

DREAM ACT: What you can do about it!

Workshop presented by:

**Power of One
Lideres Youth Advisory Council**

October 22, 2005

**For more information about the Power of One- Lideres Youth Workforce Services
call (323) 265-1220 EXT 117**



Support the D.R.E.A.M. and Student Adjustment Acts so that the dreams of tens of thousands of immigrant students can come true.

Students pictured above from right: Maly, Seung, Kumba, Hasan, Sherab, Oliver, Catherine, Claribel, Santiago, Diana, Lisa, Fahad, Ivan, Demetrio, Alberto, Maria, Olinda, Erin, Oliver, Natalie, Edison, Julieta, Jeffrey, Millie, Hae Hyun, Seung Eun & Gehilyn,

Dear President Bush:

Every year, tens of thousands of America's brightest high-school graduates are prevented from pursuing dreams of a college education and a better future. These students, many of whom are valedictorians, honor students, class presidents, or student leaders, have had to overcome numerous barriers in order to succeed. Many were brought to this country as young children and have lived here almost their entire lives, but because they don't have immigration papers, they face limited prospects for completing their education and working legally in the United States.

These talented young men and women represent some of the best that America has to offer. Our nation cannot afford to squander its most precious human resources. That is why I support legislation in Congress – the Student Adjustment Act (H.R. 1684) in the House and the D.R.E.A.M Act (S. 1545) that would do the following:

- Permit undocumented students who graduate from high school to apply for legal residency; and
- Allow these students to pay in-state tuition at public colleges and universities in their home state.

I urge you to support student adjustment legislation. Passage of such legislation is good for families and rewards the hard work of students who have succeeded despite tough odds. These students epitomize the American dream – let's bring them into the fold!

Name: _____

Address: _____

Signature: _____

Date: _____

mail to: President Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

"Now you can attend college"

Regardless of your immigration status

As undocumented students graduated from California high schools year after year, not knowing what their future would be without a college education, they realized that there was a need to organize to change that injustice, so that these hardworking students could pursue a higher education regardless of their immigration status. Shortly after Wise Up! was born, and took this on as a campaign by engaging students from all parts of Los Angeles in this struggle. After doing student organizing, and working with other immigrant rights groups,

Gray Davis signed AB 540 into law on October 2001, and because of that organizing, now undocumented students have the opportunity to pay in-state tuition at any California college or university, who meet the AB 540 requirements. The law took affect on January 1st, 2002 allowing student to continue on with their higher education.

AB-540 REQUIREMENTS

- **A total of 3 years or more in a California high school.**
- **A California High School diploma or an equivalent G.E.D.**
- **Registration as an entering student, or current enrollment, at an accredited college or university on or after Fall 2001-2002**

The student will also have to fill out an Affidavit during the Enrollment process when applying to UCs, Cal States, and Community Colleges.

UNFORTUNATELY this law does not...

- **Give access to State or Federal Financial Aid***
- **Provide a venue for adjustment of status;**

**Although undocumented students can't get financial help, there are scholarships that undocumented students can apply to that don't require a Social Security number. Wise Up! continues to work on campaigns that will further aid all undocumented students.*



FOR MORE INFORMATION on AB540, current campaigns, or to get involved, please contact us at:

(213) 201-4449
harroyo@chirla.org

or (213) 353-3921
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www.chirla.org

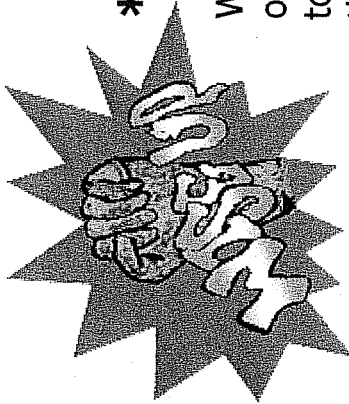
DREAM Campaign

The DREAM Act is a pending federal legislation that would help hard working students in the U.S. in continuing their higher education and provide a process for adjustment of status, financial aid, and work authorization.



Every year over 65,000 students graduate from U.S. high schools with excellent GPAs and admission letters to some of our country's top universities. However, they are not able to continue their education because of their immigrant status. Many of these students arrived to the U.S. at an early age and consider the U.S. their home, yet our broken immigration system does not allow them to fully feel at home and give them the opportunity to achieve their DREAMS despite their efforts to succeed in life and go into higher education. The DREAM Act would open the doors of colleges and universities to deserving students and put them on the track to becoming successful and fully integrated U.S. citizens.

