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THE LAW & YOU

**IS THIS THE AMERICAN DREAM?
Challenges facing illegal Indians in America
Part I**

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By the latest estimates offered by the Center of Immigration Studies, there are ten million undocumented, or “illegal”, aliens in the United States. Each year, approximately 700,000 undocumented immigrants infiltrate the borders and make America their new home. All come with the hope of living the American “Dream” – to make money, have a nice house and car, give their children a good education, and enjoy an otherwise “good” life. But for many, making the American dream into a reality has become more difficult than ever before. The September 11th attacks changed the international political landscape drastically and immigration law reform became the center of attention. While Americans do not embrace the idea of granting permanent legal status to illegal immigrants currently in the USA, the contribution of the undocumented aliens to the workforce and the American economy is undeniable. The shifting immigration policies have resulted in extensive changes in the way illegal or undocumented immigrants live day to day in America.

In a two part series of articles, issues concerning obtaining driver’s licenses, purchasing a home, securing health insurance, and paying for college will be addressed.

Driver’s Licenses: In a land as vast as America and its limited public transportation system, the ability to drive a car is not a luxury, but a fundamental need for day to day living. Individuals that do not have driver’s licenses face extreme hardship and deprivation in getting to and from work, transporting children, shopping for food, and getting medical help. Recent changes to state administrative procedures have made it more difficult for undocumented aliens to obtain driver’s licenses.

On May 11, 2005, Congress passed and President George W. Bush signed into law the REAL ID Act, which directed broad changes in state driver’s license issuance provisions by May 2008 so that a driver’s license can be accepted for official federal identification purposes. While the REAL ID Act does not impact licenses already issued, the ability of future applicants to obtain driver’s licenses has been limited since states must comply with the Department of Homeland Security requirements to verify the legal presence status of all applicants who are not US citizens, and overhaul their administrative procedures.

At present time, the ability of an illegal alien to obtain a driver's license seems to depend on his/her geographic location. While some states require a social security number and proof of lawful presence for obtaining a driver's license, other states either do not have a proof of lawful presence requirement, or some even accept a TIN as an alternative to a social security number. It is to be seen how each state will attempt to meet with the REAL ID Act's requirements. Individuals with conditional permanent resident status, valid nonimmigrant visa status, and some types of pending applications may be eligible for driver's licenses under the REAL ID Act.

Buying a home: Nearly a decade ago, the Internal Revenue Service began issuing Individual Taxpayer Identification Numbers so individuals without social security numbers had the ability to pay federal taxes. Despite their immigration status, many undocumented immigrants have steady incomes, minimal risk of deportation, and an immense desire to be homeowners. These factors and increasing competition within the banking community has led to the development of programs that allow banks to give home loans to undocumented immigrants.

The Equal Credit Opportunity Act and Regulation B allow for banks to evaluate loan applications based on several factors such as income, credit rating, employment, and immigration status. To avoid discrimination in its procedures, a banking institution must have consistent policies and procedures for evaluating an application. Therefore, if a banking institution chooses not to evaluate the immigration status of any of its applications, then the banking institution can effectively grant home loans to undocumented immigrants.

Many financial institutions comply with Fannie Mae guidelines and lend to foreign nationals and non-permanent resident aliens such as those with work visas and student visas. Banking institutions such as Wells Fargo and Citibank are offering loans in specific pilot programs where Taxpayer Identification Numbers are used and credit can be proven through utility bills and bank statements. Many of these loans offer below-market interest rates, offer downpayment assistance, and require no mortgage insurance.

Next week's article will discuss securing health insurance and paying for college tuition.