

116TH CONGRESS
1ST SESSION

H. R. 4151

To improve agricultural job opportunities, benefits, and security for aliens
in the United States and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2019

Ms. ESHOO introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve agricultural job opportunities, benefits, and security for aliens in the United States 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 “Undocumented Taxpayers Opportunity 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—PROGRAM FOR EARNED STATUS ADJUSTMENT OF
ALIEN TAXPAYERS

- Sec. 101. Provisional immigrant status.
 Sec. 102. Adjustment to permanent resident status.
 Sec. 103. Use of information.
 Sec. 104. Reports on provisional immigrants.
 Sec. 105. Authorization of appropriations.

TITLE II—CORRECTION OF SOCIAL SECURITY RECORDS

- Sec. 201. Correction of Social Security records.

TITLE III—DEFINITIONS

- Sec. 301. Definitions.

1 **TITLE I—PROGRAM FOR**
 2 **EARNED STATUS ADJUST-**
 3 **MENT OF ALIEN TAXPAYERS**

4 **SEC. 101. PROVISIONAL IMMIGRANT STATUS.**

5 (a) REQUIREMENTS FOR PROVISIONAL IMMIGRANT
 6 STATUS.—Notwithstanding any other provision of law, the
 7 Secretary may grant provisional immigrant status to an
 8 alien who—

9 (1)(A) has a tax liability that is greater than \$0
 10 which has been assessed and paid for each of the 5
 11 immediately preceding taxable years; or

12 (B)(i) is the spouse or child of an alien de-
 13 scribed in subparagraph (A);

14 (ii) was physically present in the United States
 15 on or before the date of the enactment of this Act;

16 and

1 (iii) has maintained continuous presence in the
2 United States from that date until the date on which
3 the alien is granted provisional immigrant status;

4 (2) is not ineligible under subsection (d)(2);

5 (3) submits a completed application before the
6 end of the period set forth in subsection (b)(3);

7 (4) passes the national security and law en-
8 forcement clearances required under subsection
9 (d)(1) to the satisfaction of the Secretary; and

10 (5) pays the required processing fees and pen-
11 alties in accordance with subsection (e).

12 (b) APPLICATION.—

13 (1) SUBMISSION REQUIREMENTS.—An alien de-
14 scribed in subsection (a)(1) who is seeking provi-
15 sional immigrant status shall submit an applica-
16 tion—

17 (A) to the Secretary, with the assistance of
18 an attorney or a nonprofit religious, charitable,
19 social service, or similar organization recognized
20 by the Board of Immigration Appeals under
21 section 292.2 of title 8, Code of Federal Regu-
22 lations; or

23 (B) to a qualified entity if the applicant
24 consents to the forwarding of the application to
25 the Secretary.

1 (2) EVIDENCE OF APPLICATION FILING.—As
2 soon as practicable after receiving each application
3 for provisional immigrant status under paragraph
4 (1), the Secretary shall provide the applicant with a
5 document acknowledging the receipt of such applica-
6 tion.

7 (3) APPLICATION PERIOD.—

8 (A) INITIAL PERIOD.—Except as provided
9 in subparagraphs (B) and (C), the Secretary
10 shall accept applications for provisional immi-
11 grant status from aliens in the United States
12 during the 18-month period beginning on the
13 date on which the final rule is published in the
14 Federal Register pursuant to subsection (j).

15 (B) EXCEPTION.—Aliens described in sub-
16 section (a)(1)(C) may apply for provisional im-
17 migrant status from outside of the United
18 States.

19 (C) EXTENSION.—If the Secretary deter-
20 mines, during the initial period described in
21 subparagraph (A), that additional time is re-
22 quired to process applications for provisional
23 immigrant status or for other good cause, the
24 Secretary may extend the period for accepting
25 applications for an additional 18 months.

1 (4) APPLICATION.—

2 (A) IN GENERAL.—The application form
3 referred to in paragraph (1) shall collect such
4 information as the Secretary determines nec-
5 essary and appropriate.

6 (B) FAMILY APPLICATION.—The Secretary
7 shall establish a process through which an alien
8 may submit a single application under this sec-
9 tion on behalf of the alien and his or her spouse
10 and children who meet the requirements set
11 forth in subsection (a)(1)(B).

12 (5) ADJUDICATION.—

13 (A) INTERVIEW.—The Secretary may
14 interview applicants for provisional immigrant
15 status to determine whether they meet the eligi-
16 bility requirements set forth in this section.

17 (B) FAILURE TO SUBMIT SUFFICIENT EVI-
18 DENCE.—The Secretary may deny an applica-
19 tion for provisional immigrant status submitted
20 by an alien who fails to submit evidence of the
21 alien's eligibility for such status.

22 (C) NOTICE.—If the Secretary denies an
23 application for provisional immigrant status,
24 the Secretary shall—

1 (i) send a written notice to the appli-
2 cant that provides the applicant with the
3 basis for denial; and

4 (ii) provide the alien with an oppor-
5 tunity to cure the denial within a reason-
6 able time.

7 (D) AMENDED APPLICATION.—An alien
8 whose application for provisional immigrant sta-
9 tus is denied under subparagraph (B) may sub-
10 mit an amended application for such status to
11 the Secretary if the amended application—

12 (i) is submitted within the application
13 period described in paragraph (3); and

14 (ii) contains all the required informa-
15 tion and fees that were missing from the
16 initial application.

17 (E) ADDITIONAL PROCEDURES.—The Sec-
18 retary may utilize the procedures set forth in
19 sections 103.2 and 103.3 of title 8, Code of
20 Federal Regulations, as in effect on the date of
21 the enactment of this Act, to adjudicate re-
22 quests for provisional immigrant status to the
23 extent such procedures are consistent with the
24 requirements under this section.

