

Marie L. Mallet. The Dream Act. In L. Ganong, M. Coleman, J. G. Golson (Eds.), *The Social History of the American Family*. Sage Publication, 2014.

**The DREAM Act** (also known as the Development, Relief, and Education for Alien Minors Act), is a bipartisan legislative proposal whose aim is to provide a pathway towards legal permanent residency (LPR) to eligible undocumented individuals. These aliens, who were typically brought by their family as children to the United States, are part of the 1.5 generation. The bill was first introduced to the 107<sup>th</sup> Congress on August 1 2001 as H.R. 1918 by Representatives Howard Berman (D-CA) and Christopher Cannon (R-UT) in the House and as S.1291 by Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL) in the Senate. Several DREAM Act bills have been introduced since 2001, but none have been passed into law. The latest versions of the DREAM Act were introduced on May 11 2011 - S. 952 was introduced in the Senate by Howard Bernman (D-CA) and H.R.1842 was introduced in the House by Representative Howard Berman.

### **Legislative Background**

Although comprehensive immigration reform has been considered several times in recent Congresses, no legislation has been successfully passed. This persistent legislative deadlock has pushed lawmakers to try to pass narrower reform. To this end, the DREAM Act is designed to regularize the situation of an estimated 2.1 million unauthorized individuals who are currently students or have recently graduated.

The proposal is considered necessary in order to continue providing opportunities for undocumented students after they graduate from high school. Since the 1982 Plyler v. Doe Supreme Court decision, states are required to provide free public education through high school to all students, including unauthorized aliens in the United States. However, under Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, these students are not eligible for in-state tuition to go to college and cannot receive federal student financial help. Thus, a majority of the approximately 65,000 undocumented students who graduate high school every year are unable to pursue higher education and go to college. Although legislation allows undocumented children to enrol in primary and secondary education, no legislation allows them to find employment or join the military once they finish high school. The DREAM Act seeks to continue to integrate these individuals into society.

### **Eligibility criteria and Process**

The 2011 versions of the Senate and House DREAM Act would repeal the provision of the 1996 IIRIRA relative to in-state tuition for higher education. It would also grant eligible unauthorized students conditional permanent resident status for a period of six years through a procedure called 'cancellation of removal'. After this period, they may transition from a condition status to a permanent status.

In order to be eligible for this conditional status, the individual must meet several criteria. First, they must either graduate from high school, obtain a GED in the United States, be admitted into college, or enlist in the military. Second, they must have been physically present in the United States for a period of five years immediately preceding the enactment of the bill and have arrived in the United States before the age of 16. Third, they must fulfil the moral condition of having been of good character since entering the country. This includes not having been convicted of a felony offense or significant misdemeanour offence, and not being considered a security threat. Finally, there is an age requirement which these individuals need to fulfil. Under the Senate

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version, they would need to be under the age of 36 at the date of enactment of the bill, and under the House version they would need to be under the age of 33.

At the end of the conditional period, they may be granted unrestricted lawful permanent resident status (LPR) if they have continuously lived in the United States, maintained good moral character and have either graduated from a two-year higher education institution, or studied towards a bachelor degree or served in the armed forces for at least two years.

### **Support and Controversy**

Proponents of the DREAM Act argue that it is a necessary measure, as it would allow undocumented youth to pursue higher education. They put forward the idea that these young people should not be penalized for their parent's decision to immigrate illegally. Further, most of these students have weak ties to their country of origin and often consider the United States as their home. Proponents of the DREAM Act argue that being deported to a country they barely know seems to be harsh punishment for a crime they did not commit. Finally, some proponents argue that the Act would reduce the deficit and increase revenue, and so that the United States would benefit economically from its enactment.

Opponents of the DREAM Act criticize it as resembling an amnesty program. They contend that allowing unauthorized individuals to legalize their situation would reward law-breaking behaviour, and therefore encourage undocumented immigration to the United States. Further, they argue that repelling section 505 of the IIRIRA and reducing the cost of higher education for these students would represent an unnecessary burden on American taxpayers.

### **Recent Developments**

In June 2012, after several failed attempts at passing the DREAM Act, the Obama administration announced it would implement a Deferred Action for Childhood Arrivals (DACA) initiative which would allow temporary relief from deportation to most of the potential beneficiaries of the DREAM Act. The eligibility requirements to benefit from this two-year renewable initiative are similar to those established under the DREAM Act, albeit somewhat more restrictive, as they only include individuals between the age of 15 and 30. Under this initiative, the 'DREAMers', as they are called, could also apply for employment authorization.

In essence, the DREAM Act epitomizes the debate over immigration reform in the United States and the difficulty of obtaining consensus on immigration issues. The DREAMers, and more largely all potential beneficiaries of the DREAM Act, belong to a 1.5 generation that is neither fully American nor fully anything else. The DREAM Act is an attempt to integrate this generation into American society.

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See also: Latino families; Immigrant children, Immigration policy, Migrant families  
Further readings:

Marie L. Mallet. The Dream Act. In L. Ganong, M. Coleman, J. G. Golson (Eds.), *The Social History of the American Family*. Sage Publication, 2014.

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