

Protecting the DREAM: The Potential Impact of Different Legislative Scenarios for Unauthorized Youth

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Executive Summary¹

On June 29, 2017, Texas and nine other states urged the Trump administration to end a signature Obama administration executive action that made nearly 2 million unauthorized immigrant youth potentially eligible to apply for temporary relief from deportation and employment authorization. The ten states threatened to legally challenge the Deferred Action for Childhood Arrivals (DACA) program if the federal government did not rescind it before September 5, 2017. Following a legal review, Attorney General Jeff Sessions on September 5 announced the rescission of the program, calling it an “unconstitutional exercise of authority.”¹ With nearly 700,000 unauthorized immigrants enrolled in DACA as of September 2017 set to begin losing their protection in March 2018,² Congress is under growing pressure to act to protect a population viewed with significant sympathy on both sides of the aisle.

One option for lawmakers is to revisit the *Development, Relief, and Education for Alien Minors Act* (DREAM Act). First introduced in 2001 and reintroduced in nearly every Congress since, the bipartisan measure seeks to legalize unauthorized immigrants brought to the United States as children (known as DREAMers). In brief, the DREAM Act would condition initial eligibility on a number of criteria, including age at U.S. entry, length of U.S. residence, educational attainment, and a clean criminal record. After a certain period of residence and upon meeting additional requirements, DREAMers could adjust from conditional legal status to legal permanent residence (in other words, get a green card).

¹ **Editor’s note:** This fact sheet is a revision to the original fact sheet published in July 2017, updating Migration Policy Institute (MPI) estimates of the populations who could receive conditional legal status and eventually legal permanent residence under the *DREAM Act of 2017* and the *Recognizing America’s Children Act* (RAC Act). With both measures silent on the treatment of unauthorized immigrant children younger than age 18, and in particular their ability to move from fixed terms of conditional legal status to eventual legal permanent residence, the fact sheet is being updated, after consultation with immigration attorneys versed in interpreting legislative statutes, to reflect a broader view of eligibility for conditional legal status and legal permanent residence. While the earlier MPI estimates included the under age 18 population in the universe meeting the minimum age at entry and arrival date requirements in both bills, they were not included in the conditional legal status and legal permanent resident categories under the assumption they could not meet the required pathways to permanent residence (employment, higher education enrollment, or military service) until they became adults. The revised estimates presented here assume that those under age 18 will become eligible for conditional legal status at some point in the future, and can renew up until such time they can meet the legal permanent resident pathway requirements.

Using an innovative Migration Policy Institute (MPI) methodology to estimate the legal status and other characteristics of immigrants in the United States, this fact sheet provides the latest estimates of potential beneficiaries.³ MPI researchers modeled potential beneficiaries under the *Recognizing America's Children Act* (RAC Act),⁴ introduced in the House by Representative Carlos Curbelo (R-FL) in March 2017, and the *DREAM Act of 2017* offered by Senators Lindsey Graham (R-SC) and Richard Durbin (D-IL) on July 20, 2017.⁵ As a comparison point, the fact sheet also offers estimates of populations that could benefit under the DREAM Act that passed the House in December 2010, the most recent significant last action taken in Congress in this arena.⁶

All three measures would require applicants to meet a range of eligibility criteria before they could be considered for conditional status, which they would have to maintain for a number of years while they fulfill additional requirements before becoming eligible for legal permanent residence.

MPI's analysis models the populations that (1) meet the age at entry and years of U.S. residence criteria (in other words, the maximum potential numbers who could be covered if they meet all additional criteria);⁷ (2) the subset that could gain conditional status because they also have fulfilled the educational criteria; and (3) conditional status recipients who could later progress to legal permanent residence as a result of achieving additional educational or professional criteria.

The number of people eligible to receive conditional legal status would range from 2.1 million under the 2017 DREAM Act to nearly 1.8 million under the RAC Act. By comparison, the 2010 DREAM Act would have made 1.5 million unauthorized immigrants eligible for conditional status (see Figure 1; Table 2 later in report also has more detail.)

