

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Agricultural Worker Program Act of 2019”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROGRAM FOR EARNED STATUS ADJUSTMENT OF
AGRICULTURAL WORKERS

Sec. 101. Blue card status.

- Sec. 102. Adjustment to permanent resident status.
 Sec. 103. Use of information.
 Sec. 104. Reports on blue cards.
 Sec. 105. Authorization of appropriations.

TITLE II—CORRECTION OF SOCIAL SECURITY RECORDS

- Sec. 201. Correction of Social Security records.

TITLE III—DEFINITIONS

- Sec. 301. Definitions.

1 **TITLE I—PROGRAM FOR**
 2 **EARNED STATUS ADJUST-**
 3 **MENT OF AGRICULTURAL**
 4 **WORKERS**

5 **SEC. 101. BLUE CARD STATUS.**

6 (a) REQUIREMENTS FOR BLUE CARD STATUS.—Not-
 7 withstanding any other provision of law, the Secretary
 8 may grant blue card status to any alien who—

9 (1)(A) has completed qualified work;

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

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

14 and

15 (iii) has maintained continuous presence in the
 16 United States from such date of enactment until the
 17 date on which the alien is granted blue card status;

18 or

19 (C) is, or has been, a nonimmigrant alien ad-
 20 mitted to the United States for agricultural employ-

1 ment described in section 101(a)(15)(H)(ii)(a) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1101(a)(15)(H)(ii)(a)) who has completed qualified
4 work;

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

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

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

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

13 (b) APPLICATION.—

14 (1) SUBMISSION REQUIREMENTS.—An alien de-
15 scribed in subsection (a)(1) who is seeking blue card
16 status shall submit an application—

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

23 (B) to a qualified designated entity if the
24 applicant consents to the forwarding of the ap-
25 plication to the Secretary.

1 (2) EVIDENCE OF APPLICATION FILING.—As
2 soon as practicable after receiving each application
3 for blue card status under paragraph (1), the Sec-
4 retary shall provide the applicant with a document
5 acknowledging the receipt of such application.

6 (3) APPLICATION PERIOD.—

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

14 (B) EXCEPTION.—Aliens described in sub-
15 section (a)(1)(C) may apply for blue card status
16 from outside of the United States.

17 (C) EXTENSION.—If the Secretary deter-
18 mines, during the initial period described in
19 subparagraph (A), that additional time is re-
20 quired to process applications for blue card sta-
21 tus or for another good cause, the Secretary
22 may extend the period for accepting applica-
23 tions by an additional 18 months.

24 (4) APPLICATION.—

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

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

11 (5) ADJUDICATION.—

12 (A) INTERVIEW.—The Secretary may
13 interview applicants for blue card status to de-
14 termine whether they meet the eligibility re-
15 quirements set forth in this section.

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

21 (C) NOTICE.—If the Secretary denies an
22 application for blue card status, the Secretary
23 shall—

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

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

7 (D) AMENDED APPLICATION.—An alien
8 whose application for blue card status is denied
9 under subparagraph (B) may submit an amend-
10 ed application for such status to the Secretary
11 if the amended application—

12 (i) is submitted within the period de-
13 scribed in paragraph (3); and

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

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

25 (6) EVIDENCE OF BLUE CARD STATUS.—

1 (A) IN GENERAL.—The Secretary shall
2 issue documentary evidence of blue card status
3 to each alien whose application for such status
4 has been approved.

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

8 (i) shall be machine-readable and tam-
9 per-resistant;

10 (ii) shall contain a digitized photo-
11 graph;

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

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

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

4 (c) SPECIAL RULES FOR BLUE CARD APPLICANTS
5 AND ALIENS ELIGIBLE FOR BLUE CARD STATUS.—

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

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

17 (B) if such an application is submitted,
18 may not remove the individual until a final ad-
19 ministrative determination is made on such ap-
20 plication.

