

Are Patterns of Public Governance Changing? A Study of Immigration, Migrant Education, and Bilingual Education Policies in the United States and the European Union

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Abstract

The emergence of new tools and mechanisms whereby governments enable and assist collective action on behalf of societal goals and community interests has led many scholars to claim that governance in economically-advanced democracies is being transformed. The boundaries between the state and civil society, they claim, are becoming blurred and are shifting toward enlarged roles in societal steering by the private sector, both non-profit and for-profit. Systematic, analytically-framed empirical evidence to support such claims is lacking, however. This paper reports the results of using a research design that provides insights into mechanisms and trajectories of governance in the United States and in the European Union and its member countries over the last three decades in three domains of public policy domains: immigration, migrant education, and bilingual education with overlapping constituencies but varied patterns of governance. The evidence presented here suggests that narratives of transformation based on examples of emergent mechanisms of societal steering tend to obscure the complex, multi-directional political and path-dependent dynamics of societal governance and its evolution. An important insight is that patterns of change in the relative influence of the three sectors of society is more often than not driven by each sector's pursuit of its own distinctive interests, which may be, but often are not, conducive to the kinds of collaborations celebrated in narratives of transformation.

In recent decades, the literature on public governance in economically advanced democracies has featured narratives of transformation.¹ The hierarchical state is being displaced, so the arguments go, by more pluralistic and decentralized forms of societal steering. Influence and authority over the formulation and implementation of public policies are being redistributed away from central governments toward devolved conjoinings of the public and private sectors: civil society and competitive markets. Some have suggested a future that relies on “governance without government”.

Though the research literature on public governance documents the emergence of new tools and mechanisms whereby governments enable and assist collective action on behalf of societal goals and community interests, convincing evidence that these changes constitute a fundamental transformation of governance is lacking (Lynn 2012). The purpose of this paper is to report new evidence on the evolution of societal governance in advanced democratic societies as well as to demonstrate an approach to the study of governance that will further enlarge that body of evidence.

We employ a research design that provides insights into and mechanisms and trajectories of governance in the United States and in the European Union and its member countries over the last three decades. We use this design to study governance in three domains of public policy which have overlapping constituencies but with patterns of governance and political dynamics that differ in significant ways: immigration, which is state-centric, migrant education, which originates in both national and civil society initiatives but with a narrow constituency, and

¹ This introductory section is based on research reported in Lynn (2010, 2012) and sources cited therein. See also essays in the following edited volumes: Bevir (2010); Levi-Faur (2012); Osborne (2010); and Morgan and Cook (2014).

bilingual education, which also reflects both government and private sector initiatives but has broader and more diverse constituencies.

Immigration is often a contentious policy issue, as it affects elements of society such as its demographic characteristics, labor markets, and social mobility. In contrast, migrant education is an issue of relatively limited political salience, even when migrant students constitute a large segment of the population and their substandard living, health, safety, and education conditions – consequences of low wages, frequent relocation, and limited legal rights – create complex social problems (USDOE 2012; Whittaker, Salend, & Gutierrez 1997; Kandel 2008; Mehta et al. 2005). Bilingual education policy is often an aspect of immigration policy and societal attitudes toward immigrants and best educational practices (Driessen 2005). All three policy sectors are important to the future well-being of particular populations, and, to the definition and status of human rights law and policy. It is unsurprising that immigration, migrant education, and bilingual education policies differ across political jurisdictions, giving rise to varying and path-dependent patterns and trajectories of governance.

We identified published articles, books, and research reports for each of these policy domains that contain empirical evidence, largely qualitative, on how patterns and mechanisms or tools of governance have been employed during this period. We analyzed the content of this literature using a conceptual framework that enabled us to identify and compare how governance is organized and whether and how the trajectories and the boundaries between societal sectors, has been changing over time.

The evidence presented in this paper suggest that narratives of transformation based on examples of emergent, often multi-sectoral mechanisms of societal steering tend to obscure the

complex, multi-directional political and path-dependent dynamics of societal governance and its evolution, which can vary widely across public policy domains and political jurisdictions.

Societal Governance: An Analytic Framework

Governance has traditionally been regarded within the field of public administration as synonymous with government: the formulation and implementation of public policies intended to achieve societal goals as expressed through duly constituted democratic institutions. From this perspective, governance means the promulgation and implementation of laws and regulations which are enforced by public authorities. Beginning in the late 1980s, however, this view of governance came to be seen as descriptively inaccurate. While rationales for and processes of formulating and implementing public policies reflect state interests and the execution of inherently governmental functions, especially with respect to such societal interests national security, immigration, public health, education, and law enforcement, societal steering was becoming more diffuse.

In recent decades, societal steering has increasingly been recognized as reflecting, directly or indirectly, the purposeful and organized activities of civil society and of the proprietary business sector. In particular, activities within the two private spheres, while necessarily in compliance with the rule of law, have often been undertaken independently of direct government sponsorship, regulation, or direction. In many other cases, the three sectors become actively engaged with one another through principal-agent relationships, resource dependencies, political advocacy and lobbying, and voluntary, self-organized coordination of activities.²

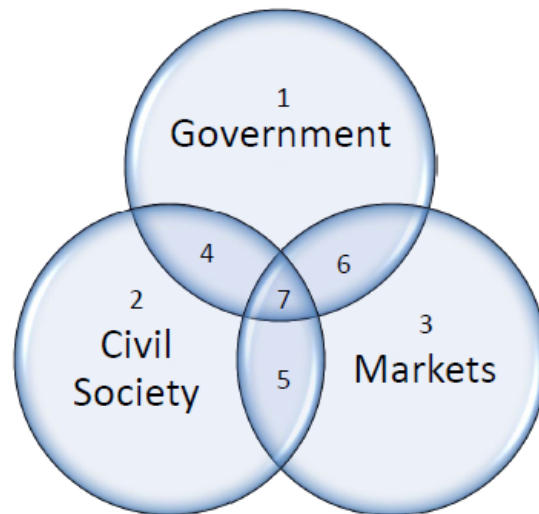
² See Skelcher (2010), for a variety of formal analytic depictions of the types of interactions encompassed by the term governance.

Beginning in the 1990s, reflecting what seemed to be the increasing extent of multi-sector engagements, the term “governance” as used in public administration began to be redefined (Lynn 2010, 2012). Defined in dictionaries as, simply, governing, that is, the exercise of sovereign authority in the public interest, newer scholarly definitions have ranged from governance as governing by networks of affiliated but autonomous actors, including public agencies (Klijn 2008), to collective activity occurring beyond the boundaries of direct government influence (Frederickson 2005). Various definitions have been used to support claims that governments are being supplemented, displaced, or replaced by pluralistic, decentralized collaborations (Peters and Pierre 1998; Krahmman 2003).

Some scholars, however, have reacted to these proliferating definitions and meanings by suggesting that the term “governance” should be employed not as a descriptive term for a particular way of organizing collective action but, instead, as an analytic framework encompassing the many ways by which collective activity can be organized (Krahmann 2003; Pierre and Peters 2000; Hajer and Wagenaar 2003; Stoker 1998).

