



Support the DREAM Act

On March 1, Representative **Howard Berman** (D-CA) introduced the **American Dream Act (H. R. 1275)**.

On March 6, Senator **Richard Durbin** (D-IL) introduced the **Development, Relief, and Education for Alien Minors (DREAM) Act (S.774)**, the companion bill to H.R. 1275.

The DREAM Act is also included in the STRIVE Act.

The bipartisan legislation would:

- permit high school graduates who were brought to the U.S. as children and have lived here for at least five years to apply for temporary legal status;
- Once approved, these students would be able to make their status permanent by attending college or serving in the military for at least two years;
- The DREAM Act would also eliminate a federal provision that discourages states from providing in-state tuition to immigrant students.

Discussion points:

- The DREAM Act would benefit thousands of young men and women, including many in the Arab immigrant community, for whom the United States is the only home they have ever known.
- These young men and women embody the American dream and should be embraced, not turned away.
- Regardless of one's position on immigration, individuals brought to the U.S. as children should be given a chance to succeed and not punished for decisions which were not in their control.

For more information, please contact Rebecca Abou-Chedid, AAI Director of Government Relations at (202) 429-9210 or rabouchedid@aaiusa.org

S. 774
DREAM Act of 2007 (Introduced in Senate)

S 774 IS

110th CONGRESS
1st Session
S. 774

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 6, 2007

Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. CRAIG, Mr. LEAHY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. CRAPO, Mr. OBAMA, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Development, Relief, and Education for Alien Minors Act of 2007' or the 'DREAM Act of 2007'.

SEC. 2. DEFINITIONS.

In this Act:

- (1) INSTITUTION OF HIGHER EDUCATION- The term `institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).
- (2) UNIFORMED SERVICES- The term `uniformed services' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

- (a) In General- Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.
- (b) Effective Date- The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-546).

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

- (a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children-
 - (1) IN GENERAL- Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that--
 - (A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;
 - (B) the alien has been a person of good moral character since the time of application;
 - (C) the alien--
 - (i) is not inadmissible under paragraph (2), (3), (6)(E), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and
 - (ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));
 - (D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien--

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years.

(2) WAIVER- Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES- The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) Termination of Continuous Period- For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) Treatment of Certain Breaks in Presence-

(1) IN GENERAL- An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES- The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) Exemption From Numerical Limitations- Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) Regulations-

(1) PROPOSED REGULATIONS- Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS- Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) Removal of Alien- The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In General-

(1) **CONDITIONAL BASIS FOR STATUS-** Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS-

(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE-** At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) **EFFECT OF FAILURE TO PROVIDE NOTICE-** The failure of the Secretary of Homeland Security to provide a notice under this paragraph--

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) Termination of Status-

(1) **IN GENERAL-** The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien--

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS-** Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) Requirements of Timely Petition for Removal of Condition-

(1) **IN GENERAL-** In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION-

(A) **IN GENERAL-** If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall

make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION- If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION- If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION- An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) Details of Petition-

(1) CONTENTS OF PETITION- Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) **HARDSHIP EXCEPTION-**

(A) **IN GENERAL-** The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien--

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) **EXTENSION-** Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) **Treatment of Period for Purposes of Naturalization-** For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) **In General-** The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) **Stay of Removal of Certain Aliens Enrolled in Primary or Secondary School-** The Attorney General shall stay the removal proceedings of any alien who--

- (1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);
 - (2) is at least 12 years of age; and
 - (3) is enrolled full time in a primary or secondary school.
- (c) Employment- An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.
- (d) Lift of Stay- The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien--
- (1) is no longer enrolled in a primary or secondary school; or
 - (2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

- (a) Prohibition- Except as provided in subsection (b), no officer or employee of the United States may--
- (1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;
 - (2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or
 - (3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.
- (b) Required Disclosure- The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to--
- (1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or
 - (2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).
- (c) Penalty- Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

COSPONSORS(10), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Sen Craig, Larry E.](#) [ID] - 3/6/2007
[Sen Crapo, Mike](#) [ID] - 3/6/2007
[Sen Feingold, Russell D.](#) [WI] - 3/6/2007
[Sen Hagel, Chuck](#) [NE] - 3/6/2007
[Sen Kennedy, Edward M.](#) [MA] - 3/6/2007
[Sen Leahy, Patrick J.](#) [VT] - 3/6/2007
[Sen Lieberman, Joseph I.](#) [CT] - 3/6/2007
[Sen Lugar, Richard G.](#) [IN] - 3/6/2007
[Sen McCain, John](#) [AZ] - 3/6/2007
[Sen Obama, Barack](#) [IL] - 3/6/2007

American Dream Act (Introduced in House)

HR **1275** IH

110th CONGRESS
1st Session
H . R . 1275

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 1, 2007

Mr. BERMAN (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROYBAL-ALLARD, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-

term United States residents and who entered the United States as children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'American Dream Act'.