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

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

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

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

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

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

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

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

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

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

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

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

24 (C) shall not be considered unlawfully
25 present under section 212(a)(9)(B) of the Im-

1 migration and Nationality Act (8 U.S.C.
2 1182(a)(9)(B)); and

3 (D) shall not be considered an unauthor-
4 ized alien (as defined in section 274A(h)(3) of
5 such Act (8 U.S.C. 1324a(h)(3))).

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

9 (A) advance parole under paragraph (4)(A)
10 to reenter the United States; or

11 (B) blue card status.

12 (6) PROTECTION FROM DETENTION OR RE-
13 MOVAL DURING BLUE CARD STATUS.—An alien
14 granted blue card status under this section may not
15 be detained by the Secretary or removed from the
16 United States unless—

17 (A) the alien is removable under section
18 237 of the Immigration and Nationality Act (8
19 U.S.C. 1227); or

20 (B) the alien's blue card status has been
21 revoked.

22 (7) DURATION OF STATUS.—No alien may re-
23 main in blue card status on or after the date that
24 is 8 years after the date on which regulations are
25 published under subsection (j).

1 (d) REQUIRED BACKGROUND INVESTIGATIONS AND
2 INELIGIBILITY.—

3 (1) IN GENERAL.—

4 (A) BIOMETRIC AND BIOGRAPHIC DATA.—

5 The Secretary may not grant blue card status
6 to an alien or an alien dependent spouse or
7 child under this section unless such alien sub-
8 mits biometric and biographic data in accord-
9 ance with procedures established by the Sec-
10 retary.

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

16 (C) DATA COLLECTION.—The Secretary
17 shall collect, from each alien applying for status
18 under this section, biometric, biographic, and
19 other data that the Secretary determines to be
20 appropriate in order to conduct a background
21 investigation and determine the alien's eligi-
22 bility for blue card status.

23 (2) GROUNDS FOR INELIGIBILITY.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), an alien is ineligible for blue

1 card status if the Secretary determines that the
2 alien—

3 (i) has a conviction for—

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

11 (II) an aggravated felony (as de-
12 fined in section 101(a)(43) of the Im-
13 migration and Nationality Act (8
14 U.S.C. 1101(a)(43)) at the time of
15 the conviction);

16 (III) 3 or more misdemeanor of-
17 fenses (other than minor traffic of-
18 fenses or State or local offenses for
19 which an essential element was the
20 alien's immigration status, or viola-
21 tions of the Immigration and Nation-
22 ality Act) if the alien was convicted on
23 different dates for each of the 3 of-
24 fenses;

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

14 (V) unlawful voting (as defined
15 in section 237(a)(6) of such Act (8
16 U.S.C. 1227(a)(6)));

17 (ii) is inadmissible under section
18 212(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(a)), except that in de-
20 termining an alien's inadmissibility—

21 (I) paragraphs (4), (5), (7), and
22 (9)(B) of such section 212(a) shall
23 not apply;

24 (II) subparagraphs (A), (C), (D),
25 (F), and (G) of such section 212(a)(6)

1 and paragraphs (9)(C) and (10)(B) of
2 such section 212(a) shall not apply
3 unless based on the act of unlawfully
4 entering the United States after the
5 date of the enactment of this Act; and

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

13 (iii) is an alien who the Secretary
14 knows or has reasonable grounds to be-
15 lieve, is engaged in, or is likely after entry
16 to engage in, terrorist activity (as defined
17 in section 212(a)(3)(B)(iv) of such Act); or

18 (iv) was, on the date of the enactment
19 of this Act—

20 (I) an alien lawfully admitted for
21 permanent residence; or

22 (II) an alien admitted as a ref-
23 ugee under section 207 of the Immi-
24 gration and Nationality Act (8 U.S.C.

1 1157) or granted asylum under sec-
2 tion 208 of such Act (8 U.S.C. 1158).

