

Fighting for the DREAM

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Immigration & Compliance

States get involved, students organize, Federal gridlock continues

After being reintroduced into the Senate last year by Senator Harry Reid, **The DREAM Act, which would provide conditional legal permanent resident status and a path to citizenship to certain qualifying undocumented individuals who came to the U.S. as children and who wish to attend college or join the military**, has yet to become law — although politicians continue to weigh in on it while advocates continue to fight for it.

In its latest form as introduced in 2010, the DREAM Act would provide a six-year grant of conditional legal permanent residence to individuals between the ages of twelve and thirty-five at the time of enactment, who are of good moral character, graduated from U.S. high schools, came to the U.S. as minors, have continuously resided in the U.S. for the five years prior to enactment, and who then go on to complete a minimum of either two years of military training or two years of education at a U.S. institute of higher learning. Moreover, the Act would provide the added benefits of enabling qualifying college students who are currently undocumented to take advantage of certain opportunities for which they are now ineligible, such as internships, study abroad programs and greater access to financial assistance.

Upon removal of the conditions on their legal permanent resident status, DREAM Act beneficiaries would be full legal permanent residents or green card holders and eligible to apply for U.S. citizenship. The Act in its current form would impose strict evidentiary requirements, with the burden of proof of eligibility falling on the applicants.

Of the estimated eleven million individuals living in the U.S. without legal immigration status, The DREAM Act would help an estimated 1.1 million to legalize. In 2010, the Congressional Budget Office issued a highly anticipated cost estimate for the latest version of the legislation, in which it found that by permitting a path to legalization for this portion of the undocumented population, the deficit would be reduced by \$1.4 billion over ten years, and that revenues, owing to an increase in tax-paying authorized workers, would be increased by \$2.3 billion over ten years. Another study was conducted by the UCLA North American Integration and Development Center, in which it was found that the DREAM Act cohort, over the course of their working lives, would generate an estimated \$1.4 trillion to \$3.6 trillion over the course of forty years.

Despite its estimated benefits for a narrow demographic within the undocumented population, the

DREAM Act remains controversial. It failed to pass in 2010 after passing in the House but failing to garner the votes to move it to the Senate; it failed to pass as part of failed efforts at comprehensive immigration reform in 2007 and 2006; it failed to pass in 2003; and its earliest incarnation (not yet called the DREAM Act), failed to pass in 2001. Its lengthy history shows that the politically charged issues preventing its passage mirror those that have to date prevented comprehensive immigration reform.

In the meantime, faced with the practical everyday issues of undocumented residents seeking to attend school, to the extent that they can, states are taking matters into their own hands. While they cannot legislate a path to legalization, they can pass laws pertaining to education.

For example, in California, two bills collectively called the “**California Dream Act**” were signed into law in 2011, effective in 2012, aimed at making it easier for undocumented students to pay tuition by enabling them to apply for private financial aid. In a similar vein, two other bills were passed in California to make it easier for undocumented individuals to attend school: AB 176, which allows high school students to show certain unofficial forms of identification to get into college entrance exams, and AB 207, which allows parents to show different types of documents to schools to prove their children’s residency such as pay stubs and property tax receipts. Moreover, similar bills have been passed in Illinois and Texas, and are circulating in Florida, Pennsylvania, and New York, with a recent failed effort in Virginia.

Additionally, growing numbers of students across the U.S. have been coming out publicly as undocumented, advocating for passage of the DREAM Act and hoping to raise awareness about their need for legalization. Given that these individuals are undocumented, the question obviously arises as to whether, by coming out publicly, they are jeopardizing their ability to remain in the U.S. Under the Obama administration, ICE maintains that it concentrates its removal efforts on criminals as opposed to those who are lacking legal status but are otherwise law abiding. With an election year and a potential change in administration however, this policy could change quickly and drastically.

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