The DREAM Act Might Be Dead, But These Kids' Hopes Are Not

They are American in everything but name. They can go to college in Texas and improve themselves. Doesn't matter. At the end of the day, they're just illegal immigrants without social security numbers or futures.

By Chris Vogel

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The phone was already ringing when Javier walked through the front door to his parents' house.

- **Keri Rosebraugh**

Javier attracted the wrong kind of attention when he passed out fliers arguing for changes in U.S. immigration laws.

- **Keri Rosebraugh**

Erika Solis goes by another name in her office life.

"Hello?" said Javier, who had just returned from the University of Houston campus where he and a group of undocumented students had been passing out pro-DREAM Act fliers just days before the U.S. Senate voted on the bill in the fall of 2007.

Officially called the Development, Relief and Education for Alien Minors Act, the proposed legislation would provide a path to legal residency for illegal immigrants who wish to serve in the armed forces or attend college and whose parents brought them to the United States when they were young.

"Good evening, sir," said the man on the other end of the line. "I'd like to talk to you about opening a line of credit with our new offer from Visa in conjunction with the University of Houston. All we need is your Social Security number,"

"Oh, no thanks," said Javier. "I don't need a credit card right now."

"What, don't you have a social security number?" said the voice. "Are you a wetback? Are you scared that I'm going to turn you over to the police and you'll get thrown outta my country? Why don't you just go back to Mexico."

Javier slammed down the receiver and turned away. The phone rang again.

"Hello," answered Javier.

It was the same threatening voice, so Javier hung up once more.

"I have to say, I was really scared," says Javier (not his real name).

The next day at school, Javier told his fellow DREAM Act students what had happened.

"They said that they all had the same thing happen to them all the time," says Javier.

Even though the DREAM Act itself would only affect a relatively small number of people, it is every bit a part of the larger political dogfight that is immigration reform in this country.

Supporters argue that by providing a path to citizenship, these immigrants are able to legally work and contribute to the country both economically and socially. Critics say it's akin to a tax giveaway for people who shouldn't be here and threatens to open the floodgates for other piecemeal amnesty bills, thus deepening the overall immigration problem.

"I'm going to take a hard-line position," says Jim Gilchrist, co-founder of the Minuteman Project in Washington, D.C., "and the reason is that if I start making an exception here, then I'll have to make one there and there and there, and soon you have 4,000 different exceptions and we're right back at square one. The DREAM Act is a gateway bill and it continues to keep the gateway open and doesn't solve the problem but rather makes more excuses to keep the problem in place. And that's my fear."

Bob Dane, communications director for the Federation for American Immigration Reform, also looks at the DREAM Act in broad terms.

"The DREAM Act is basically an amnesty plan disguised as an education initiative," Dane says. "It is yet another benefit that provides yet another incentive for more and more illegal aliens to enter the country. Getting control of illegal immigration involves border enforcement, heightened document verification, but really, getting to the heart of it, denying benefits. Benefits like driver's licenses, credit cards, jobs, and yes, even subsidized college tuition."

In contrast, Judy Lee, chairwoman of the Texas chapter of the American Immigration Lawyers of America, says that students like Javier have fallen prey to the screaming heads on television.

"In terms of immigration legislation," she says, "you'd think this would be a slam-dunk. But it's been really twisted. I think the right wing and TV and radio people have painted it as, 'Open up the borders and let them all in.' But these are people who really want to contribute and it saddens me that people are not taking a closer look at this and are falling for the radio and TV personalities. It's disheartening and I think people are not getting all the information about the relatively few number of kids affected, how much these kids

have to offer, and how it's in our own self-interest to allow them to have legal status. We've already made the investment in them through the public school system. Why not recoup our investment?"

It is already legal for undocumented immigrants to go to college in Texas. They can still be picked up and deported by federal authorities at any time, but most of them go out of the way not to call attention to themselves.

The wall they hit is upon receiving a degree. Turns out you can go to school without a Social Security number. But without one, you can't get a good job once you graduate.

And now that the provisions for the DREAM Act have been all but abandoned by politicians, marking a rising anti-immigrant fever in this country, it looks like nothing is going to change about this anytime soon.

