

## **The DREAM Act and the Reality of Setting an Informed Agenda for Immigration**

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*Attempts at immigration reform in the United States have proven to be one of the most difficult and unpopular initiatives undertaken by the federal government in recent memory. While members of both political parties agree that the state of immigration in this country is truly a serious problem, the ability to arrive at a solution that most would support has proven to be next to impossible. Therefore, instead of trying to pass comprehensive legislation on immigration that is all encompassing, Congress has been working to pass an immigration law that while it answers many concerns is still somewhat limited in its scope.*

### **INTRODUCTION**

The complexities of our system make it abundantly clear that no issue exists in a vacuum, including immigration reform. However, the inability on the part of the federal government to act in this area has led to a series of state and local regulations that cover a wide variety of immigration issues with multiple forms of enforcement. Therefore, a better course of action for national immigration reform may be to work to set a workable and agreeable set of priorities to pursue over a period of years that addresses the key issues that need to be dealt with in a logical manner. Ultimately the hope is that a logical and measured course of action will go toward relieving the concerns that average citizens have about fairness, justice, economic sanity and opportunities for an improving quality of life for all. To some it therefore seems to make sense to initially pursue immigration policy in an area that may prove to provide the United States with a well qualified pool of entrants into the labor force who are aggressively pursuing educational opportunities or who are serving the nation in the military.

It is ironic that while both the Bush and Obama Administrations made immigration reform a high priority over the last decade, Congress has failed to act and nothing has been accomplished at the federal level (Hansen, 2009). A key difference between the political parties is the course of action to pursue to solve illegal immigration with many Democrats advocating amnesty and forgiveness while members of the Republican Party insist on punishment and potentially harsh treatment. Therefore, the initial sticking point to the debate rests with what is to be done with the estimated nine to eleven million illegal immigrants who are already here in the United States and how do we avoid such a serious lapse in enforcement into the future? We therefore find ourselves with an overwhelming problem with no perceived remedy that would be universally accepted. In addition, immigration reform is not and should not be viewed as a singular problem with a definite and narrow solution. Probably no one issue in our country elicits such a high level of collective discontent because of the vast number of social and economic problems that it has a tendency to create. Therefore, it may be concluded that immigration

reform should be accomplished through a series of solutions over a period of time due to the complexity and variety of negative consequences created by illegal immigration as experienced by individuals, employers and the various levels of government of the United States in areas such as the undue burdens placed on educational systems, social services and the economy. While many, including the Obama Administration, over the years have called for comprehensive immigration reform the time might be right to take a different approach which calls for setting an informed agenda of reform based on perceived priorities and common sense at the national level (Johnson, 2009).

Enlightened immigration reform should be dealt with based on a series of solutions designed to deal with the various specific issues of immigration. That may be the reason among others that the DREAM Act has immersed to some extent of being the first step to real immigration reform in the United States. For far too long the timidity of the federal government to take action related to immigration has created wide voids that have been haphazardly filled by state and local government regulations that are very narrow in application and enforcement while at the same time the federal government has been pursuing immigration issues through the use of high profile raids by agencies such as Immigration and Customs Enforcement (ICE) and the Department of Homeland Security (DHS).

## **THE NATURE OF IMMIGRATION**

### **Push and Pull Factors**

The United States is really no different than many other nations of the world in that mass migratory movements into the country have occurred causing steady rates of population increases. Over the last several centuries the mass influx of immigrants from Western Europe was mainly due to reasons relating to economic, religious or political turmoil. History is full of examples of where misery and despair along with periods of war, famine and concerted efforts of persecution serve as powerful forces affecting human movement throughout the world (Mahony, 2012). The promises of economic opportunity, religious tolerance and the ideals of freedom of democracy were incentive enough to draw thousands of people to the United States because of the overwhelming forces of the push of despair and the pull of hope and their impact on migration, which still exist today. Common push factors were things such as political oppression, heavy and unfair tax policies, personal and religious persecution while typical pull factors included economic opportunities, religious freedom and maintaining family ties with those who had previously migrated to new areas (Ravenstein, 1889; Lee, 1966). For several generations of immigrants who came to the United States and became citizens, the words of Emma Lazarus found on the base of the Statute of Liberty were not just part of a poem but rather a statement of national public policy that influenced the actions of those who came to the United States who were subject to the push and pull factors of immigration (Mahony, 2012). Immigration created a mixed cultural system in the United States that has always promoted both cooperation and conflict. When it works well the American “melting pot” concept facilitates progress through tolerance, acceptance and cooperation. However, differences in religion, regional origin and ethnic background associated with immigration have also created division, strife distrust and violence (Koven & Gotzke, 2010).