Most of those holding conditional status

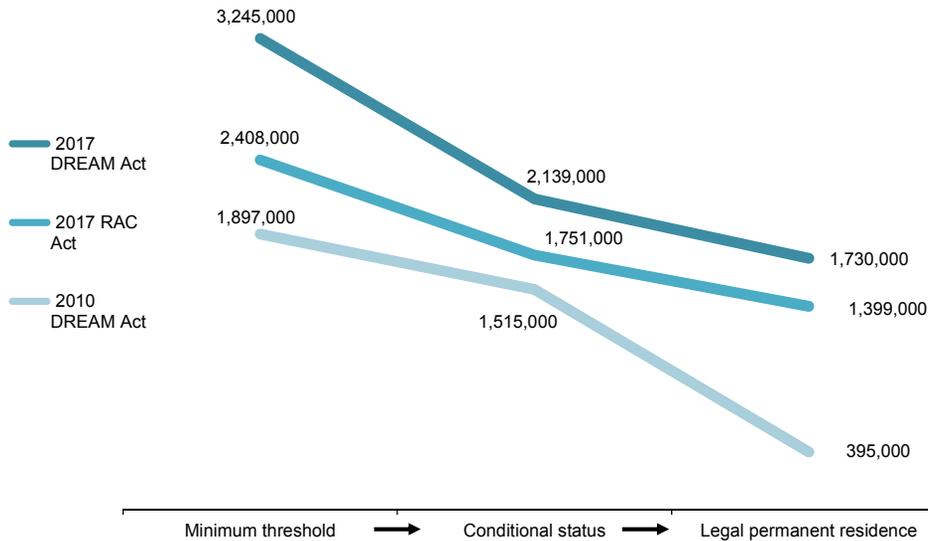
would likely gain legal permanent residence as a result of meeting additional criteria in the legislation: earning a postsecondary degree, serving honorably in the military, or holding continuous employment for a certain number of years. MPI estimates 1.7 million could gain legal permanent residence under the 2017 DREAM Act and 1.4 million under the 2017 RAC Act. The 2010 House-passed legislation would have placed 395,000 people on a path to permanent residence.

Overall, a total of 3.2 million unauthorized youth meet the minimum age at arrival and years of residence thresholds under the 2017 DREAM Act and 2.4 million under the RAC Act. However, a significant number would need to complete or re-enroll in high school or obtain a General Education Diploma (GED) before they could apply for conditional status.

The DACA experience suggests the population lacking the required educational qualifications is unlikely to re-enroll in high school or adult education programs at significant levels. While MPI estimates 69 percent of the 1.3 million unauthorized immigrants who were immediately eligible to apply for DACA had done so as of June 2017, the application rate fell to 53 percent when the nearly 400,000 who met all criteria but for education were included.⁸ The promise of conditional status and then legal permanent residence might motivate more potential DREAMers to re-enroll in school than has been the case with DACA, which offers only temporary relief from deportation, though by how much it is not possible to know.

Given the significant overlap in qualifying criteria between the DACA program and the current legalization bills, MPI estimates suggest that the vast majority of current DACA recipients would be able to apply for conditional legal status under either version, although directly modeling this overlap is not possible due to data limitations.

Figure 1. Populations Potentially Eligible to Apply, Receive Conditional Status, or Obtain Legal Permanent Residence under Three Legislative Proposals



Notes:

1) *Minimum threshold* represents unauthorized immigrants potentially eligible to apply based on meeting only the age at arrival and years of U.S. residence criteria (the 2010 DREAM Act also set a maximum age cap to apply); *conditional status* indicates the subset who have earned a high school diploma or GED, are enrolled in high school, or have valid employment authorization, as well as those under age 18; *legal permanent resident status* indicates those who have earned a postsecondary degree, served honorably in the military, or held continuous employment for the number of years specified in the 2017 DREAM Act and *Recognizing America's Children Act* (RAC Act).

2) These legislative proposals do not specify the process whereby children under age 18 may extend their conditional legal status, potentially leading to termination or lapse in legal status. Following the more common interpretation that unauthorized children younger than age 18 would be eligible for conditional status, the assumption MPI uses for these estimates is that children would be able to renew conditional status and meet education, employment, or military requirements in the future.

3) As written, these legislative proposals are silent about the process and timeline for unauthorized immigrant children under age 18 to adjust from conditional legal status to legal permanent residence. The assumption MPI uses here, after consultation with immigration attorneys versed in interpreting legislative statutes, is that these children would be able to adjust to legal permanent residence without facing the time limitations on conditional status that apply to those age 18 and over. If children under age 18 would not be eligible to adjust to legal permanent residence, just 1.2 million adults would become eligible for legal permanent residence under the 2017 DREAM Act, 929,000 adults under the RAC Act, and 266,000 adults under the 2010 DREAM Act.