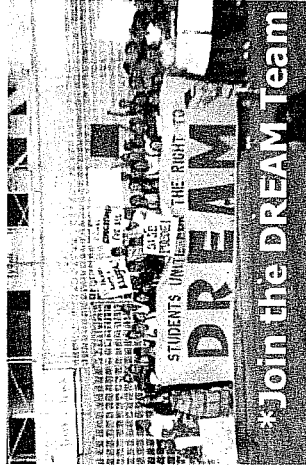
Get involved in the campaign!



How to get involved:

*Join Wise Up!

WISE UP! is a youth organization working to improve conditions that affect immigrant students. Along with the DREAM Team, they fight to ensure access to higher education for all undocumented students through education and leadership development.



The DREAM Team Coalition is made up of CHIRLA Wise Up!, MALDEF, Korean Resource Center (KRC), ACLU-SC, CARECEN, Student Movement Organization, Hermandad Mexicana, El Rescate, NAKASEC, Our Lady of Victory/Sacred Heart Church, IDEAS and Immigrant Rights Coalition of UCLA, IDEPSCA Teens in Action, ArtsCorpsLA. ALAS. e. c.

The FACTS about the ACT:

- *must have entered the U.S. before the age of 16.
- *must have a high school diploma or GED at time of application for relief;
- *must have lived in the US for at least 5 years prior to the date of enactment.
- *must demonstrate good moral character with no criminal record
- *"conditional status" will be granted during the first six years during which one of the following options must be completed.
 - *two years in a institution of higher education
 - *serve 2 years in the US Armed Forces

For other ways to get involved or more information contact Horacio Arroyo, WISE-UP! Youth Organizer, at (213) 201-4449 or by e-mail at harroyo@chirila.org. You can also visit our website at www.chirila.org



Kamal was 11 when he came to the U.S. from Morocco with his parents and younger twin brothers. Today, Kamal, a student at Fordham University School of Law, and his brothers fear that they will face Marie's situation and have to leave this country, their home.

Kamal's parents left Morocco because they wanted their children to grow up in this land of freedom, democracy and opportunity. When they arrived in the U.S., Kamal's father worked for a social service agency that agreed to sponsor him for a green card but failed to file the paperwork correctly, putting the family's immigration status in danger.

Kamal was a normal American high schooler who played hockey and was obsessed with baseball. He had no idea that he did not have legal status until he began the process of applying to college. Without legal status he could not qualify for financial aid, so he had to give up his dreams of attending a top engineering school. Kamal's parents worked hard to be able to afford to send him to Queens College, where he was the editor in chief of the school's newspaper, majored in economics, and graduated with honors.

In the aftermath of the terrorist attacks on the World Trade Center, the U.S. government created a program known as "Special Registration" to further its search for terrorists. Special Registration required that boys and men from more than 20 Muslim-majority countries, and North Korea, be fingerprinted, photographed and questioned. Kamal, his brothers and his father were four of the 83,000 who came forward. Now, Kamal and his brothers are part of the 13,000 placed into deportation proceedings after they complied with the Special Registration program.

Today, Kamal is trying to live his life, in spite of the threat of deportation. Kamal's experiences with this nation's broken immigration system and the Special Registration program inspired him to go to law school and ultimately serve New York's Arab-speaking immigrant communities. Kamal entered Fordham Law School as part of the Stein Scholars in Public Interest Law and Ethics program. He has been an active legal advocate since the beginning of his legal career. In connection with his work with domestic violence victims, he became the first man to receive the Domestic Violence Fellowship from the New York State Women's Bar Association. He is preparing to become a leader in his community and a public servant, upholding the laws of the country he calls home. Tragically, Kamal may be forced to leave his home for Morocco; a country whose language and culture is foreign to him.

For more information please call Julie Dinnerstein at Sanctuary for Families at 212-349-6009 X259



Marie Nazareth Gonzalez was born in Costa Rica but was raised in Jefferson City, Missouri. She and her parents, Marvin and Marina Gonzalez, entered the country when she was 5 years old on a tourist visa and have been model citizens. Prior to serving as a courier for Governor Bob Holden, Marvin Gonzalez operated the family's business. They own a home, pay taxes and are very active in the church and their community. Unfortunately, today the Gonzalez family's future in the U.S. is uncertain. In 2001 the Gonzalez family was placed under deportation proceedings and, recently received a June 5 departure date from the Department of Homeland Security.

Marie graduated with Honors from Helias High School, one of the top high schools in Missouri, last May. She was a very dedicated and active student throughout high school: she was a member of the National Honors Society and foreign language club; was in the tennis and track team; and was one of five members of the homecoming court her senior year. Marie also found time to volunteer for the VITAE Society and the youth group at her church. Under normal circumstances Marie would have just completed her first year of college, but because of her immigration status, Marie was kept from pursuing a higher education and denied the opportunity to follow her dreams and become an international corporate lawyer.