Following this approach, we define “governance” as an analytic framework comprising actions taken on behalf of societal and community interests *within or among* all three sectors of society: governments, the organizations and associations of civil society, and the business or market sector comprising corporate/business/proprietary firms. The three sectors of governance – government, civil society, and the for-profit sector, or markets – and the ways in which they may interact are depicted by the Venn diagram in figure 1. From this depiction, we can identify seven distinct *types of governance*: each sector acting independently or interacting with one or both of the other sectors.

Figure 1. Types of Governance



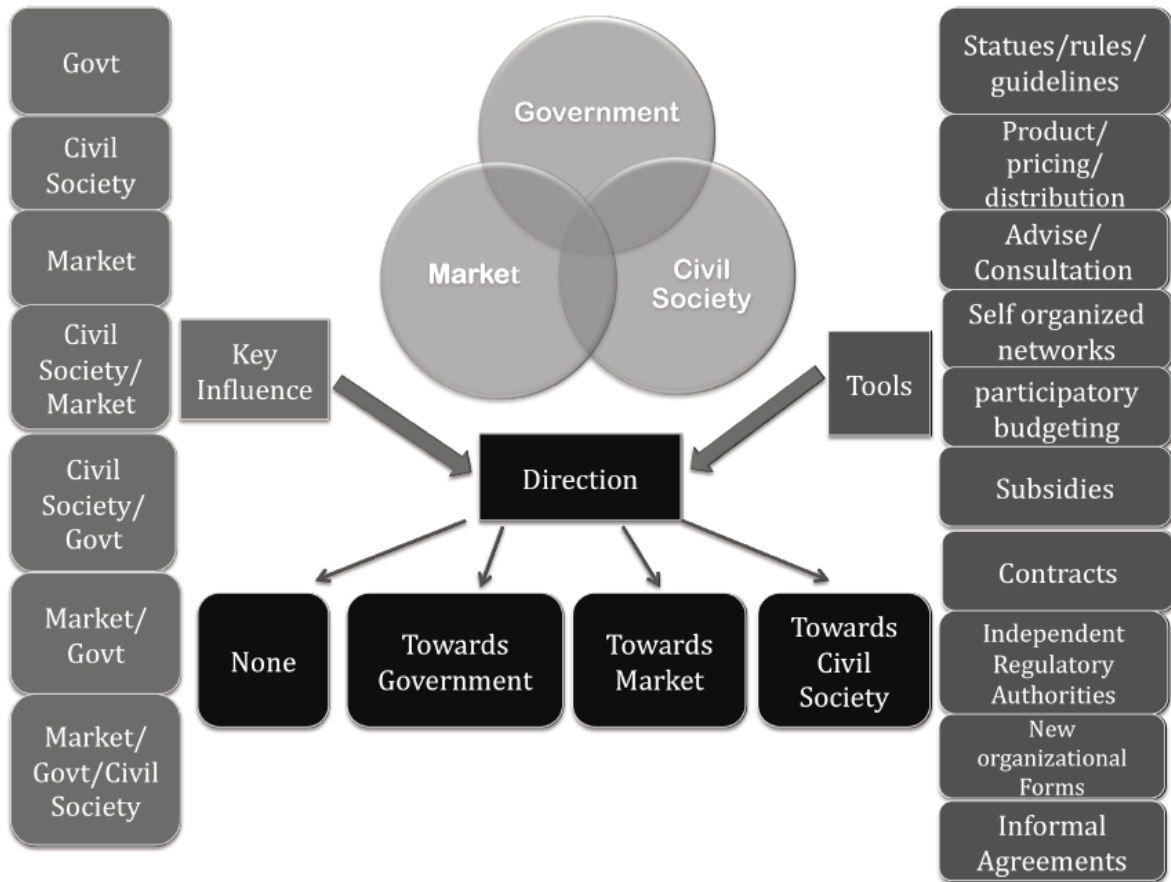
Each of the seven types of governance employs various *mechanisms* or *tools* to accomplish their purposes. Each sector may act independently of the others. For example, government services may be provided directly by the employees of public agencies. Non-governmental organizations may organize and provide services to particular communities using funds donated by private individuals and charitable foundations. Corporate organizations may allocate a portion of their profits to, for example, college scholarships, corporate products may be distributed to community residents to meet emergency needs, or firms and industries may act in other socially responsible ways. Governments usually dominate the direct provision of goods and services to serve public interests. The size and scope of civil society organizations in direct service provision relative to that of governments varies from country to country, as does the social activism of the business sector.

Joint action among the sectors, comprising the other four types of governance, occurs in every democratic society, with each sector initiating such activities and with varying patterns of relative influence. Governments contract with and provide funds for non-governmental

organizations and with for-profit firms to engage in service provision with varying degrees of discretion. Civil society organizations and the for-profit firms of a given industry may form coalitions that successfully lobby or advocate government policies that affect public and community interests, such as minimum wages, job creation, and the regulation of the pharmaceutical, food, and communications and other industries, and rules affecting environmental protection, immigration, education, and privacy. Individual civil society and business organizations may either work alongside of or in partnership with government entities, for example, in disaster relief, affordable housing, and combatting hunger. All three sectors may interact with one another, often competitively, with varying patterns of relative influence, such as in health care provision, immigration policy, labor market policies, and privacy.

The relative importance of each type of governance, the relative influence of the sectors when engaged with each other in the hybrid types of governance, and the tools of governance that are employed in each type of governance are, we believe, important determinants of whether and how the boundaries among the three sectors might be changing, for example, whether the private sectors are gaining influence in societal steering relative to the state and its governments. These dynamics are depicted in the schematic “model of public governance” in figure 2.

Figure 2. A Model of Public Governance



Using this framework, we are able to assess, based on a content analysis of empirical governance literature, the relative influence of the three sectors on collective outcomes and whether or not and how patterns of relative influence seem to have been changing in recent decades.

Analyzing the Literature: Methodology

We conducted a content analysis of published research for each of our three policy domains—immigration, migrant education, and bilingual education in the European Union and in the United States from the 1970s, when many new tools of governance were emerging, through 2012. This time period included the creation of the governing structures of the European

Union, significant changes in national governing philosophies in the United States, and a variety of socioeconomic developments in the US and the EU that would be expected to affect policies and their implementation in our three policy domains.

Constructing the Database

The analysis was disciplined by defining the objects of concern in each policy domain: immigrants, migrants, and students eligible for bilingual education opportunities. In general, these definitions follow those in official use in the US and the EU, with allowance made for variations in definitions used by private sector entities.

- An immigrant is a non-native person who has moved across a border, either documented or undocumented, into a country for purposes of taking up residence in that country for an indefinite period of time.
- A migrant is a person who has immigrated in order to perform temporary seasonal labor. The US government (PL 107-110, Title I, Part C) defines a migrant child as a child whose parent or guardian is a migratory worker in the agricultural, dairy, lumber, or fishing industries and whose family has moved during the past three years. A "qualifying" move can range from moving across school district boundaries or from one state to another for the purpose of finding temporary or seasonal employment. A young adult may also qualify if he or she has moved on his own for the same reasons. The eligibility period is 36 months from the date of the last move (United States Congress 2002).
- The European Union has defined migrants as children of all persons living in an EU country where they were not born, irrespective of whether they are third-country nationals, citizens of another EU Member State or subsequently became nationals of the

host Member State (Council Conclusions on the Education of Children with a Migrant Background 2009).

