

AILA Issue Packet

DREAM Act/Student Adjustment Act

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Deseret News, December 22, 2003, "DREAM Act Will Benefit Nation," Op-ed By Senator Orrin Hatch

Los Angeles Times, February 17, 2004, "Don't Punish Children for Parents' Illegal Entry," Op-ed By Chester E. Finn

Model letters in support of the DREAM Act/Student Adjustment Act can be found on "Contact Congress/Media" under the Advocacy Center on both InfoNet and AILA.org.

Student Adjustment for Deserving Children

THE ISSUE: Children in the U.S. each year are prevented from pursuing their dreams of going to college because they have no legal status. Despite the fact that many of these children have grown up in the U.S., attended local schools, and have demonstrated a sustained commitment to learn English and succeed in our educational system, our immigration laws provide no avenue for these students to become legal. Many of these children were brought to the U.S. by their parents at an age at which they were too young to understand the legality of their arrival, let alone take action to rectify this decision. Bi-partisan legislation introduced in the 108th Congress would allow immigrant students who have grown up in this country, graduated from high school, and have no criminal record, to go to college and legalize their immigration status.

BACKGROUND: Numerous cases in the past year highlight the need for comprehensive legislation that would adjust the status of children who are long-term residents of the U.S. For example:

- **Jesus Apodaca**, an 18-year-old honor student, was brought by his parents to the U.S. illegally when he was 12. In opposing Jesus's deportation, Senator Ben Nighthorse Campbell of Colorado accurately described Jesus's plight, "This kid is an American, for crying out loud, he just doesn't have his citizenship. He came in as a little boy. I'm not even sure when you are 12 years old and your daddy says 'let's go,' that you even understand the immigration laws."
- **Hitesh Tolani**, now 20 years old, was brought to the U.S. from Sierra Leone at 18 months of age. While he and his mother were awaiting permanent citizenship, several family members died, thus invalidating their petition. Hitesh was a college junior when he and his mother were ordered deported last November.

Neither these individuals, nor the many similarly situated children to whom this legislation would apply, had available to them the two traditional means of gaining legal status: a sponsoring family member or an employer.

In recognition of the fundamental unfairness these cases demonstrate, lawmakers in Colorado and South Carolina have introduced private legislation that would legalize the status of these two children. The problem with this type of legislation is that the injustice that these children face is not unique. A comprehensive student adjustment bill is the appropriate solution to the current situation and an obviously preferable alternative to the ad hoc, piecemeal approach of private bill sponsorship.

In the 108th Congress, two bipartisan measures were introduced that would address the needs of the many children who face the same circumstances. In the House, Representatives Chris Cannon (R-UT), along with Howard Berman (D-CA) and Lucille Roybal-Allard (D-CA), introduced H.R. 1684, the Student Adjustment Act on April 9, 2003. The Student Adjustment Act would legalize young people who have good moral character, have lived in the U.S. at least five years, are in school in 7th grade or above, and are under 21 years old. In addition, this bill would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to again permit states to determine residency for in-state tuition purposes. The practical effect of this amendment is that these deserving children will now have the opportunity to afford the college they have worked so many years to attend. The House has yet to move on this legislation.

In the Senate, Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL), introduced S.1545, the Development, Relief, and Education for Alien Minors (DREAM) Act on July 31, 2003. The DREAM Act would grant conditional permanent resident status to young people who came to the U.S. before the age of 16, have good moral character, have lived in the U.S. at least five years at the time of enactment, and have graduated from high school. As with the Student Adjustment Act, the DREAM Act would permit states to determine residency for in-state tuition rates.

In late October, the Senate Judiciary Committee debated the DREAM Act and passed it out of committee by a 16-3 vote. Although we are pleased that the bill moved out of committee on such a strong vote, we are disappointed with an amendment introduced by Senator Dianne Feinstein (D-CA) and Charles Grassley (R-IA) that weakens the bill in several ways. The Feinstein/Grassley amendment makes DREAM Act beneficiaries ineligible for federal financial aid grants (such as Pell Grants), eliminates the community service option as a way to lift conditional residency status, and requires DREAM Act beneficiaries to register in SEVIS, the system that tracks foreign students.