Source: Migration Policy Institute (MPI) analysis of U.S. Census Bureau data from the 2014 American Community Survey (ACS) and the 2008 Survey of Income and Program Participation (SIPP) with legal status assignments by James Bachmeier of Temple University and Jennifer Van Hook of The Pennsylvania State University, Population Research Institute.

I. Introduction

Responding to the longstanding congressional impasse over reform of the U.S. immigration system and under significant pressure from immigrant-rights groups, President Barack Obama on June 15, 2012 issued an executive order creating the Deferred Action for Children Arrivals (DACA) program. DACA was largely modeled on the requirements of the *Development, Relief, and Education for Alien Minors Act* (DREAM Act), a piece of legislation considered periodically

in Congress with minor variations since first introduced in 2001.⁹ Both DACA and the DREAM Act focus on unauthorized immigrant youth and young adults with no criminal record who were brought to the United States as children. Both require that prospective beneficiaries complete their secondary education. Unlike the various DREAM Act proposals, however, DACA does not offer a path to legalization. It provides temporary relief from deportation and eligibility for work authorization.¹⁰

The Migration Policy Institute (MPI) estimated that about 1.9 million unauthorized immigrants were eligible for DACA as of 2016, including 1.3 million who met the program's age, age at arrival, and education requirements, and an additional 630,000 who could meet these requirements at some point in the future.¹¹ As of June 30, 2017 a total of 793,026 unauthorized immigrants had received protection and employment authorization under the program since its August 2012 launch.¹² Nearly 700,000 immigrants were enrolled in DACA as of September 2017.¹³ Enrollment in DACA is valid for two years, after which beneficiaries must reapply to retain their benefits.

Critics have charged that DACA represents an unconstitutional exercise of executive power, rewards lawbreakers, and fosters new illegal immigration.¹⁴ Proponents of the program, meanwhile, have argued that it has fundamentally enhanced the lives of unauthorized immigrants and their families.

Research has demonstrated improved outcomes for DACA beneficiaries and the economic contributions of DACA grantees to their local communities.¹⁵ Both DACA and the proposed legalization programs have been popular, within and beyond the immigrant community. Consistently, public opinion polls have shown largely favorable attitudes among registered voters and support for a permanent solution for DREAMers.¹⁶

A. Rescission of the DACA Program

Ten states, led by Texas, in a June 29, 2017 letter formally gave the Justice Department notice they would challenge DACA in federal court unless the program was rescinded by September 5.¹⁷ Following a determination by the Justice Department that DACA was unconstitutional, the Department of Homeland Security (DHS) rescinded the program on September 5, 2017, indicating that it would not accept new applications and that only recipients with permits expiring on or before March 5, 2018 would be eligible to renew

for two additional years.¹⁸ Absent intervention by the courts or a legislative solution, a growing number of DACA recipients will not be able to renew their protections and employment authorization beginning on March 6, 2018.

With just five months before current DACA recipients begin to fall out of status, legislators have begun to consider a range of proposals. As of July 2017, when the original MPI estimates were first offered, there were three bills pending in Congress that could alter the course of policy in this area. One is the *Bar Removal of Individuals Who Dream and Grow our Economy Act* (BRIDGE Act),¹⁹ a bipartisan bill introduced in both chambers that would make the existing DACA program permanent under statute, but would not offer a pathway to legal permanent residence. The two others are the RAC Act and the 2017 DREAM Act.

B. Drawing from the DREAM Act

The proposed 2017 legalization measures share essential requirements with earlier versions of the DREAM Act that eligible unauthorized individuals must meet in order to legalize their status, including having a clean criminal record and maintaining good moral character (see Table 1 for detailed qualifying criteria). They all propose a two-tiered process:

- 1) Conditional legal status:** To be eligible, applicants must demonstrate that they arrived in the United States under a certain age, have lived in the country for a number of years, and in the case of adults have earned a U.S. high school diploma or its equivalent. The legislative proposals examined here are silent on the process by which those under age 18 could extend their conditional legal status, potentially leading to termination or lapse in legal status and thus loss of the pathway to apply for legal permanent residence. The MPI estimates in this fact sheet adopt the as-

sumption that unauthorized immigrant children younger than age 18 would be eligible for conditional status and could renew that status until they become eligible to apply for legal permanent residence.

