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COMPREHENSIVE IMMIGRATION REFORM: THE FUTURE OF UNDOCUMENTED IMMIGRANT STUDENTS

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

OF THE

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CONTENTS

MAY 18, 2007

OPENING STATEMENT

Page

The Honorable Zoe Lofgren, a Representative in Congress from the State of California, and Chairwoman, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law 1

The Honorable Steve King, a Representative in Congress from the State of Iowa, and Ranking Member, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law 3

The Honorable John Conyers, Jr., a Representative in Congress from the State of Michigan, and Chairman, Committee on the Judiciary 5

WITNESSES

Ms. Marie Nazareth Gonzalez, Westminster College, Class of 2009

Oral Testimony 8

Prepared Statement 9

Ms. Martine Mwanj Kalaw, Hamilton College, Class of 2003, The Maxwell School of Citizenship and Public Affairs, Syracuse University, Class of 2004

Oral Testimony 11

Prepared Statement 13

Ms. Tam Tran, University of California, Los Angeles, Class of 2006

Oral Testimony 14

Prepared Statement 15

Ms. Diana Furchtgott-Roth, Senior Fellow and Director, Center for Employment Policy, Hudson Institute

Oral Testimony 31

Prepared Statement 32

Mr. Allan Cameron, Ph.D., retired High School Computer Science Teacher, Carl Hayden High School, Phoenix, AZ

Oral Testimony 36

Prepared Statement 37

Mr. Jamie P. Merisotis, President, Institute for Higher Education Policy

Oral Testimony 38

Prepared Statement 40

Mr. Kris W. Kobach, Ph.D., Professor of Law, University of Missouri—Kansas City School of Law

Oral Testimony 42

Prepared Statement 44

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Prepared Statement of the Honorable Zoe Lofgren, a Representative in Congress from the State of California, and Chairwoman, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law 2

Prepared Statement of the Honorable John Conyers, Jr., a Representative in Congress from the State of Michigan, and Chairman, Committee on the Judiciary 5

Prepared Statement of the Honorable Sheila Jackson Lee, a Representative in Congress from the State of Texas, and Member, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law 6

Page

APPENDIX

Material Submitted for the Hearing Record

"AP Impact: Immigration raids split families," by Monica Rhor, Associated Press Writer, March 11, 2007, submitted by the Honorable Sheila Jackson Lee 60
Prepared Statement of Marie-Theresa Hernández, Ph.D., Associate Professor, Department of Modern and Classical Languages, World Cultures and Literatures, University of Houston 63
"New Estimates of Unauthorized Youth Eligible for Legal Status under the DREAM Act," by the Migration Policy Institute 72

COMPREHENSIVE IMMIGRATION REFORM: THE FUTURE OF UNDOCUMENTED IMMIGRANT STUDENTS

FRIDAY, MAY 18, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP,
REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 9:10 a.m., in Room 2141, Rayburn House Office Building, the Honorable Zoe Lofgren (Chairwoman of the Subcommittee) presiding.

Present: Representatives Lofgren, Berman, Jackson Lee, Delahunt, Sánchez, King, Lungren, and Gohmert.

Also Present: Representative Conyers.

Staff Present: Ur Mendoza Jaddou, Chief Counsel; J. Traci Hong, Minority Counsel; Benjamin Staub, Professional Staff Member; and George Fishman, Minority Counsel.

Ms. LOFGREN. This hearing of the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law will come to order. I would like to welcome the Immigration Subcommittee Members, our witnesses and members of the public who are here today for the Subcommittee's eleventh hearing on comprehensive immigration reform.

I would like to particularly welcome our first panel of witnesses—courageous young people, willing to be here today to talk about their own personal experiences and to help us learn about the problems faced by undocumented children. I commend you for your courage and willingness to be with us.

Our series of hearings on comprehensive immigration reform began at Ellis Island where we examined the need for comprehensive immigration reform to secure our borders, address economic and demographic concerns, and there we reviewed our Nation's rich immigrant history. We have studied immigration reform from 1986 and 1996 in an effort to avoid the mistakes of the past. We have considered the problems with the proposed solutions for our current employment and worksite verification system. In light of recent proposals by the White House to eliminate family priorities in immigration and replace them with a new and untested point system, we studied the contributions of family immigrants to America and various immigration point systems used around the world. This week, we had an opportunity to explore the importance of immigrant integration and their children into the United States, and

just yesterday, we explored the costs of immigration on our States and localities.

Today's topic on comprehensive immigration reform, the future of undocumented immigrant students, is one area the Democrats and Republicans agree must be fixed. As our witnesses on the first panel will personally describe, they had no choice in being brought to the United States at a young age. Now they are young adults who feel like young Americans but without the same doors and opportunities that most of us had at their age. While the future is bright for their peers graduating from high school and preparing for college across the country this month, for undocumented students, it is a future filled with uncertainty.

They face colleges and universities requiring documentation of legal status, prohibitively high tuition rates, and no chance for Federal financial aid for higher education. Even if they work hard and finish college, they must confront a bleak future in which they are unlikely to be able to work in professions for which they have trained because of their immigration status. Worse yet, they cope with the spector of deportation at any moment. If these young people get deported, many end up in birth countries they have no memory of, a country they hardly remember, and speaking only English. These determined and dedicated young people need the chance to become productive members of our society. They never had a choice in their situation. Yet, our law blames them for it and makes them pay a heavy price.

Fairness and justice have always been hallmarks of our great Nation. We should not penalize innocent children for the actions of their parents. Furthermore, our Nation is faced with ever increasing economic competition from developed and developing nations. To effectively compete in an ever expanding global market, we must ensure that we can continue to have the most educated workforce in the world. Whether in college or in the military, we must give all qualified young people the opportunity to contribute in ways that will keep America strong.

It is time for this Congress to recognize the compelling economic, moral, and humanitarian concerns by providing these undocumented young people a way to a bright future.

[The prepared statement of Ms. Lofgren follows:]

PREPARED STATEMENT OF THE HONORABLE ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND CHAIRWOMAN, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

I would like to welcome the Immigration Subcommittee Members, our witnesses, and members of the public to the Subcommittee's twelfth hearing on comprehensive immigration reform. I would like to particularly welcome our first panel of witnesses, courageous young people willing to be here today to talk about their own personal experiences and help us learn about the problems faced by undocumented children. I commend you for your courage and willingness to be with us.

Our series of hearings on comprehensive immigration reform began at Ellis Island, where we examined the need for comprehensive immigration reform to secure our borders, to address economic and demographic concerns, and there we reviewed our nation's rich immigrant history. We have studied immigration reform from 1986 and 1996 in an effort to avoid the mistakes of the past. We've considered the problems with and proposed solutions for our current employment and worksite verification system. In light of recent proposals by the White House to eliminate family priorities in immigration and replace them with a completely new and untested point system, we studied the contributions of family immigrants to America

and various immigration point systems used around the world. This week, we had a hearing to explore the importance of immigrant integration and their children into the United States. And just yesterday, we explored the costs of immigration on our states and localities.

Today's topic on comprehensive immigration reform—the future of undocumented immigrant students—is one area that Democrats and Republicans alike agree must be fixed. As our witnesses on the first panel will personally describe, they had no choice in being brought to the U.S. at a young age. Now they are young adults who feel like young Americans, but without the same open doors and opportunities that most of us had at their age.

While the future is bright for their peers graduating from high school and preparing for college across the country this month, for undocumented students, it's a future filled with uncertainty. They face colleges and universities requiring documentation of legal status, prohibitively high tuition rates, and no chance for federal financial aid for higher education.

Even if they work hard and finish college, they confront a bleak future in which they are unlikely to be able to work in professions for which they have trained, because of their immigration status.

Worse yet, they cope with the specter of deportation at any moment. If these young people get deported, many end up in birth countries they have no memory of, a country they hardly remember, and speaking only English.

These determined and dedicated young people need the chance to become productive members of our society. They never had a choice in their situation. Yet, our law blames them for it and makes them pay a heavy price. Fairness and justice have always been hallmarks of our great nation. We should not penalize innocent children for the actions of their parents.

Furthermore, our nation is faced with ever increasing economic competition from developed and developing nations. To effectively compete in an ever expanding global market, we must ensure that we continue to have the most educated workforce in the world. Whether in college or in the military, we must give all qualified young people the opportunity to contribute that will keep America strong.

It is time for this Congress to recognize this compelling, economic, moral and humanitarian concern by providing these undocumented young people a way to a bright future.

Ms. LOFGREN. I will now recognize our distinguished Ranking minority Member, Steve King, for his opening statement.

Mr. KING. Thank you, Madam Chair. I appreciate your holding this hearing, and I appreciate the witnesses who are here to testify today. I had an opportunity to at least meet our first panel, and I would reflect that, often, we legislate by anecdote here in this Congress as opposed to taking a look at the broader statistical data that tells us where society might go if we move forward on pieces of policy.

I also reflect there is an existing law passed in 1996 that was authored by our Ranking Member of the Judiciary Committee, Lamar Smith of Texas, that requires that if a higher education institution grants an in-state tuition discount to someone who is unlawfully present in the United States, they shall grant that same in-state tuition discount to all citizens of the United States who otherwise qualify, wheresoever they might live.

If we do not adhere to that law, then we are granting a status for those who are unlawfully present in the United States a tuition discount that is greater and disproportional to that of a citizen who might live in another State. For example, my daughter-in-law grew up in the Mississippi River bottom, farmed right up next to the river—her father did—within sight of Iowa, and went to school in Iowa at Iowa State, but those of her circumstances were not qualified for in-state tuition. They had to pay the higher rate.

Yet, in some of those circumstances in States around the Union, in a number of States, the discount is provided to those who are

unlawfully present, and those who wanted to go to that same institution who did not happen to live, perhaps, in that State paid a premium, and I will submit that that is an inequity.

I am watching as piece after piece of legislation comes through this Judiciary Committee and through other Committees here on the Hill that set up a special protected status, different levels of citizenship, disadvantages for citizens who live in the United States who—they and their parents—presumably pay taxes and are engaged in the responsibilities of citizenship, and puts them at a disadvantage. All of our hearts go out to people who are not in control of their own destiny, and I recognize that the witnesses here before us on this panel represent that cross-section of those who are not in control of their own destiny.

By the same token, the United States of America needs to be in control of its destiny as well. I look across the Hill to the Senate side, and as we are putting together the pieces of what they talked about yesterday—and we have very little text of any language, just concepts that were rolled out in the press conference yesterday—it becomes clear that at least that coalition is determined to provide a broad amnesty plan. It cannot be called anything else, and anyone who can claim that they came into the United States prior to January 1st of 2007 would get a provisional legalization until such time as they could figure out how to make it a little bit more formal and a path to citizenship for almost everyone who can claim they were in the United States.

So the questions that do not get answered here in this Committee but are out in the public debate sphere, and not by our President, I might add, are:

What should the population of the United States be in 25 years or 50 years? Who should be allowed to come to the United States, and who should be sent back to the country of their origin? If the Nation is not willing to send someone home who is unlawfully here, how in the world can they claim they have a border or have an immigration policy whatsoever? Should that immigration policy be set by people who come here illegally and the mass of those numbers weighs on our consciences so much that we are willing to sacrifice the essential pillar of American civilization, American exceptionalism, called the "rule of law"? Because that is what the Senate is poised to do.

The Senate is poised to sacrifice the rule of law because they cannot find it in their hearts to look someone in the eye and say, "I am sorry. The rule of law is more important. Everybody has a certain cross to bear, but we have an obligation to the destiny of the United States of America, and we need to move it to a higher destiny, not a lower destiny." That is not an indictment of the ladies who are here in front of us today. That is a statement of the essential pillar of American exceptionalism that I fear will collapse under the weight of the policy that was advocated in the Senate yesterday.

So, with that and with that in mind, I am looking forward to hearing the testimony from the witnesses before us today.

Madam Chair, I yield back the balance of my time.

Ms. LOFGREN. The gentleman yields back.

I am pleased to recognize the Chairman of the full Committee, Chairman John Conyers, for his opening statement.

Mr. CONYERS. Thank you very much, Madam Chair.

I rise in defense of President George Bush's position on immigration, which he will be shocked and hopefully pleased to know that we do have one point of agreement.

I ask the question, though, back to our friend from Iowa. Well, what should we do with the children after we look them in the eye? Who makes the rule of law? I thought we were all weighing in on it and that it was not some permanent static set of rules. So I join in the notion that the DREAM Act concept of Howard Berman's and this creating a pathway toward assimilation is a pretty good start for mutually putting together a reform package for youngsters where, if they prove themselves to be good students, who participate in some concept of national service, we could work our way through them because they are, in a way, the best citizens in a family in which they are helping their parents and the community get the idea of what this is all about. They learn English first.

So I want to hear from them, and I think this is an excellent part of our series of hearings that Chairwoman Lofgren has constructed thus far.

I thank you for the time.

Ms. LOFGREN. Thank you, Chairman Conyers.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND CHAIRMAN, COMMITTEE ON THE JUDICIARY

Today we explore how we can transition undocumented children out of the shadows and into being full members of our society.

The DREAM Act would give these young people an opportunity to become permanent residents if they graduate from high school and continue on to college or serve in the military.

We should all be able to agree that children should not be punished "for the sins of the fathers." Adult undocumented immigrants can be normalized through a system that includes financial penalties, but children are different. We should not punish them for their parents' illegal entry, but should instead reward them when they succeed.

All of us have already agreed in a previous hearing that we want to provide *incentives for people to acquire American values and culture.* And the pathway to assimilation for most immigrants is through their children.

They are the ones who first learn English. They are the ones who learn American history and culture from school and their friends. It is *our history and culture* that they think of as theirs. And they are the ones who help their parents navigate bureaucracies, health care, and jobs.

In other words, these children are—to use one of our earlier witness' terms—*Americanized.* The law should recognize and encourage this dynamic.

Instead of deporting these Americanized children away to a "home" they know little about, a number of people, especially Mr. Berman, have made a modest proposal: incorporate these children into our national fabric; and reward education and national service. These concepts just make good common sense.

I welcome the students who are here to testify before the Subcommittee and the experts who can give us some academic context. The students' voices are critically important as we weigh our policy options and political realities.

Ms. LOFGREN. Without objection, all Members of the Subcommittee will be invited to place their opening statements in the record, and I especially appreciate the willingness of all Members to do that since we have the author of the DREAM Act here on our panel, Mr. Berman, who has helped us so much in putting our leg-

islative efforts together, and we have been following him on that. We have two distinguished panels of witnesses here today to help us consider the important issues before us.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER SECURITY, AND INTERNATIONAL LAW

Today we continue these series of hearings dealing with comprehensive immigration reform. This subcommittee previously dealt with the shortfalls of the 1986 and 1996 immigration reforms, the difficulties employers face with employment verification and ways to improve the employment verification system. On Tuesday May 1, 2007 we explored the point system that the United Kingdom, Canada, Australia, and New Zealand utilize, and on May 3, 2007 the focus of the discussion was on the U.S. economy, U.S. workers and immigration reform. Last week we took a look at another controversial aspect of the immigration debate, family based immigration. Today we continue the vital task of eliminating the myths and seeking the truth. Wednesday's hearing dealt with probably the most crucial aspect underlying the immigration debate, an immigrant's ability to integrate, and assimilate into American society. Yesterday we tackled another pressing topic, the practical issue of the impact of immigration on States and Localities. Today we will discuss the issue of the "Future of Undocumented Immigrant Students."

I want to thank Chairwoman Lofgren for holding this very thoughtful hearing. The plight of undocumented immigrant students is an aspect of the immigration debate that seems to fly under the radar. Naturally the discussion is about adults, but again I remind my colleagues that this discussion is also about human beings first and foremost, humans with families and children.

We have seen the impact that recent raids in New Bedford have had on their families. Despicable stories of toddlers being left behind at daycare centers, this is an absolute nightmare. In certain situations the lucky few may have an older teenage sibling who can look after them, and that is the best case scenario.

We talk about 12 million undocumented workers, but they have kids approximately 1.8 million undocumented immigrant students. Allow me to digress for a moment and emphasize why I have strong reservations, and felt utter disappointment when I heard about the Senate comprehensive immigration reform agreement that came out yesterday. The fact that they propose a change from a family based system, to a point system contradicts the very values that formulate the bedrock of American culture. Have we let go of the values that make this country great? Have my colleagues on the other side of the aisle abandoned the mantra of family values?

Madam Chairwoman again I am so appreciative of the fact that you had the foresight to hold this hearing because the children of these 12 million undocumented workers will remember the actions of this 110th Congress, and the tone of the entire debate. Were we compassionate, reasonable, and judicious?

With regards to the plight of undocumented immigrant students I will make two points. First, as many witnesses at past hearings have repeatedly articulated, our nation can only benefit from a body of individuals who extend their education beyond high-school. Second I am reminded of a recent Houston chronicle article that highlighted the plight of students who live in Mexico, but attend school here in the United States. Do they not share our values of education? These kids yearn to learn English, if it is not their first language already, so they can be full participants in our society. I look forward to the testimony of our student witnesses, familiar faces that have diligently appeared at these hearings on comprehensive immigration reform over the last several weeks.

These students face a host of issues that are really no fault of their own. These kids are unable to work legally, to participate in any other activities that require a social security number, to travel abroad, to obtain a drivers license in most states, to obtain any federal financial assistance for post-secondary education, or even, in most states, to attend college or university at the in-state tuition rates that their U.S. citizen and legal immigrant classmates pay. If brought to the attention of U.S. Immigration and Customs Enforcement (ICE), they can—and often are—deported to countries that they may barely remember. Our current immigration system does not have any mechanism for recognizing or taking into account these circumstances. Neither the Department of Homeland Security nor immigration judges have discretion to permit young people who were brought to the U.S. as children and who have grown up here and assimilated to our way of life to adjust to lawful permanent residence (LPR) status. Nor, under current law, are most of the young people them-

selves able to apply for LPR status on their own behalf, regardless of the age they were brought here or the contribution they could make if permitted to remain legally.

However, these children are as American as apple pie. My immigration legislation, the Save Act addresses the concerns of those who would think otherwise. The Save Act requires immigrant children to reside here for five years, show complete integration into the life and culture of the United Sates, learned the English language, pursue an appropriate age level education, and perform community service hours. Education, English language proficiency, and a commitment to community are probably qualities that many of these children already have, and naturally embrace as individuals who were raised here in the United States.

I would like to extend a warm welcome to Marie Gonzalez, a member of Westminster College's Class of 2009. Ms. Gonzalez was born in Costa Rica and came to the United States when she was 5 years old with her family. Raised in Jefferson City, Missouri, she graduated with honors from Helias High School, one of Missouri's top secondary schools. She was a member of the National Honor Society, the Foreign Language Club, the tennis team, and the track team. She also volunteered extensively for the VITAE Society and the youth group at her church. She was recently chosen by Latina Magazine as one of their "Women of the Year."

I am also pleased to introduce Martine Kalaw, a graduate of Hamilton College and Syracuse University. Ms. Kalaw was born in Lusaka, Zambia. After relocating to the Democratic Republic of the Congo, Ms. Kalaw came to the United States with her mother. After the death of her stepfather and her mother when she was 15, Ms. Kalaw came to study at St. Anne's Belfield School in Charlottesville, Virginia. She excelled at St. Anne's, and she earned a scholarship to Hamilton College in New York. Graduating in 1993 with a concentration in Political Science, Ms. Kalaw next received her master's in Public Policy Administration from the Maxwell School for Citizenship and Public Affairs at Syracuse University. She now works as a financial analyst for the New York Public Library in New York City.

Finally, I am pleased to welcome Tam Tran to our hearing, a graduate in the Class of 2006 at the University of California, Los Angeles. Born in Germany after she and her parents fled Vietnam, Ms. Tran's family came to the United States to reunite with their family. In December, Ms. Tran graduated from UCLA with a degree in American Literature and Culture with college, departmental, and Latin honors. She now works as a full-time film editor and videographer. She has also been accepted to a Ph.D. program in Cultural Studies at UCLA.

Each of you have a written statement which I have read and have found extremely powerful. Those statements in their entirety will be made part of the record of this hearing. We ask that you summarize your testimony in about 5 minutes, and when you have 1 minute left, the little machine there on the table will switch to yellow. So we ask that you try and stay within the 5 minutes. We will not be throwing the gavel at you, however, if you need a few minutes to wrap up. Then after you have all testified, we will, each of us, have an opportunity to pose some questions to you.

Ms. LOFGREN. So, if we could start, Ms. Gonzalez, with you.

TESTIMONY OF MARIE NAZARETH GONZALEZ, WESTMINSTER COLLEGE, CLASS OF 2009

Ms. GONZALEZ. Good morning and thank you.

Like you said, my name is Marie Nazareth Gonzalez. I am 21 years old, and I am a junior from Jefferson City, MO, currently attending Westminster College in Fulton, MO. I am majoring in Political Science and International Business with a focus on communication and leadership. My family is originally from Costa Rica. I was born in Alajuela, Costa Rica, but have been living in the U.S. since the age of 5. My parents, Marvin and Marina, brought me to the United States in November 1991. Having come over legally, their plan was to become U.S. citizens so we could one day all benefit from living in the land of the free. We sought to live the American dream—the promise of a better education, a better life and, altogether, a better future, what any parent would want for their child.

Strong values and good morals have been instilled in me from a very young age. As long as I can remember, my parents have worked very hard for every dollar that they have earned and, in the process, have taught me that life is not easy, and I must work hard and honorably for what I want in life.

In April of 2002, after an anonymous person called the Governor's office, where my father was working, our immigration status came into question. Later on, it was confirmed that we were undocumented. From that day forward, my life became a haze of meetings with attorneys, hearings, and rallies. When they heard what we were facing, deportation, the community that knew us in Jefferson City rallied behind my family and me to an overwhelming degree. They knew that we were hardworking, honorable, taxpaying people, and they fought to allow us to stay in the United States.

Members of our Catholic parish, where my mom worked as a volunteer Spanish teacher and after-school care director, joined with other community members to form the Gonzalez Group to rally support by collecting signatures, petitions and organizing phone calls. My classmates, teachers and others also got involved because they considered me to be an important part of their community.

I became involved in advocacy for the DREAM Act right after my senior year of high school. Unlike thousands of others like me who would benefit from the DREAM Act, I had little to fear from speaking out since I was already facing deportation. When I was asked to give the valedictorian speech at the mock graduation in front of the Capitol, I became a national symbol for the DREAM Act.

Eventually, all of the work of so many people on my behalf began to pay off. My representative—Ike Skelton—and both of my senators—Mr. Jim Talent and Mr. Kit Bond—responded to the support from the community. They got involved in the effort to keep me here. Eventually, though, all of our appeals were exhausted, and a final date was set for my family to leave the country, July the 5th of 2005. I appeared on national television—once with Senator Durbin at my side—and was contacted by the media so often that I got tired of it. I thought, even if it is too late for me, it might help someone else, and it might help the DREAM Act pass.

On July the 1st of 2005, I got word that the Department of Homeland Security would allow me to stay and defer my departure for 1 year.

My life since April of 2002 can be easily compared to a roller coaster. There have been times when I have felt like I was on top of the world, living out my and my parents' dream of being a successful young woman in college, only to be brought down by the realization that it can be taken away at any moment. The deferral of my deportation has been renewed twice, each time for a year. Last month, when they gave me until June of 2008, they told me it would be my last renewal. If the DREAM Act does not pass by then, I will have to leave, and I will not be able to graduate from college.

I am only one student and one story. In the course of fighting to remain here, I have been lucky to meet many other students who would also benefit from the DREAM Act. Unlike them, I can speak about this issue in public without risking deportation. I share with them in their fear and their pain and uncertainty. I can personally attest to how life in limbo is no way to live. I have been torn apart from my parents for almost 2 years and have been struggling to make it on my own. I know what it is like to face difficulty and how hard it is to fight for your dreams. No matter what, I will always consider the United States of America my home. I love this country. Only in America would a person like me have the opportunity to be standing in front of you. Many may argue that, because I have a Costa Rica birth certificate, I am Costa Rican and should be sent back, but I tell you I do not feel that way. I hope one day not only to be a U.S. citizen, but to go to law school and to live in D.C. and to continue advocating for others who cannot speak for themselves. Whether that will happen, though, is up to you, our Nation's leaders, and to God.