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION- The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES- The term 'uniformed services' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) In General- Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) Effective Date- The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children-

(1) IN GENERAL- Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that--

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien--

(i) is not inadmissible under paragraph (2), (3), or (6)(E) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)); and

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States.

(2) WAIVER- Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the grounds of ineligibility under section 212(a)(2) of the Immigration and Nationality Act, and the grounds of deportability under paragraphs (1)(E) and (2) of section 237(a) of such Act, if the Secretary determines that the alien's removal would result in extreme hardship to the alien, the alien's child, or (in the case of an alien who is a child) to the alien's parent.

(3) PROCEDURES- The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) Termination of Continuous Period- For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) Treatment of Certain Breaks in Presence-

(1) IN GENERAL- An alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of subsection (a)(1)(A) by virtue of brief, casual, and innocent absences from the United States.

(2) WAIVER- The Secretary of Homeland Security may waive breaks in presence beyond brief, casual, or innocent absences for humanitarian purposes, family unity, or when it is otherwise in the public interest.

(d) Exemption From Numerical Limitations- Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) Regulations-

(1) PROPOSED REGULATIONS- Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS- Not later than 90 days after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) Removal of Alien- The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In General-

(1) **CONDITIONAL BASIS FOR STATUS-** Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) **NOTICE OF REQUIREMENTS-**

(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE-** At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) **EFFECT OF FAILURE TO PROVIDE NOTICE-** The failure of the Secretary of Homeland Security to provide a notice under this paragraph--

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) Termination of Status-

(1) **IN GENERAL-** The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien--

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS-** Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) Requirements of Timely Petition for Removal of Condition-

(1) **IN GENERAL-** In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION-

(A) IN GENERAL- If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION- If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION- If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION- An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) Details of Petition-

(1) CONTENTS OF PETITION- Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services shall not be considered to have abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) **HARDSHIP EXCEPTION-**

(A) **IN GENERAL-** The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien--

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) **EXTENSION-** Upon a showing of good cause, the Secretary of Homeland Security may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) **Treatment of Period for Purposes of Naturalization-** Except as otherwise provided under this Act, an alien who is in the United States as a lawful permanent resident on a conditional basis under this section shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. APPLICABILITY.

If, on the date of the enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (D) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) **In General-** The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) Stay of Removal of Certain Aliens Enrolled in Primary or Secondary School- The Attorney General shall stay the removal proceedings of any alien who--

- (1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);
- (2) is at least 12 years of age; and
- (3) is enrolled full time in a primary or secondary school.

(c) Employment- An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(d) Lift of Stay- The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien--

- (1) is no longer enrolled in a primary or secondary school; or
- (2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. CONFIDENTIALITY OF INFORMATION.

(a) Prohibition- No officer or employee of the United States may--

- (1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;
- (2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or
- (3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) Required Disclosure- The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to--

- (1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or
- (2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) Penalty- Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

SEC. 9. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this Act shall provide that applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) or any provision of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.), with respect to Federal financial education assistance, an alien who is lawfully admitted for permanent residence under this Act and has not had the conditional basis removed shall not be eligible for--

- (1) Federal Pell grants under part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.); and
- (2) Federal supplemental educational opportunity grants under part A of title IV of that Act (20 U.S.C. 1070b et seq.).

SEC. 11. GAO REPORT.

Not later than 7 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth--

- (1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);
- (2) the number of aliens who applied for adjustment of status under section 4(a);
- (3) the number of aliens who were granted adjustment of status under section 4(a); and
- (4) the number of aliens whose conditional permanent resident status was removed under section 5.

