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# THE DREAM ACT: WE ALL BENEFIT

CARDINAL ROGER M. MAHONY\*

## INTRODUCTION

The Development, Relief, and Education for Alien Minors Act,<sup>1</sup> popularly known as the “DREAM Act,” is bipartisan legislation which addresses the situation of young persons who grew up in the United States and graduated from American high schools, yet are unable to continue their education and reach their potential because of their legal status. The DREAM Act would provide a path to citizenship for these young people—brought to the United States by their parents as children—and repeal a provision of law that penalizes states for offering these students in-state tuition rates. Depending on eligibility standards, the DREAM Act could benefit as many as 1.2 million young people in the United States, giving them an opportunity to reach their educational, economic, and human potential.<sup>2</sup>

The DREAM Act is a common sense proposal that would benefit not just those who qualify for it, but all Americans, as these young people could one day become leaders in our communities, churches, and nation.

The Catholic community in the United States—particularly Catholic colleges and universities—should have a special interest in the situation of DREAM beneficiaries. Not only are the majority of the Catholic faith,<sup>3</sup> these young students would add to the diversity and strength of Catholic higher education in our country.

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\* Archbishop Emeritus of Los Angeles.

1. H.R. 1842, 112th Cong. (2011); S. 952, 112th Cong. (2011).

2. STEVEN A. CAMAROTA, CTR. FOR IMMIGRATION STUDIES, ESTIMATING THE IMPACT OF THE DREAM ACT 3 (Dec. 2010), *available at* <http://www.cis.org/articles/2010/dream-act-costs.pdf>.

3. Approximately 46% of all persons immigrating to the United State are Catholic. However, 61% of adult immigrants to the United States are from Latin America. Of those persons emigrating from Latin America to the United States, 72% of Mexican immigrants and 51% of immigrants from other Latin American countries are Catholic. PEW FORUM ON RELIGION & PUB. LIFE, U.S. RELIGIOUS LANDSCAPE SURVEY 48 (2008), *available at* <http://religions.pewforum.org/pdf/report-religious-landscape-study-full.pdf>.

## I. DREAM ACT STUDENTS

To help us understand more fully who a potential DREAM Act student might be, I begin by allowing “Ed,” a young man from the Philippines, tell his own story:

Like the many young adults in my situation, I too came here at a young age. Born in a foreign country, my mom chose to migrate, to America, for a better opportunity. I quickly adapted to American life and culture. I continued to excel in high school, graduating with a 3.57 GPA, with high honors. I walked, talked, and looked like your average 18 yr old, high school senior. The only difference was that everybody[ else]’s lives would probably progress at a faster rate after high school graduation. A piece of paper, a card, a nine digit number, [was] one of the few things, that blocked me from reaching my dream. I aspire to become a nurse, specializing in forensic science. My quest for higher education has come to a halt, due to my legal status.

I may have complained about my situation, at times, feeling frustrated, helpless, disappointed. But as of now, I have passed that phase in my life. I continue to live life, as normal as I can, although to the majority of the kids, in my age group, they could not even fathom, what myself and my fellow dreamers go through. Some of us live in fear; of getting caught, of getting pulled over by a cop and not being able to show them a license because we cannot obtain one, wondering how we are going to pay for next semester’s tuition, wondering if we would still have this job next month, if we should take next semester off because we don’t have money, obviously we can[’]t ask the [Government] for aid, aware that we should be helping our parents more but are incapable of, wondering what our next move is after we receive that degree. That’s all normal to us, and most of us face those fears everyday. I take it all in stride, day by day, hoping for the best and preparing for the worst. My morals, values and keeping a strong faith keeps me level headed. I truly believe if God, didn’t think I could overcome this obstacle, then I wouldn’t be in this predicament.

I never asked to be accepted to a prestigious school, I never asked to live in a dorm, join a frat, party till the wee hours of the morning, with my college buddies. I never even asked for a full-ride scholarship, I never asked for a fancy car, to show off to my friends. What I desperately

want is a chance to showcase my skills, and graduate college with a degree that I can be proud of. Then turn around and take that degree and apply it to my future career. As weird as it sounds I want to be normal, I'm not asking for a handout, but what I am asking for is [a] chance to compete with the others, make it a level playing field. I know I can succeed if given a chance.

