

Sheila Arenas
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The New Americans: Immigration Policies Concerning Undocumented Youth

Millions of people enter the United States illegally each year. The question of whether or not to give legal immigration status to those who have entered illegally has long been a controversial issue, but has become more hotly debated during the current election year. Political rhetoric and negative press coverage reinforce stereotypes, giving the public a poor perception of who immigrants are and what they contribute. Striking a conciliatory note while announcing a recent policy change concerning undocumented minors, Homeland Security Secretary Janet Napolitano observed, "We should not forget that we are a nation of laws and a nation of immigrants," (Loria, 2012). She was reminding the public that, historically, the population of the United States has included those who immigrated to the U.S. in order to find a better life for themselves and their families.

Though an estimated 2.1 million undocumented immigrants have been illegally brought to the United States as children and therefore had no say in the decision, some American citizens continue to think of all undocumented individuals as criminals. (Gaynor, 2010). In his new book *An American Son*, even Senator Marco Rubio has conjectured that he would make that same choice. "Many people who came here illegally are doing exactly what we would do if we lived in a country where we couldn't feed our families," he wrote. (Foley, 2012). The purpose of this paper is to examine the three main policy proposals concerning the immigration status of undocumented youth: the DREAM Act, Marco Rubio's alternative plan, and President Obama's recent directive for changing immigration policies carried out by the Department of Homeland Security.

The Development, Relief and Education for Alien Minors Act, commonly referred to as the DREAM Act, originated in 2001. Senator Orrin Hatch and Senator Richard Durbin as well as

U.S. Representatives Howard Berman and Chris Cannon proposed the DREAM Act (Gaynor, 2010). The basic requirements to apply for legal immigration status under the DREAM Act include entry into the U.S. before the age of 16, graduation from high school or having obtained a GED, having good moral character, possessing no criminal record, and having residence in the U.S. for at least 5 consecutive years. The DREAM Act would give students the opportunity to go to college and to work toward a degree while allowing the “dreamers” to stay under conditional Lawful Permanent Residence (LPR). Opponents of the bill have argued that it would encourage more people to enter the country illegally and that it would provide a simplified pathway to citizenship (Goodwin, 2012). However applicants for the DREAM Act would have this opportunity only after the 6 years of conditional legal status granted to the applicant. During these 6 years they must either complete two years of a college degree or serve two years in the military. After completing the requirements, their LPR status would no longer be conditional and they could apply for citizenship (Dream Activist, 2012). The House of Representatives passed the Dream Act on December 8, 2010, (Gaynor, 2010) but the Republican majority blocked it when it proceeded to the Senate (Goodwin, 2012). According to a recent study by The Pew Hispanic Center, The Dream Act is supported by 91 percent of Latinos (Costantini, 2012). Hispanics and Latinos are seen as critical population that could effect the upcoming elections in November. Because of the high number of Hispanics supporting the DREAM Act, the politicians of both parties are looking to the topic of immigration reforms related to the DREAM Act as a way to maintain the support of Hispanic and Latino voters (Times Topics: Marco Rubio, 2012).

The son of legal Cuban immigrants, Senator Marco Rubio, has proposed his own alternative to the DREAM Act. Rubio’s alternative would give some young undocumented immigrants non-immigrant visas. Similar to the DREAM Act, it would give students the opportunity to earn a degree and after graduating, the students could either decide to begin the standard process of citizenship, work or continue their education (Times Topics: Marco Rubio, 2012). According to an interview with Juan William of the Huffington Post, Rubio explained that

he did not support the DREAM Act because it would cause a “chain migration”. In Senator Rubio’s words, "A lot of people, while they are sympathetic with these kids and their plight, we want to make sure we don't do anything that would encourage or reward illegal immigration in the future." It seems plausible to give visas to young people who wish to earn a college degree, but when compared to the DREAM Act, Rubio’s unnamed proposal has some important omissions. Rubio’s plan would not grant green cards to qualified participants, preventing them from having permanent residency. Under Rubio’s proposed policy, they could try to obtain a green card either through marriage, family, or an employer. During this process they would be able to remain in this country legally (Alvares, 2012). Rubio is still trying to determine whether or not to impose fees for these visas, and when they would expire (Weisman, 2012). Before these determinations were made or a bill drawn up, the federal immigration policies concerning undocumented youth were suddenly changed.

