

# A Dream Deferred

Laura Lobe

In 2007, Juan Gomez attended high school in Miami. There he belonged to the Math Honor Society and served as treasurer of the Science Honor Society, surpassed expectations with nearly perfect SAT scores, and succeeded in fifteen Advanced Placement courses. To further his education, he planned to be part of the Honors Program of Miami Dade Community College. At 18 years old, however, he found himself held in an immigration detention center. Years before, the Gomez family left Colombia with their sons, Juan and Alex, when the little boys were only 2 and 3 years old. After unsuccessfully applying for political asylum, and fearing a life of danger in their native country, they remained here, worked hard, and stayed out of trouble. The family opened a business, and saved enough money to pay the out of state college fees for the excelling teens. It all changed on the dawn of July 25<sup>th</sup> of 2007, one of the saddest days plastered in the memory of this family. They were awakened by U.S. immigration officers, detained, and processed for deportation due to the unapproved asylum case. Despite having handcuffs on, Juan managed to send a text message to a friend. It took only a message for his friends to start a cause that awakened many and gained support for the movement (Juan Gomez).

The Gomez boys do not seem to have a path to indefinitely stay in the country that saw them grow (Juan Gomez). Their only hope would be a proposition that today is set in a legal limbo in our legislation, a legal proposition that happens to appeal to many of the core values that form the main character of this country. These core values include having the choice of an

education, the right to accomplish achievements and to reach success and progress based on effort. These crucial moral standards, taken for granted by many individuals today, are being challenged on a daily basis. Every day, students who have worked hard during their academic careers, anxiously waiting their graduation days, realize how the door to higher education closes in their faces. Every day, our society dares to tell a high school valedictorian his accomplishments are worth nothing. Every day, an unfair system tells an honor student that his dreams will not see realization. Every day, the story repeats itself, when children raised in this country are denied access to the tools necessary to become productive members of our society, just for having been born in another country. The Development, Relief and Education for Alien Minors Act has been submitted many times for consideration to the U.S. Senate and House of Representatives, searching for the much needed support to become a reality and aid these innocent children (The Library of Congress). The DREAM Act proposition will not only define us as a generation, but will also test the moral fibers we are made of as human beings.

According to the Library of Congress, during the month of May of the 107<sup>th</sup> Congress of 2001, the H.R. 1918 was presented “to permit States to determine state residence for higher education purposes.” The proposition counted some sympathizers, but did not have enough support to be passed. Similar propositions were introduced later in the U.S. Senate, as well as in the House of Representatives. During August of the same period the S.1291 Development, Relief, and Education for Alien Minors Act was presented to the U.S. Senate. It was designed “to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien college-bound students who are long-term United States residents.” Later in April of 2003, during the 108<sup>th</sup> Congress, the H.R. 1684 was submitted for consideration. Its goals were similar to the ones of the previous

attempts. In July of the same year, the S. 1545 was presented. Two years after, under the 109<sup>th</sup> Congress, the S. 2075 appealed for support to the U.S. Senate. The following year, the H.R. 5131 was submitted. During May of the 110<sup>th</sup> Congress in 2007, the House of Representatives heard of H.R. 1275. Days later, the S.774 was introduced to the U.S. Senate with the same purpose. The next year, the S.2205 was introduced and in 2009, during the 111<sup>th</sup> Congress, the proposition was reintroduced as the S. 729. The DREAM Act was also included as part of the Comprehensive Immigration Reform Act of 2006, also known as S.2611; and the Comprehensive Immigration Reform Act of 2007 S.1348. Note that none of these propositions passed. The ones that were the closest to becoming laws, after long battles and many amendments, were weakened, focusing on border security and the increased enforcement of preexisting laws.

According to the Pew Hispanic Center, the undocumented population in the United States was estimated to be around twelve million people in 2006, and most of this undocumented population can be found among the adult age range, but the estimated number for the children lacking legal documents approaches 1.8 million (Passel, “Size and Characteristics”). Accordingly, we seem able to calculate that the undocumented children form fifteen percent of the total illegal population. Based on information provided by the Urban Institute, Dr. Passel<sup>1</sup> estimates that each year about eighty thousand of these children turn eighteen years old, and about sixty-five thousand of them are high school graduates (“Further Demographic Information” 1). Based on the summary provided by attorney Adey Fisseha from the National

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<sup>1</sup> According to information provided by the Pew Hispanic Center about its staff, Dr. Jeffrey Passel is an expert on immigration and demography.

