

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To include the Dream Act.

**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

AMENDMENTS intended to be proposed by \_\_\_\_\_

Viz:

1 On page 1, strike lines 3 through 5, and insert the  
2 following:

3 **TITLE I—SECURE AND PROTECT**  
4 **ACT**

5 **SECTION 1. SHORT TITLE.**

6 This title may be cited as the “Secure and Protect  
7 Act of 2019”.

8 At the end, add the following:

1                   **TITLE II—DREAM ACT**

2   **SEC. 11. SHORT TITLE.**

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

4   **SEC. 12. DEFINITIONS.**

5           In this title:

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

10                   (2) **DACA.**—The term “DACA” means de-  
11                   ferred action granted to an alien pursuant to the  
12                   Deferred Action for Childhood Arrivals program an-  
13                   nounced by President Obama on June 15, 2012.

14                   (3) **DISABILITY.**—The term “disability” has the  
15                   meaning given such term in section 3(1) of the  
16                   Americans with Disabilities Act of 1990 (42 U.S.C.  
17                   12102(1)).

18                   (4) **EARLY CHILDHOOD EDUCATION PRO-**  
19                   **GRAM.**—The term “early childhood education pro-  
20                   gram” has the meaning given such term in section  
21                   103 of the Higher Education Act of 1965 (20  
22                   U.S.C. 1003).

23                   (5) **ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-**  
24                   **ONDARY SCHOOL.**—The terms “elementary school”,  
25                   “high school”, and “secondary school” have the

1 meanings given such terms in section 8101 of the  
2 Elementary and Secondary Education Act of 1965  
3 (20 U.S.C. 7801).

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

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

10 (A) except as provided in subparagraph  
11 (B), has the meaning given such term in section  
12 102 of the Higher Education Act of 1965 (20  
13 U.S.C. 1002); and

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

16 (8) PERMANENT RESIDENT STATUS ON A CON-  
17 DITIONAL BASIS.—The term “permanent resident  
18 status on a conditional basis” means status as an  
19 alien lawfully admitted for permanent residence on  
20 a conditional basis under this title.

21 (9) POVERTY LINE.—The term “poverty line”  
22 has the meaning given such term in section 673 of  
23 the Community Services Block Grant Act (42 U.S.C.  
24 9902).

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

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

8 **SEC. 13. PERMANENT RESIDENT STATUS ON A CONDI-**  
9 **TIONAL BASIS FOR CERTAIN LONG-TERM**  
10 **RESIDENTS WHO ENTERED THE UNITED**  
11 **STATES AS CHILDREN.**

12       (a) CONDITIONAL BASIS FOR STATUS.—Notwith-  
13 standing any other provision of law, an alien shall be con-  
14 sidered, at the time of obtaining the status of an alien  
15 lawfully admitted for permanent residence under this sec-  
16 tion, to have obtained such status on a conditional basis  
17 subject to the provisions under this title.

18       (b) REQUIREMENTS.—

19           (1) IN GENERAL.—Notwithstanding any other  
20 provision of law, the Secretary shall cancel the re-  
21 moval of, and adjust to the status of an alien law-  
22 fully admitted for permanent residence on a condi-  
23 tional basis, an alien who is inadmissible or deport-  
24 able from the United States or is in temporary pro-

1 tected status under section 244 of the Immigration  
2 and Nationality Act (8 U.S.C. 1254a), if—

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

7 (B) the alien was younger than 18 years of  
8 age on the date on which the alien initially en-  
9 tered the United States;

10 (C) subject to paragraphs (2) and (3), the  
11 alien—

12 (i) is not inadmissible under para-  
13 graph (2), (3), (6)(E), (6)(G), (8),  
14 (10)(A), (10)(C), or (10)(D) of section  
15 212(a) of the Immigration and Nationality  
16 Act (8 U.S.C. 1182(a));

17 (ii) has not ordered, incited, assisted,  
18 or otherwise participated in the persecution  
19 of any person on account of race, religion,  
20 nationality, membership in a particular so-  
21 cial group, or political opinion; and