*Ed*<sup>4</sup>

## II. WHAT THE DREAM ACT DOES

If enacted by Congress, the DREAM Act would provide a path to conditional legal residency for an undocumented immigrant student: if (1) the person was fifteen-years-old or younger when brought to the United States by others; (2) the person has lived continuously in the United States for at least five years before the date of enactment of the law; (3) the person is of good moral character; and (4) the student has earned a high school diploma, GED, or has been admitted to an institution of higher education in the United States.<sup>5</sup>

Eligible students would have six years to earn permanent residency status if they either (1) complete two years of higher education, or (2) complete two years of military service with honorable discharge, if discharged.<sup>6</sup>

It is important to note that such students must *earn* a path to legal residency; it is not automatic, nor is it amnesty. Students must enroll in accredited schools or join the military in order to gain the benefits of the DREAM Act.

But most of all, the DREAM Act gives the precious gift of hope: hope in one's intrinsic value as a daughter or son of God, and hope in one's living out his or her fullest potential with the gifts which God has given to each.<sup>7</sup>

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4. Ed, *Testimonials*, DREAM ACTIVIST, <http://www.dreamactivist.org/about/our-stories/ed/> (last visited Apr. 5, 2012) (with the exception of bracketed text, original language has been preserved).

5. DREAM Act of 2011, S. 952, 112th Cong. § 3 (2011).

6. *Id.* § 5; see also NAT'L IMMIGRATION LAW CTR., DREAM ACT: SUMMARY (2011), available at <http://nilc.org/dreamsummary.html>.

7. Further information on the DREAM Act can be obtained on numerous websites, but two are particularly relevant and helpful. See generally JUST. FOR IMMIGRANTS, <http://www.justiceforimmigrants.org> (last visited Mar. 31, 2012); NAT'L ASS'N FOR COLL. ADMISSION COUNSELING, <http://www.nacacnet.org/issues-advocacy/LegislativeNews/Pages/TheDREAMAct.aspx> (last visited Mar. 31, 2012).

### III. THE UNDERPINNINGS FOR THE CHURCH'S INVOLVEMENT IN IMMIGRATION ISSUES

Before further discussion about the various aspects of the DREAM Act, it is important to pause and review the principles and underpinnings on which the Church builds its public policy on social issues such as immigration.

We are involved because God's repeated revelation in the Scriptures requires us to have a certain attitude and mind set regarding aliens and strangers in our midst. We have a clear and compelling Gospel imperative to open our arms in welcome to them, and to walk with them on our journey towards the fullness of the Kingdom of God. We believe that in God's household there is room for everyone.

It is interesting to recall that the beginning of God's people on the earth involved God moving Abraham across ancient borders: "Now the LORD said to Abram, 'Go from your country and your kindred and your father's house to the land that I will show you.'"<sup>8</sup>

The formation of the ancient land of Israel, similarly, involved the command to cross ancient borders out of a land of despair and slavery, to live out a new hope in a new land, as Joshua was told, and finally, to go to a land of rest across the River Jordan.<sup>9</sup> So powerful is this theme of new hope that in our history, the rich legacy of African-American Gospel music and Spirituals time and again refers to crossing the Jordan as the sign of hope, an escape from despair.<sup>10</sup> Movement to places of hope is woven into the very fabric of the Biblical story, continuing even today as we look around us.

Of course, we know from history that misery and despair are also powerful forces affecting human movement throughout the world. Because of war, famine, and despair, ancient peoples sought refuge in lands where life was possible: "So Abram went down to Egypt to reside there as an alien, for the famine was severe in the land."<sup>11</sup>

Americans, of course, understand this pull of hope and the push of despair. We hear it every time we contemplate the powerful words of Emma Lazarus, now engraved on the base of the Statue of Liberty. These are words that continue to speak to a

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8. *Genesis* 12:1.

9. *Joshua* 22:4.

