American Immigration Council

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FACT SHEET

Documented Dreamers: An Overview

Most noncitizens who come to the United States on temporary work visas do not have a clear path toward permanent legal status. Minor children who come with them often face a dilemma: after turning 21 years old, children "age out" of the temporary legal status derived through their parents' visas. They must confront the difficult choice of having to depart the United States or face potential deportation unless they can obtain a different temporary or permanent status themselves. These young people—some of whom have already aged out of their temporary status and many of whom will do so in the future without a legislative fix to their predicament—often refer to themselves as "Documented Dreamers."[1] Varying estimates indicate that there could be between 104,000-190,000 Documented Dreamers in the United States, predominantly from India and China, although they can come from any country in the world.[2]

Due to their lawful status in the United States until they turn 21, Documented Dreamers are excluded from the temporary deportation protections and work authorization afforded by the Deferred Action for Childhood Arrivals (DACA) initiative, which requires a recipient to have "no lawful status on June 15, 2012."[3] By extension, federal legislative proposals that seek to permanently protect DACA recipients do not necessarily offer protection to this group of individuals though recent proposals have sought to extend such protections.

This fact sheet provides an overview of Documented Dreamers, explains how children who grow up in the United States can age out of immigration status at 21, and summarizes the current federal legislative proposals to protect them from deportation.

Who are Documented Dreamers?

The parents of Documented Dreamers enter the United States under many different temporary, nonimmigrant visa categories. Many of these parents later pursue permanent residency in the United States (a green card), but their applications and petitions often remain stuck in years-long backlogs. Children who enter the country under a temporary, nonimmigrant visa category together with their parents are eligible to obtain permanent resident status through a parent as derivative beneficiaries but only until they turn 21. At age 21, if the parent cannot attain permanent residency, the children lose their temporary dependent status and are removed from the green card queue. In other words, they age out.[4] If this happens, these children will have to explore whether other options are available to re-start the green card process.

The H-1B category, which allows employers to petition for foreign professionals to work in certain "specialty occupations" that require a bachelor's degree or higher, is one of the most widely utilized temporary visa categories.[5] The minor children of an individual in H-1B status can come to the United States as H-4 dependents, which is a temporary, nonimmigrant visa category that allows them to legally remain in the United States for a limited period of time. The H-4 status would be valid for the same length of time as the approved H-1B status, unless shortened by the child reaching the age of 21.[6]

At the end of fiscal year 2024, there were an estimated 323,473 children waiting to obtain permanent residency based on their parents' employment-based immigrant visa petitions.[7] Many of these children are at risk of aging out of eligibility as their parents face enormous wait times before a green card becomes available. Because of numerical limits and restrictions by country of origin for receiving a green card, there are particularly large backlogs—and, thus, lengthy wait times—for individuals born in India and China.[8]

One study estimates that new applicants from India for the second and third employment-based categories of

green cards, which are the most sought after, will have to wait up to 134 years if these immigrant visas continue to be made available at the current rate.[9]

Without a legal status to remain in the United States, children who age out must attempt to obtain some form of immigration status on their own, leave the country, or become undocumented and risk being subjected to enforcement action. Those who manage to obtain temporary status often find themselves without many options to permanent status through an employment-based category unless they can graduate college, qualify for temporary employment (such as being sponsored for an H-1B visa), and then be sponsored for an immigrant visa and re-enter the green card queue from the back of the line.[10] Some could also become eligible for an immigrant visa through a family-based category if they have certain U.S. citizen or lawful permanent resident relatives.[11]

Why are Documented Dreamers not included in DACA protections?

DACA is an exercise of prosecutorial discretion, providing temporary relief from deportation (deferred action) and work authorization to certain young undocumented noncitizens.[12] Unlike federal legislation, DACA does not provide permanent legal status to individuals, and must be renewed every two years.[13] However, new applications to the program have been suspended since July 2021. To be eligible for the program, DACA applicants had to meet several requirements, including a requirement that the individual must have "[b]oth on June 15, 2012, and at the time of filing of the [DACA request], not have been in a lawful immigration status."[14] This requirement disqualifies the vast majority of Documented Dreamers who generally have lawful—but temporary—status.

Would the proposed Dream Act permanently protect Documented Dreamers?

The Dream Act would permanently protect certain noncitizens who came to the United States as children but are vulnerable to deportation. There are three main versions of the bill currently before Congress, each with similar implications for Documented Dreamers.

