

BUSTING THE DREAM ACT¹ MYTHS:

USCCB/MRS' Response to the Most Cited DREAM Myths

1. *The DREAM Act is an amnesty for Illegal Immigrants, rewarding illegal conduct*

The DREAM Act is not an amnesty, providing blanket legal status to the undocumented in the U.S.

Instead, the Act is very narrowly tailored to provide a hard-earned path to lawful status for those who meet its strict eligibility requirements, including being younger than 16 years old at the time of entry into the U.S. and younger than 30 years old on the date of enactment of the Act; living in the U.S. for five years *prior* to the Act's enactment; demonstrating evidence of good moral character; and being admitted to a U.S. institution of higher education or earned a high school diploma or GED in the U.S. On top of these requirements, applicants then must attend at least two years of college in the U.S. or serve at least two years in the U.S. military. They must maintain their eligibility for adjustment of status to a lawful permanent resident for a total of TEN years and complete their education or military service requirement PRIOR to adjusting status. There is nothing remotely "amnesty" like about these stringent requirements.

The DREAM Act does not reward illegal behavior.

In fact, those eligible under the Act were *children* under the age of 16 when they entered the U.S. because a parent or guardian brought them here by no choice of their own. Those eligible came as children who lacked both the will and the intention to come here by unlawful means and are now, as a result, Americans without an America who officially calls them her own. They want to work hard and pay their way through college or serve in our military and defend American ideals. If the Act rewards anything, it rewards hard work, good moral character, education, and service to this country – all American ideals.

2. *The DREAM Act will create a "magnet," enticing more illegal immigration*

The DREAM Act creates no such magnet effect, because it is narrowly tailored to benefit a very specifically-defined group *already in the U.S. for at least five years as of the date of the Act's enactment*, who came here when they were under 16 years of age, and who are under 30 years of age at the time of application. And, they must complete two years of college or military service and wait TEN years prior

¹ On December 8, 2010, the House of Representatives passed by a vote of 216-198 the Amendments to H.R. 5281, which embodied the newest House version of the Development, Relief, and Education for Alien Minors Act of 2010 (DREAM Act of 2010), H.R. 6497. This House version of the Act may come before the Senate in the coming week or two. This development follows on the heels of a series of dramatic procedural events in the Senate, in which Senate Majority Leader Harry Reid (D-NV) first filed on December 7, 2010 a motion for cloture on the Senate version of the DREAM Act, S.3992, only to then file on December 9, 2010 a motion to table consideration of S.3992, following the House passage of the Act and in the face of Senate Republicans' opposition to any legislative action until the Senate has cleared a tax bill. Moving forward, if Act supporters in the Senate were to achieve a 60-Senator affirmative vote on a motion for cloture on the House version of the bill, thus shutting down further debate, they could hold a vote on the substance of the bill thereafter. If the House bill passes the Senate without amendment, it would be sent directly to the President for his signature.

to obtaining lawful permanent immigration status, during which time they must remain eligible on all grounds.

3. *The DREAM Act will result in chain migration by DREAMERS' family members*

Current immigration law significantly restricts the ability of lawful permanent residents and U.S. citizens to immigrate family members into the U.S. The DREAM Act does nothing to change those laws. The Act will not open any flood gates to immediate, widespread immigration by eligible applicants' family members.

The DREAMER will have to wait at least 10 years, once they are a lawful permanent resident, to petition for permanent residence for their spouse or child.

The DREAMER will have to wait at least 13 years, once they are naturalized U.S. citizens, to petition for their parents or siblings to come to the U.S. (they must be in conditional, non-immigrant status for ten years, prior to applying for adjustment of status to lawful permanent resident, a status they must then hold for 3 years prior to naturalizing as a U.S. Citizen upon meeting all of the requirements for the same). If the naturalized DREAMER petitions for their mother or father who is in the U.S. illegally, current immigration laws require that parent to return to their home country and be subject to a TEN year bar because of their unlawful presence in the U.S., for which there is no waiver of inadmissibility. Thus, the undocumented parent of a naturalized DREAMER would have to wait 23 years before they would even be eligible to apply to immigrate to the U.S. lawfully. If the naturalized DREAMER petitions for an unlawfully present sister or brother, it will take even longer as they will be subject to a backlog in visa processing for such family members of naturalized U.S. citizens.

U.S. citizens cannot petition for other non-immediate family members, such as grandparents, nieces or nephews, uncles or aunts, or cousins, under current immigration laws which permit only the sponsorship of immediate relatives.