2) Legal permanent residence: The conditional nature of recipients' legal status could be removed if within a certain period of time applicants successfully obtain at least a two-year postsecondary degree or serve honorably in the military. Additionally, for the first time in the history of the DREAM legislation, both the RAC Act and 2017 DREAM Act include a third pathway to permanent status: continuous employment. As written, these legislative proposals are silent about the process and time necessary for unauthorized immigrant children under age 18 to adjust from conditional status to legal permanent residence. As the work, education, or military requirements necessary to progress to legal permanent residence

are not ones that could be met by children under age 18, MPI assumes that underage conditional status recipients would not face the same conditional status time limits as adults, and could remain in such status until of age to meet the requirements for legal permanent residence.²⁰

To provide policymakers and stakeholders with updated information on the scope of legislation and potentially affected populations, this fact sheet analyzes U.S. Census Bureau 2014 American Community Survey (ACS) data to estimate the number of unauthorized immigrants who could gain conditional legal status under various legislative proposals based on their age at arrival, continuous presence in the United States, and other criteria. Next, by applying rates of graduation from high school and college, military enlistment, and labor force participation, the fact sheet provides revised estimates of the number and share of persons who could achieve legal permanent resident (LPR) status (in other words, getting a green card).

Box 1. Data Considerations

The MPI researchers developed these estimates based on the best data and methods available, but note certain limitations, among them the inability to account for disqualifying criminal convictions and "good moral character" criteria that could reduce the pool of potentially eligible beneficiaries.

Modeling the future enrollment, employment, and other behaviors of individuals who are unauthorized is difficult, particularly given the fact that they might experience barriers to enrollment or employment in some states and localities.

Also, the data used in this fact sheet are from 2014 and as such may overestimate the number of unauthorized immigrants present in 2017 who meet the age and years of U.S. residency requirements because some may have left the United States, adjusted their status, or died.

Finally, to model the likelihood of obtaining conditional and then legal permanent resident statuses, the researchers used existing educational, employment, and military service data for broader groups of people, which may over- or underestimate the rates for the unauthorized population. Estimates were produced separately for Hispanic and non-Hispanic men and women to account for differences in educational attainment, military enlistment, and labor force participation. For the purposes of this fact sheet, only total population estimates are reported.

Table 1. Qualifying Criteria for Conditional Legal Status and Legal Permanent Residence under Three Legislative Proposals

Key Criteria	2017 DREAM Act (Graham-Durbin)	2017 RAC Act (Curbelo)	2010 DREAM Act (Passed House)
Minimum threshold			
Age at arrival	Before 18	Before 16	Before 16
Length of continuous U.S. residence	4 years or more before enactment	Since January 1, 2012 (5 years or more)	5 years or more
Lack of criminal record/Have good moral character	Yes	Yes	Yes
Conditional legal status			
Minimum age	None	None	None
Maximum age	None	None	Under 30
Minimum educational attainment	U.S. high school diploma/GED	U.S. high school diploma/GED	U.S. high school diploma/GED
Special considerations for those enrolled in secondary school	Yes	No	No
Special considerations for DACA beneficiaries	Yes	No	N/A
Special considerations for those with valid work authorization	N/A	Yes	N/A
Lack of criminal record/Have good moral character	Yes	Yes	Yes
Length of conditional status	8 years	10 years (5-year initial; 5-year extension)	10 years (5-year initial; 5-year extension)
Legal permanent residence			
Educational attainment	An associate's degree or at least two years toward a bachelor's degree	Enrolled in higher education during first year of conditional status, and obtained an associate's degree or more during conditional status	An associate's degree or at least two years toward a bachelor's degree
Active military service or honorable discharge	At least 2 years of service	At least 3 years of service	At least 2 years of service
Duration of continuous employment	At least 3 years	At least 4 years during first 5 years of conditional status	N/A
Lack of criminal record/Have good moral character	Yes	Yes	Yes

Sources: DREAM Act of 2017, S. 1615, 115th Cong., 1st sess. (introduced July 20, 2017), www.congress.gov/115/bills/s1615/BILLS-115s1615is.pdf; Recognizing America's Children Act, HR 1468, 115th Cong., 1st sess. (introduced March 9, 2017), www.congress.gov/bill/115th-congress/house-bill/1468/text; 2010 DREAM Act, the Removal Clarification Act of 2010, H.R. 5281, 111th Cong., 2nd sess. (amended December 8, 2010), www.congress.gov/bill/111th-congress/house-bill/5281/text.

