriate visa. My passport was returned and I was advised to travel with my mother using the visitor's visa that I already had. Then, after getting to New York City, I would be able to petition for the correct visa.

I arrived in NYC on August 11, 2001. I was full of hope and energy and expected a bright future. I was accepted to the Borough of Manhattan Community College (BMCC) and I began my coursework in Corporate Cable Communication towards an Associate's Degree in Science. I joined the basketball squad and all was well until that fateful morning September 11, 2001.

As I came above ground from the subway en route to my first class, the horror and massive destruction of human lives engulfed me. BMCC closed immediately and was used as a triage center for victims and first responders. To the best of my knowledge, the enrolled students at BMCC did not receive any 9/11-related services for trauma – neither during this closure nor after re-opening in late December 2001.

What ensued was a downward spiral as I became enmeshed in a documentation nightmare brought on by my tenuous immigration status and deepening trauma from witnessing horrific events. Unable to succeed at BMCC, I registered at Touro College, but BMCC would not transfer my credits despite many attempts by Touro College and myself.

Touro submitted my I-20 in support of my F-1 petition to change my status from the J-2 visa<sup>2</sup> to the F-1 visa<sup>3</sup>. My F-1 student visa petition was denied by immigration because of a gap in my stay that was the result of my BMCC academic probation. I was then dropped from the Student and Exchange Visitor Information System (SEVIS) in the fall of 2003 despite my completion of the required forms on July 24, 2003, as advised by the BMCC international office. I had no help from BMCC with change of status from J-2 to F-1. Likewise, my mother was receiving no assistance from the DOE with keeping 'aged out' dependents in status. In the fall of 2003, I became 21 years of age during my stint on academic probation. There was

no proper guidance regarding 'aged out' dependents from the DOE or its attorneys for either me or my mother. I fell out of status and my bright future became bleak.

My situation worsened after I was hospitalized multiple times between 2005 and 2011 due to post 9/11-related trauma/panic attacks. Despite my completion of the Certification MIDI<sup>4</sup> Program at Touro College, I was unable to continue school after my hospitalization.

Now I need to get my life back. I've lost virtually ten years of my life. I've not been able to work for more than seven years. My personal life is a mess; I could not marry and start a family. My career hopes have been stifled and my studies stymied. **While obtaining permanent resident status (green card) is the only provision that can help at this stage, I hope in the meantime that other 'aged out' dependents and I will be able to receive NYS or NYC identification and employment verification. This would help immensely on the path to permanent residency and citizenship. I am now 29 years old and I want to reclaim my life."**

As it stands, this young man is ineligible for DREAM legislation as each DREAM bill maintains an age limit. To qualify for the proposed national DREAM Act you must have entered the United States before the age of 16. New York State proposed DREAM legislation requires that you enter before the age of 18. This provision is to ensure the residency requirement, but the young man above and some of the children of recruited professionals arrived in the United States after the age of 18. These young men and women more than fulfill the residency requirement. This age requirement must be waived for the children of recruited professionals.

<sup>2</sup> J-2 visa is the dependent visa of the J-1 Exchange visa; it is allotted to spouses and children. The F-1 is student visa that allows international students to study at institutions of higher education.

<sup>3</sup> See appendix B.

<sup>4</sup> Musical Instrument Digital Interface is a tool that allows for communication between electronic musical instruments and computers.

# "AGING OUT" & VISA OVERSTAYS

## DID YOU KNOW....?

In 1990, the United States Congress established the EB-5 Investors Program. This program granted 10,000 work visas every fiscal year to foreign investors who invest in U.S. enterprises or commit to creating or preserving at least ten permanent jobs for U.S. citizens. To be eligible, an individual must invest \$1,000,000 or at least \$500,000 in a targeted employment area (areas of high unemployment). Although the program has existed for over two decades, it is relatively unknown and only a few thousand EB-5 visas have been issued. In 2009, approximately 4,000 green cards were given to investors, making it the largest year for the program.

In March 2011, an offshoot of the EB-5 Investors program was introduced in the U.S. Senate, the Startup Act. This bipartisan bill would create the EB-6 category that would allow investors and entrepreneurs to obtain a conditional green card depending on the return of their investment. EB-6 would also include provisions for foreign workers looking to create their own businesses, especially those with professional degrees from U.S. institutions.

The children of Caribbean teachers have “aged out” of legal status. **If the parent does not reach the last phase of the permanent residency process before his or her child reaches the age of 21, the child in question loses legal status.** Under U.S. immigration law, a “child” is an unmarried individual less than 21 years of age. Since the permanent residency process for the Caribbean teachers have taken so long, many of their children have “aged out” and are forced to find any means to retain legal status. For those who are unable to find recourse, they have to live as if they were “undocumented” immigrants—even though they came as documented.

A “visa overstay” is any non-immigrant individual who remains in the U.S. beyond the allotted time. Persons who overstay their visas are subject to the penalties enacted by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRAIRA”). There are five repercussions of overstaying a visa<sup>1</sup>:

1. Overstayers may be barred from returning to the U.S. for three or ten years, depending on the period of the overstay
2. Overstayers may not be able to apply for an extension of stay or change of status
3. Overstayers make void any existing visa they are on
4. Generally, overstayers are barred from obtaining a new visa in their country of origin
5. Overstayers may not be allowed to adjust status while remaining in the U.S.

The children of Caribbean teachers are *unintentional* visa overstayers. The situation these young adults have found themselves in has left them with very little in the way of options to preserve their status. Additionally, for many of them, returning to their country of origin after a decade was and still is impossible. Many of these young adults came with their immediate families and have no one to return to in their home countries.

## MEET STUDENT A

Student A, a member of TIYA, is from Trinidad and Tobago and moved to New York with her parents in 2001 at the age of nine. Upon arrival she attended P.S. 78X, the Anne Hutchinson Elementary School and proceeded to the Saints Phillip and James Middle School, in the Bronx. In 2007, she graduated from the Blessed Sacrament & Saint Gabriel High School in New Rochelle, New York. Student A is currently completing a degree in Nursing at Mercy College.

Student A is presently 19 years of age and will be in danger of “aging out” in 2014. Her parents filed for their green cards in 2009 and precedence dictates that it will take at least four years for the process to reach completion. Like the previous students discussed, Student A cannot receive financial aid and must rely on her parents for monetary and emotional support. Her mother is the only parent able to legally work and must provide for her husband and daughter on a single income.

# "AGING OUT" & VISA OVERSTAYS

## VISA OVERSTAYS

According to a 2006 study, the Pew Research Center concluded that of the estimated 11.5 million unauthorized immigrants about 40% to 50% are visa overstays. Most of this population enters the United States on tourist visas, business visas or border crossing cards. There is no existing system to track temporary visitors. Therefore, the amount of visa overstays can only be estimated. Having said this, there is no way of deducing the circumstances under which visa overstays occur. Debatably, there is no justification for violating a federal mandate; however, the children of Caribbean teachers are unintentional visa overstayers.

Modes of Entry for the Unauthorized Migrant Population		
Entered Legally with Inspection	Non-Immigrant Visa Overstayers	4 to 5.5 Million
	Border Crossing Card Violators	250,000 to 500,000
	<b>Subtotal Legal Entries</b>	<b>4.5 to 6 Million</b>
Entered Illegally without Inspection	Evaded the Immigration Inspectors and Border Patrol	6 to 7 Million

Figure 1. Source: Pew Hispanic Center Estimates based on March 2005 Current Population Survey and Department of Homeland Security reports.