The Dream Act of 2025 (S. 3348), introduced in the Senate on December 4, 2025, by Senators Dick Durbin (D-IL) and Lisa Murkowski (R-AK), would provide Documented Dreamers a path to obtaining lawful permanent resident status.[15] The bill defines Documented Dreamers as the children of individuals on the following work visas: E-1 (treaty traders), E-2 (treaty investors), H-1B (specialty occupations) and L-1 (intracompany transferees).[16] This contrasts with the 2023 version of the bill, introduced in the prior Congress, which had previously excluded Documented Dreamers through a provision limiting eligibility to individuals "who [are] inadmissible or deportable from the United States," or who are in "temporary protected status."[17]

Similarly, the American Dream and Promise Act of 2025 (H.R. 1589), introduced in the House of Representatives on February 26, 2025, by Representative Sylvia Garcia (D-TX-29), establishes a path to lawful permanent resident status for the vast majority of Documented Dreamers, just as its previous iteration did in 2023.[18] This is due to a provision stating that the law would also apply to anyone who "is the son or daughter of an alien admitted as a nonimmigrant" under the E-1, E-2, H-1B, and L-1 temporary work visa programs, if the parent and child entered the United States on or before January 1, 2021, and the child meets other requirements.[19] It does not protect all Documented Dreamers, however, given that the children of workers under temporary statuses such as R-1 (religious workers visa category) and O-1 (extraordinary ability visa category) are excluded from the bill language.[20]

The American Dream and Promise Act of 2025 would allow eligible Documented Dreamers to obtain conditional permanent resident (CPR) status, which provides legal status and work authorization. They could then apply to remove the conditions and obtain permanent resident status after satisfying additional requirements.[21]

A version of the American Dream and Promise Act is included in the "DIGNIDAD" (Dignity) Act of 2025 (H.R. 4393). It was introduced on July 15, 2025 by Representative Maria Elvira Salazar (R-FL-27).[22] This fact sheet focuses on the American Dream and Promise Act given the similarity in the bills as they relate to Documented Dreamers.

What other current federal legislation would protect Documented Dreamers?

The bipartisan America's CHILDREN Act (S. 2886 and H.R. 5528) was reintroduced in both chambers in the 119th Congress. On September 18, 2025, Senator Alex Padilla (D-CA) introduced the bill, which was co-sponsored by nine other senators, including three Democrats, five Republicans, and one Independent.[23] The next day, Representative Deborah Ross (D-NC-2) introduced a companion bill , which was co-sponsored by 19 others, including 11 Democrats and 8 Republicans.[24] The bill would create a new uncapped category for lawful permanent residence and provide a path to lawful permanent resident status and eventual citizenship for most Documented Dreamers.[25]

To be eligible for lawful permanent residence, the individual would have to meet the following requirements:

- Cannot be inadmissible under section 212(a) or deportable under section 237(a) of the Immigration Nationality Act.
- Was admitted to the United States as a dependent child of a parent who was admitted to the United States in a nonimmigrant category (such as H-1B), except not on an A (ambassador or diplomat), G (foreign employee of an international organization), N (dependents of certain special immigrants) or S (informant in federal or state criminal case) nonimmigrant visa, for at least 8 years.
- At the time of application, must have been present in the United States for an aggregate period of at least 10 years.
- Graduated from an institution of higher education as defined in section 102(a) of the Higher Education Act of 1965.

The bill includes permanent protections for the current and future child dependents of parents admitted to the United States as long as the temporary visa program's purpose was to "engage in employment".[26] The American Dream and Promise Act of 2025 (H.R. 1589), on the other hand, limits protections to child dependents of a parent who was admitted to the United States on an E-1, E-2, H-1B, or L-1 visa on or before January 1, 2021.[27]

The America's CHILDREN Act would also amend the Immigration and Nationality Act to protect Documented Dreamers from aging out in the future. It would allow an individual who was a dependent on their parent's work visa for at least eight years before turning 21 to be considered a child by using their age at the time their parent filed for their initial employment-based petition or application. For other dependent children, it would prevent them from aging out by allowing them to use their age at the time an immigrant visa petition or labor certification application was filed (whichever is earlier).[28] If impacted by this change, child dependents with previously denied green card applications could have their case reopened if they file a motion no later than two years after the law takes effect.[29] The bill would authorize dependents to extend their temporary nonimmigrant status and obtain employment if a properly filed immigrant visa petition on behalf of the child or the parent is pending or approved (until either the petition is denied or the child receives permanent resident status).[30]

Conclusion

Documented Dreamers continue to face uncertainty because visa backlogs prevent many from obtaining permanent legal status through their parents' immigrant visa petitions or applications before they turn 21. This is despite having grown up in and having their immediate family present in the United States. Some federal legislative proposals focused on noncitizen children who are vulnerable to deportation have expanded to include protections for this population, reflecting a growing recognition of the challenges experienced by Documented Dreamers face.

ENDNOTES

1 "About Us." Improve the Dream, Accessed August 11, 2026, https://www.improvethedream.org/about/.

2 See e.g., David Bier, "100,000 Children in the Employment-Based Green Card Backlog at Risk of Family Separation," Cato Institute, November 20, 2020, https://www.cato.org/blog/100000-children-employment-based-green-card-backlog-risk-family-separation (estimating 104,00 children in the employment-based green card visa backlog could age out); and Julia Gelatt and Jeanne Batalova, "American Dream and Promise Act of 2021: Who Is Potentially Eligible?" Migration Policy Institute, March 2021, https://www.migrationpolicy.org/data-story/american-dream-and-promise-act-2021-who-potentially-eligible (estimating 190,000 "Legal DREAMers" met the age and entry requirements under the American Dream and Promise Act of 2021).

