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PERSPECTIVES ON IMMIGRATION

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The Sins of the Father: The Children of Undocumented Immigrants Pay the Price

by Alfredo Gutierrez*

For the undocumented in America there is little doubt that the iniquities of the father are visited upon the child. On November 7th, for instance, an astounding 71 percent of voters in Arizona passed a referendum (Proposition 300) which states that only U.S. citizens and legal residents are eligible for in-state college tuition rates, tuition and fee waivers, and financial assistance. These are kids brought by their parents to this country as young children, in many instances infants in their mothers' arms, and in every instance as children for whom the decision to come here was made without their participation. And yet, they shall pay the price, perhaps with their futures. The same referendum would deny childcare to the U.S.-citizen children of undocumented parents. Yes, the child is a citizen of the United States, but voters in Arizona have concluded that to provide the child with care is to reward the parents for the sin of seeking a better life in America.

Even without new measures such as Proposition 300, undocumented children already live precarious lives in the United States. Take the "Wilson Four," for example. In 2002, a group of students from Wilson Charter High School in Phoenix who won an international science competition were rewarded with a visit to Niagara Falls. As an appeals court recently concluded, they were subjected to illegal racial profiling when, at the Canadian border, U.S. immigration officials detained and initiated deportation proceedings against them. Interestingly, one of the Wilson Four dreams of joining the U.S. Army, becoming a Ranger, and defending this country. But he will be unable to do so as long as he lacks legal status.

The Development, Relief, and Education for Alien Minors (DREAM) Act—which was made part of the Comprehensive Immigration Reform Act of 2006 passed by the Senate last year—would remedy this injustice. The bill would offer a pathway to conditional legal status for unauthorized youth who arrived in the United States before age 16, have been here for five years, and have graduated from high school or obtained a GED. Those who obtain conditional legal status would be eligible for permanent legal status—and, five years after that, U.S. citizenship—if they attend college or join the military. Moreover, the bill would allow states to offer these students in-state tuition rates. A report by the Migration Policy Institute estimates that, if the DREAM Act were passed, 360,000 unauthorized high-school graduates age 18 to 24 would immediately become eligible for conditional legal status and about 715,000 more unauthorized youth age 5 to 17 would become eligible in the future.¹

The DREAM Act has been debated for a decade. And for a decade opponents of the bill who argue that the Dream Act rewards the illegal acts of the father have won. There is, of course, a

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perverse logic to this argument. To absolve the child of the taint of a crime that the child did not commit is to give advantage to the one who did. Denying justice to the innocent child is, therefore, a way to extract punishment by proxy from the guilty parent. The children are undocumented, after all, and when they reach the age of majority—so the argument goes—we should complete the fiction and legally define them as if they had knowingly committed the crime.

I believe that the most effective, immediate step we can take to lower the drop-out rate in the Hispanic community is to pass the DREAM Act and let kids and their parents have hope, let them dream, and let them become their dreams. This is not idle chatter. Since passage of Proposition 300 in Arizona I have attended dozens of meetings with affected college students and their parents. I have met with kids well on their way to becoming teachers, doctors, counselors, scientists, and every other kind of profession conceivable. Many students such as these will permanently drop out of school. Many of them say they will abandon their studies for a year, until the DREAM Act passes, after which they intend to return. I believe their hopes to be well grounded. I pray their hopes are well grounded.

Now that a new congress has arrived in Washington, there finally is hope that justice will prevail. Congress cannot avoid the reality of these kids any longer. Only Congress can and must decide on behalf of hundreds of thousands of children whether or not federal law will continue to visit the sins of the father upon the children.

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¹ Jeanne Batalova & Michael Fix, *New Estimates of Unauthorized Youth Eligible for Legal Status under the DREAM Act*. Washington, DC: Migration Policy Institute, October 2006, p. 1.