22 (iii) has not been convicted of—

23 (I) any offense under Federal or  
24 State law, other than a State offense  
25 for which an essential element is the

1 alien's immigration status, that is  
2 punishable by a maximum term of im-  
3 prisonment of more than 1 year; or

4 (II) 3 or more offenses under  
5 Federal or State law, other than State  
6 offenses for which an essential ele-  
7 ment is the alien's immigration sta-  
8 tus, for which the alien was convicted  
9 on different dates for each of the 3 of-  
10 fenses and imprisoned for an aggre-  
11 gate of 90 days or more; and

12 (D) the alien—

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

15 (ii) has earned a high school diploma  
16 or a commensurate alternative award from  
17 a public or private high school, or has ob-  
18 tained a general education development  
19 certificate recognized under State law or a  
20 high school equivalency diploma in the  
21 United States; or

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

1 (I) obtaining a regular high  
2 school diploma or its recognized equiv-  
3 alent under State law; or

4 (II) in passing a general edu-  
5 cational development exam, a high  
6 school equivalence diploma examina-  
7 tion, or other similar State-authorized  
8 exam.

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

16 (3) TREATMENT OF EXPUNGED CONVIC-  
17 TIONS.—An expunged conviction shall not automati-  
18 cally be treated as an offense under paragraph (1).  
19 The Secretary shall evaluate expunged convictions  
20 on a case-by-case basis according to the nature and  
21 severity of the offense to determine whether, under  
22 the particular circumstances, the Secretary deter-  
23 mines that the alien should be eligible for cancella-  
24 tion of removal, adjustment to permanent resident

1 status on a conditional basis, or other adjustment of  
2 status.

3 (4) DACA RECIPIENTS.—The Secretary shall  
4 cancel the removal of, and adjust to the status of an  
5 alien lawfully admitted for permanent residence on  
6 a conditional basis, an alien who was granted DACA  
7 unless the alien has engaged in conduct since the  
8 alien was granted DACA that would make the alien  
9 ineligible for DACA.

10 (5) APPLICATION FEE.—

11 (A) IN GENERAL.—The Secretary may re-  
12 quire an alien applying for permanent resident  
13 status on a conditional basis under this section  
14 to pay a reasonable fee that is commensurate  
15 with the cost of processing the application.

16 (B) EXEMPTION.—An applicant may be  
17 exempted from paying the fee required under  
18 subparagraph (A) if the alien—

19 (i)(I) is younger than 18 years of age;

20 (II) received total income, during the  
21 12-month period immediately preceding the  
22 date on which the alien files an application  
23 under this section, that is less than 150  
24 percent of the poverty line; and



1 (III) is in foster care or otherwise  
2 lacking any parental or other familial sup-  
3 port;

4 (ii) is younger than 18 years of age  
5 and is homeless;

6 (iii)(I) cannot care for himself or her-  
7 self because of a serious, chronic disability;  
8 and

9 (II) received total income, during the  
10 12-month period immediately preceding the  
11 date on which the alien files an application  
12 under this section, that is less than 150  
13 percent of the poverty line; or

14 (iv)(I) during the 12-month period im-  
15 mediately preceding the date on which the  
16 alien files an application under this sec-  
17 tion, accumulated \$10,000 or more in debt  
18 as a result of unreimbursed medical ex-  
19 penses incurred by the alien or an imme-  
20 diate family member of the alien; and

21 (II) received total income, during the  
22 12-month period immediately preceding the  
23 date on which the alien files an application  
24 under this section, that is less than 150  
25 percent of the poverty line.

1           (6) SUBMISSION OF BIOMETRIC AND BIO-  
2 GRAPHIC DATA.—The Secretary may not grant an  
3 alien permanent resident status on a conditional  
4 basis under this section unless the alien submits bio-  
5 metric and biographic data, in accordance with pro-  
6 cedures established by the Secretary. The Secretary  
7 shall provide an alternative procedure for aliens who  
8 are unable to provide such biometric or biographic  
9 data because of a physical impairment.

