

Report on the BRIDGE Act

(H.R.496/S.128)

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Background

There are approximately 1.3 million¹ undocumented students in the United States. Of that population, only about 2.5 percent will attend college, and of that 2.5 percent, only 1,950 will graduate every year with a college degree. Students have little remedy at the federal level, as programs such as Pell grants, work-study, and many federal loans are not made available to them. Without proper documentation, potential students may not fill out Free Application for Federal Student Aid (FAFSA) precluding them from many of the aforementioned benefits. Tuition equity for undocumented students is largely accomplished at the state level, with 15 states passing laws for tuition equality. Several states have passed laws restricting tuition equity, with all remaining states silent on the issue.

The DREAM Act

In January of 2015, Governor Christie signed the NJ Tuition Equity Act (NJ DREAM Act) allowing students attending public universities in New Jersey to receive in-state tuition should they meet several eligibility criteria. The New Jersey Dream Act was passed to provide an opportunity to students without legal status who attended for at least 3 years and graduated high school in New Jersey to receive in state tuition. Particularly, at Rutgers University “Students who have attended at least three years of high school in a New Jersey high school and graduate(d) from a New Jersey high school” may apply for and receive an exemption from nonresident tuition.² This legislation was essential for undocumented students as previously, undocumented students were considered non-residents due to their immigration status.

While this legislation allows for in state tuition for undocumented students, this legislation does not allow for undocumented students to receive financial aid. Thus in order for students to afford their education it is extremely important to pair this

¹[2014. Removing Barriers to Higher Education for Undocumented Students. Center for American Progress.](#)

² [Rutgers Admissions | NJ Tuition Eligibility](#)

legislation with executive action by former President Obama in the form of DACA.³ At Rutgers around 450 students are affected by both these issues and it is vital for their continued enrollment at the university.

Deferred Action for Childhood Arrivals (DACA)

Deferred Action for Childhood Arrivals (DACA) is a federal policy directive announced on June 15, 2012 by President Obama. DACA has created new opportunities for about 1.9 million undocumented youth who came to the U.S. before the age of 16, have lived in the U.S. continuously for at least five years, and have graduated from high school or obtained a GED. Qualifying immigrant youth can request a temporary two-year reprieve from deportation and apply for a work permit. DACA also provides beneficiaries a Social Security Number, temporary lawful presence, and a more tangible future in the United States. It does not, however, provide access to federal or state-based financial aid.

As of June 2016, U.S. Citizenship and Immigration Services⁴ (USCIS) had received 844,931 initial applications for DACA status, of which 741,546 (88%) were approved, 60,269 (7%) were denied, and 43,121 (5%) were pending. Over half of those accepted reside in California and Texas.

After enactment, DACA has demonstrated a significant positive impact on the economy of the USA as a whole. Through a survey of DACA recipients, 63 percent of recipients indicated that they moved to a higher paying job as a result of their new status. On average, hourly wages of recipients were increased by 42 percent. About 6 percent of recipients went on to start their own business, which is about twice the rate of Americans in general, 3.1 percent. Higher wages translate into higher tax revenue, which impacts the community in a positive manner. The survey also suggested that the purchasing power of DACA recipients increased. 21 percent of DACA recipients purchased a car; purchasing cars provides significant revenues to many states in the form of sales taxes as well as license and registration fees. Additionally, DACA allows its recipients to obtain an education. About a third of recipients of DACA recipients are pursuing a bachelor's degree or higher and 92 percent of those students would not have been able to pursue an education without their DACA status.⁵

In 2013, Congress attempted to defund DACA, however congressional appropriations only made up a small portion of the policy's budget, the large majority of it coming from application fees.

³ http://www.nj.com/politics/index.ssf/2017/01/christie_lured_undocumented_college_kids_out_of_sh.html

⁴ [Number of I-821D, Consideration of Deferred Action for Childhood Arrivals by Fiscal Year, Quarter, Intake, Biometrics and Case Status: 2012-2016.](#)

⁵ [New Study of DACA Beneficiaries Shows Positive Economic and Educational Outcomes](#)

In November 2015, President Obama announced further changes to DACA, expanding availability to nearly 45% of illegal aliens residing in the United States. This would be accompanied by Deferred Action for Parental Accountability (DAPA) which extended protections of parents of legal U.S. citizens who are not legal residents themselves.

About 26 States led by Texas have sued the federal government for these actions, and a temporary injunction has been ordered by a federal court halting all expansionary changes.

