

Legislation to Protect DACA Recipients/Immigrant Youth

Entering its sixth year of existence, the Deferred Action for Childhood Arrivals (DACA) program has provided temporary immigration relief to nearly 800,000 people. Despite the many successes of the program, the Trump administration announced in September 2017 that it would end DACA. More information about the ending of the program can be found at www.nilc.org/top-5-things-to-know-about-daca-ending/.

Congressional representatives from both political parties have introduced legislation that would provide relief to certain undocumented people who came to the U.S. as minors. To go into effect,

these bills must first pass Congress and be signed by the president. Then the U.S. Dept. of Homeland Security (DHS) would be charged with implementing their provisions (creating application forms, etc.).

The table below compares, in a general way, the bills that have been introduced in Congress, as they currently stand. All but one of the bills would provide DACA-eligible and other undocumented people a path to U.S. citizenship. Notably, the SUCCEED Act contains provisions that undermine due process, restrict legal immigration, and penalize visa-holders.

NOTE: Hyperlinks to each of the bills are available in the top row of the table and in the endnotes. To learn more detail about the bills, we encourage you to read them, since the table focuses only on selected information. More information is available in our summaries of the [BRIDGE Act](#) and the [Dream Act](#), as well as in a [side-by-side comparison](#) of DACA and the Dream Acts of 2010 and 2017.¹ A list of *acronyms used in the table* is provided immediately after the table.

Table last updated OCTOBER 6, 2017 *

	BRIDGE Act (H.R. 496) ²	Recognizing America’s Children (RAC) Act (H.R. 1468) ³	2017 Dream Act (S. 1615 & H.R. 3440) ⁴	Hope Act (H.R. 3591) ⁵	SUCCEED Act (S. 1852) ⁶
Date of introduction	January 12, 2017	March 9, 2017	S. 1615 July 20, 2017 H.R. 3440 July 26, 2017	July 28, 2017	September 25, 2017
Sponsors & cosponsors	Sponsored by Rep. Mike Coffman (R-CO) Cosponsored by 25 representatives (13 Democrat, 12 Republican)	Sponsored by Rep. Carlos Curbelo (R-FL) Cosponsored by 18 representatives (0 Democrat, 18 Republican)	S. 1615 Sponsored by Sens. Lindsay Graham (R-SC) and Richard Durbin (D-IL) Cosponsored by Sens. Jeff Flake (R-AZ), Charles Schumer (D-NY), Catherine Cortez Masto (D-NV), and Lisa Murkowski (R-AK) H.R. 3440 Sponsored by Rep. Lucille Roybal-Allard (D-CA) Cosponsored by Reps. Ileana Ros-Lehtinen (R-FL), Zoe Lofgren (D-CA), and Mike Coffman (R-CO)	Sponsored by Rep. Luis Guterrez (D-IL) Cosponsored by 116 representatives (116 Democrats)	Sponsored by Sen. Thom Tillis (R-NC) Cosponsored by Sens. James Lankford (R-OK) and Orrin Hatch (R-UT)

* This table’s original title was “Side by Side: DACA and Related 2017 Legislation.” When it was revised in Oct. 2017, a column with information about DACA was replaced by the SUCCEED Act column and the table’s title became “2017 Legislation to Protect DACA Recipients/Immigrant Youth.” The “2017” was dropped from the title on Jan. 8, 2018.

