



JUSTICE FOR
IMMIGRANTS

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DREAM ACT Q&A

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DREAM Act: Questions and Answers

What is the DREAM Act?

The DREAM Act is a bill to legalize immigrant high school graduates of good moral character who were brought to the United States at a young age without legal status. The terms are simple: those who complete two years of college education or military service will be eligible for their green card (legal permanent resident status).

Who is eligible?

An applicant is eligible provided that he or she:

- entered the United States before age 16 and are currently under 35;
- have been continuously physically present in the United States for at least five years prior to enactment;
- have a high school diploma or GED or have been accepted to college;
- demonstrate good moral character;
- is not inadmissible or removable for crimes or national security reasons;
- and was never under a final order of exclusion (subject to limited exceptions).

Why is DREAM necessary?

Immigrant students graduating high school in the United States without legal status have virtually no options. Legally, they cannot get a job. They cannot join the military. In most states, they cannot attend college. Moreover, most did not decide to enter the country illegally; their parents made the decision for them. The DREAM Act provides them with the option to remain in the country if they attend college or join the military.

Why don't these students just apply for a green card?

Under current law, these students derive their immigration status from their parents. If their parents are here unlawfully, they have no mechanism to adjust to legal status even if they have spent most of their young lives in the United States.



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How many immigrants would benefit from the DREAM Act?

About one million. Experts estimate that about 350,000 persons would be eligible as soon as the bill became law. Another 750,000 would become eligible soon after.

Isn't this just another form of amnesty?

No. If amnesty is rewarding illegal behavior without significant consequence, then the DREAM Act is not an amnesty. First, DREAM-eligible students are not lawbreakers; they possessed no willful intent to break the law when they entered the country. Therefore they do not merit legal punishment. Second, DREAM's rewards are not free; they require hard work and achievement. Students must graduate high school to be eligible, and must finish a two-year college degree or two years of military service to gain legal status.

Doesn't this bill give in-state tuition to illegal aliens?

No. DREAM does not require any state to offer in-state tuition to unauthorized immigrant students. But it does offer an incentive to states who wish to do so. Currently, state universities that choose to offer in-state tuition to unauthorized immigrant students must also offer this discount to U.S. citizens who graduated high school in-state but now reside out-of-state. In other words, state tuition discounts must be equally applied to unauthorized immigrants and high school graduates now living across state lines. Ten states have gone this route. The DREAM Act repeals this law, permitting states to offer in-state college tuition to unauthorized immigrants without having to offer this discount to high school graduates now residing out-of-state.

What about unauthorized aliens who have already completed college or military service before DREAM becomes law?

No one who completes DREAM's requirements before it becomes law will be denied its benefits. They can still legalize. Thus, an unauthorized immigrant who completes a two-year college degree or two years of military service before the DREAM Act becomes law may still legalize under the bill, even though their achievements preceded the bill's enactment.



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Can DREAM students obtain federal student loans to pay for college?

Yes. Current federal law bars unauthorized aliens from obtaining federal students loans. The DREAM Act changes this law to allow DREAM-eligible students to obtain federal student loans and participate in federal work-study programs. However, they would not be eligible for Pell Grants or other federal financial aid grants.