

# DREAM ACT 2017

## Summary and Answers to Frequently Asked Questions

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On July 20, 2017, Senators Lindsey Graham (R-SC), Dick Durbin (D-IL), Jeff Flake (R-AZ), and Chuck Schumer (D-NY) introduced the [Dream Act of 2017](#).<sup>1</sup> It is a bipartisan bill that would provide a direct road to U.S. citizenship for people who are either undocumented, have DACA or temporary protected status (TPS), and who graduate from U.S. high schools and attend college, enter the workforce, or enlist in the military.

Through the [Deferred Action for Childhood Arrivals](#) (DACA) program, announced by President Barack Obama on June 15, 2012,<sup>2</sup> some of these young people received temporary permission to stay in the U.S., as well as employment authorization, for two-year periods, and they could apply to renew that permission and work authorization for additional two-year periods. DACA hasn't just transformed the lives of young immigrants in the U.S.—it has [improved our economy](#) and strengthened our communities.<sup>3</sup> For hundreds of thousands of immigrant youth in our communities, it has opened the door to opportunities to [achieve their full potential](#).<sup>4</sup>

However, DACA recipients are still without a road to lawful permanent resident (LPR) status or U.S. citizenship. Meanwhile, on September 5, 2017, the Trump administration announced that it is ending the program and that October 5, 2017, would be the last day that U.S. Citizenship and Immigration Services would accept any applications for DACA. This has left people who either still have DACA or whose DACA has expired in limbo with respect to their future in the only country they've known as home since they were children.

The Dream Act of 2017, as introduced, is a strong bill that includes a path to U.S. citizenship. In its various iterations, the Dream Act has long enjoyed bipartisan support, and an [overwhelming majority](#) of Americans agree it's the right thing to do.<sup>5</sup> In dealing with a presidential administration that has vowed to increase immigration enforcement and announced that the DACA program is being terminated—while at the same time expressing

<sup>1</sup> [www.durbin.senate.gov/imo/media/doc/Dream%20Act%20of%202017%20section%20by%20section.pdf](http://www.durbin.senate.gov/imo/media/doc/Dream%20Act%20of%202017%20section%20by%20section.pdf).

<sup>2</sup> More information about DACA is available at [www.nilc.org/daca/](http://www.nilc.org/daca/).

<sup>3</sup> See *New Study of DACA Beneficiaries Shows Positive Economic and Educational Outcomes* (Center for American Progress, Oct. 18, 2016), <https://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/>.

<sup>4</sup> See *Results from a Nationwide Survey of DACA Recipients Illustrate the Program's Impact* (Center for American Progress, July 9, 2015), <https://www.americanprogress.org/issues/immigration/news/2015/07/09/117054/results-from-a-nationwide-survey-of-daca-recipients-illustrate-the-programs-impact/>.

<sup>5</sup> Cameron Easley, "Poll: Trump's Decision on Dreamers Is a Popular One—Even Among His Base," June 16, 2017, *Morning Consult*, <https://morningconsult.com/2017/06/16/poll-trumps-decision-dreamers-popular-one-even-among-base/>.

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sympathy towards “Dreamers”—we must continue to pressure lawmakers to support inclusive, non-enforcement-based legislation that will protect as many people as possible. Most importantly, we must increase the pressure on both Republicans and Democrats to pass the Dream Act before this year ends.

## Overview: 2017 Dream Act

The Dream Act of 2017 would make the following changes to current law:

- Grant current DACA beneficiaries permanent resident status on a conditional basis, and allow TPS beneficiaries, people without lawful immigration status, and people with final orders of removal the opportunity to apply for this same immigration status.
- Permit conditional permanent residents to obtain lawful permanent resident (LPR) status (sometimes referred to as getting a “green card”) if they go to college, have worked for a certain amount of time, or served in the U.S. military. They also would have to meet other requirements.
- Provide a pathway to U.S. citizenship. The path would be as follows: Conditional permanent residence (CPR) status for 8 years, during which time the person must fulfill the requirements for eligibility to apply for LPR status (see pp. 3–4, below); applying for and receiving LPR status; spending a certain period of time (generally 5 years) in LPR status; then, finally, applying for and receiving U.S. citizenship.
- Stay (stop) the removal proceedings of anyone who meets the Dream Act requirements and young people over 5 years of age who are enrolled in elementary or secondary school.
- Improve college affordability for undocumented youth and other immigrants by changing rules that limit their access to in-state tuition and to student financial aid made available by states and institutions.

