

## Connecticut Debate Association

November 12, 2011, Amity and New Canaan

# Resolved: The US should adopt legislation substantially similar to the DREAM Act.

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## DREAM Act

### From Wikipedia, the free encyclopedia

The **DREAM Act** (acronym for **Development, Relief and Education for Alien Minors**) is an American legislative proposal first introduced in the Senate on August 1, 2001<sup>[1]</sup> and most recently reintroduced there on May 11, 2011.

This bill would provide conditional permanent residency to certain illegal alien-students of good moral character who graduate from US high schools, arrived in the US as minors, and lived in the country continuously for at least five years prior to the bill's enactment. If they were to complete two years in the military or two years at a four year institution of higher learning, the students would obtain temporary residency for a six year period. Within the six year period, a student may qualify who has "acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States" or have "served in the armed services for at least 2 years and, if discharged, has received an honorable discharge".<sup>[2]</sup> Military enlistment contracts require an eight year commitment, with active duty commitments typically between four and six years, but as low as two years.<sup>[3][4]</sup> "Any alien whose permanent resident status is terminated... shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act."<sup>[5]</sup> This bill would have included illegal immigrants as old as 35 years of age.

In a December 2010 report, the Congressional Budget Office and the Joint Committee on Taxation estimated that the November 30th, 2010 version of the DREAM Act would "reduce deficits by about \$1.4 billion over the 2011-2020 period and increase government revenues by \$2.3 billion over the next 10 years."<sup>[6]</sup> The same report also notes that the Act "would increase projected deficits by more than \$5 billion in at least one of the four consecutive 10-year periods starting in 2021".

One recent UCLA study estimates that between \$1.4 trillion and \$3.6 trillion in taxable income would be generated for the economy over a 40 year period based upon estimates ranging between 825,000 and 2.1 million potential DREAM Act beneficiaries successfully obtaining resident status through the legislation.<sup>[7]</sup>

### Background

Members of Congress have introduced several forms of this bill in both the House of Representatives and the Senate. Members in the House passed one such bill on December 8, 2010 by a vote of 216-198;<sup>[8]</sup> Senators debated a version of the DREAM Act on September 21, 2010. A previous version of the bill, S.2205, which required 60 votes to gain cloture, failed on a 52-44 vote in 2007, 8 votes short of overcoming a filibuster by senators opposed to the bill.<sup>[9]</sup>

The United States military faced challenges in enlistment, which in 2005 were described as a "crisis",<sup>[10]</sup> though the economic downturn of 2007-2010 did away with many of the enlistment challenges. Immigrants without a United States Permanent Resident Card (also known as a green card) are not allowed to enlist. In 2007, several senior officials at the Department of Defense have spoken in favor of promising resident status to members of the military as a means of boosting recruitment.<sup>[11]</sup>

### Description

Under the 2009 version of the Senate bill<sup>[12]</sup> DREAM Act beneficiaries must:

- Have proof of having arrived in the United States before age 16.<sup>[13]</sup>
- Have proof of residence in the United States for at least five consecutive years since their date of arrival.
- If male, Have registered with the Selective Service.
- Be between the ages of 12 and 35 at the time of bill enactment.
- Have graduated from an American high school, obtained a GED, or have been admitted to an institution of higher education.

- Be of "good moral character"<sup>[14]</sup>

During the first six years, qualifying illegal immigrants would be granted "conditional" status and would be required to (a) graduate from a two-year community college or complete at least two years towards a four-year degree or (b) serve two years in the US military. After this six year period, those who meet at least one of these three conditions would be eligible to apply for permanent resident status. During this six year conditional period, they would not be eligible for federal higher education grants such as Pell grants but they would be able to apply for student loans and work study.<sup>[15]</sup>

If they have met all of the conditions at the end of the 6-year conditional period, they would be granted permanent residency, which would eventually allow them to become U.S. citizens.<sup>[16]</sup> It is not known how many of those eligible would go on to complete the further requirements. One organization estimated that only 7,000–13,000 college students nationally can fulfill the further obligations.<sup>[17]</sup> A different analysis found that over 2 million illegal aliens could benefit under the Act.<sup>[18]</sup>

The bill also restores the option for states to determine residency for purposes of higher education benefits by repealing Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (8 U.S.C. 1623).<sup>[12]</sup> The majority of states interpret this provision as disqualifying illegal immigrants students from certain higher education benefits such as in-state tuition rates.<sup>[19]</sup> Some states have enacted laws aimed at making unauthorized state residents eligible for in-state tuition rates without violating this IIRIRA provision.<sup>[20]</sup> However, some students paying out-of-state tuition have filed lawsuits in these states, claiming state education officials violated this federal law.<sup>[21]</sup>

The DREAM Act, along with a repeal of "Don't Ask, Don't Tell", was incorporated into the National Defense Authorization Act for the Fiscal Year 2011. On September 21, 2010, the Senate filibuster of the bill was maintained in a 56–43 vote; it would have taken 60 votes to stop the filibuster and continue the progress of the bill.<sup>[30]</sup> The following day, Durbin introduced the bill once again along with Richard Lugar. Only two senators co-sponsored the bill and it was defeated again.<sup>[31]</sup> Less than a month later, on November 16, President Barack Obama and top Democrats pledged to introduce the Dream Act into the House by November 29.<sup>[32]</sup> The House of Representatives passed the DREAM Act on December 8, 2010,<sup>[33][34]</sup> but the bill failed to reach the 60-vote threshold necessary for it to advance to the Senate floor (55 yeas – 41 nays).<sup>[35]</sup>