Another two weeks and Erika Solis would've been born an American. Her mother was eight and a half months pregnant when she fled to the United States from Mexico, escaping from an abusive boyfriend who had kept her locked inside his San Luis Potosi home.

After months of beatings and rape, she discovered she was pregnant and promised her unborn child a better life than she'd had. It was 1983 and Erika's mother easily crossed into Texas where she met up with relatives living in Houston.

Then one morning, the phone rang. It was Erika's father. He said he was pointing a gun at all four of Erika's mother's children and was going to kill them if she did not return home at once.

Several weeks later, Erika was born at a hospital in San Luis Potosi, an official citizen of Mexico.

"Another few weeks and I'd have been a citizen of the U.S. and my life would've been completely different," Erika says in sort of a sad chuckle. "Darn it all."

Over the next two years, Erika's father continued to abuse Erika and her mother. He wanted a son and was furious that his hostage could not provide one.

Erika's mother became pregnant again, and this time he kept a tight watch so she could not run away. Erika remembers driving to the hospital while her mother was in labor, a gun pointed at their heads. When they arrived, the father threatened the doctor that he was going to kill Erika's mother and the unborn child if it was not a boy. Luckily, it was. But Erika's mother had had enough.

Thirteen days after delivering Erika's brother, their mother packed a small bag of clothes and set out for Texas by herself. It was now 1988, two years after President Ronald Reagan had authorized a one-time blanket amnesty for immigrants who had been living in America since the early 1980s. Erika's mother had missed the window, but she found a priest in Houston who falsified documents for her, allowing her to receive a green card.

The following year, she returned to Mexico to collect her children whom she had left with relatives.

Erika remembers crossing the Rio Grande in January 1989. She was five years old, and for the first time in memory temperatures were near freezing along the border. Erika, along with her five brothers and sisters, saw chunks of ice bobbing in the river as they struggled against the cold. Erika developed a case of hypothermia, and once they reached the U.S. side her mother tried to flag down cars to get help. But the only one who stopped was a Border Patrol agent, who sent them home.

Erika's mother tried several more times to get her family into the States, but each time Mexican bandits robbed them of their shoes, clothes and money, forcing the family to turn back and try again. Finally, in late 1989, they all made it into the United States and have been living in Houston ever since.

Right from the start, Erika was seduced by the American Dream and would lie awake nights fantasizing about graduating from college. She adored school, was exclusively in advanced placement classes, and more than anything wanted to be a teacher. Even as a child, Erika knew that college was expensive, far more than her mother could possibly save as a housekeeper, so Erika worked diligently babysitting and in restaurants to save enough money.

"I mean, nobody else was thinking about college," says Erika, "and here I was afraid I wouldn't be able to go. I guess it was kinda weird."

A straight-A student, Erika graduated from Jersey Village High in 2001 near the top of her class. She scored so well on her AP tests that she'd earned a full year's worth of college credit and could enter as a sophomore. But she still couldn't afford to pay for university because at that time in Texas, undocumented immigrants had to pay a costlier international student rate.

"At that point the idea of college was pretty much gone for me," says Erika. "I would still go to the college fairs and I of course took the SAT, but going to school really wasn't an option. It was just so heartbreaking. I was completely devastated."

Erika enrolled in a community college. Then, about halfway through the year the Texas legislature enacted a law allowing undocumented students who'd lived in Texas for five years and graduated from a state high school to pay in-state college tuition. This was the answer to Erika's prayers.

The following fall, she enrolled at the University of Texas at Austin, where she graduated *summa cum laude* in only one and a half years with a double-major in history and Islamic studies. Her dream of being a teacher was within reach.

But once again, her immigration status got in the way. With no social security number, Erika could not participate in the paid teacher-training programs at UT and none of the school districts could hire her.

"It was yet another heartbreak," says Erika. "I had this wonderful plan in my head, but it wasn't going to happen because of my immigration status. I think I cried for a month."

Still, Erika found a way to work around the system. After working as a secretary for several months, Erika used a false identity to create a business which she now runs. It's not a perfect solution and Erika's not doing what she wants, but she's able to earn money and save up for graduate school in hopes that when she gets out, U.S. immigration law will have changed.