10. See, e.g., JON MICHAEL SPENCER, *PROTEST & PRAISE: SACRED MUSIC OF BLACK RELIGION* 31 (1990) (stating that in Spirituals "the Red Sea and the River Jordan comprised a holistic point of passage").

11. *Genesis* 12:10.

nation built by those whose despair, enflamed by hope, drove them to cross borders and seek new beginnings: "Give me your tired, your poor, Your huddled masses yearning to breathe free . . . ."12

It is precisely because of their own origins in a people who moved in hope to leave behind despair that the Scriptures teach us to have an unrelenting compassion for those who, even in a depressed world economy, seek new hope in their lives.

This wise and urgent teaching to care for the stranger and the alien who responds to hope and despair is emphasized just as powerfully in the teachings of Jesus of Nazareth, who directly teaches His followers to treat the stranger and welcome him just as they would welcome Jesus Himself: "for I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me . . . ."13

As a Christian, there are no prior commitments that can overrule or trump this Biblical tradition of compassion for the stranger, the alien, and the worker. Whatever economic, political, or social policies we discuss—and whatever discussion of constitutional rights and liberties may take place—we cannot turn our backs on this Biblical legacy of hope and the consequent Gospel imperative to stand with our immigrant brothers and sisters.

This Scriptural and theological basis on migration has been applied to the global migration phenomenon by successive Popes. The landmark encyclical of Pope Leo XIII, *Rerum Novarum*,<sup>14</sup> and the apostolic exhortation, *Exsul Familia*<sup>15</sup> of Pope Pius XII, established the right of the individual to migrate to find work to support a family. In his encyclical, *Pacem in Terris (Peace on Earth)*, Pope John XXIII spoke of the obligation of nations to accommodate migration to the greatest extent possible.<sup>16</sup> The blessed Pope John Paul II and Pope Benedict XVI have expanded upon these themes, applying them to especially vulnerable populations, such as the undocumented and children.<sup>17</sup>

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12. EMMA LAZARUS, *The New Colossus*, in EMMA LAZARUS: SELECTED POEMS 58 (John Hollander ed., 2005).

13. *Matthew* 25:35.

14. See generally POPE LEO XIII, *RERUM NOVARUM (ON THE CONDITION OF THE WORKING CLASSES)* (St. Paul Books & Media 1999) (1891) (discussing the Church's social policy on labor and capital).

15. POPE PIUS XII, *EXSUL FAMILIA* (1952), *reprinted in EXSUL FAMILIA: THE CHURCH'S MAGNA CHARTA FOR MIGRANTS* (Giulivo Tessarolo ed., 1962).

16. POPE JOHN XXIII, *PACEM IN TERRIS* 10 (1963).

17. See POPE JOHN PAUL II, *POST-SYNODAL APOSTOLIC EXHORTATION, ECCLESIA IN AMERICA* para. 65 (1999), available at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_exhortations/documents/hf\\_jp-ii\\_exh\\_22011999\\_](http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_22011999_)

The U.S. and Mexican Catholic bishops have used Catholic teaching on migration to speak out on the immigration issue in the United States. In their joint statement, *Strangers No Longer: Together on the Journey of Hope*, they call for sweeping reform of U.S. immigration laws, including a legalization of the undocumented population.<sup>18</sup>

On December 2, 2010, Archbishop José Gomez of Los Angeles, chairman of the United States Conference of Catholic Bishops' ("USCCB") Committee on Migration, called for congressional passage of the DREAM Act.<sup>19</sup> Later that month, after passing the House of Representatives, the legislation fell five votes short of the sixty needed to stop a filibuster in the U.S. Senate and died.<sup>20</sup>

#### IV. SEVEN DREAM ACT MYTHS

Although the DREAM Act is a reasonable response to an injustice in our immigration laws, there remains strong opposition to its enactment. The Justice for Immigrants campaign of the USCCB highlights the seven myths about the DREAM Act and responds to them. It is helpful to review briefly the seven myths and our response.<sup>21</sup>

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ecclesia-in-america\_en.html; Pope Benedict XVI, *Message of His Holiness Benedict XVI for the 96th World Day of Migrants and Refugees*, VATICAN (Oct. 16, 2009) [http://www.vatican.va/holy\\_father/benedict\\_xvi/messages/migration/documents/hf\\_ben-xvi\\_mes\\_20091016\\_world-migrants-day\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/messages/migration/documents/hf_ben-xvi_mes_20091016_world-migrants-day_en.html); see also PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH, paras. 297–98 (2004), available at [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html) (discussing the special vulnerability of immigrant workers).