- Bilingual education is defined as “education that aims to promote bilingual (or multilingual) competence by using both (or all) languages as media of instruction for significant portions of the academic curriculum” (Genesee 2004).

Each publication is termed a “source”, and our unit of analysis the individual source of empirical evidence. While this choice is problematic – each publication is accorded equal weight in our analysis regardless of the scope and complexity of its findings – it enables us to gain, as a first approximation, qualitative insights into patterns of governance that we believe are more plausible than many of the findings in governance research that are based on a selection of cases or examples of what are claimed to be new patterns of public governance.

Sources were identified based on key words which included immigration policy, immigration and civil society, migrant education in the US, migrant education civil, guest worker governance, guest worker EU, bilingual education EU, and bilingual education in the US as well as several other word combinations. Organizations specifically working in the field were used as databases for information and publications. These included the Migrant Policy Institute, the Organization for Economic Cooperation and Development (OECD), European Migrant Council, Amnesty International, the Center for Comparative Immigration Studies, the United Nations Development Program (UNDP), federal legislation, and various other sources, which resulted in

the publications used in the analysis. Literature was included based on its relevancy to policies and the sectors of the governance framework.³

Structuring the Content Analysis

The analysis of the content of our sources began with the identification of the seven types of governance depicted in figure 1 that were being described or evaluated. Then we identified three kinds of evidence on patterns and trajectories of governance.

First, we created a typology of the tools or mechanisms employed in the types of governance identified in each source, as follows:

- statues/rules/guidelines,
- product/pricing/distribution,
- advice/consultation,
- self-organized networks,
- participatory budgeting,
- subsidies,
- contracts,
- independent regulatory authorities,
- new organizational forms, and
- informal understandings/agreements.

Second, based as much as possible on authors' characterizations, we assessed the relative influence of the three sectors based on the sectors' roles in initiating a policy change and in

³ While a reference has been provided for cited sources, a complete list of the articles in the database is available from the authors.

financing and creating priorities and rules for its implementation. Where the author did not offer clear determinations and we could not make an interpretation, we regarded the policy change as a resultant of the mutual influence of two or more sectors.

Third, again based as much as possible on authors' characterizations, we assessed the trajectory or direction of change of governance, which we defined as the extent to which and how the relative influence of the three sectors appeared to be changing. Government might, for example, be the sole or principal funder, regulator, and provider of a service, but relative influence over policy priorities might be shifting in favor of larger roles for civil society or for-profit sector entities that initiated collective action in the direction of their own interests or priorities.

When interpretations of relative influence and direction of change were necessary, we made every effort to minimize subjectivity and incorrect or biased interpretations of the author(s)' meanings, mindful that one of this paper's authors has previously published his conjectures on these issues. We stuck as close as possible to our analytic framework and the definitions associated with it when interpreting each source.

The distribution of sources by the categories of information in the analytic framework for this research is shown in table 1.

Table 1. Distribution of Sources by Governance Model Categories

Type of Governance	Number of Sources	Immigration Policy		Migrant Education Policy		Bilingual Education Policy	
		US	EU	US	EU	US	EU
Government	45	7	6	13	3	8	8
Civil Society	10	1	1	4	3	1	0
Market	1	1	0	0	0	0	0

Government/Civil	48	7	9	9	6	13	4
Government/Market	23	17	6	0	0	0	0
Civil/Market	0	0	0	0	0	0	0
Government/Market/Civil	36	22	1	1	2	6	4
Total	163	55	23	27	14	28	16

The Governance of Immigration

Immigration policy encompasses government-imposed and enforced rules concerning the crossing of sovereign borders by those seeking temporary or permanent residence in a foreign country. It includes as well both any rules governing the conduct of and services provided by government and non-government entities to or on behalf of categories of non-citizens identified as such. Excluded from immigration policy, therefore, are services provided to or actions that incidentally benefit non-citizens not identified as such.

Using our analytic framework to characterize immigration governance:

- Governance by government comprises statutes, orders, treaties, and guidelines establishing the legal framework for allowing foreign nationals to enter and remain in the United States or a member country of the European Union.
- Governance by the for-profit sector comprises any action by entities representing proprietary organizations that provide a service to or are taken on behalf of categories of non-citizens identified as such or whose effect has such categorical benefits (e.g., by expanding employment opportunities for immigrants).
- Governance by civil society includes actions taken by a civil society organization that provides or restricts services to or advances or harms the interests of groups or communities of non-citizens identified as such (e.g., providing access to education or

denying eligibility for driver's licenses).

- Governance by any combination of entities from two sectors, or from all three sectors, is action that advances the interests or meets the needs of groups or communities of non-citizens identified as such (such as private interests and non-profit entities concurrently lobbying for changes in government policies).

In general, immigration governance reflects the economic, social, and political contexts of a jurisdiction (Tichenor 2002). Factors that precipitate changes in governance differ in the US and the EU and its member countries. For example, in the US, shifts in the relative strengths of business and labor interests are especially influential with legislatures. Within the EU, with its open-border agreements, member states enact their own immigration restrictions in response to a variety of nation-specific interests. This layering of EU immigration governance may attenuate the political influence of the business sector compared to that in the US.

Our analysis indicates that, in recent decades, more fully described below, the influence of civil society and the for-profit sector on the governance of immigration has increased in both the United States and in Europe. As a result, a relative shift of immigration policy influence from the sovereign authority of governments to the more decentralized and varied priorities of the two private sectors appears to be occurring, although causal factors vary across jurisdictions between and within the US and the EU.

The Governance of Immigration in the United States

We analyzed a total of 55 sources concerned with immigration governance in the United States. Of these, six depicted government as acting independently of the other sectors,

employing statutes/rule/guidelines in five sources, and mechanisms of advice and consultation, in one. Civil society was depicted as acting independently in only one case using the equivalent of a regulatory mechanism. As well, only one case depicted the for-profit sector as acting independently, albeit under the (diminishing influence) of government policies.

The remaining 48 sources depicted various combinations of the three sectors as contributing to the governance of immigration. Of these, most, 22 sources, depicted conjoint action by all three sectors. In slightly more than a third of these sources, government was the dominant influence, but governments shared or yielded influence to the other two sectors in the others. Formal mechanisms of direction seemed to predominate in these sources but, as one would expect, a wide variety of other mechanisms of influence were employed in these conjoint relationships. A boundary shift toward civil society is detectable but not pronounced.

Of the remaining sources, 17 described conjoint action by government and for-profit entities, with the government having dominant, or at least equal, influence far more often than not. Most of these conjoint actions involved the formal provision of direction through statutes, rules, and guidelines, with the remainder involving various combinations of contractual and non-contractual mechanisms. Our assessment is that the boundary between the two sectors was shifting only somewhat toward the for-profit sector.

Seven sources featured conjoint action by governments and civil society organizations, with no dominance by either sector. Most of these actions involved formal provision of direction, self-organizing networks, or combinations of the two. If anything, the boundary between government and civil society was shifting toward civil society, although not decisively.

In other words, patterns of relationships between these two sectors showed more stability than change.