Immigration Law Center, the DREAM Act supports the opportunity for students to be given six years to graduate from a two-year college or study for at least two years toward a bachelor or higher degree, or serve the U.S. military for a minimum period of also two years. Those children who play by the rules, go to school, and stay out of trouble; those who work hard, with good moral character, who graduate from a U.S. high school or obtain a GED; those happen to be the children who would qualify. The proposition would aid students that have been living in the country since they were fifteen years old or younger, for at least five consecutive years. They would not qualify if they had committed crimes or were older than thirty-five years old (1-2). The DREAM Act would allow a path for these children to become productive members of our society. Further analyzing the details of the DREAM Act, we learn how it would allow these students to pay in-state tuition, and access a chance for temporary legal status.

They all dreamed about it, and finally the day is here. They are wearing their new caps and gowns, and can feel the excitement of their family members and friends, there to support them and be part of such a memorable event in their lives. They can almost smell the fresh ink and paper of their diplomas, and are eager to have them in their hands, as they walk closer and closer to receive them. This event marks the end of a phase, and the much awaited beginning of another. They can still hear the words of their teachers, who always assured them their efforts and commitment would be valuable. For many of them the next stop is college. Many have dreamed of one day fulfilling positions like doctors, lawyers, teachers, or nurses. For many others, this day seems to be the end of their academic journey. From those newly graduated students, sixty-five thousand of them will have to face their sad reality.

Back in 1982, after the famous case of Plyer vs. Doe, the U.S. Supreme Court decided that public education must be provided to undocumented immigrant students until the completion

of high school. The same ruling failed to stipulate any provision for post-secondary education. Later, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, also known as H.R. 2202 during the 104<sup>th</sup> Congress, would specify that immigrants lacking a legal status “shall not be eligible on the basis of residence within a State ... for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit without regard to whether the citizen or national is such a resident.” This portion of the law, section 505, basically mandates that undocumented students should not be granted in-state tuition. These students work just as hard as their classmates, many graduate with honors, participate in sports, win medals, gain trophies, or earn scholarships. They also have their dreams and hopes, hopes of a better future, of achieving higher education, of becoming valuable members of the society. They have been here almost all their lives, speak English, and many times identify themselves with the American lifestyle more than with their family’s culture. Because they were not born in this country, these children see their dreams crumble. Because they were brought here, they have to confront the consequences of the mistakes made by their parents. Because they lack legal documentation, these children are not admitted to many colleges, or if they are, they have to pay international or out-of-state tuition (Feder). Today, there seems to be hope for them. Today, there is the DREAM Act.

We, as a country, happen to be wasting essential resources. The DREAM Act would have a significant and positive effect on many aspects of our society. Based on data provided by the U.S. Department of Education and the U.S. Census Bureau, the Child Trends DataBank estimated that the dropout rate of Hispanic students was 23 % in 2005, more than three times that of the national average for Caucasians (8). Many of these students could end up being part of street gangs, which would increase local and federal safety costs. Once we analyze different

aspects related to the education of these children, we realize not only how the DREAM Act would benefit the student, but also society in general. The cost of education happens to be astronomical; each year this country invests millions of dollars to educate these students from kindergarten to high school. In the 2006 fiscal year alone, the U.S. Department of Education reported expenses of around \$ 528.7 billion dollars for school districts; this amount happens to include approximately \$ 449.6 billion dollars for elementary as well as secondary education (U.S. Department of Education 2007, 56). These investments are made in the hopes that the students will graduate, obtain jobs, and start contributing to our government expenses. If the students are not given a chance to access higher education, most likely they will take low paying jobs and report little or no taxes. Here is where the system seems to fail. The outcome of the DREAM Act would be individuals with higher average incomes investing, spending, and paying taxes, which would reduce our government expenses.

