

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 399  
OFFERED BY MS. FRANKEL OF FLORIDA**

Page 2, before line 1, insert the following (and conform the table of contents accordingly):

**1 TITLE I—GENERAL PROVISIONS**

Page 45, line 14, strike “this Act” and insert “this title”.

Page 49, line 16, strike “this Act” and insert “this title”.

Page 79, line 19, strike “this Act” and insert “this title”.

Page 83, line 4, strike “this Act” each place it appears and insert “this title”.

Page 83, after line 4, insert the following (and conform the table of contents accordingly):

1 **TITLE II—DEVELOPMENT, RE-**  
2 **LIEF, AND EDUCATION FOR**  
3 **ALIEN MINORS**

4 **SEC. 31. THE DREAM ACT.**

5 (a) **SHORT TITLE.**—This title may be cited as the  
6 “Development, Relief, and Education for Alien Minors Act  
7 of 2015” or the “DREAM Act 2015”.

8 (b) **ADJUSTMENT OF STATUS FOR CERTAIN ALIENS**  
9 **WHO ENTERED THE UNITED STATES AS CHILDREN.**—  
10 Chapter 5 of title II of the Immigration and Nationality  
11 Act (8 U.S.C. 1255 et seq.) is amended by inserting after  
12 section 245A the following:

13 **“SEC. 245B. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS**  
14 **WHO ENTERED THE UNITED STATES AS CHIL-**  
15 **DREN.**

16 “(a) **DEFINITIONS.**—In this section:

17 “(1) **INSTITUTION OF HIGHER EDUCATION.**—  
18 The term ‘institution of higher education’ has the  
19 meaning given such term in section 102 of the High-  
20 er Education Act of 1965 (20 U.S.C. 1002), except  
21 that the term does not include institutions described  
22 in subsection (a)(1)(C) of such section.

23 “(2) **SECRETARY.**—The term ‘Secretary’ means  
24 the Secretary of Homeland Security.

1           “(3) UNIFORMED SERVICES.—The term ‘Uni-  
2           formed Services’ has the meaning given the term  
3           ‘uniformed services’ in section 101(a)(5) of title 10,  
4           United States Code.

5           “(b) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS  
6 WHO ENTERED THE UNITED STATES AS CHILDREN.—

7           “(1) REQUIREMENTS.—

8           “(A) IN GENERAL.—The Secretary may  
9           adjust the status of a registered provisional im-  
10          migrant to the status of a lawful permanent  
11          resident if the immigrant demonstrates that he  
12          or she—

13                   “(i) has been a registered provisional  
14                   immigrant under section 245C for at least  
15                   5 years;

16                   “(ii) was younger than 16 years of  
17                   age on the date on which the alien initially  
18                   entered the United States;

19                   “(iii) has earned a high school di-  
20                   ploma, a commensurate alternative award  
21                   from a public or private high school or sec-  
22                   ondary school, or has obtained a general  
23                   education development certificate recog-  
24                   nized under State law, or a high school  
25                   equivalency diploma in the United States;

1           “(iv)(I) has acquired a degree from an  
2 institution of higher education or has com-  
3 pleted at least 2 years, in good standing,  
4 in a program for a bachelor’s degree or  
5 higher degree in the United States; or

6           “(II) has served in the Uniformed  
7 Services for at least 4 years and, if dis-  
8 charged, received an honorable discharge;  
9 and

10           “(v) has provided a list of each sec-  
11 ondary school (as that term is defined in  
12 section 9101 of the Elementary and Sec-  
13 ondary Education Act of 1965 (20 U.S.C.  
14 7801)) that the alien attended in the  
15 United States.

16           “(B) HARDSHIP EXCEPTION.—

17           “(i) IN GENERAL.—The Secretary  
18 may adjust the status of a registered provi-  
19 sional immigrant to the status of a lawful  
20 permanent resident if the alien—

21           “(I) satisfies the requirements  
22 under clauses (i), (ii), (iii), and (v) of  
23 subparagraph (A); and

24           “(II) demonstrates compelling  
25 circumstances for the inability to sat-

1                   isfy the requirement under subpara-  
2                   graph (A)(iv).

3                   “(C) CITIZENSHIP REQUIREMENT.—

4                   “(i) IN GENERAL.—Except as pro-  
5                   vided in clause (ii), the Secretary may not  
6                   adjust the status of an alien to lawful per-  
7                   manent resident status under this section  
8                   unless the alien demonstrates that the  
9                   alien satisfies the requirements under sec-  
10                  tion 312(a).

11                  “(ii) EXCEPTION.—Clause (i) shall  
12                  not apply to an alien whose physical or de-  
13                  velopmental disability or mental impair-  
14                  ment prevents the alien from meeting the  
15                  requirements such section.

16                  “(D) SUBMISSION OF BIOMETRIC AND BIO-  
17                  GRAPHIC DATA.—The Secretary may not adjust  
18                  the status of an alien to lawful permanent resi-  
19                  dent status unless the alien—

20                  “(i) submits biometric and biographic  
21                  data, in accordance with procedures estab-  
22                  lished by the Secretary; or

23                  “(ii) complies with an alternative pro-  
24                  cedure prescribed by the Secretary, if the

1 alien is unable to provide such biometric  
2 data because of a physical impairment.

3 “(E) BACKGROUND CHECKS.—

4 “(i) REQUIREMENT FOR BACKGROUND  
5 CHECKS.—The Secretary shall utilize bio-  
6 metric, biographic, and other data that the  
7 Secretary determines appropriate—

8 “(I) to conduct national security  
9 and law enforcement background  
10 checks of an alien applying for lawful  
11 permanent resident status under this  
12 section; and

13 “(II) to determine whether there  
14 is any criminal, national security, or  
15 other factor that would render the  
16 alien ineligible for such status.

17 “(ii) COMPLETION OF BACKGROUND  
18 CHECKS.—The Secretary may not adjust  
19 an alien’s status to the status of a lawful  
20 permanent resident under this subsection  
21 until the national security and law enforce-  
22 ment background checks required under  
23 clause (i) have been completed with respect  
24 to the alien, to the satisfaction of the Sec-  
25 retary.

1           “(2) APPLICATION FOR LAWFUL PERMANENT  
2 RESIDENT STATUS.—

3           “(A) IN GENERAL.—A registered provi-  
4 sional immigrant seeking lawful permanent resi-  
5 dent status shall file an application for such  
6 status in such manner as the Secretary may re-  
7 quire.

8           “(B) ADJUDICATION.—

9           “(i) IN GENERAL.—The Secretary  
10 shall evaluate each application filed by a  
11 registered provisional immigrant under this  
12 paragraph to determine whether the alien  
13 meets the requirements under paragraph  
14 (1).

15           “(ii) ADJUSTMENT OF STATUS IF FA-  
16 VORABLE DETERMINATION.—If the Sec-  
17 retary determines that the alien meets the  
18 requirements under paragraph (1), the  
19 Secretary shall notify the alien of such de-  
20 termination and adjust the status of the  
21 alien to lawful permanent resident status,  
22 effective as of the date of such determina-  
23 tion.

24           “(iii) ADVERSE DETERMINATION.—If  
25 the Secretary determines that the alien

1 does not meet the requirements under  
2 paragraph (1), the Secretary shall notify  
3 the alien of such determination.

4 “(C) DACA RECIPIENTS.—The Secretary  
5 may adopt streamlined procedures for appli-  
6 cants for adjustment to lawful permanent resi-  
7 dent status under this section who were granted  
8 Deferred Action for Childhood Arrivals pursu-  
9 ant to the Secretary’s memorandum of June  
10 15, 2012, or November 20, 2014.

11 “(3) TREATMENT FOR PURPOSES OF NATU-  
12 RALIZATION.—

13 “(A) IN GENERAL.—An alien granted law-  
14 ful permanent resident status under this section  
15 shall be considered, for purposes of title III—

16 “(i) to have been lawfully admitted for  
17 permanent residence; and

18 “(ii) to have been in the United  
19 States as an alien lawfully admitted to the  
20 United States for permanent residence  
21 during the period the alien was a reg-  
22 istered provisional immigrant.

23 “(B) LIMITATION ON APPLICATION FOR  
24 NATURALIZATION.—An alien may not apply for  
25 naturalization while the alien is in registered



1           provisional immigrant status, except for an  
2           alien described in paragraph (1)(A)(ii) pursuant  
3           to section 328 or 329.

4   **“SEC. 245C. ADJUSTMENT OF STATUS OF ELIGIBLE EN-**  
5                   **TRANS BEFORE DECEMBER 31, 2011, TO**  
6                   **THAT OF REGISTERED PROVISIONAL IMMI-**  
7                   **GRANT.**

8           “(a) IN GENERAL.—Notwithstanding any other pro-  
9   vision of law, the Secretary of Homeland Security (re-  
10  ferred to in this section and in section 245D as the ‘Sec-  
11  retary’), after conducting the national security and law en-  
12  forcement clearances required under subsection (c)(8),  
13  may grant registered provisional immigrant status to an  
14  alien who—

15           “(1) meets the eligibility requirements set forth  
16   in subsection (b);

17           “(2) submits a completed application before the  
18   end of the period set forth in subsection (c)(3); and

19           “(3) has paid the fee required under subsection  
20   (c)(10)(A) and the penalty required under sub-  
21   section (c)(10)(C), if applicable.

22           “(b) ELIGIBILITY REQUIREMENTS.—

23           “(1) IN GENERAL.—An alien is not eligible for  
24   registered provisional immigrant status unless the  
25   alien establishes, by a preponderance of the evidence,

1       that the alien meets the requirements set forth in  
2       this subsection.

3               “(2) PHYSICAL PRESENCE.—

4                       “(A) IN GENERAL.—The alien—

5                               “(i) shall be physically present in the  
6                               United States on the date on which the  
7                               alien submits an application for registered  
8                               provisional immigrant status;

9                               “(ii) shall have been physically  
10                              present in the United States on or before  
11                              December 31, 2011; and

12                             “(iii) shall have maintained contin-  
13                             uous physical presence in the United  
14                             States from December 31, 2011, until the  
15                             date on which the alien is granted status  
16                             as a registered provisional immigrant  
17                             under this section.

18               “(B) BREAK IN PHYSICAL PRESENCE.—

19                       “(i) IN GENERAL.—Except as pro-  
20                       vided in clause (ii), an alien who is absent  
21                       from the United States without authoriza-  
22                       tion after the date of the enactment of the  
23                       Border Security, Economic Opportunity,  
24                       and Immigration Modernization Act does  
25                       not meet the continuous physical presence

1 requirement set forth in subparagraph  
2 (A)(iii).

3 “(ii) EXCEPTION.—An alien who de-  
4 parted from the United States after De-  
5 cember 31, 2011, will not be considered to  
6 have failed to maintain continuous pres-  
7 ence in the United States if the alien’s ab-  
8 sences from the United States are brief,  
9 casual, and innocent whether or not such  
10 absences were authorized by the Secretary.