## 2011

On May 11, 2011 Senate Majority Leader Harry Reid reintroduced the DREAM Act in the Senate. Some Republicans who had supported the bill in the past, including Sen. John Cornyn of Texas, Jon Kyl of Arizona, John McCain of Arizona, and Lindsey Graham of South Carolina, withheld their votes, objecting that such bill should not be granted without some sort of balance increasing immigration enforcement. Reid indicated that he would consider adding a workplace enforcement measure in the DREAM Act that would require every employer to use E-Verify, the government's Internet-based work eligibility verification system.<sup>[36]</sup> President Obama supported the bill as one of his efforts to reform US immigration system.<sup>[37]</sup>

In July 2011, a state-level law in California was enacted, giving illegal immigrant students access to private college scholarships for state schools.<sup>[38]</sup> In August, the state of Illinois authorized a privately-funded scholarship plan for children of immigrants both legal and illegal.

## Criticism

Opponents of the DREAM Act argue that it encourages and rewards illegal immigration. Other stands include viewing it as importing poverty and cheap labor, being a military recruitment tool, having economic and social burdens (subsidies from state and federal taxes, degradation of the public school system and neighborhoods), and as being unfair to American-born and legal immigrant parents and children who must pay full tuition at state universities and colleges. Primary support has come from the Latino, Asian communities, both private and state universities, which otherwise would not receive tuition from those illegal-alien students who could not afford it

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## Passing the DREAM Act is “The Right Thing To Do,” Duncan Says

ABC News' Mary Bruce Reports Sep 21, 2010 2:07pm

Education Secretary Arne Duncan offered his full support this afternoon for passage of the DREAM Act, pending legislation that would provide a path to citizenship for young illegal immigrants who go to college or join the military.

"I want to be explicitly clear about where President Obama and I stand on this issue," Duncan said on a conference call with reporters. "I believe it's not only the right thing to do for these students, who want for themselves the same things that we all want for our own children, it's also the right thing to do for our country. In this economy we need everyone trained and prepared for the jobs of the future."

This morning Duncan sent a letter to Senate Majority Leader Harry Reid and Minority Leader Mitch McConnell expressing his support for the legislation. The Senate is scheduled to vote this afternoon on whether to attach the measure to a defense authorization bill.

"Above all it will stop punishing innocent people for the accidental circumstances of their birth. Many came here to the U.S. as young children. America is the only country they know. They've done exactly what was asked of them in their schools and they deserve every opportunity to go further in life," Duncan said.

The DREAM Act will give hundreds of thousands of undocumented immigrants a chance at citizenship provided they receive a college degree or complete at least two years of military service and are of "good moral character." To qualify, an illegal immigrant must be younger than 36 years old and have arrived in the U.S. as a child.

The National Immigration Law Center has estimated that roughly 725,000 people would be eligible to take advantage of this provision.

Take for example Diana Rebollevo, an illegal immigrant who came to the U.S. from Mexico when she was nine years old. When she graduated from high school she hoped to go to college, but without legal status she knew she could never afford it.

"I saw all my friends talking about the universities they wanted to go to," she said on the conference call. "I couldn't apply to the scholarships they were applying for or the schools they were applying to... I was undocumented and I couldn't do that." After taking time off to save money, Rebollevo enrolled in community college.

If the DREAM Act passes, states would apply in-state tuition rates to undocumented students like Rebollevo.

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## **Sen. Sessions: 10 Reasons to Oppose DREAM Act**

Senator Jeff Sessions, (R-Ala.), posted on NumbersUSA, Friday, December 17, 2010

Ranking Member of the Senate Judiciary Committee, Senator Jeff Sessions (R-Ala.), is urging his Senate colleagues to oppose the DREAM Act Amnesty bill that will come up for a vote on Saturday in the Senate. Sen. Sessions says the bill contains too many loopholes, allows too many illegal aliens to qualify, and doesn't hold illegal aliens to the educational and military standards that its supporters say it does.

Sen. Sessions also expressed his outrage that the bill was not reviewed by the Senate Judiciary Committee and highlighted the hidden costs that weren't examined by the Congressional Budget Office.

"Americans reject amnesty as long as the unacceptable lawlessness continues," Sen. Sessions said. "But this bill simply incentivizes and rewards more illegality. And, if it passes, what principle would lawmakers cite to object to another amnesty, for another group, and another one after that? Its passage will only encourage more people to unlawfully enter our country expecting a DREAM Act of their own."