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	BRIDGE Act (H.R. 496) ²	Recognizing America's Children (RAC) Act (H.R. 1468) ³	2017 Dream Act (S. 1615 & H.R. 3440) ⁴	Hope Act (H.R. 3591) ⁵	SUCCEED Act (S. 1852) ⁶
Age limits	<p>Must have been born after June 15, 1981.</p> <p>Must have entered the U.S. before age 16.</p> <p>Must be at least 15 years old at the time of applying under BRIDGE.</p> <p>NOTE: Person under age 15 can apply if they are currently in deportation proceedings, have a final removal order, or have a voluntary departure order.</p>	<p>Must have entered the U.S. before age 16.</p>	<p>Must have entered the U.S. before age 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.⁷</p>	<p>Must have entered the U.S. before age 18.</p>	<p>Must have entered the U.S. before age 16.</p> <p>Must be younger than age 31 on June 15, 2012</p>
Continuous presence in the U.S.	<p>Must have lived continuously in the U.S. from June 15, 2007, until the date of filing an application under the BRIDGE Act.</p> <p>Travel authorized by DHS (such as travel with <i>advance parole</i>) is not counted toward any period of departure from the U.S.</p>	<p>Must have lived continuously in the U.S. since January 1, 2012.</p> <p>May not have left the U.S. for any single period of more than 90 days or for any periods totaling 180 days. (If the failure to timely return is due to exceptional circumstances beyond the individual's control, DHS may extend these time limits.)</p> <p>NOTE: <i>Conditional permanent residency</i> (CPR) recipients may travel outside the U.S. for less than 180 days without having to apply for advance parole.</p>	<p>Must be continuously physically present in the U.S. for at least 4 years before the date of the bill's enactment.</p> <p>May not have left the U.S. for any single period of more than 90 days or for any periods totaling 180 days. (If the failure to timely return is due to exceptional circumstances beyond the individual's control, DHS may extend these time limits.)</p> <p>Travel authorized by DHS is not counted toward any period of departure from the U.S.</p>	<p>Must have been continuously present in the U.S. since December 31, 2016.</p> <p>May not have left the U.S. for any single period of more than 90 days or for any periods totaling 180 days. (If the failure to timely return is due to exceptional circumstances beyond the individual's control, DHS may extend these time limits.)</p> <p>Travel authorized by DHS is not counted toward any period of departure from the U.S.</p>	<p>Must have lived continuously in the U.S. since January 1, 2012.</p> <p>May not have left the U.S. for (1) any single period of more than 90 days, or (2) any periods totaling 180 days during a 5-year period. (If the failure to timely return is due to exceptional circumstances, DHS may extend these time limits by 90 days.)</p>
Physical presence in the U.S.	<p>Physically present in the U.S. on June 15, 2012, and at the time of filing an application under the BRIDGE Act.</p>	<p>Physically present in the U.S. on January 1, 2012.</p>	<p>Not applicable.</p>	<p>Not applicable.</p>	<p>Physically present in the U.S. on June 15, 2012.</p>
Immigration status	<p>Must <i>not</i> have had lawful immigration status on June 15, 2012.</p> <p>A person may apply even if they are in removal proceedings or have a final removal or voluntary departure order. They also may apply if they are in immigration detention.</p>	<p>Not eligible if the person has a final order of exclusion, deportation, or removal, unless the person: (1) has remained in the U.S. after the order was issued, or (2) received the order before turning 18.</p>	<p>A person could qualify for CPR so long as the person has no lawful status. People with previous final orders of removal may apply. Also, people with DACA and <i>temporary protected status</i> (TPS) may apply.</p>	<p>A person could qualify for CPR if they have no lawful immigration status. People with previous and final orders of removal or voluntary departure or people in removal proceedings may apply.</p>	<p>Must <i>not</i> have had lawful immigration status on June 15, 2012.</p> <p>Not eligible if the person has a final order of exclusion, deportation, or removal, unless the person (1) has remained in the U.S. after the order</p>