Immigrants have always been part of the United States, including its military. According to statistics provided by the Pew Hispanic Center, in 2001 almost 110,000 Hispanics enlisted in different branches of the armed forces. Studies from 2007 point out an increase in the numbers reaching over 122,000, including almost 17,000 individuals born outside the country; the total number for Hispanics in the military for the year 2008 reached over 160,000, with over 25,000 foreign born individuals enlisting (“Hispanics in the Military”; “Statistical Portrait 2007”; “Statistical Portrait 2008”). When examining these numbers, and the requirements of the DREAM Act, we realize that the United States could have thousands of potential recruits eligible for military service, something highly important if we consider that currently we are involved in two wars. These young members of our society, respectful and loyal to the norms and guidelines of this country, seem eager to give back to “the land of the free and the home of the brave.” If

given an opportunity, these faithful individuals could be the fervent fighters defending our freedom. The land that has welcomed the tired, poor, and huddled masses will retrieve the hopes and dreams of these minorities.

Not only would the DREAM Act increase income, social services savings, and tax revenues by allowing these students a chance to climb out of the lowest socioeconomic class, but also we would have a highly educated workforce to help the growth of our economy. The Pew Hispanic Center estimates 1.8 million undocumented foreign born children under 18 years old in the country, and they would be able to pursue higher education or enter the military, and ultimately help America to compete in the world. Looking at other aspects of our population, we are unable to deny the existence of the baby boomers. These people born between 1946 and 1964, estimated to be seventy-six million (Haaga), are starting to retire. If given the opportunity, the Dreamers would be able to achieve higher education, and become qualified professionals to help in the replacement of our workforce.

We are denying one of the most essential rights to children. We are punishing them for the mistakes their parents made, and forcing excellent students to live in the shadows. Education is essential for an individual and his community. The DREAM Act encourages higher education so these children can become productive members of society. Children should not pay for a choice they had no say in, and be denied the American Dream. These children have been living here for years; in many cases they don't know anything different from this country. They speak English, know the norms and the American culture. Their loyalty is to this country. It is sad to see children wasting their talents and skills. It is heartbreaking to see a child who was brought to this country as a toddler by his parents in the search of a better life, a child who graduates with honors, with dreams like any of his or her classmates. Students work hard and receive

scholarships, but see their dreams crushed, and they live in constant fear of being deported. In those cases where they are accepted into colleges, most of the time they must pay out-of-state tuition or international fees (H.R. 2202). These children cannot afford it many times; these fees often are three or four times higher than in-state tuition. As an example, in Palm Beach State College, in-state tuition for each credit hour happens to be \$82.50, compared to \$299.36 for out-of-state. It does not matter how hard they work, what their grade point average is, or what their achievements are, they do not qualify for scholarships, grants, or private student loans, much less financial aid or federal student loans (Fragomen 438-460). For the very fortunate ones, able to have the economic support of their families, or for those who make immeasurable efforts to pay their tuition out of their own pockets, after that journey ends they will find another closed door. After their college graduation, they still will not have residency papers. Based on their legal status, they will be unable to find a job in their field and succeed in our society (Fragomen 442).

Some accuse that the advocates of the DREAM Act are trying to give benefits to individuals who should not be here, and consequently, they do not deserve a path to legalization or in-state-tuition for their higher education (Federation for American Immigration Reform). This shows a false perception of the issue, at times even indicating prejudice. The children who would benefit from the DREAM Act did not break the law; their parents did. Opponents of the DREAM Act also believe that this would take resources from citizens. In fact, though, the act clearly states that students would not qualify for any benefit or resource other than paying in-state tuition and a path to temporary legalization, meaning they would not qualify for any kind of government grant or financial aid (Lee 236). The DREAM Act is directly linked to immigration reform, which in recent years has been debated in both the U.S. Senate and House of Representatives. Many who do not favor legislative reform in support of the undocumented have

