

Summary of Significant Changes in the DREAM Act from S. 729 to S. 3992

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The Development, Relief, and Education for Alien Minors Act, also known as the DREAM Act, is a bipartisan bill that would provide undocumented young women and men who were brought to the U.S. as young children a pathway to U.S. citizenship if they attend college or perform military service. First introduced in 2001, the bill has been introduced in this congressional session in various forms. This document outlines significant changes from S. 729 (March 26, 2009) to S. 3992 (Nov. 30, 2010). For a summary of S. 729, see “DREAM Act: Summary” (NILC, Sept. 2010).¹ The summary of changes, below, is not a section-by-section outline of S. 3992. Elements of the bill that remain unchanged from S. 729 are not included.

- S. 3992 creates conditional nonimmigrant status for qualifying applicants for a 10-year period. During those 10 years, individuals are barred from a broad range of public benefits as well as the new federal tax credits in health reform that would make private health insurance more affordable. These individuals do receive work authorization. The bill attempts to provide a right to travel outside the U.S. for those in conditional status, but it fails to exempt them from provisions in federal immigration law that bar individuals from reentering the country if they have previously been in the U.S. without documentation. This means that those in conditional status would need to acquire a waiver from the federal government in order to be allowed to reenter the U.S.
- The bill does not repeal the federal law limiting how states can provide in-state tuition to undocumented immigrants, so states will continue to face the obligation of providing in-state tuition to U.S. citizen graduates of their high schools living outside their states if they wish to offer in-state tuition to undocumented students who graduate from their high schools.
- In order to qualify for conditional nonimmigrant status, applicants must be younger than 30 on the date of the DREAM Act’s enactment.
- The definition of “institution of higher learning” is expanded to include vocational institutions.
- Applicants must show good moral character since the time they entered the U.S. (rather than since the time of application).
- The bill makes applicants subject to more grounds of inadmissibility, deportability, and other restrictions. Individuals would be:
 - Ineligible for having engaged in voter fraud, unlawful voting, marriage fraud, student visa abuse, polygamy, draft evasion, persecution of others;
 - Ineligible for posing a public health risk, or being likely to become a public charge; and
 - Ineligible if they have one felony or three misdemeanor convictions.

¹ <http://www.nilc.org/immlawpolicy/DREAM/dream-bills-summary-2010-09-20.pdf>.



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- The bill sets a deadline for the application for conditional nonimmigrant status: The applicant must apply for conditional status within one year after obtaining a high school diploma or GED, admittance to institution of higher education, or the bill's date of enactment.
- The bill adds requirements for those in conditional status to adjust to lawful permanent resident status:
 - The bill creates a deadline for conditional nonimmigrants to apply to adjust their status. They must file for adjustment of status during the period beginning 1 year before and ending on either the date that is 10 years after the date of the granting of conditional nonimmigrant status or any other expiration date of the conditional status.
 - In order to adjust to lawful permanent resident status, applicants must show good moral character during the 10 years in conditional status and they cannot have abandoned their residence in the U.S. An individual who has been absent from the U.S. for a total of more than 365 days (not counting service in the U.S. armed forces) during the period of conditional status is presumed to have abandoned residence.
 - Also, the conditional resident must pay back-taxes before adjusting to permanent resident status.
- The bill maintains a path to U.S. citizenship for DREAM-eligible individuals. After 3 years in lawful permanent resident status, the individual can apply for citizenship.
- The bill does not contain a provision for expedited processing of applications.
- The bill requires applicants to demonstrate their eligibility for the status in order to receive a stay of removal while their application is pending.
- The bill requires selective service registration.
- Application explicitly requires submission of biometric and biographic data, background checks — consistent with current law — and a medical examination.
- The bill expands the required disclosure of information in applications and creates exceptions to confidentiality for criminal, homeland security, or national security purposes.