

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Adoption of Resolution 5001 Supporting the Passage of the Development, Relief, and Education for Alien Minors (Dream) Act, which Authorizes the Cancellation of Removal and the Adjustment of Status for Certain Immigrant Youths Who Are College Bound and Are Long Term United States Residents and Permit States to Determine State Residency for Purposes of Higher Education

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Meeting Date: March 8, 2010  
Department: City Manager's Office  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 2C  
Staff Contact: Holly LeMasurier and Raquel Wells  
Contact Telephone Number: 541-682-5177

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### ISSUE STATEMENT

This consent item is for the City Council to take action regarding a request to adopt a resolution in support of the Development, Relief, and Education for Alien Minors (DREAM) Act. The resolution is included as Attachment A.

### BACKGROUND

The DREAM Act is bipartisan federal legislation that addresses the situation for young people who grew up in the United States and have graduated from high school or obtained a General Education Development (GED) – high school equivalency diploma, but whose future is circumscribed by our current immigration laws. Under current law, these young people generally derive their immigration status solely from their parents. If their parents are undocumented or in immigration limbo, most youth then have no mechanism to obtain legal residency, even if they have lived most of their lives in the United States. The DREAM Act would provide a mechanism for legal residency for those who are able to meet certain conditions. The DREAM Act would enact two major changes in current law:

- Permit certain immigrant students who have grown up in the United States to apply for temporary legal status and eventually obtain permanent status, and become eligible for U.S. citizenship, if they go to college or serve in the U.S. military; and
- Eliminate a federal provision penalizing states that provide in-state tuition without regard to immigration status.

If enacted, the DREAM Act would have a life-changing impact on the students who qualify, according to the National Immigration Law Center, dramatically increasing their average future earnings - and consequently the amount of taxes they would pay - while significantly reducing criminal justice and social services costs to taxpayers.

In fall of 2009, community members and students requested that the Human Rights Commission consider asking the council to endorse a local resolution supporting the DREAM Act. Over the past several months, staff has met with local students, community members and others to research this topic. The commission and Equity and Human Rights staff worked with the City Attorney to review the

proposed resolution. Other local governments across the United States have adopted similar resolutions. Some examples are Los Angeles, California (CA); Portland, Oregon; Oakland, CA; Santa Ana, CA; Chicago, Illinois; and Philadelphia, Pennsylvania.

On February 16, the Human Rights Commission voted to endorse the resolution and forward it to the council for adoption (see Attachment B). This resolution reflects support for local students who face barriers to higher education access and for their efforts to obtain educational equity.

### **RELATED CITY POLICIES**

*Diversity and Equity Strategic Plan*, Action Item – 1.2: City Leadership regularly speaks to diversity and issues of social equity.

*Eugene Human Rights Ordinance*: The commission shall make periodic recommendations to the mayor and council concerning the civil and human rights of persons and groups in the community.

### **COUNCIL OPTIONS**

- A. Adopt the resolution.
- B. Decline to adopt the resolution.
- C. Take other action, as directed by the council.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager has no recommendation on this item. The resolution has been endorsed by the Human Rights Commission.

### **SUGGESTED MOTION**

Move to adopt Resolution No. 5001 supporting the passage of the Development, Relief, and Education for Alien Minors (Dream) Act, which authorizes the cancellation of removal and the adjustment of status for certain immigrant youths who are college bound and are long term United States residents and permit states to determine state residency for purposes of higher education.

### **ATTACHMENTS**

- A. Proposed Resolution
- B. Memo from Eugene Human Rights Commission
- C. Dream Act Background Information
- D. Letter of Support from University of Oregon Student Body President

### **FOR MORE INFORMATION**

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION SUPPORTING THE PASSAGE OF THE DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS (DREAM) ACT, WHICH AUTHORIZES THE CANCELLATION OF REMOVAL AND THE ADJUSTMENT OF STATUS FOR CERTAIN IMMIGRANT YOUTHS WHO ARE COLLEGE BOUND AND ARE LONG TERM UNITED STATES RESIDENTS AND PERMIT STATES TO DETERMINE STATE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION.**

**The City Council of the City of Eugene finds that:**

**A.** Each year 65,000 undocumented students, who have lived in the United States for over five years, graduate from American high schools.

