



The New York City Council

City Hall
New York, NY 10007

Legislation Text

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Res. No. 409-A

Resolution calling on Congress to pass and President Obama to sign the Development, Relief, and Education for Alien Minors Act of 2009 (the “DREAM Act”) in order to provide immigration relief to undocumented immigrant students pursuing higher education and to undocumented immigrants who serve in the armed forces.

By Council Members Dromm, Barron, Brewer, Chin, Gonzalez, James, Lander, Palma, Seabrook, Williams, Foster, Cabrera, Reyna, Jackson, Rodriguez, Eugene, Van Bramer, Gennaro, Lappin, Rose and Mendez

Whereas, Approximately 16% of the nation’s estimated 12 million undocumented immigrants are under the age of 18; and

Whereas, Generally, children brought to the United States at a young age by their undocumented parents derive their immigration status from their parents and have no right to obtain legal permanent resident status through any other manner; and

Whereas, This population of young people is always at risk of deportation; lacking legal immigration status they are forced to live in the shadows of society without a path to citizenship; and

Whereas, Undocumented immigrants cannot legally work in the United States in order to support themselves; and

Whereas, Undocumented immigrant youths who want to pursue higher education are generally ineligible for most forms of financial aid because of their immigration status; and

Whereas, Although undocumented immigrant children are entitled to public education through the 12th grade like their United States citizen counterparts, it is unclear whether these same children are entitled to public higher education; and

Whereas, Although undocumented immigrant youths may legally enroll in most colleges and universities, current immigration law makes it difficult for them to pay for higher education because they are

ineligible for most forms of financial aid; and

Whereas, Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which requires that states providing a higher education benefit based on residency to undocumented immigrants provide that same benefit to U.S. citizens, regardless of their state residence, has been interpreted to prohibit states from offering undocumented students who attend state colleges and universities in-state tuition rates; and

Whereas, Despite this narrow interpretation, ten states have enacted laws that allow anyone, including undocumented immigrants, to pay in-state tuition rates at public colleges and universities, so long as they attended and graduated from high school in the state, since section 505 of the IIRIRA went into effect; and

Whereas, For example, undocumented students who meet specific criteria are eligible to pay in-state tuition rates at schools within the City University of New York and the State University of New York systems; and

Whereas, Despite in-state tuition rates, many undocumented immigrant youths are still ineligible for most forms of financial aid and, because they cannot legally work, it is difficult, if not impossible, for them to attend institutions of higher education; and

Whereas, Undocumented immigrant youths often choose to serve in the U.S. Armed Forces as an alternative to pursuing higher education at the end of their high school careers; and

Whereas, Despite their displays of appreciation, support and commitment to this country these young people must often wait indefinitely to be deemed citizens of this country; and

Whereas, Beginning in 2001, when section 505 of IIRIRA went into effect, legislation has repeatedly been introduced in Congress in an effort to amend immigration law and provide undocumented students with the opportunity to apply for legal permanent resident status and eligibility for some forms of financial aid; and

Whereas, This legislation is commonly referred to as the Development, Relief, and Education for Alien Minors Act (the DREAM Act); and

Whereas, Most recently, the DREAM Act (S.729) was introduced on March 26, 2009 by Senators Richard Durbin (D-IL) and Richard Lugar (R-IN); and

Whereas, Also on March 26, 2009, Representatives Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL) and Lucille Roybal-Allard (D-CA) introduced the sister bill in the House of Representatives called the American Dream Act (H.R.1751); and

Whereas, The DREAM Act was incorporated in the Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009 ("CIR ASAP"), H.R.4321, introduced on December 12, 2009 by Representatives Solomon Ortiz (D-TX) and Luis Gutierrez (D-IL); and

Whereas, Elements of the DREAM Act are included in the bipartisan plan for immigration reform legislation introduced by Senators Chuck Schumer (D-NY) and Lindsey Graham (R-SC) on March 18, 2010; and

Whereas, On September 14, 2010, Senator Harry Reid (D-NV) announced that he will attach the DREAM Act to the Department of Defense Authorization Act for Fiscal Year 2011 (S.3455) which is expected to be voted on by the full Senate in late September 2010; and

Whereas, The DREAM Act would amend the IIRIRA to repeal section 505 in order to allow states to provide higher education benefits to undocumented immigrants; and

Whereas, Under the DREAM Act eligible students would be able to apply for a six year conditional legal permanent resident status that would allow them to work, go to school and be eligible for federal work study, student loans and certain forms of federal financial aid grants; and

Whereas, At the end of the conditional period, an eligible immigrant student would be granted legal permanent resident status if he or she has good moral character, avoided lengthy trips out of the United States, and either graduated from a two-year college or studied for at least two years towards a Bachelor of Arts or higher degree or served in the armed forces; and

Whereas, It is estimated that approximately 65,000 undocumented immigrant students who were raised

in the United States would benefit from the DREAM Act; and

Whereas, If enacted, the DREAM Act would allow an estimated 360,000 undocumented high school graduates to work legally and attend college and would provide incentives to an additional 715,000 undocumented youth between the ages of 5 and 17 to finish high school and pursue higher education; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass and President Obama to sign the Development, Relief, and Education for Alien Minors Act of 2009 (the “DREAM Act”) in order to provide immigration relief to undocumented immigrant students pursuing higher education and to undocumented immigrants who serve in the armed forces.

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