

116TH CONGRESS  
1ST SESSION

# H. R. 6

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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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) **TABLE OF CONTENTS.**—The table of contents for  
 5 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 in-  
 dividuals.

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 des-  
 ignated for temporary protected status or deferred enforced de-  
 parture.

**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.

1                   **TITLE I—DREAM ACT**

2   **SEC. 101. SHORT TITLE.**

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

4   **Subtitle A—Treatment of Certain**  
 5   **Long-term Residents Who En-**  
 6   **tered the United States as Chil-**  
 7   **dren**

8   **SEC. 111. PERMANENT RESIDENT STATUS ON A CONDI-**  
 9                   **TIONAL BASIS FOR CERTAIN LONG-TERM**  
 10                  **RESIDENTS WHO ENTERED THE UNITED**  
 11                  **STATES AS CHILDREN.**

12           (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-  
 13 standing any other provision of law, and except as pro-  
 14 vided in section 113(c)(2), an alien shall be considered,  
 15 at the time of obtaining the status of an alien lawfully  
 16 admitted for permanent residence under this section, to  
 17 have obtained such status on a conditional basis subject  
 18 to the provisions of this title.

19           (b) **REQUIREMENTS.**—

1           (1) IN GENERAL.—Notwithstanding any other  
2 provision of law, the Secretary or the Attorney Gen-  
3 eral shall cancel the removal of, and adjust to the  
4 status of an alien lawfully admitted for permanent  
5 residence on a conditional basis, or without the con-  
6 ditional basis as provided in section 113(c)(2), an  
7 alien who is inadmissible or deportable from the  
8 United States (or is under a grant of Deferred En-  
9 forced Departure or has temporary protected status  
10 under section 244 of the Immigration and Nation-  
11 ality Act (8 U.S.C. 1254a)) if—

12           (A) the alien has been continuously phys-  
13 ically present in the United States since the  
14 date that is 4 years before the date of the en-  
15 actment of this Act;

16           (B) the alien was younger than 18 years of  
17 age on the date on which the alien entered the  
18 United States and has continuously resided in  
19 the United States since such entry;

20           (C) the alien—

21           (i) subject to section 123(d), is not in-  
22 admissible under paragraph (1), (6)(E),  
23 (6)(G), (8), or (10) of section 212(a) of  
24 the Immigration and Nationality Act (8  
25 U.S.C. 1182(a));

1           (ii) has not ordered, incited, assisted,  
2           or otherwise participated in the persecution  
3           of any person on account of race, religion,  
4           nationality, membership in a particular so-  
5           cial group, or political opinion; and

6           (iii) is not barred from adjustment of  
7           status under this title based on the crimi-  
8           nal and national security grounds de-  
9           scribed under subsection (c), subject to the  
10          provisions of such subsection; and

11         (D) the alien—

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

14           (ii) has been admitted to an area ca-  
15           reer and technical education school at the  
16           postsecondary level;

17           (iii) in the United States, has ob-  
18           tained—

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

22           (II) a General Education Devel-  
23           opment credential, a high school  
24           equivalency diploma recognized under

1 State law, or another similar State-  
2 authorized credential;

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

7 (IV) a recognized postsecondary  
8 credential; or

9 (iv) is enrolled in secondary school or  
10 in an education program assisting students  
11 in—

12 (I) obtaining a high school di-  
13 ploma or its recognized equivalent  
14 under State law;

15 (II) passing the General Edu-  
16 cation Development test, a high school  
17 equivalence diploma examination, or  
18 other similar State-authorized exam;

19 (III) obtaining a certificate or  
20 credential from an area career and  
21 technical education school providing  
22 education at the secondary level; or

23 (IV) obtaining a recognized post-  
24 secondary credential.

25 (2) APPLICATION FEE.—

1           (A) IN GENERAL.—The Secretary may,  
2 subject to an exemption under section 123(c),  
3 require an alien applying under this section to  
4 pay a reasonable fee that is commensurate with  
5 the cost of processing the application but does  
6 not exceed \$495.00.

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

1           (3) BACKGROUND CHECKS.—The Secretary  
2 may not grant an alien permanent resident status on  
3 a conditional basis under this section until the re-  
4 quirements of section 122 are satisfied.

5           (4) MILITARY SELECTIVE SERVICE.—An alien  
6 applying for permanent resident status on a condi-  
7 tional basis under this section, or without the condi-  
8 tional basis as provided in section 113(c)(2), shall  
9 establish that the alien has registered under the  
10 Military Selective Service Act (50 U.S.C. 3801 et  
11 seq.), if the alien is subject to registration under  
12 such Act.

13       (c) CRIMINAL AND NATIONAL SECURITY BARS.—

14           (1) GROUNDS OF INELIGIBILITY.—Except as  
15 provided in paragraph (2), an alien is ineligible for  
16 adjustment of status under this title (whether on a  
17 conditional basis or without the conditional basis as  
18 provided in section 113(c)(2)) if any of the following  
19 apply:

20                   (A) The alien is inadmissible under para-  
21 graph (2) or (3) of section 212(a) of the Immig-  
22 ration and Nationality Act (8 U.S.C. 1182(a)).

23                   (B) Excluding any offense under State law  
24 for which an essential element is the alien's im-



1 migration status, and any minor traffic offense,  
2 the alien has been convicted of—

3 (i) any felony offense;

4 (ii) three or more misdemeanor of-  
5 fenses (excluding simple possession of can-  
6 nabis or cannabis-related paraphernalia,  
7 any offense involving cannabis or cannabis-  
8 related paraphernalia which is no longer  
9 prosecutable in the State in which the con-  
10 viction was entered, and any offense involv-  
11 ing civil disobedience without violence) not  
12 occurring on the same date, and not aris-  
13 ing out of the same act, omission, or  
14 scheme of misconduct; or

15 (iii) a misdemeanor offense of domes-  
16 tic violence, unless the alien demonstrates  
17 that such crime is related to the alien hav-  
18 ing been—

19 (I) a victim of domestic violence,  
20 sexual assault, stalking, child abuse or  
21 neglect, abuse or neglect in later life,  
22 or human trafficking;

23 (II) battered or subjected to ex-  
24 treme cruelty; or

1 (III) a victim of criminal activity  
2 described in section 101(a)(15)(U)(iii)  
3 of the Immigration and Nationality  
4 Act (8 U.S.C. 1101(a)(15)(U)(iii)).

5 (2) WAIVERS FOR CERTAIN MISDEMEANORS.—  
6 For humanitarian purposes, family unity, or if oth-  
7 erwise in the public interest, the Secretary may—

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

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

18 (i) one misdemeanor offense if the  
19 alien has not been convicted of any offense  
20 in the 5-year period preceding the date on  
21 which the alien applies for adjustment of  
22 status under this title; or

23 (ii) up to two misdemeanor offenses if  
24 the alien has not been convicted of any of-  
25 fense in the 10-year period preceding the

1 date on which the alien applies for adjust-  
2 ment of status under this title.

