



H.R. 6 – American Dream and Promise Act of 2019

March 21, 2019

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The American Dream and Promise Act H.R. 6 is the latest effort by Congressional Democrats to enact major immigration reform to establish a pathway to citizenship for hundreds of thousands of individuals with or who have had deferred deportation status. The bill is divided into three major sections. The Dream Act focuses on providing undocumented children and individuals attending higher education such as Deferred Action for Childhood Arrival (DACA) participants with the opportunity to apply for permanent resident status. The American Promise Act focuses on providing similar opportunities to foreign nationals in the United States protected or recently protected by Temporary Protected Status (TPS) or Deferred Enforced Departure (DED). The last section, General Provisions, provides an outline of definitions, exceptions, and additional information that applies to individuals benefitting from the Dream Act portion and the American Promise Act portion. The legislation was introduced in March and has been referred to the House Judiciary Committee and the Education & Labor Committee. Currently, there are 214 Democrat co-sponsors and no Republican co-sponsors.

Title I – Dream Act of 2019

Section 101. Short Title.

Section 101 names the first portion of the act “Dream Act of 2019.”

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

Section 102 (a) and (b) list out the requirements for undocumented immigrants to become lawfully admitted for permanent residence (PR). An applicant must prove that they meet all the following:

- Continuously physically present in U.S. during the last 4 years prior to date of enactment,
- Younger than 18 years of age when originally entered the U.S.,
- Not committed any offenses related to race, religion, nationality, or other social identities,
- Not committed any offense punishable by a maximum imprisonment term of more than one year, three or more offenses with terms aggregating over 90 days, or domestic violence unless responding to violence upon them,
- Admitted to an institution of higher education or completing/attending high school or a high school equivalent (general education development test, area career technical education school, other recognized postsecondary credentials).

This section provides a pathway for DACA recipients to become lawfully admitted for permanent residence if the recipient is eligible for renewal or was never granted DACA but would have been eligible according to the

[2012 DACA rule](#) set by President Barack Obama’s administration.¹ There may be an application fee imposed, but not to exceed \$495.

The Secretary of Homeland Security (secretary) may not grant PR status to an immigrant on a conditional basis unless the immigrant submits biometric and biographic data. The secretary shall use this data for any immigrant seeking PR status. The secretary must provide an alternative procedure for immigrants who physically cannot provide data. Background checks are required before approval of PR.

Applicants must register under the Military Selective Service Act; this section also defines “Domestic Offense.”

Section 102(c) orders limitations on removals of certain undocumented minors and treatment of residents who have been removed or voluntarily departed.

The U.S. Attorney General (AG) shall stay the removal of all the immigrants meeting the requirements in (b) and are not older than 18. Additionally, the AG cannot commence removal proceedings or lift the stay for anyone who meets requirements.

Removed or voluntarily departed immigrants (on or after 1/20/2017) who meet certain requirements may apply for relief. The applicant must prove that they meet all the following:

- Meets requirements of (b) or was enrolled in elementary school/middle school during a 60-day period before removal or departure,
- Continuously physically present in U.S. for at least four years prior to the Dream Act’s enactment,
- Had—at the time of removal or voluntary departure—
 - Been granted DACA and was not eligible for DACA renewal
 - Never been granted DACA but would have been eligible, and
- The sole reason for removal was their presence after expiration of period of stay authorized by the Department of Homeland Security (DHS) in 2017

Section 103. Terms of Permanent Resident Status on a Conditional Basis.

PR status on a conditional basis is valid for 10 years unless extended by the secretary. The secretary must provide notice and an explanation of rules and requirements at the time the immigrant receives PR status. The immigrant with permanent status on a conditional basis shall be treated as someone lawfully admitted for permanent residence in the matter of professional, commercial, and business license.

The secretary may terminate status if the immigrant ceases to meet requirements. Prior to termination, the secretary must provide notice and an opportunity for a hearing to allow the immigrant to contest the proposed termination.

Section 104. Return to Previous Immigration Status.

If PR status expires or is terminated, the resident shall be returned to their original immigration status.

Section 105. Removal of Conditional Basis of Permanent Resident Status.

