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## Reaching the Dream The Federal DREAM Act, the California Dream Act and Undocumented Student Activism

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### Introduction

Had it passed the senate vote last December, the Development, Relief, and Education for Alien Minors Act, or DREAM Act, would have provided an opportunity for millions of undocumented immigrant youth to attend college or serve in the military thereby creating a pathway toward citizenship for these young people. While the Act was introduced by a bipartisan group of legislators, passed in the House of Representatives, and received support from President Obama, it failed to pass in the Senate in 2010. Re-introduced in 2011, the DREAM Act would increase work opportunities and the earning potential of millions of undocumented young people living in the U.S., resulting in higher tax revenues and public health benefits. Furthermore, the DREAM Act has the potential to reduce drop-out rates and increase educational access for millions of young people.<sup>1</sup> This Brief provides information about the federal DREAM Act and its beneficiaries, as well as current policy initiatives in California that could benefit immigrant students. It demonstrates the importance of supporting the advancement of immigrant youth and young adults in the larger context of immigration reform.

The number of unauthorized immigrants living in the United States increased steadily from 3.5 million in 1990 to a peak of 12 million in 2007. With the economic crisis and ensuing recession in 2008, the number of undocumented immigrants in the U.S. began to decline and has leveled off, with 11.2 million unauthorized immigrants living in the U.S. in March 2010.<sup>2</sup>

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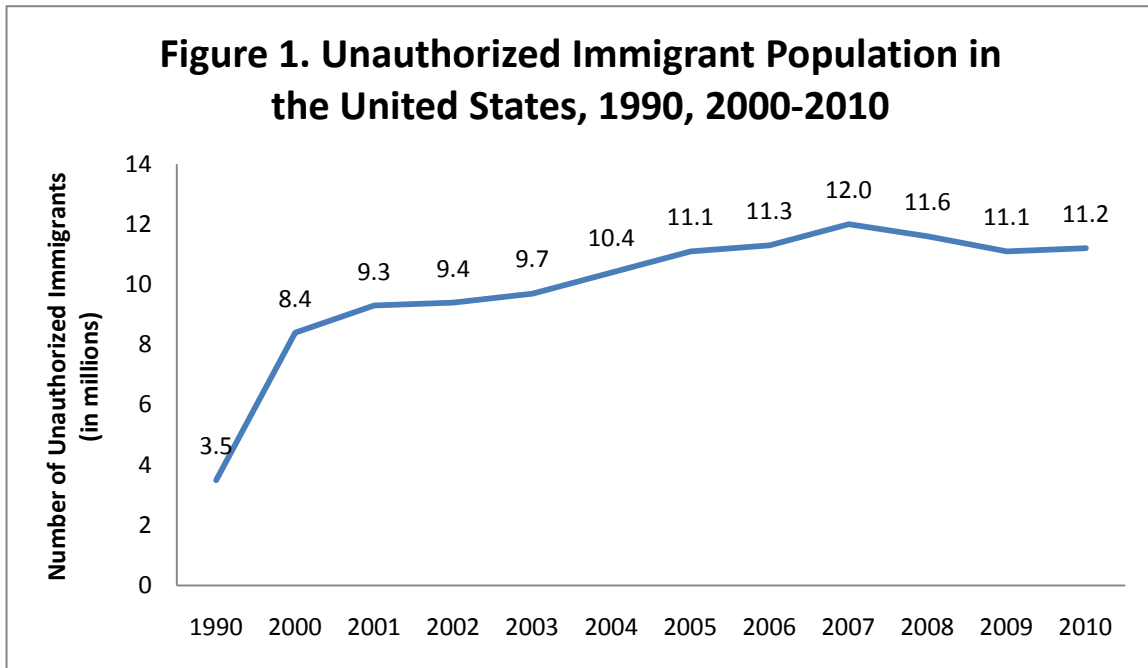
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Source: Pew Hispanic Center analysis of Current Population Survey data; Note: Numbers represent the midpoint of an estimated range of unauthorized immigrant population in the U.S. for the given year.

