



The DREAM Act in the 111th Congress

The Nightmare Is in the Details

The DREAM Act has been reintroduced in both the House (H.R. 1751, by Rep. Howard Berman (D-CA)) and the Senate (S. 729, by Sen. Dick Durban (D-IL)). Several cosponsors of the legislation have referred to the DREAM Act as a “narrow” proposal to deal only with the children brought here illegally by their illegal-alien parents. Unfortunately, the facts belie that claim. Here are the essentials of what the bills would do:

- They retroactively repeal the federal ban on *in-state tuition for illegal aliens*, so individual states would decide whether to grant this subsidy to illegal aliens at the expense of U.S. citizens and legal residents.
- They require DHS to award *amnesty to every illegal alien* claiming to meet minimal criteria: 1) present in the U.S. for the last five years; 2) a U.S. high school diploma or GED, or admitted to a U.S. institution of higher learning; and 3) of “good moral character” with no more than 2 misdemeanor convictions.
 - The Senate version also requires that amnesty applicants be under 35 years of age and not be subject to a final order of removal or exclusion.
 - Neither version requires specific documentation or other proof that amnesty applicants actually meet these minimal criteria.
- Once an alien files an amnesty application, he or she *cannot be removed from the United States for any reason* until the application is fully processed and a final decision to grant or deny amnesty has been made.
- All amnesty applications *go to the front of the line* for processing, thus bypassing millions of people around the world who have applied to come to the United States the right way.
- In order to deny any amnesty application, the *federal government has the burden of proving* an illegal alien’s ineligibility for amnesty.
- There are *no numerical limits* to the amnesty and there’s no end date for the application process.
- Amnestied aliens are required to complete two years of college or military service during their first six years of legal residence, but DHS can waive the requirement or grant additional time to comply for those who do not.
- At the end of the six years, amnestied aliens can *apply for citizenship* and petition to bring their extended relatives—including the parents who brought them here illegally—to the United States.
- Amnesty beneficiaries are *eligible for certain federal student loans* and work-study programs.