

Legislative Alternatives for DACA Fix

October 2017

	DACA	DREAM Act (S.1615)	BRIDGE Act (H.R. 496)	RAC Act (H.R. 1468)	SUCCEED Act (S. 1852)
Age at Entry	Under 16	Under 18	Under 16	Under 16	Under 16
Upper Age Limit	36 (under 31 on June 15, 2012)	None	36 (born after June 15, 1981)	None	36 (under 31 on June 15, 2012)
Continuous Residence Requirement	10 years (since June 15, 2007)	None	10 years (since June 15, 2007)	None	None
Continuous Presence Requirement	5 years (since June 15, 2012)	4 years prior to enactment	5 years (since June 15, 2012)	5 years (since January 1, 2012)	5 years (since June 15, 2012)
Criminal or Immigration Limitations	<ul style="list-style-type: none"> • Felony; • Significant misdemeanor (domestic violence, sexual abuse/exploitation, burglary, unlawful possession or use of a firearm, drug distribution/trafficking, DUI, or a sentence of 90 days in custody); or • 3 or more misdemeanors occurring on separate dates from separate acts. • Does not pose a threat to national security or public safety. 	<ul style="list-style-type: none"> • Felony (excluding State immigration-related offenses); • 3 or more misdemeanors occurring on separate dates from separate acts (excluding State immigration-related offenses) and imprisonment of an aggregate 90 days or more; 	<ul style="list-style-type: none"> • Felony; • Significant misdemeanor (domestic violence, sexual abuse/exploitation, burglary, unlawful possession or use of a firearm, drug distribution/trafficking, DUI, or a sentence of 90 days in custody); or • 3 or more misdemeanors occurring on separate dates from separate acts; and • Does not pose a threat to national security or public safety. 	<ul style="list-style-type: none"> • Felony (excluding State immigration-related offenses, minor traffic offenses, or a violation of the RAC Act); • Any combination of offenses with a total of more than 1 year in prison (excluding State immigration-related offenses, minor traffic offenses, or violations of the RAC Act)*; 	<ul style="list-style-type: none"> • Felony; • Any combination of offenses with a total of more than 1 year in prison; • Significant misdemeanor (domestic violence, sexual abuse/exploitation, burglary, unlawful possession or use of a firearm, drug distribution/trafficking, DUI, or a sentence of 90 days in custody); • Unpaid tax liabilities;

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Criminal or Immigration Limitations (cont.)		<ul style="list-style-type: none"> Inadmissible for criminality*, national security grounds, smuggling*, student visa abuse*, permanent ineligibility for citizenship (draft evaders), polygamy, international child abduction, or unlawful voting*; or Ordered, incited, assisted, or participated in persecution. <p><i>*Waivable for humanitarian purposes, family unity, or public interest</i></p>		<ul style="list-style-type: none"> Not of good moral character: Habitual drunkards, prostitutes, smugglers, polygamists, aliens inadmissible for criminal-related grounds, illegal gamblers, those who gave false testimony for immigration benefits, those who have been confined for an aggregate of more than 180 days, aggravated felons, or Nazis; Inadmissible for health-related grounds*, criminality, national security grounds, public charge*, smuggling*, permanent ineligibility for citizenship (draft evaders), polygamy, international child abduction, or unlawful voting; Deportable for smuggling*, marriage fraud, criminality, national security grounds, public charge, or unlawful voting; or Ordered, incited, assisted, or participated in persecution; and 	<ul style="list-style-type: none"> Not of good moral character: Habitual drunkards, prostitutes, smugglers, polygamists, aliens inadmissible for criminal-related grounds, illegal gamblers, those who gave false testimony for immigration benefits, those who have been confined for an aggregate of more than 180 days, aggravated felons, or Nazis; Inadmissible for health-related grounds*, criminality, national security grounds, public charge*, fraud*, smuggling, permanent ineligibility for citizenship (draft evaders), polygamy, unlawful presence after previous immigration violations, international child abduction, or unlawful voting; Deportable for a previous termination of conditional permanent residence, smuggling*, marriage fraud, criminality, national security grounds, public charge, or unlawful voting; or

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Criminal or Immigration Limitations (cont.)				<ul style="list-style-type: none"> Under, at any time, a final administrative or judicial order of exclusion, deportation, or removal, unless the alien remained in the U.S. under color of law or received the order prior to age 18. <p><i>*Waivable for humanitarian purposes, family unity, or public interest.</i></p>	<ul style="list-style-type: none"> Ordered, incited, assisted, or participated in persecution; and Under, at any time, a final administrative or judicial order of exclusion, deportation, or removal, unless the alien remained in the U.S. under color of law or received the order prior to age 18. <p><i>*Waivable for humanitarian purposes, family unity, or public interest.</i></p>
Path to Citizenship	No , but 39,514 have received legal permanent residence through advance parole, and an additional 1,056 have received citizenship.	Yes . Recipients are given conditional permanent residence for an extendable period of 8 years. The condition is removed upon completion of at least 2 years of a bachelor's degree*, 2 years in the armed forces (if discharged, honorably)*, or employment for 3 years for at least 75% of the time of valid employment authorization*. Further, the condition may not be removed without demonstrating the English and history proficiency required for naturalization under current law. The amount of time in conditional LPR status	No . Recipients are given provisional protected presence for up to 3 years following enactment.	Yes . Recipients are given conditional permanent residence for an extendable period of 5 years. The condition may be removed after 5 years upon demonstration of good moral character for the duration of the conditional period, compliance with the criminal/immigration limitations, continued residence in the U.S., the English and history proficiency required for naturalization under current law, payment of all Federal tax liability, submission of biometric and biographic data, and background checks. The amount of time in conditional LPR status	Yes . Recipients are given conditional permanent residence for an extendable 5-year period (or until the alien reaches 18 years of age). The condition may be removed after 9 1/2 years upon demonstration of good moral character for the duration of the conditional period, continued compliance with all the general provisions of conditional permanent residence, continued residence in the U.S., the English and history proficiency required for naturalization under current law, payment of all Federal tax liability, submission of biometric and biographic