Sen. Sessions outlined 10 reasons why the Senate should reject the DREAM Act:

- The DREAM Act Is NOT Limited to Children -- Applicants can be up to the age of 29
- The DREAM Act Will Be Funded On the Backs Of Hard Working, Law-Abiding Americans -- CBO failed to assess costs for education, increased levels of unemployment due to the addition of workers to the workforce, and increases in potential applicants because of loopholes.
- The DREAM Act PROVIDES SAFE HARBOR FOR ANY ALIEN, Including Criminals, From Being Removed or Deported If They Simply Submit An Application -- Burden of proving inaccurate information on a DREAM Act application is on the Department of Homeland Security.
- Certain Inadmissible Aliens, including those from high-risk regions, Will Be Eligible For Amnesty Under The DREAM Act
- Certain Criminal Aliens—including drunk drivers—Will Be Eligible For Amnesty Under The DREAM Act -- The DREAM Act allows applicants be convicted of 1 felony or up to 3 misdemeanors.
- Conservative Estimates Suggest That At Least 1.3 Million Illegal Aliens Will Be Eligible For the DREAM Act Amnesty. In Reality, We Have No Idea How Many Illegal Aliens Will Apply

- The DREAM Act Does Not Require That An Illegal Alien Finish Any Type of Degree (Vocational, Two-Year, or Bachelor's Degree) As A Condition of Amnesty -- The applicant only has to complete the equivalent of two years of college.
- The DREAM Act Does Not Require That an Illegal Alien Complete Military Service As A Condition For Amnesty, and There Is already A Legal Process In Place For Illegal Aliens to Obtain U.S. Citizenship Through Military Service
- Despite Their Current Illegal Status, DREAM Act Aliens Will Be Given All The Rights That Legal Immigrants Receive—including The Legal Right To Sponsor Their Parents and Extended Family Members For Immigration
- Current Illegal Aliens Will Get Federal Student Loans, Federal Work Study Programs, and Other Forms of Federal Financial Aid

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## **Pro & Con: Should Congress pass the DREAM Act for immigrant children?**

ajc.com (web site of The Atlanta Journal Constitution), November 22, 2010

### **YES: The legislation gives incentives for learning and rewards hard work.**

By Jerry Gonzalez

Seventy-four thousand. That's the number of undocumented youth in Georgia who could potentially benefit from the passage of the DREAM Act, according to a recent report issued by the Migration Policy Institute.

These children were brought to this country by their parents at very young ages, and through no fault of their own are undocumented.

We as taxpayers have invested in their k-12 education, and they deserve a chance to go to college or serve in our military. These 74,000 kids are 3 percent of the 2.1 million nationally who could potentially be impacted by the DREAM Act.

They deserve an opportunity to contribute to the country they have known as their home for most of their lives.

The bipartisan DREAM Act would provide undocumented students the opportunity to become legal residents if they graduate from high school and complete two years of college or military service.

It's a no-brainer. The DREAM Act is a tremendous investment, a great way to further integrate students who are already an integral part of our society and economy, and a great incentive for these young people to pursue higher education or military service.

The viability of the DREAM Act is even included in the U.S. Department of Defense Strategic Plan for 2010-12 as a way to increase potential military recruits.

Despite the fact that comprehensive immigration reform is truly the answer to our broken immigration system, the DREAM Act would be a good start.

Unfortunately, during the most recent Joint Legislative Committee on Immigration Reform public hearing, our state legislators who have the power to influence the passage of this critical legislation continued to deliberately overlook the facts and entertain the reckless rhetoric at the expense of innocent students.

In fact, Rep. Tom Rice, R-Norcross, has pre-filed a proposal that would ban access to higher education to all undocumented students in our state, making Georgia only the second state with such a restrictive policy for access to higher education.

In fact, most states have passed legislation that encourages youth in these situations to attend higher education by allowing in-state tuition. These states are in full compliance with federal laws.

In Georgia, the Board of Regents has reserved a ban of access to the top five universities and colleges due to space limitations, but allows access to all other institutions for higher education.

These students when enrolled in Georgia, under current state law, would be required to pay out-of-state tuition, which creates a profit for the colleges they attend. Their enrollment is not subsidized at all by taxpayers, according to the analysis done by the Board of Regents.

Education is a great equalizer. Despite the belief of Georgia Sen. Bill Heath, R-Bremen, these young people are not "wasted space" at our institutions of higher learning. They are truly an asset for our state.

Denying access to education to anyone who is qualified and willing to be educated is morally reprehensible.

These youth are the promise and the future of our great state and nation, and they should be afforded every opportunity to fulfill their human potential to contribute to society.

The time for political posturing has passed. It's time to lead and time to stand up for our shared values of an education and rewarding hard work.

We would hope that our congressional delegation would move quickly and support the DREAM Act with great urgency during this lame-duck session. No one should dash the dreams of so many young people.

*Jerry Gonzalez is executive director of the Georgia Association of Latino Elected Officials (GALEO).*

## **NO: The act's loopholes will entice people to enter the United States illegally.**

By Phil Kent

The usual propaganda is again being rolled out urging Congress to pass the DREAM Act that would grant amnesty to Kennesaw State University's Jessica Colotl and countless other illegal alien students who arrived as children with their parents when they snuck across our border.

Unfortunately, as sympathetic as we might be for such young people with compelling human interest stories, the DREAM Act is so full of loopholes that passage would result in a nightmare for our nation.

Perhaps if the DREAM Act drew the lines more narrowly as to who could stay — especially if it really covered just children who have grown up culturally and psychologically as Americans over the past 15 years or so, it might garner more support. But this legislation contains major flaws.

Anyone who claims to meet the criteria for the amnesty under the act must be granted legal status unless the government spends the time and money to prove that they don't. This means every state would be stuck with hundreds of thousands of illegals who would receive a "get out of jail free" card, and who will be counting on the fact that the government doesn't have the resources to check whether the flood of applications are legitimate or fraudulent.