# IDENTIFICATION

*“Living in the State of New York without a valid I.D. is walking on the edge of the law. Everywhere requires identification. As ‘aged out’ candidates our inability to identify ourselves furthers the idea that we are nameless and not thought about and that places us at a disadvantage. A valid I.D. opens doors otherwise closed and humanizes people who are otherwise discounted for lack of identification.” (TIYA member, age 28)*

*“Identification is a classification that verifies one’s validity to a particular place, group or organization. Now herein evolves the dilemma for so many of us as children of international teachers who have yet to acquire status or who have unfortunately fallen out of status. Without identification we are not only limited by what we cannot accomplish but are left exposed to frequent prejudices. The difficulty of acquiring a library card or receiving medical care or money transfers are just a few of the complications that may arise without proper documentation. Often times many organizations call for a secondary type of I.D., such as the DMV, which requires several proofs of identity*

*if you are an international student trying to obtain a driver’s license.*

*Being able to have another form of documentation other than one’s passport ensures right to privacy, but most importantly, it affords an agent of freedom. We are already confined by so many limitations because of our status and grouped into classifications of undocumented or illegal. An ID grants us safety and security that we, as children of teachers of the New York City Department of Education, should not have to plead for or solicit its pertinence. I will never be able to digest this imbalance and demeaning position that we are forced to endure when our parents are completing their duties in executing a better education for New York City’s future leaders. Are we not a part of that group? Are we not future leaders, too?” (TIYA member, age 28)*

This group of young people cannot obtain state-issued identification. In the post-9/11 United States, living

## DEPORTATIONS

The current political climate and the record number of deportations significantly affect the lives of these young adults. In the last three years, approximately 21,545 immigrants were “voluntarily” returned or removed to the known source countries of international teachers listed below. More than half of the aforementioned immigrants like the overstayers discussed in this section were here under similar circumstances; they did not have a criminal record (see appendix D).

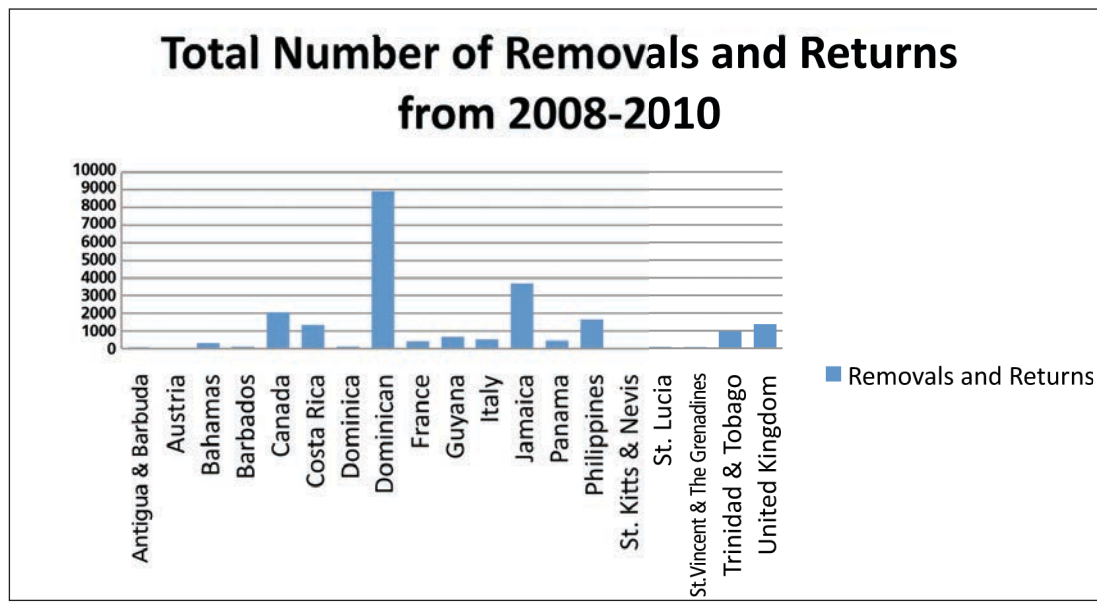


Figure 2. Source: U.S. Immigration and Customs Enforcement as reported in the ICE Integrated Decision Support (“IIDS”) System through February 22, 2010. Total number of removals and returns from 2008-2010.

# IDENTIFICATION

without valid identification is not an option. In the era of “secure communities” and “stop-and-frisk,” to exist without identification is a major risk for this group of young adults. “Secure communities” is a deportation program that authorizes local, state and federal law enforcement to run fingerprints against the federal immigration and criminal database. Governor Andrew Cuomo attempted to withdraw New York State from this program. “Secure communities” is still active outside New York City and Riker’s Island jail. This particular program endangers members of TIYA and immigrant youth because they lack proper identification and can easily be deported simply because they cannot prove who they are, nor explain their situation.

In New York City, the police department actively implements “stop-and frisk” policies, which allow police officers to stop any person they suspect is criminally engaged. According to the New York Civil Liberties

Union, young Black and Latino men are stopped and searched by officers more than any other race. Many teachers’ children are young black men without proper documentation; even commuting is a risk, as these young men may be stopped and frisked. Many of them live in the Brownsville/East New York section of Brooklyn. The New York Times studied eight blocks of Brownsville and found that from January 2006 to March 2010, police made nearly 52,000 stops. Less than 1% of the stops resulted in an arrest but each stop was recorded and entered into a database.<sup>ii</sup> Minority young men are targeted every day and can be easily picked up while commuting in their own neighborhood.

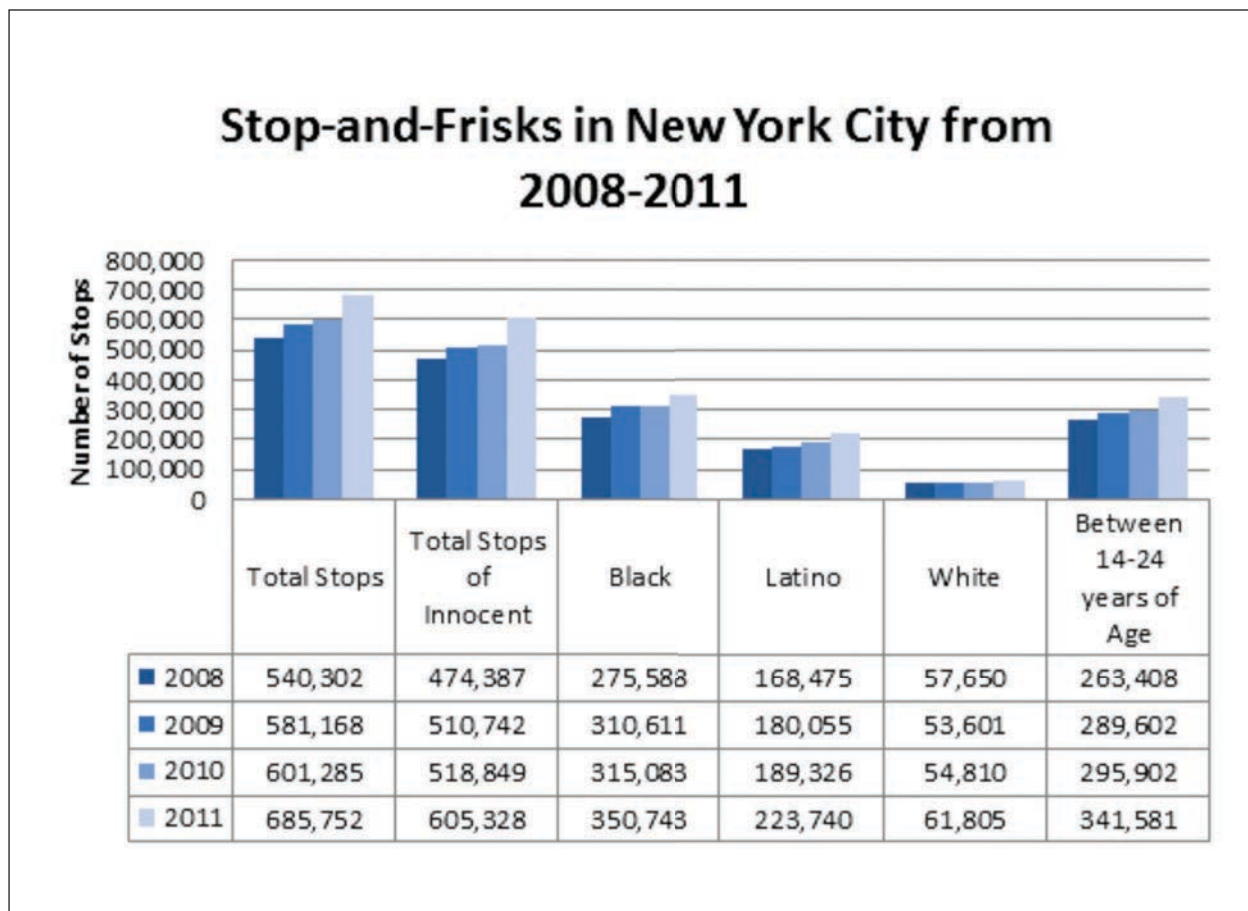


Figure 3. Source: The New York Civil Liberties Union (NYCLU) analysis of the “Stop and Frisk” data provided by the New York Police Department (NYPD).