## Adjustment to Conditional Permanent Resident Status

The Dream Act of 2017 would grant recipients an initial conditional permanent resident status. To be eligible, applicants would have to:

1. be undocumented, a DACA recipient, or a TPS beneficiary (people with final removal orders, voluntary departure orders, or who are in removal proceedings would be eligible);
2. have entered the U.S. *before* the age of 18;
3. have been continuously physically present in the U.S. since at least four years before the date of the Dream Act’s enactment;<sup>6</sup>
4. have maintained continuous presence in the U.S. until the date they apply;
5. meet the education requirement through one of these ways:
  - a. they’ve been admitted to a college, university, or other institution of higher learning, or
  - b. they’ve earned a high school diploma or general education development (GED) certificate, or

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<sup>6</sup> Continuous presence is broken if a person has left the U.S. for any one period exceeding 90 days or for any periods that exceed 180 days total. If the failure to timely return is due to extenuating circumstances beyond the individual’s control, these time limits may be extended. And travel authorized by the U.S. Dept. of Homeland Security, such as via advance parole, may not be counted toward the 90 or 180 days.

- c. they are currently enrolled in a secondary education program to assist in obtaining a high school diploma or GED certificate;
6. have not been convicted of certain criminal offenses;
7. pass a medical exam; and
8. pass a background check.

Applicants first would need to apply for CPR status, either through the regular process as a first-time applicant or through a potentially streamlined process for DACA recipients.

## Adjustment from Conditional Resident Status to Lawful Permanent Resident Status, and Acquiring U.S. Citizenship

### Path to U.S. Citizenship

Under the 2017 Dream Act, people who've had CPR status for 8 years would be eligible to apply for LPR (green card) status as soon as they've met the requirements for removing the conditional basis of their resident status (see below). They would then likely have to be in LPR status for 5 years before they would be eligible to apply for U.S. citizenship. A person may not apply for citizenship without first adjusting to LPR status

**CPR (granted for 8 years) → LPR (5 years) → CITIZENSHIP**

Approximate total: 8-13 years until eligible for citizenship

There may be a streamlined process for DACA recipients. The bill's language suggests that they will automatically receive conditional permanent residence, but the U.S. Department of Homeland Security could require that they file an application.

### Requirements for Removing Conditional Basis of Resident Status

To remove the conditional basis of their resident status and become a full-fledged LPR, the applicant would have to meet these requirements:

1. Not have certain criminal convictions on their record.
2. Not have abandoned their residence in the U.S.<sup>7</sup>
3. Have done one of the following:
  - a. acquired a degree from an institution of higher education, *or*
  - b. completed at least 2 years in a bachelor's degree program, *or*
  - c. served for at least 2 years in the uniformed services, *or*
  - d. been employed for periods totaling at least 3 years, at least 75 percent of which time was working with valid employment authorization. (If the person was not working, they must show that they were enrolled in school or an education program.)

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<sup>7</sup> "Abandonment" is not defined in the bill, but in other areas of immigration law it includes situations such as remaining outside the U.S. for an extended period of time. See <https://www.uscis.gov/green-card/after-green-card-granted/maintaining-permanent-residence#abandoning>.

- e. A hardship exception may be available for people who do not meet at least one of the four requirements listed immediately above.<sup>8</sup>
4. Demonstrate the ability to read, write and speak English and show a knowledge and understanding of U.S. civics.
5. Pass a background check.

## College Affordability

The 2017 Dream Act would repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which currently discourages states from making undocumented students eligible for in-state tuition or providing them other higher education benefits.

## Frequently Asked Questions

### • How does this bill compare to previous Dream Act bills?

The 2017 Dream Act is stronger than prior versions of the Dream Act. Previous versions of the Dream Act, including the [2010 version](#),<sup>9</sup> required immigrant youth to either complete two years of higher education or to join the military in order to receive LPR status. The 2017 version of the Dream Act has a route to LPR status based on employment. There is also a hardship exception for people who cannot meet the education, military, or employment requirement. These are important factors which recognize that not everyone is on a college track and that people may have unique circumstances, such as being the caregiver of a minor child.

