

# FAQ: The BRIDGE Act

## “Bar Removal of Individuals Who Dream and Grow Our Economy”

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Senators Lindsey Graham (R-SC) and Dick Durbin (D-IL), along with five other senators, have introduced the [BRIDGE Act](#),<sup>1</sup> bipartisan legislation whose intent is to allow people who are eligible for or who have received work authorization and temporary relief from deportation through Deferred Action for Childhood Arrivals (DACA) to continue living in the U.S. with permission from the federal government. Identical [legislation](#) was introduced in the House of Representatives by Rep. Mike Coffman (R-CO) and seven other House members.<sup>2</sup>

*This FAQ provides information on the BRIDGE Act bill as it was introduced. At this point, the BRIDGE Act is only a bill; it is not law. Therefore, everything you read in this FAQ about the BRIDGE Act is only a proposal. There is currently no BRIDGE Act application process. You should not pay anyone to help you submit a BRIDGE Act application.*

If you are considering applying for DACA either for the first time or to renew it, we encourage you to first read our [New Questions and Answers About DACA Now That Trump is President](#).<sup>3</sup> For specific information about applying for DACA *if you've never received it before*, see [FAQ: The Obama Administration's Deferred Action for Childhood Arrivals \(DACA\)](#).<sup>4</sup> For specific information about applying *to renew your DACA*, see [FAQ: Deferred Action for Childhood Arrivals \(DACA\) Renewal Process](#).<sup>5</sup>



**WARNING:** Do NOT take advice about your immigration case from a notary public or an immigration consultant. Contact ONLY a qualified immigration lawyer or a Board of Immigration Appeals (BIA)-accredited representative for legal advice about your case. A directory of legal service providers in your area is available at [www.immigrationlawhelp.org/](http://www.immigrationlawhelp.org/).



### ■ What would the BRIDGE Act do if it were enacted?

The BRIDGE Act would make it possible for people who meet certain requirements to apply for and receive “provisional protected presence” and work authorization. However, an approved applicant’s provisional protected presence and work authorization would be *valid only from the time the person received it until the point in time that is three years after the*

<sup>1</sup> [www.congress.gov/bill/114th-congress/senate-bill/3542](http://www.congress.gov/bill/114th-congress/senate-bill/3542).

<sup>2</sup> [www.congress.gov/115/bills/hr496/BILLS-115hr496ih.pdf](http://www.congress.gov/115/bills/hr496/BILLS-115hr496ih.pdf).

<sup>3</sup> [www.nilc.org/issues/daca/daca-after-trump-q-and-a/](http://www.nilc.org/issues/daca/daca-after-trump-q-and-a/).

<sup>4</sup> [www.nilc.org/faqdeferredactionyouth/](http://www.nilc.org/faqdeferredactionyouth/).

<sup>5</sup> [www.nilc.org/dacarenewalprocess/](http://www.nilc.org/dacarenewalprocess/).

LOS ANGELES (Headquarters)  
3450 Wilshire Blvd. #108 – 62  
Los Angeles, CA 90010  
213 639-3900  
213 639-3911 fax



WASHINGTON, DC  
1121 14th Street, NW, Ste. 200  
Washington, DC 20005  
202 216-0261  
202 216-0266 fax

*BRIDGE Act is enacted.* The requirements people would have to meet are essentially the same as the [requirements for DACA](#) under the program that was created in 2012.<sup>6</sup>

People who already have DACA would be deemed to have provisional protected presence until their DACA's expiration date, then they would be eligible to apply affirmatively for provisional protected presence.

The BRIDGE bill also would impose restrictions on the sharing of information in DACA and provisional protected presence applications with U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection for purposes of immigration enforcement.

### ■ Is the BRIDGE Act the same as the Dream Act?

No. The Dream Act did not pass when Congress voted on it in 2011, and it has not been reintroduced since then. The Dream Act would have permitted certain immigrants who grew up in the U.S. to obtain temporary legal status and eventually to apply for and obtain permanent legal status, then U.S. citizenship. To be eligible, they would have had to meet certain education-related requirements or have served in the U.S. military.

The BRIDGE Act would not provide a pathway to U.S. citizenship. It only would allow people who are eligible for—or who already have—DACA to receive work authorization and provisional protected presence for, at most, three years.