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

5 (A) IN GENERAL.—Notwithstanding an  
6 alien’s eligibility for adjustment of status under  
7 this title, and subject to the procedures de-  
8 scribed in this paragraph, the Secretary of  
9 Homeland Security may, as a matter of non-  
10 delegable discretion, provisionally deny an appli-  
11 cation for adjustment of status (whether on a  
12 conditional basis or without the conditional  
13 basis as provided in section 113(c)(2)) if the  
14 Secretary, based on clear and convincing evi-  
15 dence, which shall include credible law enforce-  
16 ment information, determines that the alien is  
17 described in subparagraph (B) or (D).

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

20 (i) excluding simple possession of can-  
21 nabis or cannabis-related paraphernalia,  
22 any offense involving cannabis or cannabis-  
23 related paraphernalia which is no longer  
24 prosecutable in the State in which the con-  
25 viction was entered, any offense under

1 State law for which an essential element is  
2 the alien's immigration status, any offense  
3 involving civil disobedience without vio-  
4 lence, and any minor traffic offense, the  
5 alien—

6 (I) has been convicted of a mis-  
7 demeanor offense punishable by a  
8 term of imprisonment of more than  
9 30 days; or

10 (II) has been adjudicated delin-  
11 quent in a State or local juvenile court  
12 proceeding that resulted in a disposi-  
13 tion ordering placement in a secure  
14 facility; and

15 (ii) the alien poses a significant and  
16 continuing threat to public safety related  
17 to such conviction or adjudication.

18 (C) PUBLIC SAFETY DETERMINATION.—

19 For purposes of subparagraph (B)(ii), the Sec-  
20 retary shall consider the recency of the convic-  
21 tion or adjudication; the length of any imposed  
22 sentence or placement; the nature and serious-  
23 ness of the conviction or adjudication, including  
24 whether the elements of the offense include the  
25 unlawful possession or use of a deadly weapon

1 to commit an offense or other conduct intended  
2 to cause serious bodily injury; and any miti-  
3 gating factors pertaining to the alien's role in  
4 the commission of the offense.

5 (D) GANG PARTICIPATION.—An alien is  
6 described in this subparagraph if the alien has,  
7 within the 5 years immediately preceding the  
8 date of the application, knowingly, willfully, and  
9 voluntarily participated in offenses committed  
10 by a criminal street gang (as described in sub-  
11 sections (a) and (c) of section 521 of title 18,  
12 United States Code) with the intent to promote  
13 or further the commission of such offenses.

14 (E) EVIDENTIARY LIMITATION.—For pur-  
15 poses of subparagraph (D), allegations of gang  
16 membership obtained from a State or Federal  
17 in-house or local database, or a network of  
18 databases used for the purpose of recording and  
19 sharing activities of alleged gang members  
20 across law enforcement agencies, shall not es-  
21 tablish the participation described in such para-  
22 graph.

23 (F) NOTICE.—

24 (i) IN GENERAL.—Prior to rendering  
25 a discretionary decision under this para-

1 graph, the Secretary of Homeland Security  
2 shall provide written notice of the intent to  
3 provisionally deny the application to the  
4 alien (or the alien's counsel of record, if  
5 any) by certified mail and, if an electronic  
6 mail address is provided, by electronic mail  
7 (or other form of electronic communica-  
8 tion). Such notice shall—

9 (I) articulate with specificity all  
10 grounds for the preliminary deter-  
11 mination, including the evidence relied  
12 upon to support the determination;  
13 and

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

16 (ii) SECOND NOTICE.—Not more than  
17 30 days after the issuance of the notice  
18 under clause (i), the Secretary of Home-  
19 land Security shall provide a second writ-  
20 ten notice that meets the requirements of  
21 such clause.

22 (iii) NOTICE NOT RECEIVED.—Not-  
23 withstanding any other provision of law, if  
24 an applicant provides good cause for not  
25 contesting a provisional denial under this

1 paragraph, including a failure to receive  
2 notice as required under this subpara-  
3 graph, the Secretary of Homeland Security  
4 shall, upon a motion filed by the alien, re-  
5 open an application for adjustment of sta-  
6 tus under this title and allow the applicant  
7 an opportunity to respond, consistent with  
8 clause (i)(II).

9 (G) JUDICIAL REVIEW.—An alien is enti-  
10 tled to judicial review of the Secretary’s deci-  
11 sion to provisionally deny an application under  
12 this paragraph in accordance with the proce-  
13 dures described in section 126(c).

14 (4) DEFINITIONS.—For purposes of this sub-  
15 section—

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

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

24 (C) the term “crime of domestic violence”  
25 means any offense that has as an element the

1 use, attempted use, or threatened use of phys-  
2 ical force against a person committed by a cur-  
3 rent or former spouse of the person, by an indi-  
4 vidual with whom the person shares a child in  
5 common, by an individual who is cohabiting  
6 with or has cohabited with the person as a  
7 spouse, by an individual similarly situated to a  
8 spouse of the person under the domestic or  
9 family violence laws of the jurisdiction where  
10 the offense occurs, or by any other individual  
11 against a person who is protected from that in-  
12 dividual's acts under the domestic or family vio-  
13 lence laws of the United States or any State,  
14 Indian tribal government, or unit of local gov-  
15 ernment; and

16 (D) the term “convicted”, “conviction”,  
17 “adjudicated”, or “adjudication” does not in-  
18 clude a judgment that has been expunged or set  
19 aside, that resulted in a rehabilitative disposi-  
20 tion, or the equivalent.

21 (d) LIMITATION ON REMOVAL OF CERTAIN ALIEN  
22 MINORS.—An alien who is under 18 years of age and  
23 meets the requirements under subparagraphs (A), (B),  
24 and (C) of subsection (b)(1) shall be provided a reasonable  
25 opportunity to meet the educational requirements under



1 subparagraph (D) of such subsection. The Attorney Gen-  
2 eral or the Secretary may not commence or continue with  
3 removal proceedings against such an alien.

4 (e) WITHDRAWAL OF APPLICATION.—The Secretary  
5 of Homeland Security shall, upon receipt of a request to  
6 withdraw an application for adjustment of status under  
7 this section, cease processing of the application, and close  
8 the case. Withdrawal of the application under this sub-  
9 section shall not prejudice any future application filed by  
10 the applicant for any immigration benefit under this title  
11 or under the Immigration and Nationality Act (8 U.S.C.  
12 1101 et seq.).

