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# H. R. 6

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IN THE SENATE OF THE UNITED STATES

JUNE 5, 2019

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Read the second time and placed on the calendar

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## AN ACT

To authorize the cancellation of removal and adjustment  
of status of certain aliens, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “American Dream and Promise Act of 2019”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

### TITLE I—DREAM ACT

Sec. 101. Short title.

Subtitle A—Treatment of Certain Long-term Residents Who Entered the  
United States as Children

- Sec. 111. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children.
- Sec. 112. Terms of permanent resident status on a conditional basis.
- Sec. 113. Removal of conditional basis of permanent resident status.

Subtitle B—General Provisions

- Sec. 121. Definitions.
- Sec. 122. Submission of biometric and biographic data; background checks.
- Sec. 123. Limitation on removal; application and fee exemption; waiver of grounds for inadmissibility and other conditions on eligible individuals.
- Sec. 124. Determination of continuous presence and residence.
- Sec. 125. Exemption from numerical limitations.
- Sec. 126. Availability of administrative and judicial review.
- Sec. 127. Documentation requirements.
- Sec. 128. Rule making.
- Sec. 129. Confidentiality of information.
- Sec. 130. Grant program to assist eligible applicants.
- Sec. 131. Provisions affecting eligibility for adjustment of status.
- Sec. 132. Supplementary surcharge for appointed counsel.
- Sec. 133. Annual report on provisional denial authority.

TITLE II—AMERICAN PROMISE ACT

- Sec. 201. Short title.

Subtitle A—Treatment of Certain Nationals of Certain Countries Designated  
for Temporary Protected Status or Deferred Enforced Departure

- Sec. 211. Adjustment of status for certain nationals of certain countries designated for temporary protected status or deferred enforced departure.

Subtitle B—General Provisions

- Sec. 221. Definitions.
- Sec. 222. Submission of biometric and biographic data; background checks.
- Sec. 223. Limitation on removal; application and fee exemption; waiver of grounds for inadmissibility and other conditions on eligible individuals.
- Sec. 224. Determination of continuous presence.
- Sec. 225. Exemption from numerical limitations.
- Sec. 226. Availability of administrative and judicial review.
- Sec. 227. Documentation requirements.
- Sec. 228. Rule making.
- Sec. 229. Confidentiality of information.
- Sec. 230. Grant program to assist eligible applicants.
- Sec. 231. Provisions affecting eligibility for adjustment of status.

# **TITLE I—DREAM ACT**

## **SEC. 101. SHORT TITLE.**

This title may be cited as the “Dream Act of 2019”.

## **Subtitle A—Treatment of Certain Long-term Residents Who Entered the United States as Children**

## **SEC. 111. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**

(a) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of law, and except as provided in section 113(c)(2), an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions of this title.

### **(b) REQUIREMENTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, or without the conditional basis as provided in section 113(c)(2), an

1 alien who is inadmissible or deportable from the  
2 United States (or is under a grant of Deferred En-  
3 forced Departure or has temporary protected status  
4 under section 244 of the Immigration and Nation-  
5 ality Act (8 U.S.C. 1254a)) if—

6 (A) the alien has been continuously phys-  
7 ically present in the United States since the  
8 date that is 4 years before the date of the en-  
9 actment of this Act;

10 (B) the alien was younger than 18 years of  
11 age on the date on which the alien entered the  
12 United States and has continuously resided in  
13 the United States since such entry;

14 (C) the alien—

15 (i) subject to section 123(d), is not in-  
16 admissible under paragraph (1), (6)(E),  
17 (6)(G), (8), or (10) of section 212(a) of  
18 the Immigration and Nationality Act (8  
19 U.S.C. 1182(a));

20 (ii) has not ordered, incited, assisted,  
21 or otherwise participated in the persecution  
22 of any person on account of race, religion,  
23 nationality, membership in a particular so-  
24 cial group, or political opinion; and

(iii) is not barred from adjustment of status under this title based on the criminal and national security grounds described under subsection (c), subject to the provisions of such subsection; and

(D) the alien—

(i) has been admitted to an institution of higher education;

(ii) has been admitted to an area career and technical education school at the postsecondary level;

(iii) in the United States, has obtained—

(I) a high school diploma or a commensurate alternative award from a public or private high school;

(II) a General Education Development credential, a high school equivalency diploma recognized under State law, or another similar State-authorized credential;

(III) a credential or certificate from an area career and technical education school at the secondary level; or

1 (IV) a recognized postsecondary  
2 credential; or

3 (iv) is enrolled in secondary school or  
4 in an education program assisting students  
5 in—

6 (I) obtaining a high school di-  
7 ploma or its recognized equivalent  
8 under State law;

9 (II) passing the General Edu-  
10 cation Development test, a high school  
11 equivalence diploma examination, or  
12 other similar State-authorized exam;

13 (III) obtaining a certificate or  
14 credential from an area career and  
15 technical education school providing  
16 education at the secondary level; or

17 (IV) obtaining a recognized post-  
18 secondary credential.

19 (2) APPLICATION FEE.—

20 (A) IN GENERAL.—The Secretary may,  
21 subject to an exemption under section 123(c),  
22 require an alien applying under this section to  
23 pay a reasonable fee that is commensurate with  
24 the cost of processing the application but does  
25 not exceed \$495.00.

1 (B) SPECIAL PROCEDURE FOR APPLICANTS

2 WITH DACA.—The Secretary shall establish a  
3 streamlined procedure for aliens who have been  
4 granted DACA and who meet the requirements  
5 for renewal (under the terms of the program in  
6 effect on January 1, 2017) to apply for can-  
7 cellation of removal and adjustment of status to  
8 that of an alien lawfully admitted for perma-  
9 nent residence on a conditional basis under this  
10 section, or without the conditional basis as pro-  
11 vided in section 113(c)(2). Such procedure shall  
12 not include a requirement that the applicant  
13 pay a fee, except that the Secretary may re-  
14 quire an applicant who meets the requirements  
15 for lawful permanent residence without the con-  
16 ditional basis under section 113(c)(2) to pay a  
17 fee that is commensurate with the cost of proc-  
18 essing the application, subject to the exemption  
19 under section 123(c).

20 (3) BACKGROUND CHECKS.—The Secretary

21 may not grant an alien permanent resident status on  
22 a conditional basis under this section until the re-  
23 quirements of section 122 are satisfied.

24 (4) MILITARY SELECTIVE SERVICE.—An alien

25 applying for permanent resident status on a condi-

1 tional basis under this section, or without the condi-  
2 tional basis as provided in section 113(c)(2), shall  
3 establish that the alien has registered under the  
4 Military Selective Service Act (50 U.S.C. 3801 et  
5 seq.), if the alien is subject to registration under  
6 such Act.

7 (c) CRIMINAL AND NATIONAL SECURITY BARS.—

8 (1) GROUNDS OF INELIGIBILITY.—Except as  
9 provided in paragraph (2), an alien is ineligible for  
10 adjustment of status under this title (whether on a  
11 conditional basis or without the conditional basis as  
12 provided in section 113(c)(2)) if any of the following  
13 apply:

14 (A) The alien is inadmissible under para-  
15 graph (2) or (3) of section 212(a) of the Immi-  
16 gration and Nationality Act (8 U.S.C. 1182(a)).

17 (B) Excluding any offense under State law  
18 for which an essential element is the alien's im-  
19 migration status, and any minor traffic offense,  
20 the alien has been convicted of—

21 (i) any felony offense;

22 (ii) three or more misdemeanor of-  
23 fenses (excluding simple possession of can-  
24 nabis or cannabis-related paraphernalia,  
25 any offense involving cannabis or cannabis-



1 related paraphernalia which is no longer  
2 prosecutable in the State in which the con-  
3 viction was entered, and any offense involv-  
4 ing civil disobedience without violence) not  
5 occurring on the same date, and not aris-  
6 ing out of the same act, omission, or  
7 scheme of misconduct; or

8 (iii) a misdemeanor offense of domes-  
9 tic violence, unless the alien demonstrates  
10 that such crime is related to the alien hav-  
11 ing been—

12 (I) a victim of domestic violence,  
13 sexual assault, stalking, child abuse or  
14 neglect, abuse or neglect in later life,  
15 or human trafficking;

16 (II) battered or subjected to ex-  
17 treme cruelty; or

18 (III) a victim of criminal activity  
19 described in section 101(a)(15)(U)(iii)  
20 of the Immigration and Nationality  
21 Act (8 U.S.C. 1101(a)(15)(U)(iii)).

22 (2) WAIVERS FOR CERTAIN MISDEMEANORS.—

23 For humanitarian purposes, family unity, or if oth-  
24 erwise in the public interest, the Secretary may—

1 (A) waive the grounds of inadmissibility  
2 under subparagraphs (A), (C), and (D) of sec-  
3 tion 212(a)(2) of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1182(a)(2)), unless the con-  
5 viction forming the basis for inadmissibility  
6 would otherwise render the alien ineligible  
7 under paragraph (1)(B) (subject to subpara-  
8 graph (B)); and

9 (B) for purposes of clauses (ii) and (iii) of  
10 paragraph (1)(B), waive consideration of—

11 (i) one misdemeanor offense if the  
12 alien has not been convicted of any offense  
13 in the 5-year period preceding the date on  
14 which the alien applies for adjustment of  
15 status under this title; or

16 (ii) up to two misdemeanor offenses if  
17 the alien has not been convicted of any of-  
18 fense in the 10-year period preceding the  
19 date on which the alien applies for adjust-  
20 ment of status under this title.

