

# DREAM Act: Summary

Updated May 2011

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.



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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.

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#### FOR MORE INFORMATION, CONTACT

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# THE DREAM ACT:

## Good for Illinois' Economy; Good for Illinois' Future

December 2010

The Development Relief and Education for Alien Minors (DREAM) Act (S. 729; H.R. 1751) is a bipartisan bill that would give undocumented immigrants who came to the U.S. as young children a path toward legal status if they attend college or serve in the military. For many of these young people, the U.S. is the only home they know, and English is their first language. They have the potential to be future doctors, nurses, teachers, and entrepreneurs. The DREAM Act would provide an opportunity for them to live up to their full potential and make greater contributions to the U.S. economy and society.

### ■ The DREAM Act will boost Illinois' economic recovery.

- The State of Illinois is currently struggling with a \$13 billion deficit. The DREAM Act will help reduce Illinois' deficit by increasing tax revenues.
- A conservative estimate finds that the average DREAM Act beneficiary student will earn \$1 million more over his or her lifetime simply by obtaining legal status. Each DREAM student's earnings will net tens of thousands of additional dollars in taxes for state and local treasuries.

### ■ Illinois is one of the top beneficiaries of the DREAM Act.

- Approximately 95,000 students – or 4 percent of all potential DREAM beneficiaries in the country– live in Illinois. Every beneficiary of the DREAM Act will be a college or military-bound high school graduate.
- The average college graduate earns over 60 percent more than the average high school graduate over his or her lifetime. According to the Internal Revenue Service, a typical single person who graduates with a bachelor's degree makes an average annual salary of \$60,000 and will generate about \$11,194 in tax revenue every year.
- If only half of Illinois' DREAM students attain a bachelor's degree, they will generate over \$531 million in tax revenue for Illinois a year (\$11,194 X 47,500 DREAM students).

### ■ The DREAM Act invests in Illinois' future.

- Illinois DREAM students have been raised and educated in the state, and taxpayers have already invested in the elementary and secondary education of these children. DREAM students are fully assimilated into the American way of life and are ready to give back to the state they consider home.
- Only 5-10 percent of undocumented high school graduates go to college. The DREAM Act would create a strong incentive for undocumented students to remain in school until graduation. Some of these students will go on to pursue careers like teaching and nursing, thereby helping to resolve the state's rising demand for such positions.

### ■ The DREAM Act gives Illinois back the right to determine in-state tuition eligibility for Illinois residents.

- Federal law attempts to deny Illinois' ability to determine eligibility for in-state tuition by stating that if the state provides in-state tuition to undocumented state residents who graduated from Illinois high schools, it must provide the same benefit to out-of-state residents who graduated from Illinois high schools.

- Illinois has made a decision to enable all residents, regardless of immigration status, to pay in-state tuition because state policymakers understand that this policy increases school revenues by securing tuition from students who otherwise might not go to college.
- The DREAM Act will restore Illinois' authority and choice to provide in-state tuition to all of its residents penalty-free.

**FOR MORE INFORMATION, CONTACT**

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- Start a student group/club to raise awareness about immigration issues
- Encourage students to share their stories with new audiences (when safe)
- Share E4FC's creative work website: [www.thingsillneversay.org](http://www.thingsillneversay.org)
- Find new funding sources to support undocumented students

#### 10. Be There

- To listen
- To help solve problems
- To be a public ally
- To remind students of their dreams, passions, and potential to contribute

#### About Educators for Fair Consideration (E4FC)

Founded in 2006, Educators for Fair Consideration supports undocumented students in realizing their academic and career goals and actively contributing to society. We offer holistic programming that addresses the financial, legal, career, and emotional health needs of undocumented students. Specifically, we provide scholarships, legal services, professional and personal development workshops, and a strong peer network for undocumented students. We also lead presentations and create educational materials to raise awareness and support for undocumented students nationwide. Our programming is designed by and for undocumented young people with support from committed allies.

For more information, please visit us online at [www.e4fc.org](http://www.e4fc.org).



EDUCATORS FOR FAIR CONSIDERATION

# TOP 10 WAYS TO SUPPORT UNDOCUMENTED STUDENTS

### **1. Provide Hope & Encouragement**

- Reassure undocumented students that college is possible despite the obstacles

### **2. Create a Safe Space**

- Don't ask undocumented students to self-identify
- Make resources easily available for all students
- Be mindful of your language; say 'undocumented' rather than 'illegal'
- Use E4FC's posters, bookmarks, and stickers to identify yourself as an ally. Visit [www.e4fc.org/onlinestore.html](http://www.e4fc.org/onlinestore.html).