13 **SEC. 112. TERMS OF PERMANENT RESIDENT STATUS ON A**  
14 **CONDITIONAL BASIS.**

15 (a) PERIOD OF STATUS.—Permanent resident status  
16 on a conditional basis is—

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

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

20 (b) NOTICE OF REQUIREMENTS.—At the time an  
21 alien obtains permanent resident status on a conditional  
22 basis, the Secretary shall provide notice to the alien re-  
23 garding the provisions of this title and the requirements  
24 to have the conditional basis of such status removed.

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

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

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

7 (A) notice of the proposed revocation; and

8 (B) the opportunity for a hearing to pro-  
9 vide evidence that the alien meets such require-  
10 ments or otherwise to contest the proposed rev-  
11 ocation.

12 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

13 An alien whose permanent resident status on a conditional  
14 basis expires under subsection (a)(1) or is revoked under  
15 subsection (c), shall return to the immigration status that  
16 the alien had immediately before receiving permanent resi-  
17 dent status on a conditional basis.

18 **SEC. 113. REMOVAL OF CONDITIONAL BASIS OF PERMA-**  
19 **NENT RESIDENT STATUS.**

20 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL  
21 BASIS.—

22 (1) IN GENERAL.—Subject to paragraph (2),  
23 the Secretary shall remove the conditional basis of  
24 an alien's permanent resident status granted under

1 this title and grant the alien status as an alien law-  
2 fully admitted for permanent residence if the alien—

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

4 (B) has not abandoned the alien's resi-  
5 dence in the United States during the period in  
6 which the alien has permanent resident status  
7 on a conditional basis; and

8 (C)(i) has obtained a degree from an insti-  
9 tution of higher education, or has completed at  
10 least 2 years, in good standing, of a program in  
11 the United States leading to a bachelor's degree  
12 or higher degree or a recognized postsecondary  
13 credential from an area career and technical  
14 education school providing education at the  
15 postsecondary level;

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

19 (iii) demonstrates earned income for peri-  
20 ods totaling at least 3 years and at least 75  
21 percent of the time that the alien has had a  
22 valid employment authorization, except that, in  
23 the case of an alien who was enrolled in an in-  
24 stitution of higher education, an area career  
25 and technical education school to obtain a rec-

1           ognized postsecondary credential, or an edu-  
2           cation program described in section  
3           111(b)(1)(D)(iii), the Secretary shall reduce  
4           such total 3-year requirement by the total of  
5           such periods of enrollment.

6           (2) **HARDSHIP EXCEPTION.**—The Secretary  
7           shall remove the conditional basis of an alien’s per-  
8           manent resident status and grant the alien status as  
9           an alien lawfully admitted for permanent residence  
10          if the alien—

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

13                   (B) demonstrates compelling circumstances  
14                   for the inability to satisfy the requirements  
15                   under subparagraph (C) of such paragraph; and

16                   (C) demonstrates that—

17                           (i) the alien has a disability;

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

19                   or

20                           (iii) the removal of the alien from the  
21                   United States would result in hardship to  
22                   the alien or the alien’s spouse, parent, or  
23                   child who is a national of the United  
24                   States or is lawfully admitted for perma-  
25                   nent residence.

1 (3) CITIZENSHIP REQUIREMENT.—

2 (A) IN GENERAL.—Except as provided in  
3 subparagraph (B), the conditional basis of an  
4 alien’s permanent resident status granted under  
5 this title may not be removed unless the alien  
6 demonstrates that the alien satisfies the re-  
7 quirements under section 312(a) of the Immi-  
8 gration and Nationality Act (8 U.S.C. 1423(a)).

9 (B) EXCEPTION.—Subparagraph (A) shall  
10 not apply to an alien who is unable to meet the  
11 requirements under such section 312(a) due to  
12 disability.

13 (4) APPLICATION FEE.—The Secretary may,  
14 subject to an exemption under section 123(c), re-  
15 quire aliens applying for removal of the conditional  
16 basis of an alien’s permanent resident status under  
17 this section to pay a reasonable fee that is commen-  
18 surate with the cost of processing the application.

19 (5) BACKGROUND CHECK.—The Secretary may  
20 not remove the conditional basis of an alien’s perma-  
21 nent resident status until the requirements of sec-  
22 tion 122 are satisfied.

23 (b) TREATMENT FOR PURPOSES OF NATURALIZA-  
24 TION.—

1           (1) IN GENERAL.—For purposes of title III of  
2           the Immigration and Nationality Act (8 U.S.C. 1401  
3           et seq.), an alien granted permanent resident status  
4           on a conditional basis shall be considered to have  
5           been admitted to the United States, and be present  
6           in the United States, as an alien lawfully admitted  
7           for permanent residence.

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

12          (c) TIMING OF APPROVAL OF LAWFUL PERMANENT  
13          RESIDENT STATUS.—

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

19               (2) APPROVAL WITH REGARD TO INITIAL APPLI-  
20               CATIONS.—

21                   (A) IN GENERAL.—Notwithstanding any  
22                   other provision of law, the Secretary or the At-  
23                   torney General shall cancel the removal of, and  
24                   adjust to the status of an alien lawfully admit-

1           ted for permanent resident status without con-  
2           ditional basis, any alien who—

3                   (i) demonstrates eligibility for lawful  
4                   permanent residence status on a condi-  
5                   tional basis under section 111(b); and

6                   (ii) subject to the exceptions described  
7                   in subsections (a)(2) and (a)(3)(B) of this  
8                   section, already has fulfilled the require-  
9                   ments of paragraphs (1) and (3) of sub-  
10                  section (a) of this section at the time such  
11                  alien first submits an application for bene-  
12                  fits under this title.

13           (B) BACKGROUND CHECKS.—Subsection  
14           (a)(5) shall apply to an alien seeking lawful  
15           permanent resident status without conditional  
16           basis in an initial application in the same man-  
17           ner as it applies to an alien seeking removal of  
18           the conditional basis of an alien’s permanent  
19           resident status. Section 111(b)(3) shall not be  
20           construed to require the Secretary to conduct  
21           more than one identical security or law enforce-  
22           ment background check on such an alien.

23           (C) APPLICATION FEES.—In the case of an  
24           alien seeking lawful permanent resident status  
25           without conditional basis in an initial applica-

1           tion, the alien shall pay the fee required under  
2           subsection (a)(4), subject to the exemption al-  
3           lowed under section 123(c), but shall not be re-  
4           quired to pay the application fee under section  
5           111(b)(2).

## 6           **Subtitle B—General Provisions**

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

8           In this title:

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

13          (2) APPROPRIATE UNITED STATES DISTRICT  
14          COURT.—The term “appropriate United States dis-  
15          trict court” mean the United States District Court  
16          for the District of Columbia or the United States  
17          district court with jurisdiction over the alien’s prin-  
18          cipal place of residence.