Section 105(a) orders the secretary to remove the conditional basis of PR status if applicant meets all the following criteria:

¹ In 2012, then-Secretary of Homeland Security Janet Napolitano created a program that permitted certain individuals who came to the United States as juveniles and met several other criteria to request consideration for deferred action or deportation for a period of two years that were subject to renewal.

- Meets all requirements set in section 102(b),
- Not abandoned their U.S. residence during the period of conditional basis,
- Completed at least one of three options:
 - Earned higher education degree or completed two years of a program leading to bachelor’s degree, other higher degree, or a certificate/credential from an area career and technical education school,
 - Served in the Uniformed Services for at least two years unless honorably discharged, or
 - Been employed for a period totaling three years where resident had valid employment authorization 75 percent of the time; unemployed while completing degree does not count toward 75 percent.

This section establishes a hardship exception for those who demonstrate compelling reasons for inability to complete one of the above options including disability, full-time caregiver of minor child, or removal of immigrant would result in hardship to applicant or applicant’s spouse, parent, or child who is a national or permanent resident.

Applicants must satisfy requirements set [in section 312\(a\) of the Immigration and Nationality Act](#) unless they have a disqualifying disability.²

The secretary shall request biometric and biographic data from applicants to conduct a background check. The secretary must provide an alternative procedure for those who physically cannot provide data. Background checks are required before the removal of conditional basis. There shall be an application fee imposed.

Section 105(b) mandates that an applicant granted PR status on a conditional basis shall be admitted to the U.S. and be present as a lawfully admitted permanent resident. However, they may not apply for naturalization while on a conditional basis.

Section 105(c) grants all those with PR status on a conditional basis to apply to remove the conditional basis at any time if they meet all requirements, undergo a background check, and pay any application fees.

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

States may determine residency for providing higher education benefits. The section repeals [section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996](#) and the repeal shall take effect as if the section was repealed in 1996.³ The Pell Grant, federal student loans, work-study programs, and other services shall be provided to permanent residents in the U.S. on a conditional basis.

Title II – American Promise Act of 2019

Section 201. Short Title.

Section 201 names this portion of the Act “American Promise Act of 2019.”

Section 202. Adjustment of Status for Certain Nationals of Certain Countries Designated for Temporary Protected Status or Deferred Enforced Departure.

² Applicant must be able to read, speak, write, and understand words in ordinary English usage.

³ Section 505 prohibited undocumented residents from seeking higher education benefits like financial aid.

Residents under [Temporary Protected Status \(TPS\)](#)⁴ or [Deferred Enforced Departure \(DED\)](#)⁵ shall have the opportunity to adjust their status from their current status to permanent resident (PR) status.

The AG shall cancel the removal or adjust the status of anyone eligible to apply for permanent status prior to three years before date of enactment. [Section 212\(a\) of the Immigration and Nationality Act](#) shall not apply to these individuals.⁶

The applicant is eligible for adjustment of status if they meet all the following:

- Either a national of a foreign state who
 - had or was eligible for TPS or
 - is under a grant of DED as of 9/28/2016, and
- Continuously physically present in U.S. for a period of not fewer than three years of date of enactment.

TPS residents previously removed or voluntarily departed and were eligible for adjustment of status on or after 9/25/2016 may apply if they:

- Apply from abroad,
- Were physically present not fewer than three years before date of removal/departure,
- Had or were eligible for TPS on that date, and
- The sole reason for removal or departure stemmed from expiration of the TPS designation of their original foreign state or they left based on the secretary's determination to terminate the foreign state's designation.

DED residents previously removed or voluntarily departed and were eligible for adjustment of status on or after 9/25/2016 may apply if they:

- Apply from abroad,
- Were physically present not fewer than three years before date of removal/departure,
- Had or were eligible for DED on that date, and
- The sole reason for removal or departure stemmed from expiration of DED on 9/28/2016 or they left based on the president's determination to terminate the rule.

The secretary shall stay the removal of any applicant whose application is pending. There may be an application fee imposed, but not to exceed \$1,140.

Section 203. Reporting Requirements Regarding Future Discontinued Eligibility of Aliens from Countries Currently Listed Under Temporary Protected Status.

