



The DREAM Act Is Not Immigration Amnesty

Immigration reform news is in the air again.

According to Janet Napolitano, Department of Homeland Security leader, immigration reform will be addressed by the Obama administration in 2010.

For many immigrant children, trapped between a rock and a hard place, the discussions cannot begin soon enough.

These children, brought here at an early age by their parents, lack legal papers. They had no input in their parents' decision. Their memories of a distant birth place are blurs.

The United States is their home - but they are here illegally.

They have done their best in school. Many are high achievers. After high school, their futures are limited.

They cannot work. They cannot go to college. They cannot join the service.

Their past haunts, their future taunts.

For these young immigrants, the DREAM Act will be the most important topic in the next comprehensive immigration reform and control bill.

What Is The DREAM Act?

The Development, Relief, and Education for Alien Minors (DREAM) Act is a proposal to help immigrant children perhaps become U.S. citizens someday.

Step 1 of the DREAM Act Process

Under the current proposal, the DREAM Act has two steps. To qualify, immigrant children must show that they:

- entered the United States before they were 16 years old
- lived here for five years before the date when the DREAM Act becomes law -and on the date when the DREAM Act becomes law.
- graduated from a high school or earned a GED diploma
- have not committed any crimes and possess good moral character.

Applicants will also need to pay a hefty penalty fee and demonstrate fluency in English. If they can fulfill these requirements, they will be granted "conditional" permanent residence for six years.



Step 2 of the DREAM Act Process

After the six-year period has ended, their cases will be reviewed by immigration officers again. This time, they will need to prove that during the six-year period, they:

- Successfully attended college or served in the armed forces for two years
- Maintained a record of good moral character

If, and only if, they have fulfilled these requirements, they will be allowed to become regular lawful permanent residents.

Immigration Reform, Not Immigration Amnesty

Many DREAM Act opponents call it an immigration amnesty. They say the proposal would immediately reward immigrant children with conditional lawful permanent resident status - and, in just a few years, they would become U.S. citizens.

Their criticisms do not reflect how immigration agencies operate.

There Are No Immigration Rubber Stamps

As any immigration attorney will tell you, almost all immigration programs suffer severe backlogs. It is not uncommon for a law to be passed today, go into effect six months later – yet take another year for the new forms to be approved by the Department of Homeland Security. And once an immigrant files the paperwork, it sometimes takes another 3-5 years before the interview is scheduled.

Lawful Residence Is Not Automatic

Under the DREAM Act, conditional lawful residence is not guaranteed.

There are four criteria for success at the first stage: age, long term residency, education, and good moral character. In our post 9/11 world, no immigration officer is going to grant an application without solid evidence that each requirement is fulfilled.

And even if an immigrant youth is granted conditional residence, it does not mean they will win permanent residence at the second stage.

Once immigrant children earn conditional residence, they start a six-year waiting period. They must keep their noses clean, go to college, or serve in the military. They must earn their legal status.

The college and military requirements helps ensure the U.S. recoups their investment in these children.



The goal is that DREAM Act immigrants will find a good-paying job, contribute to their communities, and pay their fair share of taxes.

Even after they become permanent residents, they are subject to losing their lawful status and being sent back to their birth country.

It is not clear how soon after immigrant children earn permanent residency they will be allowed to apply to become U.S. citizens. Under the current proposal, the waiting period is five years *after* becoming a lawful permanent resident. The citizenship process also has many strict requirements.

Under the DREAM Act, there are no immediate rewards. There are no guaranteed rewards. Legalization must be earned.

. . . And The Political Process Is Not Over

Many of the exact details still need to be worked out.

It would not be surprising if the DREAM ACT becomes reality that the current proposal looks quite different than the final law passed. More likely than not, the end product will be stricter.

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