11 “(3) GROUNDS FOR INELIGIBILITY.—

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraph (B), an alien is ineligible for reg-  
14 istered provisional immigrant status if the Sec-  
15 retary determines that the alien—

16 “(i) has a conviction for—

17 “(I) an offense classified as a fel-  
18 ony in the convicting jurisdiction  
19 (other than a State or local offense  
20 for which an essential element was the  
21 alien’s immigration status, or a viola-  
22 tion of this Act);

23 “(II) an aggravated felony (as  
24 defined in section 101(a)(43) at the  
25 time of the conviction);

1                   “(III) 3 or more misdemeanor of-  
2                   fenses (other than minor traffic of-  
3                   fenses or State or local offenses for  
4                   which an essential element was the  
5                   alien’s immigration status, or viola-  
6                   tions of this Act) if the alien was con-  
7                   victed on different dates for each of  
8                   the 3 offenses;

9                   “(IV) any offense under foreign  
10                  law, except for a purely political of-  
11                  fense, which, if the offense had been  
12                  committed in the United States,  
13                  would render the alien inadmissible  
14                  under section 212(a) (excluding the  
15                  paragraphs set forth in clause (ii)) or  
16                  removable under section 237(a), ex-  
17                  cept as provided in paragraph (3) of  
18                  section 237(a);

19                  “(V) unlawful voting (as defined  
20                  in section 237(a)(6));

21                  “(ii) is inadmissible under section  
22                  212(a), except that in determining an  
23                  alien’s inadmissibility—

1 “(I) paragraphs (4), (5), (7), and  
2 (9)(B) of section 212(a) shall not  
3 apply;

4 “(II) subparagraphs (A), (C),  
5 (D), (F), and (G) of section 212(a)(6)  
6 and paragraphs (9)(C) and (10)(B) of  
7 section 212(a) shall not apply unless  
8 based on the act of unlawfully enter-  
9 ing the United States after the date  
10 of the enactment of the Border Secu-  
11 rity, Economic Opportunity, and Im-  
12 migration Modernization Act; and

13 “(III) paragraphs (6)(B) and  
14 (9)(A) of section 212(a) shall not  
15 apply unless the relevant conduct  
16 began on or after the date on which  
17 the alien files an application for reg-  
18 istered provisional immigrant status  
19 under this section;

20 “(iii) is an alien who the Secretary  
21 knows or has reasonable grounds to be-  
22 lieve, is engaged in or is likely to engage  
23 after entry in any terrorist activity (as de-  
24 fined in section 212(a)(3)(B)(iv)); or

25 “(iv) was, on April 16, 2013—

1           “(I) an alien lawfully admitted  
2           for permanent residence;

3           “(II) an alien admitted as a ref-  
4           ugee under section 207 or granted  
5           asylum under section 208; or

6           “(III) an alien who, according to  
7           the records of the Secretary or the  
8           Secretary of State, is lawfully present  
9           in the United States in any non-  
10          immigrant status (other than an alien  
11          considered to be a nonimmigrant sole-  
12          ly due to the application of section  
13          244(f)(4) or the amendment made by  
14          section 702 of the Consolidated Nat-  
15          ural Resources Act of 2008 (Public  
16          Law 110–229)), notwithstanding any  
17          unauthorized employment or other  
18          violation of nonimmigrant status.

19          “(B) WAIVER.—

20                 “(i) IN GENERAL.—The Secretary  
21                 may waive the application of subparagraph  
22                 (A)(i)(III) or any provision of section  
23                 212(a) that is not listed in clause (ii) on  
24                 behalf of an alien for humanitarian pur-  
25                 poses, to ensure family unity, or if such a

1 waiver is otherwise in the public interest.  
2 Any discretionary authority to waive  
3 grounds of inadmissibility under section  
4 212(a) conferred under any other provision  
5 of this Act shall apply equally to aliens  
6 seeking registered provisional status under  
7 this section.

8 “(ii) EXCEPTIONS.—The discretionary  
9 authority under clause (i) may not be used  
10 to waive—

11 “(I) subparagraph (B), (C),  
12 (D)(ii), (E), (G), (H), or (I) of section  
13 212(a)(2);

14 “(II) section 212(a)(3);

15 “(III) subparagraph (A), (C),  
16 (D), or (E) of section 212(a)(10); or

17 “(IV) with respect to misrepre-  
18 sentations relating to the application  
19 for registered provisional immigrant  
20 status, section 212(a)(6)(C)(i).

21 “(C) CONVICTION EXPLAINED.—For pur-  
22 poses of this paragraph, the term ‘conviction’  
23 does not include a judgment that has been ex-  
24 punged, set aside, or the equivalent.

1           “(D) RULE OF CONSTRUCTION.—Nothing  
2           in this paragraph may be construed to require  
3           the Secretary to commence removal proceedings  
4           against an alien.

5           “(4) APPLICABILITY OF OTHER PROVISIONS.—  
6           Sections 208(d)(6) and 240B(d) shall not apply to  
7           any alien filing an application for registered provi-  
8           sional immigrant status under this section.

9           “(5) DEPENDENT SPOUSE AND CHILDREN.—

10           “(A) IN GENERAL.—Notwithstanding any  
11           other provision of law, the Secretary may clas-  
12           sify the spouse or child of a registered provi-  
13           sional immigrant as a registered provisional im-  
14           migrant dependent if the spouse or child—

15           “(i) was physically present in the  
16           United States on or before December 31,  
17           2012, and has maintained continuous pres-  
18           ence in the United States from that date  
19           until the date on which the registered pro-  
20           visional immigrant is granted such status,  
21           with the exception of absences from the  
22           United States that are brief, casual, and  
23           innocent, whether or not such absences  
24           were authorized by the Secretary; and



1           “(ii) meets all of the eligibility re-  
2           quirements set forth in this subsection,  
3           other than the requirements of clause (ii)  
4           or (iii) of paragraph (2)(A).

5           “(B) EFFECT OF TERMINATION OF LEGAL  
6           RELATIONSHIP OR DOMESTIC VIOLENCE.—If  
7           the spousal or parental relationship between an  
8           alien who is granted registered provisional im-  
9           migrant status under this section and the  
10          alien’s spouse or child is terminated due to  
11          death or divorce or the spouse or child has been  
12          battered or subjected to extreme cruelty by the  
13          alien (regardless of whether the legal relation-  
14          ship terminates), the spouse or child may apply  
15          for classification as a registered provisional im-  
16          migrant.

17          “(C) EFFECT OF DISQUALIFICATION OF  
18          PARENT.—Notwithstanding subsection (c)(3), if  
19          the application of a spouse or parent for reg-  
20          istered provisional immigrant status is termi-  
21          nated or revoked, the husband, wife, or child of  
22          that spouse or parent shall be eligible to apply  
23          for registered provisional immigrant status  
24          independent of the parent or spouse.

25          “(c) APPLICATION PROCEDURES.—

1           “(1) IN GENERAL.—An alien, or the dependent  
2 spouse or child of such alien, who meets the eligi-  
3 bility requirements set forth in subsection (b) may  
4 apply for status as a registered provisional immi-  
5 grant or a registered provisional immigrant depend-  
6 ent, as applicable, by submitting a completed appli-  
7 cation form to the Secretary during the application  
8 period set forth in paragraph (3), in accordance with  
9 the final rule promulgated by the Secretary under  
10 the DREAM Act 2015. An applicant for registered  
11 provisional immigrant status shall be treated as an  
12 applicant for admission.

13           “(2) PAYMENT OF TAXES.—

14           “(A) IN GENERAL.—An alien may not file  
15 an application for registered provisional immi-  
16 grant status under paragraph (1) unless the ap-  
17 plicant has satisfied any applicable Federal tax  
18 liability.

19           “(B) DEFINITION OF APPLICABLE FED-  
20 ERAL TAX LIABILITY.—In this paragraph, the  
21 term ‘applicable Federal tax liability’ means all  
22 Federal income taxes assessed in accordance  
23 with section 6203 of the Internal Revenue Code  
24 of 1986.

1           “(C) DEMONSTRATION OF COMPLIANCE.—

2           An applicant may demonstrate compliance with  
3           this paragraph by submitting appropriate docu-  
4           mentation, in accordance with regulations pro-  
5           mulgated by the Secretary, in consultation with  
6           the Secretary of the Treasury.

7           “(3) APPLICATION PERIOD.—

8           “(A) INITIAL PERIOD.—Except as provided  
9           in subparagraph (B), the Secretary may only  
10          accept applications for registered provisional  
11          immigrant status from aliens in the United  
12          States during the 1-year period beginning on  
13          the date on which the final rule is published in  
14          the Federal Register pursuant to paragraph  
15          (1).

16          “(B) EXTENSION.—If the Secretary deter-  
17          mines, during the initial period described in  
18          subparagraph (A), that additional time is re-  
19          quired to process applications for registered  
20          provisional immigrant status or for other good  
21          cause, the Secretary may extend the period for  
22          accepting applications for such status for an  
23          additional 18 months.

24          “(4) APPLICATION FORM.—

25          “(A) REQUIRED INFORMATION.—

1           “(i) IN GENERAL.—The application  
2 form referred to in paragraph (1) shall col-  
3 lect such information as the Secretary de-  
4 termines to be necessary and appropriate,  
5 including, for the purpose of understanding  
6 immigration trends—

7                   “(I) an explanation of how, when,  
8 and where the alien entered the  
9 United States;

10                   “(II) the country in which the  
11 alien resided before entering the  
12 United States; and

13                   “(III) other demographic infor-  
14 mation specified by the Secretary.

15           “(ii) PRIVACY PROTECTIONS.—Infor-  
16 mation described in subclauses (I) through  
17 (III) of clause (i), which shall be provided  
18 anonymously by the applicant on the appli-  
19 cation form referred to in paragraph (1),  
20 shall be subject to the same confidentiality  
21 provisions as those set forth in section 9 of  
22 title 13, United States Code.

23           “(iii) REPORT.—The Secretary shall  
24 submit a report to Congress that contains  
25 a summary of the statistical data about

1 immigration trends collected pursuant to  
2 clause (i).

3 “(B) FAMILY APPLICATION.—The Sec-  
4 retary shall establish a process through which  
5 an alien may submit a single application under  
6 this section on behalf of the alien, his or her  
7 spouse, and his or her children who are residing  
8 in the United States.

9 “(C) INTERVIEW.—The Secretary may  
10 interview applicants for registered provisional  
11 immigrant status under this section to deter-  
12 mine whether they meet the eligibility require-  
13 ments set forth in subsection (b).

14 “(5) ALIENS APPREHENDED BEFORE OR DUR-  
15 ING THE APPLICATION PERIOD.—If an alien who is  
16 apprehended during the period beginning on the  
17 date of the enactment of the DREAM Act 2015 and  
18 the end of the application period described in para-  
19 graph (3) appears prima facie eligible for registered  
20 provisional immigrant status, to the satisfaction of  
21 the Secretary, the Secretary—

22 “(A) shall provide the alien with a reason-  
23 able opportunity to file an application under  
24 this section during such application period; and

1           “(B) may not remove the individual until  
2           a final administrative determination is made on  
3           the application.

4           “(6) ELIGIBILITY AFTER DEPARTURE.—

5           “(A) IN GENERAL.—An alien who departed  
6           from the United States while subject to an  
7           order of exclusion, deportation, or removal, or  
8           pursuant to an order of voluntary departure  
9           and who is outside of the United States, or who  
10          has reentered the United States illegally after  
11          December 31, 2011 without receiving the Sec-  
12          retary’s consent to reapply for admission under  
13          section 212(a)(9), shall not be eligible to file an  
14          application for registered provisional immigrant  
15          status.