1 (6) EVIDENCE OF PROVISIONAL IMMIGRANT
2 STATUS.—

3 (A) IN GENERAL.—The Secretary shall
4 issue documentary evidence of provisional immi-
5 grant status to each alien whose application for
6 such status has been approved.

7 (B) DOCUMENTATION FEATURES.—Docu-
8 mentary evidence provided under subparagraph
9 (A)—

10 (i) shall be machine-readable and tam-
11 per-resistant;

12 (ii) shall contain a digitized photo-
13 graph;

14 (iii) shall, during the alien's author-
15 ized period of admission, and any exten-
16 sion of such authorized admission, serve as
17 a valid travel and entry document for the
18 purpose of applying for admission to the
19 United States;

20 (iv) may be accepted during the pe-
21 riod of its validity by an employer as evi-
22 dence of employment authorization and
23 identity under section 274A(b)(1)(B) of
24 the Immigration and Nationality Act (8
25 U.S.C. 1324a(b)(1)(B)); and

1 (v) shall include such other features
2 and information as the Secretary may pre-
3 scribe.

4 (c) SPECIAL RULES FOR PROVISIONAL IMMIGRANT
5 APPLICANTS AND ALIENS ELIGIBLE FOR PROVISIONAL
6 IMMIGRANT STATUS.—

7 (1) ALIENS APPREHENDED BEFORE OR DURING
8 THE APPLICATION PERIOD.—If an alien, who is ap-
9 prehended during the period beginning on the date
10 of the enactment of this Act and ending on the last
11 day of the application period described in paragraph
12 (3), appears prima facie eligible for provisional im-
13 migrant status, the Secretary—

14 (A) shall provide the alien with a reason-
15 able opportunity to submit an application for
16 such status under this section during such ap-
17 plication period; and

18 (B) may not remove the individual until a
19 final administrative determination is made on
20 the application.

21 (2) ALIENS IN REMOVAL PROCEEDINGS.—Not-
22 withstanding any other provision of the Immigration
23 and Nationality Act (8 U.S.C. 1101 et seq.) if an
24 alien is in removal, deportation, or exclusion pro-
25 ceedings during the period beginning on the date of

1 the enactment of this Act and ending on the last day
2 of the application period described in subsection
3 (b)(3) and is prima facie eligible for provisional im-
4 migrant status under this section, upon motion by
5 the Secretary and with the consent of the alien or
6 upon motion by the alien, the Executive Office for
7 Immigration Review shall—

8 (A) terminate such proceedings without
9 prejudice to future proceedings; and

10 (B) permit the alien a reasonable oppor-
11 tunity to apply for such status.

12 (3) TREATMENT OF ALIENS PREVIOUSLY OR-
13 DERED REMOVED.—

14 (A) IN GENERAL.—If an alien who meets
15 the eligibility requirements set forth in sub-
16 section (a) is present in the United States and
17 has been ordered excluded, deported, or re-
18 moved, or ordered to depart voluntarily from
19 the United States under any provision of the
20 Immigration and Nationality Act—

21 (i) notwithstanding such order or sec-
22 tion 241(a)(5) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1231(a)(5)), the
24 alien may apply for provisional immigrant
25 status under this section; and

1 (ii) if the alien is granted such status,
2 the alien may file a motion to reopen the
3 exclusion, deportation, removal, or vol-
4 untary departure order, which motion shall
5 be granted.

6 (B) LIMITATIONS ON MOTIONS TO RE-
7 OPEN.—The limitations on motions to reopen
8 set forth in section 240(c)(7) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1229a(c)(7))
10 shall not apply to motions filed under subpara-
11 graph (A)(ii).

12 (4) PERIOD PENDING ADJUDICATION OF APPLI-
13 CATION.—During the period beginning on the date
14 on which an alien applies for provisional immigrant
15 status under this section and ending on the date on
16 which the Secretary makes a final decision regarding
17 such application, the alien—

18 (A) is eligible to apply for advance parole;

19 (B) may not be detained by the Secretary
20 or removed from the United States unless the
21 Secretary makes a prima facie determination
22 that such alien is, or has become, ineligible for
23 provisional immigrant status under subsection
24 (d)(2);

1 (C) shall not be considered unlawfully
2 present under section 212(a)(9)(B) of the Im-
3 migration and Nationality Act (8 U.S.C.
4 1182(a)(9)(B)); and

5 (D) shall not be considered an unauthor-
6 ized alien (as defined in section 274A(h)(3) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1324a(h)(3))).

9 (5) EFFECT OF DEPARTURE.—Section 101(g)
10 of the Immigration and Nationality Act (8 U.S.C.
11 1101(g)) shall not apply to an alien granted—

12 (A) advance parole under paragraph (4)(A)
13 to reenter the United States; or

14 (B) provisional immigrant status.

15 (6) PROTECTION FROM DETENTION OR RE-
16 MOVAL DURING PROVISIONAL IMMIGRANT STATUS.—

17 An alien granted provisional immigrant status under
18 this section may not be detained by the Secretary or
19 removed from the United States unless—

20 (A) the alien is removable under section
21 237 of the Immigration and Nationality Act (8
22 U.S.C. 1227); or

23 (B) the alien's provisional immigrant sta-
24 tus has been revoked.

1 (7) DURATION OF STATUS.—Beginning on the
2 date that is eight years after the date on which reg-
3 ulations are published under subsection (j), no alien
4 may remain in provisional immigrant status.

5 (d) REQUIRED BACKGROUND INVESTIGATIONS AND
6 INELIGIBILITY.—

7 (1) IN GENERAL.—

8 (A) BIOMETRIC AND BIOGRAPHIC DATA.—

9 The Secretary may not grant provisional immi-
10 grant status to an alien or an alien dependent
11 spouse or child under this section unless such
12 alien submits biometric and biographic data in
13 accordance with procedures established by the
14 Secretary.