"I can't move forward and I can't go back to school quite yet," Erika says. "I feel like I'm in total limbo because I'm not a citizen."

The origin of the federal DREAM Act can, in a way, be traced back to Texas.

In 1975, the Texas state legislature passed a law prohibiting school districts from using state money to educate students who had not entered the United States legally. It also authorized the school districts to deny enrollment to undocumented children.

In 1982, in the case of *Plyler v. Doe*, the U.S. Supreme Court determined that the Texas statute violated the Equal Protection clause of the Fourteenth Amendment and consequently, that states may not deny

undocumented children a free elementary and secondary education. The court's decision, however, did not address college and higher education, leaving that matter in the states' hands.

In 2001, the Texas Legislature addressed the issue of higher education and in a departure from the discriminatory stance of the '70s, led the nation by becoming the first state to allow undocumented Texas high school graduates to pay in-state tuition rates.

According to the current law, anyone who has lived in Texas for three years prior to graduating from a state high school or earning a GED, has lived in-state for a year before enrolling in college, and signs an affidavit stating that he will apply for permanent residency as soon as he is eligible, qualifies for in-state tuition.

Eight other states have enacted similar laws.

The problem, however, was that while the new rule began enabling far more undocumented immigrants to get a higher level of education, without a valid social security number they could not lawfully work in this country and put their education to use.

Enter the DREAM Act.

Since 2001, several versions of the bill have been introduced in both the U.S. House of Representatives and the Senate. So far, none have passed.

The latest version, sponsored by U.S. Senator Dick Durbin, D-Illinois, in 2007, contained several requirements for immigrants to be eligible for conditional six-year residency status. The person has to have:

— entered the United States before age 16,

— been admitted by a two-year or four-year college after earning a high school degree or equivalency diploma,

— continuously lived in the United States for at least five years,

— demonstrated "good moral character," in essence meaning no criminal record, and

— not reached the age of 30 at the time the Act is passed.

The person could then earn permanent residency during the conditional six-year period by either serving two years in the military or completing at least two years of college.

In October 2007, the bill made it to the Senate floor, and though it received a majority of votes, 52 to 44, the bill fell eight votes short of the 60 needed to survive a filibuster.

In Texas, Republican Senator John Cornyn voted against the DREAM Act, while fellow Republican Senator Kay Bailey Hutchison, who was instrumental in trying to re-tailor the bill so that it could garner more right-wing support, cast her vote in favor.

"There are young people who have been brought to this country as minors, not of their own doing, who have gone to American high schools, graduated, and who want to go to American colleges," Hutchison said on the Senate floor in 2007. "They are in a limbo situation. I believe we should deal with this issue. We should do it in a way that helps assimilate these young people with a college education into our country. They have lived here most of their lives. If we sent them home, they wouldn't know what home is."

Neither Hutchison nor Cornyn responded to the *Houston Press*'s repeated requests for comment.

It is difficult to know precisely how many people the DREAM Act would affect if enacted. Public schools do not ask students about their residency status because they have to provide an education to illegal immigrants, and public universities choose not to ask.

"If they meet the criteria for entrance," says Dr. Martyn Gunn, dean of undergraduate programs at Texas A&M, "we simply accept them, no questions asked. We don't ask students' residency status, and we do not use a social security card number."

Gunn says that last year the university calculated that only 160 students out of an enrollment of around 47,000 qualified under the state law that allows undocumented students to pay in-state tuition.

"It's certainly not a large number," says Gunn.

According to a report published by the Office of the Texas Comptroller, about 135,000 undocumented students were in the state's public schools during the 2004-2005 school year. This accounted for about 3 percent of the total public school enrollment.

In 2006, the Migration Policy Institute, a nonpartisan, nonprofit think tank in Washington, D.C., reported that 360,000 unauthorized high school graduates ages 18 to 24 would become immediately eligible for conditional legal status should the DREAM Act become law. Only 50,000 of that 360,000 were enrolled in universities across the country and would likely be eligible for receiving permanent residency status.

According to the Center for Immigration Studies in Washington, D.C., there are about 11 million illegal immigrants living in the United States.