18. See U.S. CONFERENCE OF CATHOLIC BISHOPS & CONFERENCIA DEL EPISCOPADO MEXICANO, *STRANGERS NO LONGER: TOGETHER ON THE JOURNEY OF HOPE* paras. 56–100 (2003).

19. Press Release, U.S. Conference of Catholic Bishops, U.S. Catholic Bishops to Congress: The Dream Act is the 'Right Thing to Do' (Dec. 3, 2010), available at <http://old.usccb.org/comm/archives/2010/10-227.shtml>.

20. See 156 CONG. REC. S10,665 (daily ed. Dec. 18, 2010); Julia Preston, *Immigration Vote Leaves Policy in Disarray*, N.Y. TIMES, Dec. 19, 2010, at A35.

21. For a more complete explanation of the myths and the response of the U.S. Bishops, see JUST. FOR IMMIGRANTS, *BUSTING THE DREAM ACT MYTHS: USCCB/MRS' RESPONSE TO THE MOST CITED DREAM MYTHS*, available at <http://www.justiceforimmigrants.org/documents/DREAM-Act-Myths.pdf> (last visited Mar. 31, 2012).

1. *The DREAM Act is an amnesty program, providing blanket legal status to the undocumented in the United States.*

In truth, the Act is very narrowly tailored to provide a hard-earned path to lawful status for those who meet its strict eligibility requirements, as previously outlined.

Moreover, the DREAM Act does not reward illegal behavior. In fact, those eligible under the Act were children under the age of sixteen when they entered the United States because a parent or guardian brought them here. Although born in another country, for many young immigrants the United States is the only home they have ever known. These young people simply want a chance to become members of, and contribute to, American society.

2. *The DREAM Act will have a “magnet” effect, attracting more illegal immigration.*

The Act creates no such magnet effect, because it is narrowly tailored to benefit a specifically defined group already in the United States for at least five years as of the date of the Act’s enactment.<sup>22</sup> The target group must also complete two years of college or military service<sup>23</sup> and wait *six* years prior to obtaining lawful permanent immigration status,<sup>24</sup> during which time they must maintain eligibility on all grounds.<sup>25</sup>

3. *The DREAM Act will result in chain migration by family members.*

Current immigration law significantly restricts the ability of lawful permanent residents and American citizens to sponsor family members to enter the United States. The DREAM Act does nothing to change those laws. The DREAM Act’s beneficiaries must wait at least six years before they can be considered lawful permanent residents and thereby be eligible to petition for permanent residence for their immediate family members.<sup>26</sup> Waiting times for family members of lawful permanent residents

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22. DREAM Act of 2011; S. 952, 112th Cong. § 3(b)(1)(A) (2011); JUST. FOR IMMIGRANTS, *supra* note 21.

23. *Id.* § 5(a)(1)(D).

24. *Id.* § 5(b)(2)(A).

25. *See id.* §§ 4(c), 5(b)(2)(B).

26. *Id.* § 5(b)(2)(A).

could last as long as seventeen years, making chain migration impossible.<sup>27</sup>

4. *The DREAM Act is a distraction; we must focus on securing our borders first.*

Over the past decade, the border has been significantly reinforced and border patrol efforts financially undergirded. In fact, spending for U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection increased from almost \$9.1 billion<sup>28</sup> in fiscal year 2003 to \$17.2 billion in fiscal year 2010.<sup>29</sup>

Immigration enforcement is necessarily an ongoing priority. Young people who were brought to the United States as minors should not be an enforcement priority as they did not break the law of their own volition and they are, by and large, no threat to our communities. Our enforcement resources should be focused upon criminal aliens, not those who only want an opportunity to contribute their talents to our nation.