President Obama directed the implementation of a new policy related to undocumented minors in a memorandum dated June 15, 2012. The Department of Homeland Security (DHS), which includes the U.S. Immigration and Customs Enforcement (ICE), officially announced this policy on Friday June 16, 2012. This new policy halts the deportation of approximately 800,000 young individuals who were brought to the U.S. illegally as children, and makes them eligible for work permits (Loria, 2012). In addition to the basic requirements of having arrived before the age of 16, having no criminal record and having five consecutive years of residence in the U.S., this policy only pertains to those who are under the age of 30. When announcing the new policy, Obama described undocumented immigrant youth who are affected by his plan by saying "They are Americans in their hearts, in their minds, in every single way but one—on paper" (Goodwin, 2012). However, on "NBC's Meet The Press," Rubio criticized Obama’s new policy by pointing out, "It's a short-term fix for a long-term problem," and by adding, "The issue has been politicized by the president," (Carter, 2012). Rubio’s reaction may have been prompted by the similarity

between Obama's policy and his own plan in that it offers "temporary legal status and then two-year, renewable work permits," with no special provision for citizenship (Carter, 2012).

The DREAM Act, Rubio's alternative, and Obama's new policy all have a common purpose: they were all either proposed or imposed as a solution to the difficult situation of undocumented minors. Although from different sponsors, all three of these options have similar requirements. All require that the individual applying for these programs have at least five consecutive years of residence in the U.S., a high school diploma or GED, and that the applicant must not have a criminal record. Obama's policy and the DREAM Act are similar to each other in that they both require that the applicant have arrived in the United States before the age of 16. Additionally, both Obama's policy and the DREAM Act offer a clearly identified pathway to citizenship for those who attend college or serve in the military (Costantini, 2012).

Although they were proposed for the same purpose, all three options have distinct ways in which they shape the outcome for eligible minors. The DREAM Act's ultimate intention is to legalize the immigration status of undocumented youth, enabling them to earn a college degree and helping them to achieve the goal of permanent citizenship by way of a defined path. The ultimate goal of Rubio's policy is to aid undocumented students by giving them temporary visas, but it offers them no streamlined entry to citizenship. The main goal of Obama's policy is to bring to an end to the deportation of young adults, who would then have the opportunity to attend college or serve in the military, but it currently offers only temporary legal status and renewable work permits. On the whole, the DREAM Act, Rubio's proposals, and Obama's new policy do not vary so much from each other in their the short term outcomes, creating some kind of provisional immigration status, but the major difference between these three proposals is in supporting the goal of citizenship.

There are unresolved issues with all of these plans. Despite its popularity with the public, it is unclear if the DREAM Act will be ever be able to pass in both the House and Senate in a time of heightened partisanship. By proposing his alternative to the DREAM Act, Senator Rubio has

taken a firm stand on not providing a special pathway to citizenship, but he has failed to provide detailed information on how this plan would be implemented. He has not yet decided on a deadline by which young illegal immigrants could apply for his or her visa and he also has not decided on possible avenues of the public service. In addition, because Obama's new policy has been put into place by an executive directive, not an act of congress, it could be changed by the next administration. Until the outcome of the election has been determined, many eligible young people have not come forward, and their legal status and their futures remain in limbo.

For more than two hundred years, immigrants have sought a chance to thrive in this country. America's historic acceptance of newcomers is reflected in the cultural diversity of the American people. It is precisely because of this heritage, which made possible the many contributions of those who have arrived in the past, that the immigration issues affecting America's undocumented youth should be resolved. In general, the education level of nation's youth will determine the future direction of the country and what its accomplishments will be. Unfortunately, the potential achievements of undocumented youth are being limited because of their illegal status in the U.S.. Young people, who have lived in the United States for most of their lives, are not able to go to college and obtain a college degree simply because they are not American citizens. They are required to pay higher tuition rates as International Students if admitted, and are not eligible for loans and other aid. In an Esquire magazine article, Charles P. Pierce describes current attitudes toward immigrants as being part of an ongoing bias,

“None of us really know how to become Americans any more. It's always been a struggle against nativism and bigotry... There was a strict quota on Asian immigrants for years — enforced through some of the same nasty rhetoric we see today... People became Americans until the country's politics decided they weren't. But, now, it's the Southeast Asians and, especially, Hispanic immigrants who are facing all that and more, because the worst part of assimilation is the amnesia it causes among the descendants of the assimilated”. (2012)

Pierce identifies a problem that has long been difficult to pinpoint: who are the real Americans? If former immigrants and their descendants act as gatekeepers for newcomers seeking citizenship, doing so is a denial of the past. The complex process of redefining the American identity in a changing society especially impacts the young people who were born in another country, but who identify with the America in which they are growing up.

The DREAM Act, Senator Rubio's alternative plan and Obama's newly instituted policy are plans that were proposed to resolve past injustices related to immigration status of undocumented youth. Though differing in specifics, each of the three policy proposals has the ultimate objective of creating opportunities for undocumented minors through reform of the immigration system. America will benefit from the intelligence and talents of young immigrants already living among us with the introduction of immigration policy changes, so that the undocumented minors in this country will eventually become part of a productive generation of new Americans.

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