

THE DREAM ACT/STUDENT ADJUSTMENT ACT

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Model letters in support of the DREAM Act can be found on “Contact Congress/Media” under the Advocacy Center on both InfoNet and AILA.org.

DREAM ACT – STUDENT ADJUSTMENT FOR DESERVING CHILDREN

THE ISSUE: Each year, children in the U.S. are prevented from pursuing their dreams of going to college because they have no legal status. Despite the fact that many have grown up in the U.S., attended local schools, and demonstrated a sustained commitment to learn English and succeed in our educational system, our immigration laws provide no avenue for these students to become legal. Many of these children were brought to the U.S. by their parents at an age when they were too young to understand the legality of their arrival, let alone take action to rectify this decision. Bi-partisan legislation introduced in the 108th Congress would have allowed immigrant students who have grown up in this country, graduated from high school, and have no criminal record, to go to college and legalize their immigration status. AILA looks forward to this legislation being reintroduced and passed into law in the 109th Congress.

BACKGROUND: Numerous cases in the past year highlight the need for comprehensive legislation that would adjust the status of children who are long-term residents of the U.S. For example:

- **Jesus Apodaca**, an 18-year-old honor student, was brought by his parents to the U.S. illegally when he was 12. In opposing Jesus's deportation, Senator Ben Nighthorse Campbell of Colorado accurately described Jesus's plight, "This kid is an American, for crying out loud, he just doesn't have his citizenship. He came in as a little boy. I'm not even sure when you are 12 years old and your daddy says 'let's go,' that you even understand the immigration laws."
- **Griselda Lopez Negrete** is a 15 year high school honor student from Aiken, South Carolina. Griselda was named a Presidential Scholar in her middle school class and her 3-person team came in second in South Carolina's Future Business Leaders of America "Entrepreneurship" competition. Griselda has been in the U.S. since the age of 2, but faces a deportation hearing that could send her back to Mexico, a country in which she has no family and doesn't even remember.

Neither these individuals, nor the many similarly situated children to whom this legislation would apply, had available to them the two traditional means of gaining legal status: a sponsoring family member or an employer.

In recognition of the fundamental unfairness these cases demonstrate, lawmakers in Colorado and South Carolina have introduced private legislation that would legalize the status of these two children. The problem with this type of legislation is that the injustice that these children face is not unique. A comprehensive student adjustment bill is the appropriate solution to the current situation and an obviously preferable alternative to the ad hoc, piecemeal approach based on private bills.

In the 108th Congress, two bipartisan measures were introduced that would have addressed the needs of the many children who face similar circumstances. In the House, Representatives Chris Cannon (R-UT), Howard Berman (D-CA) and Lucille Roybal-Allard (D-CA) introduced H.R. 1684, the Student Adjustment Act, on April 9, 2003. The Student Adjustment Act would have legalized young people who have good moral character, have lived in the U.S. at least five years, are in school in 7th grade or above, and are under 21 years old. In addition, this bill would have amended the Illegal

Immigration Reform and Immigrant Responsibility Act of 1996 to again permit states to determine residency for in-state tuition purposes. The practical effect of this amendment would have been to provide these deserving children with the opportunity to attend the college they have worked so many years to attend. The House failed to move on this legislation in the 108th Congress.

In the Senate, Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL) introduced S. 1545, the Development, Relief, and Education for Alien Minors (DREAM) Act on July 31, 2003. The DREAM Act would have granted 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. at least five years at the time of enactment, and have graduated from high school. As with the Student Adjustment Act, the DREAM Act would have permitted states to determine residency for in-state tuition rates.

In late October 2003, the Senate Judiciary Committee debated the DREAM Act and passed it out of committee by a 16-3 vote. Although AILA was pleased that the bill moved out of committee on such a strong vote, we opposed an amendment introduced by Senators Dianne Feinstein (D-CA) and Charles Grassley (R-IA), which the committee passed, that weakened the bill in several ways. The Feinstein/Grassley amendment would have made DREAM Act beneficiaries ineligible for federal financial aid grants (such as Pell Grants), eliminated the community service option as a way to lift conditional residency status, and required DREAM Act beneficiaries to register in SEVIS, the system that tracks foreign students.

The Feinstein/Grassley amendment would have required DREAM Act beneficiaries to satisfy one of the two following requirements within six years of high school graduation to have their conditional status lifted:

- (1) Graduate from a two-year college or be pursuing a BA or higher degree and be in good standing for at least two years (graduation from certain 1-year occupational programs administered by accredited non-profit or public schools would also satisfy this condition); or
- (2) Serve in the US Armed Forces for at least 2 years and, if discharged, have received an honorable discharge.