10           (7) BACKGROUND CHECKS.—

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

15           (i) to conduct security and law en-  
16 forcement background checks of an alien  
17 seeking permanent resident status on a  
18 conditional basis under this section; and

19           (ii) to determine whether there is any  
20 criminal, national security, or other factor  
21 that would render the alien ineligible for  
22 such status.

23           (B) COMPLETION OF BACKGROUND  
24 CHECKS.—The security and law enforcement  
25 background checks of an alien required under

1           subparagraph (A) shall be completed, to the  
2           satisfaction of the Secretary, before the date on  
3           which the Secretary grants such alien perma-  
4           nent resident status on a conditional basis  
5           under this section.

6           (8) MEDICAL EXAMINATION.—

7                 (A) REQUIREMENT.—An alien applying for  
8           permanent resident status on a conditional  
9           basis under this section shall undergo a medical  
10          examination.

11                (B) POLICIES AND PROCEDURES.—The  
12          Secretary, with the concurrence of the Sec-  
13          retary of Health and Human Services, shall  
14          prescribe policies and procedures for the nature  
15          and timing of the examination required under  
16          subparagraph (A).

17           (9) MILITARY SELECTIVE SERVICE.—An alien  
18          applying for permanent resident status on a condi-  
19          tional basis under this section shall establish that  
20          the alien has registered under the Military Selective  
21          Service Act (50 U.S.C. 3801 et seq.), if the alien is  
22          subject to registration under such Act.

23          (c) DETERMINATION OF CONTINUOUS PRESENCE.—

24                 (1) TERMINATION OF CONTINUOUS PERIOD.—  
25          Any period of continuous physical presence in the

1 United States of an alien who applies for permanent  
2 resident status on a conditional basis under this sec-  
3 tion shall not terminate when the alien is served a  
4 notice to appear under section 239(a) of the Immig-  
5 ration and Nationality Act (8 U.S.C. 1229(a)).

6 (2) TREATMENT OF CERTAIN BREAKS IN PRES-  
7 ENCE.—

8 (A) IN GENERAL.—Except as provided in  
9 subparagraphs (B) and (C), an alien shall be  
10 considered to have failed to maintain contin-  
11 uous physical presence in the United States  
12 under subsection (b)(1)(A) if the alien has de-  
13 parted from the United States for any period  
14 exceeding 90 days or for any periods, in the ag-  
15 gregate, exceeding 180 days.

16 (B) EXTENSIONS FOR EXTENUATING CIR-  
17 CUMSTANCES.—The Secretary may extend the  
18 time periods described in subparagraph (A) for  
19 an alien who demonstrates that the failure to  
20 timely return to the United States was due to  
21 extenuating circumstances beyond the alien's  
22 control, including the serious illness of the  
23 alien, or death or serious illness of a parent,  
24 grandparent, sibling, or child of the alien.

1           (C) TRAVEL AUTHORIZED BY THE SEC-  
2           RETARY.—Any period of travel outside of the  
3           United States by an alien that was authorized  
4           by the Secretary may not be counted toward  
5           any period of departure from the United States  
6           under subparagraph (A).

7           (d) LIMITATION ON REMOVAL OF CERTAIN  
8           ALIENS.—

9           (1) IN GENERAL.—The Secretary or the Attor-  
10          ney General may not remove an alien who appears  
11          prima facie eligible for relief under this section.

12          (2) ALIENS SUBJECT TO REMOVAL.—The Sec-  
13          retary shall provide a reasonable opportunity to  
14          apply for relief under this section to any alien who  
15          requests such an opportunity or who appears prima  
16          facie eligible for relief under this section if the alien  
17          is in removal proceedings, is the subject of a final  
18          removal order, or is the subject of a voluntary depar-  
19          ture order.

