Summary of Dream and Promise Act of 2019 (H.R. 6)

A section-by-section summary of the bill is available at www.nilc.org/dream-and.promise-act-section-by-section/

The Dream and Promise Act of 2019, H.R. 6, establishes a roadmap to U.S. citizenship for (1) immigrant youth and (2) current or potential holders of (a) temporary protected status (TPS) or (b) deferred enforced departure (DED). The bill contains three titles: Title I – Dream Act of 2019 (provisions regarding relief for immigrant youth), Title II – American Promise Act of 2019 (provisions related to TPS and DED), and Title III – General Provisions (containing provisions that apply to both Titles I & II). H.R. 6 provides conditional permanent resident (CPR) status and a roadmap to lawful permanent resident (LPR) status and, eventually, U.S. citizenship for immigrant youth who entered the U.S. before age 18, have four or more years of residency, and graduated from high school (or the equivalent). And it provides an opportunity for people who currently have or who may be eligible for TPS or DED who have three or more years of residency to apply for LPR status and, eventually, U.S. citizenship.

How does H.R. 6 help immigrant youth?

1. Longer CPR status. Extends the length of CPR status from eight to ten years to give applicants more time to fulfill requirements.
2. Expands stays of removal. Stays the removal of minors who are not yet eligible for relief but may become eligible in the future and who temporarily unenroll from school.
3. Better hardship standard. Permits people with CPR to obtain LPR status without satisfying the employment, military, or educational tracks if their deportation would cause “hardship” to themselves or immediate family members (instead of “extreme hardship”).
4. Apprenticeship eligibility. Includes apprenticeship programs as a qualifying education to obtain CPR status.
5. No medical examination. Eliminates the costly medical examination for applicants.
7. Professional licenses. Clarifies that people with CPR can access professional, commercial, and business licenses.
8. Career and technical education. Permits people with CPR who obtain a certificate or credential from an area career and technical education school to obtain LPR status.
9. Criminal and inadmissibility bars. Updates the criminal background bars and inadmissibility requirements.

Additionally, H.R. 6 has the following provisions that are similar to the Dream Act of 2017:

1. LPR status. Provides LPR status to CPR holders who: (1) serve in the uniformed services for two years, (2) complete two years at or obtain a degree from an institution of higher education, or (3) work 75 percent of the time in CPR status (with flexible evidentiary burdens such as affidavits).
2. Removes barriers to in-state tuition. Makes it easier for states to provide in-state tuition to immigrant students.
3. Federal financial aid. Establishes that CPR-holders are eligible for federal loans, work study, services, and grants.

How does H.R. 6 help people with TPS or DED?

1. LPR status. Provides LPR status for people with TPS or DED (and those who were eligible but did not apply) who apply within three years from the date of enactment if they (1) had at least three years of continuous residence (as well as

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2 See “What are H.R. 6’s Criminal Background Requirements?,” below.
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residence since the date required the last time that the person’s nation of origin was designated) and (2) were eligible for or had (a) TPS on Sept. 25, 2016, or (b) DED on Sept. 28, 2016. This includes nationals of 13 countries: El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, South Sudan, Sudan, Syria, and Yemen.

2. **Inspection and admission.** Classifies people with TPS or DED as inspected and admitted for the purposes of Immigration & Nationality Act (INA) section 245(a), making it easier to obtain LPR status through existing channels (e.g., a family-based petition).

3. **Stay of removal.** Stays the removal (deportation) of individuals while an application is pending.

4. **Caps fee.** Establishes a fee ceiling of $1,140 for people with TPS or DED applying for LPR status.

5. **Transparency for TPS.** Requires the secretary of the U.S. Dept. of Homeland Security (DHS) to provide an explanation for and report within three days of publishing notice to terminate TPS designation for certain nationals.

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### How does H.R. 6 help both immigrant youth and people with TPS or DED?

1. **Deported immigrants eligible.** Enables certain immigrant youth deported under the Trump administration and people who had TPS or DED who were deported as of September 2016 to apply for relief from abroad.

2. **Protections for detained and non-detained.** Allows immigrants in deportation proceedings, including those in detention, to apply for relief under the INA and protects eligible applicants from deportation.

3. **Administrative review.** Provides robust administrative and judicial review of denials.

4. **Grant program.** Establishes a grant program for nonprofit organizations to assist applicants.

5. **Fee Exemption.** Provides a narrow fee exemption for applicants who meet certain requirements.

6. **Advance parole and employment authorization.** Allows individuals with a pending application to apply for advance parole and employment authorization (a work permit).

7. **Adjustment through existing channels.** Clarifies that individuals may apply for LPR status through existing legal pathways, such as through family- or employment-based sponsorship.

8. **Confidentiality provisions.** Protects the information submitted by applicants (and all DACA requests) from disclosure.

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### What are H.R. 6’s criminal background requirements?

**DREAM.** How do H.R. 6’s criminal background requirements compare to the Dream Act of 2017?

1. **BETTER - Minor traffic offenses.** Excludes minor traffic offenses from the felony and misdemeanor bars.

2. **BETTER - Expunged convictions.** Excludes expunged and similar convictions from the inadmissibility grounds, felony bar, and misdemeanor bar.

3. **SAME - State immigration offenses.** Excludes state convictions based on immigration status.³

4. **SAME - Felonies.** Disqualifies applicants if they were convicted of one or more felonies. There is no waiver.

5. **SAME - Misdemeanors.** Disqualifies applicants if they were convicted of three or more misdemeanors and served an aggregate of 90 days or more in prison. There is no waiver.

6. **WORSE - Domestic violence.** Adds a new criminal bar that disqualifies applicants if they have a misdemeanor or felony domestic violence conviction (waiver available), with certain exceptions.

**DREAM & TPS/DED.** What criminal background requirements are common to both the Dream and TPS/DED titles?

1. **Inadmissibility grounds.** Disqualifies applicants if they are inadmissible on the following grounds: criminal (waiver available), security and terrorism, smuggling (waiver available), student visa abuse (waiver available), ineligibility for citizenship, polygamy, international child abduction, unlawful voting (waiver available), and former citizens who renounced citizenship to avoid taxation. Waivers, when available, may be granted for humanitarian or family unity purposes or when it is in the public interest.

2. **Expunged convictions.** Excludes expunged and similar convictions from inadmissibility grounds.

3. **Persecution.** H.R. 6 disqualifies applicants if they participated in persecution of others.

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³ This provision does not exclude offenses related to but not based explicitly on an applicant’s immigration status (e.g. identity theft).