15 (B) ALTERNATIVE PROCEDURES.—The
16 Secretary shall provide an alternative procedure
17 for applicants who cannot provide the standard
18 biometric data required under subparagraph
19 (A) because of a physical impairment.

20 (C) DATA COLLECTION.—The Secretary
21 shall collect, from each alien applying for status
22 under this section, biometric, biographic, and
23 other data that the Secretary determines to be
24 appropriate in order to conduct a background

1 investigation and determine the alien's eligi-
2 bility for provisional immigrant status.

3 (2) GROUNDS FOR INELIGIBILITY.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), an alien is ineligible for pro-
6 visional immigrant status if the Secretary deter-
7 mines that the alien—

8 (i) has a conviction for—

9 (I) an offense classified as a fel-
10 ony in the convicting jurisdiction
11 (other than a State or local offense
12 for which an essential element was the
13 alien's immigration status, or a viola-
14 tion of the Immigration and Nation-
15 ality Act (8 U.S.C. 1101 et seq.));

16 (II) an aggravated felony (as de-
17 fined in section 101(a)(43) of the Im-
18 migration and Nationality Act (8
19 U.S.C. 1101(a)(43)) at the time of
20 the conviction);

21 (III) 3 or more misdemeanor of-
22 fenses (other than minor traffic of-
23 fenses or State or local offenses for
24 which an essential element was the
25 alien's immigration status, or viola-

1 tions of the Immigration and Nation-
2 ality Act) if the alien was convicted on
3 different dates for each of the 3 of-
4 fenses;

5 (IV) any offense under foreign
6 law, except for a purely political of-
7 fense, which, if the offense had been
8 committed in the United States,
9 would render the alien inadmissible
10 under section 212(a) of the Immigra-
11 tion and Nationality Act (8 U.S.C.
12 1182(a)), excluding the paragraphs
13 set forth in clause (ii), or removable
14 under section 237(a) of such Act (8
15 U.S.C. 1227(a)), except as provided in
16 paragraph (3) of such section 237(a);
17 or

18 (V) unlawful voting (as defined
19 in section 237(a)(6) of the Immigra-
20 tion and Nationality Act (8 U.S.C.
21 1227(a)(6)));

22 (ii) is inadmissible under section
23 212(a) of the Immigration and Nationality
24 Act (8 U.S.C. 1182(a)), except that in de-
25 termining an alien's inadmissibility—

1 (I) paragraphs (4), (5), (7), and
2 (9)(B) of such section 212(a) shall
3 not apply;

4 (II) subparagraphs (A), (C), (D),
5 (F), and (G) of such section 212(a)(6)
6 and paragraphs (9)(C) and (10)(B) of
7 such section 212(a) shall not apply
8 unless based on the act of unlawfully
9 entering the United States after the
10 date of the enactment of this Act; and

11 (III) paragraphs (6)(B) and
12 (9)(A) of such section 212(a) shall
13 not apply unless the relevant conduct
14 began on or after the date on which
15 the alien files an application for reg-
16 istered provisional immigrant status
17 under this section;

18 (iii) is an alien who the Secretary
19 knows or has reasonable grounds to be-
20 lieve, is engaged in or is likely to engage
21 after entry in any terrorist activity (as de-
22 fined in section 212(a)(3)(B)(iv) of such
23 Act); or

24 (iv) was, on the date of the enactment
25 of this Act—

1 (I) an alien lawfully admitted for
2 permanent residence; or

3 (II) an alien admitted as a ref-
4 ugee under section 207 of the Immi-
5 gration and Nationality Act (8 U.S.C.
6 1157) or granted asylum under sec-
7 tion 208 of such Act (8 U.S.C. 1158).

8 (B) WAIVER.—

9 (i) IN GENERAL.—The Secretary may
10 waive the application of subparagraph
11 (A)(i)(III) or any provision of section
12 212(a) of the Immigration and Nationality
13 Act (8 U.S.C. 1182(a)) that is not listed in
14 clause (ii) on behalf of an alien for human-
15 itarian purposes, to ensure family unity, or
16 if such a waiver is otherwise in the public
17 interest. Any discretionary authority to
18 waive grounds of inadmissibility under
19 such section 212(a) conferred under any
20 other provision of the Immigration and
21 Nationality Act shall apply equally to
22 aliens seeking provisional immigrant status
23 under this section.

1 (ii) EXCEPTIONS.—The discretionary
2 authority under clause (i) may not be used
3 to waive—

4 (I) subparagraph (B), (C),
5 (D)(ii), (E), (G), (H), or (I) of section
6 212(a)(2) of such Act;

7 (II) section 212(a)(3) of such
8 Act; or

9 (III) subparagraph (A), (C), (D),
10 or (E) of section 212(a)(10) of such
11 Act.

12 (C) CONVICTION EXPLAINED.—For pur-
13 poses of this paragraph, the term “conviction”
14 does not include a judgment that has been ex-
15 punged, set aside, or the equivalent.

16 (D) RULE OF CONSTRUCTION.—Nothing in
17 this paragraph may be construed to require the
18 Secretary to commence removal proceedings
19 against an alien.

20 (e) FEES AND PENALTIES.—

21 (1) STANDARD PROCESSING FEE.—Aliens 16
22 years of age or older who are applying for provi-
23 sional immigrant status under this subsection, or for
24 an extension of such status, shall pay a processing

1 fee to the Department of Homeland Security in an
2 amount determined by the Secretary.