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Path to Citizenship (cont.)		counts towards the 5-year LPR requirement to naturalize. DACA recipients immediately receive legal permanent residence. <i>*Waivable for hardship</i>		counts towards the 5-year LPR requirement to naturalize. Military enlistees may naturalize immediately following removal of the condition.	data, and background checks. Individuals receiving LPR status must wait a full 5 years to naturalize.
Education	<ul style="list-style-type: none"> • Currently in high school; • Graduated high school; • GED; or • Honorable discharge from the Coast Guard or Armed Forces of the U.S. 	<ul style="list-style-type: none"> • Admitted to an institution of higher education; • Graduated high school; • GED; or • Enrolled in secondary school or an education program assisting students in- <ul style="list-style-type: none"> ○ Obtaining a high school diploma; or ○ Passing a GED exam, high school diploma exam, or other similar state-authorized exam. 	<ul style="list-style-type: none"> • Currently in high school; • Graduated high school; • GED; or • Honorable discharge from the Coast Guard or Armed Forces of the U.S. 	<ul style="list-style-type: none"> • Graduated high school; • GED; • Admitted to an institution of higher education; or • Has valid work authorization (eg, through DACA). 	<ul style="list-style-type: none"> • Graduated high school; • GED; • Admitted to an institution of higher education; or • Has served, is serving, or has enlisted in the U.S. Armed Forces.
Documentation Required	“Verifiable documentation.” An extensive list is included, but “any other document [the alien believes] is relevant” is considered.	An extensive list is provided, including affidavits from non-relatives who know the applicant, but there is no requirement that the documentation be verifiable.	<i>Not provided</i>	<i>Not provided</i>	<i>Not provided</i>

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Confidentiality	USCIS will not refer cases to ICE for removal proceedings absent criminal offenses, fraud, or a threat to national security or public safety, except where DHS determines there are exceptional circumstances.	No disclosure of any information provided in an application may be used for immigration enforcement, including referrals of individuals with conditional permanent residence. Exceptions: For assistance in considering an application for conditional LPR status, to identify and prevent fraud, for national security purposes, or for the investigation or prosecution for any felony <i>unrelated to immigration status</i> . Penalty: Up to \$10,000	DHS will protect information provided in applications for DACA from disclosure or referral to ICE and CBP for immigration enforcement proceedings. Exceptions: Assistance in considering applications for provisional protected presence, to identify or prevent fraud, for national security purposes, and for the investigation or prosecution for any felony <i>unrelated to immigration status</i> .	No officer or employee of the U.S. may use information provided to initiate removal proceedings, publish information that could identify the filer, or allow another non-designated entity to examine the applications. Exceptions: Disclosure is required for criminal investigations, background checks under the Brady Handgun Violence Protection Act, homeland security or national security purposes, or identifying a deceased individual. Disclosure is not required, but may be allowed, for cases in which the alien seeking relief engaged in fraud in the application or committed a crime. Penalty: Up to \$10,000	No officer or employee of the U.S. may use information provided to initiate removal proceedings, publish information that could identify the filer, or allow another non-designated entity to examine the applications. Exceptions: Disclosure is required for criminal investigations, background checks under the Brady Handgun Violence Protection Act, homeland security or national security purposes, or identifying a deceased individual. Disclosure is not required, but may be allowed, for cases in which the alien seeking relief engaged in fraud in the application or committed a crime. Penalty: Up to \$10,000
Population Potentially Eligible for Amnesty	723,000 (690,000 approved, 33,000 pending, no new applications accepted)	3,338,000 <i>Migration Policy Institute</i> http://www.migrationpolicy.org/research/protecting-dream-potential-impact-different-legislative-scenarios-unauthorized-youth	1,932,000 <i>Migration Policy Institute</i> http://www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles	2,504,000 <i>Migration Policy Institute</i> http://www.migrationpolicy.org/research/protecting-dream-potential-impact-different-legislative-scenarios-unauthorized-youth	2,504,000 <i>We are assuming the SUCCEED Act will have the same eligible population as the RAC Act based on the Migration Policy Institute's standards.</i>

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Population Potentially Eligible for Amnesty (cont.)					<i>Migration Policy Institute http://www.migrationpolicy.org/research/protecting-dream-potential-impact-different-legislative-scenarios-unauthorized-youth</i>
Chain Migration Potential Impact* <i>*Up to 4.2 relatives per amnestied alien Yu Bin. Chain Migration Explained: The power of the immigration multiplier. LFP Scholarly Publishing; New York: 2008</i>	(3,037,000) DACA aliens are not currently eligible for green cards, and therefore cannot sponsor family members, until they are given legislative amnesty or have already been granted advance parole.	14,020,000	(8,114,400) DACA aliens are not currently eligible for green cards, nor are aliens with provisional protected presence, therefore they cannot sponsor family members, until they are given legislative amnesty or advance parole.	10,516,800	10,516,800 The SUCCEED Act purports to restrict chain migration by delaying the sponsoring of spouses or minor children of beneficiaries. However, the bill includes no limits on chain migration once the beneficiaries naturalize.
Total Potential Numerical Impact (Amnestied Population Plus Chain Migration)	(3,760,000)	17,358,000	(10,046,400)	13,020,800	13,020,800