

115TH CONGRESS  
1ST SESSION

# H. R. 4253

To amend the Immigration and Nationality Act to provide for certain protections for aliens granted temporary protected status or deferred enforced departure, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2017

Ms. VELÁZQUEZ (for herself, Mr. TED LIEU of California, Ms. BASS, Mr. CROWLEY, Ms. NORTON, Mr. MCGOVERN, Mrs. DEMINGS, Mr. ESPAILLAT, Mr. CARSON of Indiana, Mr. GOMEZ, Mr. VARGAS, Mr. GRIJALVA, Mrs. NAPOLITANO, Mrs. TORRES, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Miss RICE of New York, Mr. CASTRO of Texas, and Mr. EVANS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to provide for certain protections for aliens granted temporary protected status or deferred enforced departure, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Promise Act  
5 of 2017”.

1 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NON-IMMI-**  
2 **GRANT NATIONALS GRANTED TEMPORARY**  
3 **PROTECTED STATUS OR DEFERRED EN-**  
4 **FORCED DEPARTURE.**

5 Title II of the Immigration and Nationality Act (8  
6 U.S.C. 1101 et seq.) is amended by inserting after section  
7 244 the following (and amending the table of contents ac-  
8 cordingly):

9 **“SEC. 244A. ADJUSTMENT OF STATUS FOR CERTAIN NA-**  
10 **TIONALS IN RECEIPT OF TEMPORARY PRO-**  
11 **TECTED STATUS OR DEFERRED ENFORCED**  
12 **DEPARTURE.**

13 “(a) IN GENERAL.—The status of any alien described  
14 in subsection (c) shall be adjusted by the Secretary of  
15 Homeland Security to that of an alien lawfully admitted  
16 for permanent residence, if the alien—

17 “(1) applies for such adjustment within 3 years  
18 after the date of enactment of this section;

19 “(2) is determined to be admissible to the  
20 United States for permanent residence; and

21 “(3) meets the criteria established under sub-  
22 section (c)

23 “(b) CERTAIN GROUNDS FOR INADMISSIBILITY INAP-  
24 PLICABLE.—

25 “(1) IN GENERAL.—For purposes of deter-  
26 mining admissibility under subsection (a)(2), the

1 grounds for inadmissibility specified in paragraphs  
2 (4), (5), (6)(A), and (7)(A) of section 212(a) of the  
3 Immigration and Nationality Act shall not apply.

4 “(2) ADDITIONAL WAIVER FOR INDIVIDUAL  
5 ALIENS.—The Secretary may waive any other provi-  
6 sion of section 212(a) in the case of an individual  
7 alien for humanitarian purposes, to assure family  
8 unity, or when it is otherwise in the public interest.

9 “(c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
10 TUS.—An alien shall be eligible for adjustment of status  
11 if the alien—

12 “(1) is a national of a country (or part of a  
13 country) with a designation under 244(b) of the Im-  
14 migration and Nationality Act during the period  
15 specified in section 244(b)(2) and who was granted  
16 temporary protected status, or was otherwise eligible  
17 for temporary protected status, on or before October  
18 1, 2017, or has been granted Deferred Enforced De-  
19 parture (hereinafter in this section referred to as  
20 ‘DED’) on or before October 1, 2017; and

21 “(2) has been continuously physically present in  
22 the United States for a period of not less than 3  
23 years since the effective date of this Act’s enact-  
24 ment.

1       “(d) WAIVER AUTHORIZED.—Notwithstanding any  
2 provision of the Immigration and Nationality Act, an alien  
3 who fails to meet the continuous physical presence require-  
4 ment under paragraph (2) of subsection (c) shall be con-  
5 sidered eligible for status adjustment as provided in this  
6 section if the Attorney General or the Secretary deter-  
7 mines that the removal of the alien from the United States  
8 would result in extreme hardship to the alien, their spouse,  
9 their children, their parents, or their domestic partner.

