

110TH CONGRESS
1ST SESSION

S. 1225

To establish a process for aliens who meet certain conditions to be granted permanent resident status.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2007

Mr. HAGEL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a process for aliens who meet certain conditions to be granted permanent resident status.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Immigrant Account-
5 ability Act of 2007”.

6 **SEC. 2. APPLICATION FOR CHANGE IN STATUS.**

7 (a) IN GENERAL.—Chapter 5 of title II of the Immi-
8 gration and Nationality Act (8 U.S.C. 1255 et seq.) is
9 amended by inserting after section 245A the following:

1 **“SEC. 245B. ADJUSTMENT OF STATUS OF CERTAIN EN-**
2 **TRANTS BEFORE JANUARY 7, 2004, TO THAT**
3 **OF PERSONS ADMITTED FOR LAWFUL RESI-**
4 **DENCE.**

5 “(a) **CONDITIONAL RESIDENT ORANGE CARD.—**

6 “(1) **ISSUANCE.—**Not later than 30 days after
7 the date on which an alien submits, in person at any
8 location designated by the Secretary of Homeland
9 Security, a facially valid application for adjustment
10 of status under this section, the Secretary shall issue
11 the alien a conditional resident orange card (referred
12 to in this section as the ‘orange card’) if the alien
13 has passed a background and criminal records check
14 conducted by the Secretary under paragraph (3) and
15 is not otherwise ineligible for conditional resident
16 status under this section. If the background and
17 criminal records check is completed after the 30-day
18 period described in this paragraph, the orange card
19 shall be issued to the alien immediately after the
20 alien passes such check.

21 “(2) **APPLICATION FORM.—**

22 “(A) **IN GENERAL.—**Not later than 90
23 days after the date of the enactment of this sec-
24 tion, the Secretary of Homeland Security shall
25 make available, on the Internet and at each
26 post office in the United States—

1 “(i) an application for adjustment of
2 status that meets the requirements de-
3 scribed in subparagraphs (B) and (C); and

4 “(ii) a description of the point system
5 developed pursuant to subsection (c)(2).

6 “(B) CONTENTS.—The application form
7 described in subparagraph (A) shall contain
8 spaces for the alien to record—

9 “(i) the full name of the alien, includ-
10 ing maiden name and any aliases used;

11 “(ii) the date of birth of the alien;

12 “(iii) the country of origin or nation-
13 ality of the alien;

14 “(iv) the date on which the alien last
15 entered the United States and the means
16 of such entry;

17 “(v) a preexisting alien number, if ap-
18 plicable;

19 “(vi) any social security number or
20 tax identification number used by the
21 alien;

22 “(vii) the current physical address of
23 the alien and the mailing address of the
24 alien, if different;

1 “(viii) the current telephone number
2 and e-mail address of the alien, if applica-
3 ble;

4 “(ix) the information described in
5 clauses (i) through (viii) for the spouse or
6 children of the alien who are applying for
7 a adjustment of status under this section;

8 “(x) a sworn statement that the
9 alien—

10 “(I) is unlawfully present in the
11 United States;

12 “(II) intends to apply for adjust-
13 ment of status under this section; and

14 “(III) is eligible for conditional
15 resident status; and

16 “(xi) any other information that the
17 Secretary requires the alien to submit.

18 “(C) PENALTIES.—The application form
19 described in subparagraph (A) shall—

20 “(i) include the last date on which an
21 application for adjustment of status may
22 be submitted;

23 “(ii) clearly identify, in English and
24 Spanish, the penalties for submitting false

1 information in an application under this
2 subsection; and

3 “(iii) require each applicant to sign
4 the application, under penalty of perjury
5 and inadmissibility, to attest to its accu-
6 racy.

7 “(3) SECURITY AND LAW ENFORCEMENT BACK-
8 GROUND CHECKS.—

9 “(A) PRINCIPAL ALIEN.—An alien may not
10 be issued an orange card unless the alien sub-
11 mits biometric data, including a photograph
12 and fingerprints, in accordance with procedures
13 established by the Secretary of Homeland Secu-
14 rity. Not later than 90 days after the date on
15 which fingerprints are obtained from an alien
16 under this subparagraph, the Secretary shall
17 compare the alien’s name and fingerprints
18 against appropriate Federal databases for infor-
19 mation relating to criminal, national security,
20 or other law enforcement actions to determine
21 if the alien is eligible for an orange card.

