

# CDF-NY Fall Series

October 2017

## *The Future of DACA and DREAMers*

### *The Dream Act of 2017: An Analysis of the Bill*

#### *What is the Dream Act?*

The Dream Act (Development, Relief, and Education for Alien Minors) is a bipartisan bill introduced by Senators Lindsey Graham (R-SC) and Dick Durban (D-IL) that provides a pathway towards citizenship to undocumented youth. The bill acts to protect current recipients of Deferred Action for Childhood Arrivals (“DACA”), those with Temporary Protected Status (“TPS”) and undocumented youth that fall under the criteria of the Dream Act<sup>1</sup>.

The three step pathway is:

1. Conditional Permanent Status (“CPR”) (8 years)
2. Lawful Permanent Status (“LPR”) (3-5 years)
3. Naturalization

#### *Why is it important to pass the Dream Act?*

The Dream Act provides a pathway for undocumented youth to earn a legal status in the United States. The Migration Policy Institute<sup>2</sup> estimates that over 1.8 million undocumented youth will be affected by the Dream Act. By passing the bill, undocumented young people will have a chance at achieving the American Dream. The bill also benefits the U.S. economy as it will increase revenue in the country<sup>3</sup>. The Center for American Progress did a study on the economic impact of removing unauthorized immigrant workers. This study found that passing the Dream Act and placing the immediately eligible workers onto a pathway of citizenship would increase the U.S. gross domestic product (GDP) by \$22.7 billion annually<sup>4</sup>.

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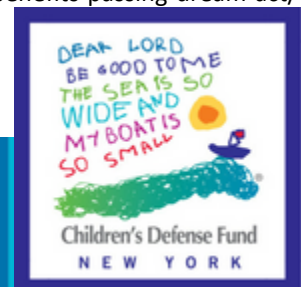
*This fall CDF-NY interns worked with staff on the 2017 CDF-NY Fall Series. Ridmila Sudasinghe is the primary author of this paper.*

<sup>1</sup> <https://www.congress.gov/115/bills/s1615/BILLS-115s1615is.pdf>

<sup>2</sup> <http://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles>

<sup>3</sup> <https://www.americanprogress.org/issues/immigration/reports/2017/09/18/439134/economic-benefits-passing-dream-act/>

<sup>4</sup> <https://www.americanprogress.org/issues/immigration/reports/2017/09/18/439134/economic-benefits-passing-dream-act/>



On September 5<sup>th</sup> 2017, Attorney General Jeff Sessions announced the termination of DACA – which provided temporary status. DACA recipients are young undocumented immigrants who were brought to the United States as children and have continuously lived in the country for four years. The program has benefited nearly 800,000 young people in obtaining higher education and a work status in the United States. The termination of this program will put these young people at risk of deportation. These young people are American in every way except their legal status. The Dream Act will help provide nearly 800,000 DACA recipients an opportunity of lawfully earning U.S. citizenship.

### ***Requirements of the Dream Act***

Recipients eligible to apply for CPR status must fulfill the following requirements<sup>5</sup>:

- Recipient is a longtime resident who came to the U.S. under the age of 18
- Recipient entered the U.S. four years prior to enactment of this Act and has continuously lived in the U.S
- Recipient has been accepted to a higher education institution, graduated from high school, obtained a GED, or an alternative award equivalent to a high school diploma, OR enrolled in secondary school or in an education program assisting students in obtaining a high school diploma, GED or an equivalent exam.
- Recipient has not been convicted of any offense under federal or state law, other than a State offense essential to the recipient's immigration status, which is only punishable by a maximum term of more than one year.
  - o OR 3 or more offenses under Federal or State law, (other than state offenses pertaining to the recipients immigration status) for which the recipient was convicted on different dates for each of the three offenses and imprisoned for a total of 90 days or more

### ***How does the Dream Act protect DACA and TPS beneficiaries?***

The Dream Act automatically grants current DACA recipients CPR status. Recipients with an expired DACA status must reapply for CPR status. Those that have Temporary Protected Status are eligible to apply for CPR status.

### ***Step 1: Conditional Permanent Resident Status (CPR)***

The Conditional permanent resident status is valid for 8 years. Then the applicant is eligible to apply for Lawful Permanent Resident status.

- Recipients can lose CPR status if the person ceases to meet the inadmissibility, criminal conviction, and persecution criteria specified in Section 3 of the bill.

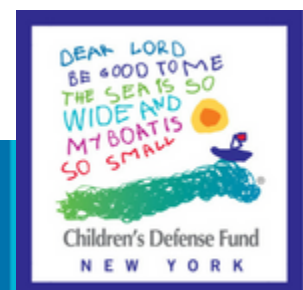
### ***Step 2: Lawful Permanent Resident Status (LPR)***

To qualify for Legal Permanent Resident Status after having Conditional Permanent Resident Status, recipient must have completed *all* of the following:

1. Has not abandoned U.S. residency AND
2. Completed one of the following:
  - a. Has obtained a degree from an institution of higher education

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<sup>5</sup> <https://www.congress.gov/115/bills/s1615/BILLS-115s1615is.pdf>



- b. Has completed at least two years of higher education, in good standing, such as bachelor's degree or higher degree in the U.S.
- c. Served in the military for at least 2 years.
- d. Employed for at least 3 years and has worked for at least 75% of the time since the recipient was granted a valid work authorization.