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

24          (4) DACA.—The term “DACA” means de-  
25          ferred action granted to an alien pursuant to the



1       Deferred Action for Childhood Arrivals policy an-  
2       nounced by the Secretary of Homeland Security on  
3       June 15, 2012.

4               (5) DISABILITY.—The term “disability” has the  
5       meaning given such term in section 3(1) of the  
6       Americans with Disabilities Act of 1990 (42 U.S.C.  
7       12102(1)).

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

12              (7) HIGH SCHOOL; SECONDARY SCHOOL.—The  
13      terms “high school” and “secondary school” have  
14      the meanings given such terms in section 8101 of  
15      the Elementary and Secondary Education Act of  
16      1965 (20 U.S.C. 7801).

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

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

23                      (A) except as provided in subparagraph

24                      (B), has the meaning given such term in section

1           102 of the Higher Education Act of 1965 (20  
2           U.S.C. 1002); and

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

5           (10) RECOGNIZED POSTSECONDARY CREDEN-  
6           TIAL.—The term “recognized postsecondary creden-  
7           tial” has the meaning given such term in section 3  
8           of the Workforce Innovation and Opportunity Act  
9           (29 U.S.C. 3102).

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

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

17 **SEC. 122. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**  
18 **DATA; BACKGROUND CHECKS.**

19          (a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
20 DATA.—The Secretary may not grant an alien adjustment  
21 of status under this title, on either a conditional or perma-  
22 nent basis, unless the alien submits biometric and bio-  
23 graphic data, in accordance with procedures established  
24 by the Secretary. The Secretary shall provide an alter-  
25 native procedure for aliens who are unable to provide such

1 biometric or biographic data because of a physical impair-  
2 ment.

3 (b) BACKGROUND CHECKS.—The Secretary shall use  
4 biometric, biographic, and other data that the Secretary  
5 determines appropriate to conduct security and law en-  
6 forcement background checks and to determine whether  
7 there is any criminal, national security, or other factor  
8 that would render the alien ineligible for adjustment of  
9 status under this title, on either a conditional or perma-  
10 nent basis. The status of an alien may not be adjusted,  
11 on either a conditional or permanent basis, unless security  
12 and law enforcement background checks are completed to  
13 the satisfaction of the Secretary.

14 **SEC. 123. LIMITATION ON REMOVAL; APPLICATION AND**  
15 **FEE EXEMPTION; WAIVER OF GROUNDS FOR**  
16 **INADMISSIBILITY AND OTHER CONDITIONS**  
17 **ON ELIGIBLE INDIVIDUALS.**

18 (a) LIMITATION ON REMOVAL.—An alien who ap-  
19 pears to be prima facie eligible for relief under this title  
20 shall be given a reasonable opportunity to apply for such  
21 relief and may not be removed until, subject to section  
22 126(c), a final decision establishing ineligibility for relief  
23 is rendered.

24 (b) APPLICATION.—An alien present in the United  
25 States who has been ordered removed or has been per-

1 mitted to depart voluntarily from the United States may,  
2 notwithstanding such order or permission to depart, apply  
3 for adjustment of status under this title. Such alien shall  
4 not be required to file a separate motion to reopen, recon-  
5 sider, or vacate the order of removal. If the Secretary ap-  
6 proves the application, the Secretary shall cancel the order  
7 of removal. If the Secretary renders a final administrative  
8 decision to deny the application, the order of removal or  
9 permission to depart shall be effective and enforceable to  
10 the same extent as if the application had not been made,  
11 only after all available administrative and judicial rem-  
12 edies have been exhausted.

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

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

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

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

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

1 (d) WAIVER OF GROUNDS OF INADMISSIBILITY.—  
2 With respect to any benefit under this title, and in addi-  
3 tion to the waivers under section 111(c)(2), the Secretary  
4 may waive the grounds of inadmissibility under paragraph  
5 (1), (6)(E), (6)(G), or (10)(D) of section 212(a) of the  
6 Immigration and Nationality Act (8 U.S.C. 1182(a)) for  
7 humanitarian purposes, for family unity, or because the  
8 waiver is otherwise in the public interest.

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

17 (f) EMPLOYMENT.—An alien whose removal is stayed  
18 pursuant to this title, who may not be placed in removal  
19 proceedings pursuant to this title, or who has pending an  
20 application under this title, shall, upon application to the  
21 Secretary, be granted an employment authorization docu-  
22 ment.

1 **SEC. 124. DETERMINATION OF CONTINUOUS PRESENCE**  
2 **AND RESIDENCE.**

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

11 (b) TREATMENT OF CERTAIN BREAKS IN PRESENCE  
12 OR RESIDENCE.—

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

16 (A) continuous physical presence in the  
17 United States under this title if the alien has  
18 departed from the United States for any period  
19 exceeding 90 days or for any periods, in the ag-  
20 gregate, exceeding 180 days; and

21 (B) continuous residence in the United  
22 States under this title if the alien has departed  
23 from the United States for any period exceeding  
24 180 days, unless the alien establishes to the  
25 satisfaction of the Secretary of Homeland Secu-

1           rity that the alien did not in fact abandon resi-  
2           dence in the United States during such period.

3           (2) EXTENSIONS FOR EXTENUATING CIR-  
4           CUMSTANCES.—The Secretary may extend the time  
5           periods described in paragraph (1) for an alien who  
6           demonstrates that the failure to timely return to the  
7           United States was due to extenuating circumstances  
8           beyond the alien’s control, including the serious ill-  
9           ness of the alien, or death or serious illness of a par-  
10          ent, grandparent, sibling, or child of the alien.

11          (3) TRAVEL AUTHORIZED BY THE SEC-  
12          RETARY.—Any period of travel outside of the United  
13          States by an alien that was authorized by the Sec-  
14          retary may not be counted toward any period of de-  
15          parture from the United States under paragraph  
16          (1).

17          (c) WAIVER OF PHYSICAL PRESENCE.—With respect  
18          to aliens who were removed or departed the United States  
19          on or after January 20, 2017, and who were continuously  
20          physically present in the United States for at least 4 years  
21          prior to such removal or departure, the Secretary may,  
22          as a matter of discretion, waive the physical presence re-  
23          quirement under section 111(b)(1)(A) for humanitarian  
24          purposes, for family unity, or because a waiver is other-  
25          wise in the public interest. The Secretary, in consultation

1 with the Secretary of State, shall establish a procedure  
2 for such aliens to apply for relief under section 111 from  
3 outside the United States if they would have been eligible  
4 for relief under such section, but for their removal or de-  
5 parture.

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

7 Nothing in this title or in any other law may be con-  
8 strued to apply a numerical limitation on the number of  
9 aliens who may be granted permanent resident status  
10 under this title (whether on a conditional basis, or without  
11 the conditional basis as provided in section 113(c)(2)).