II. Findings

Drawing upon an innovative MPI methodology to estimate the legal status and characteristics of immigrants in the United States, this section examines the populations potentially eligible under three legislative scenarios (see Table 2). The empirical analyses provide estimates for two bills pending in Congress that would offer a pathway to legal permanent residence, and as a comparison point for their forerunner, the DREAM Act that passed the House in 2010.²¹

A. Estimating Populations Meeting Minimum Threshold and Conditional Status Criteria

The overall number of unauthorized immigrants who meet the age at arrival and length of U.S. residence minimum threshold²² ranges from 2.4 million under the RAC Act to 3.2 million under the 2017 DREAM Act (see Table 2, top panel). By comparison, fewer than 2 million individuals would have met the initial criteria under the DREAM Act approved by the House in 2010.

Table 2. Estimates of Potential Beneficiaries and Their Likelihood of Obtaining Conditional Status under Three Legislative Proposals

	2017 DREAM Act (Graham-Durbin)	2017 RAC Act (Curbelo)	2010 DREAM Act (Passed House)
Potential beneficiaries who met the age at arrival and length of U.S. residence criteria	3,245,000	2,408,000	1,897,000
Eligible for conditional status	2,139,000	1,751,000	1,515,000
Age 18 and older: Have an associate's degree or higher	192,000	141,000	95,000
Age 18 and older: Have a high school diploma, a GED certificate, or some college education, but no associate's degree	1,171,000	910,000	720,000
Under age 18*	776,000	700,000	700,000
Ineligible for conditional status**	1,106,000	658,000	382,000
Age 18 and older: Not enrolled in high school, no high school diploma or GED certificate	1,106,000	658,000	382,000

* These legislative proposals do not specify the process by which children under age 18 may extend their conditional status, potentially leading to termination or lapse in legal status. Following the more common interpretation that unauthorized immigrant children younger than age 18 would be eligible for conditional status, the assumption MPI uses for these estimates is that children would be able to renew conditional status and meet education, employment, or military requirements in the future.

** Some unauthorized immigrants may become eligible if they obtain a high school diploma or GED certificate or re-enroll in a high school or GED program. MPI is not able to model attendance in GED programs due to data limitations. It is likely that this population is small because of the significant barriers that unauthorized immigrant adults face in returning to school.

Source: MPI analysis of data from the U.S. Census Bureau 2014 ACS and 2008 SIPP, with legal status assignments by Bachmeier and Van Hook.

Estimating the Population Qualifying for Conditional Legal Status

Depending on the legislation, anywhere from about 1.8 million to 2.1 million of those who meet the minimum thresholds under the RAC Act and the 2017 DREAM Act could be eligible for conditional status based upon meeting certain educational criteria (see Table 2). By comparison, 1.5 million would have been eligible under the 2010 House-passed bill. The group eligible for conditional status under the 2017 legislative proposals includes:

- 141,000 to 192,000 adults who have already obtained an associate's degree or higher, and thus would qualify for both conditional and permanent statuses.
- 910,000 to nearly 1.2 million adults who are U.S. high school graduates or have completed a GED program, but have not completed postsecondary education.
- 700,000 to 776,000 children who would also qualify for conditional status either immediately or at some point in the future.

Because they do not meet education requirements, unauthorized immigrant adults ages 18 and over without a high school degree or GED would be ineligible for conditional status. This group numbers 658,000 under the RAC Act and 1.1 million under the 2017 DREAM Act. (In comparison, just 382,000 individuals were part of this group under the 2010 DREAM Act). To become eligible for conditional status, these adults would need to obtain a GED first. As earlier MPI research demonstrates, this group lacks English proficiency and has high poverty rates.²³ Women are often stay-home mothers and men work in low-skilled jobs. Extensive research demonstrates that each of these characteristics represents a significant obstacle to returning and completing education. The combination of these risk factors would make it very hard for this group to move forward.

B. Estimating the Population that Could Adjust to Legal Permanent Residence

Unauthorized immigrant adults able to successfully obtain conditional status would have a certain period to meet the criteria for LPR status. Earlier versions of the DREAM Act included two pathways to a green card: postsecondary education and military service. Estimating the number who would pursue the military pathway is difficult because not everyone would want or be able to take the military service route. Prospective recruits have to pass both medical and aptitude tests, and the military has become more selective in its recruitment. The 2017 legalization bills recognize these challenges and would make it easier to gain LPR status for some applicants by offering a third pathway: Continuous employment.