3 (B) WAIVER.—

4 (i) IN GENERAL.—The Secretary may
5 waive the application of subparagraph
6 (A)(i)(III) or any provision of section
7 212(a) of the Immigration and Nationality
8 Act (8 U.S.C. 1182(a)) that is not listed in
9 clause (ii) on behalf of an alien for human-
10 itarian purposes, to ensure family unity, or
11 if such a waiver is otherwise in the public
12 interest. Any discretionary authority to
13 waive grounds of inadmissibility under
14 such section 212(a) conferred under any
15 other provision of the Immigration and
16 Nationality Act shall apply equally to
17 aliens seeking blue card status under this
18 section.

19 (ii) EXCEPTIONS.—The discretionary
20 authority under clause (i) may not be used
21 to waive—

22 (I) subparagraph (B), (C),
23 (D)(ii), (E), (G), (H), or (I) of section
24 212(a)(2) of the Immigration and Na-
25 tionality Act;

1 (II) section 212(a)(3) of such
2 Act; or

3 (III) subparagraph (A), (C), (D),
4 or (E) of section 212(a)(10) of such
5 Act.

6 (C) CONVICTION EXPLAINED.—In this
7 paragraph, the term “conviction” does not in-
8 clude a judgment that has been expunged, set
9 aside, or the equivalent.

10 (D) RULE OF CONSTRUCTION.—Nothing in
11 this paragraph may be construed to require the
12 Secretary to commence removal proceedings
13 against an alien.

14 (e) FEES AND PENALTIES.—

15 (1) STANDARD PROCESSING FEE.—Aliens who
16 are 16 years of age or older and are applying for
17 blue card status under this subsection, or for an ex-
18 tension of such status, shall pay a processing fee to
19 the Department of Homeland Security in an amount
20 determined by the Secretary.

21 (2) RECOVERY OF COSTS.—The processing fee
22 authorized under paragraph (1) shall be set at a
23 level that is sufficient to recover the full costs of
24 processing the application, including any costs in-
25 curred—

- 1 (A) to adjudicate the application;
- 2 (B) to take and process biometric data;
- 3 (C) to perform national security and crimi-
- 4 nal checks, including adjudication;
- 5 (D) to prevent and investigate fraud; and
- 6 (E) to administer the collection of such
- 7 fee.

8 (3) AUTHORITY TO LIMIT FEES.—The Sec-

9 retary may issue regulations—

10 (A) to limit the maximum processing fee

11 payable under this subsection by a family, in-

12 cluding spouses and unmarried children who

13 are younger than 21 years of age; and

14 (B) to exempt defined classes of individ-

15 uals from the payment of the fee required

16 under paragraph (1).

17 (4) PENALTY.—In addition to the processing

18 fee required under paragraph (1), aliens applying for

19 blue card status under this subsection who are 21

20 years of age or older shall pay a \$100 penalty to the

21 Department of Homeland Security.

22 (5) DEPOSIT AND USE OF PROCESSING FEES

23 AND PENALTIES.—Fees and penalties authorized

24 under this subsection—

1 (A) shall be deposited into the Immigration
2 Examinations Fee Account pursuant to section
3 286(m) of the Immigration and Nationality Act
4 (8 U.S.C. 1356(m)); and

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

7 (f) TERMS AND CONDITIONS OF BLUE CARD STA-
8 TUS.—

9 (1) CONDITIONS OF BLUE CARD STATUS.—

10 (A) EMPLOYMENT.—Notwithstanding any
11 other provision of law, including section
12 241(a)(7) of the Immigration and Nationality
13 Act (8 U.S.C. 1231(a)(7)), an alien with blue
14 card status shall be authorized to be employed
15 in the United States while in such status.

