

DREAM Act: Basic Information

February 2007

■ What is the DREAM Act?

The Development, Relief, and Education for Alien Minors Act (DREAM Act) is bipartisan legislation sponsored in the Senate by Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN) — and in the House by Lincoln Diaz-Balart (R-FL), Howard Berman (D-CA), and Rep. Lucille Roybal-Allard (D-CA) — that addresses the situation faced by young people who were brought to the U.S. years ago as undocumented immigrant children but who have since grown up here, stayed in school, and kept out of trouble.

■ What are the requirements?

To qualify for immigration relief under the DREAM Act, a student must have been brought to the U.S. more than 5 years ago when he or she was 15 years old or younger and must be able to demonstrate good moral character. Under the DREAM Act, once such a student graduates from high school, he or she would be permitted to apply for conditional status, which would authorize up to 6 years of legal residence. During the 6-year period, the student would be required to graduate from a 2-year college, complete at least 2 years towards a 4-year degree, or serve in the U.S. military for at least 2 years. Permanent residence would be granted at the end of the 6-year period if the student has met these requirements and has continued to maintain good moral character. The DREAM Act would also eliminate a federal provision that discourages states from providing in-state tuition to their undocumented immigrant student residents, thus restoring full authority to the states to determine state college and university fees.

■ Why is the DREAM Act needed?

Each year about 65,000 U.S.-raised students who would qualify for the DREAM Act's benefits graduate from high school. These include honor roll students, star athletes, talented artists, homecoming queens, and aspiring teachers, doctors, and U.S. soldiers. They are young people who have lived in the U.S. for most of their lives and desire only to call this country their home. Even though they were brought to the U.S. years ago as children, they face unique barriers to higher education, are unable to work legally in the U.S., and often live in constant fear of detection by immigration authorities.

Our immigration law currently has no mechanism to consider the special equities and circumstances of such students. The DREAM Act would eliminate this flaw. It is un-American to indefinitely and irremediably punish them for decisions made by adults many years ago. By enacting the DREAM Act, Congress would legally recognize what is de facto true: these young people belong here.

Congress and the president are now engaged in a contentious and complex struggle to bring our immigration laws up to date. It is not clear what the outcome of these battles will be or how long they will last. What is clear is that the young people at issue should not be asked to wait until the conclusion of the immigration wars. Rather, they should be taken off of the field of battle.

DREAM Act students should be allowed to get on with their lives. If Congress fails to act this year, another entire class of outstanding, law-abiding high school students will graduate without being able to plan for the future, and some will be removed from their homes to countries they barely know. This tragedy will cause America to lose a vital asset: an educated class of promising immigrant students who have demonstrated a commitment to hard work and a strong desire to be contributing members of our society.

■ Status of the DREAM Act

Support for the DREAM Act has grown each year since it was first introduced in 2001 during the 107th Congress. In past years it has garnered 48 Senate cosponsors and more than 152 Republican and Democratic House cosponsors, more than one-third of the House. It has twice passed the Senate Judiciary Committee in bipartisan fashion, by a 16-3 vote in the 2003–2004 108th Congress, and again in 2006 by a voice vote without dissent as an amendment to the comprehensive immigration reform bill. For the first time in May 2006, the DREAM Act passed the full Senate as part of the Comprehensive Immigration Reform Act of 2006 (S. 2611). It very likely also would have passed the House if brought up for a vote last year, but the House leadership could not be persuaded to bring it up.

Most observers believe that the DREAM Act has a better chance of enactment this year than it has ever had. It continues to attract bipartisan support and now for the first time also enjoys the strong backing of the House and Senate leadership and all of the relevant committee chairs.



NATIONAL
IMMIGRATION
LAW CENTER
www.nilc.org

LOS ANGELES (Headquarters)

3435 Wilshire Boulevard
Suite 2850
Los Angeles, CA 90010
213 639-3900
213 639-3911 fax

WASHINGTON, DC

1101 14th Street, NW
Suite 410
Washington, DC 20005
202 216-0261
202 216-0266 fax

OAKLAND, CA

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