

FREQUENTLY ASKED QUESTIONS

American Dream and Promise Act of 2019

Last updated JUNE 24, 2019

On March 12, 2019, Democrats in the U.S. House of Representatives led by Reps. Lucille Roybal-Allard (CA-40), Nydia Velázquez (NY-07), and Yvette Clarke (NY-09) announced the introduction of the American Dream and Promise Act (ADPA). The bill would provide a pathway to U.S. citizenship for certain immigrants whose future in the U.S., the country they call home, has been thrown into uncertainty by the Trump administration’s decision to terminate Deferred Action for Childhood Arrivals (DACA) and not to extend temporary protected status (TPS) and deferred enforcement departure (DED) designation for certain countries. Federal court injunctions currently in place allow for the processing of DACA renewal applications and have blocked the termination of TPS for certain countries, but we don’t know how long these injunctions will remain in place.¹

ADPA, as introduced, is a strong bill in many respects. During its rollout, the bill already had 208 cosponsors, and now it has more than 230. Several changes, particularly to the legislation’s criminal bars and waivers, were made to the bill just before it was “marked up” by the House Judiciary Committee on May 22, 2019. Despite numerous attempts to weaken the bill’s language with amendments, it was not changed during the markup process.

On June 4, 2019, in a 237-187 vote, the U.S. House of Representatives passed the ADPA. The next step would be for the Senate to vote on the bill. However, we do not expect any movement in the Senate, nor for this bill to become law during this Congress. Still, the bill’s passage in the House is a testament to the work, commitment, and growing power of immigrant communities and the movement for immigrant justice. ADPA is a very *inclusive* bill, acknowledging the need for relief for 2.5 million immigrant youth and people with TPS or DED without requiring that it be in exchange for more harmful funding for the U.S. Department of Homeland Security (DHS). Providing permanent relief to these populations remains a top Democratic priority in Congress.

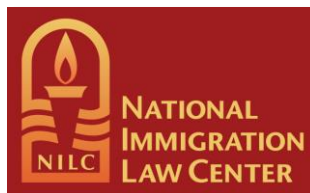
We must continue to pressure all federal lawmakers to support inclusive legislation that excludes harmful enforcement provisions and that will protect as many people as possible. Our communities have faced tremendous uncertainty since the Trump administration announced on September 5, 2017, that it was terminating DACA, and since even earlier — since the administration first began announcing that it was not renewing TPS designations. This year, the administration waited until very late — March 28 — to renew the designation of Liberia as a country whose nationals qualify for DED for an additional year; the designation was set to expire on March 31, 2019.

Since ADPA’s introduction, we’ve received questions from the public that we’ve compiled below. For a short summary of the bill, see [Summary of Dream and Promise Act of 2019 \(H.R. 6\)](#).² For a detailed comparison of DACA, the Senate’s Dream Act of 2019, and this bill,

¹ www.nilc.org/litigation-related-to-the-daca-program/.

² www.nilc.org/summary-of-dream-and-promise-act-of-2019/.

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



WASHINGTON, DC
P.O. Box 34573
Washington, DC 20043
202 216-0261
202 216-0266 fax

see **Side by Side: DACA and Provisions of Dream Act of 2019 and American Dream and Promise Act of 2019**.³ For a comparison of the TPS provisions in ADPA and other legislation, see **Side by Side: Temporary Protected Status (TPS), the American Promise Act of 2017, the American Dream and Promise Act of 2019, and the SECURE Act of 2019**.⁴

The information provided below is based on what we know to date and *is not legal advice*. We encourage you to periodically revisit this document for updates and additional information. We also encourage you to contact us at reply@nilc.org with any questions that could potentially be added to a later version of this document.