the same attitude towards the DREAM Act. Frank Sharry is the founder of America's Voice, a pro-immigrant organization, and he formed part of a team assisting the bipartisan effort of 2007 to pass immigration reform. According to Sharry, challenges of the Comprehensive Immigration Reform Act of 2007, also known as the S.1348 and which included the DREAM Act, seemed to have been a tactic to defeat a proposition in the eyes of American public opinion. The usage of the word "amnesty" by the opposition many times was a decisive point to press our representatives and senators in favor or against a topic. According to Rachel Swarns, a writer for the *New York Times*, the general concept seems to be connected to the last amnesty given to undocumented individuals. The Immigration Reform and Control Act, also known as IRCA, was approved by President Reagan on November of 1986. It enforced the already existing laws against unauthorized workers and their employers, and gave legal status to immigrants who entered the country before 1982 and have permanently stayed here since then. IRCA seems to be linked to an unfavorable opinion, since America remembers the bill that encouraged deceptive applicants to abuse the system, when its regulations were not strictly enforced.

Inspired by the unfairness of certain aspects of our immigration system today, groups around the country organize events and demonstrations in the hopes to educate the rest of the population, support the DREAM Act, and protest against the unfair situation that many students and their families suffer every day. For the Gomez family the nightmare started that day of July of 2007, the same year the parents and grandmother were deported after 17 consecutive years of residency in the U.S.; the boys however, stayed to pursue their academic careers since they were exempted from deportation for two years. With an unclear future, and the family divided, Juan graduated with a degree in finance from Georgetown University, and his brother attends Miami Dade Community College with the hopes of becoming a firefighter. Today, Juan and his brother

have a pending deportation order waved for the moment, and they have all their hopes on the DREAM Act.

As part of the remarkable efforts to educate and gain the approval of the public on this matter, on January 1<sup>st</sup> of 2010, four students started a 1500 mile walk from Miami to Washington DC. On their four-month journey they have walked on the snow, rain, and heat while crossing the terrains of Florida, Georgia, South and North Carolina, and Virginia. There were four walkers, Felipe Matos, Gabriela Pacheco, Carlos Roa, and Juan Rodriguez. The first one is an awarded honor student counted among the 20 top community college students in the United States. He was sent by his mother from Brazil at age 14: “she gave her health and ultimately her life to get me out of the slums” (Matos). Gaby, as she likes to be called, dreams of becoming a music therapist to help autistic children; even though she has been here since the age of seven, and has earned three education degrees, she is currently fighting a deportation order (Pacheco). Carlos is an enthusiastic student who dreams of receiving a degree in architecture. He was brought to this country by his family when he was only two years old (Roa). Juan and his family escaped Colombia after threats to their lives. As are the other walkers, he is eager to give back to other individuals and help their communities. He is the only of the four who is a U.S. resident, not before living as an undocumented child most of his life. After walking the “Trail of Dreams,” he will pursue a sociology degree at the University of Chicago (Rodriguez). These four young excelling students raised in Miami are living proof of why the DREAM Act needs to be passed.

Examining American history, we are able to find institutionalized slavery, as well as people opposed to the rights of women to vote or own property or businesses. We are aware of the unfair treatment given to Chinese individuals based on the Chinese Exclusion act of 1882,

which discontinued their immigration, and how individuals were forced to relocate to other regions, as the U.S. born Mormons were forced to leave their homes and march thousands of miles to Utah, when this territory was still part of Mexico. We have read about one of the most racist U.S. laws, the Johnson-Reed Act, or National Origins Act of 1924, which favored northern and western European nationals over southern and eastern Europeans as well as Asians when providing immigrant visas. More than 110,000 individuals of Japanese heritage were in jail during WWII in relocation camps; the vast majority being Americans, and in lower numbers, Japanese nationals. Black citizens were victims of segregation all around the country. It seems like we did not learn from our mistakes. For these Dreamers, their future ends right after they graduate from high school. We discriminate and deny resources to these minorities, and end up accepting the inevitable outcome. We deny the United States potential future economic growth, increased tax revenue, and highly educated professionals. We must evolve as human beings and be compassionate to one another. It is selfish to deprive not just the one person, but the people that one person would impact with the education he or she is trying to get. We must remember the words Dr. Martin Luther King wrote from a jail in Birmingham in 1963, "Now is the time to make the real promise of democracy." We must abandon our fear of the unknown. We must support college education for children who have not done anything wrong. We must hope that the dream deferred does not "dry up, like a raisin in the sun," but explodes and reaches the heart and conscience of America.

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