16          “(B) WAIVER.—The Secretary, in the Sec-  
17          retary’s sole and unreviewable discretion, sub-  
18          ject to subparagraph (D), may waive the appli-  
19          cation of subparagraph (A) on behalf of an  
20          alien if the alien—

21                  “(i) is the spouse or child of a United  
22                  States citizen or lawful permanent resi-  
23                  dent;

1           “(ii) is the parent of a child who is a  
2           United States citizen or lawful permanent  
3           resident;

4           “(iii) meets the requirements set forth  
5           in clauses (ii) and (iii) of section  
6           245D(b)(1)(A); or

7           “(iv) meets the requirements set forth  
8           in section 245B(b)(1)(A)(ii), is 16 years or  
9           older on the date on which the alien ap-  
10          plies for registered provisional immigrant  
11          status, and was physically present in the  
12          United States for an aggregate period of  
13          not less than 3 years during the 6-year pe-  
14          riod immediately preceding the date of the  
15          enactment of the DREAM Act 2015.

16          “(C) ELIGIBILITY.—Subject to subpara-  
17          graph (D) and notwithstanding subsection  
18          (b)(2), section 241(a)(5), or a prior order of ex-  
19          clusion, deportation, or removal, an alien de-  
20          scribed in subparagraph (B) who is otherwise  
21          eligible for registered provisional immigrant sta-  
22          tus may file an application for such status.

23          “(D) CRIME VICTIMS’ RIGHTS TO NOTICE  
24          AND CONSULTATION.—Prior to applying, or ex-  
25          ercising, any authority under this paragraph, or

1 ruling upon an application allowed under sub-  
2 paragraph (C) the Secretary shall—

3 “(i) determine whether or not an alien  
4 described under subparagraph (B) or (C)  
5 has a conviction for any criminal offense;

6 “(ii) in consultation with the agency  
7 that prosecuted the criminal offense under  
8 clause (i), if the agency, in the sole discre-  
9 tion of the agency, is willing to cooperate  
10 with the Secretary, make all reasonable ef-  
11 forts to identify each victim of a crime for  
12 which an alien determined to be a criminal  
13 under clause (i) has a conviction;

14 “(iii) in consultation with the agency  
15 that prosecuted the criminal offense under  
16 clause (i), if the agency, in the sole discre-  
17 tion of the agency, is willing to cooperate  
18 with the Secretary, make all reasonable ef-  
19 forts to provide each victim identified  
20 under clause (ii) with written notice that  
21 the alien is being considered for a waiver  
22 under this paragraph, specifying in such  
23 notice that the victim may—

24 “(I) take no further action;



1                   “(II) request written notification  
2                   by the Secretary of any subsequent  
3                   application for waiver filed by the  
4                   criminal alien under this paragraph  
5                   and of the final determination of the  
6                   Secretary regarding such application;  
7                   or

8                   “(III) not later than 60 days  
9                   after the date on which the victim re-  
10                  ceives written notice under this clause,  
11                  request a consultation with the Sec-  
12                  retary relating to whether the applica-  
13                  tion of the offender should be granted  
14                  and if the victim cannot be located or  
15                  if no response is received from the vic-  
16                  tim within the designated time period,  
17                  the Secretary shall proceed with adju-  
18                  dication of the application; and

19                  “(iv) at the request of a victim under  
20                  clause (iii), consult with the victim to de-  
21                  termine whether or not the Secretary  
22                  should, in the case of an alien who is de-  
23                  termined under clause (i) to have a convic-  
24                  tion for any criminal offense, exercise waiv-  
25                  er authority for an alien described under

1           subparagraph (B), or grant the application  
2           of an alien described under subparagraph  
3           (C).

4           “(E) CRIME VICTIMS’ RIGHT TO INTER-  
5           VENTION.—In addition to the victim notifica-  
6           tion and consultation provided for in subpara-  
7           graph (D), the Secretary shall allow the victim  
8           of a criminal alien described under subpara-  
9           graph (B) or (C) to request consultation re-  
10          garding, or notice of, any application for waiver  
11          filed by the criminal alien under this paragraph,  
12          including the final determination of the Sec-  
13          retary regarding such application.

14          “(F) CONFIDENTIALITY PROTECTIONS FOR  
15          CRIME VICTIMS.—The Secretary and the Attor-  
16          ney General may not make an adverse deter-  
17          mination of admissibility or deportability of any  
18          alien who is a victim and not lawfully present  
19          in the United States based solely on informa-  
20          tion supplied or derived in the process of identi-  
21          fication, notification, or consultation under this  
22          paragraph.

23          “(G) REPORTS REQUIRED.—Not later than  
24          September 30 of each fiscal year in which the  
25          Secretary exercises authority under this para-

1 graph to rule upon the application of a criminal  
2 offender allowed under subparagraph (C), the  
3 Secretary shall submit to the Committee on the  
4 Judiciary of the Senate and the Committee on  
5 the Judiciary of the House of Representatives a  
6 report detailing the execution of the victim  
7 identification and notification process required  
8 under subparagraph (D), which shall include—

9 “(i) the total number of criminal of-  
10 fenders who have filed an application  
11 under subparagraph (C) and the crimes  
12 committed by such offenders;

13 “(ii) the total number of criminal of-  
14 fenders whose application under subpara-  
15 graph (C) has been granted and the crimes  
16 committed by such offenders; and

17 “(iii) the total number of victims of  
18 criminal offenders under clause (ii) who  
19 were not provided with written notice of  
20 the offender’s application and the crimes  
21 committed against the victims.

22 “(H) DEFINITION.—In this paragraph, the  
23 term ‘victim’ has the meaning given the term in  
24 section 503(e) of the Victims’ Rights and Res-  
25 titution Act of 1990 (42 U.S.C. 10607(e)).

1           “(7) SUSPENSION OF REMOVAL DURING APPLI-  
2           CATION PERIOD.—

3           “(A) PROTECTION FROM DETENTION OR  
4           REMOVAL.—A registered provisional immigrant  
5           may not be detained by the Secretary or re-  
6           moved from the United States, unless—

7                   “(i) the Secretary determines that—

8                           “(I) such alien is, or has become,  
9                           ineligible for registered provisional im-  
10                           migrant status under subsection  
11                           (b)(3); or

12                           “(II) the alien’s registered provi-  
13                           sional immigrant status has been re-  
14                           voked under subsection (d)(2).

15           “(B) ALIENS IN REMOVAL PRO-  
16           CEEDINGS.—Notwithstanding any other provi-  
17           sion of this Act—

18                   “(i) if the Secretary determines that  
19                   an alien, during the period beginning on  
20                   the date of the enactment of this section  
21                   and ending on the last day of the applica-  
22                   tion period described in paragraph (3), is  
23                   in removal, deportation, or exclusion pro-  
24                   ceedings before the Executive Office for  
25                   Immigration Review and is prima facie eli-

1                   gible for registered provisional immigrant  
2                   status under this section—

3                   “(I) the Secretary shall provide  
4                   the alien with the opportunity to file  
5                   an application for such status; and

6                   “(II) upon motion by the Sec-  
7                   retary and with the consent of the  
8                   alien or upon motion by the alien, the  
9                   Executive Office for Immigration Re-  
10                  view shall—

11                  “(aa) terminate such pro-  
12                  ceedings without prejudice to fu-  
13                  ture proceedings on any basis;  
14                  and

15                  “(bb) provide the alien a  
16                  reasonable opportunity to apply  
17                  for such status; and

18                  “(ii) if the Executive Office for Immi-  
19                  gration Review determines that an alien,  
20                  during the period beginning on the date of  
21                  the enactment of this section and ending  
22                  on the last day of the application period  
23                  described in paragraph (3), is in removal,  
24                  deportation, or exclusion proceedings be-  
25                  fore the Executive Office for Immigration

1 Review and is prima facie eligible for reg-  
2 istered provisional immigrant status under  
3 this section—

4 “(I) the Executive Office of Im-  
5 migration Review shall notify the Sec-  
6 retary of such determination; and

7 “(II) if the Secretary does not  
8 dispute the determination of prima  
9 facie eligibility within 7 days after  
10 such notification, the Executive Office  
11 for Immigration Review, upon consent  
12 of the alien, shall—

13 “(aa) terminate such pro-  
14 ceedings without prejudice to fu-  
15 ture proceedings on any basis;  
16 and

17 “(bb) permit the alien a rea-  
18 sonable opportunity to apply for  
19 such status.

20 “(C) TREATMENT OF CERTAIN ALIENS.—

21 “(i) IN GENERAL.—If an alien who  
22 meets the eligibility requirements set forth  
23 in subsection (b) is present in the United  
24 States and has been ordered excluded, de-  
25 ported, or removed, or ordered to depart

1 voluntarily from the United States under  
2 any provision of this Act—

3 “(I) notwithstanding such order  
4 or section 241(a)(5), the alien may  
5 apply for registered provisional immi-  
6 grant status under this section; and

7 “(II) if the alien is granted such  
8 status, the alien shall file a motion to  
9 reopen the exclusion, deportation, re-  
10 moval, or voluntary departure order,  
11 which motion shall be granted unless  
12 1 or more of the grounds of ineligi-  
13 bility is established by clear and con-  
14 vincing evidence.

15 “(ii) LIMITATIONS ON MOTIONS TO  
16 REOPEN.—The limitations on motions to  
17 reopen set forth in section 240(c)(7) shall  
18 not apply to motions filed under clause  
19 (i)(II).

20 “(D) PERIOD PENDING ADJUDICATION OF  
21 APPLICATION.—

22 “(i) IN GENERAL.—During the period  
23 beginning on the date on which an alien  
24 applies for registered provisional immi-  
25 grant status under paragraph (1) and the

1 date on which the Secretary makes a final  
2 decision regarding such application, the  
3 alien—

4 “(I) may receive advance parole  
5 to reenter the United States if urgent  
6 humanitarian circumstances compel  
7 such travel;

8 “(II) may not be detained by the  
9 Secretary or removed from the United  
10 States unless the Secretary makes a  
11 prima facie determination that such  
12 alien is, or has become, ineligible for  
13 registered provisional immigrant sta-  
14 tus under subsection (b)(3);

15 “(III) shall not be considered un-  
16 lawfully present for purposes of sec-  
17 tion 212(a)(9)(B); and

18 “(IV) shall not be considered an  
19 unauthorized alien (as defined in sec-  
20 tion 274A(h)(3)).

21 “(ii) EVIDENCE OF APPLICATION FIL-  
22 ING.—As soon as practicable after receiv-  
23 ing each application for registered provi-  
24 sional immigrant status, the Secretary  
25 shall provide the applicant with a docu-



1           ment acknowledging the receipt of such ap-  
2           plication.

3                   “(iii) CONTINUING EMPLOYMENT.—  
4           An employer who knows that an alien em-  
5           ployee is an applicant for registered provi-  
6           sional immigrant status or will apply for  
7           such status once the application period  
8           commences is not in violation of section  
9           274A(a)(2) if the employer continues to  
10          employ the alien pending the adjudication  
11          of the alien employee’s application.

12                   “(iv) EFFECT OF DEPARTURE.—Sec-  
13          tion 101(g) shall not apply to an alien  
14          granted—

15                           “(I) advance parole under clause  
16                           (i)(I) to reenter the United States; or

17                           “(II) registered provisional immi-  
18                           grant status.

19                   “(8) SECURITY AND LAW ENFORCEMENT  
20          CLEARANCES.—

21                           “(A) BIOMETRIC AND BIOGRAPHIC  
22          DATA.—The Secretary may not grant registered  
23          provisional immigrant status to an alien or an  
24          alien dependent spouse or child under this sec-  
25          tion unless such alien submits biometric and

1 biographic data in accordance with procedures  
2 established by the Secretary.