This section models these three pathways. First the MPI researchers estimated the number of people who could gain LPR status through postsecondary education, followed by military service, and then via continuous employment for each of the three legislative scenarios studied in this fact sheet (see Table 3):

- **Postsecondary education.** The researchers used the college completion rates (associate degree and higher) of LPRs from low-income families²⁴ to estimate the number of conditional status holders who are likely to obtain a postsecondary education. Under the 2017 DREAM Act, an estimated 543,000 people (or 25 percent of the 2.1 million with conditional status) would be able to obtain at least an associate's degree and thereby gain LPR status. This number is higher than under the RAC Act and 2010 DREAM Act, in part because a significant number (192,000 under the 2017 DREAM Act, see Table 2) already had completed postsecondary education. Under the RAC Act, an estimated 426,000 (or 24 percent of the nearly 1.8 million with conditional status) would be able to achieve LPR status through the college education pathway.

- Military service.** Beyond the college pathway, some conditional status holders are likely to attempt to enlist in the military. The researchers examined the share of all adults in the United States (ages 18 to 44) with a high school education who are enlisted. Roughly 1 percent of them (0.9 percent for Hispanics and 1.2 percent for non-Hispanics) were enlisted.²⁵ Given the incentives the DREAM Act could offer, the researchers made the generous assumption that 5 percent of unauthorized young adults would follow this pathway to LPR status. Using this share as a proxy, an estimated 71,000 persons would qualify for LPR status through military service under the 2017 DREAM Act and 58,000 under the RAC Act.
- Employment.** Data show that more than 70 percent of the overall unauthorized adult population is working or at least looking for a job.²⁶ Obtaining work authorization through conditional status would likely to boost labor force participation even higher. The researchers estimated labor force participation rates of immigrants who already have legal status to come up with a proxy to guide modeling for conditional status beneficiaries seeking to use this pathway.²⁷ Applying these rates, an estimated 1.1 million persons could use

Table 3. Estimates of Beneficiaries with Conditional Status and Their Likelihood of Adjusting to Legal Permanent Residence under Three Legislative Proposals

	2017 DREAM Act (Graham-Durbin)	2017 RAC Act (Curbelo)	2010 DREAM Act (House passed)
Eligible for conditional status*	2,139,000	1,751,000	1,515,000
Eligible for legal permanent residence	1,730,000	1,399,000	395,000
<i>Pathways to legal permanent residence</i>			
Education	543,000	426,000	345,000
Military	71,000	58,000	51,000
Employment**	1,115,000	914,000	N/A
Ineligible for legal permanent residence	409,000	352,000	1,119,000
Share eligible for legal permanent status among people with conditional status	81%	80%	26%

* As written, these legislative proposals are silent about the process and time necessary by which children under age 18 may adjust from conditional status to legal permanent residence. MPI assumes that these children would be able to adjust to legal permanent residence without facing the conditional status time restrictions that adults would (see Table 1). If those under age 18 were not eligible to adjust to legal permanent residence, only 1.2 million adults would become eligible for a green card under the 2017 DREAM Act, 929,000 under the RAC Act, and 266,000 under the 2010 DREAM Act.

** Under the 2010 House-passed legislation, employment was not a pathway to legal permanent residence.

Source: MPI analysis of data from the U.S. Census Bureau 2014 ACS and 2008 SIPP, with legal status assignments by Bachmeier and Van Hook.

the employment pathway to obtain LPR status under the 2017 DREAM Act and 914,000 under the RAC Act.

In sum, MPI estimates suggest that under the 2017 DREAM Act about 1.7 million people (or 81 percent of the 2.1 million with conditional status) would be likely to fulfill their requirements to obtain LPR status. Under the RAC Act, about 1.4 million people (or 80 percent of the nearly 1.8 million with conditional status) would be able to get a green card. In contrast, and largely because employment was not an option, just 26 percent of those with conditional status under the 2010 House-passed DREAM Act would have been able to obtain LPR status.

