

## Union Calendar No. 73

116TH CONGRESS  
1ST SESSION

# H. R. 2820

**[Report No. 116-98]**

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and entered the United States as children, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2019

Ms. ROYBAL-ALLARD introduced the following bill; which was referred to the Committee on the Judiciary

MAY 30, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 17, 2019]

# **A BILL**

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and 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 “Dream Act of 2019”.*

5 **TITLE I—TREATMENT OF CER-**  
6 **TAIN LONG-TERM RESIDENTS**  
7 **WHO ENTERED THE UNITED**  
8 **STATES AS CHILDREN**

9 **SEC. 101. PERMANENT RESIDENT STATUS ON A CONDI-**  
10 **TIONAL BASIS FOR CERTAIN LONG-TERM**  
11 **RESIDENTS WHO ENTERED THE UNITED**  
12 **STATES AS CHILDREN.**

13 *(a) CONDITIONAL BASIS FOR STATUS.—Notwith-*  
14 *standing any other provision of law, and except as provided*  
15 *in section 103(c)(2), an alien shall be considered, at the*  
16 *time of obtaining the status of an alien lawfully admitted*  
17 *for permanent residence under this section, to have obtained*  
18 *such status on a conditional basis subject to the provisions*  
19 *of this Act.*

20 *(b) REQUIREMENTS.—*

21 *(1) IN GENERAL.—Notwithstanding any other*  
22 *provision of law, the Secretary or the Attorney Gen-*  
23 *eral shall cancel the removal of, and adjust to the sta-*  
24 *tus of an alien lawfully admitted for permanent resi-*  
25 *dence on a conditional basis, or without the condi-*

1        *tional basis as provided in section 103(c)(2), an alien*  
2        *who is inadmissible or deportable from the United*  
3        *States (or is under a grant of Deferred Enforced De-*  
4        *parture or has temporary protected status under sec-*  
5        *tion 244 of the Immigration and Nationality Act (8*  
6        *U.S.C. 1254a)) if—*

7                *(A) the alien has been continuously phys-*  
8                *ically present in the United States since the date*  
9                *that is 4 years before the date of the enactment*  
10              *of this Act;*

11              *(B) the alien was younger than 18 years of*  
12              *age on the date on which the alien entered the*  
13              *United States and has continuously resided in*  
14              *the United States since such entry;*

15              *(C) the alien—*

16                      *(i) subject to section 203(d), is not in-*  
17                      *admissible under paragraph (1), (6)(E),*  
18                      *(6)(G), (8), or (10) of section 212(a) of the*  
19                      *Immigration and Nationality Act (8 U.S.C.*  
20                      *1182(a));*

21                      *(ii) has not ordered, incited, assisted,*  
22                      *or otherwise participated in the persecution*  
23                      *of any person on account of race, religion,*  
24                      *nationality, membership in a particular so-*  
25                      *cial group, or political opinion; and*

1           (iii) is not barred from adjustment of  
2 status under this Act based on the criminal  
3 and national security grounds described  
4 under subsection (c), subject to the provi-  
5 sions of such subsection; and

6           (D) the alien—

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

9                 (ii) has been admitted to an area ca-  
10 reer and technical education school at the  
11 postsecondary level;

12                (iii) in the United States, has ob-  
13 tained—

14                         (I) a high school diploma or a  
15 commensurate alternative award from  
16 a public or private high school;

17                         (II) a General Education Devel-  
18 opment credential, a high school  
19 equivalency diploma recognized under  
20 State law, or another similar State-au-  
21 thorized credential;

22                         (III) a credential or certificate  
23 from an area career and technical edu-  
24 cation school at the secondary level; or

1 (IV) a recognized postsecondary  
2 credential; or

3 (iv) is enrolled in secondary school or  
4 in an education program assisting students  
5 in—

6 (I) obtaining a high school di-  
7 ploma or its recognized equivalent  
8 under State law;

9 (II) passing the General Edu-  
10 cation Development test, a high school  
11 equivalence diploma examination, or  
12 other similar State-authorized exam;

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

17 (IV) obtaining a recognized post-  
18 secondary credential.

19 (2) APPLICATION FEE.—

20 (A) IN GENERAL.—The Secretary may, sub-  
21 ject to an exemption under section 203(c), re-  
22 quire an alien applying under this section to  
23 pay a reasonable fee that is commensurate with  
24 the cost of processing the application but does  
25 not exceed \$495.00.

1           (B) *SPECIAL PROCEDURE FOR APPLICANTS*  
2           *WITH DACA.*—*The Secretary shall establish a*  
3           *streamlined procedure for aliens who have been*  
4           *granted DACA and who meet the requirements*  
5           *for renewal (under the terms of the program in*  
6           *effect on January 1, 2017) to apply for cancella-*  
7           *tion of removal and adjustment of status to that*  
8           *of an alien lawfully admitted for permanent res-*  
9           *idence on a conditional basis under this section,*  
10           *or without the conditional basis as provided in*  
11           *section 103(c)(2). Such procedure shall not in-*  
12           *clude a requirement that the applicant pay a fee,*  
13           *except that the Secretary may require an appli-*  
14           *cant who meets the requirements for lawful per-*  
15           *manent residence without the conditional basis*  
16           *under section 103(c)(2) to pay a fee that is com-*  
17           *mensurate with the cost of processing the appli-*  
18           *cation, subject to the exemption under section*  
19           *203(c).*

20           (3) *BACKGROUND CHECKS.*—*The Secretary may*  
21           *not grant an alien permanent resident status on a*  
22           *conditional basis under this section until the require-*  
23           *ments of section 202 are satisfied.*

24           (4) *MILITARY SELECTIVE SERVICE.*—*An alien*  
25           *applying for permanent resident status on a condi-*

1        *tional basis under this section, or without the condi-*  
2        *tional basis as provided in section 103(c)(2), shall es-*  
3        *tablish that the alien has registered under the Mili-*  
4        *tary Selective Service Act (50 U.S.C. 3801 et seq.), if*  
5        *the alien is subject to registration under such Act.*

6        *(c) CRIMINAL AND NATIONAL SECURITY BARS.—*

7                *(1) GROUNDS OF INELIGIBILITY.—Except as pro-*  
8        *vided in paragraph (2), an alien is ineligible for ad-*  
9        *justment of status under this Act (whether on a condi-*  
10        *tional basis or without the conditional basis as pro-*  
11        *vided in section 103(c)(2)) if any of the following*  
12        *apply:*

