

Legal Dreamers

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The term *Dreamers* is often used to refer to foreign nationals who were brought to the United States as children and lack lawful immigration status. This population has garnered much public and congressional attention. There is [broad-based but uneven public support](#) for providing these individuals with lawful permanent resident (LPR) status.

After Congress [repeatedly considered](#) but did not pass legislation to provide Dreamers with a means to adjust to permanent status, the Obama Administration established [Deferred Action for Childhood Arrivals \(DACA\)](#) in 2012. DACA enables its beneficiaries—unauthorized immigrants who first entered the United States before June 15, 2017, and before reaching age 16, and also meet other requirements—to live in the United States on a temporary, renewable basis. DACA recipients receive protection from removal and may receive work authorization. They are not granted or put on a pathway to be granted LPR status. Since DACA was implemented, and despite multiple bipartisan efforts, Congress has not passed legislation to provide Dreamers with a pathway to adjust to LPR status.

More recently, attention to Dreamers has expanded to encompass a different population also at risk of being removed from the United States, often after spending much of their childhood in the United States. These individuals, commonly referred to as *legal Dreamers* or *documented Dreamers*, are children of [nonimmigrant](#) (i.e., temporary) workers who face the prospect of aging out of lawful status or may have already done so. The *legal Dreamer* population stems from the growth of the [employment-based \(EB\) queue, or backlog](#). This queue consists mainly of lawful U.S. temporary residents (i.e., nonimmigrants) whose petitions for lawful permanent status have been approved but who must wait for a numerically limited green card. Because of annual numerical limits and a [7% per-country ceiling](#), many such prospective immigrants—particularly from major migrant-sending countries such as India and China—[must wait decades to receive LPR status](#). Waiting alongside them are any minor children who were included on their parents' immigration petitions, accompanied them to the United States, and consequently grew up in the United States.

Under the Immigration and Nationality Act (INA), the temporary legal status of such children ends when they reach age 21. Then, they face limited options. They can try to change to another nonimmigrant status—such as a student or temporary worker—providing them additional time in lawful status but not permanent legal status. Or, they can independently try to adjust to LPR status, typically through the INA's [family-based or employment-based provisions](#), which, if approved, often results in years of additional waiting time. Alternatively, they face the prospect of choosing between leaving the United States and

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returning to an unfamiliar birth country, or remaining in the United States as a now unauthorized alien subject to removal.

Historically, this group has been omitted from DACA and proposed bills that would provide permanent status to Dreamers, which typically would apply only to applicants who lack lawful immigration status. Some [contend](#) that omitting *legal Dreamers* from these bills is unfair and akin to punishing them for maintaining lawful status. They often [point out](#) that as long-term residents of U.S. communities and, in many cases, graduates of American schools and universities, they can contribute considerably to the United States.

While some advocates providing *legal Dreamers* with immigration relief cite [bipartisan support](#), others object to such legislation based on broader concerns about [foreign workers displacing U.S. workers](#). Opponents of increased immigration may also argue that giving LPR status to *legal Dreamers* would [raise permanent immigration levels](#) beyond current statutory limits established by Congress. Others argue that parents of *legal Dreamers*, knowing their children's immigration status would be [temporary](#), should not have expected immigration relief to be provided.

Estimating the Population of *Legal Dreamers*

Official data on the *legal Dreamer* population size are unavailable. Also, as with *Dreamers*, no established criteria define *legal Dreamers*. [One analysis](#) estimates the number of all children in the EB queue at roughly 250,000, and the number of potential children at risk of aging out of legal status over the coming two decades at roughly 100,000. This estimate does not account for new entrants to the EB queue who would be at risk of aging out over this two-decade period, nor does it include those who have already aged out and currently lack LPR status. Other estimates have emerged with specific proposed *legal Dreamer* legislation. For example, [one estimate](#) for H.R. 6, a bill that would grant *legal Dreamers* conditional permanent residence, suggested 190,000 individuals would meet the bill's educational and age-at-U.S.-entry requirements.

Selected Congressional Action

Some Members of Congress have demonstrated support for providing immigration relief to *legal Dreamers*. In November 2021, 49 Members [signed on](#) to a bicameral [letter](#) to the U.S. Department of Homeland Security (DHS) on its [proposed regulation](#) to formally implement DACA. The letter asked the Administration to expand the DACA criteria in two ways to include *legal Dreamers*: by not requiring that DACA applicants lack lawful status, and by allowing individuals who arrived in the United States after June 15, 2007, to qualify.

Some Members of Congress have also introduced bills addressing *legal Dreamers*. Some bills would provide relief to the current population of *legal Dreamers*. H.R. 4331 and S. 2753, for example, would allow certain children of nonimmigrant workers who graduate from college to adjust to LPR status through a new immigrant visa category that is not numerically limited. H.R. 6 would make certain *legal Dreamers* eligible for the same [pathway](#) to LPR status as other Dreamers addressed in the bill. Some bills include age-out protections in order to prevent more people from ending up as future *legal Dreamers*. These bills would amend the INA so that a child's age for immigration purposes is fixed at the time their parents' immigrant petition is filed, rather than when a numerically limited green card becomes available to their parents (which can be years or decades later).

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