

Side by Side: Provisions of the 2010 and 2017 Dream Acts *and* DACA

	2010 Dream Act	DACA	2017 Dream Act
Age limits	<p>Must have entered the U.S. before the age of 16.</p> <p>Must be under age 30 at the time of the bill's enactment.</p>	<p>Must have been born after June 15, 1981.</p> <p>Must have entered the U.S. before the age of sixteen.</p> <p>Must be at least 15 years old at the time you apply for DACA. Person who is currently in deportation proceedings, has a voluntary departure order, or has a deportation order, and is not in immigration detention, may apply for DACA even if they are not yet 15 years old.</p>	<p>Must have entered the U.S. before the age of 18.</p> <p>Removal proceedings may be stayed for those who are at least 5 years old, who are enrolled in school, and who meet additional requirements.¹</p>
Continuous presence in the U.S.	<p>Must have been present in the U.S. for 5 years before the date of enactment.</p>	<p>Must have lived continuously in the U.S. since June 15, 2007.</p> <p>May have traveled outside the U.S. between June 15, 2007, and August 15, 2012, so long as the time outside the U.S. is considered brief, casual, and innocent.</p>	<p>Must have been continuously physically present in the U.S. for 4 years before the date of enactment.</p> <p>May not have left the U.S. for any one period exceeding 90 days or for any periods exceeding 180 days total. (If the failure to timely return is due to extenuating circumstances beyond the individual's control, these time limits may be extended.)</p> <p>Travel authorized by Dept. of Homeland Security (DHS) may not be counted toward any period of departure from the U.S.</p> <p>Being served a notice to appear does not terminate any period of continuous presence.</p>
Physical presence in the U.S.	<p>Not applicable.</p>	<p>Present in the U.S. on June 15, 2012.</p>	<p>Not applicable.</p>

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Immigration status	Not eligible if have a final order of exclusion, deportation, or removal, unless the person remained in the U.S. lawfully after receiving the order or received the order before age 16.	May <i>not</i> have had lawful immigration status on June 15, 2012. (Any lawful immigration status or parole obtained prior to June 15, 2012, must have expired as of June 15, 2012.) A person may apply even if they have a final order of removal.	These people qualify for <i>conditional permanent residency</i> (CPR): <ul style="list-style-type: none"> • people who have no lawful status • people with final orders of removal • people with temporary protected status (TPS) • DACA recipients
Education Track and Military Service Track guidelines	Education requirement for conditional status: <ul style="list-style-type: none"> • has been admitted to a higher education institution, or • has earned a high school diploma or general education development certificate. <p>See “Process/path to naturalization” row, below, for additional education and military-related requirements to become a permanent resident.</p>	Must have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, be an honorably discharged veteran of the Coast Guard or U.S. armed forces, <i>or</i> “be in school” on the date DACA application is submitted.	Education requirement for <i>conditional permanent residency</i> (CPR): <ul style="list-style-type: none"> • admitted to an institution of higher education; or • earned high school diploma or commensurate alternative award from a public or private high school, or obtained a general education development (GED) certificate; or • enrolled in a secondary school or in an education program assisting students in getting a regular high school diploma, recognized equivalent, or GED. <p>See “Process/path to naturalization” row, below, for additional education and military-related requirements to become a permanent resident.</p>
Work Track instead of an Education Track requirement?	No	No	Yes – Can apply for LPR status after 8-year conditional period based on employment (see “Process/path to naturalization” row, below).

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Good moral character and background check	<p>Must not be inadmissible or deportable.</p> <p>Must have good moral character.</p>	<p>Must not have been convicted of a felony offense.</p> <p>Must not have been convicted of a “significant misdemeanor” offense or three or more misdemeanor offenses.</p> <p>Must not pose a threat to national security or public safety</p> <p>Must pass a background check.</p>	<p>Must not have been convicted of certain crimes.²</p> <p>Expunged convictions will not automatically disqualify the applicant from eligibility for CPR status.</p> <p>Inadmissibility for certain crimes may be waived—for humanitarian purposes or family unity, or if the waiver is otherwise in the public interest.³</p> <p>Must pass a background check.</p>
Process/path to naturalization	<p>A Dream Act beneficiary must be in <i>conditional nonimmigrant status</i> for 10 years before they may acquire lawful permanent residence.</p> <p>After 9 years in conditional nonimmigrant status, they may apply for <i>lawful permanent resident</i> (LPR) status if they:</p> <ul style="list-style-type: none"> • Have demonstrated good moral character • Are not inadmissible or deportable under specified grounds, and have not been convicted of certain federal or state offenses • Have not abandoned U.S. residency • Have done one of the following: <ul style="list-style-type: none"> ○ earned a higher education degree, <i>or</i> ○ completed at least two years in a bachelor’s or higher degree program, <i>or</i> ○ served in the U.S. armed forces for at least two years. • Can pass a background check <p>May apply for U.S. citizenship after 3 years in LPR status.</p>	<p>No path to citizenship.</p>	<p>DACA recipients: must apply for <i>conditional permanent resident</i> (CPR) status.</p> <p>People who do <i>not</i> have DACA: must apply for CPR Status.</p> <p>CPR status will be valid on a conditional basis for a period of 8 years (unless it is extended by the secretary of Homeland Security).</p> <p>Conditional permanent residents may apply for <i>lawful permanent resident</i> (LPR) status after the 8-year CPR period if they:</p> <ul style="list-style-type: none"> • Have no criminal issues as outlined in the act • Have not abandoned their residence in the U.S. • Have done one of the following: <ul style="list-style-type: none"> ○ acquired a degree from an institution of higher education, <i>or</i> ○ completed at least 2 years in a bachelor’s degree program, <i>or</i> ○ served for at least 2 years in the uniformed services, <i>or</i> ○ been employed for periods totaling at least 3 years, at least 75 percent of which time was working with valid employment authorization (if person was not working,

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			<p>they must show that they were enrolled in school or an education program)</p> <ul style="list-style-type: none"> ○ A hardship exception may be available for people who do not meet at least one of the four requirements listed immediately above. <ul style="list-style-type: none"> ● Can pass a background check <p>May apply for U.S. citizenship after being in LPR status for 5 years, presumably.</p>
Fees and back taxes	<p>Fees determined by the Dept. of Homeland Security.</p> <p>Applicant must have satisfied any federal tax liability.</p>	<p>\$495, which consists of a \$410 fee for the employment authorization application and an \$85 fee for fingerprints. Fee waivers are not available. However, fee exemptions are available in very limited circumstances.</p>	<p>CPR status: Fees determined by Dept. of Homeland Security, with fee exemption possibility for qualifying individuals.</p> <p>LPR status: Fees determined by Dept. of Homeland Security, with fee exemption possibility for qualifying individuals.</p>

¹ Removal proceedings will either be stayed or will not be initiated for people who are at least 5 years old; are enrolled in elementary school, secondary school, or an early childhood education program; and meet the requirements to be a conditional permanent resident (entered the U.S. before age 18, have been continuously present for 4 years, etc.). People who meet these requirements may apply for a work permit.

² Applicant must not be inadmissible under INA section 212(a), paragraphs (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D); state or federal offense (other than offenses due to undocumented status) punishable by more than 1 year in prison; 3 or more federal or state offenses, with convictions on different dates, and imprisonment for an aggregate of 90 days or more.

³ Waiver available for crimes outlined in INA section 212(a), paragraphs (2), (6)(E), (6)(G), or (10)(D).