Upon publishing a notice in the Federal Register to terminate the TPS designation of a foreign state, the secretary must submit a report to Congress within three days explaining the secretary's rationale and methodology for determining termination.

⁴ "The Secretary of Homeland Security may designate a foreign country for TPS due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. USCIS may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the United States. Eligible individuals without nationality who last resided in the designated country may also be granted TPS." (USCIS)

⁵ "Deferred Enforced Departure (DED) is in the president's discretion to authorize as part of his power to conduct foreign relations. Although DED is not a specific immigration status, individuals covered by DED are not subject to removal from the United States, usually for a designated period." (USCIS)

⁶ This section defines the different reasons certain undocumented immigrants are ineligible for visas or admission (i.e. health, criminal behavior, terrorist activity, etc.).

Section 204. Waiver of Certain Language Requirements.

This section waives [language requirements](#) for applicants attempting to adjust their status.

Section 205. Clarification of Inspection and Admission Under Temporary Protected Status.

This section adds some language in the [Immigration and Nationality Act](#), clarifying that TPS recipients have been inspected and admitted.

Title III – General Provisions

Section 301. Definitions.

This section defines phrases such as DACA, Immigration Laws, Federal Poverty Line, and more.

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

Residents who are prima facie eligible or have pending applications shall receive protection from removal. Additionally, the resident may apply for adjustment of status even if removed or voluntarily departed. They are not required to file a separate motion to reopen or vacate the order of removal.

Applicants shall receive a fee exemption if they meet one of the following criteria:

- Younger than 18 years old,
- Received total income (in 12-month period prior to application date) is less than 150 percent of federal poverty line,
- In foster care or lacks family support, or
- Has a serious, chronic disability which prevents self-care.

The secretary may waive the [grounds of inadmissibility](#) for humanitarian purposes, family unity, or public interest.

Residents may apply for advanced parole during the period between application date and application decision.

Any resident whose removal is stayed shall receive an employment authorization document.

Section 303. Determination of Continuous Presence.

This section defines exceptions for continuous period—being continuously physically present in the U.S.—if resident meets one of the following criteria:

- Served a notice to appear under 239(a) of the Immigration and Nationality Act,
- Granted extensions for extenuating circumstances such as serious illness or serious illness/death of a close family member (parent, grandparent, sibling, spouse, child), or
- Authorized by the secretary to travel.

The resident breaks continuous period if they have departed from the U.S. for any period exceeding 90 days or for multiple periods that aggregate to more than 180 days.

Section 304. Exemption from Numerical Limitations.

Nothing in the Act may be construed to apply a numerical limitation on the number of residents who may be granted permanent resident status.

Section 305. Availability of Administrative and Judicial Review.

This section provides administrative and judicial review for a denial of an application or denial of an application for benefits under this Act. This section provides a stay of removal until the U.S. reaches a final decision.

Section 306. Documentation Requirements.

This section establishes the documents required for processing applications related to the Act.

Section 307. Rule Making.

Not later than 90 days after Act's enactment, the secretary will publish an interim final rule. This new rule shall be effective immediately upon publication. The public shall have a chance for public comment, but the secretary must finalize the rule no later than 180 days after date of publication. The [Paperwork Reduction Act](#) shall not apply to implementation of this Act.

Section 308. Confidentiality of Information.

The secretary shall not disclose or use any information for immigration enforcement. The secretary may not refer any individual granted permanent resident (PR) status to [Immigrants and Customs Enforcement, U.S. Customs and Border Protection](#), or any designee of either entity. Exceptions include national security purposes, fraud, and investigations not related to immigration status.

Section 309. Grant Program to Assist Eligible Applicants.

This section establishes a grant program for non-profits to assist residents and spread awareness about the new rules set by the Act. These funds are available until fully expended. Non-profits may apply for funds to:

- Disseminate key information to the public concerning the Act,
- Screen prospective applicants to assess eligibility and help complete applications,
- Provide education around civics, language learning, GED testing, citizenship applications, and
- Provide other assistance as needed.

Section 310. Provisions Affecting Eligibility for Adjustment of Status.

A resident's eligibility for permanent resident status does not prohibit them from seeking any other status for which they may be eligible.