Marie has become a key leader in the national effort to pass the DREAM Act. She appeared on the Rocio show earlier this year and was featured in Latina Magazine as one of the "Mujeres of the Year" (Women of the year).

For more information please Center for Community Change Jennifer Fuson 202-339-9350 or jfuson@communitychange.org

Basic Facts about In-State Tuition for Undocumented Immigrant Students

July 2005

■ **Background**

Since 2001, nine states have passed laws permitting certain undocumented students who have attended and graduated from their primary and secondary schools to pay the same tuition as their classmates at public institutions of higher education. The states are Texas, California, Utah, Washington, New York, Oklahoma, Illinois, Kansas, and New Mexico.

A majority of America's undocumented immigrants live in these states, and several other states are considering a similar change. In many of the states that have already done so, support has been strongly bipartisan and the vote lopsided in favor of the bill. For example, in the Illinois General Assembly, the vote in the House was 112 to 4 and, in the Senate, 55 to 1.

■ **Requirements of These Laws**

To qualify, all 9 states that already have such laws require the students to have:

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

These laws also provide that U.S. citizens or permanent residents who meet these requirements but no longer live in the state are able to qualify for the same tuition rate.

■ **Intent and Impact of These Laws**

These bills are primarily intended to help children of immigrants who were brought to the U.S. by their parents and work hard in school with the hope of going to college but then discover that they face insurmountable obstacles. Currently, public colleges and universities are inconsistent in their treatment of such students. A few schools deny them admission. If they are admitted, students in most states are charged out-of-state tuition, which is several times the in-state tuition rate. They are not eligible for federal financial aid, and the average income of parents of such children is low. Even those who are eligible for in-state tuition almost always have to work at full-time jobs throughout their college careers.

In the current context, very few of these students attend college. Experience in the states that have passed in-state tuition bills suggests that such legislation does not deprive the states of the revenue from large numbers of students who would otherwise pay out-of-state tuition. Rather, it raises the percentage of high school graduates who pursue a college degree.



National
Immigration
Law Center
www.nilc.org

NATIONAL IMMIGRATION LAW CENTER

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202 216-0261
202 216-0266 fax

Oakland, CA
405 14th Street, NW
Suite 1400
Oakland, CA 94612
510 663-8282
510 663-2028

■ Fairness to the Young People Involved

As has been true of immigrants in the past, these students tend to be hard-working and goal-oriented, with high academic standing. Many of them do not realize until they are in the process of applying to college that they will not be able to attend. High school counselors have testified about the terrible task of breaking the news to the students that the dreams for which they have worked so hard cannot come true. Many parents are concerned that if their hard-working, earnest sons and daughters are unable to go forward, their discouragement might lead to problems.

■ Benefits to the State

According to experts in the states that have already passed this legislation, the cost of implementation has been negligible. In-state tuition is not the same as free tuition. It is a discount, but in fact the money paid by these students actually tends to increase school revenues because it represents income that would not otherwise be there.

The bottom line is that our economic future depends on educating these young people.

These young immigrants are key to our ability to counteract the serious demographic challenges we face. As baby boomers age, the number of retirees in the U.S. will swell. We are all aware that we can no longer compete with the rest of the world for low-wage jobs. We must raise the caliber of our workforce through higher education to have a chance to maintain a strong economy. Each person who attends college and obtains a professional job means one less drain on the social service (and possibly criminal justice) budgets of the state and an asset in terms of payment of taxes and the attraction to the state of high-wage employers seeking well-educated workers.

Currently, only about 5 to 10 percent of undocumented young people who graduate from high school go on to college, compared with about 75 percent of their classmates.

■ Why These Students Are Undocumented

Some people have asked why the students involved do not apply for a “green card” to legalize their status. The answer is that most of them would love to apply but that in the overwhelming majority of cases they cannot. The legal grounds for such petitions have narrowed to the point where it is almost impossible. The most likely outcome for a student who tries to apply is deportation of his entire family — sometimes to a “home” nation the student cannot remember.

■ Fully Complies with Federal Law

Contrary to the claims of immigration restrictionists, federal law does *not* prohibit states from providing in-state tuition to undocumented immigrants. Such a prohibition would have been simple to write, but Congress declined to do so.

Rather, section 505 of the Illegal Immigrant Reform and Immigrant Reconciliation Act of 1996 (IIRIRA) prohibits states from providing any higher education benefit based on residency to undocumented immigrants unless they provide the same benefit to U.S. citizens in the same circumstances, regardless of their residence.

As discussed above, the 9 states that have provided in-state tuition to most of their undocumented immigrant residents have fully complied with this provision.