21 (3) AUTHORITY TO CONDUCT SECONDARY RE-  
22 VIEW.—

23 (A) IN GENERAL.—Notwithstanding an  
24 alien's eligibility for adjustment of status under  
25 this title, and subject to the procedures de-

1           scribed in this paragraph, the Secretary of  
2           Homeland Security may, as a matter of non-  
3           delegable discretion, provisionally deny an appli-  
4           cation for adjustment of status (whether on a  
5           conditional basis or without the conditional  
6           basis as provided in section 113(c)(2)) if the  
7           Secretary, based on clear and convincing evi-  
8           dence, which shall include credible law enforce-  
9           ment information, determines that the alien is  
10          described in subparagraph (B) or (D).

11                 (B) PUBLIC SAFETY.—An alien is de-  
12          scribed in this subparagraph if—

13                         (i) excluding simple possession of can-  
14                         nabis or cannabis-related paraphernalia,  
15                         any offense involving cannabis or cannabis-  
16                         related paraphernalia which is no longer  
17                         prosecutable in the State in which the con-  
18                         viction was entered, any offense under  
19                         State law for which an essential element is  
20                         the alien's immigration status, any offense  
21                         involving civil disobedience without vio-  
22                         lence, and any minor traffic offense, the  
23                         alien—

24                                 (I) has been convicted of a mis-  
25                                 demeanor offense punishable by a

1 term of imprisonment of more than  
2 30 days; or

3 (II) has been adjudicated delin-  
4 quent in a State or local juvenile court  
5 proceeding that resulted in a disposi-  
6 tion ordering placement in a secure  
7 facility; and

8 (ii) the alien poses a significant and  
9 continuing threat to public safety related  
10 to such conviction or adjudication.

11 (C) PUBLIC SAFETY DETERMINATION.—

12 For purposes of subparagraph (B)(ii), the Sec-  
13 retary shall consider the recency of the convic-  
14 tion or adjudication; the length of any imposed  
15 sentence or placement; the nature and serious-  
16 ness of the conviction or adjudication, including  
17 whether the elements of the offense include the  
18 unlawful possession or use of a deadly weapon  
19 to commit an offense or other conduct intended  
20 to cause serious bodily injury; and any miti-  
21 gating factors pertaining to the alien's role in  
22 the commission of the offense.

23 (D) GANG PARTICIPATION.—An alien is  
24 described in this subparagraph if the alien has,  
25 within the 5 years immediately preceding the

1 date of the application, knowingly, willfully, and  
2 voluntarily participated in offenses committed  
3 by a criminal street gang (as described in sub-  
4 sections (a) and (c) of section 521 of title 18,  
5 United States Code) with the intent to promote  
6 or further the commission of such offenses.

7 (E) EVIDENTIARY LIMITATION.—For pur-  
8 poses of subparagraph (D), allegations of gang  
9 membership obtained from a State or Federal  
10 in-house or local database, or a network of  
11 databases used for the purpose of recording and  
12 sharing activities of alleged gang members  
13 across law enforcement agencies, shall not es-  
14 tablish the participation described in such para-  
15 graph.

16 (F) NOTICE.—

17 (i) IN GENERAL.—Prior to rendering  
18 a discretionary decision under this para-  
19 graph, the Secretary of Homeland Security  
20 shall provide written notice of the intent to  
21 provisionally deny the application to the  
22 alien (or the alien's counsel of record, if  
23 any) by certified mail and, if an electronic  
24 mail address is provided, by electronic mail

(or other form of electronic communication). Such notice shall—

(I) articulate with specificity all grounds for the preliminary determination, including the evidence relied upon to support the determination; and

(II) provide the alien with not less than 90 days to respond.

(ii) SECOND NOTICE.—Not more than 30 days after the issuance of the notice under clause (i), the Secretary of Homeland Security shall provide a second written notice that meets the requirements of such clause.

(iii) NOTICE NOT RECEIVED.—Notwithstanding any other provision of law, if an applicant provides good cause for not contesting a provisional denial under this paragraph, including a failure to receive notice as required under this subparagraph, the Secretary of Homeland Security shall, upon a motion filed by the alien, reopen an application for adjustment of status under this title and allow the applicant

1 an opportunity to respond, consistent with  
2 clause (i)(II).

3 (G) JUDICIAL REVIEW.—An alien is enti-  
4 tled to judicial review of the Secretary’s deci-  
5 sion to provisionally deny an application under  
6 this paragraph in accordance with the proce-  
7 dures described in section 126(c).

8 (4) DEFINITIONS.—For purposes of this sub-  
9 section—

10 (A) the term “felony offense” means an of-  
11 fense under Federal or State law that is pun-  
12 ishable by a maximum term of imprisonment of  
13 more than 1 year;

14 (B) the term “misdemeanor offense”  
15 means an offense under Federal or State law  
16 that is punishable by a term of imprisonment of  
17 more than 5 days but not more than 1 year;

18 (C) the term “crime of domestic violence”  
19 means any offense that has as an element the  
20 use, attempted use, or threatened use of phys-  
21 ical force against a person committed by a cur-  
22 rent or former spouse of the person, by an indi-  
23 vidual with whom the person shares a child in  
24 common, by an individual who is cohabiting  
25 with or has cohabited with the person as a

1 spouse, by an individual similarly situated to a  
2 spouse of the person under the domestic or  
3 family violence laws of the jurisdiction where  
4 the offense occurs, or by any other individual  
5 against a person who is protected from that in-  
6 dividual's acts under the domestic or family vio-  
7 lence laws of the United States or any State,  
8 Indian tribal government, or unit of local gov-  
9 ernment; and

10 (D) the term "convicted", "conviction",  
11 "adjudicated", or "adjudication" does not in-  
12 clude a judgment that has been expunged or set  
13 aside, that resulted in a rehabilitative disposi-  
14 tion, or the equivalent.

15 (d) LIMITATION ON REMOVAL OF CERTAIN ALIEN  
16 MINORS.—An alien who is under 18 years of age and  
17 meets the requirements under subparagraphs (A), (B),  
18 and (C) of subsection (b)(1) shall be provided a reasonable  
19 opportunity to meet the educational requirements under  
20 subparagraph (D) of such subsection. The Attorney Gen-  
21 eral or the Secretary may not commence or continue with  
22 removal proceedings against such an alien.

23 (e) WITHDRAWAL OF APPLICATION.—The Secretary  
24 of Homeland Security shall, upon receipt of a request to  
25 withdraw an application for adjustment of status under



1 this section, cease processing of the application, and close  
2 the case. Withdrawal of the application under this sub-  
3 section shall not prejudice any future application filed by  
4 the applicant for any immigration benefit under this title  
5 or under the Immigration and Nationality Act (8 U.S.C.  
6 1101 et seq.).

7 **SEC. 112. TERMS OF PERMANENT RESIDENT STATUS ON A**  
8 **CONDITIONAL BASIS.**

9 (a) PERIOD OF STATUS.—Permanent resident status  
10 on a conditional basis is—

11 (1) valid for a period of 10 years, unless such  
12 period is extended by the Secretary; and

13 (2) subject to revocation under subsection (c).

14 (b) NOTICE OF REQUIREMENTS.—At the time an  
15 alien obtains permanent resident status on a conditional  
16 basis, the Secretary shall provide notice to the alien re-  
17 garding the provisions of this title and the requirements  
18 to have the conditional basis of such status removed.

19 (c) REVOCATION OF STATUS.—The Secretary may  
20 revoke the permanent resident status on a conditional  
21 basis of an alien only if the Secretary—

22 (1) determines that the alien ceases to meet the  
23 requirements under section 111(b)(1)(C); and

24 (2) prior to the revocation, provides the alien—

25 (A) notice of the proposed revocation; and

1 (B) the opportunity for a hearing to pro-  
2 vide evidence that the alien meets such require-  
3 ments or otherwise to contest the proposed rev-  
4 ocation.

5 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—  
6 An alien whose permanent resident status on a conditional  
7 basis expires under subsection (a)(1) or is revoked under  
8 subsection (c), shall return to the immigration status that  
9 the alien had immediately before receiving permanent resi-  
10 dent status on a conditional basis.

11 **SEC. 113. REMOVAL OF CONDITIONAL BASIS OF PERMA-**  
12 **NENT RESIDENT STATUS.**

13 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL  
14 BASIS.—

15 (1) IN GENERAL.—Subject to paragraph (2),  
16 the Secretary shall remove the conditional basis of  
17 an alien's permanent resident status granted under  
18 this title and grant the alien status as an alien law-  
19 fully admitted for permanent residence if the alien—

20 (A) is described in section 111(b)(1)(C);

21 (B) has not abandoned the alien's resi-  
22 dence in the United States during the period in  
23 which the alien has permanent resident status  
24 on a conditional basis; and

1 (C)(i) has obtained a degree from an insti-  
2 tution of higher education, or has completed at  
3 least 2 years, in good standing, of a program in  
4 the United States leading to a bachelor's degree  
5 or higher degree or a recognized postsecondary  
6 credential from an area career and technical  
7 education school providing education at the  
8 postsecondary level;

9 (ii) has served in the Uniformed Services  
10 for at least 2 years and, if discharged, received  
11 an honorable discharge; or

12 (iii) demonstrates earned income for peri-  
13 ods totaling at least 3 years and at least 75  
14 percent of the time that the alien has had a  
15 valid employment authorization, except that, in  
16 the case of an alien who was enrolled in an in-  
17 stitution of higher education, an area career  
18 and technical education school to obtain a rec-  
19 ognized postsecondary credential, or an edu-  
20 cation program described in section  
21 111(b)(1)(D)(iii), the Secretary shall reduce  
22 such total 3-year requirement by the total of  
23 such periods of enrollment.

