

Just the *Facts*: Five Things You Should Know about the DREAM Act

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The DREAM Act (S. 3992; H.R. 6497) is bipartisan, commonsense legislation based on America's shared values of opportunity, education, and achievement. The DREAM Act gives undocumented students—including high school valedictorians, varsity sports stars, and class presidents—a way to obtain legal residency. Often these youth were brought to the U.S. by their parents at a very young age. They've lived much of their lives in the U.S. and have flourished academically and socially. More often than not, they're deeply rooted in their communities through church work, volunteering, and other extracurricular activities. The DREAM Act would permit certain immigrant students who have grown up in the U.S. to apply for conditional nonimmigrant status and eventually become eligible for U.S. citizenship if they go to college or serve in the U.S. military. It allows some of our best and brightest to give back to their communities and country.

1. The DREAM Act rewards success by providing relief to a *limited number* of immigrants.

Hyperbole about “floodgates” is just that—hyperbole. The DREAM Act is a limited remedy for students who can prove several key elements, including the fact that they have good moral character, graduate from a high school, and receive a GED in the U.S., go to college, or join the military.

Around 755,000 students could ultimately benefit under the DREAM Act, and even if those students jump through numerous hoops and become U.S. citizens, they can never sponsor distant family members—such as uncles and cousins. Immigration law doesn't allow it.

Most of the parents of DREAM Act beneficiaries will also be ineligible to adjust their immigration status. Students who fulfill all of the requirements prescribed in the DREAM Act may eventually (after years) apply to become U.S. citizens. If they meet the requirements and become citizens after ten years of conditional status and three years of legal permanent resident status, DREAM Act beneficiaries could petition for their parents like other U.S. citizens. However, if their parents originally entered the country without being inspected by an immigration officer, they will not be eligible to get relief. While parents who entered without inspection may apply for an immigrant visa at a consulate abroad, they will likely be barred from entering the U.S. for ten years if they have been unlawfully present in the U.S. for over six months.

2. The DREAM Act helps high-achieving immigrant youth that came to the United States as small children.

Despite a barrage of misinformation, it's really quite simple. There is a limit on how old a student can be to qualify for the DREAM Act. Students must have entered the U.S. at age 15 or younger and must have been living in the U.S. for at least the five years before the act's passage. The bill benefits students 29 and younger, but they still must have entered the U.S. as a youth, at age 15 or younger. In fact, those who would benefit most from the DREAM Act are students who currently are still in elementary or secondary school. Senators Richard Durbin (D-IL) and Orrin Hatch (R-UT) first introduced the DREAM Act in 2001, and since then some high-achieving students across the country have eagerly awaited its passage. At the time the bill was first introduced, the upper age limit for students who qualified under the bill to apply was 25. The current version of the bill adjusts the maximum age of qualification to 29 in order to include some of the original group of beneficiaries. Like their younger counterparts, all DREAM



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Act beneficiaries were brought to the U.S. by their parents at a very young age and know no other country. They are eagerly waiting for the opportunity to contribute fully to their communities and country.

3. The DREAM Act provides for a rigorous application process for deserving youth and does not provide safe harbor or amnesty for criminals.

Under the DREAM Act, most students with good moral character who came to the U.S. at age 15 or younger at least five years before the date of the bill's enactment would qualify for conditional nonimmigrant 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, ineligible, or removable on certain other grounds.

Despite rhetoric to the contrary, the DREAM Act does not provide a safe harbor for criminals. If passed in its current form, the DREAM Act would prohibit the removal of any immigrant who has a pending DREAM Act application. However, the act makes clear that only “eligible” immigrants may apply. So, to remain free from removal (deportation), the immigrant student *must prove* that he or she meets the basic elements of eligibility, including good moral character since arrival in the U.S. Criminals and others who cannot prove they have good moral character are ineligible for the DREAM Act relief. The DREAM Act offers them no safe harbor from deportation.

Any claim that the DREAM Act offers a broad “amnesty” for “criminal aliens” is fear-mongering. Individuals applying for relief under the DREAM Act have a steep burden to prove their eligibility, and they face severe penalties for falsifying or misrepresenting any information on their applications. Under the act, untrue statements on a DREAM application would result in fines and a possible prison term of five years. Moreover, as part of the application process, U.S. Citizenship and Immigration Services officers will verify all claims from all applicants and conduct criminal background checks. If an immigrant student has committed a crime—such as marriage fraud—he or she will not be able to prove good moral character, and therefore will not qualify for immigration relief.

4. The DREAM Act would not change current law regarding in-state tuition.

Neither the House version nor the Senate version of the DREAM Act would change existing law regarding in-state tuition. The ten states that have passed laws allowing in-state tuition would continue to extend in-state tuition, and the remaining 40 states would have to pass legislation in order to extend in-state tuition to undocumented students. The federal law regarding in-state tuition would not change because of the passage of the DREAM Act.

5. The DREAM Act is a much-needed bill that rewards success and encourages economic productivity.

The DREAM Act gives high performing students—our future teachers, doctors, nurses, military leaders and lawyers—an opportunity to become more educated. In turn, this will help stimulate the economy and increase our nation's fiscal viability and solubility. The act would allow students to access higher education and the military and increase their contributions to our economy, including increasing their contribution to federal programs, such as Social Security. Furthermore, the DREAM Act is supported by 70 percent of all likely voters, with 60 percent support from Republicans and 80 percent support from Democrats.

FOR MORE INFORMATION, CONTACT

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