University of Houston law professor Michael Olivas says one of the reasons he believes the DREAM Act has not passed is because of all the misunderstanding surrounding the proposed bill and the fact it gets lumped in with other less specific immigration issues. One of those misunderstandings, he says, has to do with in-state tuitions.

"The tuition part, which everybody thinks is a feature of the federal DREAM Act, is only incidentally at play," Olivas says. "Even if the DREAM Act were enacted, it would still require states to enact statutes to convey in-state tuition. Tuition will always be a state matter. Even though these are very attractive beneficiaries, meaning people who have gone to college, speak English and will in all likelihood become employed once they get the authorization and so forth, they've become victims of this larger proxy war that has these political and restrictionist overtones."

In Texas, undocumented college students are not eligible for most forms of financial aid. They cannot legally receive federal money or the majority of privately funded scholarships. They are only eligible for certain state-aid packages.

For the moment, the DREAM Act appears dead. Olivas says one reason the bill did not pass in the Senate was because it required 60 votes rather than a simple majority. Another reason, he says, is even more political.

"Restrictionists have made this a line in the sand," he says, "and have misrepresented it beyond its importance. That is, this is a small number of students in the scheme of things. And there's the fear of comprehensive immigration reform and that this would have given the Democrats a perceived victory."

According to Senator Durbin's spokeswoman, Sandra Abrevaya, Durbin still believes passing the law would benefit the United States as a whole, but he will have to wait until after the upcoming presidential

election before he re-introduces it to the U.S. Senate. She says Durbin is optimistic, but warns that there is still considerable opposition to the Act.

According to the National Immigration Law Center, an immigrant advocacy group based in Los Angeles, the DREAM Act would reduce the dropout rate of immigrant students by providing an incentive for them to remain in school until graduation and help propel them towards college. This in turn would help the country's overall economy. The organization cites statistics showing that an immigrant woman who's graduated from college will pay roughly $5,300 more in taxes and cost $3,900 less in criminal justice and welfare expenses each year than if she had dropped out of high school.

In addition, the DREAM Act would help alleviate a growing labor and military personnel shortage in the United States and would reduce the cost of recruiting foreign professionals if the United States stopped turning away its homegrown, though perhaps not home-born, talent.

Take "Bonnie," for example. Born in Africa, she came to the United States at 14 and is scheduled to graduate from the University of Houston in December with a double major in Italian and Spanish and a minor in Arabic. She wants to be an interpreter and has already made up her mind that because she cannot legally work here, she will have to move to Europe after graduating.

"Employers in the U.S. want to hire me, but they can't because of my status," she says, "and I'm not earning the money that I should be. I don't like having to risk not coming back here to ever see my family, but I'm not living the life I'm supposed to, so I have to go."

But to hard-liners like Gilchrist and Dane, that argument carries little weight. When asked why someone like Javier, who was brought to this country as a child, grew up playing football, is fully Americanized and is training to be a doctor, should not be permitted to legally work in the States via citizenship, their answers fall back on upholding the rule of law.

"One of the big arguments of this DREAM Act has been, 'It's just helping kids have a better life, so why punish them?'" says Dane. "And our response has always been that we're not punishing the kids for the illegal acts of the parents, we're merely not rewarding them for the illegal acts of their parents. Because even if the kids entered as a result of their illegal alien parents, it's the parents who are rewarded when their children are granted amnesty."

Gilchrist seems to agrees.

"These are hard decisions to make," he says. "Now, would I like to be on the receiving end of these laws as they are now? Probably not, but essentially it's not my problem. It's the problem of those who broke the law to deal with."

Erika Solis appreciates the counterarguments. In fact, she says it surprises many to hear that she agrees with a number of points made by those in the anti-immigration camp.

"I consider myself a smart person and I understand both sides of the immigration problem and the fact that the border needs to be secure," she says. "And I understand the fear of people saying, 'All these immigrants are coming and they don't want to assimilate.' I think a lot of their fear comes from the fear of a general amnesty, which I do think encourages immigration. I think more effort should be made toward border control because coming here in such large numbers does put a stress on everybody.

"But I think the mistake a lot of people make is that they generalize and say that all immigrants coming here are a strain on the state. Well, a lot of us are paying taxes and do not require federal money. A lot of us are just working and are solid people. The opposition doesn't realize that there are people here like me who

came here at a young age, we didn't have an option, and we're educated and we're trying to make it here in the country where we were brought up."