10       “(e) EFFECT OF APPLICATION ON CERTAIN OR-  
11 DERS.—An alien present in the United States who has  
12 been ordered removed or has been granted voluntary de-  
13 parture from the United States may, notwithstanding  
14 such order, apply for adjustment of status under this sec-  
15 tion. Such alien shall not be required to file a separate  
16 motion to reopen, reconsider, or vacate the order of re-  
17 moval. If the Secretary approves the application, the Sec-  
18 retary shall cancel the order of removal. If the Secretary  
19 renders a final administrative decision to deny the applica-  
20 tion, the order of removal shall be effective and enforce-  
21 able to the same extent as if the application had not been  
22 made.

23       “(f) WORK AUTHORIZATION.—The Secretary shall  
24 authorize an alien who has applied for adjustment of sta-  
25 tus under this section to engage in employment in the

1 United States during the pendency of such application and  
2 shall provide the alien with an appropriate document signi-  
3 fying authorization of employment.

4 “(g) ADJUSTMENT OF STATUS FOR CERTAIN FAMILY  
5 MEMBERS.—

6 “(1) IN GENERAL.—The status of an alien shall  
7 be adjusted by the Secretary to that of an alien law-  
8 fully admitted for permanent residence if the alien—

9 “(A) is the spouse, parent, or unmarried  
10 son or daughter of an alien whose status is ad-  
11 justed under this section;

12 “(B) applies for adjustment under this sec-  
13 tion within 3 years after the date of enactment  
14 of this Act; and

15 “(C) is determined to be admissible to the  
16 United States for permanent residence.

17 “(2) CERTAIN GROUNDS FOR INADMISSIBILITY  
18 INAPPLICABLE.—For purposes of determining ad-  
19 missibility under subsection (g)(1)(C), the grounds  
20 for inadmissibility specified in paragraphs (4), (5),  
21 (6)(A), and (7)(A) of section 212(a) shall not apply.

22 “(h) AVAILABILITY OF ADMINISTRATIVE REVIEW.—  
23 The Secretary shall provide to aliens applying for adjust-  
24 ment of status under this section the same right to, and  
25 procedures for, administrative review as are provided to—

1           “(1) applicants for adjustment of status under  
2           section 245; or

3           “(2) aliens subject to removal proceedings  
4           under section 240.

5           “(i) NO OFFSET IN NUMBER OF VISAS AVAIL-  
6           ABLE.—The granting of adjustment of status under this  
7           section shall not reduce the number of immigrant visas  
8           authorized to be issued under any provision of the Immi-  
9           gration and Nationality Act.

10          “(j) TREATMENT OF BRIEF, CASUAL, AND INNOCENT  
11          DEPARTURES AND CERTAIN OTHER ABSENCES.—An  
12          alien who has failed to maintain the 3-year continuous  
13          physical presence requirement under subsection (c) be-  
14          cause of brief, casual, and innocent departures or, emer-  
15          gency travel, or extenuating circumstances outside of the  
16          control of the alien, shall not be considered to have failed  
17          to maintain continuous physical presence in the United  
18          States.

19          “(k) RULE OF CONSTRUCTION.—Nothing in this Act  
20          shall be construed to include aliens (as a class or indi-  
21          vidual basis) from previously designated countries that no  
22          longer have valid temporary protected status designation  
23          under section 244(b), or aliens who no longer have a valid  
24          deferred enforced departure status, unless such designated

1 status or previously deferred enforced departure expires  
2 on or after January 1, 2017.

3 “(l) DEFINITIONS.—In this section:

4 “(1) The term ‘domestic partner’ means an  
5 adult of at least 18 years of age in a committed rela-  
6 tionship with the alien applying for adjustment. A  
7 committed relationship is one in which the employee  
8 and the domestic partner of the employee are each  
9 other’s sole domestic partner (and are not married  
10 to or domestic partners with anyone else) and share  
11 responsibility for a significant measure of each oth-  
12 er’s common welfare and financial obligations. This  
13 includes, but is not limited to, any relationship be-  
14 tween two individuals of the same or opposite sex  
15 that is granted legal recognition by a State or by the  
16 District of Columbia as a marriage or analogous re-  
17 lationship (including, but not limited to, a civil  
18 union).

19 “(2) The term ‘provide for its repatriated citi-  
20 zens’ means a country’s ability to provide safety,  
21 and social safety net services, including preventive  
22 healthcare services, and housing.

