



What You Should Know About the DREAM Act/American Dream Act

1. *Who does DREAM affect?*

The DREAM Act provides a clear path to education and citizenship for immigrant minors who were brought to this country by their parents, have maintained good moral standing, and have succeeded in America's elementary and secondary schools. Current immigration law does not adequately address the equities of this population of children, but Supreme Court Justice William Brennan's opinion in *Plyler v. Doe* (1982) sets precedent for legislation that affects what he terms "special members of this underclass."

Brennan determines that although brought here illegally by their parents, these children cannot be held responsible for their status and that ". . . legislation directing the onus of a parent's misconduct against his children does not comport with fundamental conceptions of justice." He writes that "those who elect to enter our territory by stealth and in violation of our law should be prepared to bear the consequences. . . . But the children of those illegal entrants are not comparably situated." Brennan found it unconstitutional to deny these children an education in the United States.

S. 774, the DREAM Act, and H.R. 1275, the American Dream Act, would address this population of immigrants who were brought to the U.S. as minors and are currently in "limbo" with regard to their status by providing pathways to higher education and citizenship.

2. *What would DREAM do?*

If enacted, the bill would provide an opportunity for undocumented students who have resided in this country for at least five years, worked hard, and graduated from high school to achieve higher education. The DREAM Act would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to again permit states to determine student residency for their own in-state tuition benefit purposes. The bill would allow each state to decide for itself which students are eligible for in-state tuition charges.

3. *What would DREAM not do?*

- The bill would not require any state to grant in-state college tuition benefits to any group of students based on residency.
- The bill would not provide a path to education and citizenship for immigrants who were 16 years of age or older when they were brought to the United States.
- The bill does would not provide a path to education and citizenship for persons who do not maintain good moral standing during the six-year conditional permanent residence period.
- The bill does would not provide for federal educational grants for the undocumented students it affects.