## MEET STUDENT B

Born in Trinidad and Tobago, Student B, a member of TIYA, moved to New York City with his mother in the summer of 2001 at the age of 16. He attended the Boys and Girls High School in the Bedford-Stuyvesant section of Brooklyn for two years where he graduated at the top of his class. After graduating from high school, he enrolled in the Architectural Technology program at the New York City College of Technology (CUNY) where he was able to pay in-state tuition. He could not qualify for financial aid of any form and had to pay his tuition on his own. Student B, “aged out” during the second year of his degree, had to become an international student to protect his legal status and finish his degree. He was able to continue his education, but unfortunately he paid double the in-state tuition rate as an international student.

Once he completed his degree program, Student B found that he could not legally work and decided to pursue a graduate certificate program in Project Management at the CUNY School of Professional Studies. Once finished, he enrolled at New York University (NYU) to pursue a certificate program in Construction Project Management. Due to financial strain Student B is unable to complete the NYU program at this time. Because he cannot legally work, his mother is his sole provider. Student B is out of status because the international student visa requires that he maintain a fulltime academic schedule. Student B cannot complete his education and is in constant risk of deportation.

*“I watched from the sideline as my peers traveled the country and the world, working on regional and international projects with world renowned architects like Daniel Libeskind. My portfolio and self-confidence suffered. Although I graduated cum laude, I missed out on enrichment opportunities. I missed opportunities to do internships and gain employment and see cities such as Barcelona, Chicago, Madrid, Montreal and Rome.*

*It has been four years since graduation. I have not found employment. I had hoped that I would be able to build my portfolio with actual projects so that I could go on to begin my master’s degree in architecture. But without that background, I am now considering giving up on my dream. All my peers have moved on with successful lives. Even those I left behind in Trinidad. I am a 26-year-old dependant with my life set on hold. What I am waiting for? I do not know. The American discourse on immigration-related issues has gotten so vicious that it seems hopeless for immigrants like me.” (TIYA member, age 26)*

Most of these young adults cannot travel the United States without fear, nor can they travel abroad for studies or to visit family. They are virtually trapped, imprisoned by the current immigration law that mandates a ten year bar to re-enter the U.S. Due to their unique circumstance, the reentry ban must be waived for these young adults.

Hundreds of thousands of U.S. students study abroad each year as part of the college experience. Equal access to education infers that an individual has the right to experience *all* the opportunities college has to offer. Anything less is an infringement on an individual’s right to education.

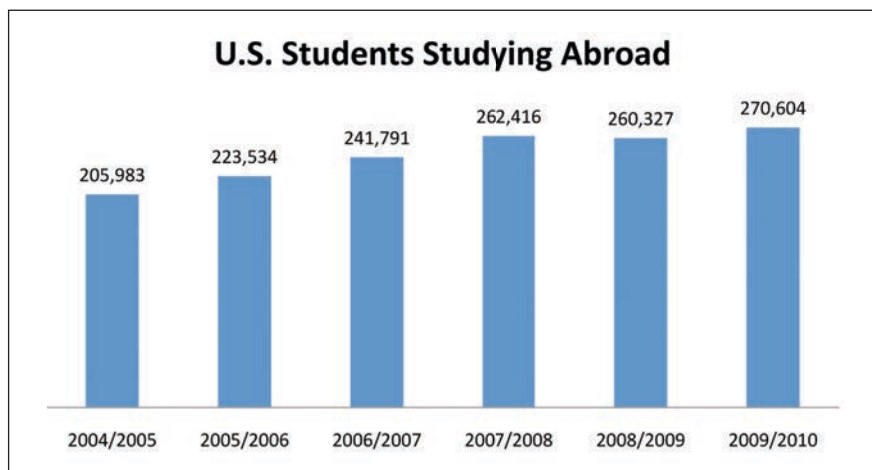


Figure4. Source: Institute of International Education



# EMPLOYMENT

## DID YOU KNOW....?

In 2008, the average salary of a New York City public school teacher was about \$62,000. According to the National Education Association (NEA), New York teachers have the second highest salary in the nation following California. The National Center for Policy Analysis (NCPA) assessed that the high averages are adjusted to reflect the elevated cost of living in major urban centers such as San Francisco and New York City.

Most of the families discussed in this report are single income households where only the teacher can work. There are families of four or more that are forced to survive on a fixed income. Young adults must rely on an already strained coffer, especially those in households with more than one college-bound sibling.

*"Tears come to my eyes when I think of what my family has endured, especially my mom. With the help of the Lord, she has provided for four children for ten years without the help of another. She has watched her children suffer through rejection simply because of their tenuous immigrant status. Many nights I hear her crying out to the Lord if whether or not accepting the position of work in the States was the correct decision.*

*Here she is nurturing other peoples' children when her own are unable to finish college or even work. She is emotionally depleted. The hardest thing for me is convincing myself that my dreams will come true. I worked over 20 different jobs 'off the books,' where I was abused and mistreated. I am frustrated and emotionally hesitant about what my future holds. Although I am uncertain about my future, I am very worried about my youngest brother. Being a young man who is unable to work, he has become so mentally frustrated he has retreated to his bedroom. He speaks to no one in the family and he barely eats. My family is beginning to worry for his safety so much so, we wonder what to do. He constantly talks to himself out loud and walks back and forth to no avail. Sometimes he leaves at odd hours in the morning only to come back a few hours later, and no one knows where he has been. He has no friends. As for my younger sister who is deaf, she keeps asking when she will be able to travel with her friends, go to school and finally work. In sum, I do not know where we will be in four years." (TIYA member, age 28)*

The dependent family members of recruited teachers are all issued an H-4 visa. The H-4 visa does not allow the spouses or the children to legally work. They are subjected to unpleasant working conditions and treatment without benefits or protection. Current economic conditions are hard on everyone; it is even tougher for those qualified candidates who are not allowed to work. New York City's high cost of living renders it nearly impossible to live without gainful employment.

## Wage Levels and Income of Workers

Wage Level	<u>Foreign Born Workers</u>		<u>Native Workers</u>	
	Female	Male	Female	Male
Less than minimum	13%	9%	9%	6%
100-200% of minimum	40	36	31	20
>200% of minimum	47	55	61	75
<b>Mean Annual Earnings</b>	<b>\$26,700</b>	<b>\$38,400</b>	<b>\$29,700</b>	<b>\$47,500</b>

Figure 5. Source: Urban Institute tabulations from modified March 2002 Current Population Survey

# HEALTH CARE & INSURANCE

*“My family and I came to America almost ten years ago from Trinidad and Tobago. At the time of arrival, I was ten years old, my sister was 17 and my brother was 20. My mother was a special education teacher in Trinidad and she accompanied some of her colleagues who at the time were applying for teaching jobs overseas. While waiting for her colleagues a recruiter asked my mother for her qualifications. As it turned out, she was exactly what they were looking for. My mother came home and asked us what we thought of moving to New York City. I remember my mother explaining the various opportunities that awaited us: jobs, school and medical assistance. My brother and sister wanted the chance to go to college and start a career. I also wanted to go to school and fulfill my dreams of becoming a police officer. Essentially, my mother and I wanted to resolve my medical issues. We were told that the U.S. had the best doctors and hospitals. For years my mother and I went to every doctor available in Trinidad, but they could not help me; this opportunity was a blessing, a chance for me to get better and live a normal life.” (TIYA member, age 21)*

The United States is known for having the most prestigious doctors and hospitals in the world. For many of these families, migrating to this country also meant access to first-rate health services. However, this is only reality if you are covered by insurance or you can afford it. The “aged out” young adults discussed in this report can no longer remain on their parents’ health insurance and they subsequently join the 3.5 million uninsured immigrant population.<sup>iii</sup>

Fifty million Americans cannot afford health coverage. The children of recruited teachers cannot work, much less afford the cost of health insurance. Unlike their peers, “aged out” dependents do not benefit from the recent health care reform passed by the U.S. Congress and signed into law by President Obama. This group of young adults is unable to remain on their parents’ health insurance after the age of 26.

