

DREAM Act: Student Adjustment for Deserving Children

The Issue: Each year, thousands of immigrant children who graduate from high school and who have grown up in the United States, are unable to pursue their dreams of going to college because they lack legal immigration status. These graduates include honor roll students, star athletes, talented artists, aspiring doctors and U.S. soldiers. Despite the fact that many have grown up in the U.S., attended local schools, and demonstrated a sustained commitment to learn English, our immigration laws provide no legal avenues for these students to rectify their status. Although many of these children were brought to the U.S. as children, they face unique barriers to higher education; they are unable to legally work here; and they live in constant fear of detection by immigration authorities.

AILA's Position: AILA strongly supports passage of legislation that provides deserving students with an opportunity to apply for legal status and to continue their education. 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 contribute and live in the country where they have spent significant portions of their lives. By providing the opportunity for these children to go to college and gain legal status, America will both strengthen its economic foundation by creating a more educated workforce and introduce justice and fairness to our immigration system.

Current Legislation: The Development, Relief, and Education for Alien Minors (DREAM) Act (S.774) sponsored by Senators Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN), and the American Dream Act (H.R. 1275), sponsored by Representatives Lincoln Diaz-Balart (R-FL), Howard Berman (D-CA), and Rep. Lucille Roybal-Allard (D-CA), were introduced in March 2007. Both pieces of legislation address the situation faced by young people who were brought to the U.S. years ago as undocumented immigrant children but who have grown up here, stayed in school, and kept out of trouble.

The DREAM Act would allow certain immigrant students who meet the legislation's eligibility requirements to adjust their status to that of conditional permanent resident for a period of six years. To be eligible for the benefit, the bill would require students to have:

- (1) entered the U.S. before the age of 16;
- (2) been physically present in the U.S. for a continuous period of not less than five years immediately preceding the date of enactment;
- (3) been admitted to a U.S. institution of higher education or earned a high school diploma or general education development (GED) certificate; and
- (4) been a person of good moral character since the time of application.

In addition, the DREAM Act would repeal § 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), which requires states that provide the in-state tuition rate to undocumented students to provide the same tuition rate to out-of-state residents.

To have the conditional basis of their permanent resident status lifted, students would have to satisfy one of the following requirements within six years of the grant of conditional status:

- (1) Earn a degree from a U.S. institution of higher education or complete at least two years, in good standing, of a bachelor's or higher degree program; or

- (2) Serve in the U.S. Armed Forces for at least two years and, if discharged, receive an honorable discharge.

Past Legislation: The DREAM Act was also introduced in the 109th Congress – The Senate bill DREAM (S. 2075), was introduced on November 18, 2005, by Senators Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN). Representatives Lincoln Diaz-Balart (R-FL), Howard Berman (D-CA), and Lucille Roybal-Allard (D-CA) introduced very similar legislation (the American Dream Act/H.R. 5131) on April 6, 2006. The DREAM Act was also incorporated in its entirety into the comprehensive immigration reform bill (S. 2611) that passed the Senate on May 25, 2006.