

117TH CONGRESS
1ST SESSION

H. R. 4815

To prohibit discrimination in higher education against certain noncitizen students on the basis of immigration status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. GALLEGO (for himself, Ms. WILLIAMS of Georgia, Mrs. KIRKPATRICK, Mr. GRIJALVA, Mr. ESPAILLAT, Ms. BARRAGÁN, Mr. CUELLAR, Ms. GARCIA of Texas, Mrs. NAPOLITANO, Mr. CÁRDENAS, Mr. STANTON, Mr. O'HALLERAN, Ms. OCASIO-CORTEZ, Mr. CARBAJAL, Ms. LEGER FERNANDEZ, Mr. SOTO, and Mr. VARGAS) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit discrimination in higher education against certain noncitizen students on the basis of immigration status, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Higher Education
5 Dream Act of 2021”.

1 **SEC. 2. HIGHER EDUCATION FOR DREAMER STUDENTS.**

2 Part B of title I of the Higher Education Act of 1965
3 (20 U.S.C. 1011 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 124. NONDISCRIMINATION AGAINST DREAMER STU-**
6 **DENTS IN HIGHER EDUCATION.**

7 “(a) **ELIGIBILITY.**—An institution of higher edu-
8 cation that receives Federal funds or financial assistance
9 under any Federal program shall not prohibit a Dreamer
10 student from applying for admission, nor shall it prohibit
11 a Dreamer student who is accepted to that institution
12 from enrolling.

13 “(b) **ADMISSIONS.**—An institution of higher edu-
14 cation that receives Federal funds or financial assistance
15 under any Federal program shall not discriminate against
16 or penalize in the admissions process a Dreamer student
17 who is otherwise qualified for admission to the institution,
18 on the basis of that individual’s immigration status, nor
19 shall such an institution differentiate in the admissions
20 process on the basis of residency between a United States
21 citizen applicant and a Dreamer student applying from the
22 same State.

23 “(c) **TUITION RATE.**—An institution of higher edu-
24 cation that receives Federal funds or financial assistance
25 under any Federal program shall not charge a greater rate
26 of tuition than the rate charged for residents of the State

1 in which the institution is located to a Dreamer student
2 who, but for such individual’s immigration status, other-
3 wise qualifies as a resident of the State in which the insti-
4 tution is located.

5 “(d) REMEDIES.—An institution of higher education
6 that violates subsection (a), (b), or (c) shall be subject to
7 the remedies described in sections 454 and 455 of the
8 General Education Provisions Act (8 U.S.C. 1234e,
9 1234d).

10 “(e) CONFIDENTIALITY OF INFORMATION.—

11 “(1) PROHIBITION.—No officer or employee of
12 the United States, of a State, or of an institution of
13 higher education that receives Federal funds or fi-
14 nancial assistance under any Federal program to
15 which a Dreamer student applies for admission or
16 enrolls, may—

17 “(A) use the information furnished by the
18 Dreamer student to arrest, detain, or initiate
19 removal proceedings against any person identi-
20 fied in that information;

21 “(B) make any publication whereby the in-
22 formation furnished by any particular Dreamer
23 student can be identified; or

24 “(C) permit anyone other than an officer
25 or employee of the Federal Government or the

1 institution of higher education to which a
2 Dreamer student applies or enrolls, to examine
3 any information provided by a Dreamer student
4 relating to that individual’s immigration status
5 or qualifications to be a Dreamer student.

6 “(2) PENALTY.—Whoever knowingly uses, pub-
7 lishes, or permits information to be examined in vio-
8 lation of this subsection shall be fined not more than
9 \$50,000.

10 “(f) DEFINITION OF DREAMER STUDENT.—In this
11 section, the term ‘Dreamer student’ means an individual
12 who—

13 “(1) is not a national of the United States (as
14 defined in section 101(a)(21) of the Immigration
15 and Nationality Act (8 U.S.C. 1101(21)));

16 “(2) maintains a residence in the United States
17 (as defined in section 101(a)(33) of such Act (8
18 U.S.C. 1101(33)));

19 “(3)(A) is not authorized to be temporarily in
20 the United States under subparagraph (F), (J), (M),
21 or (Q) of section 101(a)(15) of such Act (8 U.S.C.
22 1101(a)(15)); or

23 “(B) does not have an application pending for
24 the purpose of seeking such authorization;

1 “(4)(A) possesses a valid document or docu-
2 ments demonstrating that the individual is in a law-
3 ful immigration status in the United States (exclud-
4 ing a nonimmigrant status under subparagraph (F),
5 (J), (M), or (Q) of section 101(a)(15) of such Act
6 (8 U.S.C. 1101(a)(15)));

7 “(B) possesses a valid document or documents
8 demonstrating that the individual is lawfully present
9 in the United States (excluding lawful presence, or
10 a pending application, under any of such subpara-
11 graphs); or

12 “(C) possesses an expired document or docu-
13 ments demonstrating that the individual, in the past,
14 was granted—

15 “(i) deferred action pursuant to the De-
16 ferred Action for Childhood Arrivals policy an-
17 nounced by the Secretary of Homeland Security
18 on June 15, 2012;

19 “(ii) temporary protected status under sec-
20 tion 244 of the Immigration and Nationality
21 Act (8 U.S.C. 1254a);

22 “(iii) Deferred Enforced Departure; or

23 “(iv) status as the son or daughter of an
24 alien admitted as a nonimmigrant under sub-
25 paragraph (E)(i), (E)(ii), (H)(i)(b), or (L) of

1 section 101(a)(15) of such Act (8 U.S.C.
2 1101(a)(15));

3 “(5) was 18 years of age or younger on the
4 date on which the individual initially entered the
5 United States;

6 “(6) has provided a list of each secondary
7 school that the student attended in the United
8 States; and

9 “(7)(A) has earned a high school diploma, the
10 recognized equivalent of such diploma from a sec-
11 ondary school, or a high school equivalency diploma
12 in the United States or is scheduled to complete the
13 requirements for such a diploma or equivalent before
14 the next academic year begins;

15 “(B) has acquired a degree from an institution
16 of higher education or is enrolled in a program for
17 a baccalaureate degree or higher degree at an insti-
18 tution of higher education in the United States; or

19 “(C) has served in the uniformed services, as
20 defined in section 101 of title 10, United States
21 Code, for not less than 4 years and, if discharged,
22 received an honorable discharge.”.

23 **SEC. 3. FEDERAL AID ELIGIBILITY.**

24 Section 484(a)(5) of the Higher Education Act of
25 1965 (20 U.S.C. 1091(a)(5)) is amended by inserting “a

1 Dreamer student (as defined in section 124(f)),” after
2 “permanent resident of the United States,”.

3 **SEC. 4. REPEAL OF PROHIBITION.**

4 Section 505 of the Illegal Immigration Reform and
5 Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is
6 repealed.