13                *(A) The alien is inadmissible under para-*  
14        *graph (2) or (3) of section 212(a) of the Immi-*  
15        *gration and Nationality Act (8 U.S.C. 1182(a)).*

16                *(B) Excluding any offense under State law*  
17        *for which an essential element is the alien's im-*  
18        *migration status, and any minor traffic offense,*  
19        *the alien has been convicted of—*

20                *(i) any felony offense;*

21                *(ii) 3 or more misdemeanor offenses*  
22        *(excluding simple possession of cannabis or*  
23        *cannabis-related paraphernalia, any offense*  
24        *involving cannabis or cannabis-related par-*  
25        *aphernalia which is no longer prosecutable*



1           *in the State in which the conviction was en-*  
2           *tered, and any offense involving civil dis-*  
3           *obedience without violence) not occurring on*  
4           *the same date, and not arising out of the*  
5           *same act, omission, or scheme of mis-*  
6           *conduct; or*

7                   *(iii) a misdemeanor offense of domestic*  
8           *violence, unless the alien demonstrates that*  
9           *such crime is related to the alien having*  
10           *been—*

11                   *(I) a victim of domestic violence,*  
12           *sexual assault, stalking, child abuse or*  
13           *neglect, abuse or neglect in later life, or*  
14           *human trafficking;*

15                   *(II) battered or subjected to ex-*  
16           *treme cruelty; or*

17                   *(III) a victim of criminal activity*  
18           *described in section 101(a)(15)(U)(iii)*  
19           *of the Immigration and Nationality*  
20           *Act (8 U.S.C. 1101(a)(15)(U)(iii)).*

21           (2) *WAIVERS FOR CERTAIN MISDEMEANORS.—*

22           *For humanitarian purposes, family unity, or if other-*  
23           *wise in the public interest, the Secretary may—*

24                   *(A) waive the grounds of inadmissibility*  
25           *under subparagraphs (A), (C), and (D) of section*

1            *212(a)(2) of the Immigration and Nationality*  
2            *Act (8 U.S.C. 1182(a)(2)), unless the conviction*  
3            *forming the basis for inadmissibility would oth-*  
4            *erwise render the alien ineligible under para-*  
5            *graph (1)(B) (subject to subparagraph (B)); and*  
6            *(B) for purposes of clauses (ii) and (iii) of*  
7            *paragraph (1)(B), waive consideration of—*

8                    *(i) one misdemeanor offense if the alien*  
9                    *has not been convicted of any offense in the*  
10                   *5-year period preceding the date on which*  
11                   *the alien applies for adjustment of status*  
12                   *under this Act; or*

13                   *(ii) up to two misdemeanor offenses if*  
14                   *the alien has not been convicted of any of-*  
15                   *fense in the 10-year period preceding the*  
16                   *date on which the alien applies for adjust-*  
17                   *ment of status under this Act.*

18            (3) *AUTHORITY TO CONDUCT SECONDARY RE-*  
19            *VIEW.—*

20                    (A) *IN GENERAL.—Notwithstanding an*  
21                    *alien's eligibility for adjustment of status under*  
22                    *this Act, and subject to the procedures described*  
23                    *in this paragraph, the Secretary of Homeland*  
24                    *Security may, as a matter of non-delegable dis-*  
25                    *cretion, provisionally deny an application for*

1           *adjustment of status (whether on a conditional*  
2           *basis or without the conditional basis as pro-*  
3           *vided in section 103(c)(2)) if the Secretary,*  
4           *based on clear and convincing evidence, which*  
5           *shall include credible law enforcement informa-*  
6           *tion, determines that the alien is described in*  
7           *subparagraph (B) or (D).*

8                   *(B) PUBLIC SAFETY.—An alien is described*  
9           *in this subparagraph if—*

10                           *(i) excluding simple possession of can-*  
11                           *nabis or cannabis-related paraphernalia,*  
12                           *any offense involving cannabis or cannabis-*  
13                           *related paraphernalia which is no longer*  
14                           *prosecutable in the State in which the con-*  
15                           *viction was entered, any offense under State*  
16                           *law for which an essential element is the*  
17                           *alien's immigration status, any offense in-*  
18                           *volving civil disobedience without violence,*  
19                           *and any minor traffic offense, the alien—*

20                                   *(I) has been convicted of a mis-*  
21                                   *demeanor offense punishable by a term*  
22                                   *of imprisonment of more than 30 days;*  
23                                   *or*

24                                   *(II) has been adjudicated delin-*  
25                                   *quent in a State or local juvenile court*

1                    *proceeding that resulted in a disposi-*  
2                    *tion ordering placement in a secure fa-*  
3                    *cility; and*

4                    *(ii) the alien poses a significant and*  
5                    *continuing threat to public safety related to*  
6                    *such conviction or adjudication.*

7                    *(C) PUBLIC SAFETY DETERMINATION.—For*  
8                    *purposes of subparagraph (B)(ii), the Secretary*  
9                    *shall consider the recency of the conviction or ad-*  
10                   *judication; the length of any imposed sentence or*  
11                   *placement; the nature and seriousness of the con-*  
12                   *viction or adjudication, including whether the*  
13                   *elements of the offense include the unlawful pos-*  
14                   *session or use of a deadly weapon to commit an*  
15                   *offense or other conduct intended to cause serious*  
16                   *bodily injury; and any mitigating factors per-*  
17                   *taining to the alien’s role in the commission of*  
18                   *the offense.*

19                   *(D) GANG PARTICIPATION.—An alien is de-*  
20                   *scribed in this subparagraph if the alien has,*  
21                   *within the 5 years immediately preceding the*  
22                   *date of the application, knowingly, willfully, and*  
23                   *voluntarily participated in offenses committed*  
24                   *by a criminal street gang (as described in sub-*  
25                   *sections (a) and (c) of section 521 of title 18,*

1 *United States Code) with the intent to promote*  
2 *or further the commission of such offenses.*

3 *(E) EVIDENTIARY LIMITATION.—For pur-*  
4 *poses of subparagraph (D), allegations of gang*  
5 *membership obtained from a State or Federal in-*  
6 *house or local database, or a network of data-*  
7 *bases used for the purpose of recording and shar-*  
8 *ing activities of alleged gang members across law*  
9 *enforcement agencies, shall not establish the par-*  
10 *ticipation described in such paragraph.*

11 *(F) NOTICE.—*

12 *(i) IN GENERAL.—Prior to rendering a*  
13 *discretionary decision under this para-*  
14 *graph, the Secretary of Homeland Security*  
15 *shall provide written notice of the intent to*  
16 *provisionally deny the application to the*  
17 *alien (or the alien’s counsel of record, if*  
18 *any) by certified mail and, if an electronic*  
19 *mail address is provided, by electronic mail*  
20 *(or other form of electronic communication).*  
21 *Such notice shall—*

22 *(I) articulate with specificity all*  
23 *grounds for the preliminary deter-*  
24 *mination, including the evidence relied*

1           upon to support the determination;  
2           and

3                   (II) provide the alien with not  
4           less than 90 days to respond.