As a consequence of the Feinstein/Grassley amendment, DREAM Act beneficiaries would now need to satisfy one of the two following requirements within six years of their high school graduation to have their conditional status lifted:

- (1) Graduate from a two-year college or pursuing a BA or higher degree and be in good standing for at least two years (graduation from certain 1-year occupational programs administered by accredited non-profit or public schools would also satisfy this condition); or
- (2) Serve in the US Armed Forces for at least 2 years and, if discharged, has received an honorable discharge.

AILA strongly opposed the Feinstein/Grassley amendment and will work hard to restore provisions this amendment eliminated and oppose any additional weakening amendments.

AILA's POSITION: AILA strongly supports the passage of bipartisan legislation that provides deserving students with an opportunity to apply for legal status and continue their education, and urges Congress and the Administration to support a measure worthy of these deserving children. By providing the opportunity for these children to go to college and gain legal status, America will both strengthen its economic foundation by creating a more educated work force and introduce justice and fairness to our immigration system.

STUDENT ADJUSTMENT FOR DESERVING CHILDREN

The Student Adjustment Act (H.R.1684) and the DREAM Act (S.1545) would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to again permit states to determine residency for in-state tuition purposes. The bills also would legalize the status of young people who have good moral character, have lived in the U.S. for at least five years, and have graduated from high school.

States should have the right to determine who qualifies for in-state tuition.

- States should have the authority to determine how they allocate their resources.
- States are required to invest in elementary and secondary education for undocumented children. However, when states are ready to earn a return on their investment through a highly educated workforce, they are barred from offering in-state tuition to these children. The states (and their taxpayers) have the right to get a return on their investment.
- Such an educational investment pays dividends for the states by reducing the dropout rate, leading to substantial savings in criminal justice costs and the use of public benefits, and sharply increasing the taxes paid by those who will benefit from this initiative.
- These children have been an untapped resource for far too long.

These children did nothing wrong and should not be punished, but rather should be allowed to make the most of their lives.

- They were brought here at an age where they had no say in the matter.
- They have overcome language barriers and poverty to succeed.
- They include valedictorians, class presidents and other honor students. These excellent role models should be given the chance to succeed.

Current law does not provide a way for these children to achieve legal status.

- Due to the undocumented status of their parents and other family members, they have no available avenues for family-based visa sponsorship.
- Due to their age and lack of work experience few employers would or could sponsor them for a work visa. Even if there was an employer willing to sponsor them, the process takes precious years that these children cannot afford to waste.

This bill brings a balanced approach to reforming our immigration system.

- This measure would require children to have lived in the U.S. for a number of years and to have no criminal record.
- This measure would require eligible children to dedicate themselves to learning English and succeeding in our educational system.
- This measure proposes a one-time only fix that would not encourage illegal immigration.
- Private bills recognize that a problem exists that needs to be fixed, but such bills address the problem only for individual children. We need comprehensive reform that solves the problem for all children who face this situation.

This measure recognizes that the status quo needs to be reformed by granting children the means to continue their education and legalize their status. Such reform works for children and works for America.

“THEY SAY: WE SAY”
RESPONSES TO RESTRICTIONIST ALLEGATIONS
DREAM Act/Student Adjustment Act

While offering no solutions to the problems facing U.S. raised children of undocumented immigrants, restrictionist groups increasingly have attacked legislation that would fix the problem. These groups have raised several allegations about the merits of S. 1545 and H.R. 1684 that we identify below, along with our responses.

1. **Restrictionist Allegation:** This bill would provide an incentive for people to come here illegally.
 - **Our Response:** This bill offers absolutely NO incentive for undocumented people to enter the country. The bill clearly states that eligible students must be in the country for at least 5 years at the time of enactment.

2. **Restrictionist Allegation:** This bill will increase the strain on state educational systems, thereby further exacerbating the states’ existing fiscal crises.
 - **Our Response:** This bill would not create any new in-state tuition breaks. It would simply allow these kids to be eligible for those breaks already available to qualified applicants. More importantly, this bill does not force the states to offer in-state tuition to these children. It simply would amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) to again permit states to determine residency for in-state tuition purposes. Significantly, evidence shows that offering in-state tuition to these children would be in the states’ economic interest by increasing tax revenues and decreasing criminal justice and welfare expenses. A 1999 RAND study showed that a 30-year-old Mexican immigrant woman who has graduated from college will pay \$5,300 more in taxes and cost \$3,900 less in criminal justice and welfare expenses each year than if she had dropped out of high school. This amounts to an annual boost in the state coffers of over \$9,000 per person. The bottom line is that these states have been investing in the education of these children in elementary and secondary school and deserve to choose whether they want a return on their investment.