3 “(B) ALTERNATIVE PROCEDURES.—The  
4 Secretary shall provide an alternative procedure  
5 for applicants who cannot provide the biometric  
6 data required under subparagraph (A) because  
7 of a physical impairment.

8 “(C) CLEARANCES.—

9 “(i) DATA COLLECTION.—The Sec-  
10 retary shall collect, from each alien apply-  
11 ing for status under this section, biometric,  
12 biographic, and other data that the Sec-  
13 retary determines to be appropriate—

14 “(I) to conduct national security  
15 and law enforcement clearances; and

16 “(II) to determine whether there  
17 are any national security or law en-  
18 forcement factors that would render  
19 an alien ineligible for such status.

20 “(ii) ADDITIONAL SECURITY SCREEN-  
21 ING.—The Secretary, in consultation with  
22 the Secretary of State and other inter-  
23 agency partners, shall conduct an addi-  
24 tional security screening upon determining,  
25 in the Secretary’s opinion based upon in-

1 formation related to national security, that  
2 an alien or alien dependent spouse or child  
3 is or was a citizen or long-term resident of  
4 a region or country known to pose a  
5 threat, or that contains groups or organi-  
6 zations that pose a threat, to the national  
7 security of the United States.

8 “(iii) PREREQUISITE.—The required  
9 clearances and screenings described in  
10 clauses (i)(I) and (ii) shall be completed  
11 before the alien may be granted registered  
12 provisional immigrant status.

13 “(9) DURATION OF STATUS AND EXTENSION.—

14 “(A) IN GENERAL.—The initial period of  
15 authorized admission for a registered provi-  
16 sional immigrant—

17 “(i) shall remain valid for 6 years un-  
18 less revoked pursuant to subsection (d)(2);  
19 and

20 “(ii) may be extended for additional  
21 6-year terms if—

22 “(I) the alien remains eligible for  
23 registered provisional immigrant sta-  
24 tus;

1                   “(II) the alien meets the employ-  
2                   ment requirements set forth in sub-  
3                   paragraph (B);

4                   “(III) the alien has successfully  
5                   passed background checks that are  
6                   equivalent to the background checks  
7                   described in section 245D(b)(1)(E);  
8                   and

9                   “(IV) such status was not re-  
10                  voked by the Secretary for any reason.

11                  “(B) EMPLOYMENT OR EDUCATION RE-  
12                  QUIREMENT.—An alien may not be granted an  
13                  extension of registered provisional immigrant  
14                  status under this paragraph unless the alien es-  
15                  tablishes that, during the alien’s period of sta-  
16                  tus as a registered provisional immigrant, the  
17                  alien—

18                         “(i)(I) was regularly employed  
19                         throughout the period of admission as a  
20                         registered provisional immigrant, allowing  
21                         for brief periods lasting not more than 60  
22                         days; and

23                         “(II) is not likely to become a  
24                         public charge (as determined under  
25                         section 212(a)(4)); or

1           “(ii) is able to demonstrate average  
2           income or resources that are not less than  
3           100 percent of the Federal poverty level  
4           throughout the period of admission as a  
5           registered provisional immigrant.

6           “(C) PAYMENT OF TAXES.—An applicant  
7           may not be granted an extension of registered  
8           provisional immigrant status under subpara-  
9           graph (A)(ii) unless the applicant has satisfied  
10          any applicable Federal tax liability in accord-  
11          ance with paragraph (2).

12          “(10) FEES AND PENALTIES.—

13           “(A) STANDARD PROCESSING FEE.—

14           “(i) IN GENERAL.—Aliens who are 16  
15           years of age or older and are applying for  
16           registered provisional immigrant status  
17           under paragraph (1), or for an extension  
18           of such status under paragraph (9)(A)(ii),  
19           shall pay a processing fee to the Depart-  
20           ment of Homeland Security in an amount  
21           determined by the Secretary.

22           “(ii) RECOVERY OF COSTS.—The  
23           processing fee authorized under clause (i)  
24           shall be set at a level that is sufficient to

1 recover the full costs of processing the ap-  
2 plication, including any costs incurred—

3 “(I) to adjudicate the application;

4 “(II) to take and process bio-  
5 metrics;

6 “(III) to perform national secu-  
7 rity and criminal checks, including ad-  
8 judication;

9 “(IV) to prevent and investigate  
10 fraud; and

11 “(V) to administer the collection  
12 of such fee.

13 “(iii) AUTHORITY TO LIMIT FEES.—

14 The Secretary, by regulation, may—

15 “(I) limit the maximum proc-  
16 essing fee payable under this subpara-  
17 graph by a family, including spouses  
18 and unmarried children younger than  
19 21 years of age; and

20 “(II) exempt defined classes of  
21 individuals, including individuals de-  
22 scribed in subsection (e)(13), from the  
23 payment of the fee authorized under  
24 clause (i).

1           “(B) DEPOSIT AND USE OF PROCESSING  
2 FEES.—Fees collected under subparagraph  
3 (A)(i)—

4           “(i) shall be deposited into the Immi-  
5 gration Examinations Fee Account pursu-  
6 ant to section 286(m); and

7           “(ii) shall remain available until ex-  
8 pended pursuant to section 286(n).

9           “(C) PENALTY.—

10           “(i) PAYMENT.—In addition to the  
11 processing fee required under subpara-  
12 graph (A), aliens not described in section  
13 245D(b)(A)(ii) who are 21 years of age or  
14 older and are filing an application under  
15 this subsection shall pay a \$1,000 penalty  
16 to the Department of Homeland Security.

17           “(ii) INSTALLMENTS.—The Secretary  
18 shall establish a process for collecting pay-  
19 ments required under clause (i) that per-  
20 mits the penalty under that clause to be  
21 paid in periodic installments that shall be  
22 completed before the alien may be granted  
23 an extension of status under paragraph  
24 (9)(A)(ii).

25           “(11) ADJUDICATION.—

1           “(A) FAILURE TO SUBMIT SUFFICIENT  
2 EVIDENCE.—The Secretary shall deny an appli-  
3 cation submitted by an alien who fails to sub-  
4 mit—

5                   “(i) requested initial evidence, includ-  
6 ing requested biometric data; or

7                   “(ii) any requested additional evidence  
8 by the date required by the Secretary.

9           “(B) AMENDED APPLICATION.—An alien  
10 whose application for registered provisional im-  
11 migrant status is denied under subparagraph  
12 (A) may file an amended application for such  
13 status to the Secretary if the amended applica-  
14 tion—

15                   “(i) is filed within the application peri-  
16 od described in paragraph (3); and

17                   “(ii) contains all the required informa-  
18 tion and fees that were missing from the  
19 initial application.

20           “(12) EVIDENCE OF REGISTERED PROVISIONAL  
21 IMMIGRANT STATUS.—

22           “(A) IN GENERAL.—The Secretary shall  
23 issue documentary evidence of registered provi-  
24 sional immigrant status to each alien whose ap-  
25 plication for such status has been approved.



1           “(B) DOCUMENTATION FEATURES.—Docu-  
2           mentary evidence provided under subparagraph  
3           (A)—

4                   “(i) shall be machine-readable and  
5                   tamper-resistant, and shall contain a  
6                   digitized photograph;

7                   “(ii) shall, during the alien’s author-  
8                   ized period of admission, and any exten-  
9                   sion of such authorized admission, serve as  
10                  a valid travel and entry document for the  
11                  purpose of applying for admission to the  
12                  United States;

13                  “(iii) may be accepted during the pe-  
14                  riod of its validity by an employer as evi-  
15                  dence of employment authorization and  
16                  identity under section 274A(b)(1)(B);

17                  “(iv) shall indicate that the alien is  
18                  authorized to work in the United States  
19                  for up to 3 years; and

20                  “(v) shall include such other features  
21                  and information as may be prescribed by  
22                  the Secretary.

23           “(13) DACA RECIPIENTS.—Unless the Sec-  
24           retary determines that an alien who was granted De-  
25           ferred Action for Childhood Arrivals (referred to in

1       this paragraph as ‘DACA’) pursuant to the Sec-  
2       retary’s memorandum of June 15, 2012, or Novem-  
3       ber 20, 2014, has engaged in conduct since the alien  
4       was granted DACA that would make the alien ineli-  
5       gible for registered provisional immigrant status, the  
6       Secretary may grant such status to the alien if re-  
7       newed national security and law enforcement clear-  
8       ances have been completed on behalf of the alien.

9       “(d) TERMS AND CONDITIONS OF REGISTERED PRO-  
10      VISIONAL IMMIGRANT STATUS.—

11             “(1) CONDITIONS OF REGISTERED PROVISIONAL  
12      IMMIGRANT STATUS.—

13             “(A) EMPLOYMENT.—Notwithstanding any  
14      other provision of law, including section  
15      241(a)(7), a registered provisional immigrant  
16      shall be authorized to be employed in the  
17      United States while in such status.

18             “(B) TRAVEL OUTSIDE THE UNITED  
19      STATES.—A registered provisional immigrant  
20      may travel outside of the United States and  
21      may be admitted, if otherwise admissible, upon  
22      returning to the United States without having  
23      to obtain a visa if—

24             “(i) the alien is in possession of—

1                   “(I) valid, unexpired documen-  
2                   tary evidence of registered provisional  
3                   immigrant status that complies with  
4                   subsection (c)(12); or

5                   “(II) a travel document, duly ap-  
6                   proved by the Secretary, that was  
7                   issued to the alien after the alien’s  
8                   original documentary evidence was  
9                   lost, stolen, or destroyed;

10                  “(ii) the alien’s absence from the  
11                  United States did not exceed 180 days, un-  
12                  less the alien’s failure to timely return was  
13                  due to extenuating circumstances beyond  
14                  the alien’s control;

15                  “(iii) the alien meets the requirements  
16                  for an extension as described in subclauses  
17                  (I) and (III) of paragraph (9)(A); and

18                  “(iv) the alien establishes that the  
19                  alien is not inadmissible under subpara-  
20                  graph (A)(i), (A)(iii), (B), or (C) of section  
21                  212(a)(3).

22                  “(C) ADMISSION.—An alien granted reg-  
23                  istered provisional immigrant status under this  
24                  section shall be considered to have been admit-  
25                  ted and lawfully present in the United States in

1           such status as of the date on which the alien’s  
2           application was filed.

3           “(D) CLARIFICATION OF STATUS.—An  
4           alien granted registered provisional immigrant  
5           status—

6                   “(i) is lawfully admitted to the United  
7                   States; and

8                   “(ii) may not be classified as a non-  
9                   immigrant or as an alien who has been  
10                  lawfully admitted for permanent residence.

11          “(2) REVOCATION.—

12                  “(A) IN GENERAL.—The Secretary may re-  
13                  voke the status of a registered provisional immi-  
14                  grant at any time after providing appropriate  
15                  notice to the alien, and after the exhaustion or  
16                  waiver of all applicable administrative review  
17                  procedures under section 245D(c), if the  
18                  alien—

19                          “(i) no longer meets the eligibility re-  
20                          quirements set forth in subsection (b);

21                          “(ii) knowingly used documentation  
22                          issued under this section for an unlawful  
23                          or fraudulent purpose;

24                          “(iii) is convicted of fraudulently  
25                          claiming or receiving a Federal means-test-

1 ed benefit (as defined and implemented in  
2 section 403 of the Personal Responsibility  
3 and Work Opportunity Reconciliation Act  
4 of 1996 (8 U.S.C. 1613)) after being  
5 granted registered provisional immigrant  
6 status; or

7 “(iv) was absent from the United  
8 States—

9 “(I) for any single period longer  
10 than 180 days in violation of the re-  
11 quirements set forth in paragraph  
12 (1)(B)(ii); or

13 “(II) for more than 180 days in  
14 the aggregate during any calendar  
15 year, unless the alien’s failure to time-  
16 ly return was due to extenuating cir-  
17 cumstances beyond the alien’s control.