At least one million undocumented immigrants in the United States today are children (under 18 years of age and unmarried) who were born in other countries and brought here by their families.<sup>3</sup> These young adults are part of the “1.5 generation,” born abroad but raised in the U.S. as Americans just like their authorized counterparts. They are educated in the U.S., internalizing American culture and values, and many have few memories of their country of origin. Indeed, many of these young people do not even know they lack proper documentation until they try to get a driver’s license or apply for college, when they find out they have no social security number. While the Supreme Court legally guaranteed equal access to K-12 public education in the U.S.,<sup>i</sup> undocumented children face barriers to their adult aspirations. They are not allowed to drive, vote, or work, and while they are permitted to attend public universities in most states, they often do not qualify for in-state tuition rates and are not allowed to take advantage of funding opportunities available to other students.<sup>4</sup>

Incomes for the families of unauthorized immigrants in the U.S. are very low – in 2003, they were about half that of non-immigrant families (\$27,400 vs. \$47,700). In 2003, 38% of children of undocumented immigrants lived in poverty. Furthermore, between 2006 and 2008, nearly two-thirds of undocumented children under 18 lived in low-income families (earning below 200% of the poverty line).<sup>5</sup> Without some sort of state or federal financial aid, college may be an unattainable dream for young people from low-income families. The DREAM Act, which could provide access to higher education and a pathway to citizenship for an estimated 2.1 million undocumented children and young adults, would change that.<sup>6</sup>

The DREAM Act permits individuals under the age of 35 who have lived in the United States consecutively for the past five years, were brought to the U.S. when they were younger than 16, and who graduated from high school or received a GED, to apply for conditional legal permanent resident status. This status would be granted for six years during which time the individual must complete either two years of

<sup>i</sup> 1982. “*Plyler v. Doe*.” 457 U.S. 202.

post-secondary education or military service and maintain good moral character. If these requirements are fulfilled during the conditional period, then the individual may apply for unconditional legal permanent resident status.<sup>7</sup>

The DREAM Act has been introduced every year since 2001. In May 2011, the DREAM Act was reintroduced by Senate Majority Leader Harry Reid (D-Nev.) and Senator Dick Durbin (D-Ill); however, its passage is still uncertain in both the Republican-controlled House of Representatives and the Democrat-controlled Senate. As a result, several state lawmakers have taken action to prevent the disenfranchisement of undocumented youth by providing them with a pathway to attend college, even if access to citizenship remains elusive. At the same time, undocumented young adults have become national leaders in the fight for their own right to access education and citizenship.

### **California Dreaming**

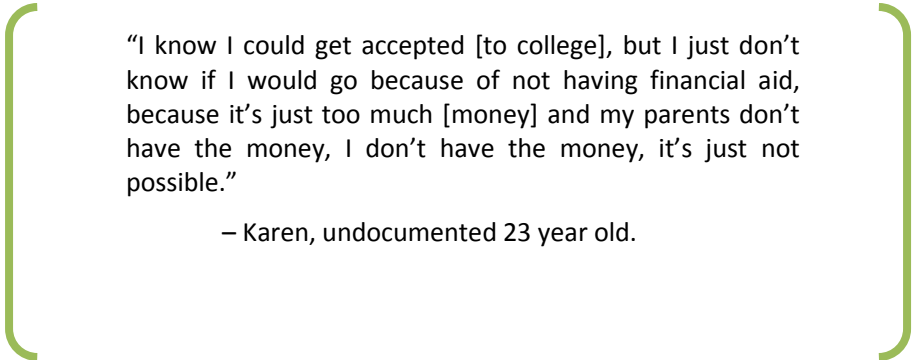
Seventy-seven percent of undocumented immigrants reside in only 12 states in the U.S. However, almost a quarter of the nation’s unauthorized immigrants live in California. With over 2.5 million unauthorized residents, the Golden State is home to many more undocumented immigrants than any other state in the country (see Table 1). With undocumented immigrants making up 6.8% of the state’s overall population, California is second only to Nevada in its per capita unauthorized population. In addition, California is home to the largest number of potential DREAM Act beneficiaries in the U.S. – 26% of all potential beneficiaries live in California. Furthermore, in the Los Angeles Metropolitan Area, approximately one in every ten individuals is undocumented and 16% of such individuals are children.<sup>8</sup>