22 “(B) FAMILY MEMBERS.—The spouse and
23 any children of an alien described in subpara-
24 graph (A) who are not younger than 13 years
25 of age and are not lawfully present in the

1 United States shall also submit biometric data,
2 including a photograph and fingerprints, in ac-
3 cordance with procedures established by the
4 Secretary of Homeland Security. Not later than
5 90 days after the date on which fingerprints are
6 obtained from a spouse or child under this sub-
7 paragraph, the Secretary shall compare the
8 alien's name and fingerprints against appro-
9 priate Federal databases for information relat-
10 ing to criminal, national security, or other law
11 enforcement actions to determine if the spouse
12 or child is eligible for an orange card.

13 “(4) FEATURES.—Each orange card shall—

14 “(A) contain the alien's full name and
15 physical address;

16 “(B) include fraud-resistant features and
17 biometric identifiers, as determined by the Sec-
18 retary;

19 “(C) meet all current requirements estab-
20 lished by the Secretary of Homeland Security
21 for travel documents, including the require-
22 ments under section 403 of the Illegal Immigra-
23 tion Reform and Immigrant Responsibility Act
24 of 1996 (8 U.S.C. 1324a note);

1 “(D) include, in bold letters, the following:

2 ‘This card is evidence of conditional resident
3 status and work authorization.’; and

4 “(E) clearly indicate the date on which the
5 card is scheduled to expire.

6 “(5) EXPIRATION.—

7 “(A) IN GENERAL.—An orange card issued
8 to an alien shall expire on the earlier of—

9 “(i) 8½ years after the date on which
10 the card is issued to the alien;

11 “(ii) the date on which the Secretary
12 of Homeland Security determines that the
13 alien is inadmissible, ineligible for such
14 status, or cannot possibly earn sufficient
15 points under subsection (c)(2) to be grant-
16 ed a adjustment of status under subsection
17 (c);

18 “(iii) the date on which the Secretary
19 revokes the alien’s conditional resident sta-
20 tus under subparagraph (C); or

21 “(iv) the date on which the Secretary
22 adjusts the alien’s status to that of an
23 alien lawfully admitted for permanent resi-
24 dence.

1 “(B) WAIVER.—The expiration date de-
2 scribed in subparagraph (A)(i) may be extended
3 by the Secretary for an alien whose application
4 for adjustment of status has not been processed
5 due to a backlog of applications.

6 “(C) REVOCATION.—

7 “(i) IN GENERAL.—Except as pro-
8 vided under clause (ii), the Secretary may
9 revoke the conditional resident status of an
10 alien who fails to maintain employment for
11 more than 90 consecutive days.

12 “(ii) EXCEPTIONS.—Clause (i) shall
13 not apply to an alien during any period in
14 which the alien—

15 “(I) is enrolled as a full time stu-
16 dent;

17 “(II) cannot demonstrate employ-
18 ment based on a physical or mental
19 disability or as a result of pregnancy;
20 or

21 “(III) is older than 65 years of
22 age.

23 “(6) BENEFITS OF CONDITIONAL RESIDENT
24 STATUS.—An alien who is granted conditional resi-
25 dent status and is issued an orange card—

1 “(A) shall be granted employment author-
2 zation pending final adjudication of the alien’s
3 application for adjustment of status;

4 “(B) shall be granted permission to travel
5 abroad pursuant to regulation pending final ad-
6 judication of the alien’s application for adjust-
7 ment of status;

8 “(C) shall not be detained, determined in-
9 admissible or deportable, or removed pending
10 final adjudication of the alien’s application for
11 adjustment of status, unless the Secretary de-
12 termines that the alien is inadmissible or ineli-
13 gible for such adjustment of status under sub-
14 section (c); and

15 “(D) shall not be considered an unauthor-
16 ized alien as defined in section 274A(i) until
17 such time as employment authorization under
18 paragraph (1) is denied.

19 “(7) STAY OF REMOVAL.—On or before the
20 date described in subsection (b)(3)(A), a court may
21 grant a stay of removal for an alien who can dem-
22 onstrate prima facie eligibility for conditional resi-
23 dent status under this subsection.

24 “(8) ENUMERATION OF SOCIAL SECURITY NUM-
25 BER.—The Secretary of Homeland Security, in co-

1 ordination with the Commissioner of Social Security,
2 shall implement a system to allow for the enumera-
3 tion of a Social Security number and production of
4 a Social Security card at the time the Secretary
5 issues an orange card to an alien under this sub-
6 section.

7 “(b) APPLICATION PROCESS.—

8 “(1) COMMENCEMENT.—The Secretary of
9 Homeland Security shall begin accepting applica-
10 tions for adjustment of status under this section not
11 later than 30 days after the date on which the appli-
12 cation form described in subsection (a)(2) is first
13 made publicly available. The Secretary shall ensure
14 that the application process is secure and incor-
15 porates antifraud protection.