3 (2) RECOVERY OF COSTS.—The processing fee
4 authorized under paragraph (1) shall be set at a
5 level that is sufficient to recover the full costs of
6 processing the application, including any costs in-
7 curred—

8 (A) to adjudicate the application;

9 (B) to take and process biometric data;

10 (C) to perform national security and crimi-
11 nal checks, including adjudication;

12 (D) to prevent and investigate fraud; and

13 (E) to administer the collection of such
14 fee.

15 (3) AUTHORITY TO LIMIT FEES.—The Sec-
16 retary may issue regulations—

17 (A) to limit the maximum processing fee
18 payable under this subsection by a family, in-
19 cluding spouses and unmarried children young-
20 er than 21 years of age; and

21 (B) to exempt defined classes of individ-
22 uals from the payment of the fee required
23 under paragraph (1).

24 (4) PENALTY.—In addition to the processing
25 fee required under paragraph (1), aliens applying for

1 provisional immigrant status under this subsection
2 who are 21 years of age or older shall pay a \$100
3 penalty to the Department of Homeland Security.

4 (5) DEPOSIT AND USE OF PROCESSING FEES
5 AND PENALTIES.—Fees and penalties authorized
6 under this subsection—

7 (A) shall be deposited into the Immigration
8 Examinations Fee Account pursuant to section
9 286(m) of the Immigration and Nationality Act
10 (8 U.S.C. 1356(m)); and

11 (B) shall remain available until expended
12 pursuant to section 286(n) of such Act.

13 (f) TERMS AND CONDITIONS OF PROVISIONAL IMMI-
14 GRANT STATUS.—

15 (1) CONDITIONS OF PROVISIONAL IMMIGRANT
16 STATUS.—

17 (A) EMPLOYMENT.—Notwithstanding any
18 other provision of law, including section
19 241(a)(7) of the Immigration and Nationality
20 Act (8 U.S.C. 1231(a)(7)), an alien with provi-
21 sional immigrant status shall be authorized to
22 be employed in the United States while in such
23 status.

1 (B) TRAVEL OUTSIDE THE UNITED
2 STATES.—An alien with provisional immigrant
3 status—

4 (i) may travel outside of the United
5 States, including commuting to the United
6 States from a residence in a foreign coun-
7 try; and

8 (ii) may be admitted upon returning
9 to the United States without having to ob-
10 tain a visa if—

11 (I) the alien is in possession of—

12 (aa) valid, unexpired docu-
13 mentary evidence of provisional
14 immigrant status that complies
15 with subsection (b)(6)(B); or

16 (bb) a travel document that
17 has been approved by the Sec-
18 retary and was issued to the
19 alien after the alien's original
20 documentary evidence was lost,
21 stolen, or destroyed;

22 (II) the alien's absence from the
23 United States did not exceed 180
24 days, unless the alien's failure to
25 timely return was due to extenuating

1 circumstances beyond the alien’s con-
2 trol; and

3 (III) the alien establishes that he
4 or she is not inadmissible under sub-
5 paragraph (A)(i), (A)(iii), (B), or (C)
6 of section 212(a)(3) of the Immigra-
7 tion and Nationality Act (8 U.S.C.
8 1182(a)(3)).

9 (C) ADMISSION.—An alien granted provi-
10 sional immigrant status shall be considered to
11 have been admitted in such status as of the
12 date on which the alien’s application was sub-
13 mitted.

14 (D) CLARIFICATION OF STATUS.—An alien
15 granted provisional immigrant status shall be
16 considered lawfully admitted to the United
17 States.

18 (2) REVOCATION.—

19 (A) IN GENERAL.—The Secretary may re-
20 voke provisional immigrant status at any time
21 after providing appropriate notice to the alien,
22 and after the exhaustion or waiver of all appli-
23 cable administrative review procedures if the
24 alien—

1 (i) no longer meets the eligibility re-
2 quirements for provisional immigrant sta-
3 tus;

4 (ii) knowingly used documentation
5 issued under this section for an unlawful
6 or fraudulent purpose; or

7 (iii) was absent from the United
8 States for—

9 (I) any single period longer than
10 180 days in violation of the require-
11 ment under paragraph (1)(B)(ii)(II);
12 or

13 (II) for more than 180 days in
14 the aggregate during any calendar
15 year, unless the alien's failure to time-
16 ly return was due to extenuating cir-
17 cumstances beyond the alien's control.

18 (B) ADDITIONAL EVIDENCE.—

19 (i) IN GENERAL.—In determining
20 whether to revoke an alien's status under
21 subparagraph (A), the Secretary may re-
22 quire the alien—

23 (I) to submit additional evidence;

24 and

25 (II) to appear for an interview.

1 (ii) EFFECT OF NONCOMPLIANCE.—

2 The provisional immigrant status of an
3 alien who fails to comply with any require-
4 ment imposed by the Secretary under
5 clause (i) shall be revoked unless the alien
6 demonstrates to the Secretary's satisfac-
7 tion that such failure was reasonably ex-
8 cusable.

9 (C) INVALIDATION OF DOCUMENTATION.—

10 If an alien's provisional immigrant status is re-
11 voked pursuant to subparagraph (A), any docu-
12 mentation issued by the Secretary to such alien
13 under subsection (b)(6) shall automatically be
14 rendered invalid for any purpose except for de-
15 parture from the United States.

16 (3) INELIGIBILITY FOR PUBLIC BENEFITS.—An

17 alien who has been granted provisional immigrant
18 status is not eligible for the Federal means-tested
19 public benefits unavailable to qualified aliens under
20 section 403 of the Personal Responsibility and Work
21 Opportunity Reconciliation Act of 1996 (8 U.S.C.
22 1613).

