

Summary of the Hatch-Durbin Student Adjustment Bill S. 1291 Development, Relief, and Education for Alien Minors Act (DREAM)

The DREAM Act, S. 1291 (107th Congress) represents a bipartisan effort to provide immigration relief to undocumented young people who have spent their formative years in the United States, who have graduated from high school here, and who can demonstrate good moral character.

The only crime these young people have committed is that of living with their mothers and fathers. They have a human right to pursue their own dreams and not to be punished for their parents' actions. The rest of us also have a stake in the success of these children. Many are talented and poised to contribute to our joint future as teachers, nurses, and leaders. The DREAM Act does not provide them with any special rights. It merely eliminates the artificial barriers that currently prevent them from achieving their full potential.

Restoration of state right to determine residency for in-state tuition and higher education benefits

The DREAM Act repeals Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), under which any state that provides in-state tuition or other higher education benefit to undocumented immigrants is forced to provide the same tuition break to out-of-state residents. Repeal of section 505 would restore to the states the right to determine their own residency rules.

Immigration relief for long-term resident immigrant students with good moral character

The DREAM Act would create a new kind of "cancellation of removal" for which undocumented young people can apply if they meet all of the following requirements:

Age and long-term residence: To qualify, an immigrant must be at least 12 years old on the date of enactment of the DREAM Act, and must be under 21 years old at the time she applies for relief. In addition, eligibility is limited to those who have lived continuously in the United States for at least 5 years on the date of enactment of the DREAM Act.

High school graduation: A young person must have earned a high school degree by the time she applies for relief. A small number of individuals who would have qualified within the last 4 years but are now too old will also qualify if they recently graduated from high school and are now in college or have already graduated from college.

Good moral character: Finally, the immigrant must demonstrate good moral character, a defined term in immigration law, and must have no criminal record.

Long-term resident students who meet all of the above requirements but have not yet graduated from high school would be granted an interim status that protects them from being deported and that permits them to work after school and during vacations. The DREAM Act will be reintroduced by Senator Orrin Hatch (R-Utah) this Spring.



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