5. *In this time of economic crisis, the DREAM Act will cost America too much.*

If enacted, the DREAM Act would not adversely affect our national budget. In fact, it would increase revenues and reduce deficits, while also creating an educated workforce and filling the ranks of our military.

A 2010 analysis of the DREAM Act by the non-partisan Congressional Budget Office, together with the Joint Committee on Taxation, estimated that enacting the bill would increase U.S. revenues by \$1.7 billion over ten years and reduce deficits by about \$2.2 billion over the 2011–20 period.<sup>30</sup>

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27. See STUART ANDERSON, NAT'L FOUND. FOR AM. POL'Y, FAMILY IMMIGRATION: THE LONG WAIT TO IMMIGRATE I (2010), available at <http://www.nfap.com/pdf/0505brief-family-immigration.pdf>.

28. U.S. DEP'T OF HOMELAND SEC., BUDGET IN BRIEF: FISCAL YEAR 2005, at 13, available at [http://www.dhs.gov/xlibrary/assets/FY\\_2005\\_BIB\\_4.pdf](http://www.dhs.gov/xlibrary/assets/FY_2005_BIB_4.pdf) (last visited Mar. 31, 2012).

29. U.S. DEP'T OF HOMELAND SEC., BUDGET IN BRIEF: FISCAL YEAR 2011, at 17, available at [http://www.dhs.gov/xlibrary/assets/budget\\_bib\\_fy2011.pdf](http://www.dhs.gov/xlibrary/assets/budget_bib_fy2011.pdf) (last visited Mar. 31, 2012).

30. CONG. BUDGET OFFICE, COST ESTIMATE: H.R. 6497 DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010, at 1 (2010), available at <http://www.cbo.gov/sites/default/files/cbofiles/ftpdocs/120xx/doc12015/hr6497.pdf>.

6. *The DREAM Act will legalize criminals and those already ordered to be deported.*

DREAM Act applicants are subject to a host of potential ineligibility grounds in sections 212(a) and 237(a) of the Immigration and Nationality Act.<sup>31</sup> The DREAM Act does not rely simply on applicants to identify whether they fall within one of the defined grounds for ineligibility; instead, the bill requires all applicants to submit biometric data to the Department of Homeland Security, which conducts security and law enforcement background checks to determine whether there is any criminal, national security, or other factor that would render the alien ineligible.<sup>32</sup>

7. *The DREAM Act qualifies applicants and their families for public benefits, creating an additional burden on Americans.*

DREAM Act-eligible applicants would not be immediately eligible for health care subsidies, including Medicaid or other federal benefits like supplemental security income and food stamps. DREAM beneficiaries would be subject to the same public benefits eligibility requirements as other legal immigrants, who must be lawful permanent residents for at least five years prior to receiving non-emergency assistance.<sup>33</sup> Arguments against the DREAM Act seek to create fear among Americans and are not based on facts.

#### V. THE DREAM ACT IS AN INVESTMENT IN OUR NATION, NOT A DRAIN ON OUR RESOURCES

The failure of the United States Senate to pass the DREAM Act at the end of 2010 was a tragedy on two counts. First, thousands of young men and women have concluded their college or university studies, and are now prepared to get jobs that will help our economy recover and thrive. But without legal status, these graduates are barred from applying their education in the workforce.

Second, as taxpayers we have invested huge sums of money in educating these young people. We should allow them to continue their education so they can become productive taxpayers, rather than tossing them aside at a time when they are finally

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31. Immigration and Nationality Act §§ 212(a), 237(a), 8 U.S.C. §§ 1182(a), 1227 (2010).