5                   (ii) *SECOND NOTICE.*—Not more than  
6           30 days after the issuance of the notice  
7           under clause (i), the Secretary of Homeland  
8           Security shall provide a second written no-  
9           tice that meets the requirements of such  
10          clause.

11                   (iii) *NOTICE NOT RECEIVED.*—Not-  
12          withstanding any other provision of law, if  
13          an applicant provides good cause for not  
14          contesting a provisional denial under this  
15          paragraph, including a failure to receive  
16          notice as required under this subparagraph,  
17          the Secretary of Homeland Security shall,  
18          upon a motion filed by the alien, reopen an  
19          application for adjustment of status under  
20          this Act and allow the applicant an oppor-  
21          tunity to respond, consistent with clause  
22          (i)(II).

23                   (G) *JUDICIAL REVIEW.*—An alien is entitled  
24          to judicial review of the Secretary's decision to  
25          provisionally deny an application under this

1           *paragraph in accordance with the procedures de-*  
2           *scribed in section 206(c).*

3           (4) *DEFINITIONS.—For purposes of this sub-*  
4           *section—*

5                   (A) *the term “felony offense” means an of-*  
6                   *fense under Federal or State law that is punish-*  
7                   *able by a maximum term of imprisonment of*  
8                   *more than 1 year;*

9                   (B) *the term “misdemeanor offense” means*  
10                   *an offense under Federal or State law that is*  
11                   *punishable by a term of imprisonment of more*  
12                   *than 5 days but not more than 1 year;*

13                   (C) *the term “crime of domestic violence”*  
14                   *means any offense that has as an element the*  
15                   *use, attempted use, or threatened use of physical*  
16                   *force against a person committed by a current or*  
17                   *former spouse of the person, by an individual*  
18                   *with whom the person shares a child in common,*  
19                   *by an individual who is cohabiting with or has*  
20                   *cohabited with the person as a spouse, by an in-*  
21                   *dividual similarly situated to a spouse of the*  
22                   *person under the domestic or family violence*  
23                   *laws of the jurisdiction where the offense occurs,*  
24                   *or by any other individual against a person who*  
25                   *is protected from that individual’s acts under the*

1           *domestic or family violence laws of the United*  
2           *States or any State, Indian tribal government,*  
3           *or unit of local government; and*

4                   *(D) the term “convicted” or “conviction”*  
5           *does not include a judgment that has been ex-*  
6           *punged or set aside, that resulted in a rehabilita-*  
7           *tive disposition, or the equivalent.*

8           *(d) LIMITATION ON REMOVAL OF CERTAIN ALIEN MI-*  
9           *NORS.—An alien who is under 18 years of age and meets*  
10          *the requirements under subparagraphs (A), (B), and (C)*  
11          *of subsection (b)(1) shall be provided a reasonable oppor-*  
12          *tunity to meet the educational requirements under subpara-*  
13          *graph (D) of such subsection. The Attorney General or the*  
14          *Secretary may not commence or continue with removal pro-*  
15          *ceedings against such an alien.*

16           *(e) WITHDRAWAL OF APPLICATION.—The Secretary of*  
17          *Homeland Security shall, upon receipt of a request to with-*  
18          *draw an application for adjustment of status under this*  
19          *section, cease processing of the application, and close the*  
20          *case. Withdrawal of the application under this subsection*  
21          *shall not prejudice any future application filed by the ap-*  
22          *plicant for any immigration benefit under this Act or under*  
23          *the Immigration and Nationality Act (8 U.S.C. 1101 et*  
24          *seq.).*



1 **SEC. 102. TERMS OF PERMANENT RESIDENT STATUS ON A**  
2 **CONDITIONAL BASIS.**

3 (a) *PERIOD OF STATUS.*—*Permanent resident status*  
4 *on a conditional basis is—*

5 (1) *valid for a period of 10 years, unless such pe-*  
6 *riod is extended by the Secretary; and*

7 (2) *subject to revocation under subsection (c).*

8 (b) *NOTICE OF REQUIREMENTS.*—*At the time an alien*  
9 *obtains permanent resident status on a conditional basis,*  
10 *the Secretary shall provide notice to the alien regarding the*  
11 *provisions of this Act and the requirements to have the con-*  
12 *ditional basis of such status removed.*

13 (c) *REVOCAION OF STATUS.*—*The Secretary may re-*  
14 *voke the permanent resident status on a conditional basis*  
15 *of an alien only if the Secretary—*

16 (1) *determines that the alien ceases to meet the*  
17 *requirements under section 101(b)(1)(C); and*

18 (2) *prior to the revocation, provides the alien—*

19 (A) *notice of the proposed revocation; and*

20 (B) *the opportunity for a hearing to pro-*  
21 *vide evidence that the alien meets such require-*  
22 *ments or otherwise to contest the proposed rev-*  
23 *ocation.*

24 (d) *RETURN TO PREVIOUS IMMIGRATION STATUS.*—  
25 *An alien whose permanent resident status on a conditional*  
26 *basis expires under subsection (a)(1) or is revoked under*

1 subsection (c), shall return to the immigration status that  
2 the alien had immediately before receiving permanent resi-  
3 dent status on a conditional basis.