23 “(3) The term ‘Deferred Enforced Departure’  
24 or ‘DED’ refers to the presidential directive issued  
25 on September 28, 2016.”.

1 **SEC. 3. REPORTING REQUIREMENTS REGARDING FUTURE**  
2 **DISCONTINUED ELIGIBILITY OF ALIENS**  
3 **FROM COUNTRIES CURRENTLY LISTED**  
4 **UNDER TEMPORARY PROTECTED STATUS.**

5 (a) **ADDITIONAL REPORTING REQUIREMENTS.**—Sec-  
6 tion 244(b)(3) of the Immigration and Nationality Act (8  
7 U.S.C. 1254a(b)(3)) is amended by adding at the end, the  
8 following:

9 “(D) **REPORT ON TERMINATIONS.**—Within  
10 3 days after the Attorney General’s announce-  
11 ment, including by notice in the Federal Reg-  
12 ister, of a country’s designation being termi-  
13 nated from Temporary Protected Status, the  
14 Attorney General shall submit to the Committee  
15 on the Judiciary of the Senate and the House  
16 Judiciary Committee a report that includes—

17 “(i) an explanation of the event or  
18 events that initially prompted a country’s  
19 designation under temporary protected sta-  
20 tus;

21 “(ii) the progress the country has  
22 made in remedying the designation speci-  
23 fied in clause (i), including any significant  
24 challenges or shortcomings that have not  
25 been addressed since the initial designa-  
26 tion;



1           “(iii) an analysis, with applicable and  
2 relevant metrics as determined by the Sec-  
3 retary, of the country’s ability to repatriate  
4 its nationals, including—

5                   “(I) the country’s financial abil-  
6 ity to provide for its repatriated citi-  
7 zens;

8                   “(II) the country’s financial abil-  
9 ity to address the initial designation  
10 specified in clause (i) without foreign  
11 assistance;

12                   “(III) the country’s gross domes-  
13 tic product, gross domestic product  
14 per capita, and an analysis of the  
15 country’s ability to be economically  
16 self-sufficient without foreign assist-  
17 ance;

18                   “(IV) the economic and social  
19 impact repatriation of nationals in  
20 possession of temporary protected sta-  
21 tus would have on the recipient coun-  
22 try; and

23                   “(V) any additional metrics the  
24 Secretary deems necessary.”.

1 **SEC. 4. ADJUSTMENT OF RELATION OF PERIOD OF TEM-**  
2 **PORARY PROTECTED STATUS TO CANCELLA-**  
3 **TION OF REMOVAL.**

4 Section 244(e) of the Immigration and Nationality  
5 Act (8 U.S.C.1254a(e)) is amended—

6 (1) by striking “With respect to an alien” and  
7 inserting the following:

8 “(1) IN GENERAL.—With respect to an alien”;  
9 and

10 (2) by adding at the end, the following:

11 “(2) WAIVER FOR CERTAIN TEMPORARY PRO-  
12 TECTED STATUS HOLDERS.—The provisions in sub-  
13 section (e) shall not apply to an Alien who is eligible  
14 for adjustment of status pursuant to section 244A  
15 of the Immigration and Nationality Act.”.

16 **SEC. 5. ELIGIBILITY FOR NATURALIZATION.**

17 (a) IN GENERAL.—Notwithstanding sections 319(b),  
18 328, and 329 of the Immigration and Nationality Act (8  
19 U.S.C. 1430(b), 1439, and 1440), an alien whose status  
20 is adjusted under section 244A of the Immigration and  
21 Nationality Act to that of an alien lawfully admitted for  
22 permanent residence may apply for naturalization under  
23 chapter 2 of title III of the Immigration and Nationality  
24 Act (8 U.S.C. 1421 et seq.) not earlier than 5 years after  
25 such adjustment of status.

1 (b) LANGUAGE REQUIREMENT WAIVER.—Section  
2 312(b)(2) of the Immigration and Nationality Act (8  
3 U.S.C. 1423(b)(2)) is amended—

4 (1) in subparagraph (A), by adding “or” at the  
5 end;

6 (2) in subparagraph (B), by striking the period  
7 and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(C) is an alien in receipt of status adjust-  
10 ment under section 244A of the Immigration  
11 and Nationality Act.”.

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