18 “(B) ADDITIONAL EVIDENCE.—In deter-  
19 mining whether to revoke an alien’s status  
20 under subparagraph (A), the Secretary may re-  
21 quire the alien—

22 “(i) to submit additional evidence; or

23 “(ii) to appear for an interview.

24 “(C) INVALIDATION OF DOCUMENTA-  
25 TION.—If an alien’s registered provisional im-

1 migrant status is revoked under subparagraph  
2 (A), any documentation issued by the Secretary  
3 to such alien under subsection (c)(12) shall  
4 automatically be rendered invalid for any pur-  
5 pose except for departure from the United  
6 States.

7 “(3) INELIGIBILITY FOR PUBLIC BENEFITS.—

8 “(A) IN GENERAL.—An alien who has been  
9 granted registered provisional immigrant status  
10 under this section is not eligible for any Federal  
11 means-tested public benefit (as defined and im-  
12 plemented in section 403 of the Personal Re-  
13 sponsibility and Work Opportunity Reconcili-  
14 ation Act of 1996 (8 U.S.C. 1613)).

15 “(B) AUDITS.—The Secretary of Health  
16 and Human Services shall conduct regular au-  
17 dits to ensure that registered provisional immi-  
18 grants are not fraudulently receiving any of the  
19 benefits described in subparagraph (A).

20 “(4) TREATMENT OF REGISTERED PROVISIONAL  
21 IMMIGRANTS.—A noncitizen granted registered pro-  
22 visional immigrant status under this section shall be  
23 considered lawfully present in the United States for  
24 all purposes while such noncitizen remains in such  
25 status, except that the noncitizen—

1           “(A) is not entitled to the premium assist-  
2           ance tax credit authorized under section 36B of  
3           the Internal Revenue Code of 1986 for his or  
4           her coverage;

5           “(B) shall be subject to the rules applica-  
6           ble to individuals not lawfully present that are  
7           set forth in subsection (e) of such section;

8           “(C) shall be subject to the rules applicable  
9           to individuals not lawfully present that are set  
10          forth in section 1402(e) of the Patient Protec-  
11          tion and Affordable Care Act (42 U.S.C.  
12          18071); and

13          “(D) shall be subject to the rules applica-  
14          ble to individuals not lawfully present set forth  
15          in section 5000A(d)(3) of the Internal Revenue  
16          Code of 1986.

17          “(5) ASSIGNMENT OF SOCIAL SECURITY NUM-  
18          BER.—

19                 “(A) IN GENERAL.—The Commissioner of  
20                 Social Security, in coordination with the Sec-  
21                 retary, shall implement a system to allow for  
22                 the assignment of a Social Security number and  
23                 the issuance of a Social Security card to each  
24                 alien who has been granted registered provi-  
25                 sional immigrant status under this section.

1           “(B) USE OF INFORMATION.—The Sec-  
2           retary shall provide the Commissioner of Social  
3           Security with information from the applications  
4           filed by aliens granted registered provisional im-  
5           migrant status under this section and such  
6           other information as the Commissioner deter-  
7           mines to be necessary to assign a Social Secu-  
8           rity account number to such aliens. The Com-  
9           missioner may use information received from  
10          the Secretary under this subparagraph to as-  
11          sign Social Security account numbers to such  
12          aliens and to administer the programs of the  
13          Social Security Administration. The Commis-  
14          sioner may maintain, use, and disclose such in-  
15          formation only as permitted under section 552a  
16          of title 5, United States Code (commonly known  
17          as the Privacy Act of 1974) and other applica-  
18          ble Federal laws.

19          “(e) DISSEMINATION OF INFORMATION ON REG-  
20          ISTERED PROVISIONAL IMMIGRANT PROGRAM.—As soon  
21          as practicable after the date of the enactment of the Bor-  
22          der Security, Economic Opportunity, and Immigration  
23          Modernization Act, the Secretary, in cooperation with en-  
24          tities approved by the Secretary, and in accordance with  
25          a plan adopted by the Secretary, shall broadly dissemi-



1 nate, in the most common languages spoken by aliens who  
2 would qualify for registered provisional immigrant status  
3 under this section, to television, radio, print, and social  
4 media to which such aliens would likely have access—

5 “(1) the procedures for applying for such sta-  
6 tus;

7 “(2) the terms and conditions of such status;  
8 and

9 “(3) the eligibility requirements for such sta-  
10 tus.”.

11 (c) EXEMPTION FROM NUMERICAL LIMITATIONS.—  
12 Section 201(b)(1) of such Act (8 U.S.C. 1151(b)(1)) is  
13 amended—

14 (1) by redesignating subparagraph (E) as sub-  
15 paragraph (F); and

16 (2) by inserting after subparagraph (D) the fol-  
17 lowing:

18 “(E) Aliens whose status is adjusted to perma-  
19 nent resident status under section 245C.”.

20 (d) RESTORATION OF STATE OPTION TO DETER-  
21 MINE RESIDENCY FOR PURPOSES OF HIGHER EDU-  
22 CATION.—

23 (1) REPEAL.—Section 505 of the Illegal Immi-  
24 gration Reform and Immigrant Responsibility Act of  
25 1996 (8 U.S.C. 1623) is repealed.

1           (2) EFFECTIVE DATE.—The repeal under para-  
2           graph (1) shall take effect as if included in the origi-  
3           nal enactment of the Illegal Immigration Reform  
4           and Immigrant Responsibility Act of 1996 (division  
5           C of Public Law 104–208).

6           (e) NATURALIZATION.—Section 328(a) of such Act  
7           (8 U.S.C. 1439(a)) is amended by inserting “, without  
8           having been lawfully admitted to the United States for  
9           permanent resident, and” after “naturalized”.

10          (f) LIMITATION ON FEDERAL STUDENT ASSIST-  
11          ANCE.—Notwithstanding any other provision of law, aliens  
12          granted registered provisional immigrant status and who  
13          initially entered the United States before reaching 16  
14          years of age shall be eligible only for the following assist-  
15          ance under title IV of the Higher Education Act of 1965  
16          (20 U.S.C. 1070 et seq.):

17               (1) Student loans under parts D and E of such  
18               title IV (20 U.S.C. 1087a et seq. and 1087aa et  
19               seq.), subject to the requirements of such parts.

20               (2) Federal work-study programs under part C  
21               of such title IV (42 U.S.C. 2751 et seq.), subject to  
22               the requirements of such part.

23               (3) Services under such title IV (20 U.S.C.  
24               1070 et seq.), subject to the requirements for such  
25               services.

1 **SEC. 32. ADDITIONAL REQUIREMENTS.**

2 (a) IN GENERAL.—Chapter 5 of title II of the Immi-  
3 gration and Nationality Act (8 U.S.C. 1255 et seq.) is  
4 amended by inserting after section 245C, as added by sec-  
5 tion 31 of this title, the following:

6 **“SEC. 245D. ADDITIONAL REQUIREMENTS RELATING TO**  
7 **REGISTERED PROVISIONAL IMMIGRANTS**  
8 **AND OTHERS.**

9 “(a) DISCLOSURES.—

10 “(1) PROHIBITED DISCLOSURES.—Except as  
11 otherwise provided in this subsection, no officer or  
12 employee of any Federal agency may—

13 “(A) use the information furnished in an  
14 application for lawful status under section  
15 245B for any purpose other than to make a de-  
16 termination on any application by the alien for  
17 any immigration benefit or protection;

18 “(B) make any publication through which  
19 information furnished by any particular appli-  
20 cant can be identified; or

21 “(C) permit anyone other than the sworn  
22 officers, employees, and contractors of such  
23 agency or of another entity approved by the  
24 Secretary to examine any individual application  
25 for lawful status under section 245B.

1           “(2) REQUIRED DISCLOSURES.—The Secretary  
2 shall provide the information furnished in an appli-  
3 cation filed under section 245B and any other infor-  
4 mation derived from such furnished information  
5 to—

6           “(A) a law enforcement agency, intel-  
7 ligence agency, national security agency, a com-  
8 ponent of the Department of Homeland Secu-  
9 rity, court, or grand jury, consistent with law,  
10 in connection with—

11           “(i) a criminal investigation or pros-  
12 ecution of any felony not related to the ap-  
13 plicant’s immigration status; or

14           “(ii) a national security investigation  
15 or prosecution; and

16           “(B) an official coroner for purposes of af-  
17 firmatively identifying a deceased individual,  
18 whether or not the death of such individual re-  
19 sulted from a crime.

20           “(3) AUDITING AND EVALUATION OF INFORMA-  
21 TION.—The Secretary may—

22           “(A) audit and evaluate information fur-  
23 nished as part of any application filed under  
24 section 245B for purposes of identifying immi-  
25 gration fraud or fraud schemes; and

1           “(B) use any evidence detected by means  
2           of audits and evaluations for purposes of inves-  
3           tigating, prosecuting, referring for prosecution,  
4           or denying or terminating immigration benefits.

5           “(b) EMPLOYER PROTECTIONS.—

6           “(1) USE OF EMPLOYMENT RECORDS.—Copies  
7           of employment records or other evidence of employ-  
8           ment provided by an alien or by an alien’s employer  
9           in support of an alien’s application for registered  
10          provisional immigrant status under section 245C  
11          may not be used in a civil or criminal prosecution  
12          or investigation of that employer under section 274A  
13          or the Internal Revenue Code of 1986 for the prior  
14          unlawful employment of that alien regardless of the  
15          adjudication of such application or reconsideration  
16          by the Secretary of such alien’s prima facie eligi-  
17          bility determination. Employers that provide unau-  
18          thorized aliens with copies of employment records or  
19          other evidence of employment pursuant to an appli-  
20          cation for registered provisional immigrant status  
21          shall not be subject to civil and criminal liability  
22          pursuant to section 274A for employing such unau-  
23          thorized aliens.

24          “(2) LIMIT ON APPLICABILITY.—The protec-  
25          tions for employers and aliens under paragraph (1)

1 shall not apply if the aliens or employers submit em-  
2 ployment records that are deemed to be fraudulent.

3 “(c) ADMINISTRATIVE REVIEW.—

4 “(1) EXCLUSIVE ADMINISTRATIVE REVIEW.—  
5 Administrative review of a determination respecting  
6 an application for status under section 245B shall  
7 be conducted solely in accordance with this sub-  
8 section.

9 “(2) ADMINISTRATIVE APPELLATE REVIEW.—

10 “(A) ESTABLISHMENT OF ADMINISTRA-  
11 TIVE APPELLATE AUTHORITY.—The Secretary  
12 shall establish or designate an appellate author-  
13 ity to provide for a single level of administrative  
14 appellate review of a determination with respect  
15 to applications for, or revocation of, status  
16 under sections 245B.

17 “(B) SINGLE APPEAL FOR EACH ADMINIS-  
18 TRATIVE DECISION.—

19 “(i) IN GENERAL.—An alien in the  
20 United States whose application for status  
21 under section 245B has been denied or re-  
22 voked may file with the Secretary not more  
23 than 1 appeal of each decision to deny or  
24 revoke such status.

