



Immigration Matters in New Mexico: How KIDS COUNT

June 2012

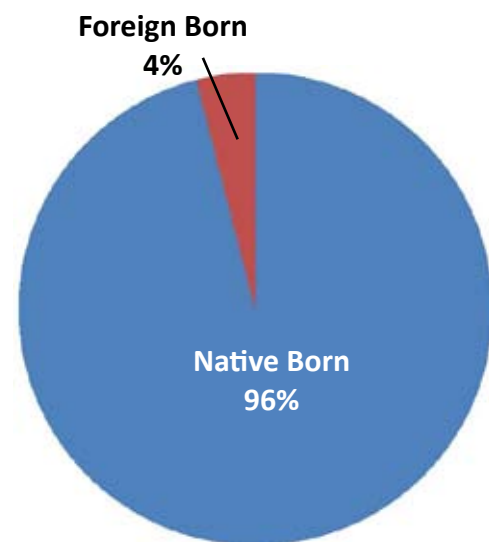
Most people who immigrate to the U.S. are looking for a better future for themselves and their children. But America has an imperfect and inconsistent immigration system, and that inconsistency can undercut immigrants'—as well as all Americans'—prospects for prosperity and social unity. Since the terrorist attacks of September 11, 2001, the politics of immigration have been hotly debated. Rather than coming together and creating a systemic, reasonable, and sustainable approach to the issue, both federal and state-level decision-makers have passed divisive, restrictive laws and measures (many of which are being contested in the court system) that have had a sobering, negative effect on those in our country who are foreign-born—both those with legal status and those who lack documentation.

As laws are enacted and the debate continues, often with ugly rhetoric, the issue of how our policies impact the children of undocumented immigrants has not been addressed. These children—who may or may not be U.S. citizens—face challenges to their present and future well-being. Many children of foreign-born parents are burdened by poverty, and they often lack access to health care, community supports, and other resources.

Many undocumented children are brought to the U.S. by their parents when they are very young. Most do not remember the country where they were born, and most grow up completely in the U.S. Though they navigate two or more cultures and speak two or more languages (see Figure I) they

think of themselves as Americans. Like the parents who brought them, they are, by and large, doing their utmost to attain the American dream and contribute to our country.

Figure I
New Mexico Child Population
(Ages 0-18) by Place of Birth
(2006-2010)



Source: American Community Survey, 2006-10,
Table B05003



These situations present policy-makers—and New Mexicans—with many challenges. This **NM KIDS COUNT** brief explores some of those challenges and how immigrant children are negatively impacted. As educational attainment is a pathway to economic and social success, this report will spotlight education issues.

Immigration Policies and Enforcement, and Deportation: Effects on Children

A 2010 international study of immigration and integration policies in Europe, Canada, and the United States examined factors such as labor market mobility (how immigrants access jobs), family reunification, access to education, political participation, long-term residence, access to citizenship, and anti-discrimination laws. The study ranked the U.S. ninth overall—a ranking considered “not bad,” especially since the U.S. does not have a national integration policy.¹ Immigrants, whether they are rich or poor, find the process of gaining lawful permanent resident (LPR) status and/or citizenship to be a long, intimidating, costly, and grueling one (see Figure II, below). Immigrants working as field hands, roofers, dishwashers, hotel maids, domestics, and in other menial occupations are likely to be undocumented. Despite the inability of employers to adequately fill these jobs with citizens, immigrants in menial occupations find it difficult to gain legal status.

Definitions

An **immigrant** is anyone who settles (permanently) in a country other than the one in which they were born. They are considered **foreign-born** by their adopted county.

The U.S. Census defines the **native-born** population as those who were a U.S. citizen at birth; i.e., born in the United States or a territory of the U.S., or born abroad of a parent who is a U.S. citizen (for example, on a U.S. military base in another country).

Immigrants may become U.S. citizens through a process called naturalization (making them **naturalized citizens**) or they may be **legal permanent residents**. Thus, all naturalized citizens are foreign-born, but not all foreign-born are citizens.

All children born in the U.S. are American citizens, even if their parents are foreign-born. In the Census, native-born children of foreign-born parents are called **second generation immigrants**.

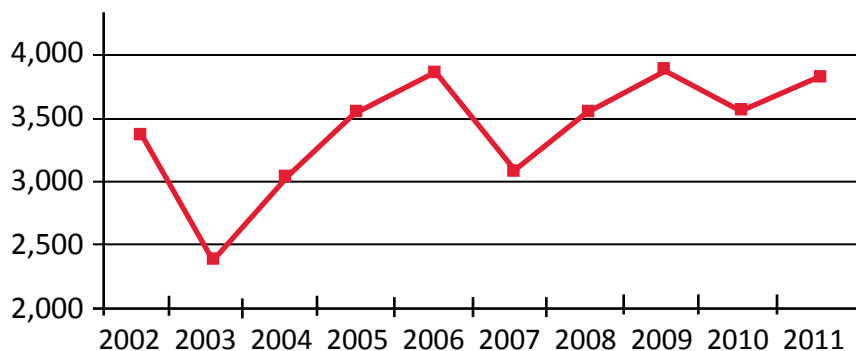
Undocumented immigrants (or unauthorized immigrants) reside in the U.S. without legal immigration status, either through entry without inspection or having entered on a visa that is no longer valid.

Mixed-status families have members who are foreign-born (usually the parents) and members who are U.S.-born (usually the children).

In this report, **immigrant children** means children with foreign-born parents.

Legal permanent residents have most of the rights of U.S. citizens except the right to vote.

