

Support H.R. 6: The “American Dream and Promise Act of 2021”

H.R. 6, the “American Dream and Promise Act of 2021,” establishes a path to lawful permanent resident (LPR) status for two critically important constituencies. The Dream Act creates an earned path to LPR status for Dreamers—individuals who came to the United States in their youth. The Promise Act provides a path to LPR status for certain individuals who either held or were eligible for Temporary Protected Status (TPS) or Deferred Enforced Departure (DED). The majority of these individuals have been in the United States for years, often with work authorization and temporary protections against deportation. H.R. 6 would extend permanent protections for these individuals.

WHAT THE BILL DOES

The Dream Act. H.R. 6 establishes a process for eligible Dreamers to apply for “conditional” LPR status if they came to the United States when they were age 18 or younger, have been continuously present in the United States since January 1, 2021, and meet certain educational benchmarks in the United States. Conditional LPR status is available for up to 10 years and full LPR status is available to those who reach more advanced professional or career milestones related to education, military service, or employment.

Criminal Bars. H.R. 6 contains very stringent bars to eligibility, which the entire caucus supported in 2019, related to criminal activity. An applicant is *ineligible* for relief if *any one* of the following apply:

- The applicant presents a risk to national security;
- The applicant has a felony conviction of *any* kind (excluding State immigration-related offenses);
- The applicant has any of the following misdemeanor convictions:
 - 1 misdemeanor involving moral turpitude (generally, offenses involving the intent to injure, permanently steal property, or deceive or defraud) with a sentence of more than 6 months;
 - 2 misdemeanors involving moral turpitude, regardless of sentence;
 - 1 misdemeanor conviction for domestic violence, unless the applicant can demonstrate that s/he was actually a victim; or
 - More than 2 misdemeanors of any kind, excluding offenses that should not prevent eligibility (i.e., minor traffic offenses, offenses related to immigration status, certain offenses involving cannabis, and non-violent civil disobedience).

Authority to Conduct Secondary Review. H.R. 6 also provides the Secretary of Homeland Security with the non-delegable discretion to provisionally deny applicants in three additional circumstances:

- The applicant poses a significant threat to public safety **based on a single conviction** (punishable by more than 30 days).
- The applicant poses a significant threat to public safety based on a juvenile delinquency adjudication that resulted in placement in a secure facility.
- The applicant directly participated in gang-related offenses, **even with no underlying conviction**.

Discretionary Waivers. The Secretary has the discretion to waive certain misdemeanor offenses for humanitarian reasons or family unity, or when otherwise in the public interest. The Secretary can waive (1) one misdemeanor if the applicant has not been convicted of any offense in five years; or (2) two misdemeanors if the applicant has not been convicted of any offense in ten years.

The Promise Act. H.R. 6 also creates a path to LPR status for individuals who had, or were eligible for, TPS on January 1, 2017, or DED on January 20, 2021, so long as they have been in the United States for at least 3 years and have not committed any acts that would disqualify them for relief under those programs. Among other things, applicants cannot have any felony conviction or more than 1 misdemeanor conviction.

H.R. 6 is supported by many immigrants' rights organizations, faith-based organizations, labor unions, and civil rights organizations, including:

United We Dream	AFL-CIO	American Civil Liberties Union
American Immigration Lawyers Assn.	America's Voice	Coalition for Humane Immigrant Rights
Center for American Progress	UndocuBlack Network	First Focus Campaign for Children
Lutheran Immigration Refugee Service	Fwd.US	LIUNA
Immigration Hub	Bipartisan Policy Center Action	National Council of Jewish Women
National Immigration Law Center	New York Immigration Coalition	Service Employees International Union
UnidosUS	U.S. Conference of Catholic Bishops	CASA
TechNet	U.S. Chamber of Commerce	Apple

WHY MEMBERS SHOULD SUPPORT H.R. 6

The Dream Act.

Dreamers are Americans in every way except on paper. Dreamers are undocumented young people many of whom have lived United States for most of their lives. They are our neighbors and co-workers, they are classmates with our children, and they serve in our military.

It is undeniable that Dreamers enrich our nation. Dreamers come from many different backgrounds and all walks of life, but they are connected by one common thread—their commitment to this country. Dreamers are an essential part of our communities, contribute to our thriving economy, and make America a stronger, more united, and more diverse nation.

If we do nothing to protect Dreamers, hundreds of thousands of these young people will remain at risk of imminent removal from their homes and separation from their families. They will be sent to countries where they likely have minimal ties—and, in many cases, no ties at all.

The Promise Act.

TPS and DED holders are also active members of our communities and critical to sectors of our economy. Our immigration laws authorize the Secretary of Homeland Security to provide TPS to individuals from countries in crisis due to ongoing armed conflict, environmental disaster, or other extraordinary conditions. Due to the nature of such crises, TPS holders have lived in the United States for an average of 19 years. DED is similar to TPS, but it is derived solely from the President's constitutional powers to conduct foreign relations. Liberia was first designated for DED in 2007 by President George W. Bush. President Trump announced DED for Venezuelans on his last day in office.

TPS and DED recipients have built lives and raised families in this country, while contributing to our communities and our economy. They are employed at high rates in a variety of industries that often struggle to find sufficient U.S. workers, including construction, food service, and landscaping.

The Trump Administration threw the lives of Dreamers and TPS and DED recipients into a state of limbo by attempting to end DACA and terminating most TPS and DED designations. Fortunately, the courts stopped the Administration, but those efforts highlighted the instability and fear associated with a lack of permanent status. Failing to ensure permanent protections for Dreamers and TPS and DED recipients at this critical juncture would be a travesty, not only for this population and their families, but also for us as a country. H.R. 6 is the right thing to do for America.

Prepared by House Judiciary Committee Democratic Staff

JUDICIARY.HOUSE.GOV | TW: HOUSEJUDICIARY | FB: HOUSEJUDDEMS | IG: HOUSEJUDDEMS