	Estimated Population
<b>U.S. Total</b>	<b>11,200</b>
California	2,550
Texas	1,650
Florida	825
New York	625
New Jersey	550
Illinois	525
Georgia	425
Arizona	400
North Carolina	325
Maryland	275
Washington	230
Virginia	210

Source: Pew Hispanic Center analysis of Current Population Survey data.

Unfortunately, only five to ten percent of undocumented children across the country go to college. For many, this is due to financial barriers. However, California and other states have begun to address this critical problem. In 2001, California passed Assembly Bill 540 (A.B. 540), which allows undocumented students who meet certain criteria to pay in-state tuition rates at public colleges and universities. Students may currently benefit from A.B. 540 if they attend a California high school for at least three years; graduate from a California high school or equivalent; enroll in a California public college or university; and sign an affidavit stating that they have either filed, or plan to file when eligible, an application to legalize their immigration status. Eleven other states in the U.S. have passed similar in-state tuition laws. However, even though A.B. 540 provides a path to higher education for thousands of undocumented youth in California, these young people are still ineligible for any kind of publicly funded or institutional financial aid, including grants, scholarships, work-study, or loans, and even most private scholarships.

Most undocumented children in California come from very low-income families: the average annual income for an undocumented family in California in 2003 was only \$29,700 (compared to \$54,600 for U.S.-born families).<sup>9</sup> This low socioeconomic status, combined with the ever-increasing cost of college attendance, keeps higher education elusive for many undocumented students, even if they qualify for in-state tuition.



“I know I could get accepted [to college], but I just don’t know if I would go because of not having financial aid, because it’s just too much [money] and my parents don’t have the money, I don’t have the money, it’s just not possible.”

– Karen, undocumented 23 year old.

Despite substantial barriers, some undocumented students are still able to make ends meet and attend colleges and universities in California. The vast majority of these students are enrolled in the community college system; however, the presence of A.B. 540 students drops drastically as students transition from two-year to four-year programs. While, according to the Chancellor’s Office of the California Community Colleges, approximately 36,000 A.B. 540 students were enrolled in California community colleges in the 2009-2010 academic year, only 3,600 A.B. 540 students enrolled in California State Universities, and only between 390-488 A.B. 540 students enrolled in the University of California system.<sup>10</sup> Furthermore, even students who do make it to college face severe barriers to retention. Often, due to their financial situation, undocumented students take a much longer path to graduation than traditional students, often “stopping out” for a quarter or a semester until the next term’s tuition can again be paid.

“I technically started at UC Irvine five years ago, but I’ve only completed 7 quarters [2.5 years]. Even though I work full time in the summer, I still have to take off practically every other quarter so I can save [money] for the tuition the following quarter...So many of the classes for my major are sequential, so it’s been a real challenge to complete my coursework...let alone the fact that I can’t really participate in any extracurricular activities like other college students.”

–Sara, undocumented student, 23

### ***The CA Dream Act: Helping More Students through the Educational Pipeline***

Financial barriers keep many qualified undocumented students from attending college. In response, legislators from California have introduced policy proposals to provide a remedy for low-income immigrant students. On January 11, 2011, Assemblyman Gil Cedillo introduced A.B. 130 and A.B. 131, collectively known as the California Dream Act. A.B. 130<sup>ii</sup> would allow students who meet the requirements for in-state tuition to be eligible for some financial aid such as the Board of Governors (BOG) Fee Waiver, and student aid programs administered by the college or university (i.e. State University Grant, UC Grant).<sup>11</sup>

A.B. 131 would allow students who meet the in-state tuition requirements to apply for and receive Cal Grants by California’s public colleges and universities. However, undocumented students wouldn’t be able to apply for the grants until all California resident students have received the grants for which they are eligible. A.B. 131 also expands eligibility for in-state tuition to include attendance and graduation from California adult schools and vocational schools, as long as the student also attended a California high school for at least one year.