Thank you.

Ms. LOFGREN. Thank you very much.

[The prepared statement of Ms. Gonzalez follows:]

PREPARED STATEMENT OF MARIE NAZARETH GONZALEZ

Good morning. My name is Marie Nazareth Gonzalez. I am a 21 year old junior from Jefferson City, Missouri currently attending Westminster College in Fulton, Missouri. I'm majoring in Political Science and International Business with a focus on communication and leadership.

My family is originally from Costa Rica. I was born in Alajuela, Costa Rica but have been living in the United States since the age of five. My parents Marina and Marvin, brought me to the United States in November of 1991. Having come over legally, their plan was to become US citizens so we could one day all benefit from living in the land of the free. We sought to live the "American Dream"—the promise of a better education, a better life, and all together a better future—what any parent would for their child.

Strong values and good morals have been instilled in me from a very young age. As long as I can remember my parents have worked very hard for every dollar they've earned, and in the process have taught me that life is not easy and that I must work hard and honorably for what I want in life. That is exactly what they did. When they came to the US they had no intention of breaking the law, or of making an exception for themselves. Unfortunately, the law is very difficult and complex. I am not making excuses for what happened, just trying to clear my family's name. Throughout all our years in the United States we worked very hard for what we had, thinking that one day soon we would be citizens.

On April of 2002 our family's dream of becoming citizens was halted by a phone call. My father had been working for the state as a courier for the Governor's Office. The job was not prestigious in any way, but my father was very devoted to his job

and was loved and respected by his co-workers. On one occasion the governor even publicly stated his appreciation for my dad while he was making opening remarks at an event for Missouri high school sophomores that I attended.

All of that ended after an anonymous person called the governor's office requesting that our immigration status be confirmed. From that day forward, my life became a haze of meetings with attorneys, hearings, and rallies.

When they heard that we were facing deportation, the community that knew us in Jefferson City rallied behind my family and me to an overwhelming degree. They knew we were hardworking, honorable, taxpaying people, and they fought to allow us to stay in the US. Members of our Catholic Parish—where my mom worked as a volunteer Spanish teacher and after school care director—joined with other community members to form the "The Gonzalez Group" to rally support by collecting signatures for petitions and organizing phone calls. My classmates, teachers and others also got involved because they considered me an important part of their community.

I was in high school at the time, with graduation quickly approaching. I was in my class's homecoming court. When it came out in the newspaper that I was being deported to a country I had not known since the age of five, people all across the country responded. They started a "We Are Marie" campaign, and tens of thousands called and wrote letters on my behalf. When I was a high school senior and our family's deportation date was looming very close, they brought me to Washington, DC.

I got involved in advocacy for the DREAM Act. Unlike thousands of others like me who would benefit from the DREAM Act, I had little to fear from speaking out since I was already facing deportation. When I gave the "valedictorian" speech at a mock graduation in front of the Capitol, I became a national symbol of the DREAM Act.

Eventually all of the work of so many people on my behalf began to pay off. My Representative, Ike Skelton, and both of my Senators, Jim Talent and Kit Bond, responded to the support from the community and got involved in the effort to keep me here. Eventually, though, all of our appeals were exhausted and a final date was set for our family to leave the US for good: July 5, 2005.

I remember that the weeks before that date were surreal. I was overwhelmed by the support I received. I appeared on national television, once with Senator Richard Durbin at my side, and was contacted by the media so often that I got tired of it. I thought, "even if it is too late for me, at least it might help the DREAM Act to pass so that others like me won't have to face this ordeal." Then, on July 1, 2005, I got word that the Department of Homeland Security had relented and would allow me to defer my departure for one year.

When I got that news I cried—simultaneously with happiness and grief. Even though I would be able to stay, my parents would have to leave in just three days. The Gonzalez Group had made shirts and organized a float for the Fourth of July parade. So, the day before their departure, my parents and I rode in the parade with other members of the group that had been such a huge part of our family. Hundreds cheered us on and voiced their support and sorrow.

My life since April of 2002 can be easily compared to a roller coaster. There have been times when I have felt like I was on top of the world, living out mine and my parent's dream of being a successful young woman in her college career, only to be brought down by the realization that at any moment it can be taken away. The deferral of my deportation has been renewed twice, each time for a year. Last month, when they gave me until June of 2008, they told me it would be the last renewal. If the DREAM Act does not pass by then, I will have to leave.

I recognize that I am lucky to have been allowed to stay as long as I have. Others in my same situation have not had nearly the support that I have. Even so, it is hard not knowing if I will be able to remain in school at Westminster long enough to graduate.

I am only one student and one story. In the course of fighting to remain here, I have been lucky to meet many other students who would benefit from the DREAM Act, and one of the reasons I wanted to come here and testify is to speak to you on their behalf. Unlike them, I can speak about this issue in public without risking deportation. I share with them in their pain, fear, and uncertainty. Their stories are heartbreaking and similar. In my experiences and my travels I have come to the realization that they would only be an asset to the country if only given the chance to prove themselves. The DREAM Act has the potential to not only impact the thousands of students who would qualify but also this great nation by allowing these students to pursue their education and their dreams of success.

I can personally attest to how life in limbo is no way to live. Having been torn apart from my parents for almost two years and struggling to make it on my own, I know what it is like to face difficulty and how hard it is to fight for your dreams.

No matter what, I will always consider the United States of America my home. I love this country. Only in America would a person like me have the opportunity to tell my story to people like you.

Many may argue that because I have a Costa Rican birth certificate I am Costa Rican and should be sent back to that country. If I am sent back there, sure I'd be with my mom and dad, but I'd be torn away from loved ones that are my family here, and from everything I have known since I was a child.

I hope one day not only to be a US citizen, but to go to law school at Mizzou, to live in DC, and to continue advocating for others who can't speak for themselves. Whether that will happen, though, is up to you—our nations leaders—and to God.

Ms. LOFGREN. Next, we will hear from Ms. Kalaw.

TESTIMONY OF MARLINE MWANJ KALAW, HAMILTON COLLEGE, CLASS OF 2003, THE MAXWELL SCHOOL OF CITIZENSHIP AND PUBLIC AFFAIRS, SYRACUSE UNIVERSITY, CLASS OF 2004

Ms. KALAW. Good morning.

My name is Martine Mwanj Kalaw. I am a proud New Yorker, employed as a financial analyst with the New York Public Library, and prior to that, I was a budget analyst at the New York City Mayor's Office of Management and Budget. Although I have lived in the United States for 22 years, I have an immigration nightmare I would like to share with you.

In August of 2004, I was ordered deported. My mother brought me to the United States on a tourist visa from the Democratic Republic of the Congo when I was 4 years old. She fell in love with and married my stepfather when I was 7 years old. When I was 12, my stepfather died, and when I was 15, my mother died. My mother had been granted a green card, and was in the process of applying for permanent U.S. citizenship at the time of her death. However, neither she nor my stepfather filed papers on my behalf. Thus, when my mother and stepfather died 11 years ago, I was left not only without parents but without a path to citizenship.

Although I had no home, I was able to excel through my academic performance and through self-parenting. I attended prep school in Charlottesville, Virginia with the assistance of a judge who acted as my benefactor. After graduating from St. Anne's Belfield School, I attended Hamilton College, in upstate New York, on a scholarship and graduated in 2003 with a concentration in Political Science. All of this time, I knew that I had immigration problems, but it was not until I was in college that I came to fully understand the extent of those problems. I needed a new Social Security card in order to secure a part-time job on campus, but when I naively went to the Social Security Administration for the card, they referred me to INS.

The next thing I knew, I was in deportation proceedings. That is when my nightmare began. I persevered while my case was pending despite the looming prospect—my removal to country in Africa where I would not be fully accepted and do not know the language. Soon after college graduation, I was a recipient of the Margaret Jane White full scholarship, which allowed me to graduate with a master's in public administration from the Maxwell School of Citizenship and Public Affairs at Syracuse University in 2004. Academia became my security blanket that allowed me to be something other than that scarlet letter "I" for illegal immigrant.

Despite my academic record, I can not escape the stifling nature of my immigration status and have therefore been unable to fully explore my full potential.

My experience foreshadows what happens to immigrant students if legislation is not adopted to squarely address our status. We will be left in limbo with a lot to give back to America but without provisions that would allow us to do so. While I have been uplifted by the U.S. educational system, I have also been marginalized by the U.S. immigration system.

In 2006, I met other potential DREAM Act beneficiaries who, like me, were facing deportation. They included Dan-el Padilla, who graduated second in his class from Princeton University last year; and another young man who finished law school at Fordham University; a third boy—a sweet and bookish teenager and honor student—talked about how it felt when the Immigration and Customs Enforcement agents came to his home in a case of mistaken identity, but they ended up arresting him anyway. He said, and I quote, "they made me feel like a criminal, and I am not a criminal."

My particular story has a happy ending, I think. In the summer of 2005, I began to work closely with Susan Douglas Taylor, my current counsel, beacon of hope, and constant support. In the spring of 2006, the Board of Immigration accepted my application for adjustment of status and remanded my case back to the immigration judge for a background check. Unfortunately, the immigration judge put me through a series of hearings and sent my case back to the Board of Immigration Appeals to reconsider their decision. This nearly broke my faith.

Just last week, my lawyer, Susan Taylor, informed me that the Board of Immigration Appeals granted me an adjustment of status, and my case is won. However, I am apprehensive, and I do not know how to process this information, because I have been let down so many times with immigration law, that my heart fears any more disappointment. Furthermore, the timing of the decision also means that I may not qualify for a work authorization, and I may lose my job after May 24th.

Although my immigration nightmare may almost be over, it is just beginning for countless others. I was very apprehensive about coming here to speak with you today in this very public forum. I worry, perhaps irrationally, that it might in some way have a negative impact on my case. God knows that I have gone to the depths of human frailty in trying to deal with my immigration situation, but it is my obligation to do what I can to prevent this anguish for other students, so I am here today on behalf of many talented and hardworking individuals who, like me, have grown up in the United States and who cannot tell their own stories because, if they did so, they would face deportation.

I hope that hearing my testimony today will help them by making it more likely that the DREAM Act will become law this year.

Thank you.

Ms. LOFGREN. Thank you.

[The prepared statement of Ms. Kalaw follows:]

PREPARED STATEMENT OF MARTINE MWANJ KALAW

My name is Martine Mwanj Kalaw. I am a proud New Yorker employed as a financial analyst with the New York Public Library and prior to that I was a budget analyst at the New York City Mayor's Office of Management and Budget.

Although I have lived in the United States for 22 years, I have an immigration nightmare I'd like to share with you. In August 2004, I was ordered deported.

My mother brought me to the United States on a tourist visa from the Democratic Republic of the Congo when I was 4 years old. She fell in love with and married my stepfather when I was 7 years old. When I was 12 my stepfather died and three years later when I was 15, my mother died.

My mother had been granted a green card, and was in the process of applying for permanent U.S. citizenship at the time of her death. However, neither she nor my stepfather ever filed papers for me. Thus, when my mother and stepfather died eleven years ago, I was left not only without parents, but also without a path to citizenship.

Although I had no home, I was able to excel through my academic performance and through self-parenting. I attended prep school in Charlottesville, Virginia, with the assistance of a Judge, who acted as my benefactor. After graduating from St. Anne's Belfield School, I attended Hamilton College, in upstate New York, on a scholarship and graduated in 2003 with a concentration in political science.

All of this time, I knew that I had immigration problems, but it wasn't until I was in college that I came to fully understand the extent of those problems. I needed a new social security card in order to secure a part-time job on campus. But when I naively went to the Social Security Administration for the card, they referred me to INS. The next thing I knew, I was in deportation proceedings.

I persevered while my case was pending, despite the looming prospect of removal to a country in Africa where I would not be fully accepted and do not know the language. Soon after college graduation, I was a recipient of the Margaret Jane White full scholarship, which allowed me to graduate with a Masters in Public Administration from the Maxwell School at Syracuse University in 2004. Academia became my security blanket that allowed me to be something other than that scarlet letter "I" for "illegal immigrant."

Despite my academic record, I cannot escape the stifling nature of my immigration status, and have therefore been unable to fully explore my full potential. My experience foreshadows what happens to immigrant students if legislation is not adopted to squarely address our status—we will be left in limbo, with a lot to give back to America but without provisions that will allow us to effectively do so. While I have been uplifted by the U.S. education system, I have also been marginalized by the U.S. immigration system.

In 2006, I met other potential DREAM Act beneficiaries who, like me, were facing deportation. They included: Dan-el Padilla, who graduated 2nd in his class from Princeton University last year, and another young man who finished law school last year at Fordham. A third boy, a sweet and bookish teen-ager and honors student, talked about how it felt when the Immigration and Customs Enforcement agents came to his home in a case of mistaken identity, but ended up arresting him anyway. He said, "they made me feel like a criminal . . . and I am not a criminal."

I sensed the desire that many of these students share—to absorb all that there is to offer from the U.S. academic system and then to give it back to their communities tenfold. Unfortunately, instead of support they face a constant struggle to fight for legal representation, for a work permit, and for a future.

My particular story has a happy ending, I think. In Summer 2005 I began to work closely with Susan Douglas Taylor, my current counsel, beacon of hope and constant support. In the spring of 2006, the board of immigration accepted my application for adjustment of status and remanded my case back to the immigration judge for a background check. Unfortunately, the immigration judge put me through a series of hearings and sent my case back to the Board of Immigration Appeals to reconsider their decision—this nearly broke my faith. Just last week my lawyer, Susan Taylor, informed me that the Board of Immigration granted me an adjustment of status and my case is won. However, I am apprehensive and I do not know how to process this information because I have been let down so many times with immigration law that my heart fears any more disappointment. Furthermore, the timing of the decision also means that I may not qualify for work authorization after May 24 and I may lose my job.

Although my immigration nightmare may almost be over, it is just beginning for countless others. I was very apprehensive about coming to speak with you today in this very public forum. I worry, perhaps irrationally, that it might, in some way, have a negative impact on my case. Lord knows that I have gone to the depths of

human frailty in trying to deal with my immigration struggle. But it is my obligation to do what I can to prevent this anguish for other students. So, I am here today on behalf of many talented and hardworking students who, like me, have grown up in the United States, but who cannot tell their own stories because if they did so they would risk deportation. I hope that hearing my testimony will help them by making it more likely that the DREAM Act will become law this year.

Ms. LOFGREN. Ms. Tran. I think we have an audio-visual aid here because Ms. Tran is from California.

You may begin.

[movie plays.]

Ms. LOFGREN. Thank you, Ms. Tran, for sharing that work, and now we would like to hear from you.

TESTIMONY OF TAM TRAN, UNIVERSITY OF CALIFORNIA, LOS ANGELES, CLASS OF 2006

Ms. TRAN. Okay. My parents escaped the Vietnam War as boat people and were rescued by the German Navy. They lived in Germany as refugees, and during that time, I was born. My family immigrated to the United States, when I was 6, to reunite with relatives who had fled to California.

In the U.S., my parents applied for political asylum because they no longer considered Communist Vietnam as their home. Despite this, they lost the case. The immigration court ordered us deported to Germany. However, when we met with the German consulate, they would not accept us because we were not German. Germany does not grant birthright citizenship. So I may have been born in Germany, but I am not German, and my parents are Vietnamese, but I have never been to Vietnam.

The truth is I consider myself, culturally, an American as I have been American-raised and educated for the past 18 years. Recently, I graduated with honors in American Literature, was immediately hired full-time as a filmmaker by UCLA and was accepted to a Ph.D. program in Cultural Studies. However, the issues I faced as an undergraduate are coming up again. The difference this time is I am 24 years old. I suppose this means I am finally grown up. I am an adult with a college degree. It is has been my dream to be an academic researcher and a socially conscious filmmaker, but it will have to wait.

The Ph.D. program awarded me two large fellowships, but it is still not enough to cover the $50,000 per year tuition. I recently declined the offer to the Ph.D. program, and I thought that, with my new job, I can save up for graduate school next year, but 3 days ago, the day before I boarded my flight to D.C., I was informed that it would be my last day of work. My work permit has expired, and I will not be able to continue working until I receive a new one. Every year, I apply for a renewal, but never have I received the permit on time. This means that, every year around this month, I lose the job that I have.

I am lucky to be here today to share my story and to give voice to thousands of other undocumented students who cannot, but I know that, when I return home tonight, I will become marginalized once again. Since I cannot legally work now, I know the job that I am going to look for when I get back is not the one I will want to have. The job I will want because it makes use of my college degree, will legally be out of my hands. Without the DREAM Act, I

have no prospects of overcoming my state of immigration limbo. I will forever be a perpetual foreigner in a country where I have always considered myself an American.

But for some of my friends who could only be here today through a blurred face on video, they have other fears, too. It may not seem like a graduation can be a scary thing, but for us, there is the huge fear of the unknown after graduation. Graduation for many of my friends is not a right of passage to becoming a responsible adult. Rather, it is the last phase in which we feel like we belong to this country. It is the last phase in which they feel a sense of belonging as an American. As students, my friends feel part of an American community, that they are living out the American dream among their peers, but after graduation, if the DREAM Act does not pass, they will be left behind as they cannot obtain jobs that will utilize the degrees they have earned. My friends will continue to be faceless, undocumented immigrants. Thank you.

[The prepared statement of Ms. Tran follows:]

PREPARED STATEMENT OF TAM TRAN

I hate filling out forms, especially the ones that limit me to checking off boxes for categories I don't even identity with. Place of birth? Germany. But I'm not German. Ethnicity? I'm Vietnamese, but I've never been to Vietnam. However, these forms never ask me where I was raised or educated. I was born in Germany, my parents are Vietnamese, but I have been American raised and educated for the past 18 years.

My parents escaped the Vietnam War as boat people and were rescued by the German Navy. In Vietnam, my mother had to drop out of middle school to help support her family as a street vendor. My father was a bit luckier; he was college educated, but the value of his education has diminished in this country due to his inability to speak English fluently.

They lived in Germany as refugees and during that time, I was born. My family came to the United States when I was six to reunite with relatives who fled to California, because, after all, this was America. It is extremely difficult to win a political asylum case, but my parents took that chance because they truly believed they were asylees of a country they no longer considered home and which also posed a threat to their livelihood. Despite this, they lost the case. The immigration court ordered us deported to Germany. However, when we spoke to the German consulate, they told us, "We don't want you. You're not German." Germany does not grant birthright citizenship, so on application forms when I come across the question that asks for my citizenship, I rebelliously mark "other" and write in "the world." But the truth is, I am culturally an American, and more specifically, I consider myself a Southern Californian. I grew up watching Speed Racer and Mighty Mouse every Saturday morning. But as of right now, my national identity is not American and even though I can't be removed from American soil, I cannot become an American unless legislation changes.

In December, I graduated with a bachelor's degree in American Literature and Culture with Latin, Departmental and College honors from UCLA. I thought, finally, after all these years of working multiple jobs and applying to countless scholarships all while taking more than 15 units every quarter, were going to pay off. And it did seem to be paying off. I found a job right away in my field as a full-time film editor and videographer with a documentary project at UCLA. I also applied to graduate school and was accepted to a Ph.D. program in Cultural Studies. I was awarded a department fellowship and the minority fellowship, but the challenges I faced as an undocumented college student began to surface once again.

Except the difference this time is I am 24 years old. I suppose this means I'm an adult. I also have a college degree. I guess this also means I'm an educated adult. But for a fact, I know that this means I do have responsibilities to the society I live in. I have the desire and also the ability and skills to help my community by being an academic researcher and socially conscious video documentarian, but I'll have to wait before I can become an accountable member of society. I recently declined the offer to the Ph.D. program because even with these two fellowships, I don't have the money to cover the $50,000 tuition and living expenses. I'll have to

wait before I can really grow up. But that's okay, because when you're in my situation you have to, or learn to, or are forced to make compromises.

With my adult job, I can save up for graduate school next year. Or at least that's what I thought. Three days ago, the day before I boarded my flight to DC, I was informed that it would be my last day at work. My work permit has expired and I won't be able to continue working until I receive a new one. Every year, I must apply for a renewal but never have I received it on time. This means every year around this month, I lose the job that I have. But that's okay. Because I've been used to this—to losing things I have worked hard for. Not just this job but also the value of my college degree and the American identity I once possessed as a child.

This is my first time in Washington DC, and the privilege of being able to speak today truly exemplifies the liminal state I always feel like I'm in. I am lucky because I do have a government ID that allowed me to board the plane here to share my story and give voice to thousands of other undocumented students who cannot. But I know that when I return home tonight, I'll become marginalized once again. At the moment, I can't work legally even though I do have some legal status. I also know that the job I'm going to look for when I get back isn't the one I'll want to have. The job I'll want because it makes use of my college degree will be out of my hands. Without the D.R.E.A.M. Act, I have no prospect of overcoming my state of immigration limbo; I'll forever be a perpetual foreigner in a country where I've always considered myself an American.

But for some of my friends who could only be here today through a blurred face in a video, they have other fears too. They can't be here because they are afraid of being deported from the country they grew up in and call home. There is also the fear of the unknown after graduation that is uniquely different from other students. Graduation for many of my friends isn't a rite of passage to becoming a responsible adult. Rather, it is the last phase in which they can feel a sense of belonging as an American. As an American university student, my friends feel a part of an American community—that they are living out the American dream among their peers. But after graduation, they will be left behind by their American friends as my friends are without the prospect of obtaining a job that will utilize the degree they've earned; my friends will become just another undocumented immigrant.

Ms. LOFGREN. Thank you very much.

Thanks to all three of you for being here today and for sharing your personal stories with us.

I will note that there are many undocumented students in America trying to grab the American dream, but we were only prepared to hear from students who had already been out in the tension because we did not want to put a young person at risk, and so we saw those blurred faces, and you are speaking for all of them today.

I would just like to say, before asking questions, how proud I am of each one of you. I mean, your personal stories are tremendous, and the achievements that you have made academically and personally can only give me hope for our country with young people like you to forge us ahead. I think any one of us would be delighted and proud to have someone like you as a daughter, and I just am overwhelmed that you have been willing to come here today.

You know, it is hard to know what to ask, but I am wondering if you each could tell me in what ways you think and plan that you can contribute to the United States if we are able to remove this immigration cloud from you and you just have a free path to contribute to America.

Each one of you, what is your dream of your contribution to our country? Starting with Ms. Gonzalez.

Ms. GONZALEZ. I would like to become an attorney one day, and I would like to work for advocacy, like I stated in my testimony, as far as for people who are underrepresented, whether that will still be immigration or other issues. I would like to be involved with that, and I would like to pursue more community service and be, you know, on a board of something, so . . .

Ms. LOFGREN. Ms. Kalaw.

Ms. KALAW. Yes. I would like to just explore all of the different opportunities in terms of my career, something that I have not been able to do fully, and I would like to also give a voice to other individuals in my situation in terms of getting involved in nonprofit organization work, speaking at other forums such as this, and being able to not just have the three of us here but to have a group of individuals speaking on behalf of this legislation without fear of the backlash.

Ms. LOFGREN. Ms. Tran.

Ms. TRAN. Like I mentioned, I would really like to get into academia, so I would like to get my Ph.D. in American studies, and I want to be a part-time lecturer, and I also want to get involved in documentary work. I would really like to start a production company that translates academic work into the film media, and I would also like to get involved with a nonprofit organization. I am really interested in creating an oral history for individuals of marginalized communities.

Ms. LOFGREN. Well, each one of you has stated your interest in making a commitment, not to go make a ton of money, but to make the country itself richer through your efforts. This may not be a question that you can answer, but let me ask you because I am sure you have thought of it:

What do you think your future will be like if you were deported to the country of your birth?

Ms. Gonzalez.

