

Dispelling DREAM Act Myths

MYTH: It would reward undocumented immigrants for violating federal immigration laws by giving them in-state tuition while there are state laws that deny legal immigrants on student visas such tuition benefits.

FACT: The DREAM Act does not address how a state must determine in-state tuition eligibility but it is clear that because of their past and future economic contributions to the state, undocumented students should be eligible for in-state tuition programs.

The comparison between U.S.-educated students that lack status and foreign student visa holders is unsound. DREAM Act beneficiaries have lived in the U.S. for a minimum of five years; their parents are local taxpayers and in many cases these students know no other country to call home. Student visa holders, on the other hand, come to the U.S. with the sole purpose of obtaining an American education and are not likely to remain in the state upon their graduation.

MYTH: It would encourage more illegal immigration by sending the message that the United States does not take its immigration laws seriously.

FACT: The DREAM Act creates strict requirements and a lengthy path of legalization for some of the nation's best and brightest students whose undocumented status is no fault of their own. The DREAM Act only applies to those that have lived in the U.S. for five years immediately preceding the enactment of the law - the Act was clearly written to not be open-ended.

The legislation allows eligible students who entered the United States before age 16 to earn conditional immigration status if they pass United States Citizenship and Immigration Services (USCIS) background checks, and complete at least two years of higher education or two years of military service. These students will go through the same strict evaluation and application process that others seeking legal status undergo.

MYTH: It would offer these benefits on taxpayer dollars while out-of-state students struggle to fund their college educations and the economy flounders.

FACT: The DREAM Act does not change a state's current law regarding in-state tuition eligibility, nor will undocumented residents of a state get benefits not granted to U.S. citizen residents. If DREAM students choose to attend a university outside of the state in which they have resided for the past five years, they would pay the same rate as other out-of-state students.

The hard work and talents of DREAM students who attend college will improve our economy. These students will attain better paying jobs, pay more taxes and have more money to spend in the state. Their higher earnings translate directly into higher tax revenue and spending power which will help bolster our economy.

MYTH: Passage of the DREAM Act allows anyone to apply and would prohibit any applicant from deportation, regardless of their eligibility.

FACT: The DREAM Act makes a change in immigration law so as to allow eligible immigrant youth to apply. A pending DREAM Act application does not confer eligibility; the applicant must undergo an evaluation process with an immigration adjudicator, like all other immigration applications.

Through this change in law, the Department of Homeland Security (DHS) will create rules governing DREAM Act eligibility and how students can apply. It should be noted that DHS has a rigid fraud detention department and will verify documents to identify and reject ineligible applicants. Finally, the DREAM Act creates strict penalties for fraudulent statements or representations of applicants.

MYTH: Passage of the DREAM Act allows for students to endlessly sponsor their family for a green card.

FACT: The DREAM Act does not change how an individual can petition a family member. Current U.S. law has strict provisions affecting the categories of family members that individuals can petition and the requirements those members must meet. The process of petitioning a family member can be very lengthy, and the USCIS reviews petitions carefully to ensure that all applicable eligibility requirements are met.

Moreover, the DREAM Act does not automatically confer legal permanent resident (LPR) status or naturalization on eligible students. The Act would allow an undocumented student to apply for a six year conditional immigration status. After the conditional status period, the student can then apply for LPR status, or a "green card". After the required years in LPR status, the student can then apply to become a naturalized citizen.