20          (3) CERTAIN ALIENS ENROLLED IN ELEMEN-  
21          TARY OR SECONDARY SCHOOL.—

22                 (A) STAY OF REMOVAL.—The Attorney  
23                 General shall stay the removal proceedings of  
24                 an alien who—

1 (i) meets all the requirements under  
2 subparagraphs (A), (B), and (C) of sub-  
3 section (b)(1), subject to paragraphs (2)  
4 and (3) of such subsection;

5 (ii) is at least 5 years of age; and

6 (iii) is enrolled in an elementary  
7 school, a secondary school, or an early  
8 childhood education program.

9 (B) COMMENCEMENT OF REMOVAL PRO-  
10 CEEDINGS.—The Secretary may not commence  
11 removal proceedings for an alien described in  
12 subparagraph (A).

13 (C) EMPLOYMENT.—An alien whose re-  
14 moval is stayed pursuant to subparagraph (A)  
15 or who may not be placed in removal pro-  
16 ceedings pursuant to subparagraph (B) shall,  
17 upon application to the Secretary, be granted  
18 an employment authorization document.

19 (D) LIFT OF STAY.—The Secretary or At-  
20 torney General may not lift the stay granted to  
21 an alien under subparagraph (A) unless the  
22 alien ceases to meet the requirements under  
23 such subparagraph.

24 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—  
25 Nothing in this section or in any other law may be con-

1 strued to apply a numerical limitation on the number of  
2 aliens who may be granted permanent resident status on  
3 a conditional basis under this title.

4 **SEC. 14. TERMS OF PERMANENT RESIDENT STATUS ON A**  
5 **CONDITIONAL BASIS.**

6 (a) PERIOD OF STATUS.—Permanent resident status  
7 on a conditional basis is—

8 (1) valid for a period of 8 years, unless such pe-  
9 riod is extended by the Secretary; and

10 (2) subject to termination under subsection (c).

11 (b) NOTICE OF REQUIREMENTS.—At the time an  
12 alien obtains permanent resident status on a conditional  
13 basis, the Secretary shall provide notice to the alien re-  
14 garding the provisions of this title and the requirements  
15 to have the conditional basis of such status removed.

16 (c) TERMINATION OF STATUS.—The Secretary may  
17 terminate the permanent resident status on a conditional  
18 basis of an alien only if the Secretary—

19 (1) determines that the alien ceases to meet the  
20 requirements under paragraph (1)(C) of section  
21 13(b), subject to paragraphs (2) and (3) of that sec-  
22 tion; and

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

1 (A) notice of the proposed termination;  
2 and

3 (B) the opportunity for a hearing to pro-  
4 vide evidence that the alien meets such require-  
5 ments or otherwise contest the termination.

6 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

7 (1) IN GENERAL.—Except as provided in para-  
8 graph (2), an alien whose permanent resident status  
9 on a conditional basis expires under subsection  
10 (a)(1) or is terminated under subsection (c) or  
11 whose application for such status is denied shall re-  
12 turn to the immigration status that the alien had  
13 immediately before receiving permanent resident sta-  
14 tus on a conditional basis or applying for such sta-  
15 tus, as appropriate.

16 (2) SPECIAL RULE FOR TEMPORARY PRO-  
17 TECTED STATUS.—An alien whose permanent resi-  
18 dent status on a conditional basis expires under sub-  
19 section (a)(1) or is terminated under subsection (c)  
20 or whose application for such status is denied and  
21 who had temporary protected status under section  
22 244 of the Immigration and Nationality Act (8  
23 U.S.C. 1254a) immediately before receiving or ap-  
24 plying for such permanent resident status on a con-



1       ditional basis, as appropriate, may not return to  
2       such temporary protected status if—

3               (A) the relevant designation under section  
4               244(b) of the Immigration and Nationality Act  
5               (8 U.S.C. 1254a(b)) has been terminated; or

6               (B) the Secretary determines that the rea-  
7               son for terminating the permanent resident sta-  
8               tus on a conditional basis renders the alien in-  
9               eligible for such temporary protected status.