32. DREAM Act of 2011, S. 952, 112th Cong. § 3(b)(3)–(4) (2011).

33. See Personal Responsibility and Work Opportunity Reconciliation Act of 1996 § 403, 8 U.S.C. § 1613 (2010).

capable of contributing to the workforce and able to pay taxes. Perhaps numbers will help illuminate the inefficiency of the status quo. Using figures from the Los Angeles Unified School District, a student attending school from kindergarten in 1998 to twelfth grade in 2011 would have cost the District \$130,000 (\$10,000 per year, 13 years).<sup>34</sup> Assuming that this same student then attended California State University at Northridge, the student would have cost the Cal State System \$10,533 per year—a total of \$42,132 for four years.<sup>35</sup>

This leads to a grand total of \$172,132 potentially spent on a single student (less any amount the student pays directly in college tuition). What an incredible investment in a young person who is now ready and eager to use his or her talents for the betterment of our country and our economy. And yet, short-sighted legislators seem to discount the true value of each young person in an undocumented status, and to discount the huge outlay of tax funds that have *already* been spent to educate them.

Just when these young people are equipped to get a job and begin paying taxes, we abandon them. The only recourse for these undocumented students is to find minimum wage work, much of it being paid in cash with no taxes withheld.

This approach makes no sense whatsoever, and we as a nation end up depriving these young people—most of whom have grown up in the United States—the opportunity to contribute to our society and to our economy.

In fact, studies show that permitting these young people to earn a degree and to find work would become a net financial benefit to the country. A 2009 Census Bureau study found that the average monthly earnings of a bachelor's degree holder exceeded those of a high school graduate by \$2,266 per month,<sup>36</sup> which would amount to a difference of \$27,192 per year and over \$1 million dollars over a forty-year working lifetime. According to a study by the North American Integration and Development Center at UCLA, those who would benefit from the DREAM Act

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34. See *Current Expense of Education*, Cal. Dep't of Educ., <http://www.cde.ca.gov/ds/fd/ec/currentexpense.asp> (last visited Mar. 31, 2012).

35. *California State University-Northridge: Cost per Student*, COLLEGE MEASURES.ORG, [http://collegemeasures.org/4-year\\_colleges/reporting/institution/scorecard/cps/110608.aspx](http://collegemeasures.org/4-year_colleges/reporting/institution/scorecard/cps/110608.aspx) (last visited Mar. 31, 2012).

36. STEPHANIE EWERT, U.S. CENSUS BUREAU, CURRENT POPULATION REPORTS P70-129, WHAT IT'S WORTH: FIELD OF TRAINING AND ECONOMIC STATUS IN 2009, at 8 (2012), available at <http://www.census.gov/prod/2012pubs/p70-129.pdf> (stating the mean monthly earnings for a high school graduate is \$3,179 and a bachelor's degree holder is \$5,445).

could, in the aggregate, generate between \$1.4 trillion and \$3.6 trillion of income over a forty-year period.<sup>37</sup>

The DREAM Act could accomplish so much for our nation and for our young adults who were brought here as minors years ago. This is why so many of us will continue our efforts to recognize the true value of these young people and to work to obtain legal status for them.

## VI. THE STATUS OF THE DREAM ACT IN CONGRESS

The first bill introduced in Congress concerning the plight of undocumented students was introduced in the 107th Congress—2001.<sup>38</sup> That initiative led up to the votes in the House and Senate in December 2010, when both the House and Senate were controlled by the Democrats, and there was a sitting Democratic President. The House voted in favor of the bill by a 216 to 198 vote,<sup>39</sup> the Senate voted in favor in a vote of 55 to 41<sup>40</sup>—but five votes short of the 60 needed to end a filibuster.

Nonetheless, a new version of the DREAM Act was introduced into the Senate<sup>41</sup> and the House<sup>42</sup> on May 11, 2011. But little further action has yet been taken.

In the 2012 Presidential election cycle, there has been speculation that further attempts may be made in Congress to debate the DREAM Act. Both main political parties are anxious to show the growing Hispanic population across the country that they are trying to provide assistance, especially to undocumented young people.

## VII. VARIOUS ACTIONS TAKEN BY STATES

Many states have also attempted to assist undocumented students in various ways, primarily through two avenues: first, by

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37. RAUL HINOJOSA OJEDA ET AL., N. AM. INTEGRATION AND DEV. CTR., UCLA, NO DREAMERS LEFT BEHIND: THE ECONOMIC POTENTIAL OF DREAM ACT BENEFICIARIES 2–3 (2010), available at [http://naid.ucla.edu/uploads/4/2/1/9/4219226/no\\_dreamers\\_left\\_behind.pdf](http://naid.ucla.edu/uploads/4/2/1/9/4219226/no_dreamers_left_behind.pdf).