16 (B) TRAVEL OUTSIDE THE UNITED
17 STATES.—An alien with blue card status—

18 (i) may travel outside of the United
19 States, including commuting to the United
20 States from a residence in a foreign coun-
21 try; and

22 (ii) may be admitted upon returning
23 to the United States without having to ob-
24 tain a visa if—

25 (I) the alien is in possession of—

1 (aa) valid, unexpired docu-
2 mentary evidence of blue card
3 status that complies with sub-
4 section (b)(6)(B); or

5 (bb) a travel document that
6 has been approved by the Sec-
7 retary and was issued to the
8 alien after the alien's original
9 documentary evidence was lost,
10 stolen, or destroyed;

11 (II) the alien's absence from the
12 United States did not exceed 180
13 days, unless the alien's failure to
14 timely return was due to extenuating
15 circumstances beyond the alien's con-
16 trol; and

17 (III) the alien establishes that he
18 or she is not inadmissible under sub-
19 paragraph (A)(i), (A)(iii), (B), or (C)
20 of section 212(a)(3) of the Immigra-
21 tion and Nationality Act (8 U.S.C.
22 1182(a)(3)).

23 (C) ADMISSION.—An alien granted blue
24 card status shall be considered to have been ad-

1 turn was due to extenuating cir-
2 cumstances beyond the alien's control.

3 (B) ADDITIONAL EVIDENCE.—

4 (i) IN GENERAL.—In determining
5 whether to revoke an alien's status under
6 subparagraph (A), the Secretary may re-
7 quire that the alien—

8 (I) submit additional evidence;
9 and

10 (II) appear for an interview.

11 (ii) EFFECT OF NONCOMPLIANCE.—

12 The blue card status of an alien who fails
13 to comply with any requirement imposed
14 by the Secretary under clause (i) shall be
15 revoked unless the alien demonstrates to
16 the Secretary's satisfaction that such fail-
17 ure was reasonably excusable.

18 (C) INVALIDATION OF DOCUMENTATION.—

19 If an alien's blue card status is revoked pursu-
20 ant to subparagraph (A), any documentation
21 issued by the Secretary to such alien under sub-
22 section (b)(6) shall automatically be rendered
23 invalid for any purpose except for departure
24 from the United States.

1 (3) INELIGIBILITY FOR PUBLIC BENEFITS.—An
2 alien who has been granted blue card status is not
3 eligible for the Federal means-tested public benefits
4 unavailable to qualified aliens under section 403 of
5 the Personal Responsibility and Work Opportunity
6 Reconciliation Act of 1996 (8 U.S.C. 1613).

7 (4) TREATMENT OF BLUE CARD STATUS.—An
8 alien granted blue card status shall be considered
9 lawfully present in the United States for all pur-
10 poses while such alien remains in such status, except
11 that the alien—

12 (A) is not entitled to the premium assist-
13 ance tax credit authorized under section 36B of
14 the Internal Revenue Code of 1986 (26 U.S.C.
15 36B) for his or her coverage;

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

19 (C) shall be subject to the rules applicable
20 to individuals who are not lawfully present set
21 forth in section 1402(e) of the Patient Protec-
22 tion and Affordable Care Act (42 U.S.C.
23 18071(e)); and

24 (D) shall be subject to the rules applicable
25 to individuals not lawfully present set forth in

1 section 5000A(d)(3) of the Internal Revenue
2 Code of 1986 (26 U.S.C. 5000A(d)(3)).

3 (g) PROVISIONS INVOLVING EMPLOYERS.—

4 (1) RECORD OF EMPLOYMENT.—Employers of
5 aliens granted blue card status shall provide each
6 such alien and the Secretary with a written record
7 of employment during each year that the alien re-
8 mains in such status.

9 (2) CIVIL PENALTIES.—

10 (A) IN GENERAL.—If the Secretary deter-
11 mines, after notice and an opportunity for a
12 hearing, that an employer of an alien granted
13 blue card status has knowingly failed to provide
14 the record of employment required under para-
15 graph (1) or has provided a false statement of
16 material fact in such a record, the employer
17 shall be subject to a civil penalty in an amount
18 not to exceed \$500 per violation.