10 **SEC. 15. REMOVAL OF CONDITIONAL BASIS OF PERMANENT**  
11 **RESIDENT STATUS.**

12       (a) **ELIGIBILITY FOR REMOVAL OF CONDITIONAL**  
13 **BASIS.—**

14               (1) **IN GENERAL.—**Subject to paragraph (2),  
15       the Secretary shall remove the conditional basis of  
16       an alien’s permanent resident status granted under  
17       this title and grant the alien status as an alien law-  
18       fully admitted for permanent residence if the alien—

19               (A) is described in paragraph (1)(C) of  
20               section 13(b), subject to paragraphs (2) and (3)  
21               of that section;

22               (B) has not abandoned the alien’s resi-  
23               dence in the United States; and

24               (C)(i) has acquired a degree from an insti-  
25               tution of higher education or has completed at

1 least 2 years, in good standing, in a program  
2 for a bachelor's degree or higher degree in the  
3 United States;

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

7 (iii) has been employed for periods totaling  
8 at least 3 years and at least 75 percent of the  
9 time that the alien has had a valid employment  
10 authorization, except that any period during  
11 which the alien is not employed while having a  
12 valid employment authorization and is enrolled  
13 in an institution of higher education, a sec-  
14 ondary school, or an education program de-  
15 scribed in section 13(b)(1)(D)(iii), shall not  
16 count toward the time requirements under this  
17 clause.

18 (2) HARDSHIP EXCEPTION.—

19 (A) IN GENERAL.—The Secretary shall re-  
20 move the conditional basis of an alien's perma-  
21 nent resident status and grant the alien status  
22 as an alien lawfully admitted for permanent  
23 residence if the alien—

1 (i) satisfies the requirements under  
2 subparagraphs (A) and (B) of paragraph  
3 (1);

4 (ii) demonstrates compelling cir-  
5 cumstances for the inability to satisfy the  
6 requirements under subparagraph (C) of  
7 such paragraph; and

8 (iii) demonstrates that—

9 (I) the alien has a disability;

10 (II) the alien is a full-time care-  
11 giver of a minor child; or

12 (III) the removal of the alien  
13 from the United States would result  
14 in extreme hardship to the alien or  
15 the alien's spouse, parent, or child  
16 who is a national of the United States  
17 or is lawfully admitted for permanent  
18 residence.

19 (3) CITIZENSHIP REQUIREMENT.—

20 (A) IN GENERAL.—Except as provided in  
21 subparagraph (B), the conditional basis of an  
22 alien's permanent resident status granted under  
23 this title may not be removed unless the alien  
24 demonstrates that the alien satisfies the re-

1            requirements under section 312(a) of the Immi-  
2            gration and Nationality Act (8 U.S.C. 1423(a)).

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

7            (4) APPLICATION FEE.—

8            (A) IN GENERAL.—The Secretary may re-  
9            quire aliens applying for lawful permanent resi-  
10           dent status under this section to pay a reason-  
11           able fee that is commensurate with the cost of  
12           processing the application.

13           (B) EXEMPTION.—An applicant may be  
14           exempted from paying the fee required under  
15           subparagraph (A) if the alien—

16                    (i)(I) is younger than 18 years of age;

17                    (II) received total income, during the

18                    12-month period immediately preceding the

19                    date on which the alien files an application

20                    under this section, that is less than 150

21                    percent of the poverty line; and

22                    (III) is in foster care or otherwise

23                    lacking any parental or other familial sup-

24                    port;

1 (ii) is younger than 18 years of age  
2 and is homeless;

3 (iii)(I) cannot care for himself or her-  
4 self because of a serious, chronic disability;  
5 and

6 (II) received total income, during the  
7 12-month period immediately preceding the  
8 date on which the alien files an application  
9 under this section, that is less than 150  
10 percent of the poverty line; or

11 (iv)(I) during the 12-month period im-  
12 mediately preceding the date on which the  
13 alien files an application under this sec-  
14 tion, the alien accumulated \$10,000 or  
15 more in debt as a result of unreimbursed  
16 medical expenses incurred by the alien or  
17 an immediate family member of the alien;  
18 and

19 (II) received total income, during the  
20 12-month period immediately preceding the  
21 date on which the alien files an application  
22 under this section, that is less than 150  
23 percent of the poverty line.