16 “(2) IN PERSON.—Each alien applying for ad-
17 justment of status under this section shall submit,
18 in person at any of the locations designated by the
19 Secretary, 2 copies of a completed application for
20 adjustment of status. In addition to the information
21 described in subsection (a)(2), the application shall
22 include a current photograph of the alien and a full
23 set of fingerprints, which shall be collected at the
24 time the application is submitted. The official shall
25 imprint each copy with the name of the application

1 service center and the date on which the application
2 was submitted and return 1 copy of the application
3 to the applicant.

4 “(3) APPLICATION DEADLINE.—

5 “(A) IN GENERAL.—An alien is ineligible
6 for adjustment of status unless the alien sub-
7 mits an application for adjustment of status not
8 later than 180 days after the date on which the
9 application form is first made publicly available.
10 The provisions of paragraph (5) and (6) of sub-
11 section (c) shall apply to applications filed
12 under this section.

13 “(B) UPDATE.—An alien may update an
14 application submitted before the deadline de-
15 scribed in subparagraph (A) by submitting evi-
16 dence that the alien has earned sufficient points
17 to qualify for adjustment of status under this
18 section or updating any other information de-
19 scribed in subsection (a)(2)(B). Such update
20 shall be submitted not later than 8 years after
21 the date on which the initial application was
22 submitted.

23 “(c) ADJUSTMENT OF STATUS.—

24 “(1) ADJUSTMENT OF STATUS.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, the Secretary of Home-
3 land Security shall adjust the status of an alien
4 who has a valid orange card to that of an alien
5 lawful admitted for permanent residence if the
6 alien satisfies the requirements under this para-
7 graph and earns at least 65 percent of the base
8 points available under paragraph (2).

9 “(B) CONTINUOUS PHYSICAL PRESENCE.—

10 “(i) IN GENERAL.—The alien shall es-
11 tablish that the alien—

12 “(I) was physically present in the
13 United States on or before January 7,
14 2004;

15 “(II) was not legally present in
16 the United States on January 7,
17 2004, under any classification set
18 forth in section 101(a)(15); and

19 “(III) did not depart from the
20 United States since January 7, 2004,
21 for more than brief periods.

22 “(ii) LEGALLY PRESENT.—For pur-
23 poses of this subparagraph, an alien who
24 has violated any conditions of the alien’s

1 visa shall be considered not to be legally
2 present in the United States.

3 “(C) EVIDENCE OF PHYSICAL PRESENCE
4 AND WORK.—

5 “(i) CONCLUSIVE DOCUMENTS.—An
6 alien may satisfy the physical presence re-
7 quirements under subparagraph (B), and
8 earn base points for work and physical
9 presence under paragraph (2)(B), by sub-
10 mitting at least 2 of the following docu-
11 ments for each period of physical presence
12 or work, which shall be considered conclu-
13 sive evidence of physical presence or work
14 in the United States:

15 “(I) Records maintained by the
16 Social Security Administration.

17 “(II) Records maintained by an
18 employer, such as pay stubs, time
19 sheets, or employment work
20 verification.

21 “(III) Records maintained by the
22 Internal Revenue Service.

23 “(IV) Records maintained by a
24 union or day labor center.

1 “(V) Records maintained by any
2 other government agency, such as
3 worker compensation records, dis-
4 ability records, or business licensing
5 records.

6 “(VI) Any other document that
7 the Secretary determines to be reliable
8 to establish physical presence.

9 “(ii) OTHER DOCUMENTS.—An alien
10 who is unable to submit a document de-
11 scribed in clause (i) may satisfy the phys-
12 ical presence requirements under subpara-
13 graph (B), and earn base points for work
14 and physical presence under paragraph
15 (2)(B), by submitting to the Secretary at
16 least 3 other types of reliable documents
17 that provide evidence of physical presence
18 for each required period, including—

19 “(I) bank records;

20 “(II) business records;

21 “(III) rent payment records;

22 “(IV) school records; or

23 “(V) remittance records.

24 “(iii) BURDEN OF PROOF.—

1 “(I) ALIEN.—An alien applying
2 for adjustment of status under this
3 subsection has the burden to prove, by
4 a preponderance of the evidence, that
5 the alien has satisfied the physical
6 presence requirement under subpara-
7 graph (B).

8 “(II) SECRETARY.—If the alien
9 meets the burden of proof described in
10 subclause (I), the Secretary of Home-
11 land Security has the burden to dis-
12 prove the alien’s evidence with a
13 showing that negates the reasonable-
14 ness of the inference to be drawn
15 from the evidence.