Contents

GENERAL QUESTIONS	3
I am familiar with DACA but I’m not sure what TPS and DED are. Can you tell me more about these programs?	3
What is <i>conditional permanent resident</i> (CPR) status, and how is it different from <i>lawful permanent resident</i> (LPR) status?	4
If I qualify under the American Dream and Promise Act, will I be allowed to work in the U.S.?	4
Will I be able to keep my current Social Security number?	4
How can I apply? What materials should I gather to prove I qualify for relief under the American Dream and Promise Act?	4
How much will it cost to apply?	5
Will I be able to travel abroad while in CPR status?	5
I have a loved one who has been deported. Can they apply for relief from abroad?.....	5
Are there provisions in the bill intended to further increase immigration enforcement?	6
Will the information I provide be protected?	6
PATHWAY TO U.S. CITIZENSHIP FOR IMMIGRANT YOUTH, INCLUDING DACA RECIPIENTS.....	6
Is there a maximum age requirement, like in DACA?	6
Are there any protections for immigrant children?	6
I didn’t qualify for DACA because I initially came to the U.S. at age 17. Would I be eligible to apply for the Dream and Promise Act of 2019?.....	6
I didn’t receive a high school diploma. Can I still qualify for conditional permanent resident (CPR) status and eventually lawful permanent resident (LPR) status?	7
Do I have to wait until I have CPR status for 10 years before I can apply for LPR status?	7

³ www.nilc.org/daca-and-dream-act-2019-and-adpa2019/.

⁴ www.nilc.org/tps-american-promise-act-2017-adpa2019-secure-act2019/.

PATHWAY TO U.S. CITIZENSHIP FOR PEOPLE WITH TPS OR DED 7

 Nationals from which countries would be eligible for TPS-based lawful permanent residence under this bill? 7

 I currently have TPS. Let’s say my country’s designation doesn’t expire until after this bill is enacted into law. Would I be able to adjust status through other channels beyond what is provided for in this bill? 7

WAYS TO GET INVOLVED 8

 What are the chances that this bill will pass and become law? 8

 What can I do to provide support? 8

 How can I stay updated on the bill’s progress? 8

GENERAL QUESTIONS

I am familiar with DACA but I’m not sure what TPS and DED are. Can you tell me more about these programs?

Temporary protected status (TPS) is granted to individuals physically present in the U.S. who are from countries designated by the secretary of DHS as unsafe to accept their return. A list of the countries currently designated for TPS can be obtained from the **Temporary Protected Status** page of the U.S. Citizenship and Immigration Services (USCIS) website.⁵ Individuals who apply for and are granted TPS are authorized to remain and to work in the U.S. for a specific, limited period. When this period expires, the DHS secretary may extend it for another specified period; or the secretary may *redesignate* a country for TPS, so that not only those previously granted TPS are eligible to apply for TPS, but also others who did not have TPS under prior designations.⁶ In recent years, the TPS determinations for Guinea, Liberia, and Sierra Leone were not extended, and then the Trump administration announced it was terminating the TPS designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan.⁷ The present administration has not *redesignated* any country for TPS — not even war-torn Yemen, Syria, or South Sudan.

Similar to the way court injunctions have allowed the processing of DACA renewal applications, court injunctions have stopped the termination of TPS for Haiti, El Salvador, Sudan, Nicaragua, Honduras, and Nepal.⁸ For more information on these cases, visit the **National TPS Alliance TPS lawsuit webpage**.⁹

Deferred enforced departure (DED) is a status very similar to TPS. DED is granted to noncitizens from certain countries by presidential proclamation or other executive action. In the past, DED status has been granted, for example, to nationals of the People’s Republic of China (1990), El Salvador (1994), Haiti (1997), and Liberia (1999). Like DACA and TPS, DED allows

⁵ <https://www.uscis.gov/humanitarian/temporary-protected-status>.

⁶ See INA § 244(b)(1); see also INA § 244(c)(1)(A)(i) (requiring that “the alien has been continuously physically present since the effective date of the most recent designation of the state”).

⁷ <https://cliniclegal.org/resources/practitioners-desk-reference-temporary-protected-status>.