24 (5) SUBMISSION OF BIOMETRIC AND BIO-  
25 GRAPHIC DATA.—The Secretary may not remove the

1 conditional basis of an alien's permanent resident  
2 status unless the alien submits biometric and bio-  
3 graphic data, in accordance with procedures estab-  
4 lished by the Secretary. The Secretary shall provide  
5 an alternative procedure for applicants who are un-  
6 able to provide such biometric data because of a  
7 physical impairment.

8 (6) BACKGROUND CHECKS.—

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

13 (i) to conduct security and law en-  
14 forcement background checks of an alien  
15 applying for removal of the conditional  
16 basis of the alien's permanent resident sta-  
17 tus; and

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

22 (B) COMPLETION OF BACKGROUND  
23 CHECKS.—The security and law enforcement  
24 background checks of an alien required under  
25 subparagraph (A) shall be completed, to the

1 satisfaction of the Secretary, before the date on  
2 which the Secretary removes the conditional  
3 basis of the alien's permanent resident status.

4 (b) TREATMENT FOR PURPOSES OF NATURALIZA-  
5 TION.—

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

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

17 **SEC. 16. DOCUMENTATION REQUIREMENTS.**

18 (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
19 alien's application for permanent resident status on a con-  
20 ditional basis may include, as proof of identity—

21 (1) a passport or national identity document  
22 from the alien's country of origin that includes the  
23 alien's name and the alien's photograph or finger-  
24 print;

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

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

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

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

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

14          (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-  
15          ICAL PRESENCE IN THE UNITED STATES.—To establish  
16          that an alien has been continuously physically present in  
17          the United States, as required under section 13(b)(1)(A),  
18          or to establish that an alien has not abandoned residence  
19          in the United States, as required under section  
20          15(a)(1)(B), the alien may submit documents to the Sec-  
21          retary, including—

22                 (1) employment records that include the em-  
23                 ployer's name and contact information;

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



- 1           (3) records of service from the Uniformed Serv-
- 2           ices;
- 3           (4) official records from a religious entity con-
- 4           firming the alien's participation in a religious cere-
- 5           mony;
- 6           (5) passport entries;
- 7           (6) a birth certificate for a child who was born
- 8           in the United States;
- 9           (7) automobile license receipts or registration;
- 10          (8) deeds, mortgages, or rental agreement con-
- 11          tracts;
- 12          (9) tax receipts;
- 13          (10) insurance policies;
- 14          (11) remittance records;
- 15          (12) rent receipts or utility bills bearing the
- 16          alien's name or the name of an immediate family
- 17          member of the alien, and the alien's address;
- 18          (13) copies of money order receipts for money
- 19          sent in or out of the United States;
- 20          (14) dated bank transactions; or
- 21          (15) 2 or more sworn affidavits from individ-
- 22          uals who are not related to the alien who have direct
- 23          knowledge of the alien's continuous physical pres-
- 24          ence in the United States, that contain—

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

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

5 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY  
6 INTO THE UNITED STATES.—To establish under section  
7 13(b)(1)(B) that an alien was younger than 18 years of  
8 age on the date on which the alien initially entered the  
9 United States, an alien may submit documents to the Sec-  
10 retary, including—

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

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

14 (3) any document from the Department of Jus-  
15 tice or the Department of Homeland Security stat-  
16 ing the alien's date of entry into the United States;

17 (4) hospital or medical records showing medical  
18 treatment or hospitalization, the name of the med-  
19 ical facility or physician, and the date of the treat-  
20 ment or hospitalization;

