

## DREAM Act of 2011

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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.