38. DREAM Act, S. 1291, 107th Cong. (2001). For a summary of the initial legislative effort, see *Bill Summary & Status, 107th Congress (2001-2002)*, S.1291, LIBR. CONG.: THOMAS, <http://rs9.loc.gov/cgi-bin/bdquery/z?d107:SN 01291:@@L&summ2=M&> (last visited Mar. 31, 2012).

39. 156 CONG. REC. H8242 (daily ed. Dec. 8, 2010); see Julia Preston, *House Backs Legal Status for Many Young Immigrants*, N.Y. TIMES, Dec. 9, 2010, at A38.

40. 156 Cong. Rec. S10,665 (daily ed. Dec. 18, 2010); Preston, *supra* note 20, at A35.

41. DREAM Act of 2011, S. 952, 112th Cong. (2011).

42. DREAM Act of 2011, H.R. 1842, 112th Cong. (2011).

allowing undocumented students to pay in-state tuition and fees (which is lower than out-of-state student rates); and second, by allowing such students to apply for private scholarship tuition assistance (or in some cases, such as California, permitting such students to apply for some state tuition grants).

Presently, the following states have some level of in-state benefits for undocumented students: California, Connecticut, Illinois, Kansas, Maryland, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington.<sup>43</sup> And the following states have introduced some form of DREAM Act legislation for consideration: Colorado, Florida, Iowa, Massachusetts, Mississippi, Missouri, New Jersey, Oregon, and Rhode Island.<sup>44</sup>

Most recently, in 2011, the California Legislature passed, and Governor Jerry Brown signed, two pieces of legislation: the first grants undocumented students California in-state tuition and fee rates;<sup>45</sup> the second allows undocumented students access to both public and private financial aid at the University of California campuses, California State Universities, and community colleges.<sup>46</sup> To date, California remains the most generous state in recognizing the importance of undocumented students and their potential to the state's economy and growth.

Opponents to the California DREAM Act have circulated petitions across the state seeking signatures to place the repeal of the DREAM Act before the people on the November 2012 ballot.<sup>47</sup> The Secretary of State has determined that the opponents fell short of submitting 500,000 valid signatures, and therefore, the measure will not appear on the ballot in 2012.<sup>48</sup>

## VIII. 2012 ELECTION CAMPAIGNS

Early in the Republican campaign for President, debates were quite heated over many immigration issues, and especially over the proposed DREAM Act. It would seem that the more

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43. See Nat'l Conference of State Legislatures, *Undocumented Student Tuition: State Action*, NCSL (Oct. 2011), <http://www.ncsl.org/issues-research/educ/undocumented-student-tuition-state-action.aspx>; Ann Morse & Kerry Birnbach, *In-State Tuition and Unauthorized Immigrant Students*, NCSL (Nov. 22, 2011), <http://www.ncsl.org/issues-research/immig/in-state-tuition-and-unauthorized-immigrants.aspx>.

44. *Undocumented Student Tuition: State Action*, *supra* note 43.

45. California Dream Act, A.B. 130 (Cal. 2011).

46. California Dream Act, A.B. 131 (Cal. 2011).

47. Paloma Esquivel, *Dream Act Opponents Are Pushing to Repeal It*, L.A. TIMES, Dec. 18, 2011, at A41 (on the California Dream Act).

48. Nicholas Riccardi, *Dream Act Opponents' Petition Drive Fails*, L.A. TIMES, Jan. 7, 2012, at AA5.

conservative wing of the party is restrictionist, and a virtual litmus test is imposed upon any candidate's stand on immigrants, immigration policy, securing the borders, deporting immigrants, the DREAM Act, and the like.

Conservative radio talk shows frequently blame undocumented immigrants for all sorts of difficulties facing the nation: the recession, continuing slow growth in jobs, the costs of health care and social service programs, and school overcrowding.<sup>49</sup> The negative rhetoric thrust upon our immigrant peoples is frightening. Fear mongering is in vogue for so many of these talk shows.