24 (2) HARDSHIP EXCEPTION.—The Secretary  
25 shall remove the conditional basis of an alien's per-

1       manent resident status and grant the alien status as  
2       an alien lawfully admitted for permanent residence  
3       if the alien—

4               (A) satisfies the requirements under sub-  
5       paragraphs (A) and (B) of paragraph (1);

6               (B) demonstrates compelling circumstances  
7       for the inability to satisfy the requirements  
8       under subparagraph (C) of such paragraph; and

9               (C) demonstrates that—

10                   (i) the alien has a disability;

11                   (ii) the alien is a full-time caregiver;

12               or

13                   (iii) the removal of the alien from the  
14       United States would result in hardship to  
15       the alien or the alien's spouse, parent, or  
16       child who is a national of the United  
17       States or is lawfully admitted for perma-  
18       nent residence.

19       (3) CITIZENSHIP REQUIREMENT.—

20               (A) IN GENERAL.—Except as provided in  
21       subparagraph (B), the conditional basis of an  
22       alien's permanent resident status granted under  
23       this title may not be removed unless the alien  
24       demonstrates that the alien satisfies the re-

1           quirements under section 312(a) of the Immi-  
2           gration and Nationality Act (8 U.S.C. 1423(a)).

3           (B) EXCEPTION.—Subparagraph (A) shall  
4           not apply to an alien who is unable to meet the  
5           requirements under such section 312(a) due to  
6           disability.

7           (4) APPLICATION FEE.—The Secretary may,  
8           subject to an exemption under section 123(c), re-  
9           quire aliens applying for removal of the conditional  
10          basis of an alien’s permanent resident status under  
11          this section to pay a reasonable fee that is commensurate with the cost of processing the application.

12          (5) BACKGROUND CHECK.—The Secretary may  
13          not remove the conditional basis of an alien’s permanent resident status until the requirements of section 122 are satisfied.

14          (b) TREATMENT FOR PURPOSES OF NATURALIZATION.—  
15          TION.—

16          (1) IN GENERAL.—For purposes of title III of  
17          the Immigration and Nationality Act (8 U.S.C. 1401  
18          et seq.), an alien granted permanent resident status  
19          on a conditional basis shall be considered to have  
20          been admitted to the United States, and be present  
21          in the United States, as an alien lawfully admitted  
22          for permanent residence.

1           (2) LIMITATION ON APPLICATION FOR NATU-  
2           RALIZATION.—An alien may not apply for natu-  
3           ralization while the alien is in permanent resident  
4           status on a conditional basis.

5           (c) TIMING OF APPROVAL OF LAWFUL PERMANENT  
6           RESIDENT STATUS.—

7           (1) IN GENERAL.—An alien granted permanent  
8           resident status on a conditional basis under this title  
9           may apply to have such conditional basis removed at  
10          any time after such alien has met the eligibility re-  
11          quirements set forth in subsection (a).

12          (2) APPROVAL WITH REGARD TO INITIAL APPLI-  
13          CATIONS.—

14               (A) IN GENERAL.—Notwithstanding any  
15               other provision of law, the Secretary or the At-  
16               torney General shall cancel the removal of, and  
17               adjust to the status of an alien lawfully admit-  
18               ted for permanent resident status without con-  
19               ditional basis, any alien who—

20                       (i) demonstrates eligibility for lawful  
21                       permanent residence status on a condi-  
22                       tional basis under section 111(b); and

23                       (ii) subject to the exceptions described  
24                       in subsections (a)(2) and (a)(3)(B) of this  
25                       section, already has fulfilled the require-

ments of paragraphs (1) and (3) of subsection (a) of this section at the time such alien first submits an application for benefits under this title.

(B) BACKGROUND CHECKS.—Subsection (a)(5) shall apply to an alien seeking lawful permanent resident status without conditional basis in an initial application in the same manner as it applies to an alien seeking removal of the conditional basis of an alien’s permanent resident status. Section 111(b)(3) shall not be construed to require the Secretary to conduct more than one identical security or law enforcement background check on such an alien.

(C) APPLICATION FEES.—In the case of an alien seeking lawful permanent resident status without conditional basis in an initial application, the alien shall pay the fee required under subsection (a)(4), subject to the exemption allowed under section 123(c), but shall not be required to pay the application fee under section 111(b)(2).

## **Subtitle B—General Provisions**

### **SEC. 121. DEFINITIONS.**

In this title:

1           (1) IN GENERAL.—Except as otherwise specifi-  
2 cally provided, any term used in this title that is  
3 used in the immigration laws shall have the meaning  
4 given such term in the immigration laws.

5           (2) APPROPRIATE UNITED STATES DISTRICT  
6 COURT.—The term “appropriate United States dis-  
7 trict court” mean the United States District Court  
8 for the District of Columbia or the United States  
9 district court with jurisdiction over the alien’s prin-  
10 cipal place of residence.

11          (3) AREA CAREER AND TECHNICAL EDUCATION  
12 SCHOOL.—The term “area career and technical edu-  
13 cation school” has the meaning given such term in  
14 section 3 of the Carl D. Perkins Career and Tech-  
15 nical Education Act of 2006 (20 U.S.C. 2302).

16          (4) DACA.—The term “DACA” means de-  
17 ferred action granted to an alien pursuant to the  
18 Deferred Action for Childhood Arrivals policy an-  
19 nounced by the Secretary of Homeland Security on  
20 June 15, 2012.

21          (5) DISABILITY.—The term “disability” has the  
22 meaning given such term in section 3(1) of the  
23 Americans with Disabilities Act of 1990 (42 U.S.C.  
24 12102(1)).



1           (6) FEDERAL POVERTY LINE.—The term “Fed-  
2       eral poverty line” has the meaning given such term  
3       in section 213A(h) of the Immigration and Nation-  
4       ality Act (8 U.S.C. 1183a).

5           (7) HIGH SCHOOL; SECONDARY SCHOOL.—The  
6       terms “high school” and “secondary school” have  
7       the meanings given such terms in section 8101 of  
8       the Elementary and Secondary Education Act of  
9       1965 (20 U.S.C. 7801).

10          (8) IMMIGRATION LAWS.—The term “immigra-  
11       tion laws” has the meaning given such term in sec-  
12       tion 101(a)(17) of the Immigration and Nationality  
13       Act (8 U.S.C. 1101(a)(17)).

14          (9) INSTITUTION OF HIGHER EDUCATION.—The  
15       term “institution of higher education”—

16                (A) except as provided in subparagraph  
17                (B), has the meaning given such term in section  
18                102 of the Higher Education Act of 1965 (20  
19                U.S.C. 1002); and

20                (B) does not include an institution of high-  
21       er education outside of the United States.

22          (10) RECOGNIZED POSTSECONDARY CREDEN-  
23       TIAL.—The term “recognized postsecondary creden-  
24       tial” has the meaning given such term in section 3

1 of the Workforce Innovation and Opportunity Act  
2 (29 U.S.C. 3102).

3 (11) SECRETARY.—Except as otherwise specifi-  
4 cally provided, the term “Secretary” means the Sec-  
5 retary of Homeland Security.

6 (12) UNIFORMED SERVICES.—The term “Uni-  
7 formed Services” has the meaning given the term  
8 “uniformed services” in section 101(a) of title 10,  
9 United States Code.

10 **SEC. 122. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**  
11 **DATA; BACKGROUND CHECKS.**

12 (a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
13 DATA.—The Secretary may not grant an alien adjustment  
14 of status under this title, on either a conditional or perma-  
15 nent basis, unless the alien submits biometric and bio-  
16 graphic data, in accordance with procedures established  
17 by the Secretary. The Secretary shall provide an alter-  
18 native procedure for aliens who are unable to provide such  
19 biometric or biographic data because of a physical impair-  
20 ment.

21 (b) BACKGROUND CHECKS.—The Secretary shall use  
22 biometric, biographic, and other data that the Secretary  
23 determines appropriate to conduct security and law en-  
24 forcement background checks and to determine whether  
25 there is any criminal, national security, or other factor

1 that would render the alien ineligible for adjustment of  
2 status under this title, on either a conditional or perma-  
3 nent basis. The status of an alien may not be adjusted,  
4 on either a conditional or permanent basis, unless security  
5 and law enforcement background checks are completed to  
6 the satisfaction of the Secretary.

7 **SEC. 123. LIMITATION ON REMOVAL; APPLICATION AND**  
8 **FEE EXEMPTION; WAIVER OF GROUNDS FOR**  
9 **INADMISSIBILITY AND OTHER CONDITIONS**  
10 **ON ELIGIBLE INDIVIDUALS.**

11 (a) **LIMITATION ON REMOVAL.**—An alien who ap-  
12 pears to be prima facie eligible for relief under this title  
13 shall be given a reasonable opportunity to apply for such  
14 relief and may not be removed until, subject to section  
15 126(c), a final decision establishing ineligibility for relief  
16 is rendered.

17 (b) **APPLICATION.**—An alien present in the United  
18 States who has been ordered removed or has been per-  
19 mitted to depart voluntarily from the United States may,  
20 notwithstanding such order or permission to depart, apply  
21 for adjustment of status under this title. Such alien shall  
22 not be required to file a separate motion to reopen, recon-  
23 sider, or vacate the order of removal. If the Secretary ap-  
24 proves the application, the Secretary shall cancel the order  
25 of removal. If the Secretary renders a final administrative

1 decision to deny the application, the order of removal or  
2 permission to depart shall be effective and enforceable to  
3 the same extent as if the application had not been made,  
4 only after all available administrative and judicial rem-  
5 edies have been exhausted.