4 **SEC. 103. REMOVAL OF CONDITIONAL BASIS OF PERMA-**  
5 **NENT RESIDENT STATUS.**

6 (a) *ELIGIBILITY FOR REMOVAL OF CONDITIONAL*  
7 *BASIS.*—

8 (1) *IN GENERAL.*—Subject to paragraph (2), the  
9 Secretary shall remove the conditional basis of an  
10 alien's permanent resident status granted under this  
11 Act and grant the alien status as an alien lawfully  
12 admitted for permanent residence if the alien—

13 (A) is described in section 101(b)(1)(C);

14 (B) has not abandoned the alien's residence  
15 in the United States during the period in which  
16 the alien has permanent resident status on a  
17 conditional basis; and

18 (C)(i) has obtained a degree from an insti-  
19 tution of higher education, or has completed at  
20 least 2 years, in good standing, of a program in  
21 the United States leading to a bachelor's degree  
22 or higher degree or a recognized postsecondary  
23 credential from an area career and technical  
24 education school providing education at the post-  
25 secondary level;

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

4           (iii) demonstrates earned income for periods  
5 totaling at least 3 years and at least 75 percent  
6 of the time that the alien has had a valid em-  
7 ployment authorization, except that, in the case  
8 of an alien who was enrolled in an institution  
9 of higher education, an area career and technical  
10 education school to obtain a recognized postsec-  
11 ondary credential, or an education program de-  
12 scribed in section 101(b)(1)(D)(iii), the Sec-  
13 retary shall reduce such total 3-year requirement  
14 by the total of such periods of enrollment.

15           (2) *HARDSHIP EXCEPTION.*—The Secretary shall  
16 remove the conditional basis of an alien’s permanent  
17 resident status and grant the alien status as an alien  
18 lawfully admitted for permanent residence if the  
19 alien—

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

22           (B) demonstrates compelling circumstances  
23 for the inability to satisfy the requirements  
24 under subparagraph (C) of such paragraph; and

25           (C) demonstrates that—

- 1                   (i) *the alien has a disability;*  
2                   (ii) *the alien is a full-time caregiver;*  
3                   or  
4                   (iii) *the removal of the alien from the*  
5                   *United States would result in hardship to*  
6                   *the alien or the alien's spouse, parent, or*  
7                   *child who is a national of the United States*  
8                   *or is lawfully admitted for permanent resi-*  
9                   *dence.*

10                   (3) *CITIZENSHIP REQUIREMENT.—*

11                   (A) *IN GENERAL.—Except as provided in*  
12                   *subparagraph (B), the conditional basis of an*  
13                   *alien's permanent resident status granted under*  
14                   *this Act may not be removed unless the alien*  
15                   *demonstrates that the alien satisfies the require-*  
16                   *ments under section 312(a) of the Immigration*  
17                   *and Nationality Act (8 U.S.C. 1423(a)).*

18                   (B) *EXCEPTION.—Subparagraph (A) shall*  
19                   *not apply to an alien who is unable to meet the*  
20                   *requirements under such section 312(a) due to*  
21                   *disability.*

22                   (4) *APPLICATION FEE.—The Secretary may, sub-*  
23                   *ject to an exemption under section 203(c), require*  
24                   *aliens applying for removal of the conditional basis*  
25                   *of an alien's permanent resident status under this sec-*

1        *tion to pay a reasonable fee that is commensurate*  
2        *with the cost of processing the application.*

3            (5) *BACKGROUND CHECK.*—*The Secretary may*  
4        *not remove the conditional basis of an alien’s perma-*  
5        *nent resident status until the requirements of section*  
6        *202 are satisfied.*

7            (b) *TREATMENT FOR PURPOSES OF NATURALIZA-*  
8        *TION.*—

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

16            (2) *LIMITATION ON APPLICATION FOR NATU-*  
17        *RALIZATION.*—*An alien may not apply for natu-*  
18        *ralization while the alien is in permanent resident*  
19        *status on a conditional basis.*

20            (c) *TIMING OF APPROVAL OF LAWFUL PERMANENT*  
21        *RESIDENT STATUS.*—

22            (1) *IN GENERAL.*—*An alien granted permanent*  
23        *resident status on a conditional basis under this Act*  
24        *may apply to have such conditional basis removed at*

1        *any time after such alien has met the eligibility re-*  
2        *quirements set forth in subsection (a).*

3                (2) *APPROVAL WITH REGARD TO INITIAL APPLI-*  
4        *CATIONS.—*

5                (A) *IN GENERAL.—Notwithstanding any*  
6        *other provision of law, the Secretary or the At-*  
7        *torney General shall cancel the removal of, and*  
8        *adjust to the status of an alien lawfully admitted*  
9        *for permanent resident status without condi-*  
10        *tional basis, any alien who—*

11                (i) *demonstrates eligibility for lawful*  
12        *permanent residence status on a conditional*  
13        *basis under section 101(b); and*

14                (ii) *subject to the exceptions described*  
15        *in subsections (a)(2) and (a)(3)(B) of this*  
16        *section, already has fulfilled the require-*  
17        *ments of paragraphs (1) and (3) of sub-*  
18        *section (a) of this section at the time such*  
19        *alien first submits an application for bene-*  
20        *fits under this Act.*

21                (B) *BACKGROUND CHECKS.—Subsection*  
22        *(a)(5) shall apply to an alien seeking lawful per-*  
23        *manent resident status without conditional basis*  
24        *in an initial application in the same manner as*  
25        *it applies to an alien seeking removal of the con-*

1           ditional basis of an alien’s permanent resident  
2           status. Section 101(b)(3) shall not be construed  
3           to require the Secretary to conduct more than  
4           one identical security or law enforcement back-  
5           ground check on such an alien.

6                   (C) *APPLICATION FEES.*—*In the case of an*  
7           alien seeking lawful permanent resident status  
8           without conditional basis in an initial applica-  
9           tion, the alien shall pay the fee required under  
10          subsection (a)(4), subject to the exemption al-  
11          lowed under section 203(c), but shall not be re-  
12          quired to pay the application fee under section  
13          101(b)(2).