⁸ <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras>.

⁹ <https://www.nationaltpsalliance.org/tps-lawsuit/>.

eligible individuals to remain lawfully in the U.S. for a limited, specified period, to receive employment authorization, and to be “lawfully present.” A lawsuit has been filed challenging the termination of DED for Liberians, which is set to expire on March 30, 2020. Information on this case should be available from [news releases issued by the UndocuBlack Network](#).¹⁰

People with DACA, TPS, and DED find themselves in very similar circumstances. Despite their strong ties to the U.S. and coming forward periodically to apply for protection, the Trump administration has aggressively sought to end the relief they have been given, placing them at risk of deportation. Because of these similar harms faced by immigrant youth and people with TPS or DED, relief for all three groups is included in this one bill.

What is conditional permanent resident (CPR) status, and how is it different from lawful permanent resident (LPR) status?

Conditional permanent residents receive a “green card” valid for a specific period of time — according to the provisions of this bill, 10 years. To obtain LPR status, a CPR must file a petition to remove the conditional status when they meet the requirements listed in ADPA for being eligible. Conditional permanent residence is not new to immigration law. CPR status is granted to people who filed for adjustment to lawful permanent resident status [early in a marriage or through entrepreneurship](#).¹¹ ADPA confirms that conditional permanent residents have the same rights as lawful permanent residents.

NOTE: Under ADPA, a person could apply for relief and be granted LPR status, without first having to have CPR status, if they meet the ADPA’s eligibility requirements for LPR status at the time they apply. However, if a person applies under ADPA and, at the time they apply, meets the CPR requirements but not the LPR requirements, they will be granted CPR status for a period of 10 years. That person can apply at any time within those 10 years to have the conditional status removed by showing that they meet the LPR requirements.

If I qualify under the American Dream and Promise Act, will I be allowed to work in the U.S.?

Yes. As a CPR or LPR you will be granted work authorization.

Will I be able to keep my current Social Security number?

Yes. If you currently have a Social Security number, you will be able to keep it for life, and you won’t be required to get a new number if your immigration status changes.

How can I apply? What materials should I gather to prove I qualify for relief under the American Dream and Promise Act?

The ADPA is *not* a law, and no one can apply for an immigration relief under it. *Don’t be fooled by a notario or anyone else into “applying” for a program that doesn’t yet exist!* The ADPA passed the House of Representatives, but for a bill to become law, it has to be passed by the House and Senate and be signed by the president.

However, it’s always a good idea to start gathering documents now so that you can have them handy if there is some immigration program that you qualify for, whether through ADPA or through a means that may already exist, such as sponsorship by a family member or

¹⁰ <https://undocublack.org/press-releases>.

¹¹ <https://www.uscis.gov/green-card/after-green-card-granted/conditional-permanent-residence>.

employer. The bill lists the documents that would be needed to prove eligibility for adjustment of status under ADPA. They include documents to prove identity (passport, birth certificate, etc.) and documents to prove presence in the U.S. (school records, tax receipts, employment records, etc.).

If this bill *were* to become law *and* if you've had any interaction with law enforcement, it would be a good idea to speak with an attorney to see if you'd be eligible to apply for relief under the law and, if it's unclear whether you are eligible, to weigh the risks and benefits of submitting an application.

NOTE: If you received DACA at some point in the past (and thus received work authorization and protection from deportation), you may be eligible to apply for DACA *renewal* now. For more information about applying for DACA renewal, see our **FAQ: USCIS Is Accepting DACA Renewal Applications**.¹²

How much will it cost to apply?

ADPA allows DHS to charge a reasonable fee for all available applications without specifying an amount. For immigrant youth applying for CPR status, the fee may not exceed \$495. When they later apply to for LPR status, the fee will be commensurate with the fee others must pay to apply for LPR status. Under ADPA, the filing fee for people with TPS or DED or those who are TPS-eligible who are applying to become LPRs may not exceed \$1,140. Limited fee exemptions will be available for people who meet certain economic hardship criteria.