The California Dream Act would make higher education significantly more affordable for undocumented students in California, likely increasing their post-secondary enrollment. In many ways, these bills correct an existing flaw in the system that requires undocumented students to pay into scholarship funds for low-income students, but without eligibility for such funds. For example, a significant portion of the tuition paid by all University of California students (including A.B. 540 students) goes back into a pot for university-sponsored scholarships for low-income students. Indeed, 33% of all fee increases during the 2008-2009 academic year, were earmarked for this “return-to-aid” policy.<sup>12</sup> However, in spite of contributing to these scholarship funds in every tuition payment, A.B. 540 students are currently ineligible for these scholarships. The California Dream Act would correct this.

Breaking down barriers to higher education is also part of the solution to the critical economic problems facing the state of California. The Public Policy Institute of California estimates that by 2025, California will have 1 million fewer college grads than are demanded by its economy.<sup>13</sup> Therefore, providing access to affordable education for all our state’s students will become even more critical over the coming decades. And importantly, according to the California Assembly Committee on Appropriations, AB 131 would not increase overall spending on institutional aid in the state of California.<sup>14</sup> The Golden State simply cannot afford not to educate its immigrant students.

<sup>ii</sup> For full text of AB 130, see [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0101-0150/ab\\_130\\_bill\\_20110502\\_amended\\_asm\\_v95.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0101-0150/ab_130_bill_20110502_amended_asm_v95.pdf).

As of publication of this Brief, both bills of the California Dream Act have passed the California State Assembly. In addition, both A.B. 130 and 131 have passed the Senate Education Committee and are expected to be heard in the Appropriations Committee this summer. Chances of passage seem optimistic: indeed, Governor Brown has expressed that he will support the CA Dream Act, unlike his predecessor who vetoed several earlier versions of the bills.<sup>15</sup>

### ***Undocumented Students Fight for the Right to Dream***

Undocumented students have spearheaded the fight for the federal DREAM Act and the California Dream Act. These students have a clear track record of campaigning to pressure elected officials to listen to their stories and understand their willingness to give back to the state and the country. However, undocumented students know that the California Dream Act is just one critical component of a larger solution to address the long-term plight of undocumented students. Without legal status, college educated undocumented students will not be able to get jobs commensurate to their education levels. In response to this issue, for more than a decade, a growing number of undocumented students across the nation have been working together to fight for access to education and a path to citizenship. Undocumented students in California have generated hundreds of thousands of calls and faxes in support of the CA Dream Act and the federal DREAM Act, made thousands of presentations to high school students and parents, held regular statewide leadership development retreats and sometimes daily regional meetings, staged hunger strikes, helped to successfully defer action on the deportation of nearly four dozen DREAM Act-eligible students, and even held acts of civil disobedience, among other strategies. Some of the most prominent organizations of undocumented students are listed in the side bar.

