



Assemblyman Marcos A. Crespo • Chair, Assembly Task Force on New Americans

S.744 (Border Security, Economic Opportunity, and Immigration Modernization Act), Sec. 2103



The DREAM Act

Fact Sheet of Pending Federal Legislation

July 2013

The following eligibility criteria apply to people who choose to take the road to U.S. citizenship provided for under the S.744's DREAM Act provisions (Bill Passed US Senate):

- **Childhood arrival.** To qualify for the DREAM road to Lawful Permanent Resident (LPR) status and citizenship, a person must have been younger than 16 years of age on the date he or she initially entered the U.S.
- **Secondary education.** The person must have earned a high school diploma or obtained a GED in the U.S.
- **Higher education or military service.** The person must meet at least one of the following criteria:
 - Must have acquired a degree from an institution of higher education or been enrolled for 2 years in a bachelor's or higher degree program in the U.S.
 - Must serve (or have served) at least 4 years in the uniformed services and, if discharged, have received an honorable discharge.
- **English and civics requirement.** The person must demonstrate an understanding of the English language and knowledge and understanding of U.S. civics, unless the person has a disability that prevents him or her from meeting this requirement.
- **Years in RPI status.** To be eligible to adjust to LPR status via the DREAM road, the DREAMer must have been in Registered Provisional Immigrant (RPI) status for 5 years.
- **Immediate eligibility for naturalization.** DREAMers granted LPR status will be immediately eligible to apply for citizenship. RPIs who entered the U.S. before the age of 16 may naturalize immediately upon joining the military while the U.S. is in a period of military hostilities.
- **Restoration of state option to determine residency for purposes of higher education.**



A hardship exception to this requirement is available for compelling circumstances.

This bill would repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which limits states' options to provide in-state tuition without regard



Assemblyman Marcos A. Crespo • Chair, Assembly Task Force on New Americans

S.744 (Border Security, Economic Opportunity, and Immigration Modernization Act), Sec. 2103



The DREAM Act

Fact Sheet of Pending Federal Legislation

July 2013

to immigration status. Under IIRIRA section 505, states that provide a higher education benefit to undocumented immigrants based on residency must provide the same benefit to U.S. citizens in the same circumstances, regardless of their state of residence.

- **Educational loans.** RPIs who entered the U.S. prior to age 16 and agricultural workers with blue-card status may qualify for federal work study and federal student loans. (They remain ineligible for federal Pell grants until they adjust to lawful permanent residence.)
- **Waivers and other fixes.** This section of the bill addresses various provisions in the immigration laws that relate to immigration status violations by minors.

Analysis by National Immigration Law Center

The Law Center is pleased with the bill's DREAM legalization provisions, which provide for a road to U.S. citizenship that would take 5 years to travel. Unlike previous iterations of the DREAM Act, this bill does not include an age cap (it doesn't provide that people over a certain age are ineligible for legalization via DREAM), and it increases immigrants' access to higher education. The military service option, which in previous bills required only 2 years of service, has been increased, in this bill, to 4 years. The repeal of section 505 is a key improvement because it provides more options for states that want to offer in-state tuition to undocumented students who are otherwise eligible. Since implementation of this title's provisions would likely take at least a year, this is an important interim measure to make higher education more affordable for DREAMers.

The Center believes that DREAMers should be able to reunite with their families by being allowed to file immigration petitions for their deported parents while they (the DREAMers) are in RPI status.



Information compiled by Assemblyman Marcos A. Crespo. If you have any questions about this or any other legislative issue, please contact my Legislative Director Guillermo A. Martinez at 518-455-5514.