

Eleven Key Changes in House Version of DREAM Act

Describes Changes from the Original Versions of DREAM Act in 111th Congress

Does not grant lawful permanent resident (LPR) status to anyone for at least 10 years; instead, an individual who meets the bill's requirements becomes a "conditional nonimmigrant." Under the new House bill, conditional nonimmigrants must meet the bill's college or military service requirement after 5 years, at which point they must file a new application to extend their status for 5 additional years. Only after 10 years as a conditional nonimmigrant may a DREAM Act beneficiary apply for LPR status. Earlier versions of the DREAM Act provided "conditional permanent resident status" for 6 years, at which time those eligible could apply for LPR status.

1. Charges DREAM Act participants a significant surcharge of \$525 upon filing an initial application for conditional nonimmigrant status and an additional surcharge of \$2,000 when they apply to extend their status at year 5. Previous versions of the DREAM Act—including the most recent Senate bill—had no such surcharges. These surcharges will ensure that DREAM Act participants will not increase our net direct spending. In fact, in an initial estimate, the Congressional Budget Office (CBO) estimates that this updated House version of the DREAM Act will increase revenues by \$1.7 billion, and when combined with other savings, result in total deficit reduction of more than \$2.2 billion, over the next 10 years.
2. Does not change the current federal restriction on in-state tuition for undocumented immigrants. The earlier versions of the DREAM Act repealed this restriction.
3. Further restricts eligibility for the DREAM Act to persons who are 29 and younger on the date of enactment. S. 729 set that age cap at 35. H.R. 1751 contained no age cap at all.
4. Limits "chain migration." DREAM Act participants would have very limited ability to sponsor family members for permanent residence. They could never sponsor extended family members, could only begin the long process of sponsoring spouses or unmarried children after at least 10 years, and would have to wait at least 13 years to sponsor parents or siblings. Even after family members had been sponsored, they would still have to wait for years in the family immigration lines before being able to finally immigrate to the United States. Any undocumented family members already in the U.S. face additional barriers under existing law that will continue to make it difficult, if not impossible, to obtain lawful status.
5. Specifically excludes conditional nonimmigrants from receiving government subsidies to participate in the health insurance exchanges created by health reform. Conditional nonimmigrants are also ineligible for Medicaid, Food Stamps, and similar entitlement programs.

6. Contains tougher criminal and immigration restrictions on eligibility for conditional immigrant status by specifically excluding anyone who: has committed one felony or three misdemeanors; is likely to become a public charge; has engaged in voter fraud or unlawful voting; has committed marriage fraud; has abused a student visa; has engaged in persecution; or poses a public health risk.
7. Establishes a one-year application deadline. An individual would be required to apply for conditional nonimmigrant status within one year of obtaining a high school degree or GED or the effective date of interim regulations under the Act.
8. Requires applicants to prove prima facie eligibility under the DREAM Act in order to receive a stay of removal pending adjudication of the application. The DREAM Act is not a safe harbor from deportation.
9. Requires robust information sharing. The Department of Homeland Security must provide information from an individual's DREAM Act application to any federal, state, tribal, or local law enforcement agency. Information concerning fraud in an application for relief under the DREAM Act or any other criminal conduct also will be used for immigration enforcement, law enforcement, or national security purposes.
10. Places the burden of proof on a DREAM Act applicant. Unlike in past bills, it is the applicant who must demonstrate eligibility by a preponderance of the evidence.