16 “(D) ADMISSIBLE UNDER IMMIGRATION
17 LAWS.—The alien shall establish that the alien
18 is not inadmissible under section 212(a), except
19 for any provision of that section that is waived
20 under paragraph (4).

21 “(E) FEES; FINES.—An alien who files an
22 application for adjustment of status shall pay—

23 “(i) a fee commensurate with levels
24 charged by the Secretary of Homeland Se-

1 curity for other applications for adjustment
2 of status; and

3 “(ii) a fine of \$2,000, if the alien is
4 not less than 18 years of age.

5 “(F) PAYMENT OF INCOME TAXES.—

6 “(i) IN GENERAL.—Before the status
7 of an alien is adjusted under this section
8 to that of an alien lawful admitted for per-
9 manent residence, the alien shall establish
10 the payment of any applicable Federal or
11 State income tax liability by establishing
12 that—

13 “(I) no such income tax liability
14 exists; or

15 “(II) all outstanding income tax
16 liabilities have been paid.

17 “(ii) IRS COOPERATION.—The Sec-
18 retary of the Treasury shall establish rules
19 and procedures under which the Commis-
20 sioner of Internal Revenue shall provide
21 documentation to an alien upon request to
22 establish the payment of income taxes
23 under this subparagraph.

24 “(iii) LIMITATION.—An alien who is
25 required to establish the payment of in-

1 come taxes under this subparagraph, or
2 who otherwise satisfies the requirements
3 under clause (i), may not—

4 “(I) collect any income tax re-
5 fund for any taxable year before
6 2006; or

7 “(II) file any claim for the
8 Earned Income Tax Credit or any
9 other tax credit otherwise allowable
10 under the tax code before any taxable
11 year before 2006.

12 “(iv) APPLICABLE FEDERAL OR
13 STATE INCOME TAX LIABILITY.—In this
14 subparagraph, the term ‘applicable Federal
15 or State income tax liability’ means liabil-
16 ity for Federal or State income taxes, in-
17 cluding penalties and interest, owed by the
18 alien.

19 “(v) SAVINGS PROVISION.—Nothing in
20 this subparagraph shall affect any income
21 tax liability or other financial obligation of
22 the alien under Federal or State law.

23 “(G) BASIC CITIZENSHIP SKILLS.—

24 “(i) IN GENERAL.—Except as pro-
25 vided under clause (ii), the alien shall dem-

1 onstrate compliance with the requirements
2 under section 312(a) before the alien’s sta-
3 tus is adjusted under this subsection.

4 “(ii) EXCEPTIONS.—

5 “(I) MANDATORY.—Clause (i)
6 shall not apply to any person who is
7 unable to comply with those require-
8 ments because of a physical or devel-
9 opmental disability or mental impair-
10 ment.

11 “(II) DISCRETIONARY.—The Sec-
12 retary of Homeland Security may
13 waive any requirement referred to in
14 clause (i).

15 “(H) MEDICAL EXAMINATION.—The alien
16 may be required, at the alien’s expense, to un-
17 dergo an appropriate medical examination, in-
18 cluding a determination of immunization status,
19 that conforms to generally accepted professional
20 standards of medical practice.

21 “(I) MILITARY SELECTIVE SERVICE.—If
22 the alien is required to register under section 3
23 of the Military Selective Service Act (50 U.S.C.
24 App. 453), the alien shall establish that he has
25 registered under such section.

1 “(J) ADJUSTMENT OF STATUS.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in clause (ii), the Secretary of Home-
4 land Security may not adjust the status of
5 an alien under this section to that of an
6 alien lawfully admitted for permanent resi-
7 dence until the later of—

8 “(I) the date on which the Sec-
9 retary determines that the priority
10 dates have become current for the
11 class of aliens whose family-based or
12 employment-based petitions for per-
13 manent residence were pending on the
14 date of the enactment of this Act; or

15 “(II) 8 years after the date on
16 which the application for adjustment
17 of status becomes available under sub-
18 section (a)(2).

19 “(ii) AUTHORIZATION.—The Sec-
20 retary may, on a case-by-case basis, adjust
21 the status of an alien under this section to
22 that of an alien lawfully admitted for per-
23 manent residence before the date described
24 in clause (i).

1 “(iii) NOTIFICATION OF PROVISIONAL
2 APPROVAL.—The Secretary shall notify
3 each alien who is determined to be eligible
4 for adjustment of status under this section,
5 that the alien has been provisionally ap-
6 proved for adjustment of status to that of
7 a person admitted for permanent residence
8 as of the date described in clause (i).