Figure II
Number of People Obtaining Legal Permanent Resident Status in New Mexico (2002-2011)



Source: U.S. Department of Homeland Security

Undocumented immigrants and their children live with the constant anxiety of being reported to the federal Immigration and Customs Enforcement (ICE) agency. If undocumented parents of U.S.-born children are apprehended and subject to deportation, an agonizing decision must be made—not only by the parents but at times in the U.S. court system—as to whether the child will be deported with their parents to a country that may be unfamiliar to them, or stay in the U.S. with relatives, in the foster care system, or even alone.

Deportations have reached record levels in recent years. Latin Americans, who make up the majority of unauthorized immigrants, also made up about 97 percent of those deported in 2010.² In New Mexico, as elsewhere in the U.S., ICE officers conduct raids on homes, schools, and workplaces to catch and detain those who are undocumented. ICE abides by humanitarian guidelines that mandate release of single parents (though they may be required to wear electronic monitoring devices) caught up in large-scale work site raids. The use of these guidelines has somewhat cut down on the rate of overall family separation.³ However, although ICE is required to notify the state Children, Youth and Families Department (CYFD) of any raids at sites with more than 150 employees, so that the child welfare agency can identify immigrants needing assistance, ICE has not done so.⁴

ICE often does not allow parents who are placed in detention to make arrangements for the care of their children. Immigrants in detention are rarely allowed visitation by family members. Few parents are released on their own recognition or into community-based supervisory programs. Finally, many are not released or transported to court to take part in hearings that determine whether their children will remain in the U.S. or go with the parent. With detention comes the loss of a job and family income. Even if one parent remains, this means the child (or children) may suffer both food and housing insecurity and will depend mainly on informal supports, private charity, and rare public benefits. The effects on children in these situations are generally severe,

and can result in eating and sleeping disorders, anxiety attacks, becoming withdrawn, constantly fearful, angry or aggressive—all of which can lead to longer-term behavioral and physical health problems. The safety, well-being and long-range health and economic security of children separated from their families are at severe risk.

Indeed, in 2008 testimony before the U.S. Congress, the state's chief Children's Court Attorney noted that any immigration enforcement operation resulting in children being separated from their parents is a "traumatic experience ... that frequently leads to further negative relational, behavioral and educational outcomes." The agency further stated that it was not "generally" notified of raids "until after the fact, and is therefore not able to ... mitigate the negative effects on children."⁵

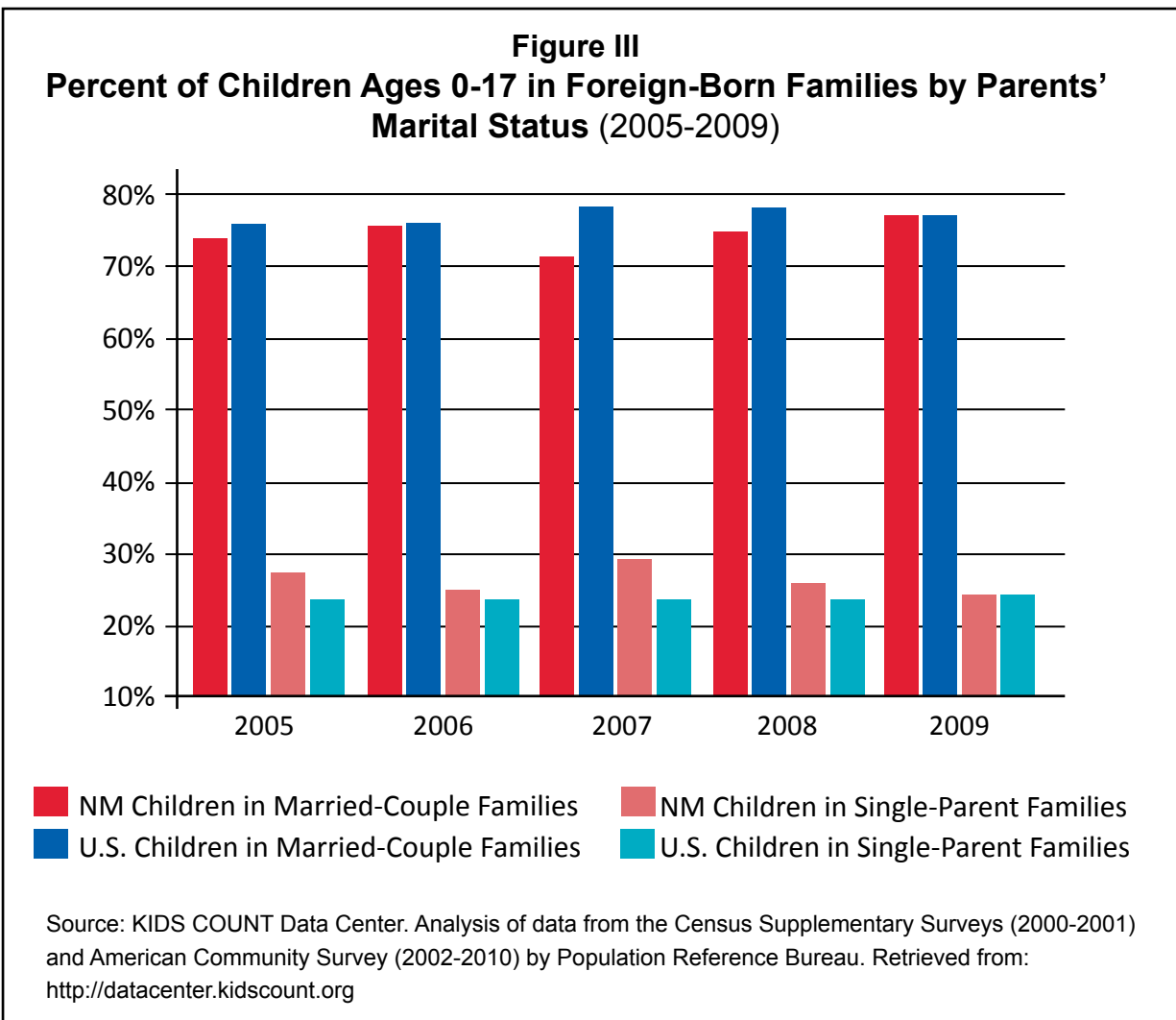
Schools and Community Support: School systems, with their routines and counseling support services, often provide a safe, stabilizing environment for immigrant students who continue going to school when their parents have been detained or deported. The stresses these children are under often results in them missing school and seeing their grades drop. However, in the long-run, most do adjust. Communities have often mobilized to help children; among those who respond are lawyers, faith-based and immigration service agencies, and nonprofit organizations. Coordinating numerous providers over time and covering basic necessities for affected families—housing, food, utilities, legal counseling—is often difficult and expensive.