## 14   **TITLE II—GENERAL PROVISIONS**

### 15   **SEC. 201. DEFINITIONS.**

16       *In this Act:*

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

21                   (2) *APPROPRIATE UNITED STATES DISTRICT*  
22          *COURT.*—*The term “appropriate United States dis-*  
23          *trict court” mean the United States District Court for*  
24          *the District of Columbia or the United States district*

1 *court with jurisdiction over the alien’s principal*  
2 *place of residence.*

3 (3) *AREA CAREER AND TECHNICAL EDUCATION*  
4 *SCHOOL.—The term “area career and technical edu-*  
5 *cation school” has the meaning given such term in*  
6 *section 3 of the Carl D. Perkins Career and Technical*  
7 *Education Act of 2006 (20 U.S.C. 2302).*

8 (4) *DACA.—The term “DACA” means deferred*  
9 *action granted to an alien pursuant to the Deferred*  
10 *Action for Childhood Arrivals policy announced by*  
11 *the Secretary of Homeland Security on June 15,*  
12 *2012.*

13 (5) *DISABILITY.—The term “disability” has the*  
14 *meaning given such term in section 3(1) of the Amer-*  
15 *icans with Disabilities Act of 1990 (42 U.S.C.*  
16 *12102(1)).*

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

21 (7) *HIGH SCHOOL; SECONDARY SCHOOL.—The*  
22 *terms “high school” and “secondary school” have the*  
23 *meanings given such terms in section 8101 of the Ele-*  
24 *mentary and Secondary Education Act of 1965 (20*  
25 *U.S.C. 7801).*



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

5           (9) *INSTITUTION OF HIGHER EDUCATION.*—*The*  
6           *term “institution of higher education”—*

7                   (A) *except as provided in subparagraph*  
8                   (B), *has the meaning given such term in section*  
9                   102 of the Higher Education Act of 1965 (20  
10                  U.S.C. 1002); and

11                  (B) *does not include an institution of high-*  
12                  *er education outside of the United States.*

13           (10) *RECOGNIZED POSTSECONDARY CREDEN-*  
14           *TIAL.*—*The term “recognized postsecondary creden-*  
15           *tial” has the meaning given such term in section 3*  
16           *of the Workforce Innovation and Opportunity Act (29*  
17           *U.S.C. 3102).*

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

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

1 **SEC. 202. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**  
2 **DATA; BACKGROUND CHECKS.**

3 (a) *SUBMISSION OF BIOMETRIC AND BIOGRAPHIC*  
4 *DATA.*—*The Secretary may not grant an alien adjustment*  
5 *of status under this Act, on either a conditional or perma-*  
6 *nent basis, unless the alien submits biometric and bio-*  
7 *graphic data, in accordance with procedures established by*  
8 *the Secretary. The Secretary shall provide an alternative*  
9 *procedure for aliens who are unable to provide such biomet-*  
10 *ric or biographic data because of a physical impairment.*

11 (b) *BACKGROUND CHECKS.*—*The Secretary shall use*  
12 *biometric, biographic, and other data that the Secretary de-*  
13 *termines appropriate to conduct security and law enforce-*  
14 *ment background checks and to determine whether there is*  
15 *any criminal, national security, or other factor that would*  
16 *render the alien ineligible for adjustment of status under*  
17 *this Act, on either a conditional or permanent basis. The*  
18 *status of an alien may not be adjusted, on either a condi-*  
19 *tional or permanent basis, unless security and law enforce-*  
20 *ment background checks are completed to the satisfaction*  
21 *of the Secretary.*

1 **SEC. 203. LIMITATION ON REMOVAL; APPLICATION AND FEE**  
2 **EXEMPTION; WAIVER OF GROUNDS FOR INAD-**  
3 **MISSIBILITY AND OTHER CONDITIONS ON EL-**  
4 **IGIBLE INDIVIDUALS.**

5 (a) *LIMITATION ON REMOVAL.*—An alien who appears  
6 to be *prima facie* eligible for relief under this Act shall be  
7 given a reasonable opportunity to apply for such relief and  
8 may not be removed until, subject to section 206(c), a final  
9 decision establishing ineligibility for relief is rendered.

10 (b) *APPLICATION.*—An alien present in the United  
11 States who has been ordered removed or has been permitted  
12 to depart voluntarily from the United States may, notwith-  
13 standing such order or permission to depart, apply for ad-  
14 justment of status under this Act. Such alien shall not be  
15 required to file a separate motion to reopen, reconsider, or  
16 vacate the order of removal. If the Secretary approves the  
17 application, the Secretary shall cancel the order of removal.  
18 If the Secretary renders a final administrative decision to  
19 deny the application, the order of removal or permission  
20 to depart shall be effective and enforceable to the same extent  
21 as if the application had not been made, only after all  
22 available administrative and judicial remedies have been  
23 exhausted.

24 (c) *FEE EXEMPTION.*—An applicant may be exempted  
25 from paying an application fee required under this Act if  
26 the applicant—

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

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

6           (3) *is in foster care or otherwise lacks any pa-*  
7 *rental or other familial support; or*

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

10       (d) *WAIVER OF GROUNDS OF INADMISSIBILITY.—With*  
11 *respect to any benefit under this Act, and in addition to*  
12 *the waivers under section 101(c)(2), the Secretary may*  
13 *waive the grounds of inadmissibility under paragraph (1),*  
14 *(6)(E), (6)(G), or (10)(D) of section 212(a) of the Immigra-*  
15 *tion and Nationality Act (8 U.S.C. 1182(a)) for humani-*  
16 *tarian purposes, for family unity, or because the waiver*  
17 *is otherwise in the public interest.*

18       (e) *ADVANCE PAROLE.—During the period beginning*  
19 *on the date on which an alien applies for adjustment of*  
20 *status under this Act and ending on the date on which the*  
21 *Secretary makes a final decision regarding such applica-*  
22 *tion, the alien shall be eligible to apply for advance parole.*  
23 *Section 101(g) of the Immigration and Nationality Act (8*  
24 *U.S.C. 1101(g)) shall not apply to an alien granted ad-*  
25 *vance parole under this section.*

1           (f) *EMPLOYMENT.*—*An alien whose removal is stayed*  
2 *pursuant to this Act, who may not be placed in removal*  
3 *proceedings pursuant to this Act, or who has pending an*  
4 *application under this Act, shall, upon application to the*  
5 *Secretary, be granted an employment authorization docu-*  
6 *ment.*

7 **SEC. 204. DETERMINATION OF CONTINUOUS PRESENCE**  
8 **AND RESIDENCE.**

9           (a) *EFFECT OF NOTICE TO APPEAR.*—*Any period of*  
10 *continuous physical presence or continuous residence in the*  
11 *United States of an alien who applies for permanent resi-*  
12 *dent status under this Act (whether on a conditional basis*  
13 *or without the conditional basis as provided in section*  
14 *103(c)(2)) shall not terminate when the alien is served a*  
15 *notice to appear under section 239(a) of the Immigration*  
16 *and Nationality Act (8 U.S.C. 1229(a)).*

17           (b) *TREATMENT OF CERTAIN BREAKS IN PRESENCE*  
18 *OR RESIDENCE.*—

19                   (1) *IN GENERAL.*—*Except as provided in para-*  
20 *graphs (2) and (3), an alien shall be considered to*  
21 *have failed to maintain—*

