December 7, 2010

Dear Senators Durbin and Kirk:

On behalf of the Center for the Human Rights of Children at Loyola University Chicago, I am writing to commend your efforts on behalf SB 66: the Development, Relief, and Education for Alien Minors (DREAM) Act, and to show our continued support as it goes to Congress yet again this week.

In recognizing that children are particularly vulnerable to abuses and injustices, thus requiring special protections, the Center for the Human Rights of Children (CHRC) was founded in 2006. Through advocacy, scholarly research, programming, and engagement of the community at large, the Center’s mission is to protect and advance the human rights of children. The Center applies a human-rights approach to the problems affecting children, reaffirming the principle of the indivisibility of human rights and the importance of promoting economic, social, cultural, civil, and political rights of children. It pursues an agenda of interdisciplinary research, education, and service to address critical and complex issues affecting children and youth, both locally and globally, and is guided by the principles derived from the United Nations Convention on the Rights of the Child (CRC).

Each year, approximately 65,000 immigrant students graduate from college and high school each year, and face a roadblock to their dreams: they can't drive, can't work legally, can't further their education, and can't pay taxes to contribute to the economy, simply because they were brought to this country illegally by their parents or lost legal status along the way. It is a case of lost potential and broken dreams, and the permanent underclass of youth it creates is detrimental to our economy. Moreover, and in some ways more importantly, it is a case of violations of the human rights of children. Passage of the DREAM Act could remedy this situation.

Currently, undocumented children in the United States are constitutionally guaranteed the right to access public education. This is also stipulated in Articles 24, 28, and 29 of the CRC. However, their ability to complete high school, as well as the opportunity to pursue university studies, is undermined by their lack of legal status. Undocumented children are ineligible for federal financial aid for higher education and, in most states, for in-state tuition at public universities. Education is a right worthy of protection itself. It is also an indispensable means of realizing other human rights. All children, without discrimination of any kind, including on the basis of their status or the status of their parents, have a right to education. General Comment No. 13 of the Committee on Economic, Social and Cultural Rights establishes that states are obliged to ensure that education is accessible to everyone, without discrimination, within the jurisdiction of the state. Accessibility includes non-discrimination, physical accessibility, and economic accessibility.

Studies in child trafficking and exploitation have demonstrated that vulnerability to deportation (as well as the obstacles to seeking protection by law enforcement) allows violence and abusive treatment against children and young adults to flourish. They have also shown that isolation and lack of legal status make girls especially vulnerable to sexual abuse. A path to legal status for DREAM Act-eligible children would offer an avenue of protection currently unavailable to these children and youth. Legal status would make it easier for youth who are victims of violence and other abusive treatment to report violations to the police.

Additionally, the importance of family unity has been recognized by the United States Supreme Court, which has held that the "right to live together as a family" is an important right deserving constitutional protection, and that "the
institution of the family is deeply rooted in this Nation's history and tradition." By providing a path to legal status for eligible youth, the DREAM Act recognizes the importance of family bonds. The International Covenant on Civil and Political Rights (ICCPR), a core human rights treaty ratified by the United States in 1992, states that "[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the state" (Article 23, ICCPR). DREAM Act-eligible youth often have at least one parent and siblings living in the United States with them. When facing removal, these young immigrants risk being torn apart from their family.

The DREAM Act would offer conditional lawful permanent residence status to people who entered the United States as children, lived in the US for at least five years, are of good moral character, and have been admitted to an institution of higher education, graduated high school, or received a GED. The conditional nature of the lawful permanent residence ends with proof of two years of higher education or two years of military service. International law recognizes the prerogative of every sovereign state to determine who is allowed entry into its country and for how long. Passing the DREAM Act would at the same time both respect the sovereign prerogative of the United States on immigration and improve the likelihood that those decisions are made in a manner that promotes fundamental human rights recognized by the United States.

In conclusion, the CHRC strongly believes that passing the DREAM Act would show a commitment by the United States to respect the human rights of immigrant youth who have resided in the country for a considerable amount of time. It represents a choice by the United States to protect immigrants, brought to the country as children too young to have agency over their own fate, from adverse government action based on the acts of their parents. It would help to shield eligible youth from violence and abusive treatment for which the authorities often provide little protection. And it would recognize the strong community ties of youth and respect their family ties, goals long supported by the US. The current status of immigration legislation is a violation of several inherent rights of children. The DREAM Act of 2010 is a necessary step in the right direction. The Center for the Human Rights of Children commends your continued support of this bill, and I invite you to call upon the Center as a resource to further this endeavor.

Sincerely,

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