12 **SEC. 126. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**  
13 **CIAL REVIEW.**

14 (a) **ADMINISTRATIVE REVIEW.**—Not later than 30  
15 days after the date of the enactment of this Act, the Sec-  
16 retary shall provide to aliens who have applied for adjust-  
17 ment of status under this title a process by which an appli-  
18 cant may seek administrative appellate review of a denial  
19 of an application for adjustment of status, or a revocation  
20 of such status.

21 (b) **JUDICIAL REVIEW.**—Except as provided in sub-  
22 section (c), and notwithstanding any other provision of  
23 law, an alien may seek judicial review of a denial of an  
24 application for adjustment of status, or a revocation of



1 such status, under this title in an appropriate United  
2 States district court.

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

4 (1) IN GENERAL.—Notwithstanding any other  
5 provision of law, if, after notice and the opportunity  
6 to respond under section 111(c)(3)(E), the Secretary  
7 provisionally denies an application for adjustment of  
8 status under this title, the alien shall have 60 days  
9 from the date of the Secretary’s determination to  
10 seek review of such determination in an appropriate  
11 United States district court.

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

24 (3) APPOINTED COUNSEL.—Notwithstanding  
25 any other provision of law, an applicant seeking ju-

1       dicial review under paragraph (1) shall be rep-  
2       resented by counsel. Upon the request of the appli-  
3       cant, counsel shall be appointed for the applicant, in  
4       accordance with procedures to be established by the  
5       Attorney General within 90 days of the date of the  
6       enactment of this Act, and shall be funded in ac-  
7       cordance with fees collected and deposited in the Im-  
8       migration Counsel Account under section 132.

9       (d) STAY OF REMOVAL.—

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

16           (2) EXCEPTION.—The Secretary may remove  
17       an alien described in paragraph (1) pending judicial  
18       review if such removal is based on criminal or na-  
19       tional security grounds described in this title. Such  
20       removal shall not affect the alien’s right to judicial  
21       review under this title. The Secretary shall promptly  
22       return a removed alien if a decision to deny an ap-  
23       plication for adjustment of status under this title, or  
24       to revoke such status, is reversed.

1 **SEC. 127. DOCUMENTATION REQUIREMENTS.**

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

7 (1) A passport or national identity document  
8 from the alien’s country of origin that includes the  
9 alien’s name and the alien’s photograph or finger-  
10 print.

11 (2) The alien’s birth certificate and an identity  
12 card that includes the alien’s name and photograph.

13 (3) A school identification card that includes  
14 the alien’s name and photograph, and school records  
15 showing the alien’s name and that the alien is or  
16 was enrolled at the school.

17 (4) A Uniformed Services identification card  
18 issued by the Department of Defense.

19 (5) Any immigration or other document issued  
20 by the United States Government bearing the alien’s  
21 name and photograph.

22 (6) A State-issued identification card bearing  
23 the alien’s name and photograph.

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

1 (b) DOCUMENTS ESTABLISHING ENTRY, CONTIN-  
2 UOUS PHYSICAL PRESENCE, LACK OF ABANDONMENT OF  
3 RESIDENCE.—To establish that an alien was younger than  
4 18 years of age on the date on which the alien entered  
5 the United States, and has continuously resided in the  
6 United States since such entry, as required under section  
7 111(b)(1)(B), that an alien has been continuously phys-  
8 ically present in the United States, as required under sec-  
9 tion 111(b)(1)(A), or that an alien has not abandoned res-  
10 idence in the United States, as required under section  
11 113(a)(1)(B), the alien may submit the following forms  
12 of evidence:

13 (1) Passport entries, including admission  
14 stamps on the alien’s passport.

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

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

20 (4) Employment records of the alien that in-  
21 clude the employer’s name and contact information,  
22 or other records demonstrating earned income.

23 (5) Records of service from the Uniformed  
24 Services.

1           (6) Official records from a religious entity con-  
2           firming the alien's participation in a religious cere-  
3           mony.

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

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

10          (9) Automobile license receipts or registration.

11          (10) Deeds, mortgages, or rental agreement  
12          contracts.

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

16          (12) Tax receipts.

17          (13) Insurance policies.

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

20          (15) Travel records.

21          (16) Dated bank transactions.

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

1 (A) the name, address, and telephone num-  
2 ber of the affiant; and

3 (B) the nature and duration of the rela-  
4 tionship between the affiant and the alien.

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

7 (c) DOCUMENTS ESTABLISHING ADMISSION TO AN  
8 INSTITUTION OF HIGHER EDUCATION.—To establish that  
9 an alien has been admitted to an institution of higher edu-  
10 cation, the alien may submit to the Secretary a document  
11 from the institution of higher education certifying that the  
12 alien—

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

14 (2) is currently enrolled in the institution as a  
15 student.

16 (d) DOCUMENTS ESTABLISHING RECEIPT OF A DE-  
17 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—  
18 To establish that an alien has acquired a degree from an  
19 institution of higher education in the United States, the  
20 alien may submit to the Secretary a diploma or other doc-  
21 ument from the institution stating that the alien has re-  
22 ceived such a degree.

23 (e) DOCUMENTS ESTABLISHING RECEIPT OF A HIGH  
24 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-  
25 MENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—

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

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

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

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

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

18 (5) Evidence that the alien obtained a recog-  
19 nized postsecondary credential.

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

22 (f) DOCUMENTS ESTABLISHING ENROLLMENT IN AN  
23 EDUCATIONAL PROGRAM.—To establish that an alien is  
24 enrolled in any school or education program described in  
25 section 111(b)(1)(D)(iv) or 113(a)(1)(C), the alien may

1 submit school records from the United States school that  
2 the alien is currently attending that include—

3 (1) the name of the school; and

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

6 (g) DOCUMENTS ESTABLISHING EXEMPTION FROM  
7 APPLICATION FEES.—To establish that an alien is exempt  
8 from an application fee under section 123(c), the alien  
9 may submit to the Secretary the following relevant docu-  
10 ments:

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

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

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

23 (B) bank records; or

24 (C) at least two sworn affidavits from indi-  
25 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          (h) DOCUMENTS ESTABLISHING QUALIFICATION FOR  
25          HARDSHIP EXEMPTION.—To establish that an alien satis-

1 files one of the criteria for the hardship exemption set forth  
2 in section 113(a)(2)(C), the alien may submit to the Sec-  
3 retary at least two sworn affidavits from individuals who  
4 are not related to the alien and who have direct knowledge  
5 of the circumstances that warrant the exemption, that  
6 contain—

7 (1) the name, address, and telephone number of  
8 the affiant; and

9 (2) the nature and duration of the relationship  
10 between the affiant and the alien.