AILA strongly opposed the Feinstein/Grassley amendment and will work hard to oppose any such provision and/or additional weakening amendments, when the bill is reintroduced in the 109th Congress.

AILA's POSITION: AILA strongly supports the reintroduction and passage of bipartisan legislation that provides deserving students with an opportunity to apply for legal status and continue their education, and urges Congress and the Administration to support a measure worthy of these deserving children. 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 work force and introduce justice and fairness to our immigration system.

THEY SAY: WE SAY

RESPONSES TO RESTRICTIONIST ALLEGATIONS

DREAM Act/Student Adjustment Act

While offering no solutions to the problems facing U.S. raised children of undocumented immigrants, restrictionist groups increasingly have attacked legislation that would fix the problem. These groups have raised several allegations about the merits of bipartisan legislation introduced in the 108th Congress, S. 1545 and H.R. 1684, that we identify below, along with our responses. We look forward to this legislation being reintroduced and passed into law in the 109th Congress.

- Restrictionist Allegation:** This bill would provide an incentive for people to come here illegally.

 - **Our Response:** This bill offers absolutely NO incentive for undocumented people to enter the country. The bill clearly states that eligible students must be in the country for at least 5 years at the time of enactment.
- Restrictionist Allegation:** This bill will increase the strain on state educational systems, thereby further exacerbating the states' existing fiscal crises.

 - **Our Response:** This bill would not create any new in-state tuition breaks. It would simply allow these kids to be eligible for those breaks already available to qualified applicants. More importantly, this bill does not force the states to offer in-state tuition to these children. It simply would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) to again permit states to determine residency for in-state tuition purposes. Significantly, evidence shows that offering in-state tuition to these children would be in the states' economic interest by increasing tax revenues and decreasing criminal justice and welfare expenses. A 1999 RAND study showed that a 30-year-old Mexican immigrant woman who has graduated from college will pay \$5,300 more in taxes and cost \$3,900 less in criminal justice and welfare expenses each year than if she had dropped out of high school. This amounts to an annual boost in the state coffers of over \$9,000 per person. The bottom line is that these states have been investing in the education of these children in elementary and secondary school and deserve to choose whether they want a return on their investment.
- Restrictionist Allegation:** U.S. citizen children will have to sacrifice their own educational aspirations because there are a finite number of seats available at public universities.

 - **Our Response:** These undocumented children are only asking to be included in the applicant pool, not to receive preferential treatment. The most qualified students will be selected and the rest will pursue their educational dreams in other ways, such as through a different public university or the community college system. The question is not whether all U.S. raised children should have their "first choice" when it comes to their educational dreams, but whether they should be afforded a choice at all. This legislation will give all children in the U.S. the ability to access affordable higher education and to *compete* for their "first choice" institutions of higher learning. This is not a zero sum game.

4. **Restrictionist Allegation:** Sometimes kids have to pay for the mistakes of their parents.
 - **Our Response:** It is well settled in our legal system that “legal burdens should bear some relationship to individual responsibility or wrongdoing.” *Weber v. Aetna Casualty & Surety Co.*, 406 U.S. 164, 175 (1972). These children “can affect neither their parents’ conduct nor their own status.” *Phyller v. Doe*, 457 U.S. 202, 220 (1982). These children were either unaware or unable to control the situation that brought them to this country. By denying them the opportunity for a higher education and an adjustment of status, we are punishing them for the actions of others. This is directly at odds with both our legal and moral values as a nation. Any notion that we should saddle these kids with a lifelong punishment for the actions of others is an unseemly, mean-spirited and irrational approach to solving our immigration problems.
5. **Restrictionist Allegation:** U.S. taxpayers should not have to subsidize the education of undocumented children.
 - **Our Response:** The parents of undocumented children are also sharing the tax burden. In addition to paying sales taxes, many of these undocumented families pay property taxes as well as income taxes. Additionally, by educating these children taxpayers are benefiting by realizing increased tax revenues and decreased criminal justice and welfare expenses.
6. **Restrictionist Allegation:** It is unfair for an undocumented child to benefit from in-state tuition in the state where they were raised, while a U.S. citizen student from out of state would be ineligible for this benefit.
 - **Our Response:** This bill simply returns authority to the states to make these judgment calls. Many states argue that the fairness lies in the fact that the parents of these undocumented children have been paying state taxes for years, in obvious contrast to the parents of out of state students. The states also argue that the children raised in their state are more likely to remain in the state after graduation, thus providing increased tax revenues and the strong economic foundations created by an educated workforce. States want, and deserve, to see the return on their investment.
7. **Restrictionist Allegation:** This bill would reward people who came here illegally.
 - **Our Response:** The only thing this bill would reward is strength of character and hard work. These children were brought here at an age where they had no say in the matter or were unaware of the legal ramifications of their entry. It is intellectually dishonest to link the educational benefits they earned through hard work and perseverance to actions taken years ago by their parents, over which they had no control.
8. **Restrictionist Allegation:** Allowing these children to adjust status would punish those immigrants who played by the rules and waited in line to become legal.
 - **Our Response:** Legal immigrants are among the biggest supporters of these children. They understand the difficulties these young people have had to overcome to learn a new language, stay in school, and stay out of trouble. They also understand that the adjustment of these children’s status in no way affects other immigrants’ ability or time-line to legalize. These are completely separate mechanisms for legalization. Additionally, these children