Foster Care and Child Welfare: Immigration laws and child welfare policies stress that families should be kept together whether or not parents are deported; in practice, however, family separation can be long—and even final. The NM CYFD says that “children of [detained/deported] immigrants are at high risk for entering into the child welfare system.”⁶ In 2008, the CYFD had 18 non-citizen children in protective custody. Despite the difficulty of tracking parent citizenship status (a problem with child welfare systems nationwide), the agency estimated that a “significant number” of the 2,300 children in its care had at least one foreign-born parent; it was unknown how many of the parents had been deported.⁷ Nationwide, a moderate estimate is that 1.25 percent of all children in foster care have parents who have been detained or deported⁸ (see Figure III, below).

Children without legal immigration status face distinct threats in the child welfare system, including racial and anti-immigrant bias. Often, caseworkers and lawyers don’t have sufficient knowledge of immigration policy or the services available to undocumented children—such as access to emergency health care. In fact, many child welfare workers mistakenly believe parents must have committed a serious crime in order to be deported.

An undocumented child eligible for long-term foster care (that is, considered unable to reunify with a parent) can be granted Special Immigrant Juvenile Status (SIJS)—making him/her eligible to file for permanent residency. Unfortunately, obtaining SIJS is a long and complicated process, and if the case is not approved, the child may be vulnerable to deportation. Another institutional drawback is that although undocumented children

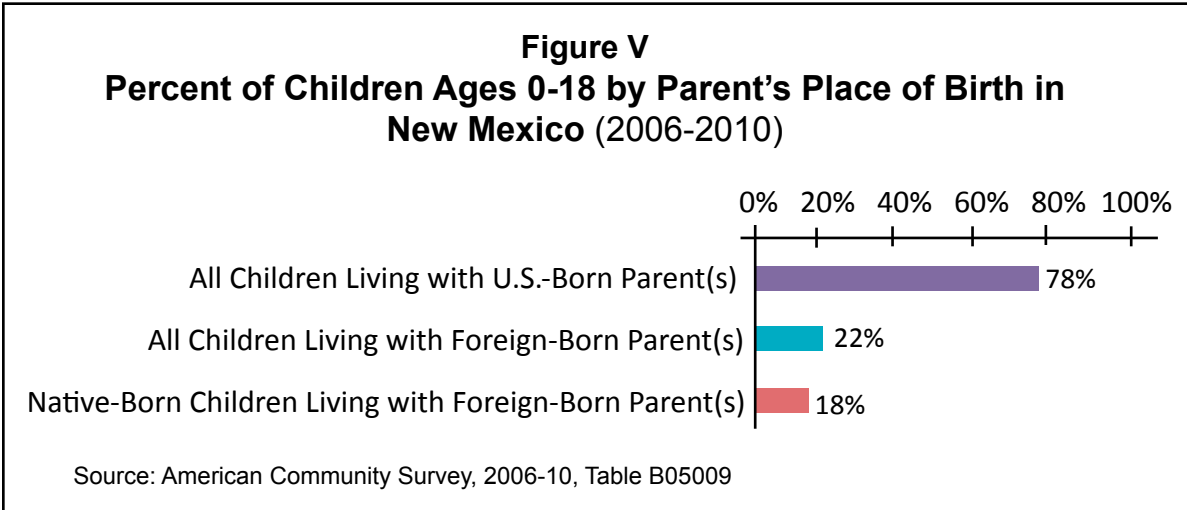
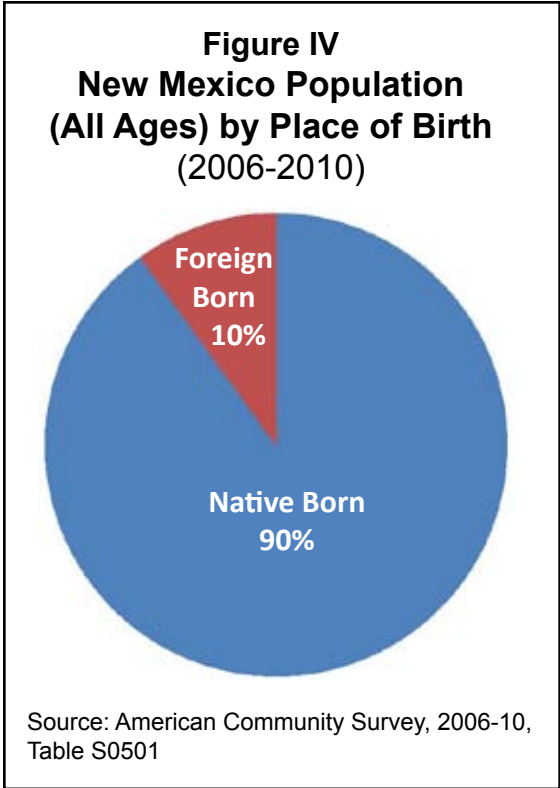


and those from mixed-status families in foster care are eligible for all necessary services, including public schooling, housing, emergency medical care under Medicare, once they “age out” of the system, their status is back to square one—they cannot live permanently in the U.S., cannot legally hold a job, travel in the U.S., or get federal financial aid for college.⁹

