

## Why We Need The DREAM Act Now

by [Victoria Donoghue](#)

Why We Need The DREAM Act Now For some time now, lawmakers have insisted that immigration reform, if it is to happen, must be comprehensive, dealing with all of the problems with our broken system at once. A piecemeal approach, they say, is not acceptable. Suggestions that certain pressing issues be dealt with separately have been flatly rejected.

However, efforts at so-called Comprehensive Immigration Reform (CIR) have gone nowhere for years. Lobbying efforts in March 2010 by the American Immigration Lawyers Association (AILA) made it clear that CIR is not going to pass anytime soon.

Given this state of affairs, perhaps now is the time to address separately our most pressing immigration issues. And nothing could be more pressing than the one facing many talented young people in our country. In his July 1, 2010 remarks on CIR, President Obama pointed out that many of the 11 million illegal immigrants amongst us came to the US with young children in tow. These children grew up as Americans; they were educated in our schools, speak English fluently, and have embraced American culture as their own. As President Obama stated, many "only discover their illegal status when they apply for college or a job."

College applications require a social security number, and illegal immigrants do not have one. While a few academic institutions have a policy of accepting illegal immigrants (on the theory that they are not in the business of enforcing U.S. immigration law), most do not. Even if a young illegal alien is lucky enough to obtain a college degree, he or she will face an even more serious problem upon getting an offer of employment. Accepting a job offer leads to the need to complete an I-9 form for the employer, a form that requires an employee to produce documents evidencing authorization to work in the U.S.

In 2009 the DREAM Act (Development, Relief and Education for Alien Minors Act) was introduced as a way to address this problem. If passed, the DREAM Act would make it possible for 1 million young undocumented immigrants to become lawful permanent residents. The bill would permit immigrant students who graduate from US high schools, are of good moral character, arrived in the US as children, and have been in the country continuously for at least five years prior to the bill's enactment, the opportunity to earn conditional permanent residence. The students would obtain permanent residence for a six year period. Within the six year period, a qualified student must have acquired a degree from an institution of higher education in the US or have completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the U.S., or have "served in the uniformed services for at least 2 years and, if discharged, have received an honorable discharge." Members of Congress have introduced several forms of this bill in both the House and Senate over the years, but it has yet to pass.

But the DREAM Act could be considered by the Senate again next week. In a blog entry on September 14, 2010, Senate Majority Leader Harry Reid announced his intention to include the DREAM Act in the major defense bill scheduled for floor action next week.

A real-life story of a young illegal alien that would benefit from the passage of the DREAM Act is the best way to illustrate the realities of what these young people face. What follows is such a story (the name is fictitious):

### *Maria San Gabriel*

Maria San Gabriel was born in Columbia, the daughter of a doctor and flight attendant. Their lives in Columbia were comfortable, but changes in the health care system in that country were making it increasingly difficult for Maria's father to make a living. Seeing their way of life threatened, Maria's parents set their sights on the U.S.

When Maria was 7 years old, she and her parents entered the U.S. in tourist status. They moved in with relatives and searched for work. Maria's father found work as a parking attendant in a garage in New York City, where he still works to this day. Her mother went to work in a factory that manufactures cosmetics. Maria started school in the second grade, struggling to learn English.

As the years passed the family of three settled into their new life. Eventually, Maria's parents were able purchase a small apartment. Maria not only learned English, she became a star student graduating from high school with straight A's. Despite this progress, the family was never able to adjust their status; they remained undocumented. Maria's parents put a great emphasis on education and were determined to see their only daughter go to college. Maria felt this pressure. But without lawful immigration status, it seemed like every avenue was closed. Many colleges were interested in her, but she was undocumented.

While working on her computer one day early in her senior year of high school, Maria typed "undocumented" and "college student" into a google search. The search results included an article by a conservative commentator, critical of colleges and universities that had made a policy decision to accept undocumented students if they were academically qualified. The article identified a school in the Northeast that Maria knew was an outstanding institution. Maria and her parents went to visit the college on a rainy overcast day. Notwithstanding the weather, they fell in love with the school. Maria applied to the college and waited anxiously, checking the mailbox daily. When the thick acceptance letter arrived, she cried tears of joy. When she phoned her parents at work to share the news, their reaction was the same.

Maria is about to start her sophomore year. During her freshman year, she earned top grades. She is studying Education and DREAMs of being a teacher. But her future is not bright. As an undocumented alien she is not work authorized. With a change in the law, she will never be able to work legally in the U.S.

There are countless more stories like Maria's all across the U.S. Regardless of one's personal feelings about illegal immigration, there can be no doubt that young people caught in Maria's circumstances are valuable members of our society who, given the opportunity, will make their own unique contributions. It's time for Congress to overcome political inertia and provide the children of illegal immigrants who have grown up in America with the opportunity to fully participate in the life of this country. We will all be better off for it.

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## About The Author

[Victoria Donoghue](#) received her J.D. from St. John's University School of Law in 1992, after having received a Masters of Science in Industrial and Labor Relations from Cornell University in 1989. From 2003-2007 Ms. Donoghue was the Assistant Director of Human Resources at the Research Foundation of the City University of New York, a 5000 employee nonprofit corporation that administers the \$360 million in research grants that flow through the City University system each year. In that capacity, she oversaw the Foundation's immigration program, supervising the processing of nonimmigrant visas and serving as a resource both to the Foundation's foreign national employees and to outside counsel in petitions for permanent residence. In addition, she regularly delivered presentations to colleges throughout the CUNY system about immigration matters and is a member of the American Immigration Lawyers Association. In 2007 Ms. Donoghue entered private practice as an immigration attorney, becoming Of Counsel to the law firm of Nachman & Associates. Since then she has taught and published widely on a variety of immigration related issues. She is currently an Adjunct Professor in the Immigration Law Program in CUNY's School of Professional Studies. She has given presentations at the 2008 NAFSA Annual Conference, Fairleigh Dickenson University, Vassar College, Hunter College, City College, New Jersey Institute of Technology, the National Business Institute, and the University of Medicine and Dentistry of New Jersey, among others. Her publications include a chapter in The PERM Book, 2008-2009 Edition and a chapter article entitled "A Program to Promote Scientific Research at the City University of New York" to be published in NAFSA's International Students: Strengthening a Critical Resource, due out in 2009.