### **3. Know Relevant Policies & Legislation**

- Understand college-specific admissions and enrollment policies for undocumented students
- Understand in-state tuition and state-based financial aid requirements for undocumented students (if applicable)
- Understand Deferred Action for Childhood Arrivals (DACA) eligibility requirements and application procedures. For more information, visit [www.e4fc.org/resources/deferredaction.html](http://www.e4fc.org/resources/deferredaction.html).
- Keep informed about the federal DREAM Act and other proposed immigration policies legislation

### **4. Find Scholarships**

- Keep track of scholarships that don't require citizenship or residency
- Help students apply to as many available scholarships as possible
- Encourage scholarships to allow undocumented students to apply
- Share E4FC's "List of Scholarships that Don't Require Social Security Numbers". Visit [www.e4fc.org/resources/scholarshiplists.html](http://www.e4fc.org/resources/scholarshiplists.html).

### **5. Build Support Network**

- Identify mentors/tutors
- Identify allies/advocates/sponsors

- Identify mental health professionals/support groups

### **6. Identify Role Models**

- Identify older undocumented students who can serve as role models
- Invite E4FC's Student Outreach Ambassadors to do a workshop or presentation for students at your school. Visit [www.e4fc.org/outreachprograms.html](http://www.e4fc.org/outreachprograms.html).
- Refer students to E4FC's "Life After College" Guide: [www.e4fc.org/resources/lifeaftercollegeguide.html](http://www.e4fc.org/resources/lifeaftercollegeguide.html).

### **7. Involve Parents**

- Educate parents about why undocumented students should pursue college
- Encourage good communication between children and parents
- Invite parents into the college application and enrollment process
- Share E4FC's Guide for Parents of Undocumented Students (in English and Spanish). Visit [www.e4fc.org/resources/parentguides.html](http://www.e4fc.org/resources/parentguides.html).

### **8. Access Reputable Legal Information & Assistance**

- Identify reputable, affordable legal service providers in your area. Visit [www.e4fc.org/resources/gettinglegalhelp.org](http://www.e4fc.org/resources/gettinglegalhelp.org).
- Encourage students to use E4FC's free, anonymous, and online DREAMer Intake Service to get information about their eligibility for Deferred Action for Childhood Arrivals (DACA) and other long-term immigration remedies. Visit [www.e4fc.org/legalervices.html](http://www.e4fc.org/legalervices.html).
- Refer students to E4FC's "Beyond Deferred Action: Long-Term Immigration Remedies DREAMers Should Know About" guide: [www.e4fc.org/resources/legalremedies.html](http://www.e4fc.org/resources/legalremedies.html).
- Encourage students to pursue potential immigration remedies (if available to them)

### **9. Instill Agency**

- Create a safe community where undocumented students can speak openly

# HOW TO SUPPORT COLLEGE-BOUNDED UNDOCUMENTED STUDENTS

ADVICE FOR COUNSELORS & EDUCATORS



## FACTS ABOUT UNDOCUMENTED STUDENTS

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- » Undocumented students are foreign nationals who came to the US without legal documentation or overstayed their visas.
- » 2.5 million undocumented youth live in the US; 40% of them live in California.
- » About 65,000 undocumented students graduate from US high schools each year. Only 5-10% of these graduates go to college. *We can increase that number!*
- » Many students don't know they're undocumented until they begin the college process.
- » Undocumented students don't qualify for state or federal grants or loans, even if their parents pay taxes. They also cannot legally work to pay for school.
- » Undocumented students may be eligible for in-state tuition under Assembly Bill 540 at CA public universities and colleges.

## WHY YOU SHOULD HELP UNDOCUMENTED STUDENTS

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- » We want the best and brightest students to attend our colleges and contribute meaningfully to this country.
- » These students are an important part of our nation's future.
- » Undocumented students who are college-ready have proven they can succeed.
- » They are not asking to be given anything; they just want to be fairly considered.
- » They affirm our belief in the value of hard work.
- » They are powerful role models.
- » Under federal law, all students – regardless of citizenship or residency – are entitled to a K-12 education, including college counseling services.
- » We've already invested in these students' educations.
- » When the DREAM Act passes, these students will have a path towards legal residency.

## TOP 10 WAYS YOU CAN HELP UNDOCUMENTED STUDENTS

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- » Tell undocumented students that they *can* go to college, but some options and services will not be available to them.
- » Don't ask students to self-identify. Make information and resources available to all students.
- » Be open-minded. Don't make assumptions about which students are undocumented; they aren't all Latino, Spanish-speaking or enrolled in ELD classes.
- » Be knowledgeable about specific policies that affect undocumented students.
- » Support the federal DREAM Act and CA legislation to support undocumented students.
- » Identify scholarships that don't require citizenship or permanent residency. Encourage other scholarships to change their policies.
- » Identify sponsors who can support undocumented students.
- » Help students get ongoing mentoring and advice, even after the college admissions process.
- » Identify older students to serve as role models.
- » Refer students to qualified legal counsel to investigate possible immigration remedies. This can be a lengthy process, and not all students will have immediate remedies.