Ms. GONZALEZ. That is kind of an interesting subject for me as I just recently received my extension. The extension was granted to me about a month ago with the remaining 60 days. I was originally scheduled to depart June the 22nd. So around this time for the past couple of years, I have always mentally prepared myself for knowing that, you know, I have tried everything, knowing that I have given my all, and you know, if I have to leave, I have always said I would leave, but I would always consider the U.S. my home. It would be very hard for me to go back. Of course, I would love to see my parents. I miss them so much. It is not even—I cannot even put it into words, but I also know that my dreams would change. As far as knowing Spanish, I can speak it very well, but at a writing level and to be in college there, it would be difficult. I could do it.

I am a good student. I know I could, but I mean I do not know if my family could afford it. It would be a whole mess of things that, I mean, of course, I hope that that is not the case, and I hope that I do get to stay, but I have to realistically think about it. So thank you.

Ms. LOFGREN. Ms. Kalaw.

Ms. KALAW. Well, for a while, that had been my greatest nightmare because it is debatable as to which country I would be deported to, whether it would be Zambia or the Congo, but neither would be a relief to me as the Congo has been a war-torn country for several years, more than a decade, and there is dire poverty; there is no strong economic structure there, and Zambia, being a country right near the Congo, is no better off. Both countries are—

they are ridden with HIV/AIDS and a lot of circumstances in which I fear that I would not be able to survive.

Ms. LOFGREN. Do you speak the language of either of those countries?

Ms. KALAW. In Zambia, English is the first language. However, in the Congo, French is the official language, which I do not speak very well.

Ms. LOFGREN. Ms. Tran, my time is almost up.

Ms. TRAN. I mean you are right. I am not really sure how to answer that question. I have been asked that before, and it is kind of like I do not know, but I mean I do not have any connection to Germany. I lived there. I went to part of kindergarten there. I do not speak German. All I know of its history is what I have learned in American history about, you know, World War I and World War II. I have never been to Vietnam. I speak it at about a kindergarten level. I do not know. I cannot even imagine being in Vietnam. I have never even been in like the eastern hemisphere. I have no idea.

Ms. LOFGREN. Thank you, all of you, very much.

I will now turn to the Ranking Member for his questions.

Mr. KING. Thank you, Madam Chair.

I do want to thank you for your testimony, and I reflect as I listen to each of you speak and speculate that, no matter where you might have been or might be born, no matter what your circumstances in life, you are the raw material that would be successful in any environment, and I think you have proven that, and that is one of the reasons that you are here today.

Ms. Kalaw, you know, there is a piece in your testimony, and I do not see it right in front of me, where you say that you went to the depths of human despair, and I see you here before us now, and I am wondering what that did for you. How did you respond when you were to the depths of human despair? How did you overcome that to be here today?

Ms. KALAW. Well, it has been an interesting journey because——

Mr. KING. Excuse me. The depths of human frailty.

Ms. KALAW. Yes, absolutely.

At the same time—I think my counterparts can attest to this. At the same time, you are falling apart; you are in deportation proceedings and you do not know from day-to-day whether the immigration services will come to your home or not.

Mr. KING. Did it make you stronger?

Ms. KALAW. It did make me stronger.

What I was basically trying to say was it is almost like living a double life essentially. You still have to try to survive. You still have to go on. There are no other choices. Your only choice is to, essentially, give up and be deported to a country you do not know.

Mr. KING. What language did your mother speak?

Ms. KALAW. She spoke several. She spoke French, Lingala, Kikongo, a number of languages.

Mr. KING. English?

Ms. KALAW. She spoke English okay. She was not fluent.

Mr. KING. Better than you speak French?

Ms. KALAW. Yes. Yes. I took French in high school and a little in college, and that is the extent of my French.

Mr. KING. Well, I thank you.

Ms. Gonzalez, as for the advocacy here for the DREAM Act, what would you have to say to those young people who are paying—or whose parents are paying—or whose parents are signing student loans for expensive tuition that they are paying because they are out-of-state students who do not qualify for that tuition that you are asking for as a symbol of the DREAM Act? How would you reconcile that position? What would you say to them? What would you say to my daughter-in-law who is still paying student loans?

Ms. GONZALEZ. I think as far as in-state tuition—I, personally, go to a private college, so this does not affect me, but I think, as far as I understand it, it leaves it up to the State to choose whether or not they want to do in-state tuition.

Mr. KING. Actually, the law says that they have to offer that same discount to everyone, and they are in violation of a Federal law that can only be resolved if there is a lawsuit filed in civil court. So I will ask you to reconcile this from a moral perspective.

You know, if you sat down at the student union and you were looking those students in the eye who are going to carry a debt, some of them for many, many years and they are paying a higher tuition rate—not in your particular case, but what you are advocating for—how do you reconcile that? What is fair? What is moral?

Ms. GONZALEZ. I think as far—obviously, I have not really prepared for this, but I would say—I mean, it is a tough call no matter what I say, and I know that we side differently, but I would go ahead and say, for a student like me who has gone to school in Missouri for as long as I have, I would feel that I would qualify for in-state tuition as opposed to a student who would come over from Arkansas who would only be moving in.

Mr. KING. Because, in your view, you would be a resident of that State?

Ms. GONZALEZ. Yes, exactly, and I have contributed to the State.

Mr. KING. Okay. We will disagree there.

So then the following question would be this, that the Senate has announced that they want to grant "lawful present status," and I will put that in quotes, to everyone, except those who are obviously felons, who arrived here in the United States by January 1st of 2007. Anyone who arrives after that, apparently, is not included in that.

Do you think that is appropriate, and what would you say to that person who arrived here January 2nd, 2007? Could you look them in the eye and say, "I think you should be sent back home to your home country"? If we cannot do that, how could we then enforce any immigration law whatsoever? How could we actually have a border here in America?

Ms. GONZALEZ. I think the main problem, though, is that we need to start somewhere, and I think that that is what they are trying to do. I think that has been our toughest——

Mr. KING. Could you look them in the eye?

Ms. GONZALEZ. Oh, I would never be able to look anyone in the eye and tell them that.

Mr. KING. But doesn't somebody have to do that?

Ms. GONZALEZ. But, I mean, people have looked me in the eye and told me that, so——

Mr. KING. It is easier being here for me to take your position than it is for you to take mine, but I revere this rule of law, and I think one of the reasons that you are all here is to escape that lack of rule of law in the countries that you left, and so I do not want to recreate that circumstance here in the United States where slowly we erode this rule of law that is the attraction that brings such talented people here to the United States.

I thank you very much for your testimony.

I yield back the balance of my time.

Ms. LOFGREN. The gentleman's time has expired.

I would call now on the Chairman of the full Committee, Mr. Conyers, for his questions.

Mr. CONYERS. This has been one of the most moving hearings on immigration that I have attended, and I am trying to figure out why, because there are innumerable cases of personal hardship, immediate fears, continuing harassment, a nonresolution of a problem that follows you around, and here are 535 men and women lifted out of 300 million in America to decide this question, and of all things, you are here to help us decide this question. So we have enormous responsibilities because a lot of people are making up their minds as to what to do. I am trying to decide about that January 1, 2007 deadline. I do not have any better answer than anybody in this hearing room, but that is our job, and here you are—three young, brilliant, attractive, talented people from Costa Rica, Zambia, Congo in your background, Vietnam, Germany. Here is what occurred to me, and you can tell me what my discussion engenders in your thinking this morning.

Here are 6.3 billion people on the planet earth and growing, and almost everybody seems to want the same thing. We want to succeed in life. We want to try to follow our dreams. It does not seem to be any different. Maybe you are typical of the way most people in 192 other countries feel about this. So tell me how you think what we are doing here is going to maybe help or change the circumstances.

Ms. GONZALEZ. I definitely am a believer in just, you know, getting both sides. And I think the more that we discuss the more that we learn, and I think that is the best thing that we can do, is inform ourselves to the very—or to the maximum capacity. But these talks in the last few months especially I think have been very productive and will continue to be productive, and I hope that we do reach a good solution.

Mr. CONYERS. You reminded me that also the American people weigh in on these decisions. It isn't really just us Senators and us Congresspersons. The American people are influencing us as well.

Ms. GONZALEZ. M-hm.

Mr. CONYERS. So they are looking and listening trying to get this straight. Should we keep all these people? Everybody wants to come to America. You know, that is a line. We got to draw the line somewhere.

Ms. Kalaw. I think that it is important to, in addition to exploring comprehensive immigration reform, we should also explore the DREAM Act, because it speaks to individuals such as us, while the other legislation may not fully address our particular individual situations. And the American people, they know individuals such

as us. We all like to think we are like the girls next door. So it is important to have individuals such as us speak. And I think that would help the legislation.

Ms. TRAN. I just wanted to add on to that. I mean, you know, when somebody is deported or is affected by immigration it just doesn't affect that one person. For example, I also tutor at UCLA. And when I lost my job on Tuesday, I had to e-mail all my tutees and tell them you know what, sorry, but I can't help you with your finals anymore, I can't help you do any of those things. And so I mean if something were to happen to any of us it affects not just our families, but maybe, you know, U.S. citizens who—it will affect our friends; it will affect the schools we go to, the places that we work. These are just not like individual cases. It affects everything that we are involved in.

Mr. CONYERS. Thank you all so much.

Ms. LOFGREN. The gentleman's time has expired. The gentleman from Texas, Mr. Gohmert.

Mr. GOHMERT. Thank you, Madam Chairwoman. And I have really appreciated your testimony and am sympathetic for your circumstances. I was in the back room watching by the television, but I was also on the phone, ironically as things go, talking to my oldest daughter. I have three daughters, so I am kind of—got a soft spot for the three females sitting here. But anyway, it was rather ironic, I thought. Concluding our conversation, she is in a country several time zones away, and was telling me about how strict the immigration law is and problems she is having, and she concluded the conversation by saying she had heard that Congress may have a resolution on the immigration issue. And I said, well, the Senate may have. We are still dealing with that. She said, well, I love you, and good luck on your immigration issue. And I said, I love you, and good luck on your immigration issue.

But anyway, I appreciate hearing the stories you each have. And obviously everything we do here affects real lives and makes it difficult. But thank you. I really don't have any questions, but appreciate the testimony. Thank you very much.

Ms. LOFGREN. Thank you. Mr. Gohmert yields back his time. Mr. Howard Berman, the author of the DREAM Act, is recognized for 5 minutes.

Mr. BERMAN. Thank you, Madam Chairman. I want to echo the words of our full Committee Chairman, both about this panel and about your decision to hold this hearing. Like so many of your decisions in this area, it was I think an inspired one, and I thank you for doing it, if for no other—there are many reasons, but from a personal level, hearing the three of you talk, it sort of—it reinspires me about what some have referred to as legislating by anecdote, the stories of real people and what's happening to them. And one particular story that got me into this 6 or 7 years ago regarding what was happening to people.

And the thing I respect about the Ranking Member of the Subcommittee is it is clear his perspective on these issues is not coming from some obsession or calculation of how it is going to impact his political situation in his district. He clearly—he both—he clearly feels and articulates the fears and concerns that he has about the approach that many of us are taking on these issues. And that

allows one to sort of understand and try to deal with and respond to people who don't see it the same way that we do, and I respect him for doing that. But I do want to just, rather than ask questions, just try to join issue on a couple of the points that he has made in his comments.

First, this notion of sort of in a somewhat, perhaps even in a little bit of a dismissive way, legislating by anecdote. The day that the 535 Members here divorce themselves from the stories of what is happening to people as a result of our laws and our policies is the day we really ought to close the institution down. Because yes, there is a tremendous place for witnesses with expertise and statistical information and an ability to extrapolate the consequences of changes of the law and science and informed opinion, but somewhere it has to start with how real people are impacted by the existing state of the law and whether or not that is a cause for changing the law. So I don't take the notion of being motivated to try and change something because of an anecdote, a story, a true story about an individual, a family, a group of people and what is happening to them as a result of that law as bad. I take it as the best way to get us engaged outside of this Washington culture, context, the thing that tends to happen to us when you run around from day to day voting yes, voting no, introducing bills and deciding what is our priority and what do we really want to accomplish.

The second thing is a point was made by the Ranking Member that I think has to be clarified. You are not here in this country because you made a decision to leave a country that didn't have the rule of law. You didn't make the decision to be in this country. You had essentially no role in that decision. It was a series of circumstances—we can have different feelings about the decisions that your parents and others made that brought you here, but the one thing no one can argue is that you are here because you made some decision that this is where you wanted to be. This is where you found yourself. And you are three stories of people who took the cards you were dealt and have done a remarkable job with them.

And the third point is the randomness and the craziness of the present situation. Why the three of you face certain consequences, while hundreds of thousands, millions of others, because an anonymous caller hasn't yet called about them, because the faces on your film are still blurred, haven't yet faced that consequence. They just live in constant fear that they might face those consequences. And a situation—and that is what the status quo is. Because if we don't do something, the one thing I know is we are not going to have a systematic policy of finding everyone who is in your situation and removing them from here. It is going to continue to be a whimsical, random, unfair, very selective process of—and arbitrary process of who gets out and who stays in. And that is not good either. So the absence of an alternative effective strategy by the people who rail against what we propose I think should be noted.

So my time expired I don't know how long ago. But I yield back, and thank you.

Ms. LOFGREN. Thank you. The gentleman from California, Mr. Lungren, is recognized for 5 minutes.

Mr. LUNGREN. I didn't even notice his time had expired.

Ms. LOFGREN. It was compelling. We can't hear you, Dan.

Mr. LUNGREN. It is not working. I will try this one. I may come at this from a little different perspective, because I was here, along with Mr. Berman back in 1986, and I was the Republican floor manager for Simpson-Mazzoli, so you either get the credit or the blame for gathering sufficient Republican votes for that bill that legalized several millions of people. At the time, we said it was going to be a one time only legalization. We said that because we were concerned that we had to deal with the problem of a large number of people who were here illegally under our laws, and we wanted to resolve that situation and do what the gentleman from California has just mentioned that we want to do now, settle the situation with those who had roots in the community for a sufficient period of time, but have employer sanctions and enforcement so that we wouldn't reach this situation in the future. Well, the legalization program worked fairly well. We didn't do any enforcement.

The concern I have, as we come to this legislation, is what we do now? Does it create a repetition of what we did in '86, with the idea that instead of settling things, it acts as an encouragement for more people to come into this country illegally? And so you each have very compelling individual testimonies. And they may be so compelling that they would merit private legislation. But that is different than making a determination with respect to the general law.

And so what I would ask you is this, because this is a question I am going to have to answer to my constituents. If we were to pass the DREAM Act and settle all of the notions resolving doubt in favor of those individuals who came here—let us say who came here illegally, let us talk about that group as a result of their parents' decision, out of fairness to those in situations such as yours and others, would that and could that, and should we as legislators be concerned about it happening, encourage others to continue to break the law even after we set a new bill into law because the payoff is even though they break the law and come here they are giving their children the best gift they can possibly give them, the potential to live in the United States full-time and to at some point in time make a very compelling testimony that out of fairness they ought to remain here? Should we be concerned about that or is that one of the things that although it is of some concern it is so insubstantial compared to the merits of the situation supporting DREAM Act that we ought not to consider it? I just wonder what you might think on that.

Ms. GONZALEZ. That is a tough question. But I would say I mean, you know, stepping aside from my own personal story, I would say that it is—I mean obviously, unfortunately, it is a key issue in all this. You know, if we were to do this how we enforce it so what happened in '86 wouldn't happen again. But I think that—I mean these stories, these kids, I mean so many of them are Americans. Like not talking from my own personal, you know, but I mean—it would seem so unfair. And logically I don't see how we would be able to, you know, be able to remove every single person. I know that a lot of people would end up being removed if we could, but even budgetwise and stuff like that, I don't know how that would

happen. So I think this would more likely be more of a benefit to the country than, you know, difficulty. I don't know.

Mr. LUNGREN. See, that is the kind of thing we have to wrestle with. We had a commission established by President Carter right around the time I was here the first time. And one of the co-chairs was Father Hesberg, the president of the university I graduated from. And he made a statement in which he said we must close the back door of illegal immigration so that we can open the front door of legal immigration. And Ms. Tran, I would refer to some of the testimony you gave earlier about how what happens to you or someone else similarly situated not only impacts you, but other people, family members, folks you come into contact with.

Let me look at it from a slightly different perspective, which is if we don't control illegal immigration, the sentiment in the country may very well be to slam the door on legal immigration. And what do you say to someone who, let us say, was from Vietnam or the Congo or somewhere else who didn't come here illegally, but stayed in their country and waited for the number to come up to allow them to come here? Or let's take the Philippines, where they have a huge, huge list. It affects them as well, their family members, their brothers, their sisters, their parents. What would you have me say to them?

And I don't want to unfairly put you on the spot. So if you think it is an unfair question, don't answer. But that is one of the questions I have to answer as well when a family member comes to me and says I have had somebody I know in the Philippines who has waited 15 years. They can't get their number because of the quotas are all fixed up, yet people who didn't follow the law have the benefits.

Ms. LOFGREN. The gentleman is given 30 seconds by unanimous consent so Ms. Tran can answer.

Ms. TRAN. Well, I don't know the direct answer. I don't know what you would say to your constituents. But I can say that I think the reason some people do things in a way that is not in line with the law is because they don't have a path to do it legally. And if the people who came to this country, you know, by crossing the border without the right paperwork—you know, nobody really would prefer to do that over doing it the right way. My parents wanted to do everything the right way. I know a lot of people would prefer to do everything the right way. They would have preferred to pay the money that they would have had to do for that security of being in this country legally. But because some people don't have the avenue to do that and some people don't have the legal means to do that, this is the only choice that they have. And this is what some people have chosen to do is to take that risk to come to this country.

Ms. LOFGREN. The gentleman's time has expired. We will recognize now the gentlelady from Texas, Ms. Sheila Jackson Lee, for 5 minutes.

Ms. JACKSON LEE. Allow me to echo the overwhelming joy that we sense by the testimony that you have given. I don't believe that you really should be burdened by 1986, what happened in 1986. I imagine, looking at you, you were not born in 1986. And so you

probably will study that by way of history. But you certainly won't do it going forward.

I heard one of my colleagues indicate that your adversity has strengthened you. And I would argue that probably all of your life experiences have done so. But I would just indicate that the horrors of segregation and racism in America probably strengthened many who were African American. But would we choose to go through it again or continue to go through it? I think not. So when we think of adversity, it may strengthen persons, but if we can find a way to enhance their lives and our lives without the oppression of those kinds of horrible experiences, why shouldn't we do that? And I think it is apropos to the conditions of individuals who have come to this country not of their own initial will, as my colleagues have said, and therefore how we treat them clearly should be from a different context. And so I want to raise these questions.

This is a very important hearing, because it is in the backdrop of a hearing we had yesterday or the day before that spoke about uneducated, undocumented immigrants, a burden to society economically and socially.

This is a wonderful example of the emerging undocumented students from pre-K to where you are who are striving to be contributing citizens, and have a presence here, and can contribute. From your background and your array of activities there is no doubt. Let me pose these questions. And might I just for the record have you note that many of us who are here in Congress are first, second, or third generation immigrants. I happen to be one. So I think it is important to know where you can go in your life. You might not want to be here, but it does speak to what education can do.

Could you just tell me what do you find good about America? And if you can go quickly. I have three questions, and I want to get all of them in. So we know who we are dealing with when we talk about all the students that may be impacted by the DREAM Act.

Ms. GONZALEZ. For me it is the opportunity and just the education I would say.

Ms. JACKSON LEE. Thank you.

Ms. KALAW. I would have to echo that and say it is the education. It has been my way of surviving. It has given me open doors and given me a family also.

Ms. TRAN. I think I am going to third that and say the education. I mean among me and all of my friends, it is the way that we have—it is the path that we have used to self-empower ourselves.

Ms. JACKSON LEE. My next question, do you feel a sense of loyalty and patriotism and pride about America?

Ms. GONZALEZ. Oh, my goodness, yes, every 4th of July I stand up there, and cannot wait until the day that I am a citizen and can proudly say that I am.

Ms. JACKSON LEE. I have been to those ceremonies. They are emotional. The tears come to your eyes. Are you a teary person about patriotism and loyalty?

Ms. GONZALEZ. I am very much.

Ms. JACKSON LEE. You feel it in your heart?

Ms. GONZALEZ. Oh, I do. Hard core.

Ms. JACKSON LEE. Ms. Kalaw?

MS. KALAW. Yes, absolutely, and I can't wait until the day that I can vote in the United States.

Ms. JACKSON LEE. Ms. Tran?

Ms. TRAN. I mean, same here. I mean, it is something that my friends and I always talk about. We always feel like we are the ultimate Americans, because it is something that we don't have access to. We always say like, oh, my gosh, we would totally go vote if we could. We would totally go do all these things if we could.

Ms. JACKSON LEE. I know the percentages of undocumented, many of them are children, do you think in your generation anyone is against being Americanized and learning English? Many of us have bills that have all these components. Is anyone against that? Even if you are proud of your original heritage, are you against becoming an American and proud of being a part of that mosaic?

Ms. GONZALEZ. I would say no, because most of the kids I mean have been born—or have been raised, so I mean pretty much we kind of just automatically acquire it. I don't know.

Ms. JACKSON LEE. Happily so. And some of you are bilingual? Yes.

Ms. KALAW. When coming to America, or living here, there is a strong desire to be a part of the American culture and the American dream so, no, there is.

Ms. JACKSON LEE. We don't have to be frightened of a divided America of immigrants wanting to be over in the corner over here, as opposed to being part of the wholeness of this country?

Ms. KALAW. No.

Ms. JACKSON LEE. From your perspective?

Ms. KALAW. Not at all.

Ms. JACKSON LEE. Ms. Tran?

Ms. TRAN. All of us are just trying to fit in. I mean we are still here, right? I mean all of us have the choice to leave, but——

Ms. JACKSON LEE. You are ready to stay?

Ms. TRAN. Yes.

Ms. JACKSON LEE. I thank you, Madam Chair. I just want to note the horrors of deportation that these people have faced, and I think it is important that we listen to their stories. I yield back.

Ms. LOFGREN. The gentlelady's time has expired. The gentleman from Massachusetts, Mr. Delahunt, has 5 minutes.

Mr. Delahunt. Thank you very much for your poignant and powerful stories. You really give a human face to this issue.

Ms. Tran, my younger daughter is from Vietnam. So your presence here provokes reflection on my part. She is adopted, obviously, and she could be sitting there. Maybe we should adopt the three of you here in this family. But I have already paid for that education. I don't know if I want—you know, I think that the DREAM Act that has been crafted by Mr. Berman is really a part of a jurisprudence in the United States that recognizes that children should be treated differently.

In a previous life I was a prosecutor. And for years in this country there was just a criminal justice system, until it was recognized that children needed protection. We have child abuse laws. But back decades ago people like those of us on this panel in States throughout the United States decided we needed a juvenile justice system. We have the age of majority because we recognize that

with children, particularly those who are incapable of forming an intent, deserve to be treated differently. They are children no matter where they come from. And I think that really is something that those of us that will be making these decisions have to think very carefully about. And your stories reinforce that.

You came here at very tender ages. You don't know—you indicated, Ms. Tran, you have never been to Vietnam. We hear about the rule of law. One of my colleagues indicated, I think it was Chairman Conyers, that it is not static. Law is a process of change and a reflection of hopefully moral principles. Just imagine in these cases, would it be moral to send these three young women to a place that they have never been, where they don't speak the language, where they don't understand the culture? You know, America, above all, is a moral country. We fail sometimes. But there is a Frenchman who came here in the 1800's that had this to say about America. And I firmly believe it. America is great because America is good.

I yield back.

Ms. LOFGREN. The gentleman yields back. The gentlelady from California, our colleague, Ms. Linda Sánchez.

Ms. SÁNCHEZ. Thank you, Madam Chairman. And I want to thank our three witnesses on the first panel for having the courage to come here and share your stories with us today. I know that it probably takes a great amount of strength to come forward, and it can be a scary process. And so I want to thank you for having the courage to come. And just listening to your testimony, each of your stories is heartbreaking in a different way.