With each successive wave of immigration throughout the nineteenth century concerns about religious differences and intense labor market competition for employment were seen (Aleinikoff & Martin, 1991). These concerns eventually led to excessive restrictions on immigration that were put in place in the 1920s such as the Immigration Act of 1924 (LeMay, 2006). The next forty years would prove to be a very strict period of tight immigration policy until the Immigration Act of 1965 was passed which so significantly loosened immigration restrictions that eventually created an immigration policy in complete disarray and chaos (Laham, 2000). A two decade period of mass immigration, both legal and illegal, from Asia, Mexico and especially Cuba brought renewed attention to immigration reform that eventually led to the passage of the Immigration and Control Act of 1986 which still influences immigration matters, but not to the degree that many had hoped for when it was passed (Koven & Gotzke, 2010).

## **POLICY REFORM CHALLENGES**

### **Social Burdens**

One of the reasons for the continued uproar of dealing with illegal immigration is the social cost incurred by communities and states in providing public services in the areas of law enforcement, education, welfare and health care. Most of the studies on immigration conducted over the years generally confirm that host country citizens believe that illegal immigrants take away jobs in the economy, do not pay taxes and use inordinate amounts of social services which generally lead to demands for more restrictive immigration policies (Citrin et.al., 1997). Due to the nature of the typical employment relationship seen with illegal immigrants the common problem is the significant investment in providing public services is not balanced in any way through the payment of taxes to support public services. The immigration patterns before the 1970s saw immigrants who were more highly skilled and educated and less likely to rely on public assistance and welfare as compared to the native labor force. However, by the turn of the century about one quarter of immigrant families received welfare support as compared to 15 percent of the native workforce and raised the tax burden per person in California by \$1200 per year (Borjas, 1999).

### **The Economics of Immigration**

The usual argument has been that immigrants hurt average Americans and the economy by taking jobs that could be performed by Americans. In general the contrary is true. Immigrants can have a significant positive impact on the American economy because they bring youth and energy, brains, a fresh perspective, networking possibilities and a spirit of enterprise (Marrero, 2012). Ultimately the immigration issue may be a matter of trade-offs from an economic perspective. Similar in some ways to marketplace transactions and trade the net effect of immigration is basically positive especially related to the DREAM Act where brainpower and potential provide the hope of future returns in exchange for any burdens undertaken by the economy related to social services and other fiscal drains (Orrenius & Zavodny 2012).

### **Labor Market and Fiscal Effects**

In terms of wages there is overwhelming evidence that immigration likely has little or no significant impact on medium-high skilled natives' wages (Card, 2005; Orrenius & Zavodny, 2007). In fact, those most adversely affected by additional immigration are earlier immigrants based on the substitution effect (Orrenius & Zavodny, 2012). Generally labor markets as related to higher educated immigrants adjust in ways that overall may be beneficial to the economy such as the labor-capital mix, changes in output and increases in aggregate demand coming from a larger population base (Lewis, 2011; Mazzorolari & Neumark, 2009; Bodvarsson et.al, 2008). For example, increased immigration may actually increase the level of demand for natives in higher paying jobs and occupations such as communication-intensive job (Cortes & Tessada, 2011; Peri & Sparber, 2009).

The fiscal impact of immigration is typically measured in terms of the difference between the taxes paid by immigrants versus the cost of providing them government services (Orrenius & Zavodny 2012). While immigrants pay various taxes such as payroll, property and sales tax government services include things such as welfare, public medical services and public education. An argument for the DREAM Act is that a comprehensive study showed that the net present value of an immigrant's fiscal impact depends on education where more highly educated immigrants on average pay about \$105,000 more in taxes than they use in public services (Smith & Edmonston, 1997). While many support this research it should be noted that while some of the burden of government social services falls on the federal government, the truth is that the majority of the burden is actually shouldered by state and local governments (Orrenius & Zavodny 2012).

