

# **The CALIFORNIA and FEDERAL DREAM Acts**

## **1. The California Development Relief and Education for Alien Minors (DREAM) Act**

The **California** DREAM Act, SB 1301, is a state legislative proposal that allows AB540 status holders the opportunity to apply for financial aid at California public colleges and universities *without* the use of the Federal Application for Student Aid (FAFSA).

Why is this needed?

Undocumented immigrants who graduate from high schools in California, have often been in this country for many years and accepted into premier public colleges, yet are unable to apply for state financial aid. According to the San Francisco Chronicle, there are over 25,000 undocumented students who graduate every year from high school. These students confront a difficult challenge of financing their college education because they are ineligible for any federal grants or loans and are unable to legally work.

What is an “AB540” student?

AB 540 students are those students who may qualify for in-state tuition at public colleges and universities in California (California Education Code Section 68130.5). Regardless of immigration status, students may qualify for in-state tuition at California Community Colleges, Cal State University and Universities of California only if they meet ALL of the following requirements:

Attend high school in California for three or more years;

Graduate from a California high school or pass the GED; and

If undocumented, file an affidavit with the college or university stating that they have applied for a lawful immigration status or will apply as soon as they are eligible to do so.

Note: Nine states have passed laws that are similar to California’s DREAM Act. College tuition is approximately four times more for states without legislation for in-state tuition.

Status: SB 1301 passed the California State Senate (May 2008). It is presently in committee in the assembly and is projected to be on the governor's desk for signature by August, 2008.

## **2. The Federal Development Relief and Education for Alien Minors (DREAM) Act**

The **Federal** DREAM Act was first introduced to Congress on July 31, 2003. It has never passed. It was reintroduced last year with a 6 year path to legal status starting after high school graduation for undocumented individuals brought to the U.S. as children more than 5 years ago. To qualify for legal status, they would have to:

1. Demonstrate good moral character (for example no crime or misdeed that would render the applicant inadmissible).
2. Within the 6-year period either graduate from community college, by completing two years toward a four-year degree, or serve honorably in the U.S. military for at least two years. (Note: The military enlistment contract is no less than 8 years!)  
In the 2003 version of the bill students could have met the criteria for naturalization through community service for at least 910 hours in a program of an organization that has been determined to be eligible. However, this option was removed in the 2007 version of the bill.

Under the amended DREAM Act version in 2007, tens of thousands of well-qualified potential recruits would be eligible for military service for the first time.

In the Congressional record in July 2007, Margaret Stock, a professor at the U.S. Military Academy at West Point, said: *“Passage of the DREAM Act would be highly beneficial to the United States military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces....passage of this bill could well solve the Armed Forces’ enlisted recruiting woes.”*

Status: This bill may be reintroduced to Congress in 2009 with possible changes or similar to the 2007 version.

**Fernando Suarez del Solar writes in an Open Letter to Latino and Latina students and all leaders of immigrant rights organizations:**

The federal DREAM Act offers undocumented students a light at the end of an otherwise dark and uncertain road, but BEWARE. Be very careful. Simply put, the DREAM Act proposes two years of college as a pathway to permanent residency but it also includes a second option linked to the so-called war on terror- “two years of military service.”

I invite all young people who are filled with hope and dreams and energy to fight for human rights and a fair pathway to legalization. But they must also demand that the military option of the DREAM Act be replaced by a community service option (as appeared in the earlier drafts of the legislation) so that community service or college become the two pathways to permanent residency. Only then will they avoid becoming victimized by a criminal war as my son Jesús Alberto did when he died on March 27, 2003 after stepping on an illegal U.S. cluster bomb. Through education or community service our undocumented youth can contribute to their communities and their future will be filled with peace and justice.

Fernando Suarez del Solar.  
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