Numbers USA researcher Jeremy Beck underscores the important national security impact:

"The DREAM Act would prevent the Department of Homeland Security from deporting aliens who've applied for the amnesty until their applications are resolved — and if DHS eventually decides that some aliens do not qualify for the amnesty, DHS cannot use the statements aliens made in their applications to deport them, because their statements are protected by the confidentiality section in the act. Savvy criminals could halt or slow their deportations long enough to be released back into the general population."

Furthermore, if the DREAM ACT is passed, millions of its beneficiaries would then be able to eventually sponsor parents and other relatives to legally come here — including those adults who originally broke the law and put the young DREAM Act recipient in their current tight spot. Each of these family members could then sponsor their extended family.

So why would Congress, especially as the country faces years of high national unemployment, want to expand the number of newcomers who would further strain everything ranging from our schools to our health care system?

The Migration Policy Institute estimates that 2.1 million people would be eligible for the DREAM Act legalization. But that estimate obviously does not take into account this Third World chain migration trigger buried in the legislation.

The open borders lobby loves the DREAM Act because it does nothing to prevent parents from anywhere in the world from bringing their children here illegally. The law would enable the children get a kindergarten through 12th grade education, welfare and other services all at taxpayer expense — and it then simply puts them in the same untenable position as Jessica Colotl is now.

The DREAM Act would be the eighth legislative amnesty for millions of illegal aliens since 1986, and all too many of those recipients haven't bothered to learn English proficiently or assimilate into the overall culture.

As columnist George Will notes, we've "imported poverty" by amnestying millions who earn less than \$10,000 a year and who have less than an eighth-grade education.

Why should Congress grant yet another mass amnesty that will only serve as a magnet for more illegal immigrants to come here?

*Phil Kent of Atlanta is national spokesman for Americans for Immigration Control.*

## Five Moral Arguments Against the DREAM Act

TownHall.com, By Ira Mehlman, 7/1/2011

It's back. Sen. Dick Durbin (D-Ill.) is once again pushing the DREAM Act amnesty. Before a packed room (mostly of illegal aliens), the Senate Judiciary Committee held a hearing earlier this week stacked with witnesses who favor granting amnesty to millions of illegal aliens.

Leaving aside all of the deceitful provisions that have been built into the bill that makes it a much broader amnesty than proponents let on, it is important to address the fundamental premise that passing the bill is a moral imperative because the people who would benefit are blameless for being here illegally.

**The DREAM Act fulfills the parents' principle reason for breaking the law in the first place.** Ask the typical illegal alien why he or she came to United States illegally, and invariably the answer is, "I wanted to do better for my family." This is a perfectly rational and understandable response, but not a justification for violating the law. In essence, what the DREAM Act does is provide the parents precisely what they sought when they brought their kids illegally to the United States: a green card and all of the benefits that America has to offer. Even if the bill were to include a provision that DREAM Act beneficiaries could never sponsor the parents who brought them to the country illegally, it would still fulfill the parents' primary objective for bringing them here.

**The DREAM Act would touch-off an even greater wave of illegal immigration.** Because the DREAM Act is being marketed as a moral imperative – as opposed to a more general amnesty, which is sold as bowing to reality – it comes with an absolute assurance that it will be repeated. If we have a moral imperative to provide amnesty to the current population of people who were brought here as kids, won't we have the same moral imperative for the next generation of people who arrive under similar circumstances? The unmistakable message to people all around the world is: Get over here and bring your kids. America will feel morally obligated to give them green cards too.

**The DREAM Act absolves illegal aliens of their fundamental responsibilities as parents.** There is a fundamental principle that parents are responsible for the consequences that their actions and choices have on their kids. Unfortunately, children inevitably pay a price when parents make bad decisions or break laws. The DREAM Act carves out a single exception to this universal tenet of the social contract. The message it sends is that if you violate U.S. immigration law, American society is responsible for fixing the mess you created for your kids.

**The absence of a reward or benefit is not the same as a punishment.** DREAM Act proponents repeatedly argue that by not granting legal status to targeted beneficiaries we are, essentially, punishing children for the sins of their parents. This is an absolutely specious claim. By no stretch of the imagination are the children of illegal aliens being punished. Not rewarding them with legal residence and expensive college tuition subsidies is simply withholding benefits to which they never had any entitlement in the first place.

**Adults have the obligation to do the right thing, even if their parents have done the wrong thing.** Society glorifies people who do what is right, especially when doing what is right comes at some significant cost. Yes, many would-be DREAM Act beneficiaries have been dealt a bad hand (by their parents). As difficult (even unfair) as it may be, upon reaching adulthood they have the responsibility to obey the law. When, for example, Jose Antonio Vargas proclaims on the pages of The New York Times Magazine, that he knowingly engaged in illegal activities in order to remain and work in the United States illegally, he became culpable in his own right. While he, and others like him, may be more sympathetic than the people who committed the predicate offense, their situation does not excuse their own illegal acts.