1                   “(ii) NOTICE OF APPEAL.—A notice of  
2                   appeal filed under this subparagraph shall  
3                   be filed not later than 90 days after the  
4                   date of service of the decision of denial or  
5                   revocation, unless the delay was reasonably  
6                   justifiable.

7                   “(C) REVIEW BY SECRETARY.—Nothing in  
8                   this paragraph may be construed to limit the  
9                   authority of the Secretary to certify appeals for  
10                  review and final administrative decision.

11                  “(D) DENIAL OF PETITIONS FOR DEPEND-  
12                  ENTS.—Appeals of a decision to deny or revoke  
13                  a petition filed by a registered provisional immi-  
14                  grant pursuant to regulations promulgated  
15                  under section 245C to classify a spouse or child  
16                  of such alien as a registered provisional immi-  
17                  grant shall be subject to the administrative ap-  
18                  pellate authority described in subparagraph (A).

19                  “(E) STAY OF REMOVAL.—Aliens seeking  
20                  administrative review shall not be removed from  
21                  the United States until a final decision is ren-  
22                  dered establishing ineligibility for status under  
23                  section 245C.

1           “(3) RECORD FOR REVIEW.—Administrative ap-  
2           pellate review under paragraph (2) shall be de novo  
3           and based solely upon—

4                   “(A) the administrative record established  
5                   at the time of the determination on the applica-  
6                   tion; and

7                   “(B) any additional newly discovered or  
8                   previously unavailable evidence.

9           “(4) UNLAWFUL PRESENCE.—During the pe-  
10           riod in which an alien may request administrative  
11           review under this subsection, and during the period  
12           that any such review is pending, the alien shall not  
13           be considered ‘unlawfully present in the United  
14           States’ for purposes of section 212(a)(9)(B).

15           “(d) PRIVACY AND CIVIL LIBERTIES.—

16                   “(1) IN GENERAL.—The Secretary, in accord-  
17                   ance with subsection (a)(1), shall require appro-  
18                   priate administrative and physical safeguards to pro-  
19                   tect the security, confidentiality, and integrity of  
20                   personally identifiable information collected, main-  
21                   tained, and disseminated pursuant to sections 245B.

22                   “(2) ASSESSMENTS.—Notwithstanding the pri-  
23                   vacy requirements set forth in section 222 of the  
24                   Homeland Security Act (6 U.S.C. 142) and the E-  
25                   Government Act of 2002 (Public Law 107–347), the



1 Secretary shall conduct a privacy impact assessment  
2 and a civil liberties impact assessment of the legal-  
3 ization program established under sections 245B  
4 during the pendency of the interim final regulations  
5 required to be issued under section 38 of the  
6 DREAM Act 2015.”.

7 (b) JUDICIAL REVIEW.—Section 242 (8 U.S.C. 1252)  
8 is amended—

9 (1) in subsection (a)(2)—

10 (A) in subparagraph (B), by inserting “the  
11 exercise of discretion arising under” after “no  
12 court shall have jurisdiction to review”;

13 (B) in subparagraph (D), by striking  
14 “raised upon a petition for review filed with an  
15 appropriate court of appeals in accordance with  
16 this section”;

17 (2) in subsection (b)(2), by inserting “or, in the  
18 case of a decision rendered under section 245B(e),  
19 in the judicial circuit in which the petitioner resides”  
20 after “proceedings”; and

21 (3) by adding at the end the following:

22 “(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINA-  
23 TIONS RELATING TO STATUS UNDER CHAPTER 5.—

24 “(1) DIRECT REVIEW.—If an alien’s application  
25 under section 245B is denied, or is revoked after the

1 exhaustion of administrative appellate review under  
2 section 245D(e), the alien may seek review of such  
3 decision, in accordance with chapter 7 of title 5,  
4 United States Code, before the United States dis-  
5 trict court for the district in which the person re-  
6 sides.

7 “(2) STATUS DURING REVIEW.—While a review  
8 described in paragraph (1) is pending—

9 “(A) the alien shall not be deemed to ac-  
10 crue unlawful presence for purposes of section  
11 212(a)(9);

12 “(B) any unexpired grant of voluntary de-  
13 parture under section 240B shall be tolled; and

14 “(C) the court shall have the discretion to  
15 stay the execution of any order of exclusion, de-  
16 portation, or removal.

17 “(3) REVIEW AFTER REMOVAL PRO-  
18 CEEDINGS.—An alien may seek judicial review of a  
19 denial or revocation of approval of the alien’s appli-  
20 cation under section 245B in the appropriate United  
21 States court of appeal in conjunction with the judi-  
22 cial review of an order of removal, deportation, or  
23 exclusion if the validity of the denial has not been  
24 upheld in a prior judicial proceeding under para-  
25 graph (1).

1 “(4) STANDARD FOR JUDICIAL REVIEW.—

2 “(A) BASIS.—Judicial review of a denial,  
3 or revocation of an approval, of an application  
4 under section 245B shall be based upon the ad-  
5 ministrative record established at the time of  
6 the review.

7 “(B) AUTHORITY TO REMAND.—The re-  
8 viewing court may remand a case under this  
9 subsection to the Secretary for consideration of  
10 additional evidence if the court finds that—

11 “(i) the additional evidence is mate-  
12 rial; and

13 “(ii) there were reasonable grounds  
14 for failure to adduce the additional evi-  
15 dence before the Secretary.

16 “(C) SCOPE OF REVIEW.—Notwithstanding  
17 any other provision of law, judicial review of all  
18 questions arising from a denial, or revocation of  
19 an approval, of an application under section  
20 245B shall be governed by the standard of re-  
21 view set forth in section 706 of title 5, United  
22 States Code.

23 “(5) REMEDIAL POWERS.—

24 “(A) JURISDICTION.—Notwithstanding any  
25 other provision of law, the United States dis-

1           trict courts shall have jurisdiction over any  
2           cause or claim arising from a pattern or prac-  
3           tice of the Secretary in the operation or imple-  
4           mentation of the DREAM Act 2015, or the  
5           amendments made by such Act, that is arbi-  
6           trary, capricious, or otherwise contrary to law.

7           “(B) SCOPE OF RELIEF.—The United  
8           States district courts may order any appro-  
9           priate relief in a clause or claim described in  
10          subparagraph (A) without regard to exhaustion,  
11          ripeness, or other standing requirements (other  
12          than constitutionally-mandated requirements),  
13          if the court determines that—

14                 “(i) the resolution of such cause or  
15                 claim will serve judicial and administrative  
16                 efficiency; or

17                 “(ii) a remedy would otherwise not be  
18                 reasonably available or practicable.

19          “(6) CHALLENGES TO THE VALIDITY OF THE  
20          SYSTEM.—

21                 “(A) IN GENERAL.—Except as provided in  
22                 paragraph (5), any claim that section 245B,  
23                 any regulation, written policy, or written direc-  
24                 tive, issued or unwritten policy or practice initi-  
25                 ated by or under the authority of the Secretary

1 to implement such section, violates the Con-  
2 stitution of the United States or is otherwise in  
3 violation of law is available exclusively in an ac-  
4 tion instituted in United States District Court  
5 in accordance with the procedures prescribed in  
6 this paragraph.

7 “(B) SAVINGS PROVISION.—Except as pro-  
8 vided in subparagraph (C), nothing in subpara-  
9 graph (A) may be construed to preclude an ap-  
10 plicant under 245B from asserting that an ac-  
11 tion taken or a decision made by the Secretary  
12 with respect to the applicant’s status was con-  
13 trary to law.

14 “(C) CLASS ACTIONS.—Any claim de-  
15 scribed in subparagraph (A) that is brought as  
16 a class action shall be brought in conformity  
17 with—

18 “(i) the Class Action Fairness Act of  
19 2005 (Public Law 109–2); and

20 “(ii) the Federal Rules of Civil Proce-  
21 dure.

22 “(D) PRECLUSIVE EFFECT.—The final dis-  
23 position of any claim brought under subpara-  
24 graph (A) shall be preclusive of any such claim

1           asserted by the same individual in a subsequent  
2           proceeding under this subsection.

3           “(E) EXHAUSTION AND STAY OF PRO-  
4           CEEDINGS.—

5           “(i) IN GENERAL.—No claim brought  
6           under this paragraph shall require the  
7           plaintiff to exhaust administrative rem-  
8           edies under section 245D(c).

9           “(ii) STAY AUTHORIZED.—Nothing in  
10          this paragraph may be construed to pre-  
11          vent the court from staying proceedings  
12          under this paragraph to permit the Sec-  
13          retary to evaluate an allegation of an un-  
14          written policy or practice or to take correc-  
15          tive action. In determining whether to  
16          issue such a stay, the court shall take into  
17          account any harm the stay may cause to  
18          the claimant.”.

19          (c) RULE OF CONSTRUCTION.—Section 244(h) of the  
20          Immigration and Nationality Act (8 U.S.C. 1254a(h))  
21          shall not limit the authority of the Secretary to adjust the  
22          status of an alien under section 245B of the Immigration  
23          and Nationality Act, as added by this title.

24          (d) EFFECT OF FAILURE TO REGISTER ON ELIGI-  
25          BILITY FOR IMMIGRATION BENEFITS.—Failure to comply

1 with section 264.1(f) of title 8, Code of Federal Regula-  
2 tions or with removal orders or voluntary departure agree-  
3 ments based on such section for acts committed before the  
4 date of the enactment of this Act shall not affect the eligi-  
5 bility of an alien to apply for a benefit under the Immigra-  
6 tion and Nationality Act (8 U.S.C. 1101 et seq.).

7 (e) CLERICAL AMENDMENT.—The table of contents  
8 is amended by inserting after the item relating to section  
9 245A the following:

“Sec. 245B. Adjustment of status for certain aliens who entered the United  
States as children.

“Sec. 245C. Registered provisional immigrant status.

“Sec. 245D. Additional requirements relating to registered provisional immi-  
grants and others.”.

10 **SEC. 33. CRIMINAL PENALTY.**

11 (a) IN GENERAL.—Chapter 69 of title 18, United  
12 States Code, is amended by adding at the end the fol-  
13 lowing:

14 **“§ 1430. Improper use of information relating to reg-**  
15 **istered provisional immigrant applica-**  
16 **tions**

17 “Any person who knowingly uses, publishes, or per-  
18 mits information described in section 245C(a) of the Im-  
19 migration and Nationality Act to be examined in violation  
20 of such section shall be fined not more than \$10,000.”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 in chapter 69 of title 18, United States Code, is amended  
23 by adding at the end the following:

“1430. Improper use of information relating to registered provisional immigrant applications.”.

1 **SEC. 34. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
2 **CANTS.**

3 (a) ESTABLISHMENT.—The Secretary may establish,  
4 within U.S. Citizenship and Immigration Services, a pro-  
5 gram to award grants, on a competitive basis, to eligible  
6 nonprofit organizations that will use the funding to assist  
7 eligible applicants under section 245C of the Immigration  
8 and Nationality Act by providing them with the services  
9 described in subsection (e).

10 (b) ELIGIBLE NONPROFIT ORGANIZATION.—The  
11 term “eligible nonprofit organization” means a nonprofit,  
12 tax-exempt organization, including a community, faith-  
13 based or other immigrant-serving organization, whose  
14 staff has demonstrated qualifications, experience, and ex-  
15 pertise in providing quality services to immigrants, refu-  
16 gees, persons granted asylum, or persons applying for  
17 such statuses.