Immigrants in New Mexico: Status of Children and Families

Status: New Mexico does not have a large undocumented immigrant population compared to other

states. In 2010, approximately 196,000 foreign-born people—or 9.7 percent of New Mexico’s population—lived in the state¹⁰ (see Figure IV, below). Fewer than half of these—4.3 percent of the total population or approximately 85,000 people—were undocumented.¹¹ Of all New Mexico children ages 0-17, 18 percent were U.S. citizens with foreign-born parents. Of just the youth who have foreign-born parents, 84.5 percent of these children are U.S. citizens¹² (See Figure V, below).



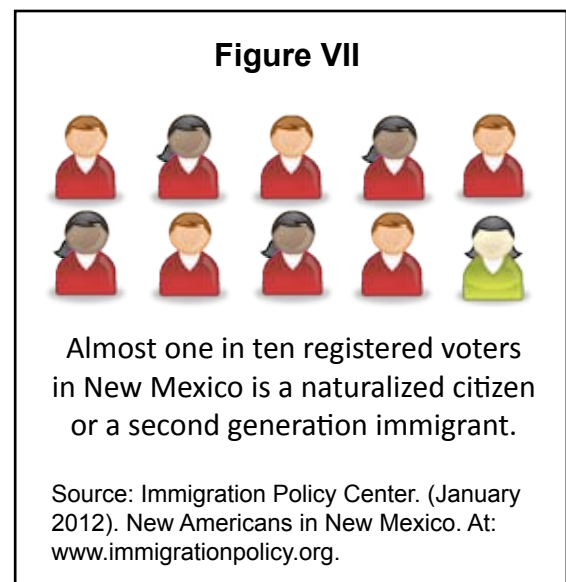
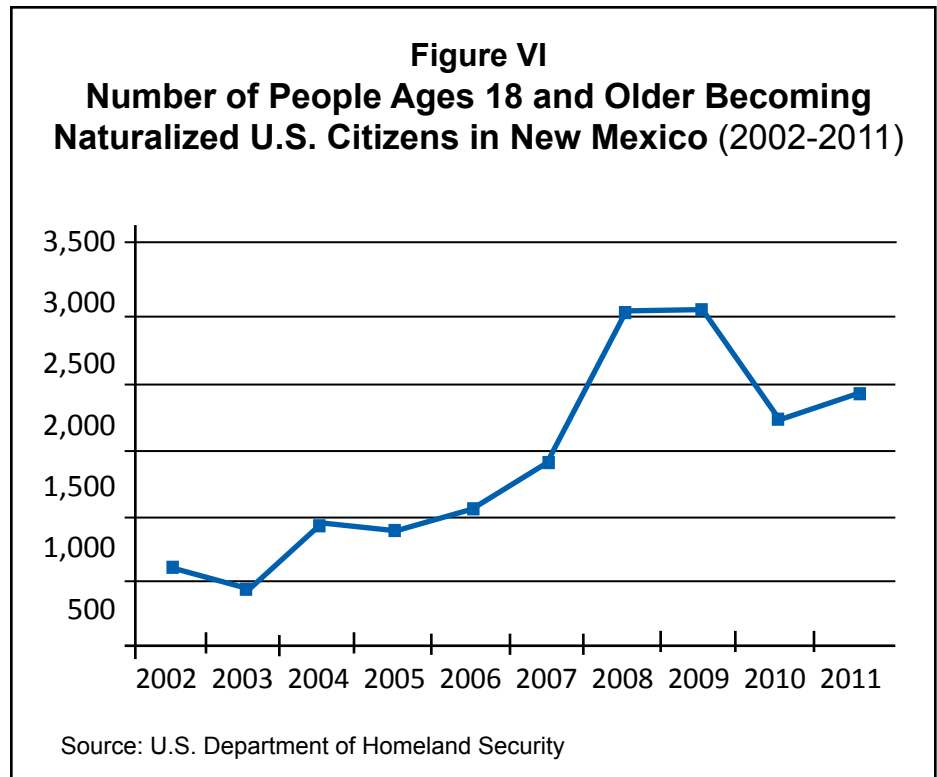
More than one-third (34 percent) of those who are foreign-born are naturalized and thus are eligible to vote¹³ (see Figures VI and VII, below).

Economic: Foreign-born families bring great potential to New Mexico. Among the strengths they offer us are a strong work ethic, stable, healthy families, and a desire to build and live in cohesive communities. Foreign-born workers, who represent 12 percent of New Mexico’s workforce, are a critical part of our state’s economy. Almost 6 percent of all workers (or about half of all foreign-born workers) are undocumented and they paid up to \$100 million in state and local taxes in 2010.¹⁴ It is estimated that if all undocumented immigrants were to leave the state, we would lose close to \$2 billion in economic activity and 12, 239 jobs.¹⁵

Risk Factors: Foreign-born children confront serious obstacles to their education, health, and assimilation into New Mexico/U.S. society. Risk factors unique to immigrant children include: neither parent is a citizen; neither parent has been in the U.S. for more than 10 years; neither parent is proficient in English; and/or neither

parent has more than a ninth grade education. At least one in four children in immigrant families in New Mexico face three or more of these risk factors. Only seven other states have a higher proportion of children facing these risk factors¹⁶ (see Figure VIII, page 7).