3 8 C.F.R. § 236.22(b)(4).

4 The Child Status Protection Act enables some children to preserve their age as under 21, even if their immigrant visa application or adjustment of status application is processed when they are older. Pub. L. No. 107-208, 116 Stat. 927 (Aug. 6, 2002). However, because of the requirements for calculating the age, this law does not protect most children when the parent's immigrant visa petition is employment-based.

5 See U.S. Citizenship and Immigration Services, "H-1B Specialty Occupations, " last updated September 21, 2026, https://www.uscis.gov/working-in-the-united-states/h-1b-specialty-occupations; U.S. Citizenship and Immigration Services, "H-1B Electronic Registration Process", last updated September 21, 2026, https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations/h-1b-electronic-registration-process.

6 David Bier, "100,000 Children in the Employment-Based Green Card Backlog at Risk of Family Separation," Cato Institute, November 20, 2020, https://www.cato.org/blog/100000-children-employment-based-green-card-backlog-risk-family-separation.

7 To estimate the number of child derivatives, the American Immigration Council used the Congressional Research Service method of computing the derivative immigrant multiplier, applying the most recently published figures from Principal Immigrant Petitions: USCIS, Form I-140, I-360, I-526 Approved Employment-Based Petitions Awaiting Visa Availability by Preference Category and Country of Birth As of September 2024, and the DHS Yearbook of Immigration Statistics 2024, Table 7. For example, each approved EB-1 petition represents an average of 0.68 derivative children. Multiplying this figure by the total EB-1 immigrant visas awaiting approval as of September 2024 equals an estimated 18,175 children awaiting an immigrant visa in that category. Applying the same method across all five employment-based preference categories yields an estimated 323,473 children waiting to obtain permanent residency based on their parents' employment-based immigrant visa petitions, as of September 2024.

8 U.S. Department of State, "Visa Bulletin for October 2026," https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2027/visa-bulletin-for-october-2026.html.

9 David Bier, "1.8 Million in Employment-Based Green Card Backlog," Cato Institute, August 29, 2023, https://www.cato.org/blog/18-million-employment-based-green-card-backlog.

10 David Bier, "New Bill Prevents Forced Departure of Documented Dreamers," Cato Institute, July 1, 2021, https://www.cato.org/blog/new-bill-prevents-forced-departure-documented-dreamers.

11 American Immigration Council, "How the United States Immigration System Works," June 24, 2024, https://www.americanimmigrationcouncil.org/fact-sheet/how-united-states-immigration-system-works-fact-sheet/.

12 See Deferred Action for Childhood Arrivals, 87 Fed. Reg. 53152 (October 31, 2022).

13 See 8 C.F.R. § 236.23(a)(4).

14 8 C.F.R. § 236.22(b)(4).

15 S.3348, 119th Cong. (2025).

ENDNOTES

16 S.3348, 119th Cong. (2025) at Section 3(b).

17 S. 365, 118th Cong. (2023) at Section 3(b).

18 David Bier, "House Bill Provides Path to Citizenship for Most Legal Dreamers," Cato Institute, March 4, 2021, https://www.cato.org/blog/house-bill-provides-path-citizenship-most-legal-dreamers (discussing the inclusion of documented dreamers in the American Dream and Promise Act (H.R. 6) introduced in the 117th Congress).

19 H.R. 16, 118th Cong. (2023) at Section 102(b)(1).

20 H.R. 16, 118th Cong. (2023) at Section 102(b)(1).

21 H.R. 16, 118th Cong. (2023) at Section 102(a)(b)(1).

22 H.R. 4393, 119th Cong. (2025).

23 S. 2886, 119th Cong. (2025).

24 H.R. 5528, 119th Cong. (2025).

25 S. 2886, 119th Cong. (2025) at Section 2(a); H.R. 5528, 119th Cong. (2025) at Section 2(a).

26 Ibid. The bill fails to recognize that E is not the only category in which USCIS approval of an employer petition is not required for admission to the United States. For example, a parent could be admitted to the United States in TN status without a USCIS-approved employer petition. As currently drafted, children admitted as dependents of this TN parent would not be eligible for permanent residence.

27 H.R. 1589, 119th Cong. (2025) at Section 102(b)(1).

28 S. 2886, 119th Cong. (2025) at Section 3(a)(1)(A); H.R. 5528, 119th Cong. (2025) at Section 3(a)(1)(A).

29 H.R. 5528, 119th Cong. (2025) at Section 3(a)(2)(B); S. 2886, 119th Cong. (2025) at Section 3(a)(2)(B).

30 H.R. 5528, 119th Cong. (2025) at Section 3(b); S. 2886, 119th Cong. (2025) at Section 3(b).