6 (c) FEE EXEMPTION.—An applicant may be exempt-  
7 ed from paying an application fee required under this title  
8 if the applicant—

9 (1) is younger than 18 years of age;

10 (2) received total income, during the 12-month  
11 period immediately preceding the date on which the  
12 applicant files an application under this title, that is  
13 less than 150 percent of the Federal poverty line;

14 (3) is in foster care or otherwise lacks any pa-  
15 rental or other familial support; or

16 (4) cannot care for himself or herself because of  
17 a serious, chronic disability.

18 (d) WAIVER OF GROUNDS OF INADMISSIBILITY.—  
19 With respect to any benefit under this title, and in addi-  
20 tion to the waivers under section 111(c)(2), the Secretary  
21 may waive the grounds of inadmissibility under paragraph  
22 (1), (6)(E), (6)(G), or (10)(D) of section 212(a) of the  
23 Immigration and Nationality Act (8 U.S.C. 1182(a)) for  
24 humanitarian purposes, for family unity, or because the  
25 waiver is otherwise in the public interest.

1       (e) ADVANCE PAROLE.—During the period beginning  
2 on the date on which an alien applies for adjustment of  
3 status under this title and ending on the date on which  
4 the Secretary makes a final decision regarding such appli-  
5 cation, the alien shall be eligible to apply for advance pa-  
6 role. Section 101(g) of the Immigration and Nationality  
7 Act (8 U.S.C. 1101(g)) shall not apply to an alien granted  
8 advance parole under this section.

9       (f) EMPLOYMENT.—An alien whose removal is stayed  
10 pursuant to this title, who may not be placed in removal  
11 proceedings pursuant to this title, or who has pending an  
12 application under this title, shall, upon application to the  
13 Secretary, be granted an employment authorization docu-  
14 ment.

15 **SEC. 124. DETERMINATION OF CONTINUOUS PRESENCE**  
16 **AND RESIDENCE.**

17       (a) EFFECT OF NOTICE TO APPEAR.—Any period of  
18 continuous physical presence or continuous residence in  
19 the United States of an alien who applies for permanent  
20 resident status under this title (whether on a conditional  
21 basis or without the conditional basis as provided in sec-  
22 tion 113(c)(2)) shall not terminate when the alien is  
23 served a notice to appear under section 239(a) of the Im-  
24 migration and Nationality Act (8 U.S.C. 1229(a)).

1 (b) TREATMENT OF CERTAIN BREAKS IN PRESENCE  
2 OR RESIDENCE.—

3 (1) IN GENERAL.—Except as provided in para-  
4 graphs (2) and (3), an alien shall be considered to  
5 have failed to maintain—

6 (A) continuous physical presence in the  
7 United States under this title if the alien has  
8 departed from the United States for any period  
9 exceeding 90 days or for any periods, in the ag-  
10 gregate, exceeding 180 days; and

11 (B) continuous residence in the United  
12 States under this title if the alien has departed  
13 from the United States for any period exceeding  
14 180 days, unless the alien establishes to the  
15 satisfaction of the Secretary of Homeland Secu-  
16 rity that the alien did not in fact abandon resi-  
17 dence in the United States during such period.

18 (2) EXTENSIONS FOR EXTENUATING CIR-  
19 CUMSTANCES.—The Secretary may extend the time  
20 periods described in paragraph (1) for an alien who  
21 demonstrates that the failure to timely return to the  
22 United States was due to extenuating circumstances  
23 beyond the alien's control, including the serious ill-  
24 ness of the alien, or death or serious illness of a par-  
25 ent, grandparent, sibling, or child of the alien.

1           (3) TRAVEL AUTHORIZED BY THE SEC-  
2       RETARY.—Any period of travel outside of the United  
3       States by an alien that was authorized by the Sec-  
4       retary may not be counted toward any period of de-  
5       parture from the United States under paragraph  
6       (1).

7       (c) WAIVER OF PHYSICAL PRESENCE.—With respect  
8       to aliens who were removed or departed the United States  
9       on or after January 20, 2017, and who were continuously  
10      physically present in the United States for at least 4 years  
11      prior to such removal or departure, the Secretary may,  
12      as a matter of discretion, waive the physical presence re-  
13      quirement under section 111(b)(1)(A) for humanitarian  
14      purposes, for family unity, or because a waiver is other-  
15      wise in the public interest. The Secretary, in consultation  
16      with the Secretary of State, shall establish a procedure  
17      for such aliens to apply for relief under section 111 from  
18      outside the United States if they would have been eligible  
19      for relief under such section, but for their removal or de-  
20      parture.

21   **SEC. 125. EXEMPTION FROM NUMERICAL LIMITATIONS.**

22       Nothing in this title or in any other law may be con-  
23      strued to apply a numerical limitation on the number of  
24      aliens who may be granted permanent resident status

1 under this title (whether on a conditional basis, or without  
2 the conditional basis as provided in section 113(c)(2)).

3 **SEC. 126. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**  
4 **CIAL REVIEW.**

5 (a) ADMINISTRATIVE REVIEW.—Not later than 30  
6 days after the date of the enactment of this Act, the Sec-  
7 retary shall provide to aliens who have applied for adjust-  
8 ment of status under this title a process by which an appli-  
9 cant may seek administrative appellate review of a denial  
10 of an application for adjustment of status, or a revocation  
11 of such status.

12 (b) JUDICIAL REVIEW.—Except as provided in sub-  
13 section (c), and notwithstanding any other provision of  
14 law, an alien may seek judicial review of a denial of an  
15 application for adjustment of status, or a revocation of  
16 such status, under this title in an appropriate United  
17 States district court.

18 (c) JUDICIAL REVIEW OF A PROVISIONAL DENIAL.—

19 (1) IN GENERAL.—Notwithstanding any other  
20 provision of law, if, after notice and the opportunity  
21 to respond under section 111(c)(3)(E), the Secretary  
22 provisionally denies an application for adjustment of  
23 status under this title, the alien shall have 60 days  
24 from the date of the Secretary's determination to



1 seek review of such determination in an appropriate  
2 United States district court.

3 (2) SCOPE OF REVIEW AND DECISION.—Not-  
4 withstanding any other provision of law, review  
5 under paragraph (1) shall be de novo and based  
6 solely on the administrative record, except that the  
7 applicant shall be given the opportunity to supple-  
8 ment the administrative record and the Secretary  
9 shall be given the opportunity to rebut the evidence  
10 and arguments raised in such submission. Upon  
11 issuing its decision, the court shall remand the mat-  
12 ter, with appropriate instructions, to the Depart-  
13 ment of Homeland Security to render a final deci-  
14 sion on the application.

15 (3) APPOINTED COUNSEL.—Notwithstanding  
16 any other provision of law, an applicant seeking ju-  
17 dicial review under paragraph (1) shall be rep-  
18 resented by counsel. Upon the request of the appli-  
19 cant, counsel shall be appointed for the applicant, in  
20 accordance with procedures to be established by the  
21 Attorney General within 90 days of the date of the  
22 enactment of this Act, and shall be funded in ac-  
23 cordance with fees collected and deposited in the Im-  
24 migration Counsel Account under section 132.

25 (d) STAY OF REMOVAL.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), an alien seeking administrative or judicial  
3           review under this title may not be removed from the  
4           United States until a final decision is rendered es-  
5           tablishing that the alien is ineligible for adjustment  
6           of status under this title.

7           (2) EXCEPTION.—The Secretary may remove  
8           an alien described in paragraph (1) pending judicial  
9           review if such removal is based on criminal or na-  
10          tional security grounds described in this title. Such  
11          removal shall not affect the alien’s right to judicial  
12          review under this title. The Secretary shall promptly  
13          return a removed alien if a decision to deny an ap-  
14          plication for adjustment of status under this title, or  
15          to revoke such status, is reversed.

16 **SEC. 127. DOCUMENTATION REQUIREMENTS.**

17          (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
18          alien’s application for permanent resident status under  
19          this title (whether on a conditional basis, or without the  
20          conditional basis as provided in section 113(c)(2)) may in-  
21          clude, as evidence of identity, the following:

22               (1) A passport or national identity document  
23               from the alien’s country of origin that includes the  
24               alien’s name and the alien’s photograph or finger-  
25               print.

1           (2) The alien's birth certificate and an identity  
2       card that includes the alien's name and photograph.

3           (3) A school identification card that includes  
4       the alien's name and photograph, and school records  
5       showing the alien's name and that the alien is or  
6       was enrolled at the school.

7           (4) A Uniformed Services identification card  
8       issued by the Department of Defense.

9           (5) Any immigration or other document issued  
10      by the United States Government bearing the alien's  
11      name and photograph.

12          (6) A State-issued identification card bearing  
13      the alien's name and photograph.

14          (7) Any other evidence determined to be cred-  
15      ible by the Secretary.

16      (b) DOCUMENTS ESTABLISHING ENTRY, CONTIN-  
17      UOUS PHYSICAL PRESENCE, LACK OF ABANDONMENT OF  
18      RESIDENCE.—To establish that an alien was younger than  
19      18 years of age on the date on which the alien entered  
20      the United States, and has continuously resided in the  
21      United States since such entry, as required under section  
22      111(b)(1)(B), that an alien has been continuously phys-  
23      ically present in the United States, as required under sec-  
24      tion 111(b)(1)(A), or that an alien has not abandoned res-  
25      idence in the United States, as required under section

1 113(a)(1)(B), the alien may submit the following forms  
2 of evidence:

3 (1) Passport entries, including admission  
4 stamps on the alien's passport.

5 (2) Any document from the Department of Jus-  
6 tice or the Department of Homeland Security noting  
7 the alien's date of entry into the United States.

8 (3) Records from any educational institution  
9 the alien has attended in the United States.

10 (4) Employment records of the alien that in-  
11 clude the employer's name and contact information,  
12 or other records demonstrating earned income.

13 (5) Records of service from the Uniformed  
14 Services.