■ Not a Loophole

It is often stated that these states are “getting around” the federal law, or that they are taking advantage of a “loophole” in the federal law. This is slanted language. The law is very specific. It does not preclude states from providing in-state tuition to undocumented residents of the state so long as nonresidents in similar circumstances also qualify. The states that have passed in-state tuition laws are complying with this law, not getting around it.

Despite many threats and claims, immigration restrictionists have managed to file only one lawsuit challenging any of these laws. That was in Kansas in late 2004, and the lawyer who filed the lawsuit did so in the context of his unsuccessful campaign for Congress. In that case, the federal district court upheld Kansas’ law.

■ What about U.S. Citizens Who Want to Go to College?

Where state proposals have been defeated, anti-immigrant forces have scored rhetorical points by highlighting the competition between immigrants and other applicants for scarce higher education dollars. It should be remembered that the numerical impact of in-state tuition is minimal: Less than 2 percent of this year’s graduating class are undocumented immigrants, and only a fraction of these will attend college even if they are able to pay the in-state rate. In most states, we are talking about only a few dozen or a few hundred particularly talented students.

The shortage of education dollars is real, but it is patently unfair to burden motivated and high-achieving immigrant youth with this responsibility. Education quickly pays for itself. It is a benefit to society, not just to those who go to school. And it strongly behooves us to fund education sufficiently so that all who are qualified may complete their education.

Holding back immigrant students is the wrong way to boost the ambitions of others.

■ Won’t the Federal DREAM Act Solve This Problem?

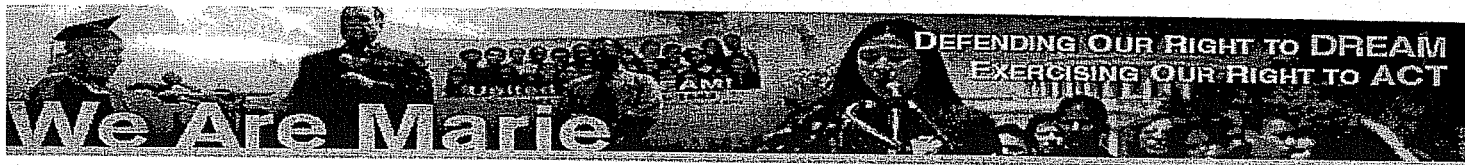
Broadly supported legislation known as the DREAM Act is currently pending in the U.S. Congress and stands a reasonable chance of passage in the next year or so. The DREAM Act would provide a path to legal status for individuals who are undocumented, even though they were brought to the U.S. years ago as children and have lived most of their lives here. It would also repeal the provision of law discussed above that penalizes states that provide in-state tuition to undocumented immigrant residents by requiring them to provide the same benefits to students who do not reside in the state.

But although the DREAM Act eliminates the federal penalty, it does not require states to provide in-state tuition to any undocumented immigrants. Therefore, even after the DREAM Act passes, each state will have to determine for itself whether to do so.

FOR MORE INFORMATION, CONTACT

Josh Bernstein, NILC director of federal policy | bernstein@nilc-dc.org | 202.216.0261

Take Action



Action Alerts

- We need the DREAM Act: Your Representatives and Senators need to hear that people from their state support immigrant students in receiving a higher education and a path to legalization!

Contact Your Elected Federal Officials

- Your Representatives: Look up your Congressional Representatives. (<http://www.house.gov/writerep/>)
- Your Senators: Your state senator is provided with their contact information. (http://www.senate.gov/general/contact_information/senators_cfm.cfm)
- White House: Contact the President of the United States. (<http://www.whitehouse.gov/contact/>)

*Please send a letter to Senator Hatch and Senator Durbin, encouraging them to reintroduce the DREAM Act. You can call their offices at 202-224-5251 (Hatch) and (202) 224-2152 (Durbin) and deliver the following message to each one:

"Hi, my name is _____. I am calling to thank the Senator for his efforts in the last Congress to help immigrant students achieve their dreams of going to college and becoming citizens. I would like to encourage Senator Hatch/Durbin to reintroduce his bill, the DREAM Act, as soon as possible. This bill has gained urgency, as a young woman who has been a courageous spokesperson for the DREAM Act will face deportation once again if the DREAM Act is not passed this year. Marie Gonzalez grew up in Missouri, and graduated from one of the states best high schools with honors. She is the type of student Senator Hatch and Senator Durbin had in mind when they first introduced the DREAM Act. I can think of no better way to show his support for Marie and the thousands of students like her.

The receptionist will likely want to know where you are from, to determine whether you are the Senator's constituent. Simply say that you are "a concerned citizen who wants to express your gratitude for the Senator's willingness to help immigrant students achieve their dreams."