

DREAM ACT SUMMARY (S.3827/H.R.1751)

November 12, 2010

On September 22, 2010, Senator Dick Durbin (D-Ill.) once again introduced the Development, Relief, and Education for Alien Minors Act of 2010, otherwise known as the DREAM Act (S.3827). The DREAM Act was incorporated into the 2006 amnesty bill (S.2611), the 2007 amnesty bill (S.1639), and virtually every version of “comprehensive” immigration reform introduced since. Companion legislation entitled the “American Dream Act” (H.R. 1751) was also introduced in the House of Representatives by Rep. Howard Berman (D-Calif.) on March 26, 2009.

The DREAM Act has two major components:

- (1) it gives an **amnesty** to illegal aliens who entered the country as children and have met certain educational requirements and
- (2) it reverses current law to allow states to provide **in-state tuition** to illegal aliens.

The most important difference between the House and Senate bills is that the House bill contains no age limit. The Senate has an initial age limit of 35, which can be circumvented through the application of retroactive benefits (see below).

I. AMNESTY

The DREAM Act creates a tiered system to grant amnesty to illegal aliens who have lived in the U.S. for five years and arrived in the U.S. before the age of 16.

- ▶ Illegal aliens who are over 12 and are enrolled in primary or secondary school are eligible for a **stay of removal**.
- ▶ Illegal aliens who have obtained a high school diploma or a GED, or have simply been admitted to an institution of higher education, are eligible for **conditional lawful permanent resident status** (conditional LPR status). There is **NO CAP ON THE NUMBER OF ALIENS** who may receive conditional LPR status, and such status **MAY BE EXTENDED INDEFINITELY**.
- ▶ Although the Senate bill initially provides an age limit of 35 (*the House does not contain any age limit*) to obtain conditional LPR status, the bill also provides **RETROACTIVE BENEFITS FOR ALIENS OF ANY AGE**.

- ▶ Illegal aliens who have become conditional LPRs under the act and subsequently complete at least 2 years of college or 2 years of military service are eligible for **legal permanent resident status** (LPR status). However, Homeland Security may **WAIVE THE EDUCATIONAL OR MILITARY REQUIREMENTS UPON A SHOWING OF HARDSHIP**.

II. IN-STATE TUITION

- ▶ The DREAM Act reverses current law to allow states to provide **in-state tuition** to illegal aliens.
- ▶ It also makes illegal aliens who receive amnesty under the DREAM ACT **eligible for federally funded scholarships and assistance programs** (even though it excludes Pell Grants).