9 “(K) FINAL ADJUDICATION.—The Sec-
10 retary of Homeland Security shall ensure that
11 all applications for adjustment of status are ad-
12 judicated not later than 9 years after the date
13 on which the application form is first made
14 available under subsection (a)(2).

15 “(2) POINT SYSTEM.—

16 “(A) IN GENERAL.—Not later than 90
17 days after the date of the enactment of this sec-
18 tion, the Secretary of Homeland Security shall
19 establish, by regulation, a point system through
20 which an alien to whom an orange card has
21 been issued may become eligible for a adjust-
22 ment of status under this subsection if, in addi-
23 tion to complying with the requirements under
24 subsection (a), the alien earns points equal to
25 at least 65 percent of the base points available

1 under subparagraph (B), which may include
2 points accumulated under subparagraph (C),
3 before the end of the 8-year period beginning
4 on the date on which the application for adjust-
5 ment of status becomes available under sub-
6 section (a)(2).

7 “(B) BASE POINTS.—

8 “(i) WORK IN THE UNITED STATES.—

9 Not more than 5 percent of the base points
10 available under this subparagraph shall be
11 available to an alien for each year in which
12 the alien worked in the United States, as
13 determined by the Secretary, up to a cu-
14 mulative total of not more than 30 percent
15 of the base points. Not less than 15 per-
16 cent of the base points available under this
17 subparagraph shall be available under this
18 clause.

19 “(ii) PRESENCE IN THE UNITED
20 STATES.—Not more than 5 percent of the
21 base points shall be available to an alien
22 for each year in which the alien was
23 present in the United States, as deter-
24 mined by the Secretary, up to a cumulative
25 total of not more than 20 percent of the

1 base points. Not less than 10 percent of
2 the base points available under this sub-
3 paragraph shall be available under this
4 clause.

5 “(iii) CIVIC ENGAGEMENT.—Not less
6 than 5 percent and not more than 20 per-
7 cent of the base points shall be available to
8 an alien for the following group of activi-
9 ties:

10 “(I) The alien has paid all Fed-
11 eral and State income taxes owed dur-
12 ing employment in the United States
13 on or before such taxes were due.

14 “(II) The alien has not been con-
15 victed of violating any Federal or
16 State law during the alien’s presence
17 in the United States (except for illegal
18 entry and remaining in the United
19 States beyond authorized period).

20 “(III) The alien has provided re-
21 liable documentation of community
22 service in the United States.

23 “(iv) EDUCATION.—Not less than 15
24 percent and not more than 30 percent of

1 the base points shall be available to an
2 alien for the following group of activities:

3 “(I) The alien has completed pri-
4 mary school.

5 “(II) The alien has earned a cer-
6 tificate of graduation from a school
7 providing secondary education, or the
8 recognized equivalent of such a certifi-
9 cate.

10 “(III) The alien possesses a li-
11 cense in a skilled trade.

12 “(v) FAMILY RELATIONS TO NATION-
13 ALS OF THE UNITED STATES.—Not less
14 than 10 percent and not more than 20 per-
15 cent of the base points shall be available to
16 an alien under the following circumstances:

17 “(I) The alien was the parent of
18 a United States citizen on January 1,
19 2007.

20 “(II) The alien has been married
21 to a citizen or legal permanent resi-
22 dent of the United States since Janu-
23 ary 1, 2007.

24 “(vi) LANGUAGE ABILITY.—Not less
25 than 5 percent and not more than 15 per-

1 cent of the base points shall be available to
2 an alien based on English proficiency, as
3 determined by the Secretary.

4 “(C) EXTRA POINTS FOR ADDITIONAL
5 CONTRIBUTIONS TO SOCIETY.—In addition to
6 the points available under subparagraph (B), an
7 alien may earn points under this subparagraph
8 equal to not more than—

9 “(i) a cumulative total of 15 percent
10 of the base points available under subpara-
11 graph (B) if the alien has successfully
12 completed an associates, bachelors, mas-
13 ters, or doctorate degree from an accred-
14 ited college or university;

15 “(ii) 20 percent of such base points if
16 the alien is eligible for honorable release,
17 or has been honorably released, from serv-
18 ice in the Armed Forces of the United
19 States;

20 “(iii) 10 percent of such base points if
21 the alien owned a business that employed
22 at least 2 nonrelatives in the United States
23 for at least 18 months;

1 “(iv) 5 percent of such base points if
2 the alien owns a residence in the United
3 States; and

4 “(v) 20 percent of such base points
5 for other circumstances determined by the
6 Secretary.