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

16 (1) a Department of Defense form DD-214;

17 (2) a National Guard Report of Separation and  
18 Record of Service form 22;

19 (3) personnel records for such service from the  
20 appropriate Uniformed Service; or

21 (4) health records from the appropriate Uni-  
22 formed Service.

23 (j) DOCUMENTS ESTABLISHING EARNED INCOME.—

1           (1) IN GENERAL.—An alien may satisfy the  
2 earned income requirement under section  
3 113(a)(1)(C)(iii) by submitting records that—

4           (A) establish compliance with such require-  
5 ment; and

6           (B) have been maintained by the Social Se-  
7 curity Administration, the Internal Revenue  
8 Service, or any other Federal, State, or local  
9 government agency.

10          (2) OTHER DOCUMENTS.—An alien who is un-  
11 able to submit the records described in paragraph  
12 (1) may satisfy the earned income requirement by  
13 submitting at least two types of reliable documents  
14 that provide evidence of employment or other forms  
15 of earned income, including—

16           (A) bank records;

17           (B) business records;

18           (C) employer or contractor records;

19           (D) records of a labor union, day labor  
20 center, or organization that assists workers in  
21 employment;

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

1 (i) the name, address, and telephone  
2 number of the affiant; and

3 (ii) the nature and duration of the re-  
4 lationship between the affiant and the  
5 alien;

6 (F) remittance records; or

7 (G) any other evidence determined to be  
8 credible by the Secretary.

9 (k) **AUTHORITY TO PROHIBIT USE OF CERTAIN**  
10 **DOCUMENTS.**—If the Secretary determines, after publica-  
11 tion in the Federal Register and an opportunity for public  
12 comment, that any document or class of documents does  
13 not reliably establish identity or that permanent resident  
14 status under this title (whether on a conditional basis, or  
15 without the conditional basis as provided in section  
16 113(c)(2)) is being obtained fraudulently to an unaccept-  
17 able degree, the Secretary may prohibit or restrict the use  
18 of such document or class of documents.

19 **SEC. 128. RULE MAKING.**

20 (a) **IN GENERAL.**—Not later than 90 days after the  
21 date of the enactment of this Act, the Secretary shall pub-  
22 lish in the Federal Register interim final rules imple-  
23 menting this title, which shall allow eligible individuals to  
24 immediately apply for relief under section 111 or  
25 113(c)(2). Notwithstanding section 553 of title 5, United

1 States Code, the regulation shall be effective, on an in-  
2 terim basis, immediately upon publication, but may be  
3 subject to change and revision after public notice and op-  
4 portunity for a period of public comment. The Secretary  
5 shall finalize such rules not later than 180 days after the  
6 date of publication.

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

11 **SEC. 129. CONFIDENTIALITY OF INFORMATION.**

12 (a) IN GENERAL.—The Secretary may not disclose  
13 or use information (including information provided during  
14 administrative or judicial review) provided in applications  
15 filed under this title or in requests for DACA for the pur-  
16 pose of immigration enforcement.

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

24 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
25 sections (a) and (b), information provided in an applica-

1 tion for adjustment of status under this title may be  
2 shared with Federal security and law enforcement agen-  
3 cies—

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

6 (2) to identify or prevent fraudulent claims;

7 (3) for national security purposes; or

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

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

13 **SEC. 130. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
14 **CANTS.**

15 (a) ESTABLISHMENT.—The Secretary of Homeland  
16 Security shall establish, within U.S. Citizenship and Immi-  
17 gration Services, a program to award grants, on a com-  
18 petitive basis, to eligible nonprofit organizations that will  
19 use the funding to assist eligible applicants under this title  
20 by providing them with the services described in sub-  
21 section (b).

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

1           (1) information to the public regarding the eli-  
2           gibility and benefits of permanent resident status  
3           under this title (whether on a conditional basis, or  
4           without the conditional basis as provided in section  
5           113(c)(2)), particularly to individuals potentially eli-  
6           gible for such status;

7           (2) assistance, within the scope of authorized  
8           practice of immigration law, to individuals submit-  
9           ting applications for adjustment of status under this  
10          title (whether on a conditional basis, or without the  
11          conditional basis as provided in section 113(c)(2)),  
12          including—

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

15                 (B) completing applications and petitions,  
16                 including providing assistance in obtaining the  
17                 requisite documents and supporting evidence;  
18                 and

19                 (C) providing any other assistance that the  
20                 Secretary or grantee considers useful or nec-  
21                 essary to apply for adjustment of status under  
22                 this title (whether on a conditional basis, or  
23                 without the conditional basis as provided in sec-  
24                 tion 113(c)(2)); and

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

4                   (A) on the rights and responsibilities of  
5           United States citizenship;

6                   (B) in civics and English as a second lan-  
7           guage;

8                   (C) in preparation for the General Edu-  
9           cation Development test; and

10                  (D) in applying for adjustment of status  
11           and United States citizenship.

12           (c) AUTHORIZATION OF APPROPRIATIONS.—

13                   (1) AMOUNTS AUTHORIZED.—There are author-  
14           ized to be appropriated such sums as may be nec-  
15           essary for each of the fiscal years 2020 through  
16           2030 to carry out this section.

17                   (2) AVAILABILITY.—Any amounts appropriated  
18           pursuant to paragraph (1) shall remain available  
19           until expended.

20   **SEC. 131. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**  
21                                   **JUSTMENT OF STATUS.**

22           An alien's eligibility to be lawfully admitted for per-  
23           manent residence under this title (whether on a condi-  
24           tional basis, or without the conditional basis as provided  
25           in section 113(e)(2)) shall not preclude the alien from



1 seeking any status under any other provision of law for  
2 which the alien may otherwise be eligible.

3 **SEC. 132. SUPPLEMENTARY SURCHARGE FOR APPOINTED**  
4 **COUNSEL.**

5 (a) IN GENERAL.—Except as provided in section 122  
6 and in cases where the applicant is exempt from paying  
7 a fee under section 123(c), in any case in which a fee is  
8 charged pursuant to this title, an additional surcharge of  
9 \$25 shall be imposed and collected for the purpose of pro-  
10 viding appointed counsel to applicants seeking judicial re-  
11 view of the Secretary’s decision to provisionally deny an  
12 application under section 126(c)(3).

13 (b) IMMIGRATION COUNSEL ACCOUNT.—There is es-  
14 tablished in the general fund of the Treasury a separate  
15 account which shall be known as the “Immigration Coun-  
16 sel Account”. Fees collected under subsection (a) shall be  
17 deposited into the Immigration Counsel Account and shall  
18 to remain available until expended for purposes of pro-  
19 viding appointed counsel as required under this title.

