

## **The Dream Act of 2017 Section-by-Section**

### **Sec. 1. Short Title**

Provides the short title of the bill: Dream Act of 2017.

### **Sec. 2. Definitions**

Defines the following terms: DACA, Disability, Early Childhood Education Program, Elementary School, High School, Secondary School, Immigration Laws, Institution of Higher Education, Permanent Resident Status on a Conditional Basis, Poverty Line, Secretary, Uniformed Services.

### **Sec. 3. Permanent Resident Status on a Conditional Basis For Certain Long-Term Residents Who Entered the United States as Children.**

- The Secretary shall cancel removal and grant lawful permanent resident status on a conditional basis to a person who is inadmissible or deportable from the United States or is in temporary protected status who:
  - has been continuously physically present in the U.S. for 4 years preceding the date of the enactment;
  - was 17 years old or younger on the initial date of entry into the U.S.;
  - is not inadmissible on the following grounds: criminal, security and terrorism, smuggling, student visa abuse, ineligibility for citizenship, polygamy, international child abduction, or unlawful voting;
  - has not participated in persecution;
  - has not been convicted of: any federal or state offense punishable by a term of imprisonment of more than 1 year (other than a state offense for which an essential element is the person's immigration status), or 3 or more federal or state offenses (other than state offenses for which an essential element is the alien's immigration status) for which the person was convicted on different dates and imprisoned for an aggregate of 90 days or more; and
  - has been admitted to an institution of higher education, or has graduated from high school or obtained a GED or a high school equivalency diploma, or is enrolled in secondary school or in an education program assisting students in obtaining a high school diploma or in passing a GED or equivalent exam.
- The Secretary may waive select inadmissibility bars for humanitarian purposes, family unity, or if the waiver is otherwise in the public interest.
- The Secretary shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the offense.
- The Secretary shall cancel removal and grant conditional permanent resident status to any person who was granted DACA unless the person has since engaged in conduct that would make him or her ineligible for DACA.
- The Secretary may require a person applying for conditional permanent resident status to pay a reasonable fee commensurate with the cost of processing the

application. A fee exemption may be available based on specified need-based criteria.

- A person must submit biometric and biographic data before the Secretary can grant the person conditional permanent resident status. An alternative procedure will be provided for individuals unable to provide such data because of a physical impairment.
- Utilizing biometric, biographic, and other appropriate data, the Secretary shall complete security and law enforcement background checks of a person applying for conditional permanent resident status and determine whether there is any criminal, national security, or other factor that would render the person ineligible before granting such status.
- A person applying for conditional permanent resident status shall undergo a medical examination.
- A person applying for conditional permanent resident status who is subject to Selective Service registration shall establish that the person has registered.
- Continuous physical presence for a person who applies for conditional permanent resident status does not terminate upon service of a notice to appear.
- Excluding travel authorized by the Secretary, within the preceding 4 years a person cannot have departed the U.S. for any period of more than 90 days or for any periods in the aggregate exceeding 180 days.
- The Secretary or the Attorney General may not remove a person who appears prima facie eligible for cancellation of removal and conditional permanent residence.
- The Secretary shall provide a reasonable opportunity to apply for relief to a person subject to removal who requests such an opportunity or who appears prima facie eligible.
- For children enrolled in school who are at least 5 years old and who would be eligible for relief under the Act, removal shall be stayed. The stay can be lifted if the person ceases to meet eligibility requirements.
- There is no numerical limitation on the number of people who may be granted permanent resident status on a conditional basis under the Act.

#### **Sec. 4. Terms of Permanent Resident Status on a Conditional Basis.**

- Conditional permanent resident status is valid for 8 years.
- The Secretary may terminate a person's conditional permanent resident status if the Secretary determines that the person ceases to meet the inadmissibility, criminal conviction, and persecution criteria specified in Section 3.
- A person whose conditional permanent resident status is terminated shall return to the immigration status the person held previously.