## **SEC. 2714. EXTENSION OF DEPENDENT COVERAGE.**

- a.** In General- A group health plan and a health insurance issuer offering group or individual health insurance coverage that provides dependent coverage of children shall continue to make such coverage available for an adult child (who is not married) until the child turns 26 years of age. Nothing in this section shall require a health plan or a health insurance issuer described in the preceding sentence to make coverage available for a child of a child receiving dependent coverage.
- b.** Regulations- The Secretary shall promulgate regulations to define the dependents to which coverage shall be made available under subsection (a).
- c.** Rule of Construction- Nothing in this section shall be construed to modify the definition of ‘dependent’ as used in the Internal Revenue Code of 1986 with respect to the tax treatment of the cost of coverage.

Figure 6. Source: Excerpt from the Patient Protection and Affordable Care Act of 2010 (H.R.3590.ENR)

## MEET STUDENT C

In 2001 at the age of 16, Student C, a member of TIYA, moved from Jamaica to New York City with his mother on a J-2 visa. He attended Science Skills Center High School for Science, Technology and The Creative Arts and graduated in 2004. Due to his status and ongoing financial difficulties, it took him six years to complete his Bachelor's degree. In 2010, he graduated with a major in Legal Studies and a minor in Law.

Student C "aged out" in 2006. He changed his visa to the international student visa and paid higher tuition rates. After graduation, Student C took on a paid internship at a law firm for a year. Due to the downturn in the economy, the law firm could not afford to hire him at the conclusion of his internship. Left with no other option, Student C returned to John Jay College to major in Judicial Studies and International Criminal Justice. Unfortunately, in 2011 he lost his international student visa; therefore, he can no longer afford tuition. He is currently out of status, unable to work, and in danger of deportation. He works odd jobs to help his mother who is the sole provider.

*"I moved to the United States for a better chance of fulfilling a college degree. My mother is my sole supporter. She is a dedicated mother and hardworking teacher. She only hopes the best for me, but so far she feels guilty that she has let me down and the future she envisioned for me is not coming true.*

*Her expectations were centered on my ability to graduate college, go to Law School and obtain a green card. Instead, I am only a college graduate who has to continuously enroll in school just to stay in status. This, unfortunately, is not sustainable, and in the next year I shall lose my student visa. When I arrived here, I immediately enrolled in public school. I completed a year of high school, graduated, and later attended John Jay College of Criminal Justice. In 2010 I graduated with a Bachelor's degree in Legal Studies and a minor in Law. The average college student completes a degree in four years. For me, it took nearly six years due to a lot of stress, financial issues and breakdowns. My mother had no job security and no secured future, and because of this I would constantly think about my own prospects, my career*

*goals and educational endeavors.*

*After I graduated college I entered a year-long OPT training [paid internship] program at a law firm. Sadly, the weak economy prevented them from hiring me following my training period. I suddenly found myself back in college going for another degree. Currently, I am not enrolled this semester because I could no longer afford to pay out of state tuition, which is twice the amount of standard tuition. I have held a lot of resentment towards my mother's employers. **I believe they significantly contributed to the educational demise facing a number of international children whose parents were recruited to teach in New York City.***

*This experience has actually showed me more about how minorities are treated in this country. At this time I am no longer interested in feeling like a victim, so I am committed to helping to give voice to all those kids of immigrant teachers whose dreams were taken away by an insensitive and ineffective education bureaucracy. To improve my situation, I think it would be great if I could get a work authorization card so that I can help my mom, repay her for her years of helping me and use the degrees that I graduated with. To help my current situation, the Department of Education needs to do what they said that they would do." (TIYA member, age 26)*

## F-1 STUDENT VISA

Children of teachers who were able to convert to the F-1 student visa upon the expiration of their H-4 visa (turning 21) were met with a slew of complications.

Once the petitioner is able to receive the F-1 student visa, the petitioner must remain in school to maintain his status. The cost of attending college doubles when the students become F-1 visa holders because they are then considered "out of state residents." The financial strain continues as F-1 students and various other immigrant status students are not eligible for most forms of financial aid. The children of the international teachers find themselves in a catch-22; if they continue without a valid visa, they are able to pay in-state tuition but risk deportation. If they become an F-1 visa student, they are forced to pay out-of-state tuition rates even though they have been New York residents for many years. The financial burden is particularly harsh for these families

# COLLEGE & FINANCIAL AID

who have borne significant legal costs in their decade-long struggles toward permanent residency.<sup>5</sup>

Regrettably, this is the case for many of these students. They are forced to find a means to retain legal status, and in cases such as this, staying in school is often the only sustainable tactic. We now have a population of young adults with multiple degrees and no suitable way to apply the knowledge and skills they have gained.

Options for students on the F-1 visa are very limited because students have to prove they *intend to return to their country of origin*. It is very difficult to become a permanent resident once you have become an F-1 visa student. There are often three options for F-1 visa holders: 1) find an employer willing to sponsor them; 2) have a family member, preferably parent, petition on their behalf (restrictions apply); or 3) marry an American citizen. All of these options have extensive waiting periods but are seemingly the only alternatives for these students.

## COLLEGE BOUND YOUTH

For many of these career educators, the ability to give their children access to quality higher education otherwise limited in their home countries became a major draw for them. The children of recruited teachers also came to the United States with similar expectations of going to college and creating a better life for themselves and their families. While these young people face a multitude of issues, not being able to complete their education or use their gained knowledge is a crushing disappointment.

<sup>5</sup> "Broken Promises.. The Story of Caribbean International Teachers in New York City's Public Schools," The Black Institute, December 2010, pp.9.

Tuition for CUNY Undergraduate Programs		
Type of Student	New York State Residents	Out-of-State Residents
Full-time Students at Four-Year Colleges	\$5,130 per year	\$13,800 per year <sup>1</sup> \$460 per credit
Full-time Students at Community Colleges	\$3,600 per year	\$7,200 per year <sup>1</sup> \$240 per credit
Part-time Students at Four-Year Colleges	\$215 per credit	\$460 per credit
Part-time Students at Community Colleges	\$150 per credit	\$240 per credit

Table 1. Source: The City University of New York

Estimated Costs of SUNY Baccalaureate Degree Programs			
	New York State Residents		Out-of-State Residents <sup>2</sup>
	Living on Campus	Commuter	Living on Campus
Tuition	\$5,270	\$5,270	\$14,320 <sup>3</sup>
Student Fees <sup>1</sup>	\$1,330	\$1,330	\$1,330
Room and Board	\$10,820	\$3,640	\$10,820
Books and Supplies	\$1,260	\$1,260	\$1,260
Personal Expenses	\$1,430	\$1,430	\$1,430
Transportation	\$1,010	\$1,810	\$1,010
<b>TOTAL COST</b>	<b>\$21,120</b>	<b>\$14,760</b>	<b>\$30,170</b>

Table 2. Source: The State University of New York

# CONCLUSIONS, SOLUTIONS & ACTION STEPS

While the circumstances under which the children of Caribbean teachers became undocumented is unique to this class of immigrants, they are not alone in the struggle of being undocumented youth in America. There are about 2.1 million unauthorized young people in the United States.<sup>iv</sup> There seems to be a sentiment of the American public to punish immigrant youth even though they were brought to the U.S. by their parents and are already forced to live under oppressive limitations. Because they are unauthorized, they lack the ability to be legally employed, hold proper identification or have access to health care. Post-secondary education is relatively difficult to obtain for most unauthorized youth because only a handful of states offers tuition assistance. Some of the states offering assistance in the form of in-state tuition for undocumented youth include New York, Texas, Illinois and California.<sup>v</sup> Even if undocumented youth are able to attend college, very few are able to use the skills and knowledge they gain through their studies. According to a study released in the *American Sociological Review* in August 2011, most immigrant youth end up working the same types of jobs as their parents: construction, restaurants, cleaning and child care services.<sup>vi</sup>

The overriding complication undocumented youth face in the United States is deportation. From October 2010 to September 2011, the U.S. Immigration and Customs Enforcement (ICE) reportedly deported approximately 400,000 immigrants—the largest removal in the agency's history.<sup>vii</sup> About 45% of those deported had no criminal records.<sup>viii</sup> For many undocumented youth, returning to their birth country is not a viable possibility. Most grew up in the United States and their countries of origin are now foreign lands to them. Many do not have a family left in their country of origin, and at times there is a language barrier. In some instances, returning to their native country is not an option as they may be persecuted for reasons of religion, ethnicity, or other biases.