## **The Immigration Paradox**

As many mistakenly believe the current dilemma of immigration is not just a matter of low skilled workers migrating illegally into the United States to perform low paying jobs in agriculture, construction and other labor intensive industries. While many illegal laborers are found in such low skill labor areas, a significant number of immigrants are actually highly educated and possess specific highly valued skills that the economy of the United States badly needs. The issue here is the legal restriction placed those studying in universities across the United States who are required to leave the country after the completion of their degree programs. In an attempt to slow and even reverse this wave of a brain drain, members of Congress introduced legislation known as the Dream Act in 2001. The Development, Relief and Education for Alien Minors (DREAM) Act has been introduced to Congress several times to try to provide an opportunity to provide individuals conditional legal status to remain in the United States who entered the country before age 15, remained in the country five continuous years, presented good exemplary personal standards, earned a high school diploma and have completed two years of college or military service.

While some oppose the passage of the DREAM Act as a thinly veiled attempt to grant amnesty to illegal immigrants, it could be successfully argued that granting conditional legal standing to these young, educated individuals who will add value to the economy of the United States through increased productivity due to their application of human capital acquired through college training. In reality the DREAM Act does not offer amnesty but rather a hard earned path to legal status to those who meet its strict eligibility requirements (Mahony, 2012).

## **THE GOVERNMENT RESPONSE**

Because there is very little chance of any type of immigration legislation being enacted at the federal level to create a comprehensive national policy, the vacuum created has been quickly filled with a variety of actions and proposals mostly coming from the activities of federal agencies, programs along with the states and even local governments. In addition to enforcing immigration policy through the actions of government agencies such as ICE and the DHS initiatives on E-verify and no match , local responses have come from the well publicized law enacted in Arizona in 2010 along with local initiatives found in Alabama schools and well documented laws in places like Hazelton, Pennsylvania (McKanders, 2009).

It is estimated that approximately 2 million unauthorized immigrants were brought to the United States as children who are now eligible for a new program initiative issued by the United States government in June 2012 (Batalova & Mittelstadt, 2012). On June 15, 2012, President Obama and Homeland Security Secretary Janet Napolitano announced the deferred action policy known as the Deferred Action for Childhood Arrivals (DACA) initiative. DACA is the biggest development in national immigration policy since 1986 and will be implemented on a case-by-case basis (Jordan & Kesling, 2012). After years of major disappointments the program which is really only a change in policy on President Obama's part, basically grants a two-year reprieve from summary expulsion and deportation (Preston, 2012). Under the program applicants must show that they came to the US before age 16, are now 30 or younger, have been in the US for five consecutive years and are either enrolled in school or serving in the military. It is hoped that DACA will provide a means by which immigrant youth can begin to work legally in the United States as well as allowing them to pursue personal development through advancements in their work careers as well as through higher education.

While the program does not grant permanent status, it is hoped that this will be a start in getting qualified immigrant youth on the path to a productive life and career which will be beneficial to each applicant as well as the United States as a whole. Therefore, highly educated immigrants students will have the opportunity to contribute to our economy which has invested time and resources into them over the years. Thus in a way the requirements of the DREAM Act have the potential of creating an underlying economic stimulus (Green, 2012).

## THE IMMIGRATION PARADIGM SHIFT AND AMERICANS IN WAITING

Ultimately the view of informed immigration policy should not be to punish children for the actions of their parents. While the proposed DREAM Act is not rewarding illegal activity it is at least an attempt to stop the undesirable practice of victimizing students who are being denied their basic rights because of a situation that they did not create (Green, 2012). Once we get beyond the belief that the DREAM Act is amnesty the real value of what it could mean to the economy of the United States would be more easily seen and appreciated. The benefits of an educated workforce would as well go far in helping to end the creation of an underclass.

With the precedence of the *Plyer v. Doe*, a 1982 U. S. Supreme Court decision whereby immigrant children cannot be denied access to public education, the general consensus seems to be that immigration in any form is a transition to citizenship (Motomura, 2008). Therefore some may prefer to see immigrants, both legal and illegal, as Americans in waiting which supports the perspective on naturalization that expresses the American nation of immigrants tradition that facilitates assimilation and integration into our society (Motomura, 2006). According to political philosopher Michael Walzer (1983) immigrants put on the path to citizenship are prevented from suffering permanent marginalization that tempers the tyranny of the American economic system. Ultimately the fact remains that immigration reform is necessary and long overdue. The DREAM Act goes a long way in dealing with some of those eleven million illegal immigrants in the United States who may be permitted to move down the path toward legal citizenship status. The DREAM Act thus will have the mutually beneficial effect of allowing immigrant minors to pursue higher education that enhances human capital while at the same time providing the United States with a healthy number of well trained workers who will have a significant and positive fiscal impact on the American economy.

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