



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

SECTION-BY-SECTION SUMMARY

Last updated MARCH 14, 2019

On March 12, 2019, Representatives Lucille Roybal-Allard (D-CA), Nydia Velázquez (D-NY), and Yvette Clarke (D-NY) introduced the American Dream and Promise Act of 2019, [H.R. 6](#).¹ The bill combines longstanding efforts to provide a roadmap to U.S. citizenship for undocumented youth, people who have or are eligible for Deferred Action for Childhood Arrivals (DACA), people who had or were eligible for temporary protected status (TPS) or people with deferred enforced departure (DED).

The Dream Act title of the bill is substantially similar to the Dream Act of 2017. Similarly, the TPS and DED title of the bill resembles many aspects of the American Promise Act of 2017. Some key differences between the Dream and Promise Act and prior bills are noted in the footnotes.

Sec. 1: SHORT TITLE

Short title of the bill: American Dream and Promise Act of 2019

Sec. 2: TABLE OF CONTENTS

TITLE I — DREAM ACT of 2019

Sec. 101: Short title

Title cited as: Dream Act of 2019

Sec. 102: Permanent Resident Status on a Conditional Basis for Certain Long-Term Residents Who Entered the United States as Children

The Dream Act of 2019 would cancel the removal (also known as “deportation”) of and grant conditional permanent resident (CPR) status to a person who is inadmissible or deportable from the U.S. if the person:

- has been continuously physically present in the U.S. for at least four years before the date of the bill’s enactment;

¹ <https://www.congress.gov/bill/116th-congress/house-bill/6?q=%7B%22search%22%3A%5B%22hr6%22%5D%7D&s=3&r=1>.

- entered the U.S. before turning 18;
- (a) has been admitted to a college, university or other higher educational institution; or (b) has earned a high school diploma, GED, or equivalent post-secondary education credential; or (c) is enrolled in a secondary school or education program that assists students in obtaining a high school diploma, GED or similar state-authorized exam, certificate or credential from a career or technical school providing education at the secondary level,² or in obtaining a recognized post-secondary credential;
- provides biometric and biographic data, with alternative procedures available for those with physical impairments;
- passes a background check;
- registered for military selective service if required to;
- pays a fee no greater than \$495, though fee exemptions may apply;
- is not inadmissible on criminal grounds, for security or terrorism-related grounds, smuggling, student visa abuse, ineligibility for U.S. citizenship, practicing polygamy, international child abduction, unlawful voting, or renouncing citizenship to avoid taxation;³
- has not participated in persecution;
- has not been convicted of any federal or state offense punishable by a term of imprisonment of more than one year or three or more federal or state offenses for which the person was convicted on different dates and imprisoned for an aggregate of at least 90 days (excluding minor traffic offenses⁴ and state offenses for which an essential element is the person's immigration status); and
- has not been convicted of a crime of domestic violence, with exceptions for those who are victims of domestic violence, sexual assault, stalking, child abuse or neglect, or U nonimmigrant status–eligible criminal activities or if is granted for humanitarian or family unity purposes or is in the public interest.⁵

*Any expunged convictions, as defined by Sec. 302, are not deemed convictions under this Act.*⁶

Permanent Resident Status on a Conditional Basis for DACA Recipients

The Act cancels removal and allows for adjustment of status to permanent resident status on a conditional basis for anyone who was granted DACA (unless they have become ineligible) or those who would have been eligible.⁷

² The Dream Act of 2017 did not include credentials from career or technical schools.

³ The Dream Act of 2017 did not include renouncing citizenship to avoid taxation as a ground of inadmissibility. See also Sec. 301 and 302 for waivers of certain inadmissibility grounds.

⁴ The Dream Act of 2017 did not exclude minor traffic offenses from the felony and misdemeanor bars.

⁵ The Dream Act of 2017 did not include a crime of domestic violence bar or a definition of such crime. Unlike how domestic violence is defined elsewhere in federal law, this Act's definition specifies who has to have committed the offense — i.e., a current or former spouse, a person with whom the applicant shares a child in common, or other individuals with a specific relationship to the applicant.

