

The “DREAM Act” and the “American Dream Act”

Background

Every year, U.S. high schools graduate approximately 65,000 immigrant students. Brought to this country as young children, they have grown up in American K-12 schools and share our culture and values. Like their U.S.-born peers, they dream of pursuing higher education. Unfortunately, due to their immigration status, they are barred from the opportunities that make a college education affordable – in-state tuition rates, state and federal grants and loans, most private scholarships, and the ability to legally work their way through college. In effect, they are denied the opportunity to share in the American Dream. If passed, the “Development, Relief, and Education for Alien Minors (DREAM) Act,” S. 774, a bipartisan federal proposal led by Senators Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN), would facilitate access to college for immigrant students in the U.S. by restoring states’ rights to offer in-state tuition to immigrant students residing in their state. The “DREAM Act” would also provide a path to citizenship for hardworking immigrant youth who were brought to the U.S. as young children and to pursuing higher education or military service, enabling them to contribute fully to our society. Representatives Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL), and Lucille Roybal-Allard (D-CA) introduced a similar proposal, the “American Dream Act,” H.R. 1275, in the U.S. House of Representatives.

What Do These Bills Do?

The “DREAM Act” and “American Dream Act” restore states’ rights to determine residency for in-state tuition. The “DREAM Act” would repeal Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), a federal provision requiring any state that provides in-state tuition rates to undocumented immigrants to provide the same tuition rate to out-of-state residents. Section 505, therefore, discourages many states from offering in-state tuition rates to undocumented students wishing to attend postsecondary institutions in the states in which they reside. Repealing this provision would restore a state’s right to determine criteria for higher education benefits for state residents.

The “DREAM Act” and “American Dream Act” provide an opportunity for U.S.-raised students to earn U.S. citizenship. The “DREAM Act” would allow certain immigrant students to adjust their status to that of a legal permanent resident on a conditional basis for six years based on the following requirements:

- ▶ **Age.** Immigrant students must have entered the U.S. before age 16.
- ▶ **Academic requirement.** Students must have been accepted for admission into a two- or four-year institution of higher education or have earned a high school diploma or a general educational development (GED) certificate at the time of application for relief.
- ▶ **Long-term U.S. residence.** Students must reside in the U.S. when the law is enacted. In addition, those eligible must have lived in the U.S. for at least five years preceding the date of enactment of the Act.
- ▶ **Good moral character.** Immigrant students must demonstrate good moral character, a defined term in immigration law. In general, students must have no criminal record.

The conditional basis upon which legal permanent residence was granted will be removed and become permanent if the student has fulfilled at least one of the following within six years:

- ▶ Earned a degree from an institution of higher education (two- or four-year institution), or maintained good standing, for at least two years, at an institution of higher education while working toward a bachelor's degree or higher
- ▶ Served in the U.S. Armed Forces for at least two years and, if discharged, received an honorable discharge.

The “DREAM Act” and “American Dream Act” provide work authorization and protection from deportation for students ages 12 and older. Students who are at least 12 years old, enrolled full-time in primary or secondary school, and have met all the requirements for conditional permanent legal resident status, except for high school graduation, will be eligible for protection from deportation and granted work authorization.

The “DREAM Act” and “American Dream Act” provide financial aid assistance. These bills would ensure that students who have adjusted their immigrant status under the “DREAM Act” and the “American Dream Act,” including those on a conditional basis, would be eligible for federal education loans and work-study programs.

Why the “DREAM Act” and “American Dream Act” are Important

America rewards hard work. Students in America know that by studying and achieving success in high school, they can potentially earn the reward of a college education and truly fulfill their potential. The American way is to offer equal opportunities to all and encourage all to make the most of their talents.

Current law punishes children for a decision that they did not make. America cannot continue to penalize young people who have lived in the U.S. since they were children. These individuals were brought to the U.S. as very young children and are not to blame for their lack of documentation. They have done nothing wrong and should not be punished.

These children are Americans. Granting access to the “American Dream” for kids who have grown up reciting the Pledge of Allegiance, playing baseball, and eating apple pie is the right thing to do. They have sat alongside our children in the classroom. They share American values and traditions. This country is their home.

There is a significant cost to our nation in denying these children a college education. We have already made a significant investment in their K-12 education. We risk an enormous cost by cutting their education short and not reaping the full potential of our investment. There is no benefit to this nation in leaving this segment of the population undereducated and thereby relegated to second-class citizenship and low-paying jobs insufficient for supporting a family.

Status of Legislation

The “DREAM Act,” S. 774, and the “American Dream Act,” H.R. 1275, were introduced in the 110th Congress in March 2007. The bills have been referred to the Senate and House Committee on the Judiciary, as well as the House's Committee on Education and Labor. The National Council of La Raza (NCLR) expects that this legislation will also be included in any upcoming comprehensive immigration reform bill that is proposed in the House and Senate.

NCLR Position

NCLR urges passage of the “DREAM Act,” S. 774, and the “American Dream Act,” H.R. 1275. Providing a path to U.S. citizenship for hardworking and talented immigrant students who have been raised in the U.S. is critical to improving the pipeline from high school to college and providing meaningful employment for Latinos.

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