

## ***DREAM Act Summary***

### **Senate Judiciary Committee—approved Version (Oct. 23, 2003)**

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On Oct. 23, 2003, the Senate Judiciary Committee by a 16-3 margin approved an amended version of the Development, Relief, and Education for Alien Minors (DREAM) Act, S. 1545. Seven of the ten Committee Republicans and all Democrats voted in favor of the bill.

The DREAM Act, sponsored by Senators Orrin Hatch (R-UT) and Richard Durbin (D-IL) and cosponsored by more than 45 other senators, addresses the tragedy of young people who grew up in the U.S. and have graduated from our high schools, but whose future is circumscribed by our current immigration laws. Under current law, these young people generally derive their immigration status solely from their parents, and if their parents are undocumented or in immigration limbo, most have no mechanism to obtain legal residency even if they have lived most of their lives here. The DREAM Act provides such a mechanism for those who are able to meet certain conditions.

The leading bill in the House addressing the same issue is H.R. 1684 (Cannon, R-UT), known as the Student Adjustment Act. H.R. 1684 was introduced last year and currently has more than 130 cosponsors from both parties.

The DREAM Act would enact two major changes in current law:

- Eliminate a federal provision that discourages states from providing in-state tuition without regard to immigration status; and
- Permit some immigrant students who have grown up in the U.S. to apply for temporary legal status and eventually obtain permanent status and become eligible for citizenship if they meet certain conditions.

The DREAM Act sets up a two-stage process to apply for legal status. Immigrant students who have grown up in the U.S., graduated from high school here, and can demonstrate good moral character would initially qualify for “conditional lawful permanent resident” status, which normally would last for six years. During the conditional period, the immigrant would be required to go to college or join the military. At the end of the conditional period, those who meet at least one of these requirements would be eligible for regular lawful permanent resident status.

If enacted, DREAM 2003 would have a life-changing impact on the students who qualify, dramatically increasing their average future earnings—and consequently the amount of taxes they would pay—while significantly reducing criminal justice and social services costs to taxpayers.

The following are some of the key features of the DREAM Act as it emerged from the Senate Judiciary Committee:

#### ***In-state tuition: Restore state option***

The DREAM Act would repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which currently discourages states from providing in-state tuition or other higher education benefits without regard to immigration status.



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### ***Path to legal residency: Who qualifies?***

Under the DREAM Act, most students with good moral character who came to the U.S. before they were 16 years old and at least 5 years before the date of the bill's enactment would qualify for conditional permanent resident status upon acceptance to college, graduation from a U.S. high school, or being awarded a GED in the U.S. Students would not qualify for this relief if they have committed crimes, are a security risk, or are inadmissible or removable on certain other grounds.

### ***Conditional permanent resident status***

Conditional permanent resident status would be similar to lawful permanent resident status, except that it would be awarded for a limited duration—6 years under normal circumstances—instead of indefinitely. Students with conditional permanent resident status would be able to work, drive, go to school, and otherwise participate normally in day-to-day activities on the same terms as other Americans, except that they would not be able to travel abroad for lengthy periods. Time spent by young people in conditional permanent resident status would count towards the residency requirements for naturalization.

Under the DREAM Act as it emerged from the Judiciary Committee, students in conditional permanent resident status would not be eligible for Pell Grants or other federal financial aid grants. They would, however, be eligible for work study and student loans, and states would not be restricted from providing their own financial aid to these students.

Schools attended by DREAM Act beneficiaries would be required to enter these students into the Student Exchange and Visitor Information System (SEVIS). SEVIS is a computer tracking system currently used to keep tabs on the approximately 500,000 international students, scholars, and scientists in the U.S. on temporary (F and J) visas. It is far from clear how this requirement would be implemented.

### ***Requirements to lift the condition and obtain regular lawful permanent resident status***

At the end of the conditional period, unrestricted lawful permanent resident status would be granted if, during the conditional period, the immigrant has maintained good moral character, avoided lengthy trips abroad, and met at least one of the following criteria:

1. Graduated from a 2-year college or certain vocational colleges or studied for at least 2 years towards a B.A. or higher degree, or
2. Served in the U.S. armed forces for at least 2 years.

The 6-year time period for meeting these requirements would be extendable upon a showing of good cause, and the Dept. of Homeland Security would be empowered to waive the requirements altogether if compelling reasons such as disability prevent their completion and if removal of the student would result in exceptional and extremely unusual hardship to the student, or to the student's spouse, parent or child.

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