- **The California Dream Network (CDN) of the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA):** Founded in 2005, the CDN now links over 3,000 A.B. 540 students from over forty college and university campuses across California. Through its organizing, education, and leadership development programs, CDN provides opportunities for sharing of information and resources, and collective campaign strategizing. In 2010, CDN sent several delegations of students to Washington, D.C. to advocate for comprehensive immigration reform. <http://www.cadreamnetwork.org>; [www.chirla.org](http://www.chirla.org)
- **The Dream Resource Center (DRC) of the UCLA Downtown Labor Center:** Provides education, outreach, and leadership skills-building, and produces research and publications on the issues and policies affecting undocumented students. The DRC has done hundreds of presentations across the state and the country, on dozens of university, college, and high school campuses. The DRC provides volunteer and internship opportunities for undocumented students to gain critical job skills. <http://www.labor.ucla.edu/programs1/ugundergrads.html>
- **The California Dream Team alliance (CADTA):** An undocumented student-led organization that unites undocumented young adults and their allies across California, both on college campuses and outside of the educational setting. CADTA has regional affiliates across California: Orange County Dream Team (OCDT), Dream Team Los Angeles (DTLA), Bay Area Dream Act Coalition (BADAC), Inland Empire Dream Team (IEDT), Dream Team South Bay (DTSB), San Gabriel Valley Dream Team (SGVDT), and San Fernando Valley Dream Team (SFVDT). OCDT and DTLA were responsible for a 15-day hunger strike in 2010 for the passage of the federal DREAM Act, which attracted thousands of supporters to the cause. They have also been national leaders in “coming out days” in which documented students publicly announce their status in order to raise awareness about the issues confronting them. [www.cadta.org/](http://www.cadta.org/)

## **Conclusion**

A national DREAM Act has the potential to adjust the legal status of 2.1 million unauthorized children and young adults across the U.S. With a college degree or military experience, and the ability to obtain legal employment, DREAM Act beneficiaries would have greater employment opportunities and earning potential and would be able to contribute more to the U.S. economy. In addition, when individuals are allowed to work and earn more money, they not only increase government revenues through taxes paid and decrease government spending through a reduced need for social services, but they support other businesses and contribute to job creation in their communities. Indeed, an analysis by the Congressional Budget Office shows that the DREAM Act would actually reduce the deficit by \$2.2 billion over the next 10 years.<sup>16</sup>

However, the 2009 DREAM Act did not make it out of Congress and the 2011 DREAM Act has just begun its journey through the legislative process. The difficulty in passing a national measure highlights the importance of state bills. States need to pass bills on their own so that Congress will see the support for immigrant communities around the country. The two bills comprising the California DREAM Act provide opportunities for undocumented young people in California to go to college at in-state tuition rates and to receive non-state as well as state funded financial aid. Because only five to ten percent of the 65,000 undocumented students who graduate from U.S. high schools each year attend college, making higher education more affordable would help to increase the college attendance in the state. To be sure, California needs the ingenuity, productivity, and entrepreneurship of all of its youth in order to get its economy growing again.<sup>17</sup>

Ultimately, the need for broader immigration reform is clear. The current focus on deportation is untenable. The deportation of 11.2 million undocumented immigrants would cost the United States at least \$285 billion. The deportation of just the children eligible to benefit from the DREAM Act would cost the country \$16.2 billion over ten years. The effects of deporting the unauthorized residents of California are equally stark. Employment would drop by 17.4%, with the disappearance of 3.6 million jobs. It is simply not true that jobs held by undocumented immigrants would go to American citizens following the deportation of millions of unauthorized residents. Many of these jobs would simply disappear and the economy would contract as a result. In fact, if California's undocumented immigrants were to leave, the state's economy would shrink by \$301.6 billion.<sup>18</sup>

The legalization of unauthorized immigrants, on the other hand, would create jobs and stimulate the economy. Given the fact that the unemployment rate in the country remains above 9%, the failure of congress to enact the DREAM Act was short sighted. Adjusting the legal status of young people who came to the U.S. as children, so that they can obtain additional education experience, and ultimately gain permanent legal status, has the potential to provide as many as 2.1 million young people with the opportunity to fully participate in the U.S. economy.

Although the 2011 DREAM Act will face challenges to passage, the California Dream Act provides an immediate opportunity to help California youth to achieve their education goals and to be productive members of the California economy. We must not miss this opportunity. The more states that provide youth with the opportunity to continue to dream, the more supporting evidence there will be for the passage of the federal DREAM Act.

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