

117TH CONGRESS  
1ST SESSION

# H. R. 4331

To amend the Immigration and Nationality Act to authorize lawful permanent resident status for certain college graduates who entered the United States as children, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2021

Ms. ROSS (for herself, Mrs. MILLER-MEEKS, Mr. KRISHNAMOORTHY, Mrs. KIM of California, Mr. BERA, Mr. SMITH of Washington, Mr. JOHNSON of Georgia, Ms. DELBENE, Mr. CROW, and Mr. CARSON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to authorize lawful permanent resident status for certain college graduates who entered the United States as children, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “America’s Cultivation  
5 of Hope and Inclusion for Long-term Dependents Raised  
6 and Educated Natively Act of 2021” or the “America’s  
7 CHILDREN Act of 2021”.

1 **SEC. 2. PERMANENT RESIDENT STATUS FOR CERTAIN COL-**  
2 **LEGE GRADUATES WHO ENTERED THE**  
3 **UNITED STATES AS CHILDREN.**

4 (a) REQUIREMENTS.—Section 201(b)(1) of the Im-  
5 migration and Nationality Act (8 U.S.C. 1151(b)(1)) is  
6 amended by adding at the end the following:

7 “(F) Alien who—

8 “(i) is not inadmissible under section  
9 212(a) or deportable under section 237(a);

10 “(ii) was admitted to the United  
11 States as a dependent child of a non-  
12 immigrant admitted pursuant to an ap-  
13 proved employer petition under section 214  
14 or as a dependent child of a nonimmigrant  
15 with status under section 101(a)(15)(E),  
16 and was lawfully present in the United  
17 States pursuant to such status for an ag-  
18 gregate period of not less than 4 years;

19 “(iii) had at the time of the applica-  
20 tion been lawfully present in the United  
21 States for an aggregate period of not less  
22 than 10 years; and

23 “(iv) has graduated from an institu-  
24 tion of higher education (as defined in sec-  
25 tion 102(a) of the Higher Education Act of

1                   1965 (20 U.S.C. 1002(a)) in the United  
2                   States.”.

3           (b) PETITION.—Section 204(a)(1) of the Immigra-  
4 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-  
5 ed by adding at the end the following:

6                   “(M) Any alien entitled to classification  
7                   under section 201(b)(1)(F) may file a petition  
8                   with the Secretary of Homeland Security for  
9                   such classification.”.

10 **SEC. 3. AGE-OUT PROTECTIONS.**

11           (a) AGE-OUT PROTECTIONS FOR IMMIGRANTS.—

12                   (1) IN GENERAL.—Section 101(b) of the Immi-  
13 gration and Nationality Act (8 U.S.C. 1101(b)) is  
14 amended by adding at the end the following—

15                   “(6) A determination of whether an alien is a  
16 child shall be made as follows:

17                   “(A) For purposes of a petition under sec-  
18 tion 204 and a subsequent application for an  
19 immigrant visa or adjustment of status, such  
20 determination shall be made using the age of  
21 the alien on the date on which the petition is  
22 filed with the Secretary of Homeland Security  
23 or the date on which an application for a labor  
24 certification under section 212(a)(5)(A)(i) is

1 filed with the Secretary of Labor, whichever is  
2 earlier.

3 “(B) For purposes of a petition under sec-  
4 tion 214(d) and a subsequent application for  
5 adjustment of status under section 245(d), such  
6 determination shall be made using the age of  
7 the alien on the date on which the petition is  
8 filed with the Secretary of Homeland Security.

9 “(C) In the case of a petition under section  
10 204 filed for an alien’s classification as a mar-  
11 ried son or daughter of a United States citizen  
12 under section 203(a)(2), if the petition is later  
13 converted, due to the legal termination of the  
14 alien’s marriage, to a petition to classify the  
15 alien as an immediate relative under subsection  
16 (b)(2)(A)(i) or as an unmarried son or daughter  
17 of a United States citizen under section  
18 203(a)(1), the determination of the alien’s age  
19 shall be made using the age of the alien on the  
20 date of the termination of the marriage.”.

21 (2) TECHNICAL AND CONFORMING AMEND-  
22 MENT.—Section 201 of the Immigration and Nation-  
23 ality Act (8 U.S.C. 1151) is amended by striking  
24 subsection (f).

25 (3) EFFECTIVE DATE.—

1           (A) IN GENERAL.—The amendments made  
2           by this section shall be effective as if included  
3           in the Child Status Protection Act (Public Law  
4           107–208).

5           (B) MOTION TO REOPEN OR RECON-  
6           SIDER.—A motion to reopen or reconsider the  
7           denial of a petition or application described in  
8           the amendments made by paragraph (1), that  
9           would have been approved if the amendments  
10          described in such paragraph had been in effect  
11          at the time of adjudication of the petition or  
12          application may be granted if such motion is  
13          filed with the Secretary of Homeland Security  
14          or the Attorney General not later than the date  
15          that is 2 years after the date of the enactment  
16          of this Act.

17          (b) AGE-OUT PROTECTIONS FOR NONIMMIGRANTS.—  
18          Section 214 of the Immigration and Nationality Act (8  
19          U.S.C. 1184) as amended by this Act, is further amended  
20          by adding at the end the following:

21               “(t) An alien who entered the United States as a de-  
22          pendent child of a nonimmigrant admitted pursuant to an  
23          approved employer petition under this section or with sta-  
24          tus under section 101(a)(15)(E), and who is the principal  
25          or derivative beneficiary of a properly filed pending or ap-

1 proved petition under section 204 shall be entitled to re-  
2 tain derivative nonimmigrant status notwithstanding any  
3 time or age limitations until the petition is denied or the  
4 alien receives the status of alien lawfully admitted to per-  
5 manent residence.”.

6 (c) EMPLOYMENT AUTHORIZATION.—Section 214 of  
7 the Immigration and Nationality Act (8 U.S.C. 1184) is  
8 amended by adding at the end the following:

9 “(s) The Secretary of Homeland Security shall au-  
10 thorize an alien who entered the United States as a de-  
11 pendent child of a nonimmigrant admitted pursuant to an  
12 approved employer petition under this section or with sta-  
13 tus under section 101(a)(15)(E), and who is the derivative  
14 beneficiary of a properly filed pending or approved petition  
15 under section 204, to engage in employment in the United  
16 States, and shall provide such alien with an ‘employment  
17 authorized’ endorsement or other appropriate work per-  
18 mit.”.

19 **SEC. 4. PRIORITY DATE RETENTION.**

20 Section 203(h) of the Immigration and Nationality  
21 Act (8 U.S.C. 1153(h)) is amended to read as follows:

22 “(h) RETENTION OF PRIORITY DATES.—The priority  
23 date for an individual shall be the date that a petition  
24 under section 204 is filed with the Secretary of Homeland  
25 Security (or the Secretary of State, if applicable), unless

1 such petition was preceded by the filing of a labor certifi-  
2 cation with the Secretary of Labor, in which case that date  
3 shall constitute the priority date. The principal beneficiary  
4 and all derivative beneficiaries shall retain the priority  
5 date associated with the earliest of any approved petition  
6 or labor certification and such priority date shall be appli-  
7 cable to any subsequently approved petition.”.

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