



American Dream and Promise Act of 2023: Bill Summary

Rep. Silvia R. Garcia (D-Texas) introduced the American Dream and Promise Act of 2023 ([H.R. 16](#)) on June 15, 2023. The bill would provide [Deferred Action for Childhood Arrivals](#) (DACA) recipients and [Dreamers](#), [Temporary Protected Status](#) (TPS) holders, and individuals with [Deferred Enforced Departure](#) (DED) with protection from deportation and an opportunity to obtain permanent legal status in the United States if they meet certain requirements. The bill was introduced with [11](#) original cosponsors, including four Republicans: Reps. Lori Chavez-DeRemer (R-OR), Maria E. Salazar (R-FL), John Duarte (R-CA), and Jennifer Gonzales-Colon (R-PR).

This bill has been introduced and passed the U.S. House of Representatives in previous years. In June 2019 during the 116th Congress, the [2019 version of the bill](#) passed the House by a [237 to 187 vote](#), with seven Republicans joining the 230 Democrats who were present in support of the legislation. In March 2021 during the 117th Congress, the [2021 version of the bill](#) passed the House by a [228-197 vote](#), with nine Republicans joining all 219 Democrats in support of the legislation.

Protections in the American Dream and Promise Act [would allow](#) as many as 2.3 million Dreamers who came to the U.S. as children, including nearly [580,000 DACA recipients](#), to obtain legal status in the U.S. The bill's protections would also allow almost 400,000 TPS and DED holders to have the opportunity to remain in the country, along with another 170,000 "Documented Dreamers" – children of certain temporary workers who aged out of derivative status from their parents' visas.

Protections for Dreamers and DACA Recipients

Conditional Permanent Residence

The American Dream and Promise Act of 2023 would create a "conditional permanent resident" status, valid for up to ten years, that would protect Dreamers - including DACA recipients - from deportation, permit applications for authorization documents (EAD) in the U.S., and allow for travel outside the country.

To qualify for a "conditional permanent resident" status, Dreamers would need to meet the following requirements:

- Establish that they came to the U.S. at age 18 or younger and have continuously lived in the U.S. on or before January 1, 2021;
- Are not inadmissible under any of several grounds, including: criminal; security and terrorism; smuggling; participated in persecution; student visa abuse; polygamy; international child abduction; or unlawful voting.
- Has not been convicted of the following:
 - A state or federal felony offense punishable by a term of imprisonment of more than one year;

- Three or more distinct federal or state misdemeanor offenses, defined as offenses punishable by a term of imprisonment of more than five days but not more than one year; and,
 - A crime of domestic violence (unless the person is a victim domestic violence themselves or a victim of other certain kinds of criminal activity).
 - This section excepts immigration-related state offenses, certain marijuana-related possession and paraphernalia offenses, non-violent civil disobedience, and minor traffic offenses,
- Demonstrate they have earned a high school diploma or an equivalent (including a certificate or credential from an area career and technical education school providing education at the secondary level) in the U.S., or are currently in the process of earning a high school diploma or an equivalent; or
 - Demonstrate they have been admitted to an institution of higher education or admitted to an area career and technical education school at the postsecondary level; or
 - Demonstrate enrollment in a secondary school or in an education program assisting students in—
 - (I) obtaining a high school diploma or its recognized equivalent under State law;
 - (II) passing the General Education Development test, a high school equivalence diploma examination, or other similar State-authorized exam;
 - (III) obtaining a certificate or credential from an area career and technical education school providing education at the secondary level; or
 - (IV) obtaining a recognized postsecondary credential;
 - Pass government and background security checks, submit biometric and biographic data, and register for the Selective Service (if applicable); and,
 - Pay an application fee that cannot exceed \$495.

The bill establishes a secondary review process that would allow the Department of Homeland Security (DHS) Secretary to provisionally deny an application for “conditional permanent resident” status if the Secretary determines “based on clear and convincing evidence” that the individual is a public safety concern or participated in gang activities within the preceding five years. Recipients can lose conditional permanent resident status at any time if they commit a serious crime or fail to meet the other requirements set forth in the bill.

The bill would pause the deportation proceedings for Dreamers if they are eligible for “conditional permanent resident” status. It would also prevent deportation proceedings for young Dreamers under the age of 18 if they meet the requirements for “conditional permanent resident” status except that they are not yet enrolled in high school or an equivalent.

