



Photo by Jim Block.

Gil Cedillo on the UC Berkeley campus.

IMMIGRATION

Reclaiming the Dream

by Kevin Escudero

Upon graduation from high school, undocumented youth who want to pursue to college have long found themselves in a precarious situation: unable to afford tuition but also unable to work or receive financial aid. While many have hopes of continuing their education and some are accepted to prestigious universities, these students face significant obstacles to accessing post-secondary education. Since the Supreme Court's 1982 decision in Plyler v. Doe, undocumented youth have been entitled to a K-12 public education. However, even those who earn high grades and excel in extracurricular activities find it difficult to pursue their academic dreams at the college level.

Gil Cedillo — a California assembly member from Los Angeles and the lead author of bills AB 130 and AB

131, together known as “the California Dream Act” — commented on the exceptional character of “Dreamers” during his UC Berkeley talk: “[These] students are extraordinary. They are children who arrive here by no choice of their own... learn a language within one generation, go to school under difficult circumstances... and yet excel and become part of the best and brightest of this state and this nation.”

According to a 2007 report by sociologist Roberto Gonzales of the University of Chicago, 65,000 undocumented students graduate from high school each year but only 5 to 10 percent continue on to higher education. The California Dream Act was designed to facilitate the transition of undocumented students from

>>



Photo by Juan David Gastolomendo.

Undocumented students participate in a DREAM graduation ceremony in Washington, D.C.

high school to college by providing much-needed financial support. It builds on AB 540, a 2001 law that granted undocumented youth the right to pay in-state tuition when attending public colleges and universities. AB 130, signed into law by Governor Jerry Brown in July 2011, allows undocumented students to access institutional aid derived from nonstate funds, while AB 131, signed into law in October, permits eligible students to receive noncompetitive, state-funded financial aid. AB 130 is set to go into effect in January 2012, while AB 131 will not take effect until January 2013.

In his talk, Cedillo emphasized the potential contribution of Dreamers to the California economy as they enter the workforce and begin paying taxes, noting that they provide an already-integrated, untapped labor force and represent some of the most promising young people today. Addressing the question of how

undocumented graduates will be able to participate legally in the state economy, Cedillo stated emphatically that “education is for life... nobody can take that from you.” Legal status, on the other hand, can change. “So the question is,” he added, “when your legal status does change, where are you going to be in terms of preparing yourself?”

The introduction of the California Dream Act this year and its separation into two discrete bills, was both intentional and strategic. In December 2010, immigrants’ rights advocates endured two setbacks: the defeat of the federal Development, Relief and Education for Alien Minors (DREAM) Act in the Senate by five votes and Governor Schwarzenegger’s veto of the previous version of the California Dream Act. “We needed a victory, and that victory was AB 130,” noted Cedillo. “We needed something we could move quickly through the legislative process.” By splitting the California Dream Act in two, Cedillo and immigrant rights activists sought to gain swift passage of the less-controversial AB 130 in the hopes that it would increase the social acceptance of Dreamers and allow more time to mobilize voters, building momentum for the passage of the second bill, AB 131. After intense mobilization and lobbying efforts, undocumented youth held Governor

Brown to his campaign promise that if the bill made it to his desk, he, unlike Governor Schwarzenegger, would sign it into law. On October 8, 2011, Governor Brown fulfilled his promise. UC Berkeley Chancellor Robert Birgeneau and undocumented student members of Rising Immigrant Scholars through Education (RISE) and Asian Students Promoting Immigrant Rights through Education (Aspire) publicly thanked the governor in a press conference held on October 10, 2011.

Though opponents have raised concerns about the California Dream Act due to the current shortage of funds for public higher education in California, Assemblyman Cedillo assured the talk’s attendees that the passage of the act would not adversely affect citizens: “Not one [citizen] student will lose a scholarship because of this program. Not one student will be displaced.” The reason for this is that AB 130 deals exclusively with private scholarships,

and AB 131 applies only to noncompetitive grants. In addition, undocumented students make up an extremely small proportion of those in the state's higher education system, so the bill for the new law will represent only 1 percent of total Cal Grant funds. While opponents have threatened to challenge the new law in court, to date no case has been filed.

During the discussion, Cedillo answered a wide range of questions, with many students asking what the next steps should be. According to Cedillo, the next steps are to lobby the president and Congress to pass the federal DREAM Act, providing students a path to citizenship and legalization. The federal bill, however, has also been criticized within the immigrant rights community because an estimated 67 percent of undocumented youth nationwide would not be eligible to benefit from the bill, due either to not having been in the country long enough or because they are not college-eligible. Many community-based organizations, activists and educators, including the Association of Raza Educators, have voiced concern about the legislation's military service component, which they argue will further exacerbate the current overrepresentation of youth of color in the U.S. armed forces. Thus, while the California Dream Act is a step towards greater incorporation and increased

[Gil Cedillo talks with UC Berkeley Chancellor Robert Birgeneau.](#)

rights for undocumented immigrants, such legislation is ultimately limited in scope.

With the United States facing an uncertain economy and a presidential election, comprehensive immigration reform and the federal DREAM act are likely off the table for at least the next year. This lack of federal action is compounded by the hard line being taken by states such as Arizona and Alabama against undocumented immigrants. In this environment, the efforts of Assemblyman Cedillo and others are especially admirable. Due in no small part to his legislative efforts and the activism of undocumented young people, California is one of the states working to build upon the federally guaranteed right to education established in 1982. Support for the state Dream Act and for Cedillo at UC Berkeley was very much in evidence given the high turnout for the discussion.

[Assemblymember Gil Cedillo represents the 45th district of California and was instrumental in the authoring and passage of the California Dream Act.](#)

[Kevin Escudero is a doctoral student in the Department of Comparative Ethnic Studies at UC Berkeley.](#)



Photo by Jim Block.