**B.** These students face overwhelming obstacles in accessing higher education due to their immigration status, which makes them ineligible for federal financial aid and requires them to pay out-of-state tuition for those attending state universities despite their long-term residency within our country.

**C.** Many of these children reside in Eugene and surrounding communities and attend the public schools. However, many of them drop out of high school, and are discouraged from studying because they see no incentive in pursuing higher education due to barriers to access.

**D.** There are approximately 2 million children who were born outside of the U.S., raised and educated in this country with no legal status, hold American values, know only the United States as home, and have the same dreams, goals and aspirations as other American children.

**E.** These children came to the United States due to their parents' actions and did not take part in any decision to circumvent the immigration laws of this country.

**F.** Undocumented immigrants make vital contributions to the economic stability and cultural richness of the United States, yet remain vulnerable to exploitation, victimization and stigmatization as long as they are denied legal immigration status and meaningful access to higher education.

**G.** The Dream Act is a bipartisan legislation effort to address this problem, supported by Senators Merkley and Wyden and co-sponsored by Congressmen Blumenauer and Wu.

**H.** The United States Supreme Court has determined that every state has a constitutional obligation to provide free public primary and secondary education to all children residing within their borders regardless of their immigration status.

**I.** Federal standards and accountability requirements imposed on elementary and secondary education institutions necessarily entail a federal commitment to education, including the assurance of meaningful access to higher education.

**J.** A high school diploma and the lack of legal immigration status condemn undocumented students to a life of underemployment, instability and unfulfilled potential.

**K.** Access to higher education will allow these students to break the bonds of poverty, to raise the level of esteem in which they are held by our society and to make full contribution to our country's civic, political and economic well-being.

**L.** The Development, Relief, and Education for Alien Minors (DREAM Act) would remedy this situation by allowing undocumented students who have lived in the United States for at least five years, and have graduated high school or received a graduate equivalency diploma (GED), to legalize their immigration status, thereby making them eligible for federal financial aid, and allow states to consider these students as state residents for tuition purposes at state universities.

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:**

**Section 1.** The City of Eugene fully supports the passage of the DREAM Act.

**Section 2.** City of Eugene urges Oregon Senators, and our local members of the House of Representatives to vote for, and to encourage the President of the United States and other Congresspersons and Senators to vote for, the passage of the DREAM Act.

**Section 3.** This Resolution is effective immediately upon its passage by the City Council.

**The foregoing Resolution adopted the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

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**Acting City Recorder**





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Human Rights Commission

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# MEMORANDUM

**Date:** March 17, 2010  
**To:** Mayor Piercy and City Council  
**From:** Linda Hamilton, Human Rights Commission Chair  
**Subject:** Endorsement of DREAM Act

Dear Mayor and Council,

The Human Rights Commission (HRC) requests that the City Council pass a resolution in support of a The Development, Relief, and Education for Alien Minors Act (DREAM) Act.

A community member visited the Human Rights Commission on November 19, 2009 requesting that the HRC consider endorsing the resolution to bring before City Council. Commissioners spent three months learning more about the DREAM Act, and conducting outreach and consulting with community members.

On February 16, 2010 the Human Rights Commission voted to endorse a proposed City Council resolution in support of the DREAM Act, and support the effort to bring this resolution to City Council. The vote reflected ten in favor, and two abstentions. Over thirty-five constituents attended the February 16 Human Rights Commission meeting and many people spoke in favor of the act.

The Development, Relief, and Education for Alien Minors (DREAM) Act proposes to allow undocumented students who have lived in the United States for at least five years, and have graduated high school or received a graduate equivalency diploma, to legalize their immigration status, thereby making them eligible for federal financial aid, and to allow states to consider these students as state residents for tuition purposes at state universities.

