

# AMERICAN DREAM & PROMISE ACT OF 2021

## Protection for Childhood Arrivals

10-year conditional permanent residency & cancellation of removal proceedings

### FOR UNDOCUMENTED INDIVIDUALS WHO:

- ENTERED THE U.S AT 18 YEARS OR YOUNGER (REFERRED TO AS "DREAMERS" IN THE BILL)
- PHYSICALLY PRESENT IN U.S SINCE JANUARY 1, 2021
- EARNED HIGH SCHOOL DIPLOMA, EQUIVALENT OR CURRENTLY IN HIGH SCHOOL
- PASS A BACKGROUND CHECK
- NOT INADMISSIBLE DUE TO CRIMINAL & NATIONAL SECURITY GROUNDS (OPPORTUNITY TO WAIVE CERTAIN MINOR MISDEMEANORS THAT HAVE NOT BEEN CONVICTED)
- PAY APPLICATION FEE



### Establishes a secondary review process:

Allows DHS Secretary to provisionally deny an application for conditional permanent resident status if determined that the individual is a public safety concern or participated in gang activities in last 5 years



### IN ORDER TO GAIN LPR STATUS:

- OBTAINED HIGHER EDUCATION DEGREE OR
- COMPLETED AT LEAST 2 YEARS OF A HIGHER DEGREE PROGRAM OR
- COMPLETED AT LEAST 2 YEARS OF HONORABLE MILITARY SERVICE OR
- EMPLOYED FOR AT LEAST 3 YEARS & AT LEAST 75% OF TIME WITH WORK AUTHORIZATION OR
- MEETS HARDSHIP EXCEPTION (HAS A DISABILITY THAT DOES NOT ALLOW TO MEET OTHER REQUIREMENT; FULL-TIME CAREGIVER; REMOVAL WOULD RESULT IN HARDSHIP TO AN IMMEDIATE U.S CITIZEN/LPR FAMILY MEMBER.)

Full Lawful Permanent Residency (LPR)

★ Allows Childhood Arrivals deported during the Trump administration to apply for relief from abroad

## Protection for TPS Holders & DED Recipients

Lawful Permanent Residency (LPR) & cancellation of removal proceedings

### FOR TPS HOLDERS & DED RECIPIENTS WHO:

- HAVE BEEN IN U.S AT LEAST 3 YEARS BEFORE THE ACT'S ENACTMENT
- ELIGIBLE FOR TPS ON SEPTEMBER 17, 2017 OR HAD DED STATUS AS OF JANUARY 20, 2021
- APPLIES FOR ADJUSTMENT TO LPR STATUS WITHIN 3 YEARS OF ACT'S ENACTMENT
- NOT ENGAGED IN CONDUCT SINCE ACQUIRING TPS OR DED THAT WOULD RENDER INELIGIBLE FOR TPS OR DED
- PAY APPLICATION FEE

★ Allows TPS holders, TPS-eligible individuals & DED recipients who were deported on or after January 20, 2017 & were continuously present in U.S 4 years prior to waive physical presence requirements

## Additional Provisions

- PROVIDES FEE EXEMPTION FOR INDIVIDUALS UNDER 18, THOSE WITH INCOME LESS THAN 150% FPL, IN FOSTER CARE, LACKING FAMILY SUPPORT OR WITH CHRONIC DISABILITY
- ALLOWS CHILDHOOD ARRIVALS TO ACCESS FEDERAL FINANCIAL AID
- ALLOWS STATES TO GRANT IN-STATE TUITION TO UNDOCUMENTED STUDENTS BASED ON RESIDENCE
- CLARIFIES THAT AN INDIVIDUAL WITH TPS IS CONSIDERED INSPECTED & ADMITTED INTO U.S--ALLOWING FUTURE TPS HOLDERS TO ADJUST TO LPR STATUS
- CREATES A USCIS GRANT PROGRAM FOR NON-PROFIT ORGS TO SCREEN AND ASSIST INDIVIDUALS APPLYING FOR ADJUSTMENT OF STATUS UNDER THE ACT
- ALLOWS INDIVIDUALS WITH PENDING APPLICATIONS TO RECEIVE WORK AUTHORIZATION & ABILITY TO APPLY FOR ADVANCE PAROLE
- PROHIBITS DHS FROM USING INDIVIDUAL'S APPLICATION INFORMATION FOR IMMIGRATION ENFORCEMENT

