

## Comparison of Major DREAM Act and AB 540 Requirements

The Development, Relief, and Education for Alien Minors Act of 2010, “DREAM Act”  
(S. 3992; Senators Durban and Leahy)\*

**\*Elements of S. 3992 are still changing; clarifications will follow.** This fact sheet is based on the December 1 version of S.3992, printed 12/03/2010 at 5:00 pm Pacific. The DREAM Act is scheduled to be heard on December 8, 2010.

The major elements of the DREAM Act would accomplish three things:

- 1) Authorize, under specified conditions, the “cancellation of removal,” i.e., deportation of certain undocumented persons who are long term US residents and who entered the US as children.
- 2) Authorize, under specified conditions, the granting of “conditional nonimmigrant status” to certain undocumented persons who are long term US residents and who entered the US as children.
- 3) Allow one with “conditional nonimmigrant status” to, under certain conditions, “apply” to have his/her status “adjusted” to that of one “lawfully admitted for permanent residence.”

While both the DREAM Act and California’s AB540 require graduation from high school or a GED, plus admission to a US institution of higher education, the DREAM Act would allow students to receive financial aid in the form of unsubsidized federal student loans, **NOT** Pell Grants, and offers students and others with “conditional nonimmigrant status” (and meeting certain criteria) the ability to apply for legal residency within 10 years. The major advantage of AB 540 is that, unlike students in other states, California students meeting its criteria qualify to pay in-state tuition.

A side-by-side comparison of requirements under the DREAM ACT and AB 540 follows below.

### California Assembly Bill 540 (signed into law 2001)

Under AB 540, students who meet ALL of the outlined requirements will qualify to pay in-state tuition.

To qualify a student must:

- Attend a California high school for 3 or more years;
- Graduate from a California high school or receive the equivalent general education diploma (GED);
- Register or be currently enrolled in a California Community College, California State University, or a University of California;
- Sign a statement with the college or university (NOT with INS) stating that he/she will apply for legal residency as soon as he/she is eligible to do so.

### US Senate Bill S3992 (S. 3992; Senators Durban and Leahy)

Under S3992, students who meet ALL of the outlined requirements will qualify for conditional nonimmigrant status if the student:

- Has been physically present in the United States for a continuous period of not less than 5 years
- Is younger than 16 years of age on the date student entered the United States;
- Has been admitted to an institution of higher education in the United States, or earned a high school diploma or GED\*;
- Has not been imprisoned for more than one year, or convicted of 3 or more offenses under federal or state law leading to imprisonment for 90 days or more;
- Has never been deported;
- Is younger than 30 years old on the date of enactment of this Act (DREAM Act).

A person granted conditional nonimmigrant status shall be eligible only for the following assistance:

- Unsubsidized federal student loans, **NOT** Pell Grants;
- Federal work-study programs;
- Services under title IV.

A person granted conditional nonimmigrant status may:

- Be employed;
- Travel outside the United States for limited periods and be readmitted;
- Apply for permanent residence status within 10 years.