18 (c) USE OF FUNDS.—Grant funds awarded under  
19 this section may be used for the design and implementa-  
20 tion of programs that provide—

21 (1) information to the public regarding the eli-  
22 gibility and benefits of registered provisional immi-  
23 grant status authorized under section 245C of the



1 Immigration and Nationality Act, particularly to in-  
2 dividuals potentially eligible for such status;

3 (2) assistance, within the scope of authorized  
4 practice of immigration law, to individuals submit-  
5 ting applications for registered provisional immi-  
6 grant status, including—

7 (A) screening prospective applicants to as-  
8 sess their eligibility for such status;

9 (B) completing applications and petitions,  
10 including providing assistance in obtaining the  
11 requisite documents and supporting evidence;

12 (C) applying for any waivers for which ap-  
13 plicants and qualifying family members may be  
14 eligible; and

15 (D) providing any other assistance that the  
16 Secretary or grantees consider useful or nec-  
17 essary to apply for registered provisional immi-  
18 grant status;

19 (3) assistance, within the scope of authorized  
20 practice of immigration law, to individuals seeking to  
21 adjust their status to that of an alien admitted for  
22 permanent residence under section 245B of the Im-  
23 migration and Nationality Act; and

1           (4) 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 civics-based English as a  
7           second language; and

8                     (C) in applying for United States citizen-  
9           ship.

10          (d) AUTHORIZATION OF APPROPRIATIONS.—

11                     (1) AMOUNTS AUTHORIZED.—There are author-  
12           ized to be appropriated such sums as may be nec-  
13           essary for each of fiscal years 2015 through 2019 to  
14           carry out this section.

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

18   **SEC. 35. CONFORMING AMENDMENTS TO THE SOCIAL SE-**  
19                     **CURITY ACT.**

20          (a) CORRECTION OF SOCIAL SECURITY RECORDS.—

21                     (1) IN GENERAL.—Section 208(e)(1) of the So-  
22           cial Security Act (42 U.S.C. 408(e)(1)) is amend-  
23           ed—

24                     (A) in subparagraph (B)(ii), by striking  
25           “or” at the end;

1 (B) in subparagraph (C), by striking the  
2 comma at the end and inserting a semicolon;

3 (C) by inserting after subparagraph (C)  
4 the following:

5 “(D) whose status is adjusted to that of  
6 lawful permanent resident under section 245B  
7 of the Immigration and Nationality Act,”; and

8 (D) in the undesignated matter at the end,  
9 by inserting “, or in the case of an alien de-  
10 scribed in subparagraph (D) or (E), if such  
11 conduct is alleged to have occurred before the  
12 date on which the alien submitted an applica-  
13 tion under section 245C of such Act for classi-  
14 fication as a registered provisional immigrant”  
15 before the period at the end.

16 (2) EFFECTIVE DATE.—The amendments made  
17 by paragraph (1) shall take effect on the first day  
18 of the tenth month that begins after the date of the  
19 enactment of this Act.

20 (b) STATE DISCRETION REGARDING TERMINATION  
21 OF PARENTAL RIGHTS.—

22 (1) IN GENERAL.—A compelling reason for a  
23 State not to file (or to join in the filing of) a petition  
24 to terminate parental rights under section 475(5)(E)

1 of the Social Security Act (42 U.S.C. 675(5)(E))  
2 shall include—

3 (A) the removal of the parent from the  
4 United States, unless the parent is unfit or un-  
5 willing to be a parent of the child; or

6 (B) the involvement of the parent in (in-  
7 cluding detention pursuant to) an immigration  
8 proceeding, unless the parent is unfit or unwill-  
9 ing to be a parent of the child.

10 (2) CONDITIONS.—Before a State may file to  
11 terminate the parental rights under such section  
12 475(5)(E), the State (or the county or other political  
13 subdivision of the State, as applicable) shall make  
14 reasonable efforts—

15 (A) to identify, locate, and contact (includ-  
16 ing, if appropriate, through the diplomatic or  
17 consular offices of the country to which the par-  
18 ent was removed or in which a parent or rel-  
19 ative resides)—

20 (i) any parent of the child who is in  
21 immigration detention;

22 (ii) any parent of the child who has  
23 been removed from the United States; and

1 (iii) if possible, any potential adult  
2 relative of the child (as described in section  
3 471(a)(29));

4 (B) to notify such parent or relative of the  
5 intent of the State (or the county or other polit-  
6 ical subdivision of the State, as applicable) to  
7 file (or to join in the filing of) a petition re-  
8 ferred to in paragraph (1); or

9 (C) to reunify the child with any such par-  
10 ent or relative; and

11 (D) to provide and document appropriate  
12 services to the parent or relative.

13 (3) CONFORMING AMENDMENT.—Section  
14 475(5)(E)(ii) of the Social Security Act (42 U.S.C.  
15 675(5)(E)) is amended by inserting “, including the  
16 reason set forth in section 35(b)(1) of the DREAM  
17 Act of 2015” after “child”.

18 (c) CHILDREN SEPARATED FROM PARENTS AND  
19 CAREGIVERS.—

20 (1) STATE PLAN FOR FOSTER CARE AND ADOP-  
21 TION ASSISTANCE.—Section 471(a) of the Social Se-  
22 curity Act (42 U.S.C. 671(a)) is amended—

23 (A) by amending paragraph (19) to read  
24 as follows:

1           “(19) provides that the State shall give pref-  
2           erence to an adult relative over a nonrelated care-  
3           giver when determining a placement for a child if—

4                   “(A) the relative caregiver meets all rel-  
5                   evant State child protection standards; and

6                   “(B) the standards referred to in subpara-  
7                   graph (A) ensure that the immigration status  
8                   alone of a parent, legal guardian, or relative  
9                   shall not disqualify the parent, legal guardian,  
10                  or relative from being a placement for a child;”;  
11                  and

12                  (B) in paragraph (32), by striking “and”  
13                  at the end;

14                  (C) in paragraph (33), by striking the pe-  
15                  riod at the end and inserting “; and”; and

16                  (D) by adding at the end the following:

17                  “(34) provides that the State shall—

18                   “(A) ensure that the case manager for a  
19                   separated child is capable of communicating in  
20                   the native language of such child and of the  
21                   family of such child, or an interpreter who is so  
22                   capable is provided to communicate with such  
23                   child and the family of such child at no cost to  
24                   the child or to the family of such child;

1           “(B) coordinate with the Department of  
2 Homeland Security to ensure that parents who  
3 wish for their child to accompany them to their  
4 country of origin are given adequate time and  
5 assistance to obtain a passport and visa, and to  
6 collect all relevant vital documents, such as  
7 birth certificate, health, and educational records  
8 and other information;

9           “(C) coordinate with State agencies re-  
10 garding alternate documentation requirements  
11 for a criminal records check or a fingerprint-  
12 based check for a caregiver that does not have  
13 Federal or State-issued identification;

14           “(D) preserve, to the greatest extent prac-  
15 ticable, the privacy and confidentiality of all in-  
16 formation gathered in the course of admin-  
17 istering the care, custody, and placement of,  
18 and follow up services provided to, a separated  
19 child, consistent with the best interest of such  
20 child, by not disclosing such information to  
21 other government agencies or persons (other  
22 than a parent, legal guardian, or relative care-  
23 giver or such child), except that the head of the  
24 State agency (or the county or other political  
25 subdivision of the State, as applicable) may dis-

1 close such information, after placing a written  
2 record of the disclosure in the file of the child—

3 “(i) to a consular official for the pur-  
4 pose of reunification of a child with a par-  
5 ent, legal guardian, or relative caregiver  
6 who has been removed or is involved in an  
7 immigration proceeding, unless the child  
8 has refused contact with, or the sharing of  
9 personal or identifying information with,  
10 the government of his or her country of or-  
11 igin;

12 “(ii) when authorized to do so by the  
13 child (if the child has attained 18 years of  
14 age) if the disclosure is consistent with the  
15 best interest of the child; or

16 “(iii) to a law enforcement agency if  
17 the disclosure would prevent imminent and  
18 serious harm to another individual; and

19 “(E) not less frequently than annually,  
20 compile, update, and publish a list of entities in  
21 the State that are qualified to provide legal rep-  
22 resentation services for a separated child, in a  
23 language such that a child can read and under-  
24 stand.”.



1           (2) ADDITIONAL INFORMATION TO BE IN-  
2           CLUDED IN CASE PLAN.—Section 475 of such Act  
3           (42 U.S.C. 675) is amended—

4           (A) in paragraph (1), by adding at the end  
5           the following:

6           “(H) In the case of a separated child with  
7           respect to whom the State plan requires the  
8           State to provide services under section  
9           471(a)(34)—

10           “(i) the location of the parent or legal  
11           guardian described in paragraph (9)(A)  
12           from whom the child has been separated;  
13           and

14           “(ii) a written record of each disclo-  
15           sure to a government agency or person  
16           (other than such a parent, legal guardian,  
17           or relative) of information gathered in the  
18           course of tracking the care, custody, and  
19           placement of, and follow-up services pro-  
20           vided to, the child.”; and

21           (B) by adding at the end the following:

22           “(9) The term ‘separated child’ means an indi-  
23           vidual who—

24           “(A) has a parent or legal guardian who  
25           has been—

1                   “(i) detained by a Federal, State, or  
2                   local law enforcement agency in the en-  
3                   forcement of an immigration law; or

4                   “(ii) removed from the United States  
5                   as a result of a violation of such a law; and

6                   “(B) is in foster care under the responsi-  
7                   bility of a State.”.

8                   (3) EFFECTIVE DATE.—The amendments made  
9                   by this subsection shall take effect on the 1st day  
10                  of the 1st calendar quarter that begins after the 1-  
11                  year period that begins on the date of the enactment  
12                  of this Act.

13                  (d) PRECLUSION OF SOCIAL SECURITY CREDITS FOR  
14                  PERIODS WITHOUT WORK AUTHORIZATION.—

15                  (1) INSURED STATUS.—Section 214 of the So-  
16                  cial Security Act (42 U.S.C. 414) is amended by  
17                  adding at the end the following new subsection:

18                  “(d) INSURED STATUS.—

19                         “(1) IN GENERAL.—Subject to paragraphs (2)  
20                         and (3), for purposes of subsections (a) and (b), no  
21                         quarter of coverage shall be credited for any cal-  
22                         endar year—

23                                 “(A) beginning after December 31, 2003,  
24                                 and before January 1, 2014, with respect to an  
25                                 individual who has been granted registered pro-

1           visional immigrant status pursuant to section  
2           245C of the Immigration and Nationality Act;  
3           or

4                   “(B) beginning after December 31, 2003,  
5           and before January 1, 2014, in which an indi-  
6           vidual earned such quarter of coverage while  
7           present under an expired nonimmigrant visa,  
8           unless the Commissioner of Social Security deter-  
9           mines, on the basis of information provided to the  
10          Commissioner by the individual, that the individual  
11          was authorized to be employed in the United States  
12          during such quarter.

13                   “(2) EXCEPTION.—Paragraph (1) shall not  
14          apply to an individual who was assigned a social se-  
15          curity account number before January 1, 2004.

16                   “(3) ATTESTATION OF WORK AUTHORIZA-  
17          TION.—

18                   “(A) IN GENERAL.—For purposes of para-  
19          graph (1), if an individual is unable to obtain  
20          or produce sufficient evidence or documentation  
21          that the individual was authorized to be em-  
22          ployed in the United States during a quarter,  
23          the individual may submit an attestation to the  
24          Commissioner of Social Security that the indi-  
25          vidual was authorized to be employed in the

1 United States during such quarter and that  
2 sufficient evidence or documentation of such au-  
3 thorization cannot be obtained by the indi-  
4 vidual.