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					<p>was issued, or (2) received the order before turning 18.</p> <p>Must agree to give up the opportunity to apply for almost all other forms of immigration relief if they violate any term of their status.</p>
Education Track and Military Service Track guidelines	Currently in school or in an educational program aimed at obtaining a high school diploma or passing a GED exam; or, at the time of applying, have graduated or obtained a certificate of completion from high school, have obtained a GED certificate, or be an honorably discharged veteran of the Coast Guard or U.S. armed forces.	<p>Education requirement for CPR—people 18 years old or older must meet one of the following requirements:</p> <ul style="list-style-type: none"> admitted to higher education institution in the U.S.; or earned a high school diploma (or a high school equivalency diploma), a commensurate alternative award from a public or private high school or secondary school, a state-recognized GED certificate; or has valid work authorization <p>See “Process/path to naturalization” row, below, for additional requirements to become a <i>lawful permanent resident</i> (LPR).</p>	<p>Education requirement for CPR:</p> <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 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 requirements to become an LPR.</p>	Not applicable.	<p>Requirement for CPR status: If over 18 years old, must have:</p> <ul style="list-style-type: none"> earned a high school diploma, GED certificate, or high school equivalency diploma; or been admitted to a higher education institution in the U.S.; or served or enlisted in the U.S. armed forces. <p>If under 18, must have enrolled in or be attending a primary, secondary, or postsecondary school.</p>
Work Track option?	No	Yes	Yes. Can apply for LPR status after 8-year conditional period based on employment (see “Process/path to naturalization” row, below).	Not applicable.	Yes. Work is an option for maintaining CPR status in order to renew it (see “Process/path to naturalization” row, below).
Good moral character⁸ and background check	<p>Has not been convicted of a felony offense.</p> <p>Has not been convicted of a “significant misdemeanor” offense or of three or more misdemeanor offenses.</p>	<p>Must meet the moral character standard definition under INA section 101(f).</p> <p>Must not be inadmissible or deportable on certain grounds.⁹</p>	<p>Has not been convicted of certain crimes.¹¹</p> <p>Expunged convictions will not automatically disqualify the applicant from eligibility for CPR status.</p>	<p>Has not been convicted of certain crimes.¹³</p> <p>Inadmissibility for certain crimes may be waived.¹⁴</p> <p>Must pass a background check.</p>	<p>Must meet the moral character standard definition under INA section 101(f).</p> <p>Must not be inadmissible or deportable on certain grounds.¹⁵</p>

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	<p>Must not pose a threat to national security or public safety</p> <p>Must pass a background check.</p>	<p>Waivers may be granted for certain situations.¹⁰</p> <p>Must not have been convicted of any state or federal offense punishable by a maximum term of imprisonment of more than one year, or any combination of state or federal offenses for which a sentence of imprisonment for a total of more than one year was imposed.</p> <p>Must pass a background check.</p>	<p>Inadmissibility for certain crimes may be waived.¹²</p> <p>Must pass a background check.</p>		<p>Waivers may be granted for certain situations.¹⁶</p> <p>Has not been convicted of a felony offense.</p> <p>Has not been convicted of one or more offenses with a sentence totaling more than one year.</p> <p>Has not been convicted of a “significant misdemeanor” offense.</p> <p>Must pass a background check.</p>
Process/ path to naturalization	<p>No path to U.S. citizenship.</p> <p>People who are eligible for—or who already have—DACA may receive work authorization and <i>provisional protected presence</i> (PPP) for at most three years.</p> <p>People who do not have DACA would have to apply for PPP (under BRIDGE).</p> <p>People who have DACA would automatically have PPP until the date their DACA expires. Upon expiration, they could apply for PPP (under BRIDGE).</p>	<p>STAGE 1</p> <p>Apply for CPR status, valid for an initial period of 5 years. (See previous rows, above, for requirements.)</p> <p>STAGE 2</p> <p>Reapply to keep and extend CPR status for another 5 years. Applicants over age 18 must have fulfilled <i>one</i> of the following:</p> <ul style="list-style-type: none"> enrolled in an accredited institution of higher education in the U.S. within one year after obtaining CPR status, and remained enrolled; or been employed for a total period of 48 months during the 5-year period since obtaining CPR status; or enlisted in the armed forces within 9 months of obtaining CPR status (A person who was dishonorably discharged is not eligible.) <p>STAGE 3</p> <p>Applicants who meet certain requirements may apply for LPR</p>	<p>STAGE 1</p> <p>Apply for CPR status, valid for an initial period of 8 years. (See previous rows, above, for requirements.)</p> <p>DACA recipients acquire CPR status, unless they have engaged in conduct that would otherwise make them ineligible for DACA.</p> <p>STAGE 2</p> <p>People with CPR may apply for LPR status within the 8-year CPR period if they:</p> <p>Do not have certain criminal issues.</p> <p>Have not abandoned their residence in the U.S.</p> <p>Have done one of the following:</p> <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 or have been honorably discharged, <i>or</i> 	<p>STAGE 1</p> <p>Apply for CPR status, valid for a total of 8 years. (See previous rows, above, for requirements.)</p> <p>STAGE 2</p> <p>After 3 years with CPR, a person may apply for LPR status if they:</p> <ul style="list-style-type: none"> have not abandoned their residence in the U.S. have not committed certain criminal offenses pass a background check¹⁷ <p>DACA recipients may apply the time they have had DACA toward the 3-years-with-CPR requirement.</p> <p>STAGE 3</p> <p>May apply for U.S. citizenship after 5 years in permanent resident (CPR and LPR) status.</p> <p>Time in CPR status will count toward 5-year permanent</p>	<p>STAGE 1</p> <p>Apply for CPR status, valid for an initial period of 5 years. (See previous rows, above, for requirements.)</p> <p>Must agree to give up the opportunity to apply for almost all other forms of immigration relief if they violate any term of their status.</p> <p>CPR status could be terminated in many ways, including:</p> <ul style="list-style-type: none"> failing to enroll or to remain enrolled in a higher education institution, if over 18 becoming a “public charge” not completing a combination of employment, postsecondary school, or military service totaling 48 months during the 5-year CPR period <p>Termination of CPR status for certain criminal convictions will lead to being placed in expedited removal (deportation without the</p>