15 (6) Official records from a religious entity con-  
16 firming the alien's participation in a religious cere-  
17 mony.

18 (7) A birth certificate for a child who was born  
19 in the United States.

20 (8) Hospital or medical records showing med-  
21 ical treatment or hospitalization, the name of the  
22 medical facility or physician, and the date of the  
23 treatment or hospitalization.

24 (9) Automobile license receipts or registration.

1           (10) Deeds, mortgages, or rental agreement  
2       contracts.

3           (11) Rent receipts or utility bills bearing the  
4       alien's name or the name of an immediate family  
5       member of the alien, and the alien's address.

6           (12) Tax receipts.

7           (13) Insurance policies.

8           (14) Remittance records, including copies of  
9       money order receipts sent in or out of the country.

10          (15) Travel records.

11          (16) Dated bank transactions.

12          (17) Two or more sworn affidavits from individ-  
13       uals who are not related to the alien who have direct  
14       knowledge of the alien's continuous physical pres-  
15       ence in the United States, that contain—

16                (A) the name, address, and telephone num-  
17       ber of the affiant; and

18                (B) the nature and duration of the rela-  
19       tionship between the affiant and the alien.

20          (18) Any other evidence determined to be cred-  
21       ible by the Secretary.

22       (c) DOCUMENTS ESTABLISHING ADMISSION TO AN  
23   INSTITUTION OF HIGHER EDUCATION.—To establish that  
24   an alien has been admitted to an institution of higher edu-  
25   cation, the alien may submit to the Secretary a document

1 from the institution of higher education certifying that the  
2 alien—

3 (1) has been admitted to the institution; or

4 (2) is currently enrolled in the institution as a  
5 student.

6 (d) DOCUMENTS ESTABLISHING RECEIPT OF A DE-  
7 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—

8 To establish that an alien has acquired a degree from an  
9 institution of higher education in the United States, the  
10 alien may submit to the Secretary a diploma or other doc-  
11 ument from the institution stating that the alien has re-  
12 ceived such a degree.

13 (e) DOCUMENTS ESTABLISHING RECEIPT OF A HIGH  
14 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-  
15 MENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—

16 To establish that in the United States an alien has earned  
17 a high school diploma or a commensurate alternative  
18 award from a public or private high school, has obtained  
19 the General Education Development credential, or other-  
20 wise has satisfied section 111(b)(1)(D)(iii), the alien may  
21 submit to the Secretary the following:

22 (1) A high school diploma, certificate of comple-  
23 tion, or other alternate award.

24 (2) A high school equivalency diploma or certifi-  
25 cate recognized under State law.

1           (3) Evidence that the alien passed a State-au-  
2           thorized exam, including the General Education De-  
3           velopment test, in the United States.

4           (4) Evidence that the alien successfully com-  
5           pleted an area career and technical education pro-  
6           gram, such as a certification, certificate, or similar  
7           alternate award.

8           (5) Evidence that the alien obtained a recog-  
9           nized postsecondary credential.

10          (6) Any other evidence determined to be cred-  
11          ible by the Secretary.

12          (f) DOCUMENTS ESTABLISHING ENROLLMENT IN AN  
13          EDUCATIONAL PROGRAM.—To establish that an alien is  
14          enrolled in any school or education program described in  
15          section 111(b)(1)(D)(iv) or 113(a)(1)(C), the alien may  
16          submit school records from the United States school that  
17          the alien is currently attending that include—

18                (1) the name of the school; and

19                (2) the alien’s name, periods of attendance, and  
20          current grade or educational level.

21          (g) DOCUMENTS ESTABLISHING EXEMPTION FROM  
22          APPLICATION FEES.—To establish that an alien is exempt  
23          from an application fee under section 123(c), the alien  
24          may submit to the Secretary the following relevant docu-  
25          ments:

1           (1) DOCUMENTS TO ESTABLISH AGE.—To es-  
2       tablish that an alien meets an age requirement, the  
3       alien may provide proof of identity, as described in  
4       subsection (a), that establishes that the alien is  
5       younger than 18 years of age.

6           (2) DOCUMENTS TO ESTABLISH INCOME.—To  
7       establish the alien’s income, the alien may provide—

8           (A) employment records or other records of  
9       earned income, including records that have been  
10      maintained by the Social Security Administra-  
11      tion, the Internal Revenue Service, or any other  
12      Federal, State, or local government agency;

13          (B) bank records; or

14          (C) at least two sworn affidavits from indi-  
15      viduals who are not related to the alien and  
16      who have direct knowledge of the alien’s work  
17      and income that contain—

18           (i) the name, address, and telephone  
19      number of the affiant; and

20           (ii) the nature and duration of the re-  
21      lationship between the affiant and the  
22      alien.

23           (3) DOCUMENTS TO ESTABLISH FOSTER CARE,  
24      LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC  
25      DISABILITY.—To establish that the alien is in foster



1       care, lacks parental or familial support, or has a se-  
2       rious, chronic disability, the alien may provide at  
3       least two sworn affidavits from individuals who are  
4       not related to the alien and who have direct knowl-  
5       edge of the circumstances that contain—

6               (A) a statement that the alien is in foster  
7       care, otherwise lacks any parental or other fa-  
8       miliar support, or has a serious, chronic dis-  
9       ability, as appropriate;

10              (B) the name, address, and telephone num-  
11       ber of the affiant; and

12              (C) the nature and duration of the rela-  
13       tionship between the affiant and the alien.

14       (h) DOCUMENTS ESTABLISHING QUALIFICATION FOR  
15       HARDSHIP EXEMPTION.—To establish that an alien satis-  
16       fies one of the criteria for the hardship exemption set forth  
17       in section 113(a)(2)(C), the alien may submit to the Sec-  
18       retary at least two sworn affidavits from individuals who  
19       are not related to the alien and who have direct knowledge  
20       of the circumstances that warrant the exemption, that  
21       contain—

22              (1) the name, address, and telephone number of  
23       the affiant; and

24              (2) the nature and duration of the relationship  
25       between the affiant and the alien.

1 (i) DOCUMENTS ESTABLISHING SERVICE IN THE  
2 UNIFORMED SERVICES.—To establish that an alien has  
3 served in the Uniformed Services for at least 2 years and,  
4 if discharged, received an honorable discharge, the alien  
5 may submit to the Secretary—

6 (1) a Department of Defense form DD–214;

7 (2) a National Guard Report of Separation and  
8 Record of Service form 22;

9 (3) personnel records for such service from the  
10 appropriate Uniformed Service; or

11 (4) health records from the appropriate Uni-  
12 formed Service.

13 (j) DOCUMENTS ESTABLISHING EARNED INCOME.—

14 (1) IN GENERAL.—An alien may satisfy the  
15 earned income requirement under section  
16 113(a)(1)(C)(iii) by submitting records that—

17 (A) establish compliance with such require-  
18 ment; and

19 (B) have been maintained by the Social Se-  
20 curity Administration, the Internal Revenue  
21 Service, or any other Federal, State, or local  
22 government agency.

23 (2) OTHER DOCUMENTS.—An alien who is un-  
24 able to submit the records described in paragraph

25 (1) may satisfy the earned income requirement by

1 submitting at least two types of reliable documents  
2 that provide evidence of employment or other forms  
3 of earned income, including—

4 (A) bank records;

5 (B) business records;

6 (C) employer or contractor records;

7 (D) records of a labor union, day labor  
8 center, or organization that assists workers in  
9 employment;

10 (E) sworn affidavits from individuals who  
11 are not related to the alien and who have direct  
12 knowledge of the alien's work, that contain—

13 (i) the name, address, and telephone  
14 number of the affiant; and

15 (ii) the nature and duration of the re-  
16 lationship between the affiant and the  
17 alien;

18 (F) remittance records; or

19 (G) any other evidence determined to be  
20 credible by the Secretary.

21 (k) **AUTHORITY TO PROHIBIT USE OF CERTAIN**  
22 **DOCUMENTS.**—If the Secretary determines, after publica-  
23 tion in the Federal Register and an opportunity for public  
24 comment, that any document or class of documents does  
25 not reliably establish identity or that permanent resident

1 status under this title (whether on a conditional basis, or  
2 without the conditional basis as provided in section  
3 113(c)(2)) is being obtained fraudulently to an unaccept-  
4 able degree, the Secretary may prohibit or restrict the use  
5 of such document or class of documents.

6 **SEC. 128. RULE MAKING.**

7 (a) IN GENERAL.—Not later than 90 days after the  
8 date of the enactment of this Act, the Secretary shall pub-  
9 lish in the Federal Register interim final rules imple-  
10 menting this title, which shall allow eligible individuals to  
11 immediately apply for relief under section 111 or  
12 113(c)(2). Notwithstanding section 553 of title 5, United  
13 States Code, the regulation shall be effective, on an in-  
14 terim basis, immediately upon publication, but may be  
15 subject to change and revision after public notice and op-  
16 portunity for a period of public comment. The Secretary  
17 shall finalize such rules not later than 180 days after the  
18 date of publication.

19 (b) PAPERWORK REDUCTION ACT.—The require-  
20 ments under chapter 35 of title 44, United States Code,  
21 (commonly known as the “Paperwork Reduction Act”)  
22 shall not apply to any action to implement this title.

23 **SEC. 129. CONFIDENTIALITY OF INFORMATION.**

24 (a) IN GENERAL.—The Secretary may not disclose  
25 or use information (including information provided during

1 administrative or judicial review) provided in applications  
2 filed under this title or in requests for DACA for the pur-  
3 pose of immigration enforcement.