21 (5) rent receipts or utility bills bearing the  
22 alien's name or the name of an immediate family  
23 member of the alien, and the alien's address;

24 (6) employment records that include the em-  
25 ployer's name and contact information;

1           (7) official records from a religious entity con-  
2           firming the alien's participation in a religious cere-  
3           mony;

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

6           (9) automobile license receipts or registration;

7           (10) deeds, mortgages, or rental agreement con-  
8           tracts;

9           (11) tax receipts;

10          (12) travel records;

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

13          (14) dated bank transactions;

14          (15) remittance records; or

15          (16) insurance policies.

16          (d) DOCUMENTS ESTABLISHING ADMISSION TO AN  
17          INSTITUTION OF HIGHER EDUCATION.—To establish that  
18          an alien has been admitted to an institution of higher edu-  
19          cation, the alien shall submit to the Secretary a document  
20          from the institution of higher education certifying that the  
21          alien—

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

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

1 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-  
2 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—

3 To establish that an alien has acquired a degree from an  
4 institution of higher education in the United States, the  
5 alien shall submit to the Secretary a diploma or other doc-  
6 ument from the institution stating that the alien has re-  
7 ceived such a degree.

8 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH  
9 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-  
10 MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—

11 To establish that an alien has earned a high school di-  
12 ploma or a commensurate alternative award from a public  
13 or private high school, or has obtained a general edu-  
14 cational development certificate recognized under State  
15 law or a high school equivalency diploma in the United  
16 States, the alien shall submit to the Secretary—

17 (1) a high school diploma, certificate of comple-  
18 tion, or other alternate award;

19 (2) a high school equivalency diploma or certifi-  
20 cate recognized under State law; or

21 (3) evidence that the alien passed a State-au-  
22 thorized exam, including the general educational de-  
23 velopment exam, in the United States.

24 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN  
25 EDUCATIONAL PROGRAM.—To establish that an alien is

1 enrolled in any school or education program described in  
2 section 13(b)(1)(D)(iii), 13(d)(3)(A)(iii), or 15(a)(1)(C),  
3 the alien shall submit school records from the United  
4 States school that the alien is currently attending that in-  
5 clude—

6 (1) the name of the school; and

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

9 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM  
10 APPLICATION FEES.—To establish that an alien is exempt  
11 from an application fee under section 13(b)(5)(B) or  
12 15(a)(4)(B), the alien shall submit to the Secretary the  
13 following relevant documents:

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

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

21 (A) employment records that have been  
22 maintained by the Social Security Administra-  
23 tion, the Internal Revenue Service, or any other  
24 Federal, State, or local government agency;

25 (B) bank records; or

1 (C) at least 2 sworn affidavits from indi-  
2 viduals who are not related to the alien and  
3 who have direct knowledge of the alien's work  
4 and income that contain—

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

7 (ii) the nature and duration of the re-  
8 lationship between the affiant and the  
9 alien.

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

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

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

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

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

8 (A) bear the provider's name and address;

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

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

16 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR  
17 HARDSHIP EXEMPTION.—To establish that an alien satis-  
18 fies one of the criteria for the hardship exemption set forth  
19 in section 15(a)(2)(A)(iii), the alien shall submit to the  
20 Secretary at least 2 sworn affidavits from individuals who  
21 are not related to the alien and who have direct knowledge  
22 of the circumstances that warrant the exemption, that  
23 contain—

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

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

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

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

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

11           (3) personnel records for such service from the  
12 appropriate Uniformed Service; or

13           (4) health records from the appropriate Uni-  
14 formed Service.

15           (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

16           (1) IN GENERAL.—An alien may satisfy the em-  
17 ployment requirement under section 15(a)(1)(C)(iii)  
18 by submitting records that—

19           (A) establish compliance with such employ-  
20 ment requirement; and

21           (B) have been maintained by the Social Se-  
22 curity Administration, the Internal Revenue  
23 Service, or any other Federal, State, or local  
24 government agency.