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		<p>status immediately after receiving the second, 5-year CPR. They do not have to wait until the 5-year period ends. However, they must apply for LPR status within 10 years of receiving CPR status.</p> <p>STAGE 4 Applicants who get LPR status are eligible to apply for citizenship after 5 years with LPR status.</p> <p>CPR (5-10 years)→ LPR (5 years)→ Eligible for citizenship (total of at least 10 years)</p>	<ul style="list-style-type: none">• been employed for periods totaling at least 3 years, at least 75 percent of which time was working with valid employment authorization (if the person was not working, they must show that they were enrolled in school or an education program).• A hardship exception may be available for people who do not meet at least one of the four requirements listed immediately above. <p>Pass a background check.</p> <p>NOTE: DACA recipients do not have to wait 8 years to apply for LPR status; they can apply immediately.</p> <p>STAGE 3 May apply for U.S. citizenship after being in LPR status for 5 years, presumably.</p> <p>DACA applicants: LPR (5 years) → Eligible for citizenship (total of 5 years)</p> <p>Approximation for non-DACA applicants: CPR (8 years) → LPR (5 years) → Eligible for citizenship (total of 13 years)</p>	<p>residence requirement for naturalization.</p> <p>CPR (3-8 years)→ LPR (2+ years)→ Eligible for citizenship (total of at least 5 years)</p>	<p>opportunity to appear before an immigration judge).</p> <p>STAGE 2 CPR status can be renewed for 5 years if the person meets certain requirements, including:</p> <ul style="list-style-type: none">• not using federal public benefits¹⁸• showing good moral character during the first CPR period• not having any delinquent tax liabilities• meeting work, education, or military-track requirements. <p>STAGE 3 After 10 years in CPR status, can apply to be an LPR. Must show good moral character and not leave the U.S. for more than 365 days total.</p> <p>CPRs and LPRs <i>cannot</i> petition to immigrate their spouse or children.</p> <p>STAGE 4 After 5 years of LPR status, can apply for citizenship.</p> <p>CPR (10 years) → LPR (5 years) → Eligible for citizenship (total of 15 years)</p>
Fees and back taxes	Fees determined by DHS. Fee exemptions will be available in very limited circumstances.	Fees determined by DHS. Satisfy any federal tax liability.	Fees determined by DHS, with fee exemption possibility for qualifying individuals.	Fees determined by DHS.	Must have paid any federal tax liability or be on a payment plan to do so. Fees determined by DHS.