The paradox that children of Caribbean teachers find themselves in illustrates the need for the current immigration debate to expand beyond borders and fences, and beyond illegal and undocumented. The ethnic spectrum of immigration is far wider than portrayed by the mainstream media, and the professions extend beyond farm hands and manual laborers. Many Black immigrants coming to the U.S. from Africa, the Caribbean and Latin America are highly educated and qualified individuals who, like these teachers, were recruited.

The complex adversity depicted in this report is unique to these young men and women. Their parents were recruited to work in the United States with promises for themselves and their families. The son of a teacher from Trinidad best described the issue:

*"The recruiters at the Department of Education could not have possibly believed that when they came to our native countries that these more than qualified teachers did not have families. No recruiter in his right mind could say that he expected these teachers to come to work in New York City and leave their kids and significant others behind. The promises were not just broken to the teachers but to our entire families."*

Children of immigrants, whether their parents are authorized or unauthorized, should not be held accountable for their immigration status when they were brought to the United States. Children of immigrants did not earn the scorn of the current immigration dialogue; they are innocent bystanders caught in the crosshairs of a political debate. The young adults discussed here were legally authorized immigrants who lost their status due to a technicality. They are not criminals or sloths; they are intelligent, talented individuals with the drive and potential to enrich the diverse culture of New York City and the United States. Members of TIYA and immigrant youths across the nation are the future of this country and it is time that they be treated with respect. More importantly, they should be treated as American citizens as is their right and our honor.

The legacy of the international teacher recruitment program must not be a generation of demoralized young men and women. The members of The International Youth Association deserve:

- Green cards
- Work authorization
- State-issued identification
- Health insurance coverage under the Patient Protection and Affordable Care Act
- The ability to travel legally both nationally and internationally
- Eligibility to meet requirements to receive public grants and scholarships
- Creation of a hybrid work classification category for professionals ineligible for the EB1 & EB2 classifications<sup>6</sup>



# CONCLUSIONS, SOLUTIONS & ACTION STEPS

- Waiver of the age restriction in DREAM legislation for dependents of recruited professionals

TIYA reaffirms its call for the city, state and federal government to act immediately on proposed DREAM Act legislation. In addition, TIYA reiterates its requests for:

- Complete information and data from the DOE
- The New York State Black, Puerto Rican, Hispanic & Asian Caucus to hold a forum on the state of Black immigration in New York and the United States and make the DREAM Act its priority
- DREAM legislation that will include dependants of recruited immigrant professionals
- President Obama to cease the deportation of recruited immigrants and their families
- Members of Congress to discuss and form comprehensive immigration reform that includes suitable policies for professionals and their families immigrating to the United States

And finally, the international community must share some responsibility for protecting its native sons and daughters (and their dependents) who were legally recruited for professional public service. TIYA believes it is incumbent upon these governments to:

- Advocate for the ethical treatment of their nationals living abroad, and dependents
- Provide their nationals with embassy identification
- Use all diplomatic tools to support the passage of local and national DREAM legislation that will benefit members of TIYA
- Demand information from the New York City Department of Education as well as from state education departments across the country with recruited immigrant professionals

There is an untapped source of skilled young adults in the United States, a new generation of Americans ready to make a difference and eager to contribute to society. It is about time we made full use of the human resources we have here in the United States. Now is the time to restore the promise to the youth and their parents. Now is the time to make their American dreams a reality.

<sup>6</sup> Recruited teachers are placed in the EB3 category by the United States Citizenship and Immigration Services (USCIS). This category consists of “skilled” professionals and “unskilled” laborers. It is the largest class with a queue that can take years to process. A hybrid classification can reduce the waiting period and prevent future dependents from “aging out.”

## REFERENCES

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- iii. 2009 U.S. Census Report: “Income, Poverty, and Health Insurance Coverage in the United States: 2009,” pp: 22-28.
- iv. Jeanne Batalova and Margie McHuge, “DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries,” Migration Policy Institute, July 2010: 4.
- v. “Undocumented Student Tuition: State Action,” National Conference of State Legislatures, last modified October 2011, <http://www.ncsl.org/default.aspx?tabid=12846>. \*The list of states allowing undocumented students access to post-secondary education are as follows: California, Texas, New York, Utah, Washington, Oklahoma, Illinois, Kansas, New Mexico, Nebraska, Maryland, and Connecticut.
- vi. Roberto G. Gonzales, “Learning to Be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood,” American Sociological Review, August 2011: 11.
- vii. Associated Press, “U.S. Federal Government Says It Deported a Record Nearly 400,000 People in the Past Year,” Appeared in The Washington Post October 18, 2011, accessed October 21, 2011.



## APPENDIX A

### EXCERPT FROM BROKEN PROMISES REPORT:

Under the current legal requirements, only children under the age of 21 are eligible for immigration benefits if their parents become permanent residents. Given the number of years these teachers have been awaiting green cards, many of them now face the sad reality that they will no longer be able to extend those benefits to their children.

The following letter, from the son of a Caribbean teacher, is only one story of many like it:

*"I came to the United States nine years ago, at age 17 with my mother and my little brother. Nine years later, I'm 26 years old, and I don't have a green card. After my mother and my brother received their green cards two years ago, my mother immediately filed for me through an I-130 petition. Even though the case has been approved, USCIS has yet to produce a green card for me. The lack of the green card has taken a toll on my family. I have a condition referred to as Cerebral Palsy. CP as it is commonly referred to, is in my case, a congenital condition which I've had to bear all my life. It causes an involuntary movement of the limbs thus making both small and large motor coordination a challenge. Due to this, my mother and brother have decided to remain with me in the United States. If they return to my home country, even if for a visit, there would be no one to look after me.*

*I haven't been to my home country in five years and I haven't seen my relatives and my close friends. There's not a day that goes by that I do not long to spend time with them. One of the things I miss the most about my country is my home. I miss sleeping in my own bedroom and spending the Christmas season and other holidays with my relatives. I have spent nine years sharing a one-bedroom apartment with my mother and my brother. During these nine years, I have earned a high school diploma, a Bachelor's Degree, and I am now pursuing my Master's Degree in Industrial Organizational Psychology at Brooklyn College. My mother, a teacher for the past 32 years, has embedded in me a strong determination to succeed, and has been paying for my college tuition. My younger brother is also in college.*

*Even with a Bachelor's degree, I can't get any form of employment, due to a lack of the green card. As such, I have to be maintained by my mother. Every day I log on to the USCIS website to check the status of my petition. Every day I hope that my case has been updated, and every day the longing to see my homeland weighs heavily on my mind. I miss my family very, very much. The green card is the only thing that is keeping me from Trinidad. Please help me if you can."*

## APPENDIX B

### THE NEW YORK CITY DEPARTMENT OF EDUCATION UPDATE ON INTERNATIONAL TEACHERS

- Currently there are 1,525 international teachers in the DOE's system;
- Of the 1,525 teachers, 678 have received permanent residence;
- There are approximately 725 international teachers from the Caribbean;
- Of the 725 Caribbean teachers, approximately 443 have received permanent residence;
- 56% still await permanent residency designation;
- Approximately 102 Caribbean teachers received their permanent residence since the end of 2010.
- At least 100 teachers will receive their permanent residence (Green Cards) by the end of 2012; and
- Approximately 125 international teachers are currently experiencing work certification difficulty.

# APPENDIX C

## Visas for Teachers, At a Glance

### H-1B “WORK” VISA

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#### *Who is eligible?*

Professionals with “a body of highly specialized knowledge along with at least a bachelor’s degree” who are neither citizens nor residents of the United States and wish to work in the United States.

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#### *Who can apply?*

Only employers can apply on behalf of professionals.

