H. R. 6

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2019

Ms. ROYBAL-ALLARD (for herself, Ms. VELÁZQUEZ, Ms. CLARKE of New York, Mr. AGUILAR, Ms. BARRAGÁN, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CASTRO of Texas, Mr. CISNEROS, Mr. CORREA, Mr. COSTA, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. GALLEGOS, Mr. GARCÍA of Illinois, Ms. GARCÍA of Texas, Mr. GÓMEZ, Mr. GONZALEZ of Texas, Mr. GRIJALVA, Mr. LEVIN of California, Mr. LUIJÁN, Ms. MUCARSEL-POWELL, Mrs. NAPOLITANO, Ms. OCASIO-CORTEZ, Mr. RUIZ, Mr. SABLAN, Mr. SAN NICOLAS, Ms. SÁNCHEZ, Mr. SERRANO, Mr. Sires, Mr. SOTO, Ms. TORRES Small of New Mexico, Mrs. TORRES of California, Mrs. TRAHAN, Mr. VARGAS, Mr. VELA, Ms. ADAMS, Mr. ALLRED, Ms. BASS, Mr. BERA, Mr. BEYER, Mr. BLUMENAUER, Ms. BLUNT ROCHERSTE, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CASTEN of Illinois, Mr. CASTOR of Florida, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY, Mr. COOPER, Mr. COURTNEY, Mr. COX of California, Mr. CRIST, Mr. CROW, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEAN, Mr. DEFazio, Ms. DeGETTE, Ms. DELAURÉ, Ms. DELBENE, Mr. DELGADO, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ENGEL, Ms. ESCHOO, Mr. EVANS, Mrs. FLETCHER, Ms. FRANKEL, Ms. FUDGE, Ms. GABBARD, Mr. GARAMENDI, Mr. GREEN of Texas, Ms. HALAND, Mr. HARDER of California, Mr. HASTINGS, Mrs. HAYES, Mr. HECK, Mr. HIGGINS of New York, Ms. HILL of California, Mr. HIMES, Mr. HORSEFORD, Ms. HOULAHAN, Mr. HOYER, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KILIANA, Mr. KILDEE, Mr. KILMER, Mr. KIM, Mr. KIND, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTHI, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE of California, Mrs. LEE of Nevada, Mr.
A BILL

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

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

3 SECTION 1. SHORT TITLE.
4
5 This Act may be cited as the “American Dream and
6 Promise Act of 2019”.

7 SEC. 2. TABLE OF CONTENTS.
8
9 The table of contents of this Act is as follows:

Sec. 1. Short title.
TITLE I—DREAM ACT OF 2019

Sec. 101. Short title.
Sec. 102. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children.
Sec. 103. Terms of permanent resident status on a conditional basis.
Sec. 104. Return to previous immigration status.
Sec. 105. Removal of conditional basis of permanent resident status.
Sec. 106. Restoration of State option to determine residency for purposes of higher education benefits.

TITLE II—AMERICAN PROMISE ACT OF 2019

Sec. 201. Short title.
Sec. 202. Adjustment of status for certain nationals of certain countries designated for temporary protected status or deferred enforced departure.
Sec. 203. Reporting requirements regarding future discontinued eligibility of aliens from countries currently listed under temporary protected status.
Sec. 204. Waiver of certain language requirements.
Sec. 205. Clarification of inspection and admission under temporary protected status.

TITLE III—GENERAL PROVISIONS

Sec. 301. Definitions.
Sec. 302. Limitation on removal; application and fee exemption; waiver of grounds for inadmissibility and other conditions on eligible individuals.
Sec. 303. Determination of continuous presence.
Sec. 304. Exemption from numerical limitations.
Sec. 305. Availability of administrative and judicial review.
Sec. 306. Documentation requirements.
Sec. 307. Rule making.
Sec. 308. Confidentiality of information.
Sec. 309. Grant program to assist eligible applicants.
Sec. 310. Provisions affecting eligibility for adjustment of status.

1 TITLE I—DREAM ACT OF 2019

2 SEC. 101. SHORT TITLE.

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

• HR 6 IH
SEC. 102. PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Conditional Basis for Status.—Notwithstanding any other provision of law, and except as provided in section 105(c)(2), an alien shall be considered, at the time of obtaining the status of an alien lawfully admitted for permanent residence under this section, to have obtained such status on a conditional basis subject to the provisions of this title.