Another way in which this bill is stronger than prior versions is the more generous age requirement. People who entered the U.S. before their eighteenth birthday can qualify, and there is no upper age limit. Previous versions limited the act's benefits to people who entered before their sixteenth birthday and were under age 30. A table comparing provisions in the 2010 and 2017 Dream Act bills and the DACA program is available at [www.nilc.org/dream-acts-and-daca-compared/](http://www.nilc.org/dream-acts-and-daca-compared/).

### • What are the chances that this bill will pass and become law?

Securing the congressional support needed to pass this bill will likely be an uphill battle, but legislation legalizing the immigration status of Dreamers has very high support among the public and members of Congress. The bill may become amended with border and interior enforcement provisions as it moves through Congress. Nevertheless, this bill is an opportunity to highlight the importance of providing immigration relief for immigrant youth and the positive impact DACA has had on the nearly 800,00 people who have received it.

### • Are there enforcement provisions in the bill?

No, the bill does not currently contain provisions that expand border militarization, detentions, or deportations. However, some politicians have discussed allowing this bill to move only in exchange for further militarization of our borders. *This is not acceptable to NILC.*

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<sup>8</sup> Applicants may be granted a hardship exception to the education, military, or work requirement if they can demonstrate that they have a disability, are a full-time caregiver of a minor child, or their removal would cause extreme hardship to a U.S. citizen or LPR spouse, parent, or child.

<sup>9</sup> <https://www.congress.gov/bill/111th-congress/senate-bill/3992>. More information about the 2010 Dream Act bill is available at [www.nilc.org/dreamact/](http://www.nilc.org/dreamact/).

- **How much will it cost to apply?**

The bill does not specify an application fee. Instead it provides that U.S. Citizenship and Immigration Services will set a “reasonable” fee for the CPR application. Fee exemptions for application fees will be available for people who meet certain economic hardship criteria, including being under 18 years of age, having a chronic disability, and being in foster care.

- **What materials should I gather to prove I qualify for the Dream Act?**

The Dream Act has not passed yet, so it is *not* a law, and no one can apply for an immigration benefit under it yet. *Don't be fooled by a notario or other scam artist into “applying” for a program that doesn't yet exist!*

However, it's a good idea to start gathering documents now so that you can have them handy if there is some immigration program that you qualify for. The bill lists the documents that would be needed to prove eligibility for adjustment of status under the Dream Act. They include documents to prove identity (passport, birth certificate, etc.) and documents to prove presence in the U.S. (school records, tax receipts, employment records, etc.).

- **Will the information I provide be protected?**

The Dream Act has not passed yet, so it is *not* a law, and no one can apply for an immigration benefit under it yet. *Don't be fooled by a notario or other scam artist into “applying” for a program that doesn't yet exist!*

However, if the bill is enacted as currently written, it provides that the information you submit during the application process will be protected and shared only in very limited circumstances. Among the Dream Act's provisions are ones intended to protect information provided in DACA and Dream Act applications; they state that information provided on the applications may not be disclosed or used for the purpose of immigration enforcement. However, information may be shared with national security and law enforcement agencies for assistance in the consideration of an application for conditional permanent resident status, to identify or prevent fraud, for national security purposes, or for the investigation or prosecution of any felony not related to immigration status.

- **What can I do to support DACA and the Dream Act?**

Regardless of whether the Dream Act becomes law, we must continue to protect DACA and TPS. Protecting all immigrants from deportation is a priority for our immigrant communities as well as for NILC and many other immigrants' rights organizations. Here are some things you can do to help protect DACA:

**Share your story.** Undocumented youth were at the forefront of pushing for the DACA program to be created. NILC is collecting personal stories to deliver to Washington legislators, urging them to stand up and fight for those who will be irreparably harmed by the termination of DACA.

Visit [WeAreHereToStay.org](http://WeAreHereToStay.org) to learn about other actions you can take to support DACA and Dream.

- **How do I stay updated on the bill?**

Follow NILC on [Facebook](https://www.facebook.com/NationalImmigrationLawCenter/) or [Twitter](http://www.twitter.com/NILC_org) to stay up to date regarding the latest developments on DACA and the Dream Act.<sup>10</sup>

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