Texas A&M student Walter Sosa was standing around with friends outside of Thompson Hall one morning after class when a horde of federal immigration agents stormed towards him. According to the *Bryan-College Station Eagle*, the officers searched Sosa, handcuffed him and placed him in an unmarked car. From there, they made the nearly two-hour drive south to Houston, where Sosa was locked up inside an immigration detention center.

Sosa came to Houston from Guatemala with his parents when he was 5. He was an honors student in high school and a college senior majoring in engineering technology when he was hauled off campus and detained. Earlier that same October morning in 2007, immigration officers also took Sosa's parents into custody. Officials told them that their visitor's visa had long expired and they were being deported. Luckily, for Sosa, the judge was lenient and told Sosa he was allowed to stay until he graduated before he would be deported to Guatemala.

Sosa's attorney, Elise Wilkinson, says Sosa does not want to comment because he has gotten a rare and lucky break from the judge and does not want to provoke the situation or place himself in danger of being threatened or harmed by anti-immigration radicals.

It is the same fear of harm or harassment that prompts some of the students interviewed by the *Press* to use assumed names.

"Ricky" was born in Mexico City and illegally entered the United States when he was 13. It was July Fourth the day he crossed the border. Four years later, he graduated from a Houston area high school in the top 15 percent of his class and is now a year away from graduating from the University of Houston with a degree in biology. He hopes to attend medical school.

Ricky is a skinny ghost of a young man with black hair and a thin mustache that is still in its infancy. He speaks softly, almost in a whisper, and seems to study the floor when he talks, almost never looking up at the person across from him.

But Ricky's withdrawn nature doesn't come from a nightmarish home life. It is the product of living on the lam as an illegal immigrant.

"I want to stay under the radar because I don't want to attract trouble or attention," Ricky quietly says. "It's better to just stay safe."

Ricky doesn't have a criminal record and under normal circumstances would have no reason to worry about the basic activities that most people take for granted — something as simple as driving to school. But as an illegal immigrant, Ricky lives in fear.

Several years ago, Ricky says, police pulled his brother over for having a busted taillight on his car. He did not have a license, and the police took him to jail. Luckily, says Ricky, his brother was freed the next morning, just missing immigration officials who check the jails for illegal immigrants to detain and deport.

"The fear of being caught and deported is there every hour of every day," says Ricky, "but it's something that you have to get used to so you can live your life. You have to block it out. There are constantly little reminders, like every time you see a cop drive by, and you always have to make sure you're doing everything right, but you have to be positive somehow. I mean, it does keep you on track and focused on what you have to do, like going to school and staying in line with the law."

Like many undocumented immigrants, Erika pays her taxes with what's called an Individual Taxpayer Identification Number. The IRS gives them to people who are required to have a U.S. taxpayer identification number but who do not have, and are not eligible to obtain, a Social Security number.

"Many illegal immigrants choose not to pay their taxes," says Erika, "but I think that by paying your taxes and not getting in trouble and not committing any crimes, you're acting as a citizen of the state. You're doing as much as you can so that if an amnesty occurs, you have proof you've paid your taxes and that goes a long way."

Looking back, Erika says she almost feels foolish for being quixotic as a kid growing up in Houston.

"When I was working and saving for college," she says, "I really thought something was going to happen for me. I did get to college, but I pictured my life a lot differently. I tell all my friends who are citizens, 'You don't know how lucky you are.' I've struggled a lot, and at 25 I was really hoping that by now I would have accomplished so much more."

Erika cannot imagine living in Mexico. She says she will never leave the U.S. and is clinging to the distant hope that the DREAM Act or some version of it will make her whole, make her a full-fledged citizen of the United States.

"Mexico is a foreign country to me and I wouldn't understand living there," she says. "My mother fears that I'll be deported someday, but I can't live in fear or not work or live my life. I can't live in hiding. Every year when I hear about the DREAM Act, I say, 'This will be the year.' And I cross my fingers and then it doesn't happen, and I lose it again. But then I pick myself up. I am hopeful, though it's hard to stay that way. There are so many ups and downs. But I have no option. Even though my mother was unable to give birth to me in the U.S., I am still an American and I'm going to stay here and make my dreams come true."

