

6 Things You Need to Know About Deferred Action and DREAM Act Students

President Obama Takes Important Step to Help Immigrant Youth

SOURCE: AP/Nam
Y. Huh

Demonstrators hold signs during a rally for undocumented students, Saturday, March 10, 2012, at Daley Plaza in Chicago.



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Today President Barack Obama [announced](#) that his administration will suspend deportation (“deferred action”) and grant work authorization to DREAM Act-eligible youth, effective immediately. These youth, who were brought to the United States at a young age, have been living in limbo as Congress plays political football with their lives by failing to pass the [DREAM Act](#) and give them a pathway to legal status. Though the president’s action cannot grant permanent legal status, it is a significant step forward that will give piece of mind and the ability to work to a significant group of people.

The president’s announcement raised some questions, so we offer some clarity below by listing six things that you need to know about deferred action and DREAM Act students:

- 1. Does the president have the authority to do this?** Yes. Deferred action is a type of prosecutorial discretion available to the president as part of routine immigration law. It allows the president to stop or suspend the deportation of an individual and to grant that person work authorization. Presidents from both parties have used deferred action frequently [since 1971](#).
- 2. Who is eligible for deferred action?** Similar to the provisions of the [House-passed](#) version of the DREAM Act in 2010, anyone between the ages of 15 and 30 (who came to the United States

before age 16) is eligible if they have been in the United States for at least five years, are in or have completed high school, are in the armed services currently or have been honorably discharged, and have not been convicted of a felony, significant misdemeanor, or multiple misdemeanors.

3. How many people are eligible? Roughly [1 million people](#) will qualify. DREAMers not already known to the Department of Homeland Security will be able to come forward and apply for the deferred action.

4. Isn't this amnesty? Absolutely not. Deferred action is only a [temporary two-year status](#); it is not permanent residency. It isn't a reward for anything, and it does not allow any immigrant to bring over their family members. Further, it does not bring a single extra person into the United States. These youth already live here. DREAMers will be able to apply for this status, and it will be decided on a case-by-case basis. This is not a blanket form of relief.

5. Will this policy encourage more illegal immigration? No. This policy is neither a magnet for undocumented immigration nor a long-term solution to the problem. Only individuals who have been in the country for five years before today are eligible to apply for this temporary protection. It merely allows qualifying individuals to stop looking over their shoulder and start looking toward their future until Congress can overcome its paralysis.

6. Do we still need Congress to pass the DREAM Act? Yes! The president's announcement gives only temporary legal status to DREAM Act-eligible youth, and it can be revoked with the stroke of a pen by the next president. Only Congress can pass a law—[the DREAM Act](#)—to protect these students permanently and give them a pathway to citizenship.

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