19 (B) LIMITATION.—The penalty under sub-
20 paragraph (A) for failure to provide employ-
21 ment records shall not apply unless the alien
22 has provided the employer with evidence of em-
23 ployment authorization described in subsection
24 (b)(6).

1 (C) DEPOSIT OF CIVIL PENALTIES.—Civil
2 penalties collected under this paragraph shall be
3 deposited into the Immigration Examinations
4 Fee Account pursuant to section 286(m) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1356(m)).

7 (3) CONTINUING EMPLOYMENT.—An employer
8 that knows that an alien employee is an applicant
9 for blue card status or will apply for such status
10 after the application period commences is not in vio-
11 lation of section 274A(a)(2) of the Immigration and
12 Nationality Act (8 U.S.C. 1324a(a)(2)) if the em-
13 ployer continues to employ the alien pending the ad-
14 judication of the alien employee’s application.

15 (4) EMPLOYER PROTECTIONS.—

16 (A) USE OF EMPLOYMENT RECORDS.—
17 Copies of employment records or other evidence
18 of employment provided by an alien or by an
19 alien’s employer in support of an alien’s appli-
20 cation for blue card status may not be used in
21 a civil or criminal prosecution or investigation
22 of that employer under section 274A of the Im-
23 migration and Nationality Act (8 U.S.C.
24 1324a) or under the Internal Revenue Code of
25 1986 for the prior unlawful employment of that

1 alien regardless of the adjudication of such ap-
2 plication or reconsideration by the Secretary of
3 such alien's prima facie eligibility determina-
4 tion. Employers that provide unauthorized
5 aliens with copies of employment records or
6 other evidence of employment pursuant to an
7 application for blue card status shall not be
8 subject to civil and criminal liability pursuant
9 to such section 274A for employing such unau-
10 thorized aliens.

11 (B) LIMIT ON APPLICABILITY.—The pro-
12 tections for employers and aliens under sub-
13 paragraph (A) shall not apply if the aliens or
14 employers submit employment records that are
15 determined to be fraudulent.

16 (h) ADMINISTRATIVE AND JUDICIAL REVIEW.—

17 (1) IN GENERAL.—Any administrative or judi-
18 cial review of a determination regarding an applica-
19 tion for blue card status shall comply with the re-
20 quirements under this subsection.

21 (2) ADMINISTRATIVE REVIEW.—

22 (A) SINGLE LEVEL OF APPELLATE RE-
23 VIEW.—The Secretary shall establish an appel-
24 late authority to provide for a single level of ad-

1 ministration appellate review of a final agency
2 determination.

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

6 (i) the administrative record estab-
7 lished at the time of the determination re-
8 garding the application; and

9 (ii) any additional or newly discovered
10 evidence that was not available at the time
11 of a final agency determination.

12 (3) JUDICIAL REVIEW.—Judicial review of a de-
13 termination under this section shall be limited to the
14 review of an order of removal under section 242 of
15 the Immigration and Nationality Act (8 U.S.C.
16 1252).

17 (i) DISCLOSURES AND PRIVACY.—

18 (1) PROHIBITED DISCLOSURES.—Except as oth-
19 erwise provided in this subsection, an officer or em-
20 ployee of any Federal agency may not—

21 (A) use the information furnished in an
22 application for lawful status under this section
23 or section 245B of the Immigration and Na-
24 tionality Act, as added by section 102, for any
25 purpose other than to make a determination on

1 any application by the alien for any immigra-
2 tion benefit or protection;

3 (B) make any publication through which
4 information furnished by any particular appli-
5 cant can be identified; or

6 (C) permit anyone other than the sworn of-
7 ficers, employees, and contractors of such agen-
8 cy or of another entity approved by the Sec-
9 retary to examine any individual application for
10 lawful status under this section or such section
11 245B.