⁶ The Dream Act of 2017 only directed that expunged convictions would be treated on a "case by case" basis; and the American Promise Act of 2017 remained silent on the treatment of expunged convictions.

⁷ The Dream Act of 2017 allowed this only for those already granted and still eligible for DACA.

Prevents Removals of Minors and Allows Those Deported to Apply

- Prevents and stays the removal of children not older than 18 years, allowing them to remain in the country while they become eligible for relief in the future.
- Allows individuals deported or voluntarily removed on or after January 20, 2017, to apply from abroad if otherwise eligible, even if they had not been previously granted DACA but were eligible and if the sole reason for their removal or voluntary departure was their unlawful presence (regardless of their manner of entry).⁸

Sec. 103: Terms of Permanent Resident Status on a Conditional Basis

- CPR status is valid for 10 years (unless extended by the secretary of the U.S. Department of Homeland Security (DHS)).⁹
- Those in CPR status are treated like lawful permanent residents (LPRs) for purposes of access to professional, commercial, and business licenses.
- CPR status may be terminated if the individual no longer meets the inadmissibility requirements, subject to treatment of expungement definitions and inadmissibility waivers; and they must be given notice of the proposed termination and an opportunity for a hearing.

Sec. 104: Return to Previous Immigration Status

If an individual's CPR status expires, is terminated, or their application is denied, they shall return to their previous immigration status.

Sec. 105: Removal of Conditional Basis of Permanent Resident Status

A person with CPR status, regardless of how long they have been in CPR status, can be granted LPR status after they have met the following requirements:

- meets the inadmissibility requirements, subject to treatment of expungement definitions and inadmissibility waivers;
- has not abandoned their residence in the U.S. during their period of CPR status;
- meets one of the following requirements (subject to the hardship exception below):
 - earned a degree from an institution of higher education, or completed at least two years of a U.S. program leading to a bachelor's degree or higher degree or certificate or credential from an area career and technical education school;
 - served in the military for at least 2 years and, if discharged, received an honorable discharge; or
 - has been employed for at least 3 years and at least 75 percent of the time the person has had employment authorization, except any periods in which they were enrolled in an institution of higher education, secondary school, or (high school equivalency) education program;

⁸ The Dream Act of 2017 did not include relief for those abroad.

⁹ The Dream Act of 2017 granted CPR status for a maximum of eight years.

- demonstrates an ability to read, write, and speak English and knowledge and an understanding of U.S. history and government, unless unable to because of a disability;
- pays a reasonable fee commensurate with the cost of processing the application subject to fee exemptions based on specified need-based criteria under Section 302(c);
- provides biometric and biographic data, with alternative procedures available for those with physical impairments; and
- passes a background check.

Hardship exception¹⁰

Exceptions for the education, military, and work requirements above for removing the conditional basis of a person's CPR status can be made to grant LPR status if the person:

- meets the admissibility requirements, subject to treatment of expungement definitions and inadmissibility waivers and has not abandoned their residence in the U.S. during their period of CPR status;
- demonstrates compelling circumstances for their inability to complete higher education/military service/work requirement; and
- demonstrates that they have a disability, are the full-time caregiver of a minor child, or that their removal would result in hardship to them, their spouse, parent, or child who is a national of the U.S. or holds LPR status.

Treatment for Purposes of Naturalization

For purposes of naturalization to U.S. citizenship, a person granted CPR status shall be considered to have been admitted and present in the U.S. as a person lawfully admitted for permanent residence. A person cannot apply for naturalization while in conditional permanent resident status.

Initial Applications

A person can adjust to LPR status without having had CPR status after they have met the following requirements:

- demonstrates eligibility for CPR per Sec. 102 above;
- has already fulfilled requirements in Sec. 105 above relating to continuous residence and meeting the educational, military or work requirements (with hardship exceptions), and demonstrates the ability to read, write, and speak English and knowledge and understanding of U.S. history and government (unless the person is unable to because of a disability);
- pays a reasonable fee commensurate with the cost of processing the application, subject to fee exemptions based on specified need-based criteria under Sec. 302(c) (and not required to pay CPR filing fee); and
- passes a background check.