*Ira Mehlman is the Media Director of the Federation for American Immigration Reform*

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## CBO Estimates DREAM Act Will Reduce The Deficit By \$1.4 Billion Over Ten Years

Think Progress: Security, By Andrea Nill Sanchez on Dec 3, 2010 at 11:02  
amhttp://thinkprogress.org/security/2010/12/03/176405/cbo-dream-act/

This week, Sen. Jeff Sessions (R-AL) demanded that the Development, Relief and Education for Alien Minors (DREAM) Act be put on hold because, according to him, lawmakers haven't been given the opportunity to "properly review and consider the legislation prior to a vote." One of his primary complaints was that the Congressional Budget Office (CBO) had not yet scored the costs associated with enacting the legislation.

Last night, the CBO released the long-awaited cost estimate of S. 3992, the latest version of the DREAM Act. The CBO found that putting thousands of young, undocumented immigrants on a path to legalization would reduce the deficit by \$1.4 billion over ten years:

The increase in authorized workers would affect individual and corporate income taxes, as well as social insurance taxes. **On balance, those changes would increase revenues by \$2.3 billion over 10 years, according to estimates provided by the staff of the Joint Committee on Taxation (JCT).**

**CBO and JCT estimate that enacting the bill would reduce deficits by about \$1.4 billion over the 2011-2020 period.** That result reflects an increase in on-budget deficits of about \$1.4 billion over that period and a decrease in off-budget deficits of about \$2.8 billion over the same period. Only the on-budget effects are counted for purposes of enforcing the Statutory Pay-As-You-Go Act of 2010.

The DREAM Act has been introduced several times throughout the past decade, so Sessions' grievances about not having enough time to review the legislation didn't really hold water to begin with. The CBO score also shouldn't come as a surprise. In order to qualify for the DREAM Act, young undocumented immigrants must fulfill a list of requirements that includes either enlisting in the military or going to college. Many will opt for either both or the latter. Rather than working in the underground economy, those who receive a bachelor's degree will have the opportunity to actually use their college degrees to boost their income which results in increased tax revenue.

With that said, the CBO did note that "the bill would increase projected deficits by more than \$5 billion in at least *one of the four consecutive 10-year periods* [italics added] starting in 2021." However, the CBO did not provide a complementary estimate of how much money legalized youth would continue to pay into the system *after 2020*. In other words, the \$5 billion long-term cost estimate does not account for the billions of dollars legalized youth would pay in taxes throughout their lifetimes. It's reasonable to expect that if they contribute \$2.8 billion during their first ten years working in the U.S. with a "conditional nonimmigrant" status, this number will continue to grow as they progress in their careers and eventually qualify for legal permanent residency and ultimately citizenship.

Luckily, other experts and academics have provided more insight into the increase in long-term earnings that result from legalization. A recent study by the UCLA North American Integration and Development Center showed that the total earnings of DREAM Act beneficiaries over the course of their working lives would generate approximately \$1.4 trillion to \$3.6 trillion over a 40-year period. Arizona State University found that people who obtain a bachelor's degree earn approximately \$750,000 more over the course of their lifetime than those who only have high-school diploma. Given that by 2025, our nation will be short 16 million college-educated workers, the DREAM Act may even help the U.S. avoid a potential crisis.

Meanwhile, the alternatives that Sessions supports would cost billions more than even the most outlandish estimates put forth on the DREAM Act so far. The Center for American Progress recently found that a successful policy of mass deportation would total approximately \$285 billion within five years alone. It would also cost each American man, woman, and child \$922 in new taxes. Mass deportation would reduce U.S. GDP by 1.46 percent and amount to \$2.6 trillion in cumulative lost GDP over ten years, not including the actual cost of deportation.

Since it costs approximately \$23,148 for each person to be apprehended, detained, legally processed, and finally transported it would cost about \$25.46 billion to deport the 1.1 million undocumented immigrants who would actually receive legal permanent resident status as a result of the DREAM Act.

It's doubtful that Sessions will acknowledge any of this data and will instead choose to blindly cling to his ignorant talking points. Yet, it's possible that the CBO score, together with previous studies, will encourage at least a few Republicans to bypass Sessions' illogical demands and make the benefits of the DREAM Act a reality.

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## **Opinion: Senate's DREAM Act is win-win**

The Hill, By Sen. Harry Reid (D-Nev.) - 06/15/11 05:00 AM ET

During a firefight in 2003, near Umm Qasr, Iraq, Lance Cpl. José Luis Gutierrez became one of the first American casualties of that war. Ironically, Cpl. Gutierrez was not an American citizen when he died. He was a lawful permanent resident, born in Guatemala, who came to the United States illegally a few years before.

Cpl. Gutierrez was not alone. Hundreds of thousands of non-citizens fight in our military. And hundreds of thousands more want to serve our nation, which they love as their own. But they can't, because their parents brought them here illegally, and, unlike Cpl. Gutierrez, they aren't fortunate to qualify for one of the very few routes to legalization that exist. Others dream of teaching children with disabilities or becoming doctors or entrepreneurs. But their immigration status won't allow it. As a nation, we are also missing out on their vast potential to contribute.

Recently, I joined Sen. Dick Durbin (D-Ill.) to reintroduce the DREAM Act, which would give these young people the opportunity to serve under our flag as Cpl. Gutierrez did. If these young people came to the country before age 16, have lived here at least five years, graduate from high school, stay out of trouble and serve at least two years in the armed forces, or complete two years of college, they would be eligible to become lawful residents. This would apply only to those already here.

