

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 when they were young. 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). Most 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 strict bars to eligibility—which the entire caucus supported in 2019—related to national security or 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.