While I was listening to your testimony, I realized that you are not much different than I am, actually. Because your parents came here from other countries with the hopes of giving you the kind of opportunities and better life just like my parents did. My parents came from Mexico. You have all struggled hard. And you have succeeded academically and in many other ways as well, just like I did. And you all identify with the American culture, speak English fluently, and you are patriotic and love this country, just like I do. But the little difference that remains between you and me is that I have a piece of paper that tells me that I am a citizen. And so I was able to pursue my dreams, to pursue my education, and do things like practice law and eventually run for Congress. And as I sit and look at you three, I think about the infinite number of possibilities of things that you could contribute to this country if you were just given the chance. So your testimony today, I think Mr. Delahunt said very eloquently, puts a human face on what the policy decisions are that we as Members of Congress have to make.

I want to ask the three of you, did any of you three have a say in deciding where you wanted to live or in deciding to come to this country? Did any of you decide one day that you were going to come here?

Ms. GONZALEZ. I was five, so my parents told me we were taking a trip, and if we liked it we were going to try and stay. And that is what happened.

Ms. SÁNCHEZ. Anybody else have that?

Ms. KALAW. No, I didn't have a say. I remember being a child, practically a toddler coming to the United States.

Ms. SÁNCHEZ. Ms. Tran?

Ms. TRAN. Same as Marie, I knew we were going on a plane somewhere on vacation. And I remember pointing out a calendar once we got here, like when are we going back? Like on this day? And I didn't really know what a calendar was.

Ms. SÁNCHEZ. Okay. Clearly, you didn't wake up one day with a decision you were going to come to this country. Do any of you feel like lawbreakers, that you personally are a lawbreaker for having come to this country since you didn't really have a say?

Ms. KALAW. I have never felt like a lawbreaker, but I have carried a burden of shame with me for many years.

Ms. SÁNCHEZ. That is not a shame that you chose yourself.

Ms. KALAW. No, it is a shame that others——

Ms. SÁNCHEZ [continuing]. Imposed on you.

Ms. KALAW. Yes.

Ms. SÁNCHEZ. Thank you. I am just interested in knowing, you just mentioned loving this country and feeling like you are American through and through and wanting to stay and be a part of this country. And you mentioned a couple of examples of things you really can't wait to do, like become a citizen or vote. How would your lives change if you were able to become legal permanent residents or citizens? What other things are you waiting to do or would you love to do if you could be told, yes, you have the certainty that you will be able to stay in this country and pursue your dreams? Ms. Gonzalez?

Ms. GONZALEZ. Wow. That would be such an amazing feeling. That would be such a weight that would be lifted off of my shoulders. I think I would go back to being a little kid and just run around like crazy and be so happy. But I think I would definitely take full advantage of that and try and contribute as much as possible again and give back to the community that has given so much to me. And that is what I would be really fighting for, because I have had that support from my community.

Ms. SÁNCHEZ. Ms. Kalaw?

Ms. KALAW. I would be—well, I can't wait to further develop relationships with individuals in my life. Up until this point, it has been quite stifling, because I have always had that burden of immigration status weighing on me.

Ms. SÁNCHEZ. Ms. Tran?

Ms. TRAN. I would further pursue my education. For example, I really wanted to apply to UT-Austin for graduate school, but I couldn't because I couldn't afford the out-of-state tuition and things like that.

Ms. SÁNCHEZ. One last question. Do you think, ultimately, that if you were not allowed to remain in the United States that the countries to which our country would send you back would accept you even?

Ms. GONZALEZ. I can actually attest to that, because throughout all the media that I have done in the past there have been times where I have been—I mean there has been a backlash against, you know, how much I have tried to fight, you know, and they would know that I have been trying to fight to remain in this country and they are like, well, you know, are you coming back then? And it would be difficult. I think the biggest issue would be if I were ever

allowed to come back to the U.S. That would be something very difficult for me to, you know, if I was told I can't come back for 8 years like my parents, that would be very hard for me to deal with.

Ms. SÁNCHEZ. Ms. Kalaw?

Ms. KALAW. Because I was born in Zambia, but I relocated to the Congo right after my birth, the Zambian country does not technically recognize me as a citizen. It is still questionable. And the Congo does not recognize me either because I don't have a Congolese birth certificate.

Ms. SÁNCHEZ. There is a lot of uncertainty as to where they would send you?

Ms. KALAW. Absolutely.

Ms. SÁNCHEZ. Ms. Tran?

Ms. TRAN. I already mentioned it in my testimony, but I mean, Vietnam doesn't even know I exist, and Germany's already said that they wouldn't accept me.

Ms. SÁNCHEZ. Thank you, and I yield back.

Ms. LOFGREN. Thank you very much. And thank you very much to this panel. Your testimony has been compelling. This is the 12th hearing we have had. I will just tell you that much of the testimony we have received has been, you know, what do we want for immigrants in this country? We want people who speak wonderful English. We want people who have great educations. We want people who are assimilated and who love America. You are the answer to our dreams. And hence the DREAM Act, which we are grateful to Mr. Berman for introducing.

I will say that the DREAM Act actually doesn't even mention some of the issues that have been raised, but merely allows young people in your situation who didn't make the decision to come to earn legal status through getting your education or serving in the U.S. military. So we will—we may have additional questions. If we do, we will forward them to you. And we do appreciate your willingness to be here. I think that your testimony certainly touched my heart, and I think will make a difference in this debate as we move forward.

Ms. JACKSON LEE. Madam Chair?

Ms. LOFGREN. Yes.

Ms. JACKSON LEE. May I ask if you would yield after you finish?

Ms. LOFGREN. I will yield at this point.

Ms. JACKSON LEE. Let me just double echo your emotion and your comments. But I would like unanimous consent to submit an article, "AP Impact: Immigration Raids Split Families."

Ms. LOFGREN. Without objection, the article is entered into the record.

[The information referred to is inserted in the Appendix.]

Ms. LOFGREN. And I would just like to conclude. Thank you very, very much. We are going to have the staff get in touch with you and get all of your contact information so that we can keep in touch with you. It has been an honor to meet you and to see the success that you three have achieved in our country. And we hope that through our efforts here in the Congress that we will create a new rule of law that will allow you to fully participate in this country where you have been raised. So thank you very much.

Now call the second panel, if we could.

Thank you all, second panel, for taking the time to speak with us today. First on the panel, I am pleased to introduce Diana Furchtgott-Roth—I hope I have not destroyed the pronunciation of your name, but you will correct me if I have—a Senior Fellow and Director of the Center for Employment Policy at the Hudson Institute. Prior to her arrival at the Hudson Institute, she served as a Chief Economist at the U.S. Department of Labor. Between 2001 and 2003, she worked as a Chief of Staff of President George W. Bush's Council of Economic Advisers. Under President George H.W. Bush, she was the Deputy Executive Director of the Domestic Policy Council, and Associate Director at the Office of Policy Planning. She received her bachelor's degree from Swarthmore, and her master's from Oxford University.

Next I would like to extend a warm welcome to Dr. Allan Cameron, a retired high school computer science teacher from Phoenix. After receiving his bachelor's and doctoral degrees in Elementary Education from Arizona State University, Dr. Cameron taught for nearly 30 years in Arizona's public schools. Drawing from his work as an electronics technician in the United States Navy, Dr. Cameron co-founded the Falcon Robotics Team at Carl Hayden High School in Phoenix. The team has competed at three national robotics championships, winning second place in 2005. In a 2004 university underwater robotics competition, the high school robotics team—comprised four Mexican immigrants—gained nationwide attention when they trounced the Nation's top engineering programs, including that of the Massachusetts Institute of Technology, at the competition. And I am a big fan of the FIRST competition. Congrats on that.

We are also pleased to have Jamie Merisotis with us, the President and founder of the Institute for Higher Education Policy, one of the world's premiere higher education research groups. Mr. Merisotis played a leading role in founding the Alliance for Equity in Higher Education in 1999. And in September of last year, he helped establish the Global Center on the Private Financing of Higher Education. Prior to his work at the Institute for Higher Education Policy, Mr. Merisotis directed the bipartisan National Commission on Responsibilities for Financing Post-Secondary Education, and assisted in the creation of the Corporation For National and Community Service, or AmeriCorps.

Finally, I am pleased to welcome the minority's witness, Dr. Kris Kobach, a professor of law at the University of Missouri - Kansas City. Professor Kobach joined the faculty at the University of Missouri in 1996, and he was awarded a White House fellowship in 2001 to work for then-Attorney General John Ashcroft. Professor Kobach continued on after his fellowship as Counsel to the Attorney General. He earned his bachelor's degree from Harvard University, his law degree from Yale University, and his doctorate from Oxford University as a Marshall Scholar.

Each of you will have your entire written statements made a part of this record, but we do ask that you summarize your statements in about 5 minutes. When you have 1 minute to go, those little machines on your table will flash yellow. And that is really the time to know that you need to start winding up. And when your time is up it flashes red. And I will say most witnesses are

always surprised, because the time goes very quickly. But we do hope to keep you within the time frame, because we have many Members here who would like to ask questions.

So Ms. Furchtgott-Roth, am I too far off on the pronunciation?

Ms. FURCHTGOTT-ROTH. No, that is great.

Ms. LOFGREN. You are recognized for 5 minutes.

TESTIMONY OF DIANA FURCHTGOTT-ROTH, SENIOR FELLOW AND DIRECTOR, CENTER FOR EMPLOYMENT POLICY, HUDSON INSTITUTE

Ms. FURCHTGOTT-ROTH. Thank you very much for giving me the opportunity to testify today. I would like to say that 25 years ago I was in a similar situation to these young people. I was here in the United States legally, but I did not have a work permit. I was fortunate to be able to marry an American citizen. And 24 years of happy married life and six children later, I hope that the United States is not sorry that I was able to gain my citizenship.

Many undocumented students such as the ones we have heard from today don't have the papers due to various personal circumstances. Nevertheless, I would like to say that their presence in America would benefit us, because they are hardworking and talented, and produce streams of income taxes and Social Security payments that bolster our fiscal position.

One indication of the potential benefits of undocumented immigrant children is to look at how well their peers, the legal immigrant children, do as they grow up. Many of these young immigrants become high-achieving students and then outstanding workers and entrepreneurs. Many of the top students in merit-based high schools, such as Stuyvesant High School in New York, are children of immigrants. The undocumented immigrant children might do just as well, if not better, especially given the difficult circumstances they have to go through.

What the DREAM Act seeks to do is, through the rule of law, fix the problems of these undocumented students. According to the Migration Policy Institute, 360,000 young people fit these criteria, and about 715,000 other young people age 15 to 17 could become eligible in the future. This total of about 1 million potential workers represents 0.7 percent, less than 1 percent of our labor force. Even if this number were to double or triple because of the incentives that some of the Members mentioned this morning, it would still be only a tiny fraction of our work force.

Even though these undocumented young people are a small group, they have the potential to make an important contribution to our economy. If their status is regularized and they are placed on a path to becoming U.S. citizens, they would be able to get a college education and a well-paying job. The DREAM Act would vastly increase educational attainment, regardless of in-state tuition provisions. It would cause a much higher percentage of undocumented immigrant children to finish high school. Further, it would cause a much higher percentage of undocumented high school graduates to go to college.

The DREAM Act would allow students who graduate from college to use their degrees in the fields that education prepares them for. This makes the educational investment worth it both for the stu-

dents, but more importantly for the rest of us. It will help us as well as them because we have more productive citizens who fill needed job openings and who can pay taxes. And the United States needs these young workers, who are presently prevented from working through no fault of their own.

Our global competitiveness is enhanced by attracting bright young people such as the ones we have heard from today. We live in an open global economy, and we are continually competing against other countries. We want firms to locate and expand in the United States, creating jobs here rather than going offshore. In order to do that, we want to keep the smartest entrepreneurs and workers here.

Sometimes we hear that our economy cannot handle more immigrants, but economic facts do not support this. In 2007, the United States leads the industrialized world in job creation, and our unemployment rate is among the lowest. Because our job creation is so strong, employers are complaining about a shortage of jobs. Steve Berchem, of the American Staffing Association, which represents staffing firms such as Manpower, Inc., reports that his companies are having difficulty in attracting enough skilled workers.

Microsoft Chairman Bill Gates also reported a shortage of workers. Testifying on February 7th, 2007, before the Senate Committee on Health, Education, Labor, and Pensions, he said, and I quote, "America's need for highly skilled workers has never been greater," and he called for an increase in the number of permanent residents, skipping the bureaucratic H1-B visa process altogether. He said, "Barring high-skilled immigrants from entry into the U.S., and forcing the ones that are here to leave because they cannot obtain a visa, ultimately forces U.S. employers to shift development work and other critical projects offshore. If we can retain these research projects in the United States, by contrast, we can stimulate domestic job and economic growth."

In conclusion, passing the DREAM Act and granting young people the right to stay in the United States is a win-win situation. There are no reasonable arguments against it. In fact, America would benefit if every foreigner who graduated from college had a green card stapled to his diploma. As all of you wind down your lengthy negotiations and start the process of making a law on immigration reform, you should keep one question in mind. Why send the Martine Kalaws, the Tam Trans and the Maria Gonzalezes of the world back to their countries to compete against us here?

Thank you very much.

[The prepared statement of Ms. Furchtgott-Roth follows:]

PREPARED STATEMENT OF DIANA FURCHTGOTT-ROTH

Madam Chairman, members of the Committee, I am honored to be invited to testify before your Subcommittee today on the subject of the future of undocumented immigrant students.

Currently I am a senior fellow at the Hudson Institute. From February 2003 until April 2005 I was chief economist at the U.S. Department of Labor. From 2001 until 2003 I served at the Council of Economic Advisers as chief of staff and special adviser. Previously, I was a resident fellow at the American Enterprise Institute. I have served as Deputy Executive Secretary of the Domestic Policy Council under President George H.W. Bush.

THE PROBLEMS WITH OUR CURRENT IMMIGRATION SYSTEM

We often hear that our immigration system is broken, and I'd like to illustrate this with an example. Harlem resident Dan-el Padilla is a brilliant classicist who came from the Dominican Republic at the age of 4 and who was second in his class at Princeton in 2006. Mr. Padilla could not get legal status. His mother, a housecleaner, filed immigration papers with a lawyer, according to newspaper reports, but never heard anything. His brother is a U.S. citizen by birth.

One would think that Mr. Padilla is the kind of person who America would welcome with open arms. He speaks perfect English, is completely assimilated, has a degree from one of our top universities, and loves America. He broke no laws by here.

Mr. Padilla was awarded a two-year scholarship to Oxford University and left the country last fall knowing that he might not be able to return and see his family. Last month he received an H-1B visa, good for a year, from Princeton University to work part-time with Professor Harriet Flower, allowing him to travel to America.

No doubt Mr. Padilla is glad to have his one-year visa. But why cannot such talent be rewarded with a green card? Do we really want him to pursue his career in the U.K. rather than at an American institution?

Similarly, many undocumented children such as Mr. Padilla do not have the right papers due to missed deadlines and bureaucratic error. Nevertheless, their presence in America would benefit us because they are hard-working and talented, and produce streams of income taxes and Social Security payments to bolster our fiscal position.

One indication of the potential benefits of undocumented immigrant children is to look at how well their peers—the legal immigrant children—do as they grow up. Many of these young immigrants become high-achieving students, then outstanding workers and entrepreneurs. Many of the top students at merit-based highs schools such as Stuyvesant High School in New York are children of immigrants. The undocumented immigrant children might do just as well, if not better, given the especially difficult circumstances that they had to overcome.

ADVANTAGES OF THE DREAM ACT

The Development, Relief, and Education for Alien Minors Act, known as the DREAM Act, seeks to solve the problem of undocumented children. It passed the Senate as part of comprehensive immigration reform in 2006, sponsored by Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN), and will shortly be reintroduced. Its companion House bill is sponsored by Lincoln Diaz-Balart (R-FL), Howard Berman (D-CA), and Lucille Roybal-Allard (D-CA).

The bill seeks to regularize the status of young people ages 18 to 24 who came to the United States before the age of 16; who have been in the country for 5 years or longer; and who have a high school diploma or GED. According to the Migration Policy Institute,[1] 360,000 young people fit these criteria, and about 715,000 other young people ages 5 to 17 could become eligible in the future. The total of 1,075,000 potential workers represents 0.7%, less than 1 percent, of our labor force. Even if this number were to double or triple it would only be a small fraction of our workforce.

Even though these undocumented young people are a small group, they have the potential to make an important contribution to our economy. If their status is regularized, and they are placed on a path to becoming U.S. citizens, they will be able to get a college education and a well-paying job.

The DREAM Act would vastly increase educational attainment regardless of the in-state tuition provisions. It would cause a much higher percentage of undocumented immigrant children to finish high school. Right now, according to the Migration Policy Institute piece, only 40 percent of undocumented Hispanic males do so. But if finishing high school is a ticket to legal status and increased earnings, presumably that number would rise.

Further, the DREAM Act would cause a much higher percentage of undocumented immigrant high school graduates to go to college. Currently, fewer than 15 percent of undocumented high school graduates between 18 and 24 are in college. Since the DREAM Act conditions legal status on community college graduation, completion of 2 years towards a 4-year degree, or 2 years service in the military, the number and percentage of college attendees would likely increase.

[1] Jeanne Batalova and Michael Fix, "New Estimates of Unauthorized Youth Eligible for Legal Status under the DREAM Act," *Immigration Backgrounder* (October 2006, No. 1), Migration Policy Institute.

The DREAM Act would allow students who graduate from college to use their degrees in the fields that their education prepares them for. This makes the educational investment worth it both for the students and for the rest of us. It will help us as well as them, because we can have more productive citizens who will fill needed job openings and who will pay taxes. And the more young educated workers in our economy, the better would be the outlook for our Medicare and Social Security programs.

The United States needs these young workers who are presently prevented from working through no fault of their own. Immigration increases wages of native-born Americans. Our global competitiveness is enhanced by attracting bright young people such Mr. Padilla, as well as the ones we have heard from today.

We live in an open, global economy, and we continually compete against other countries. We want firms to locate and expand in the United States, creating jobs here rather than going offshore. In order to do that, we want to keep the smartest entrepreneurs and workers here.

THE UNITED STATES NEEDS MORE WORKERS

Sometimes we hear that our economy cannot handle more immigrants. But economic facts do not support this. In 2007, the United States leads the industrialized world in job creation, and our unemployment rate is among the lowest in the industrialized world. In contrast, unemployment rates in most other countries are far higher. In March 2007, the latest month for which comparable data are available, Americans had an unemployment rate of 4.4 percent, while unemployment rates in the Eurozone were 7.2 percent; in France, 8.7 percent; in Germany, 7.0 percent; in Spain, 8.3 percent; and in Canada, 6.1 percent. Only Japan had a lower rate than the United States, and its economy is characterized by a slower rate of GDP growth.

Because our job creation is so strong, employers are complaining about a shortage of jobs. Steve Berchem of the American Staffing Association, which represents staffing firms such as Manpower, Inc, reports that his companies are having difficulty recruiting enough skilled workers. According to Mr. Berchem, "Our members are saying that they have more job orders than qualified candidates to fill them, especially for skilled and professional positions. Demand has increased for recruiting and permanent placement services because our members' clients are having difficulty filling positions due to lack of available talent. The U.S. staffing industry needs a larger labor supply to meet growing demand."

Microsoft Chairman Bill Gates also reported a shortage of workers. Testifying on February 7, 2007 before the Senate Committee on Health, Education, Labor, and Pensions, he said that "America's need for highly skilled workers has never been greater," and called for an increase in the number of permanent residents, skipping the bureaucratic H1-B visa process altogether.

Mr. Gates stated that "Barring high skilled immigrants from entry to the U.S., and forcing the ones that are here to leave because they cannot obtain a visa, ultimately forces U.S. employers to shift development work and other critical projects offshore. . . . If we can retain these research projects in the United States, by contrast, we can stimulate domestic job and economic growth."

The students we heard from this morning, Martine Mwanj Kalaw and Marie Nazareth Gonzales, are the types of students to whom Mr. Gates is referring.

As well as needing workers now, we need future workers to keep our Social Security and Medicare funds in balance. According to the Summary of the 2007 Annual Social Security and Medicare Trust Fund Reports:[2]

> "The financial condition of the Social Security and Medicare programs remains problematic; we believe their currently projected long run growth rates are not sustainable under current financing arrangements. Social Security's current annual surpluses of tax income over expenditures will soon begin to decline and then turn into rapidly growing deficits as the baby boom generation retires. Medicare's financial status is even worse."

The more young talented workers in our economy, the better will be the outlook for our Medicare and Social Security programs.

Many scholars, such as Nicholas Eberstadt of the American Enterprise Institute and Nobel Prize-winning economist Gary Becker of the University of Chicago, have documented the detrimental effect on developed economies of the decline in birth rates. Fewer workers are forced to look after more retired workers, leading to tax

[2] John L. Palmer and Thomas R. Saving, "A Summary of the 2007 Annual Reports: A Message to the Public," Social Security and Medicare Boards of Trustees, Social Security Online, *http://www.ssa.gov/OACT/TRSUM/trsummary.html,* Accessed May 16, 2007.

increases and economic stagnation. Immigration presents a tremendous potential benefit to increase the number of future taxpayers.

The widely-respected Council on Competitiveness has called on the United States to increase its supply of skilled workers. The Council's National Innovation Initiative identified talent as the nation's key innovation asset and specifically highlighted the need to continue to attract the best and brightest from around the world.[3] The Council's recent Competitiveness Index describes a broad range of trends that are intensifying our need for high skilled immigrants-from the aging of the American population, to the declining number of Americans receiving advanced degrees in science and engineering, to the incredible contributions of immigrant entrepreneurs to our economy.[4]

POSITIVE EFFECTS OF IMMIGRANTS ON WAGES OF NATIVE-BORN WORKERS

Some, such as Harvard's George Borjas, think that we should keep skilled immigrants out because they lower wages of native-born workers. But economic research shows the opposite. Immigration has widespread helpful effects on the economy and may cause wages to rise, because immigrant labor does not substitute for native labor, but complements it. Immigrants buy goods and services, increasing aggregate demand in the economy and creating jobs.

Professors Gianmarco Ottaviano of the University of Bologna and Giovanni Peri of the University of California, Davis,[5] showed that immigration causes native-born American wages to increase. According to a new study[6] released in March 2007, immigrants raised the wages of most native-born workers in California, a high-immigrant state, by 4% over 14 years, with no change for low-skill workers and a 7% change for high skill workers.

Other economists have also found little negative effect on wages. Senior Economist Pia Orrenius of the Federal Reserve Bank of Dallas[7] finds a slight increase in wages for professionals and a slight decline for manual workers from immigration of less than 1%. Professor David Card of the University of California, Berkeley,[8] finds a decrease in wages of no more than 3% among low-skill workers in high immigrant cities such as Miami and Los Angeles, and smaller effects in other cities and occupational groups.

Professor George Borjas of Harvard University[9] finds the most significant effect of immigration on wages. Yet even he concluded in a 2005 study that immigrants actually raised average wages of Americans by 0.1% and only lowered the wages of the low-skilled, those without a high school diploma, by 5%. This means that America has a net gain from immigrants, although smaller than other studies. Mr. Borjas gets his results by assuming that immigrants and native-born Americans are perfect substitutes, and that physical capital is fixed and doesn't vary with additional immigration. Mr. Borjas measures immigration's effect on wages assuming that no other changes take place in the economy, while Mr. Ottaviano and Mr. Peri measure wages after labor and capital respond.

However, Mr. Borjas's assumptions obviously don't match what goes on in the United States. A casual look at Silicon Valley, where immigrants head up a disproportionate number of high-tech startups, shows that immigrants fill specific niches. Not only do immigrants pursue certain fields and occupations, but capital flows into Silicon Valley to support their efforts.

In conclusion, passing the DREAM Act and granting young people the right to stay in the United States is a win-win situation. There are no reasonable arguments against it. In fact, America would benefit if every foreigner who graduated from college had a green card stapled to his diploma.