3. **Restrictionist Allegation:** U.S. citizen children will have to sacrifice their own educational aspirations because there are a finite number of seats available at public universities.
 - **Our Response:** These undocumented children are only asking to be included in the applicant pool, not to receive preferential treatment. The most qualified students will be selected and the rest will pursue their educational dreams in other ways, such as through a different public university or the community college system. The question is not whether all U.S. raised children should have their “first choice” when it comes to their educational dreams, but whether they should be afforded a choice at all. This legislation will give all children in the U.S. the ability to access affordable higher education and to *compete* for their “first choice” institutions of higher learning. This is not a zero sum game.

4. **Restrictionist Allegation:** Sometimes kids have to pay for the mistakes of their parents.

- **Our Response:** It is well settled in our legal system that “legal burdens should bear some relationship to individual responsibility or wrongdoing.” *Weber v. Aetna Casualty & Surety Co.*, 406 U.S. 164, 175 (1972). These children “can affect neither their parents’ conduct nor their own status.” *Plyler v. Doe*, 457 U.S. 202, 220 (1982). These children were either unaware or unable to control the situation that brought them to this country. By denying these children the opportunity for a higher education and an adjustment of status, we are punishing them for the misconduct of their parents. This is directly at odds with both our legal and moral values as a nation. Any notion that we should saddle these kids with a lifelong hardship due to misconduct for which they were not responsible is an unseemly, mean-spirited and irrational approach to solving our immigration problems.
5. **Restrictionist Allegation:** The children of U.S. citizen taxpayers should not be the ones to get hurt.
- **Our Response:** The parents of undocumented children are also sharing the tax burden. In addition to paying sales taxes, a good number of these undocumented families pay property taxes as well as income taxes.
6. **Restrictionist Allegation:** This bill would reward people who came here illegally.
- **Our Response:** The only thing this bill would reward is strength of character. These children were brought here at an age where they had no say in the matter or were unaware of the legal ramifications of their entry. It is intellectually dishonest to link any educational benefits that may be bestowed upon them for their hard work and perseverance to an act over which they had no control.
7. **Restrictionist Allegation:** Allowing these children to adjust status would punish those immigrants who played by the rules and waited in line to become legal.
- **Our Response:** The adjustment of these children’s status in no way affects other immigrants’ ability or time-line to legalize. These are completely separate mechanisms for legalization. Additionally, these children gladly would have waited in line for the chance to legalize if the government had created a line for them. They have been waiting their entire lives just for this chance.

DREAM Act (S. 1545) Cosponsors

42 Total (31 Democrats, 11 Republicans)

Arizona

McCain (R-Ariz.)

Arkansas

Lincoln (D-Ark.)

California

Boxer (D-Calif.)

Feinstein (D-Calif.)

Connecticut

Dodd (D-Conn.)

Lieberman (D-Conn.)

Delaware

Carper (D-Del.)

Florida

Graham, B. (D-Fla.)

Nelson, Bill (D-Fla.)

Idaho

Craig (R-Idaho)

Crapo (R-Idaho)

Illinois

Durbin (D-Ill.)

Fitzgerald (R-Ill.)

Indiana

Bayh (D-Ind.)

Lugar (R-Ind.)

Iowa

Grassley (R-Iowa)

Harkin (D-Iowa)

Kansas

Brownback (R-Kan.)

Louisiana

Landrieu (D-La.)

Maryland

Mikulski (D-Md.)

Sarbanes (D-Md.)

Massachusetts

Kennedy, E. (D-Mass.)

Kerry, J. (D-Mass.)

Michigan

Levin, C. (D-Mich.)

Minnesota

Coleman (R-Minn.)

Dayton (D-Minn.)

Nebraska

Hagel (R-Neb.)