12 (2) REQUIRED DISCLOSURES.—The Secretary
13 shall provide the information furnished in an appli-
14 cation filed under this section or section 245B of the
15 Immigration and Nationality Act, as added by sec-
16 tion 102, and any other information derived from
17 such furnished information to—

18 (A) a law enforcement agency, intelligence
19 agency, national security agency, a component
20 of the Department of Homeland Security,
21 court, or grand jury, consistent with law, in
22 connection with—

23 (i) a criminal investigation or prosecu-
24 tion of any felony not related to the appli-
25 cant's immigration status; or

1 (ii) a national security investigation or
2 prosecution; and

3 (B) an official coroner for purposes of af-
4 firmatively identifying a deceased individual,
5 whether or not the death of such individual re-
6 sulted from a crime.

7 (3) AUDITING AND EVALUATION OF INFORMA-
8 TION.—The Secretary may—

9 (A) audit and evaluate information fur-
10 nished as part of any application filed under
11 this section or section 245B of the Immigration
12 and Nationality Act, as added by section 102,
13 for purposes of identifying immigration fraud or
14 fraud schemes; and

15 (B) use any evidence detected by means of
16 audits and evaluations for purposes of inves-
17 tigating, prosecuting, referring for prosecution,
18 or denying or terminating immigration benefits.

19 (4) PRIVACY AND CIVIL LIBERTIES.—

20 (A) IN GENERAL.—The Secretary shall re-
21 quire, in accordance with paragraph (1), appro-
22 priate administrative and physical safeguards to
23 protect the security, confidentiality, and integ-
24 rity of personally identifiable information col-
25 lected, maintained, and disseminated pursuant

1 to this section and section 245B of the Immi-
2 gration and Nationality Act, as added by sec-
3 tion 102.

4 (B) ASSESSMENTS.—Notwithstanding the
5 privacy requirements set forth in section 222 of
6 the Homeland Security Act of 2002 (6 U.S.C.
7 142) and the E-Government Act of 2002 (Pub-
8 lic Law 107–347), the Secretary shall conduct
9 a privacy impact assessment and a civil liberties
10 impact assessment of the legalization program
11 established under this section and section 245B
12 of the Immigration and Nationality Act, as
13 added by section 102, during the pendency of
14 the final regulations to be issued pursuant to
15 subsection (j).

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

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

20 (a) IN GENERAL.—Chapter 5 of title II (8 U.S.C.
21 1255 et seq.) is amended by inserting after section 245A
22 the following:

1 **“SEC. 245B. ADJUSTMENT TO PERMANENT RESIDENT STA-**
2 **TUS FOR AGRICULTURAL WORKERS.**

3 “(a) IN GENERAL.—Except as provided in subsection
4 (b), and not earlier than 5 years after the date of the en-
5 actment of the Agricultural Worker Program Act of 2019,
6 the Secretary shall adjust the status of an alien granted
7 blue card status to that of an alien lawfully admitted for
8 permanent residence if the Secretary determines that the
9 following requirements are satisfied:

10 “(1) QUALIFYING EMPLOYMENT.—Except as
11 provided in paragraph (3), the alien—

12 “(A) during the 8-year period beginning on
13 the date of the enactment of the Agricultural
14 Worker Program Act of 2019, performed not
15 less than 100 work days of agricultural employ-
16 ment during each of 5 years; or

17 “(B) during the 5-year period beginning on
18 such date of enactment, performed not less
19 than 150 work days of agricultural employment
20 during each of 3 years.

21 “(2) EVIDENCE.—An alien demonstrates com-
22 pliance with the requirement under paragraph (1) by
23 submitting to the Secretary—

24 “(A) the alien’s record of employment (as
25 required to be provided to the alien under sec-

1 tion 101(g)(1) of the Agricultural Worker Pro-
2 gram Act of 2019);

3 “(B) documentation described in sub-
4 section (e)(4); or

5 “(C) any other documentation designated
6 by the Secretary for such purpose.