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[3] Council on Competitiveness, "Innovate America: Thriving in a World of Challenge and Change," 2005.

[4] Council on Competitiveness, "Competitiveness Index: Where America Stands," November 2006.

[5] Gianmarco I.P. Ottaviano and Giovanni Peri, "Rethinking the Effects of Immigration on Wages," National Bureau of Economic Research Working Paper No. 12497, August 2006.

[6] Giovanni Peri, "Immigrants' Complementarities and Native Wages: Evidence from California," National Bureau of Economic Research Working Paper No. 12956, March 2007.

[7] Pia M. Orrenius and Madeline Zavodny, "Does Immigration Affect Wages? A Look at Occupation-Level Evidence," IZA Discussion Papers 2481 (December 2006), Institute for Study of Labor (IZA).

[8] David Card, "Immigrant Inflows, Native Outflows, and the Local Market Impacts of Higher immigration," *Journal of Labor Economics* 19 (January 2001, No. 1), pp. 22–64.

[9] George J. Borjas and Lawrence F. Katz, "The Evolution of the Mexican-Born Workforce in the United States," National Bureau of Economic Research Working Paper No. 11281, April 2005.

As Congress winds down its lengthy negotiations over immigration reform, it should keep one question in mind: why send the Martine Kalaws and the Tam Trans and the Marie Gonzalezes of the world back to their home countries to compete against us?

Thank you for giving me the opportunity to appear before you today. I would be glad to answer any questions.

Ms. LOFGREN. Thank you very much. Dr. Cameron.

TESTIMONY OF ALLAN CAMERON, Ph.D., RETIRED HIGH SCHOOL COMPUTER SCIENCE TEACHER, CARL HAYDEN HIGH SCHOOL, PHOENIX, AZ

Mr. CAMERON. Good morning, and thank you, Chairwoman Lofgren, Ranking Member King, and Members of the Subcommittee. I am a recently retired teacher from Carl Hayden High School in Phoenix, Arizona. Although I was employed as a computer science teacher, I spent much of my last 6 years with fellow teacher Fredi Lajvardi and the Carl Hayden Robotics Team. We participated in the FIRST, For Inspiration and Recognition of Science and Technology, Robotics Competition, which combines the excitement of sport with science and technology. It has changed the culture of our school and the dreams of our students.

The Carl Hayden Falcon Robotics Team made news a few years ago when their underwater robot competed in the university category and won. It demonstrated what our kids, actually what all kids, were capable of achieving. Beating MIT that year was big news. We consistently rank among the top three schools in the university division, still beating MIT and other universities. Canada is hosting this year's underwater competition. We will not be attending because we probably have undocumented students on our team. Besides, MIT deserves a chance.

Carl Hayden High School has over 2,000 students; 92 percent are Latino. It is estimated that 60 to 80 percent of our student body are undocumented, brought into this country by their parents as children. There are 1.7 million other undocumented minors transplanted into our society. While living in the U.S. and being educated in our school system, these children become Americanized. They repeat the Pledge of Allegiance, liberty and justice for all. They root for their favorite baseball and football teams, and they ponder their future.

Cindy's parents brought her here to the United States from Mexico at the age of 12. When she was a high school sophomore on the robotics team, she asked Mr. Lajvardi and me if we would help her prepare for college. We had her taken out of the ESL classes and enrolled in honors classes, eventually earning college credits while in high school. Graduating with top marks, she entered the local community college to become a nurse. She is finishing—this month—her second year this month, and when she receives her RN certificate she will continue her education in a pre-medical program. She wants to become a pediatrician.

Of the 12 graduating seniors this year on our robotics club, 11 have been admitted to Arizona State University, nine with ASU scholarships. Six will be in engineering, which is phenomenal for a high school. It is over the top for Latinos. And half of them are women, which is another whole scale that we are—one in science

and one in pre-medicine, like Cindy. This has been the way it has been going in our club for the last 5 years.

65,000 undocumented students graduate from U.S. high schools each year. The men, by law, must register for Selective Service, yet they cannot volunteer to serve our country in the military. Valedictorians and straight A students can go to college and receive degrees, yet cannot be employed, even in fields where we have critical shortages of skilled workers. A routine traffic stop can result in immediate deportation, a loss of our intellectual capital that will take years to replace. While American-educated Cindy is unemployed, we try to recruit 10,000 South Korean nurses to immigrate into the U.S. to ease the projected shortage of nurses.

The story of the kids in the Falcon Robotics Team has been published in magazines like *Wired, Reader's Digest,* and high school textbooks. Warner Brothers has bought the movie rights to the young engineers' story. Hardworking kids who can overcome all obstacles and compete with the best is an American tale. The gritty students of the Falcon Robotics Team have become role models to young people nationwide, positive examples of the American can-do spirit. Yesterday at the FDR Memorial I read the inscription, "No country, however rich, can afford the waste of its human resources." Our bright, moral, hardworking students need the opportunities to serve our country.

If two public school teachers in downtown Phoenix can cultivate talented students into champions of the community, assets, not liabilities, imagine what we can accomplish with the help of the United States' legislature. Imagine what can happen if we don't. Thank you.

[The prepared statement of Mr. Cameron follows:]

PREPARED STATEMENT OF ALLAN CAMERON

Good morning and thank you, Chairwoman Lofgren, Ranking Member King, and members of the Subcommittee.

I am a recently retired teacher from Carl Hayden High School in Phoenix, Arizona. Although I was employed as a computer science teacher, I spent much of the last six years with fellow teacher, Fredi Lajvardi, and the Carl Hayden robotics team. We participated in the *FIRST* (For Inspiration and Recognition of Science and Technology), Robotics Competition, which combines the excitement of sport with science and technology. It has changed the culture of our school and the dreams of our students.

The Carl Hayden Falcon Robotics team made news a few years ago when their underwater robot competed in the university category and won! It demonstrated what our kids (actually, all kids) were capable of achieving. Beating MIT that year was big news. We consistently rank among the top three schools, still beating MIT and other universities! Canada is hosting this year's competition. We will not be attending because we probably have undocumented students on our team. Besides, MIT deserves a chance!

Carl Hayden High School has over 2,000 students; 92% are Latino. It is estimated that 60% to 80% of our students are undocumented, brought into this country by their parents as children. There are 1.7 million other undocumented minors transplanted into our society. While living in the U.S. and being educated in our school system, these children become "Americanized." They repeat the Pledge of Allegiance (". . . liberty and justice for all"), root for their favorite baseball and football teams, and ponder their future.

Cindy's parents brought her into the United States from Mexico at the age of 12. When she was a high school sophomore on the robotics team, she asked Mr. Lajvardi and me if we would help her prepare for college. We had her taken out of ESL classes and enrolled in honors courses, eventually earning college credits while in high school. Graduating with top marks, she entered the local community college to become a nurse. She is finishing her second year this month, and when

she receives her RN certificate, she will continue her education in a pre-medical program. She wants to become a pediatrician.

Of the 12 graduating seniors in the Robotics club this year, 11 have been admitted to Arizona State University, nine with ASU scholarships, six will be in engineering, one in science and one in pre-medicine, like Cindy. That has been our trend for the last five years.

Sixty-five thousand undocumented students graduate from U.S. high schools each year. The men, by law, must register for Selective Service, yet cannot volunteer to serve our country in the military. Valedictorians and straight A students can go to college and receive degrees, yet cannot be employed, even in fields where we have a critical shortage of skilled workers. A routine traffic stop can result in immediate deportation, a loss of our intellectual capitol that will take years to replace. While American-educated Cindy is unemployed, we try to recruit 10,000 South Korean nurses to immigrate into the U.S. to ease the projected shortage of nurses.[1]

The story of the kids on the Falcon robotics team has been published in magazines like *Wired* and *Reader's Digest* and in high school textbooks. Warner Brothers has bought the movie rights to the young engineers' story. Hard-working kids who can overcome all obstacles and compete with the best is an American tale. The gritty students of the Falcon Robotics team have become role models to young people nation wide—positive examples of the American can-do spirit.

Yesterday at the FDR Memorial, I read the inscription, "No country, however rich, can afford the waste of its human resources." Our bright, moral, hard-working students need the opportunities to serve our country.

If two teachers in downtown Phoenix can cultivate talented students into champions of the community, imagine what we can accomplish with the help of United States legislators. Imagine what can happen if we don't.

Thank you.

Ms. LOFGREN. Thank you very much, Dr. Cameron. Mr. Merisotis.

TESTIMONY OF JAMIE P. MERISOTIS, PRESIDENT, INSTITUTE FOR HIGHER EDUCATION POLICY

Mr. MERISOTIS. Thank you very much for this opportunity to be here. Improving access to higher education continues to be one of the most important investments that we can make in our collective well-being. The simple fact remains that increasing educational opportunities results in tremendous public, private, social, and economic benefits. We know that workers who have gone to college tend to have higher salaries, higher savings, more overall productivity, better health, and increased life expectancy. Higher earnings for college graduates result in more revenue for government expenditures through increased tax collections and through budget savings from avoided social expenditures. The social benefits of higher education range from higher voting rates to more charitable giving and volunteerism. In short, by investing in those who might not otherwise go to college, we are investing in our united future and well-being. It is not simply that it is the right thing to do, but that it is in our collective economic and social self-interest to do so.

In today's America, realizing the American dream is almost impossible without some post-secondary education. Unfortunately, not everyone who graduates from high school and is qualified to go to college is able to equally and adequately benefit from post-secondary education. Many immigrants face significant barriers in gaining access to, and succeeding in, higher education. These prospective college students must struggle with inadequate finances, heavy work and family responsibilities, varied academic back-

[1] *The US to recruit 10,000 South Korean nurses,* 18 April 2006, http://www.workpermit.com/news/2006__04__18/us/the__us__to__recruit__10000__nurses.htm

grounds, limited English proficiency, and a lack of knowledge about the American system of higher education. Even for immigrants who arrive in the United States as children, as we saw from the prior panel, navigating the American educational system may not be easy. Many young immigrants struggle to learn English and keep up with their classes in elementary and secondary school. Foreign-born teenagers age 15 to 17 make up about 8 percent of that age group overall in the total population, but represent almost 25 percent of high school dropouts. Undocumented students may be less motivated to complete high school if they believe that higher education and the better paying jobs available to someone with a college degree to be an unattainable goal. Undocumented immigrant students face an array of barriers to college access and success. In a time of rising college costs, when the average tuition and fees for a public university have increased by 96 percent over the last decade, many of these students must pay out-of-state tuition, and in some cases are even charged international student rates.

Even in the 10 States that currently offer in-state tuition to undocumented students who have graduated from State high schools, undocumented students are not eligible for the Federal and State financial aid that assists their low-income classmates. They also cannot legally work to support themselves while in college. They cannot even legally drive themselves to their college classes, a burden for those who must live with their parents in order to be able to afford to attend college. Faced with these obstacles, students who have lived in the United States for much of their lives may well watch their high school classmates go to a college that they cannot afford, and then take jobs for which they will not be able to be legally eligible, even if they can manage to complete a college degree.

As a result, the investment already made in these students' primary and secondary education has no chance of paying off for the Nation. If you consider what our national workforce needs are in the specific sense of human capital, it is clear we are looking at an enormous shortage of educated workers in the not-too-distant future. Already we are seeing corporations recruiting overseas in critical workforce sectors like technology, and by 2020 we will be looking at an employment gap of about 14 million people needed to fill jobs that require a college education, according to Census Bureau projections. Investing in those who are already here is our best hope for remaining competitive on a global scale.

Congress can address these deficiencies in educational and economic competitiveness by making comprehensive immigration reform a reality and by passing the DREAM Act. The DREAM Act is a common-sense piece of bipartisan legislation that provides these talented and industrious future workers a pathway to citizenship so that they can support themselves while attending college, and eventually use their college education to pursue their professional goals and aspirations as American citizens. Immigrant students have the capacity, the motivation, and in many cases the academic preparation needed to complete a college education, but too many of these students are forced to grapple with a system that was not designed to address the modern day barriers to their success.

I urge you to implement the simple, rational policy adjustments contained in the DREAM Act that recognize America's changing population and the important role immigrants play in our future global economic leadership.

Thank you very much.

[The prepared statement of Mr. Merisotis follows:]

PREPARED STATEMENT OF JAMIE P. MERISOTIS

Madam Chairwoman and Members of the Subcommittee:

Thank you for this opportunity to appear before the Subcommittee on the matter of undocumented immigrant students and comprehensive immigration reform.

Improving access to higher education continues to be one of the most important investments that we can make in our collective well-being. The simple fact remains that increasing educational opportunities results in tremendous public, private, social, and economic benefits. We know that workers who have gone to college tend to have higher salaries, higher savings, more overall productivity both professionally and personally, better health, and increased life expectancy. For example, national data show that U.S. workers over the age of 18 with a high school diploma earn an average of about $27,000 annually, while those with a bachelor's degree earn an average of more than $51,000, or nearly double that amount. Higher earnings for college graduates result in more revenue for government expenditures through increased tax collections and through budget savings from avoided social service expenditures. Increasing the number of college graduates saves millions of dollars in avoided social costs every year, as a result of improved health, lower crime, and reduced welfare and unemployment. The social benefits of higher education range from higher voting rates to more charitable giving and volunteerism. In short, by investing in those who might not otherwise go to college, we are investing in our united future and well-being. It's not simply that it's the right thing to do, but that it is in our collective economic and social self-interest to do so.

For many immigrants, the United States is a place where, through hard work and perseverance, they hope to achieve better lives for themselves and their families. But in today's America, realizing the American Dream is almost impossible without some postsecondary education. Unfortunately, not everyone who graduates from high school and is qualified to go to college is able to equally and adequately benefit from postsecondary education. Many immigrants face significant barriers in gaining access to and succeeding in higher education. As a recent report published by the Institute for Higher Education Policy[1] demonstrates, these prospective college students must struggle with inadequate finances, heavy work and family responsibilities, varied academic backgrounds, limited English proficiency, and a lack of knowledge about the American system of higher education—all of which can affect their ability to navigate the complex postsecondary admissions and financial aid processes, and the equally challenging process of earning a postsecondary credential.

Even for immigrants who arrive in the United States as children, navigating the American educational system may not be easy. Many young immigrants struggle to learn English and keep up with their classes in elementary and secondary school. A recent study of educational barriers for Latino immigrants in Georgia, many of whom were undocumented, found that these children and their parents had a limited understanding of how American schools work. Some parents didn't understand that they needed certain documents to enroll their children in school or believed that they would have to pay tuition or buy books. While they were interested in helping their children succeed in school, these parents also found it difficult to communicate with teachers and administrators when their children were having problems.

High school drop-out rates are high among young immigrants. In 2000, foreign-born teenagers ages 15 to 17 made up about 8 percent of that age group in the total U.S. population but represented almost 25 percent of high school drop-outs. Undocumented students, in particular, may be less motivated to complete high school if they believe higher education, and the better-paying jobs available to someone with a college degree, to be an unattainable goal. For many young adults from low-in-

[1] The Institute for Higher Education Policy (IHEP) is an independent, nonprofit organization that is dedicated to access and success in postsecondary education around the world. Established in 1993, IHEP uses unique research and innovative programs to inform key decision makers who shape public policy and support economic and social development. The Institute's work addresses an array of issues in higher education, ranging from higher education financing to technology-based learning to quality assurance to minority-serving institutions.

come immigrant families, simply graduating from high school prepared for college means having already overcome considerable obstacles.

Immigrants who actually enroll in higher education make up 12 percent of undergraduate college students—a percentage that makes this group comparable in numbers to Hispanic and Black students as well as students with disabilities. However, unlike these other groups, immigrant college students have received relatively little attention in the public policy arena. Immigrants who do enroll in college also face additional barriers to persistence and degree completion. Immigrant students have higher unmet financial need than the average undergraduate, are more likely to enroll in community colleges or private for-profit institutions, and more often earn certificates or associate's degrees rather than bachelor's degrees.

The Hispanic immigrant population as a whole is particularly disadvantaged when it comes to gaining access to higher education. Latino immigrants—especially those from Mexico and Central America—are more likely than other immigrants to drop out before completing high school, even if they immigrated to the United States during childhood. Latino immigrants are underrepresented in the undergraduate student population, have low rates of bachelor's degree completion, and are more likely than immigrants from other regions to leave school without completing any credential. These facts, taken in combination, paint a picture of an immigrant group for whom college access and success remain significant challenges.

Undocumented immigrant students, the majority of whom are Latino, face all the barriers described above and more. In a time of rising college costs, when the average tuition and fees for a public university have increased by 96 percent over the last decade, many of these students must pay out-of-state tuition, or in some cases, even the rate charged to international students. Even in the ten states that currently offer in-state tuition to undocumented students who have graduated from state high schools, undocumented college students face significant barriers to college enrollment and completion. They are not eligible for the federal and state financial aid that assists their low-income classmates. They also cannot legally work to support themselves while in college. They cannot even legally drive themselves to their college classes, a burden for those who must live with their parents in order to afford to attend college. Faced with these obstacles, students who have lived in the United States for much of their lives may well watch their high school classmates go on to a college education they cannot afford and then take jobs for which they will not be legally eligible, even if they can manage to complete a college degree. As a result, the investment already made in these students' primary and secondary education has no chance of paying off for the nation.

If you consider what our national needs are in the specific sense of human capital, it's clear that we are looking at an enormous shortage of educated workers in the not-too-distant future. Already, we are seeing corporations recruiting overseas in critical workforce sectors like technology, and by 2020, we will be looking at an employment gap of about 14 million people needed to fill jobs that require a college education, according to Census Bureau projections. Investing in those who are already here—including both legal and undocumented immigrants—is our best hope for remaining competitive on a global scale.

Recent international data from the Organization for Economic Cooperation and Development indicate that the United States now stands in eighth place in the proportion of 25 to 34 year olds who have a college degree. Far ahead of the U.S. are Canada, Japan, Korea, and several other nations, including many of the Scandinavian countries. Other European nations and Australia are close on our heels. We expect that as a result of what is known as the Bologna Process, which is a European-wide agreement to invest in higher education on a large scale, the U.S. will fall further behind more of the European nations in just the next few years. This precipitous decline in such a relatively short time frame tells an important story about our inability to sustain the investments we have already made in our domestic higher education. Leaving behind undocumented immigrants who are committed to earning a college degree and making a contribution to their adopted country simply makes no sense given the nation's future economic and workforce needs.

Congress can address these deficiencies in educational and economic competitiveness by making comprehensive immigration reform a reality and by passing the Development, Relief, and Education for Alien Minors (DREAM) Act. The DREAM Act is a common sense piece of bipartisan legislation that provides these talented and industrious future workers with a pathway to citizenship so that they can support themselves while attending college and eventually use their college education to pursue their professional goals and aspirations as American citizens. It also makes it easier for states to offer in-state tuition and financial aid to students, regardless of their immigration status. Put simply, these two changes would make college a more realistic option for deserving students who have met the same rigorous aca-

demic requirements as their college-bound peers, but who now lack access to the range of financial assistance provided to other students in their states. In addition, it would allow them to work legally in the jobs for which a college education prepares them.

Without legislation like the DREAM Act to increase access to higher education for the students most in need of assistance, the United States risks falling behind in the global economy of the 21st century. The potential consequences of inaction are serious: a workforce without the skills needed to fill essential jobs, reduced economic productivity, increased social welfare costs, an electorate less able to contribute to an effective democracy. Increased access to higher education benefits individual students, to be sure, but its most important benefits are to the nation.

Immigrant students have the capacity, motivation, and in many cases, the academic preparation needed to complete a college education, but too many of these students are forced to grapple with a system that was not designed to address the modern day barriers to their success. I urge the 110th Congress to implement the simple, rational policy adjustments contained in the DREAM Act that recognize America's changing population, and the important role immigrants play in our future global economic leadership.

Thank you again for this opportunity to appear before the Subcommittee on this important issue.

Ms. LOFGREN. Dr. Kobach.

TESTIMONY OF KRIS W. KOBACH, Ph.D., PROFESSOR OF LAW, UNIVERSITY OF MISSOURI—KANSAS CITY SCHOOL OF LAW

Mr. KOBACH. Thank you, Madam Chairman. Madam Chairman, Members of the Committee, it is an honor to be before you today. In addition to being a law professor who teaches constitutional law and immigration law, I am also a litigator who litigates on behalf of the Immigration Reform Law Institute, which represents U.S. citizens, and supports the interests of immigration enforcement. Of particular relevance in that regard is the fact that I am representing U.S. citizens in the case of *Day v. Bond,* which is an instance where U.S. citizens are being discriminated against by a university, in this case the Kansas university system, that provides the benefits of in-state tuition rates at roughly one-third the cost that the U.S. citizen plaintiffs are paying in that case.

When I did serve in the Justice Department, I was Attorney General Ashcroft's chief adviser on immigration law. As you are well aware, and as Representative King mentioned, in September, 1996, Congress passed its Immigration Reform Act of that year, and a central provision of that act, now codified at title 8, section 1623 of the U.S. Code, is the provision that says in so many words an alien who is not lawfully present in the United States shall not be eligible for any post-secondary education benefit unless every citizen in the United States is also eligible for that benefit; in other words, no in-state tuition or grants unless U.S. citizens from out of State also get those grants. It was a simple non-discrimination provision that said illegal aliens should not be discriminated in favor of and against U.S. citizens.

Congress in 1996 I think did not anticipate that some States might simply disregard Federal law, but that is precisely what happened. In 1999, the California legislature passed a bill that gave in-state tuition to illegal aliens. Governor Gray Davis, many of you may not know, vetoed that bill in 2000. In his veto message, he said Federal law prevents us from doing this. He also said in his veto message it would cost the State $63.7 million to subsidize this education. Undeterred, the California legislature came right back

and passed the bill again. In 2001, in a slightly different political climate, Governor Davis signed the bill, ignoring his previous veto message.

Most States that have considered such bills giving in-state tuition to illegal aliens have rejected the idea; however, nine States did follow California's example. Now, in relatively small States, like Kansas, it is about 300 students who are taking advantage of this benefit. In big States, like Texas, it is about 6,000 students. And in California, it is estimated that over 16,000 students are taking advantage of this in-state tuition.

I would argue that this is a bad idea for three basic reasons, and that the DREAM Act, which essentially retroactively legalizes this giving of in-state tuition to out-of-state—to undocumented aliens, is also a bad idea for three reasons. The first is that it discriminates against U.S. citizens. For example, in Kansas, take the case of a Missouri student who has played by the rules all his life. He then goes to Kansas University and pays roughly three times the amount of tuition that an undocumented student would pay. This is particularly harmful at a time when the cost of education is going rapidly beyond the reach of many Americans. College costs rose 35 percent between 2005 and 2007. That is after adjusting for inflation. Two-thirds of college students now graduate with debt, with an average of just under $20,000 worth of debt. And in an era of limited resources, I would argue that U.S. Citizens should be first to get those resources.

Second, it places a heavy burden on taxpayers. In Texas, it is estimated that the in-state tuition for illegal aliens costs taxpayers $40 to $50 million a year. In California, it is over $100 million a year. But perhaps most importantly, it discriminates against those students who are here lawfully. Indeed, under the terms of some of the State statutes and under the terms of the DREAM Act, in order to qualify for the benefits you have to be illegally present in the country.

So we heard from the first panel from three individuals who were here under different circumstances. Ms. Kalaw and Ms. Tran would actually not be helped. And if the three of them were to attend a university, only Ms. Gonzalez would get the benefit of in-state tuition, and would get the benefit of the Z visa, which is an extremely easy way of remaining in the United States, whereas Ms. Kalaw and Ms. Tran would pay three to four times as much. Now where is the rationality in that? It does not make sense that those lawfully present, like the latter two of those witnesses, should be treated differently because they have tried and struggled to follow the law.

Furthermore, aliens inside and outside the United States are sent this message. If you go through the hoops and you go through the bureaucratic hassle of trying to follow the law, which is admittedly difficult, then we will punish you in the United States by making you have a standard student visa, an F, M or J visa, which will not automatically renew like the Z visa will, and will be a tough road for you as you attempt to adjust your status. But if you are illegally here, you get in-state tuition and you get a much easier path to citizenship. I would submit that that is patently unfair.