# AMERICAN DREAM & PROMISE ACT OF 2021

CIMH Policy Workgroup Tip Sheet



## THIS BILL WILL ACCOMPLISH



## THIS BILL WILL NOT ACCOMPLISH

### ★ STRUCTURAL CHANGE

- CHANGES TPS AND DED INSPECTION REQUIREMENT

- OTHERS ARE STILL SUBJECT TO INSPECTION REQUIREMENT
- DOES NOT EXPAND OPTIONS FOR MIGRATION TO U.S.
- FUNDING FOR ICE, CBP, & IMMIGRATION DETENTION CONTINUE

### ★ POLICY ADVOCACY

- LEGAL PATHWAY FOR UNDOCUMENTED IMMIGRANTS IN U.S.
- FINANCIAL AID EXPANSIONS FOR CHILDHOOD ARRIVALS
- PROHIBITS DHS FROM USING APPLICANT INFORMATION

- SECONDARY REVIEW PERPETUATES INEQUITY FOR RACIAL & ETHNIC MINORITIES
- CONTINUES TO DIVIDE IMMIGRANTS INTO "GOOD" & "BAD" CATEGORIES
- LEGAL PATHWAY LINKED TO EDUCATION & SERVICE

### ★ GLOBAL CONTEXT OF MIGRATION

- PATHWAY TO LEGAL STATUS FOR TPS & DED HOLDERS

- UNCLEAR ABOUT NEW TPS DESIGNATIONS OR THOSE AFTER JAN 2021
- DOES NOT ADDRESS OR PRIORITIZE FAMILY (RE)UNIFICATION
- DOES NOT EXPAND PROTECTIONS FOR ASYLUM SEEKERS
- DOES NOT FORMALIZE REFUGEE RESETTLEMENT CEILING

### ★ IMPACT ON MENTAL HEALTH

- PATHWAY TO LEGAL STATUS IMPACTS ELIGIBILITY FOR HEALTH CARE SERVICES & SUPPORTS
- ACCESS TO CARE FOR UNDOCUMENTED COMMUNITIES
- GRANT PROGRAM FOR COMMUNITY ORGS INCREASES DIRECT SUPPORTS

- FINANCIAL SUPPORT FOR COMMUNITY AGENCIES
- FUNDING/SUPPORT FOR LOCAL GOVT, SCHOOLS & HEALTH CARE SYSTEM
- MH PROVIDER TRAINING TO ADDRESS THE NEEDS OF MIXED-STATUS FAMILIES AND UNDOCUMENTED COMMUNITIES



## CIMH Action Steps

### CONTACT STATE REPRESENTATIVES & SENATORS TO EXPAND PROTECTIONS

- MIXED STATUS FAMILIES & UNDOCUMENTED COMMUNITIES
- IM/MIGRANTS, ASYLUM SEEKERS, AND REFUGEES
- FAMILIES SEEKING REUNIFICATION
- DETAINED INDIVIDUALS FACING DEPORTATION

### BUILD LOCAL RESOURCES AND SUPPORT FOR COMMUNITY-BASED SERVICES

- IL WAY FORWARD ACT & OTHER STATE LEGISLATION
- SEE FY22 IL IMMIGRATION LEGISLATION & BUDGET INVESTMENT HANDOUT PREPARED BY LPF

### RESIST ANY CATEGORIZATION OF IMMIGRANTS INTO GOOD/BAD

### PARTICIPATE IN FUTURE PUBLIC COMMENT PERIODS RELATED TO FEDERAL RULE-MAKING AND REGULATIONS