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OVERVIEW

On June 4, 2019, the House of Representatives passed H.R. 6, the American Dream and Promise Act of 2019, mostly along party lines although seven Republicans joined House Democrats to vote for the bill. For immigration advocates, the bill was long overdue, as they have sought better protections for both Dreamers and individuals with Temporary Protected Status long before Mr. Trump became president. If passed by the Senate and signed by the president, the legislation, which is not a comprehensive overhaul of the immigration system, would grant a path to citizenship for nearly 2.5 million immigrants.¹ However, a path for final passage seems just as tenuous as the beneficiaries' path to citizenship has been under the current administration.

In the wake of President Trump's executive actions that ordered the cancellation of the Deferred Action for Childhood Arrivals (DACA) program in fall 2017, Congress has been looking for a legislative fix for these young people as well as a broader path forward on immigration reform. The Trump Administration's moves to end the DACA program placed an estimated 700,000 to 800,000 children and families in danger of being deported to countries foreign to them as they have spent their lives in the United States. In addition to the human rights concerns with ending the DACA program, there are also economic repercussions such as the \$60 billion estimated loss in federal tax revenue and potential \$280 billion decrease to the U.S. economy over the next decade due to thousands of potential vacancies in high-demand jobs across various sectors.

THE AMERICAN DREAM & PROMISE ACT EXPLAINED

On March 12, 2019, Representatives Lucille Roybal-Allard (D-CA), Nydia Velazquez (D-NY), and Yvette Clark (D-NY) introduced H.R. 6 -- the American Dream and Promise Act of 2019 (ADPA), an omnibus immigration bill. H.R. 6 went beyond other versions of the Dream Act and included additional provisions regarding individuals eligible for temporary protected status (TPS) or deferred enforced departure (DED), in addition to the more widely debated provisions for DACA recipients. The Migration Policy Institute (MPI) estimated at least 2.3 million Dreamers would be eligible to apply for conditional legal status and almost 430,000 persons would be eligible to apply for legal permanent residence based on their earlier eligibility for temporary protected status or deferred enforced departure.² This bill has direct impacts on education as MPI also estimates that about 37,000 of the people who would be eligible for some path toward legal status are currently teachers or teaching assistants. On June 4, the bill passed by a vote of 237-187.

The bill as passed contains two titles: Title I – Dream Act of 2019 pertains to provisions regarding relief for immigrant youth; and Title II – American Promise Act of 2019 pertains to provisions related to TPS and DED. The bill provides conditional permanent resident (CPR)

¹ USC CSII and The Center for American Progress: <https://dornsife.usc.edu/csii/map-dream-and-promise-act/>

² <https://www.migrationpolicy.org/news/more-dream-act-less-promise>

status, a roadmap to lawful permanent resident (LPR) status and, eventually, U.S. citizenship for immigrant youth who entered the country before age 18, have four or more years of residency before enactment of the bill, has not participated in the persecution of others, is not barred under the criminal provisions of this act, and has graduated from high school (or the equivalent) or has been admitted to into a postsecondary program. The bill also requires the Secretary of Homeland Security or the Attorney General to provide an opportunity for people who currently have or who may be eligible for TPS or DED who have three or more years of residency to apply for LPR status and, eventually, U.S. citizenship.

Generally, H.R. 6 contains the following provisions:

- It extends the length of CPR status from eight to ten years to give applicants more time to fulfill requirements.
- Stays the removal of minors who are not yet eligible for relief but may become eligible in the future even if they temporarily un-enroll from school.
- Permits people with CPR to obtain LPR status without satisfying the employment, military, or educational tracks if their deportation would cause “hardship” to themselves or immediate family members, rather than the current “extreme hardship” standard.
- Clarifies that apprenticeship programs qualifying as eligible education for CPR status.
- Permits individuals with CPR status who obtain a certificate or credential from an area career and technical education school to obtain LPR status.
- Eliminates costly medical examinations for applicants.
- Caps fees at \$495 for immigrant youth (Dream Act) applying for CPR status.
 - Caps fees at \$1,140 for individuals with TPS or DED applying for LPR status
- Clarifies that people with CPR status can access professional, commercial, and business licenses.
- Establishes that people with CPR status are eligible for federal loans, work study, services, and grants available via federal financial aid for postsecondary education.
- Updates the criminal background bars and inadmissibility requirements for Dreamers so that expunged convictions and minor traffic offenses do not count towards the felony and misdemeanor bars.
- Requires the Attorney General or Secretary of Homeland Security to cancel removals and adjust an individual’s status to LPR as long as they meet requirements under the *Immigration and Nationality Act*, have been continuously present for at least three years before this bill goes into effect, and applied for the adjustment not later than 3 years after this bill goes into effect.

Under this bill, nonprofits are eligible to receive grant funding from U.S. Citizenship and Immigration Services (USCIS) to provide services and instruction to individuals for civics education, English as a second language, and preparation for the GED within the scope of immigration law.

To compare DACA with the ADPA of 2019 (H.R. 6) and the Senate’s version of the Dream Act (S. 874), please review [this chart](#) provided by the National Immigration Law Center.