22                           (A) *continuous physical presence in the*  
23 *United States under this Act if the alien has de-*  
24 *parted from the United States for any period ex-*

1           *ceeding 90 days or for any periods, in the aggre-*  
2           *gate, exceeding 180 days; and*

3           *(B) continuous residence in the United*  
4           *States under this Act if the alien has departed*  
5           *from the United States for any period exceeding*  
6           *180 days, unless the alien establishes to the satis-*  
7           *faction of the Secretary of Homeland Security*  
8           *that the alien did not in fact abandon residence*  
9           *in the United States during such period.*

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

18          (3) *TRAVEL AUTHORIZED BY THE SECRETARY.—*  
19          *Any period of travel outside of the United States by*  
20          *an alien that was authorized by the Secretary may*  
21          *not be counted toward any period of departure from*  
22          *the United States under paragraph (1).*

23          (c) *WAIVER OF PHYSICAL PRESENCE.—With respect to*  
24          *aliens who were removed or departed the United States on*  
25          *or after January 20, 2017, and who were continuously*

1 *physically present in the United States for at least 4 years*  
2 *prior to such removal or departure, the Secretary may, as*  
3 *a matter of discretion, waive the physical presence require-*  
4 *ment under section 101(b)(1)(A) for humanitarian pur-*  
5 *poses, for family unity, or because a waiver is otherwise*  
6 *in the public interest. The Secretary, in consultation with*  
7 *the Secretary of State, shall establish a procedure for such*  
8 *aliens to apply for relief under section 101 from outside*  
9 *the United States if they would have been eligible for relief*  
10 *under such section, but for their removal or departure.*

11 **SEC. 205. EXEMPTION FROM NUMERICAL LIMITATIONS.**

12 *Nothing in this Act or in any other law may be con-*  
13 *strued to apply a numerical limitation on the number of*  
14 *aliens who may be granted permanent resident status under*  
15 *this Act (whether on a conditional basis, or without the con-*  
16 *ditional basis as provided in section 103(c)(2)).*

17 **SEC. 206. AVAILABILITY OF ADMINISTRATIVE AND JUDICIAL**  
18 **REVIEW.**

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

1       (b) *JUDICIAL REVIEW.*—*Except as provided in sub-*  
2 *section (c), and notwithstanding any other provision of law,*  
3 *an alien may seek judicial review of a denial of an applica-*  
4 *tion for adjustment of status, or a revocation of such status,*  
5 *under this Act in an appropriate United States district*  
6 *court.*

7       (c) *JUDICIAL REVIEW OF A PROVISIONAL DENIAL.*—

8           (1) *IN GENERAL.*—*Notwithstanding any other*  
9 *provision of law, if, after notice and the opportunity*  
10 *to respond under section 101(c)(3)(E), the Secretary*  
11 *provisionally denies an application for adjustment of*  
12 *status under this Act, the alien shall have 60 days*  
13 *from the date of the Secretary’s determination to seek*  
14 *review of such determination in an appropriate*  
15 *United States district court.*

16           (2) *SCOPE OF REVIEW AND DECISION.*—*Notwith-*  
17 *standing any other provision of law, review under*  
18 *paragraph (1) shall be de novo and based solely on*  
19 *the administrative record, except that the applicant*  
20 *shall be given the opportunity to supplement the ad-*  
21 *ministrative record and the Secretary shall be given*  
22 *the opportunity to rebut the evidence and arguments*  
23 *raised in such submission. Upon issuing its decision,*  
24 *the court shall remand the matter, with appropriate*



1 *instructions, to the Department of Homeland Security*  
2 *to render a final decision on the application.*

3 (3) *APPOINTED COUNSEL.*—*Notwithstanding any*  
4 *other provision of law, an applicant seeking judicial*  
5 *review under paragraph (1) shall be represented by*  
6 *counsel. Upon the request of the applicant, counsel*  
7 *shall be appointed for the applicant, in accordance*  
8 *with procedures to be established by the Attorney Gen-*  
9 *eral within 90 days of the date of the enactment of*  
10 *this Act, and shall be funded in accordance with fees*  
11 *collected and deposited in the Immigration Counsel*  
12 *Account under section 212.*

13 (d) *STAY OF REMOVAL.*—

14 (1) *IN GENERAL.*—*Except as provided in para-*  
15 *graph (2), an alien seeking administrative or judicial*  
16 *review under this Act may not be removed from the*  
17 *United States until a final decision is rendered estab-*  
18 *lishing that the alien is ineligible for adjustment of*  
19 *status under this Act.*

20 (2) *EXCEPTION.*—*The Secretary may remove an*  
21 *alien described in paragraph (1) pending judicial re-*  
22 *view if such removal is based on criminal or national*  
23 *security grounds described in this Act. Such removal*  
24 *shall not affect the alien's right to judicial review*  
25 *under this Act. The Secretary shall promptly return*

1        *a removed alien if a decision to deny an application*  
2        *for adjustment of status under this Act, or to revoke*  
3        *such status, is reversed.*

4        **SEC. 207. DOCUMENTATION REQUIREMENTS.**

5        (a) *DOCUMENTS ESTABLISHING IDENTITY.—An*  
6        *alien’s application for permanent resident status under this*  
7        *Act (whether on a conditional basis, or without the condi-*  
8        *tional basis as provided in section 103(c)(2)) may include,*  
9        *as evidence of identity, the following:*

10            (1) *A passport or national identity document*  
11            *from the alien’s country of origin that includes the*  
12            *alien’s name and the alien’s photograph or finger-*  
13            *print.*

14            (2) *The alien’s birth certificate and an identity*  
15            *card that includes the alien’s name and photograph.*

16            (3) *A school identification card that includes the*  
17            *alien’s name and photograph, and school records*  
18            *showing the alien’s name and that the alien is or was*  
19            *enrolled at the school.*

20            (4) *A Uniformed Services identification card*  
21            *issued by the Department of Defense.*

22            (5) *Any immigration or other document issued*  
23            *by the United States Government bearing the alien’s*  
24            *name and photograph.*

1           (6) *A State-issued identification card bearing the*  
2           *alien's name and photograph.*

3           (7) *Any other evidence determined to be credible*  
4           *by the Secretary.*