Nelson, Ben (D-Neb.)

Nevada

Reid, H. (D-Nev.)

New Jersey

Corzine (D-N.J.)

Lautenberg (D-N.J.)

New Mexico

Bingaman (D-N.M.)

New York

Clinton (D-N.Y.)

Schumer (D-N.Y.)

North Carolina

Edwards, J. (D-N.C.)

Ohio

DeWine (R-Ohio)

Pennsylvania

Specter (R-Pa.)

Vermont

Leahy (D-Vt.)

Washington

Cantwell (D-Wash.)

Murray (D-Wash.)

Wisconsin

Feingold (D-Wis.)

Kohl (D-Wis.)

Student Adjustment Act (H.R. 1684) Cosponsors

122 Total (101 Democrats, 21 Republicans)

Arizona

Grijalva (D-Ariz.)
Pastor (D-Ariz.)
Renzi (R-Ariz.)

Arkansas

Snyder, V. (D-Ark.)

California

Baca (D-Calif.)
Becerra (D-Calif.)
Berman (D-Calif.)
Capps (D-Calif.)
Davis, S. (D-Calif.)
Dooley (D-Calif.)
Dreier (R-Calif.)
Eshoo (D-Calif.)
Farr (D-Calif.)
Filner (D-Calif.)
Harman (D-Calif.)
Honda (D-Calif.)
Lee (D-Calif.)
Lofgren (D-Calif.)
Matsui (D-Calif.)
Millender-McDonald
(D-Calif.)
Miller, George (D-
Calif.)
Napolitano (D-Calif.)
Nunes (R-Calif.)
Pelosi (D-Calif.)
Roybal-Allard (D-
Calif.)
Sanchez, Linda (D-
Calif.)
Schiff (D-Calif.)
Solis (D-Calif.)
Tauscher (D-Calif.)
Waxman (D-Calif.)

Colorado

DeGette (D-Colo.)
Udall, M. (D-Colo.)

Connecticut

DeLauro (D-Conn.)
Shays (R-Conn.)

Delaware

Castle (R-Del.)

District of Columbia

Hawaii

Abercrombie (D-
Hawaii)

Illinois

Emanuel (D-Ill.)
Gutierrez (D-Ill.)
Jackson, J. (D-Ill.)
Schakowsky (D-Ill.)
Shimkus (R-Ill.)
Weller (R-Ill.)

Indiana

Carson, J. (D-Ind.)

Iowa

Leach (R-Iowa)

Kansas

Moore (D-Kan.)
Tiahrt (R-Kan.)

Maine

Allen, T. (D-Maine)

Maryland

Hoyer (D-Md.)
Van Hollen (D-Md.)
Wynn (D-Md.)

Massachusetts

Capuano (D-Mass.)
Delahunt (D-Mass.)
Frank, B. (D-Mass.)
McGovern (D-
Mass.)
Meehan (D-Mass.)
Olver (D-Mass.)
Tierney (D-Mass.)

Minnesota

McCollum (D-Minn.)
Sabo (D-Minn.)

Nebraska

Osborne (R-Neb.)

Nevada

Berkley (D-Nev.)
Gibbons, J. (R-Nev.)

New Jersey

Holt (D-N.J.)

North Carolina

Ballance (D-N.C.)
Etheridge (D-N.C.)
Price, D. (D-N.C.)

Ohio

Kucinich (D-Ohio)

Oregon

Blumenauer (D-
Ore.)
Wu (D-Ore.)

Pennsylvania

Fattah (D-Pa.)
Hart (R-Pa.)
Hoeffel (D-Pa.)

Rhode Island

Langevin (D-R.I.)

Tennessee

Ford, H. (D-Tenn.)

Texas

Bell (D-Texas)
Bonilla (R-Texas)
Frost (D-Texas)
Gonzalez (D-Texas)
Green, G. (D-Texas)
Hinojosa (D-Texas)
Jackson-Lee, S. (D-
Texas)
Ortiz (D-Texas)
Reyes (D-Texas)
Rodriguez (D-
Texas)

Utah

Matheson (D-Utah)

Virginia

Moran, James (D-
Va.)

Washington

McDermott (D-
Wash.)
Smith, A. (D-Wash.)