Poverty is a risk factor that many New Mexico children face. Although 27 percent of all New Mexico’s children live in poverty, an even greater percent



(42 percent) of children with foreign-born parents live below the federal poverty level (see Figure IX, page 8). In fact, while the median income for a New Mexico household headed by the native-born is \$45,685, median income for households headed by the foreign-born is \$30,972. Median income is even lower for households headed by the foreign-born who are also not citizens (\$26,903).¹⁷

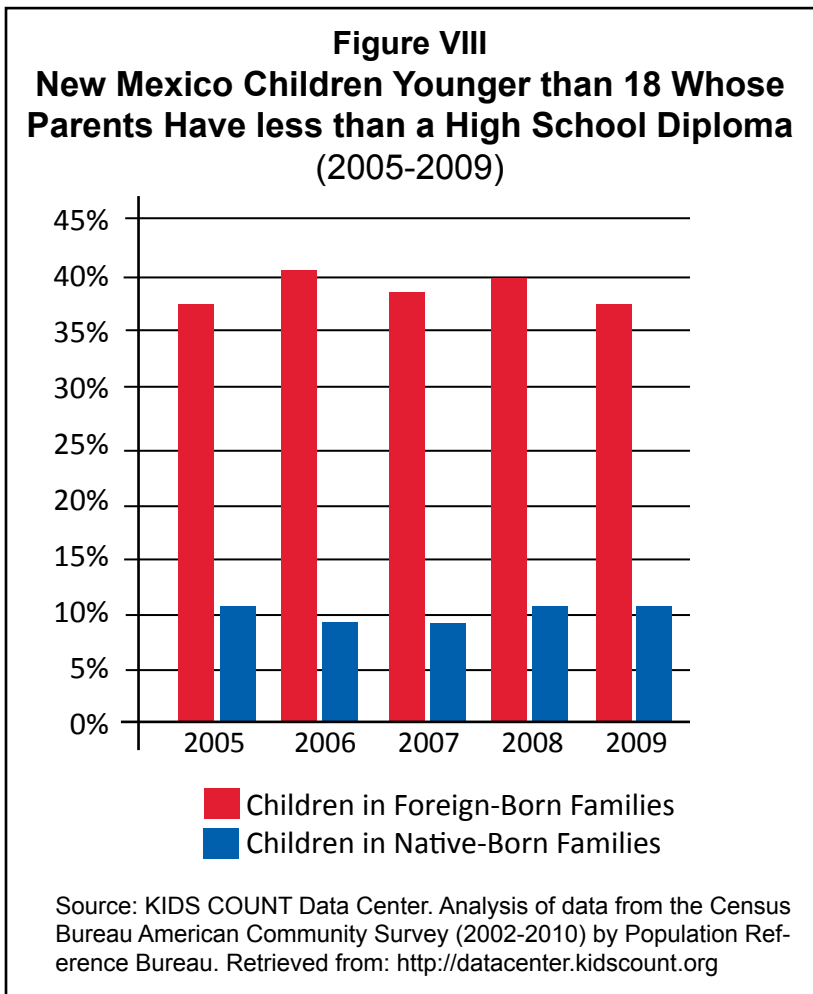
Education: Access to education—from high-quality child care and preschool through K-12 and college—is the key means for all children, but especially those of foreign-born parents, to attain social and economic success. Children of foreign-born parents often face bias and other barriers within the American school system.

In 1985, the U.S. Supreme Court decision in *Plyler v Doe* guaranteed K-12 public education for foreign-born—including undocumented—children. The Court’s opinion stated that children should not be punished for decisions and actions taken by

their parents, and that not providing education to these children would keep them from contributing socially and economically to the U.S., creating an under class of people more likely to be unemployed.¹⁸ The economic and social well-being of our state and nation relies on the good training of our youth—including children of foreign-born parents. It makes sense to invest in that human capital, particularly regarding their preparation for school and the quality of their K-12 education. In New Mexico, investments are best focused on strengthening early childhood care and education and expanding its availability, equalizing English proficiency by fourth grade (at the latest), and reducing financial aid barriers to college.

In general, immigrant children do well in school, particularly if they were brought to this country before the age of 13. Some immigrant populations, chiefly Asians, find success in school more easily than do others. As with native-born children, an immigrant child’s progress depends on several

factors: the family’s economic resources, whether the child had solid early learning experiences, and the parent’s level of education. Immigrant children are also impacted by how well they integrate into their communities. Immigrant children from Mexico often come to the U.S. with few socio-economic reserves and, because school in Mexico is neither compulsory nor free, many of their parents have low levels of education. These families are also often found in communities with disadvantaged schools (weak academic norms, large class sizes, high teacher turnover).¹⁹ Also, foreign-born parents may engage less with the American school system—mainly due to language barriers and inexperience with our style of education. Yet, their chil-



In New Mexico, a much greater percent of children in foreign-born families have parents with less than a high school diploma. Since 2005, an average of 38.6 percent of children in foreign-born families had parents with less than a high school diploma.

dren have certain equalizing advantages; parents provide strong family ties, have high expectations of their children, and support and monitor their academic progress. Teachers rate both Hispanic and Asian children of foreign-born parents higher than other students in terms of their adjustment to school, their interpersonal abilities, and conscientious work habits.