5           (b) *DOCUMENTS ESTABLISHING ENTRY, CONTINUOUS*  
6 *PHYSICAL PRESENCE, LACK OF ABANDONMENT OF RESI-*  
7 *DENCE.—To establish that an alien was younger than 18*  
8 *years of age on the date on which the alien entered the*  
9 *United States, and has continuously resided in the United*  
10 *States since such entry, as required under section*  
11 *101(b)(1)(B), that an alien has been continuously phys-*  
12 *ically present in the United States, as required under sec-*  
13 *tion 101(b)(1)(A), or that an alien has not abandoned resi-*  
14 *dence in the United States, as required under section*  
15 *103(a)(1)(B), the alien may submit the following forms of*  
16 *evidence:*

17           (1) *Passport entries, including admission stamps*  
18           *on the alien's passport.*

19           (2) *Any document from the Department of Jus-*  
20           *stice or the Department of Homeland Security noting*  
21           *the alien's date of entry into the United States.*

22           (3) *Records from any educational institution the*  
23           *alien has attended in the United States.*

1           (4) *Employment records of the alien that include*  
2           *the employer's name and contact information, or*  
3           *other records demonstrating earned income.*

4           (5) *Records of service from the Uniformed Serv-*  
5           *ices.*

6           (6) *Official records from a religious entity con-*  
7           *firming the alien's participation in a religious cere-*  
8           *mony.*

9           (7) *A birth certificate for a child who was born*  
10          *in the United States.*

11          (8) *Hospital or medical records showing medical*  
12          *treatment or hospitalization, the name of the medical*  
13          *facility or physician, and the date of the treatment or*  
14          *hospitalization.*

15          (9) *Automobile license receipts or registration.*

16          (10) *Deeds, mortgages, or rental agreement con-*  
17          *tracts.*

18          (11) *Rent receipts or utility bills bearing the*  
19          *alien's name or the name of an immediate family*  
20          *member of the alien, and the alien's address.*

21          (12) *Tax receipts.*

22          (13) *Insurance policies.*

23          (14) *Remittance records, including copies of*  
24          *money order receipts sent in or out of the country.*

25          (15) *Travel records.*

1           (16) *Dated bank transactions.*

2           (17) *Two or more sworn affidavits from individ-*  
3           *uals who are not related to the alien who have direct*  
4           *knowledge of the alien's continuous physical presence*  
5           *in the United States, that contain—*

6                   (A) *the name, address, and telephone num-*  
7                   *ber of the affiant; and*

8                   (B) *the nature and duration of the relation-*  
9                   *ship between the affiant and the alien.*

10          (18) *Any other evidence determined to be credible*  
11          *by the Secretary.*

12          (c) *DOCUMENTS ESTABLISHING ADMISSION TO AN IN-*  
13          *STITUTION OF HIGHER EDUCATION.—To establish that an*  
14          *alien has been admitted to an institution of higher edu-*  
15          *cation, the alien may submit to the Secretary a document*  
16          *from the institution of higher education certifying that the*  
17          *alien—*

18                   (1) *has been admitted to the institution; or*

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

21          (d) *DOCUMENTS ESTABLISHING RECEIPT OF A DE-*  
22          *GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—*  
23          *To establish that an alien has acquired a degree from an*  
24          *institution of higher education in the United States, the*  
25          *alien may submit to the Secretary a diploma or other docu-*

1 *ment from the institution stating that the alien has received*  
2 *such a degree.*

3       *(e) DOCUMENTS ESTABLISHING RECEIPT OF A HIGH*  
4 *SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOPMENT*  
5 *CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—To estab-*  
6 *lish that in the United States an alien has earned a high*  
7 *school diploma or a commensurate alternative award from*  
8 *a public or private high school, has obtained the General*  
9 *Education Development credential, or otherwise has satis-*  
10 *fied section 101(b)(1)(D)(iii), the alien may submit to the*  
11 *Secretary the following:*

12           *(1) A high school diploma, certificate of comple-*  
13 *tion, or other alternate award.*

14           *(2) A high school equivalency diploma or certifi-*  
15 *cate recognized under State law.*

16           *(3) Evidence that the alien passed a State-au-*  
17 *thorized exam, including the General Education De-*  
18 *velopment test, in the United States.*

19           *(4) Evidence that the alien successfully completed*  
20 *an area career and technical education program, such*  
21 *as a certification, certificate, or similar alternate*  
22 *award.*

23           *(5) Evidence that the alien obtained a recognized*  
24 *postsecondary credential.*

1           (6) *Any other evidence determined to be credible*  
2           *by the Secretary.*

3           (f) *DOCUMENTS ESTABLISHING ENROLLMENT IN AN*  
4 *EDUCATIONAL PROGRAM.—To establish that an alien is en-*  
5 *rolled in any school or education program described in sec-*  
6 *tion 101(b)(1)(D)(iv) or 103(a)(1)(C), the alien may submit*  
7 *school records from the United States school that the alien*  
8 *is currently attending that include—*

9           (1) *the name of the school; and*

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

12          (g) *DOCUMENTS ESTABLISHING EXEMPTION FROM*  
13 *APPLICATION FEES.—To establish that an alien is exempt*  
14 *from an application fee under section 203(c), the alien may*  
15 *submit to the Secretary the following relevant documents:*

16          (1) *DOCUMENTS TO ESTABLISH AGE.—To estab-*  
17 *lish that an alien meets an age requirement, the alien*  
18 *may provide proof of identity, as described in sub-*  
19 *section (a), that establishes that the alien is younger*  
20 *than 18 years of age.*

21          (2) *DOCUMENTS TO ESTABLISH INCOME.—To es-*  
22 *tablish the alien’s income, the alien may provide—*

23                (A) *employment records or other records of*  
24 *earned income, including records that have been*  
25 *maintained by the Social Security Administra-*

1           *tion, the Internal Revenue Service, or any other*  
2           *Federal, State, or local government agency;*

3                     *(B) bank records; or*

4                     *(C) at least 2 sworn affidavits from individ-*  
5           *uals who are not related to the alien and who*  
6           *have direct knowledge of the alien's work and in-*  
7           *come that contain—*

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

10                    *(ii) the nature and duration of the re-*  
11                    *lationship between the affiant and the alien.*

12           (3) *DOCUMENTS TO ESTABLISH FOSTER CARE,*  
13           *LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC*  
14           *DISABILITY.—To establish that the alien is in foster*  
15           *care, lacks parental or familial support, or has a seri-*  
16           *ous, chronic disability, the alien may provide at least*  
17           *2 sworn affidavits from individuals who are not re-*  
18           *lated to the alien and who have direct knowledge of*  
19           *the circumstances that contain—*

20                    *(A) a statement that the alien is in foster*  
21                    *care, otherwise lacks any parental or other fa-*  
22                    *miliar support, or has a serious, chronic dis-*  
23                    *ability, as appropriate;*

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



1                   (C) the nature and duration of the relation-  
2                   ship between the affiant and the alien.