7 “(D) RULEMAKING.—The Secretary of
8 Homeland Security shall promulgate regulations
9 to establish the number of points available for
10 each of the criteria described in this paragraph.

11 “(3) SPOUSES AND CHILDREN.—

12 “(A) ADJUSTMENT OF STATUS.—

13 “(i) IN GENERAL.—Except as other-
14 wise provided under this section, the Sec-
15 retary of Homeland Security shall adjust
16 the status of the spouse, or child who was
17 younger than 21 years of age on the date
18 of enactment of this Act, of an alien whose
19 status is adjusted under paragraph (1) to
20 that of a lawful permanent resident.

21 “(ii) VICTIMS OF DOMESTIC VIO-
22 LENCE.—The Secretary shall adjust the
23 status of an alien who, before January 7,
24 2004, was the spouse or child of an alien

1 who is eligible for adjustment of status
2 under paragraph (1), if—

3 “(I) the termination of the quali-
4 fying relationship was connected to
5 domestic violence; or

6 “(II) the spouse or child has
7 been battered or subjected to extreme
8 cruelty by the spouse or parent de-
9 scribed in this subparagraph.

10 “(iii) APPLICATION OF OTHER LAW.—
11 In acting on applications filed under this
12 subparagraph with respect to aliens who
13 have been battered or subjected to extreme
14 cruelty, the Secretary shall apply—

15 “(I) the provisions of section
16 204(a)(1)(J); and

17 “(II) the protections, prohibi-
18 tions, and penalties under section 384
19 of the Illegal Immigration Reform and
20 Immigrant Responsibility Act of 1996
21 (8 U.S.C. 1367).

22 “(B) GROUNDS OF INADMISSIBILITY NOT
23 APPLICABLE.—In establishing admissibility to
24 the United States, the spouse or child described
25 in subparagraph (A) shall establish that he or

1 she is not inadmissible under section 212(a),
2 except for any provision of that section that is
3 waived under paragraph (4).

4 “(4) GROUNDS OF INADMISSIBILITY.—

5 “(A) APPLICABLE PROVISIONS.—In deter-
6 mining an alien’s admissibility under para-
7 graphs (1)(D) and (3)(B), the Secretary of
8 Homeland Security may not waive, under sub-
9 paragraph (C)(i)—

10 “(i) paragraph (1) (relating to
11 health);

12 “(ii) paragraph (2) (relating to crimi-
13 nals);

14 “(iii) paragraph (3) (relating to secu-
15 rity and related grounds); or

16 “(iv) subparagraphs (A) and (C) of
17 paragraph (10) (relating to polygamists
18 and child abductors).

19 “(B) GROUNDS OF INADMISSIBILITY NOT
20 APPLICABLE.—Paragraphs (5), (6) (except sub-
21 paragraphs (D) and (E)), (7), (9) (other than
22 subparagraph (C)(i)(II)), and (10)(B) of sec-
23 tion 212(a) shall not apply to an alien who is
24 applying for an adjustment of status under this
25 subsection.

1 “(C) WAIVER OF OTHER GROUNDS.—

2 “(i) IN GENERAL.—Except as pro-
3 vided under subparagraph (A), the Sec-
4 retary of Homeland Security may waive,
5 for individual aliens, the application of any
6 provision of section 212(a) for humani-
7 tarian purposes, to ensure family unity, or
8 if such waiver is otherwise in the public in-
9 terest.

10 “(ii) CONSTRUCTION.—Nothing in
11 this subparagraph may be construed to af-
12 fect the authority of the Secretary, other
13 than under this subparagraph, to waive the
14 provisions of section 212(a).

15 “(D) SPECIAL RULE FOR DETERMINATION
16 OF PUBLIC CHARGE.—An alien is not ineligible
17 for adjustment of status under this subsection
18 by reason of a ground of inadmissibility under
19 section 212(a)(4) if the alien establishes a his-
20 tory of employment in the United States evi-
21 dencing self-support without public cash assist-
22 ance.

23 “(E) SPECIAL RULE FOR INDIVIDUALS
24 WHERE THERE IS NO COMMERCIAL PURPOSE.—
25 An alien is not ineligible for adjustment of sta-

1 tus under this subsection by reason of a ground
2 of inadmissibility under section 212(a)(6)(E) if
3 the alien establishes that the action referred to
4 in that section was taken for humanitarian pur-
5 poses, to ensure family unity, or was otherwise
6 in the public interest.

7 “(F) APPLICABILITY OF OTHER PROVI-
8 SIONS.—Sections 240B(d) and 241(a)(5) shall
9 not apply with respect to an alien who is apply-
10 ing for adjustment of status under this sub-
11 section.

12 “(G) INELIGIBILITY.—An alien is ineligible
13 for an adjustment of status under this section
14 if the alien has been convicted of a felony or
15 more than 1 misdemeanor.

16 “(5) CONFIDENTIALITY OF INFORMATION.—

17 “(A) IN GENERAL.—Except as otherwise
18 provided under this subsection, Federal agen-
19 cies and officers and employees of such agencies
20 may not—

21 “(i) use the information furnished by
22 the applicant pursuant to an application
23 filed under this section for any purpose
24 other than to make a determination on the
25 application;

1 “(ii) make any publication through
2 which the information furnished by any
3 particular applicant can be identified; or

4 “(iii) permit anyone other than the
5 sworn officers and employees of such agen-
6 cy, bureau, or approved entity, as approved
7 by the Secretary of Homeland Security, to
8 examine individual applications that have
9 been filed.

10 “(B) REQUIRED DISCLOSURES.—The Sec-
11 retary of Homeland Security and the Secretary
12 of State shall provide the information furnished
13 pursuant to an application filed under this sec-
14 tion, and any other information derived from
15 such furnished information, to a duly recog-
16 nized law enforcement entity in connection with
17 a criminal investigation or prosecution or a na-
18 tional security investigation or prosecution, in
19 each instance about an individual suspect or
20 group of suspects, when such information is re-
21 quested in writing by such entity.

22 “(C) CRIMINAL PENALTY.—Any person
23 who knowingly uses, publishes, or permits infor-
24 mation to be examined in violation of this para-
25 graph shall be fined not more than \$10,000.

1 “(6) PENALTIES FOR FALSE STATEMENTS IN
2 APPLICATIONS.—

3 “(A) CRIMINAL PENALTY.—

4 “(i) VIOLATION.—It shall be unlawful
5 for any person to—

6 “(I) file or assist in filing an ap-
7 plication for adjustment of status
8 under this section and knowingly and
9 willfully falsify, conceal, or cover up a
10 material fact or make any false, ficti-
11 tious, or fraudulent statements or rep-
12 resentations, or make or use any false
13 writing or document knowing the
14 same to contain any false, fictitious,
15 or fraudulent statement or entry; or

16 “(II) create or supply a false
17 writing or document for use in mak-
18 ing such an application.

19 “(ii) PENALTY.—Any person who vio-
20 lates clause (i) shall be fined in accordance
21 with title 18, United States Code, impris-
22 oned not more than 5 years, or both.

23 “(B) INADMISSIBILITY.—An alien who is
24 convicted of a crime under subparagraph (A) is
25 inadmissible to the United States.

1 “(C) EXCEPTION.—Notwithstanding sub-
2 paragraphs (A) and (B), any alien or other en-
3 tity (including an employer or union) that sub-
4 mits an employment record that contains incor-
5 rect data that the alien used in order to obtain
6 such employment, shall not have violated this
7 subsection.

8 “(7) NONAPPLICABILITY OF NUMERICAL LIM-
9 TATIONS.—The number of immigrant visas author-
10 ized to be issued under any this Act shall not be re-
11 duced as a result of the adjustment of status of an
12 alien under this subsection.

13 “(8) TERMINATION OF PROCEEDINGS.—An
14 alien in removal proceedings who establishes prima
15 facie eligibility for adjustment of status under this
16 subsection shall be entitled to termination of the
17 proceedings pending the outcome of the alien’s appli-
18 cation, unless the Secretary determines that the
19 alien is inadmissible or ineligible for such adjust-
20 ment of status under subsection (d).

21 “(9) INELIGIBILITY FOR PUBLIC BENEFITS.—
22 For purposes of section 403 of the Personal Respon-
23 sibility and Work Opportunity Reconciliation Act of
24 1996 (8 U.S.C. 1613), an alien whose status has
25 been adjusted under this subsection shall not be eli-

1 gible for any Federal means-tested public benefit un-
2 less the alien meets the alien eligibility criteria for
3 such benefit under title IV of such Act (8 U.S.C.
4 1601 et seq.).

5 “(10) RELATIONSHIPS OF APPLICATION TO
6 CERTAIN ORDERS.—The Secretary of Homeland Se-
7 curity may stay the deportation of an alien who is
8 present in the United States and has been ordered
9 excluded, deported, removed, or to depart voluntarily
10 from the United States or is subject to reinstatement
11 of removal under any provision of this Act if
12 the alien demonstrates prima facie eligibility for ad-
13 justment of status under this subsection. If the Sec-
14 retary grants the application, the order shall be can-
15 celed. If the Secretary of Homeland Security renders
16 a final administrative decision to deny the applica-
17 tion, such order shall be effective and enforceable.