DREAM ACT BACKGROUND

The Dream Act was first introduced to the Senate in August 2001 by Senator Orrin Hatch (R-UT). The bipartisan bill provided a pathway towards permanent residency for specific undocumented students who were brought to the United States before they were 16 years old and

had proof of residence for at least four consecutive years since the date of their arrival. These students were required to graduate from high school and demonstrate “good moral character.” Following either two years of military service for the United States or completion of two years of schooling at a four-year institution, participants would be eligible to receive permanent residency to the United States. The Dream Act, if enacted, would affect over a million undocumented students and young adults, now known as Dreamers.

Since 2001, some version of the Dream Act has been reintroduced numerous times, but has never passed. In June of 2012, however, President Obama introduced DACA through an executive order to provide some level of relief to many Dreamers. While DACA is not a pathway to permanent residency or citizenship as the Dream Act ensures, it does provide eligible undocumented immigrants with temporary legal immigration status as long as the individual was brought to the United States before they reached the age of 16; lived in the United States for five years before June 2012 (and was present in the United States on June 15, 2012); received a GED or discharged honorably from the military following service; did not commit any federal offenses; and passed a background check. Eligible participants are able to obtain a driver’s license, enroll in college, apply for a workers permit, and stay in the United States without fear of being deported for two years. Following those two years, these individuals can apply to renew their temporary status. Republican members of Congress were not pleased when DACA was issued in 2012, stating that President Obama had not consulted with Congress, overstepped his legal bounds and violated the law.

In 2014, President Obama attempted to expand DACA and enact the Deferred Action for Parents of American Citizens and Legal Permanent Residents (DAPA) program through an executive order. DAPA would have expanded the previous DACA reforms and granted “deferred action” status to undocumented immigrants of *any* age who had lived in the United States since 2010 and had children who are either American citizens or lawful permanent residents. Opponents characterized these reforms as amnesty although none of the reforms actually granted full citizenship. Texas and 25 other states sued the Obama Administration arguing DAPA was both unconstitutional and in violation of other federal laws. In 2016, the Supreme Court deadlocked after the death of Justice Scalia and left the injunction against DAPA that was affirmed by the United States Court of Appeals for the Fifth Circuit Court in New Orleans in place.

On September 5, 2017, less than a year into his presidency, President Trump rescinded DACA. Just as President Obama used executive authority to issue DACA, President Trump used his executive power to immediately and unilaterally reverse the mandate. His action meant that any new application under DACA would no longer be accepted by the Trump Administration and all current DACA recipients’ legal statuses and permits were set to expire in March 2018. However, federal courts began issuing injunctions in early January 2018 that ordered the government to continue the DACA program. Around the same time, lawmakers from both parties famously met at the White House with the president to discuss a deal and news cameras allowed inside captured the scattershot negotiations. Ultimately negotiations broke down and Senate Democrats rejected the House passed FY 2018 budget measure that did not include an immigration deal, thus spurring the first government shutdown since 2013. The shutdown was a failure for Democrats and left them forced to vote for the FY 2018 budget that did not include a DACA fix.

During the summer of 2018, Republicans, then still in charge of the House, tried to keep their caucus aligned by passing one of four bills: H.R. 3440 – [Dream Act of 2017](#); H.R. 4760 – [Securing America’s Future Act of 2018](#), commonly referred to as the “Goodlatte Bill”; H.R.

4796 - [USA Act of 2018](#), ; and a fourth compromise bill chosen at the discretion of then Speaker of the House Speaker Paul Ryan (R-WI). To appease the growing list of Republican members frustrated with inaction, Ryan allowed votes on Representative Bob Goodlatte's (R-VA) hardline proposal and his own compromise package. The Goodlatte Bill would have ended the Diversity Visa program, ended so-called chain migration by limiting family-based immigration to spouses and minor children of citizens and green card holders, increased the number of green cards available for skilled workers, required employers to use the E-Verify system, and authorized additional funding for a border wall. Despite some hardline support from opponents of immigration reform, the bill failed 193-to-231. The CATO Institute estimated it would have decreased legal immigration levels by nearly 38 percent. Speaker Ryan's bill also failed to pass as President Trump motioned that he would not sign any compromise measure.

TESOL's Interests and Public Position

TESOL has publicly supported both the DACA program and the Dream Act for a number of years. TESOL has also issued a [statement](#) in support of the ADPA of 2019 as the organization's policy recommendations for the 116th Congress includes requests to pass both the ADPA and S. 874 – Dream Act of 2019.

In TESOL's [Position Statement on Immigration Policy and Reform in the United States](#), it is clearly stated that TESOL supports: offering protections for undocumented students who were brought into the country as minors; the lowering of barriers that unfairly target students and scholars who wish to come to the United States legally for academic and language study; and offering orderly and fair pathways to legal residency and citizenship for all immigrants. TESOL joined over 50 organizations in a letter to President Trump stating the benefits of DACA, as well as the economic consequences of ending the program. TESOL also [denounced](#) President Trump's September 2017 decision to end DACA, commenting on the tremendous affect that this decision has on over 800,000 individuals. TESOL applauded the Dream Act when it was reintroduced in 2017, advocating strongly for the passage of fair and reasonable immigration policy that gives equality opportunities to English learners.

As Congress continues to struggle identify a solution to help Dreamers, advocacy by TESOL members is occurring at an opportune time to explain the association's position to Members of Congress and their staff regarding the importance of supporting legislation that is not discriminatory, inequitable, or unfair to children and families while aligning to TESOL's priorities.