“Documented Dreamers” - children of certain temporary workers who arrived in the U.S. at the age of 18 or younger and were continuously present in the U.S. since January 1, 2021 – may

similarly obtain relief under this bill, including aged-out children of E-1, E-2, H-1B, and L visa holders.

Lawful Permanent Residence

Dreamers who obtain “conditional permanent resident” status could apply to become lawful permanent residents (LPRs or green-card holders) as soon as they meet the following conditions:

- Complete one of the following three tracks:
 - **(1)** Graduate from a college or university, or complete at least two years of a bachelor’s or higher degree program in the U.S. (education track);
 - **(2)** Complete at least two years of honorable military service (military track); or
 - **(3)** Have worked for a period totaling at least three years and, while having valid employment authorization, have worked at least 75 percent of the time that they had such authorization. Periods in which individuals were enrolled in school without working while having valid employment authorization would not count against them (worker track).

Other Dreamer Provisions

The bill also includes additional provisions impacting Dreamers, including:

- Directs DHS to create streamlined procedures for DACA recipients who meet the requirements for DACA renewal to receive “conditional permanent resident” status or to adjust to LPR status.
- Allows the DHS Secretary to waive certain inadmissibility bars when in the public interest, for humanitarian purposes, or for family unity purposes.
- Bars DHS from using information provided in applications from being used for immigration enforcement purposes.
- Provides that eligible Dreamers deported during the Trump administration may apply for relief from abroad.
- Allows Dreamers to access federal financial aid, including Pell Grants and federal loans.
- Clarifies that states may grant in-state tuition to undocumented students on the basis of state residency.

Protection for TPS Holders and DED Recipients

The American Dream and Promise Act would allow Temporary Protected Status (TPS) holders and individuals with Deferred Enforced Departure (DED) to adjust to LPR (green-card holder) status if they meet the following requirements:

- Establish they have lived continuously in the U.S. for at least three years before the bill’s enactment;

- Demonstrate they were eligible for or had TPS on September 17, 2017, or had DED as of January 20, 2021;
- Apply within three years of the bill’s enactment and meet the admissibility requirements for LPRs; and
- Pay an application fee that does not exceed \$1,140.

The bill would protect TPS holders and TPS-eligible individuals from El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Syria and Yemen, as well as individuals with DED from Liberia. It would not provide additional relief to those benefiting from the March 2021 grants of TPS to individuals from [Venezuela](#) and [Burma](#). Similarly, the bill does not cover individuals from the March and April 2022 grants of TPS to those from [Afghanistan](#) or [Ukraine](#), respectively. The bill also includes additional provisions impacting TPS holders, including:

- People who are eligible for the bill’s protections are given a reasonable time to apply for relief under this bill and cannot be removed until a final decision regarding their application (including all appeals) is made. Eligible individuals who have been issued an order of removal can apply for adjustment of status under this Act and, upon approval, the DHS Secretary shall cancel the removal order.
- The bill would also clarify that under current law, an individual with TPS is considered inspected and admitted into the U.S. This provision would permit future TPS recipients to adjust to LPR status under certain circumstances, including when they marry a U.S. citizen.
- The bill would permit TPS holders and TPS-eligible individuals who were deported or who voluntarily departed the U.S. on or after September 17, 2017 to apply for LPR status if they meet certain requirements, including having lived in the U.S. continuously for at least three years and having been deported solely because they were present in the U.S. after the expiration of their TPS status or, in the case of a voluntary departure, departed because of the DHS Secretary’s decision to end TPS designation for their country.

Additional Provisions

- The American Dream and Promise Act would prevent DHS from deporting an individual who appears to be eligible for the bill’s protections or has a pending application. It also would require that persons subject to removal are provided a reasonable opportunity to apply if they request an opportunity to apply.
- The bill would create a U.S. Citizenship and Immigration Services (USCIS) grant program for nonprofit organizations to screen and assist individuals apply for “conditional permanent resident” status or LPR status under the bill.
- The bill would allow individuals with pending applications to receive employment authorization and to apply for advance parole.

The National Immigration Forum would like to thank Javeria Ijaz, Policy and Advocacy Intern, for updating this bill summary.