23 (4) TREATMENT OF PROVISIONAL IMMIGRANT

24 STATUS.—An alien granted provisional immigrant
25 status shall be considered lawfully present in the

1 United States for all purposes while such alien re-
2 mains in such status, except that the alien—

3 (A) is not entitled to the premium assist-
4 ance tax credit authorized under section 36B of
5 the Internal Revenue Code of 1986 (26 U.S.C.
6 36B) for his or her coverage;

7 (B) shall be subject to the rules applicable
8 to individuals who are not lawfully present set
9 forth in subsection (e) of such section;

10 (C) shall be subject to the rules applicable
11 to individuals who are not lawfully present set
12 forth in section 1402(e) of the Patient Protec-
13 tion and Affordable Care Act (42 U.S.C.
14 18071(e)); and

15 (D) shall be subject to the rules applicable
16 to individuals not lawfully present set forth in
17 section 5000A(d)(3) of the Internal Revenue
18 Code of 1986 (26 U.S.C. 5000A(d)(3)).

19 (g) PROVISIONS INVOLVING EMPLOYERS.—

20 (1) RECORD OF EMPLOYMENT.—Employers of
21 aliens granted provisional immigrant status shall
22 provide the alien and the Secretary with a written
23 record of employment each year the alien remains in
24 such status.

25 (2) CIVIL PENALTIES.—

1 (A) IN GENERAL.—If the Secretary deter-
2 mines, after notice and an opportunity for a
3 hearing, that an employer of an alien granted
4 provisional immigrant status has knowingly
5 failed to provide the record of employment re-
6 quired under paragraph (1) or has provided a
7 false statement of material fact in such a
8 record, the employer shall be subject to a civil
9 penalty in an amount not to exceed \$500 per
10 violation.

11 (B) LIMITATION.—The penalty under sub-
12 paragraph (A) for failure to provide employ-
13 ment records shall not apply unless the alien
14 has provided the employer with evidence of em-
15 ployment authorization described in subsection
16 (b)(11).

17 (C) DEPOSIT OF CIVIL PENALTIES.—Civil
18 penalties collected under this paragraph shall be
19 deposited into the Immigration Examinations
20 Fee Account pursuant to section 286(m) of the
21 Immigration and Nationality Act (8 U.S.C.
22 1356(m)).

23 (3) CONTINUING EMPLOYMENT.—An employer
24 that knows an alien employee is an applicant for
25 provisional immigrant status or will apply for such

1 status once the application period commences is not
2 in violation of section 274A(a)(2) of the Immigra-
3 tion and Nationality Act (8 U.S.C. 1324a(a)(2)) if
4 the employer continues to employ the alien pending
5 the adjudication of the alien employee's application.

6 (4) EMPLOYER PROTECTIONS.—

7 (A) USE OF EMPLOYMENT RECORDS.—

8 Copies of employment records or other evidence
9 of employment provided by an alien or by an
10 alien's employer in support of an alien's appli-
11 cation for provisional immigrant status may not
12 be used in a civil or criminal prosecution or in-
13 vestigation of that employer under section 274A
14 of the Immigration and Nationality Act (8
15 U.S.C. 1324a) or the Internal Revenue Code of
16 1986 for the prior unlawful employment of that
17 alien regardless of the adjudication of such ap-
18 plication or reconsideration by the Secretary of
19 such alien's prima facie eligibility determina-
20 tion. Employers that provide unauthorized
21 aliens with copies of employment records or
22 other evidence of employment pursuant to an
23 application for provisional immigrant status
24 shall not be subject to civil and criminal liability

1 pursuant to such section 274A for employing
2 such unauthorized aliens.

3 (B) LIMIT ON APPLICABILITY.—The pro-
4 tections for employers and aliens under sub-
5 paragraph (A) shall not apply if the aliens or
6 employers submit employment records that are
7 determined to be fraudulent.

8 (h) ADMINISTRATIVE AND JUDICIAL REVIEW.—

9 (1) IN GENERAL.—Any administrative or judi-
10 cial review of a determination regarding an applica-
11 tion for provisional immigrant status shall comply
12 with the requirements under this subsection.

13 (2) ADMINISTRATIVE REVIEW.—

14 (A) SINGLE LEVEL OF APPELLATE RE-
15 VIEW.—The Secretary shall establish an appel-
16 late authority to provide for a single level of ad-
17 ministration appellate review of a final agency
18 determination.

19 (B) STANDARD FOR REVIEW.—An admin-
20 istrative appellate review established under sub-
21 paragraph (A) shall be based solely upon—

22 (i) the administrative record estab-
23 lished at the time of the determination re-
24 garding the application; and

1 (ii) any additional or newly discovered
2 evidence that was not available at the time
3 of a final agency determination.

4 (3) JUDICIAL REVIEW.—Judicial review of a de-
5 termination under this section shall be limited to the
6 review of an order of removal under section 242 of
7 the Immigration and Nationality Act (8 U.S.C.
8 1252).

9 (i) DISCLOSURES AND PRIVACY.—

10 (1) PROHIBITED DISCLOSURES.—Except as oth-
11 erwise provided in this subsection, no officer or em-
12 ployee of any Federal agency may—

13 (A) use the information furnished in an
14 application for lawful status under this section
15 or section 245B of the Immigration and Na-
16 tionality Act, as added by section 102, for any
17 purpose other than to make a determination on
18 any application by the alien for any immigra-
19 tion benefit or protection;

20 (B) make any publication through which
21 information furnished by any particular appli-
22 cant can be identified; or

23 (C) permit anyone other than the sworn of-
24 ficers, employees, and contractors of such agen-
25 cy or of another entity approved by the Sec-

1 retary to examine any individual application for
2 lawful status under this section or such section
3 245B.