ACRONYMS USED IN THE TABLE

BRIDGE – **B**ar **R**emoval of **I**ndividuals **W**ho **D**ream and **G**row
Our **E**conomy
CPR – conditional permanent residency
DACA – Deferred Action for Childhood Arrivals

DHS – U.S. Department of Homeland Security
GED – general education development (certificate)
INA – Immigration and Nationality Act
LPR – lawful permanent resident

PPP – provisional protected presence
TPS – temporary protected status

NOTES

¹ BRIDGE Act: www.nilc.org/faq-bridge-act/; Dream Act: www.nilc.org/dream-act-2017-summary-and-faq/; side-by-side: www.nilc.org/dream-acts-and-daca-compared/.

² BRIDGE stands for **B**ar **R**emoval of **I**ndividuals **W**ho **D**ream and **G**row Our **E**conomy. Bill text at <https://www.congress.gov/bill/115th-congress/house-bill/496/text?q=%7B%22search%22%3A%5B%22bridge%22%5D%7D&r=5>.

³ Bill text at <https://www.congress.gov/bill/115th-congress/house-bill/1468/text?q=%7B%22search%22%3A%5B%22recognizing+America%27s+children+act%22%5D%7D&r=1>.

⁴ Senate bill text: <https://www.congress.gov/bill/115th-congress/senate-bill/1615?q=%7B%22search%22%3A%5B%22S+1615%22%5D%7D&r=1>; House bill text: <https://www.congress.gov/bill/115th-congress/house-bill/3440?q=%7B%22search%22%3A%5B%22HR+3440%22%5D%7D&r=1>.

⁵ Also known as the “American Hope Act of 2017.” Bill text at <https://www.congress.gov/bill/115th-congress/house-bill/3591?q=%7B%22search%22%3A%5B%22HR+3591%22%5D%7D&r=1>.

⁶ SUCCEED stands for **S**olution for **U**ndocumented **C**hildren through **C**areers, **E**mployment, **E**ducation, and **D**efending our

Nation. Bill text at <https://www.congress.gov/bill/115th-congress/senate-bill/1852/text>.

⁷ Removal proceedings either will 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 four years, etc.). People who meet these requirements can apply for employment authorization.

⁸ A more detailed analysis of the criminal and inadmissibility grounds for the Dream Act and related legislation can be found in the Immigrant Legal Resource Center’s table at <https://www.ilrc.org/chart-Dream-Act-criminal-grounds>.

⁹ Applicant must not be inadmissible under INA § 212(a)(1), (2), (3), (4), (6)(E), (8), (10)(A), (10)(C), or (10)(D); must not be deportable under INA § 237(a)(1)(E), (1)(G), (2), (4), (5), or (6).

¹⁰ Waiver may apply for ground of inadmissibility under INA § 212(a)(1), (4) or (6) and for deportability under INA § 237(a)(1).

¹¹ Applicant must not be inadmissible under INA § 212(a)(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.

¹² Inadmissibility for certain crimes may be waived for humanitarian purposes or family unity, or if the waiver is otherwise in the public interest. Waiver is available for crimes in INA § 212(a)(2), (6)(E), (6)(G), or (10)(D).

¹³ Applicant must not be inadmissible under INA § 212(a)(2), (3), (8), (10)(A), (10)(C), or (10)(E).

¹⁴ Waiver available for crimes for which immigration status is an essential element, a misdemeanor (or its equivalent), or any other offense that is not a crime of violence.

¹⁵ Applicant must not be inadmissible under INA § 212(a)(1), (2), (3), (4), (6)(C), (6)(E), (8), (9)(A), (9)(C), or (10); must not be deportable under INA § 237(a)(1)(D), (1)(E), (1)(G), (2), (3), (4), (5), or (6).

¹⁶ Waiver may apply for ground of inadmissibility under INA § 212(a)(1), (4), (6)(B) or (6)(E) and for deportability under INA § 237(a)(1)(A), (B), (C), or (E).

¹⁷ The person may apply for LPR status 6 months before the date of their 3-year period if the person expects to meet the requirements for LPR status.

¹⁸ This bill expands the definition of “federal public benefit” to include American Opportunity Tax Credit, Earned Income Tax Credit, Health Coverage Tax Credit, federal or state unemployment benefits, Social Security benefits, and Medicare.