4 (b) REFERRALS PROHIBITED.—The Secretary, based  
5 solely on information provided in an application for adjust-  
6 ment of status under this title (including information pro-  
7 vided during administrative or judicial review) or an appli-  
8 cation for DACA, may not refer an applicant to U.S. Im-  
9 migration and Customs Enforcement, U.S. Customs and  
10 Border Protection, or any designee of either such entity.

11 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
12 sections (a) and (b), information provided in an applica-  
13 tion for adjustment of status under this title may be  
14 shared with Federal security and law enforcement agen-  
15 cies—

16 (1) for assistance in the consideration of an ap-  
17 plication for adjustment of status under this title;

18 (2) to identify or prevent fraudulent claims;

19 (3) for national security purposes; or

20 (4) for the investigation or prosecution of any  
21 felony offense not related to immigration status.

22 (d) PENALTY.—Any person who knowingly uses, pub-  
23 lishes, or permits information to be examined in violation  
24 of this section shall be fined not more than \$10,000.

1 **SEC. 130. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
2 **CANTS.**

3 (a) ESTABLISHMENT.—The Secretary of Homeland  
4 Security shall establish, within U.S. Citizenship and Immi-  
5 gration Services, a program to award grants, on a com-  
6 petitive basis, to eligible nonprofit organizations that will  
7 use the funding to assist eligible applicants under this title  
8 by providing them with the services described in sub-  
9 section (b).

10 (b) USE OF FUNDS.—Grant funds awarded under  
11 this section shall be used for the design and implementa-  
12 tion of programs that provide—

13 (1) information to the public regarding the eli-  
14 gibility and benefits of permanent resident status  
15 under this title (whether on a conditional basis, or  
16 without the conditional basis as provided in section  
17 113(c)(2)), particularly to individuals potentially eli-  
18 gible for such status;

19 (2) assistance, within the scope of authorized  
20 practice of immigration law, to individuals submit-  
21 ting applications for adjustment of status under this  
22 title (whether on a conditional basis, or without the  
23 conditional basis as provided in section 113(c)(2)),  
24 including—

25 (A) screening prospective applicants to as-  
26 sess their eligibility for such status;

1 (B) completing applications and petitions,  
2 including providing assistance in obtaining the  
3 requisite documents and supporting evidence;  
4 and

5 (C) providing any other assistance that the  
6 Secretary or grantee considers useful or nec-  
7 essary to apply for adjustment of status under  
8 this title (whether on a conditional basis, or  
9 without the conditional basis as provided in sec-  
10 tion 113(c)(2)); and

11 (3) assistance, within the scope of authorized  
12 practice of immigration law, and instruction, to indi-  
13 viduals—

14 (A) on the rights and responsibilities of  
15 United States citizenship;

16 (B) in civics and English as a second lan-  
17 guage;

18 (C) in preparation for the General Edu-  
19 cation Development test; and

20 (D) in applying for adjustment of status  
21 and United States citizenship.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) AMOUNTS AUTHORIZED.—There are author-  
24 ized to be appropriated such sums as may be nec-

1        essary for each of the fiscal years 2020 through  
2        2030 to carry out this section.

3            (2) AVAILABILITY.—Any amounts appropriated  
4        pursuant to paragraph (1) shall remain available  
5        until expended.

6   **SEC. 131. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**  
7            **JUSTMENT OF STATUS.**

8        An alien’s eligibility to be lawfully admitted for per-  
9        manent residence under this title (whether on a condi-  
10      tional basis, or without the conditional basis as provided  
11      in section 113(c)(2)) shall not preclude the alien from  
12      seeking any status under any other provision of law for  
13      which the alien may otherwise be eligible.

14   **SEC. 132. SUPPLEMENTARY SURCHARGE FOR APPOINTED**  
15            **COUNSEL.**

16        (a) IN GENERAL.—Except as provided in section 122  
17      and in cases where the applicant is exempt from paying  
18      a fee under section 123(c), in any case in which a fee is  
19      charged pursuant to this title, an additional surcharge of  
20      \$25 shall be imposed and collected for the purpose of pro-  
21      viding appointed counsel to applicants seeking judicial re-  
22      view of the Secretary’s decision to provisionally deny an  
23      application under section 126(c)(3).

24        (b) IMMIGRATION COUNSEL ACCOUNT.—There is es-  
25      tablished in the general fund of the Treasury a separate



1 account which shall be known as the “Immigration Coun-  
2 sel Account”. Fees collected under subsection (a) shall be  
3 deposited into the Immigration Counsel Account and shall  
4 to remain available until expended for purposes of pro-  
5 viding appointed counsel as required under this title.

6 (c) REPORT.—At the end of each 2-year period, be-  
7 ginning with the establishment of this account, the Sec-  
8 retary of Homeland Security shall submit a report to the  
9 Congress concerning the status of the account, including  
10 any balances therein, and recommend any adjustment in  
11 the prescribed fee that may be required to ensure that the  
12 receipts collected from the fee charged for the succeeding  
13 two years equal, as closely as possible, the cost of pro-  
14 viding appointed counsel as required under this title.

15 **SEC. 133. ANNUAL REPORT ON PROVISIONAL DENIAL AU-**  
16 **THORITY.**

17 Not later than 1 year after the date of the enactment  
18 of this Act, and annually thereafter, the Secretary of  
19 Homeland Security shall submit to the Congress a report  
20 detailing the number of applicants that receive—

- 21 (1) a provisional denial under this title;
- 22 (2) a final denial under this title without seek-  
23 ing judicial review;
- 24 (3) a final denial under this title after seeking  
25 judicial review; and

1 (4) an approval under this title after seeking ju-  
2 dicial review.

3 **TITLE II—AMERICAN PROMISE**  
4 **ACT**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “American Promise Act  
7 of 2019”.

8 **Subtitle A—Treatment of Certain**  
9 **Nationals of Certain Countries**  
10 **Designated for Temporary Pro-**  
11 **ected Status or Deferred En-**  
12 **forced Departure**

13 **SEC. 211. ADJUSTMENT OF STATUS FOR CERTAIN NATION-**  
14 **ALS OF CERTAIN COUNTRIES DESIGNATED**  
15 **FOR TEMPORARY PROTECTED STATUS OR**  
16 **DEFERRED ENFORCED DEPARTURE.**

17 (a) IN GENERAL.—Notwithstanding any other provi-  
18 sion of law, the Secretary or the Attorney General shall  
19 cancel the removal of, and adjust to the status of an alien  
20 lawfully admitted for permanent residence, an alien de-  
21 scribed in subsection (b) if the alien—

22 (1) applies for such adjustment, including sub-  
23 mitting any required documents under section 227,  
24 not later than 3 years after the date of the enact-  
25 ment of this Act;

1           (2) has been continuously physically present in  
2           the United States for a period of not less than 3  
3           years before the date of the enactment of this Act;  
4           and

5           (3) is not inadmissible under paragraph (1),  
6           (2), (3), (6)(D), (6)(E), (6)(F), (6)(G), (8), or (10)  
7           of section 212(a) of the Immigration and Nationality  
8           Act (8 U.S.C. 1182(a)).

9           (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
10          TUS.—An alien shall be eligible for adjustment of status  
11          under this section if the alien is an individual—

12               (1) who—

13                       (A) is a national of a foreign state (or part  
14                       thereof) (or in the case of an alien having no  
15                       nationality, is a person who last habitually re-  
16                       sided in such state) with a designation under  
17                       subsection (b) of section 244 of the Immigra-  
18                       tion and Nationality Act (8 U.S.C. 1254a(b))  
19                       on January 1, 2017, who had or was otherwise  
20                       eligible for temporary protected status on such  
21                       date notwithstanding subsections (c)(1)(A)(iv)  
22                       and (c)(3)(C) of such section; and

23                       (B) has not engaged in conduct since such  
24                       date that would render the alien ineligible for  
25                       temporary protected status under section

1           244(c)(2) of the Immigration and Nationality  
2           Act (8 U.S.C. 1245a(c)(2)); or

3           (2) who was eligible for Deferred Enforced De-  
4           parture as of January 1, 2017, and has not engaged  
5           in conduct since that date that would render the  
6           alien ineligible for Deferred Enforced Departure.

7           (c) APPLICATION.—

8           (1) FEE.—The Secretary shall, subject to an  
9           exemption under section 223(c), require an alien ap-  
10          plying for adjustment of status under this section to  
11          pay a reasonable fee that is commensurate with the  
12          cost of processing the application, but does not ex-  
13          ceed \$1,140.

14          (2) BACKGROUND CHECKS.—The Secretary  
15          may not grant an alien permanent resident status on  
16          a conditional basis under this section until the re-  
17          quirements of section 222 are satisfied.

18          (3) WITHDRAWAL OF APPLICATION.—The Sec-  
19          retary of Homeland Security shall, upon receipt of  
20          a request to withdraw an application for adjustment  
21          of status under this section, cease processing of the  
22          application and close the case. Withdrawal of the ap-  
23          plication under this subsection shall not prejudice  
24          any future application filed by the applicant for any  
25          immigration benefit under this title or under the Im-

1 migration and Nationality Act (8 U.S.C. 1101 et  
2 seq.).

## 3 **Subtitle B—General Provisions**

### 4 **SEC. 221. DEFINITIONS.**

5 (a) IN GENERAL.—In this title:

6 (1) IN GENERAL.—Except as otherwise specifi-  
7 cally provided, any term used in this title that is  
8 used in the immigration laws shall have the meaning  
9 given such term in the immigration laws.

10 (2) DISABILITY.—The term “disability” has the  
11 meaning given such term in section 3(1) of the  
12 Americans with Disabilities Act of 1990 (42 U.S.C.  
13 12102(1)).