Wisconsin

Baldwin (D-Wis.)
Kind, R. (D-Wis.)

Norton (D-D.C.)

Florida

Deutsch (D-Fla.)

Diaz-Balart, M. (R-Fla.)

Diaz-Balart, L. (R-Fla.)

Meek, K. (D-Fla.)

Ros-Lehtinen (R-Fla.)

Wexler (D-Fla.)

Menendez (D-N.J.)

Pascrell (D-N.J.)

Payne, D. (D-N.J.)

Rothman (D-N.J.)

Smith, C. (R-N.J.)

New Mexico

Udall, T. (D-N.M.)

Wilson, H. (R-N.M.)

New York

Bishop, T. (D-N.Y.)

Crowley (D-N.Y.)

Engel (D-N.Y.)

Hinchey (D-N.Y.)

King, P. (R-N.Y.)

Lowey (D-N.Y.)

Maloney, C. (D-N.Y.)

McNulty, M. (D-N.Y.)

Meeks, G. (D-N.Y.)

Nadler (D-N.Y.)

Owens, M. (D-N.Y.)

Rangel (D-N.Y.)

Serrano (D-N.Y.)

Towns (D-N.Y.)

Velazquez (D-N.Y.)

Walsh (R-N.Y.)

Kleczka (D-Wis.)

Ryan

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The Washington Post

December 7, 2003 Sunday
Final Edition

SECTION: A Section; A08

LENGTH: 925 words

HEADLINE: Immigrant Students Face Big Tuition Barrier;
Cut Off From Lower In-State Rates, They Find a College Education Too Costly

BYLINE: Vanessa Petit, Associated Press

DATELINE: MIAMI

BODY:

Juan is a straight-A student who graduated from high school this year with a 4.0 grade-point average and dreams of becoming a journalist. But the 18-year-old Colombian will not be pursuing his career goal anytime soon.

He is among the thousands of immigrant students who fall under a federal law that prohibits public universities from charging lower in-state tuition unless all legal out-of-state students receive the same rate.

For Juan, who did not want his last name used because he feared he could be deported, it is particularly frustrating. His family left Colombia when he was 12 with hopes of providing him and his younger sister a better future in the United States.

"I'd love to go to the University of Florida, but it's unimaginable the amount of money that I have to pay. I can't afford it," said Juan, who lives in southwestern Florida where he works part time at a restaurant and takes a few community college classes.

Out-of-state or international tuition typically costs more than three times in-state tuition. At the University of Florida, Juan would have to pay nearly \$14,000, compared with the in-state charge of about \$3,000.

Florida is among a growing number of states where efforts are underway to reexamine the issue. In the past two years, Oklahoma, Washington, Illinois, New York, California, Utah and Texas have passed laws to reduce the cost of tuition for immigrant students.

State Rep. Juan Zapata said he will propose legislation next year that would help students such as Juan by allowing undocumented students to pay in-state tuition at state colleges and universities. A similar bill did not pass earlier this year.

"This bill establishes, for tuition purposes, that if you went to a Florida high school you wouldn't have to pay the out-of-state tuition," said Zapata, a Republican from Kendall, a Miami suburb.

The Urban Institute, a Washington-based nonpartisan research organization, estimated that 50,000 to 60,000 undocumented immigrants graduate from U.S. high schools every year and about 3,300 to 5,300 undocumented students graduate from Florida high schools. It is not known how many students are paying the out-of-state tuition or what happens to them once they graduate from high school.

"Florida has the fourth-biggest immigrant population. In this sense, Florida should pass this bill. It's long overdue," said David Skovholt, director of Florida Immigrant Advocacy Center, an organization that helps promote immigrants' rights.

In Congress, the Senate Judiciary Committee has approved legislation that would permit immigrants who have lived in the United States for at least five years to apply for legal resident status once they graduate from high school. The measure would eliminate the provisions of the current federal law that discourages states from providing in-state tuition to undocumented student immigrants.

The federal legislation, dubbed "The Dream Act," is sponsored by Senate Judiciary Committee Chairman Orrin G. Hatch (R-Utah) and Sen. Richard J. Durbin (D-Ill). The measure is expected to be considered by the Senate and the House next year.

