



# IMMIGRATION POLICY CENTER

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*...providing factual information about immigration and immigrants in America*

## **THE DREAM ACT OF 2007 FREQUENTLY ASKED QUESTIONS OCTOBER 2007**

### **What is the DREAM Act?**

The Development, Relief, and Education for Alien Minors Act (DREAM Act), first introduced in 2001, is bipartisan legislation that provides qualified undocumented students the opportunity to secure legal permanent status. Those eligible students would only receive permanent status if, over a number of years, they successfully complete several requirements outlined below.

### **Why do we need the DREAM Act?**

Unless they were born in the United States, children generally gain their immigration status from their parents. If their parents are undocumented or in immigration limbo, these children have no mechanism to obtain legal residency. These young people were brought to the US by their parents, many have spent the majority of their lives in the U.S. and consider themselves to be Americans. Like their U.S.-born peers, they dream of pursuing a higher education, but they are unable to do so because of the enormous barriers created by their lack of legal status. The DREAM Act would provide an avenue for these young people to acquire legal status and pursue a college degree. Providing a path for these motivated students to enhance their education, excel in their chosen field, and fully integrate in the US is a “win-win” for not only these students but society in general.

### **Who benefits from the DREAM Act? What are its requirements?**

Under current U.S. law, young people who were brought to the U.S. without documentation have no legal status even if they have spent most of their lives in the U.S. The DREAM Act would allow qualified young people to adjust their status to that of a conditional permanent resident if they have:

- Entered the U.S. before the age of 16
- Been physically present in the U.S. for a continuous period of not less than 5 years immediately preceding the date of enactment
- Earned a high-school diploma or its equivalent
- Been a person of good moral character
- No criminal record and are not a danger to national security

Additionally, to have the conditional basis of their permanent resident status lifted, students would have to satisfy one of the following requirements within 6 years of being granted conditional status:

- Earn a 2-year degree from a U.S. institution of higher education or complete at least 2 years of a bachelor’s degree program; or
- Serve in the U.S. Armed Forces for at least 2 years, and, if discharged, receive an honorable discharge.

### **How many undocumented students would the DREAM Act impact?**

The population eligible to qualify for the DREAM act is finite. It is limited to those who were brought here as children and who have been in the U.S. for 5 years before the bill is enacted. In the

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first years of the program, approximately 360,000 qualified high-school graduates could receive conditional residency. Over the next 13 years, the bill also would also provide incentives for another 715,000 youngsters (an average of 55,000 a year) currently between the ages of 5 and 17 to finish high school and pursue post-secondary education.

### **Would the DREAM Act lead to increased immigration?**

No, for two principal reasons: first, the age and physical presence requirements of the DREAM Act will serve to limit their opportunities to sponsor family members for immigration. Second, sponsoring family members is always a limited and lengthy process, with stringent income and other qualifying requirements.

Given the age of the DREAM Act population, the number of eligible family members would likely be very small. The only family members DREAM Act students could seek to sponsor are their children and spouses, and this “preference category” is subject to strict numerical limitation. To even qualify to sponsor a family member, the DREAM Act student must have arrived in the U.S. before his or her 16<sup>th</sup> birthday. Therefore, if the student were to have any children they would almost certainly have been born in the U.S. If, however, the student were to have a child or spouse living abroad, those family members would have *at least* a 5-year wait before becoming eligible to apply for residency (5 years is the current average visa application backlog, but the *actual* wait time for individuals from many countries is far longer). Undocumented spouses already living here would have to leave the U.S. for 10 years before becoming eligible to immigrate to the U.S.

After receiving conditional status, and then permanent status, DREAM Act beneficiaries might qualify to naturalize and become U.S. citizens. As U.S. citizens, they may sponsor their parents or siblings living abroad, again presuming they meet the income and other similar requirements. However, because of administrative delays and visa limits, these family members could wait decades to gain legal status. Finally, no immigrant, including students eligible for the DREAM Act, are entitled to sponsor extended family members such as cousins, grandparents, nieces, or nephews.

### **Shouldn't Congress pass enforcement measures first?**

Congress already has. On July 27, 2007, the Senate approved an unprecedented \$3 billion increase in spending on border and immigration enforcement in the Homeland Security appropriations bill—for a grand total of \$40.6 billion in funding for homeland security.<sup>1</sup> From Fiscal Year (FY) 1993 to FY 2006, the Border Patrol budget more than quadrupled from \$362 million to \$1.6 billion, and the number of Border Patrol agents more than tripled from 3,965 to 14,400.<sup>2</sup>

In fact, the only thing we have done in recent years is enact enforcement bills. The failure to pass a comprehensive immigration reform bill does not diminish the urgency, breadth, or depth of the problem. Until Congress returns to the urgent need for comprehensive reform, smaller, targeted measures that benefit our nation and lessen the strain on our enforcement resources should be enacted.