4 (2) REQUIRED DISCLOSURES.—The Secretary
5 shall provide the information furnished in an appli-
6 cation filed under this section or section 245B of the
7 Immigration and Nationality Act, as added by sec-
8 tion 102, and any other information derived from
9 such furnished information to—

10 (A) a law enforcement agency, intelligence
11 agency, national security agency, a component
12 of the Department of Homeland Security,
13 court, or grand jury, consistent with law, in
14 connection with—

15 (i) a criminal investigation or prosecu-
16 tion of any felony not related to the appli-
17 cant’s immigration status; or

18 (ii) a national security investigation or
19 prosecution; and

20 (B) an official coroner for purposes of af-
21 firmatively identifying a deceased individual,
22 whether or not the death of such individual re-
23 sulted from a crime.

24 (3) AUDITING AND EVALUATION OF INFORMA-
25 TION.—The Secretary may—

1 (A) audit and evaluate information fur-
2 nished as part of any application filed under
3 this section or section 245B of the Immigration
4 and Nationality Act, as added by section 102,
5 for purposes of identifying immigration fraud or
6 fraud schemes; and

7 (B) use any evidence detected by means of
8 audits and evaluations for purposes of inves-
9 tigating, prosecuting, referring for prosecution,
10 or denying or terminating immigration benefits.

11 (4) PRIVACY AND CIVIL LIBERTIES.—

12 (A) IN GENERAL.—The Secretary, in ac-
13 cordance with paragraph (1), shall require ap-
14 propriate administrative and physical safe-
15 guards to protect the security, confidentiality,
16 and integrity of personally identifiable informa-
17 tion collected, maintained, and disseminated
18 pursuant to this section and section 245B of
19 the Immigration and Nationality Act, as added
20 by section 102.

21 (B) ASSESSMENTS.—Notwithstanding the
22 privacy requirements set forth in section 222 of
23 the Homeland Security Act (6 U.S.C. 142) and
24 the E-Government Act of 2002 (Public Law
25 107–347), the Secretary shall conduct a privacy

1 impact assessment and a civil liberties impact
2 assessment of the legalization program estab-
3 lished under this section and section 245B of
4 the Immigration and Nationality Act during the
5 pendency of the final regulations to be issued
6 pursuant to subsection (j).

7 (j) RULEMAKING.—Not later than 1 year after the
8 date of the enactment of this Act, the Secretary shall issue
9 final regulations to implement this section.

10 **SEC. 102. ADJUSTMENT TO PERMANENT RESIDENT STATUS.**

11 (a) IN GENERAL.—Chapter 5 of title II of the Immi-
12 gration and Nationality Act (8 U.S.C. 1255 et seq.) is
13 amended by inserting after section 245A the following:

14 **“SEC. 245B. ADJUSTMENT TO PERMANENT RESIDENT STA-
15 TUS FOR ALIEN TAXPAYERS.**

16 “(a) IN GENERAL.—Except as provided in subsection
17 (b), and not earlier than 5 years after the date of the en-
18 actment of the Undocumented Taxpayers Opportunity Act
19 of 2019, the Secretary shall adjust the status of an alien
20 granted provisional immigrant status to that of an alien
21 lawfully admitted for permanent residence if the Secretary
22 determines that the following requirements are satisfied:

23 “(1) QUALIFYING TAX PAYMENT.—Except as
24 provided in paragraph (3), the alien, applicant has
25 a tax liability that is greater than \$0 which has been

1 assessed and paid for each of the 3 immediately pre-
2 ceding taxable years.

3 “(2) EVIDENCE.—An alien may demonstrate
4 compliance with the requirement under paragraph
5 (1) by submitting to the Secretary—

6 “(A) the tax returns of the alien for the 5
7 taxable years immediately preceding the date of
8 alien’s application;

9 “(B) documentation that may be submitted
10 under subsection (e)(4); or

11 “(C) any other documentation designated
12 by the Secretary for such purpose.

13 “(3) EXTRAORDINARY CIRCUMSTANCES.—

14 “(A) IN GENERAL.—In determining wheth-
15 er an alien has met the requirement under
16 paragraph (1), the Secretary may credit the
17 alien with not more than 1 taxable year of com-
18 pliance with paragraph (1) to meet such re-
19 quirement if the alien was unable to satisfy a
20 tax liability for not more than 1 taxable year
21 due to—

22 “(i) pregnancy, disabling injury, or
23 disease established by the alien through
24 medical records;

1 “(ii) illness, disease, or other special
2 needs of the alien’s child established by the
3 alien through medical records; and

4 “(iii) termination from employment, if
5 the Secretary determines that—

6 “(I) the termination was without
7 just cause; and

8 “(II) the alien was unable to find
9 alternative employment after a rea-
10 sonable job search.

11 “(B) EFFECT OF DETERMINATION.—A de-
12 termination under subparagraph (A)(iii), with
13 respect to an alien, shall not be conclusive,
14 binding, or admissible in a separate or subse-
15 quent judicial or administrative action or pro-
16 ceeding between the alien and a current or
17 prior employer of the alien or any other party.

18 “(4) APPLICATION PERIOD.—The alien applies
19 for adjustment of status before the expiration of the
20 alien’s provisional immigrant status.

21 “(5) FINE.—The alien pays a fine of \$400 to
22 the Secretary, which shall be deposited into the Im-
23 migration Examinations Fee Account pursuant to
24 section 286(m).

1 “(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF
2 STATUS.—

3 “(1) IN GENERAL.—The Secretary may not ad-
4 just the status of an alien granted provisional immi-
5 grant status if the alien—

6 “(A) is no longer eligible for provisional
7 immigrant status; or

8 “(B) failed to satisfy the tax liability as re-
9 quired under subsection (a)(1), after consid-
10 ering any amount credited by the Secretary
11 under subsection (a)(3).