gladly would have waited in line for the chance to legalize if the government had created a line for them. They have been waiting their entire lives just for this chance.

9. **Restrictionist Allegation:** Our immigration system doesn't work and needs wholesale changes. These children should have to wait until these changes occur.

- **Our Response:** We all agree that our immigration system is broken and that we desperately need comprehensive immigration reform. However, it is uncertain when this reform will be enacted. In the meantime, 50,000-65,000 children graduating from high school each year are having their lives put on hold. Their educational options are slammed shut, they face the constant fear of deportation, and they are forced into dead-end jobs. These children can't afford to wait for Congress to hash out the details of a comprehensive reform bill. The DREAM Act/Student Adjustment Act is a modest, bipartisan bill that needs to be pushed through this year. These kids, and our taxpayers, can't afford to wait any longer.

ARTICLES ON THE DREAM ACT

Young Immigrant Pins Hopes on Congress

St. Louis Post-Dispatch (Missouri)

February 15, 2005

By Jacob Luecke

Getting into law school at the University of Missouri is not easy. For Marie Gonzalez, it may take an act of Congress.

Without help from a federal lawmaker, Gonzalez and her parents could be deported from the United States as soon as next month. Deportation would end her dreams of attending college here and becoming a lawyer.

Gonzalez, 19, immigrated to the United States from Costa Rica with her parents, Marvin and Marina, when she was 5.

"I feel I'm American in every sense of the word, besides having a little piece of paper that says I am," she said.

When the Gonzalez family came to this country in 1991, they did not know they had to update their visas within six months. More than a decade passed before immigration officials found out and began trying to deport the family.

Gonzalez graduated from Helias High School in Jefferson City in May. Her friends and former classmates moved on to college. She stayed in Jefferson City because she doesn't have the legal paperwork she needs for college applications.

"They complain about homework but I wish I could have that," she said. "They're moving on with their lives, and I'm just kind of stuck here."

Friends of the family are trying to find a way for them to stay. They have collected about 1,800 signatures on a petition and are hoping someone will intervene for the family, especially Marie.

"She's kind of the innocent victim here," said Ed Stroesser, a friend who is helping collect signatures. "While we're concerned about mom and dad, we really want to do what's best for Marie."

In summer 2002, someone reported Marvin Gonzalez for having an expired visa. Former Gov. Bob Holden fired him from his job as a courier in Holden's office.

The Department of Homeland Security began deportation proceedings against the family. Last February, they agreed to leave the country within 60 days but then appealed that decision.

While they await a final ruling, the Gonzalezes can stay in the United States but cannot get paid for working. So they spend much of their time volunteering and let friends help pay the bills.

"We've never been people who like to sit around; we've always been hard-working people," Marie Gonzalez said.

If they lose their appeal, they could be forced to leave as soon as March 30.

If the appeal of their agreement to leave is granted, the family's lawyer, Ben Mook, says he needs to find something in federal law on which to base an argument for letting them stay.

"I'm optimistic that something will happen for this family," Mook said. "But the way the law is currently written, I haven't found an exemption I think they qualify for."

Mook said the family's best hope is getting a bill through Congress specifically written to allow the Gonzalez family to stay.

Josh Bernstein, of the National Emigration Law Center, said four or five such bills pass each session.

Bernstein said such a bill has its best chance of approval if introduced by a senator.