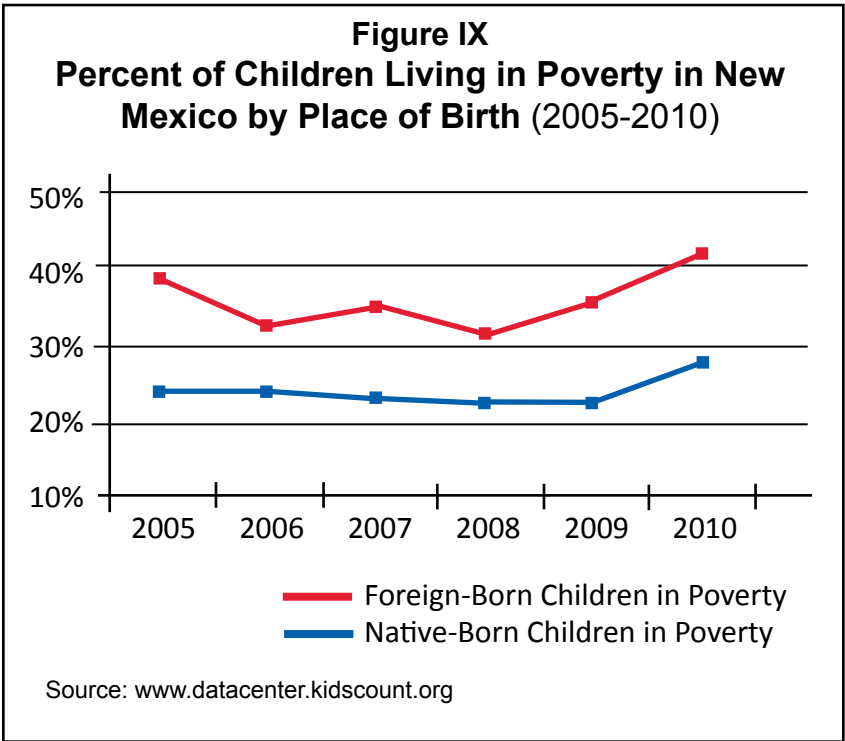
High-quality early learning experiences prepare children for the academic and social demands of school.²⁰ Without these entry-level abilities and attitudes, later learning often suffers. Children with foreign-born parents, especially if undocumented, take part in early childhood programs at much lower rates than do native-born children, and thus tend to have lower levels of school readiness. In New Mexico, of all children ages three and over enrolled in nursery or preschool, only about 1.5 percent are foreign-born; of that small group, just 40 percent are citizens.²¹

Obstacles that most New Mexico children face in receiving high-quality early care and education services include affordability, availability, and access. In addition to these, immigrant children may also face language barriers, their immigrant parents' distrust of government programs, inability to navigate bureaucratic complexities of enrollment, and possible cultural preferences for keeping young children at home. English proficiency is also important. Children who start kindergarten with limited proficiency in spoken English often fall behind native speakers in both reading and math. On the other hand, foreign-born kindergarten students who are proficient in English have reading skills comparable to those of native-born students. In 2009, 79 percent of children ages 5 to 17 with foreign-born parents were considered "English proficient"²² (see Figure X, page 9). Given that access to high-quality early care and education services reduces disparities in later grades, increasing attention is being given to the significance of these programs for foreign-born students.

Bilingualism and Education: Many Americans believe that bilingualism hampers a child's intellectual development. But research shows that the ability to speak more than one language at a young age actually improves cognitive skills and the brain's executive functions, even into old age. These functions and abilities help people with planning, problem-solving, verbal reasoning, multi-tasking, ignoring distractions, paying attention, and remembering information. Studies show that bilinguals, even in preschool, are more adept than those with skill in only one language in solving mental puzzles.^{23, 24} Given this, efforts to encourage bilingualism in public schools are of immense value. In New Mexico, there are approximately 570 Bilingual Multicultural Education Programs run in 59 of the 89 public school districts.²⁵ In addition, programs for English language learners (ELL) and immigrant children are offered under federal Title III funding. In the 2009 school year, 57 school districts offered

A greater percent of foreign-born children in New Mexico live in poverty than do New Mexico's native-born children.

In 2010, New Mexico ranked at the bottom of all the states where data was available for the percentage of children living in poverty.



My Immigration Story

“When my husband could not find work in Mexico, I came with him to New Mexico on a visa. I was 29 years old, an accountant with a teaching degree in Mexico, and I didn’t speak English. We didn’t think we’d stay long, but when I became pregnant we decided the children would be born in the U.S., since the Mexican economy was still weak and we felt the schools would be better in New Mexico. I still could not speak English well when my daughter entered preschool, so I volunteered to help in that program. With my teaching background and knowledge of child development I was able to share my skills with the preschool educators—especially helping with the Spanish-speaking children—while learning English along with my daughter.

“When my daughter went to kindergarten, I served as a volunteer again. At that time my husband and I took steps to become permanent U.S. legal residents, something we had to do before we could become citizens. I was lucky, because my father was already a U.S. citizen and could apply for us; if you’re undocumented and no one in your family is a citizen, you can’t get legal resident status. Even for us, it was a long and frustrating time. I couldn’t work during the process, and my husband couldn’t get legal, good-paying work; we had to be very frugal. It also cost so much to apply—over \$1,000 for the application, fingerprinting fee, and the physical we had to take.

“Once I had permanent legal resident status, the school offered me work as an educational assistant. I could teach again, tutored math students after-school, and volunteered at Washington Middle School—even helping the parents there get a dress policy for students uniforms passed in 1996. When my daughter went to Albuquerque High School, I volunteered again, but this time for the Engaging Latino Communities for Education (ENLACE) program, which runs family and student support services in the schools. The goal is to help Hispanic and/or underrepresented students overcome barriers—like homelessness, hunger, neglect—to stay in school and go on to college. I also worked for a pizza company chain, working my way from assistant manager to manager. I hired students who came to me through ENLACE from three high schools; this way they could earn some income for their families and for college, while I helped mentor them and made sure their grades stayed up. I know at least three of those second-generation immigrant youth got their engineering degrees and are working in places like Intel and Sandia. I’m now working for ENLACE again, trying to help more immigrant and other youth do as well as I am doing in New Mexico.”

