

American Immigration Lawyers Association/American Immigration Council

Summary of Section 2103 "The DREAM Act" in S. 744

Sponsored by the "Gang of Eight" as Amended by the Corker/Hoeven Amendment
"Border Security, Economic Opportunity, and Immigration Modernization Act" (S. 744)
(DRAFT VERSION as of June 24, 2013)

In Blue- Changes made by the rest of amendments during Senate Judiciary Committee Markup
In Red- Changes made by the Sponsors' Amendment to S.744 (April 30, 2013)

Sec. 2103. THE DREAM ACT.

Short Title. "Development, Relief, and Education for Alien Minors Act of 2013."

Adjustment of Status for Certain Aliens Who Entered the U.S. as Children. Creates new INA §245D for permanent resident status for certain RPIs brought to the U.S. as children.

§245D(a): Definitions. Provides for definitions of terms used in Section 245D.

§245D(b)(1): Requirements. RPI must demonstrate that he or she:

- Has been an RPI for at least five years;
- Entered initially the U.S. before the age of 16;
- Has earned a H.S. diploma, a commensurate alternative award from a public or private high school or secondary school, or has obtained a GED recognized under State law, or a high school equivalency diploma in the U.S.;
- Obtained a degree from an institution of higher education or completed at least two years of a bachelor's program, or served at least four years in Uniformed Services and, if discharged, received an honorable discharge (may be waived for compelling circumstances); and
- Has provided a list of each secondary school that the applicant attended in the U.S.;
- Has passed an English/civics test, unless the applicant has a physical or developmental disability or mental impairment; and
- Has submitted new biometric and biographic data and passed background checks.

§245D(b)(2)(A) and (B): Application and Adjudication. Requires RPI to file an application for adjustment of status and sets forth the procedures for favorable and adverse decisions.

§245D(b)(2)(C): DACA Recipients. Authorizes the Secretary to adopt streamlined adjustment of status procedures for DACA recipients.

§245D(b)(3): Treatment for Purposes of Naturalization. Allows DREAM Act LPRs to apply for citizenship immediately upon becoming green card holders. Those who have honorably served in the U.S. military pursuant to INA 328 and 328 and meet certain conditions may become naturalized USCs.

§245D(c): Exemption from Numerical Limitations. Provides individuals who adjust status under §245C or §245D are not subject to the numerical limitations on visas.

§245D(d): Restoration of State Option to Determine Residency for Purposes of Higher Education. Repeals §505 of IIRAIRA, which limits the ability of states to provide tuition equity to its students based on immigration status. Establishes an effective date retroactive to the date of enactment of IIRAIRA.

Sec. 2103(f): Limits federal student assistance for RPIs who initially entered before reaching age 16 and blue card aliens to the following provisions of title IV of the Higher Education Act of 1965: (1) Student loans under parts D and E of title IV (20 USC 1087a et seq. and 1087aa et seq.); (2) Federal work-study programs under part C of title IV (42 USC 2751 et seq.); and (3) Services under title IV (20 U.S.C. 1070 et seq.).