### **How would the DREAM Act impact the U.S. military?**

The DREAM Act would boost military recruitment and readiness. According to Margaret Stock, Associate Professor of Law at the U.S. Military Academy at West Point, “in a time when several military services are experiencing difficulties recruiting eligible enlisted soldiers, passage of this bill could well solve the Armed Forces’ enlisted recruiting woes and provide a new source of foreign-language-qualified soldiers.”<sup>3</sup> Acting Deputy Undersecretary of Defense for Military Personnel

Policy Bill Carr, lamenting the failure of Congress to pass the DREAM Act last year, said that the bill was “very appealing” to the military because it applies to the “cream of the crop” of students. As a result, Carr said, the DREAM Act “would have been good for readiness.”<sup>4</sup>

### **How would the DREAM Act impact the U.S. economy?**

Passage of the DREAM Act would boost the U.S. economy. The combination of legal status and a college education would allow DREAM Act students to earn significantly higher incomes than those with only a high-school diploma, contribute more in taxes, and have more money to spend and invest. For instance, a 30-year old Mexican immigrant woman with a college degree will pay \$5,300 more in taxes and cost \$3,900 less in government expenses each year compared to a high-school dropout with similar characteristics. Additionally, DREAM Act students who attend college can help to fill gaps in the U.S. labor market, especially the growing need for high-skilled workers. The Bureau of Labor Statistics estimates that many of the occupations that will be most in demand in the coming years will rely on workers with more than a high-school education.

### **Would the DREAM Act let undocumented students qualify for in-state tuition?**

No. The original version of the DREAM Act would have repealed Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which discourages states from letting undocumented students pay tuition at in-state rates. The repeal of Section 505 would not have forced states to let undocumented students pay in-state tuition, but simply would have allowed states to make their own decisions about who qualifies for in-state rates. However, the current version of the DREAM Act does not include this provision.

### **Would the DREAM Act disadvantage U.S.-citizen youth?**

No. As explained in an October 2007 IPC report, *Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students* {[www.aifl.org/ipc/infocus/WastedTalent.pdf](http://www.aifl.org/ipc/infocus/WastedTalent.pdf)}, “One particular concern that has been voiced about the DREAM Act is that it could take away seats in colleges and universities, as well as financial aid, from native-born students who want to pursue post-secondary education. However, this fear is not borne out by the experiences of the ten states which, since 2001, have passed laws allowing undocumented students who attend and graduate from in-state high schools to qualify for in-state college tuition. These states (Texas, California, Utah, Washington, New York, Oklahoma, Illinois, Kansas, New Mexico, and Nebraska) are home to about half of the nation’s undocumented immigrants. Two of these—New Mexico and Texas—also allow undocumented students to compete for college financial aid, providing a small but significant minority of them with the opportunity to move on to post-secondary education. Such legislation has not precipitated a large influx of new immigrant students, displaced native-born students, or been a financial drain on the educational system. In fact, these measures tend to *increase* school revenues by bringing in tuition from students who otherwise would not be in college.”

### **What happens if we don’t pass the DREAM Act?**

If Congress does not pass the DREAM Act, the U.S. will waste these students’ valuable talents and the chance for economic gain, as well as risk sending young people back to countries of which they may have no memory. We will lose much of the initial investment the U.S. has already made in their educations. Numerous studies demonstrate that legal status brings fiscal, economic, and labor-market benefits to individual immigrants, their families, and U.S. society in general. Can we really afford to waste such a valuable national resource?

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<sup>1</sup> U.S. Senate Committee on Appropriations, Press Release, “Senate Passes FY 2008 Homeland Security Funding Legislation,” July 27, 2007.

<sup>2</sup> U.S. Customs and Border Protection, Office of Public Affairs, October 2007.

<sup>3</sup> Margaret D. Stock, “The DREAM Act: Tapping an Overlooked Pool of Homegrown Talent to Meet Military Enlistment Needs,” *Bender’s Immigration Bulletin*, January 15, 2006, p. 63.

<sup>4</sup> Donna Miles, “Officials Hope to Rekindle Interest in Immigration Bill Provision,” *American Forces Press Service*, June 11, 2006.