



The DREAM Act (S.3992): Summary and Talking Points

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I. SUMMARY

The DREAM Act creates a tiered system to grant amnesty to illegal aliens *who have lived in the U.S. for five years preceding enactment and “initially entered” the U.S. before the age of 16.*

- Illegal aliens who are over 12 and are enrolled in primary or secondary school are eligible for a **stay of removal**.
- Illegal aliens who have obtained a high school diploma or a GED, or have simply been admitted to an institution of higher education, are eligible for **conditional nonimmigrant status, WHICH MAY BE EXTENDED INDEFINITELY**. (In general a nonimmigrant is an alien who is authorized to enter the U.S. for a temporary period of time.)
 - Aliens are generally barred if they have a felony conviction or 3 misdemeanor convictions that result in a 90-day aggregate sentence.
- There is **NO CAP ON THE NUMBER OF ALIENS** who may receive conditional nonimmigrant status.
- Illegal aliens who have a pending DREAM Act application may not be deported—**FOR ANY REASON**—and are immediately authorized to work.
- The bill provides an **AGE LIMIT OF 30** to obtain conditional nonimmigrant status; the bill also provides retroactive benefits for aliens who have already met the qualifications on the date of enactment.
- Application information is **CONFIDENTIAL**. “No officer or employee of the United States may use the information furnished by an individual pursuant to an application filed under this Act to initiate removal proceedings against any person identified in the application.” (Sec. 10) This remains true **even if the application is denied or conditional nonimmigrant status is revoked**.
- Illegal aliens who have become conditional nonimmigrants under the act and subsequently complete at least 2 years of college or 2 years of military service are eligible for **legal permanent resident status** (LPR status). Once LPRs, these aliens are **IMMEDIATELY** eligible for federal benefits (the 5-year waiting period is waived).

- Homeland Security may **WAIVE THE EDUCATIONAL OR MILITARY REQUIREMENTS UPON A SHOWING OF HARDSHIP.**
- The bill allows newly amnestied aliens to participate in taxpayer **funded federal student loan programs and other student assistance programs.**

II. TALKING POINTS

- The elections clearly demonstrated that the American people want Congress to focus on jobs and helping American workers, not rewarding illegal aliens. Yet, it seems that the first priority for Democratic leadership post-election is to pass a massive amnesty bill.
- It is absolutely absurd that a huge amnesty bill is thrown down in front of members of Congress without committee hearings, and given only days — or maybe even hours — to decipher changes made through back room negotiations. This is not how U.S. immigration policy should be made and such maneuvers are clearly one of the reasons our immigration system is in crisis.
- The DREAM Act is promoted as legislation that will help kids. In fact the age limit is 30. Over 42 percent of the illegal alien population is under 30 years old (*Pew Hispanic Center, 2008*). And while the DREAM Act requirements narrow down the pool of eligible illegal aliens, the number who may receive amnesty is still a minimum of **2 MILLION** based on an age limit of 30. FAIR estimates that there would be up to 3.2 million beneficiaries if the age limit is 35, and up to 4.5 million if there is no age limit.
- The DREAM Act can hardly be couched as an educational initiative. To gain legal status, an illegal alien only needs to complete a GED, which may be taken *after enactment*. In almost all states, **a GED may be taken in Spanish** and there is no English as a Second Language requirement. (See [American Council on Education](#)) Moreover, once an illegal alien gets “conditional nonimmigrant status,” Homeland Security may extend that status indefinitely, so there will be no additional requirements imposed on that alien, who will get to live and work in the United States for the rest of his or her life.
- The number of admissions slots and higher education funding will not increase to absorb beneficiaries who are actually students. In fact, admissions slots and higher education funding are being cut as resources are strained to their limits. Thus, those who receive amnesty will directly compete with American students for scarce slots at public universities and community colleges, plus taxpayer-funded student loan and other assistance programs. This is inherently unfair, especially at a time when American families are struggling to make ends meet.

Education Facts

- In 2008-2009, the federal government spent \$98 billion on student loan, grants, and work study programs, *excluding Pell Grants*. The appropriation for Pell Grants in FY2009 was \$19.4 billion.¹
- Total state appropriations for higher education in 2009-2010 was \$80 billion. This represents a 14 percent decrease from 2007-2008.²
- In the 2009-2010 school year, the average tuition at a public university increased by 6.5%. The average annual cost, counting tuition, fees, and room and board was \$8,193.³
- From 2000 to 2010, tuition at public universities increased 5.6% above the rate of inflation.⁴
- From 1982 to 2007, the cost of college increased three times the rate of the median family income.⁵
- Undergraduates in Virginia saw an average tuition hike of 10.6% in the fall of 2010.⁶
- New York raised tuition at its public universities by 14% in 2009.⁷
- Between 2003 and 2010, tuition at public universities in Texas rose 86%.⁸
- Enrollment in public colleges and universities rose 33% from 2000 to 2010.⁹
- Admission rates fell one percentage point at public universities and two percentage points at private universities every year from 1999 to 2009.¹⁰
- The University of California system reduced its enrollment in 2010 by 6% while increasing its student fees by 32%.¹¹
- The University of Florida is planning on reducing its student enrollment by 11% by 2012. The 2009 admission rate at the University of Florida for fall 2009 was 42%.¹²
- Nevada put a cap on enrollment in its secondary schools for the first time.¹³
- Enrollment in community colleges tends to increase in times of economic downturn. The current recession has seen community college enrollment climb to an all-time high. In 2008, 11.8% of 18 to 24 year olds were enrolled in a community college. At the same time, the employment rate among this group is at an all-time high.¹⁴
- About 40% of students in higher education attend community colleges. When financial aid is factored in, the average community college student pays no tuition out of pocket.¹⁵
- California community colleges turned away 140,000 applicants last year due to budget cuts.¹⁶
- Nursing programs at Colorado community colleges have wait lists as long as 3 ½ years.¹⁷