14 (3) FEDERAL POVERTY LINE.—The term “Fed-  
15 eral poverty line” has the meaning given such term  
16 in section 213A(h) of the Immigration and Nation-  
17 ality Act (8 U.S.C. 1183a).

18 (4) IMMIGRATION LAWS.—The term “immigra-  
19 tion laws” has the meaning given such term in sec-  
20 tion 101(a)(17) of the Immigration and Nationality  
21 Act (8 U.S.C. 1101(a)(17)).

22 (5) SECRETARY.—Except as otherwise specifi-  
23 cally provided, the term “Secretary” means the Sec-  
24 retary of Homeland Security.

1           (6) UNIFORMED SERVICES.—The term “Uni-  
2       formed Services” has the meaning given the term  
3       “uniformed services” in section 101(a) of title 10,  
4       United States Code.

5       (b) TREATMENT OF EXPUNGED CONVICTIONS.—For  
6       purposes of adjustment of status under this title, the  
7       terms “convicted” and “conviction”, as used in sections  
8       212 and 244 of the Immigration and Nationality Act (8  
9       U.S.C. 1182, 1254a), do not include a judgment that has  
10      been expunged or set aside, that resulted in a rehabilita-  
11      tive disposition, or the equivalent.

12   **SEC. 222. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**  
13                   **DATA; BACKGROUND CHECKS.**

14       (a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
15      DATA.—The Secretary may not grant an alien adjustment  
16      of status under this title unless the alien submits biometric  
17      and biographic data, in accordance with procedures estab-  
18      lished by the Secretary. The Secretary shall provide an  
19      alternative procedure for aliens who are unable to provide  
20      such biometric or biographic data because of a physical  
21      impairment.

22       (b) BACKGROUND CHECKS.—The Secretary shall use  
23      biometric, biographic, and other data that the Secretary  
24      determines appropriate to conduct security and law en-  
25      forcement background checks and to determine whether

1 there is any criminal, national security, or other factor  
2 that would render the alien ineligible for adjustment of  
3 status under this title. The status of an alien may not  
4 be adjusted unless security and law enforcement back-  
5 ground checks are completed to the satisfaction of the Sec-  
6 retary.

7 **SEC. 223. LIMITATION ON REMOVAL; APPLICATION AND**  
8 **FEE EXEMPTION; WAIVER OF GROUNDS FOR**  
9 **INADMISSIBILITY AND OTHER CONDITIONS**  
10 **ON ELIGIBLE INDIVIDUALS.**

11 (a) **LIMITATION ON REMOVAL.**—An alien who ap-  
12 pears to be prima facie eligible for relief under this title  
13 shall be given a reasonable opportunity to apply for such  
14 relief and may not be removed until, subject to section  
15 226(c), a final decision establishing ineligibility for relief  
16 is rendered.

17 (b) **APPLICATION.**—An alien present in the United  
18 States who has been ordered removed or has been per-  
19 mitted to depart voluntarily from the United States may,  
20 notwithstanding such order or permission to depart, apply  
21 for adjustment of status under this title. Such alien shall  
22 not be required to file a separate motion to reopen, recon-  
23 sider, or vacate the order of removal. If the Secretary ap-  
24 proves the application, the Secretary shall cancel the order  
25 of removal. If the Secretary renders a final administrative

1 decision to deny the application, the order of removal or  
2 permission to depart shall be effective and enforceable to  
3 the same extent as if the application had not been made,  
4 only after all available administrative and judicial rem-  
5 edies have been exhausted.

6 (c) FEE EXEMPTION.—An applicant may be exempt-  
7 ed from paying an application fee required under this title  
8 if the applicant—

9 (1) is younger than 18 years of age;

10 (2) received total income, during the 12-month  
11 period immediately preceding the date on which the  
12 applicant files an application under this title, that is  
13 less than 150 percent of the Federal poverty line;

14 (3) is in foster care or otherwise lacks any pa-  
15 rental or other familial support; or

16 (4) cannot care for himself or herself because of  
17 a serious, chronic disability.

18 (d) WAIVER OF GROUNDS OF INADMISSIBILITY.—

19 (1) IN GENERAL.—Except as provided in para-  
20 graph (2), with respect to any benefit under this  
21 title, and in addition to any waivers that are other-  
22 wise available, the Secretary may waive the grounds  
23 of inadmissibility under paragraph (1), subpara-  
24 graphs (A), (C), and (D) of paragraph (2), subpara-  
25 graphs (D) through (G) of paragraph (6), or para-



1 graph (10)(D) of section 212(a) of the Immigration  
2 and Nationality Act (8 U.S.C. 1182(a)) for humani-  
3 tarian purposes, for family unity, or because the  
4 waiver is otherwise in the public interest.

5 (2) EXCEPTION.—The Secretary may not waive  
6 a ground described in paragraph (1) if such inad-  
7 missibility is based on a conviction or convictions,  
8 and such conviction or convictions would otherwise  
9 render the alien ineligible under section  
10 244(c)(2)(B) of the Immigration and Nationality  
11 Act (8 U.S.C. 1254a(c)(2)(B)).

12 (e) ADVANCE PAROLE.—During the period beginning  
13 on the date on which an alien applies for adjustment of  
14 status under this title and ending on the date on which  
15 the Secretary makes a final decision regarding such appli-  
16 cation, the alien shall be eligible to apply for advance pa-  
17 role. Section 101(g) of the Immigration and Nationality  
18 Act (8 U.S.C. 1101(g)) shall not apply to an alien granted  
19 advance parole under this section.

20 (f) EMPLOYMENT.—An alien whose removal is stayed  
21 pursuant to this title, or who has pending an application  
22 under this title, shall, upon application to the Secretary,  
23 be granted an employment authorization document.

1 **SEC. 224. DETERMINATION OF CONTINUOUS PRESENCE.**

2 (a) EFFECT OF NOTICE TO APPEAR.—Any period of  
3 continuous physical presence in the United States of an  
4 alien who applies for adjustment of status under this title  
5 shall not terminate when the alien is served a notice to  
6 appear under section 239(a) of the Immigration and Na-  
7 tionality Act (8 U.S.C. 1229(a)).

8 (b) TREATMENT OF CERTAIN BREAKS IN PRES-  
9 ENCE.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graphs (2) and (3), an alien shall be considered to  
12 have failed to maintain continuous physical presence  
13 in the United States under this title if the alien has  
14 departed from the United States for any period ex-  
15 ceeding 90 days or for any periods, in the aggregate,  
16 exceeding 180 days.

17 (2) EXTENSIONS FOR EXTENUATING CIR-  
18 CUMSTANCES.—The Secretary may extend the time  
19 periods described in paragraph (1) for an alien who  
20 demonstrates that the failure to timely return to the  
21 United States was due to extenuating circumstances  
22 beyond the alien's control, including the serious ill-  
23 ness of the alien, or death or serious illness of a par-  
24 ent, grandparent, sibling, or child of the alien.

25 (3) TRAVEL AUTHORIZED BY THE SEC-  
26 RETARY.—Any period of travel outside of the United

1 States by an alien that was authorized by the Sec-  
2 retary may not be counted toward any period of de-  
3 parture from the United States under paragraph  
4 (1).

5 (c) WAIVER OF PHYSICAL PRESENCE.—With respect  
6 to aliens who were removed or departed the United States  
7 on or after January 20, 2017, and who were continuously  
8 physically present in the United States for at least 3 years  
9 prior to such removal or departure, the Secretary may,  
10 as a matter of discretion, waive the physical presence re-  
11 quirement under section 211(a)(2) for humanitarian pur-  
12 poses, for family unity, or because a waiver is otherwise  
13 in the public interest. The Secretary, in consultation with  
14 the Secretary of State, shall establish a procedure for such  
15 aliens to apply for relief under section 211 from outside  
16 the United States if they would have been eligible for relief  
17 under such section, but for their removal or departure.

18 **SEC. 225. EXEMPTION FROM NUMERICAL LIMITATIONS.**

19 Nothing in this title or in any other law may be con-  
20 strued to apply a numerical limitation on the number of  
21 aliens who may be granted permanent resident status  
22 under this title.

1 **SEC. 226. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**  
2 **CIAL REVIEW.**

3 (a) ADMINISTRATIVE REVIEW.—Not later than 30  
4 days after the date of the enactment of this Act, the Sec-  
5 retary shall provide to aliens who have applied for adjust-  
6 ment of status under this title a process by which an appli-  
7 cant may seek administrative appellate review of a denial  
8 of an application for adjustment of status, or a revocation  
9 of such status.

10 (b) JUDICIAL REVIEW.—Notwithstanding any other  
11 provision of law, an alien may seek judicial review of a  
12 denial of an application for adjustment of status, or a rev-  
13 ocation of such status, under this title in the United  
14 States district court with jurisdiction over the alien's resi-  
15 dence.

16 (c) STAY OF REMOVAL.—

17 (1) IN GENERAL.—Except as provided in para-  
18 graph (2), an alien seeking administrative or judicial  
19 review under this title may not be removed from the  
20 United States until a final decision is rendered es-  
21 tablishing that the alien is ineligible for adjustment  
22 of status under this title.

23 (2) EXCEPTION.—The Secretary may remove  
24 an alien described in paragraph (1) pending judicial  
25 review if such removal is based on criminal or na-  
26 tional security grounds. Such removal does not af-

1       fect the alien's right to judicial review under this  
2       title. The Secretary shall promptly return a removed  
3       alien if a decision to deny an application for adjust-  
4       ment of status under this title, or to revoke such  
5       status, is reversed.

6   **SEC. 227. DOCUMENTATION REQUIREMENTS.**

7       (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
8       alien's application for permanent resident status under  
9       this title may include, as evidence of identity, the fol-  
10      lowing:

11           (1) A passport or national identity document  
12           from the alien's country of origin that includes the  
13           alien's name and the alien's photograph or finger-  
14           print.