David Ray, spokesman for the Washington-based Federation For American Immigration Reform, which advocates limits on immigration, argued that these policies undermine national security and encourage illegal immigration.

"The states that pass these laws play the part of the problem but not the solution," Ray said. "It's not consistent with the security needs of the country. We can't set a precedent that they can get away with illegal immigration. They are illegal aliens and should not be given taxpayers' subsidies."

Josh Bernstein, director of federal policy for the National Immigration Law Center, which promotes immigrants' rights, said students should not have to wait for Congress to sort out the politics.

"It's fair to say that it makes sense that when you are a child, your immigration status be tied to that of your parents, but once you're an adult it should depend on your own merits," Bernstein said. "This can't wait. It will be a transformative event in their lives."

Zapata said that if these immigrant students pay state sales tax, then they should benefit from subsidized tuition. The state also would capitalize on the investment it has already made in these students when they attended public school, he said.

"We don't want to make this an immigration issue," he said. "Many will be legalized at some point in their lives."

One recent high school graduate finds herself torn between leaving the United States and her family or following her long-term aspirations.

Cecilia, who also did not want her last name used, arrived from Uruguay with her family four years ago to escape that Latin American country's prolonged economic slump.

"My parents wanted a better future for themselves and a good education for us," the 18-year-old said. "Don't get me wrong. Uruguay has great schools, but because the economy doesn't work, I could study to be a doctor and end up driving a taxi."

But now, after learning English and completing high school in Miami, Cecilia may return to Uruguay to study to become a physical therapist. If she leaves she will not be able to return to the United States, because she has overstayed her tourist visa. Her parents and two sisters cannot leave the country either because their reentry would be denied.

"I can't imagine not being able to see my parents and sisters for many years," she said. "But I want to continue studying, and I can't pay the out-of-state tuition."

LOAD-DATE: December 7, 2003

Copyright 2003 The Deseret News Publishing Co.
Deseret News (Salt Lake City, Utah)

December 22, 2003, Monday

SECTION: OPINION; Pg. A12

LENGTH: 605 words

HEADLINE: DREAM Act will benefit nation

BYLINE: By Sen. Orrin G. Hatch

BODY:

Illegal immigration is a serious issue. The United States must always protect its borders and enforce its immigration laws. The consequence of illegal entry or overstaying a visa should be deportation. Illegal immigrants who have eluded authorities should not be rewarded with blanket amnesty. At the same time, America's immigration policy must also be sufficiently flexible so that basic vigilance against illegal immigration does not undermine other national interests. That is why I have introduced the Development, Relief and Education for Alien Minors Act. The DREAM Act passed through the Judiciary Committee with a bipartisan overwhelming margin of 16 votes to 3.

Thousands of children of undocumented immigrants have graduated from our high schools. Most came to America as small children, playing no part in the decision to enter and may not even know they are here illegally. They are loyal to our country, and many grow up to become honest and hard-working young adults, striving for academic and professional excellence. It is a mistake to lump these children with adults who knowingly crossed our borders illegally. Instead, the better policy is to view them as a valuable resource for our nation's future.

The DREAM Act does not guarantee any illegal immigrant the right to remain in the United States. Rather than writing them off, it does give these young people the privilege of earning the right to remain. The bill provides a six-year conditional residence period for those who entered the country as children, have been here continuously for at least five years, stayed away from crime and earned at least a high school degree.

During that six-year period, these individuals can earn the right to stay permanently by serving in our military, obtaining an associate's degree or trade school diploma, or completing two years in a bachelor's or graduate program. Because of the residency and age requirements, there is no incentive to illegally enter the United States in the future. Moreover, these rigorous standards result not in citizenship, but only in permanent residency status that may one day result in eligibility to apply for citizenship.

Our society benefits greatly from educating our immigrant population. A RAND study reported that doubling the rate at which Hispanics earn a bachelor's degree would bring

many tangible economic and social benefits to our nation, and that education is the single most important factor in providing the skills and knowledge needed by the nation's economy. Additionally, in testimony before the Senate Immigration subcommittee, a senior economics fellow with the Cato Institute estimated that immigrant households paid approximately \$133 billion in direct taxes to federal, state and local governments in 1998. He further estimated that the total net benefit (taxes paid over benefits received) to the Social Security system from continuing current levels of immigration is nearly \$500 billion from 1998-2022 and nearly \$2 trillion through 2072. As such, the DREAM Act will not only directly improve the quality of life of its beneficiaries but undoubtedly will also benefit the overall American economy.