12 “(2) MAINTENANCE OF WAIVERS OF INADMIS-
13 SIBILITY.—The grounds of inadmissibility set forth
14 in section 212(a) that were previously waived for the
15 alien or made inapplicable shall not apply for pur-
16 poses of the alien’s adjustment of status under this
17 section.

18 “(3) PENDING REVOCATION PROCEEDINGS.—If
19 the Secretary has notified the applicant that the
20 Secretary intends to revoke the applicant’s provi-
21 sional immigrant status, the Secretary may not ap-
22 prove an application for adjustment of status under
23 this section unless the Secretary makes a final deter-
24 mination not to revoke the applicant’s status.

25 “(4) PAYMENT OF TAXES.—

1 “(A) IN GENERAL.—An alien may not file
2 an application for adjustment of status under
3 this section unless the applicant has satisfied
4 any applicable Federal tax liability.

5 “(B) DEFINITION OF APPLICABLE FED-
6 ERAL TAX LIABILITY.—In this paragraph, the
7 term ‘applicable federal tax liability’ means all
8 Federal income taxes assessed in accordance
9 with section 6203 of the Internal Revenue Code
10 of 1986 since the date on which the applicant
11 was authorized to work in the United States in
12 provisional immigrant status.

13 “(C) COMPLIANCE.—An alien may dem-
14 onstrate compliance with subparagraph (A) by
15 submitting such documentation as the Sec-
16 retary, in consultation with the Secretary of the
17 Treasury, may require by regulation.

18 “(c) SPOUSES AND CHILDREN.—Notwithstanding
19 any other provision of law, the Secretary shall grant per-
20 manent resident status to the spouse or child of an alien
21 whose status was adjusted under subsection (a) if—

22 “(1) the spouse or child (including any indi-
23 vidual who was a child on the date such alien was
24 granted provisional immigrant status) applies for or
25 received such status;

1 “(2) the principal alien includes the spouse and
2 children in an application for adjustment of status
3 to that of a lawful permanent resident; and

4 “(3) the spouse or child is not ineligible for
5 such status.

6 “(d) NUMERICAL LIMITATIONS.—The numerical lim-
7 itations under sections 201 and 202 shall not apply to the
8 adjustment of aliens to lawful permanent resident status
9 under this section.

10 “(e) SUBMISSION OF APPLICATIONS.—

11 “(1) INTERVIEW.—The Secretary may interview
12 applicants for adjustment of status under this sec-
13 tion to determine whether the alien meets the eligi-
14 bility requirements set forth in this section.

15 “(2) FEES.—

16 “(A) IN GENERAL.—Applicants for adjust-
17 ment of status under this section shall pay a
18 processing fee to the Secretary in an amount
19 that will ensure the recovery of the full costs of
20 adjudicating such applications, including—

21 “(i) the cost of taking and processing
22 biometric data;

23 “(ii) expenses relating to prevention
24 and investigation of fraud; and

1 “(iii) costs relating to the collection of
2 such fee.

3 “(B) AUTHORITY TO LIMIT FEES.—The
4 Secretary, by regulation—

5 “(i) may limit the maximum proc-
6 essing fee payable under this paragraph by
7 a family, including spouses and children;
8 and

9 “(ii) may exempt defined classes of in-
10 dividuals from the payment of the fee
11 under subparagraph (A).

12 “(3) DISPOSITION OF FEES.—All fees collected
13 under paragraph (2)(A)—

14 “(A) shall be deposited into the Immigra-
15 tion Examinations Fee Account pursuant to
16 section 286(m); and

17 “(B) shall remain available until expended
18 pursuant to section 286(n).

19 “(4) DOCUMENTATION OF WORK HISTORY.—

20 “(A) BURDEN OF PROOF.—An alien apply-
21 ing for provisional immigrant status under sec-
22 tion 101 of the Undocumented Taxpayers Op-
23 portunity Act of 2019 or for adjustment of sta-
24 tus under subsection (a) shall provide evidence
25 that the alien has satisfied the tax liability as

1 required under subsection (a)(1) of such section
2 101 or subsection (a)(1) of this section, as ap-
3 plicable.

4 “(B) TIMELY PRODUCTION OF RECORDS.—
5 If an employer employing such an alien has
6 kept proper and adequate records respecting
7 such employment, the alien’s burden of proof
8 under subparagraph (A) may be met by secur-
9 ing timely production of those records under
10 regulations to be promulgated by the Secretary.

11 “(C) SUFFICIENT EVIDENCE.—An alien
12 may meet the burden of proof under subpara-
13 graph (A) to establish that the alien has satis-
14 fied the tax liability by producing sufficient evi-
15 dence to show the extent of that liability and
16 the satisfaction thereof as a matter of just and
17 reasonable inference.

18 “(f) PENALTIES FOR FALSE STATEMENTS IN APPLI-
19 CATIONS.—

20 “(1) CRIMINAL PENALTY.—Any person who—
21 “(A) files an application for provisional im-
22 migrant status under section 101 of the Un-
23 documented Taxpayers Opportunity Act of
24 2019 or for an adjustment of status under this
25 section and knowingly and willfully falsifies,

1 conceals, or covers up a material fact or makes
2 any false, fictitious, or fraudulent statements or
3 representations, or makes or uses any false
4 writing or document knowing the same to con-
5 tain any false, fictitious, or fraudulent state-
6 ment or entry; or

7 “(B) creates or supplies a false writing or
8 document for use in making such an applica-
9 tion,

10 shall be fined in accordance with title 18, United
11 States Code, imprisoned not more than 5 years, or
12 both.