On the Democratic side, throughout the campaigns of 2008 many promises were made to not only enact the DREAM Act, but, more importantly, to reform our nation's immigration laws.<sup>50</sup> Sadly, the promise of reform has yet to be realized. The low point was the December 2010 defeat of the DREAM Act in the Democrat-led Senate, which took a back seat to other Administration priorities at the time, such as the START Treaty and budget negotiations.

As a non-partisan participant in the debate, the body of U.S. Catholic bishops believes that both parties should work together toward immigration reform in a manner that respects the human dignity of all our brothers and sisters, that does not scapegoat them for our economic and social problems, and that does not pit one community against another.

#### IX. WHY THE CATHOLIC COMMUNITY, LED BY CATHOLIC COLLEGES AND UNIVERSITIES, SHOULD SUPPORT PASSAGE OF THE DREAM ACT

The Catholic community in the United States, led by the U.S. Catholic bishops, can play an instrumental role in enacting the DREAM Act and investing in these young people. According to the Pew Center, nearly half of all immigrants are Catholic.<sup>51</sup>

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49. See, e.g., *Take a Vow of Non-Dependence*, RUSH LIMBAUGH SHOW (Feb. 10, 2012), [http://www.rushlimbaugh.com/daily/2012/02/10/take\\_a\\_vow\\_of\\_non\\_dependence](http://www.rushlimbaugh.com/daily/2012/02/10/take_a_vow_of_non_dependence) (criticizing the Catholic Church's position on immigration); *Stand Up and Lead, Republicans: Lawlessness Is Not Compassion*, RUSH LIMBAUGH SHOW (Apr. 28, 2010), [http://www.rushlimbaugh.com/daily/2010/04/28/stand\\_up\\_and\\_lead\\_republicans\\_lawlessness\\_is\\_not\\_compassion](http://www.rushlimbaugh.com/daily/2010/04/28/stand_up_and_lead_republicans_lawlessness_is_not_compassion) (contrasting immigration and health care policies and arguing that Democrats' only interest in immigration is an increased voter base).

50. See, e.g., *The Candidates on Immigration*, COUNCIL ON FOREIGN RELATIONS (Aug. 24, 2008), <http://www.cfr.org/world/candidates-immigration/p14766>.

51. PEW FORUM ON RELIGION & PUB. LIFE, *supra* note 3, at 19.

Many look to the Church for support, both spiritually and materially. As members of the same faith community, we have a special obligation to welcome new immigrants and to seek justice on their behalf.

Our Catholic colleges and universities, over 250 strong,<sup>52</sup> can play a special role in drawing attention to this issue, both by providing scholarships to DREAM-students and advocating on their behalf. Students in our universities understand the plight of their fellow colleagues and are willing to help. I call upon our university presidents to make this issue a priority, both by committing university resources and political power to it.

Finally, like our nation, the DREAM Act—and those young people who benefit from it—will help not only the growth of our nation, but also the growth of the Church in the United States. These young people are not only scholars, but leaders. I am confident that if the Church—the bishops, priests, religious, and laity—commit to these young people, they in turn will fully join and contribute to our faith community.

#### CONCLUSION

In 2012, our nation has a new opportunity to reflect upon our history as a country developed by immigrant peoples. We must remind candidates for elected office of our rich immigrant history dating back to our Founding, and challenge them to help create ways for immigrants to continue to contribute to the growth and development of our nation. We must not leave innocent young people standing outside the doors to our colleges and universities with no hope for their future, and we must not deprive our country of all that these promising young people have to offer. At a very minimum, we need to pass the DREAM Act in Congress as soon as possible.

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52. *Catholic Colleges and Universities in the United States*, ASSOC. CATHOLIC COLL. & UNIV., [http://www.accunet.org/files/public/College\\_University\\_Website\\_Complete\\_List.pdf](http://www.accunet.org/files/public/College_University_Website_Complete_List.pdf) (last visited Apr. 5, 2012).