1           (2) OTHER DOCUMENTS.—An alien who is un-  
2           able to submit the records described in paragraph  
3           (1) may satisfy the employment requirement by sub-  
4           mitting at least 2 types of reliable documents that  
5           provide evidence of employment, including—

6                   (A) bank records;

7                   (B) business records;

8                   (C) employer records;

9                   (D) records of a labor union, day labor  
10           center, or organization that assists workers in  
11           employment;

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

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

17                           (ii) the nature and duration of the re-  
18                           lationship between the affiant and the  
19                           alien; and

20                   (F) remittance records.

21           (1) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-  
22           UMENTS.—If the Secretary determines, after publication  
23           in the Federal Register and an opportunity for public com-  
24           ment, that any document or class of documents does not  
25           reliably establish identity or that permanent resident sta-

1 tus on a conditional basis is being obtained fraudulently  
2 to an unacceptable degree, the Secretary may prohibit or  
3 restrict the use of such document or class of documents.

4 **SEC. 17. RULEMAKING.**

5 (a) INITIAL PUBLICATION.—Not later than 90 days  
6 after the date of the enactment of this Act, the Secretary  
7 shall publish regulations implementing this title in the  
8 Federal Register. Such regulations shall allow eligible indi-  
9 viduals to immediately apply affirmatively for the relief  
10 available under section 13 without being placed in removal  
11 proceedings.

12 (b) INTERIM REGULATIONS.—Notwithstanding sec-  
13 tion 553 of title 5, United States Code, the regulations  
14 published pursuant to subsection (a) shall be effective, on  
15 an interim basis, immediately upon publication in the Fed-  
16 eral Register, but may be subject to change and revision  
17 after public notice and opportunity for a period of public  
18 comment.

19 (c) FINAL REGULATIONS.—Not later than 180 days  
20 after the date on which interim regulations are published  
21 under this section, the Secretary shall publish final regula-  
22 tions implementing this title.

23 (d) PAPERWORK REDUCTION ACT.—The require-  
24 ments under chapter 35 of title 44, United States Code

1 (commonly known as the “Paperwork Reduction Act”),  
2 shall not apply to any action to implement this title.

3 **SEC. 18. CONFIDENTIALITY OF INFORMATION.**

4 (a) **IN GENERAL.**—The Secretary may not disclose  
5 or use information provided in applications filed under this  
6 title or in requests for DACA for the purpose of immigra-  
7 tion enforcement.

8 (b) **REFERRALS PROHIBITED.**—The Secretary may  
9 not refer any individual who has been granted permanent  
10 resident status on a conditional basis or who was granted  
11 DACA to U.S. Immigration and Customs Enforcement,  
12 U.S. Customs and Border Protection, or any designee of  
13 either such entity.

14 (c) **LIMITED EXCEPTION.**—Notwithstanding sub-  
15 sections (a) and (b), information provided in an applica-  
16 tion for permanent resident status on a conditional basis  
17 or a request for DACA may be shared with Federal secu-  
18 rity and law enforcement agencies—

19 (1) for assistance in the consideration of an ap-  
20 plication for permanent resident status on a condi-  
21 tional basis;

22 (2) to identify or prevent fraudulent claims;

23 (3) for national security purposes; or

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

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

4 **SEC. 19. RESTORATION OF STATE OPTION TO DETERMINE**  
5 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**  
6 **CATION BENEFITS.**

7 (a) IN GENERAL.—Section 505 of the Illegal Immi-  
8 gration Reform and Immigrant Responsibility Act of 1996  
9 (8 U.S.C. 1623) is repealed.

10 (b) EFFECTIVE DATE.—The repeal under subsection  
11 (a) shall take effect as if included in the original enact-  
12 ment of the Illegal Immigration Reform and Immigrant  
13 Responsibility Act of 1996 (division C of Public Law 104-  
14 208; 110 Stat. 3009–546).