Staffers for both of Missouri's senators, Republicans Jim Talent and Christopher "Kit" Bond, said the senators think the case should stay in the Department of Homeland Security.

"Sen. Bond does not do private bills," said Shana Stribling, his spokeswoman.

Bond, Talent and Rep. Ike Skelton, D-Lexington, all have contacted the Department of Homeland Security to ask them to delay the judgment on the Gonzalez family, which would be a temporary fix.

For Marie Gonzalez, passage of the federal Development, Relief, and Education for Alien Minors, or DREAM Act, would help. The legislation would allow illegal immigrants who grew up and graduated from high school in the United States to attend college here. Such students could even be eligible for in-state tuition.

The students could earn permanent resident status if they spent two of the next six years attending college, serving in the military or doing community service.

Gonzalez lobbied for the act last year in Washington and drew national attention for her effort.

The act will be filed again this year by Sen. Orrin Hatch, R-Utah, Bernstein said. The act meshes with President George W. Bush's proposals for changing immigration laws, he said.

Bernstein said, "One of the biggest tragedies would be if Marie is forced to leave and then three months later the DREAM Act passes."

Friends of the family realize a perfect solution is a long shot.

"Everyone wants to be very optimistic that something is going to come through," said LeAnn Rockwell, whose children took Spanish lessons from Marina Gonzalez. "But we're concerned that it might not happen."

Marie Gonzalez is undaunted.

"I'm not going down without a fight," she said.

Utahan Finds Herself without a Country

Utahan finds out she's not legal resident

Salt Lake Tribune (Utah)

January 31, 2005

By Rhina Guidos

From her dorm room in Logan, Heilit Martinez recalls a now ironic anecdote.

"When I was in junior high, I felt the way most [North] Americans do about the Mexicans crossing the border," said the Utah State University student. "I felt all the illegal aliens should be deported. My parents would laugh when I said that."

Little did she know.

Up until last October, Martinez was the all-American girl. By her own account, she was a good person, had never violated the law. She had just enrolled at USU, had a college scholarship and a job taking care of fellow students as a resident assistant in the dorms.

But then one October day her world fell apart. Martinez had gone to a conference in New Mexico. Like other college students, she decided to cross the border into Mexico to look for souvenirs.

When the group tried to return to the United States, she told U.S. border officers what she had been told by her parents all her life.

She was a legal U.S. resident, but a German citizen, she said, even though she had never been to Germany. Her parents -- one who is of German descent -- had brought her and her sisters from Venezuela when she was 2 years old

She had a Utah driver license and the guard was going to let her go because she had said she was a legal resident. That was the truth as she knew it, Martinez said.

But when a border official went to a computer to check out her legal resident story, Martinez couldn't be found in the immigration computer system.

Not only did officials detain her, they also told her she was in the United States illegally.

"They said, 'Right now we are waiting for your passport to come to deport you. You don't belong here and you have no right to be here,' " Martinez recalled.

Martinez, a member of The Church of Jesus Christ of Latter-day Saints, said in detention she was counseled by a Mormon psychiatrist who heard her story and helped contact her parents. They hung up on her.

She contacted her sister and an uncle, who told her the real story: Immigration officials were right.

"I'd never questioned [my legal immigration status]," she said. "I had planned that when I get married I'll switch over. I feel I've been raised here, I've lived in Utah all my life. I feel I'm an American, I've lived the American life."

In November, Utah Sen. Orrin Hatch introduced a special bill in the U.S. Senate that, if passed, will give Martinez an immigrant visa or put her on a path to become a legal, permanent resident, but it won't give a reprieve to others like her.

If the bill doesn't pass, the 18-year-old Martinez will be deported, possibly to Germany or Venezuela.

Officials from Hatch's office didn't return phone calls from The Salt Lake Tribune seeking comment on the bill.

Martinez's tale is just one of the thousands of stories of undocumented students who fear deportation from a country they recognize as home.

Like Martinez, they speak English without the slightest accent, and only know customs and practices from the United States.

They are Americans in every sense of the word, except legally said Angel Hernandez of the San Diego, Calif.-based Coalition of Student Advocates, a nationwide student group that supports legislation, also introduced by Hatch, called the Development Relief and Education for Alien Minors Act, or DREAM Act.

The DREAM Act, which has failed to gain sufficient support since it was introduced in 2003, would allow some long-term immigrant children to apply for legal U.S. residency if they complete college, join the military or perform community service.

"These children, in essence, are Americans," Hernandez said. "If they're deported, they'd be deported to a foreign country."