The Governance of Immigration in the European Union

We analyzed a total of 23 sources relating to immigration governance in the European Union and its member states. Of these, six depict governments acting independently of the other two sectors using their authority to create statutes/rules/guidelines, a third of the time in conjunction with advice/consultation and self-organizing network mechanisms. Our analysis suggests that the dominance of government was gradually yielding toward civil society entities owing to their familiarity and expertise with respect to immigrants.

In nine of the 23 sources, governments and civil society entities acted conjointly. In a third of these sources, government was the dominant influence, with neither clearly dominant in most of the rest. Again, as might be expected, a wide variety of mechanisms were employed as tools of governance in these relationships. The boundary between the two sectors appeared to be shifting in favor of civil society.

In another six of the EU sources, governments and for-profit entities acted conjointly, in half of these cases, government was the dominant influence. Half of the sources featured statutes/rules/guidelines as the governance tools. The others employed combinations of mechanisms. In half of the sources, the relative influence of the sectors appeared to be stable, while in the others, government influence was yielding civil society and the for-profit sectors.

Only one source depicts the government, civil society, and the for-profit sector in

conjoint action, employing Statutes/Rules/Guidelines as well as Independent regulatory authority, but no trend toward this type of governance could be documented.

Comparing Immigration Governance in the US and the EU

Our analysis yielded further insights concerning the various types of governance and how they differed between the United States and the European Union.

Independent Government Action

In the US, federal immigration policies are sporadically affected by extraordinary circumstances such as those occurring during the “Red Scare” early in the Cold War, the sudden dominance of Congress by the Democratic Party following the assassination of President John F. Kennedy, and the terrorist attacks in New York on September 11, 2001. Major revisions in social policy that are enacted in these crisis periods (the McCarran-Walter Act of 1952, the Immigration Act of 1965, and the USA Patriot Act of 2001) tend to have far-reaching social, political, and economic consequences that, in turn, lead to further revisions of the immigration policies of all three sectors.

The EU and its member states have also experienced pronounced changes during and following times of crisis. Following the terrorist attacks of September 2001, the EU Council passed a broad range of radical immigration measures. In the UK, the British government passed the Asylum, Immigration, and Nationality Act making it easier to deport suspected terrorists as well as strip the citizenship of anyone “who has done anything seriously prejudicial to the vital interests of the United Kingdom” (Ludetke 2008,134 cited by Givens et al. 2008).

In the unique circumstances of the European Union, the EU governing entities together with the governments of the member states have created a “multi-pillar framework” governing migration and the granting of asylum. Various treaties and agreements – the 1957 Treaty of Rome, the Schengen Agreement of 1985 – have created shared sovereignty over immigration within the EU (Boswell & Geddes 2011). However, member states retain their sovereign authority over immigration, especially by third-country nationals.

In Germany for example, a guest worker program was created in the 1950s to assist in rebuilding the country following World War II (Cornelius 2004). After 1961, the program expanded to include Turkish nationals, who have since become the most prominent foreign nationality in Germany (Cornelius 2004). In contrast, the United Kingdom has one of the strictest immigration policies in Europe, particularly in the case of asylum seekers (Cornelius 2004). Compared to Germany, UK human and individual rights are less defined due to the lack of a codified constitution protecting these rights (Givens, Freeman, and Leal 2008).

Government and Civil society

Over the last 15 years, civil society, from grassroots organizations to labor unions, has had growing influence on immigration legislation. Although independent action solely by civil society has been minimal in both the US and the EU, the conjoining of civil society and government authority in governance is becoming more common. Mechanisms employed by civil society entities are often self-organizing networks and independent regulatory authorities.

The European Council and government within the numerous European pillars, for example, have a vested interest in the inclusion of civil society in the governance process. Apart

from providing a counterweight to isolated and often elite government viewpoints, civil society entities are able to provide insights and advice on developing situations, citizen opinion, and engagement. Improving conditions for detained immigrants and assisting immigrant assimilation are prime examples of civil society's contributions. The European Council on Refugees and Exiles along with involved NGOs seek protection for the rights of migrants, refugees, and asylum seekers.

The EU is currently attempting to curb illegal immigration and simultaneously making legal entry difficult and sometimes life-threatening. Civil society organizations are working with member-states offering lump sum grants to help relocate refugees (Vandystadt 2012). Civil society entities also provide numerous services that governments do not. These include language and cultural training to aid in assimilation or to help immigrants in the maintenance of their native language (Cornelius 2004). Other examples include the provision of legal assistance by organization such as the Coram Children's Legal Center in the UK.

In the US, civil society engagement with government occurs on a more limited basis. Unlike in the EU where civil society partners with government, US civil society entities tend to operate at arm's length from governments to fill in gaps in government-provided services and promote awareness of the needs of immigrants. Organizations such as Amnesty International, have worked to improve the treatment of immigrants in detention centers operated by the Federal Bureau of Immigration and Customs Enforcement (Amnesty International 2009). The Catholic Legal Immigration Network aids immigrants in attaining legalized status and in understanding federal policy changes. INITIATIVE is an international healthcare workers assistance center,

which strives to help immigrants attain necessary credentials and language training in the US, and to make use of their already developed skill sets.

The For-Profit Sector and Government

In the US, the business sector plays a greater role than civil society in engaging the needs of immigrants because of its need for low-wage, relatively unskilled workers, mainly in agriculture. Mexican agricultural workers were invited to the US during the worker shortage throughout World War II, in a guest-worker program called the Bracero Accord. Following cancellation of the program, low-wage workers in an illegal status continued to be hired with none of the regulatory protections of the regular labor market (Fernandez-Kelly and Massey 2007). However, the passage of the Immigration Reform and Control Act (IRCA) of 1986 changed tolerance for immigrant workers and their employment by criminalizing the hiring of undocumented workers by US employers and increasing funding for the federal Border Patrol (Fernandez-Kelly and Massey 2007). Later, following ratification of the North American Free Trade Agreement, which created a new surge of immigration into the US, the business sector lobbied to open borders, exacerbating the problems created by the growing numbers of illegal immigrants (Fernandez-Kelly and Massey 2007).

In contrast to the US, the business sector in Europe plays a significantly smaller role in the decision making processes of governments, although the needs for low and high skilled labor in the UK and in Spain was an influence on government immigration policies (Balch 2010). Civil society organizations become engaged in addressing the needs for paths to citizenship for un-naturalized immigrants who remain in low-wage employment for long-periods. OECD reports indicate that while the EU has established an open border policy among member

countries, it is also trying to create an “EU-wide immigration policy that is flexible enough to adapt to particular circumstances in individual member countries, while still setting consistent EU-wide standards” (EU Focus 2008, 2). The EU has created a common system for immigration standards, and includes infrastructure to maintain those standards. The Common European Asylum System (CEAS) was launched in 1999 and is based on the 1951 United Nations Geneva Convention on the Status of Refugees and the EU's Charter of Fundamental Rights. States abide by similar guidelines and prevent an imbalance in asylum applications among member states (EU Focus 2008). Among other initiatives, the EU's new Smart Borders initiatives are currently being developed and will keep track of travelers and immigrants, simplifying paperwork (EU Focus 2012).