### ■ Why is the BRIDGE bill being introduced?

Members of Congress from both parties recognize the positive impact providing work authorization and protection from deportation has had on the lives of people with DACA, as well as on the broader society and economy. (These benefits are detailed in a recent report, [New Study of DACA Beneficiaries Shows Positive Economic and Educational Outcomes](#).<sup>7</sup>) The BRIDGE bill would allow DACA recipients the opportunity to continue contributing to our society and economy.

In addition, policymakers recognize the need to protect DACA recipients. Since the November 2016 election, many DACA recipients and their allies have expressed concerns over whether President Trump will follow through on his campaign threat to end the DACA program. If it were enacted, this bill's provisions would provide assurance to DACA recipients that they could continue being both authorized to work in the U.S. and protected from deportation.

### ■ Who would be eligible for protection under the BRIDGE bill?

To be eligible for provisional protected presence under the BRIDGE Act, a person would have to:

- be at least 15 years old to apply (but a person younger than 15 could apply if they were in removal proceedings or had either a final removal order or a voluntary departure order);
- have been born after June 15, 1981;

<sup>6</sup> [www.nilc.org/faqdeferredactionyouth/](http://www.nilc.org/faqdeferredactionyouth/).

<sup>7</sup> [www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/](http://www.americanprogress.org/issues/immigration/news/2016/10/18/146290/new-study-of-daca-beneficiaries-shows-positive-economic-and-educational-outcomes/).

- have come to the U.S. before their sixteenth birthday;
- have lived continuously in the U.S. since June 15, 2007;
- have continuously resided in the U.S. from June 15, 2007, until the date of filing an application under the BRIDGE Act (except for travel using [advance parole](#)<sup>8</sup>);
- have been physically present in the U.S. on June 15, 2012, and at the time of filing an application under the BRIDGE Act;
- not have had a lawful immigration status on June 15, 2012;
- at the time of filing an application under the BRIDGE Act, be currently in school or in an educational program aimed at obtaining a high school diploma or passing a general education development (GED) exam or other state-authorized exam; or, at the time of applying, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or be an honorably discharged veteran of the Coast Guard or U.S. Armed Forces; and
- not have been convicted of a felony offense, a significant misdemeanor, or three or more misdemeanor offenses, or been deemed to pose a threat to national security or public safety.

#### ■ How much would the BRIDGE application cost?

The cost to apply for provisional protected presence under the BRIDGE Act would be determined by the secretary of Homeland Security, but fee exemptions would be provided in limited circumstances.

#### ■ How are the provisions of the BRIDGE bill different from the DACA program's?

DACA is a type of “deferred action” (which provides work authorization and protection from deportation) announced in a [memo](#) issued by former Secretary of Homeland Security Janet Napolitano on June 15, 2012.<sup>9</sup> Because the DACA program was created through an executive action of the Obama administration, the Trump administration could end it without having to consult with or get approval from Congress.

On the other hand, the BRIDGE Act is a proposed law, introduced by members of Congress, that would authorize the secretary of Homeland Security to grant provisional protected presence and work authorization to certain non-U.S. citizens for a maximum of three years. While the BRIDGE Act's provisions are very similar to the DACA program's, if the BRIDGE Act is enacted into law, its provisions would remain in effect until Congress either changed them or repealed the law. This would provide more protection to applicants for provisional protected presence than applicants for or recipients of DACA currently have.

#### ■ When would the BRIDGE bill become law?

The BRIDGE bill was introduced into the U.S. Senate and the House of Representatives on January 12, 2017. To become law, a bill first must be approved by both the Senate and the House of Representatives, then it must be signed by the president. Most bills that are introduced in Congress don't make it to the president's desk to be signed—that is, they don't pass Congress. And usually it takes several months for a bill to make it through the

<sup>8</sup> [www.uscis.gov/i-131](http://www.uscis.gov/i-131).

<sup>9</sup> [www.nilc.org/wp-content/uploads/2015/11/PD-children-Napolitano-memo-2012-06-15.pdf](http://www.nilc.org/wp-content/uploads/2015/11/PD-children-Napolitano-memo-2012-06-15.pdf).

congressional approval process. Usually the bill must be reviewed and voted on by two or more congressional committees. During the approval process the bill's content—including, in the BRIDGE bill's case, the eligibility criteria for provisional protected presence—may be changed substantially.

### ■ I'm eligible for DACA, but I haven't applied for it. Should I apply immediately?

Applying for DACA is a personal choice. We recommend that you consult with a qualified immigration lawyer or a Board of Immigration Appeals (BIA)–accredited representative before you decide whether to apply. We also recommend that you ask your attorney or accredited representative to complete and sign a [Form G-28](#) (Notice of Entry of Appearance as Attorney or Accredited Representative) and submit it with your application.<sup>10</sup> We may change this latter recommendation in the future, however, as we learn more about the Trump administration's plans for DACA.