Yet many can't drive, can't work legally, can't enter colleges and universities with their peers, Hernandez said. They can't even explain to their friends why their lives are limited, he said.

Martinez said she remembers other students in her high school class who she suspected were undocumented. But she never thought she was one of them. With the help of a Social Security card her parents had given her, she was able to work at a McDonald's, enroll in school, obtain a scholarship and even a driver's license. There was nothing in her life to indicate that she was undocumented, she said.

When she asked her father for her alien registration card or "green card," he told her it was lost. She took him at his word.

"I feel that what makes my case different is that I'd never known," she said. "I was never asked to come here, I was not faking this life. Up until I was 12, I thought I was an American."

When she found out she wasn't a U.S. citizen, her parents told her she was a legal resident.

Teresa Mora, who works with immigrant communities in Utah, said that while Martinez's case has a human face on it, hundreds or thousands of other cases in the country do not. Some students risk enrolling in universities because they want to continue learning and, like Martinez, they never asked to come here either.

"The worry is, when they finish their studies, what are they going to do?" she said. "They live in constant anxiety and stress, even though they are honest, educated people. They have that fear, that anxiety of saying, 'I am illegal.'"

Today, Martinez knows that anxiety well. She is on probation for a year, she still attends USU but can't legally work. Though she still carries on with her day-to-day activities, participating in ethnic

students organizations, skiing with peers from her ward, volunteering at school, she knows her future, like that of other undocumented students, is not in her hands.

"Now I realize there's more to each situation," she said. "I see so much more to this picture."

Undocumented Minors Deserve a Dream

Rocky Mountain News (Denver, CO)

January 17, 2005

By Tina Griego

I know a North High School student whose parents came here illegally when he was 5 years old. He is now 17 and has never returned to Mexico.

It was right around eighth and ninth grade, he says, that he realized his options were limited in a way his friends' were not.

"Before that, it was all Power Rangers and my bike is cooler than yours," he says. "And then everything changed. My friends were getting jobs, buying things. I wanted money. I wanted a computer. I don't have a Social Security number. I couldn't get a job. This year, my friends started coming to school in cars. I'm taking the bus. I can't get a driver's license, a cell phone.

"When I was in elementary school, my teacher told my mom she should make more of me. I always remember that. But, now I'm starting to figure, 'Why bother?' I can't pay for college."

As he speaks, his eyes water and he ducks his head so I won't see. It's flat-out heartbreaking to hear a kid who has lost hope.

"It's just like one small thing could change my entire life," he says. "Just by being born here."

I thought about that student when I read our year-later story last Friday on Mayor John Hickenlooper's pledge of college tuition assistance to Cole Middle School students who graduate from high school.

It should come as no surprise that Hickenlooper and Denver Public Schools Superintendent Jerry Wartgow would like to include undocumented students in that effort.

The money would be raised from private individuals or foundations, enough to close the gap between what students can muster through loans and scholarships and the cost of schooling. Details are still being worked out. It's an expensive undertaking.

It's also one that should be encouraged. After all, we're talking about private money - not taxpayer dollars - and Coloradans as a whole reap the benefit of a more educated populace. Of course, some people find a way to be cranky over just about anything in general and illegal immigrants in particular.

For this reason, I imagine controversy will soon descend upon state Rep. Val Vigil. For the third time in three years, the Thornton Democrat will introduce a bill to allow undocumented students who have attended at least three years of high school here and have a diploma or GED to qualify for in-state tuition. Right now, these students pay out-of-state tuition, about three or four times more than

resident tuition.

With Democrats in control of the legislature, Vigil expects the third time to be a charm. Whether the governor would sign such a bill remains to be seen. OK, it's doubtful. But there's always room for hope.

Vigil's bill alone isn't enough. So, we get undocumented kids into college and they graduate. Then what? No Social Security number. No job. And yes, I am quite aware of the availability of fake numbers. That's not an option anyone likes.

So, I'd like to call upon our newly elected U.S. Sen. Ken Salazar to champion the languishing Development, Relief and Education for Alien Minors Act. Supported by Republicans and Democrats, the DREAM act would allow undocumented students to earn legal residency if they meet certain conditions.

It's a little piece of the immigration-reform puzzle, but an important one nonetheless. I don't have to tell you that there are direct and indirect consequences to inaction. I see an indirect one just about every time I write about North High School. At least one person will dial my number, invoke a curse usually involving the word "Mexican" and "illegals" and "hell." Then hang up.