4. *The DREAM Act is a distraction; we must focus on securing our borders first*

Over the past decade, the border has been significantly reinforced and border patrol efforts financially undergirded. In fact, spending for U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) increased from fiscal year 2002, at almost \$7.5 billion, to fiscal year 2010 over \$17 billion. And, in August 2010, President Obama signed a border bill which will funnel an additional \$600 million to border enforcement efforts, including funds for new border patrol agents, additional unmanned surveillance drones and new Border Patrol stations. Despite spending billions on border enforcement over the past ten years, however, the number of undocumented during that same period grew from 8.1 million to 11.2 million.

Moreover, these priorities are not mutually exclusive. Immigration law enforcement is necessarily an ongoing priority. The DREAM Act is narrowly-tailored to create a hard-earned path to legal status for a very specific population of immigrants who came to the U.S. as children by no choice or fault of their own. The Act places eligible applicants on this path and does so without detriment to efforts to secure the border, by increasing revenues and reducing our deficit and help fill the ranks of our military. This is why so many have declared their support for the Act, from the Department of Homeland Security which is charged with enforcing border security, to the U.S. military.

5. *In this time of economic crisis, The DREAM Act will cost America too much*

The DREAM Act, as passed by the House, will not cost America if enacted; it will increase revenues and reduce deficits, in addition to creating an educated workforce and filling the ranks of our military.

In a December 8, 2010 analysis of the DREAM Act, as passed by the House of Representatives, the non-partisan Congressional Budget Office (CBO), together with the Joint Committee on Taxation (JCT) estimated that enacting the bill would increase U.S. revenues by \$1.7 billion over ten years and reduce deficits by about \$2.2 billion over the 2011-2020 period.

A 2010 study by the UCLA North American Integration and Development Center estimates that the total earnings of DREAMERS during their lives will be between \$1.4 trillion and \$3.6 trillion, money that will inevitably be spent in their U.S. communities.

In stark contrast, Center for American Progress has estimated that it would cost American taxpayers some \$25.5 billion over the next five years to deport the approximate 1.1 million who are eligible under the DREAM Act, which is the inevitable consequence should the Act not be passed.

6. *The DREAM Act will legalize criminals and those already ordered deported*

DREAM Act applicants are subject to a host of potential ineligibility grounds outlined in sections 212a and 237a of the Immigration and Nationality Act. The DREAM Act does not rely simply on the applicant to identify whether they fall within one of these grounds for ineligibility; instead, it requires all applicants to submit biometric data and DHS to conduct security and law enforcement background checks to determine whether there is any criminal, national security, or other factor that would render the alien ineligible.

Among these are convictions for crimes of moral turpitude (such as rape and murder among many others), controlled substance violations, multiple criminal convictions, prostitution, firearms offenses, domestic violence, document fraud, trafficking, money laundering, terrorism, smuggling of aliens, and child abductors. Moreover, student visa abusers, those who have falsely claimed citizenship, draft evaders, polygamists, those involved in the persecution of others, and unlawful voters are ineligible. And, anyone likely to become a public charge is ineligible. In addition to these grounds of ineligibility, the Act specifically bars anyone convicted of a felony offense or crimes equal to three misdemeanors.

An applicant is not eligible if they have ever been under a final administrative or judicial order of exclusion, deportation, or removal with the only exception being unless the alien has been allowed under law to remain in the U.S. after such order was issued or received the order before turning 16 years old.

Finally, if during the applicant's ten years in Conditional Nonimmigrant Status they become ineligible for conditional nonimmigrant status (because they have committed a crime for example), receive a dishonorable or other than honorable discharge from the Armed Forces, or become a public charge, DHS may cancel their status and return them to their prior (undocumented) status.

7. *The DREAM Act qualifies applicants and their families for public benefits, creating an additional burden on Americans*

DREAM Act-eligible applicants will not be immediately eligible for health care subsidies, including Medicaid, or other Federal benefits like supplemental security income and food stamps. DREAMERS will be subject to the same public benefits eligibility requirements as other legal immigrants, who must be a lawful permanent resident for at least five years prior to receiving non-emergency federal assistance.

Moreover, one of the grounds of ineligibility under the Act is the likelihood of becoming a “public charge.” And, if during an applicant’s ten years in Conditional Nonimmigrant Status they become a public charge, DHS may cancel their status and return them to their prior (undocumented) status.