20 (c) REPORT.—At the end of each 2-year period, be-  
21 ginning with the establishment of this account, the Sec-  
22 retary of Homeland Security shall submit a report to the  
23 Congress concerning the status of the account, including  
24 any balances therein, and recommend any adjustment in  
25 the prescribed fee that may be required to ensure that the

1 receipts collected from the fee charged for the succeeding  
2 two years equal, as closely as possible, the cost of pro-  
3 viding appointed counsel as required under this title.

4 **SEC. 133. ANNUAL REPORT ON PROVISIONAL DENIAL AU-**  
5 **THORITY.**

6 Not later than 1 year after the date of the enactment  
7 of this Act, and annually thereafter, the Secretary of  
8 Homeland Security shall submit to the Congress a report  
9 detailing the number of applicants that receive—

- 10 (1) a provisional denial under this title;  
11 (2) a final denial under this title without seek-  
12 ing judicial review;  
13 (3) a final denial under this title after seeking  
14 judicial review; and  
15 (4) an approval under this title after seeking ju-  
16 dicial review.

17 **TITLE II—AMERICAN PROMISE**  
18 **ACT**

19 **SEC. 201. SHORT TITLE.**

20 This title may be cited as the “American Promise Act  
21 of 2019”.

1 **Subtitle A—Treatment of Certain**  
2 **Nationals of Certain Countries**  
3 **Designated for Temporary Pro-**  
4 **ected Status or Deferred En-**  
5 **forced Departure**

6 **SEC. 211. ADJUSTMENT OF STATUS FOR CERTAIN NATION-**  
7 **ALS OF CERTAIN COUNTRIES DESIGNATED**  
8 **FOR TEMPORARY PROTECTED STATUS OR**  
9 **DEFERRED ENFORCED DEPARTURE.**

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

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

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

23 (3) is not inadmissible under paragraph (1),  
24 (2), (3), (6)(D), (6)(E), (6)(F), (6)(G), (8), or (10)

1 of section 212(a) of the Immigration and Nationality  
2 Act (8 U.S.C. 1182(a)).

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

6 (1) who—

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

17 (B) has not engaged in conduct since such  
18 date that would render the alien ineligible for  
19 temporary protected status under section  
20 244(c)(2) of the Immigration and Nationality  
21 Act (8 U.S.C. 1245a(c)(2)); or

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

1 (c) APPLICATION.—

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

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

12 (3) WITHDRAWAL OF APPLICATION.—The Sec-  
13 retary of Homeland Security shall, upon receipt of  
14 a request to withdraw an application for adjustment  
15 of status under this section, cease processing of the  
16 application and close the case. Withdrawal of the ap-  
17 plication under this subsection shall not prejudice  
18 any future application filed by the applicant for any  
19 immigration benefit under this title or under the Im-  
20 migration and Nationality Act (8 U.S.C. 1101 et  
21 seq.).

## 22 **Subtitle B—General Provisions**

### 23 **SEC. 221. DEFINITIONS.**

24 (a) IN GENERAL.—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) DISABILITY.—The term “disability” has the  
6 meaning given such term in section 3(1) of the  
7 Americans with Disabilities Act of 1990 (42 U.S.C.  
8 12102(1)).

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

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

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

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

24           (b) TREATMENT OF EXPUNGED CONVICTIONS.—For  
25 purposes of adjustment of status under this title, the

1 terms “convicted” and “conviction”, as used in sections  
2 212 and 244 of the Immigration and Nationality Act (8  
3 U.S.C. 1182, 1254a), do not include a judgment that has  
4 been expunged or set aside, that resulted in a rehabilita-  
5 tive disposition, or the equivalent.

6 **SEC. 222. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**  
7 **DATA; BACKGROUND CHECKS.**

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

16 (b) BACKGROUND CHECKS.—The Secretary shall use  
17 biometric, biographic, and other data that the Secretary  
18 determines appropriate to conduct security and law en-  
19 forcement background checks and to determine whether  
20 there is any criminal, national security, or other factor  
21 that would render the alien ineligible for adjustment of  
22 status under this title. The status of an alien may not  
23 be adjusted unless security and law enforcement back-  
24 ground checks are completed to the satisfaction of the Sec-  
25 retary.

1 **SEC. 223. LIMITATION ON REMOVAL; APPLICATION AND**  
2 **FEE EXEMPTION; WAIVER OF GROUNDS FOR**  
3 **INADMISSIBILITY AND OTHER CONDITIONS**  
4 **ON ELIGIBLE INDIVIDUALS.**

5 (a) **LIMITATION ON REMOVAL.**—An alien who ap-  
6 pears to be prima facie eligible for relief under this title  
7 shall be given a reasonable opportunity to apply for such  
8 relief and may not be removed until, subject to section  
9 226(c), a final decision establishing ineligibility for relief  
10 is rendered.

11 (b) **APPLICATION.**—An alien present in the United  
12 States who has been ordered removed or has been per-  
13 mitted to depart voluntarily from the United States may,  
14 notwithstanding such order or permission to depart, apply  
15 for adjustment of status under this title. Such alien shall  
16 not be required to file a separate motion to reopen, recon-  
17 sider, or vacate the order of removal. If the Secretary ap-  
18 proves the application, the Secretary shall cancel the order  
19 of removal. If the Secretary renders a final administrative  
20 decision to deny the application, the order of removal or  
21 permission to depart shall be effective and enforceable to  
22 the same extent as if the application had not been made,  
23 only after all available administrative and judicial rem-  
24 edies have been exhausted.



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

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

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

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

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

13           (d) WAIVER OF GROUNDS OF INADMISSIBILITY.—

14           (1) IN GENERAL.—Except as provided in para-  
15 graph (2), with respect to any benefit under this  
16 title, and in addition to any waivers that are other-  
17 wise available, the Secretary may waive the grounds  
18 of inadmissibility under paragraph (1), subpara-  
19 graphs (A), (C), and (D) of paragraph (2), subpara-  
20 graphs (D) through (G) of paragraph (6), or para-  
21 graph (10)(D) of section 212(a) of the Immigration  
22 and Nationality Act (8 U.S.C. 1182(a)) for humani-  
23 tarian purposes, for family unity, or because the  
24 waiver is otherwise in the public interest.

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

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

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

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

21          (a) EFFECT OF NOTICE TO APPEAR.—Any period of  
22          continuous physical presence in the United States of an  
23          alien who applies for adjustment of status under this title  
24          shall not terminate when the alien is served a notice to

1 appear under section 239(a) of the Immigration and Na-  
2 tionality Act (8 U.S.C. 1229(a)).