¹⁰ The Dream Act of 2017 only granted exceptions in cases of extreme hardship.

Sec. 106: Restoration of State Option to Determine Residency for Purposes of Higher Education Benefits

- Repeals Sec. 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This repeal removes a barrier for states that wish to offer in-state tuition rates or higher educational benefits on the basis of residence, without regard to a student's immigration status.
- Confirms that conditional permanent residents may qualify for certain federal student assistance, including direct federal loans, Perkins loans, work study, and programs designed to identify and encourage youth with financial or cultural needs, low-income families and others to pursue higher education.¹¹

TITLE II — AMERICAN PROMISE ACT of 2019

Sec. 201: Short Title

Title cited as: American Promise Act of 2019

Sec. 202: Adjustment of Status for Certain Nationals of Certain Countries Designated for Temporary Protected Status or Deferred Enforced Departure**If Present in the United States¹²**

An individual is eligible to adjust status to that of LPR and have removal cancelled¹³ if the individual:

- is a national of a country that had TPS designation on September 25, 2016, if the person had TPS or was eligible for TPS on that date (even if the person did not register for TPS), or a foreign national who had a grant of DED as of September 28, 2016;
- has been continuously physically present in the U.S. for at least three years before the date of enactment;
- applies to adjust status within three years of enactment of this Act; and
- pays a filing fee capped at \$1,140, with exemptions available under Sec. 302.

¹¹ The Dream Act of 2017 was silent regarding access to federal student assistance to conditional permanent residents.

¹² The American Promise Act of 2017 does not provide protection to people with TPS or TPS-eligible people from Sierra Leone, Guinea, and Liberia, because that bill required TPS designation on/after Jan. 1, 2017, whereas H.R. 6 covers nationals of countries that were designated for TPS as of September 25, 2016, when those three countries still were designated for TPS.

¹³ Unlike this bill, the American Promise Act of 2017 provided the opportunity for the spouse, parent, or unmarried son or daughter of a person adjusting under that Act to also adjust their status.

Individuals Previously Removed or Departed¹⁴

Individuals abroad who were removed or who voluntarily departed the U.S. may also adjust to LPR status if the person:

- applies from abroad;
- was continuously physically present in the U.S. for at least three years before removal or departure;
- either had TPS or was eligible for TPS on September 25, 2016, or had DED as of September 28, 2016;

and

- if the only reason for their removal or departure was because the person was in the U.S. after their country's TPS designation expired or after their DED or any extension of their DED expired; or,
- in the case of those who voluntarily departed, they did so because their country's TPS designation was terminated.

Admissibility Requirements¹⁵

An applicant under Title II must be admissible, exempting the following grounds of inadmissibility for purposes of this bill:

- public charge;
- unauthorized employment;
- entering the U.S. without being admitted or paroled;
- failure to attend removal hearings;
- misrepresentation;
- previous removal;
- unlawful presence; and
- expunged convictions.¹⁶

Stay of Removal

For any applicant in removal proceedings, the proceedings shall be stayed while their application for adjustment of status is pending.

¹⁴ The American Promise Act of 2017 did not include relief for those abroad; it allowed only those ordered removed or granted voluntary departure — but still present in the U.S. — to adjust status.

¹⁵ See also Sec. 301 and 302 for waivers of certain inadmissibility grounds.

¹⁶ The American Promise Act of 2017 did not exempt failure to attend removal hearings, misrepresentation, previous removal, or unlawful presence.

Sec. 203: Reporting Requirements Regarding Future Discontinued Eligibility of Aliens from Countries Currently Listed under Temporary Protected Status

If TPS is terminated for a country, the secretary of DHS must provide a report to the Judiciary Committees in the House and Senate within three days of announcing termination in the Federal Register, including information about:

- what event prompted the TPS designation;
- how the country has remedied conditions that prompted the TPS designation and any continuing challenges linked to conditions upon initial designation;
- an analysis of the country's ability to reabsorb its population;
- a description of methodologies used to determine improved country conditions; and
- any other metrics deemed necessary by the DHS secretary.