3           (h) *DOCUMENTS ESTABLISHING QUALIFICATION FOR*  
4 *HARDSHIP EXEMPTION.*—To establish that an alien satis-  
5 fies one of the criteria for the hardship exemption set forth  
6 in section 103(a)(2)(C), the alien may submit to the Sec-  
7 retary at least 2 sworn affidavits from individuals who are  
8 not related to the alien and who have direct knowledge of  
9 the circumstances that warrant the exemption, that con-  
10 tain—

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

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

15           (i) *DOCUMENTS ESTABLISHING SERVICE IN THE UNI-*  
16 *FORMED SERVICES.*—To establish that an alien has served  
17 in the Uniformed Services for at least 2 years and, if dis-  
18 charged, received an honorable discharge, the alien may  
19 submit to the Secretary—

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

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

23                   (3) personnel records for such service from the  
24                   appropriate Uniformed Service; or

1           (4) *health records from the appropriate Uni-*  
2 *formed Service.*

3           (j) *DOCUMENTS ESTABLISHING EARNED INCOME.—*

4           (1) *IN GENERAL.—An alien may satisfy the*  
5 *earned income requirement under section*  
6 *103(a)(1)(C)(iii) by submitting records that—*

7           (A) *establish compliance with such require-*  
8 *ment; and*

9           (B) *have been maintained by the Social Se-*  
10 *curity Administration, the Internal Revenue*  
11 *Service, or any other Federal, State, or local gov-*  
12 *ernment agency.*

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

19           (A) *bank records;*

20           (B) *business records;*

21           (C) *employer or contractor records;*

22           (D) *records of a labor union, day labor cen-*  
23 *ter, or organization that assists workers in em-*  
24 *ployment;*

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

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

6                   (ii) the nature and duration of the re-  
7                   lationship between the affiant and the alien;

8           (F) remittance records; or

9           (G) any other evidence determined to be  
10           credible by the Secretary.

11       (k) *AUTHORITY TO PROHIBIT USE OF CERTAIN DOCU-*  
12 *MENTS.—If the Secretary determines, after publication in*  
13 *the Federal Register and an opportunity for public com-*  
14 *ment, that any document or class of documents does not*  
15 *reliably establish identity or that permanent resident status*  
16 *under this Act (whether on a conditional basis, or without*  
17 *the conditional basis as provided in section 103(c)(2)) is*  
18 *being obtained fraudulently to an unacceptable degree, the*  
19 *Secretary may prohibit or restrict the use of such document*  
20 *or class of documents.*

21 **SEC. 208. RULE MAKING.**

22       (a) *IN GENERAL.—Not later than 90 days after the*  
23 *date of the enactment of this Act, the Secretary shall publish*  
24 *in the Federal Register interim final rules implementing*  
25 *this Act, which shall allow eligible individuals to imme-*

1 *diately apply for relief under section 101 or 103(c)(2). Not-*  
2 *withstanding section 553 of title 5, United States Code, the*  
3 *regulation shall be effective, on an interim basis, imme-*  
4 *diately upon publication, but may be subject to change and*  
5 *revision after public notice and opportunity for a period*  
6 *of public comment. The Secretary shall finalize such rules*  
7 *not later than 180 days after the date of publication.*

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

12 **SEC. 209. CONFIDENTIALITY OF INFORMATION.**

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

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

1       (c) *LIMITED EXCEPTION.*—Notwithstanding sub-  
2 sections (a) and (b), information provided in an applica-  
3 tion for adjustment of status under this Act may be shared  
4 with Federal security and law enforcement agencies—

5           (1) *for assistance in the consideration of an ap-*  
6 *plication for adjustment of status under this Act;*

7           (2) *to identify or prevent fraudulent claims;*

8           (3) *for national security purposes; or*

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

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

14 **SEC. 210. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
15 **CANTS.**

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

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

1           (1) *information to the public regarding the eligi-*  
2           *bility and benefits of permanent resident status under*  
3           *this Act (whether on a conditional basis, or without*  
4           *the conditional basis as provided in section*  
5           *103(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          *Act (whether on a conditional basis, or without the*  
11          *conditional basis as provided in section 103(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 Act (whether on a conditional basis, or with-*  
23                 *out the conditional basis as provided in section*  
24                 *103(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 2030  
16           to carry out this section.

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

20   **SEC. 211. 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 Act (whether on a conditional  
24           basis, or without the conditional basis as provided in sec-  
25           tion 103(c)(2)) shall not preclude the alien from seeking any

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

3 **SEC. 212. SUPPLEMENTARY SURCHARGE FOR APPOINTED**  
4 **COUNSEL.**

5 *(a) IN GENERAL.—Except as provided in section 202*  
6 *and in cases where the applicant is exempt from paying*  
7 *a fee under section 203(c), in any case in which a fee is*  
8 *charged pursuant to this Act, 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 206(c)(3).*

13 *(b) IMMIGRATION COUNSEL ACCOUNT.—There is estab-*  
14 *lished in the general fund of the Treasury a separate ac-*  
15 *count which shall be known as the “Immigration Counsel*  
16 *Account”. Fees collected under subsection (a) shall be depos-*  
17 *ited into the Immigration Counsel Account and shall to re-*  
18 *main available until expended for purposes of providing*  
19 *appointed counsel as required under this Act.*

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



1 *from the fee charged for the succeeding two years equal, as*  
2 *closely as possible, the cost of providing appointed counsel*  
3 *as required under this Act.*

4 **SEC. 213. 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 Home-*  
8 *land Security shall submit to the Congress a report detail-*  
9 *ing the number of applicants that receive—*

10 *(1) a provisional denial under this Act;*

11 *(2) a final denial under this Act without seeking*  
12 *judicial review;*

13 *(3) a final denial under this Act after seeking ju-*  
14 *dicial review; and*

15 *(4) an approval under this Act after seeking ju-*  
16 *dicial review.*

Union Calendar No. 73

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

**H. R. 2820**

[Report No. 116-98]

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**A BILL**

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and entered the United States as children, and for other purposes.

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MAY 30, 2019

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed