

SPEAKER NANCY PELOSI

The DREAM Act

On December 8th, the House passed the DREAM Act by a vote of 216-198. The version the House passed is an updated version of the DREAM Act (HR 5281) that was introduced back in March 2009 (HR 1751). The DREAM Act is common-sense legislation to give students who grew up in the United States a chance to contribute to our country's well-being by serving in the U.S. Armed Forces or pursuing a higher education. It is limited, targeted legislation that will allow only the best and brightest young people to earn their legal status after a rigorous and lengthy process, and applies only to young people who have lived here for at least five years before the date of enactment, and who were brought to the U.S. by their parents as minors, through no fault of their own. The DREAM Act is the right thing to do—both economically for our country and morally: this is for young people who mostly know no other home.

[Watch video highlights of the debate on the Gavel»](#)

Key provisions:

Under the bill, a Dream Act applicant who meets the bill's requirements becomes a "conditional nonimmigrant." The Dream Act would allow an individual to obtain this conditional status only if he or she meets all of the following requirements:

- was brought to the United States as a child (15 years old or younger);
- is currently 29 years old or younger;
- has lived in the U.S. for 5 years or more before the date of enactment;
- has graduated from an American high school, has obtained a GED, or is admitted to an institution of higher education;
- has been a person of "good moral character," as defined by our immigration laws, from the date the individual initially entered the United States;
- submits biometric and biographic information and completes security and law-enforcement background checks;
- undergoes a medical examination;
- registers for the Selective Service; and
- pays a significant surcharge in connection with the initial application.

The Dream Act further limits eligibility for conditional status by specifically excluding anyone who:

- has committed one felony or three misdemeanors;
- is likely to become a public charge;
- has engaged in voter fraud or unlawful voting;

- has committed marriage fraud;
- has abused a student visa;
- has engaged in persecution; or
- poses a public health risk.

While they are in conditional status, Dream Act participants are excluded from receiving government subsidies to participate in the health insurance exchanges created by the Affordable Care Act. They also would be ineligible for Medicaid, Food Stamps and other entitlement programs. Furthermore, they are prohibited from obtaining Pell grants, Federal supplemental educational opportunity grants, and other federal grants. However, they would be eligible for federal work study and student loans as well as social insurance programs to which they have contributed, as this would require them to earn or repay the money they need for their education.

Conditional nonimmigrant status must be terminated if the participant fails to continue to meet the conditions for receiving that status, including having good moral character, keeping a clean criminal record, and staying self-sufficient. If the applicant has joined the military, status must be terminated if the applicant receives a dishonorable or other than honorable discharge.

Under the bill, a successful Dream Act applicant receives a conditional status for an initial period of 5 years. After those 5 years, the individual applies for an extension of their conditional status for a second period of 5 years. The Dream Act would allow an individual to obtain the 5-year extension of their conditional status only if he or she meets all of the following requirements:

- has demonstrated good moral character during the 5-year period they have had conditional status;
- has lived continuously in the United States during the 5 years; and
- has either:
 - earned a degree from an institution of higher education;
 - completed at least two years of post-secondary education in good standing towards a bachelor's degree; or
 - served in the U.S. Armed Forces for at least two years and, if discharged, has received an honorable discharge.

After 10 years in conditional status, the Dream Act then gives this limited group of young, highly-motivated individuals the chance to earn lawful permanent resident status, but only if the applicant meets all of the following additional standards:

- has paid taxes;
- has demonstrated 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 United States;
- has maintained good moral character throughout the 10 years;
- has lived continuously in the United States throughout the 10 years; and

- has once more submitted biometric and biographic information and completed security and law-enforcement background checks.

The Dream Act also contains a one-year application deadline. An individual would be required to apply for conditional status within one year of obtaining a high school degree or a GED or the effective date of interim regulations under the Act.

The Dream Act places the burden of proof on the applicant. An individual would be required to demonstrate eligibility for the Dream Act by a preponderance of the evidence.