3 (b) TREATMENT OF CERTAIN BREAKS IN PRES-  
4 ENCE.—

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

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

20 (3) TRAVEL AUTHORIZED BY THE SEC-  
21 RETARY.—Any period of travel outside of the United  
22 States by an alien that was authorized by the Sec-  
23 retary may not be counted toward any period of de-  
24 parture from the United States under paragraph  
25 (1).

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

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

15           Nothing in this title or in any other law may be con-  
16 strued to apply a numerical limitation on the number of  
17 aliens who may be granted permanent resident status  
18 under this title.

19 **SEC. 226. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**  
20 **CIAL REVIEW.**

21           (a) **ADMINISTRATIVE REVIEW.**—Not later than 30  
22 days after the date of the enactment of this Act, the Sec-  
23 retary shall provide to aliens who have applied for adjust-  
24 ment of status under this title a process by which an appli-  
25 cant may seek administrative appellate review of a denial

1 of an application for adjustment of status, or a revocation  
2 of such status.

3 (b) JUDICIAL REVIEW.—Notwithstanding any other  
4 provision of law, an alien may seek judicial review of a  
5 denial of an application for adjustment of status, or a rev-  
6 ocation of such status, under this title in the United  
7 States district court with jurisdiction over the alien’s resi-  
8 dence.

9 (c) STAY OF REMOVAL.—

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

16 (2) EXCEPTION.—The Secretary may remove  
17 an alien described in paragraph (1) pending judicial  
18 review if such removal is based on criminal or na-  
19 tional security grounds. Such removal does not af-  
20 fect the alien’s right to judicial review under this  
21 title. The Secretary shall promptly return a removed  
22 alien if a decision to deny an application for adjust-  
23 ment of status under this title, or to revoke such  
24 status, is reversed.

1 **SEC. 227. DOCUMENTATION REQUIREMENTS.**

2 (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
3 alien’s application for permanent resident status under  
4 this title may include, as evidence of identity, the fol-  
5 lowing:

6 (1) A passport or national identity document  
7 from the alien’s country of origin that includes the  
8 alien’s name and the alien’s photograph or finger-  
9 print.

10 (2) The alien’s birth certificate and an identity  
11 card that includes the alien’s name and photograph.

12 (3) A school identification card that includes  
13 the alien’s name and photograph, and school records  
14 showing the alien’s name and that the alien is or  
15 was enrolled at the school.

16 (4) A Uniformed Services identification card  
17 issued by the Department of Defense.

18 (5) Any immigration or other document issued  
19 by the United States Government bearing the alien’s  
20 name and photograph.

21 (6) A State-issued identification card bearing  
22 the alien’s name and photograph.

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

25 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-  
26 ICAL PRESENCE.—An alien’s application for permanent

1 resident status under this title may include, as evidence  
2 that the alien has been continuously physically present in  
3 the United States, as required under section 211(a)(2),  
4 the following:

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

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

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

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

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

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

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

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

25 (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 EXEMPTION FROM  
23 APPLICATION FEES.—An alien's application for perma-  
24 nent resident status under this title may include, as evi-



1 dence that the alien is exempt from an application fee  
2 under section 223(c), the following:

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

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

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

15 (B) bank records; or

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

20 (i) the name, address, and telephone  
21 number of the affiant; and

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

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

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

13                   (B) the name, address, and telephone num-  
14                  ber of the affiant; and

15                   (C) the nature and duration of the rela-  
16                  tionship between the affiant and the alien.

17           (d) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-  
18           UMENTS.—If the Secretary determines, after publication  
19           in the Federal Register and an opportunity for public com-  
20           ment, that any document or class of documents does not  
21           reliably establish identity or that permanent resident sta-  
22           tus under this title is being obtained fraudulently to an  
23           unacceptable degree, the Secretary may prohibit or re-  
24           strict the use of such document or class of documents.

1 **SEC. 228. RULE MAKING.**

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

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

17 **SEC. 229. CONFIDENTIALITY OF INFORMATION.**

18 (a) IN GENERAL.—The Secretary may not disclose  
19 or use information provided in applications filed under this  
20 title (including information provided during administrative  
21 or judicial review) for the purpose of immigration enforce-  
22 ment.

23 (b) REFERRALS PROHIBITED.—The Secretary, based  
24 solely on information provided in an application for adjust-  
25 ment of status under this title (including information pro-  
26 vided during administrative or judicial review), may not

1 refer an applicant to U.S. Immigration and Customs En-  
2 forcement, U.S. Customs and Border Protection, or any  
3 designee of either such entity.

4 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
5 sections (a) and (b), information provided in an applica-  
6 tion for adjustment of status under this title may be  
7 shared with Federal security and law enforcement agen-  
8 cies—

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

11 (2) to identify or prevent fraudulent claims;

12 (3) for national security purposes; or

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

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

18 **SEC. 230. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
19 **CANTS.**

20 (a) ESTABLISHMENT.—The Secretary of Homeland  
21 Security shall establish, within U.S. Citizenship and Immi-  
22 gration Services, a program to award grants, on a com-  
23 petitive basis, to eligible nonprofit organizations that will  
24 use the funding to assist eligible applicants under this title

1 by providing them with the services described in sub-  
2 section (b).

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

6 (1) information to the public regarding the eli-  
7 gibility and benefits of permanent resident status  
8 under this title, particularly to individuals poten-  
9 tially eligible for such status;

10 (2) assistance, within the scope of authorized  
11 practice of immigration law, to individuals submit-  
12 ting applications for adjustment of status under this  
13 title, including—

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

16 (B) completing applications and petitions,  
17 including providing assistance in obtaining the  
18 requisite documents and supporting evidence;  
19 and

20 (C) providing any other assistance that the  
21 Secretary or grantee considers useful or nec-  
22 essary to apply for adjustment of status under  
23 this title; and

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

4                   (A) on the rights and responsibilities of  
5           United States citizenship;

6                   (B) in civics and English as a second lan-  
7           guage;

8                   (C) in preparation for the General Edu-  
9           cation Development test; and

10                  (D) in applying for adjustment of status  
11           and United States citizenship.

12           (c) AUTHORIZATION OF APPROPRIATIONS.—

13                   (1) AMOUNTS AUTHORIZED.—There are author-  
14           ized to be appropriated such sums as may be nec-  
15           essary for each of the fiscal years 2020 through  
16           2030 to carry out this section.

17                   (2) AVAILABILITY.—Any amounts appropriated  
18           pursuant to paragraph (1) shall remain available  
19           until expended.

20   **SEC. 231. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**  
21                   **JUSTMENT OF STATUS.**

22           An alien's eligibility to be lawfully admitted for per-  
23           manent residence under this title shall not preclude the

- 1 alien from seeking any status under any other provision
- 2 of law for which the alien may otherwise be eligible.

Passed the House of Representatives June 4, 2019.

Attest:

*Clerk.*

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 6

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## AN ACT

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