This is not a gift. These young people would have to earn their legal status by meeting very tough criteria. I also believe children should not be punished for the misdeeds of their parents; most Americans would agree with me.

Some ask, why reintroduce the DREAM Act when House Republicans would never pass it? Even in the Senate, Republicans solidly oppose it. Well, giving up is not in my lexicon. There are hundreds of thousands of these young people, DREAMERS, as they rightly call themselves, who burn the midnight oil over a physics textbook, or are doing their drills at their high school's ROTC. They are not tossing their books or their uniforms in the trash because Republicans say no. These kids aren't giving up, and neither will I.

Many do not remember the country where they were born; many do not even speak the language of their native land. They are American in all but a passport, much like Cpl. Gutierrez, who was just a kid when he crossed the border.

We also introduced the DREAM Act because the only way to move forward is by having a proposal on the table. If my Republican colleagues have suggestions or concerns, Sen. Durbin and I have an open door. If they sympathize with the plight of these children and want to help, let's talk, let's improve the bill and work in a bipartisan fashion. Remember, this bill was originally co-authored by a man with solid conservative credentials, Sen. Orrin Hatch (R-Utah).

He saw the DREAM Act as sound policy. The Pentagon supports it because it would help meet recruitment objectives. Economically, DREAM Act students would contribute about \$3.6 trillion to the U.S. economy over their working lives. There are other benefits: stable communities, role models, job creators. Economists who have looked at immigration know it is not a zero-sum game, as opponents inaccurately say, but a growth engine. Further, these young people are already here. Sending them back would actually cost us money, and we would lose talents that could be perfected to our nation's benefit.

Republicans know all this. So I ask my colleagues who have voted for this bill in the past to show courage; to shake off their fear of the Tea Party and the extreme right. I ask courage from those Republican senators who represent states with large immigrant populations such as Nevada, Florida, Arizona and Texas. Last time we voted on this bill, 90 percent of Democrats supported it and only three brave Republicans out of 42 joined us. I don't expect 100 percent Republican support, but how about 30 or 40 percent of their caucus?

These young people are not afraid, and they are not giving up; neither should we. That is what our nation expects of us.

*Reid is majority leader of the U.S. Senate.*

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## **DREAM Act: Summary**

Adey Fisseha, National Immigration Law Center, May 2011

The DREAM Act is bipartisan legislation that addresses the tragedy of young people who grew up in the United States and have graduated from our high schools, but whose future is circumscribed by our current immigration laws. Under current law, these young people generally derive their immigration status solely from their parents, and if their parents are undocumented or in immigration limbo, most have no mechanism to obtain legal residency, even if they have lived most of their lives in the U.S. The DREAM Act would provide such a mechanism for those who are able to meet certain conditions.

The latest version of the DREAM Act, also known as the Development, Relief, and Education for Alien Minors Act, was introduced on May 11, 2011, in the Senate (S. 952) by Sen. Dick Durbin (D-IL) and 32 fellow senators, and in the House of Representatives (H.R. 1842) by Reps. Howard Berman (D-CA), Ileana Ros-Lehtinen (R-FL), and Lucille Roybal-Allard.

The DREAM Act would enact two major changes in current law:

- The DREAM Act would permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent legal status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military; and
- The DREAM Act would eliminate a federal provision that penalizes states that provide in-state tuition without regard to immigration status.

If enacted, the DREAM Act would have a life-changing impact on the students who qualify, dramatically increasing their average future earnings—and consequently the amount of taxes they would pay—while significantly reducing criminal justice and social services costs to taxpayers.

### **KEY FEATURES OF THE DREAM ACT OF 2011**

#### **■ Path to legal residency: Who would qualify?**

Under the DREAM Act, most students who came to the U.S. at age 15 or younger at least five years before the date of the bill's enactment and who have maintained good moral character since entering the U.S. would qualify for *conditional permanent resident status* upon acceptance to college, graduation from a U.S. high school, or being awarded a GED in the U.S. Students would not qualify for this relief if they had committed crimes, were a security risk, or were inadmissible or removable on certain other grounds. Under the Senate bill qualifying students must be under age 35, whereas under the House bill they must be under age 32.

#### **■ Conditional permanent resident status**

Conditional permanent resident status would be similar to lawful permanent resident status, except that it would be awarded for a limited duration—six years under normal circumstances—instead of indefinitely.

Students with conditional permanent resident status would be able to work, drive, go to school, and otherwise participate normally in day-to-day activities on the same terms as other Americans, except that generally they would not be able to travel abroad for lengthy periods and they would not be eligible for Pell Grants or certain other federal financial aid grants. They would, however, be eligible for federal work study and student loans, and states would not be restricted from providing their own financial aid to these students. Time spent by young people in conditional permanent resident status would count towards the residency requirements for naturalization.

#### **■ Requirements to lift the condition and obtain regular lawful permanent resident status**

At the end of the conditional period, unrestricted lawful permanent resident status would be granted if, during the conditional period, the immigrant had maintained good moral character, avoided lengthy trips abroad, and met at least one of the following criteria:

- Graduated from a two-year college or certain vocational colleges, or studied for at least two years toward a B.A. or higher degree, or
- Served in the U.S. armed forces for at least two years.