—Anabel, foreign-born resident

these programs, serving 11,832 immigrant students and 55,773 ELLs. Though the state Public Education Department (PED) reports a growing number of ELL students gaining English proficiency,²⁶ still only about 2 percent of New Mexico’s ELL fourth graders (not all of them immigrants) were proficient in reading in 2011.²⁷

Higher Education: The Supreme Court ruling in *Plyler v Doe* did not address postsecondary education. Under both the Higher Education Act of 1965 and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, undocumented youth are barred from receiving federally funded grants and loans. The 1996 act did not, however, bar states from enacting tuition eligibility requirements of their own. In 2005, New Mexico became one of only 13 states offering in-state tuition to undocumented students who have attended high school in the state and have been accepted to a college.²⁸ New Mexico students also have access to state financial aid, and are not required to submit an affidavit promising to legalize their status as soon as they are eligible.²⁹ In the first academic year that this law was in effect, 41 undocumented immigrant students enrolled at the University of New Mexico.³⁰

Currently, in New Mexico, half of those 25 and older who are foreign-born have less than a high school education, versus only 13 percent of those who are native-born. The difference is not so great by graduate school: 8 percent of the foreign-born population (and of these, 6 percent of those who are non-citizens) have a graduate or professional degree,

compared to 11 percent of those who are native-born (see Figure XI, page 10).

Of all immigrants in the U.S., Mexican immigrants are less likely to have a high school education or more. By the second generation, however, the proportion of college graduates has grown while the number of high school dropouts has tumbled in all immigrant groups.³¹

Children of foreign-born parents are quite likely to enroll in two-year community colleges. As their limited familiarity with the U.S. postsecondary education system is a major challenge to immigrants, colleges could probably draw in more of these students if they provided outreach to families, informing them of financial aid and giving guidance in navigating the application system. Though immigrant students are more likely than their native-born peers to enroll in postsecondary education, both sets of students—immigrant and native-born (especially if their parents are low-

income and have not attended college)—do better at getting into college than in actually completing a degree. Financial aid is critical in keeping immigrant students in school—but many immigrant students and families do not apply for state assistance because the regulations and application forms are complex. In addition, undocumented students are ineligible for federal assistance and, until recently, could face deportation. The Development, Relief, and Education for Alien Minors (DREAM) Act is a proposal for changing federal policy that, if passed, would facilitate legal citizenship for undocumented youth who grew up in the U.S. and complete college or military service.

What Can Be Done?

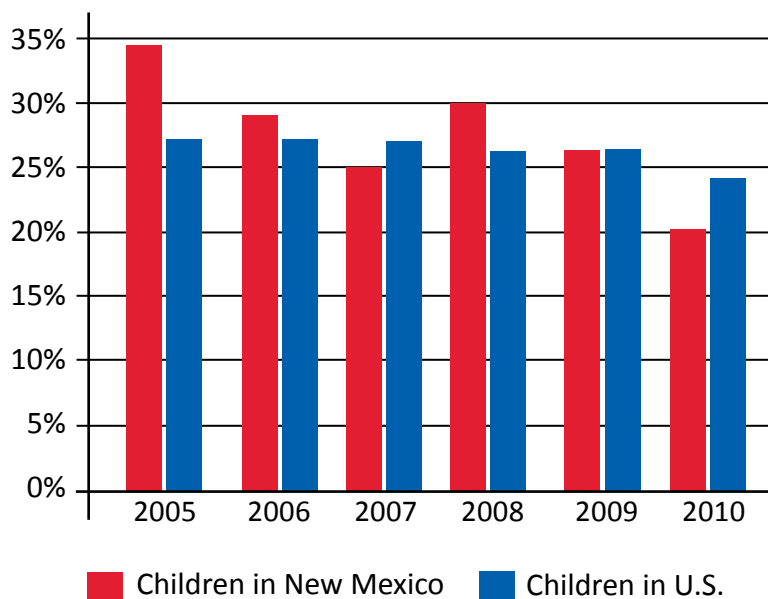
Immigrant families bring assets to our state and nation, and the lack of an equitable immigration policy at the national level—plus the growth of anti-immigration measures at the state level—are harming state economies and damaging long-term

social cohesion. In New Mexico, we can:

- Encourage our leaders in Washington, D.C., to create a comprehensive immigration policy based on the American values of fairness and accountability. One component of this would be the passage of the DREAM Act to open the door to legal status and citizenship for undocumented youth who complete at least two years of higher education or military service within six years of receiving conditional legal status.
- Encourage state policymakers to fund a high-quality early

Currently only about one in five immigrant children in New Mexico lives in linguistically isolated households. The U.S. rate is higher.

Figure X
Percent of Children of Foreign-Born Parents Living in Linguistically Isolated Households (2005-2010)



Source: KIDS COUNT Data Center. Analysis of data from the Census Bureau American Community Survey (2002-2010) by Population Reference Bureau. Retrieved from: <http://datacenter.kidscount.org>

childhood care and education system—which would include access to health care and health insurance—and make pre-K universally available (see Figure XII, page 11). Though K-12 public education is provided to undocumented children, most do not have access to early child

care and education. Having such access would prepare these children to be “school ready” by kindergarten, and to be as proficient in speaking and reading English by fourth grade as their native-born peers.