America's national interest must shape our immigration policy. We must protect our borders and remove those who do not have permission to remain. At the same time, with the DREAM Act, we can extend a welcoming hand, guided by specific and rigorous standards, to those who entered as children and whose continued presence will benefit our country.

Senator Orrin G. Hatch of Utah is the Chairman of the Senate Judiciary Committee.

LA Times Feb. 17, 2004

COMMENTARY

Don't Punish Children for Parents' Illegal Entry

By Chester E. Finn Jr., Chester E. Finn Jr., a senior fellow at Stanford's Hoover Institution, where he chairs the Koret Task Force on K-12 Education, was assistant secretary of Education in the Reagan administration.

President Bush has sent one overdue immigration reform - the guest-worker proposal - to Congress, a worthy reform that's already the target of heavy fire from both left and right. There's another needed legislative change that ought to draw bipartisan support and no objections because it would correct a long-standing moral wrong in U.S. immigration laws: the punishment of hapless children who had nothing to do with the decision to enter the U.S. illegally.

I agree that we should have harsh penalties for adults who break immigration laws. (My wife and kids are legal immigrants, and I believe everyone should follow the rules.) But why blight the lives of hard-working youngsters who attend our public schools, yearn to enroll in U.S. colleges, dream of becoming Americans - and whose only connection to wrongdoing was being carried across the border by their law-breaking parents?

Nobody has a precise count of such a shadowy population, but responsible estimates are in the range of 50,000 such high school graduates each year, mostly concentrated in states and communities with lots of illegal-immigrant families.

My friend "Alex" is such a young person. He was a babe in arms two decades ago when his teenage parents slipped into California in search of a better life. He grew up in tough Los Angeles neighborhoods, attended troubled schools and has never been back to Central America.

Yes, his parents messed up. His abusive father said they would eventually return to Guatemala. Now he's dead. Mom has acquired a "green card," which allows her legal residency. But that doesn't help Alex, who is now an adult and not covered under his mother's status.

I came to know him while making a documentary film that uses Alex's painful saga to frame today's hot education policy wrangles over testing and school choice. The producer and I were struck by his keen intellect, self-awareness, articulateness and compassion. He's been a surrogate father for his siblings. He's found a way to work in low-wage jobs in nursing homes, where he entertains residents with games, poems and cheerful company.

Despite a rough time at the hands of the Los Angeles Unified School District - a few caring teachers amid the heedlessness and red tape of troubled urban schools - Alex earned his GED and is close to winning a regular high school diploma while also supporting a wife and baby. He'd be fine college material. But he can't go without financial aid, which he can't get

without papers - ditto a driver's license, health insurance, better job, etc.

Alex faces endless legal hassles and blind alleys unless Congress passes a bill - the Development, Relief and Education for Alien Minors Act, or DREAM - that cleared the Senate Judiciary Committee in late 2003 with bipartisan support. It would grant young people like Alex a grace period during which they could come out of the shadows without fear of being deported and qualify them for in-state tuitions and federal loans. They would be eligible for green cards if they completed at least two years of college or served in the military. This tightly crafted measure would transform at least a few Alexes into full-fledged Americans. Appreciative Americans, too.

"Why do I still dream of becoming a citizen?" Alex wrote in a brief prepared for congressional consideration. "I have already managed to do a fair amount to advance myself, my family and my country. I can only imagine the good I might be able to do for the country that I've loved and called my own ever since I knew my own name."

His fate under current law, however, is to live in fear of being deported to the bloody, chaotic land of his birth.

The proposed DREAM Act is one of many overdue immigration reforms. A few gutsy Republicans on Capitol Hill have risked the ire of their party's nativist claque by crafting careful solutions to these problems. Predictably, most Democrats embrace such changes (except those they say don't do enough). One might suppose that GOP congressional leaders, watching the 2004 election draw nigh, would also see electoral advantage in advancing these measures.

Politics aside, young lives hang in the balance. Alex's is one of them.