The BRIDGE Act

The BRIDGE Act (S.128), which stands for “Bar Removal of Individuals Who Dream of Growing Our Economy, is bipartisan legislation introduced by Senators Lindsey Graham (R-SC) and Dick Durbin (D-IL). This Act would allow eligible persons who have received work authorization and temporary relief from deportation through Deferred Action for Childhood Arrivals (DACA) to continue to live in the United States. The BRIDGE Act, if enacted, would make it possible for those who meet certain requirements (the same requirements for DACA) to apply for and receive “provisional protected presence” and work authorization for a three-year period. People who already have DACA would have provisional protected presence until their DACA’s expiration date, and at that time they would also be eligible to apply for provisional protected presence under this Act. This legislation would also impose restrictions on the sharing of information in DACA and provisional protected presence applications with the United States Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection for purposes of immigration enforcement.⁶

Applicants for The BRIDGE Act would have to pay a fee that is determined by the Secretary of Homeland Security, but fee exemptions would be provided in some circumstances.⁶ Applicants would be required to pay a reasonable fee, subject to criminal background checks, and meet all of the eligibility criteria listed below.⁷

To be eligible for provisional protected presence under this legislation, a person would have to:⁶

- Have been born after June 15, 1981;
- Have come to the U.S. before their sixteenth birthday;
- Have lived continuously in the U.S. since June 15, 2007;
- Have continuously resided in the U.S. from June 15, 2007, until the date of filing an application under the BRIDGE Act (except for travel using advance parole);

⁶ <https://www.nilc.org/issues/daca/faq-bridge-act/>

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<http://www.durbin.senate.gov/newsroom/press-releases/graham-durbin-announce-bipartisan-bridge-act-to-protect-young-individuals-from-deportation>

- Have been physically present in the U.S. on June 15, 2012, and at the time of filing an application under the BRIDGE Act;
- Not have had a lawful immigration status on June 15, 2012;
- At the time of filing an application under the BRIDGE Act, be currently in school or in an educational program aimed at obtaining a high school diploma or passing a general education development (GED) exam; or, at the time of applying, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or be an honorably discharged veteran of the Coast Guard or U.S. Armed Forces; and
- Not have been convicted of a felony offense, significant misdemeanor, or three or more misdemeanor offenses, or been deemed to pose a threat to national security or public safety.

The implications of The BRIDGE Act are very important when considering its place in the law. The BRIDGE Act is very different from DACA in terms of its stability, as DACA was an executive order put in place by President Obama, it can be overturned by President Trump or by future Presidents. The BRIDGE Act, however, is a proposed law by the United States Congress, which if passed becomes a part of the law, and could only be overturned with a new law by Congress. For those eligible, The BRIDGE Act would put in place a guarantee for three years to ensure that undocumented youth will not be deported from the United States.

The BRIDGE Act was introduced to the U.S. Senate, and will need to be approved by both houses of Congress, and then signed into law by the President.



Resolution to Endorse the BRIDGE Act (H.R.496/S.128)

Authors: Viktor Krapivin, Anish Patel, and Evan Covello

Sponsors: Legislative Affairs, Internal Affairs

Whereas, the current status of numerous students who attend Rutgers University is in question,

Whereas, the ninety-two percent of students can only afford to pursue a higher education because of their DACA status,

Whereas, all individuals should be able to pursue a higher education, regardless of immigration status,

Whereas, it is our duty as the student government to represent all students of Rutgers-New Brunswick.

Be It Hereby Resolved:

1. The Rutgers University Student Assembly endorses the BRIDGE Act,
2. The Rutgers University Student Assembly applauds the efforts of lead sponsors of S.128 in the Senate, Senators Lindsey Graham (R-SC) and Dick Durbin (D-IL), and co-sponsors Senators Lisa Murkowski (R-AK), Dianne Feinstein (D-CA), Jeff Flake (R-AZ), Chuck Schumer (D-NY) and Kamala Harris (D-CA),
3. The Rutgers University Student Assembly applauds the efforts of lead sponsors of H.R.496 in the House, Mike Coffman (R-CO) and Luis Gutierrez (D-IL), and co-sponsors Representatives Jeff Denham (R-CA), Lucille Roybal-Allard (D-CA), Carlos L. Curbelo (R-FL), Zoe Lofgren (D-CA), Ileana Ros-Lehtinen (R-FL) and Judy Chu (D-CA),
4. The Rutgers University Student Assembly thanks Rutgers University and its administration in its support of its students by raising awareness for this issue.