13 “(2) INADMISSIBILITY.—An alien who is con-
14 victed of a crime described in paragraph (1) shall be
15 deemed inadmissible to the United States on the
16 ground described in section 212(a)(6)(C)(i).

17 “(3) DEPOSIT.—Fines collected under para-
18 graph (1) shall be deposited into the Immigration
19 Examinations Fee Account pursuant to section
20 286(m).

21 “(g) ELIGIBILITY FOR LEGAL SERVICES.—Section
22 504(a)(11) of the Departments of Commerce, Justice, and
23 State, the Judiciary, and Related Agencies Appropriations
24 Act, 1996 (Public Law 104–134; 110 Stat. 1321–55) may
25 not be construed to prevent a recipient of funds under the

1 Legal Services Corporation Act (42 U.S.C. 2996 et seq.)
2 from providing legal assistance directly related to an appli-
3 cation for provisional immigrant status under section 101
4 of the Undocumented Taxpayers Opportunity Act of 2019,
5 to an individual who has been granted provisional immi-
6 grant status, or for an application for an adjustment of
7 status under this section.

8 “(h) ADMINISTRATIVE AND JUDICIAL REVIEW.—
9 Aliens applying for provisional immigrant status under
10 section 101 of the Undocumented Taxpayers Opportunity
11 Act of 2019 or for adjustment to permanent resident sta-
12 tus under this section shall be entitled to the rights and
13 subject to the conditions applicable to other classes of
14 aliens under section 242.”.

15 (b) CONFORMING AMENDMENT.—Section 201(b)(1)
16 of the Immigration and Nationality Act (8 U.S.C.
17 1151(b)(1)) is amended—

18 (1) by redesignating subparagraph (E) as sub-
19 paragraph (F); and

20 (2) by inserting after subparagraph (D) the fol-
21 lowing:

22 “(E) Aliens granted lawful permanent resi-
23 dent status under section 245B.”.

24 (c) CLERICAL AMENDMENT.—The table of contents
25 of the Immigration and Nationality Act (8 U.S.C. 1101

1 note) is amended by inserting after the item relating to
2 section 245A the following:

“Sec. 245B. Adjustment to permanent resident status for alien taxpayers.”.

3 **SEC. 103. USE OF INFORMATION.**

4 Beginning not later than the first day of the applica-
5 tion period described in section 101(b)(3), the Secretary,
6 in cooperation with qualified designated entities, shall
7 broadly disseminate information regarding—

8 (1) the benefits that aliens may receive under
9 this title and the amendments made by this title;
10 and

11 (2) the requirements that an alien is required
12 to meet to receive such benefits.

13 **SEC. 104. REPORTS ON PROVISIONAL IMMIGRANTS.**

14 Not later than six months after the publication of the
15 final rule under section 101(j), and annually thereafter for
16 the following eight years, the Secretary shall submit a re-
17 port to Congress that identifies, for the previous fiscal
18 year—

19 (1) the number of aliens who applied for provi-
20 sional immigrant status;

21 (2) the number of aliens who were granted pro-
22 visional immigrant status;

23 (3) the number of aliens who applied for an ad-
24 justment of status pursuant to section 245B(a) of

1 the Immigration and Nationality Act, as added by
2 section 102; and

3 (4) the number of aliens who received an ad-
4 justment of status pursuant such section 245B(a).

5 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to the Sec-
7 retary such amounts as may be necessary to implement
8 this title, including any amounts needed for costs associ-
9 ated with the initiation of such implementation during fis-
10 cal years 2019 and 2020.

11 **TITLE II—CORRECTION OF**
12 **SOCIAL SECURITY RECORDS**

13 **SEC. 201. CORRECTION OF SOCIAL SECURITY RECORDS.**

14 (a) IN GENERAL.—Section 208(e)(1) of the Social
15 Security Act (42 U.S.C. 408(e)(1)) is amended—

16 (1) in subparagraph (B)(ii), by striking “or” at
17 the end;

18 (2) in subparagraph (C), by inserting “or” at
19 the end;

20 (3) by inserting after subparagraph (C) the fol-
21 lowing:

22 “(D) who is granted provisional immigrant
23 status under section 101 of the Undocumented
24 Taxpayers Opportunity Act of 2019,”; and

1 (4) in the undesignated matter following sub-
2 paragraph (D), as added by paragraph (3), by strik-
3 ing “1990.” and inserting “1990, or in the case of
4 an alien described in subparagraph (D), if such con-
5 duct is alleged to have occurred before the date on
6 which the alien was granted provisional immigrant
7 status under section 101(a) of the Undocumented
8 Taxpayers Opportunity Act of 2019.”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on the first day of the sev-
11 enth month that begins after the date of the enactment
12 of this Act.

13 **TITLE III—DEFINITIONS**

14 **SEC. 301. DEFINITIONS.**

15 In this Act:

16 (1) PROVISIONAL IMMIGRANT STATUS.—The
17 term “provisional immigrant status” means the sta-
18 tus of an alien who has been lawfully admitted into
19 the United States for temporary residence under
20 section 101.

21 (2) CHILD.—The term “child” has the meaning
22 given such term in section 101(b)(1) of the Immi-
23 gration and Nationality Act (8 U.S.C. 1101(b)(1)).

24 (3) CONTINUOUS PRESENCE.—An alien shall be
25 deemed to have maintained “continuous presence” in

1 the United States for purposes of section
2 101(a)(1)(B)(iii) if any absences from the United
3 States during the applicable period were brief, cas-
4 ual, and innocent, whether or not such absences
5 were authorized by the Secretary.

6 (4) QUALIFIED DESIGNATED ENTITY.—The
7 term “qualified designated entity” means any entity
8 designated by the Secretary.

9 (5) SECRETARY.—The term “Secretary” means
10 the Secretary of Homeland Security.

○