*Terms of eligibility for LPR status are subject to change if recipient has a disability, is a fulltime caregiver to a minor child or removal of recipient causes extreme hardship to recipient's spouse, parent, or child who is a United States citizen or is lawfully admitted for permanent residence.*

### **Step 3: Naturalization**

Recipient is eligible to apply for citizenship if they meet the following requirements:

- 1. Has been a lawful permanent resident for 5 years<sup>i</sup>.
  - a. If recipient is married to a U.S. citizen, recipient is eligible to apply for citizenship after 3 years of LPR status<sup>ii</sup>.
- 2. Satisfies the requirements under section 312(a) of the INA which is demonstrating an understanding of the English language, history, principles and form of government of the United States.
- 3. Submits biometric and biographic data and completes a background check.
- 4. Meets documentation requirements stated under SEC. 6 of the bill which includes proper documents proving CPR and LPR status.

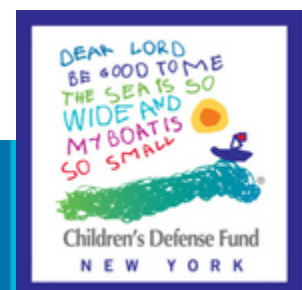
## **Harmful Policy Alternatives**

### **What other bills were introduced in Congress in hopes of reforming immigration?**

As of October 2017, two new bills were introduced in Congress in hopes of reforming immigration and protecting Dreamers from deportation.

Senators Thom Tillis (R-NC), James Lankford (R-OK), and Orrin Hatch (R-UT) have introduced the SUCCEED Act (Solution for Undocumented Children through Careers, Employment, and Defending our Nation Act). This bill provides extensive and rigorous requirements to qualify for citizenship. A recipient must go through a 15-year process to be eligible for legal status which include CPR and LPR status. They must relinquish their due process rights by signing a waiver that states that the Department of Homeland Security is entitled to deport a recipient without a court hearing if recipient is found to have violated the conditions of crime under CPR status. Recipient is also ineligible to receive relief under the SUCCEED Act or other immigration laws if they fail to meet the bill's requirements under CPR status. The bill also prevents recipients from sponsoring their family members in obtaining a legal status in the U.S.<sup>iii</sup>.

On October 5<sup>th</sup>, 2017, Senator Flake introduced the Border Security and Deferred Action Recipient Relief Act as a compromise to Congressional Republicans, Democrats and the Trump Administration. This bill sets a long term relief plan for DACA recipients and eligibility to apply for citizenship. A recipient must go through a minimum of 10 years under CPR status before applying for LPR status. It requires \$1.6 billion in funding for border security measures and also seeks to enforce strict deportation of gang and cartel members. This bill allows U.S. Customs and Border Protection to have more access to roads along the border for easier patrol<sup>iv</sup>.



# ***Trump Administration's Immigration Policy Priorities***

The Trump Administration has repeatedly advocated for strict immigration reform. They have released a list of policy priorities to be included in future legislation when discussing the compromise of DACA legislation. These objectives include the following<sup>v</sup>:

## **1. Border Security**

- a. Fund and complete construction of the southern border wall
- b. Increase northern security
- c. Ensure the safe and expeditious return of Unaccompanied Alien Children (UAC) and family units
- d. Tighten standards of asylum system, impose penalties for fraud and ensure detention when claims are verified
- e. Hire an additional 370 Immigration Judges and 1,000 Immigration Customs Enforcement (ICE) attorneys to remove illegal border crossers
- f. Expand categories of inadmissibility

## **2. Interior Enforcement**

- a. End sanctuary cities
- b. Incentivize States and local communities to help enforce Federal immigration laws
- c. End visa overstays
- d. Prevent gang members from receiving immigration benefits
- e. Hire 10,000 more ICE officers and 300 federal prosecutors
- f. Correct judicial actions through stop catch-and-release
- g. Expand criteria for expedited removal
- h. Require E-Verify and strengthen laws to stop employment discrimination against U.S. workers
- i. Expand State Department's authority to combat visa fraud, ensure funding of the Visa Security Program, and expanding it to high-risk posts

## **3. Merit-Based Immigration System**

- a. End extended-family chain migration by limiting family-based green cards to include spouses and minor children
- b. Establish a points based system for green cards to protect U.S. workers and taxpayers

## **Call to Action**

It is important that Congress *rejects* any proposals that threaten the livelihood of current and future immigrant youth. Advancing a policy agenda should not come at the expense of children's safety. As policymakers work to reform immigration, they must remember that the well-being of children come first. CDF-NY urges Congress to pass the DREAM Act as it is the safest and most reasonable legislation to ensure the safety of immigrant children.

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<sup>i</sup> <https://www.gpo.gov/fdsys/pkg/STATUTE-66/pdf/STATUTE-66-Pg163.pdf#page=73>

<sup>ii</sup> <https://www.gpo.gov/fdsys/pkg/STATUTE-66/pdf/STATUTE-66-Pg163.pdf#page=73>

<sup>iii</sup> <https://www.congress.gov/115/bills/s1852/BILLS-115s1852is.pdf>

<sup>iv</sup> [https://www.flake.senate.gov/public/\\_cache/files/847b04ff-8657-4c46-b458-8aa1b2b1f16d/flake-border-security-and-deferred-action-recipient-relief-act.pdf](https://www.flake.senate.gov/public/_cache/files/847b04ff-8657-4c46-b458-8aa1b2b1f16d/flake-border-security-and-deferred-action-recipient-relief-act.pdf)

<sup>v</sup> <https://www.whitehouse.gov/the-press-office/2017/10/08/trump-administration-immigration-policy-priorities>