#### **Sec. 5. Removal of Conditional Basis of Permanent Resident Status.**

- **The Secretary shall remove the conditional basis of a person's permanent resident status if the person:**
  - o satisfies the inadmissibility, criminal conviction, and persecution criteria specified in Section 3;

- o has not abandoned the person's residence in the U.S.;
  - o has acquired a degree from a U.S. institution of higher education or completed at least two years in good standing for a bachelor's or higher degree program in the U.S.; or has completed at least two years of military service, and if discharged, received an honorable discharge; or has been employed for periods of time totaling at least three years and at least 75 percent of the time that the person has had employment authorization.
- Hardship exception: the Secretary shall remove the conditional basis of an otherwise eligible person's permanent resident status if the person demonstrates compelling circumstances for the inability to complete the higher education/military service/work requirement, and demonstrates that: the person has a disability or is a full-time caregiver of a minor child; or the person's removal from the U.S. would cause extreme hardship to the person or the person's U.S. citizen or lawful permanent resident spouse, parent, or child.
- The conditional basis of a person's permanent resident status may not be removed unless the person demonstrates the ability to read, write, and speak English and demonstrates knowledge and understanding of the fundamentals of the history, principles, and form of government of the U.S., unless the person is unable to meet these requirements because of disability.
- The Secretary may require a person applying for lawful permanent resident status to pay a reasonable fee commensurate with the cost of processing the application. A fee exemption may be available based on specified need-based criteria.
- A person must submit biometric and biographic data before the Secretary can remove the conditional basis of the person's permanent resident status. An alternative procedure will be provided for individuals unable to provide such data because of a physical impairment.
- Utilizing biometric, biographic, and other appropriate data, the Secretary shall complete security and law enforcement background checks of a person applying to remove the conditional basis of the person's permanent resident status and the Secretary shall determine whether there is any criminal, national security, or other factor that would render the person ineligible for removal of such conditional basis.
- For purposes of naturalization, a person granted conditional permanent resident status shall be considered to have been admitted to the U.S. and present in the U.S. as a personal lawfully admitted for permanent residence. A person cannot apply for naturalization while in conditional permanent resident status.

## **Sec. 6. Documentation Requirements.**

- This section specifies documentation requirements for applicants to demonstrate eligibility under the following categories, as applicable:
  - o Documents Establishing Identity;
  - o Documents Establishing Continuous Physical Presence in the United States;
  - o Documents Establishing Initial Entry Into the United States;
  - o Documents Establishing Admission to an Institution of Higher Education;
  - o Documents Establishing Receipt of a Degree From an Institution of Higher Education;

- o Documents Establishing Receipt of High School Diploma, General Educational Development Certificate, or a Recognized Equivalent;
  - o Documents Establishing Enrollment in an Educational Program;
  - o Documents Establishing Exemption From Application Fees;
  - o Documents Establishing Qualification for Hardship Exemption;
  - o Documents Establishing Service in the Uniformed Services;
  - o Documents Establishing Employment.
- The Secretary may prohibit or restrict the use of a document or class of documents if the Secretary determines, after publication and an opportunity for public comment, that the document or class of documents does not reliably establish identity or that permanent resident status on a conditional basis is being obtained fraudulently to an unacceptable degree.

**Sec. 7. Rulemaking.**

- Not later than 90 days after the date of the enactment, the Secretary shall publish implementing regulations which shall allow eligible individuals to apply under Section 3 without being placed in removal proceedings. The regulations shall be effective on an interim basis upon publication but may be subject to change and revision after public notice and comment.
- Not later than 180 days after the date of publication of the interim regulations, the Secretary shall publish final implementing regulations.

**Sec. 8. Confidentiality of Information.**

- Information provided in DACA applications or applications filed under this Act shall not be disclosed or used for the purpose of immigration enforcement.
- Individuals who were granted DACA or who have been granted conditional permanent resident status shall not be referred to ICE, CBP, or their designee. Information may be shared with national security and law enforcement agencies for assistance in the consideration of an application for conditional permanent resident status, to identify or prevent fraud, for national security purposes, or for the investigation or prosecution of any felony not related to immigration status.
- A fine of up to \$10,000 shall be imposed for knowingly using, publishing or permitting information to be examined in violation of this section.

**Sec. 9. Restoration of State Option to Determine Residency for Purposes of Higher Education Benefits.**

- Repeals Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which penalizes states that grant in-state tuition to undocumented students on the basis of residency.