## CAN UNDOCUMENTED STUDENTS QUALIFY FOR IN-STATE TUITION?

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Yes, California law – AB540 – allows certain undocumented students to pay in-state tuition at California public universities and colleges.

Eligibility requirements:

- » Student must have attended high school in California for three or more years;
- » Student must have graduated from a California high school or obtained a GED;
- » Student must file an affidavit declaring the intention to legalize. This must be filed at each school at which they are enrolled.

Important things to know:

- » Recently arrived students should stay in high school for at least three years in order to meet AB540 requirements.
- » Immigrant students with legal status (i.e. visa holders) are not eligible to qualify for AB540.

## APPLYING FOR SCHOLARSHIPS

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- » Scholarships are the primary way for undocumented students to pay for college. Helping students identify scholarships they are eligible for and writing a strong personal essay is vital to their success in college.
- » Encourage students to put A LOT of time and energy into scholarship applications.
- » Make sure students research and apply to scholarships EARLY – ideally starting in the spring of junior year.
- » Find as many scholarships as possible (especially local ones) that do not require citizenship.
- » Strongly encourage students to apply to every single scholarship they can.
- » Make sure students are very explicit in talking about their story and financial need.

## LOOKING FOR SCHOLARSHIPS

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### Individual Scholarships

- » Go to [www.e4fc.org](http://www.e4fc.org) to review a large number of scholarships that don't require proof of citizenship or permanent residency status.

### Private School Scholarships

- » Private universities are expensive but can often provide additional support through institutional grants and scholarships. Check with each school individually to see if 1) undocumented students are eligible to apply for institutional scholarships; 2) a paper FAFSA or CSS Profile should be submitted to determine financial need.

## WHAT UNDOCUMENTED STUDENTS MUST KNOW

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- » You are not alone. Thousands of undocumented students have gone to college in the US and graduated. This won't be easy, but you can do it.
- » Get comfortable asking for help. Find people you can trust to help you navigate the college process.
- » Not all college options and services will be available to you, but many are. Be creative. Be entrepreneurial.
- » You are not eligible for federal or state-based financial aid, but you can apply to many private scholarships. Research and apply early to as many scholarships as possible. Community service and internships greatly increase your chance of winning scholarships.
- » Practice telling "your story" as many private scholarships require a face-to-face interview.
- » Certain undocumented students are eligible to pay in-state tuition at California public universities and colleges. Find out if you are eligible for AB540.



## PRIVACY & LEGAL CONCERNS

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- » Students should not worry about revealing their immigration status when filling out admissions or financial aid applications because the Federal Education and Privacy Act (FERPA) protects the privacy of student records at all educational institutions.
- » Students should not lie about their immigration status during the college admissions process because admission decisions could be revoked.
- » When applying to California public universities and colleges, the following information is requested but not required: social security number, country of citizenship, country of permanent residence, immigration status, and state of legal residence of parent/legal guardian. Applications will be processed without this information.
- » Every student should obtain a school ID number from the colleges where they apply to avoid being asked for his/her social security number during admissions and enrollment.

- » Private colleges will typically consider you as an international student. If you are required to submit a FAFSA, you can fill it out on paper and mail it directly to schools.
- » If you have significant unmet financial need, you should consider going to a community college first and then transferring to a four-year to save money. Many bright, talented, and ambitious students choose this economical option!
- » Even if you intend to go to a UC or private school, you should apply to your local CSU and community college as a backup plan.
- » Most California colleges and universities have support groups for undocumented students. Get in touch with them to make your transition smoother.

## RESOURCES FOR UNDOCUMENTED STUDENTS

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» Visit E4FC online for extensive information about college-bound undocumented students. Find out about AB540 policies for in-state tuition, school-specific admissions policies, available scholarships, and possible immigration remedies. We'll also connect you to groups and organizations that actively support undocumented students.

Visit us today! [www.E4FC.org](http://www.E4FC.org)

## ABOUT EDUCATORS FOR FAIR CONSIDERATION (E4FC)

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E4FC helps immigrant students realize the American dream of college and citizenship. We support immigrant students who have grown up in the United States but face challenges due to financial need and immigration status. Our programs and services address the financial, legal, socio-emotional, and political needs of low-income immigrant students who do not yet have permanent residency or citizenship in the United States.

[www.E4FC.org](http://www.E4FC.org)

UNDOCUMENTED STUDENTS  
CAN GO TO COLLEGE

