

# DREAM Act: Summary

**Updated DECEMBER 2010**

**T**he DREAM Act, also known as the Development, Relief, and Education for Alien Minors Act, is bipartisan legislation that addresses the tragedy of young people who grew up in the United States 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 in the U.S. The DREAM Act would provide such a mechanism for those who are able to meet certain conditions.

First introduced in 2001, the DREAM Act has been introduced in this Congressional session in various forms. The latest version of the DREAM Act in the House (H.R. 6497) was introduced as an amendment to H.R. 5281 by Rep. Howard Berman (D-CA) and Rep. Lincoln Diaz-Balart (R-R-FL) on December 7, 2010. The latest Senate version (S. 3992) was introduced on November 30, 2010 by Richard Durbin (D-IL). H.R. 6497 passed the House on December 8, 2010 by a vote of 216-198.

Both the House and Senate versions of the bill would permit certain individuals who have grown up in the U.S. to apply for *conditional nonimmigrant status*. If enacted, the DREAM Act 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. The DREAM Act would have the additional benefit of reducing the federal deficit by \$2.2 billion over 10 years.

## KEY FEATURES OF THE DREAM ACT OF 2010

### ■ Path to legal residency: Who would qualify?

Under both the House and Senate bills, most students who show good moral character since entry and who came to the U.S. at age 15 or younger at least five years before the date of the bill's enactment would qualify for *conditional nonimmigrant 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 had committed crimes, were a security risk, or were inadmissible, ineligible, or removable on certain other grounds. The bill also requires that the individuals be under age 30 at the time of enactment.

### ■ Conditional nonimmigrant status

The House bill would permit certain individuals who have grown up in the U.S. to apply for a 5-year period of conditional nonimmigrant status, after which they could apply for a second 5-year period of conditional nonimmigrant status. After a total of ten years in conditional nonimmigrant status, students could adjust to legal permanent resident status if all criteria are met. By contrast, the Senate bill creates a single 10-year period of conditional nonimmigrant status after which students could adjust to legal permanent resident status if all criteria are met.



**LOS ANGELES** (Headquarters)  
3435 Wilshire Boulevard  
Suite 2850  
Los Angeles, CA 90010  
213 639-3900  
213 639-3911 fax

**WASHINGTON, DC**  
1444 Eye Street, NW  
Suite 1110  
Washington, DC 20005  
202 216-0261  
202 216-0266 fax

Individuals with conditional nonimmigrant status would be eligible to work, drive, go to school, and otherwise participate normally in day-to-day activities on the same terms as other Americans. These individuals would be eligible for federal work study and student loans, and states would not be restricted from providing their own financial aid to these students. However, they would be barred from a broad range of public benefits as well as the new federal tax credits in health reform. They would not be eligible for Pell Grants or certain other federal financial aid grants.

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

Under the House bill, individuals must either attend a higher degree program for at least two years or serve in the U.S. armed forces for at least two years in order to extend conditional nonimmigrant status for the second 5-year period. Under the Senate bill, individuals must either attend a higher degree program for at least two years or serve in the U.S. armed forces for at least two years during the single 10-year period of conditional nonimmigrant status.

Under both bills, individuals would also have to demonstrate that during the 10-year period of conditional nonimmigrant status they had maintained good moral character, avoided violating travel restrictions, not committed certain crimes, and paid back-taxes. After three years in legal permanent resident status, individuals would be eligible to apply for citizenship.

---

#### FOR MORE INFORMATION, CONTACT

Adey Fisseha, Policy Attorney | [fisseha@nilc.org](mailto:fisseha@nilc.org) | 202.216.0261