Governments, Firms, and Civil Society

In the US the three sectors acting in a conjoint manner is far more common than in the EU, where government and civil society are the prime movers of such arrangements. In US immigration governance, patterns of influence in such arrangements are more variable; globalization, which has greatly expanded international trade, has diminished the immigration-suppressing influence of labor unions (Hugh 1995). The resulting level of illegal immigration has greatly roiled the politics surrounding immigration policy, creating conflicts over how to balance border security with paths to citizenship for illegal immigrants. Additionally, the Dream Act is a prime example of the work between the three sectors.

In the European Union, immigration policy is more of a bottom-up process, with national and domestic politics forming the bases for the EU consensus. The Racial Equality Directive, for

example, an EU initiative for non-discrimination, is actively promoted by civil society entities and is reflected in the policies of the for-profit sector.

Differences in EU and US governance structures can be explained by several factors. First, in the EU, immigration policy is created by the European Commission as well as by individual member states. In the US, system immigration policy is the responsibility of the federal government. Because of the multiple layers of immigration governance in the EU and its ideological orientation toward social democracy, the influence of for-profit entities may be less than it is in the US, where business lobbying is more effective and a capitalist ideology is more ingrained in American politics.

The Governance of Migrant Education

In the United States, funding for migrant education began in 1966 as part of the Migrant Education Program (MEP) of the Elementary and Secondary Education Act (ESEA), a federally funded program to provide financial assistance to the children of migrant workers. The MEP provides financial resources to states, which use program funds to identify eligible children and provide education and support services. These services include: academic instruction; remedial and compensatory instruction; bilingual and multicultural instruction; vocational instruction; career education services; special guidance; counseling and testing services; health services; and preschool services (Office of Migrant Education 2014).

The children of migrant workers experience difficulties beyond those of regular immigrants. Migrant or seasonal workers travel between cities, states, and countries following employment in temporary and cyclical industries such as agriculture, logging, fishing, or

manufacturing. Workers and their families may face severe hardships, including below-minimum pay, exploitation, inferior housing, and long hours in extreme temperatures, and working with hazardous chemicals such as pesticides (Whittaker, Salend, & Gutierrez 1997; Kandel 2008; Mehta et al. 2005). Migrant children may face adversity with long-term social consequences including limited access to education (Branz-Spall et al. 2003; Martinez & Cranston-Gingras 1996).

Children who migrate with their families may work alongside parents, and face long and tiring working conditions, frequent migration, and language constraints, while attempting to attend school (Garza, Reyes, and Trueba 2004). Worldwide, many governments and non-governmental organizations have begun to address the challenges migrant children face and the special assistance they require. As children of migratory workers, education provides one of the few opportunities to attain more in life and move beyond the cycle of poverty.

Denying a child an education, due to conditions beyond their control such as family migration, may have a detrimental effect on their lives as well as broad social impacts. Globalization and neo-liberal economic policies have led to porous borders and international migration. The evolution of sole government regulation to incorporate civil-society and the market have been a result and in some sources, a counteraction to globalization. In the case of migrant education policy, the three dominant sectors, which influence and create policy, as well as determine funding for migrant education, differ greatly between the United States and the European Union.

Governance of Migrant Education in the United States

We analyzed a total of 27 sources concerned with migrant education in the United States.

Of these, 13 depicted government as acting independently of the other two sectors. In nearly half of these sources, the governance mechanism was statutes/rules/guidelines. The other sources used a wide variety of mechanisms. There were four sources depicting civil society organizations acting independently of the other two sectors using a variety of mechanisms. No sources depicted the for-profit sector providing education to migrants acting independently of public authority such as the public school systems.

Of the other ten sources, nine depicted governments and civil society entities as acting conjointly, again employing a wide variety of mechanisms.

In the remaining source, all three sectors were depicted as acting conjointly, using a variety of mechanisms, on behalf of migrant education, with government playing the dominant role. An example is the Pennsylvania Migrant Education Program, which provides services for migrant students along with networking between business and civil society.

Our analysis of the literature indicates that government is the key sector in migrant education through promulgating statutes, rules, and guidelines governing federally-supported migrant education through the Migrant Education Program. While the federal government allocates funding to states, it is states and school districts which have the responsibility of finding and informing migrants about educational opportunities.

Civil society entities work to fill the gaps in publicly-supported migrant education. But civil society entities seldom act independently of government's influence. Examples include the Migrant Foundation, which provide scholarships to migrant students, and the Association of Farm Worker Opportunity Programs, located in 31 states and Puerto Rico, which provide funds

to migrant families in exchange for their children attending public schools. Moreover, the Office of Migrant Education of the US Department of Education assists migrant families by publicizing exemplary services available to migrant students.

Networks, such as the Migrant Student Information Exchange, an inter-state data management system, have been established to pass along vital school information. Other programs allow migrants to finish high school via online courses. However, the industry has had minimum outside regulation or oversight. Civil society has introduced some supervision and general overview of programs, but has minimal power. Civil organizations have established services such as health care, scholarships, and legal help, which are beyond the scope of the Migrant Education Program.

Governance of Migrant Education in the European Union

In the European Union, migrant education is usually understood as an all-encompassing term which includes immigrants, seasonal migrant children, and, in some sources, refugees and asylum seekers. It is difficult to find literature on migrant education in the EU that separates the categories and acknowledges the particular needs of migrant students. Even the OECD publication “What Works in Migrant Education? A Review of Evidence and Policy Options” defines migrant children as the children of parents who were born abroad or who themselves were born abroad, with no separate understanding of the seasonal migrant. Whenever possible, we have attempted to attain specific literature on seasonal migrant education policy.

We analyzed 14 sources concerned specifically with migrant education in the EU. Of these, three depicted government, using a variety of mechanisms, as an independent actor in migrant education, with civil society having limited, modestly increasing influence. An example

is the education policy for German guest workers. With the influx of guest workers from countries that included Poland, Italy, and Turkey, Germany faced a complex education policy situation. Different areas of Germany created separate models of education. These models ranged from full integration in German speaking classes to classes which taught in the mother tongue for a transitional period.

In 2009, the Education, Youth, and Culture Council meeting, held in Brussels, Belgium, in regard to “The Council Directive 77/486/EEC on the Education of the Children of Migrant Workers from EU Countries” required Member States to offer such children free tuition, including the teaching of the official language or one of the official languages of the host State, as well as to take appropriate measures to promote, in cooperation with States of origin, the teaching of the mother tongue and culture of the country of origin called for the EU member states to create an integrated policy on migrant education (CEU 2009).

Three sources depicted civil society as acting independently using several mechanisms and with modest government influence. Examples of civil society include the Coram Children’s Legal Center in the UK, which provides information on educational attainment to migrant children, as well as the Children’s Society, which provides research, policy advocacy, and information on education to migrants. The main tools used are statutes, rules, guidelines, independent regulatory authorities, and advice/consultation.

In six sources, governments and civil society entities shared a role in migrant education with, as is usually true in consociational action, a variety of mechanisms being employed. In two

sources, the relative influence of civil society appeared to be increasing. Our analysis indicates the growing role of the civil sector in migrant education policy. Government has exercised the main initiative in providing and financing migrant education, but civil society is able to provide particular services either outside of the government's role (such as legal advocacy) or specific to each community (such as, heritage language classes). The market, unlike in immigrant policy, plays a minuscule role. The difference may be that education has been widely regarded as an entitlement which as an overall benefit for the larger society, not limited by citizenship status. The market has little or no opportunity for lobbying and manipulating the system. On the other hand, civil society entities act to meet the educational needs of communities.