By endorsing this local resolution, the City of Eugene joins other municipalities who have endorsed the DREAM Act. Your endorsement of the resolution reflects support for the national campaign to approve the DREAM Act at the federal level. The intent of the Eugene resolution is to support local student leaders and organizers in their work on passage of the Dream Act at the state and federal levels.

If you have questions or need additional information, please contact staff at 541 682-5177 or via email: [ehrcenter@ci.eugene.or.us](mailto:ehrcenter@ci.eugene.or.us).

# DREAM Act: Basic Information

MARCH 2009

## ■ What is the DREAM Act?

The Development, Relief, and Education for Alien Minors (DREAM) Act is bipartisan legislation that addresses the situation faced by young people who were brought to the United States years ago as undocumented immigrant children and who have since grown up here, stayed in school, and kept out of trouble.

## ■ Why is the DREAM Act needed?

Each year about 65,000 U.S.-raised students who would qualify for the DREAM Act's benefits graduate from high school. These include honor roll students, star athletes, talented artists, homecoming queens, and aspiring teachers, doctors, and U.S. soldiers. They are young people who have lived in the U.S. for most of their lives and desire only to call this country their home. Even though they were brought to the U.S. years ago as children, they face unique barriers to higher education, are unable to work legally in the U.S., and often live in constant fear of detection by immigration authorities.

Our immigration law currently has no mechanism to consider the special equities and circumstances of such students. The DREAM Act would eliminate this flaw. It is un-American to indefinitely and irremediably punish them for decisions made by adults many years ago. By enacting the DREAM Act, Congress would legally recognize what is de facto true: these young people belong here.

DREAM Act students should be allowed to get on with their lives. If Congress fails to act this year, another entire class of outstanding, law-abiding high school students will graduate without being able to plan for the future, and some will be removed from their homes to countries they barely know. This tragedy will cause America to lose a vital asset: an educated class of promising immigrant students who have demonstrated a commitment to hard work and a strong desire to be contributing members of our society.

## ■ What is the DREAM Act's current status?

The DREAM Act was reintroduced in the House and Senate on March 26, 2009. The bill was introduced in

the Senate by Senators Richard Durbin (D-IL) and Richard Lugar (R-IN), and in the House by Representatives Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL), and Lucille Roybal-Allard (D-CA), along with the following original cosponsors.

### SENATORS

Russell Feingold (D-WI)  
Edward Kennedy (D-MA)  
Patrick Leahy (D-VT)  
Joe Lieberman (I-CT)  
Mel Martinez (R-FL)  
Harry Reid (D-NV)

### REPRESENTATIVES

Joseph Cao (R-LA)  
John Conyers, Jr. (D-MI)  
Devin Nunez (R-CA)  
Mario Diaz-Balart (R-FL)  
Zoe Lofgren (D-CA)  
Jared Polis (D-CO)  
Heena Ros-Lehtinen (R-FL)

Support for the DREAM Act has grown each year since it was first introduced in 2001 during the 107th Congress. In past years it has garnered 48 Senate cosponsors and more than 152 Republican and Democratic House cosponsors, more than one-third of the House. It has twice passed the Senate Judiciary Committee in bipartisan fashion, by a 16-3 vote in the 2003-04 108th Congress, and again in 2006 by a voice vote without dissent as an amendment to the comprehensive immigration reform bill. In May 2006, the DREAM Act passed the full Senate as part of the Comprehensive Immigration Reform Act of 2006 (S. 2611). On October 24, 2007, in a 52-44 vote in the Senate, the DREAM Act (S. 2205) fell just 8 votes shy — with four senators absent for the vote — of the 60 votes necessary to proceed with debate on the bill.

The DREAM Act continues to attract bipartisan support and now, for the first time, also enjoys the strong backing of the House and Senate leadership, all of the relevant committee chairs, and President Obama.

