



THE DREAM ACT

Our DREAM is Human Rights!

"Everyone has the right to education. ... Higher education shall be equally accessible to all on the basis of merit."

– Universal Declaration of Human Rights, Article 26

There are currently between 1 million and 2.1 million undocumented minors in the United States who were brought to the U.S. as children by their parents. Many of these young people live in constant fear of detention, as well as deportation, by the immigration authorities. Higher education is very often unaffordable to them because they do not qualify for in-state tuition in most states – even when they have lived most of their lives in a given state.

The federal Development, Relief, and Education for Alien Minors (DREAM) Act would have an impact on a relatively narrow population of student immigrants in the United States who arrived in the U.S. as children, have grown up here, and consider the U.S. home. The current versions of the legislation (S.952/H.R.1842) were introduced on May 11, 2011, in the 112th Congress by Senator Dick Durbin (D-IL) and Representative Howard Berman (D-CA). There have been several federal versions of the legislation introduced since 2001. In the last Congress, the DREAM Act passed the House and received a strong bipartisan majority vote of 55 Senators. The legislation currently before the House and Senate would extend conditional permanent resident status for six years to students who finish high school and meet several other criteria, including a background check. Individuals who have shown themselves to be of "good moral character", have completed at least two years in good standing of college, or have served in the military for at least two years, and who have met a variety of additional requirements would then have the opportunity to permanently legalize their status.

Although the DREAM Act has been introduced in Congress repeatedly over the past twelve years, and has bipartisan support, the bill has yet to pass. In his most recent State of the Union speech on January 25, 2012, President Barack Obama acknowledged that immigration is a divisive issue in U.S. politics, but implored Congress to "... at least agree to stop expelling responsible young people who want to staff our labs, start new businesses, defend this country. Send me a law that gives them the chance to earn their citizenship. I will sign it right away." Meanwhile, there are opponents of the bill who continue to fan the flames of anti-immigrant sentiment, claiming the bill should be vetoed as it will reward "illegal behavior", as well as instigating anti-immigrant and anti-DREAM legislation at the state level.

Amnesty International stands in solidarity with the DREAM coalitions and supports the DREAM Act because the Act would advance a range of human rights for these young people – including the right to education and the right to family unity – rights guaranteed under international law and standards which the U.S. should uphold in the interests of combatting discrimination and creating an environment in which human rights can thrive for all. These standards include the International Convention on the Elimination of all forms of Racial Discrimination (CERD) and International Covenant on Civil and Political Rights (ICCPR), both of which the U.S. has ratified; the Universal Declaration of Human Rights (UDHR), which the U.S. played a central role in drafting and which has achieved the status of customary international law; and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Convention on the Rights of the Child (CRC), which the U.S. has signed.

Education is a human right! Education is a human right, and an indispensable means of realizing other human rights. Many DREAM-eligible young immigrants face a particular financial barrier due to a federal law that excludes undocumented students from in-state tuition – even when they have often lived most of their lives in that state. Without in-state tuition, young immigrants and their families often cannot afford higher education. Furthermore, they live in constant fear of detention and deportation, which can serve as a discriminatory barrier to education.

Article 26 of the UDHR states: "Everyone has the right to education. ... Higher education shall be equally accessible to all on the basis of merit." In spelling out the specifics of CERD, the Committee on the Elimination of Racial Discrimination has called on States parties to "Avoid segregated schooling and different standards of treatment being applied to non-citizens on grounds of race, color, descent, and national or ethnic origin in elementary and secondary school and with respect to access to higher education." (General Recommendation 30)

States and local school districts are obligated to provide primary and secondary education to all undocumented children within their jurisdictions under U.S. law (see, e.g., the 1982 Supreme Court decision, *Plyler v. Doe*). Considerable time and resources have already been invested in educating the more than 60,000 undocumented students who will graduate high school this year. The benefits of supporting the right to education for DREAM-eligible young immigrants are felt not only by the individual students, but the community as a whole, as these students become the next generation of doctors, scientists and teachers.

Family unity is a human right. Since many undocumented children live in mixed status families where siblings or relatives may be U.S. citizens or have lawful status, the act of deportation often leads to the separation of families and interferes with family unity. The ICCPR states: "No one shall be subjected to arbitrary interference with his privacy, family, [or] home." (Article 17) The Committee on the Elimination of Racial Discrimination has called on States parties to "Avoid expulsions of non-citizens, especially of long-term residents, that would result in disproportionate interference with the right to family life." (General Recommendation 30)

Make the DREAM Act come true! Hard working undocumented students have been waiting far too long to be fully participating members of our society, in a country which is likely to be the only one they have ever truly known. Their dreams and aspirations are in the hands of Congress. It is time to do the right thing and pass the DREAM Act so that we ensure the human rights of this group of young immigrants are respected, protected and fulfilled.

Amnesty International calls on all U.S. senators and representatives to support the DREAM Act in Congress, including co-sponsoring the bill if they have not already done so.



THE ASPIRATIONS OF DREAMERS



IMMIGRANTS' RIGHTS MARCH IN DENVER, MARCH 2012



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