(b) Requirements.—

(1) In general.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, or without the conditional basis as provided in section 105(c)(2), an alien who is inadmissible or deportable from the United States if—

(A) the alien has been continuously physically present in the United States since the date that is 4 years before the date of the enactment of this Act;
(B) the alien was younger than 18 years of age on the date on which the alien initially entered the United States;

(C) subject to sections 301(b) and 302(d), the alien—

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

(ii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iii) excluding any offense under State law for which an essential element is the alien’s immigration status, and any minor traffic offense, has not been convicted of—

(I) any offense under Federal or State law that is punishable by a maximum term of imprisonment of more than 1 year;

(II) 3 or more offenses under Federal or State law for which the
alien was convicted on different dates
for each of the 3 offenses and impris-
oned for an aggregate of 90 days or
more; or

(III) a crime of domestic vio-

cence, unless—

(aa) the alien demonstrates

that such crime is related to the

alien having been—

(AA) a victim of domes-
tic violence, sexual assault,
stalking, child abuse or ne-
glect, abuse or neglect in
later life, or human traff-
icking;

(BB) battered or sub-
jected to extreme cruelty; or

(CC) a victim of crimi-
nal activity described in sec-
tion 101(a)(15)(U)(iii) of
the Immigration and Na-

tionality Act (8 U.S.C.
1101(a)(15)(U)(iii)); or

(bb) the Secretary, in the
discretion of the Secretary,
waives this subclause for humanitarian purposes, for family unity, or because the waiver is otherwise in the public interest; and

(D) the alien—

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

(ii) in the United States, has—

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

(II) obtained the General Education Development credential;

(III) obtained a high school equivalency diploma recognized under State law; or

(IV) obtained a recognized post-secondary credential; or

(iii) is enrolled in secondary school or in an education program assisting students in—

(I) obtaining a regular high school diploma or its recognized equivalent under State law;
(II) passing the General Education Development test, a high school equivalence diploma examination, or other similar State-authorized exam;

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

(IV) obtaining a recognized post-secondary credential.

(2) DACA RECIPIENTS.—The Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence on a conditional basis, or without the conditional basis as provided in section 105(e)(2), an alien who—

(A) was granted DACA, unless the alien has become ineligible for DACA renewal; or

(B) was never granted DACA, but would have been eligible for such a grant pursuant to the terms of the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012, in place before it was rescinded on Sept. 5, 2017.
(3) APPLICATION FEE.—The Secretary may, subject to an exemption under section 302(c), require an alien applying under this section to pay a reasonable fee that is commensurate with the cost of processing the application but does not exceed $495.00.

(4) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who are unable to provide such biometric or biographic data because of a physical impairment.

(5) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking permanent resident status on a conditional basis under this section; and
(ii) to determine whether there is any
criminal, national security, or other factor
that would render the alien ineligible for
such status.

(B) COMPLETION OF BACKGROUND
CHECKS.—The security and law enforcement
background checks of an alien required under
subparagraph (A) shall be completed, to the
satisfaction of the Secretary, before the date on
which the Secretary grants such alien perma-
nent resident status on a conditional basis
under this section.

(6) MILITARY SELECTIVE SERVICE.—An alien
applying for permanent resident status on a condi-
tional basis under this section, or without the condi-
tional basis as provided in section 105(e)(2), shall
establish that the alien has registered under the
Military Selective Service Act (50 U.S.C. 3801 et
seq.), if the alien is subject to registration under
such Act.

(7) CRIME OF DOMESTIC VIOLENCE DE-
FINED.—For purposes of paragraph (1)(C)(iii)(III),
the term “crime of domestic violence” means any of-
fense that has as an element the use, attempted use,
or threatened use of physical force against a person
committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual’s acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

(c) LIMITATION ON REMOVAL OF CERTAIN ALIEN MINORS; TREATMENT OF CERTAIN REMOVED OR DEPARTED ALIENS.—

(1) CERTAIN ALIEN MINORS.—

(A) STAY OF REMOVAL.—The Attorney General shall stay the removal proceedings of an alien who meets all the requirements under subparagraphs (A), (B), and (C) of subsection (b)(1), subject to sections 301(b) and 302(d), and is not older than 18 years of age.

(B) COMMENCEMENT OF REMOVAL PROCEEDINGS.—The Secretary may not commence
removal proceedings for an alien described in subparagraph (A).

(C) Lift of stay.—The Secretary or Attorney General may not lift the stay granted to an alien under subparagraph (A) unless the alien ceases to meet the requirements under such subparagraph.