Sec. 204: Waiver of Certain Language Requirements

Individuals with LPR status pursuant to Title II would be exempt from the English-language requirements for naturalization to U.S. citizenship.

Sec. 205: Clarification of Inspection and Admission Under Temporary Protected Status

Clarifies that people with TPS shall be considered inspected and admitted to the U.S. under immigration law for purposes of adjusting to LPR status.

TITLE III — General Provisions (Applying to Both Titles I and II)

Sec. 301: Definitions

- Except as otherwise provided, any term in this Act has the same meaning used in immigration law.
- "Area career and technical education school" has the same meaning as in Sec. 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. § 2302).
- "DACA" has the same meaning as the June 15, 2012, DHS memo.
- "Disability" has the same meaning as in Sec. 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12102(1)).
- "Early childhood education program" has the same meaning as in Sec. 103 of the Higher Education Act of 1965 (20 USC 1003).
- "Immigration laws" has the same meaning as in Sec. 101(a)(17) of the Immigration and Nationality Act (INA) (8 USC 1101(a)(17)).
- "Institution of Higher Education" has the same meaning as in Sec. 102 of the Higher Education Act of 1965 (20 USC 1002), excluding those outside the U.S.

- “Permanent resident status on a conditional basis” means status as an individual lawfully admitted as a CPR under this Act.
- “Federal poverty line” has the same meaning as Sec. 213A(h) of the INA.
- “Recognized postsecondary credential” has the same meaning as Sec. 3 of the Workforce Innovation and Opportunity Act (29 USC 3102).
- “Secretary,” except if otherwise specified, means the secretary of DHS.
- “Uniformed Services” has the same meaning as in Sec. 101(a) of 10 U.S.C.
- “Conviction,” under this Act, does not include judgments that have been expunged or set aside, or that resulted in a rehabilitative disposition, or the equivalent.¹⁷

Sec. 302: Limitation on Removal; Application and Fee Exemption; Waiver of Grounds for Inadmissibility and Other Conditions on Eligible Individuals

Limitation on Removal

- Prevents the removal of anyone who is *prima facie* — “on its face” — eligible or has a pending application under this Act.
- Allows anyone who has a removal order or has been granted voluntary departure to apply for adjustment of status under this Act without their having to file a motion to reopen, reconsider, or vacate the old removal order. Once an application under this Act is approved, the prior removal order must be cancelled.

Fee Exemption¹⁸

An applicant may be granted a fee exemption if the applicant:

- is younger than 18;
- received a total income that is less than 150 percent of the federal poverty line during the year prior to filing an application under this Act;
- is in foster care or lacks parental or familial support; or
- cannot care for themselves because of a serious, chronic disability.

Waiver of Grounds of Inadmissibility

Waivers are available for certain grounds of inadmissibility, including certain criminal grounds, smuggling, and student visa abuse or unlawful voting, for humanitarian or family unity purposes or if it is in the public interest.¹⁹

¹⁷ The Dream Act of 2017 directed only that expunged convictions would be treated on a “case by case” basis; and the American Promise Act of 2017 remained silent on the treatment of expunged convictions.

¹⁸ In the Dream Act of 2017, fee exemptions required a combination of more than one of these criteria. It also included exemptions for those who are under 18 and homeless and for certain individuals who had accrued significant medical debt.

¹⁹ The American Promise Act of 2017 permitted a waiver for *any* provision of 212(a) for “humanitarian purposes, to assure family unity, or when it is otherwise in the public interest,” whereas H.R. 6 limits the waiver to the limited inadmissibility grounds delineated here.

Advance Parole²⁰

Applicants, including those with orders of removal, are eligible to apply for advance parole from the time they apply for adjustment of status under this Act until a final decision is made on their application.

Employment

Anyone whose removal is stayed, who may not be placed into removal proceedings under this Act, or who has a pending application under this Act, and who applies for relief under this act, will be granted employment authorization.