[The prepared statement of Mr. Kobach follows:]

PREPARED STATEMENT OF KRIS W. KOBACH

INTRODUCTION

Mr. Chairman and Members of the Committee, it is an honor to appear before you today to discuss the issue of states offering in-state tuition rates to illegal aliens in violation of federal law, and the impact that Senate Bill 2611 would have in this area.

I come before you today in my capacity as a Professor of Constitutional Law and Immigration Law at the University of Missouri (Kansas City). My testimony should not be taken as the official position of my institution, which does not take positions on pending legislation.

I am also a practicing attorney who litigates regularly in the area of immigration and federal preemption on behalf of the Immigration and Reform Law Institute (IRLI). IRLI is a public interest litigation institute that represents the interests of U.S. citizens and supports the enforcement of immigration law in civil suits around the country. Often, IRLI is the only litigating entity with the resources and experience to explain the legal basis for the enforcement of this country's immigration laws.

Of particular relevance to this hearing is the fact IRLI is representing the plaintiff U.S. citizens in the case of *Day v. Bond,* a challenge to Kansas's provision of in-state tuition rates to illegal aliens. I am lead counsel in that case. IRLI is also representing the plaintiffs in the case of *Martinez v. Board of Regents,* a similar case in California.

Between 2001 and 2003, I served as White House Fellow and Counsel to the U.S. Attorney General at the Department of Justice. In that capacity, I was the Attorney General's chief adviser on immigration law.

THE HISTORY OF IN-STATE TUITION RATES FOR ILLEGAL ALIENS

In September 1996, Congress passed the landmark Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). Legislators in some states—most notably California—had already raised the possibility of making in-state tuition rates available to illegal aliens who attend public universities. To prevent such a development, IIRIRA's drafters inserted a provision that prohibited any state from doing so, unless the state also provided the same discounted tuition to all U.S. citizens. It was written in plain language that any layman could understand:

> "Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident." 8 U.S.C. § 1623

Obviously, no state in the union would be interested in giving up the extra revenue derived from out-of-state students, Members of Congress reasoned, so this provision would ensure that illegal aliens would never be rewarded with a taxpayer-subsidized college education. What Congress did not foresee in 1996 was the willingness of some states to simply disobey federal law.

However, that is precisely what happened. In 1999, Members of the California legislature pushed ahead with their plan to have taxpayers subsidize the college education of illegal aliens. Assemblyman Marco Firebaugh sponsored a bill that would make illegal aliens who had resided in California for three years during high school eligible for in-state tuition at California community colleges and universities. The bill passed both houses of the California Legislature.

California Governor Gray Davis vetoed the bill in January 2000, stating clearly in his veto message that it would violate federal law: "Undocumented aliens are ineligible to receive postsecondary education benefits based on state residence. . . . IIRIRA would require that all out-of-state legal residents be eligible for this same benefit. Based on Fall 1998 enrollment figures . . . this legislation could result in a revenue loss of over $63.7 million to the state."

Undeterred, Representative Firebaugh introduced his bill again; and the California Legislature passed it again. In 2002, Governor Davis ignored his own veto message of 2000 and signed Firebaugh's bill offering in-state tuition rates to illegal aliens.

Meanwhile, legislators in Texas had succeeded in passing their own version of the same bill. Over the next four years, interest groups lobbying for illegal aliens introduced the same legislation in most of the other states. The majority of state legislatures rejected the idea.

However, eight more states followed the examples of California and Texas. Today, the ten states that offer in-state tuition to illegal aliens are: California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington.

In relatively small states like Kansas, the number of illegal aliens receiving this taxpayer-subsidized tuition is in the hundreds. However, in larger states where the benefit has been available for four years or more, the number is in the thousands. In Texas, approximately 5,935 illegal aliens were receiving in-state tuition benefits in 2005. And in California, with its massive system of universities and community colleges, more than 16,000 illegal aliens are now receiving a taxpayer-subsidized higher education.

WHY PROVIDING ACCESS TO IN-STATE TUITION FOR ILLEGAL ALIENS IS BAD POLICY

In all of the ten states that are violating federal law in this manner, the in-state tuition laws make for shockingly bad policy. There are many reasons that this is true, but three are particularly salient.

First, these laws discriminate against U.S. citizens. Neither an illegal alien nor a nonresident U.S. citizen is normally entitled to in-state tuition rates at a state's institutions of higher education. This is understandable, because in-state tuition eligibility is a valuable public benefit. It is a taxpayer-provided education subsidy that is worth well over $10,000 a year at most public universities. States accordingly reserve in-state tuition benefits for their own residents. However, if a state makes this benefit available to illegal aliens (whose legal residence is in another country), the state is discriminating against U.S. citizens (whose legal residence is in another state).

This is a slap in the face to the law-abiding American citizen from out of state. For example, consider a student from Missouri who attends Kansas University. That Missouri resident has always played by the rules and obeyed the law. Yet Kansas University charges him triple what it charges an alien whose very presence in the country is a violation of federal law. This discriminatory treatment is particularly harmful in a time when the price of a four-year college education is beyond the reach of many U.S. citizens. College costs rose 35% during 2002–2007, after adjusting for inflation. And this upward trend is nothing new; the cost of college tuition and fees has been rising faster than consumer prices and personal income for the past twenty-five years. Two-thirds of college students now graduate with debt, and the amount of debt has risen dramatically in recent years, to an average of $19,200. In such an environment, taxpayer-subsidized tuition is extremely valuable, reducing what could otherwise constitute crippling financial burdens. In an era of severely limited resources, U.S. citizens should be first in line to receive those resources; they should not stand behind aliens who are openly violating federal law.

Second, providing this subsidy for illegal aliens places a heavy burden on taxpayers. In contrast to out-of-state students who pay the full cost of their education, students eligible for in-state tuition receive a significant financial boost at taxpayer expense. When the number of illegal aliens taking advantage of this subsidy is significant, the costs become staggering. In Texas, for example, taxpayers pay an estimated 40 to 50 million dollars every year to subsidize the college education of illegal aliens. In California, the cost to taxpayers is much higher—well over $100 million a year.

Third, these ten states are now encouraging aliens to violate federal immigration law. Indeed, under the terms of each of the state statutes, breaking federal law is a prerequisite that must be satisfied before the illegal aliens can receive the benefit. Each of the ten state statutes includes a provision that expressly denies in-state tuition to aliens lawfully attending college in the United States on an appropriate student visa (typically, an F, J, or M visa). An alien is eligible for in-state tuition only if he is breaking federal law by remaining in the United States.

Aliens are sent this message: "We encourage you to violate the law. If you actually obtain a valid visa to study here, we will penalize you by making you pay out-of-state tuition." This creates a perverse incentive structure in which the states directly reward illegal behavior and significantly undermine federal law.

Imagine if a state enacted a law that rewarded state residents for cheating on their federal income taxes—by giving state tax credits to those who break federal tax laws. That is the equivalent of what these ten states have done. It is a direct financial subsidy to those who violate federal law.

THE LEGAL RIGHTS OF U.S. CITIZENS

In July 2004, a group of U.S. citizen students from out-of-state filed suit in federal district court in Kansas to enjoin the state from providing in-state tuition rates to

illegal aliens, on the grounds that Kansas is clearly violating federal law. Not only that, Kansas is violating the Equal Protection Clause of the U.S. Constitution by discriminating against them and in favor of illegal aliens. I am the lead attorney representing those U.S. citizens.

The district judge did not render any decision on the central questions of the Kansas case. Instead, he avoided the merits of the issue entirely by ruling that the U.S. citizen plaintiffs lacked a private right of action to bring their statutory challenge and lacked standing to bring their Equal Protection challenge. That decision is currently being appealed in the U.S. Court of Appeals for the Tenth Circuit.

Meanwhile, in December 2005, another group of U.S. citizen students filed a class-action suit in California state court. They too maintain that the state is violating federal law and the U.S. Constitution. Pursuant to a California civil rights statute, they are also seeking damages to compensate them for the extra tuition they have paid, over and above that charged to illegal aliens. A Yolo County Court found that the U.S. citizen plaintiffs did have standing and a private right of action, but ruled against them with little explanation. That decision is currently before the California Court of Appeals.

These U.S. citizens are simply suing to enforce their statutory right not to be treated less favorably than illegal aliens when it comes to tuition rates. Congress gave them this statutory right eleven years ago. However, just when it looks like U.S. citizens might vindicate their rights under federal law and hold the wayward states accountable, the DREAM offers the offending states a pardon. As I will explain, the DREAM Act would not only take away the U.S. citizens' right to equal treatment, it would effectively close the courthouse door and deny them the ability to vindicate their rights in court.

THE DREAM ACT

One of the proposals included in comprehensive immigration legislation in both Houses of Congress this session is the Development, Relief and Education for Alien Minors Act (DREAM Act). The DREAM Act repeals 8 U.S.C. § 1623—the 1996 federal law that prohibits any state from offering in-state tuition rates to illegal aliens, unless the state also offers in-state tuition rates to all U.S. citizens. On top of that, the DREAM Act offers a separate amnesty to illegal alien students. The DREAM Act provisions are not only bad policy, they are also profoundly unfair to U.S. citizens and lawful alien visitors who are being discriminated against by a handful of states that provide preferential treatment to illegal aliens.

In addition to offering amnesty to aliens who have violated federal law, the DREAM act offers an amnesty to the state legislatures that have openly violated federal law. The DREAM act states, "The repeal . . . shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996." In other words, it is a retroactive repeal—as if the 1996 law never happened. In this way, the Senate bill expressly shields those states from liability for their past violations of federal law.

This is no accidental turn of phrase. This retroactive repeal was inserted as a direct response to the lawsuits challenging the states that violated the 1996 federal law. In the California case, the legal challenge is a class action lawsuit on behalf of all U.S. citizens whose federal statutory rights have been violated. Those U.S. citizens are suing to recover the extra tuition that they paid, over and above the tuition charged to illegal aliens. The DREAM Act provisions of the Senate Bill are specifically designed to take away this federal statutory right from U.S. citizens.

On top of this insult to the rule of law, the DREAM Act creates a massive independent amnesty in addition to the even larger amnesty that S.B. 2611 would confer. The amnesty presents a wide open path to citizenship for any alien who entered the country before the age of 16 and who has been in the country for at least five years. The guiding notion is: the longer you have violated federal law, the better.

Beyond that, all the alien needs is a high school diploma or a GED earned in the United States. Alternatively, he need only persuade an institution of higher education in the United States—any community college, technical school, or college—to admit him.

The DREAM Act abandons any pretense of "temporary status" for the illegal aliens who apply. Instead, all amnesty recipients are awarded lawful permanent resident (green card) status. The only caveat is that alien's status is considered "conditional" for the first six years. In order to move on to the normal green card, the alien need only obtain any degree from an institution of higher education, complete two years toward a bachelor's degree, or show that doing so would present a hardship to himself or his family members. And of course, the alien may thereafter

use his lawful permanent resident status to bring in family members and may seek citizenship.

Furthermore, the DREAM Act makes it absurdly easy for just about any illegal—even one who does not qualify for the amnesty—to evade the law. Once an illegal alien files an application—any application, no matter how implausible—the federal government is prohibited from deporting him Moreover, with few exceptions, federal officers are prohibited from either using information from the application to deport the alien or sharing that information with another federal agency, under the threat of a fine of up to $10,000.

Thus, an alien's admission that he has violated federal immigration law cannot be used against him—even if he never had any chance of qualifying for the DREAM Act amnesty in the first place. The DREAM Act also makes illegal aliens eligible for various federal student loans and work-study programs.

The DREAM Act is a remarkably bad piece of legislation on many levels. But the most fundamental issue that it raises is the relation of the states to the federal government. Ten states have created a twenty-first century version of the nullification movement—defying federal law simply because they don't like what the majority in Congress decided. In so doing, they have challenged the basic structure of our Republic. The DREAM Act would pardon this offense and, in so doing, would encourage states to defy federal law in the future.

One thing that we have learned in the struggle to enforce our nation's immigration laws is that states cannot be allowed to undermine the efforts of the federal government to enforce the law. The rule of law can be restored only if all levels of government are working in concert to uphold it.

Ms. LOFGREN. Thanks to all the panelists for your testimony. We will now begin our questions, and I am going to turn first to the Chairman of the full Committee, Mr. John Conyers, to begin the questioning. Mr. Conyers.

Mr. CONYERS. I thank the witnesses for being here. Are we operating here? Testing. This should be better.

I wasn't intending on discussing this question, but Attorney General Ashcroft's former adviser has raised a point that I don't remember any of the three previous witnesses making in terms of the differentiation in tuition payments. Now under the DREAM Act we would fix this by creating the legal status that would make moot the issue of in-state tuition.

Now, can any of you three help us lift this question up to balance the other side of this argument and put it in the kind of perspective that a hearing of this kind would require?

Mr. MERISOTIS. I would briefly comment. My understanding of the DREAM Act is that it is a pretty common-sense, rational approach. What it does is repeal section 505 of the 1996 law, which effectively discouraged States from providing in-state tuition or other higher education benefits. Under that section 505, States that provide a higher education benefit based on the residency of undocumented immigrants have to provide the same benefit to U.S. citizens in the same circumstances. What this simply does is not require States to provide the in-state tuition to undocumented students. It restores the decision to the States and leaves it up to those States rather than the Federal Government making a requirement.

So I think that is the fundamental issue here, is that it is left to the States to make their own decision. That is my understanding of the most recent version of the law.

Mr. CONYERS. Well, I know the author is going to weigh in on this part of the discussion anyway. Let me just compliment Dr. Cameron, who lends a new perspective to the notion that somehow minority students don't have the desire or capacity for math and

engineering subjects. That is one that is slow to die, and I sometimes think that it is a sort of a self-perpetuating inhibition, don't you, Dr. Cameron?

Mr. CAMERON. It is interesting you bring that point up. In our robotics competition we really compete in what is called the Chairman's Award, and it is, "what have you done for our community?" And the kids, quote, have to brag about themselves and how they are better really than a thousand other high schools in science and engineering. And understand our community, the average per capita income is about $9,000. By the time the kids hit the eleventh grade, for most of the kids they have exceeded the education of their parents. And yet when they wrote their document to demonstrate what has happened in their school, they said statistically we look like a poor school, he said, but we are probably one of the richest schools around because we are helping the junior highs, we are helping the elementary schools. They are helping other high schools and other universities form teams. And they said when we look back at the advantages we have had over the last few years, we are one of the richest kids in the country. So—and they finished it by—it is not that we can beat MIT. That is not what we learned. We learned not to listen to people and not to beat ourselves. And you are exactly right. It is a self-perception.

Mr. CONYERS. What else can we do since we don't have the benefit of your presence across the country or the institution? How do we begin to develop this overcoming of this reluctance? And of course, it is a national phenomenon, too, when we measure engineers and scientists at the national level. I think China is producing 8 or 10 times as many engineers as we are. At Wayne State University in Detroit, this comes up all the time.

Mr. CAMERON. I think it is a cultural phenomena. In the United States, over the last 40 or 50 years, we have become obsessed with entertainment and sports, and that is what our kids see. I honestly talked to a kid a week ago who spends 20 hours a week bouncing that basketball and honestly believes he will have a career in the NBA. If he spent a fraction of that time on his math and science. When we do high schools, we ask kids name an inventor, and they start raising their hands, who is alive, and the hands go down. And if you asked for a woman or a minority, nobody knows any of them.

We hold up to our kids by our culture, what is important to us. We celebrate what is important. And you don't see math and science. That is why the first robotics program and this hearing and our kids need to hear that, and it is not an immigration issue. That is a desperate issue for our country right now.

Mr. CONYERS. I didn't know—I have got two young boys. I didn't know you were going to get this personal in my family, Dr. Cameron, but you did.

Thank you.

Ms. LOFGREN. Thank you, Mr. Chairman.

I turn to the gentleman from California, Mr. Lungren, for 5 minutes.

Mr. LUNGREN. Is this working? Hello? All right.

Ms. LOFGREN. The gentleman is recognized for 5 minutes.

Mr. LUNGREN. Mr. Green, I paid for this microphone.

A lot of us aren't old enough to recognize that.

Ms. Furchtgott-Roth, I would just have to tell you I am one of those ones who wants to go to comprehensive legislation, but sometimes the witnesses are making it tough for me to stay there. In your comments, you mentioned the difference between you and others as merely being the difference between a piece of paper. Isn't citizenship more than just a piece of paper? I mean, I have heard some of this testimony that just the difference is that somebody has a piece of paper and somebody doesn't.

Should we concerned about the depreciation of the value of citizenship in our country when we talk about immigration policy?

Ms. FURCHTGOTT-ROTH. Actually, that wasn't me that mentioned the difference was only a piece of paper.

Mr. LUNGREN. Well, I heard you say—well, I let the record stand for itself, but you were referring to the fact that you had a piece of paper and others didn't and that was different.

I think we ought to be very careful about depreciating the value of citizenship here.

Dr. Cameron, you mentioned at Carl Hayden High School, 60 to 80 percent of the students are undocumented, at least that is in your written testimony. That is not a situation that we could allow in this country throughout the country; is it?

Mr. CAMERON. Are you asking if at Carl Hayden perhaps the percentages are higher than they are in the rest of the——

Mr. LUNGREN. No. I am just asking you. You stated that as a fact as you were talking about how well the students are doing, but isn't that part of the concern of what we should do here that we couldn't possibly have a country in which 60 to 80 percent of the students at every high school are not documented. We do need to have some law which will prevent that from occurring, don't you agree?

Mr. CAMERON. Oh, absolutely. And I believe we have those laws currently.

Mr. LUNGREN. Well, they obviously aren't working, are they?

Mr. CAMERON. They are not working in a large portion of the United States especially in the Southwest.

In Arizona, there are about 500,000 undocumented people in Arizona, and the State's population is 6 million. So that means almost 10 percent of Arizona is undocumented.

Mr. LUNGREN. So you would suggest that we do have to do something about controlling our borders.

Mr. CAMERON. We obviously have to get a handle on our immigration. Absolutely.

Mr. LUNGREN. So it is more than just a question of the people who are here illegally being educated and we do a good job of educating them and, therefore, we should give them a benefit that is denied students who are citizens but are out-of-state, wouldn't you agree?

Mr. CAMERON. In the public school system, any child that lives in the public school neighborhood is——

Mr. LUNGREN. Aren't we talking about public education here?

Mr. CAMERON. At the university level, I think by merit—well, let me put it this way: In the graduate levels of engineering across the United States, 50 percent of the people in the masters and the Ph.D. Programs are international students.

Mr. LUNGREN. Let us talk about undergraduates.

We have a Member of Congress, Mr. Bilbray, who left his place for a while, had his family here while he was a Member of Congress, one of his children attended high school here, attempted to go to a California State college or university and was charged out-of-state tuition.

You wouldn't think that is fair, would you?

Mr. CAMERON. You are really talking to the wrong person because I haven't changed States, but in Arizona, if you graduated from a high school in Arizona and you could show residency in the State for the last year or two, you would have in-state tuition.

Mr. LUNGREN. I am trying to show you why we have a real difficulty in putting the bill together because there are people who do think that is unfair. Congressman Bilbray being charged for out-of-state tuition for his child and yet children in California who are here illegally having in-state.

This is a very difficult issue that we have to deal with, and I appreciate your comments and I appreciate the tremendous academic achievement of the young people you are talking about.

But again, I go back to the question of what we pass, at least I think we have an obligation of thinking about the consequences of what we pass, whether or not it leads to a situation in which we have more schools that have 60 to 80 percent of undocumented aliens versus less.

When I was here back in the 1970's and 1980's, I said if we don't get this right, if we don't solve the illegal immigration problem now, it won't just be a regional problem. It will be a national problem. And now it is, and that is one of the concerns that I have.

And Mr. Merisotis, I appreciate your comments on how difficult it is for a lot of students. I would just say my wife is the first person to graduate from 8th grade in her family.

Mr. MERISOTIS. Me as well.

Mr. LUNGREN. No one had even thought about going to college in her family. Her dad died when she was young, her mother was on Social Security. My wife went to college because Social Security gave an additional grant to the family if she stayed in college.

There are a lot of people in difficult situations in this country who are here legally, and so I am not sure that that is the dispersity we ought to be looking at. We ought to be evaluating this "yes" on ultimate fairness. It seems to me what is best for the United States, but also the long-term consequences of what we do.

Thank you, Madam Chair.

Ms. LOFGREN. The gentleman's time has expired.

I turn now to the gentleman from California, Mr. Berman.

Mr. BERMAN. Assume nothing happens, Dr. Cameron, in Congress. Tell me the—describe the future for the 60 to 80 percent of the schools, students who are undocumented.

Mr. CAMERON. Predicting the future, of course, is a little difficult.

First of all, understand if you are 16-years old, I try to put myself in the minds of some of these kids. If I were 16 years old and I was a sophomore and I realized I don't get a driver's license, which is the badge of adulthood, I am not going to get a Social Security number and, frankly, I am not really going to get a job. I am not going to go to college. Why am I in high school? I can get

a job now at 16, and a lot of 16-year-olds do. I think I would be very tempted to drop out of school because what is the point of getting a high school education? And yet most of them do graduate. They do get a high school diploma.

So if the DREAM Act is not passed, will we see an increase in the drop-out rate? I would think we would. But they are not going to leave. They may drop out of school, but they are not going to drop out of Phoenix or Arizona or the United States. They are going to get married. They are going to have children who will be citizens. They are going to live here until they are old and can't work anymore. They will the not be part of the safety net. They won't be getting Medicare. They won't be getting the social services except for medical help in an emergency. And these people are going to live here for the rest of their lives.

So what will happen to them? I don't know. But look at what will happen to us. We will have lost one of the important assets of our country: Young, intelligent people who get educated, join the military, they contribute to our society and as they grow older, they produce more and pass that on to their children.

Mr. BERMAN. Great. Thank you.

Mr. Kobach. Here I become a witness.

You write in your prepared testimony in effect the DREAM Act, which I got the sense of from the, quote, anecdotal story in and around 1999, and introduced for the first time in 2001, repeal—you correctly described that it repeals that provision of the 1996 law, that I might point out for the record I didn't vote for.

You said this is no accidental turn of phrase. This retroactive repeal was inserted as a direct response to the lawsuits, in parenthesis, brought by you. Challenging the States that violated the 1996 Federal law.

Wrong. I didn't know about those lawsuits because they weren't brought until 2004 and 2005. I did it because the stories I heard laid out a future that these witnesses have described, what are we losing by this situation, what is the country losing, what is happening to them, what is their motivation to continue to excel in facing the brick wall that they would face under the current situation.

So I just want to correct for the record. It was—it wasn't done because of your lawsuits. It was done before your lawsuits. And what happened to your lawsuit in Kansas?

Mr. KOBACH. Back to what you said first about——

Mr. BERMAN. First of all, let us answer the question.

Mr. KOBACH. I would also like to respond to the language of the statute, if I might. The lawsuit in Kansas was—the plaintiffs were—it was dismissed on the basis of standing and private right of action. The judge never got to the merits.

Mr. BERMAN. And it is on appeal.

Mr. KOBACH. And the question of standing is on appeal before the Tenth Circuit Court of Appeals.

Mr. BERMAN. What happened to the lawsuit in California?

Mr. KOBACH. The judge in Kansasnever got to the question of whether the States were violating Federal law. The lawsuit in California was brought in a State county court. The judge there had basically the mirror image opinion. He said that the students do have standing and do not need a private right of action, but then,

in sort of a three-sentence summary, he said but we don't think the States are violating the law, and basically kicked it on to the appeals court.

Mr. BERMAN. The States aren't saying we are going to give undocumented students in-state tuition. The States are saying we are giving people who live in our State and graduate from high school in-state tuition.

Mr. KOBACH. But only if you are unlawfully present.

Mr. BERMAN. No. Because I know of some lawfully present in-state residents who are getting in-state tuition.