- Support recent positive steps in the state’s education system to promote bilingual learning. This includes focusing on teaching ELL students while adopting Common Core academic standards in all grades.
- Encourage state agencies to work with ICE on providing alternatives to detention for parents who do not present a danger to the community or a flight risk; allowing greater access of children to their parents in detention; allowing those with a valid claim to residency the option of working while contesting deportation; and developing strategies that ensure the health and well-being of chil-

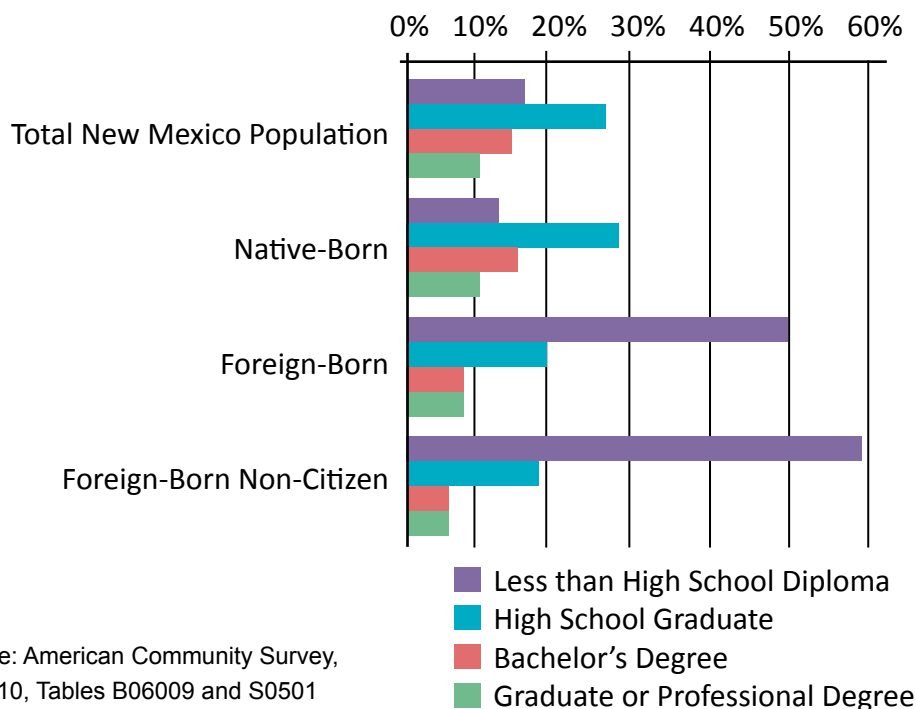
My Immigration Story

“I was born here in New Mexico, though my mother had come to the U.S. as an ‘undocumented person’ and spoke only Spanish. By the time I was in high school I was bilingual in English/Spanish. No one ever reached out to my parents to offer them any support or help when I was in school.

“I was lucky; I did well in school and managed to earn a scholarship to pay for about half my tuition and expenses to go through a nursing program. But, even with that, I couldn’t have afforded the rest if my mother had not dropped other things and gone to work cleaning houses to pay the other half of the cost. With her hard work and support, I graduated. I’m now a nurse, and working at First Choice to help others.”

—Serena, second generation immigrant

Figure XI
Levels of Educational Attainment for New Mexicans Age 25 and Older by Place of Birth and Citizenship Status (2006-2010)



dren whose parents are seized or deported.

- Back efforts by state agencies to improve the condition of undocumented children in the foster care system. These may include training for staff in immigration law and policy, cultural sensitivity, and in the rights and services available to immigrant children and families; ensuring that immigration status is not used as a reason to deny kinship placement of children in foster care; implementing early assessments of children to determine eligibility for programs such as SIJS; and assisting immigrant families in understanding their rights and what services are available to them under the law.
- Support state policy-makers in opposing anti-immigrant legislation in New Mexico, such as the rescinding of driver's licenses for undocumented immigrants.

More data and information about immigrants in New Mexico can be found on the New Mexico page of the KIDS COUNT Data Center at: <http://datacenter.kidscount.org/data/bystate/StateLanding.aspx?state=NM>

Endnotes

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2 Chaudry, A., Capps, R, Pedroza, J.M., Castaneda, R., Santos, R, & Scott, M. (February 2010). *Facing Our Future: Children in the Aftermath of Immigrations Enforcement*. Washington, DC: the Urban Institute.

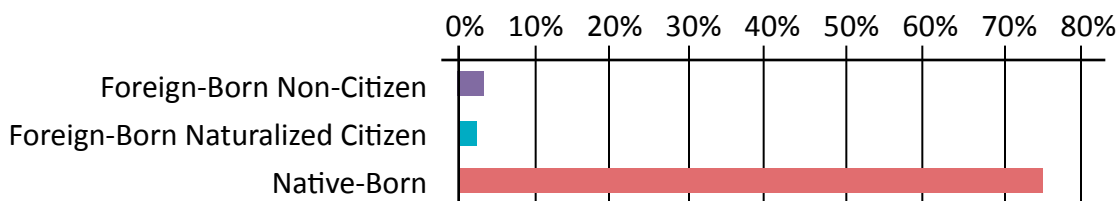
3 Ibid.

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5 Ibid.



Figure XII
Percent of New Mexicans with Health Insurance by Place of Birth and Citizenship Status (2008-2010)



Source: U.S. Census, American Community Survey, 2008-2010, Table B27020

Those who are foreign-born, whether they are naturalized citizens or non-citizens, are much less likely to have health insurance coverage than those who are U.S.-born. New Mexico has a lower rate of health insurance coverage overall than that of the U.S. as a whole.

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