(2) Eligibility of removed or voluntarily departed aliens.—An alien who was removed or permitted to depart voluntarily from the United States on or after January 20, 2017, may apply for relief under this section from abroad if—

(A) the alien meets all the requirements under subparagraphs (B) and (C) of subsection (b)(1), subject to sections 301(b) and 302(d);

(B) the alien meets the requirements of subsection (b)(1)(D) or was enrolled in an elementary school or secondary school in the United States during the 60-day period before the alien’s removal or voluntary departure;

(C) the alien was continuously physically present in the United States for a period of at least 4 years;

(D) at the time of their removal or voluntary departure, the alien—
(i) had been granted DACA, and was not ineligible for DACA renewal; or

(ii) had never been granted DACA, but would have been eligible for such a grant pursuant to the terms of the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012, in place before it was rescinded on Sept. 5, 2017; and

(E) the sole reason for their removal or voluntary departure was that the alien was present in the United States after the expiration of the period of stay authorized by the Secretary of Homeland Security or was present in the United States without being admitted or paroled.

SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.

(a) Period of Status.—Permanent resident status on a conditional basis is—

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

(2) subject to termination under subsection (d).

(b) Notice of Requirements.—At the time an alien obtains permanent resident status on a conditional
basis, the Secretary shall provide notice to the alien regard-
ing the provisions of this title and the requirements to have the conditional basis of such status removed.

(c) Professional, Commercial, and Business Licenses.—Notwithstanding any other law, for the purposes of professional, commercial, and business licenses, an alien with permanent status on a conditional basis shall be treated as an alien lawfully admitted for permanent residence.

(d) Termination of Status.—The Secretary may terminate the permanent resident status on a conditional basis of an alien only if the Secretary—

(1) determines that the alien ceases to meet the requirements under section 102(b)(1)(C), subject to sections 301(b) and 302(d); and

(2) prior to the termination, provides the alien—

(A) notice of the proposed termination;

and

(B) the opportunity for a hearing to provide evidence that the alien meets such requirements or otherwise contest the termination.

SEC. 104. RETURN TO PREVIOUS IMMIGRATION STATUS.

An alien whose permanent resident status on a conditional basis expires under section 103(a)(1) or is termi-
nated under section 103(d), or whose application under
section 102 is denied, shall return to the immigration sta-
tus that the alien had immediately before receiving perma-
nent resident status on a conditional basis or applying
under section 102, as appropriate.

SEC. 105. REMOVAL OF CONDITIONAL BASIS OF PERMA-
NENT RESIDENT STATUS.

(a) Eligibility for Removal of Conditional Basis.—

(1) In general.—Subject to paragraph (2),
the Secretary shall remove the conditional basis of
an alien’s permanent resident status granted under
this title and grant the alien status as an alien law-
fully admitted for permanent residence if the alien—

(A) is described in section 102(b)(1)(C),

subject to sections 301(b) and 302(d);

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

(C)(i) has earned a degree from an institu-
tion of higher education, or has completed at
least 2 years, in good standing, of a program in
the United States leading to a bachelor’s degree
or higher degree or a certificate or credential
from an area career and technical education school providing education at the postsecondary level;

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

(iii) has been employed for periods totaling at least 3 years and at least 75 percent of the time that the alien has had a valid employment authorization, except that any period during which the alien is not employed while having a valid employment authorization and is enrolled in an institution of higher education, a secondary school, or an education program described in section 102(b)(1)(D)(iii), shall not count toward the time requirements under this clause.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary shall remove the conditional basis of an alien’s permanent resident status and grant the alien status as an alien lawfully admitted for permanent residence if the alien—
(i) satisfies the requirements under subparagraphs (A) and (B) of paragraph (1); 

(ii) demonstrates compelling circumstances for the inability to satisfy the requirements under subparagraph (C) of such paragraph; and 

(iii) demonstrates that—

(I) the alien has a disability; 

(II) the alien is a full-time caregiver of a minor child; or 

(III) the removal of the alien from the United States would result in hardship to the alien or the alien’s spouse, parent, or child who is a national of the United States or is lawfully admitted for permanent residence. 

(3) CITIZENSHIP REQUIREMENT.—

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

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

(4) Application Fee.—The Secretary may, subject to an exemption under section 302(c), require aliens applying for removal of the conditional basis of an alien’s permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application.

(5) Submission of Biometric and Biographic Data.—The Secretary may not remove the conditional basis of an alien’s permanent resident status unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric data because of a physical impairment.

(6) Background Checks.—

(A) Requirement for Background Checks.—The Secretary shall utilize biometric,
biographic, and other data that the Secretary determines appropriate—

(i) to conduct security and law enforcement background checks of an alien applying for removal of the conditional basis of the alien’s permanent resident status; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for removal of such conditional basis.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks of an alien required under subparagraph (A) shall be completed, to the satisfaction of the Secretary, before the date on which the Secretary removes the conditional basis of the alien’s permanent resident status.

(b) TREATMENT FOR PURPOSES OF NATURALIZATION.—

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

(2) LIMITATION ON APPLICATION FOR NATURALIZATION.—An alien may not apply for naturalization while the alien is in permanent resident status on a conditional basis.