Mr. KOBACH. And those are the issues on dispute in the court.

But I might add the labeling about the DREAM Act. As you know, it has gone through several versions now. We are on probably version 4.0 at this point. So if I was incorrect in stating that the retroactive repeal came in the original version, I apologize.[1] I thought it came in the 2006 version.

Ms. LOFGREN. The gentleman's time has expired, and the correction is noted for the record. The Ranking Member has returned. Would you like to take—go to Mr. Gohmert.

Mr. GOHMERT. Thank you, Madam Chairman.

Madam Chairman, this has been an interesting hearing. You have called a number of very helpful and informative hearings, and we appreciate that.

And I, for whoever is allowing some microphones to work and others not to, I appreciate the fact that mine apparently is.

But I was reading in a hearing Professor Kobach's statement, and my friend, Mr. Berman, was getting into this. But it is interesting, the paradox here. Apparently, and I hadn't thought of it in these terms until your comments, but this provides an amnesty bill for States, I guess is one way of looking at it.

Mr. BERMAN. Would the gentleman yield?

Mr. GOHMERT. Certainly.

Mr. BERMAN. Or you could view it as repealing a bad law.

Mr. GOHMERT. Which provides amnesty for those who were violating the bad law from that perspective.

But in any event, thank you.

One of the things that drove me off the bench and to run for Congress was something that broke my heart, and that was I was seeing people who were spurred into activity that lead them into a rut they couldn't seem to get out of. I know back in the 1960's, Congress had the best of intentions. They saw single women who had children with no help financially from deadbeat dad's. So the answer they felt like let us help them. These people need help. They deserve help. Let us give them a check for every child they have out of wedlock. 40 years later, we have gotten what we paid for.

The old adage "the power to tax is the power to destroy" I think is true. The power to reward is also power to create or increase.

In terms of what we do as a Congress, we really have to look at the long-term effects. If we make something financially advantageous than normally that is going to create more of the condition that is made more financially advantageous. No matter how well

[1] As submitted for clarification by Dr. Kobach, the retroactive repeal was *not* in the original 2001 version of the DREAM Act. It was added to the 2003 version and subsequent versions of the DREAM Act.

meaning, how well intentioned. If one makes an activity, financially more rewarding, you are going to get more of that activity. That is the nature of the human.

So I am struggling with this, and it looks like, you know, when we hear the circumstances of these three wonderful young people who do touch my heart, I keep coming back, though, let us keep things in perspective.

What are we going to reward, what are we going to encourage by legislation, what are we going to create for the future by rewarding things today?

So those are the things that perplex me. Each of your testimony, both written and oral, has been helpful.

And I thank you and yield back, Madam Chairwoman.

Ms. LOFGREN. The gentleman yields back.

I will recognize the Ranking Member.

Mr. KING. Thank you, Madam Chair. I am glad to see that——

Mr. GOHMERT. Steve King, come on down.

Ms. LOFGREN. We will restart your 5 minutes when you find your microphone.

Mr. Ranking Member.

Isn't anyone on House Administration here, Dan?

Mr. KING. Okay. Madam Chair, I think you can activate that clock.

I thank the witnesses for your testimony.

I read through most of it, heard some of it, had to come in and out so there are some gaps in my uptake here, too.

But it occurs to me this: On directing, you know, in a way, Ms. Roth's testimony, and you talked about the shortage of labor that we have, and certainly I agree that our highly skilled labor, there is something we can do there to enhance our economy.

But let me propose this analogy to you and to the rest of the witnesses there. And that is just say imagine, here we are, the United State of America, 300 million people, imagine this, we are all in this together, aren't we? So we have to work together like a family in a way. And we have some people taking care of the children, some people taking care of the health care, some people going off to work, others taking care of things at home, some are educated, some retired. Kind of like a multi-general family, the United State of America.

Now, imagine all 300 million of us in this huge family being in a giant clipper ship. Some riding in steerage, some up in their state rooms, depending upon their means, some down there pulling on the oars, some trimming the sails, some taking care of charting our course, which I think Congress is doing. And an argument going up on the bridge that we need more labor, we need more people to trim the sails and pull on the oars, where are we going to get them?

The President and Senator Kennedy and those on that side argue that we ought to pull off over on to this continent called Amnesty Land and load up as many as we can, because seven out of every 12 will work, and the other five go down in the steerage to take place with the 156 million that are passengers right now, in this giant clipper ship, America.

The other side of the argument is why don't we go down to steerage where there are those people that are riding along that are passengers, the 156 million and just recruit just one out of 10 of them, and have them come up and help us up here on deck so we can sail this ship efficiently.

Now if we take on too many passengers, this ships sinks. If we take on too many that are riding down in steerage, there are too many up in the state room for that matter, we can't navigate because we sink lower and lower in the water.

So if we are going to chart this course down the rule of law, and if we are going to be a prosperous Nation, and the statement I will say is that the success of a Nation is directly proportional to the average individual productivity of each of its people, citizens or not, inside the border of the United State.

So wouldn't we want to enhance that productivity of the average citizen, wouldn't we want to go down there into steerage and recruit one out of 10 of those people? One out of 10 of those 69 million that are of working age and just simply not in the workforce rather than pull off over to Amnesty Land and load up a bunch of people, many of whom are illiterate in their own language and unskilled, and we know they can't contribute to this economy, not in this next generation or the next.

Now God love them all. But this ships sinks. We can't take on 6.3 billion, so how would you resolve that if you on the bridge and were involved in that debate?

Ms. FURCHTGOTT-ROTH. This is a case where anecdote and economic data come together. We have 66 percent labor force participation rate. We have a 4.5 percent unemployment rate. There are jobs for everybody who wants.

In your ship example, the people who aren't rowing, the people who aren't working, aren't doing so because they want to. They have chosen to do other things.

On the other hand, we have people coming from other things countries who want to do a lot of these jobs. There are a lot of jobs that are built into the high skill area and very low-skill areas that Americans don't want to do.

Mr. KING. Do you acknowledge that everyone who comes here doesn't go to work?

Ms. FURCHTGOTT-ROTH. I trust everyone who comes here wants to work. Immigrants who come here want to work.

Mr. KING. 5 out of 12 are not working who come here. Do you acknowledge that?

Ms. FURCHTGOTT-ROTH. The unemployment rates of immigrants is lower than that than native-born American workers.

Mr. KING. Do you agree with that statistic that five out of 12 are not working, that seven out of 12 are of the immigrants that come here? You don't get 100 percent participation rate. I think you said they all want to work. I don't think we can actually say that and be objective about the facts.

Ms. FURCHTGOTT-ROTH. We can objectively say the unemployment rate that our foreign-born workers is lower than the unemployment rate for native-born workers.

Mr. KING. What is the difference in that percentage, can you tell me?

Ms. FURCHTGOTT-ROTH. It is probably about half a percentage point right now.

Mr. KING. You can say that, but when you look at that objectively, it is very similar.

Ms. FURCHTGOTT-ROTH. It has varied over time, but when you have a 4.5 percent unemployment rate, half a percentage point is very significant.

Mr. KING. Would you take the position that you are only limited when it comes to expanding our unemployment base in this country to hire in from the unemployed, or would you agree that there are, as I said, 69 million people who are simply not in the workforce, a small percentage of them are part of the unemployment, around 6 million or so. The balance of that are people who are not working because they haven't been offered something that causes them to go to work. They haven't been bid for their services.

Would you agree to that?

Ms. FURCHTGOTT-ROTH. No, I wouldn't.

I would say people who are not participating in the labor force right now in the United State are not participating because they choose not to participate.

Mr. KING. Would you disagree with my statistics?

Ms. FURCHTGOTT-ROTH. You would have to cite the precise statistics.

Mr. KING. U.S. Department of Labor.

Ms. FURCHTGOTT-ROTH. I would say that your interpretation that the people who are not participating in the workforce, we only have, as I said, 66 percent participation right now. The people who are not participating are doing so out of choice, not because they are discouraged workers. The Bureau of Labor Statistics also produces data on discouraged workers.

Mr. KING. So that is also true if they are illegal immigrants?

I am sorry. We have run out of time.

And I yield my time back.

Ms. LOFGREN. The gentleman's time has expired.

And I will take my brief time for questions at this point.

I think this has been a very interesting panel, and I know I won't have a chance to ask all my questions, but Ms. Furchtgott-Roth, would you say, I mean, let us just take a look at the three young woman here who have gotten their education as an example. Is there an economic downside to America to allowing them to fully participate with their education that you identify for us?

Ms. FURCHTGOTT-ROTH. On the contrary.

There is an economic upside. We need more workers. And we need more skilled workers, and we also, by the way, need more unskilled workers. Immigrants, in general, tend to be very highly skilled, such as the ones who are behind me here and also low-skilled.

Ms. LOFGREN. We don't want the Ph.Ds picking the strawberries.

Ms. FURCHTGOTT-ROTH. And Americans tend to have a bell-shaped curve of skills where we do not have a lot of low-skilled adult workers, and we don't have a lot of Americans who want to be Ph.Ds in science.

Ms. LOFGREN. I would note the figure we have is that 96 percent of undocumented men in America are in the labor force because they have come to work.

Thinking about you, too, Dr. Cameron, I went back to check my introduction. It says you are retired. That is so disappointing to me. I hope that is not true because what a phenomenal teacher you obviously are.

Are you still participating in the robotics program?

Mr. CAMERON. Absolutely. I just don't get paid. I am one of the unemployed.

Ms. LOFGREN. I am a frequent observer of the first robotics competition in California, and one of the things that I have seen just transform schools, and especially including schools where, you know, the parents haven't gone to college, it is a working-class environment. I am the first in my family to go to college, for example.

And I know that when one's parents have not gone to college, it is not that they don't want you to do well, it is just that sometimes they don't know all of the tricks of the trade. They don't know how to apply for things so you are trying to figure that out on your own.

And robotics does something that is phenomenal in these schools. It gets young people focused on science and education and increases their self-confidence. And then at your school of students from families where the parents didn't go to college to beat MIT is really—I am sure they were very proud.

How did it feel for those students that they—having beaten MIT, they weren't allowed to go beat them again in the competition in Canada?

Mr. CAMERON. Understand, it is a high school so you graduate seniors each year and they are replaced by freshman. So you don't have the same kids over 4 years.

A lot of the kids kind of feel bad because they don't get their chance to compete.

However, this year we are going—since it is ironic that the national underwater robotics competition, funded partially by the National Science Foundation, has been outsourced to Canada. So we figured there is not one in the United States.

So we are holding the national underwater robotics championship in Chandler, Arizona, and there will be about a dozen schools there. So the kids might be a little bit disappointed that they are not playing in the game they played, but now they are holding their games. They are not just the engineers. They are the audio-visuals, the organizers——.

Ms. LOFGREN. We could use those audio-visual people here today.

Mr. CAMERON. So it escalates. So instead of being the players, now they are the participants and the organizers.

Ms. LOFGREN. I would like to say, and I know this has gone on for a long time, I am not going to go over my time.

But that this has been an education for me here today to hear the testimony of professional people on the statistics and the experiences is important. And we have done a considerable amount of that in the last month. This is the 12th hearing that we have had.

But in back of you—you can't see this because you are looking at the Committee—in back of you are sitting these phenomenal three young women who I am inspired by. And as we think

through, Mr. Berman is right. We sort through policy, but policy must be informed by humanity. And I actually voted against the 1996 Act as well. I didn't think it was right for Congress to preempt the decision making of the States at that time. I still don't.

But I also, just for the life of me, cannot see how America benefits if three women like these young women who have gotten their degrees, who love the United States, who said the Pledge of Allegiance over and over and again, who are ready to just take off, are not permitted to do so. I just don't see how our country is strengthened if we permit—if we don't permit that.

And my time is expired.

So I will, unless it is compelling, I will bring this hearing to a close noting that the record will be open for 5 days, and Members may submit the questions for the record. If questions are forwarded to the witnesses, we would ask that you respond, if you can, as promptly as possible.

I would like also to extend an invitation to everyone here today to attend our next hearing on comprehensive immigration reform. We will have one next Tuesday afternoon at 2 o'clock when we will hear perspectives on immigration reform from faith-based and immigrant communities.

On Thursday at 9 in the morning next week, we will hear perspectives on immigration reform from members of the labor movement.

And with that and with thanks, this hearing is adjourned.

[Whereupon, at 11:35 a.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

"AP IMPACT: IMMIGRATION RAIDS SPLIT FAMILIES," BY MONICA RHOR, ASSOCIATED PRESS WRITER, MARCH 11, 2007, SUBMITTED BY THE HONORABLE SHEILA JACKSON LEE

AP Impact: Immigration raids split families

By Monica Rhor, Associated Press Writer | March 11, 2007

HOUSTON --They are the hidden side of the government's stepped-up efforts to track down and deport illegal immigrants: Toddlers stranded at day care centers or handed over to ill-equipped relatives. Siblings suddenly left in charge of younger brothers and sisters.

When illegal-immigrant parents are swept up in raids on homes and workplaces, the children are sometimes left behind -- a complication that underscores the difficulty in enforcing immigration laws against people who have put down roots and begun raising families in the U.S.

Three million American-born children have at least one parent who is an illegal immigrant; one in 10 American families has mixed immigration status, meaning at least one member is an immigrant here illegally, according to the Pew Center for Hispanic Research and the office of U.S. Rep. Jose Serrano. Children born in the U.S. are automatically American citizens and are not subject to deportation.

This past week in Massachusetts, most of the 361 workers picked up in a raid at a New Bedford leather-goods factory that made vests and backpacks for the U.S. military were women with children, setting off what Democratic Gov. Deval Patrick called a "humanitarian crisis."

Community activists scrambled to locate the children, offer infant-care tips to fathers unfamiliar with warming formula and changing diapers, and gather donations of baby supplies. One baby who was breast-feeding had to be hospitalized for dehydration because her mother remained in detention, authorities said.

Child-care arrangements had to be made for at least 35 youngsters.

Officials of the U.S. Immigration and Customs Enforcement division released at least 60 of the workers who were sole caregivers to children, but more than 200 were sent to detention centers in Texas and New Mexico.

"What is going to happen to the children? These children are American-born," said Helena Marques, executive director of the Immigrant Assistance Center in New Bedford. "There are hundreds of children out there without their moms, in tremendous need. These babies have become the victims of a problem that legislators can't seem to fix."

One mother was located in Texas after her 7-year-old child called a state hot line set up to help reunite the families, authorities said. The Massachusetts governor said the woman would be returned to Massachusetts.

Massachusetts sent 37 social workers to Texas on Saturday to interview some of the women under arrest. Massachusetts Health and Human Services Secretary JudyAnn Bigby said the parents must be interviewed to make sure their youngsters are staying with responsible adults.

Authorities said some of the women might be so afraid their youngsters will be taken away that they have refused to disclose they have children.

ICE officials defended their handling of the raid, saying ICE made arrangements in advance with social service agencies to care for the children. ICE spokesman Marc Raimondi said all immigrants arrested by ICE are interviewed to determine if they are the sole parent of their children. ICE then can grant humanitarian releases, as they did in 60 cases in Massachusetts.

"We can only base our response by what we are learning by (the state Department of Social Services). What DSS has told us is they are not aware of any child who was left in an inappropriate or risky setting, nor have they had to put any child in foster care," Raimondi said.

As for the parents' ultimate fate, being a single parent or the family breadwinner offers no special protection against deportation, said another ICE spokesman, Mike Keegan.

"They made a decision to come into the country illegally," he said. "It's hard to believe that someone would not know of the consequences when they get caught."

U.S. Rep. William Delahunt said Sunday there would be a Congressional investigation into the raid.

Many of the New Bedford children are in the care of friends or relatives, who are juggling families and jobs of their own. One woman, who asked not to be identified for fear it would put her family in greater legal jeopardy, is looking after the three children of her sister, one of the workers detained in the raid. The children's father and another sister take turns watching the children.

"My sister calls every morning asking about her children," the woman said in Spanish. "She is usually a happy person, but now she is so depressed because she is separated from them, and they are so small."

Two of the children, 4-year-old Angel and 1-year-old Amanda, are U.S. citizens. A 17-year-old came with his mother from Guatemala. Their mother, who came to the United States 10 years ago, has worked in the factory for two years.

"The children go to sleep crying and asking for their mother. They feel her absence," the woman said. "And we can do is wait and wait, and hope they don't deport her."

Under pressure to crack down on illegal immigrants, ICE has intensified enforcement activity around the country. The efforts have yielded results -- since last May, one particular crackdown, called Operation Return to Sender, has snared 13,000 people, while other federal initiatives have caught thousands of others. But the raids have led to a growing outcry from immigrant advocates and activists who say thousands of families are being split apart.

After nearly 1,300 people were arrested in December in raids at Swift & Co. meatpacking plants in Texas, Colorado, Minnesota, Iowa, Nebraska and Utah, community activists reported hearing of scores of children left on their own. Swift donated $300,000 to United Way agencies to help the families affected by the raids.

Since the December raids hit the Swift plant at Greeley, Colo., Catholic Charities in Denver has provided assistance to about 160 families or individuals, said Ernie Giron, the charity's vice president for mission and ministry. That has included rent or mortgage checks, helping with utility bills, and providing phone and grocery store gift cards.

Giron said the number of people seeking aid has begun to drop from its peak in mid-February. "But a number of families are still hanging on just trying to get through until they have to make some kind of life choice in terms of which way they're going," he said.

In Houston, a newly formed coalition of community groups, churches and advocacy organizations is scrambling to help dozens of families struggling to stay afloat after a husband or wife was taken away. And residents of an apartment complex in Houston that has been raided several times have formed an emergency child care network, which jumps in to care for children left alone by a deported parent.

"The Department of Homeland Security is just carrying out the law they have to carry out. Under the law, there is no legal basis for considering the rights of families. Congress may have to act for that to change," Urban Institute demographer Randolph Capps said.

Rep. Jose Serrano, D-N.Y., is sponsoring a bill now before the House Judiciary Committee that would give immigration judges more discretion in weighing the effect on families when deporting an illegal immigrant.

But any immigration reform legislation will probably have a tough time passing Congress in the current political climate, said Bob Stein, a political scientist at Rice University in Houston.

"Immigration reform seemed like something Democrats and Republicans could agree on, but partisan fighting and the presidential campaigns make it hard for any candidate to carry the battle," he said.

Until 1996, immigration judges were allowed to consider family hardship when deciding whether to deport legal residents charged with certain crimes. That changed under an immigration reform law.

Luissana Santibanez, a 23-year-old student at the University of Texas in Austin, has been taking care of three younger siblings while their mother, Sergia, held in a Houston immigration detention center for nearly 18 months, fights deportation.

Sergia Santibanez, a legal resident for more than 15 years, was ordered deported after she served four months behind bars for transporting illegal immigrants. She said the illegal immigrants were three friends who asked for a ride, and that she didn't know their immigration status and never asked.

"The hardest thing is that my children are suffering and I can't do anything about it," Sergia, who worked in a factory and cleaned houses before her arrest, said by telephone from the detention center. "This will destroy their future."

Luissana has been supporting her two brothers and one sister on food stamps and student grants. All are U.S. citizens.

"As a country, we should not put our youngest citizens at risk of hunger, homelessness and living without parents," said Ali Noorani, executive director of the Massachusetts Immigrant and Refugee Advocacy Coalition. "Our immigration system has to be squared with values."

PREPARED STATEMENT OF MARIE-THERESA HERNÁNDEZ, PH.D., ASSOCIATE PROFESSOR, DEPARTMENT OF MODERN AND CLASSICAL LANGUAGES, WORLD CULTURES AND LITERATURES, UNIVERSITY OF HOUSTON

Madam Chairwoman and members of the committee, I submit this statement in my capacity as an anthropologist, literary critic, and historian. I am a tenured Associate Professor at the University of Houston in the Department of Modern and Classical Languages, World Cultures and Literatures. My statement is personal and is not the official position of my institution, which does not make commentary on pending legislation.

The information and perspective I offer the committee emanates from my position as a teacher and a scholar. I have written two academic books since receiving my Ph.D. at Rice University in 2000.[1] Currently I am working on a manuscript about undocumented college students. The research I have conducted this past year would be considered "ethnographic" and consists of:

1) A series of lengthy interviews between March 2006 - May 2007 with fourteen undocumented college students in Houston, Texas.[2]

2) An analysis of public policy and voter attitude towards the current immigration crisis as represented in the media.

3) The cultural/social history of immigration issues in the United States

4) A comparative analysis of xenophobia, nativism, and similar migration issues in the United States and the European Union.

When I began this project in March 2006, I had no idea there would be so much to learn and analyze as I took a close look at American society's attitude toward immigration. This past year I have seen many Americans exhibit an intense ambivalence and at times hatred toward undocumented immigrants, especially those from México and Latin America.[3]

In this study I found a similarity to what scientists call the "Hispanic Paradox," where the Latino immigrant population is healthier than the white citizen population.[4] The young people I interviewed are extremely bright, motivated, and creative. Under especially adverse conditions they are for the most part excellent students and involved community residents. Their achievement appears very similar to white mixddle class college students who have had the advantage of tutoring, summer camps, travel, financial stability, and the respect of their community.

Since the year 2000, the seventeen undocumented students from the Academic Achiever's Program in the Center for Mexican American Studies at the University of Houston, have a graduation rate of 77% (the national average is 66%). Of these students, eight were on the Dean's List in Fall 2006. Currently at the University of Texas, considered the state's flagship university, there are 144 undocumented students, 105 came from the top ten percent of their high school graduation class.[5] In fact, I have been told by current and former legislative aides that the present undocumented students at U.T. - Austin and Texas A&M influenced the recent change in the Texas Ten Percent Rule, according to which all students in the top ten percent of their high school graduation classes are automatically accepted at the University of Texas at Austin. The Texas House has just reduced this rule to the top five percent. I was informed that the

current rush to take in-state tuition away from the undocumented students was related to their taking "too many spaces" at the University of Texas and Texas A&M. Texas HB159, if passed, would have removed in-state tuition for undocumented students. Many middle class Texas voters have complained heavily that their children who attend competitive high schools are being shut out of positions at the University of Texas - Austin and Texas A&M because of the presence of high achieving immigrant students.[6]

While the students have an intense focus on their studies, they do have a number of concerns. They are getting increasingly anxious about the continued immigration raids through out the country, worrying that they, their parents, and siblings might get picked up and deported by Immigration, Customs, Enforcement (ICE).[7] A number of them were not sixteen years of age before laws changed in Texas that made it impossible for undocumented people to apply for a driver's license. Houston for example, is a very spread-out city. It is a "car town" that does not have a good mass transit system. Since the students cannot drive legally, they catch rides or use the slow and irregular Metro buses to campus.

The students are worried about their future after graduation. Many are considering graduate school, hoping the DREAM Act will soon pass. A few have told me they have thought of joining the military, but have been discouraged by friends and family because of the continued number of fatalities in Iraq.

The Hispanic Paradox as it has been studied, emphasizes young immigrant's propensity to stay out of trouble and remain in good health. If combined with the skills and interests of high achievers they should be much more welcome in our universities and allowed to work in their professional fields after college graduation. Recent

legislative hearings I have attended in Austin and Washington have shown the harsh anti-immigrant feeling that has taken over even some of our finest lawmakers. This animosity transcends the pragmatic needs of our country; to have a successful, educated society. The startling lack of civility and insulting language used in the presence of the undocumented students who attended a hearing at the Texas Capital on April 19, 2007 was a striking example of how a good number of Americans fear they are losing their "civilization and way of life." This has impaired our capacity as a nation to conduct a reasonable dialogue about the DREAM Act and other issues related to immigration.[8] Having just completed a book that discusses Post-Reconstruction Texas, I found that the current immigration crisis and the pervasive negativity towards undocumented immigrants has a strong resemblance to the 1870s and 1880s when the white population of the U.S. South angered and panicked as large waves of freed blacks migrated throughout the former Confederacy.[9]

In terms of what some scholars call "DREAM ACT students," I have found that even while in crisis they continue to be successful in school, follow societal rules, and have not lost faith in their goal to be educated, professional people in American society.