7 “(3) EXTRAORDINARY CIRCUMSTANCES.—

8 “(A) IN GENERAL.—In determining wheth-
9 er an alien has met the requirement under
10 paragraph (1), the Secretary may credit the
11 alien with not more than 12 additional months
12 of agricultural employment in the United States
13 to meet such requirement if the alien was un-
14 able to work in agricultural employment due
15 to—

16 “(i) pregnancy, disabling injury, or
17 disease established by the alien through
18 medical records;

19 “(ii) illness, disease, or other special
20 needs of the alien’s child established by the
21 alien through medical records;

22 “(iii) severe weather conditions that
23 prevented the alien from engaging in agri-
24 cultural employment for a significant pe-
25 riod; or

1 “(iv) termination from agricultural
2 employment, if the Secretary determines
3 that—

4 “(I) the termination was without
5 just cause; and

6 “(II) the alien was unable to find
7 alternative agricultural employment
8 after a reasonable job search.

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

16 “(4) APPLICATION PERIOD.—The alien applies
17 for adjustment of status before the expiration of the
18 alien’s blue card status.

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

23 “(b) GROUNDS FOR DENIAL OF ADJUSTMENT OF
24 STATUS.—

1 “(1) IN GENERAL.—The Secretary may not ad-
2 just the status of an alien granted blue card status
3 if the alien—

4 “(A) is no longer eligible for blue card sta-
5 tus; or

6 “(B) failed to perform the qualifying em-
7 ployment required under subsection (a)(1),
8 after considering any amount credited by the
9 Secretary under subsection (a)(3).

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

16 “(3) PENDING REVOCATION PROCEEDINGS.—If
17 the Secretary has notified the applicant that the
18 Secretary intends to revoke the applicant’s blue card
19 status, the Secretary may not approve an application
20 for adjustment of status under this section unless
21 the Secretary makes a final determination not to re-
22 voke the applicant’s status.

23 “(4) PAYMENT OF TAXES.—

24 “(A) IN GENERAL.—An alien may not file
25 an application for adjustment of status under

1 this section unless the applicant has satisfied all
2 applicable Federal tax liabilities.

3 “(B) DEFINITION OF APPLICABLE FED-
4 ERAL TAX LIABILITY.—In this paragraph, the
5 term ‘applicable Federal tax liabilities’ means
6 all Federal income taxes assessed in accordance
7 with chapter 63 of the Internal Revenue Code
8 of 1986 since the date on which the applicant
9 was authorized to work in the United States in
10 blue card status.

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

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

20 “(1) the spouse or child (including any indi-
21 vidual who was a child on the date such alien was
22 granted blue card status) applies for or received
23 such status;

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

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

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

10 “(e) SUBMISSION OF APPLICATIONS.—

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

15 “(2) FEES.—

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

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

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

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

3 “(B) AUTHORITY TO LIMIT FEES.—The
4 Secretary may promulgate regulations—

5 “(i) to limit the maximum processing
6 fee payable under this paragraph by a fam-
7 ily, including spouses and children; and

8 “(ii) to exempt defined classes of indi-
9 viduals from the payment of the fee under
10 subparagraph (A).

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

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

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

18 “(4) DOCUMENTATION OF WORK HISTORY.—

19 “(A) BURDEN OF PROOF.—An alien apply-
20 ing for blue card status under section 101 of
21 the Agricultural Worker Program Act of 2019,
22 or for adjustment of status under subsection
23 (a), shall provide evidence that the alien has
24 worked the requisite number of hours or days
25 required under subsection (a)(1) of such section

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

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

11 “(C) SUFFICIENT EVIDENCE.—An alien
12 may meet the burden of proof under subpara-
13 graph (A) to establish that the alien has per-
14 formed the days or hours of work referred to in
15 subparagraph (A) by producing sufficient evi-
16 dence to show the extent of that employment as
17 a matter of just and reasonable inference.