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#### *What is the duration?*

The H-1B visa is valid for three years and is renewable once (maximum of six years of validity)

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#### *What requirements must be met for the Labor Condition Application to be approved?*

Employers must pay H-1B workers either the prevailing wage or the actual wage, whichever is higher. The bargaining agent must be notified (more information on LCAs at [http://www.dol.gov/dol/allcfr/eta/title\\_20/Part\\_655/20CFR655.730.htm](http://www.dol.gov/dol/allcfr/eta/title_20/Part_655/20CFR655.730.htm) ).

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#### *Can the employee apply for Permanent Residence to the United States upon arrival?*

Yes.

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#### *Can the employee bring family?*

Yes. The visa required is the H-4.

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#### *Which agency oversees the H-1B visa program?*

The U.S. Department of Labor <http://www.dol.gov/compliance/guide/h1b.htm>

### J-1 “EXCHANGE” VISA

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#### *Who is eligible?*

Primary or secondary teachers who have a minimum of three years teaching experience, satisfy the standards of their state and are neither citizens nor residents of the United States wishing to work in the United States

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#### *Who applies?*

Professionals, along with an eligible J-1 sponsor (for a list of sponsors, visit <http://eca.state.gov/jexchanges/index.cfm?fuseaction=record.list&cat=13>)

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#### *What is the duration?*

Visa is valid for one year and is renewable two times (maximum of three years of validity)

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#### *What requirements must be met for the J-1 visa to be approved?*

Employees must be a primary or secondary teacher and must have significant ties to their country of origin (more information at [http://www.hooyou.com/j-1/j1\\_j2\\_visa\\_faq.html](http://www.hooyou.com/j-1/j1_j2_visa_faq.html) )

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#### *Can the employee apply for Permanent Residence to the United States upon arrival?*

Yes, although some source countries require a return residency period.

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#### *Can the employee bring family?*

Yes. The visa required is the J-2.

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#### *Which agency oversees the J-1 visa program?*

The U.S. Department of State [http://travel.state.gov/visa/temp/types/types\\_1267.html](http://travel.state.gov/visa/temp/types/types_1267.html)

# APPENDIX D

## Visas for Dependents, At a Glance

### H-4 DEPENDENT VISA

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#### *What is an H-4 visa?*

The H-4 is a companion visa of the H-1B work visa.

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#### *Who is allotted an H-4 visa?*

An H-4 visa is issued to dependent family members (i.e. spouses and unmarried children under 21 years of age) of a primary H-1B visa holder.

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#### *What is the duration of the visa?*

An H-4 visa is valid as long as the primary visa (H-1B, H-1B1, etc.) has not expired. For dependent children, however, their visas cannot be renewed if they have reached the age of 21 and their parent is not in the final stage of residency.

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#### *What are the limitations of the H-4 visa?*

Generally, H-4 visa holders are not eligible for a social security number and cannot be employed; they can, however, hold a driver's license, open bank accounts and get a tax identification number for tax purposes. H-4 holders cannot legally work. Although H-4 visa holders are able to attend college and pay in-state tuition, they cannot access financial aid. Nor can most H-4 holders obtain loans for college.

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#### *Which agency oversees the H-1B visa program?*

The U.S. Department of Labor <http://www.dol.gov/compliance/guide/h1b.htm>

### F-1 INTERNATIONAL STUDENT VISA

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#### *What is an F-1 student visa?*

The F-1 is a type of non-immigrant visa that allows international students to pursue an education in the United States. F-1 visas are only issued in overseas U.S. embassies and consulates.

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#### *Who is allotted an F-1 student visa?*

The F-1 visa is issued to foreign-born students who want to study fulltime in the United States.

In order to qualify for a student visa the petitioner in question must:

- 1) have a residence abroad, with no immediate intention of abandoning that residence;
- 2) anticipate their departure from the United States upon completion of the course of study;
- 3) acquire sufficient funds to pursue the proposed course of study.)

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#### *What is the duration of the visa?*

An F-1 student visa is valid for as long as the student is enrolled in a full-time degree program and continues to meet the requirements

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#### *What are the limitations of the F-1 visa?*

Legal employment options are very limited. Without authorization from the United States Citizen and Immigration Services ("USCIS"), a student can work up to 20 hours on-campus. USCIS, however, may award work authorization for students participating in Curricular Practical Training ("CPT") and Optional Practical Training ("OPT"), which are compensated internships and training programs. Students are permitted to work for a total of 14 months. Students participating in STEM (Science, Technology, Engineering and Mathematics) programs and field of study are allowed to legally work under OPT for 29 months.

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#### *Which agency oversees the H-1B visa program?*

The U.S. Department of State: [http://travel.state.gov/visa/temp/types/types\\_1268.html](http://travel.state.gov/visa/temp/types/types_1268.html)

# APPENDIX E

## The Immigration Process

### *Recruited Professional Teachers*

Caribbean teachers hired during 2001 and 2003 recruitment drives were initially issued a J-1 “Exchange Visa”, along with verbal assurances of assistance with applications for green cards.

A J-1 Exchange Visa is valid for one year and is renewable twice, for a maximum of three years. When eligibility for the J-1 Visa ran out, teachers were advised to apply for an H1-B Visa). The H1-B Visa is valid for three years and renewable once, for a maximum of six years. At the same time that teachers applied for H1-B status, they also were advised to initiate the application process to receive their green cards. Once that application had been filed, the H1-B Visa becomes renewable indefinitely in one year increments, as long as the teacher continues to be sponsored by their employer.

As many of these teachers were hired in 2001, they have reached the limit of maximum time under J-1 and H1-B status, yet they are seemingly no closer to receiving their green cards. These teachers who have relocated their families, and made New York City their homes, in order to provide our children with an education, now face the threats of unemployment and deportation.

The process of applying for permanent residency has been fraught with difficulties. One particular problem these teachers faced with their green card applications was the

professional classification the DOE assigned them. Despite being recruited specifically because they were skilled and experienced professionals, these teachers were classified as EB-3 workers, which is a designation for unskilled workers.

It is more likely for a worker with a professional classification such as EB-2 to obtain permanent residency.

The stress of renewing these temporary visas has been a constant part of these teachers’ lives for as many as ten years, and the financial costs have been steep. The DOE established an International Teacher Support Unit under the then Office of Operational Support Services. The teachers were given case managers, but the bureaucracy did not keep up with the need or adequately address the loss of status and humiliation these teachers faced. These case managers have remained remote and unavailable and insist on communicating primarily through email. Often correspondence can take up to two months before a response is issued, if at all. These case managers have frequently been changed without any prior notice and appropriate transition.

While data on the exact number of international teachers recruited by the DOE in each visa category has not been made available, it is clear from individual interviews that the majority still have not received permanent residency. This is in stark contrast to internationally recruited nurses. Additionally, H1-B visas can be renewed annually if a

<b>EMPLOYMENT-BASED PREFERENCES</b>				
<b>Category</b>	<b>FY2009</b>	<b>FY2010</b>	<b>Increase/Decrease from 2009 totals (and % of change)</b>	
Employment First	3,601	2,961	-640	(-17.8%)
Employment Second	6,295	6,738	+443	(+7.0%)
Employment Third Total	119,759	119,183	-576	(-0.5%)
Skilled Workers:	103,448	102,395	-1,053	(-1.0%)
Other Workers:	16,311	16,788	+477	(+2.9%)
Employment Fourth Total	529	554	+25	(+4.7%)
Employment Fifth Total	325	1,183	+858	(+264.0%)
<b>Total</b>	<b>130,509</b>	<b>130,619</b>	<b>+110</b>	<b>(+0.1%)</b>
<b>GRAND TOTAL</b>	<b>3,499,964</b>	<b>4,683,393</b>	<b>+1,183,429</b>	<b>(+33.8%)</b>

Figure 7. Source: U.S. Department of Homeland Security

# APPENDIX E

person has a pending green card application, however, the individual worker must be sponsored by his or her employer annually and sponsorship by the employer is voluntary. With this being said, the DOE can and has sponsored individuals for eight or nine years while a green card application is pending and then refuse to continue to petition for the visa's renewal stating that the teacher was always aware of his or her "temporary status".<sup>i</sup> This argument of the DOE fails because having recruited the international teachers, assisted said teachers in visa and green card application processes (through the DOE and/or its attorneys) and employed

said teachers for nearly ten years in many instances, these teachers have the right to believe and rely on the DOE's continued assistance until permanent residency is achieved.