15           (2) The alien's birth certificate and an identity  
16           card that includes the alien's name and photograph.

17           (3) A school identification card that includes  
18           the alien's name and photograph, and school records  
19           showing the alien's name and that the alien is or  
20           was enrolled at the school.

21           (4) A Uniformed Services identification card  
22           issued by the Department of Defense.

23           (5) Any immigration or other document issued  
24           by the United States Government bearing the alien's  
25           name and photograph.

1           (6) A State-issued identification card bearing  
2           the alien's name and photograph.

3           (7) Any other evidence determined to be cred-  
4           ible by the Secretary.

5           (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-  
6           ICAL PRESENCE.—An alien's application for permanent  
7           resident status under this title may include, as evidence  
8           that the alien has been continuously physically present in  
9           the United States, as required under section 211(a)(2),  
10          the following:

11           (1) Passport entries, including admission  
12           stamps on the alien's passport.

13           (2) Any document from the Department of Jus-  
14           tice or the Department of Homeland Security noting  
15           the alien's date of entry into the United States.

16           (3) Records from any educational institution  
17           the alien has attended in the United States.

18           (4) Employment records of the alien that in-  
19           clude the employer's name and contact information.

20           (5) Records of service from the Uniformed  
21           Services.

22           (6) Official records from a religious entity con-  
23           firming the alien's participation in a religious cere-  
24           mony.

1           (7) A birth certificate for a child who was born  
2           in the United States.

3           (8) Hospital or medical records showing med-  
4           ical treatment or hospitalization, the name of the  
5           medical facility or physician, and the date of the  
6           treatment or hospitalization.

7           (9) Automobile license receipts or registration.

8           (10) Deeds, mortgages, or rental agreement  
9           contracts.

10          (11) Rent receipts or utility bills bearing the  
11          alien's name or the name of an immediate family  
12          member of the alien, and the alien's address.

13          (12) Tax receipts.

14          (13) Insurance policies.

15          (14) Remittance records, including copies of  
16          money order receipts sent in or out of the country.

17          (15) Travel records.

18          (16) Dated bank transactions.

19          (17) Two or more sworn affidavits from individ-  
20          uals who are not related to the alien who have direct  
21          knowledge of the alien's continuous physical pres-  
22          ence in the United States, that contain—

23                 (A) the name, address, and telephone num-  
24                 ber of the affiant; and

1 (B) the nature and duration of the rela-  
 2 tionship between the affiant and the alien.

3 (18) Any other evidence determined to be cred-  
 4 ible by the Secretary.

5 (c) DOCUMENTS ESTABLISHING EXEMPTION FROM  
 6 APPLICATION FEES.—An alien’s application for perma-  
 7 nent resident status under this title may include, as evi-  
 8 dence that the alien is exempt from an application fee  
 9 under section 223(c), the following:

10 (1) DOCUMENTS TO ESTABLISH AGE.—To es-  
 11 tablish that an alien meets an age requirement, the  
 12 alien may provide proof of identity, as described in  
 13 subsection (a), that establishes that the alien is  
 14 younger than 18 years of age.

15 (2) DOCUMENTS TO ESTABLISH INCOME.—To  
 16 establish the alien’s income, the alien may provide—

17 (A) employment records or other records of  
 18 earned income, including records that have been  
 19 maintained by the Social Security Administra-  
 20 tion, the Internal Revenue Service, or any other  
 21 Federal, State, or local government agency;

22 (B) bank records; or

23 (C) at least two sworn affidavits from indi-  
 24 viduals who are not related to the alien and



1           who have direct knowledge of the alien's work  
2           and income that contain—

3                   (i) the name, address, and telephone  
4                   number of the affiant; and

5                   (ii) the nature and duration of the re-  
6                   lationship between the affiant and the  
7                   alien.

8           (3) DOCUMENTS TO ESTABLISH FOSTER CARE,  
9           LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC  
10          DISABILITY.—To establish that the alien is in foster  
11          care, lacks parental or familial support, or has a se-  
12          rious, chronic disability, the alien may provide at  
13          least two sworn affidavits from individuals who are  
14          not related to the alien and who have direct knowl-  
15          edge of the circumstances that contain—

16                   (A) a statement that the alien is in foster  
17                   care, otherwise lacks any parental or other fa-  
18                   miliar support, or has a serious, chronic dis-  
19                   ability, as appropriate;

20                   (B) the name, address, and telephone num-  
21                   ber of the affiant; and

22                   (C) the nature and duration of the rela-  
23                   tionship between the affiant and the alien.

24          (d) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-  
25          UMENTS.—If the Secretary determines, after publication

1 in the Federal Register and an opportunity for public com-  
2 ment, that any document or class of documents does not  
3 reliably establish identity or that permanent resident sta-  
4 tus under this title is being obtained fraudulently to an  
5 unacceptable degree, the Secretary may prohibit or re-  
6 strict the use of such document or class of documents.

7 **SEC. 228. RULE MAKING.**

8 (a) IN GENERAL.—Not later than 90 days after the  
9 date of the enactment of this Act, the Secretary shall pub-  
10 lish in the Federal Register interim final rules imple-  
11 menting this title, which shall allow eligible individuals to  
12 immediately apply for relief under section 211. Notwith-  
13 standing section 553 of title 5, United States Code, the  
14 regulation shall be effective, on an interim basis, imme-  
15 diately upon publication, but may be subject to change and  
16 revision after public notice and opportunity for a period  
17 of public comment. The Secretary shall finalize such rules  
18 not later than 180 days after the date of publication.

19 (b) PAPERWORK REDUCTION ACT.—The require-  
20 ments under chapter 35 of title 44, United States Code,  
21 (commonly known as the “Paperwork Reduction Act”)  
22 shall not apply to any action to implement this title.

23 **SEC. 229. CONFIDENTIALITY OF INFORMATION.**

24 (a) IN GENERAL.—The Secretary may not disclose  
25 or use information provided in applications filed under this

1 title (including information provided during administrative  
2 or judicial review) for the purpose of immigration enforce-  
3 ment.

4 (b) REFERRALS PROHIBITED.—The Secretary, based  
5 solely on information provided in an application for adjust-  
6 ment of status under this title (including information pro-  
7 vided during administrative or judicial review), may not  
8 refer an applicant to U.S. Immigration and Customs En-  
9 forcement, U.S. Customs and Border Protection, or any  
10 designee of either such entity.

11 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
12 sections (a) and (b), information provided in an applica-  
13 tion for adjustment of status under this title may be  
14 shared with Federal security and law enforcement agen-  
15 cies—

16 (1) for assistance in the consideration of an ap-  
17 plication for adjustment of status under this title;

18 (2) to identify or prevent fraudulent claims;

19 (3) for national security purposes; or

20 (4) for the investigation or prosecution of any  
21 felony not related to immigration status.

22 (d) PENALTY.—Any person who knowingly uses, pub-  
23 lishes, or permits information to be examined in violation  
24 of this section shall be fined not more than \$10,000.

1 **SEC. 230. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
2 **CANTS.**

3 (a) ESTABLISHMENT.—The Secretary of Homeland  
4 Security shall establish, within U.S. Citizenship and Immi-  
5 gration Services, a program to award grants, on a com-  
6 petitive basis, to eligible nonprofit organizations that will  
7 use the funding to assist eligible applicants under this title  
8 by providing them with the services described in sub-  
9 section (b).

10 (b) USE OF FUNDS.—Grant funds awarded under  
11 this section shall be used for the design and implementa-  
12 tion of programs that provide—

13 (1) information to the public regarding the eli-  
14 gibility and benefits of permanent resident status  
15 under this title, particularly to individuals poten-  
16 tially eligible for such status;

17 (2) assistance, within the scope of authorized  
18 practice of immigration law, to individuals submit-  
19 ting applications for adjustment of status under this  
20 title, including—

21 (A) screening prospective applicants to as-  
22 sess their eligibility for such status;

23 (B) completing applications and petitions,  
24 including providing assistance in obtaining the  
25 requisite documents and supporting evidence;  
26 and

1           (C) providing any other assistance that the  
2           Secretary or grantee considers useful or nec-  
3           essary to apply for adjustment of status under  
4           this title; and

5           (3) assistance, within the scope of authorized  
6           practice of immigration law, and instruction, to indi-  
7           viduals—

8           (A) on the rights and responsibilities of  
9           United States citizenship;

10          (B) in civics and English as a second lan-  
11          guage;

12          (C) in preparation for the General Edu-  
13          cation Development test; and

14          (D) in applying for adjustment of status  
15          and United States citizenship.

16       (c) AUTHORIZATION OF APPROPRIATIONS.—

17           (1) AMOUNTS AUTHORIZED.—There are author-  
18           ized to be appropriated such sums as may be nec-  
19           essary for each of the fiscal years 2020 through  
20           2030 to carry out this section.

21           (2) AVAILABILITY.—Any amounts appropriated  
22           pursuant to paragraph (1) shall remain available  
23           until expended.

1 **SEC. 231. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**  
2 **JUSTMENT OF STATUS.**

3 An alien's eligibility to be lawfully admitted for per-  
4 manent residence under this title shall not preclude the  
5 alien from seeking any status under any other provision  
6 of law for which the alien may otherwise be eligible.

Passed the House of Representatives June 4, 2019.

Attest: CHERYL L. JOHNSON,  
*Clerk.*



**Calendar No. 112**

116TH CONGRESS  
1ST Session

**H. R. 6**

**AN ACT**

To authorize the cancellation of removal and adjustment of status of certain aliens, and for other purposes.

JUNE 10, 2019

Read the second time and placed on the calendar