The six-year time period for meeting these requirements would be extendable upon a showing of good cause, and the U.S. Department of Homeland Security would be empowered to waive the requirements altogether if compelling reasons, such as disability, prevent their completion and if removal of the student would result in exceptional and extremely unusual hardship to the student or to the student's spouse, parent, or child.

#### **■ In-state tuition: Restore state option**

The DREAM Act would also repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which currently discourages states from providing in-state tuition or other higher education benefits without regard to immigration status. Under section 505, states that provide a higher education benefit based on residency to undocumented immigrants must provide the same benefit to U.S. citizens in the same circumstances, regardless of their state of residence.

Since section 505 became law, twelve states have enacted laws permitting anyone, including undocumented immigrants, who attended and graduated from high school in the state to pay the in-state rate at public colleges and universities. The twelve states are California, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, Washington, and Wisconsin. These states all pay the section 505 penalty by providing the same in-state discount rate to current residents of other states who previously went to high school and graduated in the state. The DREAM Act would repeal this penalty. This would not require states to provide in-state tuition to undocumented immigrants, but rather would restore this decision to the states without encumbrance.

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## **Governor Brown Signs Second Half of California Dream Act**

Fox News, Published October 08, 2011 | Associated Press

Illegal immigrants can now apply for state-funded scholarships and aid at state universities after Gov. Jerry Brown announced Saturday that he has signed the second half of a legislative package focused on such students.

AB131 by Assemblyman Gil Cedillo, D-Los Angeles, is the second half of the California Dream Act. Brown signed the first half of the package in July, which approved private scholarships and loans for students who are illegal immigrants.

Under current law, illegal immigrant students who have graduated from a California high school and can prove they're on the path to legalize their immigration status can pay resident tuition rates. The bill would allow these students to apply for state aid.

The contentious second half of the package requires that immigrant students meet the same requirements as all other students applying for financial aid at state universities but specifies that they only qualify for financial aid after all the other legal residents have applied.

"The signing of now both parts of the California Dream Act will send a message across the country that California is prepared to lead the country with a positive and productive vision for how we approach challenging issues related to immigration," Cedillo said.

The bills are different from the federal Dream Act, which includes a path to citizenship for the children of illegal immigrants.

Brown says the bill expands educational opportunities for all qualified students.

"Going to college is a dream that promises intellectual excitement and creative thinking," Brown said. "The Dream Act benefits us all by giving top students a chance to improve their lives and the lives of all of us."

Critics of the bills say it undermines immigration laws and encourages illegal immigration by granting access to state resources reserved for legal residents. Many Republican lawmakers say legal students have had their grants cut in light of recent budget cuts to higher education.

Assemblyman Tim Donnelly, R-Hesperia, said the bill's passage will be the biggest mistake the Democratic Party makes.

"The polling indicates that 80 to 90 percent of Californians are against this, and it crosses party lines," Donnelly said. He said he hopes to get a ballot initiative overturning the law started as soon as the bill is officially included in state statutes.

"It is absolutely, fundamentally wrong and unfair and it is an insult to people who have worked and played by the rules, including those who have come to this country legally," he said.

Ginny Rapini, coordinator for the NorCal Tea Party Patriots, said there should be consequences for illegal immigrants and giving them an education funded by California taxpayers isn't fair to the legal residents who can't afford to pay for their own tuition.

"What part of illegal do we not get? When people come here illegally they need to come here with the same rules and regulations that other people came here with," Rapini said.

Supporters argue that children whose were brought to the U.S. illegally by their parents shouldn't be punished.

The state Department of Finance estimates that 1 percent of all Cal Grant funds, the state student financial aid program, will be affected by the legislative package when it goes into effect in January 2013. The department says that 2,500 students would qualify for aid under the bill and estimates the costs to equal \$14.5 million of a \$1.4 billion program.

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## **Students Spared Amid an Increase in Deportations**

**The New York Times, August 8, 2010, By [JULIA PRESTON](#)**

The Obama administration, while deporting a record number of immigrants convicted of crimes, is sparing one group of illegal immigrants from expulsion: students who came to the United States without papers when they were children.

In case after case where immigrant students were identified by federal agents as being in the country illegally, the students were released from detention and their deportations were suspended or canceled, lawyers and immigrant advocates said. Officials have even declined to deport students who openly declared their illegal status in public protests.

The students who have been allowed to remain are among more than 700,000 illegal immigrants who would be eligible for legal status under a bill before Congress specifically for high school graduates who came to the United States before they were 16. [Department of Homeland Security](#) officials said they had made no formal change of policy to permit those students to stay. But they said they had other, more pressing deportation priorities.

“In a world of limited resources, our time is better spent on someone who is here unlawfully and is committing crimes in the neighborhood,” John Morton, the head of Immigration and Customs Enforcement, said in an interview. “As opposed to someone who came to this country as a juvenile and spent the vast majority of their life here.”

Still, Republicans say the authorities should pursue all immigrants who are here illegally.

“The administration appears to want to pick and choose what laws they will follow and which ones they don’t,” said Representative Brian P. Bilbray, Republican of California, who is chairman of a House immigration caucus. “They are trying to legislate from the White House,” he said.

The administration is debating how to handle immigration now that the chances for a broad overhaul that President Obama supports have faded for this year.