Two sources depicted conjoint action by all three sectors of society, with seemingly waning government influence in both. For example, In Denmark, students receive the greatest portion of school and after school support (such as tutoring or language class) from the government (OECD Denmark 2009). Private and public non-governmental organizations play a smaller role, but provide some assistance beyond government's reach. In comparison, in Austria, some immigrant communities sponsor private language schools, kindergartens, and additional classes to maintain native language competence and assist with integration (OECD Austria, 2009). There is also limited NGO involvement. However, there is little help from business.

Prior to the opening of borders between the EU states, many countries such as Germany and the United Kingdom had established guest worker programs bringing in short-term workers for seasonal employment (Rist 1979). Numerous short-term workers ended up as long-term immigrants, such as Turks in Germany and Poles in the UK. Schooling for these children was

determined by the individual nation states (Rist 1979). Many countries argued against the need for assimilation, as these workers would migrate back home following the completion of their short-term employment.

Scholars have found that discrimination against foreigners, in terms of employment, earning potential, and return on human capital was prevalent, resulting in lower levels of assimilation (Constant & Massey 2003; Radu 2003). Assimilation is thought to be imperative if migrants are to have a reasonable chance of success. Studies of first generation students indicate that assimilation is correlated with school achievement, and in turn future prospects (Suarez-Orozco et al. 2008). Although the social capital or the social networks that people may utilize to attain jobs or opportunities are imperative to success, education provides the only level playing field and the opportunities to move out of poverty.

The Governance of Bilingual Education

Increasingly, the globalization of economies and societies has resulted in mass immigration and migration. As a consequence, bilingual education has increased in salience as a policy issue. Rising levels of nationalism notwithstanding, the education of immigrants is widely viewed as necessary for social stability. The challenge in immigrant education lies in providing opportunities to learn the content of core subjects such as math, science, or social studies in a bilingual setting whereby a native language may be used simultaneously to teach core content.

On the opposite end of the spectrum, proponents of full-on language immersion in the host language argue that students have higher achievement if they spend only a short period of time such as a year, learning the host language before being integrated into regular classes. Other experts contend that acquiring academic language fluency requires about seven years of intense

language study.

Apart from the education of immigrant populations, foreign language training of the native population is instrumental in building a nation's "soft power" to participate effectively in global affairs. In 2010, U.S. Secretary of Education Arne Duncan stated that only 18 percent of Americans report speaking a language other than English, while 53 percent of Europeans (and increasing numbers in other parts of the world) can converse in a second language (Skorton and Altschuler 2012). The percentage of primary schools offering a foreign language and the percentage of students studying a foreign language has decreased significantly in the U.S. in recent years (Skorton and Altschuler 2012). While the US falls behind in foreign language acquisition, the European Council has instructed for each student to learn at least two additional languages to their mother tongue (Edelenbos, Johnstone, & Kubanek 2006).

Economic need and market preferences frequently dictate the language education available or not available in a country. With English continuing as the lingua franca, students in the US, UK, and other Anglophone nations have proven less likely to master a foreign language than those in non-English speaking countries. Debate surrounding foreign language education results in a disconnect between need and supply leaving room for civil society to fill gaps by providing language classes in native and the foreign language of residency as well as to lobby government on language education provision for both native and foreign students.

Governances of Bilingual Education in the United States

We analyzed a total of 28 sources on bilingual education in the US. Of these, almost a third provide evidence that government acts independently in promulgating bilingual education policy. In the US, there is a long history of foreign language and bilingual education due to the nation's immigrant past. While fear brought language education to a halt during two world wars, the launch of Sputnik 1 by the Soviet Union followed by the human rights activism of the 1960s resulted in renewed interest in language education (Spolsky 2004; Ever 2012; Wiley 2007). President Lyndon B. Johnson sponsored enactment of the Bilingual Education Act of 1968, which provides school districts with competitive grants to create innovative educational programs for students with limited foreign language ability. Despite the advances of the 1960s and 1970s, policy developments in subsequent decades have brought more restrictive language education policies using a variety of mechanisms. Anti-immigrant sentiment manifested in California's Proposition 63 in 1986; 187 in 1991; 209 in 1996; and 227 in 1998, for example, eliminated bilingual education. Arizona followed suit with proposition 203 (Wiley 2007; Spolsky 2004).

In 13 sources, government and civil society acted conjointly in bilingual education policy. Phillips (2003) discusses the role of the National Council for Accreditation of Teacher Education (NCATE). The NCATE is a coalition of 35 national education organizations, which represents teachers, teacher educators, subject matter specialists, and policy makers. It is a non-governmental organization and a professional quality control mechanism for teacher preparation. The organization provides accreditation and regulation to teacher education including bilingual education programs. The key tools used by government and civil society were Statutes/Rules/Guidelines, Advice/Consultation, as well as Self-organizing Networks and Independent Regulatory Authority. In over half of the sources, direction of influence had shifted

towards civil society influence. Only one case out of the 28 sources analyzed demonstrated civil society as being the sole sector in bilingual education policy.

Six sources noted the interplay of government, civil society, and the market in bilingual education governance. The key direction of the sector was towards government and civil society influence. Similarly to civil society and government sectors, the three sectors together also use various tools apart from Statutes/Rules/Guidelines including: forming self-organized networks, regulating policy, and providing advice in policy creation. Interestingly, in this sector policy creation is shifting towards civil society influence. Samuel Huntington (2004) discussed the impact of business, organizations, and associations on language policy and bilingualism. Civil rights organization, Catholic organizations, and Hispanic associations have come together lobbying for bilingual education.

Governance of Bilingual Education in the E.U.

Language education, similarly to migrant education and immigrant policy is dependent on a combination of policy created by each nation state and regulations specified by the European Union. Each nation state implements varying degrees of bilingual and foreign language education, typically related to immigrant policy and cultural heritage. While all bilingual education is content-based language learning, in the last decade supranational bodies such as the European Union and individual countries have provided bilingual education in the form of teaching one or two subjects in an additional language (Snow, Met, & Genesee 1989; (Edelenbos, Johnstone, & Kubanek 2006). According to our analysis, In the EU, out of the 16 sources analyzed, 8 sources in bilingual education are provided solely by the government utilizing mechanisms of statutes, rules, and regulations including laws and policies, advice and

consultation from civil society, OECD, United Nations and similar agencies, as well as self-organized networks such as parent organizations.

Of the 16 sources, four noted government and civil society as key sectors in bilingual education policy. An example is bilingual education in the Netherlands, which began largely in 1967 when immigrant families started offering language education to their children to maintain the mother tongue language. Since 1970, the Dutch government took on partially financing native language education (Driessen 2005). Bilingual education utilizes Statutes/Rules/Guidelines, Advice/Consultation, and Independent Regulatory Authority as key mechanisms. While government creates policies, in bilingual education it does so through the help of civil society by way of input and consultation.