COSPONSORS(19), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

[Rep Berkley, Shelley](#) [NV-1] - 3/29/2007
[Rep Cleaver, Emanuel](#) [MO-5] - 3/29/2007
[Rep Crowley, Joseph](#) [NY-7] - 3/29/2007
[Rep DeGette, Diana](#) [CO-1] - 3/29/2007
[Rep Diaz-Balart, Lincoln](#) [FL-21] - 3/1/2007
[Rep Diaz-Balart, Mario](#) [FL-25] - 3/29/2007
[Rep Farr, Sam](#) [CA-17] - 3/29/2007
[Rep Filner, Bob](#) [CA-51] - 3/29/2007
[Rep Grijalva, Raul M.](#) [AZ-7] - 3/29/2007
[Rep Lee, Barbara](#) [CA-9] - 3/29/2007
[Rep Lofgren, Zoe](#) [CA-16] - 3/29/2007
[Rep Lowey, Nita M.](#) [NY-18] - 3/29/2007
[Rep Napolitano, Grace F.](#) [CA-38] - 3/29/2007
[Rep Pastor, Ed](#) [AZ-4] - 3/29/2007
[Rep Reyes, Silvestre](#) [TX-16] - 3/29/2007
[Rep Ros-Lehtinen, Ileana](#) [FL-18] - 3/1/2007
[Rep Roybal-Allard, Lucille](#) [CA-34] - 3/1/2007
[Rep Udall, Mark](#) [CO-2] - 3/29/2007
[Rep Wu, David](#) [OR-1] - 3/29/2007

DREAM Act: Basic Information

February 2007

■ What is the DREAM Act?

The Development, Relief, and Education for Alien Minors Act (DREAM Act) is bipartisan legislation sponsored in the Senate by Richard Durbin (D-IL), Chuck Hagel (R-NE), and Richard Lugar (R-IN) — and in the House by Lincoln Diaz-Balart (R-FL), Howard Berman (D-CA), and Rep. Lucille Roybal-Allard (D-CA) — that addresses the situation faced by young people who were brought to the U.S. years ago as undocumented immigrant children but who have since grown up here, stayed in school, and kept out of trouble.

■ What are the requirements?

To qualify for immigration relief under the DREAM Act, a student must have been brought to the U.S. more than 5 years ago when he or she was 15 years old or younger and must be able to demonstrate good moral character. Under the DREAM Act, once such a student graduates from high school, he or she would be permitted to apply for conditional status, which would authorize up to 6 years of legal residence. During the 6-year period, the student would be required to graduate from a 2-year college, complete at least 2 years towards a 4-year degree, or serve in the U.S. military for at least 2 years. Permanent residence would be granted at the end of the 6-year period if the student has met these requirements and has continued to maintain good moral character. The DREAM Act would also eliminate a federal provision that discourages states from providing in-state tuition to their undocumented immigrant student residents, thus restoring full authority to the states to determine state college and university fees.

■ Why is the DREAM Act needed?

Each year about 65,000 U.S.-raised students who would qualify for the DREAM Act's benefits graduate from high school. These include honor roll students, star athletes, talented artists, homecoming queens, and aspiring teachers, doctors, and U.S. soldiers. They are young people who have lived in the U.S. for most of their lives and desire only to call this country their home. Even though they were brought to the U.S. years ago as children, they face unique barriers to higher education, are unable to work legally in the U.S., and often live in constant fear of detection by immigration authorities.

Our immigration law currently has no mechanism to consider the special equities and circumstances of such students. The DREAM Act would eliminate this flaw. It is un-American to indefinitely and irremediably punish them for decisions made by adults many years ago. By enacting the DREAM Act, Congress would legally recognize what is de facto true: these young people belong here.

Congress and the president are now engaged in a contentious and complex struggle to bring our immigration laws up to date. It is not clear what the outcome of these battles will be or how long they will last. What is clear is that the young people at issue should not be asked to wait until the conclusion of the immigration wars. Rather, they should be taken off of the field of battle.

DREAM Act students should be allowed to get on with their lives. If Congress fails to act this year, another entire class of outstanding, law-abiding high school students will graduate without being able to plan for the future, and some will be removed from their homes to countries they barely know. This tragedy will cause America to lose a vital asset: an educated class of promising immigrant students who have demonstrated a commitment to hard work and a strong desire to be contributing members of our society.

■ Status of the DREAM Act

Support for the DREAM Act has grown each year since it was first introduced in 2001 during the 107th Congress. In past years it has garnered 48 Senate cosponsors and more than 152 Republican and Democratic House cosponsors, more than one-third of the House. It has twice passed the Senate Judiciary Committee in bipartisan fashion, by a 16-3 vote in the 2003–2004 108th Congress, and again in 2006 by a voice vote without dissent as an amendment to the comprehensive immigration reform bill. For the first time in May 2006, the DREAM Act passed the full Senate as part of the Comprehensive Immigration Reform Act of 2006 (S. 2611). It very likely also would have passed the House if brought up for a vote last year, but the House leadership could not be persuaded to bring it up.

Most observers believe that the DREAM Act has a better chance of enactment this year than it has ever had. It continues to attract bipartisan support and now for the first time also enjoys the strong backing of the House and Senate leadership and all of the relevant committee chairs.



