



JUSTICE FOR
IMMIGRANTS

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DREAM ACT: BACKGROUND

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DREAM Act: Background Information

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Introduction

On March 26, 2009, Sen. Richard Durbin (D-IL) introduced S. 729, the Development, Relief, and Education for Alien Minors Act of 2009, known as the DREAM Act. Representative Howard Berman (D-CA) has introduced H.R. 1751, the companion bill, in the House of Representatives.

The intent of the DREAM Act is to provide legal status and educational opportunity to those who entered the United States as minor children. The DREAM Act has two major provisions which are discussed in more detail herein: (1) it creates a tiered system granting legal status to unauthorized aliens who arrived in the United States before age 16; and (2) it repeals current law so as to allow public universities to grant in-state tuition to unauthorized aliens without similarly having to offer in-state tuition to certain U.S. citizens.

Under the first major provision, the DREAM Act would allow unauthorized aliens to become conditional legal permanent residents if they have met certain conditions. To qualify, an unauthorized immigrant must: (1) have entered the United States before the age of 16 and have not yet reached the age of 35; (2) been physically present in the United States for a continuous period of not less than five years immediately preceding the date of enactment; (3) earned a high-school diploma or its equivalent or have been admitted to college; (4) been a person of good moral character; (5) have not committed certain crimes; (6) not pose a danger to national security; and (7) have never been under a final order of exclusion.

In order to have the conditional basis of their legal permanent resident status lifted, students would have to complete one of the following requirements within six years of being granted conditional status: (1) earn a two-year degree from a U.S. institution of higher education or finish at least two years of a bachelor's degree program; or (2) serve in the U.S. Armed Forces for at least two years, and, if discharged, receive an honorable discharge.

In addition, the DREAM Act would allow unauthorized immigrants of any age to obtain legal permanent residency if they have already completed college or military service before the enactment of the DREAM Act (and provided that they also meet the seven prerequisites above).

Under the second major provision, the DREAM Act would encourage states to



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offer public financial assistance for higher education to immigrants without legal status. Under current law, a state is prohibited from offering in-state tuition at its public universities to unauthorized immigrants unless they also offer in-state tuition to U.S. citizens who graduated high school in-state but now reside out-of-state. The DREAM act would repeal this law and permit states to offer in-state tuition at public universities to unauthorized persons regardless of whether states also offer in-state tuition to this subgroup of U.S. citizens. In addition, the DREAM Act would allow eligible applicants to obtain student loans, to participate in work study programs, and to access non-cash services such as tutoring or child care.

Background

Efforts have been made to pass the DREAM Act since 2001. The DREAM Act passed the full Senate in May 2006 as part of the Comprehensive Immigration Reform Act of 2006 (CIRA); however, Congress did not pass CIRA. The DREAM Act was then incorporated into the 2007 Kennedy-Kyl comprehensive immigration reform bill (S.1639) and also attached to the FY2008 Department of Defense Authorization Bill (SA.2237); however, it was not passed in either case. The DREAM Act was then introduced as a stand-alone bill in the fall of 2007, but was similarly defeated.

Catholic Social Teaching

The Catholic Catechism teaches that in the realm of immigration law all governments have two essential duties, both of which must be carried out and neither of which can be ignored. The first duty is to welcome the foreigner out of charity and respect for the dignity and rights of the human person. Persons have the right to immigrate and thus government must accommodate this right to the greatest extent possible, consistent with its other obligations to the common good. The right to immigrate is a therefore a qualified, rather than an absolute right. Nevertheless, all nations and especially financially blessed nations are called to make every possible effort to assist persons who are compelled by their circumstances to migrate. As the Catechism states:

“The more prosperous nations are obliged, to the extent they are able, to welcome the foreigner in search of the security and the means of livelihood which he cannot find in his country of origin. Public authorities should see to it that the natural right is respected that places a guest under the protection of those who receive him.” In January 2003, the U.S. Catholic Bishops emphasized and affirmed the Catechism’s teaching on immigration in a pastoral letter on migration entitled, “Strangers No Longer: Together on the Journey of Hope.” In their letter, the Bishops stressed that, “When persons cannot find employment in their country of origin to support themselves and their families, they have a right to find work elsewhere in order to survive. Sovereign nations should provide ways to accommodate this right ... More powerful economic nations... have a stronger obligation to accommodate migration flows.”

USCCB Position

The U.S. Catholic Bishops support the central tenet of the DREAM Act – that unauthorized minors of good character might earn legal status through education or military service. Such a program represents fair and



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compassionate reform because it offers unauthorized high school graduates the same chance at a promising future as their classmates. The DREAM Act can thus be said to foster the active solidarity outlined by Pope John Paul II in *Sollicitudo Rei Socialis*. Therefore, the Bishops call on Congress to pass a program that would further this goal of legalization through education and military service within the context of comprehensive immigration reform

In Congressional testimony, Bishop Thomas Wenski of the USCCB Committee on Migration made the following remarks concerning the DREAM Act: “The Development, Relief, and Education for Alien Minors Act (DREAM Act) represents another bipartisan initiative that would allow some undocumented students to be eligible for in-state tuition and legal status as permanent legal residents. Having entered the United States as very young children, often through no fault of their own, these students have contributed to their schools and communities. Many have lived in the United States for years.”

In an April 2009 letter to Congress, Bishop John Wester, Chairman of the USCCB Committee on Migration, stated: “Those who would benefit from the DREAM Act are talented, intelligent, and dedicated young persons who know only the United States as their home. They can become some of the future leaders of our country, provided we are wise enough to provide them the opportunity to pursue their dreams...Importantly, this legislation will apply to students in both public and private education, including those attending Catholic schools...The DREAM Act represents a practical, fair, and compassionate solution for thousands of young persons in our nation who simply want to reach their God-given potential and contribute to the well-being of our nation.”

1. Catechism of the Catholic Church (2nd ed.). Washington, DC: Libreria Editrice Vaticana—United States Conference of Catholic Bishops, 2000, no. 2241.

2. United States Conference of Catholic Bishops, Committee on Migration, “Strangers No Longer: Together on the Journey of Hope. A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States,” no. 35 (January 2003).

3. Ibid, See fn. 4 at no. 36.