Analyses suggest that in the final four sources government, civil society, and the market together impact bilingual education policy. An example is market need for language acquisition resulting in government influence in the long run and civil society language provision in the short term. The key tool used by government, civil society, and the market sectors were Statutes/Rules/Guidelines, Independent Regulatory Authorities, Advice/Consultation, Self-organizing Networks, and Contracts.

Conclusion

Using the seven-sector analytic framework reveals these complex differences in the governance of these three policy domains in the US and the EU and in the trajectories of governance patterns. While some increases in the relative influence of civil society and the business sector are detectable, we believe they are more appropriately characterized as the path dependent variegation than as the transformation of governance.

- Immigration has been an issue of increasing salience in social, economic, and political affairs in both the US and the EU. The principle policy dynamic results from business and civil society entities pursuing their own interests and pushing governments to allow them a greater role in shaping public policy outcomes.
- Migrant education, in contrast, has much less salience as a public policy issue; there has been limited attention to the differences between immigrants and migrants or to the particular educational needs of migrant, as opposed to immigrant, children. The business sector, for example, has little interest in improving migrant education. The government's role in migrant education is, however, more decisive in the US than in the EU, where civil society is more engaged in shaping policy priorities than governments.
- In both the US and the EU, the governance of bilingual education is shaped largely by attitudes towards immigration policy and assimilation. Foreign language education for natives is generally regarded as appropriate, but public policies may not reflect it. US states differ greatly in their financial support of bilingual education, with the needs of the business sector influential in the setting of priorities. Civil society entities provide language instruction, and jurisdictions where cultural identity is tied strongly to language tend to protect the integrity of the mother tongue. The EU's governing institutions have yet to formulate an EU-wide policy on bilingual.

An important insight emerges from our analysis. Although a common theme in governance research has been, as noted earlier, the importance of networks, partnerships, and collaborations among public and private sector entities, we found that the influence of each

sector is more often than not driven by its own distinctive interests, which may, but often is not, conducive to collaboration. In our three policy domains, relationships between business and civil society entities with respect to policy priorities, rules, and resource allocation are less collaborative than they are competitive. Competition is transformed into political conflict, with governments inevitably involved in striking and sustaining the ultimate balance of interests. As a consequence, governments remain an important forum for in collective action on behalf of public and community interests that are in conflict.

These conclusions pertain only to the three domains of public policy included in our research. Governance patterns in policy domains concerned with energy, the environment, health, and employment will differ from those in our policy domains. Findings will also differ across various geographical and cultural areas, especially in the developing world. We argue, however, that our literature-based study exemplifies the kind of comparative research that will produce evidence on patterns and trajectories of governance that are more insightful than the findings from research designs that do not allow for the complex political dynamics that characterize collective efforts to realize societal goals.

References

- AFOP – Association of Farmworker Opportunity Program. 2012. [http:// www.afop.org](http://www.afop.org)
- Amnesty International. 2009. “Jailed Without Justice.” www.amnestyusa.org/pdfs/JailedWithoutJustice.pdf.
- Balch, A. 2010. “Managing Labour Migration in Europe: Ideas Knowledge and Policy Change.” *Center for Comparative Immigration Studies*. (Working Paper 184).
- Bevir, Mark, Ed., *The Sage Handbook of Governance*. Thousand Oaks, CA: Sage Publications.
- Chenoweth, Jeff, and Laura Burdick. 2006. “A More Perfect Union: A National Citizenship Plan.” *Catholic Legal Immigration Network*.
- Branz-Spall, Angela Maria, Roger Rosenthal, and Al Wright. 2003. “Children of the Road: Migrant Students, Our Nation's Most Mobile Population.” *The Journal of Negro Education*, 72(1), 55-62.
- Boswell, Christina, and Andrew Geddes. 2011. *Migration and Mobility in the European Union*. London, UK: Palgrave Macmillan
- CEU - The Council of the European Union, Council Meeting Brussels. 2009. “Council Conclusions on the Education of Children with a Migrant Background.” http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/educ/111482.pdf
- CORAM Children’s Legal Center. 2013. Education for Migrant Children Aged up to 16. <http://www.childrenslegalcentre.com>
- Constant, Amelie, and Douglas S. Massey. 2003. “Labor Market Segmentation and the Earnings of German Guestworkers”. IZA Discussion Paper 774.
- Constant, Amelie, and Douglas S. Massey. 2005. "Labor Market Segmentation and the Earnings of German Guestworkers." *Population Research and Policy Review* 24, (5):489-512.
- Cornelius, Wayne A., and Takeyuki Tsuda, Philip L. Martin, and James F. Hollifield. (Eds.). 2004. *Controlling Immigration: A Global Perspective, Second Edition*. Stanford University Press.
- Driessen, Geert. 2005. “From Cure to Curse: The Rise and Fall of Bilingual Education Programs in the Netherlands.” In *Söhn, J. The Effectiveness of Bilingual School Programs for Immigrant Children*. 77- 107.
- Edelenbos, Peter, Richard M. Johnstone, Angelika Kubanek. 2006. The main pedagogical principles underlying the teaching of languages to very young learners. Languages for the children of Europe: Published Research, Good Practice and Main Principles. Final Report

- of the EAC 89/04, Lot 1 Study. European Commission, Brussels: Education and Culture, Culture and Communication, Multilingualism Policy.
http://ec.europa.eu.education/policies/lang/key/studies_en.pdf.
- EUfocus. 2012. Delegation of the European Commission to the USA.
<http://www.eurunion.org/eufocus>.
- EUfocus. 2008. Website: <http://www.eurunion.org/eufocus>
- Evers, Williamson M. 2012. The Risks of a "Sputnik Moment". *Hoover Digest*, 3.
<http://www.hoover.org/publications/hoover-digest/article/125006>.
- Fernández-Kelly, Patricia and Douglas S. Massey. 2007. "Borders for Whom? The Role of NAFTA in Mexico-U.S. Migration." *The ANNALS of the American Academy of Political and Social Science* 2007.
- Frederickson, H. George. 2005. 'Whatever Happened to Public Administration: Governance, Governance Everywhere.' In *The Oxford Handbook of Public Management*, eds. Ewan Ferlie, Laurence E. Lynn, Jr., and Christopher Pollitt. New York: Oxford University Press, 282-304.
- Garza, Encarnacion, Pedro Reyes, Enrique Trueba. 2004. *Resiliency and Success: Migrant Children in the U.S.* Boulder, CO: Paradigm Publishers.
- Genesse, Fred. 2004. "What Do We Know About Bilingual Education for Majority Language Students?" In *T.K. Bhatia & W. Ritchie (Eds.), Handbook of Bilingualism and Multiculturalism*, 547-576. Malden, MA: Blackwell.
- Givens, Terri, Gary P. Freeman, and David L. Leal, eds. 2008. *Immigration Policy and Security*, New York, NY: Routledge.
- Hajer, Maarten, and Hendrik Wagenaar. 2003. "Introduction." In *Deliberative Policy Analysis: Understanding Governance in the Network Society*, ed. Maarten A. Hajer and Hendrik Wagenaar. Cambridge, UK: Cambridge University Press.
- Haus, Leah. 1995. Openings in the Wall: Transnational Migrants, Labor Unions, and U.S. Immigration Policy. *International Organization*, 49(02), 285-313
- Huntington, Samuel P. 2004. "The Hispanic Challenge." *Foreign Policy*. 141(2), 30-45
- Kandel, William. 2008. "Hired Farmworkers a Major Input for Some U.S. Farm Sectors." *Amber Waves*, 6(2), 10-15.
<http://www.ers.usda.gov/AmberWaves/April08/Features/HiredFarm.htm>.