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DREAM Act Endorsers - November 29, 2005

National Organizations

1	ACORN
2	AFL-CIO
3	Alliance of Iranian Americans
4	American Association of Jews from the Former USSR
5	American Federation of State, County, and Municipal Employees (A
6	American Federation of Teachers
7	American Friends Service Committee
8	American Immigration Lawyers Association (AILA)
9	American Jewish Committee
10	American-Arab Anti-Discrimination Committee (ADC)
11	Amnesty International USA
12	Aquarian Concepts Community
13	Arab American Institute
14	Asian American Justice Center
15	Asian Pacific American Labor Alliance, AFL-CIO
16	ASPIRA Association
17	Associated Indigenous Movement
18	Association of Catholic Colleges and Universities
19	Bert Corona Leadership Institute
20	Casa of Maryland, Inc.
21	CASA REINA
22	Catholic Hispanic Ministry
23	Center for Community Change
24	Comunidades Brasileiras nos Estados Unidos
25	Conference of Major Superiors of Men
26	Congregation of the Sisters of the Holy Cross
27	Council of the Great City Schools
28	Creative Combustion
29	Dominican American National Roundtable
30	Drum Major Institute for Music Policy
31	Evangelical Lutheran Church in America
32	Farmworker Justice Fund
33	Filipinos for Affirmative Action
34	Gamaliel Foundation
35	Glenmary Commission on Justice
36	Guatemala Human Rights Commission
37	Hebrew Immigrant Aid Society
38	Hispanic National Bar Association
39	Hispanic Organizations Leadership Alliance (HOLA)
40	Hmong National Development, Inc.
41	I Have a Dream Foundation
42	Immigration Equality
43	Jewish Labor Committee

44	Korean Alliance for Peace and Justice
45	Korean American Coalition
46	Korean American Sports Club
47	Korean Presbyterian Church in America
48	Korean Welfare Organization of America
49	Kum Ran United Methodist Church
50	La Resurreccion United Methodist Church
51	Labor Council for Latin American Advancement (LCLAA)
52	Laborers Latino Caucus
53	Laborers' International Union of North America African American
54	Leadership Conference on Civil Rights
55	League of United Latin American Citizens
56	LIUNA Women's Caucus
57	Loretto Latin America and Caribbean Committee
58	Love Sees No Borders
59	Mennonite Central Committee U.S. Washington Office
60	META (Multicultural Education, Training & Advocacy) Inc.
61	Mexican American Legal Defense and Educational Fund
62	Migrant Legal Action Program
63	Mission Department of GA-KPCA
64	Mujeres Activas en Letras y Cambio Social (MALCS)
65	NAPRHSW
66	National Advocacy Center of the Sisters of the Good Shepherd
67	National Alliance of Vietnamese American Service Agencies
68	National Asian Pacific American Women's Forum
69	National Association for Bilingual Education (NABE)
70	National Association for College Admissions Counseling (NACAC)
71	National Association of Korean Americans
72	National CAPACD
73	National Center for Lesbian Rights
74	National Coalition of Guatemalan Immigrants
75	National Council for Community and Education Partnerships
76	National Council of La Raza
77	National Education Association
78	National Immigrant Solidarity Network
79	National Immigration Forum
80	National Immigration Law Center
81	National Korean American Services and Education Consortium (NAKA)
82	National Migrant & Seasonal Head Start Association
83	National Network for Immigrant and Refugee Rights
84	National Organization of Minority Architect Students
85	National PTA
86	National Puerto Rican Coalition
87	National Puerto Rican Forum, Inc.
88	NETWORK, A Catholic Social Justice Lobby
89	Operation Mobilization Korean American Mission
90	People For the American Way

91	Presbyterian Church (USA)
92	Resource Center of the Americas
93	Rural Coalition
94	Salvadoran American National Network
95	September 11th Families for Peaceful Tomorrows
96	Service Employees International Union (SEIU)
97	Sikh American Legal Defense and Education Fund (SALDEF)
98	South Asian American Leaders of Tomorrow
99	South Asian Youth Action
100	Southeast Asia Resource Action Center (SEARAC)
101	Southwest Network for Environmental and Economic Justice
102	Student Action for Veterans Equity
103	Teachers of English to Speakers of Other Languages
104	The Florence Immigrant and Refugee Rights Project
105	The Korean General Assembly of Presbyterian Church in America
106	The National Network to End Violence Against Immigrant Women
107	The Workmen's Circle/Arbeter Ring
108	U.S. Committee for Refugees and Immigrants
109	UNITE HERE!
110	United Church of Christ Justice and Witness Ministries
111	United for Peace and Justice
112	United States Student Association
113	United Students Against Sweatshops
114	USAction
115	www.Whatsthatshow.com
116	Young Koreans United (YKU) of USA