Ricky, on the other hand, believes his future is terribly bleak unless some version of the DREAM Act passes into law.

"We contribute so much and are willing to work so hard and do so much for a chance," he says. "And it's a slap in the face that we can't get that chance no matter how well you behave or how well you do in school. I really don't have a lot of hope right now."

When asked if he'd be comfortable living in Mexico again, Ricky says he feels torn.

"I cannot go back to Mexico because I don't totally identify with there because I didn't grow up there," he says. "But here in the States, I don't feel like I'm welcome. We are not seen as equals here. On one hand, you potentially have good opportunities and a better economy here, and on the other hand in Mexico you have a really bad economy and no opportunity, but a country that will claim you. So it's a difficult decision and one that I have not made up yet in my mind. I think I just want to be able to get my degree and be a doctor and then see where we are and what my options are. It's a real waiting game."

A recent survey conducted annually by Rice University professor Stephen Klineberg reveals that Harris County residents are increasingly viewing immigrants in a negative light. The study found that 63 percent of residents agreed that action should be taken to reduce the number of new immigrants, up from 48 percent in 2004, and that 61 percent believe undocumented immigrants constitute a very serious problem, up from 43 percent in 2006. The survey also found that only 56 percent support granting citizenship to illegal immigrants who speak English and do not have a criminal record, as opposed to 68 percent in 2007. Finally, only 43 percent say immigrants contribute more to the U.S. economy than they take, versus 52 percent in 2002.

To Javier these latest figures are no surprise. He says that conquering negative stereotypes, reinforced by the news media, which report a seemingly never-ending parade of crime stories featuring illegal immigrants, is one of the largest hurdles to getting something like the DREAM Act passed.

"I hate living under a stereotype," he says. "I'm Mexican, so I guess I have to be mowing lawns, selling drugs and beating up my wife, right? People look at that and say, 'He's going to be a nobody in America, so let's just kick him out.' And I don't want people putting that on me. Image is important, and it's important what other people think. If people are going to look at me as a criminal, I don't like that and that's one of the reasons it's important for me to go to school."

Looking at Javier, one could never tell he wasn't a U.S. citizen. He's quite preppy, dressed in a Polo shirt, khaki shorts and a baseball cap turned backwards. He could easily pass for a Long Island lacrosse player.

Javier's parents brought him to Houston when he was seven, and they settled in a mostly white suburb less than half an hour outside the city. Like Ricky, he did well in school and dreamed of one day going to college and becoming a doctor. He is on pace to graduate from the University of Houston next year with a degree in biology and plans on attending optometry school. Javier's father is paying his son's full in-state tuition.

All through high school, Javier kept his immigration status hidden even from his closest friends. It was strange, he says, keeping a secret. He felt like he could never have real friendships because this one lie always hung over the relationship. That all ended his senior year when Javier says he wanted to serve his country but was rejected from the Air Force because he did not have a Social Security number. Prior to that, Javier had been a star football player for his school and one of the more popular kids there.

"The whole thing made me feel bad," he says, "because certain people had me on a pedestal and my friends did not know that I wasn't here legally. And when I told them, some of them were cool about it, but there were a couple of jerks who, when they'd see a construction crew, would say, 'Shouldn't you be out there working?' It was exactly my fears come true, because the reason I didn't tell anyone was because I was scared about what people might do and I was afraid of how people would view me. The whole thing really sucks.

"Growing up I played football," says Javier. "I started on offense and defense, and you start thinking that you're pretty cool and a somebody. And everybody else is real cool with you and inviting you to parties. In tenth grade, I remember thinking, 'This is it. I'm never going back to Mexico. This is my home, where I'm supposed to be.' It wasn't until after I graduated high school that I got a big fat slap in my face."

The slap was when Javier learned that while he could attend college, he could not legally get a job using his education after graduation.

Today, Javier is not so sure the United States feels like home anymore.

"Of course I want to stay here," he says, "and if the DREAM Act goes through, that will be great for me and so many others in my same situation. But if it doesn't go through, it just means I have this education that I can't do anything with here in the U.S."