Why are some callers so quick to assume, I wonder - and since they don't leave numbers, I can't ask - that these kids are illegal immigrants? (The guesstimate from North teachers, counselors and administrators I have interviewed is that anywhere from 14 percent to 30 percent of students there are undocumented. The most common estimate is 20 percent.)

The callers are racists, you might answer. Some are. But I can't help but think that others have been infected by the dehumanizing tone of the immigration debate. By the manner in which our inability to know who is here illegally has been used to promote paranoia. Brown skin equals Mexican equals illegal.

Some readers do not see the students of North for what they are, kids - and ladies and gentlemen, that's exactly what they are - but for what they believe they are not, Americans. A person is thus reduced to a thing: legal status.

If that's an indirect consequence of our lawmaker's ambivalence, undocumented students suffer a direct one. Many had no choice in their parents' decision to come here, as Vigil has repeatedly pointed out. Yet we insist upon punishing them and, in the long run, ourselves. There is not much doubt in educators' minds that some students here illegally drop out of high school because they can't pay for college.

Scholarships, though few and far between, do exist for noncitizens. Private benefactors have stepped forward to foot the bill for some undocumented students. Some students attend college using fake Social Security numbers. But, along with their parents, we have created a personal purgatory for most undocumented students. Born Mexican, raised American. Not quite either.

"What will you do," I ask the boy at North, "if you don't go to college?"

He picks up his backpack and swings it over his shoulder.

"I don't know," he says. "Maybe I'll get a job with my dad in construction."

Money Bill Would Aid Immigrant Students

Albuquerque Journal (New Mexico)

December 13, 2004

By Gabriela C. Guzman

Measure Addresses Costs for College

Ana Torres was carried across the border when she was 18 months old.

Her family relocated to Santa Fe, where Ana is now a junior at Monte Del Sol Charter School. But her dreams of attending college may be thwarted because she lacks legal status.

"Because of my legality issue, I can't receive state funding," the 16-year-old told the Santa Fe Public Schools board last Tuesday.

A Santa Fe-based immigrant advocacy group, Somos Un Pueblo Unido, asked the board to support an initiative that would allow New Mexico high school graduates, regardless of their legal status, to access state financial aid.

Also under the bill, students would be allowed to pay in-state tuition.

The law would also serve as a clarification to all state institutions of higher education that immigrant students, including those who lack a Social Security number, can be admitted, said Elsa Lopez, a project coordinator with Somos.

Currently, there is no established protocol at the state's public colleges and universities for accepting immigrant students who graduate from New Mexico high schools, said Marcela Diaz, the executive director of Somos.

Both the University of New Mexico and New Mexico State University admit immigrant students who have graduated from a local high school and allow them to pay in-state tuition, according to a survey conducted by Somos.

Other schools do it on a case-by-case basis. Still others require students to apply through the International Students Office, thus requiring them to pay the costlier out-of-state or international student tuition, while others don't admit those students at all, according to the same survey.

Because of federal provisions added into the 1996 Illegal Immigration Reform and Immigrant Responsibility Act that prevent states from funding any post-secondary benefits to illegal immigrants based on residency, the bill to be introduced to the Legislature next month will base eligibility on a student graduating from a local high school or obtaining a general education degree in New Mexico.

"It is something we need to put in the books," Diaz said.

Sen. Cynthia Nava, D-Las Cruces, is sponsoring the bill.

About 10 states, including California, Texas, Illinois and New York, have enacted laws allowing immigrant students who lack Social Security numbers to be eligible for in-state tuition and/or financial aid without violating federal law, according to the Washington, D.C.-based National Immigration Law Center.

Many of these laws garnered bipartisan support when passed.

Introduced in 2003 by Sen. Orrin Hatch, R-Utah, and Sen. Richard Durbin, D-Ill., the Dream Act, which is pending in Congress, would provide similar access to that called for by the Somos initiative.

On Tuesday, school board members expressed their support for the bill, including board member Mary Ellen Gonzales, who stated she knew many of her son's friends were in a similar situation.

According to estimates by the Urban Institute, about 80,000 undocumented children in the United States who have lived here for five years or longer reach the age of 18 each year.

They also estimate that about one-sixth to one-fifth of that group fails to complete high school.

That leaves about 65,000 who do graduate high school each year who could potentially benefit from higher education, according to the Urban Institute.

Next year, Ana will find herself in that group.

"I wish there was something..." Ana said as her voice trailed off on Tuesday before the school board.

"I hope they can pass this law