III. Conclusion

Congressional efforts to legalize unauthorized immigrants who were brought to the United States as children have been pending in Congress since 2001, with the DREAM Act garnering notable bipartisan support over the years. With the decision by the Trump administration to rescind the Deferred Action for Childhood Arrivals (DACA) program, which as of September 2017 was providing temporary relief from deportation and employment authorization to nearly 700,000 DREAMers, there is new momentum—and pressure—on Congress to act to grant legal status to a population viewed sympathetically by many on both sides of the political aisle.

Bills introduced in the House and Senate in 2017, largely modeled on earlier versions of the DREAM Act, would offer conditional legal status and eventually legal permanent residence to unauthorized immigrants who entered as children; earn eligibility through completion of educational, professional, and other criteria; have a clean criminal record; and maintain “good moral character.”

The estimates presented in this fact sheet are offered to inform policymakers and other stakeholders about the potential reach of the bills examined. While Migration Policy Institute researchers have found that anywhere from 2.4 million to 3.2 million unauthorized immigrants would meet the minimum age at entry and years of U.S. residence thresholds under the *Recognizing America's Children Act* and the DREAM Act of 2017, in reality smaller numbers would fulfill the educational criteria that would give them conditional status—and even fewer would satisfy the additional educational or professional criteria that would allow them to earn legal permanent residence. MPI's analysis shows the numbers gaining conditional status would range from 1.8 million to 2.1 million under the RAC Act and the 2017 DREAM Act; and those moving on to earn legal permanent residence (in other words getting a green card) an even smaller number: 1.4 million to 1.7 million.

As DACA's experience has shown, potential beneficiaries who lack the educational criteria to qualify immediately do not re-enroll in qualifying educational programs at significant levels, and thus cannot benefit. Unauthorized immigrant adults without a high school degree would not qualify for conditional status under the 2017 legalization proposals examined here. For this subpopulation, obtaining a GED may be considerably challenging due to limited English proficiency, high levels of poverty, and family pressures.

Ultimately, it remains to be seen if these or other similar legislative proposals can pass Congress amid a highly polarized environment on immigration. At the same time, policymakers now stand at a crossroads as hundreds of thousands of DACA recipients will soon find themselves without any protection.

