

Hearing on PR 19-1002
“Sense of the Council Encouraging Congress to Enact the DREAM Act Resolution of 2012”

Before the Council of the District of Columbia
November 13, 2012

Testimony of Fernando Rivero
On behalf of the Hispanic Bar Association of the District of Columbia

Good morning, Councilmembers. My name is Fernando Rivero and I am a Board Member of the Hispanic Bar Association of the District of Columbia (or HBA-DC), here to present the Association’s testimony in support of PR 19-1002, the “Sense of the Council Encouraging Congress to Enact the DREAM Act Resolution of 2012.”

In July of this year, members of the HBA-DC visited the Council and asked for your support in passing a resolution that urged Congress to pass the DREAM Act. HBA-DC initiated this effort as part of a national project launched by the Hispanic National Bar Association to encourage states to promote the DREAM Act via resolutions of support.

And you all responded enthusiastically to our request. Thanks go to Councilmember Brown for introducing the resolution and to all Councilmembers for signing the introduced version. And thanks also to the Mayor’s Office on Latino Affairs for their good efforts and enthusiastic support. With the recent passage by Maryland voters of an in-state measure to provide tuition assistance, much in the same way as the DREAM Act would, we see growing acceptance of the need to address the unjust situation facing the young people who are intended to be the beneficiaries of the DREAM Act.

The Development, Relief, and Education for Alien Minors Act (or “DREAM Act”) is legislation that has been pending in Congress for over 10 years, most of that time with bipartisan support. The Act would provide a just solution to the problem facing young people who came to this country as undocumented children and have grown up knowing only the US as their home, young people who are now Americans in every way except immigration status. In many cases, should they be returned to their countries, these DREAMers, as they are known, would be leaving for places they no longer remember, forced to speak a language they may have forgotten.

Today’s DREAMers are prevented from obtaining gainful employment, even after struggling for an education during which they encounter discrimination in the area of tuition costs. In short, DREAMers, who want to contribute to American society, are prevented from doing so by an immigration system that is complex and in dire need of repair.

The DREAM Act provides the solution by creating a productive pathway to citizenship for DREAMers. The Act is in no way an amnesty – and this should be made clear from the start. DREAMers will have to meet strict requirements.

The DREAM Act provides, at first, a conditional lawful permanent resident status for those who meet certain requirements of age and presence in the country, being younger than 16 when first

entering the US and remaining here for at least 5 years. In order to go from conditional to simply lawful permanent resident status, the DREAMer would have to complete at least two years in a post-secondary educational institution or two years in the uniformed services. DREAMers must also maintain good moral character during this entire period and must pay fees.

The Act also eliminates a current federal penalty for states that offer in-state tuition equity to their undocumented students (section 505 of the Illegal Immigration Reform and Immigrant Reconciliation Act of 1996).

The DREAM Act provides significant tangible benefits to our country.

Every year, approximately 65,000 US-raised students qualify for the DREAM Act's benefits, according to the National Immigration Law Center. The DREAM Act would help increase the future earnings of these DREAMers through education and lawful employment, thus reducing other potential costs to the criminal justice system and costs in other social services that taxpayers must support.

Through lawful employment, these DREAMers would contribute to the competitive quality of the American workforce in this age of global markets. Our global competitive position could see benefits in the areas of science, technology, medicine, and education, among others.

The DREAM Act would increase the income of immigrants, which will stimulate spending and investment. According to the Congressional Budget Office, the DREAM Act would increase revenues by \$1.7 billion over 10 years and reduce deficits by \$2.2 billion over the 2011-2020 period. That benefit would increase to a range of \$1.4 to \$3.6 trillion over a forty-year period according to a study by the University of California at Los Angeles.

Given the urgent situation facing these approximately 1.2 million undocumented youth, about two thousand of whom are estimated in the District of Columbia by a recent report, the DREAM Act is long overdue.

The United States Supreme Court ruled in the case of *Plyler v. Doe* that undocumented children are constitutionally entitled to a public education up to the secondary grade level, in part to prevent the creation of a group of second class Americans. But neither the Court at the time, nor anyone else, asked what we would do with these Americans when it came time for them to participate in society. It turns out that the Supreme Court did not prevent but merely forestalled the creation of this underclass. It is the DREAM Act that will provide the full solution to the questions faced in *Plyler v. Doe* by eliminating once and for all the possibility that DREAMers would remain an underclass in America.

For these reasons, the Hispanic Bar Association of the District of Columbia supports PR 19-1002, as the resolution clearly makes the historical, moral, and economic case for why Congress must pass the DREAM Act. We urge the Council to pass the Resolution next month and be the first jurisdiction in our national project to make this sensible and just statement.