- Kiln, Erik-Hans. 2008. "Governance and Governance Networks in Europe: An Assessment of Ten Years of Research on the Theme." *Public Management Review*, 10: 505-525.
- Kooiman, Jan, ed. 1993. *Modern Governance: New Government-Society Interactions*. London: Sage.
- Kooiman, Jan. 2003. *Governing as Governance*. London: Sage Publications.
- Krahmann, Elke. 2003. "National, Regional, and Global Governance: One Phenomenon or Many?" *Global Governance*, 9:323-346.
- Levi-Faur, David, ed., 2012. *The Oxford Handbook of Governance*. Oxford: Oxford University Press.
- Luedtke, A. 2009. "Fortifying fortress Europe? The Effect of September 11 on EU Immigration Policy." In *Givens, T.E., Freeman, G.P., & Leal, D.L (Eds.), Immigration Policy and Security*, 134. New York, NY: Routledge.
- Lynn, Laurence E., Jr. 2010. "Governance." *Public Administration Review* Foundations of Public Administration Series. <http://www.aspanet.org/public/ASPADocs/PAR/FPA/FPA-GOV-Article.pdf>.
- Lynn, Laurence E., Jr. 2012. "The Many Faces of Governance: Adaptation? Transformation? Both? Neither?" In David Levi-Faur, ed., *The Oxford Handbook of Governance*. 49-64. Oxford: Oxford University Press.
- Martinez, Yolanda G., and Ann Cranston-Gingras. 1996. "Migrant Farmworker Students and the Educational Process: Barriers to High School Completion." *The High School Journal*, 80(1), 28-38.
- Mehta, K., Gabbard, S. M., Barrat, V., Lewis, M., Carroll, D., & Mines, R. 2005. "Findings from the National Agricultural Workers Survey (NAWS), 1997-1998: A Demographic and Employment Profile of United States Farmworkers." http://www.doleta.gov/agworker/report9/naws_rpt9.pdf
- Migrant Education: Basic State Formula Grants. 2013. U.S. Department of Education. <http://www2.ed.gov/programs/mep/index.html>
- Migrant Students Foundation. 2012. <http://www.migrantstudents.org>.
- Morgan, Douglas F. and Cook, Brian J., eds. 2014. *New Public Governance: A Regime-Centered Perspective*. New York: M.E. Sharpe.
- Nusche, Deborah. 2009. "What Works in Migrant Education? A Review of Evidence and Policy Options." No. 22. OECD Publishing

- OECD Denmark. 2009. "OECD Thematic Review on Migrant Education Country Background Report for Denmark." Organization of Economic Cooperation and Development.
- OECD Austria. 2009. "OECD Thematic Review on Migrant Education Country Background Report for Austria." Organization of Economic Cooperation and Development.
- Office of Migrant Education. 2014. Migrant Education Program. U.S. Department of Education. <http://www2.ed.gov/programs/mep/index.html>>.
- Osborne, Stephen P., ed. 2010. *The New Public Governance? Emerging Perspectives on the Theory and Practice of Public Governance*. London: Routledge.
- Overview of Migrant Education in California. 2013. <http://www.cde.ca.gov/sp/me/mt/overview.asp>
- Peters, B. Guy and Jon Pierre. 1998. "Governance Without Government? Rethinking Public Administration." *Journal of Public Administration Research and Theory* 8:2: 223-243.
- Phillips, June K. (2003). "Implications of Language Education Policies for Language Study in Schools and Universities." *The Modern Language Journal*, 87(4), (Winter, 2003), 579-586. <http://www.ncate.org/Public/AboutNCATE/FAQAboutNCATE/tabid/410/Default.aspx>.
- Pierre, Jon, and Guy B. Peters. 2000. *Governance, Politics, and the State*. New York: St Martin's Press.
- PMEP - Pennsylvania Migrant Education Program. 2008. Pennsylvania Department of Education. http://www.portal.state.pa.us/portal/portal/server.pt/community/migrant_education/7410
- Radu, Dragos. 2003. *Skills and performance of CEE-employees in Germany: Lessons of the '90s for Post-Enlargement Migration?* Hamburg: HWWA.
- Ramirez, Adrian D. 2012. "The Impact of the College Assistance Migrant Program on Migrant Student Academic Achievement in the California State University System." *Journal of Hispanic Higher Education*, 11.1, 3-13.
- Rist, Ray C. 1979. "On the Education of Guest-Worker Children in Germany: A Comparative Study of Policies and Programs in Bavaria and Berlin." *The School Review*. 242-268.
- Skelcher, Chris. 2010. "Fishing in Muddy Waters: Principals, Agents, and Democratic Governance in Europe." *Journal of Public Administration Research and Theory* 20: i161-175.

- Skorton, David and Glenn Altschuler. 2012. America's Foreign Language Deficit. *Forbes*.
<http://www.forbes.com/sites/collegeprose/2012/08/27/americas-foreign-language-deficit/>
- Snow, Marguerite Ann, Myriam Met, and Fred Genesee. 1989. "A Conceptual Framework for the Integration of Language and Content in Second/Foreign Language Programs." *TESOL Quarterly*, 23(2), 201-217.
- Spolsky, Bernard. 2004. "Does the U.S. have a Language Policy or Just Civil Rights? Language Policy." *Cambridge Press*. 92-112.
- Stoker, Gerry. 1998. "Governance as Theory: Five Propositions." *International Social Science Journal* 155: 17–28.
- Suárez-Orozco, Carola, Marcelo M. Suárez-Orozco, and Irina Todorova. 2008. *Learning a New Land: Immigrant Students in American Society*. Belknap Press
- Tichenor, Daniel J. 2002. *Dividing Lines: The Politics of Immigration Control in America*. Princeton University Press.
- UMOS – United Migrant Opportunity Services. 2012. <http://www.umos.org>
- United States Congress. 2002. No Child Left Behind Act of 2001. 107th Cong. Public Law 110. <http://www.gpo.gov/fdsys/pkg/PLAW-107publ110/html/PLAW-107publ110.htm>>.
- U.S. Department of Education (USDOE). 2012. Migrant Education Program. <http://www2.ed.gov/programs/mep/index.html>.
- Vandystadt, Nathalie. 2012. "Asylum: NGOs Call for New Forms of Legal Entry". *Europolitics*. <http://www.europolitics.info/sectorial-policies/asylum-ngos-call-for-new-forms-of-legal-entry-art330326-16.html>
- Whittaker, Catharine R., Spencer J. Salend, and Maria B. Gutierrez. 1997. "Voices from the Fields: Including Migrant Farmworkers in the Curriculum." *Reading Teacher*, 50, 482-493.
- Wiley, Terrence G. 2007. "Accessing Language Rights in Education: A Brief History of the U.S. Context." In García, Ofelia, and Colin Baker, eds. (Eds.). *Bilingual Education: An Introductory Reader*. 89-105. Multilingual Matters LTD.