Sec. 303: Determination of Continuous Presence

- Any period of continuous physical presence in the U.S. for a person who applies for permanent residence status (whether as a CPR or LPR) shall not terminate if the person is served a notice to appear.
- If the person has departed the U.S. for any period exceeding 90 days or any periods, in total, exceeding 180 days, they will have failed to maintain continuous physical presence except for: (1) extenuating circumstances beyond the person's control, including serious illness or death or serious illness of a parent, grandparent, sibling, or child; or (2) travel outside the U.S. authorized by the secretary of DHS (e.g., advance parole).

Sec. 304: Exemption from Numerical Limitations

Adjustment of status for those covered by this bill will not be subjected to numerical limitations of visas, including those first granted conditional LPR.

Sec. 305: Availability of Administrative²¹ and Judicial Review

Enhances administrative and judicial review procedures:

- provides that those denied an application for adjustment of status may appeal administratively;
- provides, in conjunction with judicial review of a removal order, a judicial appeal process for those whose application for benefits under this Act are denied or granted and then revoked; and
- provides for a stay of removal for those seeking administrative or judicial review until a final decision on their case is made, unless the removal is based on criminal or national security grounds.

Sec. 306: Documentation Requirements

This section specifies documentation required for a person's application for permanent residence (whether as a CPR or LPR), including documents establishing:

²⁰ The Dream Act of 2017 did not include advance parole travel for pending applications.

²¹ The Dream Act of 2017 granted judicial review only of denials.

- proof of identity;
- continuous presence in the U.S.;
- initial entry into the U.S.;
- admission to an institution of higher education;
- receipt of a degree from an institution of higher education;
- receipt of a high school diploma, general educational development certificate, or a recognized equivalent;
- enrollment in an educational program;
- exemption from application fees;
- qualification for a hardship exemption;
- service in the uniformed services; and
- employment.

After a public notice and comment period, the secretary of DHS may restrict which documents can be used based on how reliably they establish identity or if CPR or LPR status is being obtained fraudulently to an unacceptable degree.

Sec. 307: Rule-making

Not later than 90 days after enactment, interim final rules will be published in the Federal Register and become effective immediately on an interim basis to allow eligible people to apply for relief under the bill. After a public comment period, the regulations will become final within 180 days after initial publication.

Sec. 308: Confidentiality of Information²²

- Prohibits information provided in applications filed under this Act or in DACA applications from being disclosed or used for immigration enforcement.
- Prohibits referrals to U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) of anyone granted permanent residence pursuant to the bill or who was granted DACA or TPS.
- Exceptions to these confidentiality protections apply only with federal security and law enforcement agencies to: conduct background checks for applications for permanent residence under this Act, to identify or prevent fraud, for national security purposes, or for the investigation or prosecution of any felony not related to a person's immigration status.
- Violations of these confidentiality provisions will result in a fine of up to \$10,000.

Sec. 309: Grant Program to Assist Eligible Applicants²³

U.S. Citizenship and Immigration Services will award competitive grants to nonprofits to provide:

²² The American Promise Act of 2017 did not include confidentiality provisions.

²³ Neither the Dream Act of 2017 nor the American Promise Act of 2017 included a grant program to assist eligible applicants.

- public education about eligibility for and benefits associated with the permanent resident statuses created by the legislation;
- assistance with applications for the statuses created by the legislation, including conducting screenings for eligible applicants and helping applicants fill out applications and petitions and gathering requisite documents and evidence;
- any other assistance deemed useful or necessary to apply for new statuses; and
- assistance or instruction in: rights and responsibilities of U.S. citizenship, civics, ESL, GED preparation, and applying for adjustment of status and citizenship.

Sec. 310: Provisions Affecting Eligibility for Adjustment of Status

Those eligible to apply for permanent residence under this act are not precluded from seeking any other immigration status if they are eligible.²⁴

²⁴ This is a change from the American Promise Act of 2017, which did not provide the clarification that the bill does not preclude adjustment of status via already existing legal pathways, such as through family- or employment-based sponsorship.