Notes

1. *Delirio: The Fantastic, the Demonic, and the Réel. The Buried History of Nuevo León.* Austin: University of Texas Press. 2002.
   Cemeteries of Ambivalent Desire: Unearthing Deep South Narratives from a Texas Graveyard. College Station: Texas A&M University Press, forthcoming Fall 2007.

2. The students have declared majors of Art, Architecture, Business, Engineering, Pre-Med, Psychology, and Spanish. A number have expressed interest in law school but cannot attend because they would not be allowed to take the Texas State Bar examination. In Texas, for them to receive in-state tuition, they must: arrive by age sixteen; required to attend high school for three years and have successfully graduated; and have no criminal background.
3. The term "illegal" is considered offensive among many undocumented immigrants and pro-immigrant activists.
4. The term is described by University of Michigan professor, Dr. Jeffrey Morenoff in "The Hispanic Paradox: Why First Generation Mexican teens have lower than expected crime." While Morenoff focuses on violence and crime, the Hispanic Paradox is usually associated with recently immigrated Hispanics having better health than whites and blacks. *ISR Update,* University of Michigan Institute for Social Research, Spring 2002. page 6.
5. Taken from the testimony of Texas Representative Geanie Morrison at the April 19, 2007 hearing of the State Affairs Committee. She stated that the information came from the Texas Commission on Higher Education.
6. Texas Representative Bill Zedler, the author of HB 159 stated that his constituents have complained to him about their children not being accepted at Texas' best colleges. He attributed this to the number of undocumented non-citizen students entering the University. Zedler's statement was made during his testimony at the April 19, 2007 hearing of the Texas State Affairs Committee.

7. As noted in the *The New York Times* article by Samuel G. Freedman, "Immigration Raid Leaves Sense of Dread in Hispanic Students," May 23, 2007.

8. At May 18, 2007 hearing of the House Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, Representative Steve King stated that Americans were in danger of losing their civilization and way of life.

9. As described in Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery*. New York: Vintage, 1980; Leslie Lovett. "The Jaybird-Woodpecker War: Reconstruction and Redemption in Fort Bend County, Texas, 1869–1889." Master's thesis, Rice University, 1994; McMillan, S. A. *The Book of Fort Bend County*. Richmond, Tex.: privately printed by S. A. McMillan and Phillip Rich, 1926; Clarence Wharton, *The History of Fort Bend County*. New York: Naylor, 1939.

Appendix

See attached excel file with Grade Point Averages of Houston Area undocumented college and high school students.

ATTACHMENT

GPA	School	Other Info
Fall 06		
2.89	University of Houston - Downtown	
3.00	Prairie View A&M University	
3.83	Prairie View A&M University	
3.60	Prairie View A&M University	
3.70	Spring Woods High School	
3.80	Prairie View A&M University	
2.90	Prairie View A&M University	
3.40	Houston Community College - Town and Country	
2.70	University of Houston - Central	
3.00	Texas A&M University	
3.22	University of Houston - Central	
2.90	Prairie View A&M University	
3.60	Prairie View A&M University	
3.90	Prairie View A&M University	
3.55	University of Houston - Downtown	Summa Cum Laude
3.00	Austin Community College	
3.65	Prairie View A&M University	
3.40	Texas A&M University	
3.20	Texas A&M University	
3.70	Texas A&M University	
3.90	Texas A&M University	
3.10	North Harris Montgomery Community College - North Harris College	
3.50	Houston Community College - Town and Country	
3.40	University of Texas - Pan American	
3.70	Texas A&M University	
4.00	Texas A&M University	Valedictorian
3.95	Baylor University	
3.00	North Harris Montgomery Community College - Cy-Fair College	
2.50	University of Houston - Downtown	
2.79	Texas A&M University	
2.80	University of Texas - Austin	
3.00	University of Texas - Austin	
3.30	University of Houston - Downtown	
3.70	University of Houston - Downtown	
3.90	University of Houston - Central	
3.39	Robert E. Lee High School - Houston	
3.80	Robert E. Lee High School	
3.56	Robert E. Lee High School	Top 10%
3.43	Robert E. Lee High School	Top 10%
3.42	Robert E. Lee High School	Top 10%

3.35	Robert E. Lee High School	Top 10%
3.17	Robert E. Lee High School	Top 10%
3.16	Robert E. Lee High School	Top 10%
3.16	Robert E. Lee High School	Top 10%
3.11	Robert E. Lee High School	Top 10%
3.00	Robert E. Lee High School	Top 10%
3.00	Robert E. Lee High School	Top 10%
2.94	Robert E. Lee High School	Top 10%
2.88	Robert E. Lee High School	Top 10%
2.84	Robert E. Lee High School	Top 10%
2.81	Robert E. Lee High School	Top 10%
2.53	Robert E. Lee High School	Top 10%
3.84	Robert E. Lee High School	Newcomers
3.61905	Robert E. Lee High School	Newcomers
3.47059	Robert E. Lee High School	Newcomers
3.45946	Robert E. Lee High School	Newcomers
3.40476	Robert E. Lee High School	Newcomers
3.38636	Robert E. Lee High School	Newcomers
3.1875	Robert E. Lee High School	Newcomers
3.13333	Robert E. Lee High School	Newcomers
3.11111	Robert E. Lee High School	Newcomers
3.09524	Robert E. Lee High School	Newcomers
3.025	Robert E. Lee High School	Newcomers
2.95652	Robert E. Lee High School	Newcomers
2.95556	Robert E. Lee High School	Newcomers
2.9	Robert E. Lee High School	Newcomers
2.85294	Robert E. Lee High School	Newcomers
2.84211	Robert E. Lee High School	Newcomers
2.83871	Robert E. Lee High School	Newcomers
2.71795	Robert E. Lee High School	Newcomers
2.68293	Robert E. Lee High School	Newcomers
2.63636	Robert E. Lee High School	Newcomers
2.575	Robert E. Lee High School	Newcomers
2.36842	Robert E. Lee High School	Newcomers
2.31707	Robert E. Lee High School	Newcomers
2.28	Robert E. Lee High School	Newcomers
2.275	Robert E. Lee High School	Newcomers
2.15094	Robert E. Lee High School	Newcomers
2.11111	Robert E. Lee High School	Newcomers
1.94737	Robert E. Lee High School	Newcomers
1.92	Robert E. Lee High School	Newcomers
1.78846	Robert E. Lee High School	Newcomers

1.78571	Robert E. Lee High School	Newcomers
1.72414	Robert E. Lee High School	Newcomers
1.50704	Robert E. Lee High School	Newcomers
1.48352	Robert E. Lee High School	Newcomers
1.44231	Robert E. Lee High School	Newcomers
1.34722	Robert E. Lee High School	Newcomers
1.33333	Robert E. Lee High School	Newcomers
1.23148	Robert E. Lee High School	Newcomers

Average

3.356571429

"NEW ESTIMATES OF UNAUTHORIZED YOUTH ELIGIBLE FOR LEGAL STATUS UNDER THE DREAM ACT," BY THE MIGRATION POLICY INSTITUTE

The **Migration Policy Institute** is an independent, nonpartisan, and nonprofit think tank dedicated to the study of the movement of people worldwide. The institute provides analysis, development, and evaluation of migration and refugee policies at the local, national, and international levels.

October 2006 * No. 1

IMMIGRATION BACKGROUNDER

New Estimates of Unauthorized Youth Eligible for Legal Status under the DREAM Act[1]

This backgrounder discusses the major features of the DREAM Act and provides MPI's estimates of the number of young unauthorized persons likely to be eligible for immigration relief if the DREAM Act were to become law.

Highlights

The DREAM Act, incorporated into the Comprehensive Immigration Reform Act of 2006 (S.2611), offers unauthorized youth a path to *conditional legal status* if they arrived in the United States before age 16, have been in the country for five continuous years, and have graduated from high school or obtained a GED. Conditional legal residents who attend college or join the military within the six years of their conditional status will become eligible for *permanent legal status* in a "bargain" that is unprecedented in the history of US immigration policy because legal status has never before been conditioned on young adults' educational and military choices.

The law's enactment would *immediately* make 360,000 unauthorized high school graduates aged 18 to 24 eligible for conditional legal status. We estimate that of the 360,000 young people aged 18 to 24 immediately eligible for the conditional status under the DREAM Act; about 50,000 are currently enrolled in colleges and universities across the United States and thus are likely to be eligible for adjustment to permanent status. We also estimate that for a variety of reasons about 10 percent of conditional legal residents (or 31,000 persons) would not convert from conditional to permanent legal status. Thus, if the act is signed into law in 2006, about 279,000 unauthorized youth would be newly eligible persons for college enrollment or the US military.

We also estimate that about 715,000 unauthorized youth between ages 5 and 17 would become eligible for conditional and then permanent legal status under the proposed legislation sometime in the future.

With comprehensive immigration reform legislation deferred, the framers might consider expanding the number of pathways to permanent status to include such vocationally oriented programs as Job Corps, Department of Labor-certified apprenticeships, and

[1] In the Senate, the DREAM Act is known as the Development, Relief, and Education for Alien Minors Act (S. 2075). The DREAM Act is incorporated in the Comprehensive Immigration Reform Act of 2006 (S. 2611). In the House, it is called the American Dream Act (HR 5131) and it was introduced April 2006.

selected non-degree programs offered by proprietary post-secondary schools. These programs could help meet economic demands for non-college educated but technically trained labor.

DREAM Act in Brief

On May 25, 2006, the US Senate reached a bipartisan compromise on comprehensive immigration reform and passed a landmark immigration bill (S. 2611) that addresses the issues of the large and increasing presence of the unauthorized population, border security, worksite enforcement, and labor market demands for immigrant (skilled and unskilled) labor.

While the focus of debates over the bill and other "enforcement-only" proposals centered on unauthorized migrant workers, the fate of the unauthorized youth — who often have lived in the United States for years and have little or no connection to their countries of birth — gained less attention. The S.2611 bill, however, addresses this issue by incorporating the Development, Relief, and Education for Alien Minors Act (DREAM Act). The act would extend six-year conditional legal status to unauthorized youth who meet several criteria, including:

- Entry into the United States before age 16;
- Continuous presence in the United States for five years prior to the bill's enactment;
- Receipt of a high school diploma or its equivalent (i.e., a GED); and
- Demonstrated good moral character.

Qualifying youth would be authorized to work in the United States, go to school, or join the military. If during the six-year period they graduate from a two-year college, complete at least two years of a four-year degree, or serve at least two years in the US military, the act's beneficiaries would be able to adjust from conditional to permanent legal resident status. Otherwise, after six years their conditional status lapses.[2]

In short, the proposed legislation represents a powerful imperative for recipients of conditional status to either pursue a college education or join the military. It also provides a strong incentive for unauthorized children now in US schools to finish high school. And it may provide a strong incentive to recent unauthorized dropouts to complete their schooling or obtain a GED. Making legal status conditional on young adults' educational and military choices has no precedent in US immigration policy.

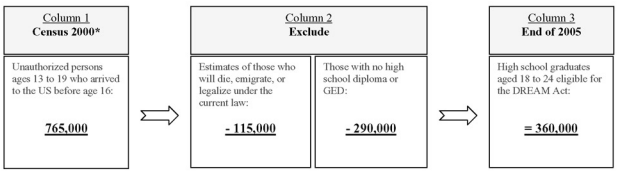
The Number of Unauthorized Youth Eligible for Conditional Legal Status under the DREAM Act

The inherent difficulty in estimating the size of the undocumented population, coupled with the fact that there is in some ways no precedent for the DREAM Act, makes the estimates we present in this backgrounder speculative. That said, the estimates should provide some parameters regarding the DREAM Act's impacts on the number of immediate and eventual beneficiaries and, in turn, on post-secondary institutions and the military.

[2] The act stipulates that under certain circumstances the act's beneficiaries in conditional legal status can obtain an extension of their conditional status beyond the six-year period or obtain an exceptional case waiver.

Figure 1 shows our estimates of the number of persons who would be immediately eligible for relief under the DREAM Act. Our focus is the eligible population between ages 18 and 24 as of the end of 2005. We focus on the 18-24 age group because it is the age group most likely to immediately qualify under the DREAM Act. Most youth under age 18 would not have graduated from high school or obtained an equivalent degree. Research suggests that most of those over 24 who have not already started college or joined the military do not do so. Latino high school graduates, and high school graduates in general, are substantially more likely to attend college before age 24 than afterward (Fry 2002); the ages of 18-24 also represent the target ages of military recruiting.

Figure 1. Estimates of the unauthorized population eligible for conditional status under the DREAM Act



* Estimates are based on the assumption that the act will be passed in 2006, therefore only persons present as of 2000 are included. If the act's passage is delayed, the pool of potential beneficiaries will increase to include the additional persons who arrived five years prior to the act's enactment. For this and other reasons, (e.g., an undercount of the unauthorized population in the 2000 Census data), we believe that our numbers may *underestimate* the pool of the DREAM Act applicants. For a brief overview of the estimations, see the Methodology section for more detail).

Column 3 of **Figure 1** shows the number of unauthorized youth aged 18-24 eligible for the DREAM Act after factoring in demographic estimates regarding those who will die, emigrate, or have not finish high school at the end of 2005.[3] We estimate that about 360,000 young adults between ages 18 and 24 would be immediately eligible for conditional resident status under the DREAM Act.

It is also likely that a share of the 290,000 young people who currently do not have a high school degree or a GED diploma would also be eligible to apply for conditional resident status once they meet the law's educational requirements. As a result, some of these young adults would have a new incentive to return to school and earn their high school or GED diploma.

[3] The number also excludes those who we estimate would become lawful permanent residents (LPRs) under the current law even in the absence of the DREAM Act. These are unauthorized residents who are "known" to the US Citizenship and Immigration Services and have full legal statuses pending but are not yet fully legal (e.g., adjustment applicants waiting for their green cards to be issued, 245[i] beneficiaries, persons with, and applicants for, temporary protected status [TPS], Nicaraguan Adjustment and Central American Relief Act [NACARA] beneficiaries, asylum applicants, etc.).

In addition, there are about 715,000 unauthorized children between 5 and 17 years old who have yet to graduate from high school but who would be eligible for conditional and then permanent legal status under the act. It is difficult to predict how many would qualify. School completion rates have historically been extremely low among the potential eligible population, which is primarily composed of low-income Hispanics. According to the 2000 Census, only 40 percent of undocumented Hispanic males between ages 18 to 24 who arrived in the United States before age 16 had completed high school or obtained a GED. However, school completion rates might improve significantly given the incentives to graduate from high school that the DREAM Act provides.

The DREAM Act Beneficiaries: Going to College or Joining the US Military

If the DREAM Act becomes law, most 18-24 year olds who receive conditional status would either enroll in college or serve in the military. Some portion will be unable or choose not to go to college or join the military. Members of this group would eventually lose their legal status and be subject to deportation.

Figure 2 outlines the optional routes by which the estimated 360,000 conditional residents aged 18-24 would acquire permanent resident status under the DREAM Act. Again, given the lack of precedent for the DREAM Act and the unique mix of options and incentives the legislation provides, it is difficult to predict exactly how many people will fall within each group.

- Currently in college: To approximate the number of unauthorized students who would enroll in college even in the absence of the DREAM Act's passage, we obtained estimates of the number of apparently unauthorized students currently enrolled in colleges and universities in California and then extrapolated it to the nation as a whole. Some rough estimates suggest that about 1,620 students were enrolled in 2005 in the University of California and California State University system and took advantage of the tuition break provided by the California AB540 Act (California Senate Appropriations Committee 2006). The Act grants in-state tuition to certain non-residents, including unauthorized students. Extrapolating this number to the national level suggests that about 50,000 unauthorized students are currently enrolled in US colleges.[4] This estimation technique is likely to overstate enrollment somewhat because only nine states in addition to California extend in-state tuition to unauthorized residents.[5] These 10 states, however, together account for half of the nation's unauthorized population (see the Methodology section for more detail).

- Youth who will choose college or the military: The remaining 310,000 18-24 year olds, most of whom are currently in the civilian labor force, will need to graduate from a two-year college, complete at least two years of a four-year college program, or join the military to secure their permanent legal status. However, experience suggests that some will not succeed in becoming permanent residents. To approximate the share of the

[4] The vast majority is in two-year colleges and as many as half are enrolled on a part-time basis.
[5] These nine states are Texas, New York, Illinois, Washington, Utah, Kansas, Nebraska, New Mexico, and Oklahoma.

DREAM Act beneficiaries who would lose their conditional status and would not adjust to permanent resident status after six years, we used the percentage of the 1986 Immigration Reform and Control Act (IRCA) applicants who received temporary status but did not obtain permanent residency. Although the IRCA beneficiaries offer at best a rough approximation given the differing characteristics of the two legalization programs, their experience nevertheless provides a useful point of comparison. Thus, we assume that at least 10 percent of those receiving conditional status under the DREAM Act would not adjust to permanent residency.[6] This measure of individuals who would not convert from conditional to permanent status may well be low. According to the National Center for Education Statistics, 64 percent of Hispanic high school graduates enrolling in community college leave without receiving a degree or certificate (Fry 2004).

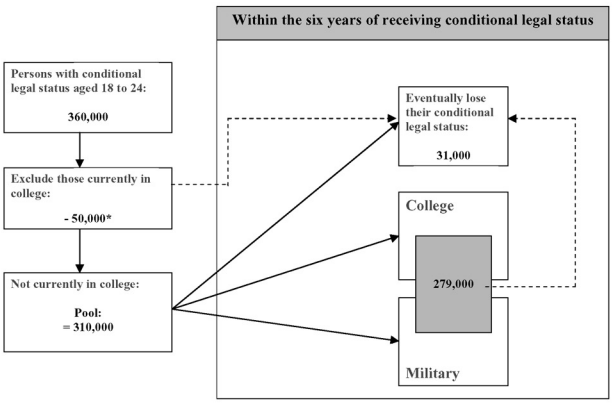
Figure 2 shows that of the pool of 310,000 young persons available for college or military recruitment, about 279,000 would likely to meet the necessary requirements to adjust to permanent legal status. However, we cannot predict with certainty how many of these youth would choose college over the military as each of the options offers its unique incentives, including:

- College attendance: If the DREAM Act were enacted, it is possible that many of the 279,000 who qualify for the conditional status would choose college attendance over the military option. In addition to the very significant immigration benefits they would receive under the DREAM Act as a reward for going to college, many of the act's beneficiaries would also find college more affordable than they do now, as the DREAM Act would make them eligible for in-state tuition and some student loans (though they would remain ineligible for Pell grants, which provide financial assistance to low-income US-born undergraduate students).

- The military: A significant share of the 279,000 DREAM Act's beneficiaries may join the military as it offers college tuition and job training benefits, as well as for patriotic reasons. A 2004 survey of youth found that 45 percent of Hispanic males and 31 percent of Hispanic females between 16 and 21 years old reported that they were "very likely" or "likely" to serve on active duty in the next few years (compared to 24 percent of white males and only 10 percent of white females) (Asch, et al. 2005: 5). There are also special benefits available to non-citizen military recruits, such as expedited citizenship and special immigration preferences to military members' immediate families (Hattiangadi et al., 2005).

[6] About 12 percent of the ICRA applicants who applied under the general legalization program and who had been in continuous residence in the United States since 1982 have not eventually obtained permanent legal residence (Cooper and O'Neil 2005).

Figure 2. Estimates of outcomes for DREAM Act beneficiaries after receiving conditional status



* To estimate the number of unauthorized students who would enroll in college even in the absence of the DREAM Act's passage, we obtained rough estimates of the number currently enrolled in California colleges and universities and then extrapolated that number to the nation as a whole.

Expanded options. Finally, we should note that the economy's continuing demand for non-college educated but technically trained workers, coupled with the historically low college-going rate for the population that stands to benefit from the DREAM Act, suggest that a wider range of vocational education-related paths to permanent status be made available. These could include the Job Corps, completion of a DOL-approved apprenticeship program or completion of selected non-degree programs offered by proprietary schools.

Methodology for estimating the number of unauthorized young persons eligible for conditional legal status under the DREAM Act as of the end of 2005

Below we briefly describe our assumptions behind our estimates of the unauthorized population eligible for the DREAM Act.

1. *Initial population size:* In our initial population, we included persons who were unauthorized as of Census 2000, between ages 0 and 19, and who entered the United States before age 16. Data are from the PUMS 5% 2000 Census file with imputations of legal status made by the Urban Institute.

2. *Demographic factors affecting the initial population between 2000 and 2005:* To estimate the population at the end of 2005, we subtracted the number of those who will die or emigrate between 2000 and 2005. We used the death rates by single year of age and by sex from the National Center for Health Statistics. To approximate the number of undocumented young persons who might have left the United States (voluntarily or due to being deported), we used the annual emigration rate of the foreign-born population with unauthorized status (2.06 percent) from Van Hook et al. (2006).

3. *Number of unauthorized who might become LPRs under the current legislation:* We also account for the number of unauthorized young persons who might legalize their status under the current immigration law even in the absence of the DREAM Act. These are unauthorized residents who are "known" to the US Citizenship and Immigration Services and have full legal statuses pending but are not yet fully legal (e.g., adjustment applicants waiting for their green cards to be issued, 245[i] beneficiaries, persons with, and applicants for, temporary protected status [TPS], Nicaraguan Adjustment and Central American Relief Act [NACARA] beneficiaries, asylum applicants, etc.). According to a recent Congressional Budget Office report (2006) regarding the costs associated with S. 2611, it is estimated that about one million of the current 11 million undocumented migrants (or 9 percent) would not be affected by the legalization provision under the bill because they would be able to adjust to permanent legal status under current law before year 2015 (the report draws on Passel 2006 estimations). We assumed that about 0.6 percent of current unauthorized young persons would be able to annually adjust their status even in the absence of the DREAM Act.

4. *Number of high school graduates*: The DREAM Act stipulates that only high school graduates (or those with a high school degree equivalent) will be eligible for conditional status. According to the 2000 Census, 40 percent of undocumented Hispanic men aged 18 to 24 who arrived in the United States before age 16 were high school graduates. The share of high school completers was higher among other groups of unauthorized young adults: 49 percent among Hispanic women, 84 percent among non-Hispanic men, and 89 percent among non-Hispanic women. We applied these rates of high school completion to estimate the population of high school completers by Hispanic origin and gender.

5. *Number of young unauthorized persons eligible for the DREAM Act as of 2005:* We subtracted those who died, emigrated, potentially legalized, or did not finish high school from our initial

population to obtain the number of unauthorized persons who would qualify for the conditional legal status under the DREAM Act.

We base our estimates on the assumption that the act will be passed in 2006; therefore only persons present as of 2000 are included. If the act's passage is delayed, the pool of potential beneficiaries will increase to include the additional persons who arrived five years prior to the act's enactment. For this and other reasons (e.g., an undercount of unauthorized population in 2000 Census), we believe that our numbers may *underestimate* the pool of the DREAM Act applicants.

6. *Estimates of the undocumented young people who are likely to be enrolled in college as of 2005*

To estimate the number of unauthorized students who are enrolled in college even in the absence of the DREAM Act's passage, we obtained rough estimates of the number currently enrolled in colleges and universities in California and then extrapolated that number to the nation as a whole. Some rough estimates suggest that about 1,620 students were enrolled in 2005 in the University of California and California State University system and take advantage of the tuition break provided by the California AB540 Act. The act grants in-state tuition to certain non-residents, including unauthorized students. In addition, about 18,000 students enrolled either full- or part-time in California community colleges qualified for in-state tuition under the same act (California Senate Appropriations Committee 2006). We assume that all 20,000 AB540-eligible students enrolled in California colleges and universities are unauthorized. Passel (2003) estimates that California accounts for about 40 percent of all undocumented students. Extrapolating California data to the national level thus gives us an estimate of about 50,000 unauthorized students who are enrolled in public colleges and universities. The 50,000 figure is a high-bound number since only nine states have legislation similar to the California AB540 Act. Moreover, not all students eligible for a tuition break under these laws are unauthorized.

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