- The massive administrative apparatus that will be needed to process millions of applications, including the background checks and medical examinations, although necessary for any amnesty program, will cost the American taxpayers billions of dollars. How will Homeland Security verify any of the information submitted by applicants, including age? **Fraud will run rampant.**

CBO Findings

- The CBO estimates that the DREAM Act will reduce the deficit by \$1.4 billion over 10 years, but will increase deficits thereafter when beneficiaries begin to receive benefits.
- The CBO cost estimate assumes only 1.1 million illegal aliens will receive amnesty under the DREAM act.
- The CBO cost estimate assumes only 15 percent of amnesty recipients will apply for federal student loan programs.
- The CBO cost estimate assumes that Homeland Security will charge fees sufficient to pay for the massive administrative costs, yet there is no requirement in S.3992 that illegal aliens pay any fees for anything—the applications, background checks, medical exams, verification procedures (if any exist), or any other administrative costs.
- The authors extended the conditional nonimmigrant status for 10 years for the very purpose of ensuring that the cost of providing federal benefits to these aliens would not show up in the CBO cost estimate.

- The DREAM Act directly rewards the parents for their illegal acts: their children get legal status AND receive taxpayer-funded assistance. Moreover as soon as amnesty beneficiaries turn 21 (if they are not already), they may petition for their family members to get green cards. **It is a backdoor amnesty for the illegal alien parents.**
- The DREAM Act does nothing to fix our broken immigration system. It does not secure the border, stop visa overstays, aid the courts, reduce fraud, hold employers accountable, provide tools for law enforcement agencies, or do anything stop illegal immigration. The DREAM Act will only encourage more illegal immigration. The 1986 amnesty taught us this lesson.

¹ "College tuition cost rising again this fall: Increases are bad news for students who don't get financial aid," Associated Press, October 20, 2009 (http://www.msnbc.msn.com/id/33399519/ns/us_news-education/). "Federal Pell Grant Program: Funding Status: Appropriations," U.S. Department of Education, ED.gov, <http://www2.ed.gov/programs/fpg/funding.html>, accessed November 19, 2010. The appropriation for Pell Grants in 2009 was \$19.4 billion.

² "Institutional Revenues – Public Appropriations," *Trends in College Pricing 2010: Trends in Higher Education Series*, College Board.

³ “College Tuition: Going for Broke,” *Bloomberg Businessweek*, October 20, 2009 (http://www.businessweek.com/bschools/content/oct2009/bs20091020_667493.htm).

⁴ “Tuition and Fee and Room and Board Charges over Time,” *Trends in College Pricing 2010: Trends in Higher Education Series*, College Board.

⁵ “College May Become Unaffordable for Most in U.S.,” *The New York Times*, December 3, 2008 (<http://www.nytimes.com/2008/12/03/education/03college.html>).

⁶ “Double-digit jump in Virginia college costs,” *The Washington Examiner*, October 3, 2010 (<http://www.washingtonexaminer.com/local/Double-digit-jump-in-Virginia-college-costs-1006731-99796989.html#ixzz0zX6nvupx>).

⁷ “Families Brace for Sharp Tuition Increases,” *Associated Press*, January 15, 2009 (<http://www.foxnews.com/story/0,2933,479993,00.html>).

⁸ “Rising tuition costs more than dollars and cents,” *The Pine Log*, March 7, 2010 (<http://www.thepinelog.com/2.13131/rising-tuition-costs-more-than-dollars-and-cents-1.1702430>).

⁹ “Institutional Revenues – Public Appropriations,” *Trends in College Pricing 2010: Trends in Higher Education Series*, College Board

¹⁰ “Colleges’ own recruiting may push students to spread applications around,” *The Washington Post*, November 19, 2010 (http://www.washingtonpost.com/wp-dyn/content/article/2010/11/18/AR2010111807292.html?wprss=rss_metro).

¹¹ “College Applicants face intensifying competition,” *Associated Press*, January 14, 2010; “Regents approve fee increases,” University of California, November 19, 2009 (<http://www.universityofcalifornia.edu/news/article/22415>).

¹² “College Applicants face intensifying competition,” *Associated Press*, January 14, 2010.

¹³ “College Applicants face intensifying competition,” *Associated Press*, January 14, 2010; “Best Colleges 2011: Overview: University of Florida,” *U.S. News and World Report*, <http://colleges.usnews.rankingsandreviews.com/best-colleges/gainesville-fl/university-of-florida-1535>, accessed November 23, 2010.

¹⁴ Richard Fry, “College Enrollment Hits All-Time High, Fueled by Community College Surge,” *Social and Demographic Trends*, Pew Research Center, October 29, 2009. (<http://pewsocialtrends.org/2009/10/29/college-enrollment-hits-all-time-high-fueled-by-community-college-surge/2/#ii-the-rise-in-college-enrollment>).

¹⁵ “College tuition cost rising again this fall,” *Associated Press*, October 20, 2009

¹⁶ “Workers seek new skills at community colleges, but classes are full,” *The Washington Post*, November 27, 2010 (<http://www.washingtonpost.com/wp-dyn/content/article/2010/11/26/AR2010112605087.html>).

¹⁷ Ibid.