The issue of illegal immigrant students has become pressing because young immigrants have staged increasingly frequent and defiant protests to demand passage this year of the piece of the overhaul that would benefit them.

Lawmakers who support that legislation have asked the administration to halt student deportations until Congress takes it up. But most Republicans are opposed to any action that would weaken enforcement against illegal immigration.

An internal Homeland Security memorandum, released last month by Senator Charles E. Grassley of Iowa, set off a furor among his fellow Republicans because it showed immigration officials weighing steps they could take without Congressional approval to give legal status to some illegal immigrants — including suspending deportations of students.

The moratorium had been requested by Richard J. Durbin of Illinois, the second-highest-ranking Democrat in the Senate, and Senator Richard G. Lugar, Republican of Indiana, the leading sponsors of the student legislation, called the Dream Act.

But a White House official said that the administration had decided against the moratorium, preferring to push for the student bill, which could grant legal status to more than 700,000 young immigrants here illegally.

“Legislation does far more for Dream Act students than deferring deportations would, in that it puts them on a path to citizenship,” said the official, who requested anonymity to discuss an internal policy debate.

Instead of a general moratorium, immigration authorities appear to be acting case by case to hold up deportations of young immigrants.

“We have not had a single student whose case we handled who has been deported,” said Juan Escalante, a spokesman for the Dream Is Coming, an organization that has waged petition campaigns and sit-ins to stop student deportations. “Obviously, there is some sort of pattern there in the fact they are not deporting students.”

According to figures from the immigration enforcement agency, known as ICE, the Obama administration has accelerated the pace of deportations over all. In 2009, the authorities deported 389,834 people, about 20,000 more than in 2008, the final year of the Bush administration.

Last year, Mr. Morton announced the agency’s new priorities, directing agents to focus on capturing immigrant criminals. In the past 10 months, ICE has deported 142,526 immigrants convicted of crimes, a record number, the figures show.

At the same time, deportations of immigrants with civil violations, but no crimes, dropped by 24 percent. (Under immigration law, being in the United States without legal status is a civil violation, not a crime.)

The figures confirm “an enormous shift in targeting toward criminals,” said Susan B. Long, co-director of the Transactional Records Access Clearinghouse at Syracuse University, which analyzes federal law enforcement data.

The vast majority of students who are illegal immigrants have clean criminal records, and they would have to keep it that way to qualify to become legal under the Dream Act. To meet its terms, immigrants must also have graduated from high school and lived in the United States for at least five years, and they must complete two years of college or military service.

Last month, the Migration Policy Institute, a nonpartisan research group in Washington, estimated that 726,000 young immigrants would be immediately eligible for legal status under the Dream Act, a big increase over earlier estimates.

Lawmakers from both parties say the student bill draws wider support than the broader overhaul — but still not enough to make it likely to pass before the election. Many young immigrants were brought to the United States illegally as small children by their parents. Often they learn of their illegal status only years later, when they are old enough to apply for a driver’s license or to attend college.

Senator Harry Reid of Nevada, the majority leader, said in recent days that he was willing to bring up the Dream Act separately, but that he did not have the 60 votes required to bring it to the floor.

Some students, after years of hiding, have concluded that it may now be safer for them to come out in the open about their illegal status. Immigration authorities have appeared to respond to the students' public campaigns, student leaders said.

"What we have seen is it is better to be out there," said Carlos Saavedra, national coordinator of the United We Dream network, which links dozens of immigrant student groups from around the country.

On Thursday, after phone calls and petitions from more than 50 local student groups, immigration authorities deferred for one year the deportation of Marlen Moreno, a Mexican immigrant living in Arizona who has two children who are American citizens and who would qualify to become legal under the Dream Act.

Last month, students held a weeklong protest in Washington that ended with a mock graduation ceremony on Capitol Hill, where hundreds of immigrants wearing caps and gowns declared their illegal status.

Immigration agents have taken no action against 21 immigrant students who were arrested on July 20 by the Capitol Police in sit-in protests in Senate offices, according to David Bennion, their immigration lawyer. Several were detained in the offices of Senator Reid and Senator John McCain of Arizona, a Republican.

Earlier in the summer, students campaigned on behalf of Eric Balderas, a 19-year-old Mexican-born biology major at Harvard who was arrested by immigration agents in San Antonio in June when he was about to fly back to Cambridge after visiting his mother. With Harvard officials and Senator Durbin also weighing in, ICE deferred his deportation indefinitely.

ICE has not held up deportations of young immigrants who have committed more serious crimes or were previously deported.

Two immigrants who declared their illegal status during a sit-in in May in the offices of Mr. McCain in Tucson — Mohammad Abdollahi, 24, born in Iran, and Yahaira Carrillo, 25, born in Mexico — were briefly detained by ICE. But the agency has not filed charges against them in immigration court that would advance their deportations, their lawyer, Margo Cowan, said last week.

Ms. Carrillo, who has returned to her home in Kansas City, Mo., said she felt relieved after she went public with her illegal status. Now a student at Rockhurst University she has been living in the United States since she was 7.

"I don't have to hide," she said. "I don't have to make excuses as to why I can't take certain jobs or scholarships. What is the worst that can happen to me now? I'm already in deportation proceedings."

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