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

20 “(1) CRIMINAL PENALTY.—Any person who—
21 “(A) files an application for blue card sta-
22 tus under section 101 of the Agricultural Work-
23 er Program Act of 2019 or for an adjustment
24 of status under this section and knowingly and
25 willfully falsifies, conceals, or covers up a mate-

1 rial fact or makes any false, fictitious, or fraud-
2 ulent statements or representations, or makes
3 or uses any false writing or document knowing
4 the same to contain any false, fictitious, or
5 fraudulent statement or entry; or

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

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

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

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

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

1 Legal Services Corporation Act (42 U.S.C. 2996 et seq.)
2 from providing legal assistance directly related to—

3 “(1) an application for blue card status under
4 section 101 of the Agricultural Worker Program Act
5 of 2019 to an individual seeking such status; or

6 “(2) an application for an adjustment to per-
7 manent residence status under this section.

8 “(h) ADMINISTRATIVE AND JUDICIAL REVIEW.—
9 Aliens applying for blue card status under section 101 of
10 the Agricultural Worker Program Act of 2019 or for ad-
11 justment to permanent resident status under this section
12 shall be entitled to the rights and subject to the conditions
13 applicable to other classes of aliens under section 242.”.

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

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

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

21 “(E) Aliens granted lawful permanent resident
22 status under section 245B.”.

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

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

“Sec. 245B. Adjustment to permanent resident status for agricultural workers.”.

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

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

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

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

13 **SEC. 104. REPORTS ON BLUE CARDS.**

14 Not later than 6 months after the publication of the
15 final rule under section 101(j), and annually thereafter for
16 the following 8 years, the Secretary shall submit a report
17 to Congress that identifies, for the previous fiscal year—

18 (1) the number of aliens who applied for blue
19 card status;

20 (2) the number of aliens who were granted blue
21 card status;

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

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

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

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

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

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

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

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

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

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

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

22 “(D) who is granted blue card status
23 under section 101 of the Agricultural Worker
24 Program Act of 2019,”; and

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

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

13 **TITLE III—DEFINITIONS**

14 **SEC. 301. DEFINITIONS.**

15 In this Act:

16 (1) AGRICULTURAL EMPLOYMENT.—The term
17 “agricultural employment” has the meaning given
18 such term in section 3 of the Migrant and Seasonal
19 Agricultural Worker Protection Act (29 U.S.C.
20 1802), without regard to whether the specific service
21 or activity is temporary or seasonal.

22 (2) BLUE CARD STATUS.—The term “blue card
23 status” means the status of an alien who has been
24 lawfully admitted into the United States for tem-
25 porary residence under section 101.

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

4 (4) CONTINUOUS PRESENCE.—An alien shall be
5 deemed to have maintained “continuous presence” in
6 the United States for purposes of section
7 101(a)(1)(B)(iii) if any absences from the United
8 States during the applicable period were brief, cas-
9 ual, and innocent, whether or not such absences
10 were authorized by the Secretary.

11 (5) EMPLOYER.—The term “employer” means
12 any person or entity, including any farm labor con-
13 tractor and any agricultural association, that em-
14 ploys workers in agricultural employment.

15 (6) QUALIFIED DESIGNATED ENTITY.—The
16 term “qualified designated entity” means—

17 (A) a qualified farm labor organization or
18 an association of employers designated by the
19 Secretary; or

20 (B) any other entity that the Secretary
21 designates as having substantial experience,
22 demonstrated competence, and a history of
23 long-term involvement in the preparation and
24 submission of application for adjustment of sta-

1 tus under title II of the Immigration and Na-
2 tionality Act (8 U.S.C. 1151 et seq.).

3 (7) QUALIFIED WORK.—The term “qualified
4 work” means work performed in agricultural em-
5 ployment in the United States for not fewer than
6 575 hours or 100 work days during the 2-year pe-
7 riod ending on the date of the enactment of this Act.

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

10 (9) WORK DAY.—The term “work day” means
11 any day in which the individual is employed 5.75 or
12 more hours in agricultural employment.