(c) TIMING OF APPROVAL OF LAWFUL PERMANENT RESIDENCE STATUS.—

(1) IN GENERAL.—An alien granted lawful permanent residence on a conditional basis under this title may apply to have such conditional basis removed at any time after such alien has met the eligibility requirements set forth in subsection (a).

(2) APPROVAL WITH REGARD TO INITIAL APPLICATIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence status without conditional basis, any alien who—

(i) subject to the waiver described in section 302(d), and the provisions on determination of continuous presence in section 303, demonstrates eligibility for lawful

•HR 6 IH
permanent residence status on a conditional basis under section 102(b); and

(ii) subject to the exceptions described in subsections (a)(2) and (a)(3)(B) of this section, already has fulfilled the requirements of paragraphs (1) and (3) of subsection (a) of this section at the time such alien first submits an application for benefits under this title.

(B) BACKGROUND CHECKS.—Paragraphs (5) and (6) of subsection (a) of this section shall apply to an alien seeking lawful permanent residence status without conditional basis in an initial application in the same manner as they apply to an alien seeking removal of the conditional basis of an alien’s permanent resident status. Paragraphs (4) and (5) of section 102(b) shall not be construed to require the Secretary to conduct more than one identical security or law enforcement background check on such an alien.

(C) APPLICATION FEES.—In the case of an alien seeking lawful permanent residence status without conditional basis in an initial application, the alien shall pay the fee required under
subsection (a)(4)(A) of this section, subject to
the exemption allowed under section 302(c), but
shall not be required to pay the application fee
under section 102(b)(3).

SEC. 106. RESTORATION OF STATE OPTION TO DETERMINE
RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection
(a) shall take effect as if included in the original enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

(c) LIMITATION OF FEDERAL STUDENT ASSISTANCE.—Notwithstanding any other provision of law, an alien who has permanent resident status on a conditional basis under this title shall be eligible only for the following assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.):

(1) Student loans under parts D and E of such title IV (20 U.S.C. 1087a et seq. and 1087aa et seq.), subject to the requirements of such parts.
(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

TITLE II—AMERICAN PROMISE ACT OF 2019

SEC. 201. SHORT TITLE.

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

SEC. 202. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS OF CERTAIN COUNTRIES DESIGNATED FOR TEMPORARY PROTECTED STATUS OR DEFERRED ENFORCED DEPARTURE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary or the Attorney General shall cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (c) if the alien—

(1) applies for such adjustment, including submitting the documents required under section 306, not later than 3 years after the date of the enactment of this Act; and
(2) is determined to be an alien admissible to the United States as an immigrant, except as otherwise provided under subsection (b) and subject to sections 301(b) and 302(d).

(b) Certain Grounds for Inadmissibility Inapplicable.—For purposes of determining admissibility under subsection (a)(2), the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (6)(B), (6)(C), (7)(A), (9)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(c) Aliens Eligible for Adjustment of Status.—

(1) In general.—An alien shall be eligible for adjustment of status if the alien—

(A) is—

(i) a national of a foreign state (or part thereof), (or in the case of an alien having no nationality, is a person who last habitually resided in such state), with a designation under subsection (b) of section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a(b)) on September 25, 2016, who had or was otherwise eligible for temporary protected status on such date.
notwithstanding subsections (c)(1)(A)(iv) and (c)(3)(C) of such section; or

(ii) under a grant of Deferred Enforced Departure as of September 28, 2016; and

(B) has been continuously physically present in the United States for a period of not less than 3 years before the date of the enactment of this Act.

(2) TPS ALIENS PREVIOUSLY REMOVED OR DEPARTED.—An alien shall be eligible for adjustment of status if the alien was removed or voluntarily departed from the United States on or after September 25, 2016, if the alien—

(A) applies from abroad;

(B) was continuously physically present in the United States for a period of not less than 3 years before the date of removal or departure;

(C) had temporary protected status on such date, or was otherwise eligible, on such date, for temporary protected status notwithstanding subsections (c)(1)(A)(iv) and (c)(3)(C) of section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a); and
(D) the sole reason for the alien’s removal or departure was—

   (i) that the alien was present in the United States after the expiration of the designation of that foreign state (or part thereof) under section 244(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(3)(B)); or

   (ii) in the case of a voluntary departure, the alien did so on the basis of the Secretary’s determination to terminate such designation.

(3) DED ALIENS PREVIOUSLY REMOVED OR DEPARTED.—An alien shall be eligible for adjustment of status if the alien was removed or voluntarily departed from the United States on or after September 28, 2016, if the alien—

   (A) applies from abroad;

   (B) is under a grant of Deferred Enforced Departure as of September 28, 2016;

   (C) was continuously physically present in the United States for a period of not less than 3 years before the date of removal or departure; and
(D) the sole reason for the alien’s removal or departure—

(i) was that the alien was present in the United States after the expiration of the deferral of enforced departure directed in the Presidential Memorandum on Deferred Enforced Departure for Liberians issued on September 28, 2016, or any subsequent extension of such deferral; or

(ii) in the case of a voluntary departure, the alien did so on the basis of the President’s determination to terminate such presidential memorandum or extension.

(d) Application.—

(1) Fee.—The Secretary shall, subject to an exemption under section 302(c), require an alien applying for permanent resident status under this section to pay a reasonable fee that is commensurate with the cost of processing the application, but does not exceed $1,140.

(2) Stay of removal while application pending.—The removal proceedings of an alien shall be stayed while an application for adjustment
of status submitted pursuant to this section is pend-
ing.

SEC. 203. REPORTING REQUIREMENTS REGARDING FUTURE DISCONTINUED ELIGIBILITY OF ALIENS FROM COUNTRIES CURRENTLY LISTED UNDER TEMPORARY PROTECTED STATUS.

Section 244(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(3)) is amended by adding at the end, the following:

“(D) REPORT ON TERMINATIONS.—Not later than 3 days after the Secretary of Homeland Security publishes a notice in the Federal Register of the determination to terminate the designation of a foreign state (or part thereof) under subparagraph (B), the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report that in-

cludes—

“(i) an explanation of any event that initially prompted the designation of the foreign state (or part thereof) under this subsection;

“(ii) the progress that the foreign state (or part thereof) has made in rem-
edying, solving, or addressing the conditions prompting the designation specified under clause (i), including any significant challenges or shortcomings that have arisen from conditions related to the initial designation;

“(iii) a description of the quantitative and qualitative methodologies used by the Secretary to assess and determine improvements in country conditions; and

“(iv) any additional metrics the Secretary deems necessary.”.

SEC. 204. WAIVER OF CERTAIN LANGUAGE REQUIREMENTS.

The language requirements of section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)) shall not apply to an alien in receipt of a status adjustment under section 202 of this title.

SEC. 205. CLARIFICATION OF INSPECTION AND ADMISSION UNDER TEMPORARY PROTECTED STATUS.

Section 244(f)(4) of the Immigration and Nationality Act (8 U.S.C. 1254a(f)(4)) is amended by inserting after “considered” the following: “as having been inspected and admitted into the United States, and”.

•HR 6 IH
TITLE III—GENERAL
PROVISIONS

SEC. 301. DEFINITIONS.

(a) IN GENERAL.—In this Act:

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

(2) AREA CAREER AND TECHNICAL EDUCATION
SCHOOL.—The term “area career and technical edu-
cation school” has the meaning given such term in
section 3 of the Carl D. Perkins Career and Tech-

(3) DACA.—The term “DACA” means de-
ferred action granted to an alien pursuant to the
Deferred Action for Childhood Arrivals policy an-
ounced by the Secretary of Homeland Security on

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

(5) EARLY CHILDHOOD EDUCATION PRO-
GRAM.—The term “early childhood education pro-
gram” has the meaning given such term in section

(6) **Elementary school; high school; secondary school.**—The terms “elementary school”, “high school”, and “secondary school” have the meanings given such terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) **Immigration laws.**—The term “immigration laws” has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(8) **Institution of higher education.**—The term “institution of higher education”—

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

    (B) does not include an institution of higher education outside of the United States.

(9) **Permanent resident status on a conditional basis.**—The term “permanent resident status on a conditional basis” means status as an alien lawfully admitted for permanent residence on a conditional basis under this Act.
(10) **Federal poverty line.**—The term “Federal poverty line” has the meaning given such term in section 213A(h) of the Immigration and Nationality Act (8 U.S.C. 1183a).

(11) **Recognized postsecondary credential.**—The term “recognized postsecondary credential” has the meaning given such term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(12) **Secretary.**—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Homeland Security.

(13) **Uniformed services.**—The term “Uniformed Services” has the meaning given the term “uniformed services” in section 101(a) of title 10, United States Code.

(b) **Treatment of Expunged Convictions.**—For purposes of this Act, the term “conviction” does not include a judgment that has been expunged or set aside, that resulted in a rehabilitative disposition, or the equivalent.
SEC. 302. LIMITATION ON REMOVAL; APPLICATION AND FEE EXEMPTION; WAIVER OF GROUNDS FOR INADMISSIBILITY AND OTHER CONDITIONS ON ELIGIBLE INDIVIDUALS.

(a) LIMITATION ON REMOVAL.—An alien who has presented evidence to establish prima facie eligibility for relief from removal, who appears to be prima facie eligible, or who has an application pending under this Act may not be removed.

(b) APPLICATION.—An alien present in the United States who has been ordered removed or has been permitted to depart voluntarily from the United States may, notwithstanding such order or permission to depart, apply for adjustment of status under this Act. Such alien shall not be required to file a separate motion to reopen, reconsider, or vacate the order of removal. If the Secretary approves the application, the Secretary shall cancel the order of removal. If the Secretary renders a final administrative decision to deny the application, the order of removal or permission to depart shall be effective and enforceable to the same extent as if the application had not been made, only after all available administrative and judicial remedies have been exhausted.

(c) FEE EXEMPTION.—An applicant may be exempted from paying an application fee required under this Act if the applicant—
(1) is younger than 18 years of age;

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

(3) is in foster care or otherwise lacking any parental or other familial support; or

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

(d) Waiver of Grounds of Inadmissibility.—

With respect to any benefit under this Act, the Secretary may waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) for humanitarian purposes, for family unity, or because the waiver is otherwise in the public interest.

(e) Advance Parole.—During the period beginning on the date on which an alien applies for adjustment of status under this Act and ending on the date on which the Secretary makes a final decision regarding such application, the alien shall be eligible to apply for advance parole. Section 101(g) of the Immigration and Nationality Act (8 U.S.C. 1101(g)) shall not apply to an alien granted advance parole under this section.
(f) **EMPLOYMENT.**—An alien whose removal is stayed pursuant to this Act, who may not be placed in removal proceedings pursuant to this Act, or who has pending an application under this Act, shall, upon application to the Secretary, be granted an employment authorization document.

**SEC. 303. DETERMINATION OF CONTINUOUS PRESENCE.**

(a) **Termination of Continuous Period.**—Any period of continuous physical presence in the United States of an alien who applies for permanent resident status under title I (whether on a conditional basis or without the conditional basis as provided in section 105(c)(2)) or under title II shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(b) **Treatment of Certain Breaks in Presence.**—

(1) **In General.**—Except as provided in paragraphs (2) and (3), an alien shall be considered to have failed to maintain continuous physical presence in the United States under this Act if the alien has departed from the United States for any period exceeding 90 days or for any periods, in the aggregate, exceeding 180 days.
(2) Extensions for extenuating circumstances.—The Secretary may extend the time periods described in paragraph (1) for an alien who demonstrates that the failure to timely return to the United States was due to extenuating circumstances beyond the alien’s control, including the serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child of the alien.

(3) Travel authorized by the Secretary.—Any period of travel outside of the United States by an alien that was authorized by the Secretary may not be counted toward any period of departure from the United States under paragraph (1).

SEC. 304. EXEMPTION FROM NUMERICAL LIMITATIONS.

Nothing in this Act or in any other law may be construed to apply a numerical limitation on the number of aliens who may be granted permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II of this Act.

SEC. 305. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL REVIEW.

(a) Administrative Review.—Not later than 30 days after the date of the enactment of this Act, the Sec-
retary shall provide to aliens applying for adjustment of
status under this Act a process by which the denial of an
application for adjustment of status may undergo a single
level of administrative appellate review, which shall be sub-
stantially similar to the procedures for administrative re-
view provided to applicants for adjustment of status under
section 245 of the Immigration and Nationality Act (8

(b) CONSOLIDATION OF ISSUES FOR JUDICIAL RE-
VIEW.—An alien may seek judicial review of a denial of
an application for benefits, or a revocation of such bene-
fits, under this Act in the appropriate United States court
of appeals in conjunction with the judicial review of an
order of removal under section 242 of the Immigration

(e) STAY OF REMOVAL.—An alien seeking adminis-
trative or judicial review under this Act may not be re-
moved from the United States until a final decision is ren-
dered establishing that the alien is ineligible for adjust-
ment of status under this Act, unless such removal is
based on criminal or national security grounds.

SEC. 306. DOCUMENTATION REQUIREMENTS.

(a) DOCUMENTS ESTABLISHING IDENTITY.—An
alien’s application for permanent resident status under
title I (whether on a conditional basis, or without the con-
ditional basis as provided in section 105(c)(2)) or under title II, may include, as proof of identity—

(1) a passport or national identity document from the alien’s country of origin that includes the alien’s name and the alien’s photograph or fingerprint;

(2) the alien’s birth certificate and an identity card that includes the alien’s name and photograph;

(3) a school identification card that includes the alien’s name and photograph, and school records showing the alien’s name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien’s name and photograph; or

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

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under sections 102(b)(1)(A) and 202(c)(1)(B), or to establish that an alien has not abandoned residence in the United States,
as required under section 105(a)(1)(B), the alien may submit documents to the Secretary, including—

(1) employment records of the alien that include the employer’s name and contact information;

(2) records from any educational institution the alien has attended in the United States;

(3) records of service from the Uniformed Services;

(4) official records from a religious entity confirming the alien’s participation in a religious ceremony;

(5) passport entries;

(6) a birth certificate for a child of the alien who was born in the United States;

(7) automobile license receipts or registration;

(8) deeds, mortgages, or rental agreement contracts;

(9) tax receipts;

(10) insurance policies;

(11) remittance records;

(12) rent receipts or utility bills bearing the alien’s name or the name of an immediate family member of the alien, and the alien’s address;

(13) copies of money order receipts for money sent in or out of the United States;
(14) dated bank transactions; or

(15) two or more sworn affidavits from individuals who are not related to the alien who have direct knowledge of the alien’s continuous physical presence in the United States, that contain—

(A) the name, address, and telephone number of the affiant; and

(B) the nature and duration of the relationship between the affiant and the alien.

c) Documents Establishing Initial Entry Into the United States.—To establish under section 102(b)(1)(B) that an alien was younger than 18 years of age on the date on which the alien initially entered the United States, an alien may submit documents to the Secretary, including—

(1) an admission stamp on the alien’s passport;

(2) records from any educational institution the alien has attended in the United States;

(3) any document from the Department of Justice or the Department of Homeland Security stating the alien’s date of entry into the United States;

(4) hospital or medical records showing medical treatment or hospitalization, the name of the medical facility or physician, and the date of the treatment or hospitalization;
(5) rent receipts or utility bills bearing the alien’s name or the name of an immediate family member of the alien, and the alien’s address;

(6) employment records that include the employer’s name and contact information;

(7) official records from a religious entity confirming the alien’s participation in a religious ceremony;

(8) a birth certificate for a child who was born in the United States;

(9) automobile license receipts or registration;

(10) deeds, mortgages, or rental agreement contracts;

(11) tax receipts;

(12) travel records;

(13) copies of money order receipts sent in or out of the country;

(14) dated bank transactions;

(15) remittance records; or

(16) insurance policies.

(d) Documents Establishing Admission to an Institution of Higher Education.—To establish that an alien has been admitted to an institution of higher education, the alien shall submit to the Secretary a document
from the institution of higher education certifying that the
alien—

(1) has been admitted to the institution; or

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

(e) Documents Establishing Receipt of a Degree From an Institution of Higher Education.—
To establish that an alien has acquired a degree from an institution of higher education in the United States, the alien shall submit to the Secretary a diploma or other document from the institution stating that the alien has received such a degree.

(f) Documents Establishing Receipt of High School Diploma, General Educational Development Credential, or a Recognized Equivalent.—
To establish that in the United States an alien has earned a high school diploma or a commensurate alternative award from a public or private high school, has obtained the General Education Development credential, or otherwise has satisfied section 102(b)(1)(D)(ii), the alien shall submit to the Secretary—

(1) a high school diploma, certificate of completion, or other alternate award;

(2) a high school equivalency diploma or certificate recognized under State law;
(3) evidence that the alien passed a State-authorized exam, including the General Education Development test, in the United States;

(4) evidence that the alien successfully completed an area career and technical education program, such as a certification, certificate, or similar alternate award; or

(5) evidence that the alien obtained a recognized postsecondary credential.

(g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN EDUCATIONAL PROGRAM.—To establish that an alien is enrolled in any school or education program described in section 102(b)(1)(D)(iii), 102(e)(4)(B), or 105(a)(1)(C), the alien shall submit school records from the United States school that the alien is currently attending that include—

(1) the name of the school; and

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

(h) DOCUMENTS ESTABLISHING EXEMPTION FROM APPLICATION FEES.—To establish that an alien is exempt from an application fee under section 302(e), the alien shall submit to the Secretary the following relevant documents:
(1) DOCUMENTS TO ESTABLISH AGE.—To establish that an alien meets an age requirement, the alien shall provide proof of identity, as described in subsection (a), that establishes that the alien is younger than 18 years of age.

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

   (A) employment records that have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency;

   (B) bank records; or

   (C) at least 2 sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien’s work and income that contain—

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

      (ii) the nature and duration of the relationship between the affiant and the alien.

