

THE DREAM ACT FOR UNDOCUMENTED STUDENTS

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INTRODUCTION

Each year approximately 50,000-65,000 undocumented students graduate from American high schools. Many of these students were brought to the United States when they were very young and grew up in American schools, learning American values and experiencing American culture. Like their peers in school, they also dreamt about attending college after high school. Unfortunately due to the lack of in-state tuition for undocumented students and the inability to work legally to pay for school, the majority of these individuals are not able to access higher education. The Development, Relief and Education for Alien Minors (DREAM) Act offers an opportunity for these students to apply for conditional legal status and eventual citizenship based on strong character, hard work and the pursuit of military service or higher education.

LEGISLATION

The DREAM Act would grant conditional permanent resident status to young people who came to the U.S. before the age of 16, have good moral character, have lived in the U.S. for at least five years at the time of enactment and have graduated from high school. To have the conditional status lifted, the individual would need to satisfy one of the following two requirements within six years of high school graduation:

- graduate from a two-year college or pursue a bachelor's or higher degree and be in good standing for at least two years; or
- serve in the U.S. Armed Forces for at least 2 years and, if discharged, receive an honorable discharge.

The DREAM Act would also overturn a federal law punishing states that choose to provide in-state tuition to undocumented students.

In the Senate, the DREAM Act (S 774) has been championed by Senators Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN). In the House, it is known as the American DREAM Act (HR 1275) and has been sponsored by Representatives Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL), and Lucille Roybal-Allard (D-CA). Both bills were introduced in the 110th Congress in March 2007. The DREAM Act has also been included as part of the STRIVE Act.

IN-STATE TUITION

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IRAIRA) included a section that discouraged states from providing in-state tuition to undocumented students through financial disincentives. More specifically, any state that would provide in-state tuition for undocumented students would have to grant in-state tuition to all students attending their public

schools. Since the passage of IRAIRA, ten states (Texas, California, Utah, Washington, New York Oklahoma, Illinois, Kansas, New Mexico and Nebraska) evaded such an outcome by passing state laws allowing all students graduating from in-state high schools to pay in-state tuition at higher-education institutions. While this solution remained a financial burden to these ten states, lawmakers felt that providing undocumented students with the opportunity to attend state schools at in-state prices was worth the overall benefit to the students and to the community as a whole. To qualify, the specific requirements of each of these states stipulate that students must have:

- attended a school in the state for a certain number of years;
- graduated from high school in the state; and
- signed an affidavit stating that they have either applied to legalize their status or will do so as soon as eligible.

The DREAM Act would allow states to create their own laws regarding in-state tuition and undocumented students without fear of federal penalties.

HIAS' INVOLVEMENT

HIAS supports the DREAM Act, a bipartisan proposal that is sensible and humane, responding to the needs of vulnerable young immigrant students and the communities in which they live. HIAS is an active member of the United We DREAM Campaign, which is a national effort headed by grassroots and national organizations, educators and concerned constituents to see federal legislation passed that would remove the current barriers keeping immigrant students from continuing their academic and professional development.

CONCLUSION

Undocumented children who did not choose to enter the U.S. illegally and who have learned English and succeeded in school should not be punished because of decisions made by their parents. Children who were not old enough to make their own decisions when entering the United States should not be held responsible for their parents' actions. They should be able to live in and fully contribute to the country in which they have spent significant portions of their lives.

The DREAM Act could help break the cycle of underemployment, instability and poverty endured by undocumented immigrants and could reduce dropout rates, criminal justice costs and the need for public assistance. It would also reward good behavior by young people who, despite their circumstances, have worked hard and remained in school. The young people who would benefit from the DREAM Act are in the formative years of their lives. Further delay, even just a few years, could have a tragic impact.