*"Unlike teachers who work in the United States on temporary visas, the vast majority of foreign-educated nurses receive green cards, and an estimated 60 percent of them become US Citizens."*<sup>ii</sup>

<sup>i</sup> Cited from a pending case file which due to case sensitivity cannot be cited further.

<sup>ii</sup> "Importing Educators: Causes and Consequences of International Teacher Recruitment." American Federation of Teachers, 2009.

## VISA ISSUANCE

The New York City Department of Education ("DOE") recruited teachers from 2001-2006 with the majority of the recruiting occurring during the initial three years. In 2001, the U.S. Department of State issued approximately 7,000 H-1B visas to foreign workers from countries that have been identified as source countries for international teachers in the New York City Public School system (see chart noted as Figure 1). The Department of State also issued approximately 5,000 H-4 visas. Because the H-4 visa can be given to the dependent spouse or child there is no way of differentiating between these categories. For the purpose of this report, we presume that, at the very least, 10% of the visas (approximately 500 visas) were for children (under 21 and unmarried) of the primary visa holders.

Although a majority of the teachers are currently on H-1B visas, not everyone entered with H-1B visas because the U.S. Department of State had reached the maximum number of H-1B visas it would provide for the year when the recruitment initiative began in 2001. As a result, some families entered on J exchange visas for the initial recruitment period, therefore data on the J visas issued are represented for recruitment years of 2001-2003. Although this data includes hires outside of the teaching profession, it shows that this issue possibly affects other professions such as nurses and other health care providers. It should also be noted that, though H-1B workers visas were not available, the DOE needed teachers so much that it applied for visitor's visas to get the teachers and their families to New York City.

## TOTAL NUMBER OF VISAS ISSUED TO FOREIGN WORKERS FROM \*SOURCE COUNTRIES FROM 2001-2006

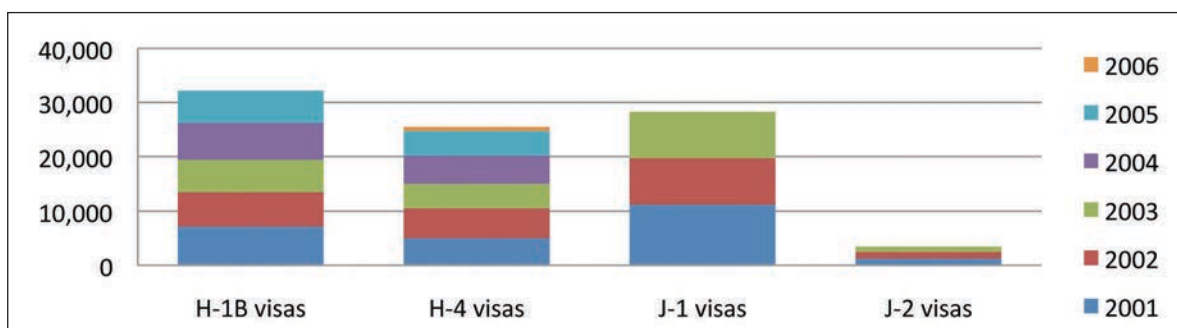


Figure 8. Source: U.S. Department of State. Total number of visas issued by the U.S. Department of State to Foreign workers from select source countries known for teacher recruitment from 2001-2006. \*List of known source countries: Antigua & Barbuda, Austria, the Bahamas, Barbados, Canada, Costa Rica, Dominica, the Dominican Republic, Guyana, Italy, Jamaica, Panama, Philippines, St. Kitts & Nevis, St. Lucia, Vincent and the Grenadines, Trinidad & Tobago.



# APPENDIX F

## REMOVALS AND RETURNS BY COUNTRY

As Reported in IIDA through February 22,2010

Country	FY2008								
	Total			Removals			Returns		
	Total	Criminal	Non- Criminal	Total	Criminal	Non- Criminal	Total	Criminal	Non- Criminal
BAHAMAS	114	89	25	99	82	17	15	7	8
BARBADOS	44	39	5	42	39	3	2	0	2
CANADA	914	378	536	711	350	361	203	28	175
COSTA RICA	615	140	475	521	132	389	94	8	86
DOMINICA	56	24	32	36	22	14	20	2	18
DOMINICAN REPUBLIC	3783	2100	1683	3017	2057	960	766	43	723
FRANCE	149	30	119	135	29	106	14	1	13
GUYANA	280	195	85	260	189	71	20	6	14
ITALY	215	78	137	198	74	124	17	4	13
JAMAICA	1603	1263	340	1496	1224	272	107	39	68
PANAMA	191	107	84	163	101	62	28	6	22
PHILIPPINES	797	293	504	553	283	270	244	10	234
ST. KITTS-NEVIS	16	8	8	12	8	4	4	0	4
ST. LUCIA	33	17	16	23	16	7	10	1	9
ST. VINCENT-GRENADINES	29	13	16	21	13	8	8	0	8
TRINIDAD AND TOBAGO	433	282	151	381	274	107	52	8	44
UNITED KINGDOM	533	190	343	463	180	283	70	10	60

Country	FY2009								
	Total			Removals			Returns		
	Total	Criminal	Non- Criminal	Total	Criminal	Non- Criminal	Total	Criminal	Non- Criminal
BAHAMAS	156	101	55	139	98	41	17	3	14
BARBADOS	49	34	15	43	34	9	6	0	6
CANADA	832	389	443	638	369	269	194	20	174
COSTA RICA	560	119	441	489	115	374	71	4	67
DOMINICA	44	18	26	31	18	13	13	0	13
DOMINICAN REPUBLIC	3824	2171	1653	3244	2130	1114	580	41	539
FRANCE	218	26	192	206	23	183	12	3	9
GUYANA	296	216	80	276	211	65	20	5	15
ITALY	222	60	162	212	60	152	10	0	10
JAMAICA	1620	1252	368	1504	1220	284	116	32	84
PANAMA	205	82	123	156	79	77	49	3	46
PHILIPPINES	669	259	410	481	253	228	188	6	182
ST. KITTS-NEVIS	13	7	6	9	7	2	4	0	4
ST. LUCIA	43	19	24	31	18	13	12	1	11
ST. VINCENT-GRENADINES	28	18	10	20	16	4	8	2	6
TRINIDAD AND TOBAGO	405	263	142	356	253	103	49	10	39
UNITED KINGDOM	658	198	460	629	196	433	29	2	27

Country	FY2010								
	Total			Removals			Returns		
	Total	Criminal	Non- Criminal	Total	Criminal	Non- Criminal	Total	Criminal	Non- Criminal
BAHAMAS	48	42	6	44	40	4	4	2	2
BARBADOS	18	16	2	15	14	1	3	2	1
CANADA	303	155	148	221	147	74	82	8	74
COSTA RICA	177	55	122	159	52	107	18	3	15
DOMINICA	16	9	7	13	9	4	3		3
DOMINICAN REPUBLIC	1298	797	501	1142	774	368	156	23	133
FRANCE	61	10	51	56	9	47	5	1	4
GUYANA	81	69	12	77	65	12	4	4	0
ITALY	63	24	39	63	24	39	0	0	0
JAMAICA	481	386	95	439	377	62	42	9	33
PANAMA	66	47	19	58	47	11	8	0	8
PHILIPPINES	196	104	92	153	104	49	43	0	43
ST. KITTS-NEVIS	9	4	5	7	4	3	2	0	2
ST. LUCIA	8	1	7	7	1	6	1	0	1
ST. VINCENT-GRENADINES	14	6	8	10	6	4	4	0	4
TRINIDAD AND TOBAGO	128	103	25	111	100	11	17	3	14
UNITED KINGDOM	174	74	100	157	73	84	17	1	16





## The New York State DREAM Act *A preliminary estimate of costs and benefits*

March 9, 2012

*With the federal DREAM Act stalled in Congress, many people have been talking about a New York State DREAM Act. The New York State DREAM Act would open the state's Tuition Assistance Program (TAP) to all students who meet the funding criteria, irrespective of their immigration status.*