(3) DOCUMENTS TO ESTABLISH FOSTER CARE, LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR SERIOUS, CHRONIC DISABILITY.—To establish that the alien was in foster care, lacks parental or fami-
ial support, is homeless, or has a serious, chronic
disability, the alien shall provide at least 2 sworn af-
fidavits from individuals who are not related to the
alien and who have direct knowledge of the cir-
cumstances that contain—

(A) a statement that the alien is in foster
care, otherwise lacks any parental or other fa-
miliar support, is homeless, or has a serious,
chronic disability, as appropriate;

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

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

(4) DOCUMENTS TO ESTABLISH UNPAID MED-
ICAL EXPENSE.—To establish that the alien has debt
as a result of unreimbursed medical expenses, the
alien shall provide receipts or other documentation
from a medical provider that—

(A) bear the provider’s name and address;

(B) bear the name of the individual receiv-
ing treatment; and

(C) document that the alien has accumu-
lated $10,000 or more in debt in the past 12
months as a result of unreimbursed medical ex-
penses incurred by the alien or an immediate
family member of the alien.

(i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
HARDSHIP EXEMPTION.—To establish that an alien satis-
fies one of the criteria for the hardship exemption set forth
in section 105(a)(2)(A)(iii), the alien shall submit to the
Secretary at least 2 sworn affidavits from individuals who
are not related to the alien and who have direct knowledge
of the circumstances that warrant the exemption, that
contain—

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

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

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

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

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

(3) personnel records for such service from the
appropriate Uniformed Service; or
(4) health records from the appropriate Uniformed Service.

(k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

(1) IN GENERAL.—An alien may satisfy the employment requirement under section 105(a)(1)(C)(iii) by submitting records that—

(A) establish compliance with such employment requirement; and

(B) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(2) OTHER DOCUMENTS.—An alien who is unable to submit the records described in paragraph (1) may satisfy the employment requirement by submitting at least 2 types of reliable documents that provide evidence of employment, including—

(A) bank records;

(B) business records;

(C) employer records;

(D) records of a labor union, day labor center, or organization that assists workers in employment;
(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien’s work, that contain—

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

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(I) Authority To Prohibit Use of Certain Documents.—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 307. RULE MAKING.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register interim final rules implementing this Act, which shall allow eligible individuals to immediately apply for relief under section 102, 105(c)(2),
or 202. Notwithstanding section 553 of title 5, United States Code, the regulation shall be effective, on an interim basis, immediately upon publication, but may be subject to change and revision after public notice and opportunity for a period of public comment. The Secretary shall finalize such rules not later than 180 days after the date of publication.

(b) Paperwork Reduction Act.—The requirements under chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to any action to implement this Act.

SEC. 308. CONFIDENTIALITY OF INFORMATION.

(a) In general.—The Secretary may not disclose or use information provided in applications filed under this Act or in requests for DACA for the purpose of immigration enforcement.

(b) Referrals prohibited.—The Secretary may not refer any individual who has been granted permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II of this Act or who was granted DACA or temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), to U.S. Immigration and Customs Enforcement,
U.S. Customs and Border Protection, or any designee of either such entity.

(c) LIMITED EXCEPTION.—Notwithstanding subsections (a) and (b), information provided in an application for permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(e)(2)) or under title II of this Act or a request for DACA or temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a), may be shared with Federal security and law enforcement agencies—

(1) for assistance in the consideration of an application for permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(e)(2)) or under title II of this Act;

(2) to identify or prevent fraudulent claims;

(3) for national security purposes; or

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

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.
SEC. 309. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) Establishment.—The Secretary of Homeland Security shall establish, within U.S. Citizenship and Immigration Services, a program to award grants, on a competitive basis, to eligible nonprofit organizations that will use the funding to assist eligible applicants under this Act by providing them with the services described in subsection (b).

(b) Use of Funds.—Grant funds awarded under this section shall be used for the design and implementation of programs that provide—

(1) information to the public regarding the eligibility and benefits of permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II of this Act, particularly to individuals potentially eligible for such status;

(2) assistance, within the scope of authorized practice of immigration law, to individuals submitting applications for permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II of this Act, including—

(A) screening prospective applicants to assess their eligibility for such status;
(B) completing applications and petitions, including providing assistance in obtaining the requisite documents and supporting evidence; and

(C) providing any other assistance that the Secretary or grantee considers useful or necessary to apply for permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II of this Act; and

(3) assistance, within the scope of authorized practice of immigration law, and instruction, to individuals—

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

(B) in civics and English as a second language;

(C) in preparation for the General Education Development test; and

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

(c) Authorization of Appropriations.—

(1) Amounts Authorized.—There are authorized to be appropriated such sums as may be nec-
necessary for each of the fiscal years 2020 through 2030 to carry out this section.

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

SEC. 310. PROVISIONS AFFECTING ELIGIBILITY FOR ADJUSTMENT OF STATUS.

An alien’s eligibility to be lawfully admitted for permanent residence under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II of this Act shall not preclude the alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.