5 “(B) PENALTY.—Any individual who  
6 knowingly submits a false attestation described  
7 in subparagraph (A) shall be subject to the pen-  
8 alties under section 1041 of title 18, United  
9 States Code.”.

10 (2) BENEFIT COMPUTATION.—Section 215(e) of  
11 the Social Security Act (42 U.S.C. 415(e)) is  
12 amended—

13 (A) in paragraph (1), by striking “and” at  
14 the end;

15 (B) in paragraph (2), by striking the pe-  
16 riod at the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(3) in computing the average indexed monthly  
19 earnings of an individual, there shall not be counted  
20 any wages or self-employment income for any year  
21 for which no quarter of coverage may be credited to  
22 such individual as a result of the application of sec-  
23 tion 214(d).”.

24 (3) CONFORMING AMENDMENT.—Section  
25 223(c)(1) of the Social Security Act (42 U.S.C.

1       423(c)(1)) is amended in the flush matter at the end  
2       by inserting “the individual does not satisfy the cri-  
3       terion specified in section 214(d) or” after “part of  
4       any period if”.

5           (4) EFFECTIVE DATE.—The amendments made  
6       by this subsection shall apply to benefit applications  
7       filed on or after the date that is 180 days after the  
8       date of the enactment of this Act based on the  
9       wages or self-employment income of an individual  
10      with respect to whom a primary insurance amount  
11      has not been determined under title II of the Social  
12      Security Act (42 U.S.C. 401 et seq.) before such  
13      date.

14 **SEC. 36. GOVERNMENT CONTRACTING AND ACQUISITION**  
15           **OF REAL PROPERTY INTEREST.**

16       (a) EXEMPTION FROM GOVERNMENT CONTRACTING  
17      AND HIRING RULES.—

18           (1) IN GENERAL.—A determination by a Fed-  
19      eral agency to use a procurement competition ex-  
20      emption under section 253(c) of title 41, United  
21      States Code, or to use the authority granted in para-  
22      graph (2), for the purpose of implementing this title  
23      and the amendments made by this title is not sub-  
24      ject to challenge by protest to the Government Ac-  
25      countability Office under sections 3551 and 3556 of

1 title 31, United States Code, or to the Court of Fed-  
2 eral Claims, under section 1491 of title 28, United  
3 States Code. An agency shall immediately advise the  
4 Congress of the exercise of the authority granted  
5 under this paragraph.

6 (2) GOVERNMENT CONTRACTING EXEMPTION.—  
7 The competition requirement under section 253(a)  
8 of title 41, United States Code, may be waived or  
9 modified by a Federal agency for any procurement  
10 conducted to implement this title or the amendments  
11 made by this title if the senior procurement execu-  
12 tive for the agency conducting the procurement—

13 (A) determines that the waiver or modi-  
14 fication is necessary; and

15 (B) submits an explanation for such deter-  
16 mination to the Committee on Homeland Secu-  
17 rity and Governmental Affairs of the Senate  
18 and the Committee on Homeland Security of  
19 the House of Representatives.

20 (3) HIRING RULES EXEMPTION.—Notwith-  
21 standing any other provision of law, the Secretary is  
22 authorized to make term, temporary limited, and  
23 part-time appointments of employees who will imple-  
24 ment this title and the amendments made by this  
25 title without regard to the number of such employ-

1 ees, their ratio to permanent full-time employees,  
2 and the duration of their employment. Nothing in  
3 chapter 71 of title 5, United States Code, shall af-  
4 fect the authority of any Department management  
5 official to hire term, temporary limited or part-time  
6 employees under this paragraph.

7 (b) **AUTHORITY TO WAIVE ANNUITY LIMITATIONS.**—  
8 Section 824(g)(2)(B) of the Foreign Service Act of 1980  
9 (22 U.S.C. 4064(g)(2)(B)) is amended by striking “2009”  
10 and inserting “2017”.

11 (c) **AUTHORITY TO ACQUIRE LEASEHOLDS.**—Not-  
12 withstanding any other provision of law, the Secretary  
13 may acquire a leasehold interest in real property, and may  
14 provide in a lease entered into under this subsection for  
15 the construction or modification of any facility on the  
16 leased property, if the Secretary determines that the ac-  
17 quisition of such interest, and such construction or modi-  
18 fication, are necessary in order to facilitate the implemen-  
19 tation of this title and the amendments made by this title.

20 **SEC. 37. LONG-TERM LEGAL RESIDENTS OF THE COMMON-**  
21 **WEALTH OF THE NORTHERN MARIANA IS-**  
22 **LANDS.**

23 Section (6)(e) of the Joint Resolution entitled “A  
24 Joint Resolution to approve the ‘Covenant to Establish a  
25 Commonwealth of the Northern Mariana Islands in Polit-

1 ical Union with the United States of America’, and for  
2 other purposes”, approved March 24, 1976 (48 U.S.C.  
3 1806(e)), as added by section 702 of the Consolidated  
4 Natural Resources Act of 2008 (Public Law 110–229; 122  
5 Stat. 854), is amended by adding at the end the following:

6           “(6) SPECIAL PROVISION REGARDING LONG-  
7           TERM RESIDENTS OF THE COMMONWEALTH.—

8           “(A) CNMI-ONLY RESIDENT STATUS.—

9           Notwithstanding paragraph (1), an alien de-  
10           scribed in subparagraph (B) may, upon the ap-  
11           plication of the alien, be admitted as an immi-  
12           grant to the Commonwealth subject to the fol-  
13           lowing rules:

14                   “(i) The alien shall be treated as an  
15                   immigrant lawfully admitted for permanent  
16                   residence in the Commonwealth only, in-  
17                   cluding permitting entry to and exit from  
18                   the Commonwealth, until the earlier of the  
19                   date on which—

20                           “(I) the alien ceases to perma-  
21                           nently reside in the Commonwealth;  
22                           or

23                           “(II) the alien’s status is ad-  
24                           justed under this paragraph or section  
25                           245 of the Immigration and Nation-



1                    ality Act (8 U.S.C. 1255) to that of  
2                    an alien lawfully admitted for perma-  
3                    nent residence in accordance with all  
4                    applicable eligibility requirements.

5                    “(ii) The Secretary of Homeland Se-  
6                    curity shall establish a process for such  
7                    aliens to apply for CNMI-only permanent  
8                    resident status during the 90-day period  
9                    beginning on the first day of the sixth  
10                   month after the date of the enactment of  
11                   this paragraph.

12                   “(iii) Nothing in this subparagraph  
13                   may be construed to provide any alien  
14                   granted status under this subparagraph  
15                   with public assistance to which the alien is  
16                   not otherwise entitled.

17                   “(B) ALIENS DESCRIBED.—An alien is de-  
18                   scribed in this subparagraph if the alien—

19                   “(i) is lawfully present in the Com-  
20                   monwealth under the immigration laws of  
21                   the United States;

22                   “(ii) is otherwise admissible to the  
23                   United States under the Immigration and  
24                   Nationality Act (8 U.S.C. 1101 et seq.);

1           “(iii) resided continuously and law-  
2 fully in the Commonwealth from November  
3 28, 2009, through the date of the enact-  
4 ment of this paragraph;

5           “(iv) is not a citizen of the Republic  
6 of the Marshall Islands, the Federated  
7 States of Micronesia, or the Republic of  
8 Palau; and

9           “(v)(I) was born in the Northern  
10 Mariana Islands between January 1, 1974  
11 and January 9, 1978;

12           “(II) was, on May 8, 2008, and con-  
13 tinues to be as of the date of the enact-  
14 ment of this paragraph, a permanent resi-  
15 dent (as defined in section 4303 of title 3  
16 of the Northern Mariana Islands Common-  
17 wealth Code, in effect on May 8, 2008);

18           “(III) is the spouse or child (as de-  
19 fined in section 101(b)(1) of the Immigra-  
20 tion and Nationality Act (8 U.S.C.  
21 1101(b)(1))), of an alien described in sub-  
22 clauses (I) or (II);

23           “(IV) was, on May 8, 2008, an imme-  
24 diate relative (as defined in section 4303 of  
25 title 3 of the Northern Mariana Islands

1 Commonwealth Code, in effect on May 8,  
2 2008, of a United States citizen, notwith-  
3 standing the age of the United States cit-  
4 izen, and continues to be such an imme-  
5 diate relative on the date of the application  
6 described in subparagraph (A);

7 “(V) resided in the Northern Mariana  
8 Islands as a guest worker under Common-  
9 wealth immigration law for at least 5 years  
10 before May 8, 2008 and is presently resi-  
11 dent under CW–1 status; or

12 “(VI) is the spouse or child (as de-  
13 fined in section 101(b)(1) of the Immigra-  
14 tion and Nationality Act (8 U.S.C.  
15 1101(b)(1))), of the alien guest worker de-  
16 scribed in subclause (V) and is presently  
17 resident under CW–2 status.

18 “(C) ADJUSTMENT FOR LONG TERM AND  
19 PERMANENT RESIDENTS.—Beginning on the  
20 date that is 5 years after the date of the enact-  
21 ment of the DREAM Act 2015, an alien de-  
22 scribed in subparagraph (B) may apply to re-  
23 ceive an immigrant visa or to adjust his or her  
24 status to that of an alien lawfully admitted for  
25 permanent residence.”.

1 **SEC. 38. RULEMAKING.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of the enactment of this Act, the Secretary, the Attor-  
4 ney General, and the Secretary of State separately shall  
5 issue interim final regulations to implement this title and  
6 the amendments made by this title, which shall take effect  
7 immediately upon publication in the Federal Register.

8 (b) APPLICATION PROCEDURES; PROCESSING FEES;  
9 DOCUMENTATION.—The interim final regulations issued  
10 under subsection (a) shall include—

11 (1) the procedures by which an alien, and the  
12 dependent spouse and children of such alien may  
13 apply for status under section 245B of the Immigra-  
14 tion and Nationality Act, as added by section 31 of  
15 this Act, as a registered provisional immigrant or a  
16 registered provisional immigrant dependent, as ap-  
17 plicable, including the evidence required to dem-  
18 onstrate eligibility for such status or to be included  
19 in each application for such status;

20 (2) the criteria to be used by the Secretary to  
21 determine—

22 (A) the maximum processing fee payable  
23 under section 245C of such Act by a family, in-  
24 cluding spouses and unmarried children young-  
25 er than 21 years of age; and

1 (B) which individuals will be exempt from  
2 such fees;

3 (3) the documentation required to be submitted  
4 by the applicant to demonstrate compliance with sec-  
5 tion 245C of such Act; and

6 (4) the procedures for a registered provisional  
7 immigrant to apply for adjustment of status under  
8 section 245B of such Act, including the evidence re-  
9 quired to be submitted with such application to dem-  
10 onstrate the applicant's eligibility for such adjust-  
11 ment.

12 (c) EXEMPTION FROM NATIONAL ENVIRONMENTAL  
13 POLICY ACT.—Any decision by the Secretary concerning  
14 any rulemaking action, plan, or program described in this  
15 section shall not be considered to be a major Federal ac-  
16 tion subject to review under the National Environmental  
17 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

18 **SEC. 39. STATUTORY CONSTRUCTION.**

19 Except as specifically provided, nothing in this title,  
20 or any amendment made by this title, may be construed  
21 to create any substantive or procedural right or benefit  
22 that is legally enforceable by any party against the United  
23 States or its agencies or officers or any other person.