- **Extending the Tuition Assistance Program (TAP) to include eligible undocumented students would increase TAP expenditures by roughly two percent.** TAP provided \$885 million in aid in the 2010-2011 school year. Estimates relating to undocumented immigrants are inherently inexact, but a preliminary Fiscal Policy Institute analysis concludes that extending aid to undocumented immigrant students would increase that figure by approximately \$17 million, or about two percent of the total.
- **Higher education provides a very strong return on investment.** There are strong fiscal and economic benefits to the state when the labor force is better educated. For a student earning a 4-year degree, New York State would be investing a total of \$20,000 (4 years of the maximum TAP aid of \$5,000 for 4-year colleges). The median earned income of a New York State worker with a bachelor's degree is \$25,000 *higher per year* than for a worker with just a high school degree. The additional taxes paid by bachelor's degree holders amount to about \$3,900 per year to state and local governments (excluding an additional amount to the federal government). A 2-year degree would entail an \$8,000 state investment in aid (2 years of the maximum TAP aid of \$4,000 at 2-year colleges). The median earned income of a 2-year college graduate is \$10,000 per year higher in New York State than for a high school graduate, while state and local taxes paid each year are about \$1,000 higher.<sup>1</sup>
- **The economic benefits of college are clear, though for undocumented immigrants they may be less.** It is difficult to predict what will happen with federal immigration policy, making it hard to know what conditions today's undocumented college students will face when they enter the labor market. The added earning power of a college degree is so strong, however, that a college degree is undoubtedly a boost to undocumented immigrants even in the absence of federal action.
- **Most children of undocumented immigrants are U.S. citizens, and students who are themselves undocumented are already eligible for in-state tuition.** The large majority of children of undocumented immigrants were born in the United States, and are thus U.S. citizens and already eligible for TAP. In addition, New York already is one of a dozen states that allow undocumented students who qualify to pay in-state tuition for public colleges.
- **"It's the economy."** Increasing the education level of workers also increases their productivity, and the more highly educated a state's labor force, the more attractive is that state as a place to locate businesses. There are currently an estimated 475,000 undocumented immigrants in the New York State labor force.<sup>2</sup> Having large numbers of undocumented workers should not be considered a permanent situation: federal reform is urgently needed to fix immigration policy. But gridlock at the federal level should not prevent New York State from investing in its own economy.

# APPENDIX G

## *The New York State DREAM Act: A preliminary estimate of costs and benefits*

### **DREAM Act costs and benefits: Summary of the analysis**

This preliminary estimate is intended to give a general estimate of the costs and benefits of the New York State DREAM Act. Fiscal Policy Institute may update this analysis as further information becomes available. Given the high degree of uncertainty around numerous factors, the estimate here should be understood to be a rough approximation. This is not an unusual situation: While getting a reliable count for undocumented immigrants is particularly challenging, providing precise projections is, in fact, frequently difficult in state budgeting.

**Estimate of TAP costs.** Details about the way we estimated the cost of added TAP aid can be found in the table and notes below. We started with a national estimate of the number of undocumented students graduating from high school and used that to develop a similar number for New York State. This was in turn used to calculate an estimated number of undocumented students continuing to college, and the share at 4-year and 2-year institutions. We made the conservative assumption that all undocumented students would have very low family incomes and thereby qualify for maximum TAP aid. And we assumed that two thirds of undocumented students qualifying for TAP aid would actually apply for and receive it. The resulting estimate is based on the number of undocumented students currently in college; it is possible that the number would increase if TAP aid made college more affordable.

The above statewide analysis is broadly consistent with independent estimates of the number of undocumented immigrants in the City University of New York (CUNY) system. Based on internal data, the CUNY administration believes the number of undocumented students in its system to be roughly 4,000 to 4,500. The above estimate shows 5,500 undocumented students in college statewide. This is a reasonably close fit, since in addition to undocumented students at CUNY, some smaller number of undocumented students are likely attending State University of New York (SUNY) colleges, some are at private colleges, and a few are at proprietary schools.

**Added tax revenue estimate.** In New York State, combined state and local taxes amount to about 10 percent of income for all but the very wealthy (who pay a lower share of their income in state and local taxes after the federal offset).<sup>3</sup> To calculate the added tax revenues, we used the added *average* earnings rather than the added *median* earnings to calculate the additional taxes paid. It is, again, difficult to predict what the conditions will be facing undocumented college students when they graduate. However, even if today's conditions persist and they remain undocumented, it is important to note that most of the state and local taxes paid by residents are paid by all residents, irrespective of their legal status. For all but the highest-earning New Yorkers, the majority of taxes are sales, excise, and property taxes—which undocumented immigrants also pay.

Of the 12 percent of income paid in state and local taxes by the middle quintile of families, for example, property taxes represent 3.9 percent of income, and sales and excise taxes 4.7 percent. This middle quintile of families pays 3.4 percent their income in state income taxes; about half of undocumented immigrants are estimated to pay state income tax (using Individual Taxpayer Identification Numbers, or ITINs, in place of Social Security numbers).



# APPENDIX G

## *The New York State DREAM Act: A preliminary estimate of costs and benefits*

### Appendix: Calculations

	National estimate of number of undocumented immigrants graduating from high school (single year)	Number of undocumented high school graduates per year in New York State (single year)	Number that enter college (single year)	Total number in college (2-year and 70 percent in 4-year colleges combined)	Projected additional TAP costs, assuming 2/3 of those eligible actually receive TAP	All TAP aid in 2010-2011	Estimated DREAM Act added cost as a share of total TAP funds
Estimate	65,000	3,627	1,777	5,469	\$17,135,245	\$855,000,000	2%

National estimate of undocumented students graduating from high school was taken from Jeffrey Passel, "Further Demographic Information Relating to the DREAM Act," memorandum from the Urban Institute to the National Immigration Law Center, 2003.

Estimate for the number of undocumented students graduating from high school in New York State was based on the assumption that New York's share of graduating undocumented students is the same as its share of undocumented immigrants overall, which was estimated at 5.6 percent in 2010, in Jeffrey Passel and D'Vera Cohn, "Unauthorized Immigrant Population: National and State Trends, 2010," (Washington, D.C.: Pew Hispanic Center, February 1, 2011).

Share of undocumented high school graduates who go to college, 49 percent, was based on analysis in Jeffrey Passel and D'Vera Cohn, "A Portrait of Unauthorized Immigrants in the United States," (Washington, D.C.: Pew Hispanic Center, April 14, 2009), page 12. That study found that of undocumented immigrants 18 to 24 years old and who graduated high school, 49 percent were either in college or had attended college—compared to 61 percent for undocumented immigrants who arrived prior to age 14, 76 percent for legal immigrants, and 71 percent for U.S.-born residents.

According to CUNY administration, an estimated 70 percent of undocumented students at CUNY were in 4-year colleges and 30 percent in 2-year colleges in the most recent semester. We assumed that the same held true statewide, and 70 percent of undocumented students currently in college are in 4-year colleges. To translate the number of students entering each year into the number of students currently in the system, we assumed that 2-year college students attended college for two years, and 4-year college students for four years. While some students do not finish or take longer to finish than expected, it is also the case that there is a maximum limit on TAP funding of eight semesters.

Projected TAP aid was based on the maximum TAP grant of \$4,000 at 2-year colleges and \$5,000 at 4-year colleges. We assume that two thirds of newly eligible students will actually apply for and receive aid.

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*The Fiscal Policy Institute ([www.fiscalspolicy.org](http://www.fiscalspolicy.org)) is an independent, nonpartisan, nonprofit research and education organization committed to improving public policies and private practices to better the economic and social conditions of all New Yorkers. Founded in 1991, FPI works to create a strong economy in which prosperity is broadly shared.*

<sup>1</sup> Fiscal Policy Analysis of 2008-2010 American Community Survey data.

<sup>2</sup> Jeffrey Passel and D'Vera Cohn, "U.S. Unauthorized Immigration Flows Down Since Mid-Decade," (Washington, D.C.: Pew Hispanic Center, September 1, 2010), Table A2. Estimate is based on 2009 data.

<sup>3</sup> In New York, combined state and local taxes (before federal offsets) are between 9.4 percent and 12.7 percent of income for all families. See: "Who Pays: A Distributional Analysis of the Tax Systems in all 50 States," (Washington, D.C.: Institute for Taxation and Economic Policy), November 2009, page 80.





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