

A New DREAM for Young Immigrants

By Jerry Grzeca and John Sesini
June 2012



Across America this June, millions of young Americans celebrated their graduation from high school. This rite of passage marks a hopeful time, but the world facing the class of 2012 is uncertain, and the job market grim. For many foreign-born graduates, however, the world recently became a bit brighter. On June 15 President Obama announced that his administration would revive, in a limited way, a long-discussed proposal known as the DREAM Act.

The announcement was major news: it is possibly the most significant change to immigration policy in a decade. In a policy memorandum issued that day, the administration explained that not only would they stop deporting certain young immigrants, but US Citizenship and Immigration Services (USCIS) would grant them “deferred action” as well. Importantly, that means that qualified individuals will be granted work permits, and thereafter, obtain Social Security Numbers and driver’s licenses.

Specifically, immigrants aged 16 through 30 will be eligible for such benefits, provided that: 1) they entered the United States under the age of sixteen; 2) they have continuously lived in the US for at least five years and were present in the United States on or before June 15, 2012; 3) they are currently in school or have graduated from high school or college, or have been honorably discharged from the US military; and 4) have not been convicted of a serious criminal offense, or otherwise pose a threat to the community. It

also appears that immediate relief will be available to immigrants already facing deportation.

The policy announcement closely tracked the DREAM Act (Development Relief and Education for Alien Minors). A version of this bill was first proposed in August of 2001, and would have granted green cards to eligible young immigrants. Similar bills have been proposed in every Congress since. In fact, the law nearly passed in 2010 when it passed a vote in House of Representatives, and garnered majority support in in the Senate. Ultimately, though a few Senators killed the bill with procedural maneuvering.

The current policy, unlike the above congressional acts, does not create a pathway toward citizenship or even permanent residence. Rather, it is simply an extension of the policy of “prosecutorial discretion” in which the president directs resources toward priority enforcement targets and away from students and members of the military.

Specific details regarding the plan have not yet been released. More information about this new policy will become available the coming weeks and months. In the mean-time, however, every eligible individual should collect evidence of eligibility including birth certificates, school records, and proof of entry. Individuals not enrolled in school or who have not graduated from high school should explore the possibilities of enrollment (or enlistment).

Finally, a note of caution: when pursuing any immigration benefit there are many risks and stumbling blocks. Eligible immigrants must be careful to protect themselves. For amid the optimism and hope inspired by this new policy, schemers will try to make money, and well-meaning but ill-informed assistants can do serious harm. Only an experienced immigration attorney can evaluate those risks and usher applicants around those stumbling blocks.

For information about this new, limited “Dream Act,” or any other immigration matter, please contact Grzeca Law Group at (414) 342-3000 or visit our website at www.grzecalaw.com.

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