## FOR MORE INFORMATION, CONTACT

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# DREAM Act: Summary

Updated MARCH 2009

The DREAM Act is bipartisan legislation that addresses the tragedy of young people who grew up in the United States and have graduated from our high schools, but whose future is circumscribed by our current immigration laws. Under current law, these young people generally derive their immigration status solely from their parents, and if their parents are undocumented or in immigration limbo, most have no mechanism to obtain legal residency, even if they have lived most of their lives here in the U.S. The DREAM Act would provide such a mechanism for those who are able to meet certain conditions.

The latest version of the DREAM Act, also known as the Development, Relief, and Education for Alien Minors Act (S. 729), was introduced on March 26, 2009, by Dick Durbin (D-IL) and Richard Lugar (R-IN) in the Senate. In the House of Representatives, the bill is called the American Dream Act (H.R. 1751), and it was introduced that same day by Howard Berman (D-CA), Lincoln Diaz-Balart (R-FL), and Lucille Roybal-Allard (D-CA).

The DREAM Act would enact two major changes in current law:

- Permit certain immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military; and
- Eliminate a federal provision that penalizes states that provide in-state tuition without regard to immigration status.

If enacted, the DREAM Act would have a life-changing impact on the students who qualify, dramatically increasing their average future earnings—and consequently the amount of taxes they would pay—while significantly reducing criminal justice and social services costs to taxpayers.

## KEY FEATURES OF THE DREAM ACT OF 2009

### ■ Path to legal residency: Who would qualify?

Under the DREAM Act, most students with good moral character who came to the U.S. at age 15 or younger at least five years before the date of the bill's enactment would qualify for *conditional permanent resident status* upon acceptance to college, graduation from a U.S. high school, or being awarded a GED in the U.S. Students would not qualify for this relief if they had committed crimes, were a security risk, or were inadmissible or removable on certain other grounds. The Senate bill contains an additional requirement that the student be under age 35.

### ■ Conditional permanent resident status

Conditional permanent resident status would be similar to lawful permanent resident status, except that it would be awarded for a limited duration—six years under normal circumstances—instead of indefinitely.



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Students with conditional permanent resident status would be able to work, drive, go to school, and otherwise participate normally in day-to-day activities on the same terms as other Americans, except that generally they would not be able to travel abroad for lengthy periods and they would not be eligible for Pell Grants or certain other federal financial aid grants. They would, however, be eligible for federal work study and student loans, and states would not be restricted from providing their own financial aid to these students. Time spent by young people in conditional permanent resident status would count towards the residency requirements for naturalization.

### ■ Requirements to lift the condition and obtain regular lawful permanent resident status

At the end of the conditional period, unrestricted lawful permanent resident status would be granted if, during the conditional period, the immigrant has maintained good moral character, avoided lengthy trips abroad, and met at least one of the following criteria:

- Graduated from a two-year college or certain vocational colleges, or studied for at least two years toward a B.A. or higher degree, or
- Served in the U.S. armed forces for at least two years.

The six-year time period for meeting these requirements would be extendable upon a showing of good cause, and the U.S. Department of Homeland Security would be empowered to waive the requirements altogether if compelling reasons, such as disability, prevent their completion and if removal of the student would result in exceptional and extremely unusual hardship to the student or to the student's spouse, parent or child.

### ■ In-state tuition: Restore state option

The DREAM Act would also repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which currently discourages states from providing in-state tuition or other higher education benefits without regard to immigration status. Under section 505, states that provide a higher education benefit based on residency to undocumented immigrants must provide the same benefit to U.S. citizens in the same circumstances, regardless of their state of residence.

Since section 505 became law, ten states have enacted laws permitting anyone, including undocumented immigrants, who attended and graduated from high school in the state to pay the in-state rate at public colleges and universities. The ten states are Texas, California, Utah, Washington, New York, Oklahoma, Illinois, Kansas, New Mexico, and Nebraska. These states all pay the section 505 penalty by providing the same in-state discount rate to current residents of other states who previously went to high school and graduated in the state. The DREAM Act would repeal this penalty. This would not require states to provide in-state tuition to undocumented immigrants, but rather would restore this decision to the states without encumbrance.

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### FOR MORE INFORMATION, CONTACT

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