Will I be able to travel abroad while in CPR status?

Yes. This bill allows those with pending applications for CPR to apply for advance parole (permission to travel abroad). Advance parole is the same process that was available for DACA recipients and is still available for people with DED and TPS. The difference under ADPA is that you can submit an application for advance parole without having to wait for your CPR application to be approved; you can request both simultaneously. If you are interested in exercising this option, we highly recommend consulting with an immigration attorney first.

I have a loved one who has been deported. Can they apply for relief from abroad?

It depends. If your loved one was deported or voluntarily removed on or after January 20, 2017, had been granted DACA or was eligible for DACA, was continuously physically present in the U.S. for a period of at least four years, and the sole reason for their removal was their unlawful presence, then they can apply from abroad if otherwise eligible under ADPA.

People who had TPS because they are from countries with TPS designations as of January 1, 2017 – or who otherwise would have been eligible for TPS – or had DED as of January 1, 2017, would, as a matter of the DHS secretary's discretion, be eligible to apply to adjust status to LPR from abroad for humanitarian purposes, family unity, or if it's in the public interest; if they were continuously physically present in the U.S. for at least three years before being removed or departing on or after January 20, 2017; and if the reason for being removed or departing was because of the termination/expiration of TPS or DED.

¹² www.nilc.org/faq-uscis-accepting-daca-renewal-applications/.

Are there provisions in the bill intended to further increase immigration enforcement?

No, currently the bill does not contain provisions that would expand border militarization, detentions, or deportations. However, there's always the possibility that some politicians will try to attach harmful immigration enforcement provisions if the bill is later considered by the Senate. See the section below on Ways to Get Involved for information on how to push back against this possibility.

Will the information I provide be protected?

The ADPA provides that the information you submit during the application process will be protected and shared in limited circumstances. Among the bill's provisions are ones intended to protect information provided in applications for adjustment of status filed under the bill's provisions; they state that information provided on the applications and information provided during an administrative or judicial review may not be disclosed or used for immigration enforcement. However, information may be shared with federal security and law enforcement agencies for assistance in the consideration of an application for adjustment of status, to identify or prevent fraud, for national security purposes, or for the investigation or prosecution of any felony not related to immigration status.

These exceptions to the confidentiality protections raise some concerns. For example, the fraud exception should not be used to facilitate the Trump administration's ongoing and problematic efforts to denaturalize more people at an unprecedented rate. Similarly, the national security and felony language could be more narrowly tailored to prevent against an overly broad application that does not limit the potential use of this exception.

PATHWAY TO U.S. CITIZENSHIP FOR IMMIGRANT YOUTH, INCLUDING DACA RECIPIENTS

To learn more about the specific pathways to U.S. citizenship for immigrant youth, see the summaries for ADPA in **Side by Side: DACA and Provisions of Dream Act of 2019 and American Dream and Promise Act of 2019**.¹³

Is there a maximum age requirement, like in DACA?

No. ADPA does not impose an upper age limit for eligibility under the act.

Are there any protections for immigrant children?

Yes. ADPA would prevent and stay the removal of children not older than 18 years, allowing them to remain in the country while they meet the educational requirements.

I didn't qualify for DACA because I initially came to the U.S. at age 17. Would I be eligible to apply for the Dream and Promise Act of 2019?

Yes. This bill has a more generous age requirement: individuals who entered the U.S. before their 18th birthday can qualify so long as they meet all the other requirements.

¹³ www.nilc.org/daca-and-dream-act-2019-and-adpa2019/.

I didn't receive a high school diploma. Can I still qualify for conditional permanent resident (CPR) status and eventually lawful permanent resident (LPR) status?