Endnotes

- 1 Justice Department, “Attorney General Sessions Delivers Remarks on DACA,” September 5, 2017, www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-daca. See also Department of Homeland Security (DHS), “Memorandum on Rescission of Deferred Action for Childhood Arrivals (DACA),” last updated September 5, 2017, www.dhs.gov/news/2017/09/05/memorandum-rescission-daca.
- 2 U.S. Citizenship and Immigration Services, (USCIS), “Approximate Active DACA Recipients as of September 4, 2017 by Month Validity Expires and Status of Associated Renewal as of September 7, 2017 (If Submitted),” accessed on October 10, 2017, www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_population_data.pdf.
- 3 Jeanne Batalova and Margie McHugh, *DREAM vs. Reality: An Analysis of Potential DREAM Act Beneficiaries* (Washington, DC: Migration Policy Institute, 2010), www.migrationpolicy.org/research/dream-vs-reality-analysis-potential-dream-act-beneficiaries.
- 4 *Recognizing America’s Children Act*, HR 1468, 115th Cong., 1st sess., www.congress.gov/bill/115th-congress/house-bill/1468/text?q=%7B%22search%22%3A%5B%22recognizing+america%27s+children%22%5D%7D&r=1. The measure was introduced March 9, 2017, and has 17 Republican cosponsors.
- 5 *DREAM Act of 2017*, S. 1615, 115th Cong., 1st sess., www.congress.gov/115/bills/s1615/BILLS-115s1615is.pdf.
- 6 *The Development, Relief, and Education for Alien Minors Act of 2010* (DREAM Act) was approved by the House on a 216-198 vote on December 8, 2010, www.congress.gov/bill/111th-congress/house-bill/5281. The legislation did not advance in the Senate during the remainder of the 111th Congress.
- 7 Estimates have been revised to correct an error in calculating years of U.S. residence.
- 8 To be eligible for the Deferred Action for Childhood Arrivals (DACA) program, individuals must be enrolled in high school, have a high school diploma or General Education Diploma (GED), or be enrolled in an adult education program that leads to a high school diploma or GED; the “immediately eligible” group in the Migration Policy Institute (MPI) estimates includes those with a high school diploma or GED. Those in the “but for education” group meet the age, age-at-arrival, and years of U.S. residence criteria but would have to enroll in a qualifying adult education program to become eligible. As of June 30, 2017, USCIS received and accepted 897,605 DACA applications. See USCIS, “Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Intake, Biometrics and Case Status Fiscal Year 2012-2017 (June 30),” www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr3.pdf.
- 9 S. 1291, the *Development, Relief, and Education for Alien Minors Act*, was introduced on August 1, 2001 by Sen. Orrin Hatch (R-UT), www.congress.gov/bill/107th-congress/senate-bill/1291. The measure passed the Senate Judiciary Committee but died in the Senate.
- 10 USCIS, “Consideration of Deferred Action for Childhood Arrivals (DACA),” last updated December 22, 2016, www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca.
- 11 MPI Data Hub, “Deferred Action for Childhood Arrivals (DACA) Data Tools,” accessed July 19, 2017, www.migrationpolicy.org/programs/data-hub/deferred-action-childhood-arrivals-daca-profiles.
- 12 USCIS, “Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Intake, Biometrics and Case Status Fiscal Year 2012-2017 (June 30).”
- 13 USCIS, “Approximate Active DACA Recipients as of September 4, 2017 by Month Validity Expires and Status of Associated Renewal as of September 7, 2017 (If Submitted).”
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 - 20 MPI consulted with legal experts who had differing opinions on whether the RAC Act allows children under age 18 sufficient time in conditional status to meet the requirements for extending conditional status and adjusting to legal permanent residence. In estimating the populations eligible for legal permanent residence, MPI assumes that these children would eventually have the possibility to meet such education, military, or employment requirements.
 - 21 The methodology used here builds upon the previous methodological approach that MPI developed in estimating DREAM Act beneficiaries for both conditional status and legal permanent residence in earlier years; for more detail on the methodology, see Batalova and McHugh, *DREAM vs. Reality*.
 - 22 In the case of the DREAM Act that passed the House in 2010, there was also a maximum age at time of application requirement (under age 30).
 - 23 Batalova and McHugh, *DREAM vs. Reality*.
 - 24 The MPI dataset with legal status assignments permits estimating the share with an associate’s degree or higher among adults who meet the following criteria: They are legal permanent residents; are ages 18 and older; live in families with incomes below 200 percent of the federal poverty level; and have earned at least a high school degree or its equivalent. Unauthorized youth with conditional status are likely to resemble this group of LPRs the most because like LPRs, DREAMers will not have access to the Pell grants and other financial assistance available to U.S. citizens, and many are in low-income and poor families.
 - 25 Enlistment data by Hispanic origin are from Department of Defense, “Population Representation in the Military Services, Fiscal Year 2014, Summary Report,” updated September 14, 2016, www.people.mil/Portals/56/Documents/2014%20Summary.pdf?ver=2016-09-14-154051-563. Data on the total population with high school education or higher (ages 18 to 44) by Hispanic origin are from an MPI tabulation of the U.S. Census Bureau’s 2014 American Community Survey (ACS).
 - 26 MPI Data Hub, “Profile of the Unauthorized Population: United States,” accessed July 19, 2017, www.migrationpolicy.org/data/unauthorized-immigrant-population/state/US.
 - 27 Using ACS 2014 data with MPI legal status assignments, the researchers found that labor force participation rates among legally present adults (ages 18 to 44) were as follows: 92 percent for Hispanic men, 72 percent for Hispanic women, 86 percent for non-Hispanic men, and 71 percent for non-Hispanic women.

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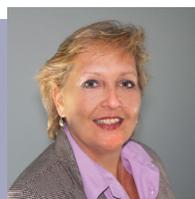
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Acknowledgments

The authors express their gratitude to a number of Migration Policy Institute (MPI) colleagues for their expert guidance and insight, including Director of Research for U.S. Programs Randy Capps, Senior Fellow Michael Fix, Senior Fellow Doris Meissner, Senior Policy Analyst Julia Gelatt, and Associate Policy Analyst Jie Zong. They also thank Liz Heimann and Sara Staedicke for the design and production of the fact sheet.

This research was supported by the Ford Foundation, the Carnegie Corporation of New York, Unbound Philanthropy, and the Open Society Foundations.

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Cover Design: Liz Heimann, MPI
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Suggested citation: Batalova, Jeanne, Ariel G. Ruiz Soto, and Michelle Mittelstadt. 2017. *Protecting the DREAM: The Potential Impact of Different Legislative Scenarios for Unauthorized Youth*. Revised. Washington, DC: Migration Policy Institute.

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