We also recommend that you consider the following issues and facts:

- No one is certain about what will happen with DACA or the information provided by DACA applicants under the Trump administration. During his campaign for president, Trump threatened to eliminate DACA. Since then he has made statements hinting that he may find a way to allow “dreamers” to stay in the U.S. But no one knows exactly what that means, so there's no guarantee that he won't eliminate the DACA program.
- If you apply for DACA today, it takes three months or more to process a DACA application. Three months from now the DACA program may have been terminated, and we don't know what U.S. Citizenship and Immigration Services (USCIS) will do about pending applications. It's possible not only that your application will not be approved but that you may lose the \$495 application fee.
- The BRIDGE Act *may* or *may not* pass Congress, be signed by the president, and become law. As introduced, the BRIDGE Act would “deem” people who already have DACA (under the DACA program) to have provisional protected presence (under the new BRIDGE program). The bill, if enacted, would also make it possible for people who currently are eligible for DACA to apply for provisional protected presence in the future.

### ■ I currently have DACA. Should I apply to renew it now, or should I wait to see if the BRIDGE bill is enacted?

Applying to renew your DACA is a personal choice. We recommend that you consult with a qualified immigration lawyer or a Board of Immigration Appeals (BIA)–accredited representative before you decide whether to apply. Remember, the Trump administration has [drastically broadened](#) the criteria for who is considered an immigration-enforcement (deportation) priority,<sup>11</sup> so you should ask your lawyer or accredited representative to assess your situation based on the broadened criteria and explain to you how the government's new policies may affect your eligibility to renew your DACA.

<sup>10</sup> [www.uscis.gov/g-28](http://www.uscis.gov/g-28).

<sup>11</sup> For more information, see *Understanding Trump's Executive Order Affecting Deportations and “Sanctuary” Cities* (NILC, Feb. 24, 2017), [www.nilc.org/exec-order-deportations-sanctuary-cities/](http://www.nilc.org/exec-order-deportations-sanctuary-cities/).

We also recommend that you consider the following issues and facts:

- No one is certain about what the Trump administration will do either with DACA or with the information provided by DACA applicants. If you already have DACA, immigration authorities already have the information you provided on your DACA application. So if you submit an application to renew your DACA, you won't be making yourself known to immigration authorities for the first time.
- Applications to renew DACA can be processed quicker than first-time DACA applications because there is less paperwork involved. But there is no way to determine how quickly USCIS will process a particular application. Generally, renewal applications have been taking three to four months to be processed. Three months from now the DACA program may have been terminated, and we don't know what USCIS will do about pending applications. It's possible not only that your application will not be approved but that you may lose the \$495 application fee.
- We don't yet know how the Trump administration, if it terminates the DACA program, will treat DACA and work permits that have already been issued and have not yet expired. It may decide either to revoke all DACA recipients' DACA and work permits immediately, or it may allow people to keep their DACA and work permits until they expire, but just not renew them. If the administration allows the DACA program to end simply by not renewing people's DACA, and if you are able to renew your DACA before the new administration stops processing renewal applications, you may have DACA for an additional two years. During that time, you would have authorization to be employed and protection from deportation.
- Another factor to consider is that you may apply to renew your DACA at any time, even if it is not set to expire until late next year. You no longer must wait until at least 150 days before your DACA expires to apply. Keep in mind, however, that the adjudicator reviewing your application may decide to hold off on processing your application until a time closer to the date your current DACA expires.
- At this time we don't know whether the BRIDGE Act will become law. If it is enacted into law and you have DACA at the time it is enacted, you will be deemed to have provisional protected presence. If you don't have DACA at the time BRIDGE is enacted (*if* it is enacted), you will still be able to apply for provisional protected presence under its provisions and will probably have to submit the same evidence and information you provided the first time you applied for DACA.



Visit [www.nilc.org/daca/](http://www.nilc.org/daca/) for more information and updates about DACA and the BRIDGE Act. We also regularly post updates on [Facebook](#) and [Twitter](#).

Remember, **the information provided in this FAQ is *not* legal advice.** Every person's situation is different. To get legal advice about whether you should either apply for DACA for the first time or apply to renew your DACA, you should talk to a **qualified immigration lawyer** or a Board of Immigration Appeals (BIA)–**accredited representative**.