It depends. Under ADPA, to receive CPR status you must have earned a high school diploma or GED or state equivalent or “a recognized post-secondary credential,” which may include an area career and technical education school credential or certificate. If you have not, then you can enroll in a secondary school or an education program that helps you obtain a high school diploma or its equivalent, pass the general education development (GED) test or other state-authorized exam, or obtain a credential from an area career and technical education school providing education at the secondary level or another recognized postsecondary credential.

There is no mandatory educational requirement to go from CPR to LPR status. You can receive LPR status through work (if you've been employed for periods totaling at least 3 years and at least 75 percent of the time with valid work authorization) or the military (if you served in the uniformed services for at least 2 years or were honorably discharged).

There is also a hardship exception for people who cannot meet the education, military, or employment requirement. This option recognizes that not everyone is or wants to be on a college track and that people may have unique circumstances, such as being the caregiver of a minor child.

Do I have to wait until I have CPR status for 10 years before I can apply for LPR status?

No. You may apply for LPR status whenever you meet the requirements for becoming an LPR. In fact, you can submit an application for CPR status, and if at the time you apply you meet all the requirements for CPR and LPR status, you will be granted LPR status and not have to go through a period with CPR status.

PATHWAY TO U.S. CITIZENSHIP FOR PEOPLE WITH TPS OR DED

To learn more about the specific pathways to U.S. citizenship for people with TPS or DED, see the summaries for ADPA in **Side by Side: Temporary Protected Status, the American Promise Act of 2017, the American Dream and Promise Act of 2019, and the SECURE Act of 2019**.¹⁴

Nationals from which countries would be eligible for TPS-based lawful permanent residence under this bill?

Foreign nationals from El Salvador, Haiti, Honduras, Guinea, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, Sudan, South Sudan, Syria, and Yemen would be eligible to apply for LPR status under this bill.

I currently have TPS. Let's say my country's designation doesn't expire until after this bill is enacted into law. Would I be able to adjust status through other channels beyond what is provided for in this bill?

It depends. ADPA's original language clarifies that people with TPS and DED would be considered as “inspected and admitted” into the U.S., which would therefore make them eligible

¹⁴ www.nilc.org/tps-american-promise-act-2017-adpa2019-secure-act2019/.

to adjust to LPR status through other existing channels, such as through sponsorship by a family member or employer. However, this language was taken out of the bill when it was marked up, and it is hoped that it will be reinserted into the final bill language before the full House of Representatives debates and votes on the legislation.

Because different federal courts have issued different rulings on this issue, if the final legislation does not resolve it, your eligibility to adjust status based on your TPS would depend on which federal court district you live in.

WAYS TO GET INVOLVED

What are the chances that this bill will pass and become law?

Securing the support from U.S. senators that would be necessary to get this bill passed will be an uphill battle. If the bill is considered in the Senate, we can anticipate having to fight off efforts to amend the bill with onerous immigration enforcement provisions. Nevertheless, this bill is an opportunity to highlight the importance of providing long-overdue immigration relief for immigrant youth and people with TPS or DED as a crucial first step to resolving the untenable situation created by the Trump administration.

What can I do to provide support?

Regardless of whether ADPA becomes law, we must continue to fight alongside immigrant youth and people who have or had protection from DACA, DED, or TPS, as well as alongside other immigrant communities, for policies at every level that promote inclusivity and will benefit all of us in the long term. Here are some things you can do:

- **Share your story.** Undocumented youth were at the forefront of pushing for the DACA program to be created. The National Immigration Law Center is collecting personal stories to deliver to federal legislators, urging them to stand up and fight for those who will be irreparably harmed by the termination of DACA. Contact us at reply@nilc.org to find out more.
- **Visit <https://dreamandpromise.com/>** to learn about other actions you can take to support immigrant youth and people with TPS and DED.

How can I stay updated on the bill's progress?

Follow NILC on [Facebook](#) or [Twitter](#) to stay up to date regarding the latest developments on this bill.¹⁵

¹⁵ <https://www.facebook.com/NILC>; <https://twitter.com/NILC>.