18 “(11) APPLICATION OF OTHER PROVISIONS.—
19 Nothing in this subsection shall preclude an alien
20 who may be eligible for adjustment of status under
21 this subsection from seeking such status under any
22 other provision of law for which the alien may be eli-
23 gible.

24 “(12) DISSEMINATION OF INFORMATION ON AD-
25 JUSTMENT PROGRAM.—During the 1-year period fol-

1 lowing the issuance of final regulations under sub-
2 section (d), the Secretary of Homeland Security, in
3 cooperation with entities approved by the Secretary,
4 shall broadly disseminate information respecting ad-
5 justment of status and the requirements for obtain-
6 ing such status—

7 “(A) through television, radio, and print
8 media sources to which such aliens would have
9 access in the languages most commonly spoken
10 in the 15 countries from which the most aliens
11 arrived who would qualify for adjustment of
12 status under this subsection;

13 “(B) to employers and labor unions to ad-
14 vise them of the rights and protections available
15 to them; and

16 “(C) to workers who file applications under
17 this section.

18 “(13) AUTHORIZATION OF APPROPRIATIONS;
19 USE OF AMOUNTS COLLECTED.—

20 “(A) AUTHORIZATION OF APPROPRIA-
21 TIONS.—There are authorized to be appro-
22 priated to the Secretary of Homeland Security
23 such sums as may be necessary to commence
24 the processing of applications filed under this
25 section.

1 “(B) USE OF AMOUNTS COLLECTED.—The
2 Secretary shall deposit fees and fines received
3 under paragraph (1)(E) in the Immigration Ex-
4 aminations Fee Account established under sec-
5 tion 286 to be used, without fiscal year limita-
6 tion, for—

7 “(i) implementing and processing ap-
8 plications under this section, including ex-
9 pedited processing of criminal and national
10 security background checks;

11 “(ii) administrative and other ex-
12 penses incurred in connection with the re-
13 view of applications filed by immediate rel-
14 atives of aliens applying for adjustment of
15 status under this section; and

16 “(iii) border security purposes.

17 “(d) RULEMAKING.—Not later than 180 days after
18 the date of the enactment of the Immigrant Accountability
19 Act of 2007, the Secretary of Homeland Security shall
20 promulgate regulations to carry out this section.

21 “(e) STATUTORY CONSTRUCTION.—Nothing in this
22 section shall be construed to create any substantive or pro-
23 cedural right or benefit that is legally enforceable by any
24 party against the United States or its agencies or officers
25 or any other person.

1 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated such amounts as may
 3 be necessary for facilities, personnel (including consular
 4 officers), training, technology, and processing necessary to
 5 carry out this section.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
 7 of the Immigration and Nationality Act is amended by in-
 8 serting after the item relating to section 245B the fol-
 9 lowing:

“Sec. 245B. Adjustment of status of certain entrants before January 7, 2004,
 to that of persons admitted for lawful residence.”.

10 **SEC. 3. CORRECTION OF SOCIAL SECURITY RECORDS.**

11 Section 208(e)(1) of the Social Security Act (42
 12 U.S.C. 408(e)(1)) is amended—

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

15 (2) in subparagraph (C), by inserting “or” at
 16 the end;

17 (3) by inserting after subparagraph (C) the fol-
 18 lowing:

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

22 (4) by striking “1990.” and inserting “1990, or
 23 in the case of an alien described in subparagraph
 24 (D), if such conduct is alleged to have occurred prior

1 to the date on which the alien became lawfully ad-
2 mitted for temporary residence.”.

3 **SEC. 4. ELIGIBILITY FOR MILITARY ENLISTMENT.**

4 (a) ARMY.—Section 3253 of title 10, United States
5 Code, is amended—

6 (1) by striking “he is a citizen of the United
7 States or” and inserting “the person is a citizen of
8 the United States,”; and

9 (2) by inserting “, or has been issued a condi-
10 tional resident orange card under section 245B of
11 such Act” before the period at the end.

12 (b) AIR FORCE.—Section 8253 of title 10, United
13 States Code, is amended—

14 (1) by striking “he is a citizen of the United
15 States or” and inserting “the person is a citizen of
16 the United States,”; and

17 (2) by inserting “, or has been issued a condi-
18 tional resident orange card under section 245B of
19 such Act” before the period at the end.

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